



Springfield Planning and Zoning Commission

City Council Chambers (830 Boonville)

Date: November 5, 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. APPROVAL OF MINUTES

October 8, 2015

Documents: [PNZ MINUTES 10-08-2015.PDF](#)

3. COMMUNICATIONS

City Council Summary, October 12, 2015

Documents: [COMMUNICATIONS CITY COUNCIL 10-12-15.PDF](#)

4. CONSENT ITEMS

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

5. Request To Dispose 514

5400 East Farm Road 112, CITY UTILITIES

Documents: [DISPOSE514.PDF](#)

6. UNFINISHED BUSINESS

7. Z-33-2015 COD No. 99

1764 and 1770 South National Avenue and 1251, 1309, 1315, and 1319 East Sunshine Street, SUNSHINE & NATIONAL REAL ESTATE LLC

Documents: [Z-33-2015 COD99.PDF](#)

8. PUBLIC HEARINGS

8. Vacation 782

9. VACATION 782

1983 East Seminole Street, BLUCURRENT CREDIT UNION

Documents: [VAC782.PDF](#)

10. Z-29-2015

5904 South Southwood Avenue, CITY OF SPRINGFIELD

Documents: [Z-29-2015 SR.PDF](#)

11. Z-35-2015 COD No. 101

6000 Block of South Southwood Avenue, CITY OF SPRINGFIELD

Documents: [Z-35-2015 COD 101 SR.PDF](#)

12. Z-36-2015

2340 North Fort Avenue, BARRETT FISK INV. LLC

Documents: [Z-36-2015.PDF](#)

13. OTHER MATTERS

14. ADJOURN

For items for which the public may speak, the Commission Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. **Please fill out a Speaker Card. When you address Commission, please step to the microphone at the podium and state your name and address.** All meetings are televised live and tape recorded. Please limit your remarks to five (5) minutes unless Commission allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 417-864-1443 at least three (3) days prior to the scheduled meeting.

OCTOBER 8, 2015 MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session October 8, 2015, in the City Council Chambers. Chairman Tom Baird called the meeting to order.

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

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

Minutes: The minutes of September 10, 2015 were approved unanimously.

Communications:

Mr. Hosmer stated that the October 22, 2015 commission meeting has been canceled.

Mr. Hosmer stated that the City Council is amending the proposal regarding the term limits for the Planning and Zoning Commissioners and the appointments will be after the October 12, 2015 eligible for four (4) years.

Mr. Hosmer stated a protest petition on the Seminole case is reaching 70% of the people within 35'. An amending regarding the height of structure to 22' which is the maximum height for a structure on the property.

Mr. Ray asked for clarification on the City Council amendment to the Planning and Zoning Commission term limits.

Ms. Smith explained that a request from a member of Council asking for an amendment extension for the terms to four years be effective October 12 after this amendment would pass. When Council appointed Commission and Commission members accepted that appointment it was with the understanding that it was would be a three year term. Council voted unanimously to accept that amendment.

Public Hearings:

Vacation 781
(200 block East Swan Place)

Primrose Senior Living, LLC

Mr. Ray made a motion to **remove** Vacation 781 from the table. Mr. Rose **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Edwards, Doennig, White and Rose. Nays: None. Abstain: None. Absent: Cline and Shuler.

Mr. Hosmer noted this was presented to City Council for Z-3-2015 on February 9 to rezone the property to a Office (O2) with Conditional Overlay District #84. The

applicant, Primrose Senior Living, LLC, has acquired and combined all but one of the lots adjacent to the public street and cul-de-sac. They will vacate the right-of-way of Swan Place, east of South Avenue. The approval of this request will facilitate the development of the surrounding property into a senior living development. No comments have been received for the proposal. All necessary easements have been retained including access easement for the parking lot. This meets all criteria and City standards and Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Derek Lee, Lee Engineering representative the owner, the intent is to have a senior citizen center. This is an O2 instead of O1 so one large development instead on several small ones.

Mr. Baird asked Mr. Lee what is the proposed plan for the northwest lot.

Mr. Lee responded that it will not be combined that lot at this time. It will be a separate lot with a portion of the right-of-way added to it. There will be an access easement if needed in the future. The physical road will stay there but it will become an access easement instead of a public right-of-way.

Mr. Baird closed the public hearing.

Mr. Ray motioned to **approve** Vacation 781. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Edwards, Doennig, White and Rose. Nays: None. Abstain: None. Absent: Cline and Shuler.

Z-33-2015 w/Conditional Overlay District No. 97 9
Real Estate, LLC

Sunshine & National

(1251, 1309, 1315, and 1319 East Sunshine Street & 1764 and 1770 South National Avenue)

Mr. Hosmer stated the applicant is proposing to rezone the subject property from an R-SF, Single Family Residential District and a GR, General Retail District with Conditional Overlay District No. 6 to a GR District with Conditional Overlay District No. 99. The intent of this request is to add the property at 1764 and 1770 South National and to revise the existing Conditional Overlay District to facilitate development of the property. If approved, this request will modify the requirements of the existing Conditional Overlay District by allowing some uses that are normally permitted within the GR District but were prohibited with Conditional Overlay District No. 6 and change the hours of operation that were established in Conditional Overlay District No. 6. The applicant is request to allow drive-in, pick-up and drive-through restaurants, package liquor sales and taverns and cocktail lounges. In addition to the uses being requested, the applicant is requesting to modify the hours of operation that were established with Conditional Overlay District No. 6. currently, the hours of operation retail uses is limited to 6:00 a.m. to 10:00 p.m. As part of this application, the hours of operation for retail uses would be modified to the hours of 6:00 a.m. to 12:00 p.m. The uses requested are normally permitted in the GR district and are appropriate given the requirements established in

the Zoning Ordinance for GR zoning. The subject property is located at the corner of National Avenue and Sunshine Streets, both primary arterial roadways. This is an appropriate location for the types of uses permitted in GR and will provide goods and services to serve and complement the existing medical and office uses to the south as well as provide services for the residential development to the north and west. Traffic study will be required at the time of development based on the actual use of the property. A bufferyard is required along the north property line adjacent to the R-SF, Single Family Residential zoned property of a minimum fifteen (15) foot wide with plantings.

Mr. Ray inquired to the extending hours of operation to midnight, is it due to the property being adjacent to family residential that midnight closing is required or is that a request of the applicant.

Mr. Hosmer responded that the original proposal had the 10:00 p.m. closing and the applicant wanted to extend to midnight is a self imposed restriction on the property. There is no requirement from the City's standpoint.

Mr. Baird opened the public hearing.

Mr. Jared Rasmussen, Olsson & Associates, 550 St. Louis Street, explained that if you have over 50% of sales in food that it classifies the business as a tavern. Also, the bufferyards will be 15' but the plantings will be 6' high and a fence to reduce noise. Stormwater was discussed and the City requirements will be met and no stormwater will be allow to go north. Access has to align with the Mercy access across the street with no other access for the property.

Ms. White inquired about the lighting on the property.

Mr. Rasmussen responded that the lighting has to be cut off fixtures or foot candles which is basically holding a candle above the ground it can't be above a 1' candle at the property line. Light cannot shine across the property line.

Mr. Doennig inquired about the length of ownership on the property.

Mr. Rasmussen responded that it was 1 or 2 years, not sure.

Mr. Ray inquired about the utility building that exist on the property.

Mr. Rasmussen responded that it is used for storage, no utilities in the structure. Utilities are on the property between the pond and the structure that AT&T has.

Mr. Ray inquired if the detention basin would remain in the same location or move.

Mr. Rasmussen responded that it would likely remain in the same location but will increase in size.

Mr. Edwards inquired about the egress/ingress access, is it right in, right out only.

Mr. Rasmussen responded that full access point at the point where Mercy's driveway is and a second access point to the east but only two access points within 200'.

Mr. Ray inquired about the expansion of the right-of-way for the turn lane, turning on National Avenue. Are there any plans?

Mr. Rasmussen responded that they will provide what is required by the Thoroughfare Plan. They will be required to provide some right-of-way on both National Avenue and Sunshine Street.

Mr. Baird opened the public hearing.

Mr. Jim Doran stated he was speaking on behalf of Lois Doran, 1234 E. University, spoke in opposition of the proposed rezoning stating concern about the proposed uses of the property as they were turned down previously in 2007. Increase traffic, noise levels and the extended hours to midnight would be an issue and against the compromise previously agreed to.

Mr. Travis Marler, 1240 E. University, stated he supported Mr. Doran and was opposed to lifting the restriction. He also stated concern about property values in the area if they were lifted.

Ms. Linda Binder, 1205 E. University, stated agreement with the previous speakers with an additional concern of increase traffic and increase foot traffic that could come with the proposed uses. Also, litter could increase with restaurants.

Ms. Karen Burmood, 1224 E. Stanford St., stated opposition due to increase noise levels and the amount of litter in the area. Not opposed to development but opposed to this type of development.

Ms. Emily Bowen-Marler, 1240 E. University, stated that she purchased her property with the knowledge of the restriction in place from 2007 and dismayed upon learning that they could be lifted. Expressed support of keeping the restrictions as they are.

Mr. Kim Hancock, representing his son at 1200 E. University, stated receiving a nice letter from Mr. Rasmussen where it mentioned property values, and wanted a guarantee from the developer that the property values would not be effected. Also, he felt this could be an invasion of privacy due to height of the building. He stated that he had strong opposition to the proposed rezoning.

Mr. Baird asked Mr. Hosmer to clarify what the height of the building could be based on the bulk plain requirements on the property.

Mr. Hosmer responded the bufferyard adjacent to residential area would be 15' to 20'. There is 30 degree bulk plain and if a building were to be built at 15' that would have to be 87' back from the property line.

Mr. Baird asked for the depth of the property.

Mr. Hosmer responded that the property is 200'. An estimate is that the building would be built on the street with parking behind.

Ms. Karen Chandler, 1300 E. University, stated opposition based on the previous stated concerns. Also, expressed concern regarding stormwater.

Mr. Baird asked for comments from Stormwater and how it will impact that area.

Mr. Coulson explained that there are historical drainage problems in the area and the development to the east is the cause of the runoff. There is no drainage system on E. University and water pools in their backyards. The development being proposed will not be allowed to drain to the north and they have to have their runoff run into the detention on National Avenue.

Mr. Jason Elmore , 1256 E. University stated he was opposed to the rezoning due to the effects on property values.

Mr. Baird closed the public hearing.

Mr. Rose inquired about the use of the current detention basin on the property.

Mr. Coulson responded that it was to serve the development on the property.

Mr. Edwards noted that he grew up in the area and understands the concerns of the area. Also, stated that he was on the committee that rezoned it to office and comfortable with that due to the restrictions associated with that zoning. The hours of operations are a concern in going to GR that is being asked with this proposal. The hours of operations will be the reason for voting against this proposal as presented.

Mr. Doennig stated that he agreed with Mr. Edwards comments and it is important to have that step down in intensity of the zoning occurring there. Our predecessors looked that this location several years ago and there has been no compelling evidence to change the current conditions on the hours of operations. He plans to vote against the rezoning.

Mr. Baird stated that this is a tough case and plans to support the case. He stated that this property is going to be developed and the neighborhood should realize that and this development would clean up the area with the fence and plantings can contain the litter. He expressed concern regarding maintaining property values but the barrier would provide more privacy. He plans to vote in favor the rezoning.

Mr. Ray asked Traffic if the City currently has the right-of-way to extend the turning lane or would we only acquire the right-of-way if the rezoning took effect.

Ms. Dawned Gardner stated that the City would need the right-of-way on National Avenue to be able to reconfigure the intersection for Sunshine Street. At this time we do not have the right-of-way needed but they are giving the right-of-way required.

Mr. Ray stated that as a planner sees this as an opportunity for urban infill development and the resident see this opportunity for retail and tavern near my neighborhood The noise issue is a concern but it goes back to the hours of operations as the major issue for the rezoning.

Mr. Baird inquired of Mr. Hosmer about current zoning is the residential single family for one lot and general retail with conditional overlay and that currently conditional overlay has the restricted hours of service from 6:00 a.m. to 10:00 p.m., is that correct.

Mr. Hosmer confirmed Mr. Baird's statement and it is zoned GR.

Mr. Rose stated that interface areas between residential and commercial uses seems to attract the most interest and believes the property will be developed by something other than single family residential. The only issue is with the hours of operations and he cannot support the rezoning.

Ms. Cox stated that she was not worried about taverns or lounges because midnight because they are opened much later throughout the city. The need for extending the hours of operation is not clear and she will not support the rezoning at this time unless a proposed change of hours than she would support the rezoning.

Mr. Baird stated that the current zoning restricts the hours of operations and a motion would need to be made to change them from the current to what is proposed.

Mr. Edwards recommends that renegotiating not be a practice of the commission. General practice in the past is that we do not want to change the applicants application for them as that is not our job. The applicant may do so but not up to us.

Ms. White stated that in general restaurants do exceed hours of operations and storm water will be handle according to what is required but there is an impact on the enjoyment of a neighborhood and this is an important part to be looked at. With the hours of operations to midnight she would not be able to support the rezoning.

Mr. Edwards stated that the property will be developed and everyone will need to be prepared for this and to consider what the worst scenario could be for a empty lot near a neighborhood.

Mr. Ray asked for comments from staff and/or the applicants representative.

Mr. Hosmer stated that the applicants representative would like to table this issue until the November 5, 2015 meeting to work out a compromise.

Mr. Edwards motioned to **table** Z-33-2015 w/Conditional Overlay District No. 99 until November 5, 2015. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Ray, Cox, Doennig, and Rose. Nays: None. Abstain: None. Absent: Shuler, Cline.

Z-34-2015 w/Conditional Overlay District No. 100
Construction, Inc.
(624)

Luke Warmwater

Mr. Hosmer explained that the applicant is proposing to rezone the subject property from an R-TH, Residential Townhouse District to an R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 100. The proposed rezoning will facilitate the development of this property for a gated multi-family apartment complex. The Conditional Overlay District Provisions will require street improvements along Kimbrough Avenue including sidewalks, a lot combinations, and the development must conform to the site plan and elevations. The R-LD District intends to accommodate multi-family development at a densities up to approximately eighteen (18) units per acre and intends to serve a transition between lower density and higher density residential districts. The applicant is requesting a maximum of 17 units per acre. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for low-density housing. The R-LD District intends to service as a transition between lower density and higher density residential districts. The request is consistent with the adjacent non-residential, duplex and multi-family uses, densities and zoning to the west along Walnut Lawn and Arrowhead Street. The Transportation Plan classifies Walnut Lawn and Kimbrough as collector roadways which supports the proposed land use. Staff recommends approval of this request.

Mr. Baird opened the public hearing.

Mr. Brett Stevens, 5051 S. National, stated he is with H Design Group representing the applicant, This would be considered an infill development which are important for the City as they capitalize on existing infrastructure, i.e., sewer, water and gas, and street and in turn reduces the City's urban sprawl. This property has been processed through the multi-family design matrix that was created by a task force in 2007. Density is supported by the matrix and is in harmony with the surrounding properties. There were 162 mailers sent out to the neighborhood and the response indicated two major concerns: storm water and traffic. Regarding the issue with storm water is that flooding occurs on Kimbrough down Jewett Street, so with this development Kimbrough will be completely redesign and will help the flooding situation. There will be two on-site detention basin that will take care of additional issues. The second concern is traffic , we originally had two access points that directed all access onto Kimbrough but we changed that to one access on Kimbrough and a back access onto Arrowhead. The neighborhood meeting were beneficial and impacted the final design/construction. To address concern for increase crime is development will be an upscale, gated community

and no low income or government funded housing.

