



Springfield Planning and Zoning Commission

City Council Chambers (830 Boonville)

Date: December 6th, 2018
Time: 6:30 p.m.

Members: Randall Doennig (Chair), King Coltrin (Vice-Chairman), Melissa Cox, David Shuler, Dee Ogilvy, Cameron Rose, Joel Thomas, Natalie Broekhoven and Britton Jobe.

1. ROLL CALL

2. APPROVAL OF MINUTES

. October 11th, 2018

Documents:

[PZ MINUTES 10-11-2018.PDF](#)

. November 8th, 2018

Documents:

[PZ MINUTES 11-8-2018.PDF](#)

. 3. COMMUNICATIONS

. City Council - November 5th, 2018

Documents:

[NA11-05-18.PDF](#)

. City Council - November 19th, 2018

Documents:

[NA11-19-18.PDF](#)

. 4. CONSENT ITEMS

. 5. Acquire 529

1824 West College Street, City of Springfield

Documents:

[ACQUIRE 529 SR.PDF](#)

6. Relinquishment Of Easement 871

2660 West Battlefield Road, Store Galore, LLC

Documents:

[RE 871 SR.PDF](#)

7. Relinquishment Of Easement 872

2700 blk North Glenstone Avenue, Campus Inc.

Documents:

[RE 872 SR.PDF](#)

8. Relinquishment Of Easement 873

2700 blk South Jefferson Avenue, Empire Mortgage Co., Inc.

Documents:

[RE 873 SR.PDF](#)

9. UNFINISHED BUSINESS

10. Z-20-2018 W/COD #155

3503, 3521 & 3527 South Lone Pine Avenue, Roger Bannigan & Scott Munson

Documents:

[Z-20-2018 COD 155 MEMO.PDF](#)

11. Planned Development 366

1403, 1405, 1409, 1411, 1415, 1425 & 1427 East Cherry Street and 527 South Pickwick Avenue, Pickwick and Cherry, LLC

Documents:

[PD 366 TABLING MEMO.PDF](#)

12. PUBLIC HEARINGS

13. Vacation 804

1600 blk North Missouri Avenue, City of Springfield

Documents:

[VAC 804 SR.PDF](#)

14. Vacation 805

800 blk South Kimbrough Avenue, City of Springfield

Documents:

[VAC 805 SR.PDF](#)

15. Z-30-2018 W/COD #162

3411 South Kansas Avenue, Project Collective, LLC

Documents:

[Z-30-2018 COD 162 TABLING MEMO.PDF](#)

16. Z-31-2018 W/COD #163

3200 blk East Kearney Street, ICT II, LLC

Documents:

[Z-31-2018 COD 163 SR.PDF](#)

17. Z-32-2018

2963 East Division Street, JKJ Corner Stores, LLC

Documents:

[Z-32-2018 SR.PDF](#)

18. Z-33-2018 W/COD #164

2521 South Holland Avenue, Jeffrey L. Ballard

Documents:

[Z-33-2018 COD 164.PDF](#)

19. Planned Development 367

3315 & 3303 South Campbell Avenue, Walmart Inc.

Documents:

[PD 367.PDF](#)

20. Planned Development 368

2100 blk South Eastgate Avenue, Castlebay Real Estate Holdings No. 9, LLC

Documents:

[PD368 SR.PDF](#)

21. Planned Development 369

1624 East Briar Street, Hoke & Peterson, LLC

Documents:

[PD 369 SR.PDF](#)

22. Preliminary Plat AFM Pet Corporation

2738 East Kearney Street, MFA Petroleum Corporation

Documents:

[AFM PET CORP SR.PDF](#)

23. Preliminary Plat Morris Industrial Park

3200 blk East Kearney Street, ICT II, LLC

Documents:

[MORRISINDUSTRIALPARK SR.PDF](#)

24. Master Sign Plan For Napleton Autowerks

3508 East Division Street, Napleton Equities, LLC

Documents:

[MASTER SIGN PLAN NAPLETON EQUITIES SR.PDF](#)

25. OTHER BUSINESS

26. Initiate Signs In Public Areas Amendment

Citywide, City of Springfield

Documents:

[INITIATE SIGNS IN PUBLIC AREAS AMENDMENTS.PDF](#)

27. ATM Amendments

Citywide, City of Springfield

Documents:

[ATM AMENDMENTS SR.PDF](#)

28. Short-Term Rental Amendments

Citywide, City of Springfield

Documents:

[SHORT-TERM RENTAL AMENDMENTS SR CC REMAND3.PDF](#)

29. 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 11, 2018
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session October 11, 2018 in the City Council Chambers. Chairman Randall Doennig called the meeting to order.

Roll Call - Present: Randall Doennig (Chairman), King Coltrin (Vice-Chairman), Dee Ogilvy, Britton Jobe, Melissa Cox, Natalie Broekhoven, Cameron Rose, and Joel Thomas. Absent: David Shuler. Staff in attendance: Bob Hosmer, Principal Planner and Mary Lilly Smith, Planning Director, and Thomas Rykowski, Asst. City Attorney.

MINUTES: The minutes of September 13, 2018 were approved.

COMMUNICATIONS :

Bob Hosmer reported on City Council meeting actions and noted the cases that are tabled at tonight's commission hearing.

CONSENT ITEMS:

Relinquishment of Easement 869
829 South Holland Avenue

Applicant: Magers Property III, LLC, c/o Randall Magers

COMMISSION ACTION:

Ms. Cox motioned to **approve** consent item, Relinquishment of Easement 869 (829 South Holland Avenue). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

UNFINISHED BUSINESS:

Z-20-2018 w/COD #155
3503, 3521 & 3527 South Lone Pine Avenue

Applicant: Roger Bannigan & Scott Munson

Mr. Hosmer stated that the developer asked that this case be TABLED and presented at the Planning and Zoning Commission meeting on November 8, 2018.

COMMISSION ACTION:

Ms. Cox motioned to **TABLE** Z-20-2018 w/COD #155 (3503, 3521 & 3527 South Lone Pine Avenue) to the November 8, 2018 Planning and Zoning Commission meeting. Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Planned Development 366
1403, 1405, 1411, 1415, 1425, & 1427 East Cherry Street

Applicant: Pickwick and Cherry, LLC

Mr. Hosmer stated that the representative asked this case to be TABLED and presented at the Planning and Zoning Commission meeting on December 6, 2018.

COMMISSION ACTION:

Ms. Cox motioned to **TABLE** Planned Development 366 (1403, 1405, 1411, 1415, 1425, & 1427 East Cherry Street) to the December 6, 2018 Planning and Zoning Commission meeting. Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Z-23-2018 w/COD #158

3040 East Cherry Street

Applicant: Excel Investments, LP

Mr. Hosmer stated that this is a request to rezone approximately 5.01 acres of a portion of property generally located at 3040 East Cherry Street from R-LD, Low-density Multi-Family Residential District w/ Conditional Overlay District No. 77 to GR, General Retail District and establish Conditional Overlay District No. 158. The Growth Management and Land Use Plan identifies this area for low-density housing. However, the adjacent properties adjacent to the north and east are zoned for general industrial uses. The R-LD is owned by the applicant. Cherry is classified as a secondary arterial roadway and no traffic study. Need 10-foot of ROW and sidewalks along Cherry. A fee in lieu of on-site stormwater detention will be not be allowed. A land disturbance permit is required.

A bufferyard type C, a minimum of (20) feet/ plantings will be required along the west and south property line. Staff recommends approval A fee in lieu of on-site stormwater detention will be not be allowed. A land disturbance permit is required. A bufferyard type C, a minimum of (20) feet/ plantings will be required along the west and south property line. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Andrew Schaub, 2900 S. Brentwood; Brentwood, MO, representing the owners. This will be a members-only style dog park with daycare and kenneling available and will be adjacent to administrative offices on the property.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Z-23-2018 w/COD #158 (3040 East Cherry Street). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

PUBLIC HEARINGS:

Preliminary Plat of Cherry Hills Village

3040 East Cherry Street

Applicant: Excel Investments, LP

Mr. Hosmer stated that this is a request to approve a 2-lot subdivision located at 3040 East Cherry Street. The applicant is proposing to subdivide approximately thirty-six (36) acres into a two-lot subdivision named "Cherry Hills Village Subdivision." If Planning and Zoning Commission and City Council approves the preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Andrew Schaub, 2900 S. Brentwood; Brentwood, MO, representing the owners. This will be a members-only style dog park with daycare and kenneling available and will be adjacent to administrative offices on the property.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Preliminary Plat of Cherry Hills Village (3040 East Cherry Street). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Z-24-2018

3723 South Scenic Avenue

Applicant: Melody Hargiss

Mr. Hosmer stated that this is a request to rezone approximately 0.07 acres of property generally located at 3723 South Scenic Avenue from County R-1 Single Family District to an R-SF, Single Family Residential District. The Growth Management and Land Use Plan identifies this as an appropriate area for Low-Density Housing. Scenic Avenue, is classified as a Secondary Arterial roadway. The proposed R-SF, Single-Family Residential District is consistent with the zoning in the surrounding area. The property is currently being annexed into the city. Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Melody Hargiss, 3723 S. Scenic Avenue, owner and wanting to add to my current property and annex into the City and clean it up.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-24-2018 (3723 South Scenic Avenue). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Z-25-2018

1904 West College Street

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to rezone approximately 0.21 acres of property generally located at 1904 West College Street from HC, Highway Commercial to a CS, Commercial Services District. The applicant, City of Springfield Fire Department is requesting to rezone property for the development of a new fire station. The Growth Management and Land Use Plan recommends this area as appropriate for Medium Intensity Retail, Office or Housing. If approved the property will be combined with property to the east. Bufferyards and bulk plane requirements R-SF. Staff recommends approval.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-25-2018 (1904 West College Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Z-26-2018

4200 blk West Kearney Street

Applicant: Arma Development

Mr. Hosmer stated that this is a request to rezone approximately 2.87 acres of property generally located in the 4200 block of West Kearney Street, from LB, Limited Business District to GM, General Manufacturing District. The Growth Management and Land Use Plan identifies this area as appropriate for General Industry, Transportation and Utilities. The GM District is listed as an appropriate zoning district for this land use category. The property was zoned LB, in January 2002. The property has remained undeveloped.

Staff recommends approval.

Mr. Doennig opened the public hearing.

No representative for Z-26-2018 in attendance.

Mr. Thomas Rykowski, Assistant City Attorney noted: Per Rule 4.1.2 in the absence of the applicant, the commission may choose to hear the case. At the close of the public hearing, "...the Commission shall continue the public hearing for one meeting to allow the applicant to comment." "Commission may make its recommendation...following the close of the public hearing at the following meeting." There is nothing in the rule about a failure to appear a second time, only that the commission may act.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Rose motioned to **TABLE** Z-26-2018 (4200 blk West Kearney Street) to the November 8, 2018 Planning Commission meeting. Ms. Cox seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Short-Term Rental Amendments

Citywide

Applicant: City of Springfield

Mr. Daniel Neal stated that this is a request to amend the proposed regulations for Short-Term Rentals.

Type 1

Eliminates the following requirements: 500-foot separation and Certificate of Occupancy.

Adds requirement: Affidavit certifying that the primary residence or historic carriage house will not be rented more than 95 days in the calendar year.

Type 2

Modifies permitting process for Type 2; Neighborhood Meeting; Post property 10 days prior; Notices mailed to property owners within 500 feet and registered neighborhood association 10 days prior.

If owners representing 30% of property within 500 feet sign protest within 21 days following the neighborhood meeting, application is forwarded to City Council then Council acts on one-reading resolution. If no sufficient protest filed within 21 days after the neighborhood meeting, application approved and permit issued and Type 2 STR must obtain business license and certificate of occupancy; \$350 permit fee, subject to annual fee study; 500-foot separation from other STR's or Bed and Breakfast.

Type 3

No changes to original proposal; Rented for periods of less than 30 consecutive days; Located in districts other than R-SF and R-TH;

No more than two STR Type 3s permitted on a premise; Premise- any tract of land consisting of one or more lots, under single or multiple ownership, which functions as one unit; All other requirements such as notification, certificate of occupancy, business license, violations and other rental requirements consistent with Type 1 & 2.

Notification Requirements

- No changes to original proposal.
- Must post conspicuously in each dwelling rental unit:
 - Names and contact information of person/persons responsible for day-to-day operations.
 - Certificate of occupancy and business license number.
 - City restrictions on noise including limitations on amplified sound.
 - Parking restrictions.
 - Trash collection schedule.

- o That property shall not be used solely for receptions, parties, weddings or other similar events.

Revocation, Suspension or Denial of License

- Adds language about licensing
- Director of Building Development Services can revoke, suspend or deny issuance or renewal of a license for period of 12 months.
- Failure to comply with STR requirements or any other City code or ordinance.
- License issued on misstatement of fact, fraud or noncompliance.
- Appeal to City Council.
- Another STR Type 2 could locate within the 500-foot separation and prohibit revoked or denied STR from being re-established.

Housekeeping

- Clarifies original proposal.
- Owner of a licensed STR may transfer property and permitted use to another owner.
- New owner must complete application and provide required information to City.
- Clarifies items that must be posted in STR.
- Short-Term Rentals cannot be rented solely for receptions, parties, weddings and other similar events.

Implementation

- Current and new STR's following ordinance passage subject to 500-foot separation requirements.
- Applications for STR's shall commence two weeks after passage of the ordinance with an initial 30-day review period to determine any conflicts.
- If conflicts exist; lottery system to randomly select which property can apply.

Mr. Doennig opened the public hearing.

Ms. Cox asked about the differences between the neighborhood meeting radius and 500-foot separation requirements for STR Type 2s.

Mr. Neal stated that separation requirements for Short-Term Rentals Type 2 is measured by the street right-of-way.

Mr. Neal noted the notification of the neighborhood meeting and protest area (30% of properties) are 500-foot radius from the property line.

Ms. Cox had an issue with requiring protest petitions if we are not rezoning.

Mr. Neal noted other ordinances that have protest petitions, i.e., liquor licenses, etc.

Mr. Doennig asked about the logic of the 500-foot separation and 500-foot protest areas for STR Type 2s being different.

Mr. Neal stated that Plans and Policies had recommended the 500-foot neighborhood meeting and protest area for STR Type 2s similar to rezoning cases so that those affected by the separation requirements for STR Type 2s were notified and could protest.

Mr. Thomas asked about the 500-foot separation requirements and how long a standard block in Springfield was?

