



Springfield Planning and Zoning Commission

City Council Chambers (830 Boonville)

Date: September 10, 2015
Time: 6:30 p.m.

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. COMMENTS FROM MAYOR BOB STEPHENS

3. APPROVAL OF MINUTES

August 6, 2015

Documents: [PNZ MINUTES 08-06-2015.PDF](#)

4. COMMUNICATIONS

5. FINALIZATION AND APPROVAL OF CONSENT ITEMS

(None)

6. PUBLIC HEARINGS

7. Vacation 781

200 block East Swan Place, Primrose Senior Living, LLC

Documents: [VAC781.PDF](#)

8. Z-30-2015

840 East Primrose Street, Fortmeyer Real Estate Company

Documents: [Z-30-2015.PDF](#)

9. Z-31-2015 W/Conditional Overlay District No. 97

1031 East Battlefield Road, Curbow Inc.

Documents: [Z-31-2015 COD97 MLS.PDF](#)

10. Z-32-2015 W/Conditional Overlay District No. 98

1983 East Seminole Street, BluCurrent Credit Union

Documents: [Z-32-2015 COD 98.PDF](#)

11. Escrow Of Public Improvements In A Subdivision Text Amendment

City-wide, City of Springfield

Documents: [PUBLIC IMPROVEMENT PLAN ESCROW AMENDMENTS.MLS.PDF](#)

12. Planning & Zoning Commissioner Term Limits Amendments

City-wide, City of Springfield

Documents: [TERM LIMIT AMENDMENTS.PDF](#)

13. Cooperative Parking Amendments

City-wide, City of Springfield

Documents: [COOPERATIVE PARKING AMENDMENTS.PDF](#)

14. Madison & Holland Redevelopment Plan

500 block East Madison Street and 800 block South Holland Avenue, Bryan Properties, LLC

Documents: [MADISON AND HOLLAND REDEVELOPMENT PLAN PZ STAFF REPORT.PDF](#)

15. Request To Extend Security Agreement

248 East Monastery Street, Coryell Commons

Documents: [EXTEND SECURITY AGREEMENT NO 32.PDF](#)

16. ANY OTHER MATTERS UNDER COMMISSION JURISDICTION

17. 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 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 August 6, 2015, in the City Council Chambers. Vice-Chair White called the meeting to order.

Roll Call: Present: Gabrielle White (Vice-chair), Jason Ray, David Shuler, Randy Doennig, Melissa Cox, Cameron Rose and Andy Cline. Absent: Baird and Edwards.

Staff in attendance: Mary Lilly Smith, Director of Planning, Bob Hosmer, Principal Planner, Sarah Kerner, Assistant City Attorney, Matt Schaefer, Senior Planner, Dawne Gardner, Public Works Traffic Division, and Rodney Colson, Public Works Stormwater.

Minutes: The minutes of July 9, 2015 were approved unanimously with corrections.

Communications:

Mr. Hosmer reviewed City Council action from July 13, 2015. Mr. Hosmer stated the applicant for agenda item number 12, has requested the case be withdrawn from consideration.

Consent Agenda Items:

The Consent Agenda items were approved as presented.

Public Hearings:

Z-23-2015 w/Conditional Overlay District No. 94
Holdings Corp
(27001-2800 North Mulroy Road)

SRC

Mr. Hosmer stated this is a request to rezone approximately 59 acres of property at 2700 - 2800 block of North Mulroy Road from Planned Development 225 to an HM, Heavy Manufacturing District with Conditional Overlay District #94. This case was remanded back to Planning & Zoning Commission at City Council Meeting on July 13, 2015. At that meeting, they wanted to reevaluate the public improvements that were required for the project. A revised traffic study has been submitted and was approved by Public Works Traffic Division. The Growth Management and Land Use Plan of the Comprehensive Plan designates this area as appropriate for light industry, office, and office-warehouse. The Plan also shows this area as an emerging Activity Center of the I-44 and Mulroy Road as described in the plan. Mulroy Road is classified as a primary arterial. The Conditional Overlay District Provisions will restrict uses, require the dedication of additional right-of-way along Mulroy Road to avoid conflicts with an identified sinkhole, restrict driveway access to Mulroy Road and require the completion of public improvements to a portion of Mulroy Road. There will be limited access for fire trucks or emergency vehicles. Mr. Hosmer noted there will be a forty (40) foot bufferyard requirement along the property to the west that is zoned County A-R and A-1 and a

bufferyard requirement adjacent to the remaining portion of the PD 225. A Bufferyard "C" is required adjacent to the City Utilities property to the south that is zoned GI, Government Institutional. Mr. Hosmer reviewed the improvements to Mulroy Road. Staff recommends approval.

Ms. Cox asked if there were findings in the staff report about the actual differences between the previous traffic study and the current report adding that she was a bit confused about what was different between the they saw this previously to and what has changed now.

Mr. Hosmer noted he could not address the traffic study as far as the differences in the traffic study but Traffic Division can talk about the basic differences.

Ms. Gardner said on the previous case when looking at the rezoning the applicant did not provide a traffic study because they were agreeing to do the improvements that were already required in the previous PD approved in 1999. The applicant has come back and said this is what they want to do with this zoning; staff required them to do a traffic study showing what they thought was needed and that is how the improvements came about from the previous zoning.

Mr. Doennig questioned specific to the improvements to Mulroy Road, there is a plan to improve it from Station 100 to 110 and to grant an easement for future improvements to the south of that around the sinkhole area. In the original proposal, is the work being done on Mulroy Road more comprehensive in terms of the entire length of the property or what is the difference to the improvements on Mulroy now with the new traffic study.

Ms. Gardner stated that in the previous zoning case the property was required to improve Mulroy from Station 110 south to a three (3) lane section. Because they are not going to have any driveway access to Mulroy south of Station 110, they will not have any access to Mulroy; the applicant's driveway ends at Station 107, which is where their access is located. That is what generated the change in the improvements. South of Station 110 does not need to be improved to three lane section because neither development will be accessing that portion of Mulroy and all the traffic will be going north and not going any further than their driveway when they come from Kearney Street. The improvement would require the development of a right turn lane just south of the railroad into their driveway to accommodate the truck traffic coming from Kearney turning into their property.

Mr. Doennig stated this will not generate a significant amount of traffic going south on Mulroy Road, it will all go north.

Mr. Gardner said correct.

Mr. Hosmer pointed out the access points of the property stating only Fire Department would have access to the Knox Box.

Ms. White asked if there were requirements for additional notification of this case coming back to Commission.

Mr. Hosmer explained that the case was advertised, the property posted, and letters were sent to property owners for this meeting.

Ms. White opened the public hearing.

Mr. Geoff Butler, Butler, Rosenbury & Partners, 319 N. Main St., stated he is representing the applicant. Mr. Butler noted that as this case came forward, they did not have all the information necessary to determine what to do with the property. They did a sinkhole study and a report on bats at the property and they then evaluated the sinkhole study. It appears that a third of the property is sinkholes and unusable. They determined the only logical access they could take to the site for all the traffic was further north at Station 107.5. Mr. Butler stated he was available for questions.

Ms. White closed the public hearing.

Mr. Ray asked if access to the south would be blocked off completely.

Mr. Hosmer stated the street would not be blocked; there will be no driveway access for this property from Station 107.5 to the property line.

Mr. Ray asked about the realignment of the street; they would be required to relocate the street.

Mr. Hosmer said actually to dedicate the right of way.

Mr. Ray was concerned about residents driving over the road that is built on a sinkhole.

Mr. Hosmer stated it has been that way for some time.

Mr. Ray clarified that the responsibility is being transferred away from the developer, which was originally proposed, back to the City for a liability. Mr. Ray expressed his concern about that.

Mr. Hosmer noted the road is an existing road and has been there for quite some time.

Mr. Ray said if the city wanted to address a potential event in avoiding the road falling through into a sinkhole, the City would no longer have the right of way to address that with this proposal.

Mr. Hosmer clarified that the City is getting the right of way; for additional right of way. The applicant is dedicating land for the road to be realigned around the sinkhole. At some time in the future, the City will be able to reconstruct the road away from the sinkhole.

Mr. Cline confirmed that previously this was a county road, but with the annexation, it is now a City road. It now belongs to the taxpayers of the City.

Mr. Hosmer said that is correct.

Mr. Doennig clarified that the property was reposted for the change in the property; it was republished and letters were sent, but there was not a neighborhood meeting.

Mr. Hosmer said that is correct.

Mr. Doennig asked if that was the normal standard, so if there is a case that Commission visits, and then revisits it again after being remanded back by Council, there is not a neighborhood meeting requirement, just the publication, posting, and mailings.

Mr. Hosmer said yes, unless they are directed by Council to do otherwise. Normally they would not go through another neighborhood meeting.

Ms. Cox asked if the upper northeast corner is not part of this application. PD 225 is not part of this review.

Mr. Hosmer stated that is correct. That is the property of SRC; they own that but wanted to leave that in the original PD.

Mr. Doennig motioned to **approve** Z-23-2015 w/Conditional Overlay District No. 94. Mr. Rose **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

Z-26-2015 w/Conditional Overlay District No. 96

Positronic Industries, Inc

(300 West Tampa)

Mr. Hosmer noted this is a request to rezone approximately 1.68 acres of property generally located at 300 West Tampa Street from a GM, General Manufacturing District to a CC, Center City District and establishing Conditional Overlay District No. 96. This property is currently undeveloped. Approval of CC zoning on the subject property would be consistent with the existing CC zoning to the east and southeast and is consistent with City Council's approval of CC zoning on the property west of the subject property and other properties City Council has approved for CC zoning to assist in the downtown's revitalization. One access is allowed on Campbell Avenue and shall be located 150 feet from Tampa Street intersection. One access is allowed on Tampa Street and shall be 150 feet from Campbell Avenue intersection. Traffic Engineering shall evaluate any proposed development and if the estimated trip generation (using ITE trip generation rates) results in an increase of over 100 trip ends per peak hour or 1,000 trips ends per day, the City Traffic Engineer shall, at his discretion, require a Traffic Impact Study (TIS) be submitted. Any public improvements identified by the study as

necessary to provide a satisfactory level of service in the peak hour shall be addressed before approval of the development. Under this Conditional Overlay, a 30,000 square foot medical/dental clinic would be allowable with no TIS requirements.

Ms. White opened the public hearing.

Mr. Derek Lee, Lee Engineering, 2101 W. Chesterfield Blvd, commented he is representing the applicant. Jordan Valley Community Health Center is purchasing this land. It is their intent in the short term to build a parking lot; the reason it is being rezoned is that they are a medical clinic and medical clinics are not allowed in HM zoning. They want to change it to CC so if sometime in the future they want to put a clinic there they can.

Ms. White closed the public hearing.

Mr. Ray motioned to **approve** Z-26-2015 w/Conditional Overlay District No. 96. Mr. Cline **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

Z-27-2015

Arvest Bank

(1255 East Chestnut Expressway)

Mr. Hosmer stated this is a request to rezone approximately 1.62 acres of property generally located at 1255 East Chestnut Expressway from a GR, General Retail District with Conditional Overlay District No. 10 to an O-1, Office District. The subject property is located along Chestnut Expressway, which is classified as an expressway. Approval of O-1 zoning at this location is compatible with the existing zoning and development to the west of the subject property and at the other quadrants of the Chestnut Expressway and National Avenue intersection. Office zoning will result in a similar type of development as exists to the west and will provide for a further transition between the major intersection at Chestnut Expressway and National Avenue and the residential development to the east. The existing GR zoning with Conditional Overlay District No. 10 restricts the floor area ratio to 0.25, which would allow a maximum building size of approximately 17,600 square feet on the subject property. The applicant desires to construct an office building with approximately 20,000 square feet and is therefore requesting this rezoning to eliminate the floor area restriction. Development of the subject property will be required to meet all open space, parking and maximum height requirements for office development. If the rezoning were approved, it would have to comply with Section 4-2000, Office Districts, the Zoning Ordinance, and any other applicable city codes. Upon development of the subject property, a bufferyard will be required along the north property line of the subject property across from the single-family residential development to the north because the right-of-way width of Brower Street is less than seventy (70) feet. A bufferyard is not

required along the east property line because the right-of-way width of Prospect Avenue is greater than seventy (70) feet. This is a downzoning; going from a higher intensity GR to an office complex.

Mr. Ray asked if access to the property is already established through the neighboring property to the west.

Mr. Hosmer said yes.

Ms. White opened the public hearing.

Mr. Derek Lee, Lee Engineering, 2101 W. Chesterfield Blvd, commented he is available for questions.

Ms. White clarified that the intention is to build a larger structure than was originally contemplated, more square footage, but lower intensity.

Mr. Lee said yes. Under the current GR zoning they limited the square footage of the building so you could allow retail strip centers; it talked about taverns, restaurants, and it had specific requirements to limit those to different square footages. Because office use was not a specific requirement it was lumped in with the rest of it so they will have smaller traffic even though the building is bigger.

Ms. Cox clarified that it is not that Arvest Bank is building a bigger facility; the zoning is being changed to allow certain types of office uses in the adjoining lot.

Mr. Lee said yes. Arvest Bank is selling the property.

Ms. White closed the public hearing.

Mr. Ray motioned to **approve** Z-27-2015. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

Z-28-2015
(800 block South Waco, e/s)

City of Springfield

Mr. Hosmer explained this is a request to rezone approximately 0.84 acres of property generally located on the east side 800 block of South Waco Avenue from a Greene County R-1, Suburban Residence District to a city R-SF, Single Family Residential District. City Council initiated the annexation and rezoning of the subject property at their July 13, 2015 meeting. City Council is expected to vote on the annexation at their August 24, 2015 meeting. If the annexation is approved, this request would rezone the subject property from a Greene County R-1, Suburban Residence District to a City R-SF, Single-Family Residential District which is the most similar city zoning district. The subject property is owned by the same owner as the R-SF zoned property to the north. Approval of this rezoning will provide for consistent zoning on the

property under the same ownership.

Ms. White opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Rose asked if the City owns this property.

Mr. Hosmer stated the City does not own this property, but City policy is that when a property is annexed a recommendation is made to match the zoning as closely as possible to the county.

Mr. Ray motioned to **approve** Z-28-2015. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

Z-29-2015
(5904 South Southwood Avenue)

City of Springfield

Mr. Hosmer noted that the City's policy is to match the City zoning to as close as possible to the Greene County zoning. The annexation request had requested an O-1, Office District to match up with the clinic land use, however, we were informed that Mercy does accept overnight stays and would not be a clinic but rather a hospital land use which needs a GI, Governmental and Institutional Land Use District zoning. The direct translation to an office district did not match up with what they need there. Mercy requested the zoning be withdrawn in an effort to come back with a more appropriate zoning. They will recommend a GI, which would allow hospital uses.

Mr. Doennig motioned to **withdraw** Z-29-2015 from consideration. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

Conditional Use Permit 416 *Joe E. & Patricia A. Jenkins & James C. and*
Doris Jean Jenkins
(4901 & 4939 West Chestnut Expressway)

Mr. Hosmer communicated this is a request to allow a truck stop within an HC, Highway Commercial District generally located at 4901 and 4939 West Chestnut Expressway. The subject property is located along Chestnut Expressway, an expressway, and is immediately adjacent to I-44, a freeway, to the west. The site is an appropriate location for a truck stop use, which depends on high visibility and caters to the traveling public. The proposed truck stop use is compatible with the type of development already existing in the area and is not expected to adversely affect surrounding properties or the adjacent street system. As part of the development of this property, the existing driveway/access road off Broadview Place is required to be closed. The development will be permitted to have driveways on Broadview Place as generally shown on the attached site plan. A truck stop is permitted in general conformance with Attachment 6. The property will have to be brought into conformance with the city's Subdivision

Regulations. When the property develops, all requirements of the HC, Highway Commercial District shall be met including off street parking, open space, interior, and perimeter landscaping. At the time of development a plan detailing the dimensions of the vehicular use area elements including truck/trailer turning must be provided.

Ms. White opened the public hearing.

Ms. Cox asked if there is any deviation from the site plan then what happens.

Mr. Hosmer stated that if there is substantial conformance, they would have to come back, and they changed the wording to say a truck stop is permitted in general conformance. The applicant would have to come back to Commission for approval of any other type of arrangement, such as increasing the site in any way. Any enlargement of the building or parking lot would require Commission approval, but if the building and parking lot are smaller than shown on site plan that would not have to come back to commission, that would be in general conformance to the attached site plan.

Mr. Michael Hamil, 5508 Lonas Drive, Knoxville, Tennessee, 37909, commented he represents the owner and would address any comments or questions.

Ms. White closed the public hearing.

Ms. Cox motioned to **approve** Conditional User Permit 416. Mr. Cline **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

Developer/Neighborhood Meeting Text Amendment
Springfield
(City-wide)

City of

Mr. Hosmer said the purpose of this request is to add a new Subsection 3-3809, Neighborhood Meetings that will incorporate the Developer/Neighborhood Meeting Policy into the Zoning Ordinance. City Council initiated amendments to incorporate the Developer/Neighborhood Meeting Policy into the Zoning Ordinance at their meeting on March 21, 2011. Staff proposes the Developer/Neighborhood Meeting Policy that was adopted by City Council in 2007 be reviewed and incorporated into the Zoning Ordinance. Staff believes that this policy has been an effective tool in opening a line of communication between the applicant and the surrounding neighborhood prior to the public hearing process. Staff is proposing some changes from the original policy to increase the effectiveness of the meetings. One of the few differences from the original policy is that a comment card will be required to be sent or given to each property owner within 500 feet of the subject property at the neighborhood meeting. This will allow neighbors the option of summarizing their concerns in their own words. Currently the applicant is required to provide the neighborhood-meeting summary. The applicant/developer will also be required to have the neighborhood meeting on-site or in the vicinity of the subject property or the case will automatically be tabled at Planning and Zoning Commission. Staff has added a list of minimum requirements for the

neighborhood-meeting letter that is sent out. All other changes are clarifications to the existing policy.

Mr. Ray asked about the comment card, asking if the City provides that or the developer. If there is an unforeseeable circumstance such a scheduling issue that fell through at the last moment for the neighborhood meeting, is there a way to deal with that or would it be automatically tabled.

Mr. Hosmer stated there would be a template included with the application. Mr. Hosmer stated there would be a letter explaining that and would be up to Commission to say that is acceptable within the confines of the area.

Ms. Cox asked about the return process for comment card

Mr. Hosmer stated there would be an address and phone number and e-mail address for the public to use in returning the comment cards.

Ms. Cox asked about contacting the public for letters that come back or where contact was not made.

Mr. Hosmer stated staff gets the mail list from the Greene County Assessor's Office and we get the most updated property owners information possible, adding that is the only way staff can get that information.

Ms. White opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Ray motioned to **approve** Developer/Neighborhood Meeting Text Amendment. Mr. Shuler **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

Lighting Standards Text Amendment
(City-wide)

City of Springfield

Mr. Hosmer stated this is a request to amend Subsection 6-1403, Exterior Lighting Standards, of the Zoning Ordinance to allow lighting spillover at the interior lot lines of multiple lots that function as a premise

Staff proposes modifying the Lighting Standards to consider multiple lots that are functioning as a premise to not restrict the light spill over at the interior lot lines. A premise is defined as having shared parking, common management, common identification, and common access or shared circulation. This will allow such developments to use lighting sources across the interior property lines and not restrict each lot to contain the lighting.

Ms. Cox had a question about shared premise.

Mr. Hosmer observed her question related to a Cooperative Parking Agreement, where they would share parking with adjacent properties.

Ms. White opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Doennig motioned to **approve** Lighting Standards Text Amendment. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

Sidewalk for Commercial Redevelopment Text Amendment *City of*
Springfield
(City-wide)

Mr. Hosmer stated the purpose of this request is to add a new Subsection 5-3103.B.7., for Sidewalk/Pedestrian Walkways along Commercial Development in the Zoning Ordinance. The Zoning Ordinance was amended in January of 2014 to require sidewalks at the time of development for any commercial redevelopment involving site work. Staff has identified problems associated with the implementation of Section 5-3103 and are proposing amendments to address those concerns for commercial redevelopment. This section was adopted last year with the intent of requiring sidewalks at the time of development, not the time of zoning. The development community supported this change, but recent projects have revealed that the new policy had the unintended consequence of requiring extensive sidewalk construction for redevelopment or modification of an existing building or site, particularly when the site is very large. Staff does not want to discourage redevelopment of large sites within the City, so this amendment creates a process for obtaining a waiver of all or part of the required sidewalks when warranted by circumstances associated with redevelopment of or modifications to an existing building or site. This would go through the Director of Public Works for consideration to waive the sidewalk completely or require cash in lieu of sidewalks.

Ms. Cox asked how this is different from the waiver that is currently required.

Mr. Hosmer explained that they are paying cash in lieu of sidewalks; they still have to pay the fees for that construction. The waiver would not require a sidewalk.

Ms. Cox commented that if the applicant/developer feels that there is an unusual circumstance, which is similar, there might not be unusual circumstances, is what you are saying in the current way it is allowed. It may be that a sidewalk can be constructed but the applicant does not want to, they will pay for it not to be constructed.

Mr. Hosmer said that is different. This is an opportunity to waive it completely if it was not feasible because of grade or an incident of sidewalks being required to go up to I-44 from a church property. Under the strict interpretation of the code, a sidewalk is required, but is it feasible. The Director of Public Works will look at the unusual circumstances and make a ruling on the issue.

Mr. Doennig asked at what point the request for the waiver would occur. Would that come prior to Commission seeing a development request of some kind or a zoning change or afterwards.

Mr. Hosmer stated they have removed the sidewalk requirement at time of zoning. It has been moved to the time of development. A sidewalk will have to be built at time of development if there is not a sidewalk at that location that is required. The applicant can submit a letter to the Director of Public Works to waive the sidewalk requirement at time of development. It would not go through Commission.

Mr. Doennig asked if that would happen before Commission would see that or well after. In this particular case then the buck stops with the Director of Public Works, essentially, that he would have total control over that.

Mr. Ray commented the staff report noted that if the developer thought the Public Works Director had an arbitrary decision then they would bring it before the Planning and Zoning Commission.

Mr. Hosmer stated they would go to ARC and then it could go to the Planning and Zoning Commission if the Director denied it; the applicant would have an opportunity to appeal that decision.

Ms. White opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Cline asked Commission members to vote no on this request. If there is a problem with the code in allowing weird things to occur, then maybe that is what needs to be fixed. This lets them out of the fee, adding he is not sure that is a good thing. First, why should they get out of paying the fee. Secondly, this will burden Public Works and then, if it comes back to the Planning and Zoning Commission, does this body really want to be determining whether the Director of Public Works was arbitrary or capricious? Mr. Cline asked Commission if they really wanted to make that determination and adding that he does not believe so. Mr. Cline stated the other reason is that the City's procedures asking developers to build sidewalks are part of our better nature. Springfield Missouri has a poverty rate twice the national rate. The median family income is \$20,000.00 below the national average, we have many people out there walking around, and the city code at this time protects them by insuring that developers build sidewalks. Let us change the code, but let us not let the developer out of paying the fee and let us not burden Public Works and Commission with the deciding if the Director of Public Works is arbitrary or capricious.