Mr. Baird inquired about the gated aspect of the development.

Mr. Stevens responded that they will be recessed gate accessed with a key fob. At the back access onto Arrowhead there will be a turnaround without going into someone driveway if they could not access the gate.

Mr. Nathan Thomas, 716 E. Jewett, lived in the neighborhood for 11 years and wanted to express a concern into the entry onto Kimbrough because there is a lot of foot traffic from Kickapoo High School to and from the close proximity to the intersection at Walnut Lawn. If there is a bottleneck that could present traffic going through the neighborhood especially down Jewett. An access point onto Walnut Lawn would be a better solution.

Mr. Baird asked Traffic if a proposal was brought forth for traffic would go onto Walnut Lawn.

Ms. Gardner responded that Traffic prefers access to be on Kimbrough as Walnut Lawn has a higher traffic count. The access on Kimbrough does meet City's spacing standards of distance from Walnut Lawn.

Mr. Baird inquired about the alignment of the access to Jewett.

Ms. Gardner responded that it was north of Jewett. Per the neighborhood meeting the understanding is that the southern most access on Kimbrough be eliminated and if the access was on Kimbrough the north location was preferred.

Mr. Doennig inquired of Traffic regarding the improvement on Kimbrough allow for a dedicated left turn lane or no.

Ms. Gardner responded it did not as the rezoning did not generate enough traffic to warrant a traffic study or any additional improvements on Kimbrough.

Mr. David Ward, 710 E. Powell expressed concern for stormwater drainage on Kimbrough, the access of traffic on Kimbrough and the height of the proposed second storey.

Mr. Wayne Gale, 704 E. Jewett, purchased his home with the knowledge of this property was zoned for duplexes but does not support the proposed development. Also, the two storey give concerns for safety.

The set back of 15' versus 50' for the single family homes also poses a concern. Access onto Kimbrough is a major concern and should be redirected.

Mr. Eric Groves, 724 E. Jewett, expressed concern for property values and they previously lived near a similar situation. Traffic is a concern with the exit onto Kimbrough and will give increase traffic on his street and safety for Kickapoo High

School.

Mr. Shannon McMurdo, one of the partners in the development, this is a great property that in the past no one has been able to invest in the required improvements but we are willing to that and want this to be a great additional to the subdivision and that part of town. This will be a high-end, gated community for upper scale clients, not looking for the college students or the family clientele but we are looking for the professional that would benefit due to the medical mile, commercial development in the area. Investing \$8.5M in the project and with the sidewalk, addition of the detentions will be a benefit to the everyone in the subdivision.

Ms. White inquired if they were going to manage the project or develop for resale.

Mr. McMurdo's responded that he and his partners have developed between 800-1,000 units and his a resort developer and have done a lot of condos. We want this to be a very welcoming, pleasing place to call home with a clubhouse and workout facility. They will be managing the property.

Mr. Russell Hagler, 626 E. Deerfield Street, north of the development. In the materials received it was mentioned that 624 Walnut and 634 Walnut to convert to the new type of housing. There are two older homes now, are they being removed.

Mr. Hosmer responded that yes they will be removed as part of the development and the lots combined.

Mr. Hagler inquired about the distance of the development from Walnut Lawn.

Mr. Hosmer responded that the set back would be 25'.

Mr. Hagler expressed concern about the increase of traffic with the development.

Mr. Baird closed the public hearing.

Mr. Edwards stated that the development has the step down next to the parcel and in line with the matrix and with general guidelines presented before. He stated that he would support the rezoning.

Mr. Ray stated that he agreed with the comments from Mr. Edwards and it appears that the developer has taken a lot of consideration into the surrounding zoning and sensitivity to the low density residential abutting the property. Also, it appears they are working with the neighbors and making an effort to be a good neighbor and this is the type of development for infill that the City is looking for. He will be voting for the rezoning.

Ms. Ray motioned to **approve** Z-34-2015 w/Conditional Overlay District No. 100 per staff recommendations. Mr. Edwards **seconded** the motion. The motion **carried** as follows:
Ayes: Baird, White, Edwards, Ray, Cox, Doennig, and Rose. Nays: None. Abstain: None. Absent: Shuler, Cline

*Master Sign Plan BMW
Management, LLC
(3500 East Sunshine Street)*

Vincel Capital

Mr. Hosmer stated the applicant is seeking to create a Master Sign Plan for the Audi and BMW dealerships on the subject property. There is currently one sign on Sunshine Street advertising the Audi dealership and the applicant is proposing a second sign on Sunshine to advertise the BMW dealership. There are two other existing signs along US Highway 65 on the subject property. The request for an additional free-standing sign to advertise the BMW dealership. The BMW sign will be a maximum height of 25' and 1 1/8" and a maximum effective area of one-hundred-fifty (150) square feet. The existing Audi sign is twenty (20) feet in height and has approximately one-hundred-thirty (130) square feet of effective area. There will be three-hundred (300) feet between the existing Audi sign and the proposed BMW sign. Both the existing sign and proposed sign are significantly under the maximum size and height allowed for one sign on the site. The subject property is located within an Interstate Highway Commercial Sign District which would permit a sign on the property to have up to six-hundred (600) square feet of effective area and be up to seventy (70) feet in height. Approval of this Master Sign Plan does not constitute approval of a sign permit. Prior to the placement and/or modification of the signs, a sign permit must be obtained and all other applicable codes and ordinances met. Staff recommends approval of this request.

Mr. Mike Scott, Missouri Neon Company, 3160 W. Kearney, represents the property owner.

Mr. Baird opened the public hearing. No questions were asked and no additional speakers to the issue, the public hearing was closed.

Mr. Ray motioned to **approve** Master Sign Plan BMW. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Ray, Cox, Doennig, and Rose. Nays: None. Abstain: None. Absent: , Shuler, Cline

*Lantz 1124, LLC Redevelopment Plan
(1124 & 1130 East Elm Street)*

Lantz 1124, LLC

Mr. Matt Schaefer explained that this is an application request for approval of a redevelopment plan pursuant to Sections 99.300-99.660, RSMo, the Land Clearance for Redevelopment Authority Law, for a redevelopment project location at the southwest corner of East Elm Street and South Florence Avenue. The Planning and Zoning commission is required by Statute to review the proposed Redevelopment Plan 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 Lantz 1124, LLC Redevelopment Area is to clear blight and redevelop the area to accommodate a new house for a Missouri State University fraternity. The Redevelopment Area consists of two parcels of land

(0.38 acres) that are currently occupied by two vacant residential structures. The Redevelopment Plan proposes to demolish the existing structures and construct a new three-story fraternity house that will serve as the residence for approximately 30 students, as well a location for chapter meetings and activities. Staff has review the Plan and conforms the City's Comprehensive Plan and the Growth Management and Land Use Element of the Comprehensive Plan indicates the area designated for medium and high density residential. The area is located within the Missouri State University Activity Center and an objectives of the Activity Center is to promote and intensified residential and commercial uses. The area is also located within the Greater Downtown District in the Center City element of the Comprehensive Plan and is in keeping with that vision.

Mr. Roger Lantz, 723 S. Bellflower, Lantz 1124, LLC, applicant for the application.

Mr. Baird opened the public hearing. No questions were asked and no additional speakers to the issue, the public hearing was closed.

Mr. Doennig motioned to **approve** Lantz 1124, LLC Redevelopment Plan. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Ray, Cox, Doennig, and Rose. Nays: None. Abstain: None. Absent: Shuler, Cline

There being no further business, the meeting was adjourned at approximately 8:30 p.m.



Bob Hosmer, AICP
Principal Planner



Noted Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Robert Stephens, Mayor

Zone Councilmembers

Phyllis Ferguson, Zone 1
Justin Burnett, Zone 2
Mike Schilling, Zone 3
Craig Fishel, Zone 4

General Councilmembers

Jan Fisk, General A
Craig Hosmer, General B
Kristi Fulnecky, General C
Ken McClure, General D

Upcoming Council Meeting Agenda October 12, 2015 - 6:30 p.m.

Speakers must sign up with the City Clerk to speak to an issue on the agenda.
Speakers are to limit their remarks to three to five minutes.

Note: Sponsorship does not denote Council member approval or support.

ROLL CALL.

Approved as
Presented

APPROVAL OF MINUTES. September 28, 2015 and October 6, 2015

Approved as
Presented

FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS
WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT
AGENDAS MUST DO SO AT THIS TIME.

CEREMONIAL MATTERS.

CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED
AT THE PREVIOUS CITY COUNCIL MEETING.

SECOND READING AND FINAL PASSAGE. Citizens Have Spoken
Except Item No. 17. Public Comments Being Held Over From October
6, 2015. May Be Voted On.

6231

Council Bill 2015-258. (Fishel)

A general ordinance amending the Springfield Land Development Code,
Section 1-1600, Zoning Maps, by rezoning approximately 0.77 acres of
property, generally located at 840 East Primrose Street from Planned

Persons addressing City Council are asked to step to the microphone and clearly state their name and address before speaking.

All meetings are recorded.

In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864 -1443 at least 3 days prior to the scheduled meeting.

Development District No. 21, 3rd Amendment, to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Fortmeyer Real Est CO-SPFD LLC; 840 East Primrose Street; Z-30-2015.)

6232

Council Bill 2015-259. (Fishel)

A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 2.75 acres of property, generally located at 1031 East Battlefield Road, from O-1, Office District, to GR, General Retail District; establishing Conditional Overlay District No. 97; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Curbow, Inc.; 1031 East Battlefield Road; Z-31-2015 & Conditional Overlay District No. 97.)

**Amended and
Held Over Until
10/26/15
Council
Meeting**

Council Bill 2015-260. (Fishel)

A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 1.63 acres of property, generally located at 1983 East Seminole Street, from Planned Development District No. 11 Amended, to O-1, Office District; establishing Conditional Overlay District No. 98, upon completion of certain conditions; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: BluCurrent Credit Union; 1983 East Seminole Street; Z-32-2015 Conditional Overlay District No. 98.)

26640

Council Bill 2015-261. (Schilling)

A special ordinance approving a petition for termination of the Kansas Battlefield Community Improvement District and directing the City Clerk to notify the Missouri Department of Economic Development of the termination of the District. (Staff recommends approval.)

26641

Council Bill 2015-262. (Schilling)

A special ordinance approving a Petition requesting the formation of the Springfield Plaza Community Improvement District; establishing the District as a political subdivision of the State of Missouri; authorizing the City Manager, on behalf of the City, to execute a Cooperative Agreement between the City of Springfield, Springfield Plaza Community Improvement District, and Springfield Plaza Real Estate, Inc.; and directing the City Clerk to notify the Missouri Department of Economic Development of the creation of the District. (Staff recommends approval.)

26642

Council Bill 2015-263. (Burnett)

A special ordinance adopting the Madison and Holland Redevelopment Plan for an area generally located at 613/617 East Madison Street, 614 and 616 East Madison Street, and 829 and 843 South Holland Street and declaring its redevelopment necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare. (Planning and Zoning Commission, the Land Clearance for Redevelopment Authority and Staff recommend approval.)

6233

Council Bill 2015-264. (Fulnecky)

A general ordinance amending the Springfield City Code, Chapter 36, Land Development Code; Article II, Subdivision Regulations; Section 303, Improvements, to clarify the public improvement plan escrow process. (Both Planning staff and Planning and Zoning Commission recommend approval.)

6234

Council Bill 2015-265. (McClure)

A general ordinance amending the Springfield City Code, Chapter 36, Springfield Land Development Code; Article I, Zoning Ordinance; Subsection 5-1504, Cooperative Parking Facilities, to allow for more shared parking arrangements between adjacent property owners. (Both Planning and Zoning Commission and staff recommend approval.)

6235

Amended Council Bill 2015-266. (Burnett)

A general ordinance amending the Springfield City Code, Chapter 36, Land Development Code; Article I, Zoning Ordinance; Subsection 3-2001, Composition of the Commission, to extend the term limits of the Planning and Zoning Commissioners to four years in concert with state law. (Both Planning and Zoning Commission and staff recommend approval.)

6236

Council Bill 2015-267. (Stephens)

A general ordinance amending Chapter 58, Health and Sanitation, Article X, Springfield Smokefree Air Act of 2011, Section 58-1002, Definitions, to delete exemption termination provision from definition of Cigar Bar.

26643

Council Bill 2015-275. (Fishel) Public Comments Being Held Over from October 6, 2015. May Be Voted On.

A special ordinance authorizing the City Manager, or his designee, to enter into a Cost Share Agreement with the Millwood Property Owners Association, Inc. (the POA) for the purpose of sharing in the costs of replacing existing fence on the bridge located at 3547 East Millwood Drive, MoDOT ID No. MoDOT0816.

RESOLUTIONS.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

GRANTS. Citizens May Speak. May Be Voted On.

26644

Council Bill 2015-276. (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to accept a grant from the United States Department of Justice, Office of Community Oriented Policing Services, for a COPS Hiring Program (CHP),

and to amend the budget of the Springfield Police Department (SPD) Budget for the Fiscal Year 2015-2016, in the amount of \$1,769,368.15.

AMENDED BILLS.

COUNCIL BILLS FOR PUBLIC HEARING.

FIRST READING BILLS. Citizens May Speak. Not Anticipated To Be Voted On.

Council Bill 2015-277. (Fisk)

A general ordinance amending the Springfield City Code, Chapter 98, Streets, Sidewalks and Public Places, Article I, In General, by amending Section 98-12, Private construction of streets and other public improvements, subsection (a) Paving of streets, (5), to allow escrow and letters of credit to be posted to assure the completion of street paving by private parties; and by adding Section 98-14, Assurance for completion of improvements, to allow securities, including bonds, escrow, or letters of credit, to be posted to assure completion of public improvements required because of the impact of proposed land use.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

Appeared

Mr. Steven L. Reed addressed City Council.

**Added To
Agenda -
Appeared**

Mr. Bob Mondy addressed City Council.

NEW BUSINESS.

Recommended

The City Manager recommends the following appointment as an alternate to the Board of Adjustment: Derek Lee with term to expire October 26, 2020.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

UNFINISHED BUSINESS.

MISCELLANEOUS.

CONSENT AGENDA – FIRST READING BILLS. See Item #3.

Council Bill 2015-278. (Schilling)

A special ordinance authorizing the City Manager, or his designee, to enter into an Agreement for Encroachment License with Clan MacQuarrie, LLC, for the purpose of allowing an encroachment onto City rights-of-way for the placement of a landing, ramp, handrail, and stair on property located at 211 East Water Street, to allow ingress and egress, and to provide Americans with Disabilities Act (ADA) access into the building located there, under the same terms and conditions as encroachments are permitted on City rights-of-way under Chapter 98, Article VII of the Springfield City Code.

CONSENT AGENDA – ONE READING BILLS. See Item #3.

10242

Council Bill 2015-279. (Ferguson)

A resolution granting a new liquor license to sell 5 percent beer by the drink, including light wine, to Rocco's Pizza LLC, dba Rocco's Pizza, located at 834 East Division Street, Springfield, Missouri.

