



# Springfield Planning and Zoning Commission

City Council Chambers

Date: April 9, 2015

Time: 6:30 p.m.

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Members: Tom Baird, IV (Chairman), Gabrielle White (Vice-Chairman), Matt Edwards, Jason Ray, Cameron Rose, Melissa Cox, David Shuler, Randall Doennig, Andrew Cline

## **1. ROLL CALL**

## **2. APPROVAL OF MINUTES**

### **March 5, 2015 Minutes**

Documents: [PNZ MINUTES 03-05-2015.PDF](#)

## **3. COMMUNICATIONS**

## **4. FINALIZATION AND APPROVAL OF CONSENT ITEMS**

(These consent cases will be approved by Commission unless a Commissioner or someone else wishes 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.)

## **5. Relinquish Easement 821**

2704 S Campbell Ave, Empire Mortgage Company, Inc.

Documents: [RE821.PDF](#)

## **6. Request To Dispose 510**

4000 block S. Campbell Avenue, City of Springfield

Documents: [DISPOSE510.PDF](#)

## **7. UNFINISHED BUSINESS**

## **8. Z-04-2015 W/Conditional Overlay District No. 85**

3705 West Sunshine Street, Donald & Patricia McCurry

Documents: [Z-04-2015 COD85.PDF](#)

## **9. Preliminary Plat-Menards West**

3705 West Sunshine Street, Donald & Patricia McCurry

Documents: [MENARDSWEST.PDF](#)

## **10. PUBLIC HEARINGS**

### **11. Vacation 778**

East Elm Street, City of Springfield

Documents: [VAC778.PDF](#)

### **12. Z-14-2015 W/Conditional Overlay District No. 92**

3200 East Sunshine, Sunshine Properties, LLC

Documents: [Z-14-2015 COD 92.PDF](#)

### **13. Z-17-2015 W/Conditional Overlay District No. 91**

2600 South Jefferson, Scott Tillman

Documents: [Z-17-2015 COD 91.PDF](#)

### **14. Planned Development 348**

1215 & 1225 North Benton Avenue, Historic Patterson House, LLC

Documents: [PD 348 SR.PDF](#)

### **15. Historic Patterson House Redevelopment Area**

1215 & 1225 North Benton Avenue, Historic Patterson House, LLC

Documents: [HISTORIC PATTERSON HOUSE REDEVELOPMENT PLAN.PDF](#)

### **16. Temporary Uses/Special Events Amendments**

City-Wide, City of Springfield

Documents: [SPECIAL EVENTS SR REVISED.PDF](#)

### **17. Front Yard Parking Exception For Disable Persons Amendments**

City-Wide, City of Springfield

Documents: [FRONT YARD PARKING FOR DISABLED AMENDMENTS.PDF](#)

### **18. Preliminary Plat Westwood Hills 3rd Addition Renewal**

900 South West Bypass, Hoppy, LLC

Documents: [WESTWOODHILLS3RDADDITIONRENEWAL.PDF](#)

## **19. ANY OTHER MATTERS UNDER COMMISSION JURISDICTION**

## **20. ADJOURNMENT**

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



advance 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 Springfield, Missouri

The Planning and Zoning Commission met in regular session March 5, 2015, in City Council Chambers at Historic City Hall. The meeting was called to order by Chairman Tom Baird.

**Roll Call:** Present: Tom Baird (Chairman), Gabrielle White (Vice-chair), Jason Ray, Melissa Cox, Randall Doennig and Andrew Cline.  
Absent: Matt Edwards, Phil Young and David Shuler.

**Staff in attendance:** Mary Lilly Smith, Director of Planning, Bob Hosmer, Principal Planner, Sarah Kerner, Assistant City Attorney, Matt Schaefer, Planning, Dawne Gardner, Public Works, Rodney Colson, Public Works, and Sandy Goddard, Administrative Assistant.

**Minutes:** None.

**Communications :** Mr. Hosmer requested to table Z-04-2015 w/Conditional Overlay District No. 85 and Preliminary Plat of Menards West. The applicant has requested the items be tabled to the April 9, 2015 Planning and Zoning meeting. Mr. Hosmer reviewed the summary of City Council's meetings.

The Consent Agenda items were approved as presented.

*Vacation 776  
Commission*

*Missouri Highways & Transportation*

Mr. Hosmer stated the applicant is requesting the vacation of apportion of unused right-of-way in the 3800 block of South Glenstone Avenue outer road, a platted private road referred to as Glenstone Terrace. The street is no longer necessary with the new intersection improvements at Glenstone and Independence and the existing right-of-way serves no useful purpose to the public.

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

Mr. Ray motioned to **approve** Vacation 776. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Cox, Doennig, and Cline. Nays: None. Abstain. None. Absent: Edwards, Shuler and Young.

*Vacation 777  
Commission*

*Missouri Highways & Transportation*

Mr. Hosmer explained the purpose of this request is to vacate the remaining unused right-of-way of Luster Avenue between new Luster Avenue and Republic Road. The

street was removed as part of the new intersection improvements at Glenstone and Independence. A new street has been constructed in its place so the existing right-of-way serves no purpose to the public.

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

Ms. Cox motioned to **approve** Vacation 777. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Cox, Doennig, and Cline. Nays: None. Abstain: None. Absent: Edwards, Shuler and Young.

*Z-04-2015 w/Conditional Overlay District No. 85*  
*Patricia McCurry*

*Donald &*

Mr. Ray motioned to **table** *Z-04-2015 w/Conditional Overlay District No. 85* and the *Preliminary Plat of Menards West* to April 9, 2015. Mr. Cline **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Cox, Doennig, and Cline. Nays: None. Abstain: None. Absent: Edwards, Shuler and Young.

*Z-11-2015 w/Conditional Overlay District No. 89*  
*Southern Bank*

*Great*

Mr. Hosmer stated this is a request to rezone approximately 0.46 acres of property generally located at 1858 and 1866 East Cairo Street from an R-TH, Residential Townhouse District to an HC, Highway Commercial District; and establishing Conditional Overlay District No. 89. The applicant is proposing to use the property for parking for the Great Southern Bank Operations Facility to the north and in the future for office uses. The Conditional Overlay District will limit the uses on the subject property to commercial off-street parking lots and the general office use group. The Conditional Overlay District will also require additional right-of-way to be dedicated for Cairo Street and construction of sidewalk along the property frontage of Cairo Street. Additional design requirements are sidewalks are required along the frontage of the subject property on Cairo Street. Cairo is classified as a local commercial which requires 30 feet of right of way from the centerline. An additional ten (10) feet of right-of-way shall be dedicated for Cairo Street. Dysart is classified as a local commercial which requires 30 feet of right of way from the centerline. An additional ten (7) seven feet of right-of-way shall be dedicated for Dysart Street and a 10 foot by 10 foot right of way sight triangle is required at the intersection of Cairo and Dysart.

Ms. Cox questioned the differences in stormwater services noting there is an option for a buyout on this request, but the next item does not have that option.

Mr. Colson said the way the contours run on the north property everything drains to the north and northwest, draining to the street. The south property would drain onto other people's property so there was no option given for a buyout.

Mr. Baird asked if there are existing sidewalks along Cairo but not on the street south of that, which would be Walnut. Mr. Baird asked if there are not sidewalks does the city require applicants to install sidewalks or is that a buyout situation.

Ms. Gardner stated that is correct. The sidewalks are a requirement of the zoning ordinance depending on the classification of the street and the zoning. There is an option to pay a fee in-lieu of but it has to meet the four criteria. If the applicant chooses to apply for the fee in lieu of they will have to meet the criteria and would then be approved by the Administrative Review Committee.

Mr. Baird opened the public hearing.

Mr. Tyler Peck, 1720 W. James River Road, Ozark, Missouri, commented he is representing Great Southern Bank.

Mr. Baird closed the public hearing.

Mr. Cline motioned to **approve** Z-11-2015 w/Conditional Overlay District No. 89. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Cox, Doennig, and Cline. Nays: None. Abstain: None. Absent: Edwards, Shuler and Young.

*Z-12-2015 w/Conditional Overlay District No. 90*  
*Southern Bank*

*Great*

Mr. Hosmer stated this is a request to rezone approximately 0.33 acres of property generally located at 1859 and 1863 East Walnut Street from an R-TH, Residential Townhouse District to an HC, Highway Commercial District; and establishing Conditional Overlay District No. 90. The applicant is proposing to use the property for parking for the Great Southern Bank Operations Facility to the north and in the future for office uses. The Conditional Overlay District will limit the uses on the subject property to commercial off-street parking lots and the general office use group. The Conditional Overlay District will also require additional right-of-way to be dedicated for Dysart Avenue and sidewalk construction along the property frontage of Walnut Street. Additional design guidelines are a sidewalk will be required to be constructed along the property frontage of Walnut Street. Dysart Avenue is classified as a local commercial which requires 30 feet of right of way from the centerline. An additional (5) five feet of right-of-way shall be dedicated for Dysart Avenue.

Mr. Baird opened the public hearing.

Mr. Tyler Peck, 1720 W. James River Road, Ozark, Missouri, commented he is representing Great Southern Bank.

Mr. Doennig motioned to **approve** Z-12-2015 w/Conditional Overlay District No. 90. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White,

Ray, Cox, Doennig, and Cline. Nays: None. Abstain: None. Absent: Edwards, Shuler and Young.

*Z-13-2015 Live/Work Overlay District No. 1 (Moon City Creative District)  
City of Springfield*

Mr. Hosmer explained this is a request to rezone approximately 24 acres of property generally located north of Chase Street, west of Washington Avenue, south of Atlantic Street and east of Broadway Avenue, to establish Live/Work Overlay District No. 1. On December 15, 2014, City Council adopted Resolution #10187 which accepted the Moon City Creative District Strategic Plan. Upon accepting the Plan, Council initiated the proposed Live/Work Overlay District rezoning, in addition to a proposed Planned Development District rezoning for commercial and industrial properties in the Moon City Creative District. Springfield Planning and Development Department staff assisted the neighborhood residents with drafting the strategic plan; the proposed Planned Development District; and the Live/Work Overlay District requirements included in the proposed rezoning amendment.

The Live/Work District is proposed for the area zoned R-SF, Single-Family Residential District and R-TH, Residential Townhouse District generally north of Chase Street and south of Atlantic Street. The Live/Work District is intended to attract artists on a local, regional, and national basis to relocate to Moon City and the surrounding historic neighborhood by allowing expanded business opportunities in the residences. The objectives of this program are to revitalize and preserve neglected structures, increase the City's tax revenues, expand tourism, financially benefit our existing businesses, and continue to revitalize the historic Woodland Heights Neighborhood. The Live/Work District allows a number of uses that are already permitted as home occupations. The Live/Work District expands on the home occupation concept by allowing: a) more floor area to be devoted to work space; b) employees and customers on site; and c) a sign in the front yard or on the residence. Based on research of other creative districts, staff does not believe there will be a significant increase in traffic in the neighborhood. Most artists will generally receive only a couple customers a day because the artists tend to have other outlets, such as commercial galleries and art festivals, for most of their work.

Mr. Baird opened the public hearing.

Ms. Victoria Ball, 2115 Washington commented she is opposed to the proposal because they own property at 1918 Washington in an HC District. Ms. Ball stated they operate Moore's Trash Service and are concerned about their business and future expansion of services, asking if the zoning will remain the same and what the requirements will be that would affect the business and equipment they use.

Mr. Hosmer clarified they are discussing the live/work area outlined in red on the display. The area in green is Planned Development 347, which he believes Ms. Ball is referring to, showing her property on the display map. Mr. Hosmer stated the Planned Development is allowing the same uses except removing some of the district uses not

currently be used in that district. Mr. Hosmer noted that Ms. Ball resource recovery collections center would be allowed in the PD and how they are currently operating their business would be a permitted use. Mr. Hosmer noted the equipment would be an accessory use; something they utilize for their business which is allowed.

Mr. Baird asked Mr. Hosmer how this will affect Ms. Ball's ability to operate her business as she is currently doing and in future; will this somehow hamper their future efforts to expand her business.

Mr. Hosmer said it is his understanding it will not; it is the same uses that are allowed currently.

Ms. Rita Silic, 1881 N. Main expressed support of the proposal while expressing a concern about the signage in the yards and losing the residential feel of the neighborhood. Ms. Silic asked that consideration be given to temporary signage, not permanent; at the end of the day the sign be removed from the yard.

Mr. Hosmer reviewed the size of the signage allowed in the neighborhood, adding it would not illuminated signage, no higher than four feet.

Ms. White asked if there is a stipulation as to permanent verses temporary.

Mr. Hosmer stated there is not.

Mr. Paul Lee, 1913 N. Campbell commented on the signage, asking what will be torn down and what new construction will be done.

Mr. Baird noted there will be no demolition in the live/work district or the planned development area. This will allow an overlay that will allow the owners to other things with their property.

Mr. David Pitts, 2307 N. Benton, stated he owns property at 413 E. Chase and has the same questions as Ms. Ball; how will this affect his tow yard operation which has storage of vehicles at the corner of Jefferson and Chase.

Mr. Hosmer asked if the property was zoned R-SF, Single Family Residential.

Mr. Pitts said yes; they were grandfathered in as far as the parking and storage of vehicles; will the uses be the same as to what they are doing now.

Mr. Hosmer stated basically they are a legal, non-conforming use and can continue that unless they stop for twelve (12) months. The zoning will remain the same.

Ms. Phyllis Ferguson, 1920 N. Robberson in Woodland Heights Neighborhood spoke in favor of the proposed rezoning stating that the fabric of the neighborhood is strengthened with such a district.

Mr. Ken Boles, 734 S. Weller commented he owns a business located at 219 and 303 West Chase. Mr. Boles did express his concern that the rezoning and the planned development should not be tied together which is the impression he got. Mr. Boles stated he supports the overlay for the live/work but if it affects the operation of his business then he would not support the request.

Mr. Steve Miller, 1865 N. Jefferson spoke in favor of the proposed Moon City live/work district, adding this is about community; this is a positive for the community.

Ms. Linda Passeri, 1868 N. Missouri Avenue, remarked she is an artist and has a studio in her home and stated she is in favor of this proposal moving forward to improve the neighborhood and expand her business.

Mr. Baird asked Ms. Passeri what type of artist would come to this neighborhood.

Ms. Passeri mentioned 2-D painters, portrait painters, maybe sculptors' adding she has talked to architects and some people in the performing arts expressing interest in a studio which would be a great addition to the neighborhood.

Mr. Cline asked Ms. Passeri based on her position as an artist and the people she has spoken with how many people she would estimate of living in this area.

Ms. Passeri observed that five (5) years out if they got five new studios that would be a good steady slow growth which would be feasible and realistic.

Mr. Baird closed the public hearing.

Mr. Baird asked Mr. Hosmer to give a summary of the difference between the two cases; the zoning and the planned development.

Mr. Hosmer pointed out the live/work district is predominately a residential district and the overlay district will allow the residential to have home occupations and similar type of uses for art studios and art galleries, music studios, computer programmers, offices for architects and engineers and the performing arts in allowing them to utilize signage and employees. The Planned Development is predominantly the heavy manufacturing with commercial services and industrial and limited business districts. We are combining those districts together into more of a mixed use commercial manufacturing district, however staff has removed some items that we thought were not being utilized or would not be compatible with the neighborhood.

Mr. Doennig motioned to **approve** Z-13-2015 Live/Work Overlay District No. 1. Mr. Cline **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Cox, Doennig, and Cline. Nays: None. Abstain: None. Absent: Edwards, Shuler and Young.



Mr. Hosmer said this is a request to rezone approximately 52 acres of property generally located on the north and south sides of Chase Street between Broadway Avenue and Robberson Avenue, and those properties located on the east and west sides of Washington Avenue between Chase Street and Atlantic Street and properties located at the intersection of Lyon Street and Atlantic Avenue from an HM, Heavy Manufacturing, Light Industrial, Commercial Services, LB, Limited Business, and R-SF, Residential Single Family District to a Planned Development District No. 347. On December 15, 2014, City Council adopted Resolution #10187 which accepted the Moon City Creative District Strategic Plan and initiated the proposed Planned Development District rezoning, in addition to a proposed Live/Work Overlay District rezoning for the residential properties in the Moon City Creative District. Springfield Planning and Development Department staff assisted the neighborhood residents with drafting the strategic plan; the proposed Planned Development District; and the proposed Live/Work Overlay District.

The proposed Planned Development District is for the properties that front on both sides of Chase Street and Washington Avenue and the properties centered round the intersection of Atlantic Street and Lyon Avenue. Most of the properties are currently zoned industrial and commercial. A few are zoned residential. The proposed Planned Development District generally preserves the uses currently permitted in the existing non-residential zoning districts while permitting commercial and residential uses that add to the vitality of the Moon City Creative District. There are two areas, A & B, defined in the Planned Development District. Area A generally includes the properties currently zoned Heavy Manufacturing (HM). Area B generally includes the properties that are zoned Commercial Services (CS).

Mr. Cline asked if staff polled what types of businesses are currently using all those green areas and will the change in zoning adversely affect any of the current businesses but reasonable expectations of how those businesses might expand or change over time.

Mr. Hosmer stated he understands there was a land use conducted in the area; looking at uses and making certain they are compatible. They looked at the uses in the heavy manufacturing district and took out the uses not currently be used. Mr. Hosmer stated he has given his business card to several members of the audience and they can visit with him and he will go through all the uses and make certain their businesses are not adversely impacted.

Ms. White asked for clarification on Areas A and B from the staff report and what areas those include.

Mr. Hosmer reviewed the location map and outlined the areas as designated Area A and Area B.

Mr. Baird opened the public hearing.

Mr. Ken Boles asked if there is a difference in the zoning and what the proposed plan is for the property to the south of Chase, along the railroad and to the east of Washington.

Mr. Hosmer stated that is in the Area A District, which is more manufacturing; since it was more manufacturing it was left as HM while allowing them to have commercial as well as all the other uses.

Mr. Boles referred to Section 4-4300, HM, Heavy Manufacturing which has a description of what is allowed in HM and Planned Development 347 will be identical to that with a few exceptions that are marked out on the information received from Mr. Hosmer. Mr. Boles asked that item "P" be stricken from that list which is construction equipment storage yards because they do have construction equipment they store for jobs they are working. During emergency situations, they do have large storage stackable storage containers in their yard, which is fenced and blocked in. Mr. Bolls stated he does not want to change his business plan and not be able to use the property he purchased.

Mr. Ray asked staff if they have comments to address Mr. Bolls comments.

Mr. Hosmer stated Planning and Zoning Commission could recommend that item "P" be inserted into the Planned Development or send it on to Council as written. Mr. Hosmer stated he would speak with Mr. Boles to clarify that information adding he would speak with staff and see how they interpret it.

Mr. Cline asked if a grandfather clause would work in this instance.

Mr. Hosmer stated that under the code, they would be non conforming depending on the situation and there would not be a way for them to allow a clause to expand the non conforming uses.

Mr. James Ball, 1918 N. Washington, with Moore's Trash Service referenced the construction equipment storage, stating he stores commercial dumpsters on the property. They are considering doing roll off dumpsters which is construction equipment, asking how this will affect his business.

Mr. Hosmer stated if it is part of the business, it is an accessory use to the business and is allowed.

Mr. Michael Paulik, 3328 Edmundson Road, St. Louis, Mo., 63114, commented he has property at 842 West Chase and would like the construction equipment storage use left in the Planned Development. Mr. Paulik stated he rents out the property to different business owners and this would tie up his rental if construction equipment storage was disallowed. Mr. Paulik stated he has spent a lot of money on improving the property and stated he is against the PD.

Mr. Dustin Brandhorst, commented he owns a house in Woodland Heights and rents the building at 524 W. Chase, stating he owns a small construction company and they have construction equipment on the property. If item “P” is removed as a use from the PD, this will not allow them to have their construction equipment on the property and they store materials there as well when they have big jobs. The building they rent is for sale and he and his partner have looked at purchasing the building, but they don’t want to do that if they cannot store their construction equipment on the property.

Ms. Phyllis Ferguson, 1920 N. Robberson, commented Mr. Rognstad told them this was more a matter to clean up some of the zoning along Chase Street. Ms. Ferguson stated they do not have a problem with having construction equipment storage yards; they do not want to keep anyone from doing business.

Mr. Hosmer stated staff’s position is they have no problem with inserting construction equipment storage yards back in the permitted uses in the Planned Development and construction equipment would be allowed in both Areas A and B.

Mr. Baird closed the public hearing.

Ms. White clarified that the uses that are allowed are recycling, household resource recovery centers as long as they conform with the screening requirements that are already a part of the zoning code and with the addition of the construction language that has been discussed, then the majority of the concerns of the neighborhood are being addressed from the business standpoint.

Mr. Hosmer said yes.

Mr. Cline **motioned** that item “P”, construction equipment storage yards in Section 4-4300 of the Zoning Ordinance be reinserted as a use in both areas A and B. Mr. Ray seconded the motion. The motion carried as follows: Ayes: Baird, White, Ray, Cox, Doennig, and Cline. Nays: None. Abstain: None. Absent: Edwards, Shuler and Young.

Mr. Ray motioned to **approve** Planned Development 347 (Moon City Creative District) as amended. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Cox, Doennig, and Cline. Nays: None. Abstain: None. Absent: Edwards, Shuler and Young.

*Text Amendment Recreational Vehicle Parks In R-MHC District*  
*Springfield*

*City of*

Mr. Hosmer commented this is a proposal to amend Sections 1-1323, Travel Trailer, Camper, Recreational Vehicle, and Other Trailer Parking, and 4-1500, R-MHC, Manufactured Home Community District, of the Zoning Ordinance to allow recreational vehicle (RV) parks in the R-MHC District. City Council initiated amendments to consider

adding recreational vehicle parks to the list of permitted uses within the R-MHC, Manufactured Home Community District with restrictions at their meeting on August 13, 2012. This initiation was in response to a letter from Mr. Craig F. Lowther. Currently, the regulations for the R-MHC District state that recreational vehicles (RV's) may not be occupied as dwellings. Recreational vehicle parks, along with campgrounds, are only permitted in the HC, Highway Commercial and CS, Commercial Service Districts. The proposed amendments will allow recreational vehicle parks in the R-MHC District if the district has direct access to a collector or higher classified roadway. This will concentrate any recreational vehicle parks within these manufactured home developments to be located along major highways so that the traveling public can have quick access without disturbing any adjacent residential neighborhoods. This will provide additional locations for tourists, construction crews and other visitors to temporarily reside.

Mr. Baird asked about a letter listed as Exhibit 1 in the staff report dated 2012, asking if it has been in committee that long or has there resurgence in interest in this case.

Mr. Hosmer noted it is an item that has been on backlog and they are attempting to push the ones through that have been initiated.

Ms. Cox asked about the time limit mentioned in the letter stating there is nothing in the text amendment that has a time limit asking if that might create a potential issue.

Mr. Hosmer stated it is a question of enforcement.

Mr. Doennig asked Mr. Hosmer how many potential properties this is going to impact with those restrictions on them.

Mr. Hosmer said very few (about 12 properties throughout the city).

Mr. Doennig commented that it would be fair to say that someone could live in a recreational vehicle indefinitely in that situation.

Mr. Hosmer said yes.

Mr. Baird opened the public hearing.

Mr. Craig Lowther, 901 S. Louis Street, commented he is available for questions.

Mr. Baird closed the public hearing.

Mr. Ray motioned to **approve** Text Amendment Recreational Vehicle Parks in R-MHC District. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Cox, and Cline. Nays: Doennig. Abstain: None. Absent: Edwards, Shuler and Young.

*Revised Preliminary Plat-The Hill*  
John Price

Mr. Hosmer stated this is a request to approve a revised preliminary plat to subdivide approximately 12.89 acres into an eight (8) lot residential subdivision with subdivision variances and common area at 2915 S. Lone Pine Avenue. The property is currently zoned R-SF, Single-Family Residential District. The property is currently zoned R-SF, Single-Family Residential District. The lots will be accessed by a private street with a gate which will be dedicated as common area. The common open space requirements of Section 5-2300 and gates across private street requirements in Section 5-2800 of the Zoning Ordinance must be met. The only differences between the revised preliminary plat and the original is that they have eliminated one private street and reduced the number of lots from 10 to 8. The applicant is also requesting a subdivision variance for a lot without full frontage on a public street and two subdivision variances from the Public Works Design Standards for Street Design. Staff supports the subdivision variance requests. 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.

Mr. Baird asked about one entrance/exit point as it has been an issue in the past; are there certain sizes or acreages of property that is allowed to do this.

Ms. Gardner commented that is for emergency access and it depends on the length of the street and fire has approved this with one access and the length of the street is short enough for a cul-de-sac.

Mr. Hosmer stated regulations are eight hundred (800) feet for a cul-de-sac and also more than twenty (20) lots would require the fire access so they are the standards.

Mr. Baird opened the public hearing.

Mr. Teresa Davison, Heithaus Engineering, commented she is available for questions.

Mr. Baird closed the public hearing.

Mr. Cline motioned to **approve** the Revised Preliminary Plat The Hill. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Cox, Doennig, and Cline. Nays: None. Abstain: None. Absent: Edwards, Shuler and Young.

*University Plaza Exhib. Center & Trade Hall Redevelopment Plan Termination*  
*City of Springfield*

Mr. Matt Schaefer stated staff is presenting a request to terminate the University Plaza Exhibition Hall and Trade Center Redevelopment Plan at the North side of the 600 block and south side of the 700 block of East Saint Louis Street. On May 2, 1983, City Council adopted Resolution No. 6962, which declared approximately 4.85 acres along the north side of the 600 block of East Saint Louis Street (site of the former Sear's department store) a blighted area pursuant to Chapter 99.320, RSMo and authorized the Land Clearance for Redevelopment Authority to prepare a redevelopment plan for this area. The University Plaza Exhibition Hall and Trade Center Redevelopment Area was declared blighted as part of a proposal to redevelop the Area pursuant to Missouri's Urban Redevelopment Corporations Law (Chapter 353, RSMo). The Statute allowed the Center City Redevelopment Corporation and its successors to receive up to 25 years of partial real property tax abatement, provided the Redevelopment Area was redeveloped according to the adopted University Plaza Exhibition Hall and Trade Center Redevelopment Plan.

The Redevelopment Plan has been fully implemented, resulting in the construction of the Center City Exhibition Hall and Trade Center and the University Plaza Exhibition Hall and Trade Center. These buildings are known today as the Springfield Expo Center and the University Plaza Convention Center. The Redevelopment Area received 25-years of partial real property tax abatement, which ended in 2013. The Redevelopment Plan is no longer necessary and may be repealed.

Ms. White commented that this is something the rest of the community needs to be made aware of.

Mr. Schaefer stated this will be heard before City Council in a couple of weeks and will be given publicity in that regard. Staff is taking proactive steps to review these areas and to remove them from the books if necessary.

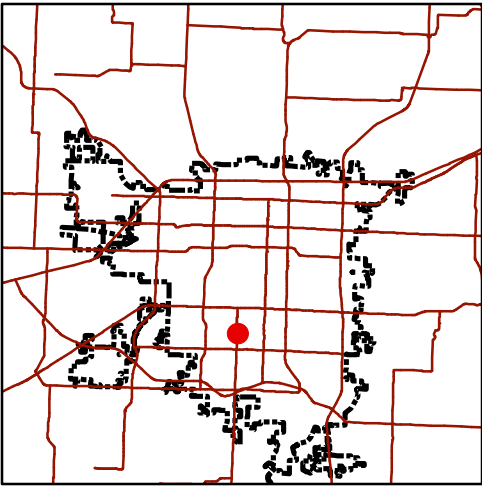
Mr. Baird opened the public hearing.

Mr. Ray motioned to **approve** University Plaza Exhibition Center & Trade Hall Redevelopment Plan Termination. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Cox, Doennig, and Cline. Nays: None. Abstain: None. Absent: Edwards, Shuler and Young.

There being no further business, the meeting was adjourned at approximately 8:20 p.m.



Bob Hosmer, AICP  
Principal Planner



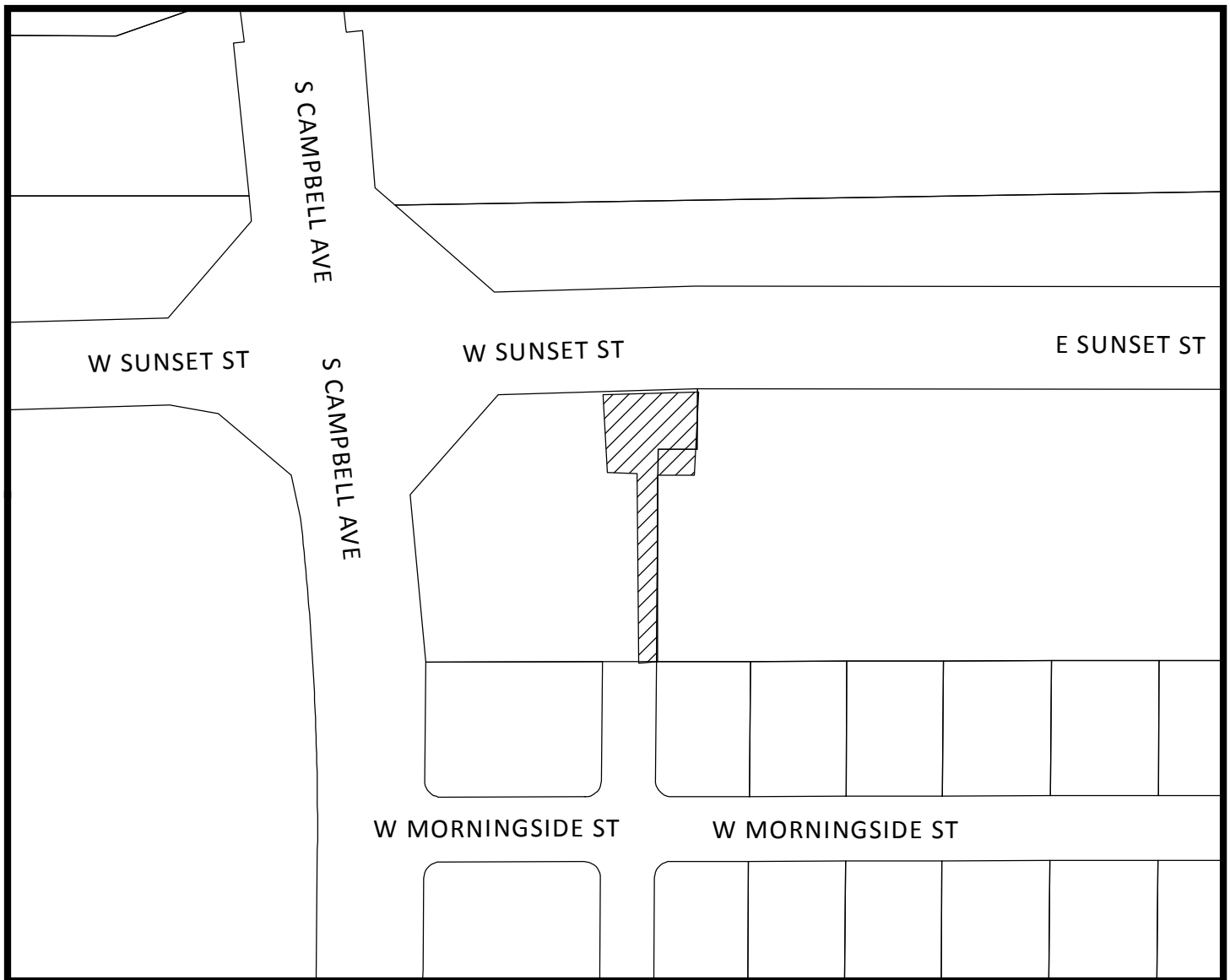
# Zoning & Subdivision Report

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

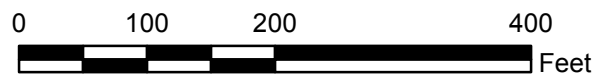
## **Relinquish Easement 821**

LOCATION: 2704 S. Campbell Avenue

### LOCATION SKETCH



- Area of Proposal



1 inch = 150 feet

# Zoning & Subdivision Report

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

## **REQUEST TO RELINQUISH EASEMENT NUMBER 821**

DATE: March 31, 2015

PURPOSE: To relinquish ingress/egress, drainage, utility, and sanitary sewer easements

LOCATION: 2704 South Campbell Avenue

APPLICANT: Empire Mortgage Company, Inc.

### RECOMMENDATION:

The request be **approved**.

### FINDING:

The request meets the approval criteria listed in Attachment B.

### STAFF CONTACT PERSON:

Michael G. Sparlin  
Assistant Planner

Attachment A: Background report

Attachment B: Approval criteria

Exhibit 1: Legal description

Exhibit 2: Drawing



ATTACHMENT A  
RELINQUISH EASEMENT NO. 821  
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting to relinquish ingress/egress, drainage, utility, and sanitary sewer easements in order to facilitate development of the site. The property has recently been through the Preliminary Plat process. The preliminary plat addresses all replacement easements and those easements will be dedicated by the Final Plat of Sunset Plaza Phase II.

TRAFFIC COMMENTS:

Traffic is not opposed to the relinquishment of the existing cross access easement and the replacement easement.

STORMWATER ENGINEERING COMMENTS:

No stormwater issues with the proposed drainage easement relinquishment. A preliminary plat has been submitted showing the replacement drainage easement. Public Improvements to modify the existing water quality basin are required and will need to be constructed or escrowed prior to Final Plat approval or issuance of a building permit.

CLEAN WATER SERVICES COMMENTS;

No objection to relinquishment. Approved with the assumption that both lots shown on the preliminary plat will be final platted to record all required easements.

CITY UTILITIES COMMENTS;

No objection to relinquishment. The needed easements will be shown on the future final plat.

MEDIACOM COMMENTS;

No Mediacom lines within proposed relinquishment. No issues with relinquishing easements.

AT&T COMMENTS:

No objection to relinquishment. Approved with 10' utility easements as shown around all perimeters of both lots.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. The property has recently been through the Preliminary Plat process. The Preliminary Plat of Sunset Plaza Phase II (Ordinance No. 26532) was passed by City Council on March 9, 2015.
3. The preliminary plat addresses all replacement easements and those easements will be dedicated by the Final Plat of Sunset Plaza Phase II.
4. The relinquishment of the easements will facilitate the development of the site.
5. No one has objected to this request to date.

ATTACHMENT B  
RELINQUISH EASEMENT NO. 821  
APPROVAL CRITERIA

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

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

STAFF RESPONSE:

No one has objected to relinquishing the subject easements to date.

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

STAFF RESPONSE:

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

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

STAFF RESPONSE:

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

RELINQUISH EASEMENT NO. 821  
EXHIBIT 1

**Relinquishment of a portion of an existing Platted Drainage and Utility Easement  
13-0672**

All of the platted drainage and utility easement being a part of Lot 1 of Sunset Plaza, Phase 1, a subdivision in the City of Springfield, Greene County, Missouri, duly recorded in Plat Book AAA, at Page 301, and being more particularly described as follows:

COMMENCING at the Northeast corner of Lot 1 of Sunset Plaza, Phase 1, a subdivision in the City of Springfield, Greene County, Missouri, duly recorded in Plat Book AAA, at Page 301, said point being in the South Right-of-Way line of E. Sunset Street, as now established; thence South 89 Degrees 43 Minutes 50 Seconds West, (S89°45'20"W, Plat), along said South Right-of-Way line, a distance of 31.00 feet to the POINT OF BEGINNING; thence departing said South Right-of-Way line South 01 Degrees 25 Minutes 28 Seconds West, along the East line of said easement, a distance of 54.90 feet to a point in the East line of said Lot 1; thence South 89 Degrees 57 Minutes 10 Seconds West, (S89°58'42"W, Plat), along said East line, a distance of 5.00 feet; thence continuing along said East line South 01 Degrees 24 Minutes 36 Seconds West, (S01°26'07"W, Plat), a distance of 196.40 feet to a found 5/8" iron bar with cap, "2385" marking the Southeast corner thereof; thence North 88 Degrees 46 minutes 56 Seconds West, (N88°45'25"W, Plat), along the South line of said Lot 1, a distance of 15.00 feet; thence departing said South line North 01 Degrees 24 Minutes 36 Seconds East, along the West line of said easement, a distance of 250.89 feet to a point in said South Right-of-Way line; thence North 89 Degrees 43 Minutes 50 Seconds East along said South Right-of-Way line, a distance of 20.02 feet to the POINT OF BEGINNING, and containing 4,040 square feet of land, more or less.

**Relinquishment of a portion of an existing Platted Ingress/Egress Easement  
13-0672**

All of the platted ingress/egress easement being a part of Lot 1 of Sunset Plaza, Phase 1, a subdivision in the City of Springfield, Greene County, Missouri, duly recorded in Plat Book AAA, at Page 301, and being more particularly described as follows:

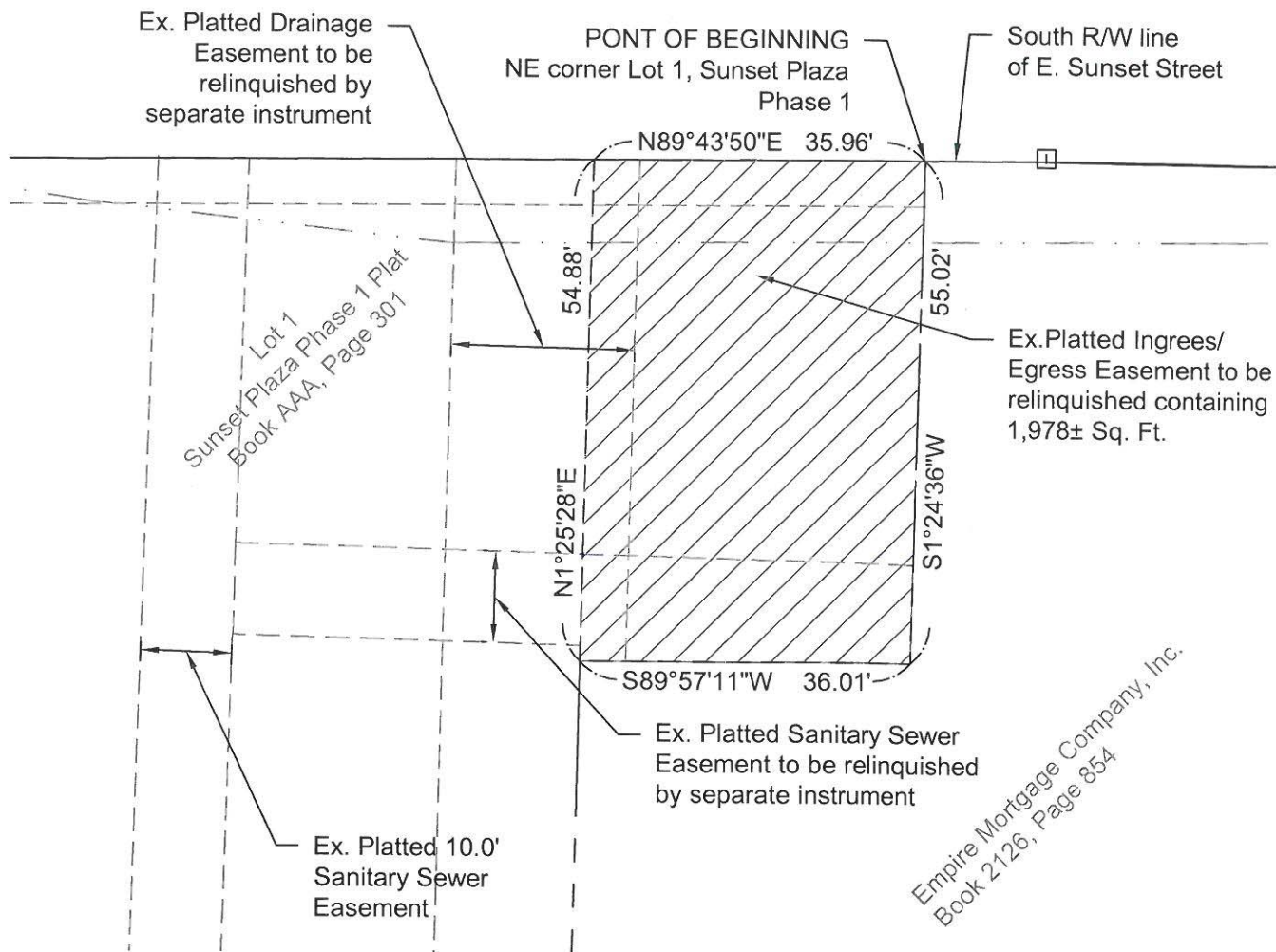
BEGINNING at the Northeast corner of Lot 1 of Sunset Plaza, Phase 1, a subdivision in the City of Springfield, Greene County, Missouri, duly recorded in Plat Book AAA, at Page 301; thence South 01 Degrees 24 Minutes 36 Seconds West, (S01°26'07"W, Plat), along the East line of said Lot 1, a distance of 55.02 feet; thence continuing along said East line, South 89 Degrees 57 Minutes 11 Seconds West, (S89°58'42"W, Plat), a distance of 36.01 feet; thence departing said East line North 01 Degrees 25 Minutes 28 Seconds East, a distance of 54.88 feet to a point in the North line of said Lot 1, said point being in the South Right-of-Way line of E. Sunset Street, as now established; thence North 89 Degrees 43 Minutes 50 Seconds East, (N89°45'20"E, Plat), along said South Right-of-Way line, a distance of 35.96 feet, (36.0', Plat), to the POINT OF BEGINNING, and containing 1,978 square feet of land, more or less.

**Relinquishment of a portion of an existing Platted Sanitary Sewer Easement  
13-0672**

All that part of the platted sanitary sewer easement being a part of Lot 1 of Sunset Plaza, Phase 1, a subdivision in the City of Springfield, Greene County, Missouri, duly recorded in Plat Book AAA, at Page 301, and being more particularly described as follows:

COMMENCING at the Northeast corner of Lot 1 of Sunset Plaza, Phase 1, a subdivision in the City of Springfield, Greene County, Missouri, duly recorded in Plat Book AAA, at Page 301; thence South 01 Degrees 24 Minutes 36 Seconds West, (S01°26'07"W, Plat), along the East line of said Lot 1, a distance of 44.24 feet to the POINT OF BEGINNING; thence continuing along said East line South 01 Degrees 24 Minutes 36 Seconds West, a distance of 10.78 feet; thence continuing along said East line, South 89 Degrees 57 Minutes 11 Seconds West, (S89°58'42"W, Plat), a distance of 36.01 feet; thence departing said East line North 01 Degrees 24 Minutes 29 Seconds East, along the South line of said easement, a distance of 1.70 feet; thence North 88 Degrees 35 Minutes 17 Seconds West, along said South line, a distance of 37.89 feet; thence North 01 Degrees 50 Minutes 05 Seconds East along the East line of said easement, a distance of 10.00 feet; thence South 88 Degrees 35 Minutes 17 Seconds East, along the North line of said easement, a distance of 73.82 feet, to the POINT OF BEGINNING, and containing 783 square feet of land, more or less.

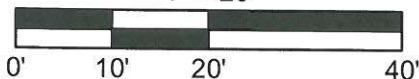
# E. Sunset Street



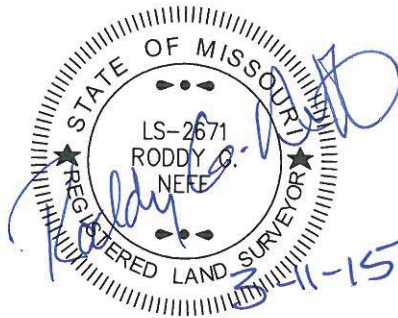
Empire Mortgage Company, Inc.  
Book 2126, Page 854

N

1" = 20'



SCALE IN FEET



This sketch is not a boundary survey. It is intended to show the configuration of existing easement being relinquished. It should not be used to locate property lines and does not meet the Minimum Standards for Property Boundary Surveys.

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USER: dmcandrews

|             |          |
|-------------|----------|
| PROJECT NO: | 013-0672 |
| DRAWN BY:   | DRM      |
| DATE:       | 03.10.15 |

RELINQUISHED  
INGRESS/EGRESS  
EASEMENT

**OLSSON**  
ASSOCIATES

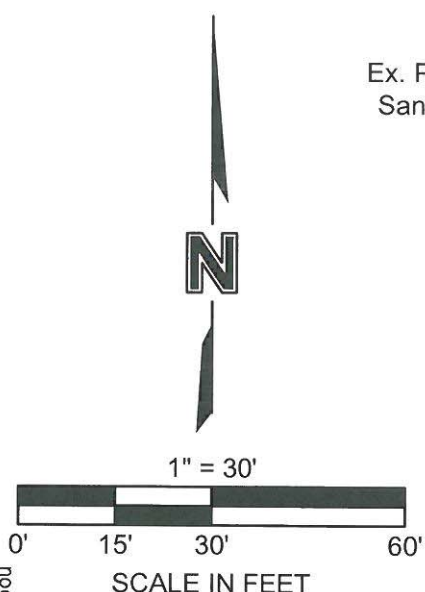
550 St. Louis Street  
Springfield, MO 65806  
TEL 417.890.8802  
FAX 417.890.8805

EXHIBIT

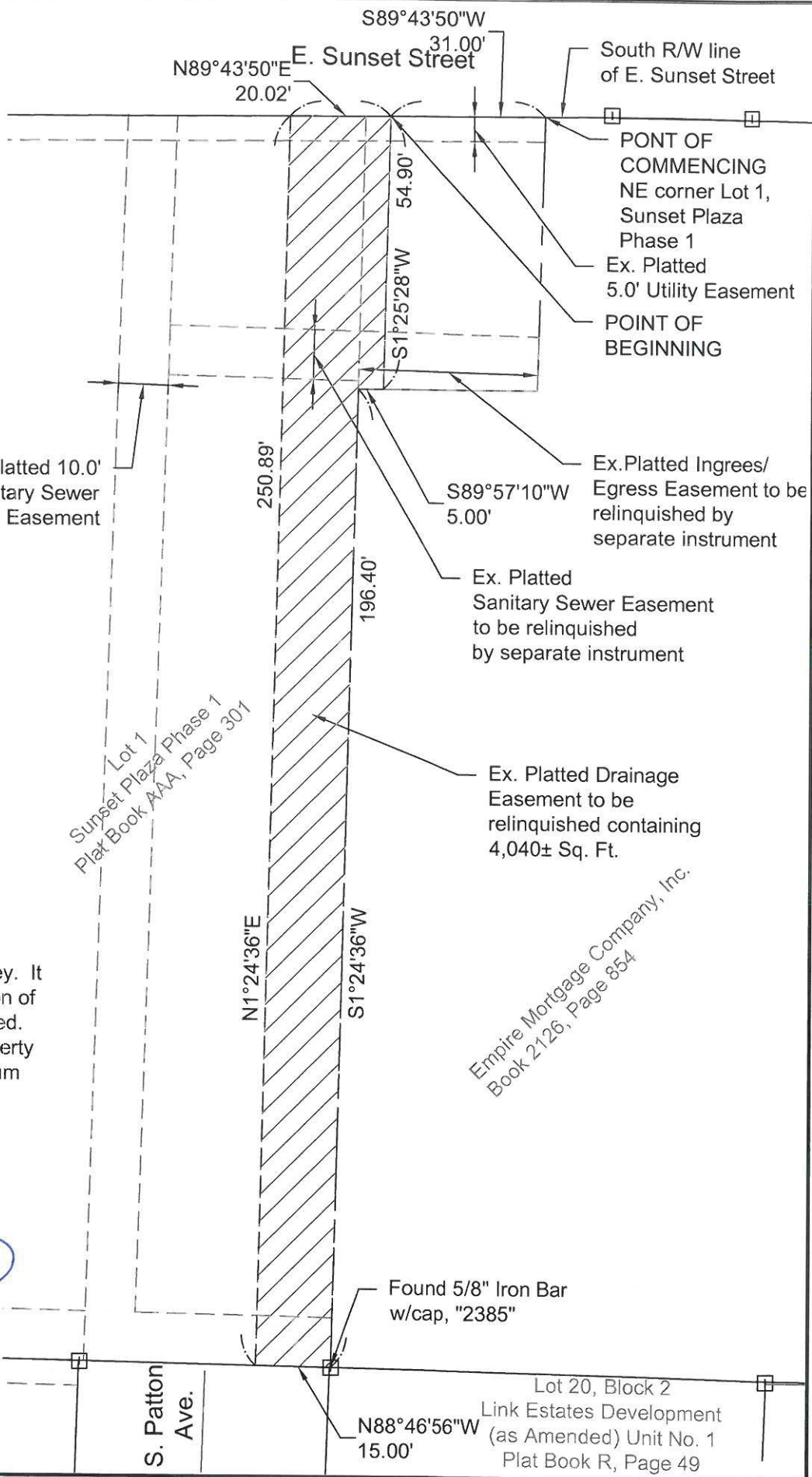
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USER: dmcandrews



This sketch is not a boundary survey. It is intended to show the configuration of existing easement being relinquished. It should not be used to locate property lines and does not meet the Minimum Standards for Property Boundary Surveys.



|             |          |
|-------------|----------|
| PROJECT NO: | 013-0672 |
| DRAWN BY:   | DRM      |
| DATE:       | 03.10.15 |

RELINQUISHED  
DRAINAGE EASEMENT

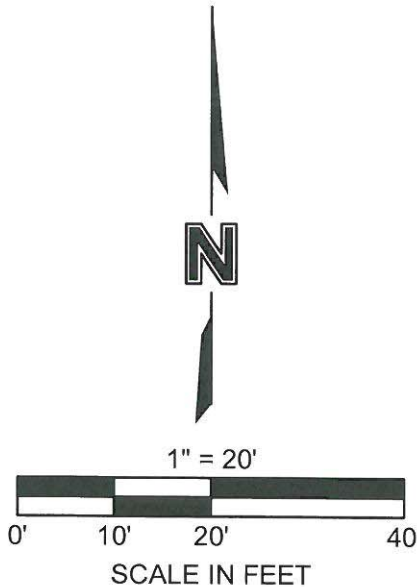
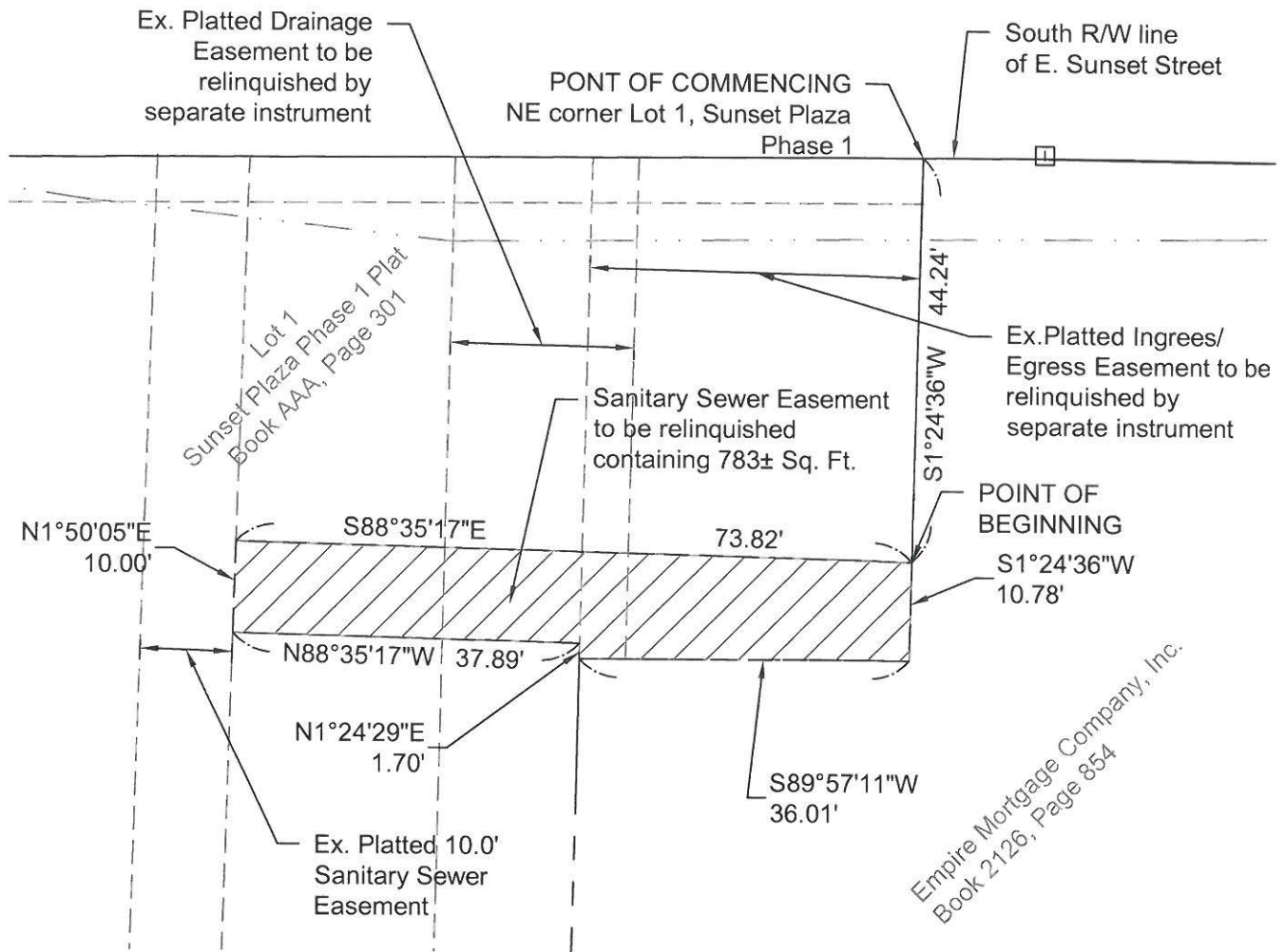


550 St. Louis Street  
Springfield, MO 65806  
TEL 417.890.8802  
FAX 417.890.8805

|         |
|---------|
| EXHIBIT |
| B       |



# E. Sunset Street



This sketch is not a boundary survey. It is intended to show the configuration of existing easement being relinquished. It should not be used to locate property lines and does not meet the Minimum Standards for Property Boundary Surveys.