Mr. Neal stated that that a typical block is 500 to 600-feet in length.

Mr. Rose asked about the exclusion area and protest petitions.

Mr. Jobe has concerns regarding the proposed language (Sec. 36-472 - Short Term Rentals; Short-Term Rental Type 2; Subsection d1) and gave out an example and which types are allowed and not allowed.

Mr. Neal noted the proposed separation requirements were not intended to affect STR Type 1s.

Ms. Smith stated that the intent is STR Type 2s are subject to a 500-foot separation.

Mr. Jobe asked if the grandfathering of existing STR's will be prohibited.

Mr. Neal stated that all STRs are currently illegal and as proposed by the amendments, any new or existing ones will be drawn by random number generation upon application.

Mr. Coltrin asked if these amendments were subject to changes/recommendations to City Council.

Mr. Neal stated that Planning and Zoning can propose changes to their recommendations.

Mr. Rose asked for clarification on the Type 1's (no separation) and Type 2's and 3 (has separation) and asked if a Type 1 can shut down a Type 2 rental.

Mr. Rykowski stated that an established Type 2 cannot cause a Type 1 to shut down if they are within 500-foot.

Ms. Broekhoven asked for further clarification on Type 1's and Type 2's and the separation.

Ms. Smith said that there can be any Type 1 located anywhere and however close to Type 2, but Type 2 is subject to a 500-foot separation from a Type 1, 2, or 3 or Bed and Breakfast.

Mr. Doennig asked about hotel/motel tax and where would be language be located.

Mr. Neal stated that hotel/motel tax will be a separate City code and not in the purview of the Planning Commission.

Mr. Thomas asked about the 30% of the protest area and does it come forward to the Planning Commission.

Mr. Neal stated that it only comes forward to the City Council.

Mr. Steve Hargis, 1160 S. Clay Avenue would like to see clearer and simpler language and noted San Francisco's STR's regulations and stated that Phelps Grove Neighborhood rejects the proposed regulations and also gave information on what other cities are currently doing and fines being enforced to illegal STR's.

Ms. Bobbi Ream, 1448 E. Berkeley stated that the current Meador Park Neighborhood opposes STR's at their last 3 meetings and question the policing of the STR's. She also noted parking concerns and would like Meador Park Neighborhood to be exempt from Type 2 STR's.

Mr. Erick Pauly, 631 E. Loren Street, President of Phelps Grove Neighborhood and noted that Building Development Services (BDS) cannot keep up with current regulations (traffic and parking) and cannot see how they can add these on and asked that the City relook at the proposed regulations.

Mr. Tracy Kimberling, 2495 S. Mumford supports the proposed regulations, however has concerns regarding the Type 3 rentals without the regulations that a hotel/motel has.

Mr. Doennig closed the public hearing.

Mr. Jobe expressed his concerns and will be voting no and believes that the proposed regulations do not address certain needs, i.e., parking, noise, and other various issues.

Mr. Thomas noted his concern regarding follow-up with BDS (inspections) and noted that this feels that this is being over regulated.

Ms. Smith noted that BDS stated that they expect the inspection (initial C of O) to be quickly done and should not impact BDS's case load.

Mr. Doennig stated that STR's are unregulated and part of the City's culture, however the issues of noise, parking, etc., rules will be applied to STR's just like any other building, his concerns are the two separate standards (Type 2 rental example) and thinks the language is too vague, and will vote no.

Ms. Broekhoven noted the Commission's responsibility and will be voting no mainly due to Type 2 STR's and believes these are not going to be rezoned in anyway and considers them commercial property.

Ms. Ogilvy asked why the City did not make these regulations simpler, like other larger city STR's and will be voting no and voicing her confusion over the Type 2 regulations.

Mr. Rose noted that he will be voting no, however sees improvement from January, but still sees serious issues.

Mr. Coltrin thanked City staff for their effort, but also sees issues with Type 2 regulations and explanations and believes simpler is better and will be voting no.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Short-Term Rental Amendments (Citywide). Ms. Ogilvy seconded the motion. Ayes: None. Nays: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Abstain: None. Absent: Shuler. **MOTION FAILED**

Request to Repeal the Monroe Redevelopment Plan

1141 East Bear Boulevard

Applicant: City of Springfield

Mr. Matt Schaefer stated that this is a request to Repeal the Redevelopment Plan for the Monroe Redevelopment area. The area previously declared blighted as part of the former Southwest MO State College Urban Renewal Area and the plan adopted in May 2011 proposed construction of a four-story, 38-unit (122-bed) multi-family residential development. Project certified for real property tax abatement and completed in fall 2011. Missouri State University acquired project in December 2012 - project is now tax-exempt and no longer receiving abatement and the area was declared remediated and free of blight in 2015 and the Redevelopment Plan is no longer effective and may be repealed.

Mr. Coltrin asked if regulations are being reduced.

Mr. Schaefer stated that some will be reduced from the regulations.

Mr. Jobe asked if the Urban Renewal Area was not owned by the University previously.

Mr. Schaefer noted that some of the Urban Renewal Area is part of the Missouri State University.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Request to Repeal the Monroe Redevelopment Plan (1141 East Bear Boulevard). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

November 8, 2018
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session November 8, 2018 in the City Council Chambers. Chairman Randall Doennig called the meeting to order.

Roll Call - Present: King Coltrin (Vice-Chairman), Dee Ogilvy, Britton Jobe, Melissa Cox, David Shuler, Natalie Broekhoven, Cameron Rose, and Joel Thomas. Absent: Randall Doennig (Chairman). Staff in attendance: Bob Hosmer, Principal Planner and Mary Lilly Smith, Planning Director, and Thomas Rykowski, Asst. City Attorney.

MINUTES: The minutes of October 11, 2018 TABLED to December 6, 2018 meeting.

COMMUNICATIONS :

Bob Hosmer reported on City Council meeting actions and noted the cases that are tabled at tonight's commission hearing.

CONSENT ITEMS:

Acquire 527
1051 West College Street
Applicant: Thomas Ehlers

Relinquishment of Easement 870
3216 South Glenstone Avenue
Applicant: KJ Texas Properties, LLC

COMMISSION ACTION:

Ms. Cox motioned to **approve** consent items, Acquire 527 (1051 West College Street) and Relinquishment of Easement 870 (3216 South Glenstone Avenue). Mr. Rose seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

UNFINISHED BUSINESS:

Z-20-2018 w/COD #155
3503, 3521 & 3527 South Lone Pine Avenue
Applicant: Roger Bannigan & Scott Munson

Mr. Hosmer stated that the developer asked that this case be TABLED and presented at the Planning and Zoning Commission meeting on December 6, 2018.

COMMISSION ACTION:

Ms. Cox motioned to **TABLE** Z-20-2018 w/COD #155 (3503, 3521 & 3527 South Lone Pine Avenue) to the December 6, 2018 Planning and Zoning Commission meeting. Ms. Ogilvy seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Z-26-2018
4200 blk West Kearney Street
Applicant: Arma Development

Mr. Hosmer stated that this is a request to rezone approximately 2.87 acres of property generally located in the 4200 block of West Kearney Street, from LB, Limited Business District to GM, General Manufacturing District. The Growth Management and Land Use Plan identifies this area as appropriate for General Industry,

Transportation and Utilities. The GM District is listed as an appropriate zoning district for this land use category. The property was zoned LB, in January 2002. The property has remained undeveloped. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Richard Kramer, 8932 E. Riverview Drive, requesting this property to be rezoned back from Manufacturing to Limited Business.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-26-2018 (4200 blk West Kearney Street) to the November 8, 2018 Planning Commission meeting. Mr. Thomas seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

PUBLIC HEARINGS:

Z-27-2018 w/COD #159

3192. 3192 & 3196 East Farm Road 188

Applicant: One Eight-Eight, LLC

Mr. Hosmer stated that this a request to rezone 13.11 acres of property located at 4653 South Campbell Ave from Greene County C-2, General Commercial and A-1, Agricultural Districts, to GR, General Retail District, and establishing Conditional Overlay District No. 159. The Growth Management and Land Use Plan identifies the northern portion as High-Intensity Retail, Office or Housing and the southern area as appropriate for Low-Density Housing uses. However, most of the property was zoned to Greene County C-2, General Commercial in 2012. This area is adjacent to the U.S. 65 and Evans Road Activity Center which encourages more intense land uses and development. Farm Road 188 is classified as a local roadway. The applicant is proposing to construct a new dental office. The property is being processed for annexation at City Council. The proposed Conditional Overlay District will require a lot combination, sidewalks and allow a dental office use with minimal road improvements to Farm Road 188. Any additional uses will require a traffic study and if improvements are required they will have to be made prior to development. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Jared Davis, 2095 W. Woodland, representing the owner and here to answer any questions.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-27-2018 w/COD #159 (3192. 3192 & 3196 East Farm Road 188). Ms. Ogilvy seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Street Name Change No. 77

3000-3200 blk East Farm Road 188

Applicant: City of Springfield

Mr. Hosmer stated that this a request to change name of Street in the 3000 and 3200 Block of East Farm Road 188. Staff is requesting that Street Name Change No. 77 be withdrawn from consideration.

COMMISSION ACTION:

Ms. Cox motioned to **withdraw** Street Name Change No. 77 (3000-3200 blk East Farm Road 188). Mr. Rose seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Z-28-2018 w/COD #160

2700 blk South Jefferson Avenue

Applicant: Empire Mortgage Company, Inc.

Preliminary Plat Tera Vera II

2700 blk South Jefferson Avenue

Applicant: Empire Mortgage Company, Inc.

Combined the presentation for zoning and preliminary plat.

Mr. Hosmer stated that this is a request to rezone approximately 5.03 acres of property located in the 2700 block of South Jefferson Avenue from LB, Limited Business District and O-1, Office District with Conditional Overlay District No. 26 to R-LD, Low-Density Multi-Family District and establish Conditional Overlay District No. 160. The application is consistent with the Growth Management and Land Use Plan which identifies the west portion of the subject property as appropriate for Medium Intensity Retail, Office or Housing and the east portion as appropriate for Low-Density Housing. Sunset Ave is classified as a secondary arterial and Jefferson is classified as a collector roadway. A fee in lieu of on-site stormwater detention will not be allowed for this property. The applicant intends to build a multi-family development with a maximum density of eleven (11) dwelling units per acre. COD will limit the R-LD.

The standard development requirements in the R-LD district will require a bufferyard type B which is a minimum of fifteen (15) feet with required plantings and a 45-degree bulk plane from the R-SF (south property line). Staff recommends approval.

Mr. Hosmer stated that this is a request to approve a one lot subdivision located in the 2700 block of South Jefferson Avenue. The applicant is proposing to subdivide approximately 5.03 acres into a one-lot subdivision. The applicant is applying for a subdivision variance to allow access within 150 feet on Jefferson Avenue from the intersection at Sunset Street. No access to Sunset. If Planning and Zoning Commission and City Council approves the preliminary plat is active for two (2) years. Staff recommends approval of variance and preliminary plat.

Mr. Coltrin opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, representing the owner and here to answer any questions.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-28-2018 w/COD #160 (2700 blk South Jefferson Avenue). Mr. Jobe seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Preliminary Plat Tera Vera II with the variance (2700 blk South Jefferson Avenue). Ms. Broekhoven. Jobe seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Z-29-2018 w/COD #161

1900 West Kearney Street and 2332, 2344 North Elizabeth Avenue

Applicant: Joe Montgomery

Mr. Jobe recused himself.

Mr. Hosmer stated that this is a request to rezone approximately 1.1 acres of property generally located at 1900 West Kearney Street and 2344, 2332 North Elizabeth Avenue from HC, Highway Commercial and R-SF, Single Family Residential to HC, Highway Commercial District and establishing Conditional Overlay District No. 161. The Growth Management and Land Use Plan identifies this property as appropriate for Medium Density Retail, Office and Housing on the northern tract and Low Density Residential on the southern portion. Kearney Street is classified as primary arterial roadway and Elizabeth is classified as a local roadway in the Transportation Plan. The subject property is also within the Kearney Street Redevelopment Area. The conditional overlay district will; require a lot combination to combine the subject property with the property along Kearney Street and prohibit all outdoor automobile parking areas used for retail or wholesale storage or sale of motorized or commercial vehicles. The bufferyard required between GR and R-SF would be a Bufferyard "Type F" at least a twenty (20) feet wide. A 30-degree bulk plane from R-SF. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Rick Wilson, 1835 S. Stewart, representing the owner. The owner needed additional depth to do something meaningful with the property.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Mr. Rose motioned to **approve** Z-29-2018 w/COD #161 (1900 West Kearney Street and 2332, 2344 North Elizabeth Avenue). Ms. Cox seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, and Ogilvy. Nays: None. Abstain: None. Absent: Doennig. Mr. Jobe recused himself.

Preliminary Plat Kum & Go #1463

3434 West Chestnut Expressway

Applicant: Kum & Go, LLC and L.P. Property Management, LLC

Mr. Jobe recused himself.

Mr. Hosmer stated that this is a request to approve a one lot subdivision located at 3434 West Chestnut Expressway. The northern part of the property was rezoned to HC, Highway Commercial as in 1995. The southern part of the subject property was rezoned to Planned Development 211, 3rd Amendment as part of a large retail development plan. This preliminary plat will rectify issues where MoDOT sold excess ROW to private property owners along West Bypass without following the subdivision process. If Planning and Zoning Commission and City Council approves the preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Jared Rasmussen, 550 E. St. Louis Street, here to answer any questions.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Mr. Rose motioned to **approve** Preliminary Plat Kum & Go #1463 (3434 West Chestnut Expressway). Ms. Cox seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, and Ogilvy. Nays: None. Abstain: None. Absent: Doennig. Mr. Jobe recused himself.

Preliminary Plat Kum & Go #1470

1810 East Kearney Street

Applicant: Kum & Go, L.C.

Mr. Hosmer stated that this is a request to approve a 2-lot subdivision located at 1810 East Kearney Street. The subject property was originally MoDot and sold as excess right-of-way. When right-of-way is vacated, the existing zoning of the adjacent property is automatically extended. The property is zoned HC. If Planning and Zoning Commission and City Council approves the preliminary plat is active for two (2) years. Staff recommends approval.

Ms. Cox asked about the southern half of the plat.

Mr. Hosmer stated that it was excess MoDot property and it is the entire area highlighted yellow on the presentation map.

Mr. Coltrin opened the public hearing.