Mr. Doennig directed his comments to Commission members stating that he struggles somewhat with the idea that this happens well after the Planning and Zoning process, but Commission is the body that the applicant is going to come back to, to get a determination that someone feels the Director of Public Works has made an inappropriate decision. However, if you think about that that is a one way street because

the appeal only occurs in the case the developer feels the Director's decision was not fair or equitable to them. So what about the converse of that, what about the process for the neighborhood or to come and say the Director of Public Works is letting all these developers out of their sidewalk requirements and why is that happening. There is no safety net to the other side of this. Mr. Doennig commented he does not know why that is being referred back to Commission for something that happens well after Commission's part of the process.

Mr. Rose agrees that if it comes before Commission for review and it is changed afterward; when Commission initially looks at a case, Commission believes that sidewalks are going to happen, stating he sees that as a problem.

Ms. Smith gave a real life example of why staff is brining this forward to Commission. The Loren Cook rezoning request Commission heard a month or so ago was a rezoning was to accommodate a seven thousand (7000) square foot building, but it was going to require them to build a half mile of sidewalks. Ms. Smith commented that seems unfair and seemed extraordinarily unfair to the applicant. Staff then began looking at a way to accommodate that because paying a fee in lieu on a half mile of sidewalks is extraordinarily expensive; it is fifteen (\$15) dollars a linear foot. Staff had no way within the current codes to grant them any relief on that and this all goes back to a change that was made in the Zoning Ordinance in 2014 that requires sidewalks be installed at the time of development instead of as part of a rezoning or a preliminary plat. The solution was this, that there will be those unique redevelopment type opportunities where the requirement for sidewalks is really an extraordinary burden; that is the background for why this proposal was brought to Commission tonight. Ms. Smith commented she believes that the City is pretty harsh on sidewalk requirements. It is seldom that the City would say that no sidewalks or no fee in lieu is required.

Mr. Rose asked if this goes to ARC or does it go to the Director of Public Works and then stop there.

Ms. Smith stated it goes to the Director of Public Works.

Ms. Gardner clarified it goes to the Director of Public Works and he decides if it warrants an ARC decision. The Director does not make the final decision if he thinks that circumstances are warranted, it will then go to ARC. He will only make the final decision if he does not think it is warranted to go further.

Mr. Rose asked if it always has to go to ARC; the Director decides yes or no and if he says yes, it goes to them.

Ms. Gardner stated that if the Director says yes unusual circumstances exist, it goes to ARC. If the Director says no, there is no unusual circumstance that exists, you have to pay the fee in lieu, or you have to build sidewalks period.

Mr. Rose clarified at which point the applicant can appeal that.

Ms. Gardner noted that if they go to ARC and it is denied or if the Director denies the unusual circumstance and it does not go to ARC, the applicant can appeal to Commission.

Ms. Cox asserted Loren Cook is adjacent to a residential area right now and sees no reason why the City would allow Loren Cook to not put sidewalks in, with the understanding that the zoning for that area is not necessarily zoned residential. That is not a reason to allow Loren Cook to waive constructing sidewalks. Ms. Cox said she does not understand how the back process, after it has already come to Commission, all the checks to get to the point where it might be decided that they don't need sidewalks, how that actually occurs. Ms. Cox stated she sees this allowance as being almost beyond what was already assumed to be approved; then on the back end decide it is an unusual circumstance when it should already be noted it as an unusual circumstance in the beginning.

Ms. Gardner explained that many of these cases Commission does not see because the property is already zoned so it will not come to Commission. The property is already developed and maybe they want to do a parking lot addition or building addition so Commission does not see that either. These cases are just redevelopment or development. Sidewalks are not required as part of zoning.

Ms. Cox noted that the applicant could yet come to Commission for the appeal for a non-rezoning situation. Ms. Cox commented she feels confused at the way it is written, stating she gets it but the appeal process is questionable.

Ms. Kerner, Assistant City Attorney, commented that in that regard Commission would be serving as a quasi-judicial board to actually review whether the ARC acted in an arbitrary or capricious manner. Commission would look and see what was presented to them and really the fact that Commission has not seen it before is a benefit because Commission is a neutral, in a judge type of position in this particular situation. Commission is serving as an appeal board.

Mr. Ray asked if Commission is given that type of power or would that go to the Board of Adjustment instead, since they are a quasi-judicial board and Commission is not.

Ms. Kerner said yes asserting that the Commission does rule on other appeals from ARC so staff felt it was an appropriate use of Commission authority.

Ms. White commented some of the permissiveness of the language troubles her. There is a lot of can, may, and not a lot of shall, with the understanding the idea here is to create flexibility for developers and to look at sites that are being redeveloped, that it doesn't work. However, if Commission is going to sit in judgment on can, shall, and may, Ms. White commented she is nervous about that. Ms. White stated she is hearing all the Commissioners say that, in that Commission typically does not function as the arbitrator of these kinds of decisions. It is possibly a situation where many developers might seize upon that as an avenue to get out of the development that Mr. Cline advocated. Commission understands the drive of the City to help find funds for sidewalks that the

City wants constructed, so there is some balance here as well, but maybe the language should be looked at.

Mr. Hosmer reviewed specific language in the Amendment with Ms. White for clarification.

Ms. White said that is just one indication of permissive language; the only place where there are absolutes is in the first paragraph where it says sidewalks shall be constructed. Commission is advocating for sidewalks and if nothing else for that to be a portion of the developers' burden of creating their new project and that is the way this goes forward and there is not issue with that. Sidewalks **may** be constructed at the time of development? There are certain places that are very specific and then the rest of the language is not as clear. It seems arbitrary that the Public Works Director **may** bring it forward to ARC. If staff is going to have Commission as a appeal position which, agreeing with Commissioner Ray, that might be a quasi-judiciary Board of Adjustment role, that may be a discussion to be had, but Ms. White stated she would be more comfortable with it if the language was tighter.

Ms. Smith commented when looking at this if the Director of Public Works determines unusual circumstances exist, application can be made to ARC. That is referring to the developer making application. It is the developer's choice.

Ms. White commented maybe the word developer can be clarified so it is clear in the language that it is not the Director of Public Works that can bring it to ARC, but the developer can choose to do so. Ms. White said that would make her more comfortable on who has the role of making a decision.

Ms. Smith reiterated, "Developer may apply to the ARC for approval of a reduction or waiver."

Ms. White commented should it also then state if the Director of Public Works or ARC denies, or should it say **and** ARC.

Ms. Smith and "or", because the director makes the first cut, the Director says it is not a legitimate request and the appeal at that point is to Planning and Zoning Commission, or he may say it is a legitimate request, you can apply to ARC and ARC denies, the appeal is to Planning and Zoning Commission.

Mr. Hosmer pointed out that prior to this that was the language that was already in the code, Section B, Commercial Development 1 - 6 is already in the code.

Mr. Doennig commented that if the language is being tightened up the last sentence is vague as well. It states "if Commission finds by an affirmative vote of five (5) which is a quorum, that the Director of ARC did act in an arbitrary and capricious fashion then a reduction or waiver of the sidewalk requirement or fee in lieu in constructing sidewalks may be granted by the Commission" which would lead Mr. Doennig to say that Commission could decide on a reduction but are there stated standards for that

reduction. Isn't that arbitrary. We could just arbitrarily reduce that.

Mr. Hosmer explained that would have to be in the letter of request or at the Public Works Director.

Mr. Doennig stated that the meat of the amendment is that Commission would be the sole decider of that reduction. Isn't that the way that it reads. Mr. Doennig stated that the Board of Adjustment is a better place for this, but if Commission does become the judge of that, there would need to be a lot more clarification about that because that seems very nebulous and allows for a very broad latitude that Mr. Doennig said he does not feel comfortable deciding in a reduction or fees being paid.

Mr. Cline stated that it is obvious this amendment needs work and so whether it is voted down or tabled, it needs to be kicked back to staff and staff do this rather than Commission trying to micro-manage this language themselves. That does not seem productive nor should Commission do it. Perhaps Commission should call the question.

Ms. Smith commented that if Commission's primary concern, acknowledging that this is not Commissioner Cline's primary concern, is having the appeal come to Commission and Commission would feel more comfortable with the appeal going to the Board of Adjustment as a quasi-judicial board, which is an acceptable change to staff as well.

Mr. Ray commented he agrees with Mr. Cline and looking at redevelopment opportunities, but also agrees with staff as well in not wanting to overburden development in the redevelopment activities areas they have looked at, but at the same time, we are retrofitting our community to fit what we have now and what our population is. Mr. Ray stated he still has uncertainties and questionable feelings about this and asked staff what they rather Commission would do, but recommended that staff take a second look at this.

Mr. Hosmer stated that if Commission would be more comfortable with this going to the Board of Adjustment as an appeal process, staff would be comfortable with that.

Ms. Cox said she is uncomfortable with the overall looseness of the wording not just that it would come to Commission or would go to the Board of Adjustment. They will have the same looseness of wording and arbitrary decision on what to reduce, sidewalk or waive the fee.

Ms. White stated she concurs with that statement because while the Board of Adjustment is a quasi-judiciary board and Commission is an advisory board, they are being presented with something they were not involved with in the decision making process either and maybe that is where Commission members are struggling. Neither one of these Boards see any of this in the zoning portion of it which is what Commission is in until they come to whatever site plans are presented if they even need Commission approval which they may not.

Mr. Hosmer noted that the Board of Adjustment rules on things they are not involved

with, on a regular basis. Both sides present their case such as a Variance or Special Exception and the Board makes a ruling, adding that it may be more appropriate for this issue to go to the Board of Adjustment because they are the appeal process.

Mr. Doennig motioned to **approve** Sidewalk for Commercial Redevelopment Text Amendment. Mr. Ray **seconded** the motion. The motion was **denied** as follows: Ayes: None. Nays: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Abstain: None. Absent: Baird and Edwards.

Escrow of Public Improvements in a Subdivision Text Amendment City of Springfield
(City-wide)

Mr. Hosmer noted the purpose of this request is to modify Section 303 of the Subdivision Regulations to clarify the public improvement escrow process. Revision to Section 303 is proposed to clarify which public improvements in subdivisions can be delayed by posting a security with the City and to update Section 303 to comply with state law regarding the amount of security to be posted and when a security must be released. The revision also clarifies the standard the Director of Public Works must apply to refuse to accept security for a public improvement in a subdivision. Additionally, the section has been reorganized to make it easier to read.

Ms. Cox stated she has an order of operations question for staff. On that note, it outlines language that is new or stricken verses moved to a different section asking for clarification.

Mr. Hosmer stated that is where it has been removed from that section or relocated.

Ms. Cox asked if it has been taken out completely, because stricken means the single line through it means that the whole part has been stricken even if it is double-underlined, meaning it would be moved.

Ms. White stated that she understood that the double-stricken language was moved to a different section and that the double underlined language was moved from another section into this

Mr. Hosmer said correct. Language to be added is underlined. Language to be deleted is stricken. Language to be moved to a different section is double-stricken. Language to be moved from another section is double-underlined.

Ms. Cox commented she appreciates the clarification because she was not certain something superseded something else. This again is in reference to specifically escrow amendments but it has to do with final plats so in other words if we are removing language that manages stormwater drainage or detention facilities those are stricken. Where does that go if it is stricken, if it is removed. Ms. Cox stated she realizes that public improvements could include those things.

Ms. Smith said public improvements include stormwater improvements and number eight (8), refers to deferring construction of stormwater improvements to the time of development. Currently the requirement is to construct prior to development. This allows the developer to defer that to the time of development, but it does not allow development without providing stormwater improvements.

Mr. Ray asked why the City would ever have language to be added be underlined, and then also double-stricken meaning that it's being moved to another section, so implying that it is being added and immediately moving it. Why wouldn't you just add it to the new section that it is being moved to instead of adding it, striking it, and moving it.

Mr. Hosmer stated he could not answer that.

Ms. Kerner stated she can only guess there were multiple drafts and maybe something was added that later was taken out or moved. That is just speculation.

Mr. Ray stated it makes it incredibly difficult to follow in making a decision. It would be incredibly difficult for a member of the community to follow what is going on here.

Mr. Doennig stated that even though this is incredibly confusing and plans to vote no on the proposed amendment, motioned to approve the Escrow of Public Improvements in a Subdivision Text Amendment.

Mr. Ray asked Mr. Doennig his reasoning in voting no.

Mr. Doennig stated that he would vote no because it's not very easy to follow what is being done here because language is added and stricken and moved and it seems that this could be presented to Commission in a much clearer fashion that would allow a reasonable person to read it and understand the ramifications of what changes are being made here. While all the changes may be valid, it is too difficult to follow what is being done. Mr. Doennig stated that staff needs to come back with a clearer presentation of the changes so Commission can reasonably understand in the end what they have.

Ms. Smith remarked that in future just as an instructive note, would it be helpful for staff to provide with both the redline version which Commission has showing which shows what has been removed and what has been added and a clean version that is what it will read if adopted. Would that be clearer for you.

Ms. White commented she would not speak for all Commissioners, but that would be a place to start if language is being moved, where is it going and she can then refer to the Ordinance especially stormwater issues.

Ms. Smith noted that everything that has been moved is moving within this same document. It is not being moved out of this document and placed elsewhere.

Ms. White stated that having a document that is not just lines, using possible redlines,

colors, where Commission can see where things are moved to the extent they can follow the document better, then they are much better educated Commissioners.

Mr. Rose stated he did not have a difficult time following this, but some of it is the wording particularly if you did not know in the Code that stormwater is now grouped in with public improvements. Showing what is being moved is a step too far; maybe if it was stricken and added it would be easier to follow in the future or a copy of the original and a final copy showing a clean copy of the final version.

Ms. White asked if there was anyone else to speak to the issue. The public hearing was closed.

Mr. Doennig motioned to **approve** Escrow of Public Improvements in a Subdivision Text Amendment. Mr. Ray **seconded** the motion. The motion was **denied** as follows: Ayes: Rose. Nays: White, Ray, Cox, Shuler, Cline, and Doennig. Abstain: None. Absent: Baird and Edwards.

Ms. Smith asked for clarification on how Commission would like to see this information specifically, but this effort was to make it easier to develop in Springfield. Right now people have to go out and build the stormwater detention before they can start the construction on their project. Ms. Smith stated that as was previously pointed out, sometimes that is counterintuitive; you may disturb the land or the detention that has already been constructed. Staff does not have a way to allow the developer to escrow some of those public improvements currently so staff is trying to make it easier to develop and a more business friendly community. Ms. Smith stated if Commission could help staff figure out how to present this information, or if there is a problem with the way the concept is presented, to clarify that. Ms. Smith asked if the denial is based on the way the information was presented or the concept.

Mr. Cline asserted it would be easier to see the final version in a clean document. Seeing the changes and then seeing the clean new version would be easier. Mr. Cline stated he did not vote against the idea at all; it sounded good to him, what he understood of it. It was a lot of work to go through the document and try to figure out what was going on.

Mr. Doennig stated his vote was not based on the concept at all, streamlining and making things easier is a great thing where it can be done appropriately; Mr. Doennig stated his vote was based strictly on the fact it is very confusing to read through this. The prior agenda item had colors to help in understanding what was being added and this document gave them nothing. Mr. Doennig stated that when you are making that many intense changes in a section of code to see all those changes is great, but in the end to have a final version to review and know what the final document will be would be very helpful.

Ms. Cox agreed that the document was hard to follow.

Mr. Shuler stated his preference would be to see the old language and the new

language.

Ms. White commented she believes that Commissioners are not objecting with the concept of what staff is trying to achieve, but knowing what it was verses what staff wishes it to be is work. Ms. White stated that they take changes in the zoning code very seriously and that is the reason for the questioning.

Ms. Smith stated they would be bringing this back to Commission at the next meeting with a clean copy as well as a redlined copy. Ms. Smith said in the future she hopes that if Commission has difficulty with the way the information is being presented that Commission contact staff prior to the meeting so that staff can provide Commission with additional information or provide it in a different format, apologizing for the confusion.

Ms. White stated that with the ability to understand the information Commission will be happy to take it back up.

Mr. Hosmer stated this would go forward to City Council with the denial.

Ms. Cox asked that City Council understands why Commission would deny the request, not that Commission is opposing the concept but because of not being able to understand the information.

Mr. Hosmer stated that it will be in the minutes that it was conceptually not understood adding that staff will do a better job of presenting the information to Council, making certain that the document is redlined and leave the current language, new language.

Villas at Hickory Hills Condo Final Plat
(3810 East Cherry Street)

Hickory Investors, LLC

Mr. Hosmer said this is a request to approve a final plat to subdivide approximately 19.61 acres into a condominium plat with common area. The proposed final plat cannot be approved administratively because it is not in substantial conformance to the approved final plat (2008) or administrative replat, condominium (2013). The original development was based on multi-family condominium units; however, the current developer is proposing thirty-five (35) single-family condominium units individually. Tonight is to review one unit, number twenty (20) in the development. Staff is following the review and approval process in Section 205 of the Subdivision Regulations that requires Planning and Zoning Commission to hold a public hearing when request for an administrative or minor subdivision is not approved by the Director of Planning and Development. The access to the condominium units shown on the Villas at Hickory Hills Phase 3 Condominium Final Plat are provided by a private drive which is not built to public street standards. The developer is required to apply for an administrative replat, condominium for any future units that are constructed. 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, except for any standards modified by the applicant's request for a subdivision variance, if approved. Staff does recommend that the Planning and Zoning Commission approve the request with condition. Under the code, if this was approved, it would be recorded and staff does not want that to happen. Staff wants the final plat to be submitted for final review and departmental review to make certain that it meets all the requirements for a condominium plat and final plat.

Ms. White opened the public hearing.

Mr. Derek Lee, Lee Engineering, 2101 W. Chesterfield Blvd, commented he is representing the owner. Mr. Lee asked Commission to approve this request without the condition that the staff is asking for. The fundamental issue is whether it is in substantial conformance; all the public improvements have been built. The roads are in. The original plat has seventeen (17) units that have not been built that are quadplexes and instead of quadplexes that would allow sixty-eight (68) total units, seventeen (17) buildings. Mr. Lee stated they are not putting nearly as many units in, but they are just in a different format. Staff is in favor of the overall concept but they are asking that it go to City Council and there is a person already living in unit twenty (20). It is an issue with the person living there and the developer and they would like this not to go forward and be approved by Commission. Mr. Lee stated they feel it is in substantial conformance with the original plat.

Mr. Hosmer stated that under the City Code, it does require that the plat goes to the Planning and Zoning Commission and City Council for approval. What staff is recommending, or it is the City's condition, is that the final plat be submitted for review by staff prior to recording.

Mr. Lee stated it is his understanding in speaking with staff that this Board can say it is in substantial conformance and we can be done with this tonight if Commission chooses to do that.

Ms. Cox asked if this is going from multi-family to single family, inquiring about the person living in unit twenty (20)...

Mr. Hosmer stated the property is zoned as a Planned Development right now so it allows for multi-family and single family units so the use is allowable.

Mr. Lee stated it is a condominium; it is not zoned single family. This is a condominium plat so the original condo plat had quadplexes. This one has individual buildings.

Mr. Hosmer noted that currently four (4) units are four-plexes and the remaining would be single-family condominiums. What the City approved with the final development plan was to allow the single-family condominiums as well as a plat that only allows for the footprint of four-plexes. Staff cannot approve a condominium that shows four-plexes that is now being converted to single-family condominiums because they have to show the footprint of the building and where they are to be built. We are looking at a subdivision

now and not the zoning. The final plat on record does not match what is being presented for approval before Commission tonight.

Ms. White asked why this subsequent step that Mr. Lee is complaining about, is important to staff.

Mr. Hosmer stated it is in the subdivision regulations. Mr. Lee submitted an application for an administrative approval of a subdivision. Staff cannot administratively approve something that this body has to look at because there are changes to the plan; in essence, it is a new plan.

Ms. White asked if it always come back to staff after Council.

Mr. Hosmer stated in this case, this is an appeal and the way the subdivision code is written the applicant can record the plat after the City Council meeting unless there are conditions. Staff wants another look at this because there are issues with the description of unit twenty (20) which does not provide a bearings description of the property. It just has the square footage. There needs to be a bearings direction of the lot/ unit and it needs to be reviewed to make certain it is consistent with the subdivision regulations.

Mr. Lee stated that purpose was not communicated to them; they would have changed and added dimensions, adding the staff report states it is not in substantial conformance with the original plat.

Mr. Hosmer reiterated that staff wants to make certain that it meets all regulations, and all necessary departments have reviewed this, and everyone has signed off on the plat.

Mr. Lee stated Commission has already approved the zoning previously which is the same thing. Mr. Lee stated this is an undue burden on this developer based on what has been done on this project.

Ms. Kerner clarified that this request does have to go forward to City Council after Commission action tonight.

Mr. Doennig commented that what Mr. Lee is asking Commission to do is to approve this request without the condition that it go to Council and back to Staff for the final review.

Mr. Lee said yes, asking the Commission say this is in substantial conformance with the exiting plat that is there and that is consistent with what was voted on in the zoning process previously.

Mr. Doennig asked for clarification from staff in wanting to review this after Council; did staff not have enough time before this came to Commission to properly review this.

Mr. Hosmer stated that the subdivision regulations require this process. It goes to Planning and Zoning Commission for review, then City Council. The code states that it

can be recorded after that. Staff would like to have another look at it before it is recorded to make certain everything is in place. There are things in the plan that need to be addressed with an internal departmental review.

Mr. Doennig and Mr. Ray asked for clarification on the process and why.

Mr. Rose noted that what the applicant is asking Commission to do is not something Commission can do.

Mr. Hosmer stated it is not consistent with the subdivision regulations.

Mr. Doennig motioned to **approve** Villas at Hickory Hills Condo Final Plat **as presented**. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

Madison & Kimbrough Redevelopment Plan Amendment Bryan Properties
(800 block South Kimbrough Avenue)

Mr. Rose recused himself from the hearing.

Mr. Schaefer remarked this is a request to approve the Amended Redevelopment Plan for the Madison and

Kimbrough Redevelopment Area located on approximately 9.84 acres, located on two tracts of the land, the first of which is located at the northwest corner of the intersection of East Madison Street and South Kimbrough Avenue, and the second of which is bounded by East Madison Street to the north, East Grand Street to the south, South Kimbrough Avenue to the east, and South Roanoke Avenue to the west. Bryan Properties, LLC has filed an Amended Redevelopment Plan for the Madison and Kimbrough Redevelopment Area to expand the Area boundaries to accommodate additional redevelopment.

The original Redevelopment Plan was adopted by City Council on January 10, 2011(Special Ordinance Nos. 25853 and 28854). The Redevelopment Area consisted of two sub-areas - Area "A" and Area "B", which are generally located at the northwest corner and the southwest corner of the intersection of East Madison Street and South Kimbrough Avenue, respectively. The Plan proposed redeveloping Area "A" for multi-family residential use and Area "B" for multi-family residential and commercial mixed-use. Since the Redevelopment Plan was approved, Area "A" has been redeveloped into a 12-unit, four-story apartment building known as Beacon Commons, and Area "B" has been redeveloped into a multi-phased, 109-unit (300-bed) apartment development known as Bear Village Apartments. The applicant has recently acquired several properties abutting Area "B" and seeks to incorporate them into the Area in order to facilitate construction of additional phases to the Bear Village Apartments project.