DWG: F:\PROJECTS\013-0672\SRVY\Exhibits\130672\_SanRelinq.dwg  
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 XREFS: 130672\_xtopo 130672\_xbou

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 DRAWN BY: DRM  
 DATE: 03.10.15

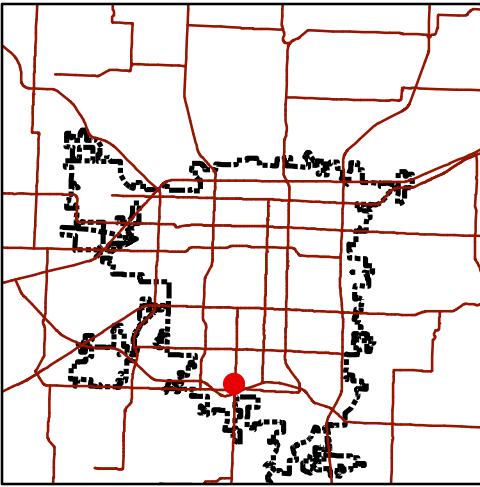
RELINQUISHED  
 SANITARY SEWER  
 EASEMENT

**MOLSSON**  
 ASSOCIATES

550 St. Louis Street  
 Springfield, MO 65806  
 TEL 417.890.8802  
 FAX 417.890.8805

EXHIBIT  
**B**





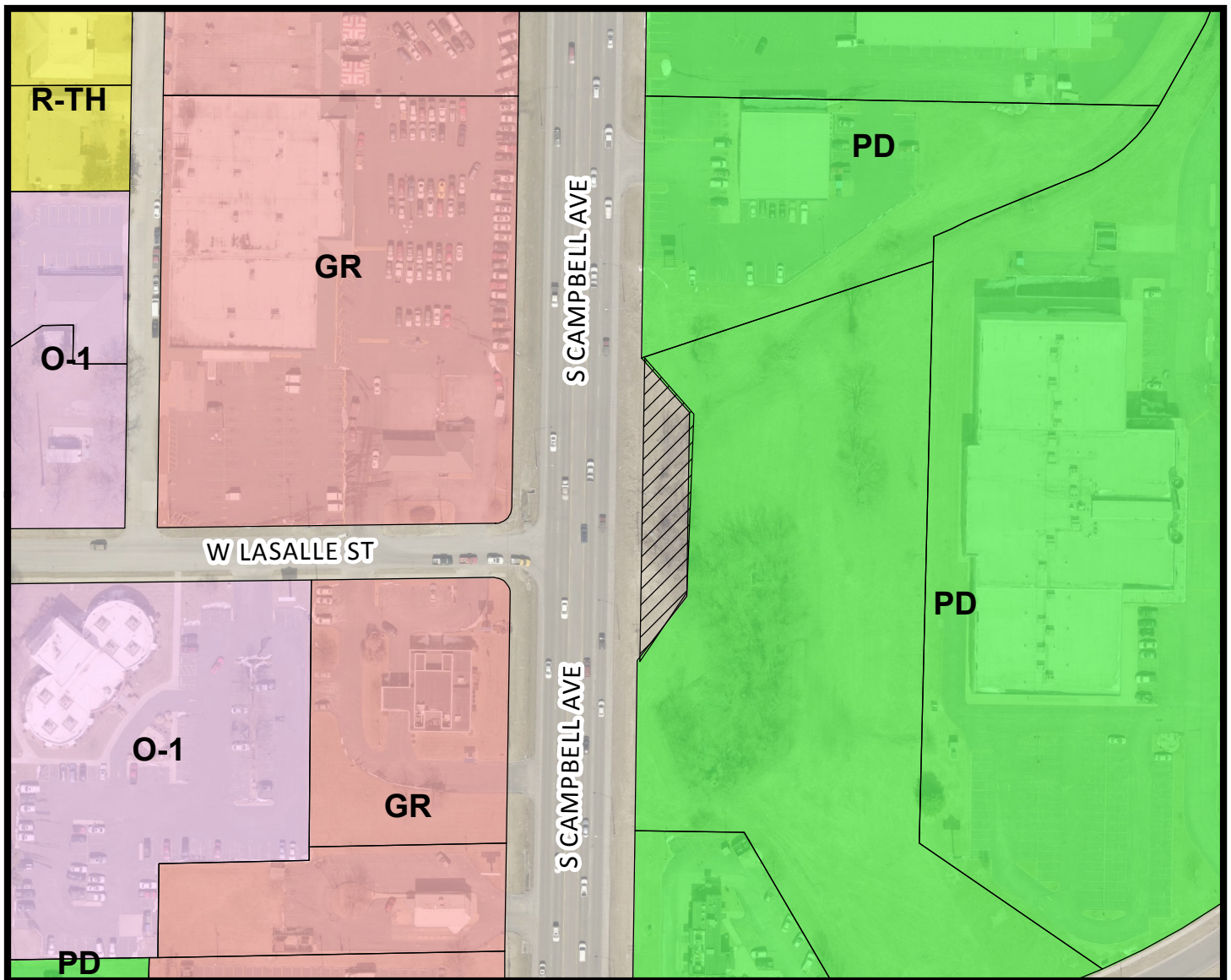
# Zoning & Subdivision Report

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

## **Property Disposal 510**

LOCATION: 4000 Block of South Campbell, east-side

### LOCATION SKETCH



- Area of Proposal



1 inch = 150 feet

# Zoning & Subdivision Report

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

## **REQUEST TO DISPOSE #510**

DATE: March 31, 2015

LOCATION: 4000 Block South Campbell, east-side

APPLICANT: Department of Public Works, City of Springfield

EXISTING USE: None, undeveloped land

RECOMMENDATION: The request be **approved**.

## **FINDINGS:**

1. The subject property is within the City limits of the City of Springfield.
2. The proposed disposal will not adversely affect future street improvements and the proposed development of the property shall comply with all City requirements.
3. The proposed disposal will allow Public Works Department of the City of Springfield to transfer this land to Jared Enterprises.

## **STAFF CONTACT PERSON:**

Michael G. Sparlin  
Assistant City Planner

Attachment 1: Background Report  
Attachment 2: Land Disposal Policy  
Exhibit A: Legal Description

ATTACHMENT 1  
BACKGROUND REPORT  
REQUEST TO DISPOSE NUMBER 510

APPLICANT'S PROPOSAL:

The Department of Public Works proposes to transfer a portion of property to Jared Enterprises to allow for a commercial development. Jared Enterprises is the only valid buyer of the property because Jared Enterprises owns the surrounding property. The Department of Public Works proposes to transfer approximately 0.23 acres to Jared Enterprises.

STAFF COMMENTS:

1. The Department of Public Works proposes to transfer a portion of property to Jared Enterprises to allow for a commercial development. The Department of Public Works proposes to transfer approximately 0.23 acres to Jared Enterprises.
2. Jared Enterprises is the only valid buyer of the property because Jared Enterprises owns the surrounding property. The property will be incorporated into the surrounding property, owned by Jared Enterprises.
3. General Ordinance No. 6142, Z-15-2014, passed on October 13, 2014 rezoned the northern half of the proposed property along with property to the North to GR, to allow for the future development of the site. The conditions of the Ordinance require an Administrative Replat to be approved following the Subdivision Regulations. The Ordinance states the development requirements from various City departments regarding the development of the site.
4. The City will obtain any necessary easements on the subject property at the time the property is transferred.
5. City legal staff determined the A Request to Dispose rather than a Right-of-Way Vacation was needed to transfer the property based on the nature of the Quit Claim Deed that MoDOT transferred to the City of Springfield.

ATTACHMENT 2  
REQUEST TO DISPOSE NUMBER 510  
LAND DISPOSAL POLICY

Planning and Zoning Commission adopted the following policy statement for land disposals by public bodies:

1. Where is the property located?

*Staff Comment:* 4000 Block South Campbell, east-side

2. Please include a copy of the legal description of the property.

*Staff Comment:* The legal description of the property is attached (Exhibit A).

3. Why doesn't the city need the property anymore? How have circumstances changed?

*Staff Comment:* The property was previously owned by MoDOT and then transferred to the City. The property is no longer needed for roadway improvements.

4. When did City of Springfield purchase the property?

*Staff Comment:* It was transferred from MoDOT to the City in March 1996 via Quit Claim Deed

5. Why was the property acquired?

*Staff Comment:* For any future roadway improvements. The property is no longer needed for roadway improvements.

6. Who will purchase the property?

*Staff Comment:* The property will be purchased by Jared Enterprises.

EXHIBIT A  
REQUEST TO DISPOSE NUMBER 510

A portion of existing right-of-way for South Campbell Avenue, formerly U.S. Highway 160 according to MoDOT Plans, Project No. HES-PMS-5920 (803), Dated August 25, 1982, and lying in the Southwest Quarter (SW1/4) of Section 12, Township 28 North, Range 22 West of the Fifth Principal Meridian, Springfield, Greene County, Missouri, being more particularly described as follows:

**CENTERLINE DESCRIPTION:**

**COMMENCING** at the Quarter (1/4) Corner of Sections 11 and 12, Township 28 North, Range 22 West; **THENCE** S02°19'12"W, 1,137.65 feet along the line between said Sections 11 and 12; **THENCE** S87°45'16"E, 6.83 feet, leaving said section line, to a point on the centerline of said South Campbell Avenue at Centerline Station 145+50, for the **POINT OF BEGINNING**; **THENCE** S02°14'44"W, 280.47 feet, along said Centerline to Centerline Station 148+30.47 for the **POINT OF TERMINUS**.

**RIGHT-OF-WAY DESCRIPTION:**

**BEGINNING** at an existing MoDOT steel right-of-way marker on the East right-of-way line of said South Campbell Avenue, 60 feet Left (East) of Centerline Station 145+50, said point being the Southwest corner of Lot 2 of Kickapoo Prairie Estates East, 5<sup>th</sup> Addition, Plat Book OO, Page 16, Greene County, Missouri Recorder's Office;

**THENCE** S39°51'49"E, 67.80 feet, along said right-of-way line, to an existing 5/8 inch rebar with broken cap, 105 feet (105.46 feet Measured) Left of Centerline Station 146+00 (Station 146+00.30 Measured); **THENCE** S02°14'56"W, 169.56 feet, continuing along said right-of-way line, to an existing MoDOT steel right-of-way marker at a point 105 feet (105.45 feet Measured) Left of Centerline Station 147+70 (147+69.86 Measured);

**THENCE** S38°50'24"W, 75.49 feet, continuing along said right-of-way line, to an existing 60d nail, 60 feet (60.45 feet Measured) Left of Centerline Station 148+30.47;

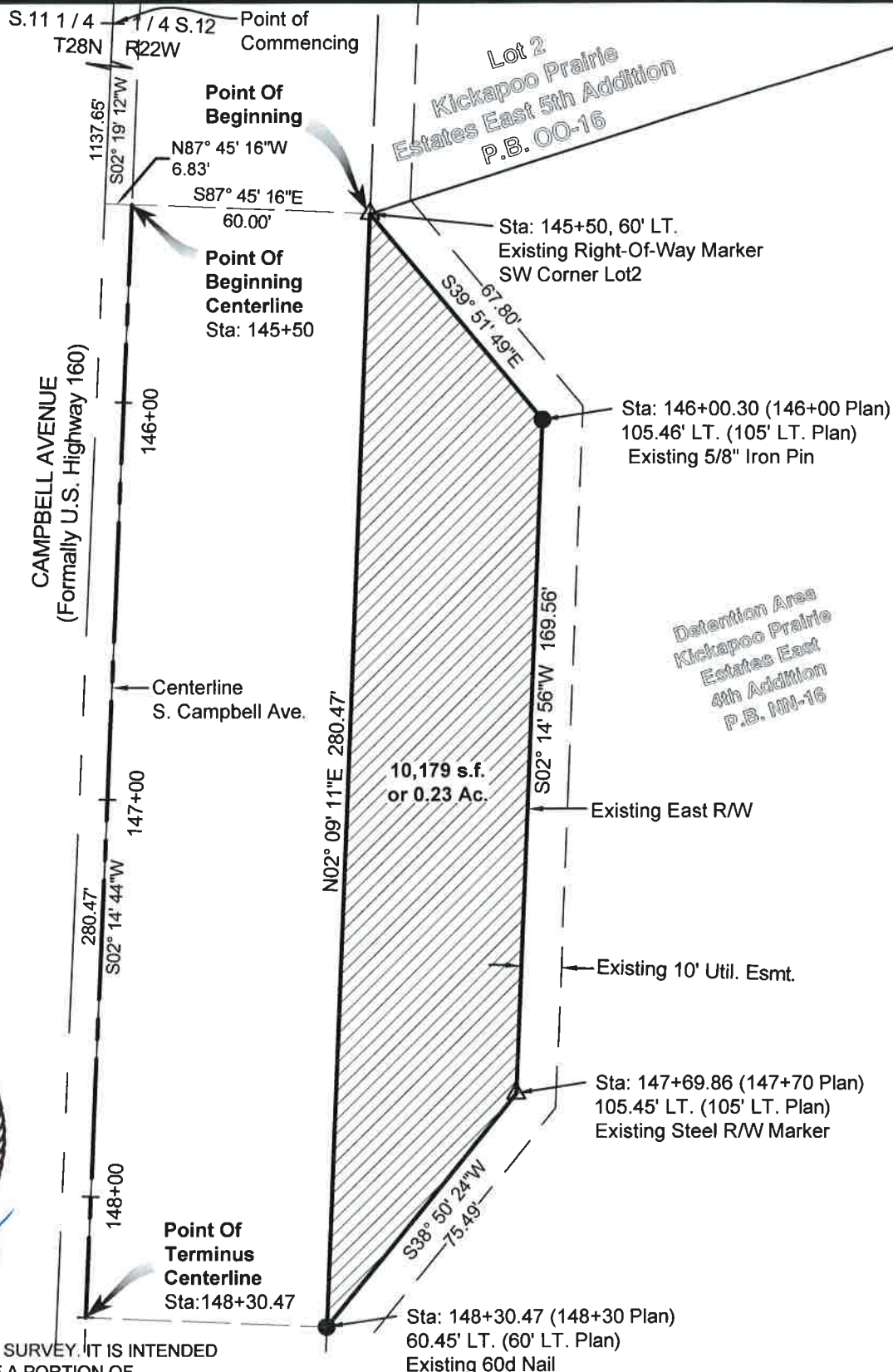
**THENCE** N02°09'11"E, 280.47 feet, to the **POINT OF BEGINNING**.

Containing 10,179 square feet, or 0.23 acres.

GRID NORTH  
MISSOURI COORDINATE  
SYSTEM 1983 CENTRAL ZONE  
SCALE 1"= 40'



THIS SKETCH IS NOT A BOUNDARY SURVEY. IT IS INTENDED TO SHOW THE CONFIGURATION OF A PORTION OF RIGHT-OF-WAY TO BE VACATED. IT SHOULD NOT BE USED TO LOCATE PROPERTY LINES AND DOES NOT MEET THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



# EXHIBIT "B"

FOR  
**The City of Springfield, Missouri**  
A Portion of Existing Right-Of-Way  
of South Campbell Ave. (formerly U.S. Hwy. 160)  
SW1/4, Sec. 12, Twp. 28 N, Rng. 22 W  
Springfield, Greene County, Missouri



CJW Transportation Consultants, L.L.C.  
5051 S. National Avenue, Springfield, MO 65810  
Tel: 417.889.3400 Fax: 417.889.3402

www.GoCJW.com



**EXPLANATION TO COUNCIL BILL NO: 2015-\_\_\_\_\_**

FILED:

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 39.13 acres of property generally located at 3705 West Sunshine Street from a County R-1, Suburban Residence District and C-2, General Commercial District to an HC, Highway Commercial District; and establishing Conditional Overlay District No. 85.

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-04-2015/CONDITIONAL OVERLAY DISTRICT NO. 85

The applicant is proposing to rezone the subject property from a County R-1 and C-2 to an HC, Highway Commercial District with Conditional Overlay District #85. The Conditional Overlay District will require the completion of public improvements. These improvements are the realignment of Farm Road 148 (University Street) through the property, the vacation and closure of Farm Road 148 as it intersects Sunshine Street, intersection improvements at Zimmer Avenue and Sunshine Street and the extension of McCurry Avenue north between Sunshine St. and Farm Road 148. The applicant is also proposing ten additional evergreen trees in the conditional overlay district to be planted between the development's proposed fence and the eastern property line. This rezoning will facilitate the development of a retail shopping area. This rezoning is being processed with the preliminary plat of Menards West Subdivision. The property is a part of Annexation A-1-15, approved by City Council on March 9, 2015. The City Council requested additional information at the public hearing relating to Fire Department response times, stormwater drainage and traffic questions (see Staff responses provided in Attachment 5).

Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major Goal 4: Develop the community in a sustainable manner. Objective 4a, Increase density in activity centers and transit corridors and 4b, Increase mixed-use development areas.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on April 9, 2015, 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** with the requirements of Conditional Overlay District No. 85 (see the attached Zoning and Subdivision Report).

## FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this application is consistent with Growth Management and Land Use Plan of the Comprehensive Plan which identifies this as an appropriate area for medium-intensity retail, office or housing uses. This area is also within the potential Activity Center of West Bypass and Sunshine Street as described in the plan. The requested HC, Highway Commercial zoning is consistent with the recommendation.
2. The West Sunshine Corridor Study, accepted by Council in 2009, also shows the subject property within a community scale activity center and appropriate for high-intensity mixed uses, which are permitted in the HC, Highway Commercial District
3. The request is consistent with the adjacent zoning along Sunshine Street and the intent of the HC district to be located along or at the intersection of two or more arterial (Sunshine and West Bypass) or higher classified streets.
4. The proposed conditional overlay district will mitigate the potential impact between the commercial and residential uses by requiring improvements to the surrounding public infrastructure and requiring additional landscaping along Zimmer Avenue. The proposed conditional overlay district and the development requirements in the HC district are adequate for mitigating any potential impacts of the proposed development on the adjoining properties.

Submitted by:

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Daniel Neal, Senior Planner

Reviewed by:

Approved by:

---

Bob Hosmer, AICP, Principal Planner

---

Greg Burris, City Manager

## EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Conditional Overlay Provisions

Exhibit D, Zoning and Subdivisions Staff Report

## ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary



Attachment 3, 185 foot Property Owners List and Map  
Attachment 4, Neighborhood Letters in Opposition and Responses  
Attachment 5, Council Memo Menards West Annexation

EXHIBIT A  
RECORD OF PROCEEDINGS  
ZONING CASE Z-04-2015 & CONDITIONAL OVERLAY DISTRICT NO. 85

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

EXHIBIT B  
LEGAL DESCRIPTION  
ZONING CASE Z-04-2015 & CONDITIONAL OVERLAY DISTRICT NO. 85

A TRACT OF LAND AS LYING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI, RECORDER'S OFFICE IN BOOK 2200, PAGE 1226 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST; THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST, NORTH 02°15'49" EAST, 20.80 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO LYING ON THE NORTH RIGHT-OF-WAY OF FARM ROAD 148; THENCE LEAVING SAID NORTH RIGHT-OF-WAY AND ALONG SAID WEST LINE, NORTH 02°15'49" EAST, 1309.50 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST; THENCE LEAVING SAID WEST LINE AND ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29, SOUTH 88°58'24" EAST, 1305.30 FEET TO A POINT LYING ON WEST RIGHT-OF-WAY OF FARM ROAD 129, SAID POINT ALSO LYING NORTH 88°58'21" WEST, 14.72 FEET FROM THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE LEAVING SAID NORTH LINE AND ALONG SAID WEST RIGHT-OF-WAY, SOUTH 02°09'00" WEST, 1267.25 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 413 (SUNSHINE STREET); THENCE LEAVING SAID WEST RIGHT-OF-WAY AND ALONG SAID NORTHERLY RIGHT-OF-WAY, 270.28 FEET ALONG A 6651.34 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 82°21'17" WEST FOR A DISTANCE OF 270.26 FEET TO A POINT LYING ON THE AFOREMENTIONED NORTH RIGHT-OF-WAY OF FARM ROAD 148; THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 89°13'12" WEST, 411.25 FEET; THENCE NORTH 88°56'37" WEST, 630.31 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN GREENE COUNTY, MISSOURI. CONTAINING 39.13 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. CONDITIONS AND MONUMENTS ARE AS SHOWN ON ANDERSON ENGINEERING, INC. DRAWING NUMBER WB 110-154.

EXHIBIT C  
CONDITIONAL OVERLAY DISTRICT PROVISIONS  
ZONING CASE Z-04-2015 & CONDITIONAL OVERLAY DISTRICT NO. 85

The requirements of *Section 4-3200* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

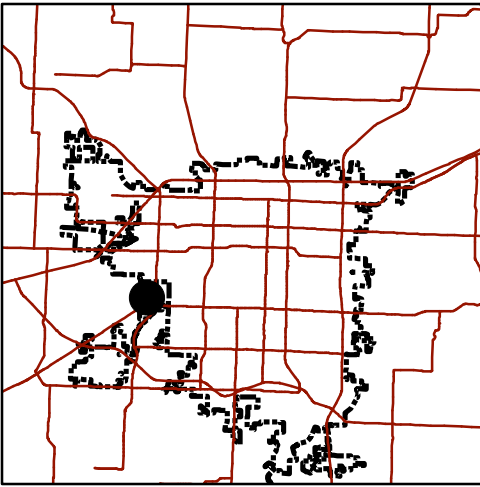
**Use Limitations**

The traffic study submitted and approved was based on the intensity of the proposed development use for the zoning district and its future impact to the existing transportation system. Based on the results of the traffic study, the following improvements are required.

1. Farm Road 148 (University Street) will be realigned north and intersect with Zimmer Avenue no closer than 250 feet from the right-of-way line of Sunshine Street. The new intersection of Zimmer Avenue and realigned Farm Road 148 (University St.) will include the following elements:
  - a. Southbound right turn lane
  - b. Eastbound left turn lane
  - c. Eastbound right turn lane
  - d. Northbound left turn lane
2. The existing intersection at Zimmer Avenue and Sunshine Street will require the following improvements:
  - a. Westbound right turn lane, 200 feet in length
  - b. Southbound right turn lane, 120 feet in length
  - c. Southbound left turn lane creating dual lefts (one extending to the realigned Farm Road 148, one approximately 120 feet in length)
  - d. Lengthen eastbound left turn lane to 350 feet in length
3. The existing Farm Road 148 will be vacated between realigned Farm Road 148 (University St.) and Sunshine Street and no access will be allowed to Sunshine St. except as dictated on the Final Plat.
4. McCurry Avenue will be dedicated and constructed north to Farm Road 148 from State Highway 413 (Sunshine St.). Right-of-way will be dedicated to meet MODOT and Public Works street and intersection design standards.
5. Sidewalks are required following the City's Subdivision Regulations and Zoning Ordinance along the property frontage on Zimmer Avenue and along both sides of the realigned portion of Farm Road 148 (University St.).
6. If the proposed uses have traffic impacts that are more intense than the conditions reflected in the approved traffic study, a new traffic impact study will be required and any identified improvements will need to be constructed.

**Landscaping and Bufferyards**

1. Ten (10) additional evergreen trees shall be planted between the development's fence and the east property line of Lot 5 of Menards West preliminary plat.



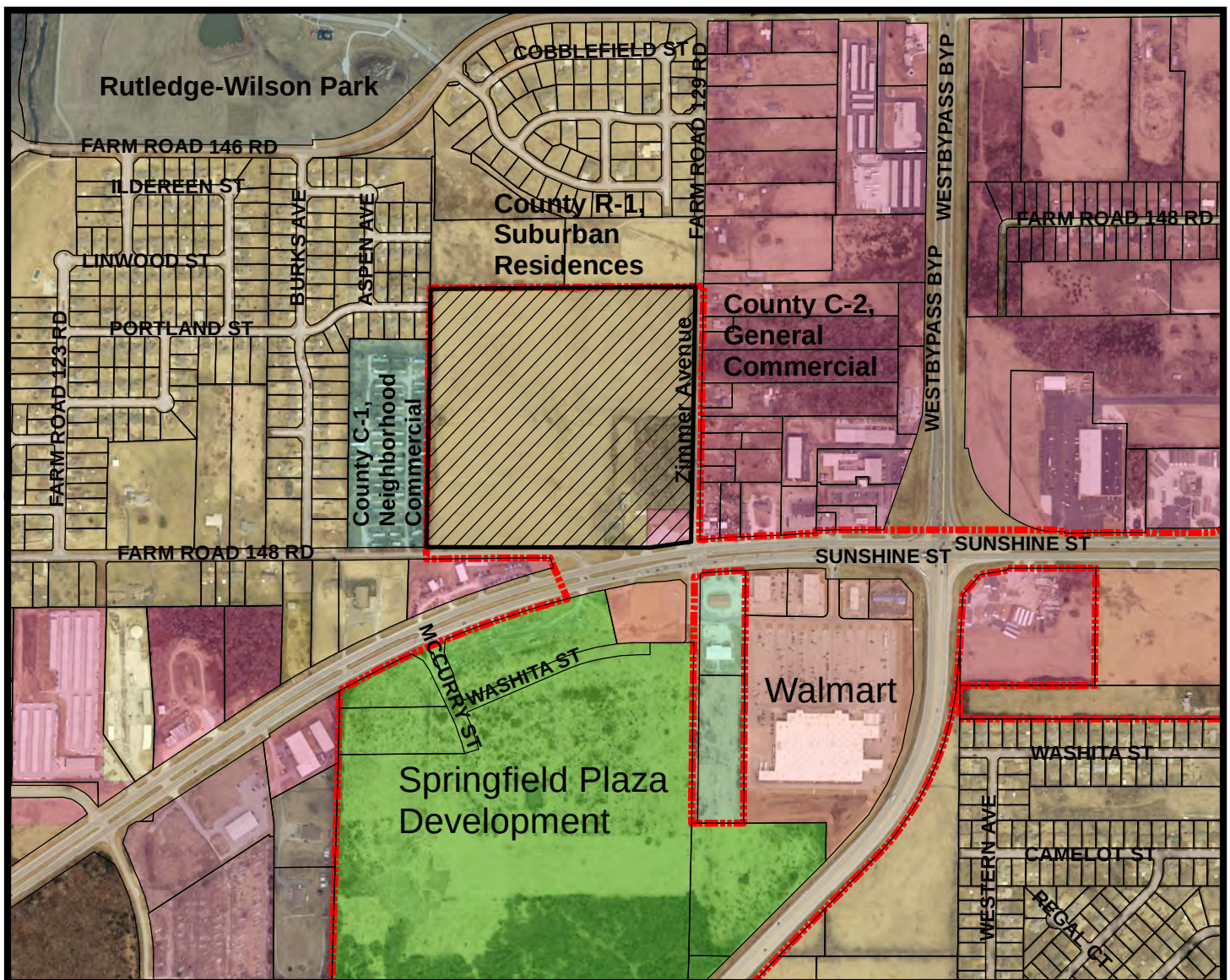
# Zoning & Subdivision Report

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

## **Z-04-2015/Conditional Overlay District No. 85**

Location: 3705 W. Sunshine St.  
Current Zoning: County R-1, Suburban Residence District and  
County C-2, General Commercial District  
Proposed Zoning: HC, Highway Commercial with COD #85

### LOCATION SKETCH



- Area of Proposal

0 300 600 1,200  
Feet

1 inch = 800 feet

ATTACHMENT 1  
BACKGROUND REPORT  
ZONING CASE Z-04-2015 & CONDITIONAL OVERLAY DISTRICT NO. 85

DATE: February 12, 2015

LOCATION: 3705 West Sunshine Street

APPLICANT: Donald and Patricia McCurry

TRACT SIZE: Approximately 39.13 acres

EXISTING USE: Single-family residence and vacant/undeveloped land

PROPOSED USE: Uses permitted in the HC, Highway Commercial District and as permitted by Conditional Overlay District No. 85

SURROUNDING LAND USES:

| AREA  | ZONING     | LAND USE                                 |
|-------|------------|------------------------------------------|
| North | County R-1 | Single-family residence and vacant land  |
| East  | County C-2 | Single-family residences and vacant land |
| South | HC         | Commercial/office development            |
| West  | County C-1 | Manufactured Home Park                   |

BUILDING DEVELOPMENT SERVICES COMMENTS:

Building Development Services does not have any concerns regarding the proposed rezoning to HC, Highway Commercial of the subject property.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. Sidewalks are required along the property frontage of Zimmer Avenue and along both sides of the relocated portion of Farm Road 148 (University Street).
2. No access is allowed to Sunshine Street from lots 1, 2 and 3 unless otherwise dictated on the final plat.
3. The following improvements are required based on the results of the traffic study:
  - A. Farm Road 148 (University Street) will be realigned north and intersect with Zimmer Avenue no closer than 250 feet from the right of way line of Sunshine Street. The new intersection of Zimmer Avenue (Farm Road

129) and Farm Road 148 (University Street) will include the following elements:

- a. Southbound right turn lane
  - b. Eastbound left turn lane
  - c. Eastbound right turn lane
  - d. Northbound left turn lane
- B. The existing intersection at Zimmer Avenue and Sunshine Street will require the following improvements:
- a. Westbound right turn lane, 200 feet in length
  - b. Southbound right turn lane, 120 feet in length
  - c. Southbound left turn lane creating dual lefts (one extending to the realigned Farm Road 148 (University Street), one approximately 120 feet in length)
  - d. Lengthen eastbound left turn lane to 350 feet in length
- C. McCurry Avenue will be extended from Farm Road 148 (University Street) to MO 413 (Sunshine St.). Enough right-of-way will be provided to meet existing street and intersection standards.

#### GREENE COUNTY HIGHWAY DEPARTMENT COMMENTS:

The traffic study indicates the improvements at the intersection of Zimmer Ave. (Farm Road 129) and Sunshine St. (St Hwy. 413) will be over capacity by 2025. The developer should look at improving the intersection of McCurry Ave. (Farm Road 148) and Sunshine St. (St Hwy. 413) prior to reaching a level of service F at Zimmer Ave. (Farm Road 129) and Sunshine St. (St Hwy. 413). A trigger needs to be in place to initiate this improvement based on future traffic counts/study. City of Springfield will annex Farm Road 129 from the intersection of Route 413 to north boundary line. City of Springfield will annex then vacate that portion of Farm Road 148 that lies east of the future new alignment all the way to MoDOT right-of-way along Route 413.

#### MISSOURI DEPARTMENT OF TRANSPORTATION (MODOT):

MoDOT approves of the rezoning request.

#### STORMWATER COMMENTS:

No objection to zoning change. Public Improvement Plans will be required for site drainage improvements.

#### CLEAN WATER SERVICES COMMENTS:

No objections to zoning change. Public improvements will be required during the platting process.

#### CITY UTILITIES:

No objections to zoning change. There will not be an impact on City Utilities.

#### ADJACENT PROPERTY OWNER COMMENTS:

Twenty-seven (27) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Letters and calls in opposition have been attached (Attachment 4).

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on December 1, 2014 regarding the request for HC, Highway Commercial zoning with Conditional Overlay District #85. A summary of the meeting is attached (Attachment 2).

#### STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from a County R-1, Suburban Residence District and C-2, General Commercial District to an HC, Highway Commercial District with Conditional Overlay District #85 to facilitate the development of a retail shopping area. This rezoning is being processed with the preliminary plat of Menards West Subdivision. This property is a part of Annexation A-1-15, which was approved by City Council on March 9, 2015. The City Council requested additional information at the public hearing relating to Fire Department response times, stormwater drainage and traffic questions (see Staff responses provided in Attachment 5).
2. The Growth Management and Land Use Plan of the Comprehensive Plan designates this area as appropriate for medium-intensity retail, office or housing uses. This mixed category indicates that a variety of commercial and/or mid-or high-density housing may be appropriate at major intersections along certain road corridors. These commercial areas should be sited in areas that are well served by transportation facilities; major roads, bicycle and pedestrian facilities, and transit. Where commercial areas are concentrated, development should be sited and designed to have a minimal effect on adjacent lower-intensity development and the environment. Appropriate zoning districts include the HC, Highway Commercial District.
3. The Growth Management and Land Use Plan also shows this area as a potential Activity Center where a variety of commercial and/or mid- or high density housing could emerge as a significant community or regional scale activity center. It also mentions that planned improvements and extension of West Bypass to James River Freeway will create an opportunity for a significant Activity Center at Sunshine Street. The Comprehensive Plan recommends the location of Regional Scale Commercial Centers (Over 500,000 sq. ft.) on major arterials near a freeway or expressway. This project is located at the intersection of an



expressway, Sunshine Street, and two collectors, Zimmer Avenue and Farm Road 148 (University St.) as designated by the Major Thoroughfare Plan. The HC District is intended for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classified streets (Sunshine Street & West Bypass). Staff believes the subject site meets the recommendations of the City's Comprehensive Plan and intent of the HC District.

4. The West Sunshine Corridor Study, which was accepted by City Council in 2009, was produced to assist City staff in making land use and public infrastructure decisions. The study shows the realignment of Farm Road 148 (University St.) and closure of its direct access onto Sunshine Street as required in the proposed conditional overlay district requirements and shown on the preliminary plat of Menards West. It also shows the subject property within a community scale activity center and appropriate for high-intensity mixed uses, which are permitted in the HC, Highway Commercial District.
5. The traffic study was submitted and approved by the City, Greene County and MoDOT based on the intensity of the proposed development use for the zoning district and its future impact to the existing transportation system. With the recommendations from the West Sunshine Corridor Study, Farm Road 148 (University St.) will be realigned north and intersect with Zimmer Avenue. The new intersection of Zimmer Avenue and realigned Farm Road 148 will be constructed as described in the conditional overlay district and generally located as shown on the preliminary plat of Menards West. The existing intersection at Zimmer Avenue and Sunshine Street will be reconstructed as described in the conditional overlay district. The existing Farm Road 148 will be vacated between realigned Farm Road 148 (University St.) and Sunshine Street and no access will be allowed to Sunshine St. except as dictated on the Final Plat. McCurry Avenue will be dedicated and constructed north to Farm Road 148 from State Highway 413 (Sunshine St.). Right-of-way will be dedicated to meet MODOT and Public Works street and intersection design standards. Sidewalks are required following the City's Subdivision Regulations and Zoning Ordinance along the property frontage on Zimmer Avenue and along both sides of the realigned portion of Farm Road 148 (University St.). If the proposed uses have traffic impacts that are more intense than the conditions reflected in the approved traffic study, a new traffic impact study will be required and any identified improvements will need to be constructed.
6. The Conditional Overlay District will require the completion of certain public improvements with development of this district (Exhibit C) including the realignment of Farm Road 148 (University St.) through the property, the vacation and closure of Farm Road 148 as it intersects Sunshine St., improvements to the intersection of Zimmer Avenue and Sunshine Street and extension of McCurry Avenue north of Sunshine St. to existing Farm Road 148. In response to

concerns expressed at the neighborhood meeting regarding the development's fence, the applicant has proposed additional landscaping along Zimmer Avenue. The conditional overlay district will require ten (10) additional evergreen trees be planted between the development's fence and the east property line of Lot 5 of Menards West preliminary plat.

7. The Zoning Ordinance requires a Bufferyard "F" between the HC, Highway Commercial District and adjacent County R-1, Suburban Residence Districts to the north and northwest. The Bufferyard "F" requires a minimum open space of twenty (20) feet wide with the following plantings per one hundred (100) linear feet: three (3) canopy trees, three (3) understory trees, four (4) evergreen trees and twenty (20) shrubs. A six-foot solid wood fence, masonry wall, solid evergreen hedge or earthen berm is required along the property boundary if a twenty (20) foot bufferyard is provided. There will be no bufferyards required between the County C-1 or C-2 zoning districts to the east, south and west which are comparable to the City's GR and HC zoning districts. A perimeter landscaping area shall be provided where a parking lot or vehicle use area is within 50 feet of a public right of way and there is not an intervening building.
8. All structures on the subject property shall remain below a thirty (30) degree bulk plane as measured from the boundaries of any R-SF or R-TH zoning districts. The City considers the County R-1 and R-2 zoning districts comparable to the City's R-SF or R-TH zoning districts and will apply the same bulk plane requirements when adjacent to those districts. All other lighting, noise, landscaping requirements shall be met as required by the Zoning Ordinance.

#### FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this application is consistent with Growth Management and Land Use Plan of the Comprehensive Plan which identifies this as an appropriate area for medium-intensity retail, office or housing uses. This area is also within the potential Activity Center of West Bypass and Sunshine Street as described in the plan. The requested HC, Highway Commercial zoning is consistent with the recommendation.
2. The West Sunshine Corridor Study, accepted by Council in 2009, also shows the subject property within a community scale activity center and appropriate for high-intensity mixed uses, which are permitted in the HC, Highway Commercial District
3. The request is consistent with the adjacent zoning along Sunshine Street and the intent of the HC district to be located along or at the intersection of two or more arterial (Sunshine and West Bypass) or higher classified streets.
4. The proposed conditional overlay district will mitigate the potential impact between the commercial and residential uses by requiring improvements to the

surrounding public infrastructure and requiring additional landscaping along Zimmer Avenue. The proposed conditional overlay district and the development requirements in the HC district are adequate for mitigating any potential impacts of the proposed development on the adjoining properties.

RECOMMENDATION:

Staff recommends **approval** of this request with the requirements of Conditional Overlay District No. 85.

CITY COUNCIL PUBLIC HEARING: April 27, 2015

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036



12/12/14

#### Menards West Neighborhood Meeting Summary

Menards held a neighborhood meeting on 12/1/14 at the Sherwood Elementary School. The turnout for this meeting was high. The neighbors that did show up were hostile and at times out of control making it difficult to conduct an effective neighborhood meeting. Often times when one neighbor was discussing one issue another would start yelling and the conversation would go in an entirely different direction. From what I gathered at the meeting the neighbors are upset with the existing traffic conditions in the area. A major point of contention was people use Farm Rd 129 to bypass the signals on Sunshine and the road is narrow and they don't like the additional traffic. Menards submitted a traffic study and agreed to install all of the recommended improvements to the intersection of Sunshine and Farm Rd 129. Menards also agreed to relocate Old Sunshine Rd and route a new frontage road through our property at the request of the city and DOT. The commitment to these improvements did not make a difference to the neighbors because they are already unhappy about the existing conditions.

Many neighbors have lived in the area for a long time and are used to what they see on the subject property, they felt that this property should remain a farm field forever. I explained that this property is prime commercial ground along a major roadway (Sunshine) with a retail development across the street. If Menards did not choose to locate on this site it would not be long before someone else did. Again the neighbors felt that this project is in their backyards and for that reason should be located somewhere else.

The issue of noise and light came up and I assured the neighbors that the 14 foot tall fence around the lumber yard is not only a security measure to keep people out but it is a great buffer and prevents light and sound from escaping the lumber yard. The fence is a means of storage and products are placed in that rack on the inside of the fence creating a four foot thick 14 foot tall wall further insulating the Menards use from the outside. Our deliveries only take place during business hours and there is no construction that takes place in our yards. It is strictly storage which is inherently a quiet neighbor. No speakers or public addressed systems are used in the yard either.

One request the neighbors on Portland made was they did not want a new turn around or cul-de-sac build at the end of their street. Because that would result in the loss of mature trees buffering the property they preferred the trees as opposed to the turn around the city requested.

The owner of the property north of the site asked that our stormwater pond was moved away from her property line because that is where her well is located and we are considering alternative locations in our civil engineering plans to accommodate that request the best we can.

While it was not directly requested I offered to add more trees along the east fence line to increase the screening. The answer I received was they didn't think that would help but Menards will add more trees anyway.

A copy of the sign in sheet is attached to this letter.



Sincerely,  
**Menard, Inc.**

A handwritten signature in black ink, appearing to read 'Tyler Edwards', is written over the printed name.

**Tyler Edwards**  
Real Estate Representative  
Menard, Inc. – Properties  
5101 Menard Drive  
Eau Claire, WI 54703  
P: 715-876-2143  
C: 715-579-6699  
F: 715-876-5998  
tedwards@menard-inc.com

**Sign-In Sheet**  
**Menards Neighborhood Meeting**  
**December 1, 2014**

| Name                   | Address                                                       | Phone        | E-Mail                     |
|------------------------|---------------------------------------------------------------|--------------|----------------------------|
| Dennis Perry           | 3954 W Portland                                               | 849 2136     | dennisferry-2000@yahoo.com |
| DAVID WHITEMIRE        | 1670 S Borks                                                  | 831-4198     | DAVE@SBCLINK.COM           |
| PATRICIA MOBLEY        | 1547 S FR 129                                                 | 325-668-7064 | mobleypm@gmail.com         |
| Aagy Mishkin           | 3791 <sup>W</sup> Cobblefield                                 | 817-992-3882 | Davidmishkin@yahoo.com     |
| Rbt & Betty Wilson     | 1696 FR 129                                                   | —            | —                          |
| Bob Wilson             | 1696 FR 129                                                   | —            | —                          |
| Paula Wilson           | 409 S. Verdella                                               | 417 866-3641 | AL904RJ@gmail.com          |
| Gary Mitchell          | 1104 S. FR 129                                                | 417-818-6869 | KCOXMITC@gmail.com         |
| Wilson + Janet Johnson | 1684 S. FR 129                                                | 417-862-3001 | wyhosajuno.com             |
| Brent Haselhorst       | 4109 W Sunshine                                               | 417-863-1902 |                            |
| Jeff Clark             | 2828 S Ingram Mill Hwy                                        |              |                            |
| Victor M. Paulik       | 3655 W Sunshine<br>1740 1720 1718 1706<br>S. FR 129 ZIMMER RD | 417-234 3021 | victor paulik@gmail.com    |
| Scott Tillman          | 134 PARK Central<br>Sq. Id. MO 65806 Square                   | 417-894-2425 |                            |
| Paul Tillman           | " "                                                           |              |                            |
| Pick Wilson            | 2012 S. STEWART<br>SPRINGFIELD MO                             | 522-7870     |                            |
| Lelia McNeil           | 3941 W. Portland St                                           | 832-9510     |                            |



[illegible]

[illegible]



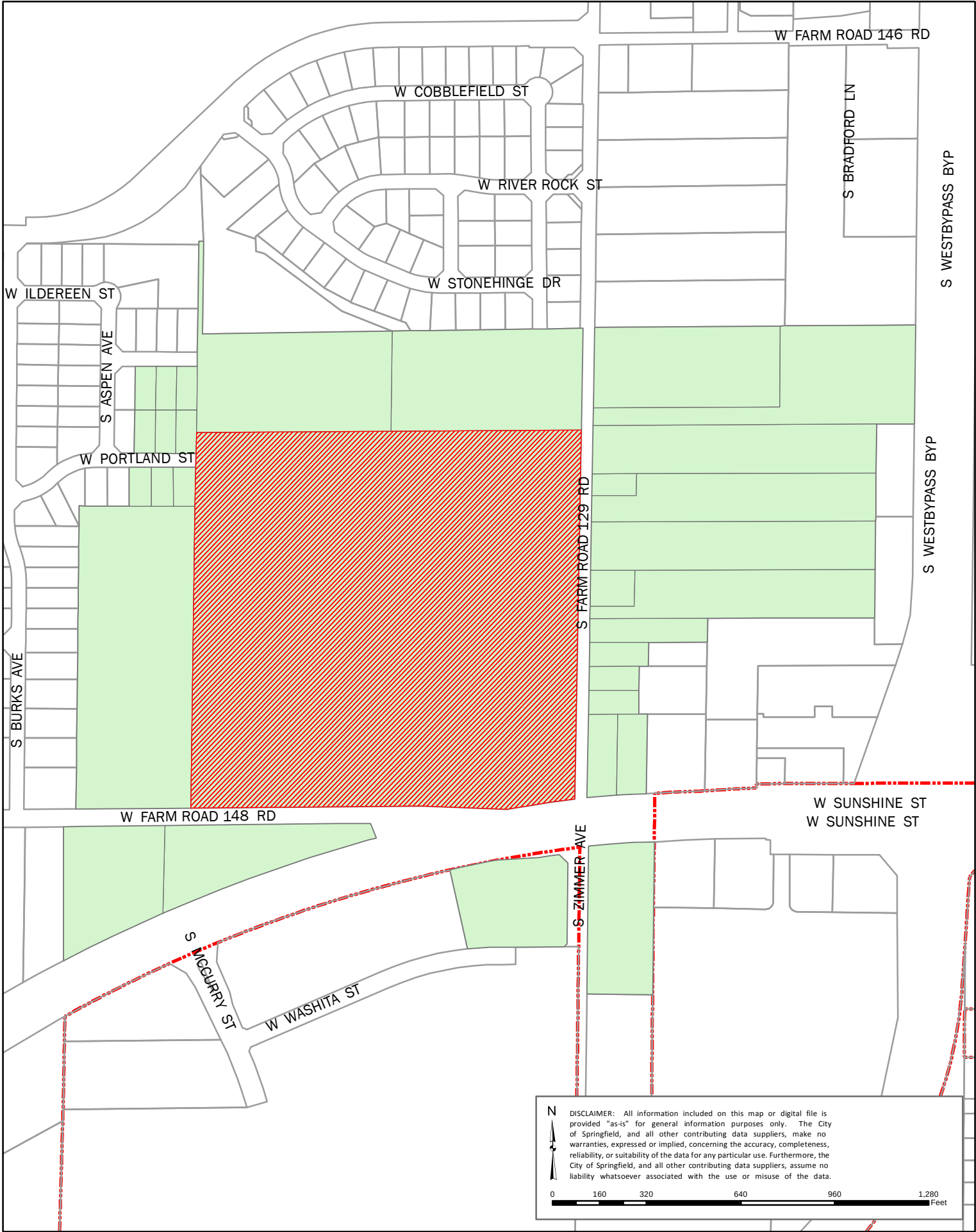
## Attachment 3

| OWN1                               | ADRNO | ADRDIR | ADRSTR        | ADRSUF |
|------------------------------------|-------|--------|---------------|--------|
| ATOMIC DISTRIBUTORS MIDWEST INC    |       |        | PO BOX 190    |        |
| DEVORE, ROBERT E                   | 3946  | W      | PORTLAND      | ST     |
| DEVRIES, JOSEPH M                  | 3944  | W      | LINWOOD       | ST     |
| EDMONDSON, FLORENCE I TR           | 1614  | S      | FARM ROAD 129 |        |
| EMPIRE BK                          | 1800  | S      | GLENSTONE     | AVE    |
| FRIEZE, KENT W                     | 1963  | S      | WESTWOOD      | AVE    |
| FUGATE, WILLIAM RAY TR             | 380   |        | LITTLE BUCK   | DR     |
| GORMAN, MARY AGNES TR              | 3957  | W      | PORTLAND      | ST     |
| HENDERSON, LAUREN                  | 3952  | W      | LINWOOD       | ST     |
| IGLESIA, CRISTIANA CASA DE ORACION | 3935  | W      | SUNSHINE      |        |
| JOHNSON, DOIL WILSON               | 1684  | S      | FARM ROAD 129 |        |
| JOHNSON, KIRK T                    | 3949  | W      | PORTLAND      | ST     |
| KIAGIRI, NERRY                     | 3936  | W      | LINWOOD       | ST     |
| LEMMON, HERMAN A TR                | 1542  | S      | FARM ROAD 129 |        |
| LSREF2 COBALT LLC                  | 2711  | N      | HASKELL       | AVE    |
| MAY, CHESTER E                     | 3008  | W      | LUKE          | AVE    |
| MCCURRY, DONALD L                  | 2446  | S      | FARM ROAD 111 |        |
| MCNEILL, JULIE A                   | 3941  | W      | PORTLAND      | ST     |
| MOBLEY, PATRICIA M                 | 1547  | S      | FARM RD 129   |        |
| PAULIK, MICHAEL D                  | 3328  |        | EDMUNDSON     | RD     |
| PAULIK, VICTOR                     | 3655  | W      | SUNSHINE      | ST     |
| PERRY, DENNIS R                    | 3954  | W      | PORTLAND      | ST     |
| PRYOR, LARRY A                     | 2525  | E      | KINGSLEY      | CT     |
| RICE, MICHAEL J                    | 3938  | W      | PORTLAND      | ST     |
| SMITH, FANNIE EVELYN TR            | 1632  | S      | FARM ROAD 129 |        |
| STONEHINGE LLC                     | 2826  | S      | INGRAM MILL   | RD     |
| WILSON, PAULETTE M                 | 409   | S      | VERDELLA      | DR     |

## Attachment 3

| CITYNAME        | STATE | COD ZIP1 |
|-----------------|-------|----------|
| SOUTH PITTSBURG | TN    | 37380    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65804    |
| SPRINGFIELD     | MO    | 65807    |
| NIANGUA         | MO    | 65713    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| DALLAS          | TX    | 75204    |
| PHOENIX         | AZ    | 85017    |
| SPRINGFIELD     | MO    | 65802    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| SAINT LOUIS     | MO    | 63114    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| OZARK           | MO    | 65721    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65807    |
| SPRINGFIELD     | MO    | 65804    |
| SPRINGFIELD     | MO    | 65809    |

185 foot mailing list



Menard Inc-Properties  
5101 Menard Drive  
Eau Claire, WI 54703

DEC 11 2014

Tyler Edwards  
Real Estate Representative

Dear Menard Spokesman,

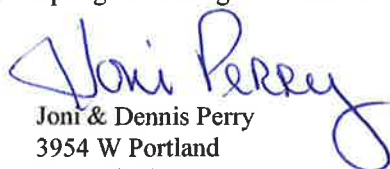
Not sure what the thinking behind putting a mega store in the middle of housing developments was. Recently we received a notice that Menards was planning on developing a piece of property at the end of our road. A few years ago we bought our home in a quiet subdivision outside of the city proper. We wanted to have a little bit of country to come home to after a busy day of work or shopping. We realized that we would not have all the advantages of the folks that lived in Springfield, but we were ok with that. We were led to believe based on information provided to us at the time our subdivision was developed that the field nearby would not be developed anytime soon. Based on the layout of our streets we figured that eventually the field to our east would become another subdivision. We never in our wildest dreams would think that a huge commercial development would be attempted so close to so many homes.