Mr. Jared Rasmussen, 550 E. St. Louis Street, here to answer any questions.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Mr. Rose motioned to **approve** Preliminary Plat Kum & Go #1470 (1810 East Kearney Street). Ms. Cox seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Preliminary Plat Renewal Amendments

Citywide

Applicant: City of Springfield

The Planning and Zoning Commission initiated amendments to the Subdivision Regulations Section 36-226 (3) on May 10, 2018.

Mr. Hosmer stated that this proposed text amendment will modify the major subdivision review procedure to limit the effective period for a preliminary plat. Currently a preliminary plat can be extended an indefinite number of times. Staff requests this language be modified to reflect best management practices and limit the number of times for extending a preliminary plat. Most subdivision regulations require that the final plat to be submitted within a stated period after the approval of the preliminary plat (such as one to two years). The proposed amendment would allow two years with another two years at the discretion of the Planning and Zoning Commission. The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

Note: Language to be added is underlined or ~~stricken~~.

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraphs 2. ~~and 3.~~ below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one an indefinite number of time s. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

3. ~~Submission of the final plat for any portion of a subdivision shall automatically validate the remainder of the preliminary plat for a period of two years from the date the final plat is submitted.~~

Mr. Coltrin opened the public hearing.

No speakers.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Preliminary Plat Renewal Amendments (Citywide). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Economic and Housing Access Calamity Amendments

Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is proposed text amendment for Economic and Housing Access Calamity Amendments. City Council initiated amendments to Section 36-303 (34) on October 22, 2018. Staff is requesting an amendment to Section 36-303 'General provisions,' subsection (34), 'Economic and housing access calamity,' to the Zoning Ordinance to consider modifying requirements for shelters subject to City Council's declaration of an economic and housing access calamity. In 2012, City Council amended the zoning ordinance to establish standards for economic and housing access calamity shelters which included a requirement in Section 36-303(34) that: (1) no shelter can be less than 1,000 feet from an elementary or secondary school unless said shelter is operated by and on the premises or contiguous property to such school, and (2) that the governing body of the school consent to such shelter. The proposed text amendment will continue to require the governing body of an elementary or secondary school consent to shelters closer than 1,000 feet but will remove the requirement that such shelter located closer to a school than 1,000 feet be located on or contiguous to the school premise. The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

Note: Language to be added is underlined or ~~stricken~~.

(34) Economic and housing access calamity.

- (e) Under no event shall a certificate of occupancy be issued for a shelter herein if it is less than 1,000 feet from an elementary or secondary school, unless said shelter is given written ~~operated by and on the premises or contiguous property to such school and with the consent~~ of the governing body of such school.

Ms. Cox asked for expansion on "calamity."

Mr. Hosmer said an ordinance was passed in the recession and the housing collapse. There was an opportunity for churches (housing) for people who needed the assistance, and this was when the economy gets bad enough to open additional shelters.

Ms. Smith noted that council declared that the city was in an economic and housing calamity since approximately 2012 and is reviewed yearly. It defines the threshold when individuals below the poverty level (Springfield) is higher than the individuals below the poverty level in the state. In 2017 the statewide poverty level was below 15.6% and Springfield's level was 26.4% and during that time the City can suspend some of the rules for uses to establish a facility providing food and lodging and it would not be considered an overnight shelter. They will have to cease those opportunities after 60 days when the calamity does not exist.

Ms. Ogilvy asked if a calamity could be perhaps a tornado?

Ms. Smith noted that she believes tornados are defined as emergencies.

Mr. Coltrin opened the public hearing.

No speakers.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Economic and Housing Access Calamity Amendments (Citywide). Mr. Rose seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Rose, Thomas, Shuler, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Initiate Driveway Surfacing Amendments

Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this to initiate Off-Street Parking and Loading Area Design Standards. Staff is requesting amendments to the Zoning Ordinance to clarify that the surfacing of all new and expanded vehicle parking, vehicle storage and maneuvering areas, including driveways, must be paved with concrete, asphalt or an alternate paving material. The amendments would include adding vehicle parking, vehicle storage and maneuvering areas to the modification requirements of existing driveways. It would also include a new section that clarifies that the demolition of the entire primary structure or any expansion of the primary structure more than 25% of the original structure footprint shall require existing driveways, vehicle parking, vehicle storage, and maneuvering areas to meet the surfacing requirements. Staff requests that Commission initiate amendments to the Zoning Ordinance to consider modifications as specified. If approved, staff will prepare and draft changes to the Zoning Ordinance and schedule a public hearing at the next available date for both the Commission and the City Council.

Ms. Cox asked about other alternate material. Mr. Hosmer stated that there will be an opportunity to use other material.

Mr. Coltrin opened the public hearing.

Mr. Jeff Barber, 746 W. Weller, asked about the impact on neighborhoods and what alternatives are for paving and the possible costs and if this will also address alley's.

COMMISSION ACTION:

Mr. Rose motioned to **approve** Initiate Driveway Surfacing Amendments (Citywide). Ms. Cox seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Rose, Thomas, Shuler, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

The Rountree Neighborhood Plan

Generally, Elm Street on the north, Glenstone Avenue on the east, Catalpa Street on the south and National Avenue on the west.

Applicant: City of Springfield

Ms. Broekhoven recused herself.

Ms. Owen stated that the Rountree Neighborhood Plan was originally adopted in 1985 and has been amended one time in 2001. A neighborhood plan is an extension of the City's Comprehensive Plan, so it is a guide for making land use decisions. The Rountree Urban Conservation District (or UCD) was designated in 1985 alongside the neighborhood plan and has been amended several times over the years since. An Urban Conservation District is an overlay district designed to protect the neighborhood. The primary emphasis for the Rountree UCD when it was designated was to protect the neighborhood from the impact of SMSU (now MSU), preserve the housing stock and look at development along National Avenue and at Cherry and Pickwick. Rountree is one of four neighborhoods within the city with an adopted neighborhood plan and it is the oldest plan. The Rountree UCD is one of 5 UCDs that have been designated in the city. In the Spring of 2015 the Rountree Neighborhood Association Board asked Springfield City Council to initiate a review and consider amending the Rountree Neighborhood Plan and the Rountree Urban Conservation District. In January 2017 City Council directed staff to move forward with an update to the Rountree Neighborhood Plan and bring forward recommendations for amendments to the Rountree Urban Conservation District. In April 2017 city staff met with the Rountree neighborhood association board and then in May 2017 held a neighborhood wide meeting to begin the planning process. Earlier this year a consultant, H3 Studio Inc., was hired to assist the City with an independent study of the National Avenue and Cherry Street corridors and provide an outside perspective on how the corridors should optimally be developed and improved in the coming years. As part of the planning process city staff and H3 have collectively held over 25 meetings with the steering committee and focus and stakeholder groups to get feedback for the plan. This is a preview of the recommendations from the update to the Rountree Plan and some recommended changes to the Rountree UCD.

The goal is to uphold the strength and character of the neighborhood and provide for consistent development along its edges, to accomplish this, it is recommended the neighborhood association boundaries expand its boundaries to include Elm Street to the north and that the Rountree UCD boundaries be expanded to include additional residential property to the east and on both sides of Elm Street. The residential property to the east is currently within the neighborhood boundaries but not within the UCD boundaries. The single-family core of the neighborhood is stable and that can at least in part be contributed to the UCD designation years ago.

There has been some discussion with the steering committee about the possibility of expanding the UCD boundaries to the south to Catalpa to match the neighborhood association boundaries, while this would make the boundaries consistent, our analysis did not reveal any significant findings in that area of the neighborhood which could justify the expansion of the UCD to that area.

The second goal relates to the single-family areas within the neighborhood and to preserve the housing stock within the neighborhood. The preservation of the housing stock has been identified as important to the neighborhood in the original plan in 1985, in the amended plan in 2001 and has been identified as a desire again during this process and recommend the neighborhood pursue adoption of residential infill and rehabilitation guidelines within the UCD.

Additional goals relate to the National Avenue corridor and are to guide the scale and character of new development along the corridor to improve and support quality development, safety and walkability along this edge of the neighborhood. Some of the recommended actions to implement these goals include incorporating design-based principles into the UCD. We are also recommending at evaluating the existing uses as well as additional uses that should be permitted within this area and recommend that National Avenue would be a mixed-use corridor with higher intensity development at the intersections of National and Cherry and National and Grand with lower intensity uses along the street. Part of the intent of creating a walkable, pedestrian friendly corridor is to encourage and support pedestrian improvements along and across National to increase safety.

Cherry and Elm Streets goals recommend the scale and character of new development along the streets and advocate and implement streetscape improvements, traffic-calming and pedestrian improvements along Cherry. Recommended actions include incorporating design-based principles into the UCD to ensure that new development is consistent and complimentary to the neighborhood. We also recommend evaluating existing permitted uses and determining additional uses that should be permitted to support and encourage a

mixed-use corridor on Cherry and the provision of wider sidewalks, parkway and on-street parking along Cherry.

Recommendations for Cherry/Pickwick neighborhood commercial area are to increase opportunities for new businesses to locate in this area identify strategies to make the area safer and more pedestrian friendly. One of the recommended actions for this area is to consider expansion of the area to add some additional area to the west along Cherry and north along Pickwick and at the intersection of Pickwick and Elm as well as traffic calming features that were demonstrated back in June last year be permanently implemented. This would include a crosswalk at Pickwick and Cherry and some additional features to slow traffic such as bump outs and choke points.

Mr. Coltrin asked about participation and Ms. Owens stated that approximately 250 responded to the survey of approximately 1200/1500 households in the Rountree area.

Mr. Coltrin ask about if there would be any additional guidelines to be followed if someone within the Rountree area would remodel their home and Ms. Owen stated that they would have to follow future guidelines.

Ms. Cox asked about the purpose of expanding the UCD area and Ms. Owen stated that the request came from the residents.

Ms. Cox expressed concerns about design-based principals being a vague term and how it moves forward and being mindful along certain corridors and what consideration for Cherry, Elm and parts of Rountree that need flexibility and balance. She reiterated “why” on enlargement of Rountree, needing traffic calming, and the vagueness of design-based principals.

Mr. Coltrin asked if a resident can opt-out of being part of the UCD/Rountree expansion and Ms. Owen stated that those issues would be addressed during the process.

Mr. Coltrin opened the public hearing.

Ms. Laurel Bryant, 1014 W. Weller, noted that she was on the steering committee and expressed her thoughts and wanted to make sure the character of the neighborhood’s is recognized.

Mr. Jeff Barber, 746 S. Weller, reflected on the presentation and wants the character of the neighborhoods to be kept and would like this to be adopted.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** The Rountree Neighborhood Plan (Generally Elm Street on the north, Glenstone Avenue on the east, Catalpa Street on the south and National Avenue on the west). Ms. Cox seconded the motion. Ayes: Coltrin, Cox, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig. Broekhoven recused herself.

Redevelopment Plan for the East Cherry Pocket Neighborhood
Redevelopment Area

Applicant: Say You Can, LLC

Mr. Matt Schaefer stated that this is a redevelopment plan for the East Cherry Pocket Neighborhood. The Land Clearance for Redevelopment Authority Law provides incentives to encourage blight removal and new investment within designated redevelopment areas. Requirements must include that the Redevelopment Area must be declared a “blighted area” and must be adopted - shall conform to the City’s general plan for the development of the City and comply with the Workable Program. Projects consistent with the

Redevelopment Plan may receive partial real property tax abatement for 10 years. The Planning and Zoning Commission's role is to review proposed redevelopment plans for conformance with the City's general plan for the development of the City as a whole. There are two combined parcels addressed at 1361 & 1365 E Cherry St (Approx. 0.51 acres) and occupied by two vacant residential structures, both built in 1920. (1361 E Cherry St: single-family dwelling and 1365 E Cherry St: three-unit apartment building, originally built as single-family dwelling - Zoned R-HD/UCD No. 2).

The Redevelopment proposal includes to demolish existing structures and construct new pocket neighborhood development (six attached, single-unit residential dwellings oriented around a central courtyard/covered off-street parking accessible via alley).

Design elements include two-story height limitation, front porches, picket-fenced green space, and addresses the street.

The Redevelopment Plan conforms to the Springfield-Greene County Comprehensive Plan.

Growth Management and Land Use Element:

Includes Land Use Plan designates area for low-density housing up to 6 du/acre, Land Use Plan should be considered in conjunction with neighborhood plans, growth management and community physical character policies, and good judgement. The character of existing neighborhoods should be maintained and strengthened by encouraging infill or replacement housing that is compatible with neighboring structures in height, setback, lot width, front door orientation, and general architecture, particularly in older neighborhoods.

Community Physical Image Element:

Suggests publicly assisted redevelopment projects or new construction located in Urban Conservation Districts reinforce the positive features of surrounding neighborhood's prevailing architectural themes.

Rountree Neighborhood Plan (existing):

Multi-family residential is an appropriate use if it is sensitive to the surrounding properties and preserves the single-family character of the neighborhood. The Rountree Urban Conservation District (UCD) regulations should be utilized to promote the mixed residential nature of the area, to provide housing opportunities, and to protect adjacent single-family areas.

Rountree Neighborhood Plan (proposed):

Goal 3: Guide the scale and character of new development along Cherry Street and Elm Street. Create an identity for Cherry Street and establish the street as a unique mixed-use corridor within the neighborhood and the City. Implement UCD regulations to incorporate design-based principles to guide development and support mixed-uses.

Goal 4: Redesign Cherry Street as a mixed-use neighborhood street with a high degree of walkability. Implement streetscape enhancements. Encourage vehicular access via alleys on north side of street and shared driveways on south side of street.

Ms. Cox asked for clarification on the access.

Mr. Schaefer said that they can enter/exit from the alleyway (garages are in the back).

Mr. Coltrin opened the public hearing.

Mr. Nick Irmen, 2144 E. Republic Road, representing the developer and here to answer any questions.

Mr. Coltrin asked how many square feet are in each unit and what happens if they have more than one car.

Mr. Irmen stated approximately 1500 square feet.

Mr. Kelly Byrne, 1111 E. Walnut, the owner and here to answer any questions and each unit has 2 bedrooms and 1.5 bath with a single car garage. This is a walk/bike area and allows for bike parking and there is street parking for additional cars.

Ms. Laurel Bryant, 1014 W. Weller, representing the neighborhood board and remain neutral because some believe that Rountree is not blighted. Has worked with this developer and looking at this as a test for the workable plan.

Mr. Jeff Barber, 746 S. Weller, had two projects built by the developer in the area and both are near East Cherry Flats, one development does not match the neighborhood and they encouraged to make this development match the neighborhood and pleased with the plan.