The Amended Redevelopment Plan for the Madison and Kimbrough Redevelopment Area will expand the Area boundaries to include approximately 2.16 acres located at the

southeast corner of the intersection East Madison Street and South Roanoke Avenue and along the north side of East Grand Avenue between South Roanoke Avenue and South Kimbrough Avenue (Exhibit II). The Amended Plan proposes additional phases to the Bear Village Apartments, which could more than double the size of the project upon completion. Immediate plans include a 24-unit apartment building at the northeast corner of the intersection of East Madison Street and South Roanoke Avenue that will accommodate approximately 80 residents. Future plans include constructing up to three additional four-story multi-family structures, which may accommodate approximately 330 residents. The Plan also allows the option to incorporate commercial uses into project. Such uses may include restaurants, a grocery store, or other retail uses.

Mr. Ray clarified that the additional properties are already under the blight designation, they are being added into the redevelopment and confirming it is appropriate and in line with the Comprehensive Plan.

Mr. Schaefer said that is correct.

Ms. White opened the public hearing.

Mr. Kevin Hoffmeyer, 2144 E. Republic Road, Suite B-300, pointed out one item for clarification; the next phase would be at the southwest corner of Grand and Roanoke.

Mr. Ray asked if the retail portion of this would have to come back before Commission.

Mr. Hoffmeyer said yes, it would have to be rezoned.

Ms. White asked about the setbacks on the buildings; is that the whole redevelopment plan or were those individual builds.

Mr. Hoffmeyer commented he believes it was individual builds.

Mr. Schaefer stated that one of the plans Ms. White is referring to, did contemplate a reduced setback at that the time the redevelopment plan was submitted. Mr. Schaefer stated that if there was a change in setback requirements, it would have to go back through the review process.

Ms. Cox closed the public hearing.

Ms. Cox motioned to **approve** the Madison & Kimbrough Redevelopment Plan Amendment. Mr. Cline **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, and Doennig. Nays: None. Abstain: Rose. Absent: Baird and Edwards.

*Rules of Procedure Planning & Zoning Commission Term Limits City of Springfield
(City-wide)*

Mr. Hosmer said staff is proposing to modify the Rules of Procedure for the Planning and Zoning Commission to change the length of terms of the Commission from 3 years to 4 years. It was brought to our attention that the Missouri State law, Zoning Ordinance and the City Charter are in conflict as to the terms of planning and zoning commissioners. State law requires 4 year terms. The Zoning Ordinance requires 3 year terms. The City Charter states that all our board and commission members shall serve three year terms. Staff will follow up with a zoning text amendment to change the zoning ordinance language. The City Charter changes will have to be grouped into any other proposed changes to the Charter through a vote of the citizens of Springfield. Staff has prepared a resolution to City Council on July 27, 2015, outlining the changes to the current members terms from 3 years to 4 years Staff has reviewed the proposed amendments to the Rules of Procedure with the Planning and Zoning Commission at the July 9, 2015 per Planning and Zoning Commission Rule of Procedure. Staff recommends approval.

Ms. White opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Ray motioned to **approve** Rules of Procedure Planning & Zoning Commission Term Limits. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: White, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Baird and Edwards.

There being no further business, the meeting was adjourned at approximately 9:00 pm.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', written over a horizontal line.

Bob Hosmer, AICP
Principal Planner

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

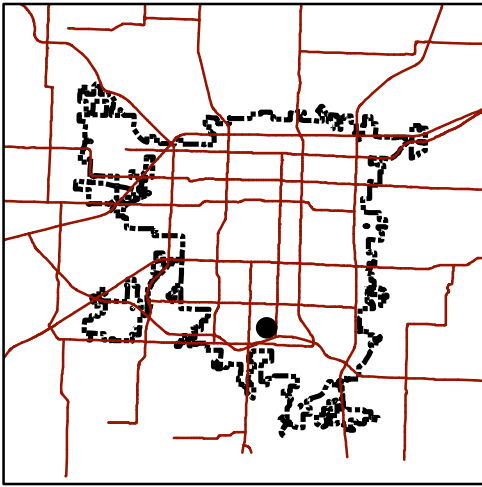
TO: Planning and Zoning Commission

FROM: Daniel Neal
Senior Planner

DATE: September 2, 2015

Re: Vacation 781 Request To Table

The applicant's representative has requested to table this vacation to the Planning and Zoning Commission's meeting on October 8, 2015.



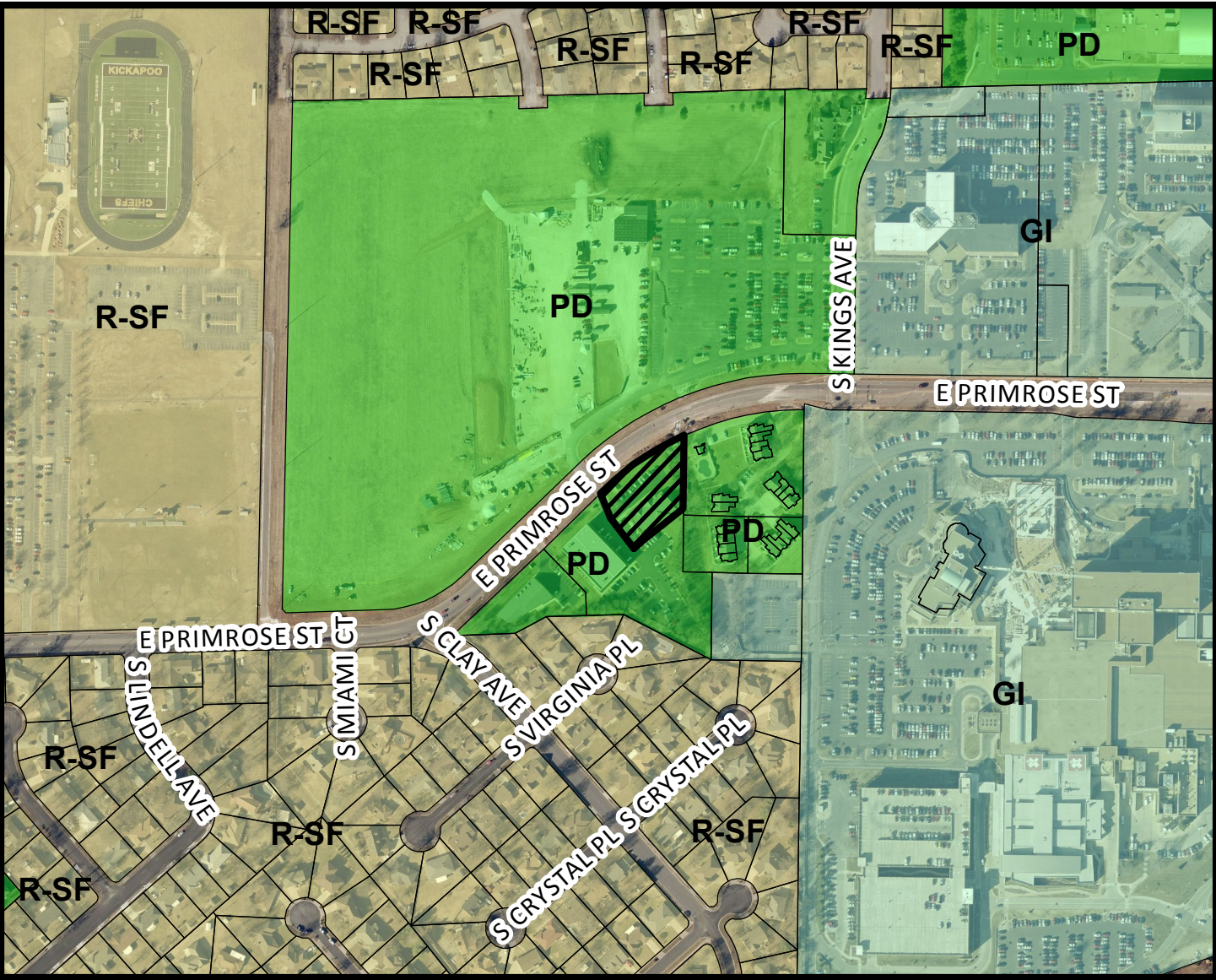
Development Review Staff Report

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

Zoning Case Z-30-2015

LOCATION: 840 East Primrose Street
CURRENT ZONING: PD 21, 3rd Amendment
PROPOSED ZONING: O-1, Office District

LOCATION SKETCH



 - Area of Proposal

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-30-2015

PURPOSE: To rezone approximately 0.77 acres of property generally located at 840 East Primrose Street from a Planned Development District No. 21, 3rd Amendment to an O-1, Office District.

REPORT DATE: August 17, 2015

LOCATION: 840 East Primrose Street

APPLICANT: Fortmeyer Real Est CO-SPFD LLC

TRACT SIZE: Approximately 0.77 acres

EXISTING USE: Office building and off-street parking

PROPOSED USE: Office uses as permitted in the O-1, Office District.

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of O-1 zoning will allow for the existing office to expand at its current location without the need to relocate.
2. The requested O-1 zoning will result in a similar type of further development or redevelopment of the site as could be achieved under the existing zoning.
3. The subject property is located on Primrose Street, a Secondary Arterial roadway, which is an appropriate location for office zoning.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	PD 21, 7th Amendment	Off-street parking
East	PD 21	Residential Condominiums
South	PD 21, 3rd Amendment	Off-street parking and single-family residential
West	PD 21, 3rd Amendment	Office uses

HISTORY:

The original Planned Development District No. 21 was approved by City Council in November 1982. The Planned Development, including the subject property, was subsequently amended three times. The existing Planned Development permits office and a mix of residential uses.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* encourages the use of carefully planned and low volume office districts as transitions and buffers between commercial and residential areas.

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from a Planned Development District No. 21, 3rd Amendment to an O-1, Office District with the intent to expand the off-street parking for the existing law office on the property. The existing Planned Development requires a minimum thirty (30) foot parking lot setback adjacent to all rights-of-way. The applicant intends to expand the existing off-street parking lot to the north toward Primrose Street which necessitates this request to eliminate the parking lot setback. Approval of O-1 zoning on the subject property will allow for further development or redevelopment of the subject property similar to what could be achieved under the existing Planned Development, while allowing for the existing business to expand at its present location.
2. If the rezoning is approved, it would have to comply with *Section 4-2000, Office Districts*, the Zoning Ordinance and any other applicable city codes.
3. Upon development of the additional parking area, a minimum ten (10) foot wide perimeter landscaped area will be required along Primrose Street because the parking lot is located within fifty (50) feet of the public right-of-way.

4. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 17, 2015 regarding the request for O-1, Office District zoning. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

Seventeen (17) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has not received any comments.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner
864-1831

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-30-2015

BUILDING DEVELOPMENT SERVICES COMMENTS:

The requested rezoning to O-1, Office zoning is acceptable.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Public Works Traffic Division does not have any concern regarding this requested O-1 zoning.

STORMWATER COMMENTS:

1. There are no stormwater issues with rezoning this property. Please note, however, that development (or re-development) of the property will be subject to the following conditions at the time of development:
 - a. The proposed amount of impervious surfacing must not exceed the maximum amount of impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports.
 - b. Any increase in impervious surfacing will require the development to meet current detention requirements. If detention was previously constructed to serve the development, it must be shown that any new development proposed is in conformance with the original design criteria of the detention basin. If runoff from the proposed development exceeds the original design of an existing basin, additional detention must be provided based on current requirements.

CLEAN WATER SERVICES COMMENTS:

No objections to the requested rezoning. The subject property is currently served by public sewer.

CITY UTILITIES:

City Utilities has no objection to the requested rezoning. There is no impact on City Utilities.

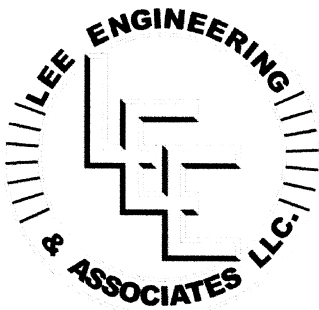
NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: PD 21 to O-1
(existing zoning) (proposed zoning)
2. Meeting Date & Time: August 17, 2015 4 - 6:30pm
3. Meeting Location: The Library Center, 4653 S. Campbell, Springfield, Mo.
4. Number of invitations that were sent: 33, with 4 being returned as undeliverable
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 that came by the meeting didn't have any concerns with the new parking lot.

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

[illegible]



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

2101 W. CHESTERFIELD BLVD., SUITE C202, SPRINGFIELD, MO 65807
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

July 31, 2015

Re: Proposed Rezone
840 E Primrose St
Springfield, Missouri

Dear Property Owner:

A neighborhood meeting will be held Monday, August 17, 2015 to discuss a proposed rezone on the property listed above. We would like to rezone this property from PD-21 (Planned Development District No. 21) to O-1 (Office 1). A new parking lot for The Parmele Law Firm will be constructed on the property.

The neighborhood meeting will be held at The Library Center in the Story Room (located by the children's section) at 4653 S. Campbell Ave. Springfield, Mo. between 4:00 and 6:30pm. The owner's representatives will be present to answer any questions you may have concerning this proposed rezone. Please feel free to come and go between 4:00 and 6:30pm. If you have any questions prior to this meeting, please contact our office at 417-886-9100.

Sincerely,

A handwritten signature in cursive script, reading 'Leslie K. Chrystal', is written over a horizontal line.

Leslie K. Chrystal
Office Manager

ARDEE PROP LLC PO BOX 1588 NIXA, MO 65714	BACON, MAUREEN YVONNE TR 3829 S CRYSTAL SPRINGFIELD, MO 65807	BALLARD, JACK & MARLYS TRUST 3820 S VIRGINIA SPRINGFIELD, MO 65807
BENNETT, PAULETTE J PO BOX 4223 SPRINGFIELD, MO 65808	BRISTOL SQUARE HOMEOWNERS ASSOC 3600 S NATIONAL SPRINGFIELD, MO 65807	CAYWOOD, ELIZABETH 930 E PRIMROSE SPRINGFIELD, MO 65807
DEBOER, SHERYL 3420 S FERGUSON SPRINGFIELD, MO 65807	DUNCAN, WILLIAM H 3545 E MONTROSE SPRINGFIELD, MO 65809	FENG, LIYING 3817 S VIRGINIA SPRINGFIELD, MO 65807
FERRELL-DUNCAN BLDG CO LLC 1001 E PRIMROSE SPRINGFIELD, MO 65807	FINLEY, JAMES 3835 S CRYSTAL SPRINGFIELD, MO 65807	FORTMEYER REAL EST CO-SPFD LLC 840 E PRIMROSE SPRINGFIELD, MO 65807
GARGES, DOUGLAS 930 E PRIMROSE SPRINGFIELD, MO 65807	GARRETT, HOWARD V & JUDY K TRUST 3808 S VIRGINIA SPRINGFIELD, MO 65807	GONDER, GREGORY W 3250 S LINDEN SPRINGFIELD, MO 65804
GRIEB, L STUART 930 E PRIMROSE SPRINGFIELD, MO 65807	HARTER, EDWARD J ETAL TR 3841 S CRYSTAL SPRINGFIELD, MO 65807	HIGHLEY, THOMAS C 3814 S VIRGINIA SPRINGFIELD, MO 65807
IGERT, MARY L 3821 S CRYSTAL SPRINGFIELD, MO 65807	INCE, GWENDOLYN D 3815 S CRYSTAL SPRINGFIELD, MO 65807	KECZKEMETHY, GEORGE 3813 S VIRGINIA SPRINGFIELD, MO 65807
KESTER, DENNIS G 4349 S NEWTON SPRINGFIELD, MO 65810	LAKEVIEW LOAN SER LLC 80 HOLTZ CHEEKTOWAGA, NY 14225	LEE, BARBARA L TR 2106 S STATE HIGHWAY J SPRINGFIELD, MO 65809
LESTER E COX MEDICAL CENTER 1423 N JEFFERSON SPRINGFIELD, MO 65802	MARQUEZ, JOSE RAMON 930 E PRIMROSE SPRINGFIELD, MO 65807	PARKER, JEFF W 1025 E PRIMROSE SPRINGFIELD, MO 65807
PRICE, SUSAN E 930 E PRIMROSE SPRINGFIELD, MO 65807	RAPP, WILLIAM H 905 DENALI NIXA, MO 65714	REINBOLD, GEORGE W IV PO BOX 4043 SPRINGFIELD, MO 65808

SCHUDY, JIM E
3814 S CRYSTAL
SPRINGFIELD, MO 65807

TODD, KEATON ETAL
3809 S CRYSTAL
SPRINGFIELD, MO 65807

WALDEN, BOBBY D
930 E PRIMROSE
SPRINGFIELD, MO 65807

Current Resident
3805 S VIRGINIA
SPRINGFIELD, MO 65807

SPARKS, GAYLA J
930 E PRIMROSE
SPRINGFIELD, MO 65807

TOTH PLAZA LLC
830 E PRIMROSE
SPRINGFIELD, MO 65807

WORM, MARY
930 E PRIMROSE
SPRINGFIELD, MO 65807

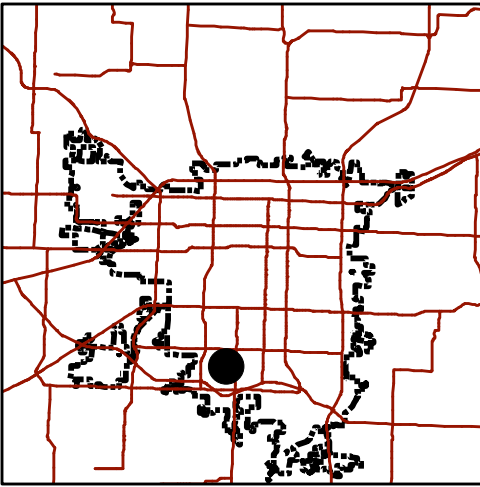
Current Resident
3809 S VIRGINIA
SPRINGFIELD, MO 65807

STROHMYER, JOHN
930 E PRIMROSE
SPRINGFIELD, MO 65807

TTJK INV LLC
820 E PRIMROSE
SPRINGFIELD, MO 65807

Current Resident
930 E PRIMROSE
SPRINGFIELD, MO 65807

Current Resident
3801 S NATIONAL
SPRINGFIELD, MO 65807



Development Review Report

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

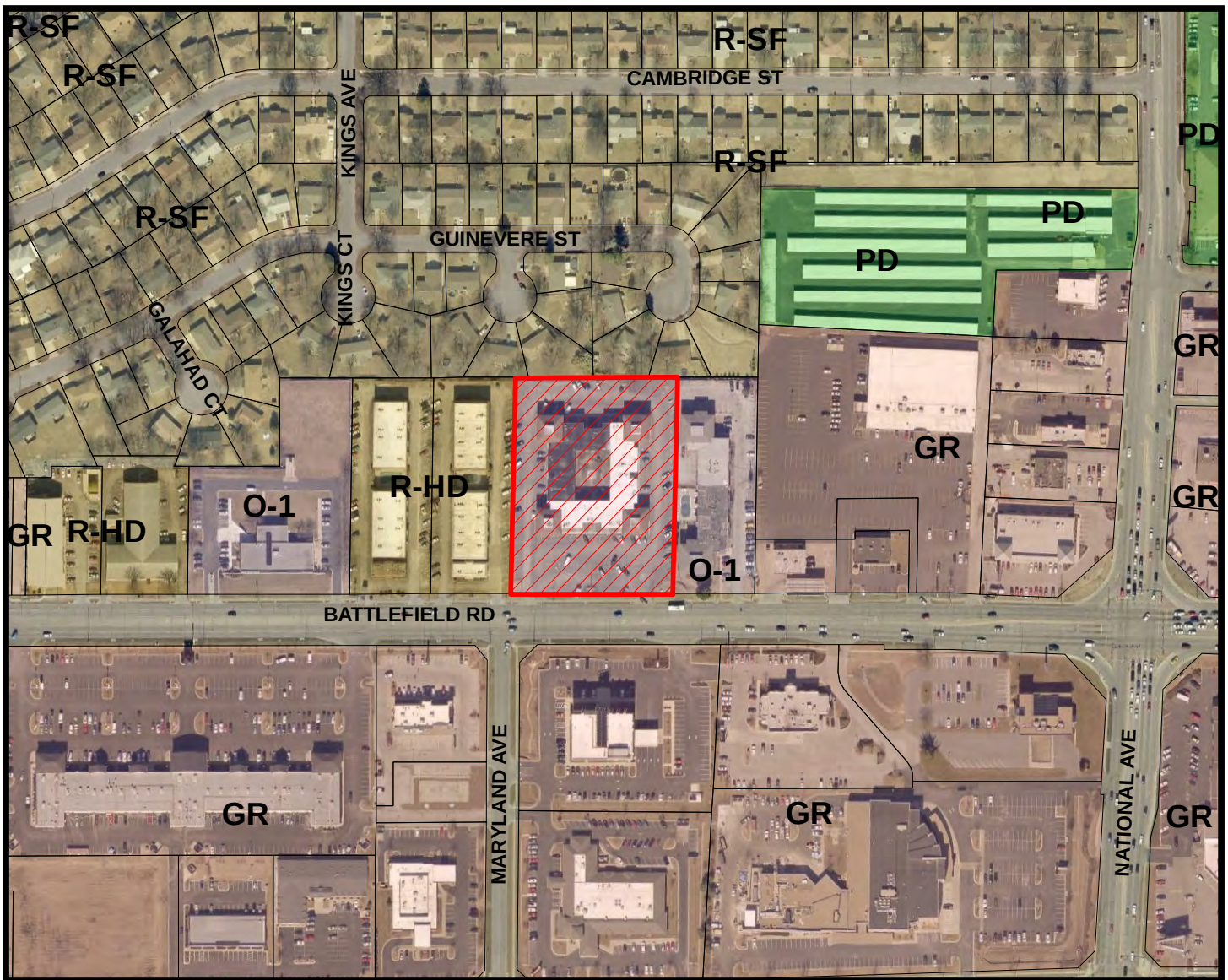
Z-31-2015 COD #97

Location: 1031 E. Battlefield Rd.

Current Zoning: O-1, Office District

Proposed Zoning: GR, General Retail w/ COD #97

LOCATION SKETCH



- Area of Proposal

0 150 300 600
Feet

1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-31-2015 & CONDITIONAL OVERLAY DISTRICT NO. 97

REPORT DATE: August 21, 2015

LOCATION: 1031 East Battlefield Road

APPLICANT: Curbow, Inc.