The manner that we were notified about all of this is nothing less than underhanded. The notice was sent out during the time we were all swamped with so many Black Friday ads. Only by luck did we even open the letter. We fear many other people just threw it away with so many other flyers. And then the small print of the map caused us to think it was going to be put into the site that is already being developed on Sunshine. This was a bad assumption on our part after attending the meeting hosted by Menards. We feel there has been a very concerted effort to mislead all of us effected by this plan.

We consider this an extreme invasion of our neighborhood. We do not support this project. This proposed project is surrounded by residential housing. There are no commercial developments near the properties effected. The attempt to consider this property as a Sunshine address is also very underhanded. It would be off County Rd 148. The fact that you all have been working to get this annexed and rezoned for your commercial purposes with little notice to the residents who will be affected is so unfair. This will be an extreme detriment to our neighborhoods. First off it will be within site of our front stoop and within site of a very popular city/county park. That park has been established as a 'farm' in our community existing within the county area and saluting the rural heritage of our area. And you all want to place a big box store in this environment. It will bring in much more traffic, create noise & air pollution, attract transient people through the area, and create all manner of hazards as the water runs off the parking lots through our yards on the way to Wilson Creek. We are concerned for the children who spend numerous summer evenings playing on our streets safe from concern. Establishing a large retail complex destroys everything that our neighborhood stands for. We fear this will negatively effect our property values and our ability to even sell our home. Who wants to look out their front yard to a box store, neon, parking lots, cars, trucks & street lights???

This is such a bad business move. We were excited about your company coming to the area. However now we only see one more attempt of Corporate America forcing itself in communities. And in such an underhanded way. What happened to helping the communities you work in? We ask that you rethink this development. Just driving around the area we can see several other possible locations for your store that do not have residential neighborhoods right off the parking lot. The development just south of this location on West Bypass & Republic road has already been established. What a great opportunity to further develop the west side of Springfield. Build it .... They will come. Please look for a different site that will not have the impact that this proposal will have on neighborhoods that people call home.

Spring View Heights Subdivision Residents

  
Joni & Dennis Perry  
3954 W Portland  
Springfield MO 65807





December 18, 2014

Joni & Dennis Perry  
3954 W Portland  
Springfield, MO 65807

Dear Joni & Dennis,

I received your letter on December 11 and based on the tone I do not think I will be able to ease your worry or change your mind. I do however want to defend the claim that I have underhandedly tried to mislead you. That statement could not be further from the truth. The notices for the public meeting were sent out based on a list the city provided and the application required they were sent out more than 10 days before the meeting. So when the location for the meeting was set the letters were sent out. It had absolutely nothing to do with Black Friday mail, our letter was sent in a Menards envelope addressed directly to you and not easily confused with an advertisement. Menards has followed all local and state laws for notification, all of this is public record on file with city staff.

The proposed site is located on Sunshine in the same fashion the Wal-Mart to the south is located on Sunshine. This road is very busy with thousands of cars a day making it the ideal location for a commercial user to locate and attract those drivers. Not to mention these roads provide fast and direct access to commercial lots. The Menards site does not share a road sidewalk or property with the neighboring park you mentioned and things at the park will stay the same after our store is built.

The orientation of our store will face away from any residential properties and the existing mature tree line will remain in place. The 14 foot tall fence around three sides of the store will block the light and keep the neighborhood quiet. I would encourage you to do a google map search of all the Menards stores that are located next to residential properties. There are quite a lot and they all coexist with Menards peacefully.

This large tract is a prime commercial development location. If Menards was not developing this property someone else will be in the near future and it is in everyone best interest to work with a company like Menards for a mutually agreeable outcome. Consider another commercial user that does not have the fence surrounding the back of the store, the loading docks and the vehicle traffic. There are no requirements for this and yet Menards does it to keep our yard safe and secure while keeping noise and light in. Drive behind any other commercial user in town and note that the loading docks and rear traffic area is wide open.

Menards truly is a great use for this site and is willing to work with the city and neighborhood to make this project work. The property will not stay vacant forever and this is the opportune time to turn it into a positive project that will address impacts like traffic congestion and make the necessary improvements to improve those conditions like what Menards is proposing.



Sincerely,  
**Menard, Inc.**

A handwritten signature in black ink, appearing to read 'Tyler Edwards', is written over the printed name.

**Tyler Edwards**  
Real Estate Representative  
Menard, Inc. – Properties  
5101 Menard Drive  
Eau Claire, WI 54703  
P: 715-876-2143  
C: 715-579-6699  
F: 715-876-5998  
[tedwards@menard-inc.com](mailto:tedwards@menard-inc.com)



City of Springfield  
840 Boonville Ave  
Springfield, Mo 65802

12/26/14 ✓ Tim -  
MARY S.  
DAN S.

Scanned +  
Sent 12/26/14

FYI.

Greg

12-20-14

Greg Burris  
City Manager

Dear Greg,

We were recently notified of a plan to build a Menards in West Springfield. We want to officially voice our concerns about this intended development. We live in the Spring View Heights Subdivision and would be greatly impacted by this plan. Our subdivision is located within walking distance of Rutledge Wilson park. Our intent when we moved into the area was to be close to Springfield to be accessible to the city, yet still enjoy the quiet of the county. We were very happy at the development of the park to the area. It really symbolizes the beginnings of Springfield. The area has been developed with nice housing subdivisions. However that all seems to be threatened with this building plan. We see the commercial development that is coming to the south side of Sunshine. We realize that progress will come. We had no idea that anyone would consider placing a major store right in the middle of residential housing. We have attending the initial meeting with the representative from Menards. He did little to relieve the concerns of the neighbors that would immediately be impacted by this plan. We did learn that a lot has already gone on behind the scenes to get this development underway. We feel that in itself is an injustice to the residents. This large development will be within full view of all the surrounding housing. We believe that this will have a negative impact on our property values. The fact that only this property will be annexed & zoned commercial is more than a little bit concerning. It all sound a little underhanded. And since all the residents impacted are in Greene County puts us all at a disadvantage. Are we even going to be notified of any city actions or hearings??

While looking into this matter, we found the a city creed that seems to be forgotten in this situation.

*The people of our community are the only reason we are here. Therefore, we are committed to Working with the Community to provide ethical & responsible local government so that everyone can enjoy the benefits of living and working in Springfield. We will achieve this through: Integrity and Pride of Service in everything we say and do, and with dedication to quality. Cooperation and Communication with one another and with citizens to ensure open government and open management with no surprises. Continuous Improvement of Services through cost-effective utilization of people, materials, ant technology. Leadership and Knowledge through staff training and development. Innovation in how we meet present and future needs of our city.*

Does the  
County chime in  
on this?

We hope that the residents of Greene county are considered a part of the Community that makes up Springfield. We have concerns about the noise, traffic- both vehicle & pedestrian, water run off to Wilson Creek through our yards, invasion of neon lights & parking lot lights, and changes to the roads. At present this property in question is off of CR 148, yet somehow in the plans it is going to be considered off Sunshine for purposes of zoning for commercial.

To summarize, we are not in favor of the development of the farm property located off Sunshine & Farm Rd 129 proposed by Menard Inc. Please help us keep the neighborhood surrounding Rutledge Wilson farm rural so that families can continue to enjoy the farm in the country setting that was intended. Help us keep the children and families safe as they play & visit the Farm and the neighborhoods.

Remember.....***Great Neighborhoods is the City of Springfield's philosophy for working with neighborhood residents and businesses to create and maintain great neighborhoods.***

Concerned Residents

Two handwritten signatures in dark ink. The first signature is 'Joni Perry' and the second is 'Dennis Perry'.

Joni & Dennis Perry  
3954 W Portland  
Springfield, MO 65807





December 30, 2014

City of Springfield  
Greg Burris  
City Manager  
840 Boonville Ave  
Springfield, MO 65802

Dear Mr. Burris,

Mary Lilly Smith forwarded a letter that was sent to you by Joni and Dennis Perry. I would like to provide this response to that letter because a lot of what was said needs further explanation.

West Sunshine Street is one of the busiest streets in all of Springfield, that traffic is what made this end of town so attractive in the first place. It should not be a surprise that commercial businesses develop along these major roads. It happens all over town, E Battlefield, S Glenstone, E Republic, West Bypass, Chestnut Expressway, Kansas Expressway, and Sunshine St are all examples of these major roadways that carry people through the city. The property at the southwest corner of the West Bypass and Sunshine across the street from our site is already developing into a commercial development. From what I understand this development has been ongoing for quite some time additional development should not be a shock. Commercial development usually spurs more commercial development which is exactly what is happening here. This side of town is devoid of commercial uses, forcing residents to drive across town, which only increases pollution, traffic accidents, and wear on the roads.

The 40 acre tract of land Menards is purchasing is not "right in the middle of residential housing" our site is next to the residential homes to the west. A commercial user locating next to homes is very common in all cities across the country including Springfield. There are roads buffering the property to the east and to the south. To the north the neighbor that buffers the entire project property has been supportive of the project and I have talked with her several times. As far as I know no one that shares a property line with the Menards project property has opposed the project. The opposition has come from people across the street or in the development away from the site. What I have gathered from the neighbors is they desire this property to remain an open field forever. They did not like the idea of commercial development and they opposed the suggestion of multifamily residential development. Because of the close proximity to heavy traffic on Sunshine there is a very low chance this could be developed into single family housing. The city's comprehensive plan designates this property as medium intensity retail in the long range growth plan. This designation is identical to many other commercial properties similar in size throughout Springfield including the Wal-Mart development across the street.

The area in question is not as rural as stated. Yes this is an open 40 acres owned by the same family for decades but within one mile of the site there is over 3,200 people, within three miles of the site there are over 50,000 people. With that population density this property is going to develop at some point in the near future, if it is not Menards it will be someone else. I offered the neighbors a change to turn this project into a positive development by working with us and offering suggestions but they refused and stuck to the idea that our project should go somewhere else.

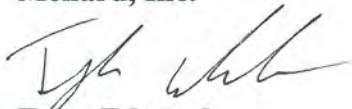


I was disappointed to read that the neighbors that wrote to you felt our progress has been "underhanded" because it could not be further from the truth. Our project is still in the early stages of development and the notifications and public notice for the neighborhood meeting strictly followed the city requirements. I have been very open with everyone involved and encouraged them to talk to me directly with questions, a few neighbors have taken me up on that but most have not. The neighborhood meeting was not productive and consisted of the neighbors yelling over each other or yelling at me for most of the meeting. At a few different points I had to threaten to end the meeting or kick people out if they could not regain control. It was a disappointing event as it could and should have been productive. Scott Wendt from the school district was at that meeting, if you would like to hear his version of the meeting I'm sure he would be willing to share that with you. I read that "he did little to relieve the concerns" but that is not true. I tried to get the residents to make specific requests such as keeping the existing trees on the north side or adding more trees along the Farm Rd but the neighbors insisted on reasons why Menards should not locate here rather than ways to affect the project.

The section of W Sunshine and the intersection with Farm Rd 129 is considered dangerous and in need of improvements by the Department of Transportation. There are four unrestricted access points onto W Sunshine that would be removed as part of this project. Three are private drives but one is Farm Rd 148, a public road that has an unrestricted entrance onto W Sunshine. The city traffic engineers and the DOT have always envisioned this road going away and being absorbed by the new McCurry intersection west of our project. We are offering to build a new frontage road at our expense to public standards so Farm Rd 148 connects to Farm Rd 129. There are quite a few improvements we are doing at the intersection of 129 and Sunshine, including street widening and new turn lanes. All of these improvements will be beneficial to the surrounding area and improve the safety and flow of the traffic on the nearby roads.

Regardless of residing in Greene County or not the residents near the development were notified per city ordinance and will be notified of the public hearings under the same requirements. Menards is not going to pack up and move away from this location. The dense neighboring population major roadways in front of the site and a large commercial development across the street make this a great site. We will work with the neighbors and city to try and make this project a positive impact on the surrounding area and I am always open to hearing ideas. If you have questions about our project or our intentions please feel free to contact me directly.

Sincerely,  
**Menard, Inc.**



**Tyler Edwards**  
Real Estate Representative  
Menard, Inc. – Properties  
5101 Menard Drive  
Eau Claire, WI 54703  
P: 715-876-2143  
C: 715-579-6699  
F: 715-876-5998  
tedwards@menard-inc.com



January 6, 2014

Dennis and Joni Perry  
3954 West Portland Street  
Springfield, MO 65807

Dear Mr. and Mrs. Perry:

Thank you for your letter dated December 20<sup>th</sup>. I appreciate your highlighting of concerns and offer the following information for your consideration:

- There will likely be two public opportunities to be heard (assuming the developer desires to proceed with the process) – one at a future Planning & Zoning Commission meeting and another subsequently at a future City Council meeting. The neighborhood meeting hosted by the developer is intended to initiate the “public process” associated with a re-zoning request and give the developer an opportunity to address neighborhood concerns prior to the Planning & Zoning Commission and City Council meetings.
- In your letter, you ask, “Are we even going to be notified of any city actions or hearings?” The answer is yes, you will be notified. Even though you live outside the city limits, it is the City of Springfield’s standard protocol to notify residents within 185 feet of the property line of the property seeking to be re-zoned. Additionally, even though you do not live within the Springfield city limits, you will be allowed to speak at both public hearings (Planning & Zoning Commission and City Council).
- In your letter, you state, “a lot has already gone on behind the scenes to get this development underway” and you “feel that in itself is an injustice to the residents.” This development has followed the standard protocol for these types of proposals – it has not been treated uniquely. The only work that has “gone on behind the scenes” is that City staff has worked with the developer to ensure his draft proposal meets all City of Springfield requirements.

I know the Planning & Zoning Commission and City Council will welcome your input during their respective public hearings once the project is ready to move to that stage in the process.

I hope this information is helpful to you.

Sincerely,



Greg Burris  
City Manager

**Office of the City Manager**  
Busch Municipal Building • 840 Boonville Avenue  
Springfield, Missouri 65802 • 417-864-1006 • [springfieldmo.gov](http://springfieldmo.gov)



February 24, 2015

\*\*\*

Kirk Johnson  
3949 West Portland St  
Springfield, Mo 65807

Department of Planning and Development  
840 Boonville Ave. P.O. Box 8368  
Springfield, Mo 65801

**Dear Planning Commission,**

I wanted to take the time to thank you for hearing us and our viewpoint of the proposed annexation and building of the Menards store on West Sunshine. As mentioned in my previous letter of dissent, this is a residential area. To put a commercial store right in the middle of it would definitely drive down property values and make all of our surrounding neighborhoods less desirable...especially the people who live right on FR 129.

In the meeting last night only one man stood to speak in dissent. In the meeting that Menards had with us in December they had a room full of dissenting voices. This proposal is not popular with anyone that I've talked to who lives in this immediate area.

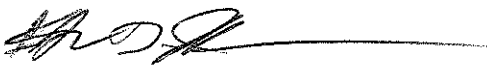
This is not the only property that Menards can build on. There is at least one other location that I believe would be more appropriate for a commercial site that sits further west on Sunshine.

As Tyler pointed out last night, please consider this: If it was your home that was looking at possibly having a commercial store built right outside your front door, would you be for it or against it?

Please do the right thing by us citizens and tax payers and vote no on this proposal.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirk Johnson', followed by a horizontal line.

Kirk Johnson

March 20, 2015

Janet Johnson  
1684 S. Farm Road 129  
Springfield, Mo 65807

Department of Planning and Development  
840 Boonville Ave. P.O. Box 8368  
Springfield, Mo 65801

Dear Planning Commission,

My husband and I would like to express our concern about the proposed building of Menard's in the location they desire.

The traffic on Farm Road 129 is very heavy now, adding more would not be a good ideal. Connecting Farm Road 148 and 129 would cause a larger congestion problem at the current traffic light. It is difficult to get through the signal now, we dread to think what it would be like if you allow this building proposal to pass.

There are also water run-off concerns. This area floods easily now. There is a resident's well that is a concern, Rutledge-Wilson Farm and Wilson's Creek.

At the meeting with Tyler Edwards from Menard's, he told the residents the only reason they didn't go ahead with their plans to build by Wal-Mart, this land was offered for less money. To us that show's there is no consideration for thousands of tax paying homeowners. Money before people seems to be the down line. Please show us we our wrong making that statement and DO NOT let this pass through your council.

Have any of you been out here to assess this area for yourself?

Would you vote this in if it was your neighbor hood? How would like it in your front door? Please think about these questions.

Thank you,

Sincerely,

*Wilson Johnson*  
*Janet Johnson*

Wilson & Janet Johnson

**From:** [mobleypm@gmail.com](mailto:mobleypm@gmail.com)  
**To:** [Neal, Daniel](#)  
**Subject:** Rezoning for Menards west location  
**Date:** Friday, March 27, 2015 2:38:04 PM

---

City of Springfield  
Planning and Zoning Commission  
840 Boonville Avenue  
Springfield, Missouri 65801

Commissioners,

I appreciate the assistance and information I have been given in addressing concerns regarding the proposed Menards location near Sunshine and West By-Pass and the proposed rezoning of this property to Highway Commercial. At this point I believe an agreement can be reached between myself and Menards in regard to the storm water issue. However, there are still other issues of concern to the residents in the area. One recurring complaint among the residents is we have been given very little information regarding the issues we have voiced concerns over, and what information we have received has been only by 'scraping and clawing' to get it.

What efforts will be made to abate an increase in criminal activity in the area during the building process, as well as after the businesses begin operating? There is already an unwanted amount of such activity in this area, and the conversion of this property will most probably invite an increase. Also, high traffic businesses on the north side of Sunshine will very likely draw panhandlers into our neighborhoods, as they are already a presence in the WalMart access area across Sunshine on an almost daily basis. Menards has assured me they will do their best to restrict this activity, but what assurance do the residents have the other businesses will also? What recourse will we have if this does become a problem?

What costs will the adjoining property owners be required to share? I have heard horror stories of established property owners being forced to pay to add curbing, driveway entrance improvements, etc. When a business improves their adjoining portions. These types of expenses would be an undue burden to the property owners for the benefit of new or existing businesses.

Currently this is a residential area, even though the properties to the east of the proposed location are zoned commercial. By their very nature, the proposed types of businesses will be an eye sore to surrounding residents, as well as creating an increase in noise levels from things such as increased traffic from both customer and delivery vehicles. The noise abatement fence Menards has proposed only surrounds their business establishment and does not address the remainder of the property, ie. the road entrance, parking areas, other business lots, etc. Considering Menards' hours of operation, the noise will be a very real and unwanted disturbance. Also, I have seen the premises of other Menards locations and the trash littering the parking lots and surrounding areas. Although Menards has assured the residents this will not be a problem here, we have no reason to believe this store will be any better at controlling this problem. This is a significant concern to me, as I have livestock, fencing, and a wet weather creek which would be endangered by an increase in the amount of trash 'migrating' onto my property. What assurance do the surrounding property owners have this will not be a problem, or what recourse will we have if it does become one?

Last on my current list of concerns remains the traffic problem this will exacerbate on Farm Road 129.

This is a very narrow road, with no sidewalks or shoulders and deep ditches alongside, with a dangerous speed limit of 45 mph. We often have bicycles and scooters on the road, as well as pedestrians who walk in the traffic lanes. There are homes with driveways accessing it, with children, pets and livestock, as well as the entrance into the Stonehinge housing development. It can be difficult and even dangerous to enter or exit our driveways, due to the current traffic load. Residents along this road have mailboxes between the ditches and the lanes of traffic. I personally have to cross the road as my mailbox is on the opposite side. It can be quite dangerous to retrieve our mail since we must stand almost in the roadway to do so. Also, residents must mow the grass, pick up trash out of the ditches, etc. right up to the traffic lanes as there are no shoulders.

The traffic on Farm Road 129 is already very heavy for a residential area and is bound to increase with the proposed business. It is extremely difficult to turn north onto West By-Pass from either Farm Road 142 or 146, so drivers proceed south on Farm Road 129 in order to make two left turns at intersections with traffic lights – 129/Sunshine and Sunshine/West By-Pass in order to go north on West By-Pass. This traffic includes large trucks from Wil Fischer and Frito-Lay to the north. Also, there is extra traffic on Farm Road 129 due to southbound drivers using it as a short cut from West By-Pass going into WalMart or turning west on Sunshine to avoid the West By-Pass/Sunshine intersection. Currently the lights at these two intersections are not well coordinated, and seasonal increases already make them a nightmare at times. Menards plans to connect to County Road 148 on the west side of the proposed site and add access for 148 to the new light further west on Sunshine. This may help with the previous problem of adding the traffic from 148 to the intersection at 129 and Sunshine, but it may also entice more drivers from West By-Pass to use the Menards access as a short cut to avoid an additional traffic light to go west on Sunshine.

All of the above combined is an accident waiting to happen, with a few close calls already having occurred. Additional traffic will only add to the likelihood of property damage or injury. Greene County has told me they would be willing to reduce the speed limit on Farm Road 129 north of the proposed Menards site, but are not intending to do anything further to remedy the current situation, much less address additional problems from new traffic. MODOT has said they have no funding for a traffic light, either at Farm Road 146 or Farm Road 142 at West By-Pass in order to alleviate some of the traffic traveling south in order to go north. I understand Menards intends to make improvements on Farm Road 129 adjacent to their property, but are there any plans for improvements on Sunshine or on West By-Pass, to address the above issues? What input will the effected property owners have in the decision making process for any changes to Farm Road 129?

The residents have been told there was a traffic study done that indicates there will be little or no effects to the traffic situation, but I find this very hard to believe. What recourse would the residents have if this type of use of this property does in fact cause these problems, or others not currently considered?

Your attention to these matters is appreciated.

Sincerely,

Patricia M Mobley



1547 S Farm Road 129  
Springfield, Missouri 65807  
325-668-7064



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[www.avast.com](http://www.avast.com)

# SERVICE REQUEST SUMMARY FORM

**CASE NO:** **Reporting Dept** **Responsible Dept** **Status** **Date reported** **Date abated** **Parcel#**  
SVC2015-01292 PIO CLK REC 03/30/2015 00/00/0000 0  
**Reg Type** INFORMATIONAL

## Service Information

**Site Address:** 3705 W SUNSHINE ST

**Intersection:**

**Geocode?** ☒

**Occupant:**

**Owner:**

**Requestor:**

STEVE EDMONDSON  
SPRINGFIELD, MO  
417-300-1974

## Misc Information

|                               |                                                                                                                                                              |                                                                                                                                                                   |                                                                                                 |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Health</b><br>Inspector: ? | <b>PIO</b><br>Council Zone: 3<br>PIO Closure? <input type="checkbox"/><br>Internet Request? <input type="checkbox"/><br>COP Report? <input type="checkbox"/> | <b>PLANNING</b><br>Neighborhood association:<br>(None)<br>Neighborhood team report? <input type="checkbox"/><br>Neighborhood assessment? <input type="checkbox"/> | <b>BDS</b><br>BDS structure type:<br>BDS posted date:<br>BDS zoning district:<br>BDS Inspector: |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|

## STORM WATER

Existing storm system failure ☐ Channel or Erosion ☐ Problem Corrected? ☐ Major Flood Event:  
Structure Flooding ☐ Sinkhole ☐ Flood Zone:  
Yard / Parking Lot Flooding ☐ Street Flooding ☐ Easement:

## ADDRESS DESCRIPTION:

## ADDL PROPERTY INFO:

**SITUATION:** Caller said he is part of the community that is fighting the Menards that is planned on the west side of Springfield. He said the location is only about 4,000 feet from Rutledge Wilson Farm. They are very concerned for the safety of the children that will be at the park because of their track record for polluting the water and air around them. He said they found a Web site, Menard's Pollution, that showed they have been fined by the EPA millions of dollars for polluting water, etc. He said if they would build 500 feet away, on the other side of Sunshine, it would not effect water in Wilson's Creek. Water on that side of Sunshine does not flow towards the park and the creek.

Caller asked that this information be provided to City Council and anyone else that can help them fight this.

## Activity Information

| Action Description | user    | user date  | start date | due date | done date | Notes                                                                                                       |
|--------------------|---------|------------|------------|----------|-----------|-------------------------------------------------------------------------------------------------------------|
| Complaint Received | ccright | 03/30/2015 | 03/30/2015 |          |           |                                                                                                             |
| Route - Council    | ccright | 03/31/2015 | 03/31/2015 |          |           | A copy of this request is being provided to City Clerk's office to provide to Council members.              |
| Route - City Clerk | ccright | 03/31/2015 | 03/31/2015 |          |           | A copy of this request provided to City Clerk's office.                                                     |
| Route - misc.      | ccright | 03/31/2015 | 03/31/2015 |          |           | A copy of this will also be provided to City manager, Director of Public Information and Planning Director. |

## Caller Information

| Name            | Address        | Phone        | Notes |
|-----------------|----------------|--------------|-------|
| STEVE EDMONDSON | SPRINGFIELD MO | 417-300-1974 |       |

March 21, 2015

3986 W. Portland Street  
Springfield, MO 65807

Daniel Neal, Senior Planner  
Department of Planning and Development  
P.O. box 8368  
Springfield, MO 65801

Dear Mr. Neal:

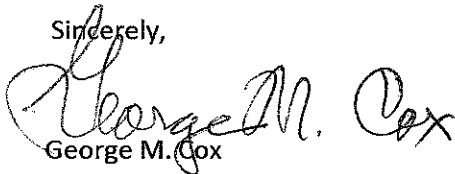
Originally I was for Menards moving into the area, because I thought it was going to be on the south side of Sunshine Street, due to all of the construction going on there. However, I am against Menards being located north of Sunshine, because of the residential area in which I live. We have a nice quiet little community, and I know it will be extremely disrupted by Menards and the traffic problems it will bring.

I am also concerned that our property values will fall, and it will be more difficult to sell our homes if we decide to relocate.

If Menards builds a store next to Walmart, I am for it; however, I am against Menards building a store along Farm Road 129 (north of Sunshine).

Thanks for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "George M. Cox". The signature is written in dark ink and is positioned above the printed name "George M. Cox".

George M. Cox

573-682-4219



MEMORANDUM

Date: March 6, 2015

To: Mayor Stephens and Members of City Council

From: Tim Smith

Subject: Menards West

---

At the February 23 City Council meeting, questions were raised concerning the following topics: fire response time, stormwater, and traffic. Additional information on these topics is provided below:

**FIRE RESPONSE**

The SFD evaluates response times in two primary manners. The first is called the 1<sup>st</sup> Due response time. This measures how long it takes an initial unit to be on scene. For many incidents, such as medical emergencies, grass fires, and fire alarms, a single unit is all that is required to cover the tasks that must be performed. The national standard is for the 1<sup>st</sup> Due unit to arrive within six minutes 90% of the time. For the City as a whole, ninety percent of the time our 1<sup>st</sup> Due unit arrives within nine minutes and one second. As you can see, the estimated five minutes and thirty second 1<sup>st</sup> Due response time to this location is not only better than the citywide average, it is within the national standard.

The second type of response time we measure is called the Effective Response Force (ERF), which is the amount of time it takes to get enough apparatus and staffing to handle incidents requiring multiple units. For example, building fires, hazardous material spills, and industrial accidents require multiple units be dispatched due to the number of tasks that must be conducted. The national standard for an ERF is ten minutes and twenty seconds 90% of the time. For the City as a whole, ninety percent of the time our ERF for this type of structure is thirteen minutes and eighteen seconds. Like the 1<sup>st</sup> Due

response, the expected ERF response time for this location is better than the citywide average and is within the national standard.

The only negative impact to the fire department is that responses to this location takes units out of service so they are no longer available for incidents in other areas of the City. We do not expect a high call volume due to the type of development. This is why the Fire Department is not concerned with this annexation.

## **STORMWATER**

City regulations require stormwater runoff from the site be discharged into a public right-of-way, certified waterway or drainage easement at a rate not exceeding the pre-development peak rate. Runoff drains from the Menards site at two locations. About half the site drains to the west, through an existing mobile home park (see attached map) and about half from the northeast corner of the site to right-of-way for County Farm Road 129 (Zimmer Avenue). Existing development will make it very difficult to obtain a drainage easement through the mobile home park to the west. Menards thus proposed to direct all the runoff from the site to drain from the northeast corner into the right-of-way of Farm Road 129.

Existing ditches along Farm Road 129 are not adequate to convey this amount of runoff; therefore, the developer is required to provide downstream drainage improvements north of the site. A drainage easement must be obtained by Menards from the adjoining property to the north to construct these improvements. The exact location of the improvements and easement is not yet known and is being negotiated between Menards and the property owner. Regardless of the exact location, the improvements will extend to an existing drainage easement in Stonehinge Subdivision to the north. Final design and approval by the City will depend on the outcome of these discussions. These issues must be resolved prior to issuance of any development permits.

## **TRAFFIC**

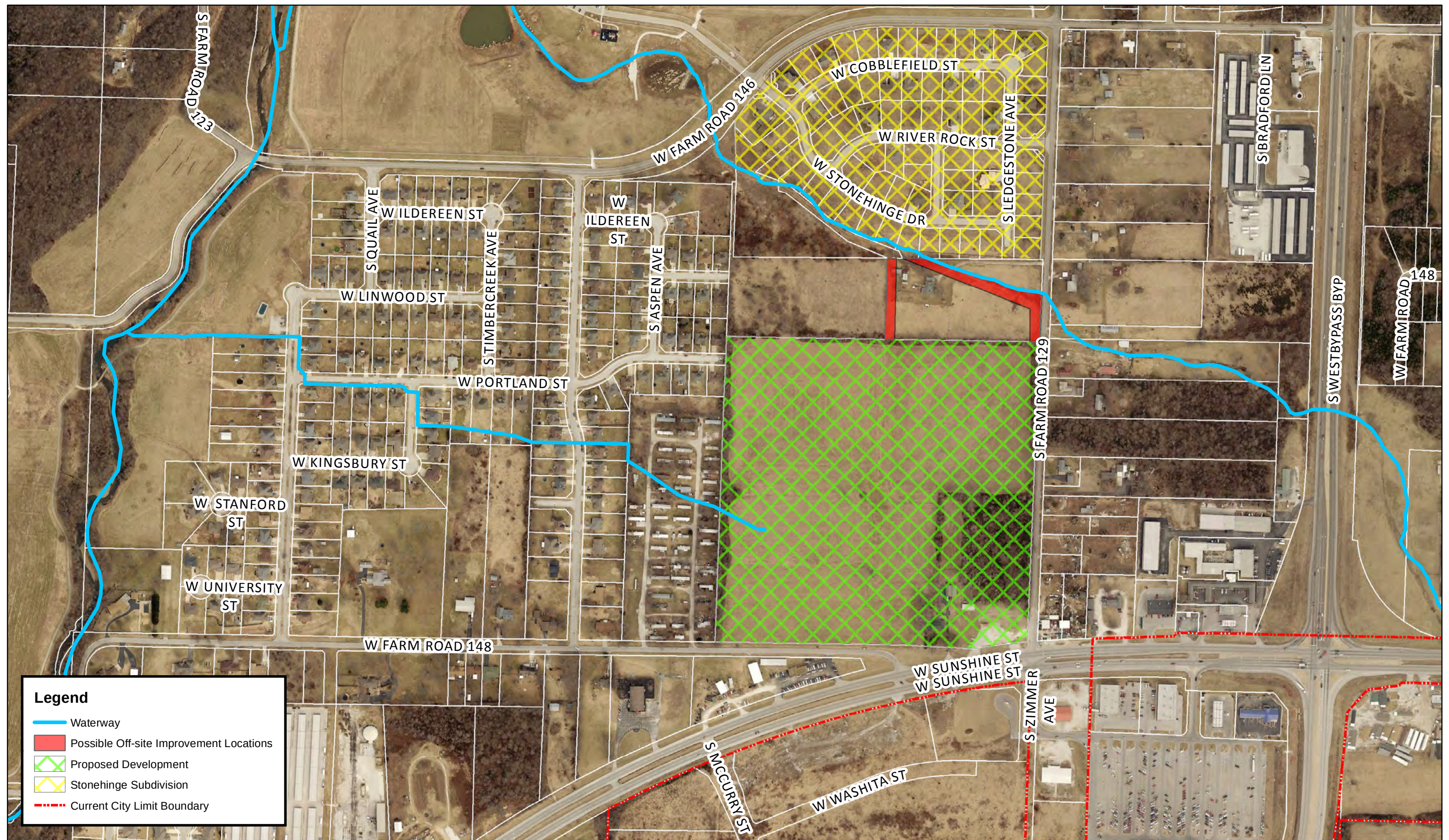
A traffic study was required for this property as part of the rezoning request. This traffic study considered the area in which development-generated traffic is found to have a significant impact on the surrounding street network. Existing traffic counts were performed by the developer to create a baseline for the area. These counts were reviewed and approved by Public Works staff after comparison with the City's most recent traffic count data for the same roadways. Future trips generated by the site were estimated using Trip Generation manuals published by the Institute of Transportation

Engineers (ITE). The additional trips generated by the development were distributed on the street network using industry standard practices. The trip distribution used in the traffic study was independently confirmed by Public Works staff. New trips generated by this property at the full development proposed were distributed as follows (please see attached map for street locations):

- 30% to and from the west on Sunshine Street
- 55% to and from the east on Sunshine Street
- 3% to and from Farm Road 148
- 2% to and from Farm Road 129
- 10% to and from the commercial development to the south of Sunshine Street.

The traffic study showed the need for improvements at the intersection of Sunshine Street and Farm Road 129/Zimmer Avenue, the extension of McCurry Street north of Sunshine Street, and additional turn lanes at the intersection of Farm Road 148 and Farm Road 129 created by the relocation of Farm Road 148. All of these improvements will be made by the developer. The additional traffic north of this development on Farm Road 129 is not expected to be significant and will not result in a decreased level of service for the roadway. Therefore, Public Works staff believes that with these improvements, the roadway system will continue to operate at an acceptable level, similar to the level experienced on the street network today.





**Legend**

- Waterway
- Possible Off-site Improvement Locations
- ▨ Proposed Development
- ▨ Stonehinge Subdivision
- - - Current City Limit Boundary



0 137.5 275 550 825 1,100 Feet  
 SCALE: 1:4,500

# West Menards Development



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



**EXPLANATION TO COUNCIL BILL NO: 2015-\_\_\_\_\_**

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

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To accept the dedication of the public streets and easements as shown on the Preliminary Plat of **MENARDS WEST** generally located at 3705 West Sunshine Street. (Staff recommends that City Council accept the public streets and easements.)

**BACKGROUND INFORMATION:**

- A. The Preliminary Plat of **MENARDS WEST** dated February 13, 2015, the original of which is on file in the Department of Planning and Development, a reduced version of which is included for general reference and legal in Attachment 3.
- B. The Planning and Zoning Commission held a public hearing on April 9, 2015 and \_\_\_\_\_ the preliminary plat and a subdivision variance 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. Sanitary sewers shall be extended to all building sites. The sewer as shown on the plat will require public improvement plans. A portion of the property is covered by a \$0.033 per square foot trunkline connection fee. This fee has to be paid when the engineering and inspection fees for the public improvements are paid.
    - b. Off-site construction easements may need to be obtained to connect to existing sewer. All required easements will need to be approved and executed before the public improvement plans can be approved.
    - c. Stormwater detention and water quality will be required to be constructed on-site so that the post development peak runoff rate is no greater than the predevelopment peak runoff rate. On-site public improvements will be required for concentrated runoff crossing lot lines as well as for detention/water quality features serving more than one lot. These Improvements will need to be constructed prior to final plat approval or issuance of a building permit.

- d. Downstream improvements will be required to convey runoff from the development to prevent downstream flooding problems. Concentrated points of discharge from these improvements will be required to discharge to a public right-of-way, drainage easement or certified natural surface water channel. Greene County approval will be required for these improvements.
  - e. Sidewalks are required along the property frontage of Zimmer Avenue (Farm Road 129) and along both sides of the relocated portion of Farm Road 148 (University Street).
- 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
  - a. No access is allowed to State Highway 413 from lots 1, 2 and 3 unless otherwise dictated on the final plat.
  - b. Proposed easements are acceptable, but exact size and locations will be determined at design stage. Short extensions will be needed to serve all lots and will be determined at design stage. City Utilities will determine the necessary easements prior to final plat approval.
- 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.

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:

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Daniel Neal, Senior Planner

Reviewed by:

Approved by:

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Bob Hosmer, AICP, Principal Planner

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Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceeding

Exhibit B, Zoning and Subdivision Staff Report

ATTACHMENTS:

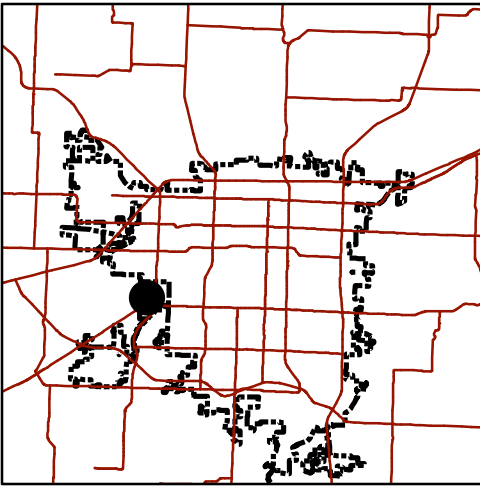
Attachment 1, Background Report

Attachment 2, Subdivision Variance Approval Criteria

Attachment 3, Preliminary Plat

EXHIBIT A  
BACKGROUND REPORT  
PRELIMINARY PLAT – MENARDS WEST

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



# Zoning & Subdivision Report

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

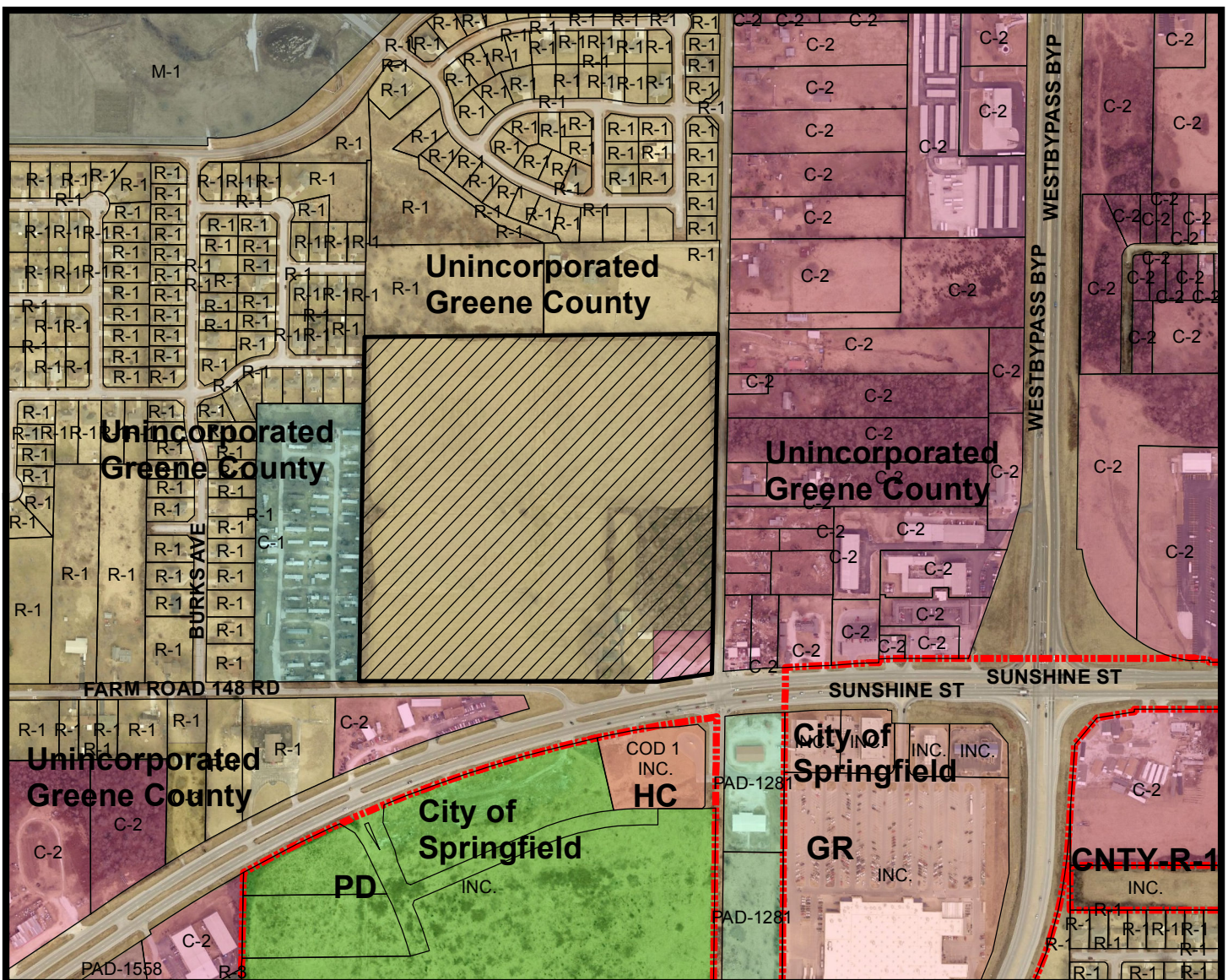
## Preliminary Plat - Menards West

Location: 3705 W. Sunshine St.

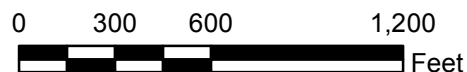
Current Zoning: County R-1, Suburban Residence District and  
County C-2, General Commercial District

Proposed Zoning: HC, Highway Commercial with COD #85

### LOCATION SKETCH



- Area of Proposal



1 inch = 600 feet

# *Zoning & Subdivision Report*

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

## **PRELIMINARY PLAT – MENARDS WEST**

DATE: February 24, 2015

PURPOSE: To approve a preliminary plat to subdivide approximately 39.13 acres into a five (5) lot commercial subdivision with a subdivision variance to not require a turnaround at the end of a dead-end street (Portland St.).

### **BACKGROUND:**

LOCATION: 3705 W. Sunshine Street

APPLICANT: Donald and Patricia McCurry

TRACT SIZE: Approximately 39.13 acres

EXISTING USE: Single-family residence and vacant/undeveloped land

PROPOSED USE: Uses permitted in the HC, Highway Commercial District

### **RECOMMENDATION:**

The request be **approved**.

### **FINDINGS:**

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

### **CONDITIONS:**

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
  - a. Sanitary sewers shall be extended to all building sites. The sewer as shown on the plat will require public improvement plans. A portion of the property is covered by a \$0.033 per square foot trunkline connection fee.



This fee has to be paid when the engineering and inspection fees for the public improvements are paid.

- b. Off-site construction easements may need to be obtained to connect to existing sewer. All required easements will need to be approved and executed before the public improvement plans can be approved.
  - c. Stormwater detention and water quality will be required to be constructed on-site so that the post development peak runoff rate is no greater than the predevelopment peak runoff rate. On-site public improvements will be required for concentrated runoff crossing lot lines as well as for detention/water quality features serving more than one lot. These Improvements will need to be constructed prior to final plat approval or issuance of a building permit.
  - d. Downstream improvements will be required to convey runoff from the development to prevent downstream flooding problems. Concentrated points of discharge from these improvements will be required to discharge to a public right-of-way, drainage easement or certified natural surface water channel. Greene County approval will be required for these improvements.
  - e. Sidewalks are required along the property frontage of Zimmer Avenue (Farm Road 129) and along both sides of the relocated portion of Farm Road 148 (University Street).
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
- a. No access is allowed to State Highway 413 from lots 1, 2 and 3 unless otherwise dictated on the final plat.
  - b. Proposed easements are acceptable, but exact size and locations will be determined at design stage. Short extensions will be needed to serve all lots and will be determined at design stage. City Utilities will determine the necessary easements prior to final plat approval.
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.

ATTACHMENT 1  
BACKGROUND REPORT  
PRELIMINARY PLAT – MENARDS WEST

AT&T COMMENTS:

AT&T facilities are located along both farm roads 148 and 129. All will have to be addressed individually. The facilities along farm rd 148 will require utility easements. Facilities along farm rd 129 appear to be located on the east side. Utility locates will have to be done to determine if there are any conflicts.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments

CITY UTILITIES COMMENTS:

No objection to approving the preliminary plat. Proposed easements are acceptable. Exact size and locations will be determined at design stage. Short extensions will be needed to serve all lots and will be determined at design stage. Replacement easements will be needed, or utilities relocated if Farm Road 148 is vacated.

FIRE DEPARTMENT COMMENTS:

No issues with Fire Department.

TRAFFIC DIVISION COMMENTS:

There are no issues with the preliminary plat.

1. Sidewalks are required along the property frontage of Zimmer Avenue (Farm Road 129) and along both sides of the relocated portion of Farm Road 148 (University Street).
2. No access is allowed to State Highway 413 from lots 1, 2 and 3 unless otherwise dictated on the final plat.

The following improvements are required based on the results of the traffic study:

1. Farm Road 148 will be realigned north and intersect with Zimmer Road (Farm Road 129) no closer than 250 feet from the right of way line of MO 413 (Sunshine Expressway). The new intersection of Zimmer Road (Farm Road 129) and Farm Road 148 (University Street) will include the following elements:
  - a. Southbound right turn lane
  - b. Eastbound left turn lane
  - c. Eastbound right turn lane
  - d. Northbound left turn lane

2. The existing intersection at Zimmer Road (Farm Road 129) and MO 413 (Sunshine Expressway) will require the following improvements:
  - a. Westbound right turn lane, 200 feet in length
  - b. Southbound right turn lane, 120 feet in length
  - c. Southbound left turn lane creating dual lefts (one extending to the realigned Farm Road 148 (University Street), one approximately 120 feet in length)
  - d. Lengthen eastbound left turn lane to 350 feet in length
3. McCurry Avenue will be extended from Farm Road 148 (University Street) to MO 413 (Sunshine Expressway). Enough right-of-way will be provided to meet existing street and intersection standards.

#### MISSOURI DEPARTMENT OF TRANSPORTATION (MoDOT) COMMENTS:

MoDOT has no objections to the preliminary plat as presented.

#### STORMWATER COMMENTS:

There are no stormwater issues with the Preliminary Plat. Please note, however, that development of the property will be subject to the following conditions at the time of development:

1. Stormwater detention and water quality will be required to be constructed on site so that the post development peak runoff rate is no greater than the predevelopment peak runoff rate.
2. On-site public improvements will be required for concentrated runoff crossing lot lines as well as for detention/water quality features serving more than one lot. These Improvements will need to be constructed prior to final plat approval or issuance of a building permit.
3. Downstream improvements will be required to convey runoff from the development to prevent downstream flooding problems. Concentrated points of discharge from these improvements will be required to discharge to a public right-of-way, drainage easement or certified natural surface water channel. Greene County approval will be required for these improvements.

#### GREENE COUNTY COMMENTS:

Greene County Highway Department will not require a T-turnaround at the end of Portland Ave. and has no issues with the Preliminary Plat. Some additional public drainage improvements may be required on Farm Road 129 at the proposed plat boundary onto County right-of-way.

#### CLEAN WATER SERVICES COMMENTS:

1. There are minor comments on the location of the proposed sanitary sewer that can be corrected when the public improvement plans are submitted. See changemarks.

2. The sewer as shown on the plat will require public improvement plans. Submit plans by completing the application for public improvements on the developers resource website.
3. A portion of the property is covered by a \$0.033 per square foot trunkline connection fee. This fee has to be paid when the engineering and inspection fees for the public improvements are paid. Based on our GIS, the area of the property within the trunkline agreement is 895,693 sq. feet. The trunkline fee will be \$29,557.87 based on this area.
4. Offsite construction easements may need to be obtained to connect to existing sewer. All required easements will need to be approved and executed before the public improvement plans can be approved.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 39.13 acres into a five (5) lot commercial subdivision named "MENARDS WEST". The property is currently zoned County R-1 and C-2, however an application has been filed to annex and rezone the property to an HC, Highway Commercial District with Conditional Overlay District #85.
2. The applicant is also requesting a subdivision variance to not require a turnaround at the end of a Portland Street which is a dead-end street (see Attachment 2). City Staff and Greene County Staff both support the request since Portland Street is classified as a local roadway and Linwood Street would provide better lot access and street connections to Farm Road 129 (Zimmer Avenue).
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.

CITY COUNCIL: April 27, 2015

STAFF CONTACT:

Daniel Neal  
Senior Planner

ATTACHMENT 2  
SUBDIVISION VARIANCE APPROVAL CRITERIA  
PRELIMINARY PLAT – MENARDS WEST

The applicant is requesting a subdivision variance from Section 403(6) of the Subdivision Regulations which requires a turnaround or cul-de-sac at the end of a dead-end street. Portland Street dead-ends into proposed Lot 4 and is not shown to be extended or ended with a turnaround or cul-de-sac. Staff supports this variance request because the length of the dead-end street is not significant and has existed for over 10 years when the subdivision was first constructed. The extension of Linwood Street (the east-west street north of Portland) to the east and connecting with Zimmer Avenue is a more viable option because it provides better lot access and street connections to Farm Road 129 (Zimmer Avenue). Also, at the developer's neighborhood meeting, residents wanted the existing vegetation to remain as a buffer between the proposed commercial development and the existing residential subdivision. Greene County supports the request, too.

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:

Constructing a turnaround at the end of Portland St would reduce the amount of space that could be utilized as stormwater detention on this property. It would also require the removal of the existing tree buffer between the residential homes and the Menards development. The neighbors have been insistent that they want that buffer to remain as a buffer between the two land uses. This neighborhood has lived without any turnaround for many years and never reported a problem. Constructing the turnaround would create an unnecessary financial hardship on Menards if forced to construct a turnaround that no one wants.

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

APPLICANT'S RESPONSE:

In the case of this particular variance Menard, Inc. is looking out for the neighboring property owners and their quality of life. Removing that tree buffer would reduce the buffer between the properties potentially increasing the visual impact Menards would have on the neighbors. Granting the variance will keep the property owners ability to enjoy their property as high as it is today without any changes.



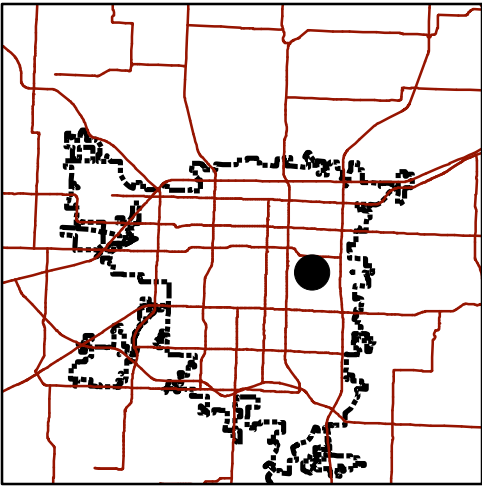
- (c) The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.

APPLICANT'S RESPONSE:

This neighborhood has lived without a turnaround for many years with no negative impacts and they have expressed the desire it is never built so they can preserve their quality of life. Keeping the existing conditions as-is will not be a detriment to anyone, in fact everything will stay exactly the same as it is today if it is never built.

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





# Zoning & Subdivision Report

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

## Vacation 778

Location: 2500 block E. Elm Street

### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

# Zoning & Subdivision Report

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

## **VACATION #778**

DATE: March 23, 2015

PURPOSE: To vacate a portion of unimproved Elm Street right-of-way east of Anoka Avenue.

### BACKGROUND:

LOCATION: 2500 block E. Elm Street

APPLICANT: City of Springfield Public Works

### RECOMMENDATION:

Staff recommends **approval** of this request.

### FINDINGS FOR STAFF RECOMMENDATION:

The requested Vacation #778 meets the approval criteria listed in Attachment 2.