CONSENT AGENDA – SECOND READING BILLS. Citizens Have Spoken. May Be Voted On.

26645

Council Bill 2015-268. (Hosmer)

A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, to enter into individual intergovernmental agreements with Christian County, Greene County, City Utilities, the City of Nixa, the City of Ozark, the City of Republic, and Ozarks Transportation Organization for the cooperative purchase of oblique imagery and aerial photography services from Pictometry International Corporation, to be used with each entity's Geographic Information System, and amending the budget for the Department of Public Works for Fiscal Year 2015-2016 in the amount of \$227,826.03.

26646

Council Bill 2015-269. (Schilling)

A special ordinance authorizing the City Manager, or his designee, to enter into an Agreement for Encroachment License with Three D Development, LLC and Wheelers Loft Development, LLC, for the purpose of allowing an encroachment onto City rights-of-way for the placement of balconies on property located at 401 South Avenue, under the same terms and conditions as encroachments are permitted on City rights-of-way under Chapter 98, Article VII of the Springfield City Code.

26647

Council Bill 2015-270. (Ferguson)

A special ordinance authorizing the City Manager, or his designee, to enter into a Supplemental Agreement for Highway/Rail Crossing Improvements with the Missouri Highways and Transportation Commission (MHTC) and BNSF Railway Company (BNSF) for the purpose of coordinating participation in the cost of additional warning devices and other improvements at United States Department of Transportation Crossing No. 664 176U (Central Street Grade Crossing), designated as MHTC Job No. RRP-000S(456).

26648

Council Bill 2015-271. (Schilling)

A special ordinance authorizing the City Manager, or his designee, to enter into an Agreement for Encroachment License with Woodruff Historic Building, LLC, for the purpose of allowing an encroachment onto City rights-of-way for the placement of five sets of stairs with handrails and one ramp on property located at 331 Park Central East, to allow ingress and egress into the Woodruff Historic Building, under the same terms and conditions as encroachments are permitted on City rights-of-way under Chapter 98,

Article VII of the Springfield City Code.

26649

Council Bill 2015-272. (Ferguson)

A special ordinance declaring the necessity of condemning right(s)-of-way over, under, and through the properties located at 2252 North Lyon Avenue and 2261 North Campbell Avenue, as herein described, for the purpose of constructing public drainage improvements, and for the relocation, construction, maintenance, and operation of utilities for the Turner Street (Lyon Avenue to Boonville Avenue) Drainage Improvement project, Plan No. 2014PW0029SWT.

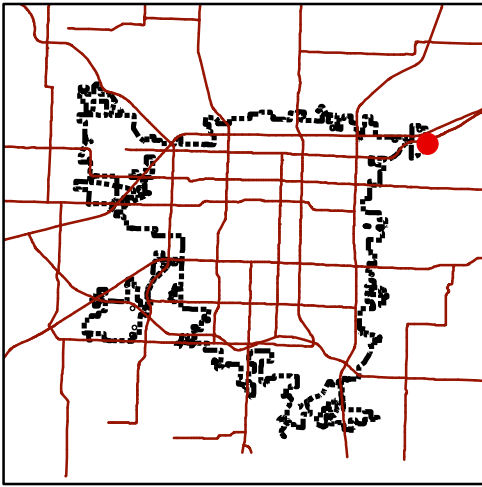
26650

Council Bill 2015-273. (Ferguson)

A special ordinance declaring the necessity of condemning right(s)-of-way over, under, and through the properties located at 3859 West Mount Vernon Street, 3819 West Mount Vernon Street, 3739 West Mount Vernon Street, 547 South Dexter Avenue, 710 South Jonathan Circle, and on the west side of Jonathan Avenue near the intersection of Jonathan Avenue and Mount Vernon Street (Parcel ID No. 88-13-20-301-126), as herein described, for the purpose of constructing a public street, and for the relocation, construction, maintenance, and operation of utilities for the Mount Vernon Widening Street Improvement project, Plan No. 2013PW0039T.

END OF CONSENT AGENDA.

ADJOURN.



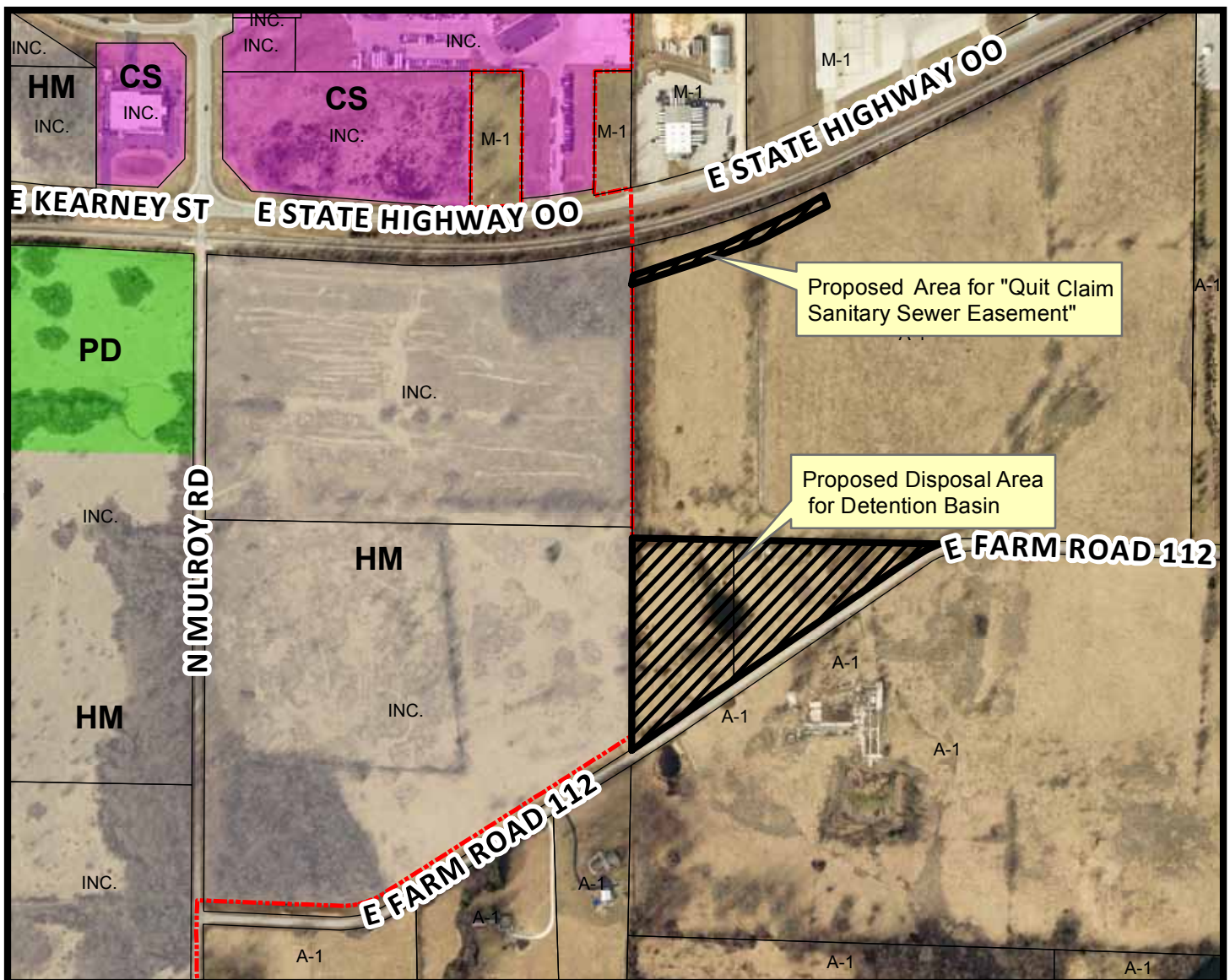
Development Review Staff Report

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

Request to Dispose Property #514

LOCATION: 5400-5500 Block E. Farm Road 112, north-side
CURRENT ZONING: County, A-1

LOCATION SKETCH



- Area of Proposal

0 400 800
Feet

1 inch = 510 feet

DEVELOPMENT REVIEW STAFF REPORT
REQUEST TO DISPOSE NO. 514

DATE: October 20, 2015

LOCATION: 5400 -5500 block E. Farm Road 112, north-side

APPLICANT: City Utilities of Springfield

EXISTING USE: None, undeveloped land

RECOMMENDATION: The request be **approved**.

FINDINGS:

1. The subject property is outside the City limits of the City of Springfield.
2. The proposed disposal will not adversely affect City Utilities operations.
3. The proposed disposal will allow the development of a regional storm water detention basin to be utilized by adjacent property owners.

STAFF CONTACT PERSON:

Michael G. Sparlin
Assistant City Planner

ATTACHMENT 1
BACKGROUND REPORT
REQUEST TO DISPOSE NUMBER 514

APPLICANT'S PROPOSAL:

City Utilities of Springfield proposes to dispose of 7.351 acres to facilitate the development of a regional detention basin that will be utilized by adjacent properties. The property is proposed to be transferred to a not-for-profit corporation, Farm Road 112 Detention Basin Association, Inc., in which City Utilities will be a member along with Meek Lumber Company, JDC Springfield LLC, and SRC Holdings Corporation. The detention basin will be constructed at the sole cost of Jones Development Company. As part of this request, City Utilities proposes to execute a "Quit Claim Sanitary Sewer Easement" to grant an easement upon City Utilities property in order to facilitate sanitary sewer service to an adjacent property.

STAFF COMMENTS:

1. City Utilities obtained the property for a buffer from the McCartney Generating Station. The proposed use of the property will serve both purposes as a buffer and a regional storm water detention basin. The property is a low-lying area so it is ideal for storm water collection.
2. The proposed detention basin area includes four (4) different corporate owners that will oversee the use and maintenance. The detention basin will be constructed at the sole cost of Jones Development Company. The detention basin will serve over 190 acres of property in the area.
3. The proposed disposal will not adversely affect City Utilities operations.
4. As part of this request, City Utilities proposes to allow an adjacent property owner to establish a sanitary sewer easement upon their property to facilitate sanitary sewer service to the adjacent property. This will not adversely affect City Utilities operations.
5. The proposed disposal area is outside the City limits of the City of Springfield.

ATTACHMENT 2
REQUEST TO DISPOSE NUMBER 514
LAND DISPOSAL POLICY

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

1. Where is the property located?

Staff Comment: 5400 -5500 block E. Farm Road 112, north-side

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

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

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

Staff Comment: The property is a low-lying area that is ideal for storm water drainage collection.

4. When did City Utilities purchase the property?

Staff Comment: 10/17/2008

5. Why was the property acquired?

Staff Comment: For location of the McCartney Generating Station, including buffer property.

6. Who will purchase the property?

Staff Comment: A not-for-profit corporation, Farm Road 112 Detention Basin Association, Inc., in which City Utilities will be a member along with Meek Lumber Company, JDC Springfield LLC, and SRC Holdings Corporation.

EXHIBIT A
REQUEST TO DISPOSE NUMBER 514
LEGAL DESCRIPTION

Detention Area

That certain parcel or tract of land, being a part of the Northwest Quarter of the Southeast Quarter in Section 1, Township 29 North, Range 21 West, lying North and West of Farm Road 112, also known as Old Wire Road, Greene County, Missouri, and being a part of the tract of land described in the General Warranty Deed duly recorded in the Greene County Recorder's Office in Book 2008, at Page 044115-08, and being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter (NW1 4), of the Southeast Quarter (SE 1 4) of said Section 1; Thence South 01 Degrees 34 Minutes 24 Seconds West, along the West line of said Northwest Quarter (NW1 4) of the Southeast Quarter (SE 1 4), passing over a 1 2 inch iron bar at 56.34 feet, a distance of 82.50 feet for the POINT OF BEGINNING; Thence South 86 Degrees 36 Minutes 40 Seconds East, leaving said West line, a distance of 946.43 feet to a point on the North right-of-way line of said Farm Road 112, also known as Old Wire Road, as it now exists; Thence Southwesterly, along said right-of-way line and along a non-tangent curve to the left, having a radius of 370.60 feet, a central angle of 08 Degrees 59 Minutes 13 Seconds and a chord that bears South 61 Degrees 10 Minutes 45 Seconds West, an arc distance of 58.13. feet; Thence South 56 Degrees 40 Minutes 42 Seconds West, along said right-of-way line, a distance of 871.84 feet; Thence South 58 Degrees 47 Minutes 36 Seconds West, along said right-of-way line, a distance of 215.02 feet, to a 5 8" iron bar on said West line of the Northwest Quarter of the Southeast Quarter in said Section 1; Thence North 01 Degrees 34 Minutes 24 Seconds East, along said West line, a distance of 674.53 feet to the POINT OF BEGINNING, containing 7.351 acres, more or less, subject to easements, restrictions of record and any part taken or used for public roads.

Easement Area

All that part of Lot 1 of the Northeast Quarter in Section 1, Township 29 North, Range 21 West, Greene County, Missouri, being a part of the tract of land described in the Greene County Recorder's Office in Book 2008, at Page 044115-08, and being more particularly described as follows:

Commencing at the Northwest corner of the said East Half of Lot 1 of the Northwest Quarter Section 1, Township 29 North, Range 21 West, Greene County, Missouri; thence South 01 Degrees 31 Minutes 33 Seconds West, along the West line of said East Half of Lot 1, a distance of 581.66 feet; thence departing said West line South 88 Degrees 22 Minutes 28 Seconds East, a distance of 1,349.72 feet to a point in the South line of an existing utility easement duly recorded in the Greene County Recorder's Office in Deed Book 2348, at Page 155, said point being in the West line of Lot 1 of the Northeast Quarter Section 1, Township 29 North, Range 21 West, Greene County, Missouri, said point being the POINT OF BEGINNING; thence along said South

line of existing easement, along a non-tangent curve to the left having a Radius of 3,205.77 feet, a Chord that bears North 75 Degrees 28 Minutes 13 Seconds East, an arc distance of 539.90 feet to a point in the West line of an existing sanitary sewer easement; thence departing said South line South 19 Degrees 21 Minutes 15 Seconds East along said West line, a distance of 15.00 feet; thence departing said West line, along a non-tangent curve to the right having a Radius of 3,220.77 feet, a Chord that bears South 75 Degrees 29 Minutes 49 Seconds West, an arc distance of 545.42 feet to a point in said West line of said Lot 1 of said Northeast Quarter; thence North 01 Degrees 34 Minutes 24 seconds West along said West line, a distance of 15.29 feet to the POINT OF BEGINNING, and containing 8,140 square feet of land, more or less.