Ms. Cox asked how a long a property must be vacant before it can be considered for blighted redevelopment plan and abatement.

Mr. Schaefer stated that blight is defined by physically deterioration, obsolete platting, predominance of street layout, etc., and there is no time-period for a property.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** the Redevelopment Plan for the East Cherry Pocket Neighborhood (Redevelopment Area). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Cox, Shuler, Rose, Thomas, Ogilvy, Broekhoven, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

2019 Planning and Zoning Commission Meeting Calendar
Citywide

Applicant: City of Springfield

Mr. Hosmer presented the proposed Planning and Zoning calendar for 2019.

COMMISSION ACTION:

Ms. Cox motioned to **approve** the 2019 Planning and Zoning Commission Meeting Calendar (Citywide). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Cox, Shuler, Rose, Thomas, Ogilvy, Broekhoven, and Jobe. Nays: None. Abstain: None. Absent: Doennig.



Noted Agenda City Council Meeting

**City Council Chambers
Historic City Hall, 830 Boonville**

Ken McClure, Mayor

Zone Councilmembers

Phyllis Ferguson, Zone 1
Tom Prater, Zone 2
Mike Schilling, Zone 3
Matthew Simpson, Zone 4

General Councilmembers

Jan Fisk, General A
Craig Hosmer, General B
Andrew Lear, General C
Richard Ollis, General D

**Upcoming Council Meeting Agenda
November 5, 2018 - 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.

- | | |
|------------------------------|--|
| Sworn in | 1. SWEAR IN ANDREW LEAR TO THE CITY COUNCIL – GENERAL C. |
| | 2. ROLL CALL. |
| Approved as corrected | 3. APPROVAL OF MINUTES. October 22, 2018 City Council Meeting and October 25, 2018 Special City Council Meeting. |
| Approved as amended | 4. FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME. |
| | 5. CEREMONIAL MATTERS. |
| Sworn in | Swear-in Layne Hunton to the Landmarks Board. |
| 10407 | 6. Council Bill 2018-260. (City Council) |
| | A resolution honoring Scott Marrs for his impeccable, dedicated, and superb service to the City of Springfield and the Community. |
| | 7. CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETINGS. |

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.

8. **SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On. Except Item No. 9. Amended Council Bill 2018-196 Was Amended at the October 22, 2018 Meeting. Citizens May Speak to Amendment Only. May Be Voted On.**

Corrected
6473

9. **2nd Amended Council Bill 2018-196. (Simpson) Amended Council Bill 2018-196 Was Amended at the October 22, 2018 Meeting. Citizens May Speak to Amendment Only. May Be Voted On.**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property, generally located at 2700 East Battlefield Road, from R-SF, Single-Family Residential District, to GR, General Retail District; and establishing Conditional Overlay District No. 151. (Staff and Planning and Zoning Commission both recommend approval.) (By: Briarcliffe Investments, LLC and John Gentry; 2700 East Battlefield Road; Z-15-2018 w/COD #151.)

27126

10. **Council Bill 2018-253. (Hosmer)**

A special ordinance calling an election on Tuesday, April 2, 2019, in the City of Springfield, Missouri, to submit to the qualified voters the question of whether to continue the one-fourth of one percent Capital Improvements Sales Tax for a period of twenty years; authorizing the City Clerk to do all things necessary and convenient to submit said question; and declaring an emergency.

6479

11. **Council Bill 2018-256. (Ollis)**

A general ordinance amending Chapter 98, 'Streets, Sidewalks and Public Places,' Article VI, 'Improvements,' Division 4, 'Sewers,' Section 98-285, 'Installation of lift stations and force mains by private developers,' of the Springfield City Code, so as to authorize the revision of subsection (d), 'Connection to existing lift stations;' and replacement of subsection (e), 'Annual statement of difference in costs,' with 'Statement of Lift Station Costs.'

27127

12. **Council Bill 2018-257. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, to enter into an agreement with Central Bank of the Ozarks for depository services, merchant card services, and safe keeping services, and to enter into an agreement with US Bank for the City's purchasing card program.

27128

13. **Council Bill 2018-258. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the United States Department of Homeland Security, Homeland Security Investigations for the reimbursement of overtime expenses for Springfield Police Department officers participating in joint operations.

14. **RESOLUTIONS. Citizens May Speak. May Be Voted On. Except Item No. 17. Council Bill 2018-273 is Being Added as a Possible Addition to the Agenda; however, a Determination of Whether it Will Be Added Will Be Made by City Council at the Meeting.**

10408

15. Revised Council Bill 2018-261. (Simpson)

A resolution delaying the acceptance of applications for rezoning and lot combinations for a period of two hundred seventy (270) days from the date of passage of this Resolution in the Galloway Redevelopment Area and lands north as set forth in "Exhibit 1," to allow time to seek input from area residents, property owners, design professionals, and the business and development community, Ozark Greenways, and the City Departments of Parks and Recreation, Public Works, Environmental Services, and Planning and Development, and for staff to present a report to City Council regarding appropriate changes to be made to this area to deal with development issues.

10409

16. Council Bill 2018-262. (Simpson)

A resolution declaring an intent to initiate annexation of approximately 13.11 acres of private property into the City of Springfield, generally located at 3192, 3194 and 3196 East Farm Road 188 (Annexation A-5-18). (Staff recommends approval.)

Added
10410**17. Council Bill 2018-273. (Schilling and Hosmer)**

A resolution initiating an amendment to Article III, 'Zoning Regulations' of the Land Development Code of the City of Springfield, Missouri, with respect to zoning and density in the Phelps Grove Urban Conservation District; and delaying the acceptance and processing of applications for demolition, new construction, re-platting of property, including lot combinations, and rezoning for a period of One Hundred Eighty (180) days from the date of passage of this Resolution, so as to allow time to seek input from the neighborhood and to present a report to City Council regarding appropriate changes to be made to the Phelps Grove Neighborhood Plan and Phelps Grove UCD to deal with development issues.

18. EMERGENCY BILLS.**19. PUBLIC IMPROVEMENTS.****20. GRANTS.****21. AMENDED BILLS.****22. COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On.****23. Council Bill 2018-263. (Ferguson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.21 acres of property generally located at 1904 West College Street from a HC, Highway Commercial District to a CS, Commercial Services District; and adopting an updated 'Official Zoning Map.' (Staff and Planning and Zoning Commission recommend approval.) (By: City of Springfield Fire Department; 1904 West College Street; Z-25-2018.)

24. Council Bill 2018-264. (Schilling)

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' by annexing approximately 0.07 acre (2,858 square feet) of property into the City of Springfield, Missouri, generally located at 3723 South Scenic Avenue, and generally referenced as Annexation A-4-18; and amending the Springfield City Code, Chapter 46, Section 46-1, 'Boundaries of wards, precincts and council zones,' by adding this property to the ward and precinct assigned by the County Clerk. (By: Melody Hargiss; 3723 S. Scenic Avenue; Annexation A-4-18.)

25. Council Bill 2018-265. (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.07 acre (2,858 square feet) of property generally located at 3723 South Scenic Avenue from County R-1, Suburban Residence District, to R-SF, Single-Family Residential District; and adopting an updated 'Official Zoning Map.' (Staff and Planning and Zoning Commission recommend approval.) (By: Melody Hargiss; 3723 S. Scenic Avenue; Z-24-2018.)

26. Council Bill 2018-266. (Prater)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.01 acres of a portion of property, generally located at 3040 East Cherry Street, from R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 77 to GR, General Retail District and establishing Conditional Overlay District No. 158; and adopting an updated 'Official Zoning Map.' (Staff and Planning and Zoning Commission both recommend approval.) (By: Excel Investments LP; 3040 East Cherry Street; Z-23-2018 w/Conditional Overlay District No. 158.)

**Moved to public
hearing bills from
consent agenda
first reading bills
and amended**

26.5 Council Bill 2018-268. (Schilling)

A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of "Cherry Hills Village," generally located at 4653 South Campbell Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

27. Council Bill 2018-267. (Fisk)

A general ordinance amending the Springfield City Code, Chapter 36, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 2, 'Rules of Interpretation and Definitions,' Section 36-321, 'Definitions,' by adding a definition for 'Short-Term Stay Rentals'; amending Division 4, 'District Regulations,' by adding as a permitted use Short-Term Stay Rentals to each district contained therein; amending Division 5, 'Supplemental District Regulations,' Section 36-451, 'Home Occupations'; and adding new section 36-472, 'Short-Term Rentals,' establishing rules and regulations for operation and location of Short-Term Stay Rentals; and designating an effective date for said amendments.

28. FIRST READING BILLS.**29. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.****30. NEW BUSINESS.****Recommended**

The Committee of the Whole recommends the following appointments to the Board of Public Utilities: Scott Bratcher and Kristin Carter with terms to expire December 1, 2021.

Recommended

The Committee of the Whole recommends the following reappointments to the Board of Public Utilities: Lynn Rowe, Denise Silvey, and Rob Rector with terms to expire December 1, 2021.

Recommended

The City Manager recommends the following appointments to the Board of Adjustment: Bryan Fisher with term to expire January 1, 2019; Steven Jackson with term to expire January 1, 2021; and Shelby Lawhon with term to expire January 1, 2022.

Referred

Refer to the Plans and Policies Committee changes to the Land Development Code proposed by Building Development Services, including the following codes: administration and enforcement; building trades, appeals and licensing; building and existing building; residential; electrical, plumbing, and mechanical; property maintenance; swimming pool and spa; private sewage disposal; and fuel gas.

31. UNFINISHED BUSINESS.**32. MISCELLANEOUS.****33. CONSENT AGENDA – FIRST READING BILLS. See Item #3.****Removed from
consent agenda to
public hearing
bills****34. Council Bill 2018-268. (Schilling)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of "Cherry Hills Village," generally located at 4653 South Campbell Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

35. Council Bill 2018-269. (Prater)

A special ordinance repealing the designation of the Monroe Redevelopment Area and terminating the Monroe Redevelopment Plan adopted by Special Ordinance 25907 for said Redevelopment Area. (The Land Clearance for Redevelopment Authority, Planning and Zoning Commission, and Staff recommend approval).

36. Council Bill 2018-270. (Schilling)

A special ordinance declaring the revitalization and remediation of an area generally located along the east side of South Market Avenue, between West Mount Vernon Street and West Harrison Street at 616 South Market Avenue, and the abatement of blight. (The Land Clearance for Redevelopment Authority, Planning and Zoning Commission, and Staff recommend approval).

37. Council Bill 2018-271. (McClure)

A special ordinance authorizing the City Manager, or his designee, to accept a donation of \$5,000 from Mercy to sponsor the Mayor's Tree Lighting Ceremony for the purpose of adding extra lighting capabilities and supporting the expenses of hosting the annual celebration; and amending the budget for the Department of Public Information & Civic Engagement for Fiscal Year 2018-2019 in the amount of \$5,000.

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

27129

39. Council Bill 2018-272. (Fisk)

A special ordinance authorizing the City Manager, or his designee, to accept a Blueprint for Safer Roadways grant from the Missouri Highways and Transportation Commission in the amount of \$11,400 for the purpose of continuing the pedestrian safety program "SGF Yields"; to enter into an agreement with the Missouri Highways and Transportation Commission to accept such grant; amending the budget for the Department of Public Works for Fiscal Year 2018-2019 in the amount of \$11,400; and declaring this Ordinance qualifies for approval on one reading.

40. CONSENT AGENDA – SECOND READING BILLS.**41. END OF CONSENT AGENDA.****42. ADJOURN.**



Noted Agenda City Council Meeting

**City Council Chambers
Historic City Hall, 830 Boonville**

Ken McClure, Mayor

Zone Councilmembers

Phyllis Ferguson, Zone 1
Tom Prater, Zone 2
Mike Schilling, Zone 3
Matthew Simpson, Zone 4

General Councilmembers

Jan Fisk, General A
Craig Hosmer, General B
Andrew Lear, General C
Richard Ollis, General D

**Upcoming Council Meeting Agenda
November 19, 2018 - 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.

- | | |
|------------------------------|---|
| | 1. ROLL CALL. |
| Approved as presented | 2. APPROVAL OF MINUTES. November 5, 2018 City Council Meeting and November 6, 2018 Special City Council Meeting. |
| Approved as presented | 3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME. |
| | 4. CEREMONIAL MATTERS. |
| 10411 | 5. Council Bill 2018-274. (City Council)

A resolution honoring former Councilman Denny Wayne for his exemplary service as a member of the Springfield City Council and his strong advocacy over a period of decades for justice and equal rights in Springfield and beyond. |
| | 6. CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETINGS. |

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.

7. **SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On. Except Item No. 14. Council Bill 2018-267 Substitute No. 1 is Being Added as a Possible Addition to the Agenda; however, a Determination of Whether it Will Be Added Will Be Made by City Council at the Meeting.**

6480

8. **Council Bill 2018-263. (Ferguson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.21 acres of property generally located at 1904 West College Street from a HC, Highway Commercial District to a CS, Commercial Services District; and adopting an updated 'Official Zoning Map.' (Staff and Planning and Zoning Commission recommend approval.) (By: City of Springfield Fire Department; 1904 West College Street; Z-25-2018.)

6481

9. **Council Bill 2018-264. (Schilling)**

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' by annexing approximately 0.07 acre (2,858 square feet) of property into the City of Springfield, Missouri, generally located at 3723 South Scenic Avenue, and generally referenced as Annexation A-4-18; and amending the Springfield City Code, Chapter 46, Section 46-1, 'Boundaries of wards, precincts and council zones,' by adding this property to the ward and precinct assigned by the County Clerk. (By: Melody Hargiss; 3723 S. Scenic Avenue; Annexation A-4-18.)

6482

10. **Council Bill 2018-265. (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.07 acre (2,858 square feet) of property generally located at 3723 South Scenic Avenue from County R-1, Suburban Residence District, to R-SF, Single-Family Residential District; and adopting an updated 'Official Zoning Map.' (Staff and Planning and Zoning Commission recommend approval.) (By: Melody Hargiss; 3723 S. Scenic Avenue; Z-24-2018.)

6483

11. **Council Bill 2018-266. (Prater)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.01 acres of a portion of property, generally located at 3040 East Cherry Street, from R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 77 to GR, General Retail District and establishing Conditional Overlay District No. 158; and adopting an updated 'Official Zoning Map.' (Staff and Planning and Zoning Commission both recommend approval.) (By: Excel Investments LP; 3040 East Cherry Street; Z-23-2018 w/Conditional Overlay District No. 158.)