### STAFF CONTACT:

Daniel Neal  
Senior Planner

### ATTACHMENTS:

Attachment 1 - Background Report  
Attachment 2 - Approval Criteria

Exhibit A - Legal Description  
Exhibit B – Site Plan

ATTACHMENT 1  
BACKGROUND REPORT  
VACATION #778

APPLICANT'S PROPOSAL:

The City is requesting the vacation of a portion of unimproved right-of-way in the 2500 block of East Elm Street. A street was never constructed within this right-of-way and the City does not intend on using it in the future since all surrounding lots have access to other public streets.

TRAFFIC ENGINEERING COMMENTS:

Traffic has no issues with vacating this portion of Elm Street.

AT&T COMMENTS:

Please provide a 15 ft utility easement along the North of Elm from Lot 19-15. No other objections.

CITY UTILITIES COMMENTS:

There is an existing water main on Elm that ends on the property at a blow off valve. Please provide a 15 ft x 15 ft utility easement in the SW corner of the vacated property for this facility. No other objections.

STORM WATER COMMENTS:

No objection to vacating a portion of E. Elm Street. No impact on public stormwater.

FIRE DEPARTMENT COMMENTS:

No issues.

CLEAN WATER SERVICES:

No objections to rezoning. If the R/W is vacated and the property is combined with the property to the north, those two lots can be removed from the future tax bill.

BUILDING DEVELOPMENT SERVICES:

No BDS issues with vacating the ROW.



ADJACENT PROPERTY OWNER COMMENTS:

Thirteen (13) property owners are within three hundred (300) feet of this site and have been notified of this action. No one has objected to date.

STAFF COMMENTS:

1. The City is requesting the vacation of a portion of unimproved right-of-way in the 2500 block of East Elm Street. A street was never constructed within this right-of-way and the City does not intend on using it in the future since all surrounding lots have access to other public streets.
2. The proposed vacation meets the approval criteria for vacating right-of-way. Replacement easements are being provided to City Utilities and AT&T.



ATTACHMENT 2  
APPROVAL CRITERIA  
VACATION #778

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

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

STAFF RESPONSE:

All adjacent property owners have access to other public streets.

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

STAFF RESPONSE:

The Director of Public Works initiated this request.

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

STAFF RESPONSE:

The retention of the right-of-way serves no useful purpose since all adjacent lots have access to other public streets.

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

STAFF RESPONSE:

The proposed vacation will not adversely affect the ability to use utilities, public or private. Replacement easements are being provided to City Utilities and AT&T as requested.

EXHIBIT A  
LEGAL DESCRIPTION  
VACATION #778

DESCRIPTION FOR STREET VACATION:

Beginning at the Northeast corner of Lot 14 of the Amended Plat of Anoka Place Subdivision, a subdivision in Greene County, Missouri; Thence West along the south right of way of Elm Street a distance of 114.33 feet to the Northwest corner of Lot 13; Thence North to the Southwest corner of Lot 19 of said subdivision; Thence East along the north right of way of Elm Street a distance of 115.33 feet to the Southeast corner of said Lot 19; Thence South a distance of 30.0 feet to the Point of Beginning. Containing 3,444.0 square feet, more or less.



PATTERSON AVENUE



VACATED AREA OF ELM STREET:  
Containing 3,444.0 square feet, more or less

|                                                |              |               |              |
|------------------------------------------------|--------------|---------------|--------------|
| DEPARTMENT OF PUBLIC WORKS                     |              |               |              |
| SPRINGFIELD, MISSOURI                          |              |               |              |
| VACATION OF ELM STREET,<br>EAST OF ANOKA PLACE |              |               |              |
| APPROVED BY _____                              |              | DATE _____    |              |
| DIRECTOR OF PUBLIC WORKS                       |              |               |              |
| DRAWN BY: COS                                  | SCALE: COS   | REVISION: N/A | SHEET: 1     |
| FIELD BY: _____                                | CHECKED: COS | DATE: N/A     | OF: 1 SHEETS |
| LOCAL NO: _____                                | DATE: _____  | BY: N/A       | RE: N/A      |

**EXPLANATION TO COUNCIL BILL NO: 2015-\_\_\_\_\_**

FILED:

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 1.66 acres of property generally located at 3200 East Sunshine Street from a Planned Development District No. 9 to a GR, General Retail District; and establishing Conditional Overlay District No. 92 (Staff recommends approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-14-2015/CONDITIONAL OVERLAY DISTRICT NO. 92

The applicant is proposing to rezone this property from a Planned Development District No. 9 to a GR, General Retail District; and establishing Conditional Overlay District No. 92. The Conditional Overlay District that accompanies this request requires the dedication of right-of-way on Mayfair Avenue and at the corner of Mayfair Avenue and Sunshine Street, requires access on Mayfair Avenue to be located at least one-hundred-fifty (150) from Sunshine Street, prohibits access on Washita Street and requires a traffic study to be completed at the time of development.

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 April 9, 2015, and recommended \_\_\_\_\_, by a vote of \_\_\_\_\_ to \_\_\_\_\_, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings).

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

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will provide for the redevelopment of this property consistent with the surrounding property.
2. Approval of this request will provide for the productive use of this property where investments in public infrastructure and services have already been made.
3. The Conditional Overlay District will provide for the dedication of right-of-way for adjacent streets, govern access to adjacent streets and require a traffic study at the time of development.

Submitted by:



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Alana D. Owen, AICP, Senior Planner

Reviewed by:

Approved by:

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Bob Hosmer, AICP, Principal Planner

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Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Conditional Overlay Provisions

Exhibit D, Zoning and Subdivisions Staff Report

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary

EXHIBIT A  
RECORD OF PROCEEDINGS  
ZONING CASE Z-14-2015 & CONDITIONAL OVERLAY DISTRICT NO. 92

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



EXHIBIT B  
LEGAL DESCRIPTION  
ZONING CASE Z-14-2015 & CONDITIONAL OVERLAY DISTRICT NO. 92

ALL OF LOTS 1, 2, AND 3 OF REPLAT OF LOT 1 OF CONNIE TERRACE, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, LYING IN THE NE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 29 NORTH, RANGE 21 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NE1/4 OF THE NE1/4; THENCE S87°16'39"E, ALONG THE NORTH LINE OF SAID NE1/4 OF THE NE1/4, 262.34 FEET; THENCE S01°39'00"W, LEAVING SAID NORTH LINE, 45.00 FEET TO AN EXISTING 5/8" IRON PIN LYING ON THE SOUTH RIGHT-OF-WAY LINE OF SUNSHINE STREET FOR A POINT OF BEGINNING. THENCE CONTINUING S01°39'00"W, ALONG THE EAST LINE OF LOTS 1 & 3 OF SAID REPLAT OF LOT 1 OF CONNIE TERRACE, 304.22 FEET TO A 60D NAIL SET IN A STUMP LYING ON THE NORTH RIGHT-OF-WAY LINE OF WASHITA STREET (SAID POINT BEING THE SOUTHEAST CORNER OF LOT 3 OF SAID REPLAT OF LOT 1 OF CONNIE TERRACE); THENCE N87°27'47"W, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID WASHITA STREET, 237.53 FEET TO A 5/8" IRON PIN SET AT THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE OF WASHITA STREET AND THE EAST RIGHT-OF-WAY LINE OF MAYFAIR AVENUE (SAID POINT BEING THE SOUTHWEST CORNER OF LOT 3 OF SAID REPLAT OF LOT 1 OF CONNIE TERRACE); THENCE N01°35'33"E, ALONG SAID EAST RIGHT-OF-WAY LINE OF MAYFAIR AVENUE, 305.00 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF SUNSHINE STREET; THENCE S87°16'39"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 237.85 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. CONTAINING 1.66 ACRES.

EXHIBIT C  
CONDITIONAL OVERLAY DISTRICT PROVISIONS  
ZONING CASE Z-14-2015 & CONDITIONAL OVERLAY DISTRICT NO. 92

The requirements of *Section 4-3100* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

**Use Limitations**

1. A Traffic Study is required at the time of development based on what is being developed.
2. A thirty (30) foot by thirty (30) foot right-of-way sight triangle shall be dedicated at Mayfair Avenue and Sunshine Street.
3. Additional right-of-way shall be dedicated for Mayfair Avenue to total thirty (30) feet from the centerline.
4. Access to Mayfair Avenue shall be located at least one-hundred-fifty (150) feet from Sunshine Street.
5. No access shall be permitted to Washita Street.

# Zoning & Subdivision Report

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

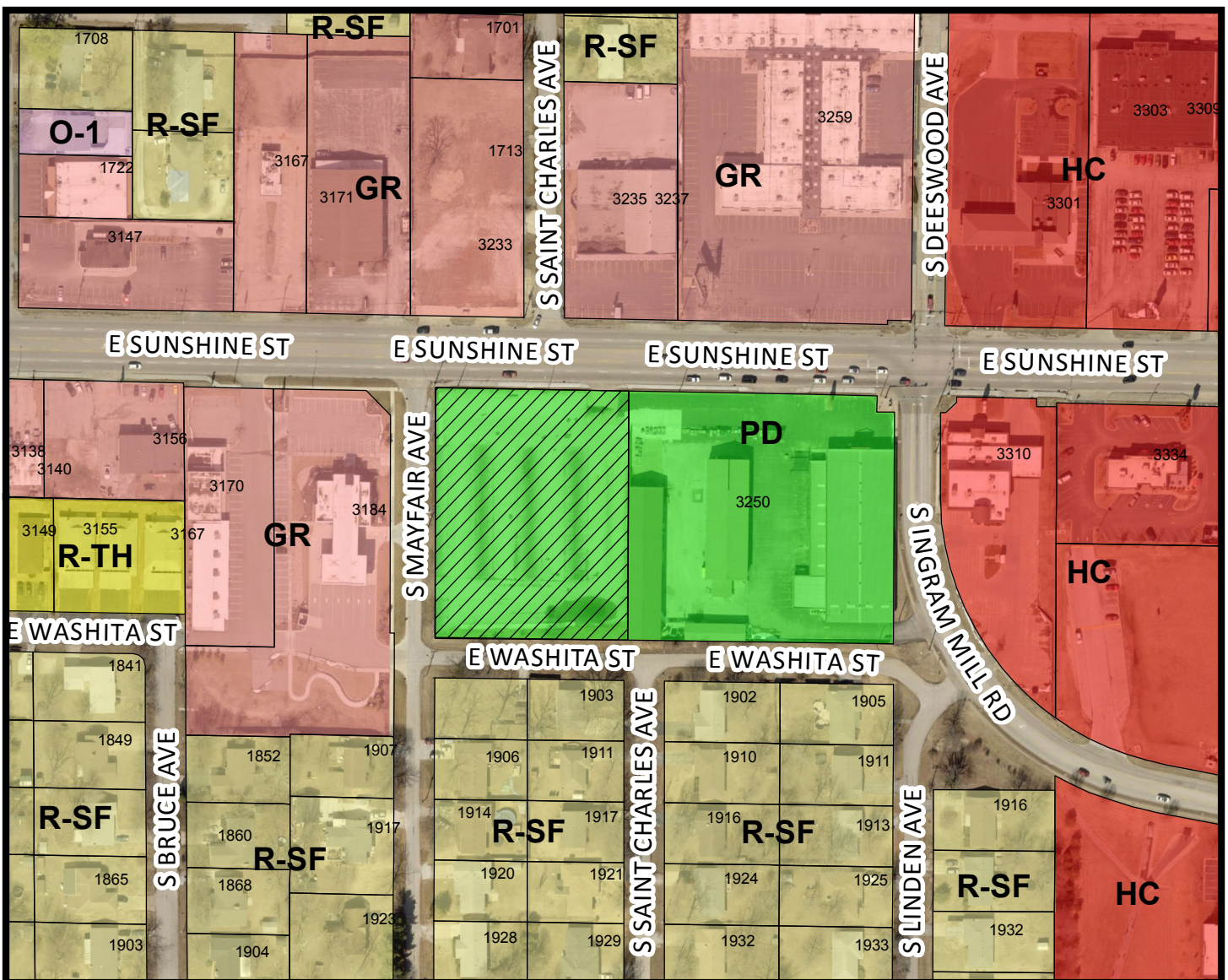
## **Zoning Case Z-14-2015/Conditional Overlay District #92**

LOCATION: 3200 East Sunshine Street

CURRENT ZONING: Planned Development 9

PROPOSED ZONING: GR, General Retail District

### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

ATTACHMENT 1  
BACKGROUND REPORT  
ZONING CASE Z-14-2015 & CONDITIONAL OVERLAY DISTRICT NO. 92

DATE: March 26, 2015

LOCATION: 3200 East Sunshine Street

APPLICANT: Sunshine Commercial Property LLC

TRACT SIZE: Approximately 0.77 acres

EXISTING USE: Vacant land

PROPOSED USE: Uses permitted in the GR, General Retail District with Conditional Overlay District #92

SURROUNDING LAND USES:

| AREA  | ZONING      | LAND USE                     |
|-------|-------------|------------------------------|
| North | GR          | Retail and office uses       |
| East  | PD 9 and HC | Retail and office uses       |
| South | R-SF        | Single family homes          |
| West  | GR          | Bank, retail and office uses |

BUILDING DEVELOPMENT SERVICES COMMENTS:

Building Development Services does not have any issues with rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. A Traffic Study is required at the time of development based on what is being developed.
2. A 30 feet X 30 feet right of way sight triangle needs to be provided at Mayfair and Sunshine.
3. Mayfair is classified as a local commercial which requires 30 feet of right of way from the centerline. It appears an additional 5 feet of right of way is required.
4. Access is allowed to Mayfair 150 feet from Sunshine Street.

5. No access allowed to Washita Street.

#### STORMWATER COMMENTS:

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. Need to state the existing and proposed percent of impervious surfacing on Site Plan. It appears that the development is proposing to decrease the amount of impervious surfacing, therefore, no detention or water quality will be required.
- b. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning.

#### CLEAN WATER SERVICES COMMENTS:

Clean Water Services does not have any issues with the requested zoning change.

#### CITY UTILITIES:

City Utilities does not have any objection to this request. Utilities are available to provide service to this density without impact.

#### ADJACENT PROPERTY OWNER COMMENTS:

Thirteen (13) 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 February 26, 2015. A summary of the meeting is attached (Attachment 2).

#### STAFF COMMENTS:

1. The applicant is requesting to rezone this tract from Planned Development District No. 9 to a GR, General Retail District with a Conditional Overlay District. The existing Meeks property to the east, which is also part of the existing Planned Development, will remain within the Planned Development No. 9 zoning district.
2. Approval of this application will provide for the redevelopment of this property and is consistent with the surrounding zoning and development. The existing zoning only permits wholesale and retail sales of home building supplies and materials including lumber, appliances and tools. If approved, any use permitted

in the GR district will be permitted which includes restaurants, banks and offices. The subject property was part of the Meeks development to the east but is now vacant. Approval of GR zoning will provide more opportunities for the redevelopment and reuse of the subject property in a manner consistent with surrounding properties.

3. The Conditional Overlay District that accompanies this request will require the dedication of additional right-of-way for Mayfair Avenue and at the corner of Mayfair and Sunshine. In addition, the Overlay District will prohibit access to Washita Street and require access on Mayfair Avenue to be located at least 150 feet south of Sunshine Street. Finally, the Conditional Overlay District will require the completion of a traffic study at the time of development based on what is being developed.

#### FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will provide for the redevelopment of this property consistent with the surrounding property.
2. Approval of this request will provide for the productive use of this property where investments in public infrastructure and services have already been made.
3. The Conditional Overlay District will provide for the dedication of right-of-way for adjacent streets, govern access to adjacent streets and require a traffic study at the time of development.

#### RECOMMENDATION:

Staff recommends **approval** of this request.

CITY COUNCIL PUBLIC HEARING: April 27, 2015

#### STAFF CONTACT PERSON:

Alana D. Owen, AICP  
Senior Planner  
864-1831



### NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: PD to GR  
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 2.26.15 4:00 pm - 6:30 pm
3. Meeting Location: AT THE PROJECT SITE
4. Number of invitations that were sent: 66
5. How was the mailing list generated: GREENE CO. ASSESSOR DATABASE (BEACON)
6. Number of neighbors in attendance (attach a sign-in sheet): 10
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.)

STANDARD CONCERNS - TRAFFIC ON WASHITA, STORMWATER, LIGHTING, CONSTRUCTION DEBRIS + LITTER (NEW STRUCTURE ACROSS SUNSHINE APPARENTLY HAS HAD DEBRIS BLOW SOUTH, ALSO MEEKS YARD)

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

SINCE INGRAM MILL WAS ADJUSTED WITH STOPLIGHT - WASHITA HAS BECOME A "CUT THROUGH" STREET FOR LOCAL TRAFFIC. WE WILL PROVIDE WATER QUALITY MEASURES FOR STORMWATER, AND OUR PROPOSED USE IS LESS INTENSIVE FROM THE EXISTING COND.

LIGHTING WILL BE DESIGNED IN ACCORDANCE W/CITY REGS, PLUS A SCREEN FENCE WILL BE BUILT ON SOUTH END ALL ALONG WASHITA TO PROTECT NEIGHBORS FROM HEADLIGHTS.

E. SUNSHINE & MAYFAIR

\* 3.30

NEIGHBORHOOD MEETING 2/26/15

(4:00 - 6:30)

WEATHER: COLD + ~~WINDY~~ <sup>SUNNY</sup>

\* 6:45

PARTICIPANTS: GLORIA M/SUNSHINE COMMERCIAL PROPERTY

JASON PULLMAN / DEVELOPER

JOHN WILLIAMS & SON, STAFFS / CJW

VISITORS:

JENNY  
DAUGHTER

COMMENTS

(for booking) TERRY ALBRECHT

TRAFFIC ON WASHITA

(HOCKMAN) LEE MANUEL

DRAINAGE

ARVEST TRACY WATKINS

ARVEST JILL FLOCKER

ARVEST MIKE GANDY

MURUS — KEIL WOOD

TRAFFIC ON WASHITA

SEAN APPLESBY

DRAINAGE

GOULD LUPIN CREEP

LIGHTS / FENCE / RUN OFF

JAMES HAYDEN

CONCR. DEBRIS / TRUCK

MOST VISITORS BEFORE 5:00 PM

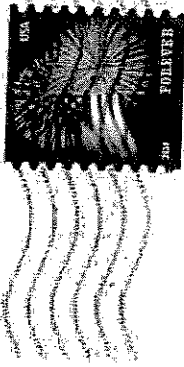
JASON & I STAYED UNTIL 6:45 PM

(JPW)

NOTES

1. HAD A PHONE CALL FROM GEORGE GEESON 2/16  
NO COMMENTS (WANTED TO KNOW TYPE OF RESTAURANT)
2. AS OF 2-26-15 CJW HAS RECEIVED 2 LETTERS  
OF THE GG SENT AS UNDELIVERABLE —  
SAY YOU CAN LLC, KOSSLER PROPERTIES, LLC

CJW Transportation Consultants  
5051 S. National  
Suite 4-110  
Springfield, MO 65810



SPRINGFIELD, MO 65802

FEB 2015 PM 2 L

# PHONE CALL

|                                                                                                                                                                                                                                                                                            |                                                           |      |               |      |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------|---------------|------|---------------------------------|
| FOR                                                                                                                                                                                                                                                                                        | <u>Jon W</u>                                              | DATE | <u>2/1/16</u> | TIME | <u>9:23</u> <small>A.M.</small> |
| M.                                                                                                                                                                                                                                                                                         | <u>George Beeson</u>                                      |      |               |      |                                 |
| OF                                                                                                                                                                                                                                                                                         | <u>887-9552</u>                                           |      |               |      |                                 |
| PHONE                                                                                                                                                                                                                                                                                      |                                                           |      | CELL          |      |                                 |
| MESSAGE                                                                                                                                                                                                                                                                                    | <u>Re: Public Meeting</u><br><u>(1932 RIVERDALE ROAD)</u> |      |               |      |                                 |
| SIGNED                                                                                                                                                                                                                                                                                     | <u>2-17-15</u>                                            |      |               |      |                                 |
| WHAT KIND OF RESTAURANT                                                                                                                                                                                                                                                                    |                                                           |      |               |      |                                 |
| <div><input type="checkbox"/> TELEPHONED<br/><input type="checkbox"/> RETURNED YOUR CALL<br/><input checked="" type="checkbox"/> PLEASE CALL<br/><input type="checkbox"/> WILL CALL AGAIN<br/><input type="checkbox"/> CAME TO SEE YOU<br/><input type="checkbox"/> WANTS TO SEE YOU</div> |                                                           |      |               |      |                                 |

SAY YOU CAN LLC  
646 S. KENTWOOD AVE  
SPRINGFIELD, MO 65802

NIXIE 641 N7E 1009 1510002/13/15

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 65810287899 \*0549-00352-12-39

658102878  
6580232304

KESSLER PROP. LLC  
1736 E. SUNSHINE ST  
SPRINGFIELD, MO 65804

NIXIE 641 SE 1009 0002/21/15

RETURN TO SENDER  
INSUFFICIENT ADDRESS  
UNABLE TO FORWARD

BC: 65810287899 \*0549-00460-12-38

658102878  
65804134399



*Providing Transportation and Engineering Solutions*

5051 S. National  
Ste. 4-110  
Springfield, MO 65810  
Phone: 417.889.3400  
Fax: 417.889.3402  
www.GoCJW.com

February 12, 2015

**RE: NOTICE OF A NEIGHBORHOOD MEETING**

Dear Neighbor;

You are cordially invited to view plans and meet the developer for a proposed change in land use for the property at the southeast corner of East Sunshine and Mayfair Avenue. This was once part of the Meeks facility and now sits vacant as a paved lot. The meeting is scheduled for Thursday, February 26, 2015 from 4:00 p.m. until 6:30 p.m. to be held on the paved area at the project site.

Enclosed is a conceptual site plan showing the project site and also a "Notice" form from the Development Review Office of the City of Springfield.

Please call if you have any questions or need additional information.

Very truly yours,

Jonathan F. Williams

**CJW Transportation Consultants, LLC**

# **PROPOSED REZONING OF THE S.E. CORNER OF SUNSHINE & MAYFAIR** SPRINGFIELD, GREENE COUNTY, MISSOURI

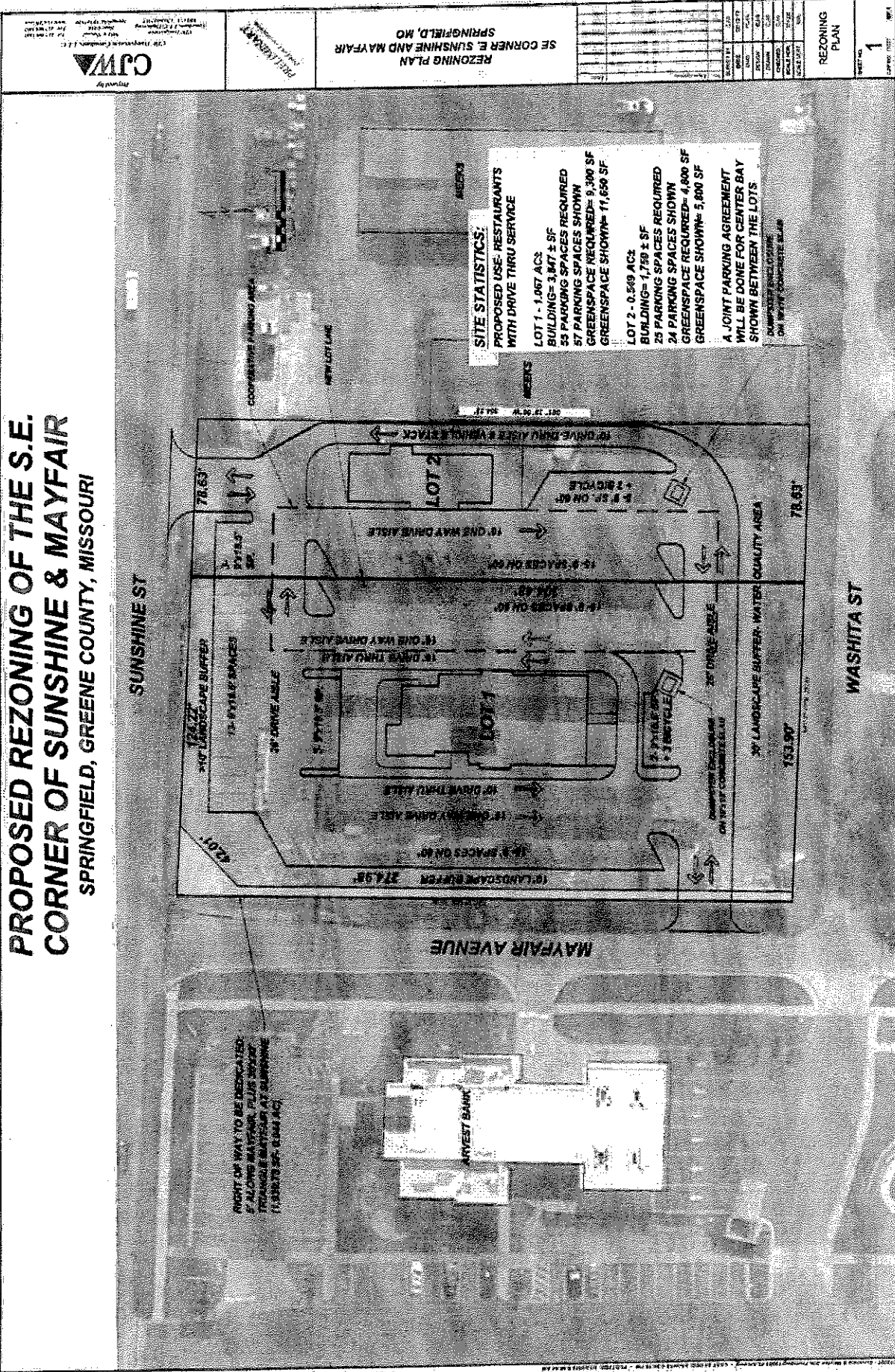


EXHIBIT AS SENT TO GO  
ADJACENT LAND OWNERS

ALEXANDER, SHIRLEY JEAN ✓  
1849 S BRUCE AVE  
SPRINGFIELD MO 65804

APPLEBY, SAMMIE S ✓  
1914 S MAYFAIR AVE  
SPRINGFIELD MO 65804

ARVEST BK ✓  
PO BOX 14590  
SPRINGFIELD MO 65804

BCL RENTALS LLC ✓  
901 ST LOUIS ST  
SPRINGFIELD MO 65806

*by phone call*  
BEESON, GEORGE G ETAL TR ✓  
1932 RIVERDALE RD  
OZARK MO 65721

BRUNSON, SHIRLEY JOAN TRUST ✓  
1252 E FARM ROAD 80  
SPRINGFIELD MO 65803

CAS PROPERTIES LLC ✓  
5187 W FARM ROAD 94  
SPRINGFIELD MO 65803

CAYER, DILLON ETAL ✓  
1936 S MAYFAIR AVE  
SPRINGFIELD MO 65804

CHEONG, MEAGAN ✓  
1924 S ST CHARLES AVE  
SPRINGFIELD MO 65804

COMMERCE BANK OF SPRINGFIELD ✓  
% PROPERTY MANAGEMENT DEPT  
8000 FORSYTH BLVD  
SAINT LOUIS MO 63105

COMPTON, MICHAEL J ✓  
1944 S MAYFAIR AVE  
SPRINGFIELD MO 65804

COX, MARSHA ✓  
2411 ASPEN RD  
HIGHLANDVILLE MO 65669

CREED, GARY W ✓  
1906 S MAYFAIR AVE  
SPRINGFIELD MO 65804

*DUPÉ*  
CREED, GARY WAYNE ✓  
1906 S MAYFAIR AVE  
SPRINGFIELD MO 65804

CROUSE, JULIE A ✓  
1925 S LINDEN AVE  
SPRINGFIELD MO 65804

DDD LLC ✓  
PO BOX 10623  
SPRINGFIELD MO 65808

DEESWOOD VILLAGE LLC ✓  
1736 E SUNSHINE ST  
SPRINGFIELD MO 65804

FIELDS, DONALD D ✓  
1904 S BRUCE AVE  
SPRINGFIELD MO 65804

GARRISON, CARIE ✓  
1917 S SAINT CHARLES AVE  
SPRINGFIELD MO 65804

GARRISON, CAROL E ETAL ✓  
1826 E WEBB RD  
OZARK MO 65721

*CITY*  
GIBSON, KURT ✓  
2733 E BATTLEFIELD ST  
SPRINGFIELD MO 65804  
*1945 S. ST CHARLES  
ANGELINA*

GOWER, DENNIS L ✓  
1917 S MAYFAIR AVE  
SPRINGFIELD MO 65804

HADEN, JAMES L ✓  
1921 S SAINT CHARLES AVE  
SPRINGFIELD MO 65804

*SON*  
HADEN, KELLY ETAL ✓  
1932 S SAINT CHARLES AVE  
SPRINGFIELD MO 65804

HOEKMAN, SUSAN K ✓  
1911 S SAINT CHARLES AVE  
SPRINGFIELD MO 65804

HONEY, TRAMPAS JACOB ✓  
1857 S BRUCE AVE  
SPRINGFIELD MO 65804

JM&M, INV LLC ✓  
2441 N LE COMPTE RD  
SPRINGFIELD MO 65803

KESSLER PROP LLC ✓  
1736 E SUNSHINE ST  
SPRINGFIELD MO 65804

KESSLER PROPERTIES LLC ✓  
2127 N ROCKY TOP RD  
BROOKLINE MO 65619

KING, JERRY A ✓  
PO BOX 62  
MARSHFIELD MO 65706

*TERESA ALBRECHT  
(DAUGHTER)*



KOLB, JERRY L ✓  
5787 S FARM RD  
ROGERSVILLE MO 65742

LANE, WILMA J TR ✓  
1933 S LINDEN AVE  
SPRINGFIELD MO 65804

LIPE, DEAN A ✓  
1928 S MAYFAIR AVE  
SPRINGFIELD MO 65804

MCCLUNG, EDWARD GUY ✓  
429 DELZELL WOODS RD  
ROGERSVILLE MO 65742

MILLER, DEBORAH K ETAL ✓  
318 S YELLOWSTONE DR  
SPRINGFIELD MO 65804

MONROTUS, STEVEN T ✓  
2524 S INGRAM MILL RD  
SPRINGFIELD MO 65804

MOORE, TYLER J ✓  
1910 S SAINT CHARLES AVE  
SPRINGFIELD MO 65810

MORRIS LOAN & INV CO  
3078 S DELAWARE AVE  
SPRINGFIELD MO 65804

MORRIS, RALPH THOMAS ✓  
5190 E FARM ROAD 122  
SPRINGFIELD MO 65802

NELSON, WILLIAM B ✓  
10398 N FARM ROAD 181  
FAIR GROVE MO 65648

NICHOLS, RICHARD L ETAL ✓  
1357 S SIEGER PL  
SPRINGFIELD MO 65804

OTT, RANDALL P TR ✓  
4813 E EASTMOOR ST  
SPRINGFIELD MO 65809

PHELPS, CARL DAVID ✓  
2925 N SKYVIEW LN  
OZARK MO 65721

PHOTOPULOS, DALLAS J ✓  
3721 S GLENSTONE AVE  
SPRINGFIELD MO 65804

RAY, KELLY ✓  
1912 S BRUCE AVE  
SPRINGFIELD MO 65804

ROWDEN PROP MGT LLC ✓  
2025 E CHESTNUT EXP  
SPRINGFIELD MO 65802

SAY YOU CAN LLC ✓  
646 SKENTWOOD AVE  
SPRINGFIELD MO 65802

SCHULTE, KENNETH V ✓  
2022 N BELMONT CT  
NIXA MO 65714

SECOR, PAMELA SUE ✓  
1701 S SAINT CHARLES AVE  
SPRINGFIELD MO 65804

SHELDAN LLC ✓  
3171 E SUNSHINE ST  
SPRINGFIELD MO 65804

SHELDAN, LLC ✓  
3171 E SUNSHINE ST  
SPRINGFIELD MO 65804

SHIRK, PEGGY J TRUST ✓  
%PEGGY S SHIRK  
2465 E SUNSET ST  
SPRINGFIELD MO 65804

SLOAN, CRAIG ✓  
5187 W FARM ROAD 94  
SPRINGFIELD MO 65803

SPRINGFIELD BLDG MAINTENANCE IN ✓  
3259 E SUNSHINE ST  
SPRINGFIELD MO 65804

SPURGEON, AMY ✓  
1903 S SAINT CHARLES AVE  
SPRINGFIELD MO 65804

STATE BANK OF SW MISSOURI ✓  
PO BOX 10828  
SPRINGFIELD MO 65808

STEWART, PATRICK ✓  
406 E CHURCH ST  
OZARK MO 65721

STIVERS, ERIC L ✓  
405 JEANNE DR  
MT VERNON MO 65712

STURGESS, THERON ✓  
1924 S LINDEN AVE  
SPRINGFIELD MO 65804

SUNSHINE REALTY CORP ✓  
PO BOX 1746  
SPRINGFIELD MO 65801

1  
SUNSHINE, PROP LLC ✓  
%CHAS C MEEK LUMBER CO  
PO BOX 1746  
SPRINGFIELD MO 65801

✓  
TRASK, STEVEN W TRUSTEE  
1941 S LINDEN AVE  
SPRINGFIELD MO 65804

✓  
WASHITA LLC ETAL  
640 W RED WING PL  
SPRINGFIELD MO 65810

✓  
WIEBE, LARRY  
1923 S MAYFAIR AVE  
SPRINGFIELD MO 65804

✓  
WILLABY, CHRISTOPHER  
1852 S BRUCE AVE  
SPRINGFIELD MO 65804

✓  
WILLIAMS, WILLIAM L  
1865 S BRUCE AVE  
SPRINGFIELD MO 65804

✓  
WILLIAMSON, JAMES E TR  
725 E PAMELA DR  
WEST PLAINS MO 65775

## EXPLANATION TO COUNCIL BILL NO: 2015-

FILED:

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.77 acres of property generally located on the west side 2600 block of South Jefferson Avenue from an R-SF, Single Family Residential District to an R-MD, Medium Density Multi-Family Residential District; and establishing Conditional Overlay District No. 91 (Staff recommends approval).

BACKGROUND INFORMATION:

### ZONING CASE NUMBER Z-17-2015/CONDITIONAL OVERLAY DISTRICT NO. 91

The applicant is proposing to rezone this property from an R-SF, Single Family Residential District to an R-MD, Medium Density Multi-Family Residential District; and establishing Conditional Overlay District No. 91. The Conditional Overlay District that accompanies this request will limit the development to a maximum eleven (11) dwelling units per acre on the subject property, require the subject property to be combined with the existing R-MD zoned property to the south for development and require the dedication of additional right-of-way for Jefferson Avenue.

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 April 9, 2015, and recommended , by a vote of to , of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings).

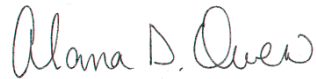
The Planning and Development staff recommends the application be **approved** (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will provide for this property to be developed with the existing R-MD, Medium Density Multi-Family Residential zoned property to the south.
2. Approval of this request will provide for the productive use of this property where investments in public service have already been made.
3. The proposed Conditional Overlay District will mitigate the potential impact between the multi-family and lower intensity residential uses by restricting the

maximum density to no more than eleven (11) dwelling units per acre, which is consistent with the density permitted in the adjacent R-TH, Residential Townhouse District zoning.

Submitted by:



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Alana D. Owen, AICP, Senior Planner

Reviewed by:

Approved by:

---

Bob Hosmer, AICP, Principal Planner

---

Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Conditional Overlay District Provisions

Exhibit D, Zoning and Subdivisions Staff Report

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary

EXHIBIT A  
RECORD OF PROCEEDINGS  
ZONING CASE Z-17-2015 & CONDITIONAL OVERLAY DISTRICT NO. 91

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

EXHIBIT B  
LEGAL DESCRIPTION  
ZONING CASE Z-17-2015 & CONDITIONAL OVERLAY DISTRICT NO. 91

BEGINNING AT A SURVEY MARKER CAPPED LS-267D ON THE SOUTHEAST CORNER OF LOT 16 IN SUNSET SECOND ADDITION, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF;

THENCE N00°37'51"E, A DISTANCE OF 160.27 FEET TO A SURVEY MARKER CAPPED LS-267D AT THE NORTHEAST CORNER OF SAID LOT 16;

THENCE S89°55'57"E, ALONG THE SOUTH LINES OF LOTS 13, 14 AND 15 IN SAID SUNSET SECOND ADDITION, A DISTANCE OF 226.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF JEFFERSON AVENUE;

THENCE SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 630.00 FEET, AN ARC LENGTH OF 38.22 FEET, A CENTRAL ANGLE OF 3°28'33", AND A LONG CHORD WHICH BEARS S04°38'10" E, A CHORD DISTANCE OF 38.21 FEET TO A SURVEY MARKER CAPPED LS-267D;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY, S00°37'53"W, A DISTANCE OF 42.81 FEET TO A SURVEY MARKER CAPPED LS267-D;

THENCE S44°18'40"W, A DISTANCE OF 110.02 FEET TO THE SOUTH LINE OF SECTION 36, TOWNSHIP 29, RANGE 22;

THENCE N89°56'10"W, ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 153.52 FEET TO THE POINT OF BEGINNING.

ALL LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 29, RANGE 22 AND CONTAINING 0.77 ACRES.



EXHIBIT C  
CONDITIONAL OVERLAY DISTRICT PROVISIONS  
ZONING CASE Z-17-2015 & CONDITIONAL OVERLAY DISTRICT NO. 91

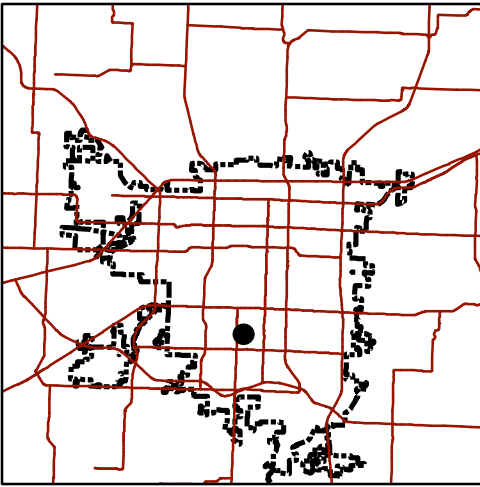
The requirements of *Section 4-1300* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

Maximum Density Requirements

1. Development within this district shall be restricted to a maximum density of eleven (11) dwelling units per acre.

Other Requirements

1. The subject property shall be combined with the existing R-MD, Medium Density Multi-Family Residential zoned property to the south.
2. Additional right-of-way shall be dedicated for Jefferson Avenue to total thirty (30) feet from the centerline.



# Zoning & Subdivision Report

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

## Zoning Case Z-17-2015

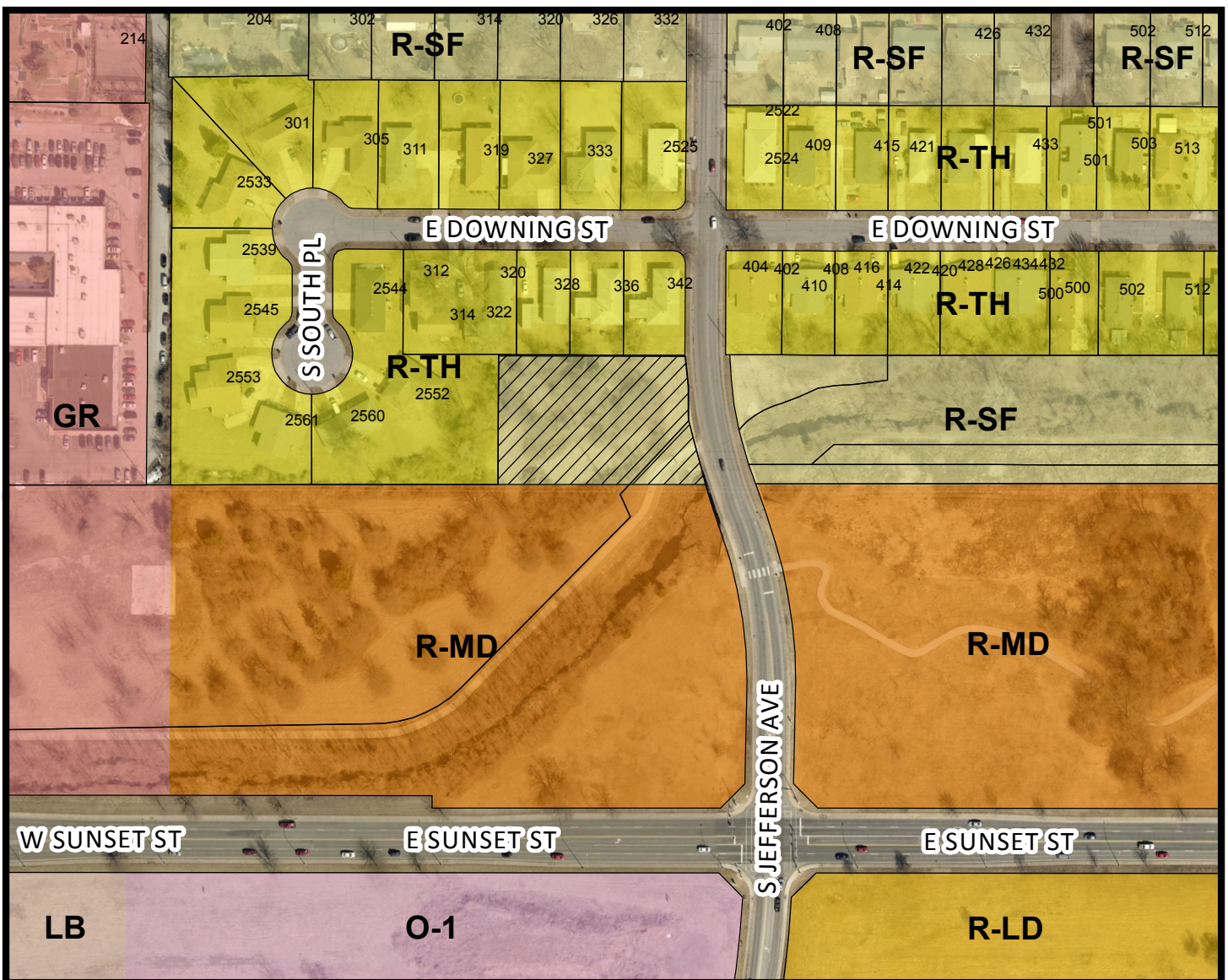
### Conditional Overlay District #91

LOCATION: west side 2600 block South Jefferson Ave

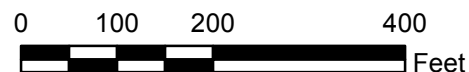
CURRENT ZONING: R-SF, Single Family Residential

PROPOSED ZONING: R-MD, Medium Density Multi-Family Residential

#### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

ATTACHMENT 1  
BACKGROUND REPORT  
ZONING CASE Z-17-2015 & CONDITIONAL OVERLAY DISTRICT NO. 91

DATE: March 26, 2015

LOCATION: west side 2600 block South Jefferson Avenue

APPLICANT: South Creek Crossing LLC

TRACT SIZE: Approximately 0.77 acres

EXISTING USE: Undeveloped land

PROPOSED USE: Uses permitted in the R-MD, Medium Density Multi-Family Residential District as provided for in Conditional Overlay District #91

SURROUNDING LAND USES:

| AREA  | ZONING           | LAND USE                                     |
|-------|------------------|----------------------------------------------|
| North | R-TH             | Duplexes and Single family homes             |
| East  | R-SF, R-TH, R-MD | Duplexes, undeveloped land and park/greenway |
| South | R-MD             | Undeveloped land and park/greenway           |
| West  | R-TH             | Duplexes                                     |

BUILDING DEVELOPMENT SERVICES COMMENTS:

Building Development Services does not have any issues with rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The Public Works Traffic Division does not object to the proposed rezoning. Jefferson Avenue is classified as a collector which requires 30 feet of right of way from the centerline. Per Subdivision Regulations 403(9) it appears approximately 4 feet may be needed.

STORMWATER COMMENTS:

No stormwater issues with the proposed rezoning of the property. However, the site will be subject to the following requirements at the time of development:

1. Water quality will be provided in the regional water quality basin per Sunset Crossing Public Improvement Plans. However, a full detention buyout is required for this site (east half of Sunset Crossing) since it is located in the floodplain.
2. Offsite runoff from the adjacent subdivision to the north will need to be conveyed through site to the drainage channel shown on the Sunset Crossing Public Improvement Plans. Such easement shall be sized for the 100-year peak flow rate.

#### CLEAN WATER SERVICES COMMENTS:

Clean Water Services does not have any issues with the requested zoning change.

#### CITY UTILITIES:

City Utilities does not have any objection to this request. Utilities are available to provide service to this density without impact.

#### ADJACENT PROPERTY OWNER COMMENTS:

Twelve (12) 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 March 17, 2015. A summary of the meeting is attached (Attachment 2).

#### STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from an R-SF, Single Family Residential District to an R-MD, Medium Density Multi-Family Residential District with Conditional Overlay District No. 91. The subject property will be combined with the existing R-MD zoned property to the south and developed in conjunction with that property.
2. Approval of this request provides for increased density where investments have already been made in public improvements and provide for the productive use of the subject property.
3. The Conditional Overlay District that accompanies this request will restrict the development on the subject property to a maximum of eleven (11) dwelling units per acre which is significantly less intense than what is permitted in the R-MD district and is consistent with the density permitted in the adjacent R-TH zoning. In addition to restricting the maximum density on the property, the accompanying Conditional Overlay District will require the subject property to be combined with

the existing R-MD zoned property to the south for development. The Overlay District will also require the dedication of additional right-of-way for Jefferson Avenue per City standards for a collector roadway.

4. A Type B Bufferyard is required along the north and west property line of the subject property to provide some visual separation between this proposed development and the existing residential development to the north and west. If there is a parking lot or vehicle use area is within 50 feet of Jefferson Avenue and there is no intervening building; then a perimeter landscaping area shall be provided along the right-of-way.

#### FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will provide for this property to be developed with the existing R-MD, Medium Density Multi-Family Residential zoned property to the south.
2. Approval of this request will provide for the productive use of this property where investments in public service have already been made.
3. The proposed Conditional Overlay District will mitigate the potential impact between the multi-family and lower intensity residential uses by restricting the maximum density to no more than eleven (11) dwelling units per acre, which is consistent with the density permitted in the adjacent R-TH, Residential Townhouse District zoning.

#### RECOMMENDATION:

Staff recommends **approval** of this request.

CITY COUNCIL PUBLIC HEARING: April 27, 2015

#### STAFF CONTACT PERSON:

Alana D. Owen, AICP  
Senior Planner  
864-1831

## Attachment 2: NEIGHBORHOOD MEETING SUMMARY

---

1. Request change to zoning from: R-SF to R-MD with C.O. of 11 D.U. per acre  

(existing zoning)(proposed zoning)
2. Meeting Date & Time: March 17, 2015 from 4:30 pm to 6:00 pm
3. Meeting Location: Redeemer Lutheran Church, Fellowship Hall
4. Number of invitations that were sent: 70
5. How was the mailing list generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 1
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.)

The neighbor's only concern is the traffic on Jefferson, east of the property. He said the road gets backed up daily with traffic from the nearby schools.

Our response: The property being rezoned will only add 8 units; the traffic impact from these 8 units is very minimal.

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

no written comments were received



hdesigngroup  
5051 S National Ave Ste 7a  
Springfield, Missouri 65810

sign in sheet

Project:  
2620 S. Campbell Avenue  
Z-17-2015

March 17, 2015  
Redeemer Lutheran Church  
4:30 p.m. – 6:00 p.m.

Please print below; information will be submitted to the City of Springfield.

| name        | address                     | phone        |
|-------------|-----------------------------|--------------|
| Brady Burke | 403 E Glenwood SFF Mo 65807 | 417 881 0830 |
|             |                             |              |
|             |                             |              |
|             |                             |              |
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|             |                             |              |

Owner Representatives present:

Brent Stevens, AIA — h design group  
Katrina Eftink — h design group





hdesigngroup  
5051 S National Ave Ste 7a  
Springfield, Missouri 65810

March 5, 2015

Dear Neighbor,

Please join us for a neighborhood meeting to discuss the rezone to the 0.77 acres near Sunset & Jefferson Ave (noted in red on the attached map). The property is currently zoned as R-SF; the owner wishes to rezone to R-MD with a Conditional Overlay of 11 maximum dwelling units per acre.

For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite everyone within 500 feet of the property along with recognized neighborhood organizations.

We are interested in understanding potential concerns, recommendations or suggestions that should be considered by the developer for the ultimate development of the project. A sign-in sheet will be circulated and minutes of the meeting will be taken and submitted to the City of Springfield Zoning Department.

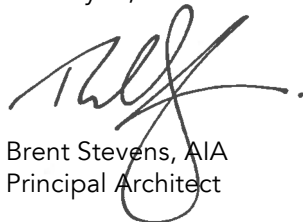
Meeting Location: Redeemer Lutheran Church  
Fellowship Hall  
2852 S. Dayton Ave.  
Springfield, MO 65807

Meeting Date: Tuesday, March 17, 2015

Meeting Time: 4:30 p.m. to 6:00 p.m.

The meeting will be an "open house" format with Owner Representatives in attendance during the entire time frame allotted so you are welcome to come and go anytime during the meeting. If you are unable to attend the meeting but would like information, please contact Brent Stevens or Katrina Eftink at 417-887-6595.

Thank you,



Brent Stevens, AIA  
Principal Architect

Meeting Location: Redeemer Lutheran Church  
Fellowship Hall  
2852 S. Dayton Ave.  
Springfield, MO 65807

Meeting Date: Tuesday, March 17, 2015

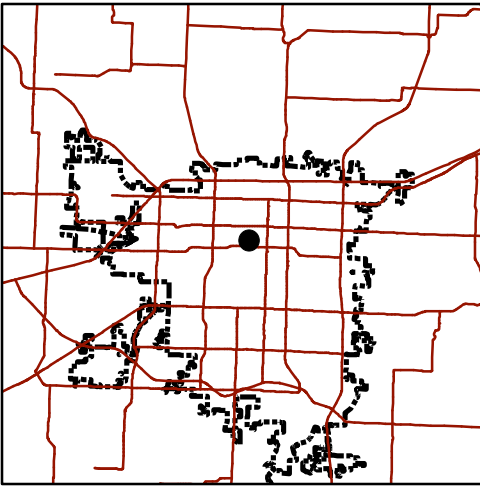
Meeting Time: 4:30 p.m. to 6:00 p.m.  
OPEN HOUSE

The vacant lot is currently zoned in two portions. The rezone will unify the property as Residential-Medium Density (R-MD) but still limit the smaller northeast portion (in red) to 11 units per acre. Note, the rezone area is only 0.77 acres.

\* Red and yellow outlines are approximate.