RESOLUTION

WHEREAS, the Board of Public Utilities has charter responsibility to take charge of and operate the public utilities upon real estate and properties acquired and held in connection with the operations of City Utilities in the manner as it may determine, for the benefit of City Utilities and the citizens of Springfield, Missouri; and

WHEREAS, City Utilities has previously acquired real estate in Greene County for location of the McCartney Generating Station, south of Highway "OO", including buffer property, part of which has been previously disposed for purposes of proposed economic development; and

WHEREAS, adjacent property owners and their agents have proposed formation of a not-for-profit corporation, Farm Road 112 Detention Basin Association, Inc., to construct and maintain a detention basin to further support the development of adjacent tracts, including buffer property owned by City Utilities; and

WHEREAS, the Corporation, members of which would be Meek Lumber Company, City Utilities, JDC Springfield LLC, and SRC Holdings Corporation, would be established and pursuant to which City Utilities would contribute the property upon which the detention basin would be constructed, with the cost of construction contributed by JDC Springfield LLC, and maintenance costs thereafter be shared by the members, with City Utilities providing mowing while City Utilities owned adjacent buffer property, with necessary sewer and drainage easements be granted between the members; and

WHEREAS, management recommends the establishment of the Corporation and the approval of the associated corporate Bylaws, declaration of restrictive covenants and easements and licenses, all as set forth in the attached documentation, subject to approvals as may be required, including by the Planning and Zoning commission and execution of appropriate legal instruments.

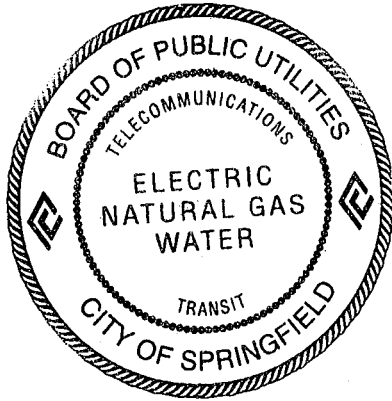
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, as follows:

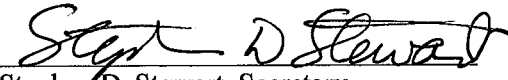
- (1) The Board of Public Utilities approves the formation of the not-for-profit corporation Farm Road 112 Detention Basin Association, Inc., with corporate Bylaws, and Declaration of Restrictions and Covenants for Farm Road 112 Detention Basin Association, Inc. (the Declaration), all substantially as set forth in the form as Attachments 1, 2 and 3, respectively, and according to the plat attached to the Declaration as Exhibit C, thereto and the legal descriptions attached thereto as Exhibits A and C, all of which the Board of Public Utilities determines to be in furtherance of the public purposes of City Utilities; and
- (2) the Board of Public Utilities approves the grant of the Property on which the detention basin is relocated, by deed in form substantially as attached hereto as Attachment 4, and the further grant of the sewer easement in form substantially is attached hereto as Attachment 5, and ratifies and approves previous licenses granted to permit initial surveying and construction; and
- (3) the Board of Public Utilities authorizes the General Manager or his designees, specifically including the Manager, Economic Development, to execute the documents and instruments described in this resolution and the preceding paragraphs (1) and (2), including any modifications as may be approved by the General Manager not inconsistent herewith, and for the General Manager and employees as delegated by the General Manager to pursue additional approvals, execute documents and perform those other acts necessary to implement this Resolution.

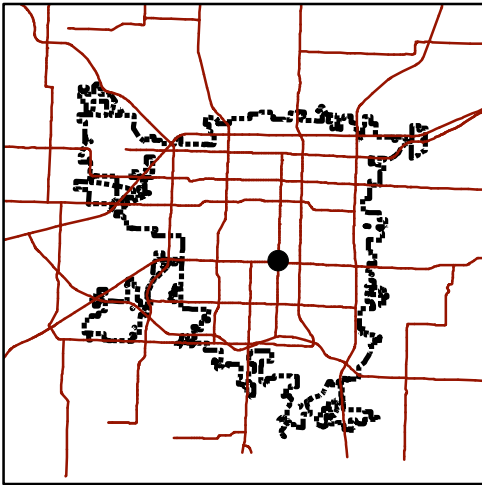
CERTIFICATE

The undersigned, Stephen D. Stewart, Secretary of the Board of Public Utilities of the City of Springfield, Missouri, does hereby certify under his hand and seal of said Board of Public Utilities, that the above and foregoing is a true and correct copy of a resolution adopted by the Board of Public Utilities of the City of Springfield, Missouri, at its regular meeting held on the 24th day of September, 2015, pursuant to notice of time and place duly given to all members of said Board, at which meeting a quorum was present and voted throughout.

Dated this 24th day of September, 2015




Stephen D. Stewart, Secretary



Development Review Staff Report

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

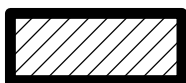
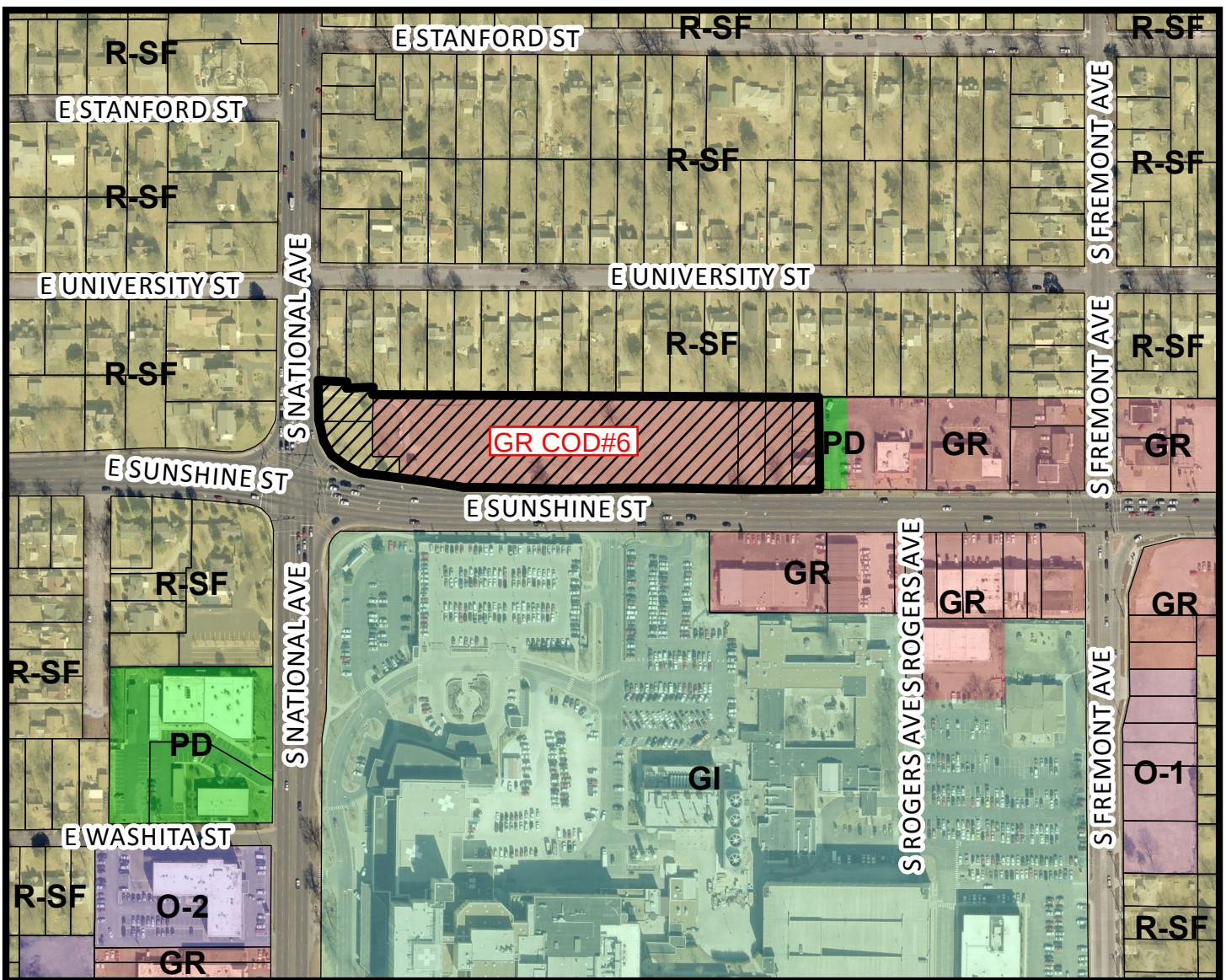
Zoning Case Z-33-2015 with Conditional Overlay District No. 99

LOCATION: 1764 and 1770 S. National and 1251, 1309, 1315
and 1319 E. Sunshine

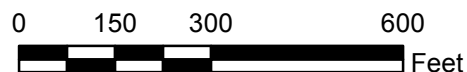
CURRENT ZONING: R-SF and GR with COD No. 6

PROPOSED ZONING: GR with COD No. 99

LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-33-2015 & CONDITIONAL OVERLAY DISTRICT NO. 99

PURPOSE: To rezone approximately 3.65 acres of property generally located at 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street from an R-SF, Single Family Residential District and GR, General Retail District with Conditional Overlay District No. 6 to a GR, General Retail District with Conditional Overlay District No. 99.

REPORT DATE: October 26, 2015

LOCATION: 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street

APPLICANT: Sunshine and National Real Estate LLC

TRACT SIZE: Approximately 3.65 acres

EXISTING USE: Vacant house and undeveloped land

PROPOSED USE: Uses permitted in the GR, General Retail District except as excluded within Conditional Overlay District No. 99.

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property, at the corner of Sunshine Street and National Avenue, two primary arterial roadways, is an appropriate location for the types of uses permitted in GR and will provide goods and services to serve and complement the existing medical and office uses to the south as well as provide services for the residential development to the north and west.
2. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
3. The standard development requirements in the GR, General Retail District along with those required as part of proposed Conditional Overlay District No. 99 are adequate for mitigating any potential impacts of development of this property on the adjacent residential properties.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-SF	Single family homes
East	PD 135 & GR	Restaurant and commercial uses
South	GI & GR	Hospital, office and commercial uses
West	R-SF	Single family homes

HISTORY:

The subject property, except for 1764 and 1770 South National, was rezoned to GR, General Retail with Conditional Overlay District No. 6 in January 2008. The existing Conditional Overlay District restricts several uses that are normally permitted within the GR District, established hours of operation for retail uses, required construction of a sidewalk on Sunshine and the dedication of right-of-way.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies the National Avenue and Sunshine Street area as an Activity Center, primarily focused around the Mercy Hospital campus and the potential for long-term growth and change in the immediate vicinity.

The *Plan* further recommends commercial areas of different intensities throughout the community. Commercial areas should be sited in areas that are well served by transportation facilities and sited and designed to have a minimal effect on the adjacent lower-intensity development.

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from an R-SF, Single Family Residential District and a GR, General Retail District with Conditional Overlay District No. 6 to a GR District with Conditional Overlay District No. 99. The intent of this request is to add the property at 1764 and 1770 South National and to revise the existing Conditional Overlay District to facilitate development of the property.
2. If approved, this request will modify the requirements of the existing Conditional Overlay District by allowing some uses that are normally permitted within the GR District but were prohibited with Conditional Overlay District No. 6. The applicant is requesting to allow drive-in, pick-up and drive-through restaurants and taverns and cocktail lounges. The uses requested are normally permitted in the GR district and are appropriate given the requirements established in the Zoning Ordinance for GR zoning. The subject property is located at the corner of National Avenue and Sunshine Streets, both primary arterial roadways. This is an appropriate location for the types of uses permitted in GR and will provide

goods and services to serve and complement the existing medical and office uses to the south as well as provide services for the residential development to the north and west.

3. Planning and Zoning Commission held a public hearing on the applicant's original proposal at their October 8, 2015 meeting. The applicant had originally requested to permit package liquor sales and to modify the hours of operation for retail sales to 6:00 am to 12:00 am. Following the public hearing, the applicant requested to remove their request for package liquor sales and asked that the existing hours of operation of 6:00 am to 10:00 pm for retail uses remain.
4. All additional requirements of the existing Conditional Overlay District No. 6 are included in proposed Conditional Overlay District No. 99 including the dedication of right-of-way and construction of sidewalk on Sunshine Street and maximum floor area limitation for development. This proposed Conditional Overlay District contains some additional requirements including the dedication of right-of-way for National Avenue, the closure of the existing driveway approach on National and the completion of a traffic study at the time of development 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 for the property.
5. If the rezoning is approved, it would have to comply with *Section 4-3100, General Retail District*, the Zoning Ordinance and any other applicable city codes.
6. Upon development of the property a bufferyard is required along the north property line adjacent to the R-SF, Single Family Residential zoned property. The normal bufferyard required between GR and R-SF zoning would be a Bufferyard "Type F" at least twenty (20) feet wide with a six foot solid wood fence, masonry/brick wall or evergreen hedge. The subject property qualifies for a shallow lot exemption because it is less than 200 feet deep. Therefore, the bufferyard can be reduced to a minimum fifteen (15) foot wide bufferyard with plantings. For each one-hundred (100) linear feet of bufferyard, there must be one (1) canopy tree, one (1) understory tree, two (2) evergreen trees and ten (10) shrubs. The applicant has included a requirement in the proposed Conditional Overlay District that shrubs planted as part of the bufferyard requirement shall have a minimum mature height of six (6) feet within 4 years of planting.
7. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on September 17, 2015 regarding the request for GR, General Retail zoning with Conditional Overlay District No. 99. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant on October 26, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Thirty (30) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff received several phone calls from adjacent property owners regarding the applicant's original request. The main concerns expressed have been regarding storm water and possible impact of the additional uses on the adjacent residential properties. Staff also received two letters from adjacent property owners (Attachment 4).

CITY COUNCIL MEETING:

November 23, 2015

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner
864-1831

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-33-2015 & CONDITIONAL OVERLAY DISTRICT NO. 99

BUILDING DEVELOPMENT SERVICES COMMENTS:

Building Development Services does not have any objections to this request.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Public Works Traffic Engineering does not have any objections to this request.

STORMWATER COMMENTS:

1. There are no stormwater issues with re-zoning 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 surfacing 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.
 - c. If a detention basin was previously constructed to serve the development, it must be shown that any new development proposed is in conformance with the design criteria of the existing basin. If runoff from the proposed development exceeds the original design criteria, then, additional detention must be provided based on current requirements. Water quality will need to be provided.
2. Concentrated points of discharge from these improvements will be required to drain to the regional detention basin.

CLEAN WATER SERVICES COMMENTS:

1. No objection to rezoning.
2. Public sewer is available in Sunshine but it may take further public improvements to get it onsite. It may not be feasible to make multiple lateral connections into the main in Sunshine.

CITY UTILITIES:

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

ATTACHMENT 2

NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: GR - COD #06 to GR - COD

*(existing zoning)**(proposed zoning)*
2. Meeting Date & Time: September 17, 2015 from 4:30 - 6:30
3. Meeting Location: Towne Place Suites (Marriott Hotel) 2009 S. National Ave.
4. Number of invitations that were sent: 175
5. How was the mailing list generated: By the City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 13
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

See Attached

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

See Attached

Neighborhood Meeting

Proposed Rezoning
September 17, 2015
4:30 p.m. – 6:30 p.m.

Name	Address	Phone
Kay E. Sumner	1224 E. Stanford	811-1988
Tim Hancock	1200 E. University	861-7723
Rebecca Gilmore	1130 East University	569-9750
Alice Pulliam	1266 E. University	887-2854
Matt Burch	1246 E. University	861-9031
Darla Harmon	1218 E. University	812-9710
Quinn Burch	1204 E. University	417-882-6819
Karen Chandler	1300 E. University	417-881-2972
Doane Smith	1249 E. University	417-840-7608
Michael Crabb	2850 S. Chantilly	417 839-4024

Neighborhood Meeting

Proposed Rezoning
September 17, 2015
4:30 p.m. – 6:30 p.m.