27130

12. **Amended Council Bill 2018-268. (Schilling)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of "Cherry Hills Village," generally located at 3040 East Cherry Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

**Tabled until
January 14,
2018 City
Council
Meeting**

13. Council Bill 2018-267. (Fisk)

A general ordinance amending the Springfield City Code, Chapter 36, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 2, 'Rules of Interpretation and Definitions,' Section 36-321, 'Definitions,' by adding a definition for 'Short-Term Stay Rentals'; amending Division 4, 'District Regulations,' by adding as a permitted use Short-Term Stay Rentals to each district contained therein; amending Division 5, 'Supplemental District Regulations,' Section 36-451, 'Home Occupations'; and adding new section 36-472, 'Short-Term Rentals,' establishing rules and regulations for operation and location of Short-Term Stay Rentals; and designating an effective date for said amendments.

**Added to
Agenda and
Remanded to
Planning and
Zoning
Commission**

14. Possible Addition to City Council Agenda; however, a determination of whether it will be added will be made by City Council at the meeting.

Council Bill 2018-267. Substitute No. 1. (Fisk, Lear, McClure, Ollis, Schilling, Simpson, and Ferguson)

A general ordinance amending the Springfield City Code, Chapter 36, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 2, 'Rules of Interpretation and Definitions,' Section 36-321, 'Definitions,' by adding a definition for 4 'Short-Term Stay Rentals'; amending Division 4, 'District Regulations,' by adding as a permitted use Short-Term Stay Rentals to each district contained therein; amending Division 5, 'Supplemental District Regulations,' Section 36-451, 'Home Occupations'; and adding new section 36-472, 'Short-Term Rentals,' establishing rules and regulations for operation and location of Short-Term Stay Rentals; and designating an effective date for said amendments.

15. RESOLUTIONS. Citizens May Speak. May Be Voted On.

10412

16. Council Bill 2018-275. (McClure)

A resolution adopting the City of Springfield's Legislative Priorities for 2019.

10413

17. Council Bill 2018-276. (Fisk)

A resolution initiating an amendment to the Springfield Land Development Code, Article III, 'Zoning Regulations,' Division 5, 'Supplemental District Regulations,' Section 36-452, 'Temporary Uses,' for the purpose of considering whether to add Automatic Teller Machines as a temporary use in all zoning districts.

18. EMERGENCY BILLS.

19. PUBLIC IMPROVEMENTS.

20. GRANTS. Citizens May Speak. May Be Voted On.

27131

21. Council Bill 2018-277. (Fisk)

A special ordinance authorizing the City Manager, or his designee, to accept a Recreational Trails Grant from the Missouri Department of Natural Resources; and amending the Fiscal Year 2018-2019 budget in the amount of \$250,000 to appropriate said grant for the purpose of funding the construction of a trail generally located along Jordan Creek at West Meadows. This Ordinance relates to the acceptance of grant funds from a state or federal agency and may be passed as a one-reading ordinance pursuant to Section 2.16(25) of the City Charter.

22. AMENDED BILLS.

23. COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On. Except Item No. 24. Council Bill 2018-279 was advertised as a legal Public Hearing; however, will be read as a One-Reading Bill. Citizens May Speak. May Be Voted On.

24. Council Bill 2018-278. (McClure)

A general ordinance amending the Springfield City Code, Chapter 36, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 1, 'Intent, Purpose, and General Provisions,' Section 36-303, 'General Provisions,' subsection (34) 'Economic and housing access calamity' to modify requirements for shelters subject to City Council's declaration of an economic and housing access calamity. (Both Planning and Zoning Commission and Staff recommend approval.)

10414

25. Council Bill 2018-279. (Prater) Was advertised as a legal Public Hearing; however, will be read as a One-Reading Bill. Citizens May Speak. May Be Voted On.

A resolution adopting the 2018 Rountree Neighborhood Plan as an element of the City of Springfield, Missouri's Comprehensive Plan. (Planning and Zoning Commission and Staff recommend approval.)

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

27. Council Bill 2018-280. (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with Greene County for the purpose of continuing to operate and improve the countywide Enhanced 9-1-1 Emergency Telephone Service.

28. Council Bill 2018-281. (Prater)

A special ordinance approving the plans and specifications for certain stormwater improvements located along Prince Lane, generally referred to as Plan No. 2016PW0054W; accepting the bid of Hamilton & Dad, Inc., in the amount of \$169,389.63, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

29. Council Bill 2018-282. (Simpson)

A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program Agreement with the Missouri Highways and Transportation Commission; and amending the Fiscal Year 2018-2019 budget for the Department of Public Works in the amount of \$4,944,800.00 to appropriate certain grant funding for the purpose of funding the Republic Road Phase 4 and Phase 5 projects.

30. Council Bill 2018-283. (Schilling)

A general ordinance amending the Springfield City Code, Chapter 2, Article III, Division 1, Section 2-91, known as the 'Merit System Rules and Regulations,' by amending Merit Rule 26, 'Substance Abuse Policy,' for the purpose of complying with Department of Transportation regulations. (The Merit Rule amendment has Personnel Board approval.)

31. Council Bill 2018-284. (Ferguson)

A general ordinance amending the Springfield City Code, Chapter 2, Section 2-92, known as the Salary Ordinance, relating to the salary rate and pay grade for job titles in the Finance Department and at the Art Museum, as contained in the Professional, Administrative and Technical (PAT) Salary Schedule, by adding two new job titles; and by adopting an Employment Agreement by and between the City and Anita J. Cotter, effective December 10, 2018, and authorizing payment of salary and benefits to Anita J. Cotter as the City Clerk in accordance with the provisions set forth therein.

32. Council Bill 2018-285. (McClure)

A general ordinance suspending enforcement of the Zoning Ordinance prohibition against Short-Term Rentals as an unpermitted use for a period of One Hundred Twenty days from the date of the passage of this Ordinance or until City Council adopts an ordinance regulating Short-Term Rentals, whichever comes first, so as to allow additional time for input and review of proposed regulations of Short-Term Stay Rentals.

33. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

Appeared Mr. Gene Davison wishes to address City Council

Appeared Mr. Chris Smith wishes to address City Council

Appeared Mr. Cliff Perry wishes to address City Council

34. NEW BUSINESS.

Recommended The Mayor recommends the following appointments to the Mayor's Commission for Children: Linda Saturno, Trysta Herzog, and Chris Jarratt with terms to expire November 29, 2021.

Recommended The Mayor recommends the following reappointment to the Mayor's Commission for Children: Bria Cole with term to expire November 29, 2021.

Recommended The Mayor recommends the following reappointments to the Mayor's Commission on Human Rights: Bob Roberts and Caryle Wannamacher with terms to expire October 1, 2021.

Recommended The Mayor recommends the following reappointment to the Public Housing Authority: La Betha McGinnis with term to expire April 11, 2021.

Recommended The Mayor recommends the following appointment to the Springfield Convention and Visitors Bureau, Inc.: Amy Austin with term to expire January 1, 2022.

Recommended	The Mayor recommends the following appointment to the Traffic Advisory Board: David Eslick with term to expire April 1, 2019.
Recommended	The Mayor recommends the following reappointments to the Tree City USA Citizen Advisory Committee: John Clark with term to expire December 1, 2020; and Amanda Stadler and Kelly Guenther with terms to expire December 1, 2021.
Recommended	The Public Involvement Committee recommends the following appointment to the Springfield/Greene County Environmental Advisory Board: David Pryor with term to expire October 1, 2021.
	35. UNFINISHED BUSINESS.
	36. MISCELLANEOUS.
	37. CONSENT AGENDA – FIRST READING BILLS. See Item #3.
	38. Council Bill 2018-286. (Ollis) A general ordinance amending Chapter 120, 'Wastewater Regulations,' of the Springfield City Code for the purpose of complying with federal mandates concerning industrial pre-treatment standards and to provide for other revisions mandated by the Clean Water Act and the Missouri Department of Natural Resources. (Environmental Services recommends approval).
	39. CONSENT AGENDA – ONE READING BILLS.
	40. CONSENT AGENDA – SECOND READING BILLS. See Item #3.
27132	41. Council Bill 2018-269. (Prater) A special ordinance repealing the designation of the Monroe Redevelopment Area and terminating the Monroe Redevelopment Plan adopted by Special Ordinance 25907 for said Redevelopment Area. (The Land Clearance for Redevelopment Authority, Planning and Zoning Commission, and Staff recommend approval.)
27133	42. Council Bill 2018-270. (Schilling) A special ordinance declaring the revitalization and remediation of an area generally located along the east side of South Market Avenue, between West Mount Vernon Street and West Harrison Street at 616 South Market Avenue, and the abatement of blight. (The Land Clearance for Redevelopment Authority, Planning and Zoning Commission, and Staff recommend approval).
27134	43. Council Bill 2018-271. (McClure) A special ordinance authorizing the City Manager, or his designee, to accept a donation of \$5,000 from Mercy to sponsor the Mayor's Tree Lighting Ceremony for the purpose of adding extra lighting capabilities and supporting the expenses of hosting the annual celebration; and amending the budget for the Department of Public Information & Civic Engagement for Fiscal Year 2018-2019 in the amount of \$5,000.
Confirmed	44. Confirm the following appointments to the Board of Public Utilities: Scott Bratcher and Kristin Carter with terms to expire December 1, 2021.

Confirmed

Confirm the following reappointments to the Board of Public Utilities: Lynn Rowe, Denise Silvey, and Rob Rector with terms to expire December 1, 2021.

Confirmed

Confirm the following appointments to the Board of Adjustment: Bryan Fisher with term to expire January 1, 2019; Steven Jackson with term to expire January 1, 2021; and Shelby Lawhon with term to expire January 1, 2022.

45. END OF CONSENT AGENDA.

46. ADJOURN.

PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

N/A

CASE NUMBER:

Request to Acquire No. 529

LOCATION: 1824 West College Street

ACRES: 0.21

EXISTING LAND USE: Commercial

APPLICANT: City of Springfield

STAFF: Simon Nogin, 864-1613

STAFF RECOMMENDATION:
Approve

PROPOSED MOTION:

Move to approve Acquisition No. 529



APPLICANTS PROPOSAL:

The City of Springfield proposes to acquire the property located at 1824 West College Street. The purpose of the proposed acquisition is for the construction of a West Central Fire Station facility.

This commercial property is currently occupied by a dry cleaner. The City proposes to demolish this structure and use it as green space until the year 2020, when the City anticipates construction will begin on the new Fire Station. The three parcels to the west are already owned by the City and acquiring this parcel will allow for adequate room for the new Fire Station. The property is not listed for sale; the City approached the property owner for a voluntary acquisition.

FINDINGS FOR STAFF RECOMMENDATION:

The request is consistent with the Planning and Zoning Commission's land acquisition policy.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	CS	R-SF	CS	CS
LAND USE	Commercial	Single-family home	Duplex home	Vacant

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



PLANNING AND ZONING COMMISSION REVIEW:

The *Springfield City Charter* requires the Planning and Zoning Commission to review all proposals to acquire real property by the City for public use. Commission's function in this matter is to determine whether the proposal is generally consistent with the *Comprehensive Plan*.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area appropriate for Medium Intensity Retail, Office, or Housing. The *Plan* also recommends that the City provide infrastructure in an orderly and timely manner so as to promote, as the highest priority, intensive investment and redevelopment in Activity Centers and neighborhoods within or near the presently urbanized area. The proposed use is consistent with the *Comprehensive Plan*.

STAFF COMMENTS:

PLANNING AND DEVELOPMENT

1. Approval of this request is consistent with the *Growth Management and Land Use Plan* of the *Comprehensive Plan* which identifies this as an appropriate area for Medium Intensity Retail, Office, or Housing. Fire stations are permitted in all zoning districts. The current zoning is Commercial Services. The proposed Fire Station is consistent with this land use category.
2. The property is zoned CS – Commercial Services.
3. Approval will allow for added green space and future construction of a West Central Fire Station.
4. The following language from Article XI, Section 11.7.3, of the City Charter sets forth the Planning and Zoning Commission's function regarding the acquisition of property and the process for appeal of such decision:

"In reviewing and approving all such proposals, the function of the planning and zoning commission shall be to determine whether they are generally consistent with the master plan of the city. No such proposals shall be constructed or authorized until the location, extent and character thereof has been submitted and approved by the planning and zoning commission.

In case of disapproval, the commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the proposal is by an agency other than an agency of the city and the authorization or financing does not fall within the province of the city council, then the submission to the planning commission shall be by the agency having jurisdiction, and the planning commission's disapproval may be overruled by that agency by a vote of not less than two-thirds of its entire membership."

In the case of this proposed property acquisition, appeal of the decision of the Planning and Zoning Commission would be to City Council.

LAND ACQUISITION POLICY:

The Planning and Zoning Commission has adopted a policy statement for land acquisitions by public bodies. The individual sections of the policy statement are followed by the applicant's response to that section.

1. All land acquisitions shall be consistent with the adopted Plans and Policies of the City of Springfield.

It is our understanding the subject property is "generally consistent with the Master Plan of the City." Capital Improvements Project No. 17-0037 provides for purchase of land, construction of a fire station and necessary equipment. Proposed funding source for this project is Level Property Tax.

2. Proposals for land acquisition and public uses shall consider the effect of the proposed use on the surrounding land uses and shall include measures to mitigate any adverse effects of the proposed use on the surrounding uses.

The use of the subject property will change from commercial to public use as a Fire Station.

3. If no immediate use is intended for the land proposed for acquisition and the negotiated contract does not include the previous owner removing the structure, existing sound structures should be retained unless such retention is not economically feasible. The current use should be continued, the structure should be used in a manner consistent with adopted Plans until such time as the land will be cleared for the use for which it was acquired, or the structure should be moved to a suitable location.

It is not economically feasible to retain a vacant structure until approximately 2020; when the Fire Station is planned to be constructed. The concern arises because vacant structures near this site have experienced vandalism and break-ins, and often become targets for trespassers. This results in additional expenses for the City to board-up damaged entrances and windows, and vacant structures increase the patrol requirements for Police. Thus, it is not economically feasible for the City to maintain a vacant structure for an extended period of time. Construction of the Fire Station is planned for 2020 and until then the property will be maintained by the City as green space.

4. At a minimum, the acquiring agency should either attempt to preserve architecturally or historically significant structures in place or make the structures available to the previous owner or public for moving or solicit bids from individuals and firms interested in salvaging those items which have architectural significance. Disposition of property when conducted by a City agency shall be made pursuant to City ordinances including the City Purchasing Manual.