TRACT SIZE: Approximately 2.75 acres

EXISTING USE: Office building

PROPOSED USE: Uses permitted in the GR, General Retail District

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this application is consistent with the Growth Management and Land Use Plan of the Comprehensive Plan which identifies this as an appropriate area for high intensity retail, office or housing. The requested GR, General Retail zoning is consistent with the recommendation.
2. 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 corridor.
3. The request is consistent with the adjacent zoning along Battlefield Road which is classified as a primary arterial street.
4. The proposed conditional overlay district will mitigate the potential impact of a new retail/office development by requiring a traffic study at the time of development. The proposed conditional overlay district and the development requirements in the GR District are adequate for mitigating any potential impacts of the proposed development on the adjoining properties.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-SF	Single-family residences
East	O-1	Multi-family residential uses
South	GR	Bank uses
West	R-HD	Multi-family residential uses

COMPREHENSIVE PLAN:

1. The Growth Management and Land Use Comprehensive Plan designates this area as appropriate for high intensity retail, office or housing land uses. This category is sited at or near locations identified as Activity Centers. The intensity of land development in these areas is expected to be greater. Battlefield Road is classified as a primary arterial roadway which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from an O-1, Office District to a GR, General Retail District with Conditional Overlay District No. 97. The Conditional Overlay District Provisions will require a traffic study at the time of development, a cross access easement when the property develops and limit access onto Battlefield Road.
2. The property to the north of the subject property is zoned R-SF, Single Family Residential. The minimum bufferyard required between GR zoning and the adjacent R-SF zoned property is a 20 foot wide landscaped bufferyard with a fence, wall, hedge or earthen berm. The property to the east and west of the subject property is zoned R-HD, High-Density Multi-Family Residential District and O-1, Office District. The minimum bufferyard required between the GR zoning and R-HD and O-1 zoned properties is a 15 foot wide landscaped bufferyard.
3. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 20, 2015 regarding the request for GR, General Retail zoning. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

Twenty-one (21) 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.

CITY COUNCIL MEETING:

September 28, 2015

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-31-2015 & CONDITIONAL OVERLAY DISTRICT NO. 97

BUILDING DEVELOPMENT SERVICES COMMENTS:

1. Building Development Services does not have any objections to the proposed rezoning. Additional zoning requirements may be required at the time of development such as bufferyard and landscape requirements.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. Based on the City's traffic study policy, the developer has the option to submit a traffic study at rezoning based on the most intense use of the zoning requested or provide a conditional overlay requiring a traffic study based on what is actually being developed.
2. City code requires driveway spacing to be 200 feet apart, measured from the interior lines of adjacent driveways. The developer is required to provide cross access easements to the neighboring properties to the east and west so as redevelopment occurs, this requirement can be met.

STORMWATER COMMENTS:

1. There are no objections to rezoning this site. Please note, however, that the following items will need to be addressed at the time of development (or re-development):
 - a. The proposed amount of impervious surfacing must not exceed the maximum amount of impervious surfacing allowed for site by zoning, platting or previous stormwater reports.
 - b. Any increase in impervious surfacing will require the development to meet current detention requirements. For any land disturbance that is 1 acre or more, current water quality requirements will need to be met on-site. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
 - c. Payment in lieu of construction of detention facilities is not an option for this site due to existing downstream flooding problems.
 - d. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
 - e. Drainage easements will be required where concentrated flow drains from one lot to another. Such easements shall be sized for the 100-year peak flow rate.
 - f. Based upon City contour and sinkhole information, it appears the site is within a sinkhole watershed, therefore a hydrologic sinkhole evaluation

may need to be completed by a qualified professional engineer or geologist for this site.

CLEAN WATER SERVICES COMMENTS:

1. No objections to rezoning. Tract is currently served by public sewer.

CITY UTILITIES:

1. City Utilities has no objection to the proposed rezoning.

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: _____ to _____
(existing zoning) (proposed zoning)

2. Meeting Date & Time: _____

3. Meeting Location: _____

4. Number of invitations that were sent: _____

5. How was the mailing list generated: _____

6. Number of neighbors in attendance (attach a sign-in sheet): _____

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.)

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

Neighborhood Meeting

Proposed General Retail

August 20, 2015

4:30 p.m. – 6:30 p.m.

Name	Address	Phone
Jagrit Singh	1109 E. Britton Rd	417-823-4844
Brandon Dickman	1031 E Battelfield	417-863-3131

OLSSON
ASSOCIATES

550 St. Louis Street
Springfield, MO 65806

TEL 417.890.8802
FAX 417.890.8805

www.olssonassociates.com

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-31-2015 & CONDITIONAL OVERLAY DISTRICT NO. 97

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

Additional Design Requirements

1. A traffic study shall be submitted at the time of development/redevelopment based on the actual use of the property. If the results of the traffic study determine that improvements are required, then they must be constructed prior to building permits being issued.
2. Two driveways on to Battlefield Road will be allowed. The two driveways shall be located a minimum of 200 feet apart and shall not be located within five feet of the east or west property lines. An exhibit illustrating the limits of the two allowable driveways is attached as Attachment 4.
3. A 26 foot cross access easement (to be located at the time of development/redevelopment) shall extend east/west across the property connecting the two allowable driveways to both the east and west property lines.

ATTACHMENT 4

1031 EAST BATTLEFIELD
SPRINGFIELD, MO

Driveway shall not
be located within 5'
of the property line.

Limits of Allowable driveways.
Two driveways shall be allowed
to access on to Battlefield from
subject property.

Driveway shall not
be located within 5'
of the property line.



BATTLEFIELD ROAD

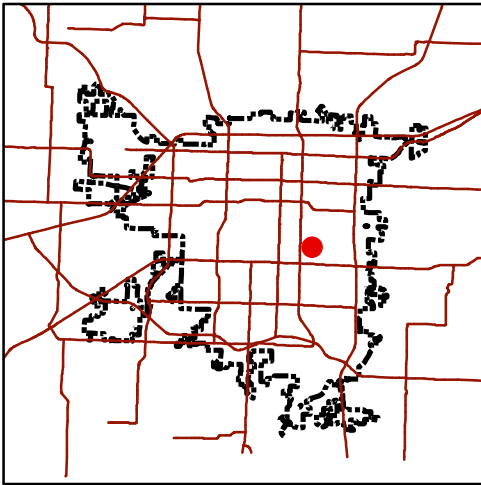


PROJECT NO:
DRAWN BY:
DATE:

Potential
Driveway Locations



550 St. Louis Street
Springfield, MO 65806
TEL 417.890.8802
FAX 401.890.8805



Development Review Staff Report

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

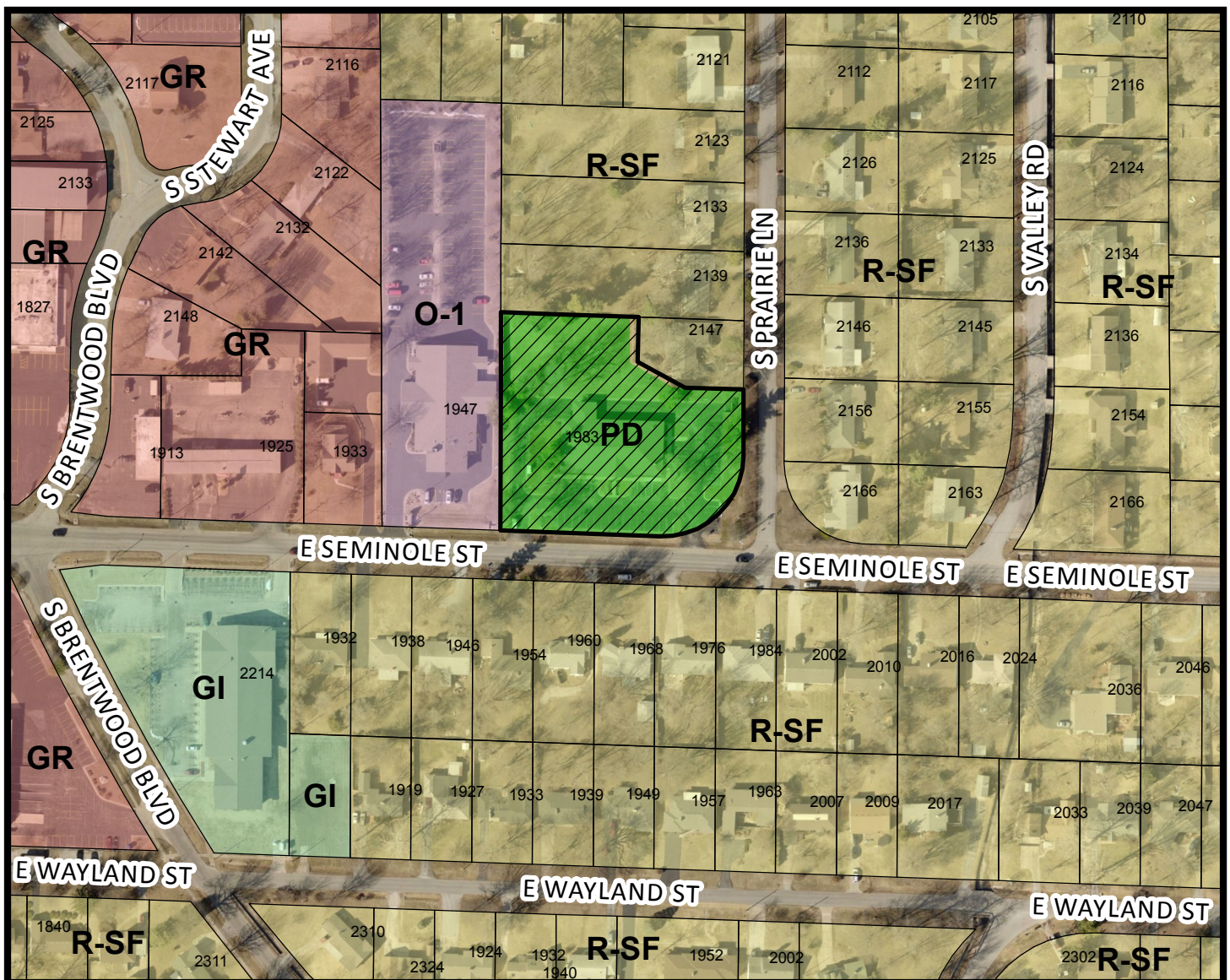
Zoning Case Z-32-2015 COD#98

LOCATION: 1983 East Seminole Street

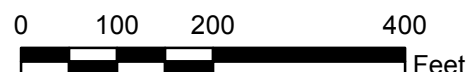
CURRENT ZONING: Planned Development 11 Amd

PROPOSED ZONING: O-1, Office District with COD#98

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-32-2015 CONDITIONAL OVERLAY DISTRICT NO. 98

PURPOSE: To rezone approximately 1.63 acres of property generally located at 1983 East Seminole Street from Planned Development No. 11 Amended to O-1, Office District and establishing Conditional Overlay District No. 98.

REPORT DATE: August 21, 2015

LOCATION: 1983 East Seminole Street

APPLICANT: BluCurrent Credit Union

TRACT SIZE: Approximately 1.63 acres

EXISTING USE: Credit Union

PROPOSED USE: Expand office uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located along Seminole Street, a secondary arterial roadway, which is an appropriate location for office development.
2. The proposed O-1 zoning is consistent with the recommendations of the *Comprehensive Plan* to locate low volume office developments along arterial roadways and as transitions and buffers between higher intensity uses and residential developments.
3. The requested O-1 zoning is consistent and compatible with the existing O-1 and GR, General Retail zoning to the west and is consistent with the previous approval from City Council for the subject property as a Planned Development with office uses.
4. The proposed conditional overlay district will mitigate the potential impact between the office and residential uses by limiting uses, limiting access and requiring bufferyards. The proposed conditional overlay district and conditions as well as the development requirements in the Office 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 following conditions:

1. A Type C Bufferyard is required along Prairie Lane and adjacent to the property zoned R-SF, Single Family Residential District on the north side of the property.
2. The existing refuse storage area located on the east side of the property shall be relocated to the west side of the property.
3. The applicant must apply for a vacation of the right-of-way at Prairie Lane and Seminole Street in order for the existing parking spaces to be located outside of the public right-of-way.

If the above conditions are not met within one (1) year after City Council's approval, that approval is null and void and the zoning will remain Planned Development 11 Amended District.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-SF	Single family homes
East	R-SF	Single family homes
South	R-SF	Single family homes
West	O-1 and GR	Funeral Home and Retail and Office uses

HISTORY:

In 1955 the subject property was annexed into the City with R-1 (R-SF) zoning as a nonconforming use. At that time the property was being used as a motel and was allowed to continue as a nonconforming use. The motel was discontinued and converted to a child daycare facility which continued the nonconforming use. City Council approved General Ordinance 3247 on September 21, 1981 to rezone the southern 186 feet of the subject property to Planned Development 11. On July 8, 1996 City Council approved General Ordinance 4615 to rezone the subject property and an additional 85 feet behind the adjacent residential property from Planned Development 11 to Planned Development 11 Amended. The improvements proposed in Planned Development 11 Amended have not been built.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low Density Housing. Seminole is classified as a secondary arterial and the plan discourages direct residential access onto an arterial roadway. The Office Land Use Guidelines specify that the location of office districts should be carefully planned and low volume office developments should be used as transitions and buffers between commercial and residential areas. The plan

encourages the effective use of location, design and landscaping of office uses to screen and buffer neighborhoods from lights, signs, traffic noise and pollution, and other factors incompatible or conflicting with adjacent land uses. These practices will help ensure the integrity and function of the road system, reduce the length and frequency of auto trips, minimize impact on residential areas and contribute to the overall attractiveness of the community.

STAFF COMMENTS:

1. The subject property is located at the intersection of Seminole Street, a secondary arterial roadway and Prairie Lane, a local roadway. Approval of O-1 zoning at this location is consistent and compatible with the existing zoning and development along Seminole Street and provides a transition between the high traffic roadway and higher intensity uses on the west side of Seminole and the residential development to the east.
2. The subject property has an existing building of 6,700 square feet and was used previously as a Credit Union. There are three parking spaces that were built within the public right-of-way and the refuse storage area is not in proper location according to the approved site plan.
3. The applicant has submitted an application for vacation of the right-of-way at the intersection of Prairie Lane and Seminole Street which is being processed for the next available Planning and Zoning Commission meeting.
4. This zoning case includes both a Conditional Overlay District which places certain restrictions on the property and conditions to the rezoning. The conditions are items that must be accomplished within one year of Council action in order for the zoning to be effective.
5. The original Planned Development restricted the permitted uses to finance, insurance and real estate services which included banks, insurance agencies, real estate firms, securities brokerage establishments, savings and loans institutions and other similar uses. The proposed Conditional Overlay District would expand the permitted uses to General Office Use Group but would not allow medical, dental labs or blood collection facilities or any of the other permitted uses in the O-1, Office District. The O-1, Office District does not allow outside storage of merchandise, retail sales, warehousing of stock or storage of equipment outside.
6. The subject property, if rezoned, will require a Type C Bufferyard along the northern property line of the subject property adjacent to the single family residential zoning and along Prairie Lane.
7. The O-1, Office District requires a 45 degree bulk plane height requirement adjacent to property zoned R-SF. This equates to a one to one building height to building setback distance.
8. The Conditional Overlay District will:
 - a. limit the uses to the General Office Use Group,
 - b. restrict vehicle access to Prairie Lane,
 - c. limit the total building area to 12,713 square feet,
 - d. require the relocation of the refuse storage area,

- e. require the applicant to apply for the vacation of right of way, and
 - f. require bufferyards along the northern property line and on the east property line where the subject property is across the street from single family residential district zoning (see Attachment 1).
9. The property will not be rezoned until the following conditions are completed. If these are not completed within one (1) year after City Council approval, the rezoning will revert back to Planned Development 11 Amended. The conditions require;
- a. A Type C Bufferyard is required along Prairie Lane and adjacent to the property zoned R-SF, Single Family Residential District on the north side of the property.
 - b. The existing refuse storage area located on the east side of the property shall be relocated to the west side of the property.
 - c. The applicant to apply for a vacation of the right-of-way at Prairie Lane and Seminole Street in order for the existing parking spaces to be located outside of the public right-of-way.
10. The rezoning, if approved, will have to comply with *Section 4-2000, Office Districts*, the Zoning Ordinance and any other applicable city codes.
11. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 2.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 18, 2015 regarding the request for O-1, Office District zoning with a Conditional Overlay District. A summary of the meeting is attached (Attachment 3).

PUBLIC COMMENTS:

Twenty-two (22) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has not received any comments.

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner
864-1834

ATTACHMENT 1
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-32-2015 CONDITIONAL OVERLAY DISTRICT NO. 98

The requirements of *Section 4-2000* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district.

Permitted Uses:

General Office Use Group:

General Office: Professional services such as lawyers or accountants; financial businesses such as lenders, brokerage houses, banks, or real estate agents; sales offices; government offices and public utility offices; software and internet content development and publishing; computer systems design and programming; graphic and industrial design; engineers, architects; telecommunications service providers; data processing; television, video, radio, internet, and recording studios and broadcasting; and scientific and technical services.

No medical and dental labs

No blood collection facilities

Additional Design Requirements:

1. No vehicle access shall be allowed onto Prairie Lane.
2. A Type C Bufferyard shall be required along Prairie Lane and adjacent to any R-SF, Single Family Residential District property.
3. The refuse storage area shall be located on the west side of the property.
4. The applicant must apply for a vacation of the right-of-way at Prairie Lane and Seminole in order for the existing parking spaces to be located outside of the public right-of-way
5. Total maximum building area of 12,713 square feet.

ATTACHMENT 2
DEPARTMENT COMMENTS
ZONING CASE Z-32-2015 CONDITIONAL OVERLAY DISTRICT NO. 98

BUILDING DEVELOPMENT SERVICES COMMENTS:

1. No objections to rezoning, however, will need to verify that conditions for landscaping and refuse storage area are met prior to the zoning becoming effective.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. No traffic study is required
2. The right-of-way at the intersection of Prairie Lane and Seminole Street should be vacated to remove existing parking spaces from the public right-of-way.

STORMWATER COMMENTS:

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

- a. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports.
- b. Any increase in impervious area will require the development to meet current detention and water quality requirements. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50% credit.

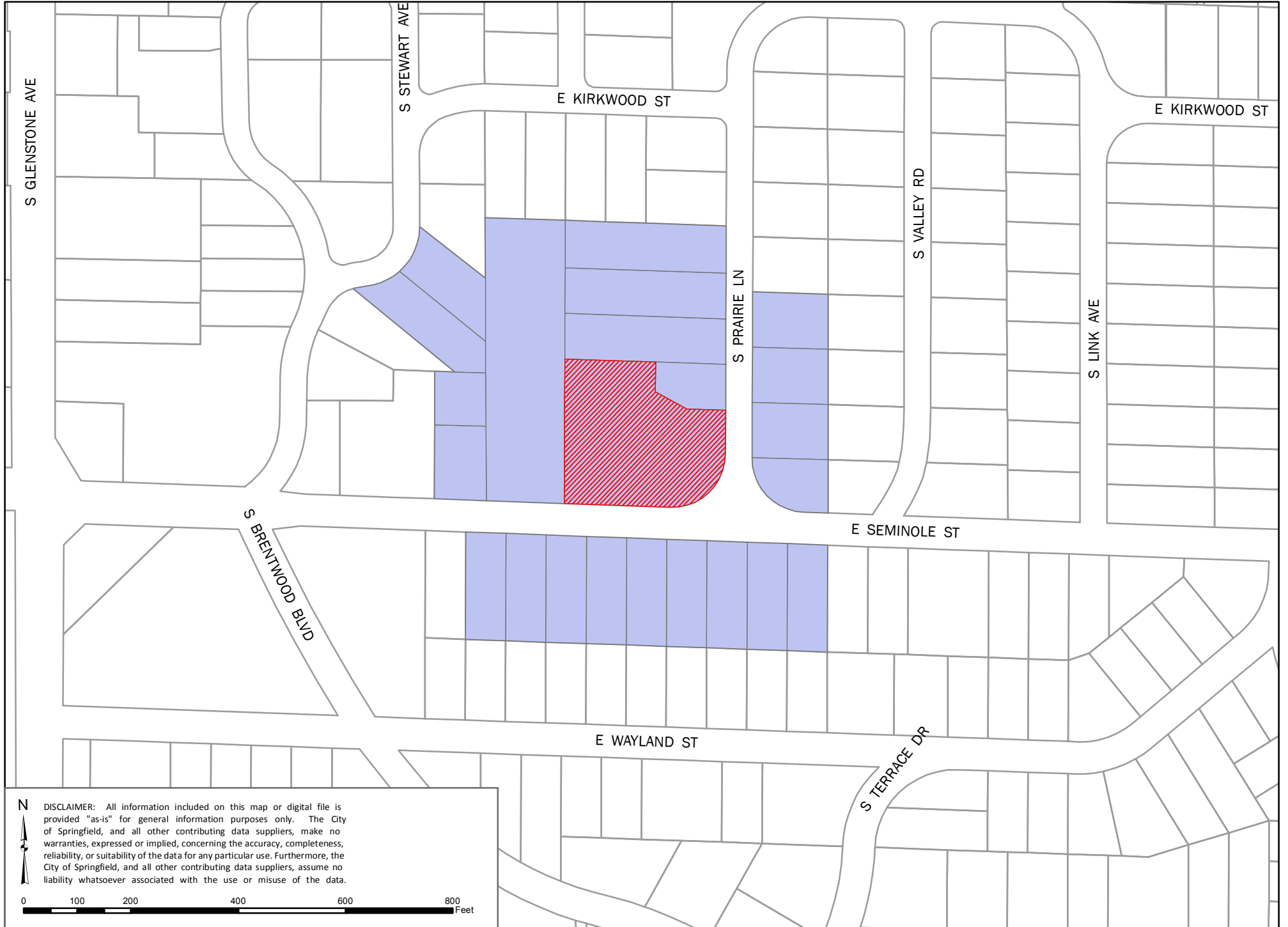
CLEAN WATER SERVICES COMMENTS:

1. Clean Water Services does not have any objections to the proposed rezoning. Public sewer is available to the subject property.