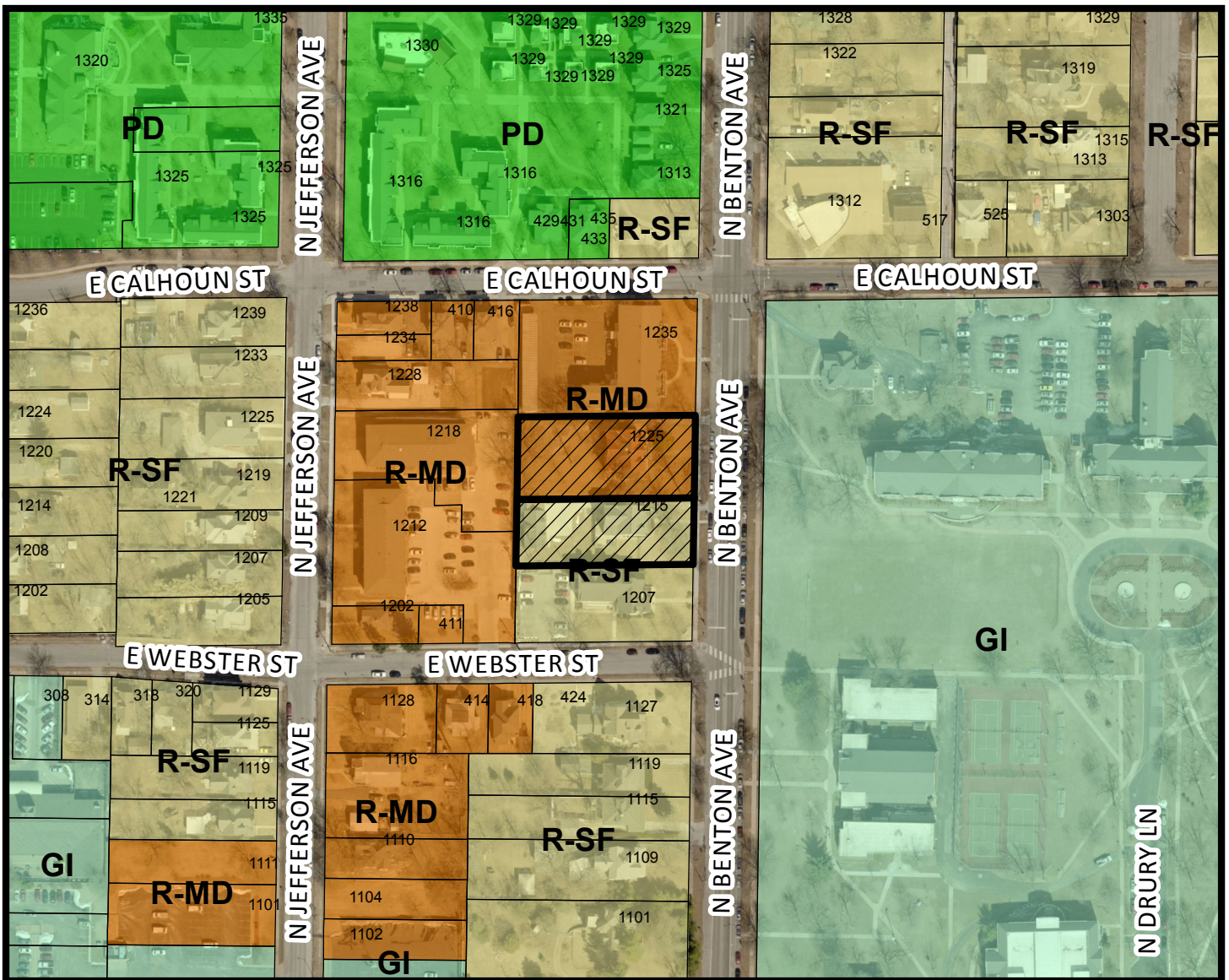
# Zoning & Subdivision Report

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

## Planned Development 348

LOCATION: 1215 and 1225 North Benton  
CURRENT ZONING: R-MD and R-SF UCD#3 Area A  
PROPOSED ZONING: PD 348 UCD#3 Area E

### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

## EXPLANATION TO COUNCIL BILL NO. 2015 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.89 acres of property generally located at 1215 and 1225 North Benton Avenue from R-SF, Single Family Residential District and R-MD, Medium Density Multi-Family Residential District and Mid-Town UCD No. 3 Area A to a Planned Development District No. 348 and Mid-Town Urban Conservation District No. 3 Area E.

### PLANNED DEVELOPMENT DISTRICT NO. 344

#### BACKGROUND INFORMATION:

The applicant is proposing to rezone the subject property to a Planned Development 348 to allow for bed and breakfast, restaurant and residential uses on property located at 1215 and 1225 North Benton Avenue within the Mid-Town UCD No. 3 Area E.

#### FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan and Mid-Town Neighborhood Plan both support the proposed uses.
2. The subject property is within walking and bicycling distance of the Drury and OTC campus, the downtown area and bus stops. In addition there is a good sidewalk system, greenway and marked bike routes in the area.
3. The Planned Development will allow for the rehabilitation and use of these two properties while preserving the architectural significant structures and design within the Mid-Town neighborhood.
4. Approval of this application will increase intensity where investments have been made in public services and infrastructure. The proposed expansion will not have a significant impact on the surrounding neighborhood.

#### RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on April 9, 2015 and recommended approval, by a vote of \_ to \_, of the proposed zoning on the tracts 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).

Submitted by:



Bob Hosmer, AICP  
Principal Planner

Approved by:

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City Manager

EXHIBITS:

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

Attachment 1, Background Report  
Attachment 2, Neighborhood Meeting Summary  
Attachment 3, 185 feet property owners

PLANNED DEVELOPMENT 348 EXHIBITS:

Exhibit 1, Planned Development Ordinance Text  
Exhibit 2, Preliminary Development Plan

EXHIBIT B  
LEGAL DESCRIPTION  
PLANNED DEVELOPMENT 348

ALL OF LOTS 41, 42 AND THE SOUTH 20 FEET OF LOT 43 IN OZARK LAND COMPANY ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND THE EAST HALF OF THE ALLEY WEST OF AND ADJACENT TO SAID LOTS.

ATTACHMENT 1  
BACKGROUND REPORT  
PLANNED DEVELOPMENT 348

DATE: March 16, 2015

LOCATION: 1215 and 1225 North Benton Avenue

APPLICANT: Mike and Hannah Textor

TRACT SIZE: Approximately 0.89 acres

EXISTING USE: Two vacant residential homes

PROPOSED USE: Bed and breakfast, restaurant and residential uses

SURROUNDING LAND USES:

| AREA  | ZONING | LAND USE         |
|-------|--------|------------------|
| North | R-MD   | Apartments       |
| East  | GI     | Drury University |
| South | R-SF   | Drury University |
| West  | R-MD   | Apartments       |

TRAFFIC DIVISION COMMENTS:

1. Benton Avenue is classified as a secondary arterial which requires 150 feet between access points per city code. Two access points are allowed.
2. The driveway approaches shown on Benton do not meet the current minimum width for commercial driveway standards which is 26 feet. One will need to marked entrance only and the other marked exit only.
3. The access to the northern and southern properties will require access easements to be used as fire lanes.
4. No traffic study will be required.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with rezoning to Planned Development

STORMWATER COMMENTS:

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) Need to show the percent of existing and proposed impervious surfacing. Any increase in impervious surfacing will require the development to meet current detention requirements. Impervious surfaces in place and currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are only eligible for 50% credit.
- b) Payment in lieu of construction of detention facilities is not an option for this site due to possible downstream flooding problems. Recommend constructing a low impact development best management practice such as porous pavement or block pavers to meet detention requirements.
- c) The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning. If site is located within a Planned Development District, stormwater requirements in PD language must be met.

#### SANITARY SERVICES COMMENTS:

No objections to rezoning however, a sewer easement will need to be recorded along the west property line before final approval.

#### CITY UTILITIES COMMENTS:

No objection to PD concept.

#### ADJACENT PROPERTY OWNER COMMENTS:

Ten (10) property owners are within 185 feet of the subject property and were notified by mail of this request. No comments have been received.

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on March 17, 2015. A summary of the meetings are attached (Attachment 2).

#### STAFF COMMENTS:

1. The Comprehensive Plan designates this area as Medium or High Density Housing. This area is also within proximity to the Comprehensive Plan designated Center City Activity Center (Downtown, Drury University/OTC) which is a major mixed-use activity center. The Comprehensive plan states that activity centers will vary from one to another, but each should include, at a minimum, retail and office buildings and, ideally, multi-family housing, restaurants, and hotels, entertainment, and community facilities such as churches, public agencies, libraries, parks, etc. Activity Centers, are the preferred development pattern to encourage infill growth by using existing infrastructure where the city has already constructed the necessary services and facilities to accommodate growth.

2. The proposed planned development is within the Mid-Town Neighborhood Plan which was updated on April 2, 2001. The Plan identifies these two properties within the Mid-Town Historic District as contributing to the District on the National Historic Registry. The Plan states that any institutional expansion in this area should utilize and preserve contributing structures. The property at 1215 and 1225 North Benton Avenue are not on the historic register of historic places, however, the property owners are seeking historic designation.
3. This property is within the Mid-Town Urban Conservation District No.3, Area A which allows for Bed and Breakfast uses by a conditional use permit provided the existing structure is preserved and built before January 1, 1940 with a limit of five guest rooms. Area A does not allow restaurants. Both structures were built before 1940.
4. The Planned Development will allow for the rehabilitation and use of these two properties while preserving the architectural significant structures and design within the Mid-Town neighborhood. The Planned Development is written with similar language as the UCD Area A requirements while allowing for the bed and breakfast and restaurant use while preserving the contributing historic structures. The Planned Development will be the underlying zoning district while keeping the UCD No 3 Area E designation. The Area E is a reserve area that does not have any UCD requirements other than requiring Mid-Town Neighborhood Association notification of proposed changes through the Administrative Review Committee (ARC) process.
5. A Traffic study is not required based on the proposed uses. Benton Avenue is classified as a secondary arterial which is appropriate for the intensity of the proposed uses.
6. The subject property is within walking and bicycling distance of the Drury and OTC campus, the downtown area and bus stops. In addition there is a good sidewalk system, greenway and marked bike routes in the area.
7. The proposed planned development will mitigate the potential impact between the permitted uses and the adjacent apartment by retaining a 3.5 feet wood fence between the apartment property parking lot to the west as outlined in Exhibit 1 and Exhibit 2. The proposed expansion will not have a significant impact on the surrounding neighborhood.

RECOMMENDATION:

Staff recommends **approval** of this request.

STAFF CONTACT PERSON:

Bob Hosmer, AICP  
Principal Planner  
864-1834

## **NOTES FROM NEIGHBORHOOD MEETING**

PROJECT: PLANNED DEVELOPMENT 348

Invitations were mailed on March 7th for a neighborhood meeting to be held on March 17<sup>th</sup> at the Mid-Town Neighborhood meeting building, located at 1475 N Benton.

Attending were:

Scott and Connie Petrich  
1127 N Benton

They asked questions about the restoration process and plans for tree preservation. They were receptive to the plan and supportive of the zoning change. They signed a letter of support.

Marian Dee Ogilvy  
518 E Lynn

She endorsed the plan and signed a letter of support.

No others attended.

To: Springfield Planning Board

Re: PD 348

From: Marian Dee Ogilvy  
Name

518 E Lynn  
Address

Springfield MO 65802  
City

On April 9, 2015, you will be hearing the request to change the zoning on the property owned by Mike and Hannah Textor to Planned Development 348. This change would allow them to develop their property from the existing vacant apartment house and the existing single family home to an upscale bed and breakfast with a restaurant. These changes in use will facilitate the renovation and the restoration of these two historically significant homes.

Please accept this letter in support of this request to allow the zoning change.

Marian Dee Ogilvy

\_\_\_\_\_

To: Springfield Planning Board

Re: PD 348

From: Scott & Connie Petrich  
Name

1127 N. Benton Ave  
Address

Springfield, MO  
City

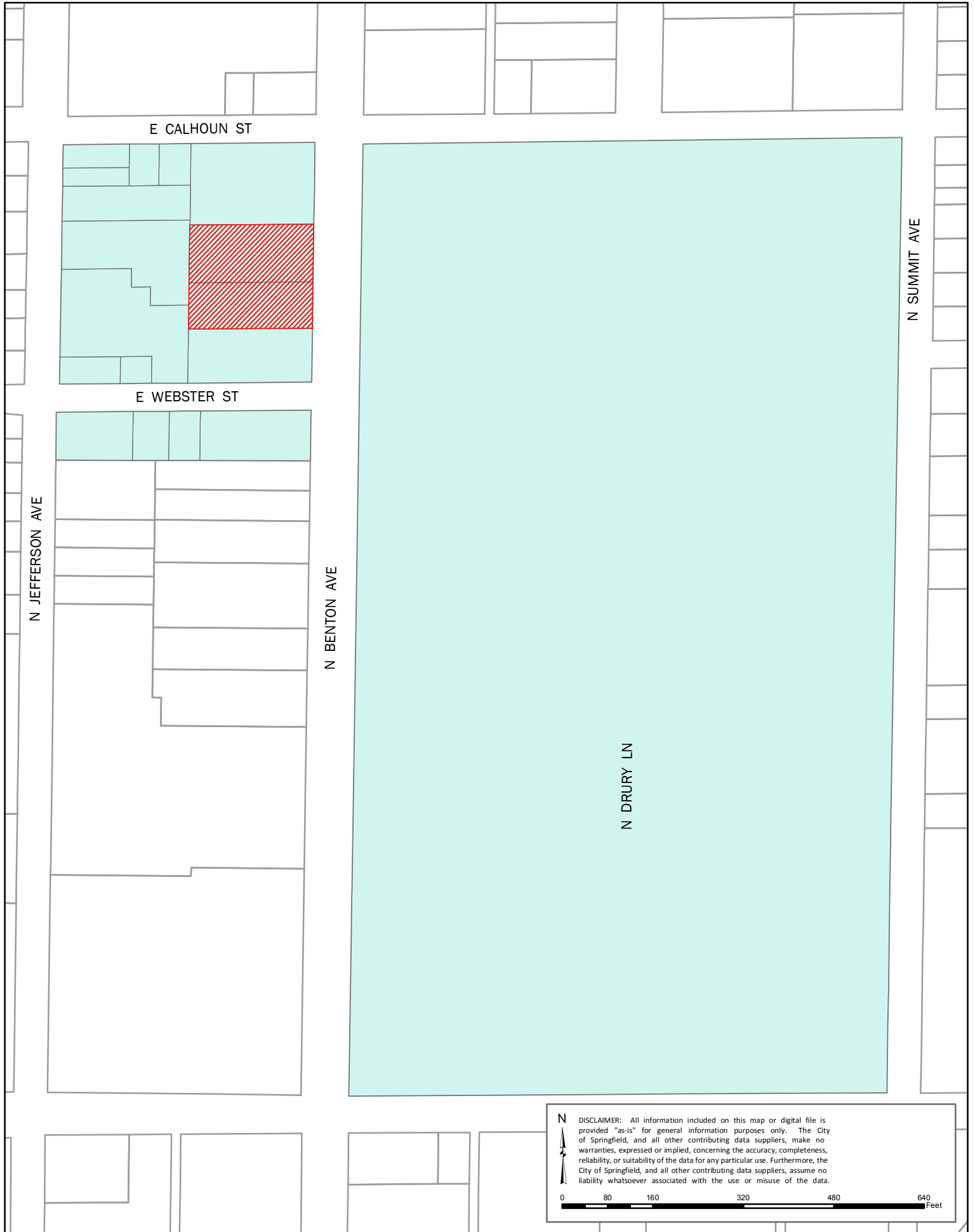
On April 9, 2015, you will be hearing the request to change the zoning on the property owned by Mike and Hannah Textor to Planned Development 348. This change would allow them to develop their property from the existing vacant apartment house and the existing single family home to an upscale bed and breakfast with a restaurant. These changes in use will facilitate the renovation and the restoration of these two historically significant homes.

Please accept this letter in support of this request to allow the zoning change.

Scott A. Petrich

Connie A. Petrich

# 185 foot mailing list



## **EXHIBIT 1**

### **Requirements and Standards Applicable to Planned Development District 348**

#### **Introduction**

This planned development will facilitate the historic rehabilitation of the two primary historic buildings located on adjacent properties in the heart of Springfield, Missouri, and their development into an Inn and restaurant, following the guidelines promulgated by the United States Secretary of the Interior for the Rehabilitation of Historic Properties. The south property, hereinafter referred to as the "Hawkins House", is located at 1215 N. Benton and totals approximately 0.39 acres. The north property, hereinafter referred to as the "Patterson House", is located at 1225 N. Benton and totals approximately 0.51 acres. The two properties make up the entirety of the Planned Development.

#### **Background**

Both the Patterson House and the Hawkins House are located within the Mid-town Historic District and are identified as contributing to the District on the National Historic Registry.

The Patterson House, constructed between 1900 and 1904, was originally designed as a single-family residence. In 1939, the home was converted into apartments. The Hawkins House, built in 1907, was originally designed as a single-family residence. Over time, the property was converted from a single-family residence into medium density housing utilized by the Sigma Pi fraternity at Drury University. More recently, the Hawkins House was converted back into a single-family residence and a one-and-a-half story carriage house was constructed on the northwest corner of the lot. In total, there are three building structures currently located within the Planned Development. Both the Hawkins House and the Patterson House are identified as contributing to the Mid Town Historic District.

#### **Application**

Building or other permits cannot be issued for development permitted by this planned development, nor can any changes be made to this property, until the final development plan is approved in the manner described at the end of this document.



## **Intent**

The intent of this Planned Development is set forth in the Introduction and Background sections above and shall conform to the Landmarks requirements set forth herein.

## **Definitions**

The definitions contained in the City of Springfield, Missouri Zoning Ordinance apply except where terms are defined in this section or in the Uses Permitted section below.

For the purposes of this ordinance, the following definitions shall apply:

**BED AND BREAKFAST:** A dwelling, or portion thereof, that contains guest rooms where short-term lodging, with or without meals, is provided for compensation.

**FLOOR AREA GROSS:** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, but not including parking or loading spaces for motor vehicles. The gross area shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, and lobbies. It shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

**IMPERVIOUS SURFACE AREA (ISR):** The portion of the site covered by surfaces which do not absorb rainwater, including buildings, roads, sidewalks, patios, parking areas and any other paved area.

$$\text{ISR} = \frac{\text{AREA COVERED BY IMPERVIOUS SURFACES}}{\text{TOTAL SITE AREA}}$$

## **Uses Permitted**

A. The following uses shall be permitted in the Planned Development:

1. Single-family-detached dwellings
2. Accessory Uses as permitted in section 5-1000, accessory structures and uses.

B. The following commercial uses shall be permitted within the Planned Development:

1. Eating and Drinking Establishments Use Group. Establishments primarily engaged in the sale of prepared foods and/or beverages for on-premise consumption. Typical uses include restaurants and coffee shops. Drive-up windows, Drive-in and drive thru facilities are NOT allowed.
2. Bed and Breakfasts. Establishments providing lodging available to the public on a daily basis. Typical uses include bed and breakfasts and activities normally accessory thereto such as incidental retail sales, offices, restaurants, bars, spa services, art sales and recreation facilities intended for the convenience of guests.
3. The carriage house on the south lot may have an apartment and offices incidental to the operation of the Bed and Breakfast and Restaurant. The carriage house may also be used as guest suites or as a kitchen incidental to the operation of the restaurant.
4. Accessory uses as permitted by section 5-100. Accessory structures and uses.
5. Should either the Hawkins House or the Patterson House, or both, be damaged by fire or natural disaster then: a. the structure(s) shall be restored to maintain their significant features consistent with the most recent rehabilitation plans approved by the State Historic Preservation Office; or b. the structures shall be completely rebuilt to their original plans; or c. should it not be possible to repair or rebuild in a manner that complies with these requirements, the use of the property shall revert to single family residential uses.

## **Historic District and Landmarks Compliance**

- A. All modifications and uses of Contributing Buildings within the Planned Development shall retain the historic character of the existing structure. Additionally, the goals of historic rehabilitation shall be met and any exterior modification to the property must be consistent with the Secretary of Interior's Standards for Rehabilitation. A Certificate of Appropriateness shall be required in the following instances before the commencement of exterior work upon any new or existing structure or outside work within the Planned Development except for ordinary maintenance and repair:

1. Any construction, alteration, or removal affecting the exterior of a site or structure that requires a building or demolition permit from the City of Springfield including but not limited to the construction of new structures;
  2. A material change to the exterior appearance of existing structures including but not limited to additions, reconstruction or alterations, which affects a significant exterior feature of a structure as specified in the materials attached to the ordinance designating the properties in this Planned Development as contributing to the Midtown Historic District.
  3. Any action resulting in the application of paint to a previously unpainted brick or masonry exterior surface or the application of stucco or siding;
  4. The construction or enlargement of a driveway or parking area or erection of fencing;
  5. Work by the City of Springfield or any of its agencies or departments which would require a Certificate of Appropriateness if undertaken by a private citizen and any Public Improvement Project, which, in the opinion of the Director of Planning and Development would affect the Midtown Historic District.
  6. The placement or construction of any building one hundred (100) square feet or less in size within the Planned Development, with the exception of gazebos, pergolas, and green houses, and structures associated with the temporary use of street festivals so long as said structures are removed at the expiration of the applicable use permit issued by the Director of Building Development Services; and
  7. A material change to the interior appearance of existing structures, including but not limited to additions, reconstruction, or alterations, if a significant interior feature of a structure was listed in the nomination for the Midtown Historic District.
- B. Administrative Review. A person who is required to obtain a Certificate of Appropriateness shall submit an application to the Director of Planning and Development, hereinafter referred to as Director. Persons desiring to perform work on structures or parcels designated as Historic Landmarks or located within a Historic District are required to contact the Director in order to determine if certificate is required. If the application is for work that will have no effect on exterior architectural details or is one of any number of items that the Landmark Board has designated for action, then the Director shall review the application and issue or deny a Certificate of Appropriateness. Such certificate shall be in addition to all other permits required by the City. If the request is within the Director's jurisdiction and is denied by the Director, the applicant may appeal such decision to the Landmarks Board. Permits required by the City involving items requiring a Certificate of Appropriateness shall not be issued by the City until the Director has issued said certificate, has issued a Certificate of Economic Hardship, or in the event of demolition being refused, the requisite time period has expired. If the Director determines that the application is for action not designated for administrative review, then the Director shall submit the application to the Landmarks Board. The Director may require as a condition of processing the application that the

applicant submit information as determined by the Director. The Director shall also have the authority to refer any building or demolition permit application for structures within the Planned Development to the Landmarks Board for the sole purpose of review and comment when, in his opinion, the proposed improvements would have a significant adverse impact on the Midtown Historic District.

- C. Landmarks Board Review and Action on Certificates of Appropriateness. Applications for Certificates of Appropriateness must be complete and be received in the Director's office no later than fifteen (15) days prior to a scheduled Landmarks Board meeting. Not less than ten (10) days prior to the hearing Applicant shall post signs on the property being considered indicating the proposed action and the time, date, and place of the hearing. The applicant must comply with standards and procedures provided and approved by the Director of the Planning and Development Department and on file in the City Clerk's office, regarding compliance with this section. The Landmarks Board shall review the application and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this section. If the certificate is denied, no permit for the work shall be issued and the applicant shall not proceed with the work. The Landmarks Board shall state the reasons for denial in writing to the applicant and shall also make suggestions in regard to appropriate changes.
- D. Review Criteria. The Landmarks Board in considering whether or not to issue a Certificate of Appropriateness shall be guided by the general purpose of this section and the following:
  - 1. The Secretary of Interior's Standards for Rehabilitation as listed below.
    - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
    - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
    - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
    - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
    - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
    - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible,

materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- 2. Any design guidelines or standards that the Landmarks Board may establish and adopt.
  - 3. For new construction, the Landmarks Board shall also consider the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this section to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.

F. Work Required to Conform with Certificate of Appropriateness. Work performed pursuant to the issuance of a Certificate shall conform to the requirements of such certificate, if any. The Director of Building Development Services shall inspect from time to time any work performed pursuant to a certificate to assure such compliance. In the event that such work is not in compliance, the Director of Building Development Services shall issue a stop work order. A certificate shall become void unless construction is commenced within one hundred eighty (180) days of date of issue. All City licenses shall be issued on condition that the person owning or occupying the premises will comply with conditions, if any, in the certificate.

G. Applicant's Action if Application is denied. In the event that a certificate is denied, the applicant may:

- 1. Not resubmit a denied application without substantial change, but may change the original proposal and resubmit the application within fifteen (15) days of denial by the Landmarks Board; or

2. Apply for a Certificate of Economic Hardship; or
3. File an appeal to the Board of Adjustment within fifteen (15) days of the denial by the Landmarks Board.

#### H. Certificate of Economic Hardship.

1. Application Procedure. Application for a Certificate of Economic Hardship shall be submitted to the Director of Planning and Development. Applications for Certificates of Economic Hardship must be complete and received in the Director's office no later than fifteen (15) days prior to a scheduled Landmarks Board meeting. Not less than ten (10) days prior to the hearing the applicant shall post signs on the property being considered indicating the proposed action and the time, date and place of the hearing. The applicant must comply with standards and procedures provided and approved by the Director of the Planning and Development Department and on file in the City Clerk's office, regarding compliance with this section.
2. Review Criteria. The Landmarks Board will review the application at a public hearing and may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application:
  - a. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Board for changes necessary for the issuance of a Certificate of Appropriateness.
  - b. A report from a licensed engineer or architect with experience in recognized historic property rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.
  - c. A report from a state-certified real estate appraiser as to the estimated market value of the property in its current condition, after completion of the proposed construction, alteration, demolition or removal, after any changes recommended by the Landmarks Board.
  - d. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operation and maintenance expenses for the previous two (2) years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
  - e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
  - f. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.

- g. Assessed value of the property according to the two (2) most recent assessments.
- h. Real estate taxes for the previous two (2) years.
- i. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.
- j. Amount paid for the property, date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
- k. Annual debt service, if any, for the previous two years.
- l. Any consideration by the owner as to profitable adaptive uses for the property.
- m. Any other information considered necessary by the Landmarks Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.

3. Landmarks Board Review and Action. The Landmarks Board shall review all information and shall either approve, approve subject to conditions, or deny the application for a Certificate of Economic Hardship. If approved, the Director of the Department of Building Development Services will be instructed to issue a building permit for the proposed work unless an appeal of the decision to the Board of Adjustment is filed within fifteen (15) days of the decision. If denied, the applicant shall have the right to appeal the decision to the Board of Adjustment. The Board of Adjustment shall conduct a full and impartial hearing on the matter before rendering a decision. The Board of Adjustment shall apply the same standards as established herein. The Board of Adjustment may affirm, reverse, or modify the decision of the Landmarks Board in whole or in part.

## **Use Limitations**

- A. All uses must operate in accordance with the noise standards contained in Section 6-1500 of the Springfield Zoning Ordinance.
- B. No use may emit an odor that creates a nuisance as determined by Chapter 2A, Article X, Springfield City Code.

## **Bulk, Area and Height Requirements**

- A. Development shall adhere to the following:
  - 1. A maximum impervious surface ratio of 0.80 shall be permitted.

## **Intensity of Development**



The Planned Development intends to utilize the existing structures located upon the properties within the Planned Development. The Planned Development will allow the construction of another Carriage House along the west boundary of the north property. Such Carriage House may be up to two stories tall with open bays on the first floor for parking of vehicles.

A maximum of fourteen (14) guest suites may be operated by the bed and breakfast within the Planned Development.

#### Access to Public Thoroughfares

The Planned Development will be allowed a maximum of two (2) access points on N. Benton Avenue.

Applicant will acquire easements for a Fire Lane access as shown on Exhibit 2 .

#### **Off-street Parking**

The Planned Development shall have one (1) parking space for each guest suite, office and apartment, and one parking space for every 250 square feet of additional gross floor area within a habitable structure. Provided, however, that the gross floor area of common areas located on a floor with guest rooms shall not be considered for parking requirements.

#### **Signs**

All signage shall meet the standards of section 5-1400 of the zoning ordinance unless otherwise modified herein:

- A. A monument sign identifying the commercial operation(s) within the Planned Development will be allowed. Such sign shall be restricted to a maximum height of five (5) feet above the ground and a total of sixteen (16) square feet of effective area on each face.
- B. Two additional detached signs identifying each of the historic buildings shall be allowed to display the historic name, a brief history of the property and the address. These signs shall be no larger than twelve (12) square feet.
- C. No detached sign shall exceed a height of five (5) feet above the ground upon which it is located. Attached signs shall not exceed sixteen (16) square feet of effective area.

- D. Wall signs shall be attached in a manner and in a location that does not obscure significant architectural features of the structure.

### **Perimeter Treatment**

The Planned Development shall adhere to the following:

- A. No buffer yard will be required between the side yards and rear yards as they adjoin parking lots. A minimum 42-inch opaque fence will be required to the rear of the structures to block the headlights of the vehicles entering and leaving the property.
- B. No perimeter buffer will be required along Benton Avenue.

### **Refuse Storage**

Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed within the district, or upon adjacent properties with consent, where they are least visible from a public right-of-way, other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device is visible from public right-of-ways or adjoining properties. Screening of these devices, in the form of sight-proof fence or wall shall be required.

### **Exterior Lighting**

The Planned Development shall adhere to the following:

Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and /or a general increase in lighting within the adjoining existing residence area. The developer shall submit a lighting plan with the final development plan demonstrating compliance with this section.

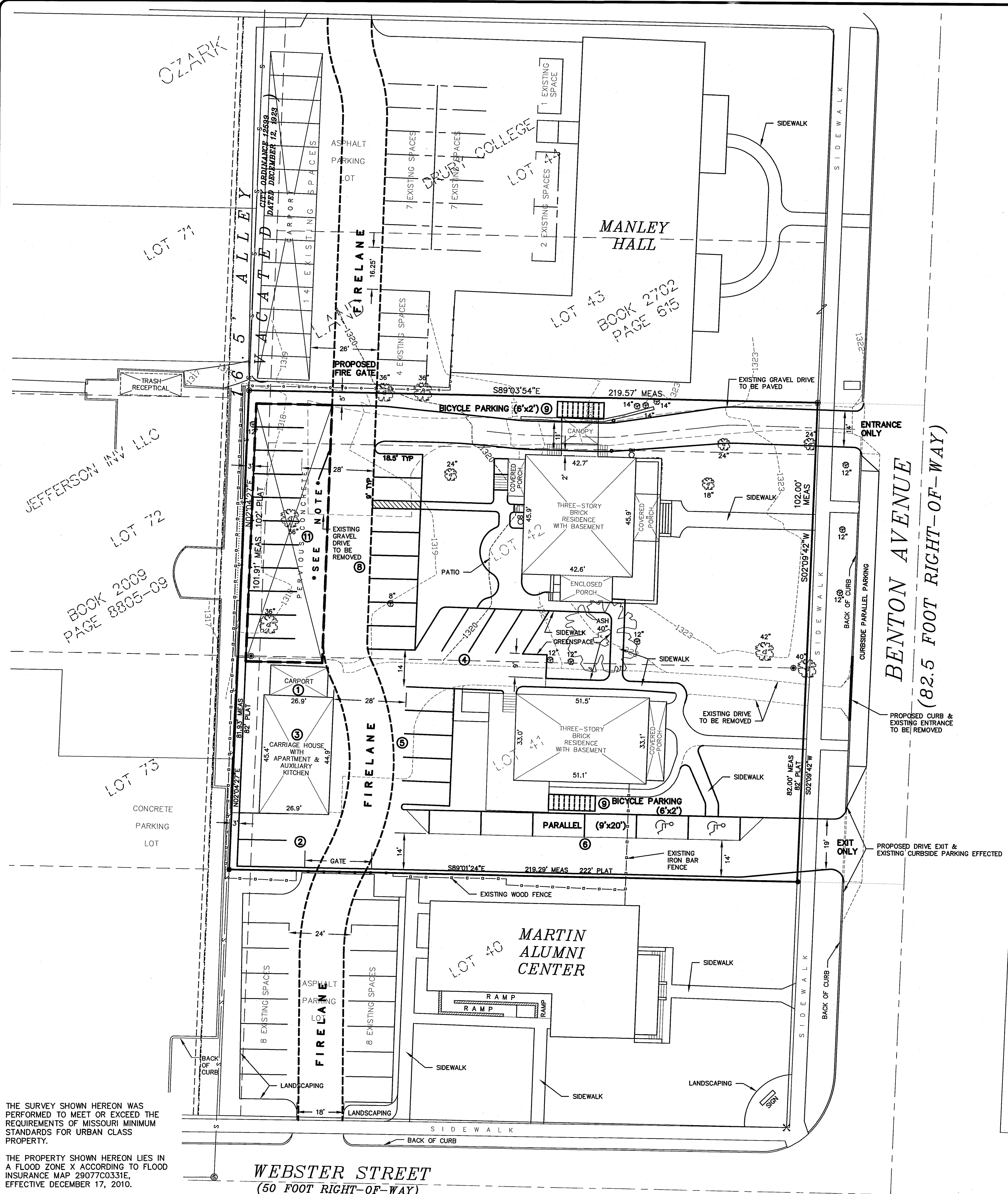
### **Maintenance of Common Areas and Facilities**

There are no proposed Common Areas within the Planned Development.

### **Final Development Plan**

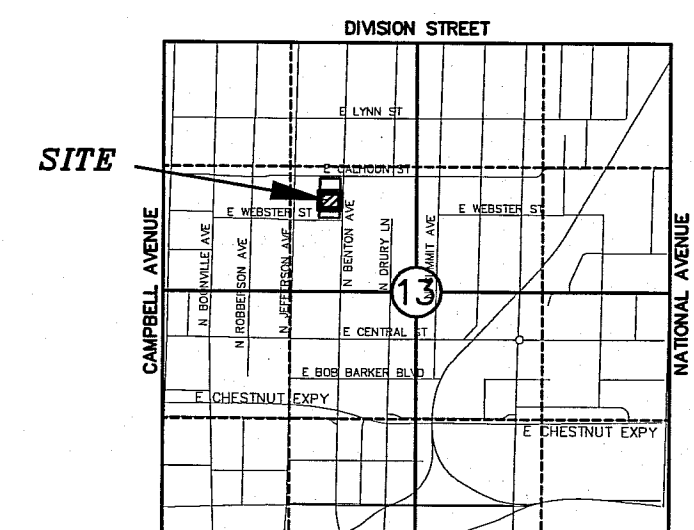
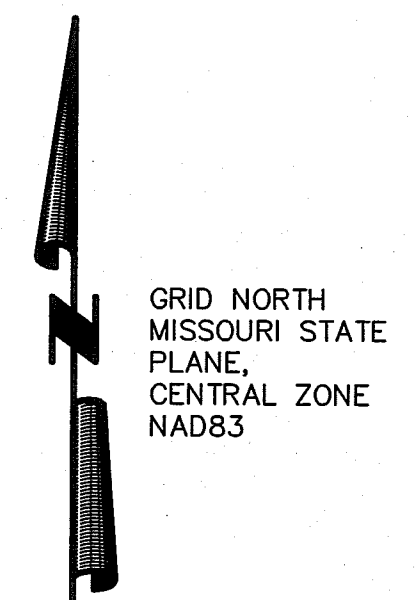
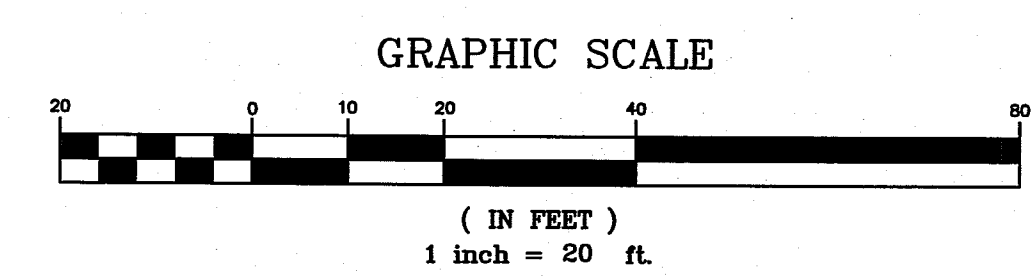
A final development plan, showing conformance with the requirements of this exhibit, shall be approved in the manner described below prior to the issuance of any building permits and prior to the commencement of any improvements permitted or required by this exhibit.

- A. The Administrative Review Committee is hereby authorized to approve the final development plan for the rehabilitation and construction of improvements within the Planned Development provided such plan substantially conforms to the provisions of the ordinance.
- 1. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall include any uses not specifically prescribed by the ordinance, any increase in the intensity of uses permitted in the district, and any reduction in the required parking prescribed by the ordinance.



# PLANNED DEVELOPMENT SKETCH PLAN

## EXHIBIT 2



LOCATION MAP  
SECTION 13  
TOWNSHIP 29 RANGE 22  
APPROX. SCALE: 1"=2000'

- LEGEND
- = EXISTING IRON PIN EXCEPT AS NOTED
  - ⦿ = 5/8" IRON PIN SET CAPPED "LS-267D"
  - ✕ = CROSSCUT IN CONCRETE
  - ⊗ = CLEANOUT
  - ⊙ = DECIDUOUS TREE
  - S— = SANITARY SEWER LINE
  - = CHAIN-LINK FENCE
  - = WOOD FENCE
  - ▨ = ASPHALT
  - ▩ = CONCRETE
  - ▧ = GRAVEL
  - ▭ = APPROXIMATE LOCATION
  - \*SEE NOTE\*

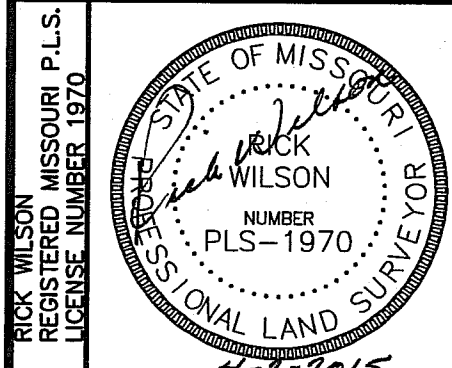
**NOTE**  
APPROXIMATE FUTURE CARRIAGE HOUSE LOCATION.  
FINAL LOCATION AND DIMENSIONS ARE TO BE DETERMINED AND SUBJECT TO CHANGE.  
FINAL PLANS TO BE APPROVED BY ADMINISTRATIVE REVIEW COMMITTEE.

**PROPERTY DESCRIPTION**  
ALL OF LOT FORTY-TWO (42) AND THE SOUTH TWENTY (20) FEET OF LOT FORTY-THREE (43) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.  
AND THE EAST HALF OF THE VACATED PUBLIC ALLEY WEST OF AND ADJACENT TO LOT FORTY-TWO (42) AND THE SOUTH TWENTY (20) FEET OF LOT FORTY-THREE (43) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.  
AND ALL OF LOT FORTY-ONE (41) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.  
SUBJECT TO ANY EASEMENTS OF RECORD, EXCEPT ANY PART THEREOF TAKEN OR USED FOR ROAD OR HIGHWAY PURPOSES.

**SOURCE OF DESCRIPTION**  
BOOK 2007 PAGE 56679-07  
HOGAN LAND TITLE COMMITMENT NO. 1411011  
EFFECTIVE DATE: OCTOBER 31, 2014

**RESOURCE MATERIALS USED FOR BOUNDARY DETERMINATION**  
OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD FINAL PLAT  
SURVEY BY L.A. WEEKS  
DATED OCTOBER 21, 1953  
SURVEY BY WILSON SURVEYING CO., INC.  
DATED DECEMBER 14, 1991  
DEEDS AS SHOWN

**TOTAL PARKING SPACES**  
REGULAR: 38  
HANDICAP: 2  
BICYCLE: 18  
**TOTAL AREA**  
0.93 ACRES  
40,350 SQ. FT.  
**GREENSPACE**  
13,447 sq. ft.  
33.3% GREENSPACE



THE SURVEY SHOWN HEREON WAS PERFORMED TO MEET OR EXCEED THE REQUIREMENTS OF MISSOURI MINIMUM STANDARDS FOR URBAN CLASS PROPERTY.  
THE PROPERTY SHOWN HEREON LIES IN A FLOOD ZONE X ACCORDING TO FLOOD INSURANCE MAP 29077C0331E, EFFECTIVE DECEMBER 17, 2010.

| PRINTS ISSUED | DATE |
|---------------|------|
|               |      |
|               |      |
|               |      |
|               |      |

ISSUED FOR CONSTRUCTION  
DATE:  

| REVISION DATE | MK. |
|---------------|-----|
|               |     |
|               |     |
|               |     |
|               |     |
|               |     |

**WILSON SURVEYING CO. INC.**  
Surveying / Engineering / Land Planning  
2012 S. STEWART AVENUE 65804  
SPRINGFIELD, MO.  
TELE: (417)522-7870 FAX: (417)522-7874  
EMAIL: RICK.WILSON@WILSONSURVEYING.COM

**PREPARED FOR**  
**HISTORIC PATTERSON HOUSE LLC**  
1225 N BENTON AVENUE  
SPRINGFIELD, MISSOURI

**DRAWN BY**  
MSB  
**CREW CHIEF**  
GGB  
**CHECKED**  
RW  
**DATE**  
APRIL 2, 2015  
**SCALE**  
1"=20'  
**JOB NO.**  
14237  
**DRAWING NO.**  
WD-104-807  
**SHEET**  
1 OF 1 SHEETS



# **Zoning & Subdivision Report**

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

## **Redevelopment Plan for the Historic Patterson House Redevelopment Area**

DATE: March 31, 2015

PURPOSE: To approve the Redevelopment Plan for the Historic Patterson House Redevelopment Area.

LOCATION: 1225 North Benton Avenue

APPLICANT: Historic Patterson House, LLC

### **FINDINGS:**

The proposed Redevelopment Plan for the Historic Patterson House Redevelopment Area is in conformance with the *Springfield-Greene County Comprehensive Plan*.

### **STAFF RECOMMENDATION:**

Staff recommends the Redevelopment Plan for the Historic Patterson House Redevelopment Area be **approved**.

### **STAFF CONTACT:**

Matt D. Schaefer  
Senior Planner  
417-864-1100

### **ATTACHMENTS:**

Attachment A: Background Report  
Exhibit I: Legal Description  
Exhibit II: Location Map  
Exhibit III: Redevelopment Plan

ATTACHMENT A  
Background Report  
Redevelopment Plan for the Historic Patterson House Redevelopment Area

Applicant's Proposal:

Historic Patterson House, LLC has filed an application requesting approval of a redevelopment plan pursuant to Sections 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority (LCRA) Law, for a redevelopment project located at 1225 North Benton Avenue (*Exhibits I&II*). The Planning and Zoning Commission is required by Statute to review the proposed Redevelopment Plan (*Exhibit III*) for conformance with the City's general plan for the development of the City as a whole.

The purpose of the Redevelopment Plan for the Historic Patterson House Redevelopment Area is to remove blight and facilitate the adaptive reuse of a historic single-family residential structure located in the Mid-Town Neighborhood. The Redevelopment Area consists of a 0.49 acre parcel that is occupied by the historic Patterson House, which was constructed in 1904 as a single-family residential dwelling and subsequently converted into apartments in 1939. The house is recognized as a contributing structure within the Mid-Town National Historic District and is listed in the Springfield Historic Register as a local historic site. The House has experienced significant deterioration over the past couple decades and now sits vacant and in need of rehabilitation.

The Redevelopment Plan proposes to rehabilitate the Patterson House, in conjunction with an adjoining property immediately outside of the Redevelopment Area to the south at 1215 North Benton Avenue, into a 14-unit bed and breakfast and restaurant in accordance with the requirements and standards applicable to Planned Development District No. 348. The current design for the Patterson House contemplates constructing up to eight bed and breakfast units as part of an adaptive reuse of this historic structure.

Comprehensive Plan:

1. The *Growth Management and Land Use Element of the Springfield-Greene County Comprehensive Plan* targets Center City and surrounding area as a Major Activity Center. One of the Plan's objectives relating to Activity Centers is to promote additional or new employment, intensified retail business, higher density housing and convenient transit service. It also suggests design should emphasize mixed- and multi-use development, attractive public spaces, and high-quality site planning and architecture.

The proposed redevelopment will generate new employment in the Activity Center with the establishment of a bed and breakfast and restaurant. The redevelopment will also emphasize high-quality site planning and architecture by preserving a historic and architecturally significant structure in the Mid-Town Neighborhood.

2. The Redevelopment Area is located within the area included in the *Center City Plan Element* of the *Springfield –Greene County Comprehensive Plan*. The Plan mentions the Center City area suffers from physical deterioration and economic obsolescence. It also states that although there are several properties within Center City that have been well maintained or recently constructed, the overall tone is one of an area that could use revitalization and new investment. The Redevelopment Plan addresses those issues by proposing to remove existing blight and rehabilitate and convert the area into a bed and breakfast and restaurant that will compliment the surrounding Mid-Town Neighborhood and nearby Drury University campus.

3. The proposed redevelopment, being a historic rehabilitation and adaptive reuse, is congruent with the vision for Center City as outlined in the *Center City Element of the Springfield-Greene County Comprehensive Plan*. The Plan states,

*“Center City will preserve and enhance the public and private historic landmarks and “celebrate the heritage” and history of Springfield.”*

As well as,

*“Renovation and adaptive re-use of Center City’s fine, older buildings will be made a priority. These structures help make Center City special and different, cement the community’s emotional attachment to the area, and offer economically attractive spaces for start-up businesses and cultural organizations that cannot be duplicated elsewhere.”*

4. The Redevelopment Area is located within the *Mid-Town Neighborhood Plan* area. The Neighborhood Plan identifies actions aimed at protecting and improving the single-family character of the neighborhood, improving safety, preserving architecturally significant structures, and managing the expansion of institutional uses in the neighborhood. The Plan identifies the area west of the Drury University campus as an appropriate area for the future expansion of institutional uses. It specifically mentions that any expansion into the 1100 and 1200 blocks of North Benton Avenue should utilize contributing structures in the Mid-Town National Historic District.

Although the proposed redevelopment is not an expansion of Drury University, it is a supporting use that will compliment the University and surrounding neighborhood. Furthermore, the proposed redevelopment will involve preserving the Patterson House, which is a contributing structure within the Mid-Town National Historic District.

#### Staff Comments:

1. The proposed Redevelopment Plan is one component of the applicant’s request to obtain partial real property tax abatement pursuant to the Land Clearance for Redevelopment Law (“Chapter 99, RSMo”). Chapter 99 tax abatement is an



economic development incentive used to encourage redevelopment within blighted areas through partial real property tax abatement. Within Council-approved redevelopment areas, the Land Clearance for Redevelopment Authority may authorize partial real property tax abatement for projects that conform to an approved redevelopment plan. Real property tax abatement is based on 100% of the assessed value of qualified new construction or rehabilitation for 10 years.

The applicant is required to submit an application that includes a redevelopment plan as well as a blight report if the redevelopment area is not currently declared a blighted area. The Planning and Zoning Commission's responsibility is to review the redevelopment plan for conformance with the City's general plan for the development of the City as a whole and make a recommendation regarding the same to City Council.

2. The Redevelopment Area and the adjoining property at 1215 North Benton Avenue are currently zoned R-MD, Medium Density Multi-Family Residential District and R-SF, Single-Family Residential District, respectively. The applicant has filed an application requesting both properties be rezoned to Planned Development District No. 348 to allow a bed and breakfast and restaurant uses. The Planning and Zoning Commission and City Council will consider both the rezoning and proposed Redevelopment Plan concurrently.
3. The Patterson House will be redeveloped as part of a larger project that includes an adjoining property immediately south of the Redevelopment Area at 1215 North Benton Avenue. The property at 1215 North Benton was not included in the proposed Redevelopment Area because it lacks a predominance of blighting conditions. Both properties will be redeveloped in accordance with the regulations and standards applicable to Planned Development District No. 348.
4. The Redevelopment Project will utilize both federal and state historic tax credits. In order to qualify for those credits, the rehabilitation must comply with the Secretary of the Interior's Standards for Rehabilitation. Furthermore, because it is listed as a historic site in the Springfield Historic Register, the proposed rehabilitation of the Patterson House will also be subject to review by the Springfield Landmark's Board.

EXHIBIT I  
Legal Description  
Redevelopment Plan for the Historic Patterson House Redevelopment Area

ALL OF LOT FORTY-TWO (42) AND THE SOUTH TWENTY (20) FEET OF LOT FORTY-THREE (43) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

AND THE EAST HALF OF THE VACATED PUBLIC ALLEY WEST OF AND ADJACENT TO LOT FORTY-TWO (42) AND THE SOUTH TWENTY (20) FEET OF LOT FORTY-THREE (43) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT II  
Location Map  
Redevelopment Plan for the Historic Patterson House Redevelopment Area



## EXHIBIT III

### **Redevelopment Plan Historic Patterson House Redevelopment Area**

#### **I. Introduction**

Historic Patterson House, LLC, a Missouri limited liability company (the “Developer”), has prepared the following plan (the “Redevelopment Plan”) for the rehabilitation and redevelopment of the 0.51 acres in Springfield, Missouri. The Redevelopment Plan proposes to redevelop the Redevelopment Area (as defined below) by rehabilitating the existing multi-family housing structure into a food & drink establishment, herein referred to as a “restaurant”, and an inn in accordance with Planned Development District No. 348, herein referred to as “boutique suites”. Real property tax abatement will be utilized to encourage redevelopment.

#### **II. Background**

The Developer acquired the property within the Redevelopment Area, the Patterson House, 1225 N. Benton Avenue, Springfield, Missouri, in February of 2015. The property is located in the Mid-town Historic District and is identified as a contributing property to the District on the National Historic Register of Historic Places.

Following purchase of the property, the Developer plans to rehabilitate the property, repairing and reversing disrepair that has occurred over time, removing recent architectural additions that are not in keeping with the historic character of the property and rehabilitating the second and third floor apartments to better accommodate the proposed uses of the property.

The Patterson House, constructed between 1900 and 1904, was originally designed as a single family residence. In 1939, the Patterson House was converted to multi-family use with six apartments; each with its own bathroom and kitchen. The house is the only existing structure located within the Redevelopment Area.

#### **III. Description of the Project**

##### **A. Boundaries of the Redevelopment Area**

The Redevelopment Area is located on approximately 0.51 acres and is situated on the west side of Benton Avenue between E. Webster Street and E. Calhoun Street in the city of Springfield, Missouri (the “Redevelopment Area”). A map indicating the Redevelopment Area is attached hereto and incorporated herein as Exhibit “A”, and the Redevelopment Area is legally described on Exhibit “B”, which is attached hereto and incorporated herein. The Redevelopment Area is part of a larger project, Planned Development District No. 348, which includes the adjoining property to the south, the Hawkins House at 1215 N. Benton Avenue.

The Redevelopment Area is limited to the property at 1225 N. Benton Avenue because there is not a preponderance of blight on the 1215 N. Benton property.

## **IV. Need for Redevelopment**

### **A. Mid-Town Plan**

The Redevelopment Area is located in the Mid-town Historic District and is specifically referenced in the Mid-Town Plan and the Mid-Town Design Guidelines for Exterior Rehabilitations. Pages 15-16 and Map 5 in the Mid-Town Neighborhood Plan discusses the expansion of institutional uses, particularly Drury University to the west along Benton Avenue. Although this project is not an expansion of Drury University, it is a supporting use. The Mid-town Plan identifies the Redevelopment Area as appropriate for acquisition and commercial use by Drury University. The Mid-town Design Guidelines for Exterior Rehabilitations, June, 1989, prepared as part of the successful application to the United States Secretary of the Interior to obtain Historic District designation for Mid-Town, states: "Adaptive reuse is a preservation concept that has been effectively used for preserving historic structures. This concept involves changing the original use and adapting the structure to a new use... There are several structures for which adaptive reuse would be an appropriate tool for preserving the historic building. These houses are located west of Drury College..."

### **B. Mid-Town Urban Conservation District**

The Redevelopment Area is currently located in Area A, also known as the Benton Avenue Area, of the Mid-Town Urban Conservation Area (UCD). The Mid-Town UCD is recognized as a special overlay zoning district by the *City of Springfield, Missouri Zoning Ordinance*, herein referred to as the *Zoning Ordinance*. As part of the rezoning to Planned Development District No. 348, the Redevelopment Area will be removed from Area A and added to Area E of the UCD. Area E is an unclassified subarea of the UCD that is only subject to the general UCD regulations outlined in Section 3 of the UCD.

This district, designated as a UC or Urban Conservation District under section 4-2300 of the Zoning Ordinance was established to work in conjunction with other zoning districts to promote "the health, safety, economic, cultural and general welfare of the public by encouraging the conservation and enhancement of the urban environment (section 4-2302)."