No structure involved in the acquisition is considered a historical structure or historically significant.

5. To the extent possible, the acquiring agency shall make all structures to be removed, regardless of historical or architectural significance, available to the previous owner or public for moving and reuse at another location. Disposition of property when conducted by a City agency shall be made pursuant to City ordinances including the City Purchasing Manual.

Current plan is to raze the structure.

LEGAL DESCRIPTION:

All of Lot Ninety-five (95), in Walnut Street Addition to the City of Springfield, Greene County, Missouri.

PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

N/A



CASE NUMBER:

Request to Relinquish Easement
No. 871

LOCATION: 2660 W Battlefield Road

ACRES: N/A

EXISTING LAND USE: Vacant

APPLICANT: Store Galore, LLC

STAFF: Simon Nogin, 864-1613

STAFF RECOMMENDATION:
Approve

PROPOSED MOTION:

Move to approve Relinquish Easement
No. 871

SUMMARY OF APPLICANTS REQUEST:

Store Galore, LLC is requesting to relinquish 2 access easements and a 15' sanitary sewer easement to facilitate development of the property. These 3 easements are no longer necessary due to the southern lot line being adjustment to the north. The sewer easement and the southernmost access easement are in conflict with the proposed expansion and development of the southern half of the site.

STAFF COMMENTS:

PLANNING AND DEVELOPMENT:

1. The applicant is requesting to relinquish three easements in order to facilitate development.
2. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
3. No one has objected to this request to date.

ENVIRONMENTAL SERVICES – SEWER:

- ✓ Sewer easement relinquishment is OK, the easement is no longer required.

PUBLIC WORKS – TRAFFIC:

- ✓ Access easement relinquishment is OK, the lot line adjustment makes these unnecessary.

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



FINDINGS FOR STAFF RECOMMENDATION:

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

<u>APPROVAL CRITERIA</u>	<u>STAFF RESPONSE:</u>
1. No one has objected to the relinquishment of the easements.	To date, no one has objected to the relinquishment of the easements.
2. The appropriate City agency has filed with the Planning and Development Department a statement that the easements are no longer needed to provide service.	All interested City agencies have filed a statement and do not object to the relinquishment of the subject easements.
3. That the retention of the easements no longer serves any useful public purpose.	The retention of the subject easements no longer serves a public purpose.

LEGAL DESCRIPTION:

PLATTED ACCESS EASEMENT – NORTH

All of a platted access easement as shown on the Final Plat of Battlefield/Scenic Business District Phase Five, a subdivision recorded in Book WW Page 16 at the Greene County Recorder's Office, in the city of Springfield, Missouri and being more particularly described as follows:

Commencing from the Northwest corner of Lot 1, Final Plat of Battlefield/Scenic Business District Phase Five, a platted subdivision in the city of Springfield, Greene County, Missouri; thence South 01° 45' 14" West along and with the West line of said Lot 1 to the POINT OF BEGINNING; thence, South 01° 45' 14" West continuing along and with said West line, a distance of 50.00 feet; thence, South 88° 13' 10" East departing said West line, a distance of 50.00 feet; thence, North 01° 45' 14" East, a distance of 50.00 feet; thence, North 88° 13' 10" West, a distance of 50.00 feet to the POINT OF BEGINNING.

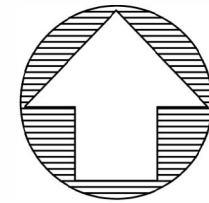
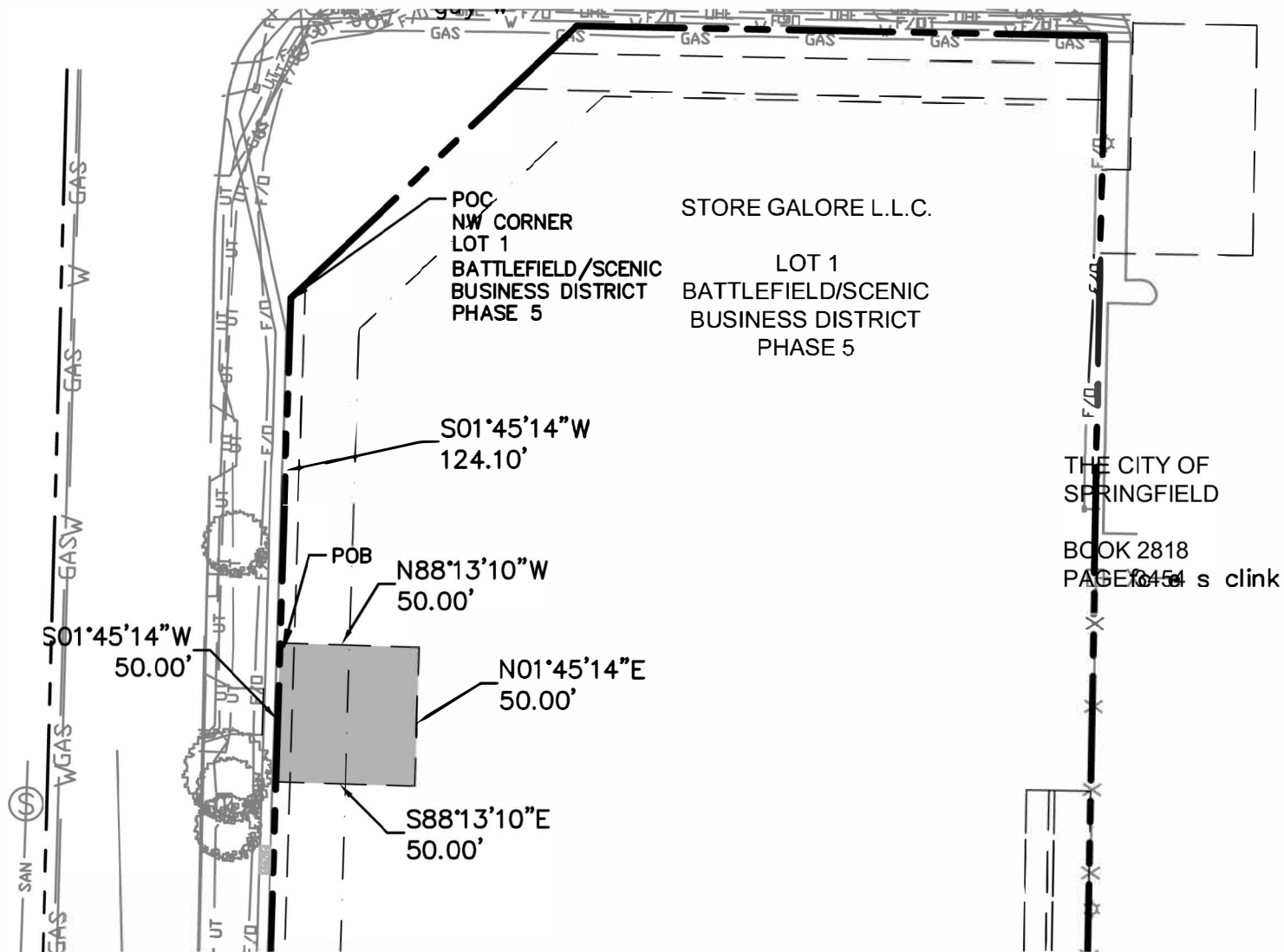
PLATTED ACCESS EASEMENT – SOUTH

All of a platted access easement as shown on the Final Plat of Battlefield/Scenic Business District Phase Five, a subdivision recorded in Book WW Page 16 at the Greene County Recorder's Office, in the city of Springfield, Missouri and being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 1 of Battlefield/Scenic Business Park Phase Five; thence, North 01°44'40" East, along and with the West line of said Lot 1, a distance of 25.00 feet; thence, South 87°30'45" East, leaving said West line, a distance of 50.00 feet; thence, South 01°44'40" West, a distance of 50.00 feet; thence, North 87°30'45" West, a distance of 50.00 feet to the West line of Lot 2; thence, North 01°44'40" East, a distance of 25.00 feet to the POINT OF BEGINNING.

SANITARY SEWER EASEMENT

All of a recorded Sanitary Sewer Easement as recorded in Book 2018 at Page 12173-18 in the Recorder's Office in Greene County, Missouri, and being more particularly described as follows: Commencing at the Southeast corner of Lot 1 of Battlefield/Scenic Business District Phase 5, a recorded subdivision in the city of Springfield, Greene County, Missouri; thence North 01° 03' 43" East along and with the East line of said Lot 1, a distance of 25.00 feet to the North line of an existing 10' platted sewer easement to the POINT OF BEGINNING; thence, departing said East line and along and with North line of said sewer easement North 87° 30' 45" West, a distance of 15.00 feet; thence, departing said North line North 01° 03' 43" East, a distance of 351.18 feet; thence, South 88° 56' 17" East, a distance of 15.00 feet to the East line of said Lot 1; thence, along and with said East line South 01° 03' 43" West, a distance of 351.55 feet to the POINT OF BEGINNING; containing 5270 square feet, more or less.



SCALE 1" = 60'

DATE:

10/04/18

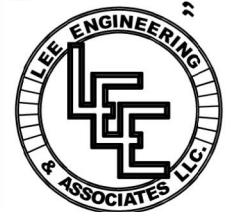
PROJECT NO.:

1804

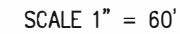
NORTH ACCESS EASEMENT RELINQUISHMENT

Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65807
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz



"Engineering with Integrity"



”Engineering with Integrity”
dlee@leeengineering.biz

SCENIC
AVENUE

LOT 1
BATTLEFIELD/SCENIC BUSINESS DISTRICT
PHASE FIVE

LOT 2
BATTLEFIELD/SCENIC BUSINESS DISTRICT
PHASE FIVE

S88°56'17"E
15.00'

N01°03'43"E
351.18'

S01°03'43"W
351.55'

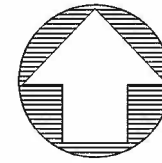
N87°30'45"W
15.00'

N01°03'43"E
25.00'

EXISTING 10' PLATTED SEWER EASEMENT

POB

POC
SE CORNER
LOT 1
BATTLEFIELD/SCENIC
BUSINESS DISTRICT
PHASE 5



1" = 60'

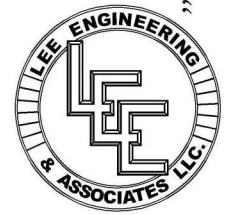
BK: 2818
PG: 3454

NOTE:

THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65807

417-886-9100 (phone)
417-886-9336 (fax)
dle@leeengineering.biz



Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050

SEWER EASEMENT
2660 W BATTLEFIELD

DATE:

03/02/2018

PROJECT NO.:

1804

PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

N/A



CASE NUMBER:

Request to Relinquish Easement
No. 872

LOCATION: 2700 N Glenstone Avenue

ACRES: N/A

EXISTING LAND USE: Vacant

APPLICANT: Campus Inc.

STAFF: Simon Nogin, 864-1613

STAFF RECOMMENDATION:

Approve

PROPOSED MOTION:

Move to approve Relinquish Easement
No. 872

SUMMARY OF APPLICANTS REQUEST:

Campus Inc. is requesting to relinquish an access easement to facilitate development of the property. The shared access easement is no longer necessary as the two parcels have been combined.

STAFF COMMENTS:

PLANNING AND DEVELOPMENT:

1. The applicant is requesting to relinquish an easement in order to facilitate development.
2. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
3. No one has objected to this request to date.

PUBLIC WORKS – TRAFFIC:

- ✓ Access easement relinquishment is OK.

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



FINDINGS FOR STAFF RECOMMENDATION:

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

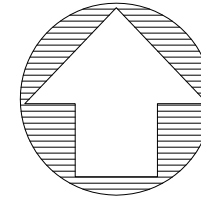
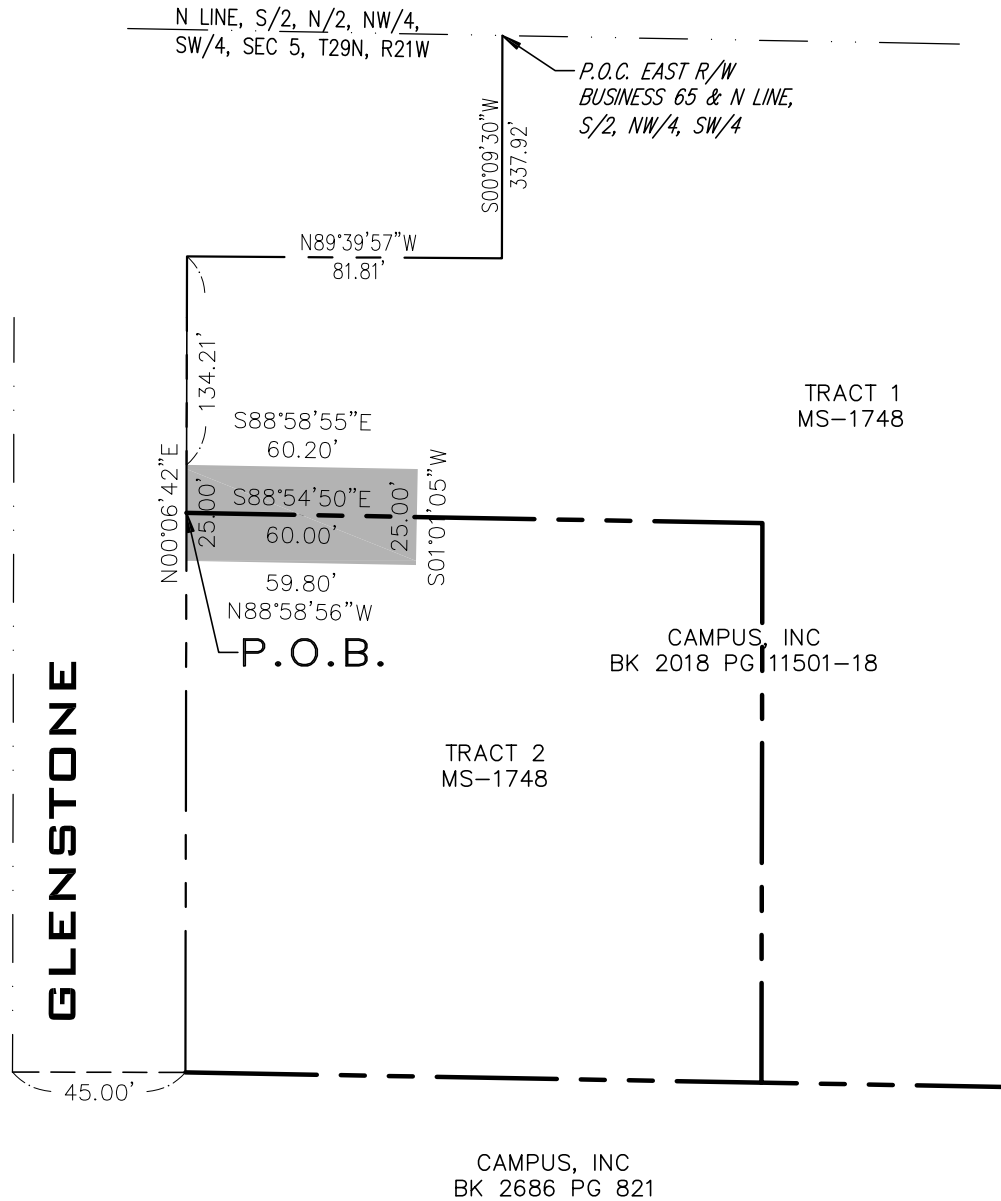
<u>APPROVAL CRITERIA</u>	<u>STAFF RESPONSE:</u>
1. No one has objected to the relinquishment of the easement.	To date, no one has objected to the relinquishment of the easement.
2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide service.	All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement.
3. That the retention of the easement no longer serves any useful public purpose.	The retention of the subject easement no longer serves a public purpose.