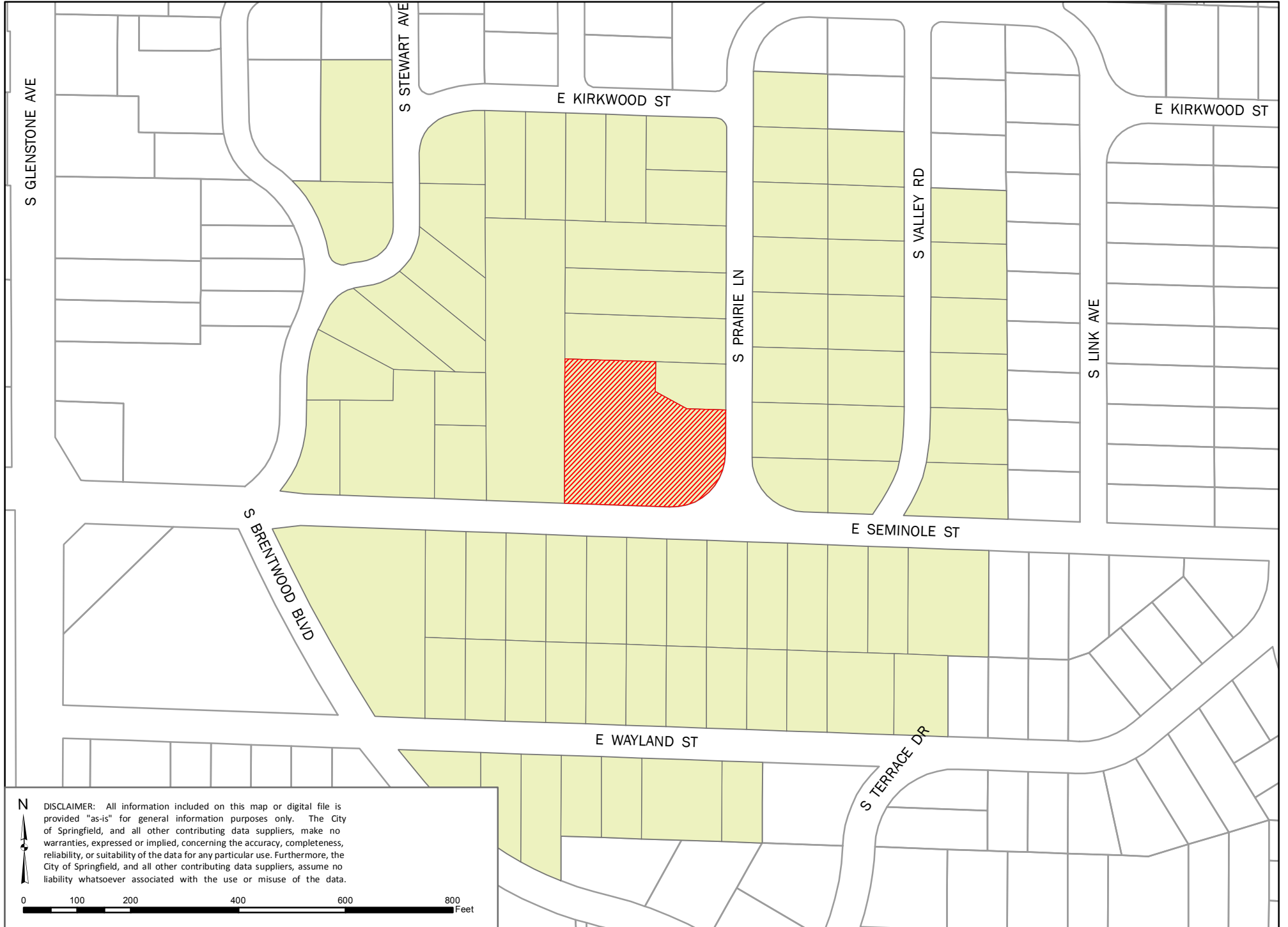
CITY UTILITIES:

1. City Utilities does not have any objection to the proposed rezoning request.

185 foot mailing list



500 foot mailing list



AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING

I, Craig Tabor (print name), attest that the invitation letter to the neighborhood meeting (attached) was mailed ten (10) days prior to the neighborhood meeting on 08/06/2015 (month/date/year), the neighborhood meeting is scheduled to be held on 08/18/2015 (month/date/year), which is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Exhibit 1: Neighborhood Notification and Meeting Process."

Craig Tabor

Signature of person completing mailings

Craig Tabor

Printed name of person completing mailings

**NOTE: this affidavit must be submitted by the Friday following the application deadline.*



Sunset St.

Phone: 417 887.1983

1770 W.

Springfield, MO 65807

www.blucurrent.org

August 3, 2015

Re: Proposed Rezone
1983 E Seminole
Springfield, MO 65804

Dear Property Owner:

A neighborhood meeting will be held Tuesday, August 18, 2015 to discuss a proposed rezone on the property listed above. We would like to rezone this property from a Planned Development District to an O-1 Office District with a COD limiting permitted uses to the General Office.

The neighborhood meeting will be held at the BluCurrent Credit Union Branch at 1983 E. Seminole Springfield, MO between 4:00 and 6:30pm. The owner's representatives will be present to answer any questions you may have concerning this proposed rezone. Please feel free to come and go between 4:00 and 6:30pm. If you have any questions prior to this meeting, please contact our office at 417-887-1983.

Sincerely,

Craig Tabor
President

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: _____ to _____
(existing zoning) (proposed zoning)

2. Meeting Date & Time: _____

3. Meeting Location: _____

4. Number of invitations that were sent: _____

5. How was the mailing list generated: _____

6. Number of neighbors in attendance (attach a sign-in sheet): _____

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.)

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

General Comments: Overall, fourteen neighbors attended the neighborhood meeting. The meeting began at 4:00 P.M. and ended at 6:30 P.M. with neighbors coming and going throughout the allotted time. Craig Tabor, representative for BluCurrent Credit Union “Credit Union”, and Cameron Jones, representative for the KJJ Investments, LLC “KJJ”, presented information for the zoning change request and answered questions. A handout was provided to each person.

Mr. Tabor introduced himself and Mr. Jones introduced himself. Mr. Tabor talked through and read the handout. He and Mr. Jones both answered questions. Throughout the meeting, key issues were identified and discussed.

The key issues were:

1. Neighbor Tim Havens was concerned with the proposed building square footage being too large at 12,713 square feet. After discussion, neighbors Tim Havens, Ruth Barron, and Mary Dutton requested the square footage to be limited to 9,000-10,000 square feet or about 50% above of the current square footage. The other neighbors generally had no issue with the square footage but would be generally agreeable to a request for reduction as well.

Response: Currently, the Planned Development – PD11, as amended in 1996, allows for an addition to the credit union building as it existed in 1996, which addition shall not exceed 12,713 square feet. The Land Development Inquiry Committee (LDIC) recommended that development of the property be limited to a *total* of 12,713 square feet. The Credit Union and KJJ are comfortable with that overall development restriction, even though it would allow less development than would be permitted under the existing PD. Based on what is currently allowed and what the LDIC recommended, the Credit Union and KJJ would like the building square footage limit to be fixed at 12,713 square feet.

2. Neighbor Tim Havens requested the language “Professional services such as...” under the General Office Use Group be changed to “Limited to...”, and “counseling services” be added to address KJJ’s use needs. As the issue was discussed, three neighbors agreed with Mr. Haven’s request. Other neighbors requested a clarification of what the definition of “Professional services” meant and included.

Response: The Credit Union had further discussion with the City of Springfield to clarify the definition of “Professional services”. The Credit Union now understands that “Professional services” generally does not include manufacturing, retail services, large equipment, or warehousing, and that it must be internal office use. Based on this better understanding of “Professional services” and the supplemental restrictions already applied within the Conditional Overlay which by some neighbors were considered reasonable, the Credit Union and KJJ would like the language to remain as it was recommended by the LDIC.

3. Neighbor David Hoge requested clarification on “sales offices”, and he requested “television, video, radio, internet, and recording studios and broadcasting” exclude towers, large antennas, and dishes. Neighbor Tim Havens requested “sales offices” be removed from the Use Group.

Response: The Credit Union had further discussion with the City of Springfield to clarify the definition of “sales offices” and “television, video, radio, internet, and recording studios and broadcasting”. The Credit Union now understands that “sales offices” generally does not include retail services and that it must be internal office use. The Credit Union also understands “television, video, radio, internet, and recording studios and broadcasting” must be internal office use and limitations exist for towers, large antennas, and dishes within other ordinances and regulations. Based on this better understanding of “sales offices” and “television, video,

radio, internet, and recording studios and broadcasting” and the supplemental restrictions already applied within the Conditional Overlay, the Credit Union and KJJ would like the language to remain as it was recommended by the LDIC.

4. Neighbor James Frater requested clarification on “scientific and technical services” and was concerned about allowing labs and chemicals in the neighborhood. Neighbor Tim Havens requested “scientific and technical services” be removed.

Response: The Credit Union had further discussion with the City of Springfield to clarify the definition of “scientific and technical services” and what would be allowed. The Credit Union understands “scientific and technical services” to relate to computer “type” services and does not include labs and/or medical use nor does it allow related chemicals under warehousing ordinances. Based on this better understanding of “scientific and technical services” and the supplemental restrictions already applied within the Conditional Overlay, the Credit Union and KJJ would like the language to remain as it was recommended by the LDIC.

5. The majority of the neighbors were concerned about the hedge on the east side of the property along Prairie Lane being cut down or taken away. It was discovered that the hedge may be in the City of Springfield right of way. The neighbors requested the hedge not be eliminated or cut down.

Response: The Credit Union and KJJ have no desire at this time to cut down or take away the hedge. The Credit Union has contracted an engineer to survey the property to determine whether the hedge is within the right of way. The Credit Union and KJJ will address the hedge within the request to vacate the right of way as it was recommended by the LDIC.



BluCurrent[®]

Credit Union

Building better lives together | www.blucurrent.org

Planned use will most likely reduce traffic in residential areas.

Conditional overlay is responsive to residents on Prairie Lane. Reduces encroachment & adds green space.

Positive rezoning for neighborhood. Good fit w/ existing services & businesses.

Jim Schmidt - Library
2214 Brentwood Blvd
Springfield MO 65804



BluCurrent[®]

Credit Union

Building better lives together | www.blucurrent.org

Ruth Baron
2147 S. Prairie Ln
Lower total max
building area to
9-10,000 or lower

Aug 18 2015
Ruth Baron



BluCurrent[®]

Credit Union

Building better lives together | www.blucurrent.org

* "sales offices" must ~~exclude~~
exclude "retail" such as:
fast food restaurants, parts stores,
or clothing stores and grocery markets.

* business offices for TV/broadcasting
is fine, but must exclude towers
and ~~large~~ large antennas, e.g., dishes
with diameter > 3 feet.

* limit total max bldg area to 9,500-sq-ft

* Re: #4 if city is not going to
maintain checks received on city right-
of-way, these must be removed ~~and~~
they grow unchecked.

- James Frater 8-18-2015
resident of 2123 S. Prairie Lane

August 18, 2015

[illegible]

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the project along with any recognized neighborhood organizations.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the applicant submits, an application for a change in land use or zoning the property will be posted and there will be public notifications in the newspaper and by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Neighborhood Meeting (500 feet notification from subject property)
2. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
3. 1st City Council Public Hearing (185 feet notification from subject property)
4. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing before the Planning and Zoning Commission. If you desire to submit input for consideration we would request that you do so at your earliest opportunity so your comments can be included in the staff report. You can provide comments in writing by mail or online at zoning@springfieldmo.gov . Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP

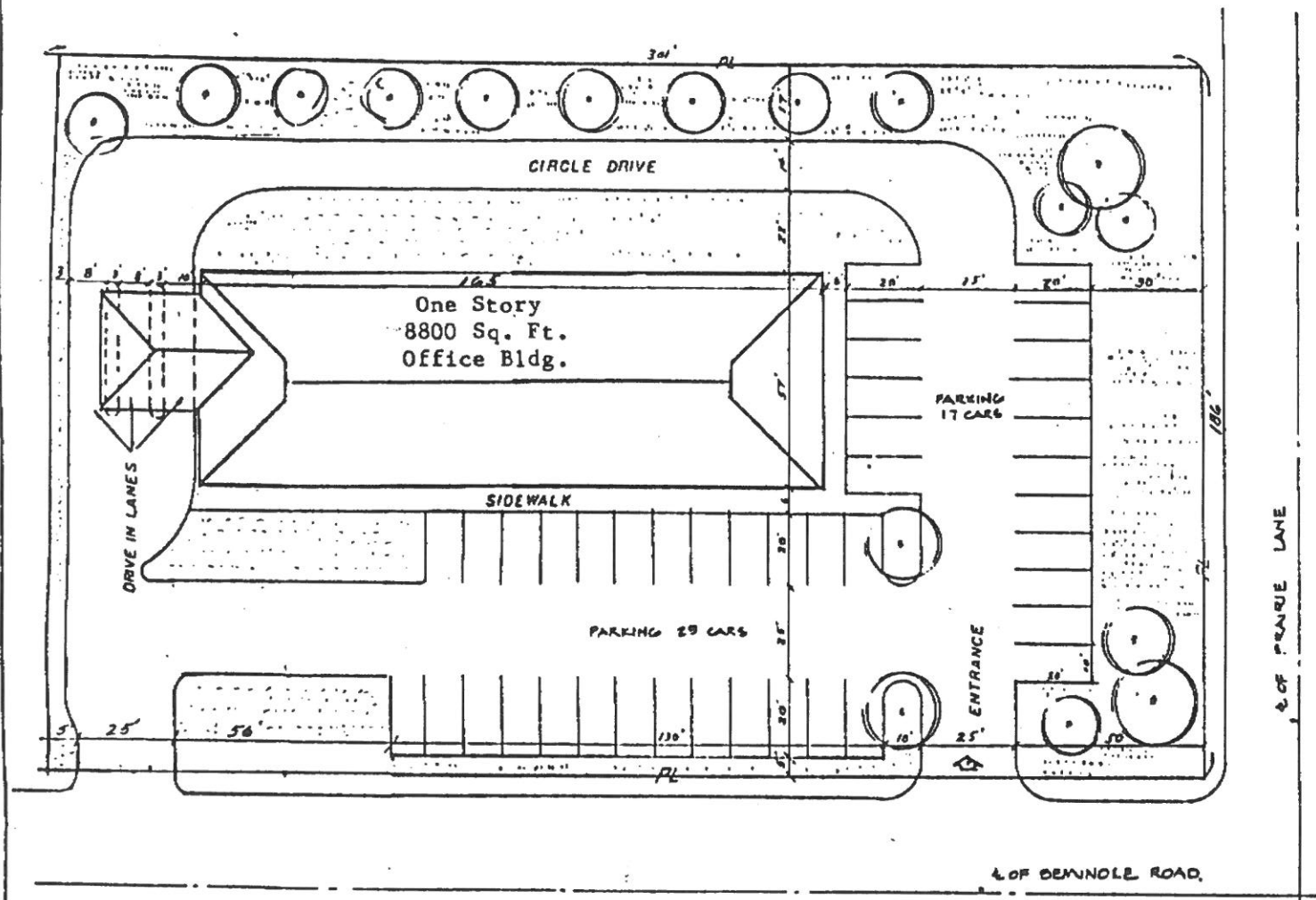
Principal Planner

City of Springfield

Development Review Office – Zoning and Subdivision

840 Boonville Ave, Springfield Missouri 65801

Site plan from first PD 11



DESCRIPTION:

THE SOUTH 186 FEET OF THE
EAST 301 FEET OF LOT 6,
NATIONAL BOULEVARD FARMS

DEVELOPER:

POSTAL AND FEDERAL
EMPLOYEES CREDIT UNION

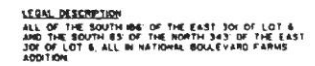
EXHIBIT A
PLANNED DEVELOPMENT

PLAN NO. II
Without Basement

site



PD 11 amended



REVISED SITE PLAN
FOR PD-11
POSTAL AND FEDERAL EMPLOYEES CREDIT UNION
1983 E. SEMINOLE

REVISED APRIL 1, 1996
KENT SMITH, ARCHITECT

DEVELOPMENT REVIEW STAFF REPORT
REASONABLE ACCOMMODATION TEXT AMENDMENT

PURPOSE: To modify Section 303 of the Subdivision Regulations to clarify the public improvement plan escrow process. (Staff recommends approval).

REPORT DATE: September 2, 2015

APPLICANT: City of Springfield.

BACKGROUND:

Revisions to Section 303 are proposed to clarify which public improvements in subdivisions can be delayed by posting a security with the City and to update Section 303 to comply with state law regarding the amount of security to be posted and when a security must be released. The revisions also clarify the standard the Director of Public Works must apply to refuse to accept security for a public improvement in a subdivision. The wording of the current section is easily misread as limiting escrow to stormwater improvements when the intent of the section is to allow escrow for all types of public improvements. Additionally, the section has been reorganized to make it easier to read.

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments.

Planning and Zoning Commission voted 6-1 to deny the proposed amendment. Staff asked Commission for feedback on their votes. Commission members indicated they were supportive of the concept, but voted to deny the proposed amendments because the redlined version was confusing and difficult to understand. Staff has since revised the amendments to clearly show the areas that will be added and deleted. There are no other changes to the information presented at the August 6th Commission meeting.

The proposed amendments are presented in three versions. Exhibit A-1 presents the redlined version of the changes. Exhibit A-2 is a "clean" version incorporating the proposed amendments. Exhibit A-3 is the current text from the Subdivision Regulations.

The Development Issues Input Group (DIIG), Urban Districts Alliance (UDA), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments to the Subdivision Regulations will clarify the public improvement plan escrow process.

2. The Growth Management and Land Use Element of the Comprehensive Plan recommends making land use and development decision in a reasonable, responsible, predictable manner based on approved plans and ordinances.
3. 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.

RECOMMENDATION:

Staff recommends **approval** of the proposed amendments on Exhibit A.

Daniel Neal,
Senior Planner
864-1036

EXHIBITS:

Exhibit A-1, Proposed Public Improvement Plan Escrow Amendments Redlined Version
Exhibit A-2, Proposed Public Improvement Plan Escrow Amendments Clean Version
Exhibit A-3, Proposed Public Improvement Plan Escrow Amendments Current Text

EXHIBIT A-1
PUBLIC IMPROVEMENT PLAN ESCROW AMENDMENTS

Proposed amendments to Section 303 of the Subdivision Regulations:

NOTE: Language added is underlined. Language deleted is ~~stricken~~. Language moved to a different section is ~~double-stricken~~. Language moved from another section is double-underlined.

Section 303. Improvements.

(1) Before the final plat of any subdivided area shall be recorded, the subdivider shall provide for ~~the public~~ improvements ~~described in this section~~ to be extended to all lots in the area to be included in the final plat at no cost to the City.

~~(2)~~ Public improvements~~stormwater drainage or detention facilities shall be constructed to minimum standards as determined by the Director of Public Works in the City of Springfield Design Standards for Public Improvements.~~

~~(2)~~(3) If the Director of Public Works so approves, in lieu of the final completion of ~~said public~~ improvements before the plat is recorded, the subdivider, or other person who agrees with the City to make the public improvements on behalf of the subdivider, may post a surety bond with one or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an escrow agreement, letter of credit or other appropriate security agreement, approved by the City Attorney and the City Manager of the City of Springfield, which surety, escrow agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the subdivider. ~~Construction of private storm water drainage or detention facilities may be deferred to time of development and prior to issuance of a building permit, provided that:~~

~~(a) a plat note is included on the plat filed in the Recorder's Office requiring the construction of the private stormwater drainage or detention facilities; and~~

~~(b) the Director of Public Works has approved preliminary design plans sufficient to show that the proposed private facilities can be engineered to function as proposed.~~

~~Public stormwater drainage or detention facilities shall be constructed to minimum standards as determined by the Director of Public Works. All improvements, except sidewalks, must be completed within one year after the recording of the subdivision plat. Sidewalks must be completed within three years after the recording of the subdivision plat.~~

(a) The Director of Public Works may require that any certain improvements, ~~such as stormwater management improvements,~~ be made before the final plat is recorded and refuse to accept security for such improvements when he determines the improvements are necessary for the immediate protection of the adjacent property or for compliance with any permits, codes, regulations, or laws, or if he determines delay of the improvements does not comport with sound engineering judgment. ~~The Commission may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Department of Public Works. The City Attorney and City Manager, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement.~~

(4) The amount of the corporate surety bond, escrow agreement, or other appropriate security agreement shall not be less than an amount providing for and securing the actual construction and installation ~~the estimated cost~~ of the improvements, said estimate of cost amount to be determined ~~made~~ by the Director ~~department~~ of Public Works. ~~The Commission may defer at the time of final approval, subject to appropriate conditions, the provision of any and all such improvements as, in its judgment, are not appropriate because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons. As a condition of deferral, the subdivider shall pay his share of the costs of the future improvements to the City prior to the signing of the final subdivision plat, or the subdivider may post an appropriate security approved in the same manner as stated above which shall insure completion of said deferred improvements upon demand by the City. If the improvements are not completed within the specified time, the City Council may use the funds from said security, or any necessary portion thereof, to complete the same. (C.O. 5668, 4/9/07)~~

(5) All improvements, except sidewalks, must be completed within one year

after the recording of the subdivision plat. Sidewalks must be completed within three years after the recording of the subdivision plat. The Commission may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Director of Public Works. The City Attorney and City Manager, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement.

~~(3)~~(6) The release or reduction of said corporate surety bond, escrow agreement or other appropriate security agreement shall be in accordance with the following:

- (a) When a petition for improvements by the tax bill method is filed for the improvements of this section and when said petition has passed the required remonstrance petition assuring the City that all improvements will be installed, said bond or agreements posted by the subdivider to insure the City the improvements of this section may be released and returned to the subdivider.
- (b) ~~The Director of Public Works may release or reduce said bond or agreements posted by the subdivider to insure to the City the improvements of this section w~~Whenever the Director of Public Works has determined that any required improvements ~~has~~have been satisfactorily completed and the subdivider's engineer or surveyor has certified to said Director, through submission of a detailed "as-built" survey plat of the subdivision indicating location, dimensions, materials and other information required by said Director, that the layout of the line and grade of all public improvements are in accordance with construction plans for the subdivision and that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. (G.O. 3906, 3/14/88), the Director shall release said bond or agreements posted by the subdivider to insure to the City that particular improvement. Said bond or agreements shall be released within thirty days of completion of each category of improvement, minus a maximum retention of five percent, which shall be released upon completion of all improvements.
- (c) ~~The Director of Public Works may reduce upon request, said bond~~

~~or agreements when he has made the findings and received the information required in the above subsection (b), but such reduction shall not exceed the ratio that the cost of completed improvements bears to the total estimated cost of total public improvements for the plat. (G.O. 3708) (G.O. 3906, 3/14/88)~~

~~(7)~~ The Commission may defer at the time of final approval, subject to appropriate conditions, the provision of any and all such improvements as, in its judgment, are not appropriate because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons. As a condition of deferral, the subdivider shall pay his share of the costs of the future improvements to the City prior to the signing of the final subdivision plat, or the subdivider may post an appropriate security approved in the same manner as stated above which shall insure completion of said deferred improvements upon demand by the City. If the improvements are not completed within the specified time, the City Council may use the funds from said security, or any necessary portion thereof, to complete the same. (G.O. 5668, 4/9/07)

~~(8)~~ Construction of private storm water drainage or detention facilities may be deferred to time of development and prior to issuance of a building permit, provided that:

~~(f)(a)~~ a plat note is included on the plat filed in the Recorder's Office requiring the construction of the private stormwater drainage or detention facilities; and

~~(g)(b)~~ the Director of Public Works has approved preliminary design plans sufficient to show that the proposed private facilities can be engineered to function as proposed.

~~(4)(9)~~ ~~(Refer also to Springfield City Code, Chapter 96, Article I, Detention and retention of storm water Article IV of Chapter 36, Section 36-417, Detention. G.O. 4462, 10/17/94).~~

~~(5)(10)~~ Completion of Improvements. Sidewalk improvements shall be in compliance with Subsection 5-3107 of the Springfield Zoning Ordinance.

~~(6)~~ ~~(Refer to Article IV of Chapter 36, Section 36-417, Detention. G.O. 4462, 10/17/94)~~

~~(7)(11)~~ Fee in Lieu of Construction. Fee in Lieu of Construction of Sidewalk shall be in compliance with Subsection 5-3108 of the Springfield Zoning Ordinance.

EXHIBIT A-2
PUBLIC IMPROVEMENT PLAN ESCROW AMENDMENTS

The final language after proposed changes:

Section 303. Improvements.