Name	Address	Phone
Tom, Lori Muetzel	1745 S. National Ave	417-872-8687
Jim Debra	for 1234 E. University	417 894 6533



September 23, 2015

City of Springfield
Planning & Development

RE: Zoning Case Z-33-2015 COD #99 – Neighborhood Meeting Summary

To Whom it May Concern:

The neighborhood meeting for the above referenced zoning case was held Thursday, September 17, 2015, at the Towne Place Suites (Marriott Hotel) located at 2009 S. National Ave., Springfield, MO from 4:30 – 6:30 p.m. At the meeting, the following items were discussed.

- **Allowed Uses**

Neighborhood Comments

Some, but not all of the neighbors, were concerned and not pleased with the proposed change in allowable uses. I.e. Drive-in, pick up, and drive-thru restaurants. They felt these uses should be kept out of the allowed uses.

Developer's Response

This property has remained undeveloped since the most recent rezoning that took place in 2007. It was stressed that for this property to be attractive for business, added allowances are needed. It was also discussed that businesses are generally looking for locations within the urban core of Springfield and that this location fits that criteria. Very few undeveloped areas remain in Springfield's urban core, and without increasing the allowable uses for this site, along with others site similar to this, viable businesses will likely look to move to the fringes of the community. This move would then create an additional burden on City services and in-turn, Springfield residents and tax payers. I.e. increasing urban sprawl.

- **Noise & Bufferyards**

Neighborhood Comments

Due to the additional allowed proposed uses, as described above, and the modification to the allowable hours of operation, from 10pm to 12am, the adjoining neighbors were concerned by the perceived added noise of the development.

Developer's Response

By the addition of buildings to the property, these will in effect act themselves as a sound barrier between the busy street of Sunshine and the ambulatory noise created by Mercy Hospital. Even still, the developer recognizes the development may create noise. To counter act this noise, the developer is proposing to modify the required bufferyard, by intensifying the shrub requirement of the bufferyard. Not by increasing the number of shrubs, but rather by increasing the size of the shrubs. In lieu of the standard shrub requirement (deciduous or evergreen with a height of 3' within one year of planting), the developer is proposing to only use larger evergreen shrubs (min. mature height of

6'). To secure this type of shrub is used, the conditional overlay district has been modified to make this a requirement of the development.

- **Screening**

Neighborhood Comments

Some of the neighbors were concerned with the visibility of the development trash areas.

Developer's Response

It was discussed that City ordinances require that all trash areas be screened from the public, and that this is usually done with a physical wall or opaque fence.

- **Building Height & Size**

Neighborhood Comments

Some of the neighbors were concerned with the allowed height of the structures/buildings.

Developer's Response

It was discussed that City ordinances require that all buildings be required to stay below a 30 deg bulk plane measured from the property line of the adjoining residential property line.

- **Drainage**

Neighborhood Comments

Some of the neighbors were concerned with the increase of storm water runoff create by the development.

Developer's Response

It was discussed that City ordinances require that storm water management be approved by the City and be designed in such a way that storm water flows on to the neighboring properties not exceed existing conditions. It was also discussed that the existing detention basin located on the west end of the property would likely need to increase in size to meet current city requirements.

- **Light Spillage**

Neighborhood Comments

Some of the neighbors were concerned with lights from the development shining onto their properties.

Developer's Response

It was discussed that City ordinances require cut off fixtures be required to prevent light spillage beyond the developments property.

- **Property Value**

Neighborhood Comments

Some of the neighbor were concerned the impact this development would have on their property values.

Developer's Response

It was discussed that this development is intended to be an upscale development and that no reduction of property values were anticipated.

- **Traffic & Access**

Neighborhood Comments

Several neighbors were concerned with the development's negative impact to the current traffic flow of National and Sunshine.

Developer's Response

It was discussed that no access was allowed to National, and that access to Sunshine was not allowed west of Mercy's current access to Sunshine. Furthermore, it was discussed that it is the developer's responsibility to provide a traffic study to identify any transportation/traffic improvements required, and that these improvements would be the responsibility of the developer to complete.

Sincerely,



Olsson Associates
Jared Rasmussen, PE



August 31, 2015

Dear Property Owner:

We have submitted a rezoning application to the City of Springfield for the 3.65-acre property located at the NE Corner of Sunshine Street and National Ave. The owner of the property to be rezoned – as illustrated in the enclosed map – is requesting to rezone from General Retail (GR) with Conditional Overlay District (COD) # 06 to GR with a COD to modify the current restrictions contained with COD # 06.

Representatives from Olsson Associates will be available to speak with neighbors and answer any questions you might have about the rezoning application on **Thursday, September 17th, 2015 from 4:30 – 6:30 p.m. at the Towne Place Suites (Marriott Hotel). Located at 2009 S. National Ave., Springfield, MO 65804.** Signage for directions to the meeting room will be placed at the front desk of the Hotel. Maps indicating the affected property as well as the meeting location are attached to this letter.

This case is scheduled to be heard before the City of Springfield Planning and Zoning Commission on October 8, 2015 @ 6:30. Please plan to attend. If you should have any questions please feel free to contact our office at (417) 890-8802.

Sincerely,

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

Jared Rasmussen, PE
Olsson Associates

Attachments:

Meeting Location Map
Exhibit B - Rezoning Map
City of Springfield Notice

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-33-2015 & CONDITIONAL OVERLAY DISTRICT NO. 99

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

A. USES The following uses are prohibited within this district:

1. Automobile part and accessory stores, entirely within enclosed building and with service and repair as an accessory use, when located as part of a shopping center complex.
2. Commercial amusement, including bowling alleys, dance halls, video game arcades, billiard parlors, roller skating and ice skating arenas, motion picture theaters, and drive-in theaters.
3. Commercial off-street parking lots and structures.
4. Convenience stores with or without gas pumps.
5. Funeral homes, mortuaries and crematoriums.
6. Hotels, motels and inns.
7. Household resources recovery collection centers, screen from all residential districts and public rights-of-way in conformance with Section 6-1000.
8. Package Liquor Sales.
9. Pawn shops, second-hand stores and flea markets entirely within enclosed buildings.
10. Self-service laundromats.
11. Photo processing with drive-thru facilities.
12. Police and Fire stations
13. Private clubs and lodges
14. Public and private parks, playgrounds and golf courses, included miniature golf courses and driving ranges.
15. Recording studios
16. Seasonal outdoor sales and related storage
17. Taxidermists
18. Tower other than wireless facilities, less than one hundred (100) feet in height and related facilities.
19. Television and radio studios.
20. Water reservoirs, water standpipes, and elevated and ground level water storage tanks.
21. Tier I, Tier III, Tier IV, and Tier V wireless facilities
22. Satellite rental car offices limited to administrative functions related to the rental car business, drop off and pick up of rental cars, and on-site parking for not more than fifteen (15) rental cars and vans.
23. Automobile service garages
24. Automobile service stations
25. Automobile washing businesses, including automatic, coin operated, and moving line facilities
26. Self-service storage facilities
27. Residential uses on the first floor frontage of a building

- B. Use Limitations – The following improvements/conditions are necessary to accommodate the proposed development of this property:
1. Dedicate additional right-of-way for Sunshine Street and National Avenue as required by the Administrative Review Committee (ARC), but no greater than the following:
 - a. Sunshine Street – 50 feet north of the established section line or street centerline used for previous right-of-way requirements.
 - b. National Street - 50 feet east of the street centerline used for previous right-of-way requirements.
 2. No access is permitted within five-hundred-fifty (550) feet measured from the centerline of National Avenue.
 3. Assure that all lots have access either by combining lots or by providing a cross access easement across all lots and including all driveways between the cross access easement and the right-of-way for Sunshine Street from the west lot to the east property line.
 4. Provide an internal ingress-egress easement from and including the eastern driveway to the east property line for a future cross access with the property to the east.
 5. Construct sidewalk along Sunshine Street.
 6. Provide an internal pedestrian system that connects the front doors of each building with one another and the public sidewalk.
 7. The existing driveway approach on National Avenue shall be closed.
 8. Hours of operation for retail uses shall be limited to 6:00 am to 10:00 pm.
- C. Bulk and Intensity of Use Restrictions: Development within this district shall adhere to the following requirement:
1. Maximum floor area ratio: 0.38
 2. A traffic study shall be submitted at the time of development/redevelopment based on the actual use of the property. The traffic study shall be based on an internal private layout of the development. If the results of the traffic study determine that improvements are required, then they must be constructed prior to building permits being issued. ARC approval shall be required if modification of the layout is proposed after approval of the traffic study.
- D. Bufferyard:
1. Shrubs planted as a part of the bufferyard requirement shall have a minimum mature height of six (6) feet within four (4) years of planting.

ATTACHMENT 4

From: [Jim Doran](#)
To: Zoning@springfieldmo.gov
Subject: Fw: Property at Sunshine and National Re-Zoning Request
Date: Wednesday, September 23, 2015 4:26:48 PM

zoning@springfieldmo.gov

On Wednesday, September 23, 2015 3:19 PM, Jim Doran <jrd4@att.net> wrote:

Mr. Bob Hosmer, AICP
Principal Planner
City of Springfield

Re: Proposed Rezoning of 3.65 - acre property at the NE Corner of Sunshine Street and National Avenue (Hearing Before Commission October 8, 2015 @ 6:30)

Dear Mr. Hosmer:

Lois Marriott Doran owns the property located at 1234 E. University, Springfield, MO 65804. She and I resided at this residence for several years and moved to a new location and it became a rental. We received notice of the proposed rezoning from Olson Associates and I attended the Neighborhood Meeting scheduled at 4:30 - 6:30 P.M on September 17, 2015.. Because of the broad scheduling time, I only made contact with one neighbor couple. It did appear many persons had signed in before I got there and I suspect many signed in after I left.

A few years ago, rezoning of the property was requested by the owner. I believe there were three appearances before the Commission and two Neighborhood Meetings. Basically, the neighborhood favored only office usage and the owner proposed an extensive retail usage. With the help of the Commission and City Staff, adjustments were made to the rezoning which I thought basically provided for light retail. In meeting with the representative from Olson Associates, the present owner basically wants to change the closing time required from 10 PM to 12 Midnight; permit drive through facilities such as restaurants; permit bars and allow liquor stores. I believe these changes were all eliminated in the earlier proceeding.

We are now back basically having to go through the same process. Each one of these activities will reduce the value of abutting properties and I am sure increase traffic at the already busy intersection with frequent gridlock at Sunshine and National. The Mercy Hospital Emergency Room is located at his intersection.

The later hours will expand noise levels and their times significantly . While in School, I worked on occasion at a bar and I know even after it closed filling dumpsters, employees taking smoke breaks outside, etc. continued on for another couple of hours Persons living at the opposite end of the street at that time confirmed this time period for close down of the restaurant behind them. It closes well before Mid-Night.

This is an improving neighborhood. Many properties have been up-graded in the time I have been familiar with it. We have been able to get decent rents and persons such as MSU professors, Business Managers, etc. as tenants. Much hard work by many people will be lost if the rezoning is allowed. After the last recent rezoning situation, it was to go before City Council, The neighbors concluded that after the adjustments they were not satisfied but could put up with it. As far as i know, no one appeared to oppose the rezoning. I even received calls from City

Council members asking why after they had reviewed the case.

I believe there is a new property owner of the tract. However, they bought it "as is" and should not be allowed to make additional zoning changes and potential profits at the expense of the property owners. The Olson Associates representative told me the present owner was not interested in amending their request. For all of the above reasons, Lois Doran and myself strongly oppose any changes to the present zoning.

Jim Doran
jrd4@att.net
417-894-6523

From: [Harmon, Darla A.](#)
To: Zoning@springfieldmo.gov
Subject: Zoning Case Z-33-20115 w/Conditional Overlay District No. 99
Date: Tuesday, October 27, 2015 4:10:11 PM

Good afternoon,

I live at 1218 E. University St., and I love my home and neighborhood. When I moved into this house 16 years ago, there was obviously noise and traffic from the Sunshine/National intersection, and there were a few rental properties on the street. Today, the noise and traffic have heavily increased, Mercy has moved its chopper pad and emergency room entrance so that they are directly across the street, and several houses have turned into rentals that are inhabited by multiple college students. Change is certainly inevitable, but it isn't always positive.

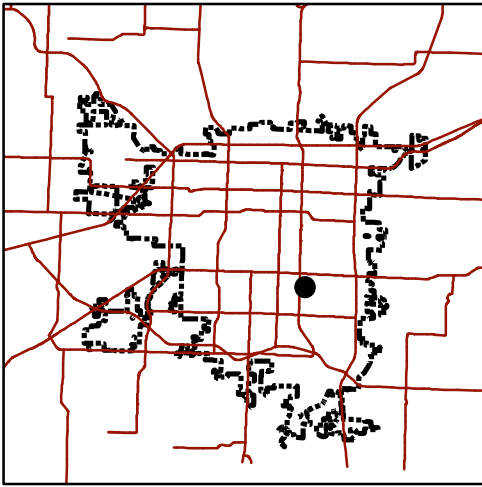
On September 17th, I attended a meeting hosted by Olsson Associates regarding a rezoning application for the property at the NE corner of Sunshine and National. They want to rezone the space for development that will allow:

- a drive-thru restaurant
- packaged liquor sales
- a tavern (at least 50% of sales would be alcohol)
- business would remain open until midnight rather than 10:00 p.m.

I am writing to express my opposition to rezone. There are a multitude of places in Springfield that provide the above services; we don't need to cram yet another into green space that aligns a residential neighborhood already dealing with too much noise and traffic. I hope the City will give as much consideration to the area homeowners who will be affected by rezoning as it will give to a potential developer who may increase tax revenue, and stop worrying so much about whether or not the nipple should be freed, and focus its energy and resources on preserving our neighborhoods.