LEGAL DESCRIPTIONS:

ACCESS EASEMENT

A 25.00 foot access easement being 12.5 feet on each side of the following described centerline: Commencing at a point on the North line of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 5, T29N, R21W in Springfield, Greene County, Missouri (said point being on the East right-of-way of Business Highway 65) thence, South $0^{\circ}09'30''$ W along said right-of-way 337.92 feet; thence $N89^{\circ}39'57''$ West along said right-of-way 81.18 feet; thence South $0^{\circ}06'41''$ W 146.71 feet to the point of beginning of said easement; thence $S88^{\circ}54'50''$ E 60.00 feet to point of terminus of said easement. (The description appears to contain an error and should reference the point of commencement as being on the North line of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the NW $\frac{1}{4}$, SW $\frac{1}{4}$, as noted in the minor subdivision document filed concurrently).

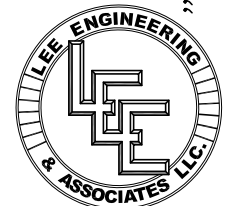
GLENSTONE



NOTE:
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BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65807
417-886-9100 (phone)
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dlee@leeengineering.biz



"Engineering with Integrity"

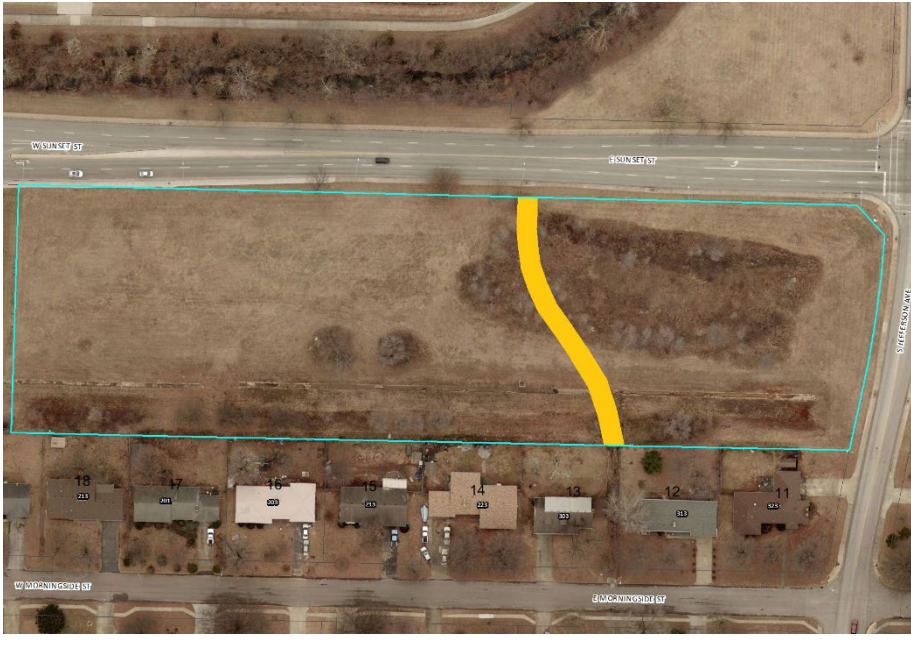
ACCESS
EASEMENT
RELINQUISHMENT
EXHIBIT

DATE:
10/15/2018
PROJECT NO.:
602

PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

N/A



CASE NUMBER:

Request to Relinquish Easement
No. 873

LOCATION: 2700 block S. Jefferson Ave.

ACRES: N/A

EXISTING LAND USE: Vacant

APPLICANT: Empire Mortgage Co., Inc.

STAFF: Simon Nogin, 864-1613

STAFF RECOMMENDATION:

Approve

PROPOSED MOTION:

Move to approve Relinquish Easement
No. 873

SUMMARY OF APPLICANTS REQUEST:

Empire Mortgage Co., Inc, is requesting to relinquish a 30' storm water drainage easement to facilitate development of the property. This drainage easement no longer serves multiple properties; thus the drainage channel was removed approximately seven years ago making the drainage easement unnecessary. Storm water drainage on site is currently handled by an outlet pipe.

STAFF COMMENTS:

PLANNING AND DEVELOPMENT:

1. The applicant is requesting to relinquish an easement in order to facilitate development.
2. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
3. No one has objected to this request to date.

PUBLIC WORKS – STORM WATER:

- ✓ Drainage easement relinquishment is OK; detention is no longer serving more than one property and there is already an outlet pipe that doesn't need to be in an easement since it serves only one property. The vacation is acceptable as shown.

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



FINDINGS FOR STAFF RECOMMENDATION:

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

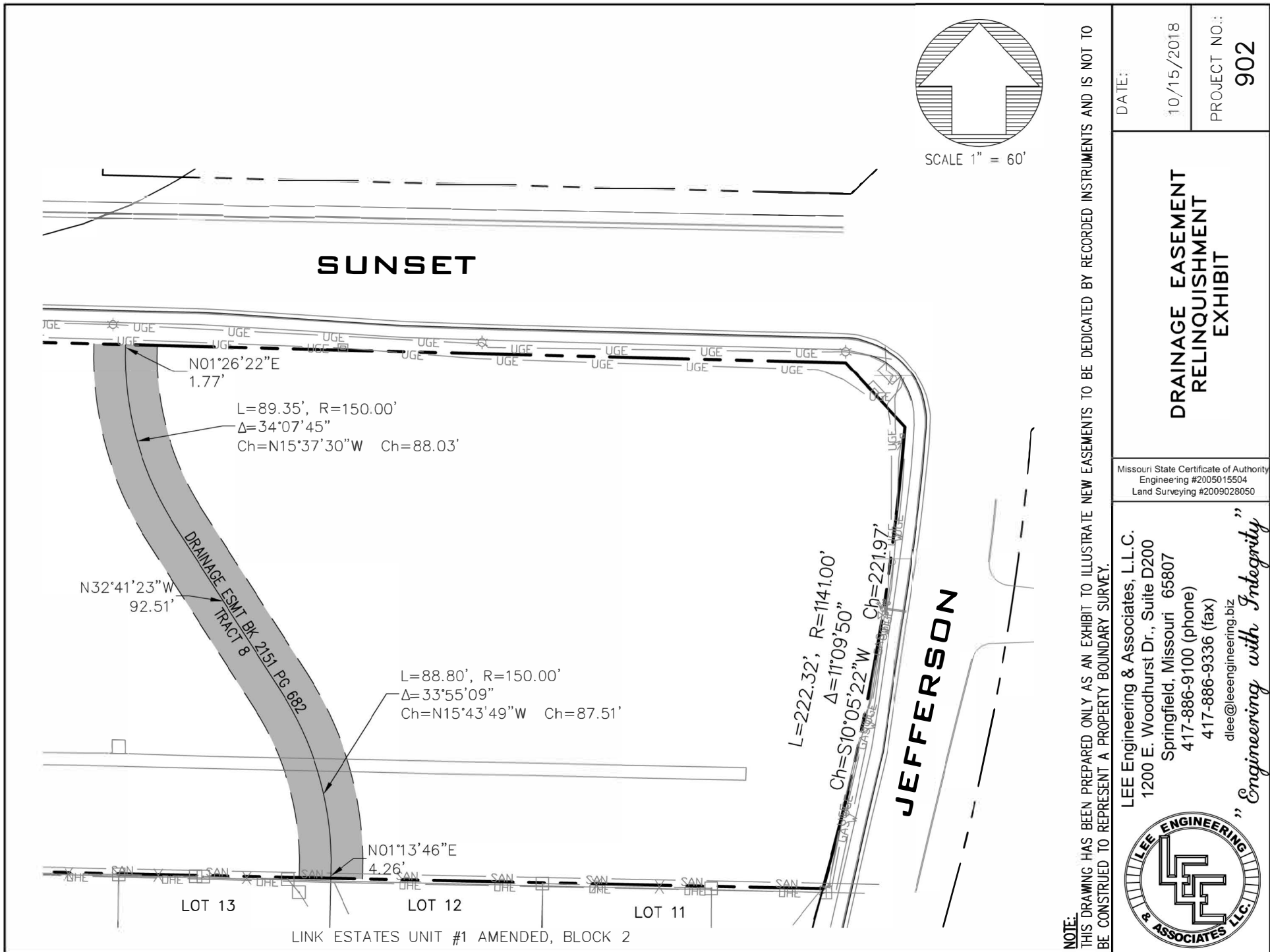
<u>APPROVAL CRITERIA</u>	<u>STAFF RESPONSE:</u>
1. No one has objected to the relinquishment of the easement.	To date, no one has objected to the relinquishment of the easement.
2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide service.	All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement.
3. That the retention of the easement no longer serves any useful public purpose.	The retention of the subject easement no longer serves a public purpose.

LEGAL DESCRIPTION:

DRAINAGE EASEMENT

That part of the Grantor's land in the North half of Section 1, Township 28 North, Range 22 West, Springfield, Greene County, Missouri, which lies within a tract of land with the widths hereinafter designated on the left or westerly side and the right or easterly side of the surveyed centerline of the City of Springfield, as shown on plan file #OPW3433 on file with the Director of Public Works at City Hall in Springfield, Missouri:

Said permanent drainage easement, being 15.00 feet on both sides of the following described centerline: Beginning at a found iron pin at the Northwest corner of Lot 12, Block #2, Link Estates Unit #1 Amended Subdivision; thence North 00° 08' 03" West, 4.26 feet; thence along a curve to the left, 88.80 feet, said curve having a central angle of 33° 55' 11" and a radius of 150.00 feet; thence North 34° 03' 15" West, 92.51 feet; thence along a curve to the right, 89.35 feet, said curve having a central angle of 34° 07' 47" and a radius of 150.00 feet; thence North 00° 04' 32" East, 41.97 feet to the point of terminus.

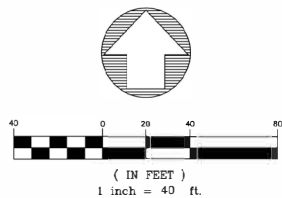


NOTE: THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

DATE: 10/15/2018 PROJECT NO.: 902	
DRAINAGE EASEMENT RELINQUISHMENT EXHIBIT	
Missouri State Certificate of Authority Engineering #2005015504 Land Surveying #2009028050	
LEE Engineering & Associates, L.L.C. 1200 E. Woodhurst Dr., Suite D200 Springfield, Missouri 65807 417-886-9100 (phone) 417-886-9336 (fax) dle@leeengineering.biz	
LEE ENGINEERING & ASSOCIATES LLC. <i>"Engineering with Integrity"</i>	

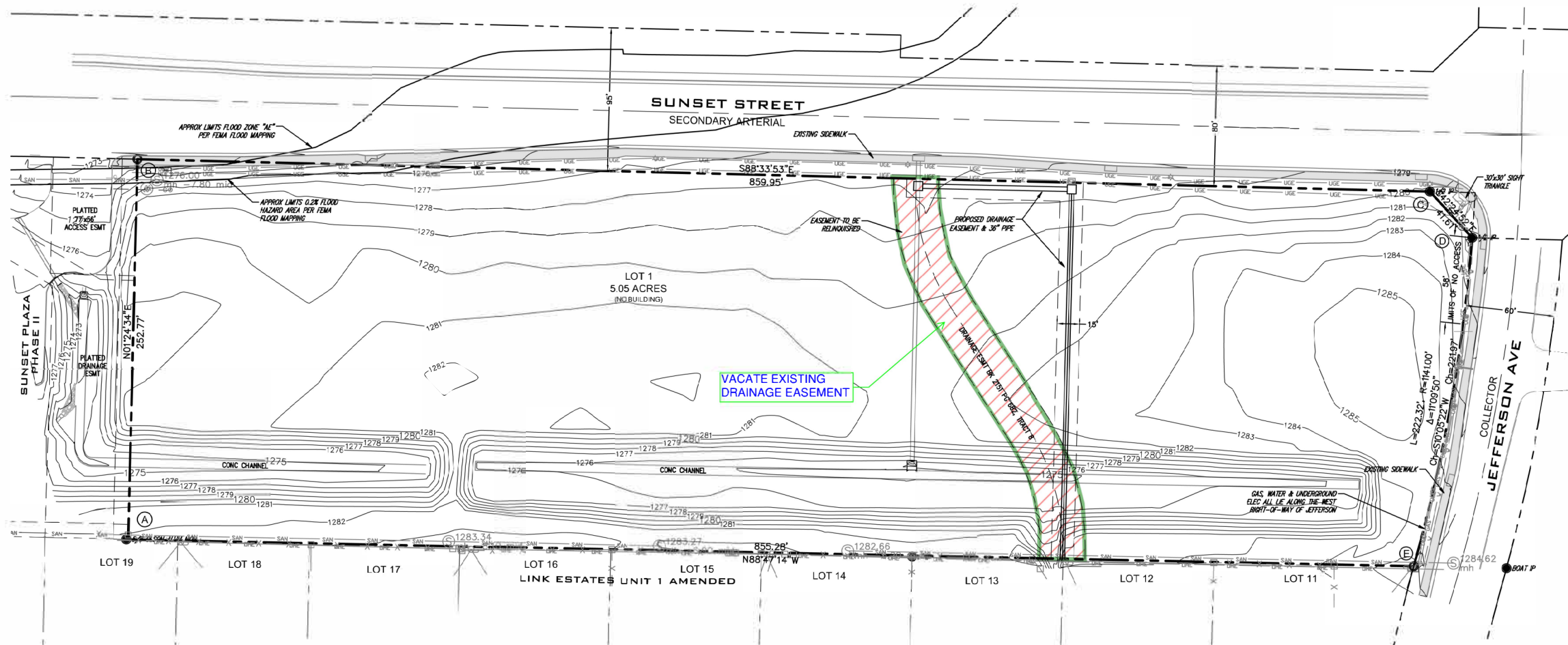
DEVELOPER:
MILLER COMMERCE,
431 South Jefferson Avenue
Springfield, MO 65806