- (1) Before the final plat of any subdivided area shall be recorded, the subdivider shall provide for public improvements to be extended to all lots in the area to be included in the final plat at no cost to the City.
- (2) Public improvements shall be constructed to minimum standards as determined by the Director of Public Works in the City of Springfield Design Standards for Public Improvements.
- (3) If the Director of Public Works so approves, in lieu of the final completion of public improvements before the plat is recorded, the subdivider, or other person who agrees with the City to make the public improvements on behalf of the subdivider, may post a surety bond with one or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an escrow agreement, letter of credit or other appropriate security agreement, approved by the City Attorney and the City Manager of the City of Springfield, which surety, escrow agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the subdivider.
 - (a) The Director of Public Works may require that any improvement be made before the final plat is recorded and refuse to accept security for such improvements when he determines the improvements are necessary for the immediate protection of the adjacent property or for compliance with any permits, codes, regulations, or laws, or if he determines delay of the improvements does not comport with sound engineering judgment.
- (4) The amount of the corporate surety bond, escrow agreement, or other appropriate security agreement shall not be less than an amount providing for and securing the actual construction and installation of the improvements, said amount to be determined by the Director of Public Works.
- (5) All improvements, except sidewalks, must be completed within one year after the recording of the subdivision plat. Sidewalks must be completed within three years after the recording of the subdivision plat. The Commission may, upon proof of hardship, extend the completion date set

forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Director of Public Works. The City Attorney and City Manager, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement.

- (6) The release or reduction of said corporate surety bond, escrow agreement or other appropriate security agreement shall be in accordance with the following:
 - (a) When a petition for improvements by the tax bill method is filed for the improvements of this section and when said petition has passed the required remonstrance petition assuring the City that all improvements will be installed, said bond or agreements posted by the subdivider to insure the City the improvements of this section may be released and returned to the subdivider.
 - (b) Whenever the Director of Public Works determines that any required improvement has been satisfactorily completed and the subdivider's engineer or surveyor has certified to said Director, through submission of a detailed "as-built" survey plat of the subdivision indicating location, dimensions, materials and other information required by said Director, that the layout of the line and grade of all public improvements are in accordance with construction plans for the subdivision and that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. (G.O. 3906, 3/14/88), the Director shall release said bond or agreements posted by the subdivider to insure to the City that particular improvement. Said bond or agreements shall be released within thirty days of completion of each category of improvement, minus a maximum retention of five percent, which shall be released upon completion of all improvements.
- (7) The Commission may defer at the time of final approval, subject to appropriate conditions, the provision of any and all such improvements as, in its judgment, are not appropriate because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons. As a condition of deferral, the subdivider shall pay his share of the costs of the future improvements to the City prior to the signing of the final subdivision plat, or the subdivider may post an appropriate security

approved in the same manner as stated above which shall insure completion of said deferred improvements upon demand by the City. If the improvements are not completed within the specified time, the City Council may use the funds from said security, or any necessary portion thereof, to complete the same. (G.O. 5668, 4/9/07)

- (8) Construction of private storm water drainage or detention facilities may be deferred to time of development and prior to issuance of a building permit, provided that:
 - (a) a plat note is included on the plat filed in the Recorder's Office requiring the construction of the private stormwater drainage or detention facilities; and
 - (b) the Director of Public Works has approved preliminary design plans sufficient to show that the proposed private facilities can be engineered to function as proposed.
- (9) Refer also to Springfield City Code, Chapter 96, Article I, Detention and retention of storm water.
- (10) Completion of Improvements. Sidewalk improvements shall be in compliance with Subsection 5-3107 of the Springfield Zoning Ordinance.
- (11) Fee in Lieu of Construction. Fee in Lieu of Construction of Sidewalk shall be in compliance with Subsection 5-3108 of the Springfield Zoning Ordinance.

EXHIBIT A-3
PUBLIC IMPROVEMENT PLAN ESCROW AMENDMENTS

Existing Section 303 of the Subdivision Regulations:

Section 303. Improvements.

- (1) Before the final plat of any subdivided area shall be recorded, the subdivider shall provide for the improvements described in this section to be extended to all lots in the area to be included in the final plat at no cost to the City.
- (2) In lieu of the final completion of said improvements before the plat is recorded, the subdivider or other person who agrees with the City to make the public improvements on behalf of the subdivider, may post a surety bond with one or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an escrow agreement, letter of credit or other appropriate security agreement, approved by the City Attorney and the City Manager of the City of Springfield, which surety, escrow agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the subdivider. Construction of private storm water drainage or detention facilities may be deferred to time of development and prior to issuance of a building permit, provided that:
 - (a) a plat note is included on the plat filed in the Recorder's Office requiring the construction of the private stormwater drainage or detention facilities; and
 - (b) the Director of Public Works has approved preliminary design plans sufficient to show that the proposed private facilities can be engineered to function as proposed.

Public stormwater drainage or detention facilities shall be constructed to minimum standards as determined by the Director of Public Works. All improvements, except sidewalks, must be completed within one year after the recording of the subdivision plat. Sidewalks must be completed within three years after the recording of the subdivision plat. The Director of Public Works may require that certain improvements, such as stormwater management improvements, be made and refuse to accept security for such improvements when he determines the improvements are necessary for the immediate protection of the adjacent property. The Commission may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided

a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Department of Public Works. The City Attorney and City Manager, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement. The amount of the corporate surety bond, escrow agreement, or other appropriate security agreement shall not be less than the estimated cost of the improvements, said estimate of cost to be made by the Department of Public Works. The Commission may defer at the time of final approval, subject to appropriate conditions, the provision of any and all such improvements as, in its judgment,

are not appropriate because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons. As a condition of deferral, the subdivider shall pay his share of the costs of the future improvements to the City prior to the signing of the final subdivision plat, or the subdivider may post an appropriate security approved in the same manner as stated above which shall insure completion of said deferred improvements upon demand by the City. If the improvements are not completed within the specified time, the City Council may use the funds from said security, or any necessary portion thereof, to complete the same. (G.O. 5668, 4/9/07)

- (3) The release or reduction of said corporate surety bond, escrow agreement or other appropriate security agreement shall be in accordance with the following:
 - (a) When a petition for improvements by the tax bill method is filed for the improvements of this section and when said petition has passed the required remonstrance petition assuring the City that all improvements will be installed, said bond or agreements posted by the subdivider to insure the City the improvements of this section may be released and returned to the subdivider.
 - (b) The Director of Public Works may release or reduce said bond or agreements posted by the subdivider to insure to the City the improvements of this section when he has determined that all required improvements have been satisfactorily completed and the subdivider's engineer or surveyor has certified to said Director, through submission of a detailed "as-built" survey plat of the subdivision indicating location, dimensions, materials and other information required by said Director, that the layout of the line and grade of all public improvements are in accordance with construction plans for the subdivision and that the improvements have been completed, are

ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. (G.O. 3906, 3/14/88)

- (c) The Director of Public Works may reduce upon request, said bond or agreements when he has made the findings and received the information required in the above subsection (b), but such reduction shall not exceed the ratio that the cost of completed improvements bears to the total estimated cost of total public improvements for the plat. (G.O. 3708) (G.O. 3906, 3/14/88)
- (4) (Refer to Article IV of Chapter 36, Section 36-417, Detention. {G.O. 4462, 10/17/94)
- (5) Completion of Improvements. Sidewalk improvements shall be in compliance with Subsection 5-3107 of the Springfield Zoning Ordinance. (G.O. 6094, 1/13/14)
- (6) (Refer to Article IV of Chapter 36, Section 36-417, Detention. {G.O. 4462, 10/17/94)
- (7) Fee In Lieu Of Construction. Fee in Lieu of Construction of Sidewalk shall be in compliance with *Subsection 5-3108* of the Springfield Zoning Ordinance. (G.O. 6094, 1/13/14)

DEVELOPMENT REVIEW STAFF REPORT
P&Z TERM LIMIT AMENDMENTS

PURPOSE: To amend Subsection 3-2001, Composition of the Commission, of the Zoning Ordinance to extend the Planning and Zoning Commissioners term limit to four to be consistent with state law (Staff recommends approval).

REPORT DATE: August 28, 2015

APPLICANT: City of Springfield.

BACKGROUND:

Planning and Zoning Commission initiated amendments to the Planning and Zoning Commission term limits at their meeting on August 6, 2015.

The Missouri State Law, City Charter and Zoning Ordinance are in conflict as to the term limits of Planning and Zoning Commissioners. Currently our City Charter and Zoning Ordinance state that the terms of a Planning and Zoning Commissioner are three years, while the state requires four years.

Staff is proposing a zoning text amendment to change the zoning ordinance language for term limits of Planning and Zoning Commissioners from three years to four years.

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will align the state and local requirements for the Planning and Zoning Commission.
2. The Growth Management and Land Use Element of the Comprehensive Plan states that the regulation of land use and design through Zoning Ordinances is granted to the City of Springfield by the State of Missouri.
3. 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.

RECOMMENDATION:

Staff recommends **approval** of this request.

CITY COUNCIL PUBLIC HEARING:

September 28, 2015

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

EXHIBITS:

Exhibit A-1, Proposed P&Z Term Limit Amendments Redlined Version
Exhibit A-2, Proposed P&Z Term Limit Amendments Clean Version
Exhibit A-3, Proposed P&Z Term Limit Amendments Current Text

EXHIBIT A-1
P&Z TERM LIMIT AMENDMENTS
PROPOSED CHANGES TO ZONING ORDINANCE

Note: Language to be added is underlined and language to be removed is ~~strike through~~

Section 3-2000. Planning and Zoning Commission.

- 3-2001. **Composition of Commission.** The Planning and Zoning Commission shall be constituted in accordance with *Section 11.1, Article XI, Springfield City Charter*. Members shall be appointed by the City Council and shall serve without compensation. Members shall hold office for a term of four ~~three~~ (~~43~~) years. Members may be reappointed for a maximum of two (2) four ~~three~~-year terms. The Commission shall elect a chairman from its appointed members.

EXHIBIT A-2
P&Z TERM LIMIT AMENDMENTS
FINAL LANGUAGE AFTER PROPOSED CHANGES

Section 3-2000. Planning and Zoning Commission.

- 3-2001. **Composition of Commission.** The Planning and Zoning Commission shall be constituted in accordance with *Section 11.1, Article XI, Springfield City Charter*. Members shall be appointed by the City Council and shall serve without compensation. Members shall hold office for a term of four (4) years. Members may be reappointed for a maximum of two (2) four-year terms. The Commission shall elect a chairman from its appointed members.

EXHIBIT A-3
P&Z TERM LIMIT AMENDMENTS
EXISTING LANGUAGE IN ZONING ORDINANCE

Section 3-2000. Planning and Zoning Commission.

- 3-2001. **Composition of Commission.** The Planning and Zoning Commission shall be constituted in accordance with *Section 11.1, Article XI, Springfield City Charter*. Members shall be appointed by the City Council and shall serve without compensation. Members shall hold office for a term of three (3) years. Members may be reappointed for a maximum of two (2) three-year terms. The Commission shall elect a chairman from its appointed members.

DEVELOPMENT REVIEW STAFF REPORT COOPERATIVE PARKING AMENDMENTS

PURPOSE: To amend Subsection 5-1504, Cooperative Parking Facilities, of the Off-Street Parking Requirements in the Zoning Ordinance to allow for more shared parking arrangements (Staff recommends approval).

REPORT DATE: August 31, 2015

APPLICANT: City of Springfield.

BACKGROUND:

City Council initiated amendments to Cooperative Parking at their meeting on August 24, 2015.

Staff has received multiple inquiries from businesses over the past few years wanting to share parking on adjacent lots. Shared parking may be appropriate when land uses have different parking demand patterns and are able to use the same parking spaces throughout the day. Shared parking is most effective when these land uses have significantly different peak parking demands that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately. One example of this is an office building sharing parking with a restaurant or movie theater, since most of the office workers (and their cars) will be gone in the evenings when there is the most demand for parking from the restaurant or theater.

Currently, the Zoning Ordinance only permits a shared parking arrangement (also known as cooperative) when not more than 50% of the off-street parking spaces required for the use or structure are located on another site. Staff believes that this threshold is too restrictive and recommends the following alternatives:

- The property must have at least the minimum off-street parking for a retail use (one parking space for each 250 square feet of total building floor area).
- Shared parking spaces must be within 500 feet of a main entrance to the business.
- The cooperative parking agreement must be signed by the property owner and not just a tenant.

Staff also proposes changing the review process for these agreements. Staff recommends review and approval be part of the building permit process rather than Administrative Review Committee (ARC) approval since cooperative parking arrangements are an objective decision process. The cooperative parking plan will either meet the standards or not. Staff also recommends removing the Board of Adjustment appeal prohibition. All applications should be allowed a proper appeal process through the BOA.

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will reduce the need for more impervious surfaces (parking lots) by allowing shared parking when businesses have different hours of operation or when in excess of required parking.
2. The Growth Management and Land Use Element of the Comprehensive Plan encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.
3. 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.

RECOMMENDATION:

Staff recommends **approval** of this request.

CITY COUNCIL PUBLIC HEARING:

September 28, 2015

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

EXHIBITS:

Exhibit A-1, Proposed Cooperative Parking Amendments Redlined Version
Exhibit A-2, Proposed Cooperative Parking Amendments Clean Version
Exhibit A-3, Proposed Cooperative Parking Amendments Current Text

EXHIBIT A-1
COOPERATIVE PARKING AMENDMENTS
PROPOSED CHANGES TO ZONING ORDINANCE

Note: Language to be added is underlined and language to be removed is ~~struckthrough~~

Section 5-1500. Off-Street Parking Requirements.

5-1504. Cooperative Parking Facilities.

- A. **Shared Parking.** Not ~~less than one (1) for each two hundred fifty (250) square feet of total building floor area or one (1) for each two hundred (200) square feet of net usable building floor area, whichever requires less parking spaces shall be provided onsite more than fifty (50) percent of the off-street parking spaces required for a use or structure may be located on another site~~ if a Cooperative Parking Plan has been approved in accordance with this section. Two (2) or more uses may share the same off-street parking spaces and each of such uses may be considered as having provided such shared spaces individually. Such shared parking spaces, however, shall not be considered as having been provided individually unless the schedules of operation of all such uses are such that they are not normally open, used, or operated during the principal operating hours of the other use or facility. The use of shared parking shall not be a matter of right, it being intended that the City shall have the discretion to give credits ~~for up to fifty (50) percent~~ of the required number of parking spaces for shared parking based upon review of plans and information submitted by the applicant in light of off-street parking needs. Uses sharing a parking facility do not need to be contained on the same lot, but each use shall be a maximum of 500 feet from a point of access to the structure measured from the closest parking space in the lot providing the shared spaces.
- B. **Mixed Uses or Joint Uses.** In the case of mixed uses or joint uses, the total number of off-street parking spaces required shall be the sum of the requirements of the various uses computed separately in accordance with the table in *Subsection 5-1502* and off-street parking spaces for one (1) use shall not be considered as providing required parking facilities for any other use except as herein specified for joint use. Persons providing off-street parking for joint use or mixed uses shall have an approved Cooperative Parking Plan.
- C. **Cooperative Parking Plan.** The arrangement for sharing of off-street parking spaces as described in this section shall be known as a Cooperative Parking Plan.
- D. **Application for Approval of Cooperative Parking Plan.** An application for approval of a Cooperative Parking Plan shall be filed with the Director of Building Development Services by the owner or owners of the entire land area to be included in and served by the Cooperative Parking Plan, the owner or owners of all buildings and structures then existing on such land area, and all parties having a legal interest in such land area and structures. Evidence establishing the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the use, buildings, or structures for which shared off-street parking spaces are to be provided, or the location of the off-street parking spaces,

and a parking demand schedule. Where joint use is based on hours of operations, an affidavit shall be filed, signed by all ~~property owners~~ tenants, certify the hours of operation of each tenant and their understanding that the hours of operation for each tenant cannot change unless the Cooperative Parking Agreement is amended. ~~For building spaces with no tenants, the building owner may establish hours of operation and sign the affidavit.~~ (G.O. 5127, 10/29/01)

- E. **Parking Demand Schedule.** The parking demand schedule required by this section shall contain the following information:
 - 1. The hours of operation of each building, structure, or use which is to be a party to the Cooperative Parking Plan.
 - 2. The projected parking demand for each building, structure, or use during each hour of each day. Hourly parking demand may be averaged for week days, but shall be separately stated for Saturday and Sunday.
- F. **Review of Application.** The application shall be reviewed by, and approved or disapproved by the Director of Building Development Services ~~Administrative Review Committee.~~ ~~The decision of the Administrative Review Committee shall be final and not subject to the jurisdiction of the Board of Adjustment.~~
- G. **Registration of Cooperative Parking Plan.** Upon approval of a Cooperative Parking Plan, a copy of such Plan shall be registered on the permanent records of the Director of Building Development Services, recorded in the land records of Greene County, Missouri, and shall thereafter be binding upon the applicants, their heirs, successors and assigns. Such registration shall limit and control the issuance and validity of permits and certificates and shall restrict, limit and control the use and operation of all land and structures included within such Cooperative Parking Plan. Applicant shall pay the cost of the recording fee charged by the Greene County Recorder.
- H. **Amendment or Withdrawal of Cooperative Parking Plan.** Pursuant to the same procedure and subject to the same limitations and requirements by which the Cooperative Parking Plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all parties to the Cooperative Parking Plan consent, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this section.

EXHIBIT A-2
COOPERATIVE PARKING AMENDMENTS
FINAL LANGUAGE AFTER PROPOSED CHANGES

Section 5-1500. Off-Street Parking Requirements.

5-1504. **Cooperative Parking Facilities.**

- A. **Shared Parking.** Not less than one (1) for each two hundred fifty (250) square feet of total building floor area or one (1) for each two hundred (200) square feet of net usable building floor area, whichever requires less parking spaces shall be provided onsite if a Cooperative Parking Plan has been approved in accordance with this section. Two (2) or more uses may share the same off-street parking spaces and each of such uses may be considered as having provided such shared spaces individually. Such shared parking spaces, however, shall not be considered as having been provided individually unless the schedules of operation of all such uses are such that they are not normally open, used, or operated during the principal operating hours of the other use or facility. The use of shared parking shall not be a matter of right, it being intended that the City shall have the discretion to give credits of the required number of parking spaces for shared parking based upon review of plans and information submitted by the applicant in light of off-street parking needs. Uses sharing a parking facility do not need to be contained on the same lot, but each use shall be a maximum of 500 feet from a point of access to the structure measured from the closest parking space in the lot providing the shared spaces.
- B. **Mixed Uses or Joint Uses.** In the case of mixed uses or joint uses, the total number of off-street parking spaces required shall be the sum of the requirements of the various uses computed separately in accordance with the table in *Subsection 5-1502* and off-street parking spaces for one (1) use shall not be considered as providing required parking facilities for any other use except as herein specified for joint use. Persons providing off-street parking for joint use or mixed uses shall have an approved Cooperative Parking Plan.
- C. **Cooperative Parking Plan.** The arrangement for sharing of off-street parking spaces as described in this section shall be known as a Cooperative Parking Plan.
- D. **Application for Approval of Cooperative Parking Plan.** An application for approval of a Cooperative Parking Plan shall be filed with the Director of Building Development Services by the owner or owners of the entire land area to be included in and served by the Cooperative Parking Plan, the owner or owners of all buildings and structures then existing on such land area, and all parties having a legal interest in such land area and structures. Evidence establishing the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the use, buildings, or structures for which shared off-street parking spaces are to be provided, or the location of the off-street parking spaces, and a parking demand schedule. Where joint use is based on hours of operations, an affidavit shall be filed, signed by all property owners, certify the hours of operation of each tenant and their understanding that the hours of operation for each

tenant cannot change unless the Cooperative Parking Agreement is amended.
(G.O. 5127, 10/29/01)

- E. **Parking Demand Schedule.** The parking demand schedule required by this section shall contain the following information:
 - 1. The hours of operation of each building, structure, or use which is to be a party to the Cooperative Parking Plan.
 - 2. The projected parking demand for each building, structure, or use during each hour of each day. Hourly parking demand may be averaged for week days, but shall be separately stated for Saturday and Sunday.
- F. **Review of Application.** The application shall be reviewed by, and approved or disapproved by the Director of Building Development Services.
- G. **Registration of Cooperative Parking Plan.** Upon approval of a Cooperative Parking Plan, a copy of such Plan shall be registered on the permanent records of the Director of Building Development Services, recorded in the land records of Greene County, Missouri, and shall thereafter be binding upon the applicants, their heirs, successors and assigns. Such registration shall limit and control the issuance and validity of permits and certificates and shall restrict, limit and control the use and operation of all land and structures included within such Cooperative Parking Plan. Applicant shall pay the cost of the recording fee charged by the Greene County Recorder.
- H. **Amendment or Withdrawal of Cooperative Parking Plan.** Pursuant to the same procedure and subject to the same limitations and requirements by which the Cooperative Parking Plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all parties to the Cooperative Parking Plan consent, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this section.

EXHIBIT A-3
COOPERATIVE PARKING AMENDMENTS
EXISTING LANGUAGE IN ZONING ORDINANCE

Section 5-1500. Off-Street Parking Requirements.

5-1504. **Cooperative Parking Facilities.**

- A. **Shared Parking.** Not more than fifty (50) percent of the off-street parking spaces required for a use or structure may be located on another site if a Cooperative Parking Plan has been approved in accordance with this section. Two (2) or more uses may share the same off-street parking spaces and each of such uses may be considered as having provided such shared spaces individually. Such shared parking spaces, however, shall not be considered as having been provided individually unless the schedules of operation of all such uses are such that they are not normally open, used, or operated during the principal operating hours of the other use or facility. The use of shared parking shall not be a matter of right, it being intended that the City shall have the discretion to give credits for up to fifty (50) percent of the required number of parking spaces for shared parking based upon review of plans and information submitted by the applicant in light of off-street parking needs.
- B. **Mixed Uses or Joint Uses.** In the case of mixed uses or joint uses, the total number of off-street parking spaces required shall be the sum of the requirements of the various uses computed separately in accordance with the table in *Subsection 5-1502* and off-street parking spaces for one (1) use shall not be considered as providing required parking facilities for any other use except as herein specified for joint use. Persons providing off-street parking for joint use or mixed uses shall have an approved Cooperative Parking Plan.
- C. **Cooperative Parking Plan.** The arrangement for sharing of off-street parking spaces as described in this section shall be known as a Cooperative Parking Plan.
- D. **Application for Approval of Cooperative Parking Plan.** An application for approval of a Cooperative Parking Plan shall be filed with the Director of Building Development Services by the owner or owners of the entire land area to be included in and served by the Cooperative Parking Plan, the owner or owners of all buildings and structures then existing on such land area, and all parties having a legal interest in such land area and structures. Evidence establishing the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the use, buildings, or structures for which shared off-street parking spaces are to be provided, or the location of the off-street parking spaces, and a parking demand schedule. Where joint use is based on hours of operations, an affidavit shall be filed, signed by all tenants, certify the hours of operation of each tenant and their understanding that the hours of operation for each tenant cannot change unless the Cooperative Parking Agreement is amended. For building spaces with no tenants, the building owner may establish hours of operation and sign the affidavit. (G.O. 5127, 10/29/01)

- E. **Parking Demand Schedule.** The parking demand schedule required by this section shall contain the following information:
1. The hours of operation of each building, structure, or use which is to be a party to the Cooperative Parking Plan.
 2. The projected parking demand for each building, structure, or use during each hour of each day. Hourly parking demand may be averaged for week days, but shall be separately stated for Saturday and Sunday.
- F. **Review of Application.** The application shall be reviewed by, and approved or disapproved by the Administrative Review Committee. The decision of the Administrative Review Committee shall be final and not subject to the jurisdiction of the Board of Adjustment.
- G. **Registration of Cooperative Parking Plan.** Upon approval of a Cooperative Parking Plan, a copy of such Plan shall be registered on the permanent records of the Director of Building Development Services, recorded in the land records of Greene County, Missouri, and shall thereafter be binding upon the applicants, their heirs, successors and assigns. Such registration shall limit and control the issuance and validity of permits and certificates and shall restrict, limit and control the use and operation of all land and structures included within such Cooperative Parking Plan. Applicant shall pay the cost of the recording fee charged by the Greene County Recorder.
- H. **Amendment or Withdrawal of Cooperative Parking Plan.** Pursuant to the same procedure and subject to the same limitations and requirements by which the Cooperative Parking Plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all parties to the Cooperative Parking Plan consent, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this section.