Thank you,
Darla

Darla Harmon
Missouri University of Science and Technology
Senior Development Officer, Corporations and Foundations
223 Castleman Hall
Phone: 573-341-6596
Cell: 417-872-9710
Email: harmond@mst.edu



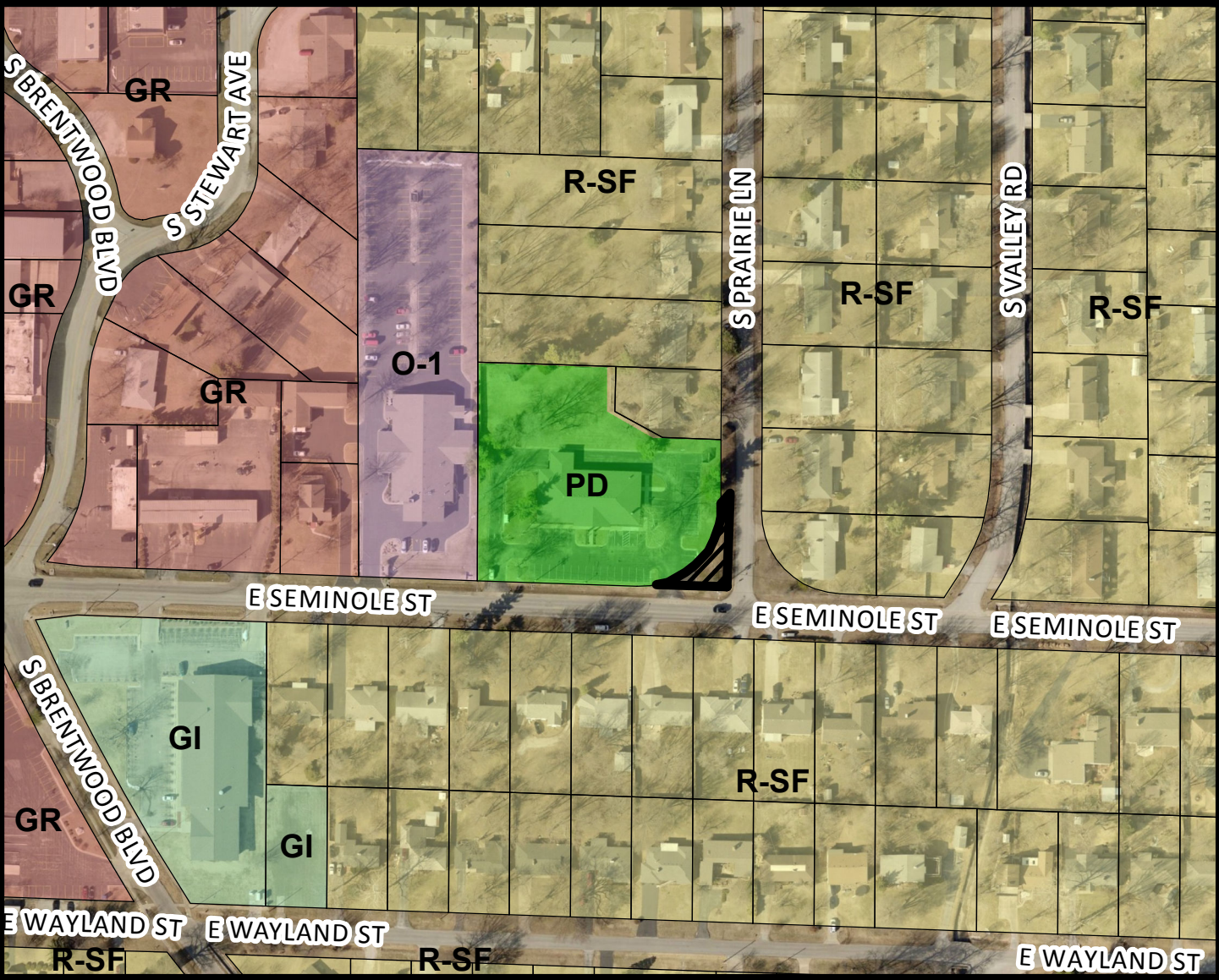
Development Review Staff Report

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

Vacation No. 782

LOCATION: 1983 East Seminole Street

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT
VACATION 782

REPORT DATE: October 27, 2015

LOCATION: Northeast corner of East Seminole Street and South Prairie Lane

APPLICANT: Blu Current Credit Union

VACATION AREA: Approximately 0.52 acres

FINDINGS FOR STAFF RECOMMENDATION:

1. The requested Vacation No. 782 meets the approval criteria listed in Exhibit 2.

RECOMMENDATION:

Staff recommends **approval** of this request.

HISTORY:

City Council approved the rezoning of the subject property (General Ordinance 6237) at their meeting on October 26, 2015 from a Planned Development District No. 11, 1st Amendment to an O-1, Office District. One of the conditions of rezoning was that the applicant 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.

PUBLIC COMMENTS:

The property was posted by the applicant on October 21, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the News Leader at least 30 days prior to the public hearing. Public notices were sent out at least 10 days prior to the public hearing to all property owners within 300 feet. Thirty (30) property owners are within three hundred (300) feet of the subject area and have been notified of this action. Staff has not received any comments.

STAFF COMMENTS:

1. This is a request to vacate a portion of right-of-way at the northwest corner of East Seminole Street and South Prairie Lane. City Council approved the rezoning of the adjacent property owned by Blu Current Credit Union (General Ordinance 6237) at their meeting on October 26, 2015 from a Planned Development District No. 11, 1st Amendment to an O-1, Office District with a condition that the applicant apply for a vacation of the right-of-way in order for the

existing parking spaces to be located outside of the public right-of-way. Approval of this request will allow for the improvements to remain but on private property rather than on public right-of-way.

2. All necessary easements to accommodate existing facilities within the subject rights-of-way will be retained as part of this vacation.
3. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner
864-1831

EXHIBIT 1
DEPARTMENT COMMENTS
VACATION 782

BUILDING DEVELOPMENT SERVICES COMMENTS:

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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Show a 10 foot by 10 foot right of way sight triangle on the intersection of Prairie lane and Seminole.

STORMWATER COMMENTS:

No stormwater issues with the proposed vacation.

CLEAN WATER SERVICES COMMENTS:

There is no public sewer in the area proposed to be vacated.

CITY UTILITIES:

A replacement is being provided for existing utilities that will remain in the area to be vacated.

FIRE DEPARTMENT COMMENTS:

The Fire Department does not have any issues with this proposed vacation.

AT&T COMMENTS:

The existing communication line will remain on private property of the subject property and serves only that property.

EXHIBIT 2
APPROVAL CRITERIA
VACATION 782

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

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

STAFF RESPONSE:

This proposed vacation does not impact any access to the street.

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

STAFF RESPONSE:

The petitioner is the only owner adjacent to the street that will be affected.

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

STAFF RESPONSE:

The right-of-way is not needed and does not serve a useful purpose.

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

STAFF RESPONSE:

The vacation of right-of-way will not affect utilities. An easement has been granted for the utilities that will remain in the area to be vacated.

EXHIBIT 3
LEGAL DESCRIPTION
VACATION 782

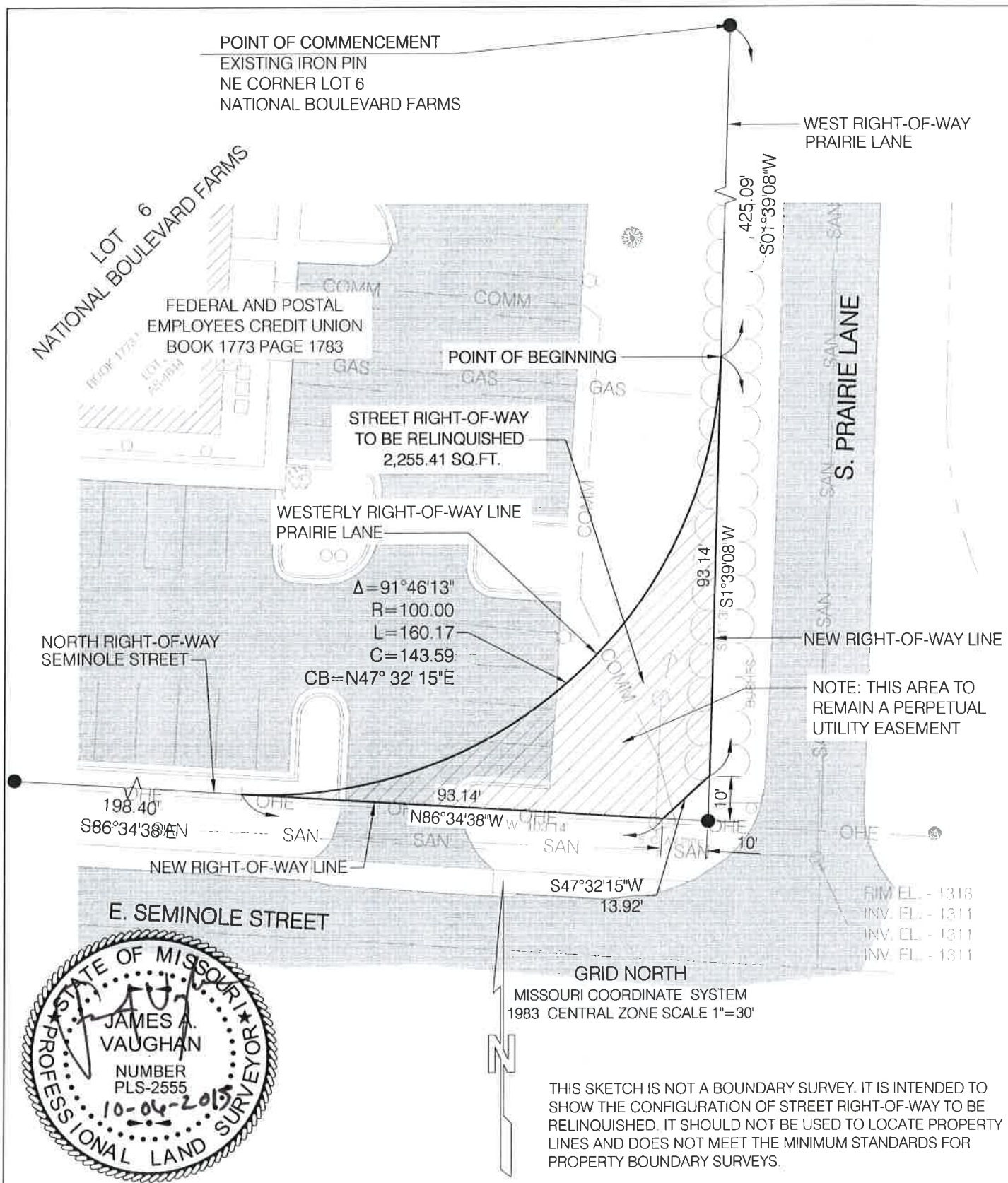
DESCRIPTION FOR STREET VACATION:

ALL THAT PART OF PRAIRIE LANE RIGHT-OF-WAY LOCATED ADJACENT TO THE SOUTHEAST CORNER OF LOT 6 IN NATIONAL BOULEVARD FARMS, A RECORDED FINAL PLAT IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, LYING IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 29 NORTH, RANGE 21 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF LOT 6 OF SAID NATIONAL BOULEVARD FARMS; THENCE S01°39'08"W, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID PRAIRIE LANE, 425.09 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING S01°39'08"W, LEAVING SAID WEST RIGHT-OF-WAY LINE, 93.14 FEET THENCE S47°32'15"W, 13.92 FEET; THENCE N86°34'38"W, 93.14 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID PRAIRIE LANE AND THE NORTH RIGHT-OF-WAY LINE OF SEMINOLE STREET; THENCE NORTHEASTERLY, 160.17 FEET ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 91°46'13", A RADIUS OF 100.00 FEET, A CHORD BEARING AND DISTANCE OF N47°32'15"E, 143.59 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 2,255.41 SQUARE FEET.

THIS AREA TO REMAIN A PERPETUAL UTILITY EASEMENT.

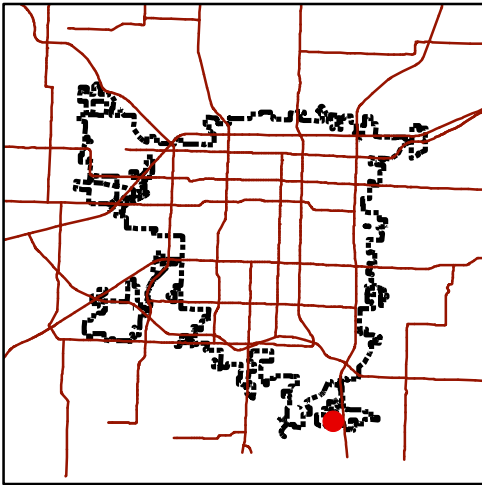


SKETCH EXHIBIT "B"
POSTAL & FEDERAL EMPLOYEE CREDIT UNION
STREET RIGHT-OF-WAY RELINQUISHMENT
NATIONAL BOULEVARD FARMS
NW 1/4 OF S 32, T 29 N, R 21 W
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

5051 S. National Avenue
Springfield, MO 65810
Tel: 417.889.3400
Fax: 417.889.3402

CJW Transportation Consultants, L.L.C.
www.GoCJW.com

CJW PROJECT No. 15080



Development Review Staff Report

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

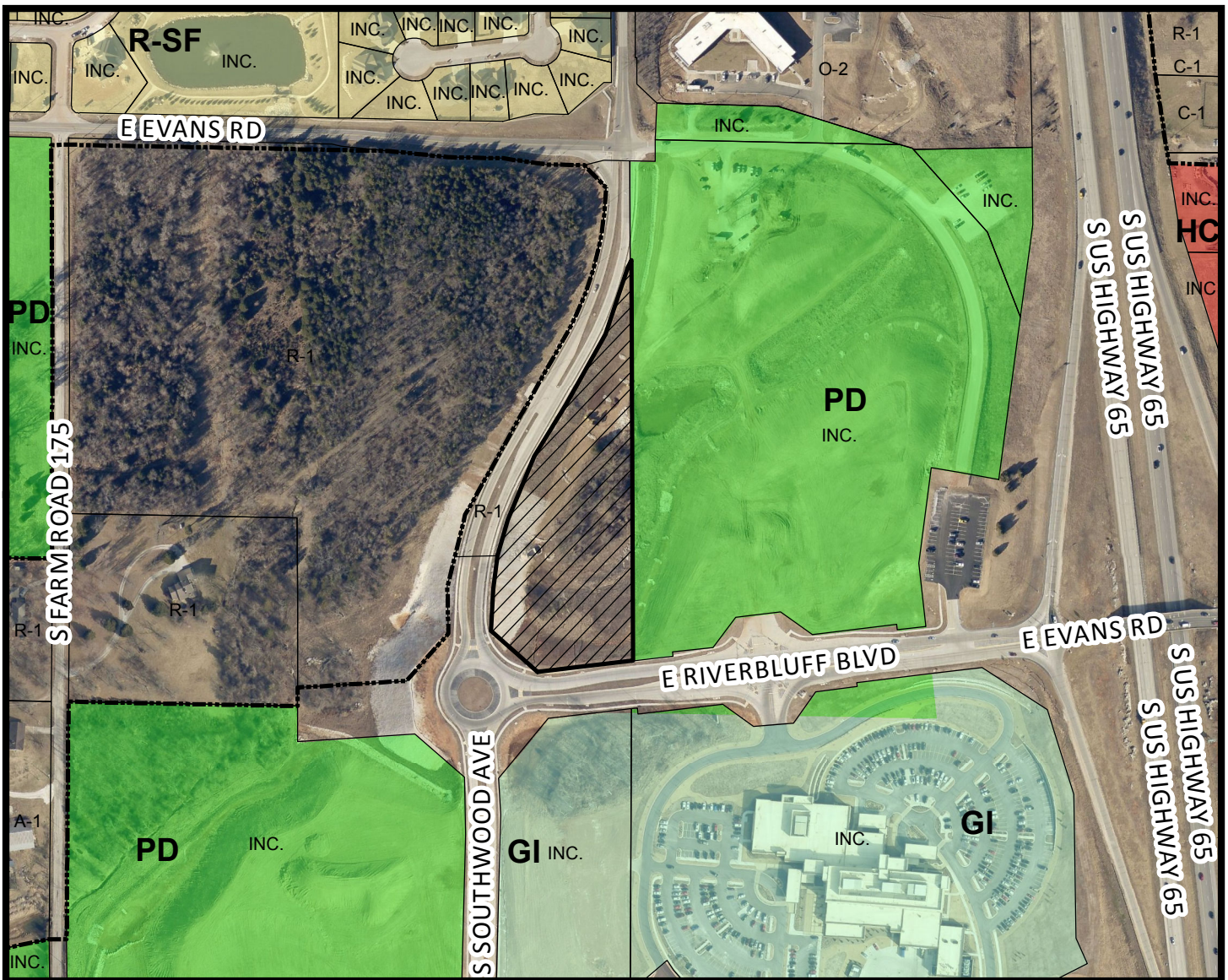
Zoning Case Z-29-2015

LOCATION: 6000 Block of South Southwood Ave

CURRENT ZONING: County R-1 Residential Zoning

PROPOSED ZONING: R-SF, Single-Family Residential District

LOCATION SKETCH



- Area of Proposal

0 100 200 400

Feet

1 inch = 375 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-29-2015

PURPOSE: To rezone approximately 5 acres of property generally located in the 6000 block of South Southwood Avenue from a Greene County R-1, Suburban Residence District to a City R-SF, Single Family Residential District.