The objectives of the proposed Redevelopment Plan are ideally aligned with the purpose of the Urban Conservation District. This purpose is outlined in Section 4-2302 of the *Zoning Ordinance* as follows:

*To identify physical, social and economic resources within the urban environment that are worthy of conservation;*

*To maintain neighborhood character and integrity by focusing special attention on the maintenance of the physical environment; the enhancement of physical, social and economic resources and accommodation of desirable change;*

*To prevent economic obsolescence and to promote reinvestment by fostering stable property values through a high level of economic activity, maintenance of essential urban services and by fostering financial assistance and other economic development programs;*

*To promote the efficient use of urban lands, including the encouragement of compatible infill development on vacant and passed-over parcels;*

*To encourage and to support rehabilitation of the physical environment and programs for the conservation and revitalization of urban areas;*

*To foster harmonious, orderly and efficient growth, development and redevelopment; and*

*To aid in the prevention or elimination of slums or blight.*

### **C. Objectives of the City of Springfield's Growth Management and Land Use Plan**

The Redevelopment is closely aligned with many of the objectives of the City of Springfield's Growth Management and Land Use Plan (GMLUP), which is a component of the Vision 20/20 Springfield- Greene County Comprehensive Plan adopted in November 2001.

#### **Growth Management Plan**

**Objective 2, Sustainable Growth** (Page 18-5 of the GMLUP) - "Springfield and Greene County should seek sustainable growth by investing in established areas, carefully planning new neighborhoods, providing attractive public amenities, and protecting environmental resources."

##### ***Investment in Established Areas***

The Redevelopment Area is located in a neighborhood that predates the 20th century. It is located in the heart of the Mid-Town Historic District, is surrounded by student housing for Drury University and is located directly across from Drury University campus. The proposed redevelopment would invest in a previously underinvested property in a well-established area of the community, helping to further stimulate new and continued investment in nearby properties.

**Objective 9, Activity Centers** (Page 18-6 of the GMLUP) - "Springfield and Greene County should target several locations as Activity Centers. In those locations, plans, regulations and

public investments should promote additional or new employment..." "Design should emphasize mixed- and multiple-use development, attractive public spaces, and high-quality site planning and architecture." " Activity Centers should be linked to the bicycle and linear open space networks."

The Redevelopment Area is located in the Center City Activity Center which is designated as a major Activity Center. This area includes Downtown, Walnut Street, Missouri State University (identified as SMSU), Government Plaza, Commercial Street, Drury University (noted as Drury College) and Evangel University (also noted as Evangel College).

*Reference Page 18-30 of the GMLUP*

### ***Promotion of Additional & New Employment***

As proposed, the Redevelopment Area encourages new employment in the Activity Center with its addition of a restaurant and boutique suites.

### ***Emphasis on High-Quality Site Planning & Architecture***

The Developer is proposing the redevelopment of a recognized Historic property in the Mid-Town Urban Conservation District. Redevelopment of the property will preserve high-quality architecture from another era, providing enjoyment for future generations and an important link to our past. In redevelopment of the property, the developer will take care to conserve the historic integrity of the site and will provide high-quality site planning and landscaping.

### ***Reinforcement of Alternate Transportation Routes***

The Redevelopment Area creates diversity in development by boasting a restaurant and luxury boutique suites which are very rare near Drury University and throughout the Mid-Town Historic District. Diversity of services in the area encourage pedestrian and alternate transportation methods. Located near established north-south and east-west bicycle routes, the Area also encourages the use of bicycle transportation.

*See Exhibit C for location of major north-south and east-west bicycle routes.*

## ***Land Use Plan***

**Objective 14, Reinvestment** is summarized on Page 18-45 of the GMLUP: "The City of Springfield and Greene County should promote continuous public and private reinvestment to ensure that established neighborhoods remain attractive places to live."

In spirit with Objective 14 of the Land Use Plan, allowing real property tax abatement for the Redevelopment Area promotes private reinvestment in the



Redevelopment Area. Removal of the blight enhances the sense of neighborhood, preserves historically & architecturally significant buildings, and helps to ensure that the Midtown Historic District remains an attractive place to live.

*Reference Page 18-51 through 18-52 of the GMLUP*

#### **Maintaining Traditional Urban Character** (Section 18-52 of the GMLUP)

The Redevelopment Area reinforces many of the Actions outlined on Page 18-52 of the GMLUP.

##### **Action 1, Mixed-Use Areas** (Page 18-52 through 18-53 of the GMLUP)

The proposed restaurant which will be located within the Planned Development on the property adjacent to the south of the Redevelopment Area hopes to serve area both residents and employees of nearby institutions and businesses. This service is complementary to the goal of a “mutually supportive commercial” activity and “pedestrian-friendly gathering place(s)”. In addition, the Redevelopment Area will provide rear parking which also aligns with the Action’s goal to accommodate automobile transportation while promoting pedestrian and alternative forms of transportation.

##### **Action 4, Neighborhood Preservation** (Page 18-53 through 18-54 of the GMLUP)

In the spirit of maintaining the character of the Mid-Town Historic District, the Developer will strive to preserve and rehabilitate the historic character of the property.

#### **D. Objectives of the Center City Plan Element of the City’s Comprehensive Plan**

According to the *Center City Plan Element* of the Springfield Greene County Comprehensive Plan, the Redevelopment Area is located within Center City. The Redevelopment Area is located adjacent to two of the primary areas within Center City: the Government Plaza & Central Street Corridor and the Drury University Campus.

The *Center City Plan Element*, adopted May 1998, provides the following vision for historic preservation: “Center City will preserve and enhance the public and private historic landmarks and “celebrate the heritage” and history of Springfield.” (Page 1-3 *Center City Plan Element*)

Developer intends to preserve the historic and architectural significance of the property. Investment in the Redevelopment Area will include significant repair to the degraded and deteriorating façade. The now vacant property will be reinvigorated with life allowing locals and visitors alike to enjoy the rehabilitated property.

The *Center City Plan Element* provides the following observation about historic resources in Center City:

**“Historic Resources** – Renovation and adaptive re-use of Center City’s fine, older buildings will be made a priority. These structures help make Center City special and different, cement the community’s emotional attachment to the area, and offer economically attractive spaces for start-up businesses and cultural organizations that cannot be duplicated elsewhere. They are a special resource in the revitalization of Springfield, as in many other American cities.” See page 1-4.

The rehabilitation and adaptive re-use of the historic Patterson House, as proposed in the Redevelopment Plan, will save one of Center City’s fine older buildings that make Center City special and different. The proposed uses of the Redevelopment Area set forth in the Planned Development District No. 348, a copy of which is attached hereto as Exhibit E and incorporated herein by reference, provides an opportunity to offer economically attractive spaces for start-up businesses.

The project, being a historic rehabilitation, is congruent with the vision for Center City as found in the *Center City Plan Element*, which states: “Center City will preserve and enhance the public and private historic landmarks and “celebrate the heritage” and history of Springfield.” (page 1-3). Although the Patterson House is not recognized locally as a Landmark, but rather a historic site, proposed rehabilitation is keeping with the spirit of the Plan and will preserve a historically and architecturally significant structure in Center City.

The *Center City Plan Element*, Item 2, page 5-4, suggests that the Government Plaza District be developed predominately with buildings for local government, education, and other public services. It goes on to say that commercial buildings should be secondary and supportive. Although the redevelopment area and Drury University are located just outside Government Plaza, the proposed reuse of the Patterson House will be in keeping with this recommendation by functioning as a supportive and secondary use.

*Center City Plan Element*, page 2-12, item 5, states:

**“Underutilized Historic Resources.** Center City has a sizable collection of older residential and commercial buildings that can be used to establish a strong position in those markets which desire or prefer a historical setting. The Midtown Historic District... Drury College and other locations represent historical resources that evoke strong emotional responses from the community. They are Center City’s greatest asset and tool for revitalization.”

## **V. Redevelopment Plan Objectives and Strategies**

The primary objectives of the Redevelopment will be to (a) cure blight, specific to the site and the surrounding neighborhood, that is a social and economic drain on highly invested areas in the Mid-town Historic District and other areas of Center City, and to (b) develop a project that stays true to the intent of the Springfield-Greene County Comprehensive Plan in the following ways:

- Rehabilitating blighted apartments in favor of diverse and appropriate adaptive reuse.
- Activating a previously vacant property.
- Providing further diversity of development in the Mid-Town Historic District and Center City by providing a restaurant and boutique suites.
- Providing an urban option that appeals to modern lifestyles by incorporating a neighborhood restaurant which caters to Drury students and personnel, local businesses and residents, and suites which cater to parents of university students, wedding parties for Stone Chapel weddings, adjunct and visiting professors, business and government sector travelers and persons interested in staying in historic homes.
- Promoting pedestrian and bicycle transportation in Center City along the corridor between Commercial Street and the Government Plaza/Central Street Corridor and around Drury University.

## **VI. Land Use Plan**

### **A. Former and Existing Land Use**

The Redevelopment Area currently consists of one (1) single family home which was converted into six apartments in 1939. The apartments have been unoccupied for about ten (10) years.

The foundation of a carriage house and parts of the carriage house wall remain upon the west edge of the Redevelopment Area.

### **B. Proposed Land Use**

The Patterson House will be redeveloped as part of a larger project that includes the adjoining property immediately south of the Redevelopment Area at 1215 N. Benton Ave. The 1215 property is not included in this Redevelopment Plan because it lacks a preponderance of blight. Both properties are located within the proposed Planned Development District No. 348, which will allow the development of up to 14 luxury boutique suites offering overnight accommodations, an eating and drinking establishment, and other uses ancillary to the operation of the suites and restaurant. The current design for the Patterson House contemplates constructing up to eight boutique suites as part of an adaptive reuse of this historic structure.

Planned Development District No. 348 also provides the opportunity for Developer to reconstruct the carriage house, with open bays for parking, at a future date. This Redevelopment Plan allows the future construction upon the west edge of the Redevelopment Area of carriage house/parking bays that reflect the historic character of the original carriage house.

*A preliminary site plan reflecting the proposed land use is attached as **Exhibit D** and incorporated herein. As discussed above, the adjacent 1215 property is not part of the Redevelopment Plan and is not seeking Real Property Tax abatement.*

### **C. Existing and Proposed Zoning**

The property is currently zoned as Medium-Density Multi-Family Residential (R-MD). The Redevelopment Area is a part of proposed Planned Development District No. 348, a copy of which is attached hereto as **Exhibit E** and incorporated herein by reference, which proposes to develop the Redevelopment Area and the adjacent house at 1215 N. Benton Avenue, currently zoned single-family residential, to allow the operation of a restaurant and an Inn with up to fourteen (14) luxury boutique suites.

### **D. Regulations and Controls**

Redevelopment of the Redevelopment Area shall be subject to all applicable Local and State Codes and Ordinances. The Redevelopment shall also be redeveloped in accordance with proposed Planned Development District No. 348. The regulations for said District are attached hereto as Exhibit E and incorporated herein by reference.

## **VII. Execution of the Project**

### **A. Execution**

The Developer or its successors in interest shall be responsible for executing the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan.

### **B. Land Acquisition**

The Developer acquired the land within the Redevelopment Plan in February of 2015 and is scheduled to acquire the adjacent, 1215 N. Benton, property, which is within the Planned Development District No. 348 but not within the Redevelopment Plan, on March 31, 2015.

### **C. Financing**

The developer is utilizing Historic Tax Credit financing and Real Property Tax Abatement to finance the project.

#### **D. Disposition of the Property**

No disposition of property is proposed within the Redevelopment Area.

#### **E. Redevelopment Schedule and Estimated Date of Completion**

The Developer estimates that each stage of the Project will be completed in accordance with the following schedule:

- Preconstruction (including, but not limited to, plan review and permitting): late Spring/early Summer of 2015
- Redevelopment and Construction: Summer and Fall of 2015
- Completion of Redevelopment/Occupancy: December 2015

#### **F. Taxation**

The Developer or its successors in interest may apply to the Land Clearance for Redevelopment Authority for tax relief pursuant to sections 99.700 to 99.715 of the Missouri Revised Statutes, 2000.

#### **G. Covenants**

The Redevelopment Plan shall run with the land and require the Developer and any successors in interest to redevelop the real property within the Redevelopment Area in accordance with the specified uses in the Redevelopment Plan if they wish to benefit from tax relief available under sections 99.700 to 99.715 of the Missouri Revised Statutes, 2000.

### **VIII. Other Provisions**

#### **A. Compliance with General Plans**

The Redevelopment Plan, as described herein, conforms to state and local codes and regulations, the Mid-Town Neighborhood Plan, proposed Planned Development District No. 348 as attached hereto and incorporated herein as **Exhibit E**, and the objectives of the applicable Activity Centers as described in the City's Growth Management and Land Use Plan (GMLUP).

#### **B. Compliance with State and Local Law**

The Redevelopment Plan shall be implemented in conformance with the requirements of state and local law and the proposed Planned Development District No. 348, attached hereto as Exhibit E.

### **C. Public Facilities**

At this time it is not anticipated that the Project will require any additional public facilities or utilities.

## **IX. Procedure for Changes or Modification of Plan**

Upon application by the Developer or its successors in interest, the Redevelopment Plan may be amended or modified by the Land Clearance for Redevelopment Authority with the consent of the Planning and Zoning Commission. When the proposed amendment or modification substantially changes the Redevelopment Plan, the City Council must also approve the amendment or modification. Modification of Planned Development District No. 348 shall not operate alone to modify this Redevelopment Plan. The Redevelopment Plan cannot be modified by a zoning change to the Planned Development District No. 348. Rather, the Redevelopment Plan may only be changed or modified in accordance with this section through application to the Land Clearance for Redevelopment Authority.

## **Redevelopment Plan Exhibits**

### **Exhibit A**

Map of Redevelopment Area

### **Exhibit B**

Property Description

### **Exhibit C**

Bike Route Map

### **Exhibit D**

Preliminary Site Plan

### **Exhibit E**

Planned Development District No. 348



## Exhibit A

### Map of Redevelopment Area

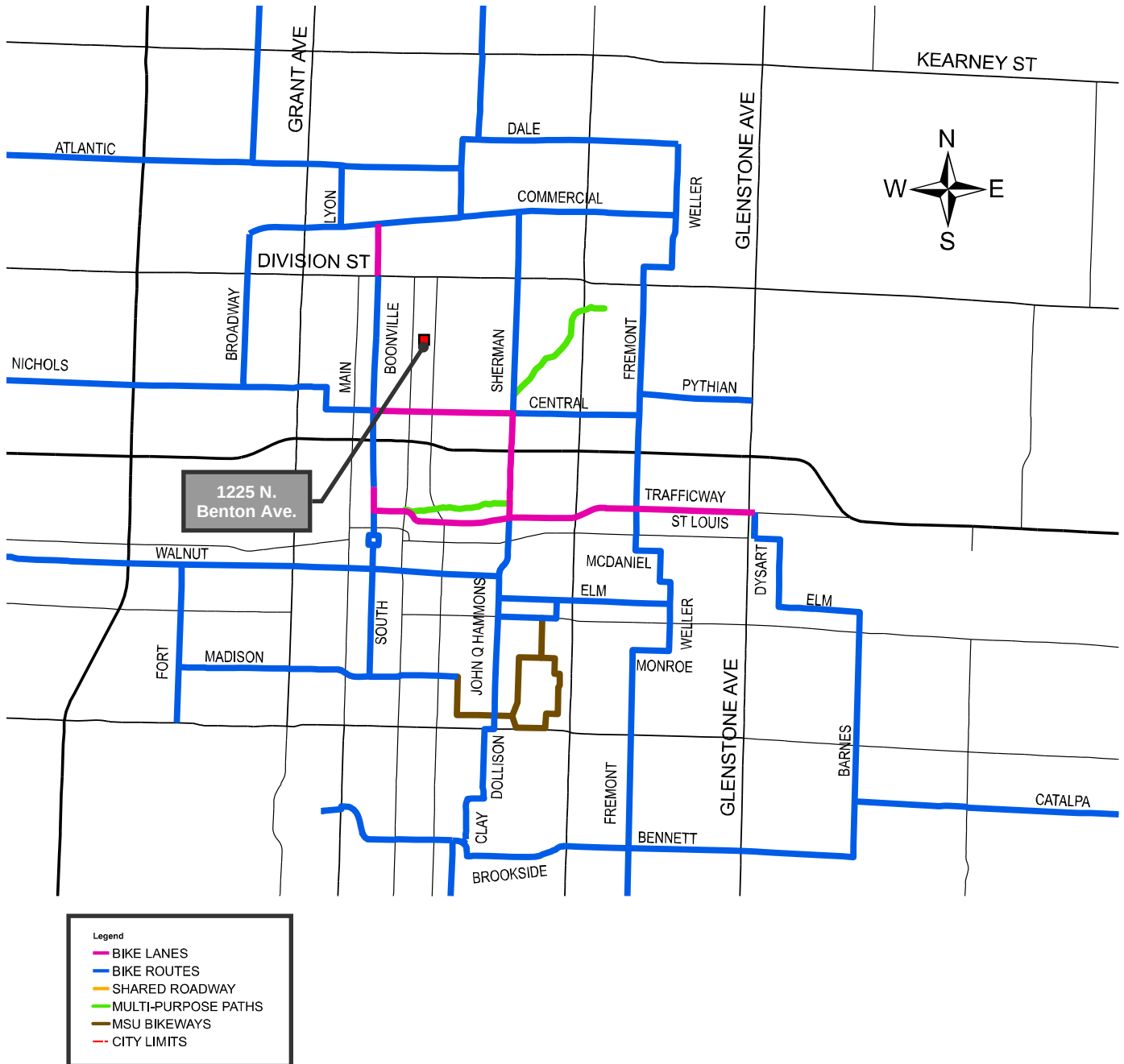


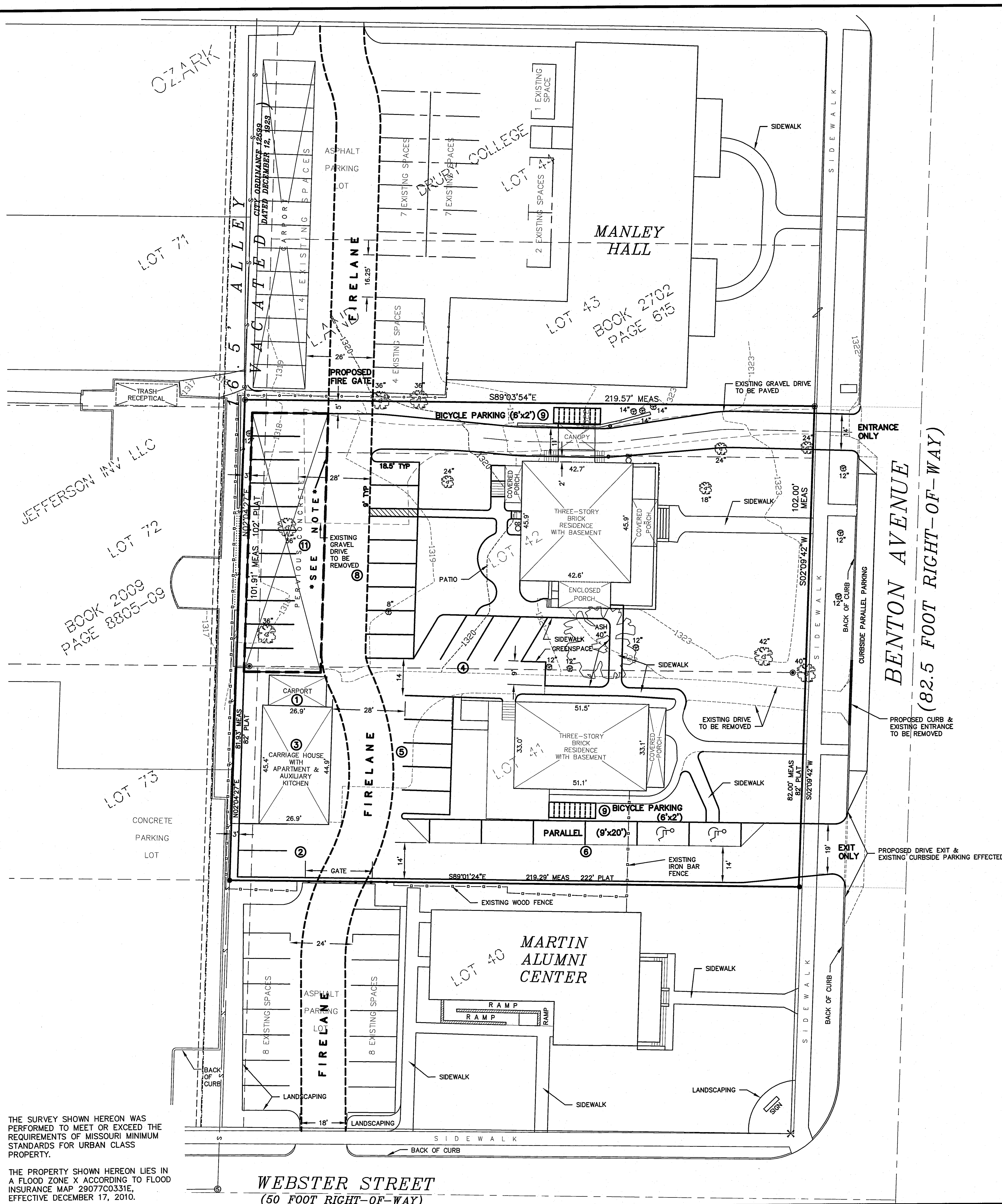
**Exhibit B**  
**Legal Description of Redevelopment Area**

ALL OF LOT FORTY-TWO (42) AND THE SOUTH TWENTY (20) FEET OF LOT FORTY-THREE (43) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

AND THE EAST HALF OF THE VACATED PUBLIC ALLEY WEST OF AND ADJACENT TO LOT FORTY-TWO (42) AND THE SOUTH TWENTY (20) FEET OF LOT FORTY-THREE (43) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

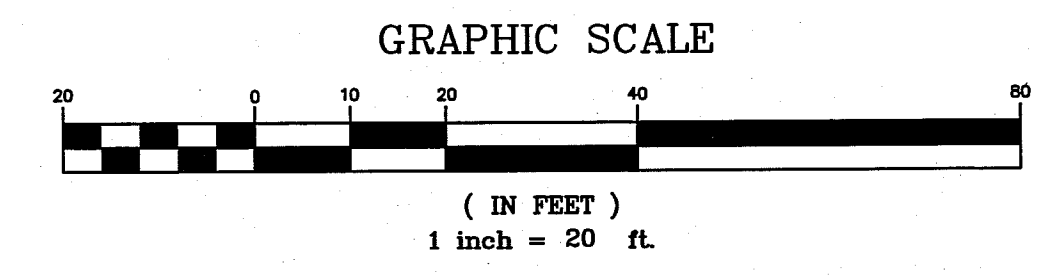
Exhibit C  
*partial image of*  
**Springfield Bicycle Route Map**



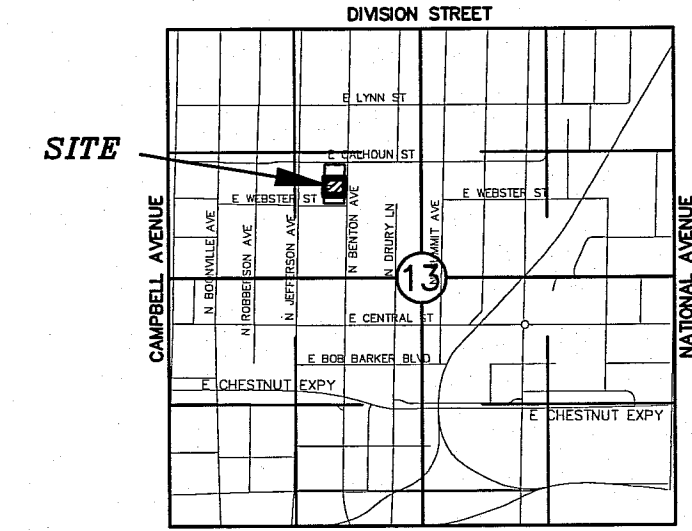


# PLANNED DEVELOPMENT SKETCH PLAN

EXHIBIT 2



GRID NORTH  
MISSOURI STATE  
PLANE,  
CENTRAL ZONE  
NAD83



LOCATION MAP  
SECTION 13  
TOWNSHIP 29 RANGE 22  
APPROX. SCALE: 1"=2000'

### LEGEND

- = EXISTING IRON PIN EXCEPT AS NOTED
- ⊙ = 5/8" IRON PIN SET CAPPED "LS-267D"
- ⊗ = CROSSCUT IN CONCRETE
- ⊗ = CLEANOUT
- ⊗ = DECIDUOUS TREE
- S— = SANITARY SEWER LINE
- X—X— = CHAIN-LINK FENCE
- = WOOD FENCE
- [Pattern] = ASPHALT
- [Pattern] = CONCRETE
- [Pattern] = GRAVEL
- [Dashed Box] = APPROXIMATE LOCATION \*SEE NOTE\*

**NOTE**  
APPROXIMATE FUTURE CARRIAGE HOUSE LOCATION.  
FINAL LOCATION AND DIMENSIONS ARE TO BE DETERMINED AND SUBJECT TO CHANGE.  
FINAL PLANS TO BE APPROVED BY ADMINISTRATIVE REVIEW COMMITTEE.

### PROPERTY DESCRIPTION

ALL OF LOT FORTY-TWO (42) AND THE SOUTH TWENTY (20) FEET OF LOT FORTY-THREE (43) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.  
AND THE EAST HALF OF THE VACATED PUBLIC ALLEY WEST OF AND ADJACENT TO LOT FORTY-TWO (42) AND THE SOUTH TWENTY (20) FEET OF LOT FORTY-THREE (43) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.  
SUBJECT TO ANY EASEMENTS OF RECORD, EXCEPT ANY PART THEREOF TAKEN OR USED FOR ROAD OR HIGHWAY PURPOSES.

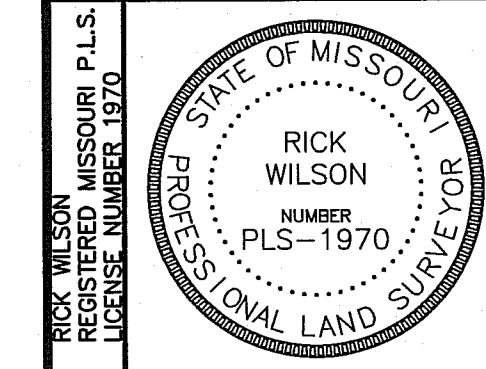
### SOURCE OF DESCRIPTION

BOOK 2007 PAGE 56679-07  
HOGAN LAND TITLE COMMITMENT NO. 1411011  
EFFECTIVE DATE: OCTOBER 31, 2014

### RESOURCE MATERIALS USED FOR BOUNDARY DETERMINATION

OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD FINAL PLAT  
SURVEY BY L.A. WEEKS  
DATED OCTOBER 21, 1953  
SURVEY BY WILSON SURVEYING CO., INC.  
DATED DECEMBER 14, 1991  
DEEDS AS SHOWN

**TOTAL PARKING SPACES**  
REGULAR: 38  
HANDICAP: 2  
BICYCLE: 18  
**TOTAL AREA**  
0.93 ACRES  
40,350 SQ. FT.  
**GREENSPACE**  
13,447 sq. ft.  
33.3% GREENSPACE



THE SURVEY SHOWN HEREON WAS PERFORMED TO MEET OR EXCEED THE REQUIREMENTS OF MISSOURI MINIMUM STANDARDS FOR URBAN CLASS PROPERTY.  
THE PROPERTY SHOWN HEREON LIES IN A FLOOD ZONE X ACCORDING TO FLOOD INSURANCE MAP 29077C0331E, EFFECTIVE DECEMBER 17, 2010.

| PRINTS ISSUED | DATE |
|---------------|------|
|               |      |
|               |      |
|               |      |
|               |      |

ISSUED FOR CONSTRUCTION  
DATE: \_\_\_\_\_

| REVISION DATE | MK. |
|---------------|-----|
|               |     |
|               |     |
|               |     |
|               |     |
|               |     |

**WILSON SURVEYING CO. INC.**  
Surveying / Engineering / Land Planning  
2012 S. STEWART AVENUE  
SPRINGFIELD, MO. 65804  
TEL: (417)522-7870 FAX: (417)522-7874  
EMAIL: RICK.WILSON@WILSONSURVEYING.COM

**PREPARED FOR**  
**HISTORIC PATTERSON HOUSE LLC**  
1225 N BENTON AVENUE  
SPRINGFIELD, MISSOURI

|                           |
|---------------------------|
| DRAWN BY<br>MSB           |
| CREW CHIEF<br>GGB         |
| CHECKED<br>RW             |
| DATE<br>MARCH 31, 2015    |
| SCALE<br>1"=20'           |
| JOB NO.<br>14237          |
| DRAWING NO.<br>WD-104-807 |
| SHEET                     |
| 1 OF 1 SHEETS             |



## **EXHIBIT E**

### **Requirements and Standards Applicable to Planned Development District 348**

#### **Introduction**

This planned development will facilitate the historic rehabilitation of the two primary historic buildings located on adjacent properties in the heart of Springfield, Missouri, and their development into an Inn and restaurant, following the guidelines promulgated by the United States Secretary of the Interior for the Rehabilitation of Historic Properties. The south property, hereinafter referred to as the "Hawkins House", is located at 1215 N. Benton and totals approximately 0.39 acres. The north property, hereinafter referred to as the "Patterson House", is located at 1225 N. Benton and totals approximately 0.51 acres. The two properties make up the entirety of the Planned Development.

#### **Background**

Both the Patterson House and the Hawkins House are located within the Mid-town Historic District and are identified as contributing to the District on the National Historic Registry.

The Patterson House, constructed between 1900 and 1904, was originally designed as a single-family residence. In 1939, the home was converted into apartments. The Hawkins House, built in 1907, was originally designed as a single-family residence. Over time, the property was converted from a single-family residence into medium density housing utilized by the Sigma Pi fraternity at Drury University. More recently, the Hawkins House was converted back into a single-family residence and a one-and-a-half story carriage house was constructed on the northwest corner of the lot. In total, there are three building structures currently located within the Planned Development. Both the Hawkins House and the Patterson House are identified as contributing to the Mid Town Historic District.

#### **Application**

Building or other permits cannot be issued for development permitted by this planned development, nor can any changes be made to this property, until the final development plan is approved in the manner described at the end of this document.

## **Intent**

The intent of this Planned Development is set forth in the Introduction and Background sections above and shall conform to the Landmarks requirements set forth herein.

## **Definitions**

The definitions contained in the City of Springfield, Missouri Zoning Ordinance apply except where terms are defined in this section or in the Uses Permitted section below.

For the purposes of this ordinance, the following definitions shall apply:

**BED AND BREAKFAST:** A dwelling, or portion thereof, that contains guest rooms where short-term lodging, with or without meals, is provided for compensation.

**FLOOR AREA GROSS:** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, but not including parking or loading spaces for motor vehicles. The gross area shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, and lobbies. It shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

**IMPERVIOUS SURFACE AREA (ISR):** The portion of the site covered by surfaces which do not absorb rainwater, including buildings, roads, sidewalks, patios, parking areas and any other paved area.

$$\text{ISR} = \frac{\text{AREA COVERED BY IMPERVIOUS SURFACES}}{\text{TOTAL SITE AREA}}$$

## **Uses Permitted**

A. The following uses shall be permitted in the Planned Development:

1. Single-family-detached dwellings
2. Accessory Uses as permitted in section 5-1000, accessory structures and uses.



B. The following commercial uses shall be permitted within the Planned Development:

1. Eating and Drinking Establishments Use Group. Establishments primarily engaged in the sale of prepared foods and/or beverages for on-premise consumption. Typical uses include restaurants and coffee shops. Drive-up windows, Drive-in and drive thru facilities are NOT allowed.
2. Bed and Breakfasts. Establishments providing lodging available to the public on a daily basis. Typical uses include bed and breakfasts and activities normally accessory thereto such as incidental retail sales, offices, restaurants, bars, spa services, art sales and recreation facilities intended for the convenience of guests.
3. The carriage house on the south lot may have an apartment and offices incidental to the operation of the Bed and Breakfast and Restaurant. The carriage house may also be used as guest suites or as a kitchen incidental to the operation of the restaurant.
4. Accessory uses as permitted by section 5-100. Accessory structures and uses.
5. Should either the Hawkins House or the Patterson House, or both, be damaged by fire or natural disaster then: a. the structure(s) shall be restored to maintain their significant features consistent with the most recent rehabilitation plans approved by the State Historic Preservation Office; or b. the structures shall be completely rebuilt to their original plans; or c. should it not be possible to repair or rebuild in a manner that complies with these requirements, the use of the property shall revert to single family residential uses.

## **Historic District and Landmarks Compliance**

- A. All modifications and uses of Contributing Buildings within the Planned Development shall retain the historic character of the existing structure. Additionally, the goals of historic rehabilitation shall be met and any exterior modification to the property must be consistent with the Secretary of Interior's Standards for Rehabilitation. A Certificate of Appropriateness shall be required in the following instances before the commencement of exterior work upon any new or existing structure or outside work within the Planned Development except for ordinary maintenance and repair:



1. Any construction, alteration, or removal affecting the exterior of a site or structure that requires a building or demolition permit from the City of Springfield including but not limited to the construction of new structures;
  2. A material change to the exterior appearance of existing structures including but not limited to additions, reconstruction or alterations, which affects a significant exterior feature of a structure as specified in the materials attached to the ordinance designating the properties in this Planned Development as contributing to the Midtown Historic District.
  3. Any action resulting in the application of paint to a previously unpainted brick or masonry exterior surface or the application of stucco or siding;
  4. The construction or enlargement of a driveway or parking area or erection of fencing;
  5. Work by the City of Springfield or any of its agencies or departments which would require a Certificate of Appropriateness if undertaken by a private citizen and any Public Improvement Project, which, in the opinion of the Director of Planning and Development would affect the Midtown Historic District.
  6. The placement or construction of any building one hundred (100) square feet or less in size within the Planned Development, with the exception of gazebos, pergolas, and green houses, and structures associated with the temporary use of street festivals so long as said structures are removed at the expiration of the applicable use permit issued by the Director of Building Development Services; and
  7. A material change to the interior appearance of existing structures, including but not limited to additions, reconstruction, or alterations, if a significant interior feature of a structure was listed in the nomination for the Midtown Historic District.
- B. Administrative Review. A person who is required to obtain a Certificate of Appropriateness shall submit an application to the Director of Planning and Development, hereinafter referred to as Director. Persons desiring to perform work on structures or parcels designated as Historic Landmarks or located within a Historic District are required to contact the Director in order to determine if certificate is required. If the application is for work that will have no effect on exterior architectural details or is one of any number of items that the Landmark Board has designated for action, then the Director shall review the application and issue or deny a Certificate of Appropriateness. Such certificate shall be in addition to all other permits required by the City. If the request is within the Director's jurisdiction and is denied by the Director, the applicant may appeal such decision to the Landmarks Board. Permits required by the City involving items requiring a Certificate of Appropriateness shall not be issued by the City until the Director has issued said certificate, has issued a Certificate of Economic Hardship, or in the event of demolition being refused, the requisite time period has expired. If the Director determines that the application is for action not designated for administrative review, then the Director shall submit the application to the Landmarks Board. The Director may require as a condition of processing the application that the

applicant submit information as determined by the Director. The Director shall also have the authority to refer any building or demolition permit application for structures within the Planned Development to the Landmarks Board for the sole purpose of review and comment when, in his opinion, the proposed improvements would have a significant adverse impact on the Midtown Historic District.

- C. Landmarks Board Review and Action on Certificates of Appropriateness. Applications for Certificates of Appropriateness must be complete and be received in the Director's office no later than fifteen (15) days prior to a scheduled Landmarks Board meeting. Not less than ten (10) days prior to the hearing Applicant shall post signs on the property being considered indicating the proposed action and the time, date, and place of the hearing. The applicant must comply with standards and procedures provided and approved by the Director of the Planning and Development Department and on file in the City Clerk's office, regarding compliance with this section. The Landmarks Board shall review the application and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this section. If the certificate is denied, no permit for the work shall be issued and the applicant shall not proceed with the work. The Landmarks Board shall state the reasons for denial in writing to the applicant and shall also make suggestions in regard to appropriate changes.
- D. Review Criteria. The Landmarks Board in considering whether or not to issue a Certificate of Appropriateness shall be guided by the general purpose of this section and the following:
  - 1. The Secretary of Interior's Standards for Rehabilitation as listed below.
    - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
    - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
    - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
    - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
    - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
    - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible,

materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- 2. Any design guidelines or standards that the Landmarks Board may establish and adopt.
  - 3. For new construction, the Landmarks Board shall also consider the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this section to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.

F. Work Required to Conform with Certificate of Appropriateness. Work performed pursuant to the issuance of a Certificate shall conform to the requirements of such certificate, if any. The Director of Building Development Services shall inspect from time to time any work performed pursuant to a certificate to assure such compliance. In the event that such work is not in compliance, the Director of Building Development Services shall issue a stop work order. A certificate shall become void unless construction is commenced within one hundred eighty (180) days of date of issue. All City licenses shall be issued on condition that the person owning or occupying the premises will comply with conditions, if any, in the certificate.

G. Applicant's Action if Application is denied. In the event that a certificate is denied, the applicant may:

- 1. Not resubmit a denied application without substantial change, but may change the original proposal and resubmit the application within fifteen (15) days of denial by the Landmarks Board; or

2. Apply for a Certificate of Economic Hardship; or
3. File an appeal to the Board of Adjustment within fifteen (15) days of the denial by the Landmarks Board.

#### H. Certificate of Economic Hardship.

1. Application Procedure. Application for a Certificate of Economic Hardship shall be submitted to the Director of Planning and Development. Applications for Certificates of Economic Hardship must be complete and received in the Director's office no later than fifteen (15) days prior to a scheduled Landmarks Board meeting. Not less than ten (10) days prior to the hearing the applicant shall post signs on the property being considered indicating the proposed action and the time, date and place of the hearing. The applicant must comply with standards and procedures provided and approved by the Director of the Planning and Development Department and on file in the City Clerk's office, regarding compliance with this section.
2. Review Criteria. The Landmarks Board will review the application at a public hearing and may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application:
  - a. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Board for changes necessary for the issuance of a Certificate of Appropriateness.
  - b. A report from a licensed engineer or architect with experience in recognized historic property rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.
  - c. A report from a state-certified real estate appraiser as to the estimated market value of the property in its current condition, after completion of the proposed construction, alteration, demolition or removal, after any changes recommended by the Landmarks Board.
  - d. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operation and maintenance expenses for the previous two (2) years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
  - e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
  - f. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.

- g. Assessed value of the property according to the two (2) most recent assessments.
- h. Real estate taxes for the previous two (2) years.
- i. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.
- j. Amount paid for the property, date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
- k. Annual debt service, if any, for the previous two years.
- l. Any consideration by the owner as to profitable adaptive uses for the property.
- m. Any other information considered necessary by the Landmarks Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.

3. Landmarks Board Review and Action. The Landmarks Board shall review all information and shall either approve, approve subject to conditions, or deny the application for a Certificate of Economic Hardship. If approved, the Director of the Department of Building Development Services will be instructed to issue a building permit for the proposed work unless an appeal of the decision to the Board of Adjustment is filed within fifteen (15) days of the decision. If denied, the applicant shall have the right to appeal the decision to the Board of Adjustment. The Board of Adjustment shall conduct a full and impartial hearing on the matter before rendering a decision. The Board of Adjustment shall apply the same standards as established herein. The Board of Adjustment may affirm, reverse, or modify the decision of the Landmarks Board in whole or in part.

## **Use Limitations**

- A. All uses must operate in accordance with the noise standards contained in Section 6-1500 of the Springfield Zoning Ordinance.
- B. No use may emit an odor that creates a nuisance as determined by Chapter 2A, Article X, Springfield City Code.

## **Bulk, Area and Height Requirements**

- A. Development shall adhere to the following:
  - 1. A maximum impervious surface ratio of 0.80 shall be permitted.

## **Intensity of Development**

The Planned Development intends to utilize the existing structures located upon the properties within the Planned Development. The Planned Development will allow the construction of another Carriage House along the west boundary of the north property. Such Carriage House may be up to two stories tall with open bays on the first floor for parking of vehicles.

A maximum of fourteen (14) guest suites may be operated by the bed and breakfast within the Planned Development.

#### Access to Public Thoroughfares

The Planned Development will be allowed a maximum of two (2) access points on N. Benton Avenue.

Applicant will acquire easements for a Fire Lane access as shown on Exhibit 2 .

### **Off-street Parking**

The Planned Development shall have one (1) parking space for each guest suite, office and apartment, and one parking space for every 250 square feet of additional gross floor area within a habitable structure. Provided, however, that the gross floor area of common areas located on a floor with guest rooms shall not be considered for parking requirements.

### **Signs**

All signage shall meet the standards of section 5-1400 of the zoning ordinance unless otherwise modified herein:

- A. A monument sign identifying the commercial operation(s) within the Planned Development will be allowed. Such sign shall be restricted to a maximum height of five (5) feet above the ground and a total of sixteen (16) square feet of effective area on each face.
- B. Two additional detached signs identifying each of the historic buildings shall be allowed to display the historic name, a brief history of the property and the address. These signs shall be no larger than twelve (12) square feet.
- C. No detached sign shall exceed a height of five (5) feet above the ground upon which it is located. Attached signs shall not exceed sixteen (16) square feet of effective area.

- D. Wall signs shall be attached in a manner and in a location that does not obscure significant architectural features of the structure.

### **Perimeter Treatment**

The Planned Development shall adhere to the following:

- A. No buffer yard will be required between the side yards and rear yards as they adjoin parking lots. A minimum 42-inch opaque fence will be required to the rear of the structures to block the headlights of the vehicles entering and leaving the property.
- B. No perimeter buffer will be required along Benton Avenue.

### **Refuse Storage**

Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed within the district, or upon adjacent properties with consent, where they are least visible from a public right-of-way, other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device is visible from public right-of-ways or adjoining properties. Screening of these devices, in the form of sight-proof fence or wall shall be required.

### **Exterior Lighting**

The Planned Development shall adhere to the following:

Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and /or a general increase in lighting within the adjoining existing residence area. The developer shall submit a lighting plan with the final development plan demonstrating compliance with this section.

### **Maintenance of Common Areas and Facilities**

There are no proposed Common Areas within the Planned Development.

### **Final Development Plan**

A final development plan, showing conformance with the requirements of this exhibit, shall be approved in the manner described below prior to the issuance of any building permits and prior to the commencement of any improvements permitted or required by this exhibit.



- A. The Administrative Review Committee is hereby authorized to approve the final development plan for the rehabilitation and construction of improvements within the Planned Development provided such plan substantially conforms to the provisions of the ordinance.
- 1. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall include any uses not specifically prescribed by the ordinance, any increase in the intensity of uses permitted in the district, and any reduction in the required parking prescribed by the ordinance.

# Zoning & Subdivision Report

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

## ZONING ORDINANCE AMENDMENT: SPECIAL EVENTS AMENDMENTS

**DATE:** March 23, 2015

**PURPOSE:** To amend *Section 2-1100, Definitions, Section 5-1000, Accessory Structures and Uses, 5-1200, Temporary Uses, and 6-1500, Noise Standards* in the *Springfield Zoning Ordinance*.

### STAFF COMMENTS:

City Council approved a Resolution 9899 on August 22, 2011, to initiate amendments to the Zoning Ordinance that would eliminate conflicts with regard to temporary promotional activities, event requirements and temporary vendor requirements.

Due to substantive changes that have occurred since these amendments were last reviewed by Planning and Zoning Commission on October 3, 2014. It was determined that Planning and Zoning Commission should make a recommendation before the City Manager's office takes it to City Council. Since the last Planning and Zoning Commission meeting, the City has decided not to move two zoning code sections into this special events code. The two sections that are not going to move are Temporary Promotional Activities (Section 5-1203 B(3)(b)) and Residential Fundraising (Section 5-1203 B(1)). Everything else impacting the zoning code has stayed the same since the last meeting. There were some minor changes to the code related to the definition of special event and amplified sound.

The Planning and Zoning Commission is only responsible for reviewing amendments to the Zoning Ordinance (Exhibit D). The proposed amendments will not be changing any of the processes or permitted uses in the Accessory Uses and Temporary Uses sections of the Zoning Ordinance. It will only change their location in the City's Code so that the proper department may review, inspect and enforce any Temporary Use or Special Event issues.

The Building Development Services, Planning, Police and Fire Departments have reviewed and support the proposed amendments.

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 made no objections to date.

**RECOMMENDATION:** Staff recommends **approval**.

**STAFF CONTACT PERSON:**

Daniel Neal  
Senior Planner

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. \_\_\_\_\_  
Filed: \_\_\_\_\_

Sponsored by: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2015-\_\_\_\_\_

GENERAL ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE

1 AMENDING the Springfield City Code by repealing language contained in Chapter 78  
2 Offenses & Miscellaneous Provisions, Chapter 82 Parks and Recreation,  
3 Chapter 106 Traffic and Vehicles, Chapter 2 Administration, and Chapter  
4 36 Community Development, as identified in Exhibits A, B, C, D, and E;  
5 and enacting in lieu thereof a new Chapter 2 Administration, Article VII  
6 Special Events of the Springfield City Code.  
7 \_\_\_\_\_  
8

9 WHEREAS, the City has experienced an increase in the number of special event  
10 requests, which is positive given that this trend is likely associated with increased civic  
11 engagement; and  
12

13 WHEREAS, City staff initiated amendments to the City Code, including  
14 amendments to the Zoning Ordinance, to create a more efficient and customer-friendly  
15 special events permitting process; and  
16

17 WHEREAS, following proper notice, a public hearing of said amendments was  
18 held before the Planning and Zoning Commission on October 2, 2014, and the Planning  
19 and Zoning Commission made its recommendation with respect to such amendments.  
20

21 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
22 SPRINGFIELD, MISSOURI, as follows, that:  
23

24 Section 1 - The Springfield City Code, Chapter 2 Administration, is hereby  
25 amended by adopting a new Article VII Special Events, Division 1 Generally, which new  
26 Article shall read as follows:  
27

28 Chapter 2. Administration

29 Article VII. Special Events

30 Division 1. – Generally  
31  
32  
33

34 Sec. 2-500. Definitions

35  
36 The following words, terms and phrases, when used in this article, shall have the  
37 meanings ascribed to them in this section, except where the context clearly indicates a  
38 different meaning:

39  
40 *Applicant* means any person who seeks a permit issued pursuant to this section.

41  
42 *Audible* means anything heard or perceived by the human ear.

43  
44 *City* means the City of Springfield, Missouri.

45  
46 *City Manager* means the City Manager of Springfield, Missouri, or his designee.

47  
48 *Controlled intersection* means any meeting of two or more streets where traffic from one  
49 or more directions faces traffic lights, a stop sign, a yield sign or other traffic control  
50 device.

51  
52 *Outdoor* means in the open air, in a tent, under a carport, in a gazebo, or in any area  
53 not fully enclosed from the elements.

54  
55 *Parade* means any parade, fun run, bike-a-thon, walk-a-thon, march, ceremony,  
56 pageant, procession, except a funeral procession, or similar activity involving ten or  
57 more participants who are not competing to complete the route in a short time.

58  
59 *Participant* means any person actively engaged as a member of a parade or race, either  
60 as an individual or as part of a parade unit.

61  
62 *Person* shall mean any natural person, partnership, corporation, association, or  
63 organization.

64  
65 *Race* means any race, run-a-thon, marathon or similar activity involving ten or more  
66 participants who are competing to complete the route in the shortest possible time.

67  
68 *Right-of-way means:*

69 1) when used in relationship to vehicles, the privilege of the immediate use of the  
70 roadway.

71 2) when used in relationship to land, that portion of land owned or controlled by  
72 the City comprised of roadway and parkway.

73  
74 *Route* means the series of streets, sidewalks, grass areas or other surfaces traveled  
75 along or across during the duration of the parade or race.

76  
77 *Special event* means:

78  
79 (a) those events specifically listed in Division 2 of this ordinance, and/or

80  
81 (b) any temporary event, gathering or organized activity, on private property or using  
82 city-owned property, public right-of-way, public streets, public buildings or other City  
83 facilities, involving fifty (50) or more persons, and which involves one or more of the  
84 following activities:  
85 1. Closure of a public street;  
86 2. Blockage or restriction of city-owned property;  
87 3. Sale of merchandise, food or beverages on city-owned property;  
88 4. Erection of a tent, requiring a permit pursuant to Chapter 54 of the City Code, on  
89 city-owned property;  
90 5. Installation of a stage, band-shell, trailer, van, portable building, grandstand or  
91 bleachers on city-owned property;  
92 6. Placement of portable toilets on city-owned property;  
93 7. Placement of temporary no parking signs in a public right-of-way;  
94 8. Placement of pedestrian boundary markers on city-owned property;  
95 9. Inclusion of electrical or plumbing hookups to City utility connections;  
96 10. Inclusion of fireworks; or  
97 11. Three or more establishments with a liquor license using a common cover charge  
98 for entrance on a specific date.  
99

100 Sponsor means the person who provides the main financial, administrative,  
101 organizational or other support for a special event and who accepts responsibility for the  
102 conduct of the special event. Every special event is required to identify a single point of  
103 contact who is serving as the official "sponsor" of the event.  
104

105 Unit means any float, car, band or other distinct item, person, or group of items or  
106 people moving together as a part of the parade.  
107

#### 108 Sec. 2-501. - Purpose of article.

109

110 The provisions of this article are designed to regulate the time, place and manner in  
111 which a special event is conducted, as well as coordinate public health and safety  
112 concerns, assign responsibility, and assign liability in order to protect the safety and  
113 welfare of participants and nonparticipants.  
114

#### 115 Sec. 2-502. – Law Enforcement Protection for large events.

116

117 For events anticipating five-hundred (500) or more people in attendance the City  
118 Manager shall determine whether and to what extent additional police and/or fire  
119 marshals will be necessary for the special event for purposes of crowd control, traffic  
120 control and public safety. The City Manager shall base this decision on the size,  
121 location, duration, time and date of the event, the expected sale or service of alcoholic  
122 beverages, the number of streets and intersections to be blocked, the need to detour or  
123 preempt ordinary citizen travel and use of the streets and sidewalks, and any criteria  
124 that impact liability. The content of the speech or event will not be a factor in  
125 determining the amount of police protection necessary. If law enforcement protection

for the special event is deemed necessary by the City Manager, the applicant shall be so informed and shall then have the duty to secure the additional law enforcement protection deemed necessary by the City Manager at the sole expense of the applicant who shall prepay the expenses of any such additional protection.

Sec. 2-503. – Permit Required.

No person shall sponsor, participate in, allow, or conduct any special event without a permit issued by the City Manager pursuant to this article. Any person who has been granted a permit shall cause the permit to be publicly displayed at all times during the special event. Permit fees shall be as established by ordinance from time to time and on file with the City Clerk. This Section does not apply to properties owned and operated by the Springfield-Greene County Park Board or the Ozark Empire Fairgrounds.

Sec. 2-504. – Application.

(a) The application form for a special event permit shall be available online or at the City offices. Applications requesting a special event permit shall be filed with the City at least thirty (30) business days prior to the proposed start date of the special event, unless the thirty (30) business day time period is waived by the City Manager for good cause.

(b) The application for an event permit shall include:

(1) Name, address, mobile telephone number, facsimile number, and email address of the applicant, and for any persons acting as sponsors of the special event who will be responsible for its conduct, staging, presentation or organization and who will be on site during the event.

(2) The purpose or description of the special event, the estimated number of participants and those attending, and a plan or description for the use of any off-premises vendors for the event.

(3) The date, or dates the special event is to be held, and the time it is to commence and terminate, including set-up and shut down.

(4) The location of the special event, including the specific street or streets, or portions thereof, to be closed or otherwise impacted, if any, for the special event.

(5) Whether alcoholic beverages will be allowed, provided or sold by vendors during the special event, and the plan or description for such allowance.

(6) A plan or description for the use of lighting, music, loudspeakers, a live band, or sound system, if any, during the special event, and the type and location of speakers and other audio and lighting equipment.

172 (7) The name, address, and mobile telephone number, of the security company,  
173 if any, engaged for the special event, and a description of the duties to be  
174 performed.

175  
176 (8) A plan or description for fire protection for the special event, including a map,  
177 specifying the location of 20-foot fire lanes, the water supply for fire control, and  
178 the use of any tents.

179  
180 (9) A plan or description for emergency medical services for the special  
181 event.