DEVELOPMENT REVIEW STAFF REPORT
Redevelopment Plan for the Madison and Holland Redevelopment Area

DATE: September 1, 2015

PURPOSE: To approve the Redevelopment Plan for the Madison and Holland Redevelopment Area.

LOCATION: Generally located along the north and south sides of the 600 block of East Madison Street and along the west side of the 800 block of South Holland Avenue.

APPLICANT: Magers Properties III, LLC

STAFF RECOMMENDATION:

Staff recommends the Redevelopment Plan for the Madison and Holland Redevelopment Area be approved.

FINDINGS:

The Redevelopment Plan for the Madison and Holland Redevelopment Area is in conformance with the *Springfield-Greene County Comprehensive Plan*, which identifies this area as an appropriate location for medium- or high-density housing.

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: Blighted Area Map
Exhibit IV: Redevelopment Plan

ATTACHMENT A
Background Report
Redevelopment Plan for the Madison and Holland Redevelopment Area

Applicant's Proposal:

Magers Properties III, 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 generally located along the north and south sides of the 600 block of East Madison Street and along the west side of the 800 block of South Holland 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 Madison and Holland Redevelopment Area is to remove blight and redevelop the area into a phased, multi-family residential development that will be marketed primarily to Missouri State University students. The Redevelopment Area consists of four parcels of land (2.10 acres) that are currently occupied by four multi-family residential structures, one single-family residential structure, and a leasing office. The Plan proposes to demolish the structures and construct three multi-family residential buildings that will accommodate approximately 174 residents upon completion. The proposed redevelopment will occur in three phases. Phase I, located along the north side of East Madison Street will consist of a 12-unit, three-story building that will accommodate approximately 24 residents. Phases II and III are located along the south side of East Madison Street and the west side of South Holland Avenue, respectively. They will consist of two, four-story buildings that will accommodate approximately 150 residents. All three phases will include off-street parking as required in the R-HD, High-Density Multi-Family Residential District. The Developer anticipates Phase I will be completed by spring 2016, and Phases II and III will be completed by winter 2018.

Comprehensive Plan:

1. The *Growth Management and Land Use Element* of the *Springfield-Greene County Comprehensive Plan* designates the land located in and around the Redevelopment Area for Medium- or High-Density Residential Housing. The *Growth Management and Land Use Element* also mentions urban growth inside Springfield should be compact and contiguous. This serves to promote efficient land use, continued investment in older areas, pedestrian activity and increased use of transit and bicycling, and stronger neighborhood cohesiveness.
2. The *Growth Management and Land Use Element* of the *Springfield-Greene County Comprehensive Plan* also targets the Missouri State University Campus 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. The Redevelopment Plan supports this objective by providing new multi-family residential housing adjacent to the Missouri State University campus

3. 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 redevelop the area into a new multi-family residential development that will be marketed to students.

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 is located in both the South Central "A" Urban Renewal Area and the former Southwest Missouri State College Urban Renewal Area (Exhibit III). City Council declared the South Central "A" Urban Renewal Area a blighted Area in 1964 (Resolution No.4282). This designation remains in effect. The former Southwest Missouri State College Urban Renewal Area was subsequently declared a blighted area in 1965 (Resolution No 4513). In 2015, City Council, declared a portion of the former Urban Renewal Area located east of South Holland Avenue to be free of blight. However, the portion located west of South Holland Avenue, which includes the Madison and Holland Redevelopment Area, remains blighted.

3. The Redevelopment Plan is consistent with City policy, which encourages off-campus student housing be constructed near college and university campuses. This may help reduce vehicular traffic by allowing more students to walk and bike to class, as opposed to driving.
4. The City of Springfield and Missouri State University have worked collaboratively on plans to direct university and university-related growth to the northwest towards downtown. The Redevelopment Plan is consistent with those efforts.
5. The location of the proposed multi-family residential development will offer its tenants convenient access to transit and designated pedestrian and bicycle routes. The Area is served by sidewalks and is located adjacent to a designated bicycle route and two Missouri State University Bear Shuttle stops located along East Madison Street.

EXHIBIT I
Legal Description
Redevelopment Plan for the Madison and Holland Redevelopment Area

PHASE I

ALL OF THE EAST 50 FEET OF LOT 42 AND ALL OF THE WEST HALF OF LOT 43 IN SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

PHASE II

BEGINNING AT THE SOUTHWEST CORNER OF LOT 40 IN SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, MISSOURI, THENCE EAST 200 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF (W ½) OF LOT 38, IN SOUTHERN ADDITION, THENCE NORTH 200 FEET TO THE NORTHEAST CORNER OF THE WEST HALF (W ½) OF SAID LOT 38, THENCE WEST 100 FEET TO A POINT 20 FEET EAST OF THE NORTHWEST CORNER OF LOT 39 IN SAID SOUTHERN ADDITION, THENCE SOUTH 150 FEET, MORE OR LESS, TO A POINT 50 FEET NORTH AND 20 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 39, THENCE WEST 100 FEET TO THE WEST LINE OF LOT 40 IN SAID SOUTHERN ADDITION, THENCE SOUTH 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL BEING A PART OF LOTS 38, 39 AND 40 IN SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

PHASE III

ALL OF LOTS 9, 10, 11, 12 AND THE NORTH 20 FEET OF LOT 13, WHITLOCK'S HOME ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, NOW KNOWN AS HOLLAND STREET, A CONDOMINIUM IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IN ACCORDANCE WITH THE CONDOMINIUM PLAT.

EXHIBIT II
Location Map
Redevelopment Plan for the Madison and Holland Redevelopment Area

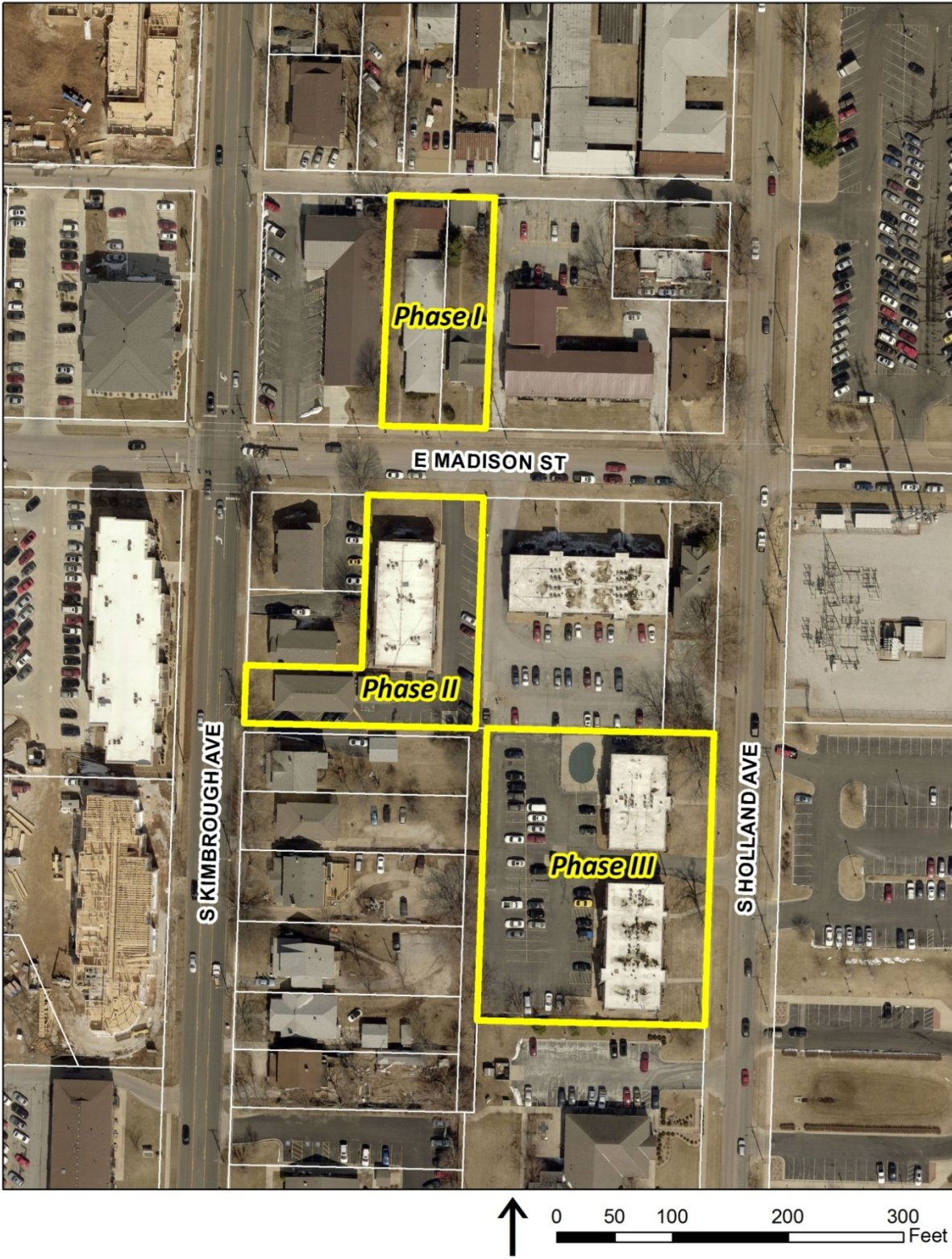


EXHIBIT III
Blighted Area Map
Redevelopment Plan for the Madison and Holland Redevelopment Area

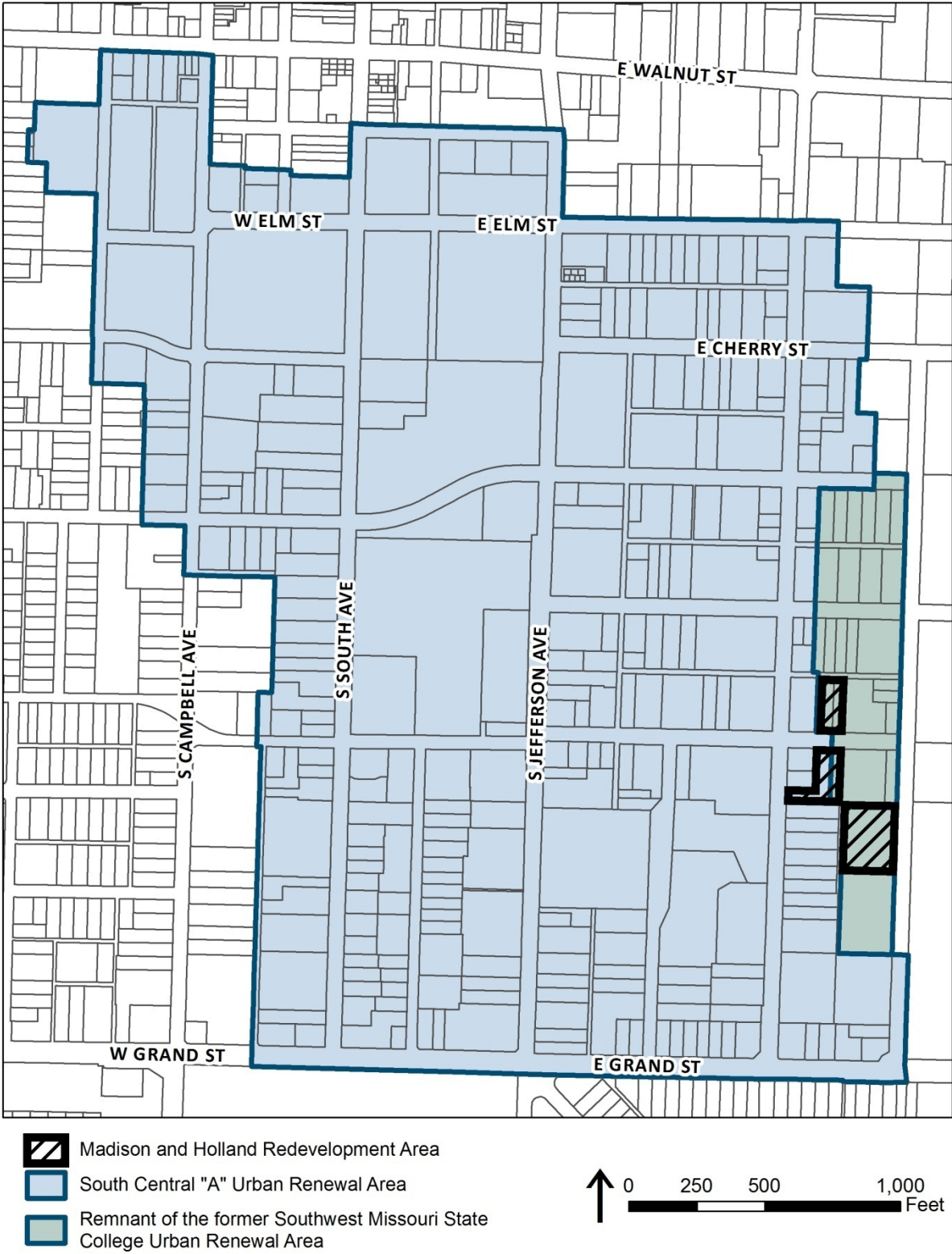


EXHIBIT IV

REDEVELOPMENT PLAN
FOR
THE MADISON AND HOLLAND
REDEVELOPMENT AREA

SPRINGFIELD, MISSOURI

August 11, 2015

TABLE OF CONTENTS

I.	Introduction.....	3
II.	Description of the Project	3
	A. Boundaries of the Redevelopment Area	3
	B. Need for Redevelopment	4
	C. Redevelopment Plan Objectives and Strategies.....	4
III.	Land Use Plan.....	6
	A. Former and Existing Land Use	5
	B. Proposed Land Use	6
	C. Existing and Proposed Zoning.....	6
	D. Regulations and Controls.....	6
IV.	Execution of the Project.....	6
	A. Execution	6
	B. Land Acquisition	6
	C. Financing	6
	D. Disposition of Property.....	6
	E. Plan for Relocation Assistance	7
	F. Redevelopment Schedule and Estimate Dates of Completion	7
	G. Taxation	7
	H. Covenants	7
V.	Other Provisions	7
	A. Compliance with State and Local Law	7
	B. Population Density.....	7
	C. Public Facilities	7
VI.	Procedure for Changes or Modification of Plan	8

Addenda

Map of Blighted Areas.....	Exhibit A
Map of Redevelopment Area.....	Exhibit B
Legal Description of Redevelopment Area	Exhibit C

Redevelopment Plan

I. Introduction

Magers Properties III, L.L.C., a Missouri limited liability company (the “Developer”), has prepared the following plan (the “Redevelopment Plan”) for the planned development of multi-family residential housing which will be in the vicinity of Missouri State University’s (“MSU”) campus and marketed primarily to students. The Redevelopment Plan proposes to completely redevelop the Redevelopment Area (as defined below) by constructing approximately three (3) buildings, each with a maximum of four (4) stories in height, and on-site parking lots (the “Project”). The Project is anticipated to be completed in several phases and upon completion of each phase of the Project, the Developer will lease the units in each building for residential use.

As depicted on Exhibit A attached hereto, the Redevelopment Area is located in both the South Central “A” Urban Renewal Area (“South Central A”) and the Southwest Missouri State College Urban Renewal Area (“SMS Renewal Area”). South Central A was initially blighted in 1964 by the Springfield City Council (the “City Council”), pursuant to Resolution No. 4282. The City Council reaffirmed the blight designation for South Central A in 1967, pursuant to Resolution No. 4794. South Central A is generally bounded on the south by E. Grand St., on the east generally by the back lot lines of properties that face S. Kimbrough Ave, on the north by the Downtown Redevelopment Plan Area (with some portions that overlap), and on the west by S. Market Ave. and then S. Campbell Avenue.

In 1965, City Council initially blighted an area of approximately 181.52 acres generally bounded by E. Cherry St. to the north, E. Grant St. to the south, S. National Ave. to the west generally by S. Kimbrough Ave. as the former SMS Renewal Area, pursuant to Resolution No. 4513. In 1972, City Council adopted an Urban Renewal Plan (the “Renewal Plan”) for the western portion of the SMS Renewal Area—including portions of the Redevelopment Area—pursuant to Special Ordinance Resolution No. 5495. In 2013, pursuant to Special Ordinance No. 26279 City Council repealed the Renewal Plan, but kept the blight designation. Recently, in 2015 pursuant to Special Ordinance No. 26547, City Council declared a portion of the SMS Renewal Area generally bounded by E. Cherry St. to the north, E. Grand St. to the south, S. National Ave. to the east, and S. Holland Ave. to the west, to be free of blight. However, the portions of the Redevelopment Area (as defined herein) that are within the SMS Renewal Area remain blighted.

II. Description of the Project

A. *Boundaries of the Redevelopment Area*

The area to be redeveloped includes five (5) parcels, which consist of approximately 2.1 acres, addressed at 613/617 E. Madison St. (“Phase I”); 614 and 616 E. Madison (“Phase II”); and, 829 and 843 S. Holland Ave. (“Phase III” and, collectively with Phase I and Phase II, the “Redevelopment Area”). A map identifying the Redevelopment Area is attached hereto as Exhibit B and the Redevelopment Area is legally described on Exhibit C attached hereto.

B. *Need for Redevelopment*

The portions of the Redevelopment Area and other surrounding property were initially blighted in 1964 (for those parcels located in South Central A) or 1965 (for those parcels located in the SMS Renewal Area) by City Council due to a predominance of deteriorating conditions. The prosecution of this Redevelopment Plan will eliminate such conditions and create a desirable living environment for residents while increasing the taxable revenues to the City of Springfield.

C. *Redevelopment Plan Objectives and Strategies*

1. Goals of the Springfield – Greene County Comprehensive Plan

The Redevelopment Area is located within Center City Study Area (as defined by the City of Springfield's Center City Plan Element (the "CCPE"), which is a component of the Vision 20/20 Springfield – Greene County Comprehensive Plan). The CCPE is a long-term guide for private investments and public improvements for a major part of central Springfield ("Center City").¹ One of the goals of the CCPE is that Center City will continue to be the focal point for higher education and technology development and that Springfield and Center City will be known as "an education and communications city" fulfilling the needs of businesses and students of tomorrow.²

Additionally, the City of Springfield and MSU executed an agreement establishing direction for future physical growth of MSU.³ This agreement evolved from the desire to redirect the physical expansion of MSU's campus away from the neighborhoods located to the south and east of MSU and to direct it instead toward Greater Downtown's core area around Park Central Square.⁴

The Redevelopment Area is located within the vicinity of MSU. The Growth Management and Land Use Plan ("Land Use Plan"), which is another component of the Vision 20/20 Springfield – Greene County Comprehensive Plan, indicates that the Redevelopment Area and surrounding property is an appropriate area for medium and high density housing. The Land Use Plan also identifies MSU and surrounding areas, including the Redevelopment Area, as an Activity Center.⁵ The Land Use Plan states that one of its objectives for areas identified as Activity Centers is that plans should promote additional or new employment, intensified retail business, higher density housing, and convenient transit service.⁶ In addition, the Redevelopment Area conforms to the guidelines for higher-density residential uses, as described in the Land Use Plan.

¹ See p. 1-1 of the CCPE.

² See p. 1-2 of the CCPE.

³ See p. 3-38 of the CCPE.

⁴ See *id.*

⁵ See p. 18-34 of the Land Use Plan.

⁶ See p. 18-28 of the Land Use Plan.

The Redevelopment Area meets both the accessibility and connectivity criteria described in the Land Use Plan. Specifically, Redevelopment Area is accessible due to the close proximity of collector and arterial streets. For instance, S. Kimbrough Ave., a secondary arterial, is located directly to the west of the Redevelopment Area and E. Grand St., a primary arterial, is located to the south of the Redevelopment Area. In addition, the Redevelopment Area is served by good sidewalks for pedestrian access and is located near several parks and the Center City. Regarding bus transit routes, MSU's Bear Line shuttle service ("Bear Line") has several routes in the vicinity of the Redevelopment Area. Specifically, Bear Line's Orange Route runs east along E. Madison St. and then south on S. Holland Ave. The Red Route also runs south along S. Holland Avenue.

2. Redevelopment Plan Objectives and Conformance with the Goals of the Springfield – Greene County Comprehensive Plan

The primary objective of the Redevelopment Plan is to remove blight and to redevelop the Redevelopment Area for multi-family housing uses. The Project, which will be broken up into three phases, is anticipated to include the construction of approximately three (3) buildings, each with a maximum of four (4) stories in height, and on-site parking lots.

Phase I is anticipated to consist of a three (3) story building containing approximately twelve (12) units which will serve as a residence for approximately twenty-four (24) people. Phase I will contain approximately twenty (20) on-site parking spaces and additional bike racks. The Developer estimates that Phase I will be completed in accordance with the following schedule:

- Pre-Construction (Inspection/Permits): Completed by September 10, 2015
- Site Work (Demolition): Completed by October 15, 2015
- Construction of Building: Completed by May 1, 2016

Phases II and III are anticipated to collectively consist of approximately two (2) buildings each a maximum of four (4) stories, which will serve as a residence for up to one hundred fifty (150) people. In addition, it is anticipated that Phase II will contain a small leasing office for use by the Developer. The Developer anticipates that Phases II and III will both be completed by December 31, 2018.

The Project is anticipated to be built using certain "green" building standards to maximize energy savings and water efficiency.

The Project will further the objectives of the Springfield - Greene County Comprehensive Plan in several different ways. It will provide for additional student housing in Center City which will help to further the CCPE's goal that Center City be a focal point for higher education and fulfill the needs of students. It also complies with the City's goals for MSU's growth since the Redevelopment Area is located to the west of MSU's main campus. In addition, the Project will provide for higher density housing within MSU's Activity Center and will have convenient access to transit services, which advances the Land Use Plan's goals for Activity Centers.