REPORT DATE: October 22, 2015

LOCATION: 6000 Block of South Southwood Avenue

APPLICANT: City of Springfield for Mercy Hospital

TRACT SIZE: Approximately 5 acres

EXISTING USE: vacant undeveloped land

PROPOSED USE: vacant undeveloped land in the R-SF District.

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located along Southwood Avenue, a collector roadway.
2. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for High-Intensity Retail, Office or Housing.
3. The requested R-SF zoning is consistent and compatible with the existing Greene County R-1 zoning district.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-SF	Single family homes
East	PD mixed use development	Vacant land
South	GI and PD (retail)	Vacant land
West	County R-1	Vacant land

HISTORY:

The City Council on July 13, 2015 approved the annexation of the subject property into the City limits of Springfield. The City's policy is to match City zoning as closely as possible to the current Greene County zoning district. The rezoning of the subject property from Greene County R-1, Suburban Residential to City R-SF, Single Family Residential is consistent with City policy.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for High-Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate at major intersections or along certain roadway corridors.

STAFF COMMENTS:

1. The subject property is located along Southwood Avenue, a collector roadway, and is "sandwiched" between an undeveloped mixed use planned development to the east and County R-1 Suburban Residential zoning to the west. Approval of R-SF zoning at this location is consistent and compatible with the existing zoning and development along Southwood to the north and west and provides a transition between the high traffic roadway, Highway 65 and higher intensity uses on the east side of Southwood and the residential development to the north.
2. The rezoning if approved would have to comply with *Section 4-1000, Single-Family Residential District* of the Zoning Ordinance and any other applicable city codes.
3. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting October 14, 2015 regarding the request for R-SF, Single Family District zoning. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant on October 14, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Seven (7) 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.

CITY COUNCIL MEETING:

November 23, 2015

STAFF CONTACT PERSON:

Bob Hosmer, AICP

Principal Planner

864-1834

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-29-2015

BUILDING DEVELOPMENT SERVICES COMMENTS:

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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. Public Works Traffic Division does not have any issues with the proposed rezoning

STORMWATER COMMENTS:

1. Public Works Storm Water Division does not have any issues with the proposed rezoning

CLEAN WATER SERVICES COMMENTS:

1. Clean water services does not have any issues with the proposed rezoning

CITY UTILITIES:

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

September 23, 2015

RE: Rezoning of property at 5904 South Southwood Avenue (Mercy Rehabilitation Hospital) and vacant property in the 6000-6100 Block of South Southwood Avenue (see attached map)

Dear Property Owner:

The City has recently annexed these properties and intends on rezoning the Mercy Rehabilitation Hospital property from a Greene County O-2, Office District to a GI, Governmental and Institutional Use District with a Conditional Overlay District restricting the property to a hospital use only. The property in the 6000-6100 block of South Southwood Avenue is proposed to be rezoned from a Greene County R-1 District to a City R-SF, Single Family Residential District (see map).

The City of Springfield will be conducting a neighborhood meeting to discuss the proposed zoning changes.

Date: October 14, 2015

Time: 4:00 PM to 6:30 PM

Location: Conference Room "A" (the first door to the right of the Cafe') at the Mercy Orthopedic Hospital located at 3050 East Riverbluff Blvd.

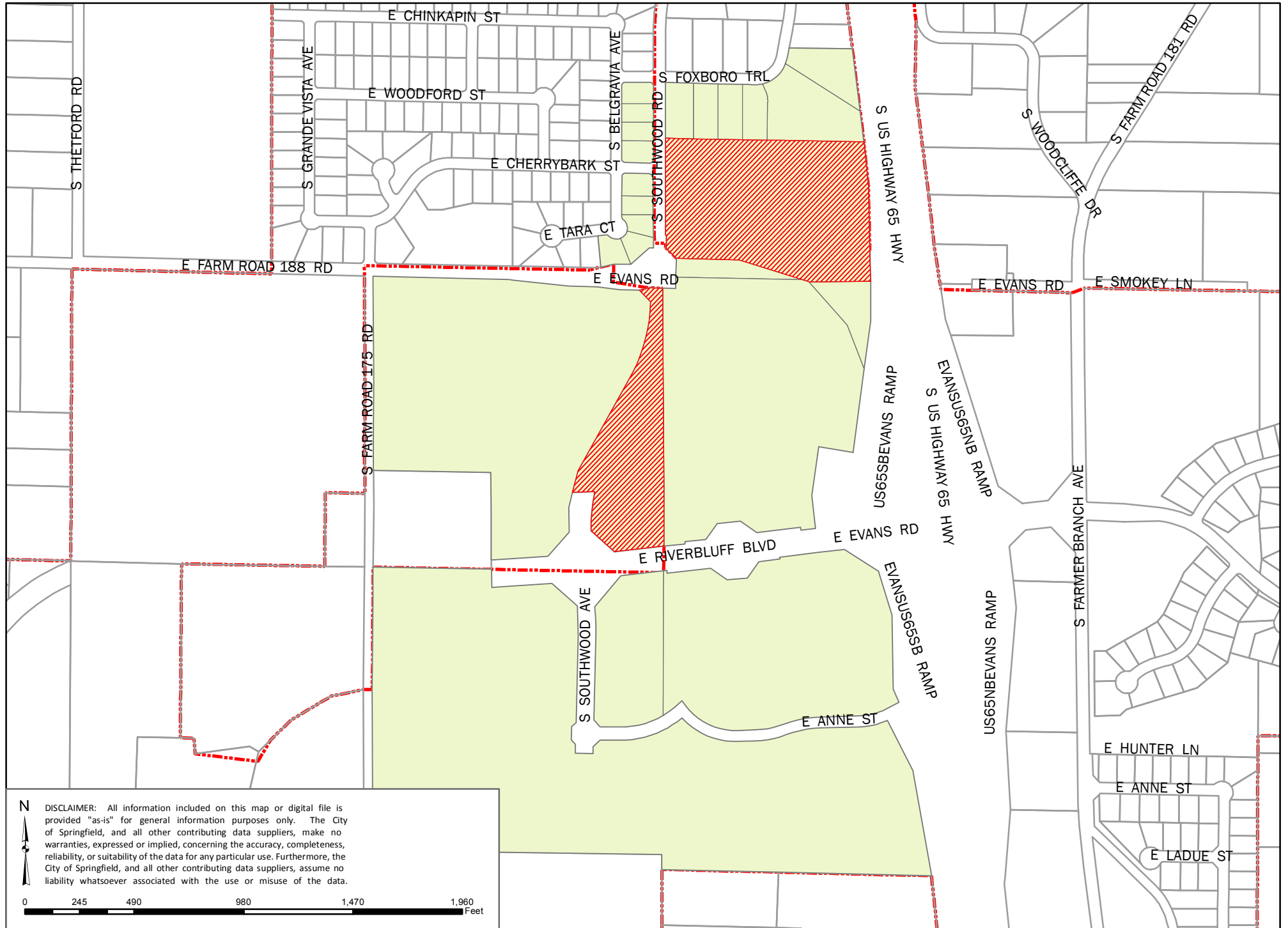
City Staff will be present to answer any questions you may have concerning this proposed rezoning. If you have any questions prior to this meeting, please contact our office at (417) 864-1834.

Cordially,



Bob Hosmer, AICP
Principal Planner

185 foot mailing list



NEIGHBORHOOD MEETING SUMMARY

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

2. Meeting Date & Time: _____

3. Meeting Location: _____

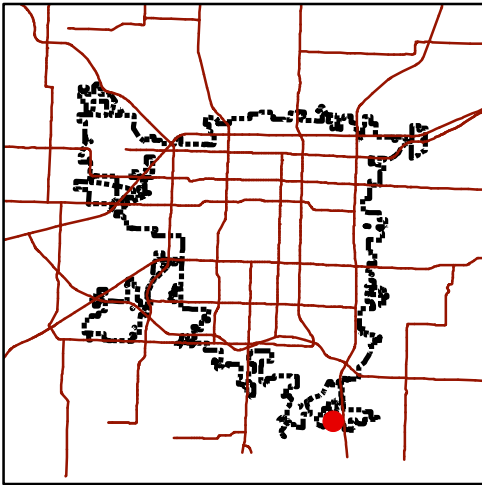
4. Number of invitations that were sent: _____

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:



Development Review Staff Report

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

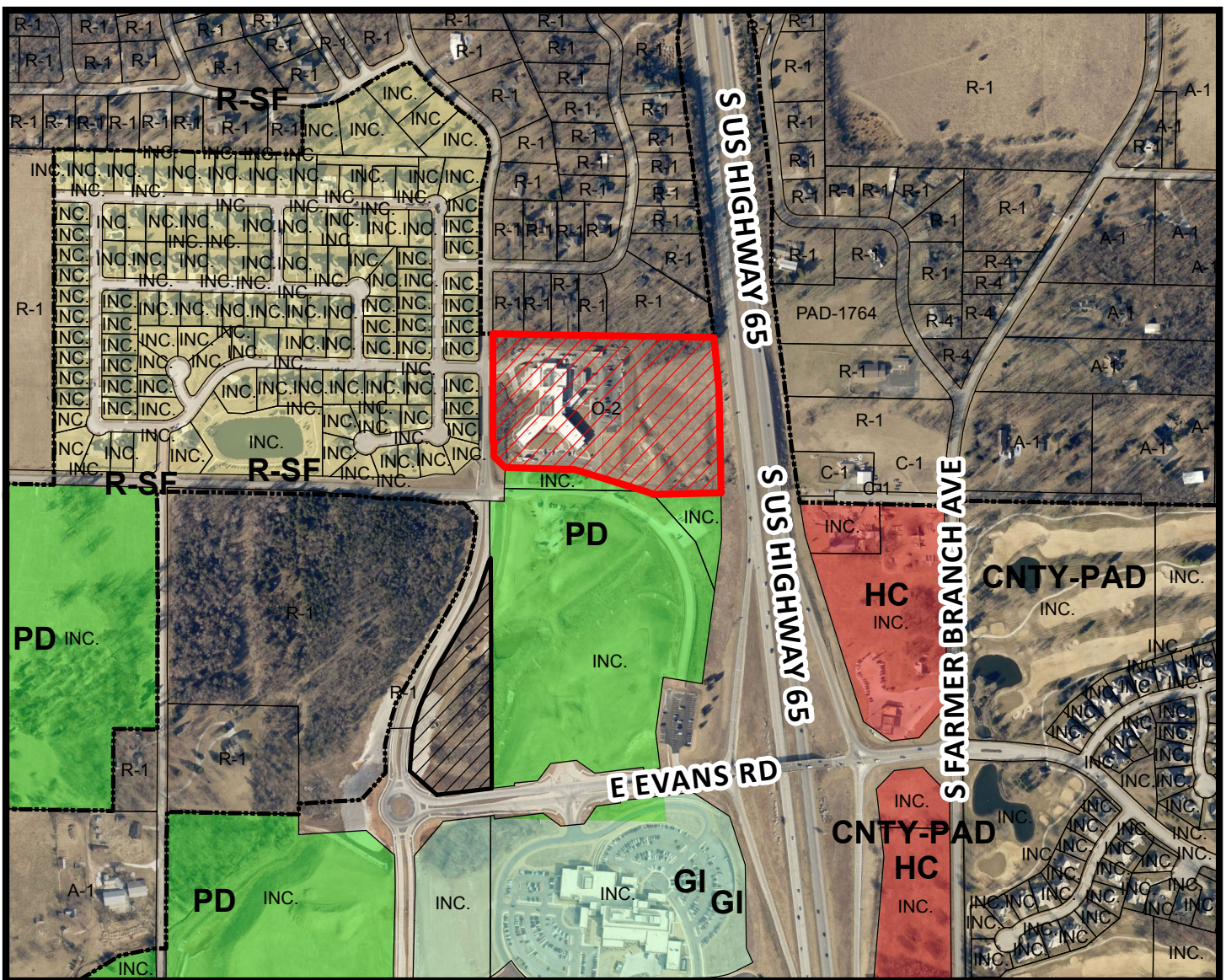
Z-35-2015 Conditional Overlay District No. 101

LOCATION: 5904 South Southwood Ave

CURRENT ZONING: Greene Co O-2, Office District

PROPOSED ZONING: City GI, Governmental and Institutional Use District with COD# 101

LOCATION SKETCH



- Area of Proposal

010200 400

Feet

1 inch = 650.062657 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-35-2015 CONDITIONAL OVERLAY DISTRICT NO. 101

PURPOSE: To rezone approximately 12 acres of property generally located at 5904 South Southwood Avenue from a Greene County O-2, Office District to a City GI, Governmental and Institutional Use District with a Conditional Overlay District No. 101.

REPORT DATE: October 22, 2015

LOCATION: 5904 South Southwood Avenue

APPLICANT: City of Springfield for Mercy Rehabilitation Hospital

TRACT SIZE: Approximately 12 acres

EXISTING USE: Mercy Rehabilitation Hospital

PROPOSED USE: Hospital Use

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the intersection of Southwood Road which is classified as a collector roadway and Evans Road which is classified as a secondary arterial roadway. Hospital uses are an appropriate land use along these types of roadways.
2. The proposed GI, zoning is consistent with the recommendations of the *Comprehensive Plan* to locate low volume office/ institutional developments along collector or higher classified roadways and as transitions and buffers between higher intensity uses and residential developments.
3. The requested GI, zoning is consistent and compatible with the existing Greene County O-2 district.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	County R-1	Single family homes
East	Right-of-way	Highway 65
South	PD mixed use	vacant
West	R-SF	Single family homes

HISTORY:

The City Council on July 13, 2015 voted to annex the subject property into the City limits of Springfield. The City's policy is to match to Greene County zoning districts as close to as possible to City zoning districts. The rezoning of the subject property from O-2, Office District to a GI, Governmental and Institutional Use District is consistent since the O-2 District allows for hospital uses.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing.

STAFF COMMENTS:

1. The subject property is located along Southwood Road, a collector roadway, and Evans Road which is classified as a secondary arterial roadway. Approval of GI zoning at this location is consistent and compatible with the existing hospital use which was constructed in the County. The zoning and development along the east side of Southwood Road provides for a transition between Highway 65 and the residential uses.
2. The rezoning if approved would have to comply with *Section 4-2100, Governmental and Institutional Use District* of the Zoning Ordinance, Conditional Overlay District and any other applicable city codes.
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 June 3, 2015 regarding the request for GI District zoning. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant on October 14, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Thirteen (13) 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.