182  
183 (10) Whether food will be served during the special event and a plan or  
184 description for compliance with applicable health codes of the Health  
185 Department.

186  
187 (11) Whether animals will be used or allowed during or as part of the special  
188 event and a plan or description for the use or allowance of animals during or as  
189 part of the special event.

190  
191 (12) A plan for the disposal of sanitary waste and sewage for the special event,  
192 including toilet facilities, and the disposal of garbage, trash, and refuse. When  
193 possible, the event organizer is encouraged to use appropriate recycling disposal  
194 bins.

195  
196 (13) Compliance with this Code relating to merchant licenses for the  
197 special event.

198  
199 (14) Events located upon or requiring the closing or blocking of any street, alley,  
200 or road, or the use of any City-owned property or right-of-way areas, shall submit  
201 a liability insurance policy in the following amount:

202  
203 a) Events with expected attendance of one thousand (1,000) people or  
204 less shall provide a liability insurance policy in the amount of \$1,000,000.00 for  
205 any injury to any person, including death, arising out of one incident;  
206 \$1,000,000.00 for any damage to property; and \$1,000,000.00 automobile  
207 liability insurance for any injury to any person, including death, arising out of one  
208 incident.

209  
210 b) Events with expected attendance of greater than one thousand (1,000)  
211 people shall provide a liability insurance policy in the amount of \$3,000,000 for  
212 any injury to any person, including death, arising out of one incident;  
213 \$3,000,000.00 for any damage to property; and \$3,000,000.00 automobile  
214 liability insurance for any injury to any person, including death, arising out of one  
215 incident.



217 c) Events where alcohol will be provided or sold shall also be required to  
218 provide a liquor liability insurance policy in the amount of \$1,000,000.00 for any  
219 injury to any person, including death, arising out of one incident; and  
220 \$1,000,000.00 for any damage to property.

221  
222 The City shall be an additional insured on a primary basis for each of the above-  
223 referenced policies, and the special event sponsor shall execute a hold harmless  
224 agreement indemnifying the City, including a waiver of subrogation. Any  
225 contractors or vendors hired will be required to maintain the same limits of  
226 insurance as the event sponsor. Additional insurance coverage and increased  
227 limits may be required by the City Manager based on the size and scope of the  
228 event.

229  
230 (15) Any additional information which the City Manager shall find reasonably  
231 necessary for a fair determination as to whether a permit should be issued.

232  
233 Sec. 2-505. – Compliance with zoning and other laws required.

234  
235 (a) No special event permit shall be issued for any use of private property within the City  
236 unless such proposed use is allowed under the Springfield Zoning Ordinance.

237  
238 (b) No special event permit shall be issued for any proposed use of private property  
239 within the City if the proposed use is a violation of other City Ordinances, rules or  
240 regulations.

241  
242 Sec. 2-506. – Denial.

243  
244 (a) The City Manager shall act upon the application for special event permit within  
245 fifteen business days after the date filed. If the City Manager does not approve the  
246 application, he/she shall mail the applicant, within ten business days after the date upon  
247 which the application was filed, a notice of the action stating the reason(s) for the denial  
248 of the permit.

249  
250 (b) Any person aggrieved by the decision of the City Manager shall have the right to  
251 appeal the denial of a special event permit in accordance with the provisions of Section  
252 2-507.

253  
254 Sec. 2-507. – Hearing.

255  
256 (a) A person who has been denied a permit shall have a right to an administrative  
257 hearing to determine whether there was a substantial basis for the denial. The appeal  
258 shall be in writing, setting forth fully the grounds upon which the appeal is based, and  
259 shall be filed with the City Clerk within thirty (30) calendar days after service of notice of  
260 such action on the applicant. The hearing shall be conducted before a hearing officer  
261 designated by the City Manager within 10 business days of receipt of a written demand  
262 therefore from the person seeking the hearing, unless such person waives the right to a

speedy hearing, except the hearing officer may cause the hearing to be continued for good cause by any party for an additional 14 days. Saturdays, Sundays and City holidays are to be excluded from the calculation of the 10-day period. The sole issue before the hearing officer shall be whether there was a substantial basis for the denial. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that the proposed special event is in full compliance with the provisions of this article. The City shall carry the burden of establishing that there was a substantial basis for the denial of the permit. At the conclusion of the hearing, the hearing officer shall prepare a written decision within 45 days from the date of the hearing. A copy of such decision shall be provided to the person demanding the hearing. The decision of the hearing officer is final for purposes of RSMo Ch. 536. Failure of the person requesting the hearing or his agent to request or attend a scheduled hearing as set forth in this section shall be deemed a waiver of the right to such hearing.

(b) The hearing officer shall only determine whether or not there was a substantial basis for the denial of the permit. If the hearing officer determines there was not a substantial basis, the hearing officer shall order the City Manager to immediately issue the special event permit.

#### Sec. 2-508. –Violations; penalty.

Failure to obtain a permit, or violation of any condition of a permit, shall be punishable in accordance with Section 1-7. In addition to any other enforcement proceeding available to the City, including, but not limited to, municipal court prosecution, any permit issued under this section may be revoked at any time for violation of any conditions of the permit, regulations promulgated pursuant to this section, or other provisions of City ordinances or state law. The City Manager may deny the application if the applicant previously violated these regulations.

#### Division 2. – Additional Requirements for Certain Special Events.

##### Sec. 2-509. – Hot air balloon launchings.

A hot air balloon launching shall be considered a special event and shall be permitted consistent with the provisions in this article. A hot air balloon launch site must be located at least one thousand (1,000) feet from an occupied dwelling that is zoned for residential use by the City.

##### Sec. 2-510. Outdoor carnival or circus.

An outdoor carnival shall be considered a special event and is required to be permitted consistent with the provisions in this article. An outdoor carnival is subject to the following restrictions:

309  
310 (1) No carnival or circus shall be located on a parcel of land less than  
311 five (5) acres in size.

312  
313 (2) No permit shall be issued for a period exceeding fourteen (14) days  
314 exclusive of a reasonable period during which the amusement rides,  
315 concessions, etc. are erected or removed from the site.

316  
317 (3) No more than two (2) permits for a circus or carnival on the same property  
318 shall be issued for any twelve (12) month period.

319  
320 (4) Every carnival or circus shall provide either paved or dust treated off-street  
321 parking for not less than three- hundred (300) automobiles per acre of area  
322 used for amusement purpose.

323  
324 (5) Lighting, amusement activities, noise, or increased traffic associated  
325 with a carnival or circus shall not unreasonably disturb surrounding  
326 residential neighborhoods.

327  
328 (6) The applicant shall provide a reasonable plan for traffic control approved by  
329 the Traffic Engineer and adequate evidence that said plan will be implemented.

330  
331 (7) No carnival or circus shall be permitted within five- hundred (500) feet of the  
332 lot line of occupied residential property; except, the City Manager may reduce  
333 the distance requirement set forth in this subsection if the City Manager  
334 determines that existing buildings, structures, or uses of land or terrain of the  
335 parcel of land for which application is made or adjacent parcels substantially  
336 reduce potential noise pollution, aesthetic pollution and other types of pollution.

337  
338 (8) The carnival or circus shall limit its hours of operation to a daily period  
339 extending from 9:00 a.m. to 10:00 p.m.

340  
341 (9) The applicant shall provide a plan for adequately ensuring that during actual  
342 carnival or circus operations there will be no adverse environmental impact on  
343 adjacent and nearby properties. Said plan shall include provisions for noise  
344 abatement, sanitary needs, dust, and litter controls.

345  
346 Sec. 2-511. – Permits for amplified sound.

347  
348 (a) In all zoning districts except residential outdoor live and/or amplified music  
349 shall be considered a special event if the property line from which the sound is  
350 emanating is within five-hundred (500) feet of the lot line of residentially zoned property.

351  
352 (b) Any person required to obtain a special event permit pursuant to Section 2-  
353 514(a) and who is going to hold more than one event at the same location in a twelve-  
354 month (12) period of time may apply for an annual permit provided the applicant, at the

time application and during the time such permit is in force, is not in violation of local, state, or federal law and has obtained any other required permits.

Sec. 2-512. – Permits for outdoor entertainment within the Center City zoning district.

(a) Authorized conditions. Notwithstanding any other provision of this Code, the City Council hereby authorizes the City Manager to issue permits to allow outdoor live or amplified music and other audible outdoor entertainment within the Center City zoning district as defined in the City Zoning Ordinance, provided that the applicant for such permit complies with any regulations promulgated by the City Manager regarding such permits, did not create any nuisance, or peace disturbances in the downtown Center City zoning district with or without the use of prior permits, and meets the following conditions for the applicable permit:

(1) No outdoor live or amplified music, or other audible outdoor entertainment shall be allowed pursuant to such permit other than:

a. Two-day special event permits: Between the hours of 9:00 a.m. and 11:00 p.m. except on December 31 which shall be extended to 12:30 a.m.

b. Annual amplified entertainment permits:

Sundays, Mondays, Tuesdays, and Wednesdays—Between the hours of 9:00 a.m. and 11:00 p.m.

Thursdays—Between 9:00 a.m. and midnight.

Fridays and Saturdays—Between 9:00 a.m. and 1:00 a.m.

(2) A permit may be issued for the time periods and purposes to the owner of a licensed establishment or business provided the owner of the property, on which the live or amplified music or other audible outdoor entertainment is to be played, consents in writing and an application has been approved by the City Manager.

(3) The noise level for amplified or live outdoor music or other audible outdoor entertainment, in locations other than the downtown mall as defined in section 82-61 and Ozark Jubilee Memorial Park, shall be maintained at a volume so as to not unreasonably disturb or alarm another person or persons.

This noise level shall not apply to temporary emissions of noise from within a structure occasioned by the opening of a door for ingress and egress therefrom, but shall include music or other audible noise emanating from windows or doors or other openings which are left open for longer than five minutes at any one time.

Noise levels where zoning district boundaries change shall be in accordance with the zoning ordinance section 6-1500 et seq.

401  
402 (b) Length of permit. Provided the applicant, at the time of application and during the  
403 time such permit is in force, is eligible under the requirements of this section and not in  
404 violation of any other City codes related to the business activity taking place within and  
405 about the establishment, an applicant may be issued one of the following permits:

406 (1) A permit may be issued for up to two consecutive days for special events  
407 which are not a part of a licensed business's regular activities to the organizer of  
408 the special event;

409  
410 (2) A permit may be issued for up to 12 months, with all such permits to expire on  
411 January 1<sup>st</sup> of each year, for a business that has received all approvals, licenses,  
412 and permits required by the city for such use.

413  
414 Division 3. – Parades and Races

415  
416 Sec. 2-513. – Permit for parade or race.

417  
418 (a) No parade or race shall be allowed within the City limits without a permit, which  
419 permit shall be conditioned upon compliance with the regulations in this article. The  
420 permit application must specify the route and provide such other information as required  
421 by the City Manager.

422  
423 (b) The use of the streets and provision of police officer protection shall be on a first-  
424 come, first-served basis.

425  
426 Sec. 2-514. - Standards for issuance of permit.

427  
428 The City Manager shall issue a permit for a parade or race when, from a consideration  
429 of the application and from such other information as may otherwise be obtained, he  
430 finds that:

431  
432 (1) The conduct of the parade or race will not substantially interrupt the safe and  
433 orderly movement of other traffic contiguous to its route;

434  
435 (2) The conduct of the parade or race will not require the diversion of so great a  
436 number of police officers of the City to properly police the line of movement and  
437 the areas contiguous thereto as to prevent normal police protection to the City;

438  
439 (3) The concentration of persons, animals and vehicles at assembly points of the  
440 parade or race will not unduly interfere with proper fire and police protection of, or  
441 ambulance service to, areas contiguous to such assembly areas;

442  
443 (4) The conduct of such parade or race will not interfere with the movement of  
444 firefighting equipment en route to a fire;  
445



446 (5) The conduct of the parade or race is not reasonably likely to cause injury to  
447 persons or property, to provoke disorderly conduct or to create a disturbance;

448  
449 (6) The parade or race is scheduled to move from its point of origin to its point of  
450 termination expeditiously and without unreasonable delays en route; and

451  
452 (7) The parade or race is not to be held for the sole purpose of advertising any  
453 product, goods or event, and is not designed to be held purely for private profit.

454  
455 Sec. 2-515. - Safety equipment.

456  
457 (a) A parade or race applicant or sponsor must obtain and use such barricades and  
458 fluorescent safety vests as are determined by the Police Chief to be reasonably  
459 necessary to protect the participants, nonparticipants, and traffic along the route.

460  
461 (b) The police officer supervising the parade or race may cancel the parade or race if  
462 the applicant and sponsor fail to substantially comply with the requirement of providing  
463 safety equipment.

464  
465 Sec. 2-516. - Date and time.

466  
467 Insofar as possible, all parades and races should be held on a Saturday, Sunday or  
468 holiday. Parades and races may be held only between one-half hour before sunrise  
469 and one-half hour after sunset, unless an exception is granted by City Council. On  
470 Monday through Friday, excepting holidays, no parades or races will typically be  
471 allowed between 6:30 a.m. and 9:30 a.m. and 3:30 p.m. and 6:30 p.m.

472  
473 Sec. 2-517. - Conduct.

474  
475 (a) *Supervision by police.* The parade or race shall be coordinated with the Community  
476 Services Section Commander or his designee, who shall approve a member of the  
477 uniform operations bureau to supervise the parade or race. The parade or race  
478 participants must obey all lawful orders of the uniformed police officers.

479  
480 (b) *Motor vehicles.* Any motor vehicle driven as part of a parade or race shall drive as  
481 near to the right hand edge of the street as practical and shall follow any foregoing  
482 parade or race units or participants as closely as is practical and safe; except this  
483 subsection shall not apply when an entire road is blocked for the parade or race.

484  
485 (c) *Cleanup of debris and damage.* The sponsor of a parade or race agrees to clean up  
486 any and all debris and damage which may be done. If such cleanup is not undertaken  
487 promptly, the City reserves the right to do the cleaning itself, and to charge the sponsor  
488 for the actual time and expense incurred in cleaning. This charge shall be a private  
489 debt against the sponsor.

490  
491 Division 4. – Permitted Use of Public Right-of-way

492  
493 Sec. 2-518. - Permit for use of public right-of-way.  
494

495 (a) The Director of Public Works, or his designee, is hereby authorized to close City  
496 streets for special events.  
497

498 (b) The applicant for a permit for use of the public right-of-way shall provide a  
499 reasonable plan for traffic control and parking approved by the Director of Public Works,  
500 or his designee, and adequate evidence that the plan will be implemented. The  
501 applicant shall be required to follow all permit regulations imposed by the Director of  
502 Public Works, or his designee.  
503

504 Note: Underlined language has been added and ~~stricken~~ language has been deleted.  
505  
506

507 Section 2 – The Springfield City Code, Chapter 78 Offenses & Miscellaneous  
508 Provisions, Article IX Parades and Races, is hereby repealed in its entirety as set forth  
509 in “Exhibit A” incorporated herein as though fully set forth.  
510

511 Section 3 – The Springfield City Code, Chapter 106 Traffic and Vehicles, is  
512 hereby repealed as set out in “Exhibit B” incorporated herein as though fully set forth.  
513

514 Section 4 – The Springfield City Code, Chapter 2 Administration, Article I. In  
515 General, Section 2-10, is hereby repealed in its entirety as set forth in “Exhibit C”  
516 incorporated herein as though fully set forth.  
517

518 Section 5 – The Springfield City Code, Chapter 82, Parks and Recreation, Article  
519 II Park Central Square, Division 2. Downtown Mall, Section 65 is hereby amended as  
520 set out in “Exhibit E” incorporated herein as though fully set forth.  
521

522 Section 6 – The Springfield Land Development Code, Article I, Zoning  
523 Ordinance, Division V, Sections 2-1100, 5-1000, 5-1200, and 6-1500 and are hereby  
524 amended by repealing subsections as set forth in “Exhibit D” incorporated herein as  
525 though fully set forth.  
526

527 Section 7 – The Springfield Land Development Code, Article I Zoning  
528 Ordinance, Division V, Section 5-1003.B, is hereby amended to add six new  
529 accessory uses for all districts, as set forth in “Exhibit D” incorporated herein as  
530 though fully set forth.  
531

532 Section 8 – The section and subsection numbers shown herein shall be used  
533 unless the City Clerk or the codifier of the City Code and the Zoning Ordinance assign a  
534 different section or subsection number to the language.  
535

536 Section 9 – Savings Clause. Nothing in this ordinance shall be construed to  
537 affect any suit or proceeding now pending in any court or any rights acquired or liability

incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 10 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 11 – This ordinance shall be in full force and effect from and after passage.

Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: \_\_\_\_\_, Assistant City Attorney

Approved for Council action: \_\_\_\_\_, City Manager



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

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

ORIGINATING DEPARTMENT: City Manager, City Attorney

**PURPOSE:** Amending the Springfield City Code by repealing language contained in Chapter 78 Offenses & Miscellaneous Provisions, Chapter 82 Parks and Recreation, Chapter 106 Traffic and Vehicles, Chapter 2 Administration, and Chapter 36 Community Development, as identified in Exhibits A, B, C, D, and E; and enacting in lieu thereof a new Chapter 2 Administration, Article VII Special Events of the Springfield City Code.

**BACKGROUND INFORMATION:** The City presently issues special event permits for certain events that occur within the city limits. At this time, there is not a general code section that regulates special events in the city. The proposed code language will combine all special events in one section to create a streamlined event application process for the public, provide a clear set of laws for event applicants and city staff, and treat all special events the same.

Over the last several years the City has experienced an increase in the number of special event permit requests. While the increase in the number of events is positive given this trend is likely associated with increased civic engagement, it has become clear that the city code needs to be amended to better accommodate the citizens. City staff initiated amendments to the City Code, including amendments to the Zoning Ordinance, to create a more efficient and customer-friendly special events permitting process.

Due to the wide variety of special events that occur in the city, the code amendments involved many city departments. The City Manager's Office coordinated multiple meetings with the affected departments to discuss how to make the amendments best assist those departments. The affected departments include: Building Developmental Services, Planning, Public Works, Parks, Health, Licensing Division, Fire, Police, and Law. At the conclusion of these meetings, the City Attorney's Office drafted the requested changes in the attached exhibits which are listed below:

- Exhibit A: City Code Chapter 78 Offenses and Miscellaneous Provisions, Article IX Parades and Races
- Exhibit B: City Code Chapter 106 Traffic and Vehicles, Article I In General
- Exhibit C: City Code Chapter 2 Administration, Article I In General, Section 2-10 Permits for Outdoor Entertainment
- Exhibit D: City Code Chapter 36 Community Development, Article I Zoning
- Exhibit E: City Code Chapter 82 Parks and Recreation, Article II Park Central Square, Division 2 Downtown Mall, Section 82-65 Use of Downtown Mall and Ozark Jubilee Memorial Park

Each exhibit has an "Explanation of Changes" that explains the reason for any amendment to the code language. This is the first step in a larger goal to provide an online special events permitting process that will best assist the community in scheduling events.

Supports the following Field Guide 2030 goal(s): Civic Engagement and Arts, Culture, and Tourism.

REMARKS: The Planning and Zoning Commission held a public hearing on \_\_\_\_\_ 2015, and recommended approval, by a vote of \_\_\_\_\_, of the proposed changes to the Zoning Ordinance described in Exhibits A, B, C, D and E.

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 made no objects to date.

Submitted by:

Recommended by:

Approved by:

\_\_\_\_\_  
Dan Wichmer, City Attorney

\_\_\_\_\_  
Greg Burris, City Manager

## **Explanation of Changes Documented in Exhibit A**

### **City Code Chapter 78 Offenses and Miscellaneous Provisions, Article IX Parades and Races**

Existing City Code Sections 78-381 through 78-390 regulate the use of city right-of-way (streets) for parades and races. Anytime an individual or organization desires to hold a parade or race on the city right-of-way it is considered a special event. Therefore, the language was moved to the proposed special event section. There were very few substantive changes made to this section other than moving the existing language to new locations.

- Existing City Code Section 78-381 Purpose was moved to general Section 2-501 Purpose.
- Existing City Code Section 78-382 Definitions was moved to general Section 2-500 Definitions.
- Existing City Code Section 78-383 Violations and Penalty was moved to general Section 2-508 Violations and Penalty
- Existing City Code Sections 78-384 Permit Required (a) and (e) have been made into a new Section 2-515 (a) (b) Permit Required
- Existing City Code Sections 78-384 Permit Required (b)(1) (b2), (c), and (d) have been moved to general Section 2-504 Application.
- Existing City Code Section 78-385 Standards for Issuance has been moved to new Code Section 2-516 Standards for Issuance.
- Existing City Code Section 78-386 Safety Equipment has been moved to new Code Section 2-517 Safety Equipment, and the word "police" has been added preceding the word "chief" to specify that this Section is referring to the Chief of Police.
- Existing City Code Section 78-387 Date and Time has been moved to new Code Section 2-518 and the language "unless an exception is granted by Council" has been added to the end of the new Code language reading: "Parades and races may be held only between one-half hour before sunrise and one-half hour after sunset."
- Existing City Code Sections 78-388 Conduct (a) (b) and (c) have been moved to new Code Section 2-519 Conduct.
- Existing City Code Section 78-388 Conduct (d) has been moved to new Code Sections 2-504 Application (b)(14)(a) (b) and (c) which is under the general section called Insurance Requirements of the new Code language.
- Existing City Code Section 78-388 Conduct (e) has been moved to general Section 2-504(15).
- Existing City Code Section 78-389 Notice of Denial has been moved to general Section 2-506 Denial.

- Existing City Code Section 78-390 Hearing on Denial of Permit has been moved to general denial Section 2-507 Hearing, and the timing of the hearing was changed from 48 hours to 10 days.

# Exhibit A

## CITY CODE: Part II Code, Chapter 78 Offenses & Miscellaneous Provisions, Article IX Parades and Races

### ~~Sec. 78-381. Purpose of article.~~

~~The provisions of this article are designed to regulate the time, place and manner in which a parade or race is conducted, in order to protect the safety and welfare of participants and nonparticipants, and to minimize interference with the customary flow of pedestrian and vehicular traffic on the streets, sidewalks and other public places. In particular, parades and races shall be limited to times and places which can be provided the necessary level of police protection to allow the parade or race to occur safely.~~

### ~~Sec. 78-382. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Applicant* means any authorized representative of the sponsor who files a request for a parade or race permit.~~

~~*Chief* means the chief of police of the city or his designated representative.~~

~~*Controlled intersection* means any meeting of two or more streets where traffic from one or more directions faces traffic lights, a stop sign, a yield sign or other traffic control device.~~

~~*Parade* means any parade, fun run, bike-a-thon, walk-a-thon, march, ceremony, pageant, procession, except a funeral procession, or similar activity involving ten or more participants who are not competing to complete the route in a short time.~~

~~*Participant* means any person actively engaged as a member of a parade or race, either as an individual or as part of a parade unit.~~

~~*Race* means any race, run-a-thon, marathon or similar activity involving ten or more participants who are competing to complete the route in the shortest possible time.~~

~~*Route* means the series of streets, sidewalks, grass areas or other surfaces traveled along or across during the duration of the parade or race.~~

~~Sponsor~~ means the person who provides the main financial, administrative, organizational or other support for a parade or race, and who accepts responsibility for the conduct of the parade or race.

~~Unit~~ means any float, car, band or other distinct item, person, or group of items or people moving together as a part of the parade.

#### ~~Sec. 78-383. Violations; penalty.~~

~~Violation of the conditions of a permit issued under this article shall be cause for revocation of the permit. Any parade or race conducted without a permit is in violation of this Code, and anyone responsible for organizing, sponsoring or conducting such a parade or race will be held punishable under section 1-7.~~

#### ~~Sec. 78-384. Permit required; application.~~

~~(a) No parade or race shall be allowed within the city limits without a permit, which permit shall be conditioned upon compliance with the regulations in this article. The permit application shall be on a form approved by the chief and must specify the route and provide such other information as required by the chief.~~

~~(b) The following application shall be submitted in writing to the traffic section of the city police department at least 30 days prior to the parade or race:~~

~~(1) An application for a permit to hold a parade having over ten units or which is expected to impede the normal flow of traffic for over 45 minutes.~~

~~(2) An application for a permit to hold a race involving crossing more than four controlled intersections where the route requires or anticipates that the participants shall not obey the traffic control devices.~~

~~(c) All other applications must be submitted in writing to the traffic section of the city police department at least ten days prior to the parade or race.~~

~~(d) The chief shall act upon timely filed applications in writing by three days (72 hours) before the parade or race is scheduled to occur.~~

~~(e) The use of the streets and provision of police officer protection shall be on a first come, first served basis.~~

#### ~~Sec. 78-385. Standards for issuance of permit.~~

The chief shall issue a permit for a parade or race when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) The conduct of the parade or race will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade or race will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- (3) The concentration of persons, animals and vehicles at assembly points of the parade or race will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (4) The conduct of such parade or race will not interfere with the movement of firefighting equipment en route to a fire;
- (5) The conduct of the parade or race is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance;
- (6) The parade or race is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and
- (7) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

#### ~~Sec. 78-386. Safety equipment.~~

- (a) A parade or race applicant or sponsor must obtain and use such barricades and fluorescent safety vests as are determined by the chief to be reasonably necessary to protect the participants, nonparticipants, and traffic along the route.
- (b) The police officer supervising the parade or race may cancel the parade or race if the applicant and sponsor fail to substantially comply with the requirement of providing safety equipment.

#### ~~Sec. 78-387. Date and time.~~

Insofar as possible, all parades and races should be held on a Saturday, Sunday or holiday. Parades and races may be held only between one-half hour before sunrise and one-



half hour after sunset. On Monday through Friday, excepting holidays, no parades or races will be allowed between 6:30 a.m. and 9:30 a.m. and 3:30 p.m. and 6:30 p.m.

#### ~~Sec. 78-388. Conduct.~~

~~(a) Supervision by police.~~ The parade or race shall be coordinated with the traffic section commander, who shall approve a member of the uniform division to supervise the parade or race. The parade or race participants must obey all lawful orders of the uniformed police officers.

~~(b) Motor vehicles.~~ Any motor vehicle driven as part of a parade or race shall drive as near to the righthand edge of the street as practical and shall follow any foregoing parade or race units or participants as closely as is practical and safe; except this subsection shall not apply when an entire road is blocked for the parade or race.

~~(c) Cleanup of debris and damage.~~ The sponsor of a parade or race agrees to clean up any and all debris and damage which may be done. If such cleanup is not undertaken promptly, the city reserves the right to do the cleaning itself, and to charge the sponsor for the actual time and expense incurred in cleaning. This charge shall be a private debt against the sponsor.

~~(d) Insurance, indemnification contract or bond.~~ The city manager may require insurance, an indemnification contract and/or a bond in such instances as he deems necessary to protect the public interest.

~~(e) Additional regulations.~~ The city manager shall have the authority to promulgate rules and regulations under this section, which rules and regulations shall be maintained on file with the city clerk.

#### ~~Sec. 78-389. Notice of denial of permit.~~

Whenever a parade permit is denied, notice of the right to a hearing on the question of whether there was a substantial basis for the denial shall be given as soon as practicable by one of the following methods:

- ~~(1) Delivery of the notice to the applicant and/or the sponsor; or~~
- ~~(2) Mailing of a notice, postage prepaid, to the applicant and/or to the sponsor.~~

#### ~~Sec. 78-390. Hearing on denial of permit.~~

~~(a) A person who has been denied a parade permit shall have a right to an administrative hearing to determine whether there was a substantial basis for the denial. The hearing shall be conducted before a hearing officer designated by the city manager within 48 hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing, except the hearing officer may cause the hearing to be continued for good cause by any party for an additional 14 days. Saturdays, Sundays and city holidays are to be excluded from the calculation of the 48-hour period. The sole issue before the hearing officer shall be whether there was a substantial basis for the denial. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that the proposed parade or race is in full compliance with the provisions of this article. The police department shall carry the burden of establishing that there was a substantial basis for the denial of the permit. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing. The decision of the hearing officer is final for purposes of RSMo ch. 536. Failure of the person requesting the hearing or his agent to request or attend a scheduled hearing as set forth in this section shall be deemed a waiver of the right to such hearing.~~

~~(b) The hearing officer shall only determine whether or not there was a substantial basis for the denial of the permit. If the hearing officer determines there was not a substantial basis, the hearing officer shall order the police department to immediately issue the parade or race permit.~~

## **Explanation of Changes Documented in Exhibit B**

### **City Code Chapter 106 Traffic and Vehicles**

City Code Section 106-82 was deleted from the City Code and replaced by Section 2-520 Permits for Use of Public Right-of-Way. The existing code section gives permission for closure of the public streets for neighborhood block parties. The Public Works Department requested that this language be amended to allow the Traffic Engineer authority to close the streets for events such as these. This change will allow uniformity in how these events are handled.

## Exhibit B

### CITY CODE: Part II Code, Chapter 106 Traffic and Vehicles

#### ~~Sec. 106-82. Closing of residential streets for neighborhood block parties.~~

~~(a) The traffic engineer is hereby authorized to close residential streets not over one block in length for a period not to exceed six hours for neighborhood block or benefit parties in which the block to be closed is the main participant in the party, between the hours of 5:00 p.m. and 10:00 p.m., Monday through Friday, and between 1:00 p.m. and 10:00 p.m., Saturday and Sunday.~~

~~(b) Requests for street closures shall be made in writing to the traffic engineer at least ten days before the day of the closure, stating the reason for the closure, the description of the block to be closed, the time and date of closure, and other information which may be required by the traffic engineer. If the traffic engineer finds that the public health, safety and welfare will not be impaired by granting the request, that provisions have been made for emergency vehicles and that other conditions stated in this section have been met, he may grant the permit. The traffic engineer may condition the granting of the permit upon the applicant meeting other certain conditions to protect the public health, safety and welfare.~~

~~(c) Any applicant who has been denied a permit by the city traffic engineer may request that the application be submitted to the city council for consideration.~~

~~(Code 1081, § 22-46.1)~~

## **Explanation of Changes Documented in Exhibit C**

### **City Code Chapter 2 Administration, Article I. In General, Section 2-10 Permits for outdoor entertainment.**

The existing City Code Section 2-10 allows for permits to be issued for outdoor entertainment on private property in the Center City Zoning District. These permits are presently handled as a special event and therefore were moved the special event proposed section. There were very few substantive changes made to existing language as documented below.

One of those changes involved removing a decibel level limit on noise and proposing to limit noise on a peace disturbance standard. Several City Departments voiced concern regarding the existing city code language for noise standards and difficulty with enforcement of those standards. The existing language measures noise standards by decibels. The Building Development Services Department (BDS) and Licensing Division enforce noise standards with a decibel reader. The problem is the typical time that noise complaints occur is at night time and after the city offices are closed. Therefore, if there is a complaint the BDS and the Licensing Division cannot respond to determine the appropriate level of noise by a decibel reader. When this occurs the Police Department will handle the complaint as a peace disturbance pursuant existing City Code Section 78-114 Peace Disturbance, as explained below. Another issue that was discussed was if the decibel reader is used to enforce the noise regulation, the decibel readings for the event are frequently lower than the ambient noise surrounding the event. This makes it difficult to enforce the decibel levels for the event because the surrounding noise levels were not within the regulated levels.

The proposed solution is to remove the decibel levels as a standard to determine if a noise is too loud and enact language to base a noise level appropriateness on a general peace disturbance standard. By using a peace disturbance standard the above stated issues are resolved. The Police Department already uses this standard under City Code Section 78-114. If a noise complaint is received after city business hours, the Police will respond to the scene, contact the complainant and the suspect. While the officer has discretion to issue a summons immediately to the suspect if the noise levels appear to be leaving the property line where the noise is occurring, the officer usually will issue a warning. If the officer is dispatched to the same suspect for a peace disturbance that day, the officer may issue a summons. If a noise complaint occurs during city business hours an employee of BDS or Licensing can inspect the noise occurring at the event and determine if a peace disturbance is occurring using a similar procedure as the Police Department described immediately above.

- Existing City Code Section 2-10 Permits for outdoor entertainment was moved to Section 2-514 Permits for outdoor entertainment within the Center City Zoning District.
- Existing City Code Section 2-10(a) Definitions was moved to the general Section 2-500 Definitions.
- Existing City Code Section 2-10(b) Authorized Conditions was moved to Section 2-514(a)(1) and (2)
- Existing City Code Section 2-10(b)(3), regarding compliance with city and state laws, was moved to the general Section 2-508 Violation.

- Existing City Code Section 2-10(b)(4), regarding providing security if requested, was moved to the general Section 2-502 Police Protection.
- Existing City Code Section 2-10(b)(5), regarding noise level, was amended to remove the reference to decibels and language was added to change the standards for noise levels to the same as a peace disturbance.
- Existing City Code Section 2-10(b)(6) Cost was moved to the general Section 2-503 Permit Required.
- Existing City Code Section 2-10(d), regarding additional regulations, was moved to the general Section 2-504(b)(15).

City Code: Part II, Chapter 2 Administration, Article I. In General

~~Sec. 2-10. Permits for outdoor entertainment.~~

~~(a) Definitions.~~

~~Applicant shall mean any person who seeks a permit issued pursuant to this section.~~

~~Audible shall mean anything heard or perceived by the human ear.~~

~~Outdoor shall mean in the open air, in a tent, under a carport, in a gazebo, or in any area not~~

~~fully enclosed from the elements.~~

~~Person shall mean any natural person, partnership, corporation, association, or organization.~~

~~Special event shall mean an outdoor gathering at which music or entertainment is provided by professional or amateur performers or by prerecorded means, which is held outdoors and not within a building or permanently enclosed structure specifically constructed for such purposes, to which members of the public are invited or admitted for a charge or free of charge, and which is not a part of regularly conducted business or activity on the premises where the event is to be held.~~

~~(b) Authorized conditions. Notwithstanding any other provision of this Code, the city council hereby authorizes the city manager, or his designee, to issue permits to allow outdoor live or amplified music and other audible outdoor entertainment within the Center City zoning district as defined in article I of the land development code provided that the applicant for such permit complies with any regulations promulgated by the city manager regarding such permits, did not create any nuisance, or peace disturbances in the downtown Center City zoning district with or without the use of prior permits, and meets the following conditions for the applicable permit:~~

~~(1) No outdoor live or amplified music, or other audible outdoor entertainment shall be allowed pursuant to such permit other than:~~

~~a. Two-day special event permits: Between the hours of 9:00 a.m. and 11:00 p.m. except on December 31 which shall be extended to 12:30 a.m.~~

~~b. Annual amplified entertainment permits:~~

~~Sundays, Mondays, Tuesdays, and Wednesdays—Between the hours of 9:00 a.m. and 11:00 p.m.~~

~~Thursdays—Between 9:00 a.m. and midnight.~~

~~Fridays and Saturdays—Between 9:00 a.m. and 1:00 a.m.~~

~~(2) A permit may be issued for the time periods and purposes to the owner of a licensed establishment or business provided the owner of the property, on which the live or amplified music or other audible outdoor entertainment is to be played, consents in writing and an application has been approved by the city manager or his designee.~~

~~(3) The applicant shall comply with all city and state laws relating to the applicant's activity including health and noise standards.~~

~~(4) If requested, the applicant shall provide security for the area of the event.~~

~~(5) The noise level for amplified or live outdoor music or other audible outdoor entertainment, in locations other than the downtown mall as defined in section 82-61 and Ozark Jubilee Memorial Park, shall not exceed the following decibel levels for audible music or other audible outdoor entertainment:~~

~~a. For two-day special event permits 100 decibels A-weighted (dBA) measured at a distance of 50 feet from the front of the stage for live performances, and from the front of any speaker or amplification device used for live or amplified recorded music; or~~

~~b. For an annual amplified entertainment permit—Music or other audible outdoor entertainment from an amplified or live source shall be no louder than 65 decibels A-weighted (dBA) at a distance of 50 feet. This noise level shall not apply to temporary emissions of noise from within a structure occasioned by the opening of a door for ingress and egress therefrom, but shall include music or other~~



~~audible noise emanating from windows or doors or other openings which are left open for longer than five minutes at any one time.~~

~~Noise levels where zoning district boundaries change shall be in accordance with the zoning code and section 6-1500 et seq. The manner of measurement shall be in accordance with the policies in place of the director of public health and welfare.~~

~~(6) Applicants shall pay a permit fee of \$50.00 for the two-day special event permit and \$100.00 for the annual amplified entertainment permit to reimburse the city the costs of processing the permit and enforcement including the purchasing of any equipment and training of employees deemed necessary by the city manager. The annual fee may be prorated based on the number of months left in the calendar year at the time of submission of the first application for each business licensee. The director of finance shall include such fee in the fee study of the city and this fee shall be adjusted in accordance with the city's guidelines for such fees.~~

~~(c) *Length of permit.* Provided the applicant, at the time of application and during the time such permit is in force, is eligible under the requirements of this section and not in violation of any other city codes related to the business activity taking place within and about the establishment, an applicant may be issued one of the following permits:~~

~~(1) A permit may be issued for up to two consecutive days for special events which are not a part of a licensed business's regular activities to the organizer of the special event;~~

~~(2) A permit may be issued for up to 12 months, with all such permits to expire on January 1st of each year, for a business that has received all approvals, licenses and permits required by the city for such use.~~

~~(d) *Additional regulations.* The city manager is hereby authorized to promulgate regulations regarding the issuance and revocation of permits and any activity or conduct to take place under such permit, and to adopt an application process for permits authorized under this section. Such regulations and application form shall be on file with the city clerk and available for inspection by the public. Any permit issued shall be subject to such regulations and application process.~~

~~(e) *Revocation.* Any permit issued under this section may be revoked at any time for violation of any conditions of the permit, regulations promulgated pursuant to~~

~~this section, or other provisions of city ordinances or state law. A new permit may be denied on the basis of any violations of any conditions of prior permits issued, or ongoing or previous violations of any regulations promulgated pursuant to this section, or other provisions of city ordinances or state law related to the operation of the business or regular activity taking place at the location of such business or activity, by the applicant, or someone affiliated with the applicant, for the same or any other location within the Center City zoning district.~~

~~(f) *Violations.* No person may allow, participate in, or conduct any outdoor live or amplified music or other audible entertainment without a permit issued pursuant to this section. Failure to obtain a permit, or violation of any condition of a permit, shall be punishable in accordance with section 1-7. In addition to any other enforcement proceeding available to the city, including, but not limited to, municipal court prosecution, business license revocation or suspension, or zoning enforcement; the city attorney may institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation, or to remove or terminate the outdoor live or amplified music or other audible outdoor entertainment or its reoccurrence, and to revoke any and all permits issued by the city under which the activity is conducted, occupancy is permitted, and the right to receive utilities for the premises on which the outdoor live or amplified music or other audible outdoor entertainment is conducted without a permit or in violation of the conditions of the permit.~~

~~(C.O. No. 5792, § 1, 11-24-2008; G.O. No. 5894, § 1, 9-7-2010)~~

~~*Editor's note—*~~

~~G.O. No. 5792, § 1, adopted November 24, 2008, amended § 2-10 in its entirety to read as herein set out, including a sunset provision. G.O. No. 5894, adopted September 7, 2010, readopted the same ordinance, eliminating the sunset provision. Formerly, § 2-10 pertained to permits for outdoor music, and derived from G.O. No. 4825, § 2, adopted August 17, 1998, and G.O. No. 4915, §§ 1, 3, adopted July 19, 1999.~~

## **Explanation of Changes Documented in Exhibit D**

### **City Code Chapter 36, Article I. Zoning Ordinance, Section 2-1100 Definitions, Section 5-1003 Permitted Accessory Structures and Uses, and Section 5-1200 Temporary Uses.**

The City Land Development Code, Article I, Zoning Ordinance was amended by moving the uses shown on the accompanying chart into the proposed Special Events Code Sections in the general city code. The uses regulated in Section 5-1200 are similar to the events that the proposed city code language considers special events

Section 5-1003, Permitted Accessory Structures and Uses, was amended to include the types of uses removed from Section 5-1200. By moving the uses to Section 5-1003, the uses are allowed but will be regulated by the proposed city code language.

Section 2-1100 Definitions was amended to remove two unnecessary definitions that were a result of the changes made to Section 6-1500.

| <b>City Code Section (zoning code)</b>                   | <b>Proposed Language</b>                                                                                               |
|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 2-1100 Definitions                                       | 2-500 Definitions (moved to general section)                                                                           |
| 5-1203 (A)(3) Temporary Uses- Fund Raising*              | Not specifically moved to the general city code                                                                        |
| 5-1203 (A)(4) Temporary Uses- Garage or Yard Sales*      | Not specifically moved to the general city code                                                                        |
| 5-1203 (A)(5) Temporary Uses- Street Festivals*          | 2-518 Permit for use of right-of-way (all street closure will go through Public Works for approval)                    |
| 5-1203(A)(7) Temporary Uses- Hot air balloon launchings* | 2-509 Hot air balloon launchings                                                                                       |
| 5-1203(B)(3)(a) Outdoor carnival or circus*              | 2-510 Outdoor carnival or circus (10) deleted and (11) moved to general permitting section                             |
| 5-1203(b)(4) Temporary seasonal outdoor sales*           | Not specifically moved to the general code                                                                             |
| 6-1503 Noise Standards                                   | Amended to remove and replace (B) with a peace disturbance standard for noise and removing the decibel noise standards |
| *                                                        | Indicates that all * sections were also moved to Zoning Code Section 5-1003(b)(13)-(19)                                |

### **City Code Chapter 36, Article I. Zoning, Section 6-1500 Noise Standards**

Several City Departments voiced concern regarding the existing city code language for noise standards and difficulty with enforcement of those standards. The existing language measures noise standards by decibels. The Building Development Services Department (BDS) and Licensing Division enforce noise standards with a decibel reader. The problem is the typical time that noise complaints occur is at night time and after the city offices are closed. Therefore, if there is a complaint the BDS and the Licensing Division cannot respond to determine the appropriate level of noise by a decibel reader. When this occurs the Police Department will handle the complaint as a peace disturbance pursuant existing City Code Section 78-114 Peace Disturbance, as explained below. Another issue that was discussed was if the decibel reader is used to enforce the noise regulation, the decibel readings for the event are frequently

lower than the ambient noise surrounding the event. This makes it difficult to enforce the decibel levels for the event because the surrounding noise levels were not within the regulated levels.

The proposed solution is to remove the decibel levels as a standard to determine if a noise is too loud and enact language to base a noise level appropriateness on a general peace disturbance standard. By using a peace disturbance standard the above stated issues are resolved. The Police Department already uses this standard under City Code Section 78-114. If a noise complaint is received after city business hours, the Police will respond to the scene, contact the complainant and the suspect. While the officer has discretion to issue a summons immediately to the suspect if the noise levels appear to be leaving the property line where the noise is occurring, the officer usually will issue a warning. If the officer is dispatched to the same suspect for a peace disturbance that day, the officer may issue a summons. If a noise complaint occurs during city business hours an employee of BDS or Licensing can inspect the noise occurring at the event and determine if a peace disturbance is occurring using a similar procedure as the Police department described immediately above.

### Section 2-1100. Definitions.

~~Ldn: See Yearly Day-Night Average Sound Level~~

~~Yearly Day-Night Average Sound Level (Ldn): The 24-hour average sound level in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7:00 a.m. and between 10:00 p.m. and midnight (local time) as averaged over a span of one year.~~

### Section 5-1000. Accessory Structures and Uses.

5-1001. Purpose. This section is designed to collect in one place the regulations with respect to accessory structures and uses and to list those common accessory structures and uses that are specifically allowed.

5-1002. Definition. An accessory structure or use serves a principal structure or a principal use by contributing to the comfort, convenience or needs to the occupants, businesses, or industry of the principal structure or use and is located on the same lot as the principal structure or use served.

#### 5-1003. Permitted Accessory Structures and Uses.

- A. Accessory structures include, but are not limited to, the following list of examples:
1. Buildings or structures incidental to a principal structure, such as storage buildings, workshops, studios, carports or garages incidental to a permitted use.
  2. Children's playhouses.
  3. Private swimming pools and bath houses.
  4. Guest houses or servant's quarters in any residential district or rooms for guests in an accessory structure provided such facilities:
    - a. are used for the occasional housing of guests or servants of the occupants of the principal structure; and
    - b. are not used as rental units for permanent occupancy as housekeeping units; and
    - c. are on a lot which exceeds ten thousand (10,000) square feet in area.
  5. Greenhouses.
  6. Guard stations.
  7. Food lockers.
- B. Accessory uses include, but are not limited to, the following list of examples:

1. Storage of boats, boat trailers, camping trailers, small house trailers, and recreational vehicles provided the equipment is not used for living, sleeping or housekeeping purposes when parked or stored.
2. Restaurants, drug stores, gift shops, cocktail lounges, news stands and other similar uses located in a permitted office building provided that the total floor area devoted to accessory uses does not exceed ten (10) percent of the gross floor area on the lot.
3. Employee restaurants and cafeterias when located in a permitted business or manufacturing building.
4. A day care center located in a permitted business or manufacturing building, providing day care for children of employees employed on the premises, and as permitted by *Chapter 36, Article XI, Springfield City Code*.
5. A day care center, hourly care center, preschool, nursery school or kindergarten located on the same lot as a church or school and as permitted by *Chapter 36, Article XI, Springfield City Code*.
6. An apartment or living quarters for a guard, caretaker or other person employed on the premises, and their family, and which is clearly secondary to the commercial or manufacturing use of the property.
7. Automobile service repair when operated as part of a variety, discount, or department store which sells automobile parts and accessories.
8. Home occupation uses as permitted by *Section 5-1100*.
9. Outdoor dining with permitted restaurants in the General Retail zoning district provided the additional required parking for the outdoor dining area is met and the food and drink served outdoors are prepared inside the permitted restaurant.
10. Personal Gardens when accessory to a residential use.
11. On-site storage in storage trailers and storage containers shall be permitted if in compliance with *Subsection 5-1006*. (G.O. 5895, 9/20/10)
12. The keeping of six (6) or fewer chicken hens, but no roosters, in all districts. (G.O. 5900, 10/4/10)
13. Fund raising activities for non-profit organizations.
14. Garage Sales or yard sales as permitted by the City Code.

15. Street festivals.

16. Hot air balloon launchings provided the launch site is at least one thousand (1,000) feet from an occupied dwelling that is zoned for residential use.

17. An outdoor carnival or circus provided there is a dust-free or paved area for off-street parking for not less than three hundred (300) cars.

18. Temporary seasonal outdoor sales and related storage necessary to a permitted use.

C. None of the following shall be permitted as an accessory use:

1. The storage or overnight parking of a commercial truck, van, bus or vehicle, with a gross vehicle weight of more than three-fourths (3/4) ton, in a residential district. Church and school buses are permitted provided they are parked on church or school property.
2. Outdoor storage, except as specifically permitted by the district regulations.
3. Living quarters in any district other than a residential district unless specifically permitted.

## Section 5-1200. Temporary Uses.

5-1201. Purpose. This section is designed to gather into one section regulations regarding those land uses and structures which are needed, or are in place, for only short periods of time. Some of such uses are permitted in all zoning districts either because they are useful or necessary or because they do not adversely impact surrounding property. Other temporary uses that may substantially impact nearby properties are permitted only in districts in which they are compatible with the permanent permitted uses. Such temporary uses, except temporary vendors, shall be permitted without requiring additional off-street parking. Temporary vendors shall be permitted only if the required parking for the uses on the subject property, including temporary vendors, is not reduced. (G.O. 5823, 06/15/09)

5-1202. Site Plan Review Not Required. Site plan review, under the requirements of *Section 3-3000, Site Plan Review*, is not required for temporary uses regulated by this section because of the temporary nature of such uses.

5-1203. Temporary Uses Permitted.

- A. The following temporary uses of land are permitted in any zoning district subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted.

1. Contractors office and equipment trailers and sheds (containing no sleeping or cooking accommodations) accessory to a construction project are permitted only during the duration of such project and shall be located on the same property or on property in a district in which the use being constructed is allowed. (G.O. 5019, 10/23/00)
2. Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing or other development to continue only until the sale or lease of all dwelling units in the development.
3. ~~Fund raising activities, such as bazaars, craft sales, and Christmas tree sales, for non-profit organizations such as churches, libraries and museums in districts where the non-profit organization use is permitted provided no more than six (6) events per calendar year shall be permitted and each event shall not exceed a period of five (5) consecutive days.~~
4. ~~Garage or yard sales as permitted by Chapter 29C, Article III, Springfield City Code provided no more than two (2) garage or yard sales per calendar year shall be permitted and each garage or yard sale shall not exceed a period of three (3) consecutive days. A permit shall also be obtained from the Department of Finance. No fee for the permit is required.~~
5. ~~Street festivals, subject to the following restrictions:~~
  - a. ~~When a residential district adjoins the street where the festival is to be held, only one permit shall be issued in a twelve (12) month period. The permit shall not exceed a period of three (3) days exclusive of a reasonable period to prepare the street prior to the event and restore the street after the event is complete.~~
  - b. ~~When none of the properties adjoining the street where the festival is to be held are zoned residential, only one permit shall be issued in a six (6) month period. The permit shall not exceed a period of five (5) days exclusive of a reasonable period to prepare the street prior to the event and restore the street after the event is complete.~~
  - c. ~~Activities related to the event shall be limited to a daily period extending from 7:00 a.m. to 11:00 p.m.~~
  - d. ~~Lighting, activities, noise or increased traffic associated with a festival shall not unreasonably disturb surrounding residential properties not directly abutting the street.~~
  - e. ~~The applicant shall provide a reasonable plan for traffic control and parking approved by the Traffic Engineer and adequate evidence that said plan will be implemented.~~
  - f. ~~The applicant shall provide a plan for adequately ensuring that during actual street festival operations there will be no adverse environmental~~



~~impact on adjacent and nearby properties. Said plan shall include provisions for noise abatement, sanitary needs, dust and litter controls. Any violation of said plan shall provide grounds for an immediate revocation of a permit granted under the provisions of this section.~~

~~g. — A permit for the street festival has been issued by the Director of Building Development Services finding that all of the foregoing conditions have been, or will be satisfied.~~

63. Mixing plants for cement, asphalt or paving material, staging areas and materials storage areas subject to the following restrictions.

- a. The temporary use is accessory to a project for the construction of streets or other public improvements.
- b. The temporary use is located on the same property or right-of-way, or directly adjacent to the same property or right-of-way, as the construction project.
- c. The temporary use shall be removed upon completion of the construction project.
- d. The applicant shall provide a plan for controlling traffic between the temporary use and the construction project, approved by the Traffic Engineer, and adequate evidence that said plan will be implemented.
- e. The applicant shall provide a plan for adequately ensuring that during actual operations there will be no adverse environmental impact on adjacent and nearby properties. Said plan shall include provisions for noise abatement, sanitary needs, dust, and litter controls. Any violation of said plan shall provide grounds for an immediate revocation of a permit granted under the provisions of this section.
- f. A permit for such use has been issued by the Director of Building Development Services finding that all of the foregoing conditions have been, or will be, satisfied.

~~7. — Hot air balloon launchings provided the launch site is located at least one thousand (1,000) feet from a dwelling in an R-SF, R-TH, R-LD, R-MD, R-HD or R-MHC district.~~

84. Temporary wireless facilities towers for special events provided the temporary tower does not exceed sixty (60) feet in height and a permit shall not be issued for a period of time exceeding two (2) days preceding and following the special event. Temporary towers may also be located on the same site as an approved permanent tower during the period that the permanent tower is being constructed. (G.O. 5094, 07/09/01)

95. Farmers' Markets, subject to the following restrictions: (G.O. 5880, 7/26/10)

- a. The Farmers' Market may only be located on the same site as a legally established non-residential use(s).
  - 1. A site plan shall be submitted to, and approved by, the Building Development Services Department showing conformance with the requirements of the Zoning Ordinance, adopted standards, and other City Codes;
  - 2. All Farmers' Market uses shall be in compliance with all applicable codes and standards of the Springfield City Code; and
  - 3. A permit for such use has been issued by the Director of Building Development Services finding that all of the standards have been, or will be, satisfied. The Director of Building Development Services is authorized to issue a cease and desist order to any party violating the adopted standards along with any other enforcement measures available to the Director or the City.
- b. Every Farmers' Market vending site shall be required to have a building or site permit issued by the Director of Building Development Services prior to commencement of operation. The property owner shall apply for the building or site permit.