III. Land Use Plan

A. Former and Existing Land Use

Currently, Phase I consists of a vacant multi-family building (613 E. Madison) and a single family home (617 E. Madison), which is occupied by four (4) residents. Phase II contains a multi-family building which serves as a residence for approximately thirty-three (33) people and Phase III consists of a multi-family building that serves as a residence for approximately forty-seven (47) people.

B. Proposed Land Use

The proposed land use for the Redevelopment Area is approximately three (3) multi-family residential buildings, each a maximum of four (4) stories in height and with on-site parking.

C. Existing and Proposed Zoning

The existing zoning for the Redevelopment Area is High-Density Multi-Family Residential (R-HD). There is no new zoning proposed for the Redevelopment Area. Any new zoning sought for the Redevelopment Area will be consistent with uses contemplated in this Redevelopment Plan.

D. Regulations and Controls

Redevelopment of the Redevelopment Area shall be subject to all applicable Springfield, Missouri Codes and Ordinances.

IV. Execution of the Project

A. Execution

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

B. Land Acquisition

The Developer owns all of the land within the Redevelopment Area.

C. Financing

The Developer is utilizing conventional financing to finance the Project.

D. Disposition of Property

No property is proposed to be disposed of within the Redevelopment Area.

E. *Plan for Relocation Assistance*

The Developer intends to offer relocation assistance to its tenants that would be affected by this Redevelopment Plan. For instance, the Developer plans to offer the current residents of 617 E. Madison the opportunity to live at other properties owned by the Developer.

F. *Redevelopment Schedule and Estimate Dates of Completion*

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

i. Phase I:

- Pre-Construction (Inspection/Permits): Completed by September 10, 2015
- Site Work (Demolition): Completed by October 15, 2015
- Construction of Building: Completed by May 1, 2016

ii. Phase II and Phase III:

- Completed by December 31, 2018.

G. *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.

H. *Covenants*

The Redevelopment Plan shall run with the land for a period of twenty (20) years from the date of final approval (at which point it shall expire and shall be of no further force or effect) and shall, during such time, 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.

V. Other Provisions

A. *Compliance with State and Local Law*

The Redevelopment Plan shall be implemented in conformance with the requirements of state and local law.

B. *Population Density*

The Project will provide housing for up to two hundred (200) residents on a 2.1 acre site.

C. *Public Facilities*

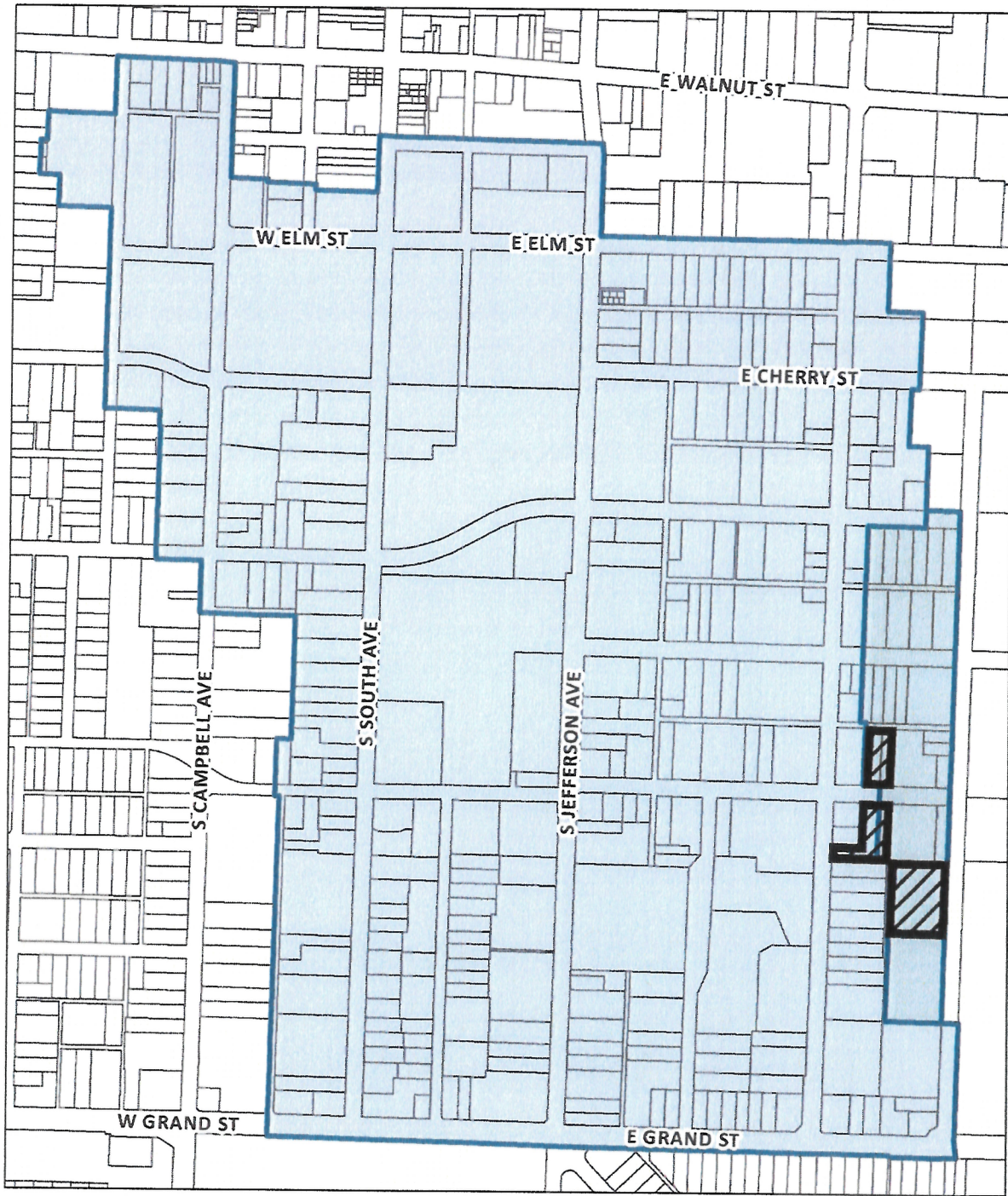
The Project will not require any additional public facilities or utilities.

VI. 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.

EXHIBIT A

Map of Blighted Areas



-  Madison and Holland Redevelopment Area
-  South Central "A" Urban Renewal Area
-  Remnant of the former Southwest Missouri State College Urban Renewal Area



EXHIBIT B

Map of Redevelopment Area

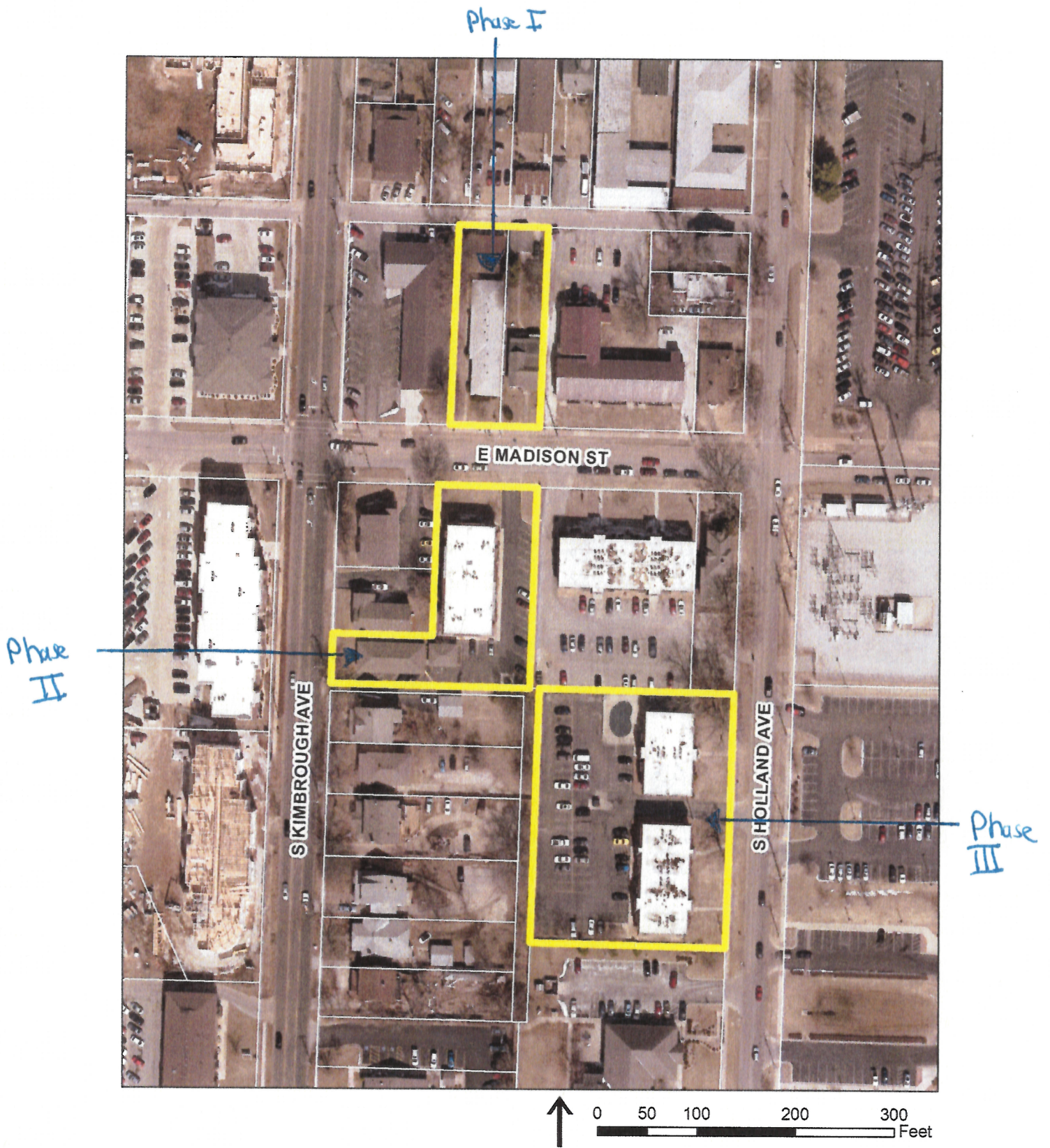


EXHIBIT C

Legal Description of Redevelopment Area

PHASE I

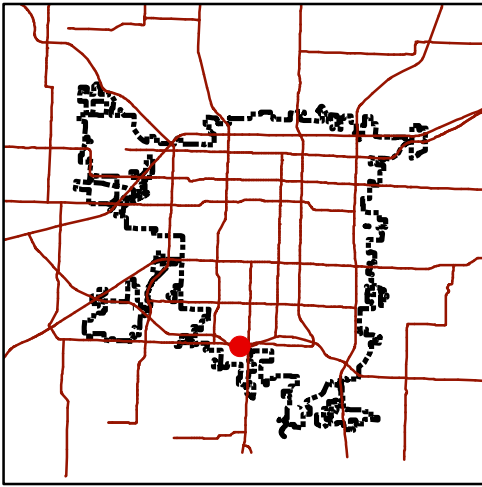
ALL OF THE EAST 50 FEET OF LOT 42 AND ALL OF THE WEST HALF OF LOT 43 IN SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

PHASE II

BEGINNING AT THE SOUTHWEST CORNER OF LOT 40 IN SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, MISSOURI, THENCE EAST 200 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF (W ½) OF LOT 38, IN SOUTHERN ADDITION, THENCE NORTH 200 FEET TO THE NORTHEAST CORNER OF THE WEST HALF (W ½) OF SAID LOT 38, THENCE WEST 100 FEET TO A POINT 20 FEET EAST OF THE NORTHWEST CORNER OF LOT 39 IN SAID SOUTHERN ADDITION, THENCE SOUTH 150 FEET, MORE OR LESS, TO A POINT 50 FEET NORTH AND 20 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 39, THENCE WEST 100 FEET TO THE WEST LINE OF LOT 40 IN SAID SOUTHERN ADDITION, THENCE SOUTH 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL BEING A PART OF LOTS 38, 39 AND 40 IN SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

PHASE III

ALL OF LOTS 9, 10, 11, 12 AND THE NORTH 20 FEET OF LOT 13, WHITLOCK'S HOME ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, NOW KNOWN AS HOLLAND STREET, A CONDOMINIUM IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IN ACCORDANCE WITH THE CONDOMINIUM PLAT.



Development Review Staff Report

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

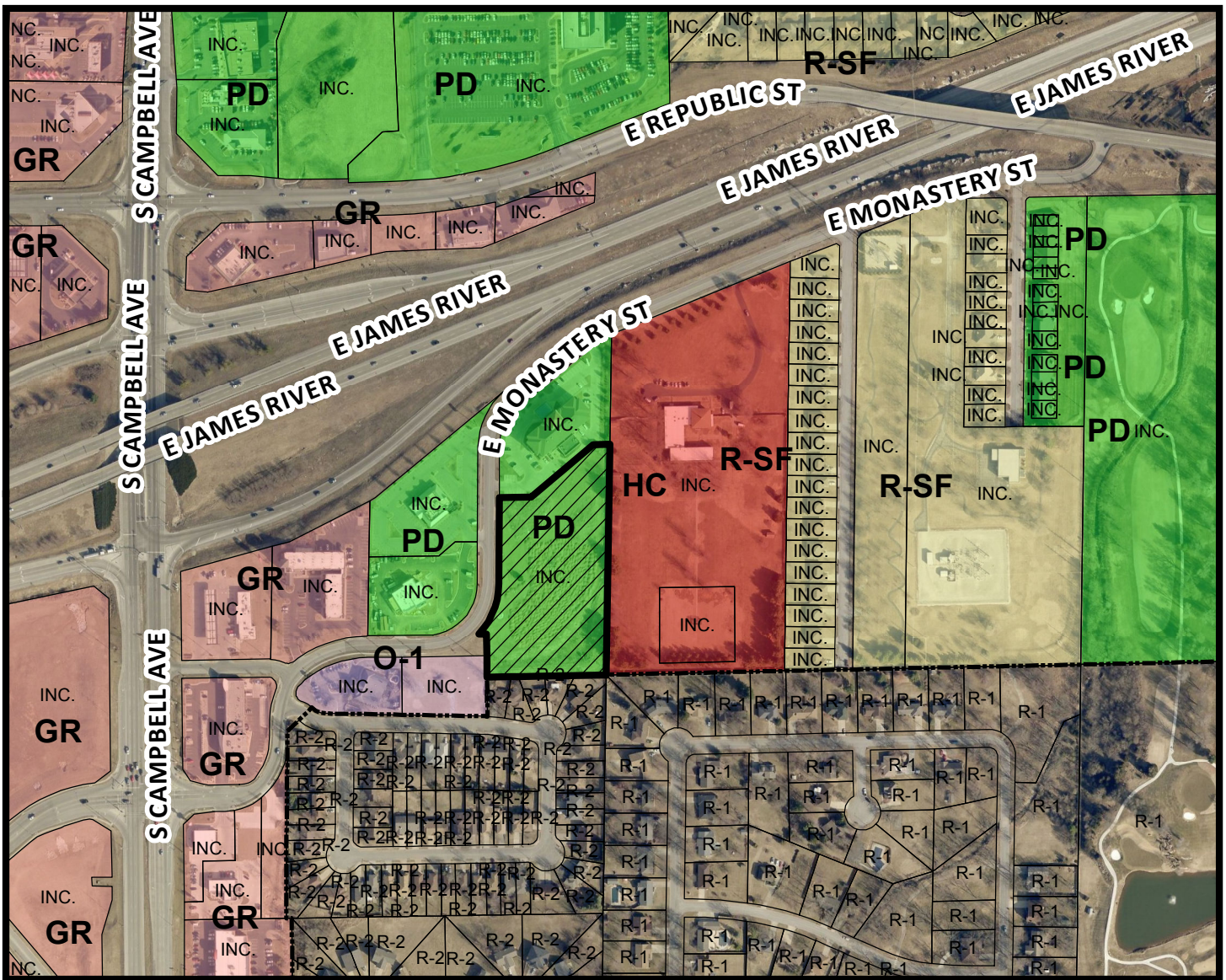
Request to Extend Security Agreement NO. 32

LOCATION: 248 East Monastery Street

CURRENT ZONING: PD

PROPOSED ZONING: N/A

LOCATION SKETCH



- Area of Proposal

0 100 200 400

Feet

1 inch = 450 feet

DEVELOPMENT REVIEW STAFF REPORT
REQUEST TO EXTEND SECURITY AGREEMENT NO. 32

PURPOSE: Request to extend the security agreement for C&R Phase II
Subdivision recorded February 7, 2005 for an additional year

REPORT DATE: August 28, 2015

BACKGROUND:

LOCATION: 248 East Monastery Street

APPLICANT: Sam Coryell, Coryell Commons Apartments

Before the final plat of any subdivided area shall be recorded, the subdivider shall provide for the improvements to be extended to all lots in the area to be included in the final plat at no cost to the City.

In lieu of the final completion of said improvements before the plat is recorded, the subdivider may post a surety bond, an escrow agreement, letter of credit or other appropriate security agreement, approved by the City of Springfield, which surety, escrow agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the subdivider.

The Commission may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Department of Public Works.

RECOMMENDATION:

The extension be approved for another year (to October 3, 2016), in the same amount as the original letter of credit.

FINDINGS FOR STAFF RECOMMENDATION:

1. The request complies with criteria #5 of Attachment B.

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner

DATE: 8/6/2015

TO: Bob Hosmer, Principal City Planner
FROM: Brett Foster, P.E.

SUBJECT: Extension of City Contract # 2014-1356
NAME: Coryell Commons
AMOUNT: \$552,725.50

This serves as notice that Public Works Construction Department is in agreement with the request for extension of the Letter of Credit (LOC) 2014-1356 for Coryell Commons for a period of one (1) year. A copy of the developer's request for extension is attached.

As of today, approximately 85% of this development has been completed with only final stormwater tie-ins and sidewalks remaining. The requested extension of the LOC does not adversely affect the City's interest and will allow for the developer to complete the work as intended.

The original LOC for Stormwater, Detention, and Sidewalks in the amount of \$552,725.50 is attached for reference.

Brett Foster, P.E.
Principal Engineer
Public Works-Construction Inspection
(417) 864-1937

cc: Dan Smith

attachments: Developer's Request for Extension, Contract 2014-1356

We Are Apartments



TLC Property Management LLC
1531 E. Bradford Pkwy
Suite 305
Springfield, MO 65804
417-869-1118

Sherwood Village Apartments
1634 S Marion Avenue
Springfield MO 65807

Coryell Crossing Apartments
2015 W University
Springfield MO 65807

Cambridge Park Apartments
2828 S Nettleton Avenue
Springfield MO 65807

Coryell Courts Apartments
2020 E Kerr Street
Springfield MO 65803

Marion Park Apartments
1725 S Marion Avenue
Springfield MO 65807

Palm Village Apartments
2861 S Nettleton
Springfield MO 65807

Hawthorn Suites Apartments
1825 E Republic Road
Springfield MO 65804

Battlefield Park Apartments
3020 S Sagamont Avenue
Springfield MO 65807

Orchard Park Apartments
2601 N Cresthaven Ave
Springfield MO 65803

The Abbey Apartments
1530 East Erie
Springfield MO 65804

Watermill Park Apartments
1730 E Valley Watermill Road
Springfield MO 65803

Highland Park Apartments
1625 S Marion Avenue
Springfield MO 65807

August 12, 2015

I am writing to request an extension on the "Full Standard Subdivision Letter of Credit" for the construction of Coryell Commons Apartment Community, located at 248 Monastery Street, Springfield.

Due to the large number of rainy days Springfield experienced this summer, the construction of Coryell Commons was put behind schedule.

I am requesting a one year extension on the Letter of Credit.

Please let me know the outcome of this request, and please feel free to contact me with any further information you may need.

Thank You,

A handwritten signature in black ink that reads "Samuel E. Coryell". The signature is fluid and cursive, with the first name "Samuel" and last name "Coryell" clearly distinguishable.

Samuel E Coryell
Chief Executive Officer, TLC Property
Management LLC
Partner, Coryell Commons Apartments
417-869-1118
417-888-5159 (fax)
samcoryell@tlcproperties.com

1531 E Bradford Parkway, Springfield MO 65804

ATTACHMENT A
REQUEST TO EXTEND SECURITY AGREEMENT NO. 32

APPLICANTS PROPOSAL:

The applicant is requesting that the security agreement for construction of sidewalks, stormwater and a drainage facility within the C&R Subdivision Phase 2 Lot 2 of the Coryell Commons Apartments be extended for one additional year.

HISTORY:

1. The applicant first obtained approval to subdivide and record the subject property on February 7, 2005.
2. The security agreement for the required public improvements (except sidewalks, which may be secured for three years) will expire on October 3, 2015.

STAFF COMMENTS:

1. The criteria for extending security agreements, as approved by the Planning and Zoning Commission, are listed in Attachment B.
2. The Commission may decide that the applicants proposal falls under criteria # 5 which refers to other factors the developer believes should be considered in the granting of an extension of time.
3. The applicant wants the agreement to be extended for one full year (see application attached). The Subdivision Regulations permit for an extension for a maximum period of one year.
4. The Public Works Department has reviewed this application request and agrees to the extension of the Letter of Credit (LOC) for Coryell Commons for one (1) additional year until October 3, 2016 (see letter attached dated September 8, 2015).

ATTACHMENT B
PLANNING AND ZONING COMMISSIONS AUTHORITY
REQUEST TO EXTEND SECURITY AGREEMENT NO. 32

SUBDIVISION REGULATIONS:

Section 303(2) of the Subdivision Regulations states that the Commission may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security agreement is revised pursuant to a revised estimate by the Department of Public Works.

CRITERIA FOR EXTENDING SECURITY AGREEMENTS:

The following list of criteria was adopted by the Planning and Zoning Commission in April 1998 and the staff of the Public Works and Planning and Development Departments use this criteria in their review of all requests to extend subdivision security agreements:

1. Project is too large for construction in one year. Facts should be presented as to when the project was started and the actual time spent on the construction.
2. Incomplete due to seeding time frames. Public Works only permits seeding to be done from March 15 to June 1 and from September 1 to November 1. Facts should be presented that project was completed during a time when seeding is not allowed and that only seeding work remains to be done. A time extension should be considered for only the period necessary to complete the seeding.
3. Shortage of key construction material. For instance, in 1987, aggregate backfill was difficult to obtain at times.
4. Labor strike.
5. Weather (as it relates to a large project that requires continuous effort to complete within one year).
6. Problems with the contractor such as leaving the area or going broke. The developer should give facts as to his efforts to replace the contractor.
7. Project is redesigned for one reason or another. The key to this should be if the developer has had to submit the project to the Planning and Zoning Commission for approval.
8. Conflicts with major unknowns, such as sinkholes, utilities or other underground hazards.
9. Other factors not listed above that the developer believes should be considered in the granting of the extension of time.

REQUEST TO EXTEND SECURITY AGREEMENT 32
EXHIBIT 1

Property Description:

Lot 2 of the C&R Subdivision Phase II a subdivision in the City of Springfield, Greene
County Missouri