CITY COUNCIL MEETING:

November 23, 2015

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner
864-1834

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-35-2015 CONDITIONAL OVERLAY DISTRICT NO. 101

BUILDING DEVELOPMENT SERVICES COMMENTS:

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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. No comments from traffic.

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:

1. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports.
2. Any increase in impervious area will require the development to meet current detention and water quality requirements.
3. 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.
4. Based upon City data, there is a significant amount of offsite concentrated stormwater crossing the subject property. Although stormwater detention and water quality do not have to be provided for these flows, public improvement plans will be required to convey these flows across the subject property. Drainage easements must be provided for this conveyance.
5. Must obtain MoDOT approval to discharge stormwater onto MoDOT right of way.
6. Must obtain Greene County approval to discharge stormwater onto Greene County right of way.

CLEAN WATER SERVICES COMMENTS:

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

CITY UTILITIES:

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

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:

September 23, 2015

RE: Rezoning of property at 5904 South Southwood Avenue (Mercy Rehabilitation Hospital) and vacant property in the 6000-6100 Block of South Southwood Avenue (see attached map)

Dear Property Owner:

The City has recently annexed these properties and intends on rezoning the Mercy Rehabilitation Hospital property from a Greene County O-2, Office District to a GI, Governmental and Institutional Use District with a Conditional Overlay District restricting the property to a hospital use only. The property in the 6000-6100 block of South Southwood Avenue is proposed to be rezoned from a Greene County R-1 District to a City R-SF, Single Family Residential District (see map).

The City of Springfield will be conducting a neighborhood meeting to discuss the proposed zoning changes.

Date: October 14, 2015

Time: 4:00 PM to 6:30 PM

Location: Conference Room "A" (the first door to the right of the Cafe') at the Mercy Orthopedic Hospital located at 3050 East Riverbluff Blvd.

City Staff will be present to answer any questions you may have concerning this proposed rezoning. If you have any questions prior to this meeting, please contact our office at (417) 864-1834.

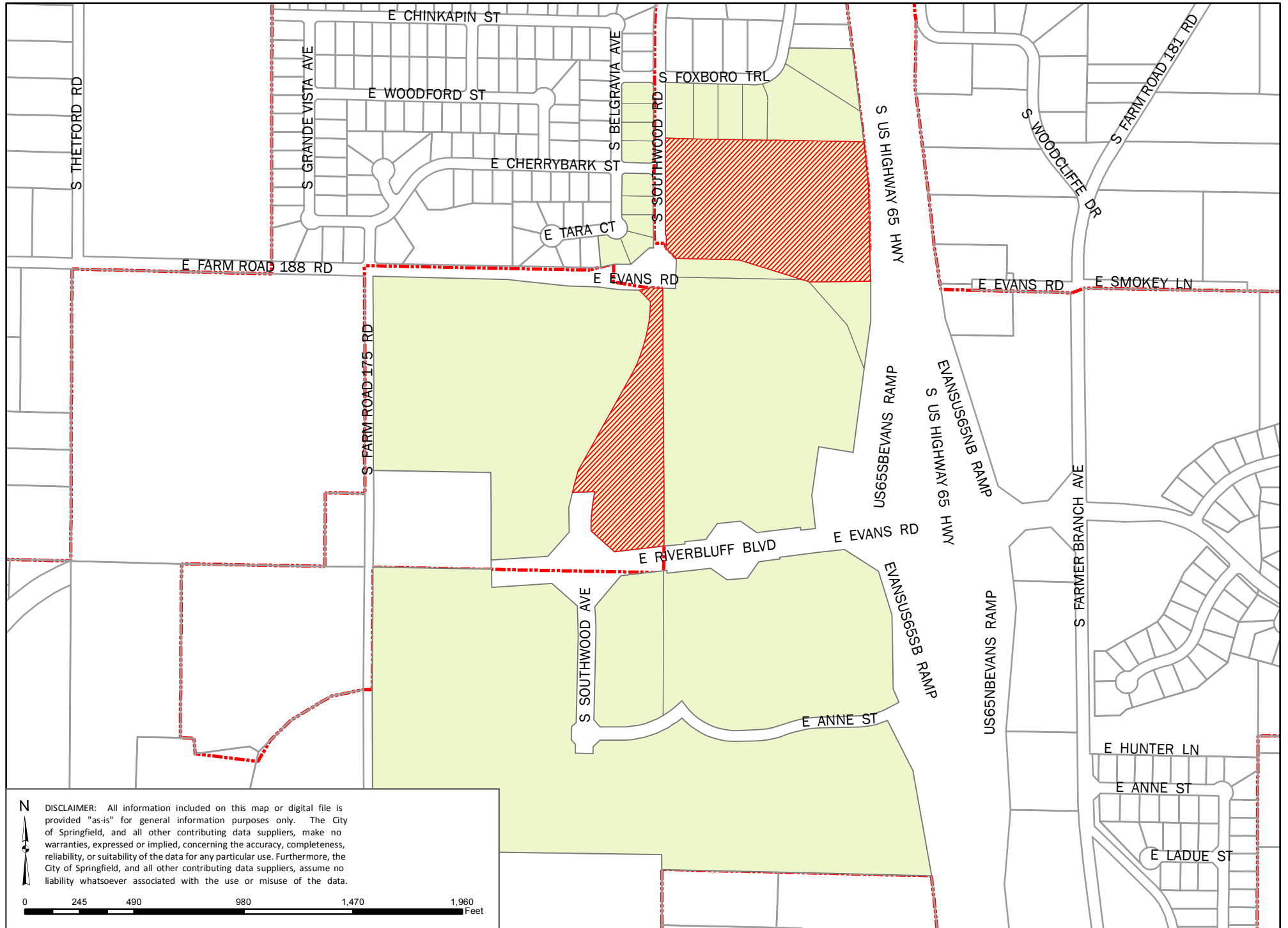
Cordially,



Bob Hosmer, AICP
Principal Planner



185 foot mailing list

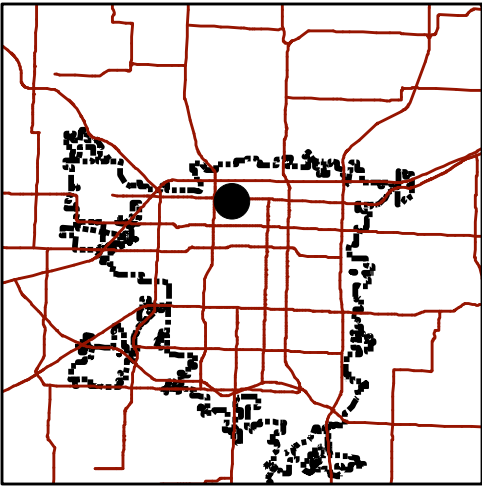


ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-35-2015 & CONDITIONAL OVERLAY DISTRICT NO. 101

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

Permitted uses

1. Accessory uses, as permitted by section 5-1000, accessory structures and uses.
2. Hospitals with ambulance services as accessory uses
3. Churches and other places of worship including parish houses and Sunday schools.



Development Review Staff Report

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

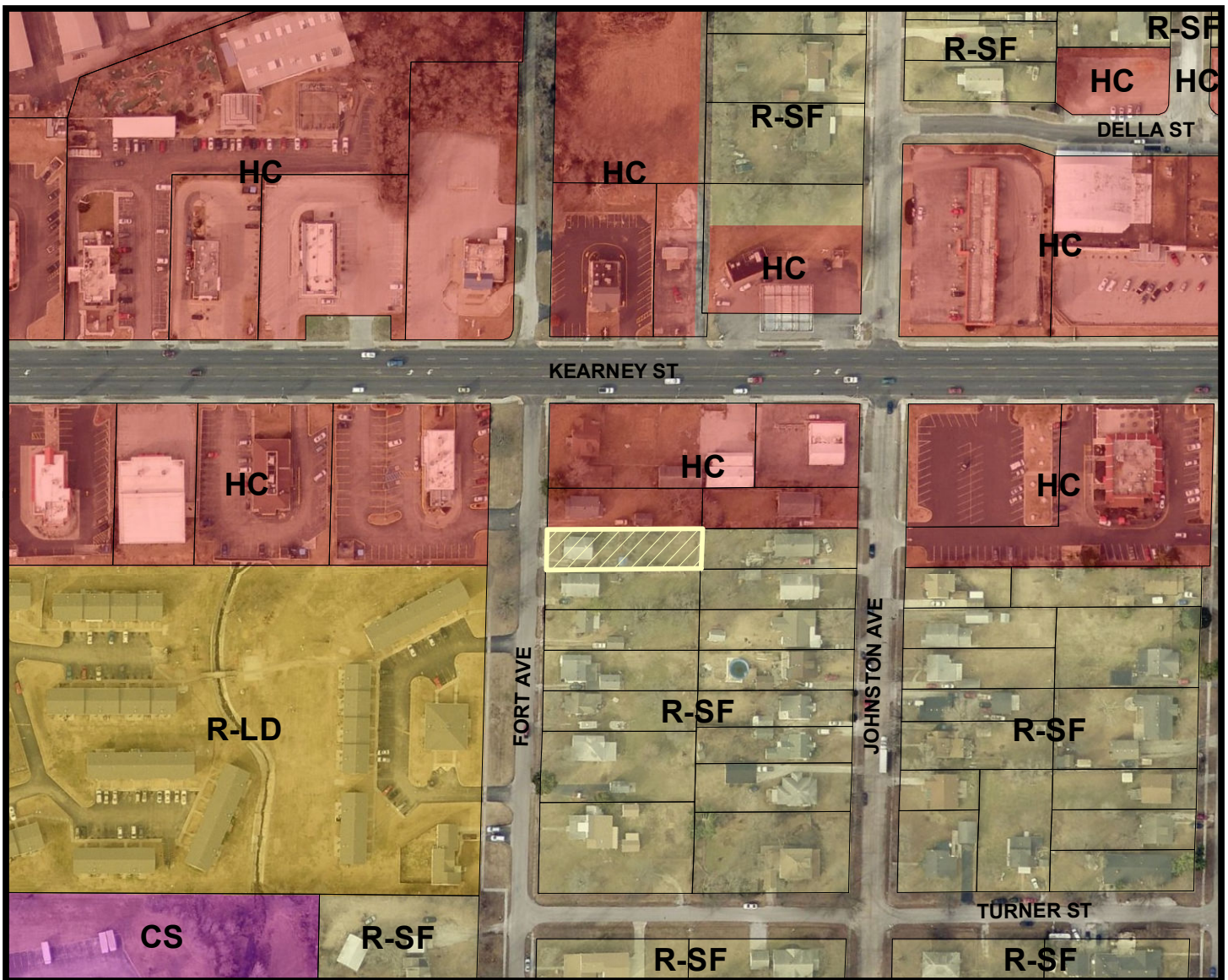
Z-36-2015

Location: 2340 N. Fort Ave.

Current Zoning: R-SF, Single-Family Residential

Proposed Zoning: HC, Highway Commercial

LOCATION SKETCH



- Area of Proposal

0 50 100 200
Feet

1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-36-2015

PURPOSE: To rezone approximately 0.22 acres of property generally located at 2340 North Fort Avenue from an R-SF, Single Family Residential District to an HC, Highway Commercial District with conditions.

REPORT DATE: October 27, 2015

LOCATION: 2340 N. Fort Avenue

APPLICANT: Barrett Fisk Investments, LLC

TRACT SIZE: Approximately 0.22 acres

EXISTING USE: Single-family residence

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* identifies this as an appropriate area for medium-intensity retail, office or housing. The requested HC, Highway Commercial 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. Approval of this application will facilitate redevelopment of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
4. When combined with adjacent lots the request will be consistent with the depth of adjacent commercial zoning and uses that front along Kearney Street. Kearney Street is classified as a primary arterial roadway which is appropriate location of HC, Highway Commercial uses.
5. The standard development requirements in the HC, Highway Commercial District with the condition to combine lots, are adequate to mitigate any potential impacts of development of this property on adjacent residential properties.

RECOMMENDATION:

Staff recommends approval of this request with the following conditions:

1. The subject property shall be combined into one tract of land for development with lots to the north (2346 and 2352 N. Fort Ave.).
2. 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 R-SF, Single Family Residential District.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	HC	Single-family residences
East	R-SF	Single-family residence
South	R-SF	Single-family residence
West	HC	Restaurant

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate at major intersections or along certain roadway corridors.

The *Plan* further recommends commercial areas of different intensities throughout the community. Commercial areas should be sited in areas that are well served by transportation facilities and sited and designed to have a minimal effect on the adjacent lower-intensity development.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from an R-SF, Single Family Residential District to an HC, Highway Commercial District with conditions. The intent of this application is to combine the subject property with the existing HC lots to the north which will facilitate the redevelopment of the site for commercial uses.
2. A traffic study was not warranted by Public Works Traffic Division since the rezoning from R-SF to HC on such a small lot will not generate a significant amount of additional traffic.

3. The applicant has proposed to combine the subject property with existing HC lots to the north. This will allow for any commercial developments primary access to be taken from Kearney Street. Kearney Street is classified as a primary arterial roadway, which is a major traffic corridor through the City.
4. Upon development of the property a bufferyard is required along the east and south property line adjacent to the R-SF, Single Family Residential zoned property. The normal bufferyard required between HC and R-SF zoning is a Bufferyard "Type F" at least twenty (20) feet wide with a six foot solid wood fence, masonry/brick wall or evergreen hedge. For each one-hundred (100) linear feet of bufferyard, there must be one (3) canopy tree, one (3) understory tree, two (4) evergreen trees and ten (20) shrubs. All structures shall remain below a thirty (30) degree bulk plane as measured from the boundaries of any R-SF district.
5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on October 14, 2015 regarding the request for HC, Highway Commercial zoning with conditions. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant or their representative on November 5, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Fifteen (15) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

November 23, 2015

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-36-2015

BUILDING DEVELOPMENT SERVICES COMMENTS:

Building Development Services does not have any issues with this request.

CITY UTILITIES:

City Utilities has no objection to the requested rezoning. All facilities are available.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning. Both properties have access to public sewer.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Public Works Traffic Engineering does not have any objections to this request with the required condition. A traffic study is not required.

MODOT COMMENTS:

May require changes to access/entrances.

STORMWATER COMMENTS:

There are no stormwater issues with re-zoning 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 surfacing 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.
- c. 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.

ATTACHMENT 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

North Fort Rezoning

September 14, 2015

5:00 p.m. – 7:00 p.m.

Name	Address	Phone
Tara Dillabough	Applicant Rep.	417-890-8802
Ray & Tara Dillabough	2343 N. Johnston Ave Spfld	417-315-1046
Ray & Tara Dillabough	231797. Johnston Ave Spfld	417-942-9158
Amber Lawson	2347 N. Johnston Ave Spfld	417-872-6073
Sharon Heal	(Parents) 2316 N Fort Sp MO	(Parents) 869-4022
Olin Holland	2313 N Johnston Ave Spfld MO	417-230-3038

OLSSON
ASSOCIATES

550 St. Louis Street
Springfield, MO 65806

TEL 417.890.8802
FAX 417.890.8805

www.olssonassociates.com