B. The following uses of land are permitted in the specific zoning districts listed, subject to the restrictions in this section and the other applicable restrictions in the district or districts in which the temporary use is permitted.

- 1. In Residential Districts. Non-profit, fund-raising events on residential properties, such as, the Springfield Symphony Guild's Designer's Showcase, subject to the following restrictions.
  - a. No more than one (1) permit shall be issued on the same property in a thirty-six (36) month period, and the permit shall not exceed a period of twenty-one (21) days exclusive of a reasonable period to prepare the property prior to the event and restore the property after the event is complete.
  - b. Activities related to the event shall be limited to a daily period extending from 9:00 a.m. to 10:00 p.m.
  - c. Lighting, activities, noise, or increased traffic associated with an event shall not unreasonably disturb surrounding residential neighborhood.

- d. The applicant shall provide a reasonable plan for traffic control and parking approved by the Traffic Engineer and adequate evidence that said plan will be implemented.
  - e. The applicant shall provide a plan for adequately ensuring that during actual operations there will be no adverse environmental impact on adjacent and nearby properties. Said plan shall include provisions for noise abatement, sanitary needs, dust, and litter controls. Any violation of said plan shall provide grounds for an immediate revocation of a permit granted under the provisions of this section.
  - f. A permit for such event has been issued by the Director of Building Development Services finding that all of the foregoing conditions have been, or will be, satisfied.
2. Temporary vendors, sites in the GR, HC, CS, GI, subject to the following restrictions: (G.O. 4925, 09/27/99; G.O. 6010, 08/27/12)
- a. A site plan providing the following information shall be submitted to, and approved by, the Building Development Services Department showing conformance with the requirements and standards of the Zoning Ordinance and other City Codes (G.O. 6010, 08/27/12);
    - 1. The legal description of the site.
    - 2. A full site plan showing the proposed location of the temporary vendor site and showing that the site does not encroach into the required setbacks of site triangles.
    - 3. Show that the vendor site location will not encroach into the required parking spaces.
    - 4. Submit a parking schedule indicating the total number of parking spaces for the site, the total spaces required for the permanent business and the use of the permanent business.
    - 5. Show the location of the accessible restroom facilities for each gender. They must be located within five hundred (500) feet of the temporary vendor site and within a permanent structure.
  - b. All temporary vendor uses shall be in compliance with all applicable codes and standards of the Springfield City Code. (G.O. 6010, 08/27/12).
3. In the GI, GR, HC, CS, LI, GM, HM, and IC Districts. Christmas tree sales for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of this

Article, provided, that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets or any sight triangle required by *Subsection 5-1306*. (G.O. 5127, 10/29/01) (G.O. 5823, 06/15/09)

a. ~~An outdoor carnival or circus, subject to the following restrictions:~~

- ~~(1) No carnival or circus shall be located on a parcel of land less than five (5) acres in size.~~
- ~~(2) No permit shall be issued for a period exceeding fourteen (14) days exclusive of a reasonable period during which the amusement rides, concessions, etc. are erected or removed from the site.~~
- ~~(3) No more than two (2) permits for a circus or carnival on the same property shall be issued for any twelve (12) month period.~~
- ~~(4) Every carnival or circus shall provide either paved or dust treated off-street parking for not less than three-hundred (300) automobiles per acre of area used for amusement purpose.~~
- ~~(5) Lighting, amusement activities, noise, or increased traffic associated with a carnival or circus shall not unreasonably disturb surrounding residential neighborhoods.~~
- ~~(6) The applicant shall provide a reasonable plan for traffic control approved by the Traffic Engineer and adequate evidence that said plan will be implemented.~~
- ~~(7) No carnival or circus shall be permitted within five-hundred (500) feet of the lot line of occupied residential property; except, the Director of Building Development Services may reduce the distance requirement set forth in this subsection if the Director determines that existing buildings, structures, or uses of land or terrain of the parcel of land for which application is made or adjacent parcels substantially reduce potential noise pollution, aesthetic pollution and other types of pollution.~~
- ~~(8) The carnival or circus shall limit its hours of operation to a daily period extending from 9:00 a.m. to 10:00 p.m.~~
- ~~(9) The applicant shall provide a performance bond with the City as the named payee, which bond shall guarantee that the premises will be left in a condition that does not~~

~~produce any adverse environmental impact on adjacent property. The bond shall be submitted to the Director of Building Development Services.~~

~~(10) The applicant shall provide a plan for adequately ensuring that during actual carnival or circus operations there will be no adverse environmental impact on adjacent and nearby properties. Said plan shall include provisions for noise abatement, sanitary needs, dust, and litter controls. Any violation of said plan shall provide grounds for an immediate revocation of a permit granted under the provisions of this section.~~

~~(11) A permit for such circus or carnival has been issued by the Director of Building Development Services finding that all of the foregoing conditions have been, or will be, satisfied.~~

ab. Temporary promotional activities subject to the following restrictions:

- (1) No permit shall be granted for a period exceeding six (6) days exclusive of a reasonable period during which the promotional uses are erected or taken down.
- (2) No more than two (2) permits for a temporary promotional use for the same property shall be issued during any six (6) month period.
- (3) Temporary promotional uses shall be limited in number to not more than five (5) carnival rides, amusement rides, or other similar amusements, and no games, side shows, tents shelters, concessions, or other similar uses shall be employed or associated therewith. Carnival rides, amusement rides, and other similar amusements shall not be located within four-hundred (400) feet of the lot line of occupied residential property except as permitted by (8) below.
- (4) Reserved
- (5) Retail businesses may display merchandise that is for sale within the building in the area immediately adjacent to the building subject to the following conditions:
  - (a) No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such use from the Director of Building Development Services.

- (b) No food or drink may be displayed outside the building except in accordance with standards and prior written approval of the Department of Public Health and welfare.
- (c) These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, appliances, housewares, or other second-hand merchandise in those districts which do not otherwise permit such uses.
- (6) In granting a permit for a temporary promotional use, the Director of Building Development Services shall determine that pedestrian and vehicular traffic will not be impaired by such temporary use. The Director of Building Development Services must also determine that the applicant has a reasonable plan for traffic control approved by the Traffic Engineer and has provided adequate evidence that said plan will be implemented.
- (7) No permit shall be granted where the lighting, promotional activities, noise or increased traffic associated therewith will unreasonably disturb the surrounding residential neighborhoods.
- (8) No temporary promotional use shall be located within three-hundred (300) feet of the lot line of occupied residential property, except for the display of goods and merchandise where a building is located between the temporary promotional use and the occupied residential property so that the occupied residential property is completely shielded from the temporary promotional use.
- (9) Each temporary promotional use shall cease its daily operation for more than one-half (1/2) hour after the closing of the associated commercial uses, except in no event shall the promotional use operate after 10:00 p.m. or prior to 8:00 a.m.
- (10) Reserved.
- (11) A permit for such activity has been issued by the Director of Building Development Services finding that all of the foregoing conditions have been, or will be, satisfied.

~~4. In the GR. District. Temporary seasonal outdoor sales and related storage accessory to a permitted use. (G.O. 5127, 10/29/01)~~

- 5-1204. Temporary and Mobile Vendor Requirements. All Temporary and Mobile Vendors Must be located on an approved Temporary Vendor Site and shall not occupy an approved vendor site for a period of time greater than one hundred eighty (180) days in a calendar year. (G.O. 6010, 08/27/12)

## Section 6-1500. Noise Standards.

- 6-1501. Purpose. The purpose of these noise standards is to provide measurable criteria to ensure that noise resulting from an activity does not have an adverse impact on adjoining properties.

- 6-1502. Applicability.

- A. New Uses. All uses hereafter established shall comply with the noise standards of this section.
- B. Existing Conforming Uses. Any existing use which, on the effective date of this Article, complies with the applicable noise standards of this section shall continue to so comply. If, at such time, the operations of any lawful existing use violates the noise standards of the section, such operations shall not be varied or changed in such a way as to increase the degree of violation. The fact that the operations of a lawful existing use violate the noise standards of this section shall not of itself make such use subject to the requirements of *Section 5-1700, Nonconformities*, of this Article relating to non-conformities.
- C. Existing Nonconforming Uses. Any use that is located in a zoning district in which such use is not permitted but which is a lawful nonconforming use and which complies, on the effective date of this Article, with all of the noise standards for the use shall continue to comply. If, at such time, the operations of such lawful nonconforming uses violate such standards, then such operations shall not be varied or changed in such a way as to increase the degree of such violation.

- 6-1503. Noise Standards.

- A. Maximum Noise Level. No operation or activity shall cause or create noise in excess of the sound levels prescribed below.
- B. Sound Level Standards. The maximum permitted sound level shall be at a volume so as to not unreasonably and knowingly disturb or alarm another person or persons by loud noise.
- ~~B. Method of Measurement. Sound level shall be measured with a sound level meter meeting the standards established by the Director of Health, a copy of which shall be on file with the City Clerk. The instrument shall be set to the Aweighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with standards established by the Director of Health, a copy of which shall be on file with the City Clerk. Measurements may be made at points of maximum noise intensity.~~

C. ~~Sound Level Standards.~~ The maximum permitted sound level shall be as follows, subject only to the variations and exemptions permitted below in paragraph D. (G.O. 5475, 07/11/05)

| <u>Source Sound</u>                                                                                                                                                                      | <u>Level</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Noise from any use in an O-1, O-2, GI, LB, GR, HC, CS, CC, RI, LI, or IC District measured at the boundary of any residential district.                                                  | 60dBA        |
| Noise from any use in a GM or HM District, measured at the boundary of any residential district.                                                                                         | 65dBA        |
| Noise from any non-residential use in an established Urban Conservation District measured at the boundary of a lot used for residential purposes within an Urban Conservation District.  | 60dBA        |
| Noise from any non-residential use in an established Urban Conservation District measured at the boundary of any residential district not located within an Urban Conservation District. | 60dBA        |

DC. Variations and Exemptions.

1. ~~Between the hours of 7:00 a.m. and 11:00 p.m. the following variations from the maximum sound level standards are permitted (only one variation is permitted during a one (1) hour period).~~

| <u>Duration</u>                                                                 | <u>Variation</u> |
|---------------------------------------------------------------------------------|------------------|
| Noise source operates less than twenty (20) percent of any one (1) hour period. | +5dBA            |
| Noise source operates less than ten (10) percent of any one (1) hour period.    | +10dBA           |
| Noise source operates less than five (5) percent of any one (1) hour period.    | +15dBA           |

21. The following uses and activities shall be exempt from the sound level standards:
- a. Noises not directly under the control of the property user;
  - b. Noises emanating from construction and maintenance activities between 7:00 a.m. and 11:00 p.m.;
  - c. The noises of safety signals, warning devices, emergency pressure relief valves and emergency electric generators; and
  - d. Noises from moving sources such as automobiles and trucks on public rights-of-way, railroad equipment on railroad rights-of-way and railroad spurs on private property, and airplanes.



## **Explanation of Changes Documented in Exhibit E**

### **City Code Chapter 82 Parks and Recreation, Article II. Park Central Square, Division 2. Downtown Mall, Section 82-65 Use of downtown mall and Ozark Jubilee Memorial Park.**

Several City Departments voiced concern regarding the existing city code language for noise standards and difficulty with enforcement of those standards. The existing language measures noise standards by decibels. The Building Development Services Department (BDS) and Licensing Division enforce noise standards with a decibel reader. The problem is the typical time that noise complaints occur is at night time and after the city offices are closed. Therefore, if there is a complaint the BDS and the Licensing Division cannot respond to determine the appropriate level of noise by a decibel reader. When this occurs the Police Department will handle the complaint as a peace disturbance pursuant existing City Code Section 78-114 Peace Disturbance, as explained below. Another issue that was discussed was if the decibel reader is used to enforce the noise regulation, the decibel readings for the event are frequently lower than the ambient noise surrounding the event. This makes it difficult to enforce the decibel levels for the event because the surrounding noise levels were not within the regulated levels.

The proposed solution is to remove the decibel levels as a standard to determine if a noise is too loud and enact language to base a noise level appropriateness on a general peace disturbance standard. By using a peace disturbance standard the above stated issues are resolved. The Police Department already uses this standard under City Code Section 78-114. If a noise complaint is received after city business hours, the Police will respond to the scene, contact the complainant and the suspect. While the officer has discretion to issue a summons immediately to the suspect if the noise levels appear to be leaving the property line where the noise is occurring, the officer usually will issue a warning. If the officer is dispatched to the same suspect for a peace disturbance that day, the officer may issue a summons. If a noise complaint occurs during city business hours an employee of BDS or Licensing can inspect the noise occurring at the event and determine if a peace disturbance is occurring using a similar procedure as the Police department described immediately above.

**Sec. 82-65. Use of downtown mall and Ozark Jubilee Memorial Park.**

(a) *Generally.* The city manager may authorize the use of the downtown mall, as defined in section 82-61, Ozark Jubilee Memorial Park, and city off-street parking lots identified in section 106-401 subject to the following conditions:

(1) The applicant shall provide insurance insuring the city in the amount established by the law department of the city sufficient to provide the city with protection against any liability which might arise from the activities in the area to be used, and the applicant shall agree to defend and indemnify and hold the city harmless from any liability therefrom.

(2) The applicant shall be responsible for cleanup of all paper or debris caused by the applicant's use of the area, and the applicant shall provide the city with assurances, which may include a bond or cash, that the area will be cleaned up after the activities have concluded. If such cleanup is not undertaken promptly, the city reserves the right to do the cleaning itself, and to charge the sponsor for the actual time and expense incurred in cleaning. This charge shall be a private debt against the applicant.

(3) The applicant shall limit the activities in the area to those activities which have been approved.

(4) If necessary, the applicant shall provide supervision and security for the activity.

(5) Equipment, stands, chairs or other physical facilities for the activity shall not be placed in the area until one hour before the activity is to commence and shall be removed within one hour after the activity is finished unless the permit provides otherwise. The applicant shall obtain approval for the location of any item that will be used in the area.

(6) Musical instruments may be allowed provided any sound from the activity shall be held to a level so as not to disturb the public peace. Failure to limit the level of sound after being requested to limit the sound by the director of public health and welfare of the city or his designee shall constitute cause for revocation of the permit. The city manager may approve use of amplification devices.

(7) The city manager may approve use of amplification devices between the hours of 7:00 a.m. and 10:00 p.m. when an otherwise authorized activity is to occur, and only for the time that activity is occurring, and then

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only at a volume that shall not unreasonably disturb or alarm another person or persons ~~of no more than 75 decibels, measured in accordance with procedures to be established by the director of public health and welfare.~~

(8) The applicant shall comply with all other city laws and other conditions that the city manager determines are necessary.

(9) The applicant shall limit the use to noncommercial activities or the activity shall be sponsored by a not-for-profit corporation for a purpose that relates to the objectives of the not-for-profit corporation.

(10) No activity shall be allowed except between the hours of 7:00 a.m. and 10:00 p.m.

(11) The permit may be revoked at any time for failure to comply with the conditions of the permit.

(b) *Use by candidates for public office.* The city manager may authorize the use of the downtown mall, as defined in section 82-61, and Ozark Jubilee Memorial Park, by a candidate for an elected public office or a political party for the purpose of making a political speech or holding a party rally, subject to the following conditions:

(1) Only one rally, speech or appearance on behalf of a candidate before the primary and one afterwards shall be allowed for any one candidate.

(2) No more than two hours shall be allowed for any one activity authorized under subsection (b)(1) of this section.

(3) No more than one partywide rally shall be allowed before and no more than one partywide rally shall be allowed after the primary and before the general election. Individuals who have appeared on the downtown pedestrian mall under subsection (c)(1) of this section will be allowed to appear at the partywide rally without limitation on the number of times they could appear under subsection (c)(1) of this section.

(4) No more than four hours shall be allowed for any one partywide rally.

(5) No political activity on the public square shall result in or be the authorization for the closing of any street or sidewalk upon the Park Central area unless there appears at that activity one of the following:

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- a. A candidate for president or the President of the United States.
- b. A candidate for vice-president or the Vice-President of the United States.
- c. A candidate for United States Senator from Missouri or a United States senator from Missouri.
- d. A candidate for governor, the governor, or other statewide candidate.
- e. A candidate for the Seventh Congressional District or a United States congressman from the Seventh Congressional District.

(6) There may be, once each year, either before or after the primary, a multiparty activity at which all candidates from all parties may be presented. At this activity, notwithstanding subsection (b)(5) of this section, streets may be closed through the public square.

(7) A multiparty meeting authorized under subsection (b)(6) of this section shall not exceed four hours in length.

(8) No political activity shall be allowed on the public square other than between the hours of 7:00 a.m. and 10:00 p.m. on any given day.

(9) Musical instruments may be allowed provided the activity does not otherwise disturb the public peace. Failure to limit the level of sound after being requested to limit the sound by the director of public health and welfare or his designee shall constitute cause for revocation of the permit.

(10) The city manager may approve use of amplification devices when an otherwise authorized political activity is to occur, and only for the time that activity is occurring, and then only at a volume that shall not unreasonably disturb or alarm another person or persons of no more than 75 decibels, ~~measured in accordance with procedures to be established by the director of public health and welfare.~~

(11) All equipment, stands, chairs or other physical facilities for the activity shall be erected by the applicant with its crews no more than 24 hours before any authorized political activity, and shall be removed within 24 hours thereafter. No such equipment, stands, chairs or other physical facilities shall be placed or erected on the public square without first

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providing to the department of building development services such information as it may require which basically shows the nature of the thing to be placed or erected thereon. Such information should show whether the facilities can safely support or withstand the loads and wind loads to be placed thereon, and are otherwise not likely to cause injury or harm to persons or property. No structures shall be erected in the fire lanes except temporary barricades for crowd control, which shall be approved.

(12) The city manager may require insurance, indemnification and/or a bond in such instances as he deems necessary to protect the public interest. The insurance shall insure the city in the amount established by the law department as sufficient to provide the city with protection against any liability which might arise from the activities in the area to be used.

(13) The applicant shall be responsible for cleanup of all paper or debris caused by the applicant's use of the area, and the applicant shall provide the city with assurances, which may include a bond or cash, that the area will be cleaned up after the activities have concluded. If such cleanup is not undertaken promptly, the city reserves the right to do the cleaning itself, and to charge the sponsor for the actual time and expense incurred in cleaning. This charge shall be a private debt against the applicant.

(14) If necessary, the applicant shall provide supervision and security for the activity.

(15) Each person desiring to conduct a political activity on the public square under the terms and conditions proposed in this subsection shall make application to the director of public works at city hall at least 15 days prior to the time it is intended for the activity to occur, setting forth essentially the nature of the activity, if possible, the time when it is to commence, the time it will end, the participants therein, the intention to use loudspeakers, to provide musical instruments, to close streets if authorized, or to erect physical stands and chairs, security to be provided by the applicant, and such other information as the city may deem necessary to process the application. If the application is filed less than 15 days prior to the event, the city may be unable to accommodate the request and may refuse to grant the application.

(16) Use of the square for such an activity shall be granted on a first come, first served basis.

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(17) The rules and regulations adopted by the director of public works dated June 10, 1976, shall apply unless the director of public works otherwise waives such rules and regulations.

**EXPLANATION TO COUNCIL BILL NO: 2015-\_\_\_\_\_**

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

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Section 5-1500, Off-Street Parking Requirements, of the Zoning Ordinance to allow the Director of Building Development Services to grant exemptions to the off-street parking requirements to make reasonable accommodations to persons with disabilities under certain conditions. (Staff recommends approval)

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – FRONT YARD PARKING EXCEPTIONS FOR DISABLED PERSONS AMENDMENTS

Planning and Zoning Commission initiated amendments to Section 5-1500, Off-Street Parking Requirements and other related sections of the Zoning Ordinance to allow review and consideration for persons with disabilities at their meeting on October 3, 2013. The Federal Fair Housing Act requires the City to apply its regulations in a manner that does not discriminate against persons with disabilities.

Currently, off-street parking in the front yard is not permitted for residentially zoned properties. The City is required by Federal law to provide “reasonable accommodation”, and Building Development Services currently applies that standard to requests received for modification to single-family dwellings for medical needs. At this time, the City has not received many requests for accommodation to the off-street parking requirements.

The proposed amendments will allow the Director of Building Development Services to grant exemptions to the off-street parking requirements to make reasonable accommodations for persons with disabilities following the conditions in Exhibit A. These amendments will replace the current Administrative Ruling (2011) and City Council resolution (2004) that BDS currently uses in these situations.

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

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on April 9, 2015, and recommended \_\_\_\_\_, by a vote of \_\_\_ to \_\_\_, of the proposed changes to the Zoning Ordinance described in Exhibit A.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will allow exceptions to the front yard off-street parking requirements for persons with disabilities.

Submitted by:

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Bob Hosmer, AICP  
Principal Planner

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Greg Burris, City Manager



EXHIBIT A  
FRONT YARD PARKING EXCEPTIONS FOR DISABLED PERSONS AMENDMENTS

Note: Language to be deleted is ~~stricken~~

**Section 5-1500. Off-Street Parking Requirements.**

5-1503.       **Exceptions.**

- A.       The off-street parking requirements in this section shall not apply to structural changes in existing buildings which do not expand the building horizontally or vertically or increase the usable floor space or to changes in occupancy of a building unless the use is changed.
- B.       When a building or structure is located within an established public parking benefit district and there is sufficient parking available for all uses within the district as determined by provisions of the ordinances establishing the public parking benefit district such public parking established by the benefit district shall be deemed to meet the parking requirements of this section.
- C.       Buildings and structures in a zone that has been designated as a Historic District that do not have the number of accessory off-street parking spaces required by this section shall not be required to provide any additional parking that would otherwise be required by a change in use, an expansion of the building or structure, or reconstruction after the building or structure has been destroyed or damaged by fire or other casualty, provided:
  - 1.       The number of existing off-street parking spaces is not diminished;
  - 2.       An attempt has been made to provide all required spaces, but more parking would significantly change the character of the site as viewed from the street or another historical perspective; and
  - 3.       A Certificate of Appropriateness is issued by the Landmarks Board pursuant to *Subsection 4-2403* of this Article.

D.       The Director of Building Development Services is authorized to grant an exception to the off-street parking standards under the following conditions:

- 1.       Verification by a third party doctor or other medical professional, in a form acceptable to Building Development Services, that the person requesting the exception has a medical disability requiring accommodations;
- 2.       Request is for parking at a single-family dwelling located in any zoning district;
- 3.       Verification in a form acceptable to Building Development Services that the person with the medical disability resides at the residence;

4. Verification by Building Development Services staff that no other alternatives within the scope of current regulations are reasonably available on the property;
5. No permanent modifications to the site are required, or alternatively, the applicant agrees to remove these improvements when the person with the medical disability no longer resides at the residence;
6. A City-issued off-street parking sticker is permanently affixed to the vehicle; and
7. Such other guidelines as may be deemed appropriate by the Director of Building Development Services during site review.

**EXPLANATION TO COUNCIL BILL NO: 2015-\_\_\_\_\_**

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

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To accept the dedication of the public streets and easements as shown on the Preliminary Plat Renewal of **WESTWOOD HILLS 3<sup>rd</sup> ADDITION** generally located on the west side of the 900 block South West Bypass. (Staff recommends that City Council accept the public streets and easements.)

**BACKGROUND INFORMATION:**

- A. See the legal description set forth on the Preliminary Plat Renewal of **WESTWOOD HILLS 3<sup>rd</sup> ADDITION** dated March 3, 2015, 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 Attachment 2.
- B. The Planning and Zoning Commission held a public hearing on April 9, 2015, 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. Developer must submit public improvement plans for a sanitary sewer to provide gravity sewer service to each tract created and pay inspection fees and construct this sanitary sewer in accordance with approved plans.
    - b. A sidewalk, in accordance with the Subdivision Regulations, shall be constructed along both sides of Suburban Avenue, Kay Pointe Boulevard, Lombard Street, Troy Court and Grand Street and on one side of Dexter Court.
    - c. Kay Pointe Boulevard and Suburban Avenue shall be constructed such that the street width matches the existing construction of the respective streets north and west. Pavement thickness, gutter thickness and construction standards must meet current standards for construction of a collector street.
  - 2. All required street rights-of-way, drainage and utility easements and limitations

of access shall be dedicated on the final plat.

- a. The right-of-way for Grand Street shall be dedicated as shown on the preliminary plat with fifty (50) feet on each side of the centerline with a thirty (30) foot reserve on each side for realignment, slope or other design issues. Public Improvement Plans will be required to be submitted and approved prior to the construction of Grand Street.
  - b. The rights-of-way for Kay Pointe Boulevard and Suburban Avenue shall be sixty (60) feet as shown on the preliminary plat.
  - c. The rights-of-way for Lombard Street, Troy Court and Dexter Court shall be fifty (50) feet as shown on the preliminary plat.
  - d. The following limitations of access shall apply:
    - (1) No driveway is permitted to West Bypass from any adjacent lot.
    - (2) No driveways are permitted to Grand Street within three-hundred fifteen (315) feet of the centerline of West Bypass. A median will be constructed on Grand Street when it is improved to a four lane roadway as noted. One (1) access point is permitted to Grand Street between Kay Pointe and West Bypass as noted. Access to and from Grand Street will be from westbound lanes only.
    - (3) No driveways are permitted to Kay Pointe Boulevard within one hundred fifty (150) feet of the centerline of Grand Street as noted.
  - e. A fifty (50) foot wide, east/west, recreation easement for the Wilson Creek Greenway shall be dedicated on the final plat as shown on the preliminary plat. It shall be located on the south side of Grand Street. Once the recreation easement reaches the northwest corner of the Collier property, the easement shall be provided north/south as shown on the preliminary plat. In addition, a north/south recreation easement shall begin on the south side of the Grand/Kay Pointe Boulevard intersection and extend the east/west easement.
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:

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Bob Hosmer, Principal Planner

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Greg Burris, City Manager

EXHIBITS:

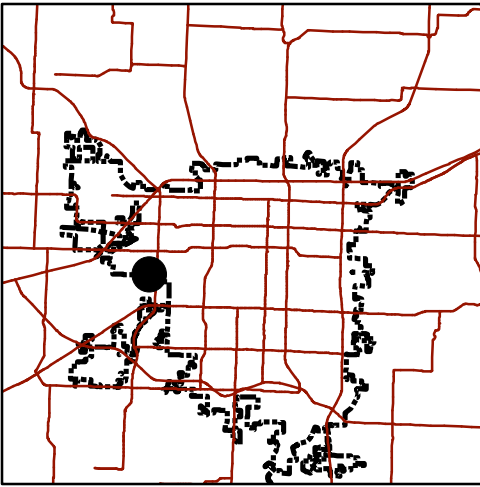
Exhibit A, Record of Proceeding

Exhibit B, Zoning and Subdivision Staff Report

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Preliminary Plat



# Zoning & Subdivision Report

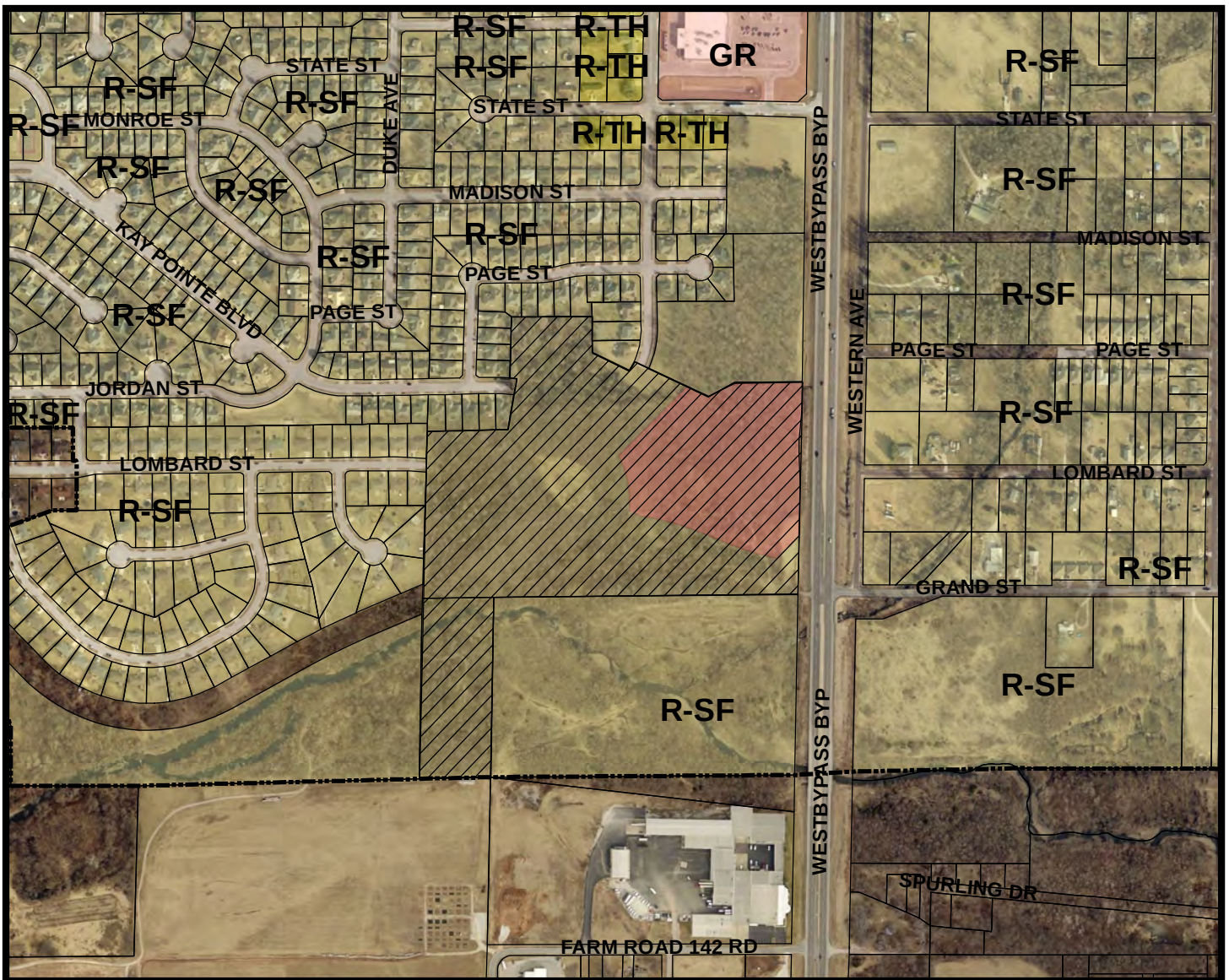
Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

## Preliminary Plat Renewal - Westwood Hills 3rd Addition

Location: West side of the 900 block S. West Bypass

Current Zoning: HC w/COD #2 and R-SF

### LOCATION SKETCH



- Area of Proposal

0 300 600 1,200  
Feet

1 inch = 600 feet

# *Zoning & Subdivision Report*

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

## **PRELIMINARY PLAT RENEWAL – WESTWOOD HILLS 3<sup>rd</sup> ADDITION**

DATE: April 1, 2015

PURPOSE: To approve a preliminary plat to subdivide 29.74 acres into a twenty-eight (28) lot single-family residential and commercial subdivision with common area

### **BACKGROUND:**

LOCATION: West side of the 900 block S. West Bypass

APPLICANT: Hoppy, LLC

TRACT SIZE: Approximately 29.74 Acres

EXISTING USE: Undeveloped land

PROPOSED USE: Single-family residential and commercial uses

### **RECOMMENDATION:**

The request be **approved**.

### **FINDINGS:**

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

### **CONDITIONS:**

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
  - a. Developer must submit public improvement plans for a sanitary sewer to provide gravity sewer service to each tract created and pay inspection fees and construct this sanitary sewer in accordance with approved plans.



- b. A sidewalk, in accordance with the Subdivision Regulations, shall be constructed along both sides of Suburban Avenue, Kay Pointe Boulevard, Lombard Street, Dexter Court, Troy Court and Grand Street.
  - c. Kay Pointe Boulevard and Suburban Avenue shall be constructed such that the street width matches the existing construction of the respective streets north and west. Pavement thickness, gutter thickness and construction standards must meet current standards for construction of a collector street.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
- a. The right-of-way for Grand Street shall be dedicated as shown on the preliminary plat with fifty (50) feet on each side of the centerline with a thirty (30) foot reserve on each side for realignment, slope or other design issues. Public Improvement Plans will be required to be submitted and approved prior to the construction of Grand Street.
  - b. The rights-of-way for Kay Pointe Boulevard and Suburban Avenue shall be sixty (60) feet as shown on the preliminary plat.
  - c. The rights-of-way for Lombard Street, Troy Court and Dexter Court shall be fifty (50) feet as shown on the preliminary plat.
  - d. The following limitations of access shall apply:
    - 1) No driveway is permitted to West Bypass from any adjacent lot.
    - 2) No driveways are permitted to Grand Street within three-hundred fifteen (315) feet of the centerline of West Bypass. A median will be constructed on Grand Street when it is improved to a four lane roadway as noted. One (1) access point is permitted to Grand Street between Kay Pointe and West Bypass as noted. Access to and from Grand Street will be from westbound lanes only.
    - 3) No driveways are permitted to Kay Pointe Boulevard within one hundred fifty (150) feet of the centerline of Grand Street as noted.
  - e. A fifty (50) foot wide, east/west, recreation easement for the Wilson Creek Greenway shall be dedicated on the final plat as shown on the preliminary plat. It shall be located on the south side of Grand Street. Once the recreation easement reaches the northwest corner of the Collier property, the easement shall be provided north/south as shown on the preliminary plat. In addition, a north/south recreation easement shall begin on the south side of the Grand/Kay Pointe Boulevard intersection and extend the east/west easement.
6. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.



7. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Code.
8. 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.
9. 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.

CITY COUNCIL: April 27, 2015

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner

ATTACHMENT 1  
BACKGROUND REPORT  
PRELIMINARY PLAT RENEWAL – WESTWOOD HILLS 3<sup>rd</sup> ADDITION

APPLICANT’S PROPOSAL:

The applicant proposes to subdivide approximately 30 acres into a twenty-eight (28) lot subdivision. Lots 1-27 will be for single family residential development (R-SF) and Lot 28 would be for commercial development (HC and COD #2) as permitted by zoning case Z-02-2007 which was approved in 2007. The applicant has also proposed a phasing plan.

HISTORY:

The applicant is proposing to renew the preliminary plat of Westwood Hills 3<sup>rd</sup> Addition that was previously approved by City Council on May 21, 2007 and renewed on June 1, 2009, June 13, 2011 and June 3, 2013.

AT&T COMMENTS:

There are no existing facilities. AT&T will require 120 days advance notice before construction start and a minimum 10' joint utility easement front and rear for cable placement.

BUILDING DEVELOPMENT SERVICES COMMENTS:

BDS has no issues with renewing the preliminary plat or the proposed phasing plan.

CITY UTILITIES COMMENTS:

No objection to renewal of preliminary plat. Please note that the closest water and gas mains to the commercial lot 28 are on the east side of the W. Bypass. Main extensions would have to be bored under the W. Bypass, or extended in future right-of-way of Kay Pointe Blvd. or Suburban Ave. Extending in future right-of-way is not a preferred method of extending gas and water. This route will be considered if final public improvement plans are developed for the residential phase.

FIRE DEPARTMENT COMMENTS:

No comment on phasing of project as long as FD access is provided prior to development of the project.

TRAFFIC DIVISION COMMENTS:

1. Traffic will allow the phasing of the construction of Kay Point Blvd depending on if the residential or commercial tracts develop first.
2. The alignment of Grand Street will stay the same. Rights-of-way for a four lane primary arterial will need to be dedicated for the future construction of Grand Street. With the development of the commercial property of Westwood Hills, Grand will need to be constructed as a two lane

facility along the property frontage of the commercial development. One full access point will be allowed onto Grand St. from the commercial property a minimum of 250 feet from the West Bypass intersection until the time when Grand Street is upgraded to a four lane facility. At this time, a median will be constructed and the entrance onto Grand Street will become a right in/right out. Public Improvement Plans will be required to be submitted and approved prior to the construction of Grand Street.

#### MODOT COMMENTS:

No access to Route 160 (West Bypass) will be allowed. Any work on State r/w will require a permit from MoDOT. A north bound left turn lane will be required and possibly other roadway improvements. There will be a maintenance impact fee assessed on the roadway improvements.

#### STORMWATER COMMENTS:

1. No stormwater issues with Preliminary Plat renewal. Please note, however, that the following detention and water quality requirements must be met prior to issuance of a building permit.
2. A Stormwater Buyout in lieu of detention possible adjacent to the floodplain for commercial Lot 28. Water quality will need to be provided on site.
3. Public Improvement Plans will be required to modify the existing temporary detention basin south of Lombard Street. Additional detention and water quality required for this basin.

#### SANITARY SEWER COMMENTS:

1. The sewer as shown on the plat will require public improvement plans. Submit plans by completing the application for public improvements on the developers resource website.
2. Offsite construction and sewer easements will need to be obtained to connect to existing sewer. All required easements will need to be approved and executed before the public improvement plans can be approved.
3. Public improvements will need to be approved or escrowed before the final plat can be approved.

#### STAFF COMMENTS:

1. The applicant is proposing to renew the preliminary plat of Westwood Hills 3<sup>rd</sup> Addition for a fourth time. The preliminary plat was originally approved by City Council on May 21, 2007. The applicant has proposed a phasing plan where the commercial area (Lot 28) could be developed, first. Staff supports the preliminary plat renewal.
2. If Planning and Zoning Commission approves the preliminary, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
3. The Parks, Open Space and Greenways Plan Element indicates that the proposed greenway system would extend along this segment of Wilson Creek. A fifty (50) foot wide, east/west,

recreation easement for the Wilson Creek Greenway will be dedicated on the final plat. It will be located on the south side of Grand Street. A north/south recreation easement will begin on the south side of the Grand/Kay Pointe intersection and extend to the east/west easement.



Preliminary Plat Renewal  
WESTWOOD HILLS 3RD ADDITION  
A Part of the SE and SW of Section 20, and the NE of Section 29 T29N, R22W  
City of Springfield, Greene County, Missouri

NORTHEAST CORNER  
OF SECTION 20  
T-29-N R-22-W  
FOUND BAR

DESCRIPTION

All that part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 29 North, Range 22 West, lying West of US Highway 160 (West By-pass);

And, All of the East 264 feet of the Southwest Quarter of the Southeast Quarter of said Section 20;

And, All of the East 264 feet of the North Half of the Northwest Quarter of the Northeast Quarter of Section 29, Township 29 North, Range 22 West, all in the City of Springfield, Greene County, Missouri;

Except that portion platted as Westwood Hills First Addition, and Westwood Hills Second Addition, and being more particularly described as follows:

COMMENCING at the Northeast corner of the Northeast Quarter of Section 29, Township 29 North, Range 22 West; thence North 89 Degrees 26 Minutes 57 Seconds West along the North line of said Northeast Quarter, a distance of 208.53 feet to a point on the West right of way line of US Highway 160, as now established, said point being the POINT OF BEGINNING; thence continuing North 89 Degrees 26 Minutes 57 Seconds West along said North line, a distance of 1120.65 feet to the Northwest corner of the Northeast Quarter of said Northeast Quarter; thence departing said North line South 02 Degrees 12 Minutes 29 Seconds West along the West line of said Quarter Quarter, a distance of 664.38 feet to the Southeast corner of the North Half of the Northwest Quarter of the Northeast Quarter of said Section 29; thence departing said West line North 89 Degrees 27 Minutes 29 Seconds West along the South line of said North Half, a distance of 264.17 feet to a point; thence departing said South line North 02 Degrees 12 Minutes 11 Seconds East along a line lying 264.00 feet West of and parallel with the East line of said North Half, a distance of 664.42 feet to a point on the North line of said Section 29, said point being on the South line of Section 20, Township 29 North, Range 22 West; thence North 02 Degrees 54 Minutes 25 Seconds East along a line lying 264.00 feet West of and parallel with the East line of the Southwest Quarter of the Southeast Quarter of said Section 20, said line being the East line of Timbercreek 6th Addition, a subdivision in the City of Springfield, Greene County, Missouri, a distance of 619.01 feet to the Southwest corner of Westwood Hills Second Addition, a subdivision in the City of Springfield, Greene County, Missouri; thence along the South and East lines of said Westwood Hills Second Addition for the following five calls, South 89 Degrees 22 Minutes 35 Seconds East, a distance of 298.07 feet to the Southeast corner of Lot 26 of said Westwood Hills Second Addition; thence North 11 Degrees 22 Minutes 00 Seconds East, a distance of 190.99 feet to a point on the North right of way line of Kay Point Boulevard, as now established, said point being a point of curvature; thence along a non-tangent curve to the left having an initial tangent bearing of North 78 Degrees 37 Minutes 59 Seconds West, a radius of 420.00 feet and an included angle of 03 Degrees 33 Minutes 53 Seconds, a distance of 26.13 feet to the Southeast corner of Lot 25 of said Westwood Hills Second Addition; thence North 02 Degrees 54 Minutes 25 Seconds East, a distance of 229.36 feet to the Northeast corner of Lot 22 and the Southwest corner of Lot 20 of said Westwood Hills Second Addition; thence South 89 Degrees 14 Minutes 28 Seconds East, a distance of 294.09 feet to the Southeast corner of Lot 16 of said Westwood Hills Second Addition, said point being on the West line of Lot 12 of Westwood Hills First Addition, a subdivision in the City of Springfield, Greene County, Missouri; thence along the West and South lines of said Westwood Hills First Addition for the following six calls, South 00 Degrees 45 Minutes 32 Seconds West, a distance of 136.05 feet to the Southwest corner of Lot 10 of said Westwood Hills First Addition; thence South 62 Degrees 34 Minutes 01 Seconds East, a distance of 150.12 feet to the Southeast corner of said Lot 10, said point being on the West right of way line of Suburban Avenue, as now established, said point being a point of curvature; thence along a non-tangent curve to the left having an initial tangent bearing of North 35 Degrees 19 Minutes 19 Seconds East, a radius of 270.00 feet and an included angle of 08 Degrees 26 Minutes 56 Seconds, a distance of 39.81 feet to a point; thence departing said West right of way line South 63 Degrees 07 Minutes 40 Seconds East, a distance of 300.00 feet to a point; thence North 62 Degrees 55 Minutes 43 Seconds East, a distance of 109.92 feet to a point; thence South 89 Degrees 14 Minutes 28 Seconds East, a distance of 250.00 feet to a point on the West right of way line of said US Highway 160; thence South 02 Degrees 09 Minutes 47 Seconds West along said West right of way line, a distance of 104.30 feet to a point; thence continuing along said West right of way line South 07 Degrees 52 Minutes 25 Seconds West, a distance of 100.50 feet to a point; thence continuing along said West right of way line South 03 Degrees 32 Minutes 51 Seconds East, a distance of 100.50 feet to a point; thence continuing along said West right of way line South 02 Degrees 09 Minutes 47 Seconds West, a distance of 431.28 feet to the POINT OF BEGINNING, and containing 1,295,239 square feet or 29.735 acres, more or less, except any part thereof taken or used for road or highway purposes, subject to any easements of record.

NOTES

Total Area: 29.735 Acres  
1,295,239 Square Feet

Total Number of Lots: 28

Smallest Lot: Lot 1  
6,602 Sq. Ft./0.15 Acres

Largest Lot: Lot 28  
335,951 Sq. Ft./7.71 Acres

Current Zoning: R-SF & HC with Conditional Overlay District 2

Proposed Land Use: R-SF Lots 1-27  
HC with Conditional Overlay District 2, Lot 28

Source of Title: Book 2509, Page 2302

Contour data provided by the City of Springfield, MO.

According to F.E.M.A. Flood Insurance Rate Map  
Community Panel Number 29077C0328E, Effective Date  
December 17, 2010, a portion of this property is zoned AE and lies within a  
designated floodplain.

Floodway provided by the City of Springfield, MO.

Preliminary Plat Approval Date: May 21, 2007

Setbacks: Front Yard: 25'  
Rear Yard: 25' Unless specified below  
21' on Lots 16, 17, 18, 19, 20 (on North side), 21 (on South Side), 22  
21' on Lots 1, 23, 24  
22' on Lots 2, 20, 21 (on East, Northeast, & Southeast sides)  
23' on Lot 3  
24' on Lots 4, 5  
30' on Lots adjacent to Grand Street due to slope easement  
Interior Side Yard: 5'  
See City Code for Additional Information

Right-of-Way on Dexter Court and Troy Court is 50' with 50' Radius at Cul-De-Sac.

No Access permitted to West Bypass (U.S. Highway 160).

No Access permitted to Grand Street within 315 feet of centerline of West Bypass.

No Access permitted to Kay Point Boulevard within 150 feet of the centerline of Grand Street.

PHASING: Phase One: Lot 28 & common area south of Grand Street.

Phase Two: Lots 1-27 & Detention/Common Area.

Construction of Kay Point Blvd. may be phased to correspond with proposed development phasing as follows:  
• If Phase I is developed prior to Phase II, construction of Kay Point Blvd. will not be required until the final platting of Phase II.  
• If Phase II is developed prior to Phase I, construction of Kay Point Blvd. south of the south line of Lot 27 will not be required until the final platting of Phase I.  
Depending on the phased construction of Kay Point Boulevard, an appropriate fire apparatus turn around shall be provided to meet the requirements of the City of Springfield Fire Department.

Two lanes of Grand Street along the frontage of Lot 28 shall be constructed with Phase I, and Lot 28 shall have one full access point until Grand Street is upgraded to four lanes, at which time a median shall be constructed and Lot 28 access shall be limited to right in/right-out only.

Sidewalks will be along both sides of Suburban Avenue, Kay Point Boulevard, Lombard Street, Dexter Court and Troy Court; the north side of Grand Street to be constructed.

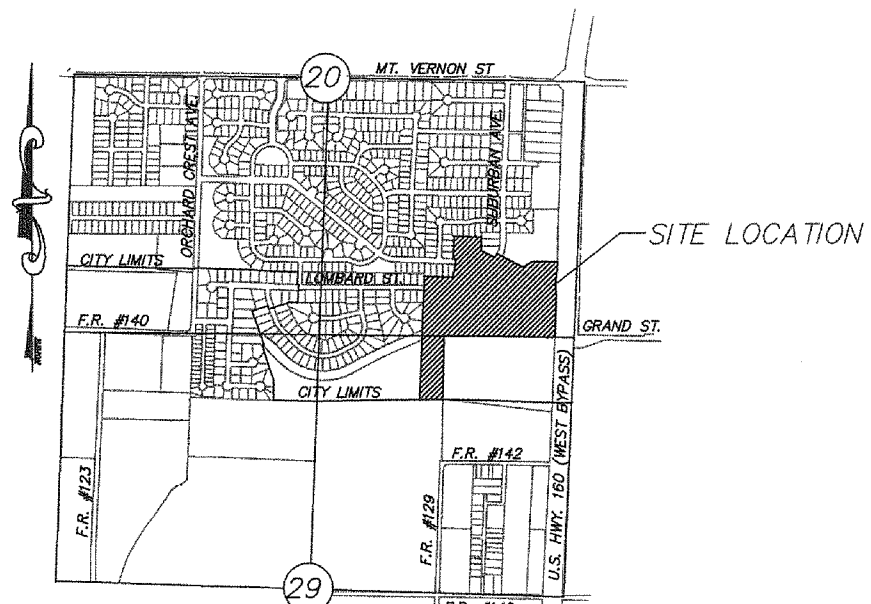
Private water quality controls and detention facilities shall be constructed prior to issuance of a building permit for Lot 28.

Preliminary Plat for Westwood Hills 3rd Addition

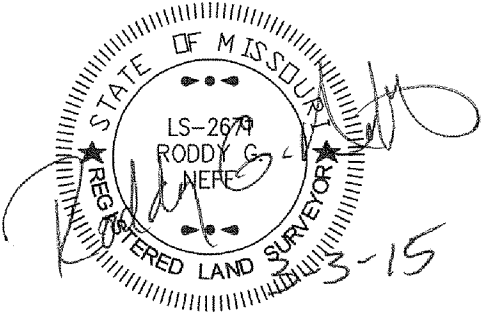
| drawn by: NSS          | DATE     | REVISION                        | BY  |
|------------------------|----------|---------------------------------|-----|
| surveyed by: KAO/NSS   | 01-25-15 | Revised per City's ARC Comments | DRM |
| checked by: RGN        | 01-20-15 | Preliminary Plat Renewal        | DRM |
| approved by: RGN       | 03-27-13 | Preliminary Plat Renewal        | KAO |
| project no.: 2006-0831 | 04-13-11 | Preliminary Plat Renewal        | KAO |
| file name: 60831_PP    | 03-20-09 | Revised per City's ARC Comments | KAO |
|                        | 02-26-09 | Preliminary Plat Renewal        | DRM |
|                        | 05-21-07 | Preliminary Plat Approved       | DRM |
|                        | 12-1-06  | Original Preparation            | NSS |

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

TEL 417.880.8972/890.8802  
FAX 417.880.8973/890.8805www.olssonassociates.com



SEC. 20 & 29, T-29-N, R-22-W  
LOCATION MAP  
SCALE: 1"=2000'



| LINE | LENGTH | BEARING     |
|------|--------|-------------|
| L1   | 43.57  | N39°01'51"W |
| L2   | 43.50  | S47°55'43"W |
| L3   | 14.68  | S04°48'23"W |
| L4   | 13.50  | N84°51'29"W |
| L5   | 14.68  | N89°36'12"W |
| L6   | 13.50  | S00°03'39"W |
| L7   | 13.85  | S49°04'51"W |
| L8   | 14.43  | S40°55'09"E |
| L9   | 14.60  | S61°29'29"W |
| L10  | 14.60  | S24°43'46"E |

| CURVE | LENGTH  | RADIUS  | DELTA     | CHORD   | TANGENT |
|-------|---------|---------|-----------|---------|---------|
| C1    | 26.13'  | 420.00' | 3°33'53"  | 26.13'  | 13.07'  |
| C2    | 39.81'  | 270.00' | 8°26'56"  | 39.78'  | 19.94'  |
| C3    | 143.61' | 800.00' | 10°17'06" | 143.41' | 72.00'  |
| C4    | 668.35' | 800.00' | 47°52'02" | 649.08' | 355.07' |
| C5    | 167.22' | 800.00' | 11°58'33" | 166.91' | 83.91'  |
| C6    | 616.63' | 425.00' | 83°07'47" | 563.95' | 376.87' |
| C7    | 249.51' | 300.00' | 47°39'12" | 242.38' | 132.48' |
| C8    | 108.53' | 300.00' | 20°43'42" | 107.94' | 54.87'  |
| C9    | 13.62'  | 15.00'  | 52°01'12" | 13.16'  | 7.32'   |
| C10   | 13.62'  | 15.00'  | 52°01'12" | 13.16'  | 7.32'   |
| C11   | 13.62'  | 15.00'  | 52°01'12" | 13.16'  | 7.32'   |
| C12   | 13.62'  | 15.00'  | 52°01'12" | 13.16'  | 7.32'   |
| C13   | 228.72' | 275.00' | 47°39'12" | 222.18' | 121.44' |
| C14   | 270.31' | 325.00' | 47°39'12" | 262.58' | 143.52' |

LEGEND

- FOUND EXISTING MONUMENT (AS NOTED)
- FLOOD PLAIN
- PROPOSED GAS & WATER
- PROPOSED SANITARY SEWER
- PROPOSED UNDERGROUND ELECTRIC

PREPARED BY

Olsson Associates  
550 St. Louis Street  
Springfield, MO 65806

OWNER/DEVELOPER

Happy L.L.C.  
219 E. Commercial Street  
Springfield, Missouri 65803

SOUTHEAST CORNER  
OF THE NORTHEAST  
1/4 OF SECTION 29  
T-29-N R-22-W  
FOUND BAR