PRELIMINARY PLAT
TERA VERA II



BASIS OF BEARINGS:

BEARINGS ARE GRID NORTH BASED ON THE
MISSOURI STATE PLANE COORDINATE
SYSTEM OF 1983, CENTRAL ZONE. GPS TIES
TO MODOT VRS NETWORK



 VICINITY MAP
NOT TO SCALE

LEGEND

- | | |
|---|-------------------------------------|
|  | FOUND IRON PIN |
|  | SET IRON PIN OR MARKER AS NOTED |
|  | R/W MARKER |
|  | BOUNDARY LINE |
|  | R/W LINE |
|  | EASEMENT LINE |
|  | SETBACK LINE |
|  | MEASURED |
|  | PLAT |
|  | DEED |
|  | RECORD |
|  | LIGHT POLE |
|  | SANITARY SEWER MANHOLE |
|  | SANITARY SEWER CLEANOUT |
|  | SANITARY SEWER LINE |
|  | UTILITY POLE |
|  | ELECTRIC METER |
|  | OVERHEAD ELECTRIC |
|  | UNDERGROUND ELECTRIC |
|  | GUY WIRE |
|  | PHONE/COMMUNICATION MANHOLE |
|  | PHONE PEDestal |
|  | CABLE TV RISER |
|  | CABLE TV LINE |
|  | UNDERGROUND PHONE |
|  | OVERHEAD PHONE |
|  | FIBER OPTIC LINE |
|  | WATER VALVE |
|  | WATER METER |
|  | WATER LINE |
|  | FIRE HYDRANT |
|  | GAS VALVE |
|  | GAS METER |
|  | GAS LINE |
|  | FENCE LINE (AS NOTED) |
|  | ROAD SIGN (STOP, SPEED LIMIT, ETC.) |

ABBREVIATIONS

- | | |
|------|--------------------------|
| XFMR | TRANSFORMER |
| ICV | IRRIGATION CONTROL VALVE |
| CI | STORMWATER CURB INLET |

FLOOD NOTE:

The far Northwest corner of this property lies in Flood Zone "AE" (areas determined to be within the Flood Hazard Area) with a Base Flood Elevation of 1275 according to Flood Insurance Rate Map Community Panel 29077C 0341 E, effective December 17, 2010.

NOTES -

Accuracy Standard: Type Urban Property

SOURCE OF TITLE:

The utilities shown were compiled from existing mapping from city services, field locates, and from other mapping/plans such as highway plans. The utilities shown are only to the extent of the available mapping and may not represent all utilities on site. Any particular areas that become of concern during design/planning should be researched further. All buried utilities shown are approximate only.

BUILDING SETBACKS:

Current Zoning: LB - Limited Business & O-1 - Office District 1
Proposed Zoning:

Current Zoning Setbacks

Front	35' (Collector of higher) 15' (Local)
Side	10'
Rear	20% of Lot Depth, > 10' and < 25"

LOT INFORMATION:

LOT INFORMATION:
Total Acreages - 5.05

Corner	Angle	Northing	Easting
A	89° 48' 12"	485966.76	1409100.13
B	89° 58' 27"	486219.45	1409106.35
C	133° 50' 59"	486197.91	1409966.03
D	127° 29' 46"	486167.19	1409994.10
E	98° 52' 36"	485948.66	1409955.21
TOTAL	540° 00' 00"		
(N-2)*180	540° 00' 00"		

DESCRIPTION —

Commencing at the Northwest corner of the Northwest fractional quarter (NW $\frac{1}{4}$) of Section One (1), Township Twenty-Eight (28) North, Range Twenty-Two (22) West, Greene County, Missouri; thence North 89°43'55" East, along the South line of Old Town Addition, a subdivision in the city of Springfield, Greene County, Missouri a distance of 145.32 feet; thence South 00°16'07" East, a distance of 482.47 feet to a point on the Southerly right-of-way line of Sunset Street for a POINT OF BEGINNING; thence North 88°23'38" East, along the Southerly right-of-way line of said Sunset Street, a distance of 185.01 feet for a point of curvature; thence on a curve to the right, along the Southerly right-of-way line of said Sunset Street, having a central angle 01°40'54", a radius of 960.00 feet, an arc length of 28.18 feet, a chord bearing of North 89°40'55" East, a chord distance of 28.18 feet, to a point of tangency; thence North 89°40'55" East, along the Southerly right-of-way line of said Sunset Street, a distance of 156.10 feet, to a POINT OF BEGINNING; thence South 44°09'08" East, along the Southerly right-of-way line of said Sunset Street, a distance of 41.63 feet for a point of curvature, said point also being a point on the Westerly right-of-way line of Jefferson Avenue; thence on a curve to the right, along the Westerly right-of-way line of said Jefferson Avenue, having a central angle 11°10'27", a radius of 1141.00 feet, an arc length of 222.53 feet, a chord bearing of South 08°36'11" West, a chord distance of 222.17 feet to the Northeast corner of Block Two (2), of Link Estate Development (as amended) Unit No. 1; thence South 88°45'25" West, along the North line of said Block Two (2), of Link Estate Development (as amended) Unit No. 1, a distance of 1209.39 feet to the Easterly right-of-way line of Campbell Avenue; thence North 05°50'32" West, along the Easterly right-of-way line of said Campbell Avenue, a distance of 156.10 feet; thence North 05°50'32" West, along the Easterly right-of-way line of said Campbell Avenue, a distance of 156.10 feet, to a POINT OF BEGINNING; thence South 44°09'08" East, along the Southerly right-of-way line of said Sunset Street, except all of Sunset Plaza Phase One (1) and Phase Two (2), Greene County, Missouri, according to plats filed in plat book AAA, at page 301 and plat book AAA, at page 378 respectively.

BY: _____ DATE: _____

DON RAY BERRY, PROFESSIONAL LAND SURVEYOR
STATE OF MISSOURI LICENSE NO. 2004017829

SCALE: 1" = 40'	REVISIONS:	DATE:	BY:
FIELD BY: TS, JS			
DRAWN BY: DRB			
CHECKED BY: LEE			

PRELIMINARY PLAT

5133 SCAMPBELL #101
SPRINGFIELD, MO 65810

Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65807
417-886-9100 (phone)



DATE: 2018-10-01

SHEET: 1 OF 1

PROJECT: 902

FILE: 902 - Tera Vera 2 Prelim Plat.doc

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

DATE: November 30, 2018

TO: Planning and Zoning Commission

FROM: Michael Sparlin
Senior Planner

SUBJECT: Z-20-2018 w/ Conditional Overlay District No. 155

City Council adopted Resolution 10408 on November 5, 2018 which established an administrative delay on accepting applications and processing rezonings and lot combinations in the Galloway area. No public hearing or action will be held on this matter at the December 6th Planning & Zoning Commission meeting.

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

DATE: November 27, 2018

TO: Planning and Zoning Commission

FROM: Bob Hosmer, AICP Principal
Planner

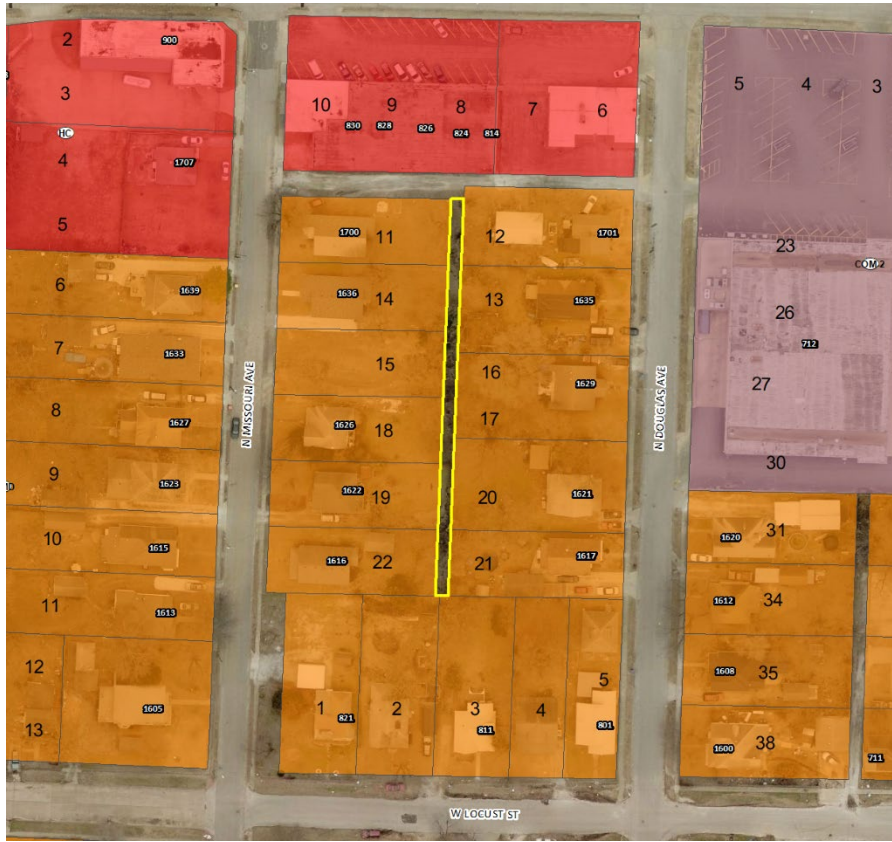
SUBJECT: Planned Development 366

The applicant's representative has requested that the rezoning at Cherry and Pickwick be tabled to the Planning and Zoning Commission meeting on January 17, 2019.

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018



CASE NUMBER:

Vacation 804

PROJECT LOCATION:

1600 block North Missouri Avenue

ACRES:

0.071 acres (3108 square feet)

EXISTING LAND USE:

Public Alley

APPLICANT:

City of Springfield

STAFF:

Jared Follin, Associate Planner
417-864-1612

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve Vacation 804 as submitted.

SUMMARY OF REQUEST:

The City of Springfield is requesting to vacate a 10' wide public alley generally located at 1600 block North Missouri Avenue. The alley is no longer a benefit to the city street system and is not traversable by the traveling public.

FINDINGS FOR STAFF RECOMMENDATION:

1. The requested vacation meets the approval criteria listed in Exhibit 2.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC	R-MD	R-MD	R-MD
LAND USE	Retail/Eating and Drinking Establishment	Single-Family Residential	Single-Family Residential	Single-Family Residential

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



Development Review Staff Report



MAJOR THOROUGHFARE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

This segment of public alley right-of-way was platted in 1884 as part of the Delaney Goffe and Bouslog's Addition Subdivision.

STAFF COMMENTS:

1. This is a request to vacate a 10' wide public alley generally located at 1600 block North Missouri Avenue. The alley is no longer a benefit to the city street system and is not traversable by the traveling public.
2. A storm water easement will need to be retained along a 48-inch box culvert with an easement size of 20 feet. The culvert runs diagonally across the alley between Lots 15 & 16.
3. The proposed vacation was reviewed by City departments and comments are contained in Exhibit 1.

NEIGHBORHOOD MEETING:

Since the City is the applicant, the City elected not to conduct a neighborhood meeting, as the proposed vacation is inaccessible by vehicle to the adjacent properties

PUBLIC NOTIFICATION:

The public notice was advertised in the News-Leader at least 30 days prior to the public hearing. The property was posted by the applicant at least 10 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 300 feet.

Notices sent to property owners within 300 feet:	Mailed: 42	Returned: 0
--	------------	-------------

Development Review Staff Report



EXHIBIT 1: DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

CITY UTILITIES COMMENTS:

City Utilities does not have any utilities in the alley proposed to be vacated. Approved.

CLEAN WATER SERVICES COMMENTS:

No comment.

FIRE DEPARTMENT COMMENTS:

No objection from Fire dept.

PUBLIC WORKS - TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the proposed vacation.

PUBLIC WORKS - STORMWATER COMMENTS:

Storm water easement that needs to be retained comes across lot 14 and goes southeast across lots 16 and 17 as well. It is an existing 48 in box culvert and the easement size is 20 ft wide according to chapter 6 of our design criteria manual.

Development Review Staff Report



EXHIBIT 2: REQUIREMENTS FOR APPROVAL

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

Approval Criteria	Staff Response:
1. All property owners adjacent to the street, alley or public way have access to another street, alley or public way.	All adjacent properties have access to other public streets.
2. The owners of two-thirds of the property adjacent to the street, alley or public way to be vacated have given their consent to the vacation.	The city elected to not conduct a neighborhood meeting as the proposed vacation is inaccessible by vehicle to the adjacent properties.
3. That the retention of the street, alley, public way or subdivision serves no useful purpose.	The requested portion to be vacated is no longer a benefit to the city street system and the traveling public.
4. That the vacation will not affect the ability to use utilities, public or private.	The applicant will not be dedicating replacement easements. No utilities are located within the vacated property.

Development Review Staff Report



LEGAL DESCRIPTION:

Beginning at the Northeast corner of Lot 11 in Delaney Goffe and Bouslog's Addition in the City of Springfield, Greene County, Missouri; Thence East 10 feet to the Northwest corner of Lot 12; Thence South 310.8 feet to the Southwest corner of Lot 21; Thence West 10 feet to the Southeast corner of Lot 22; Thence North 310.8 feet to the Northeast corner of Lot 11 and the Point of Beginning. Subject to a permanent storm water easement over and across the above described tract.

DELANEY, GOFFE, AND BOUSLOGS ADD.

Lot 10

Lot 9

Lot 8

Lot 7

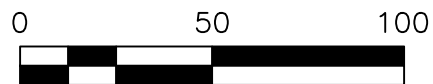
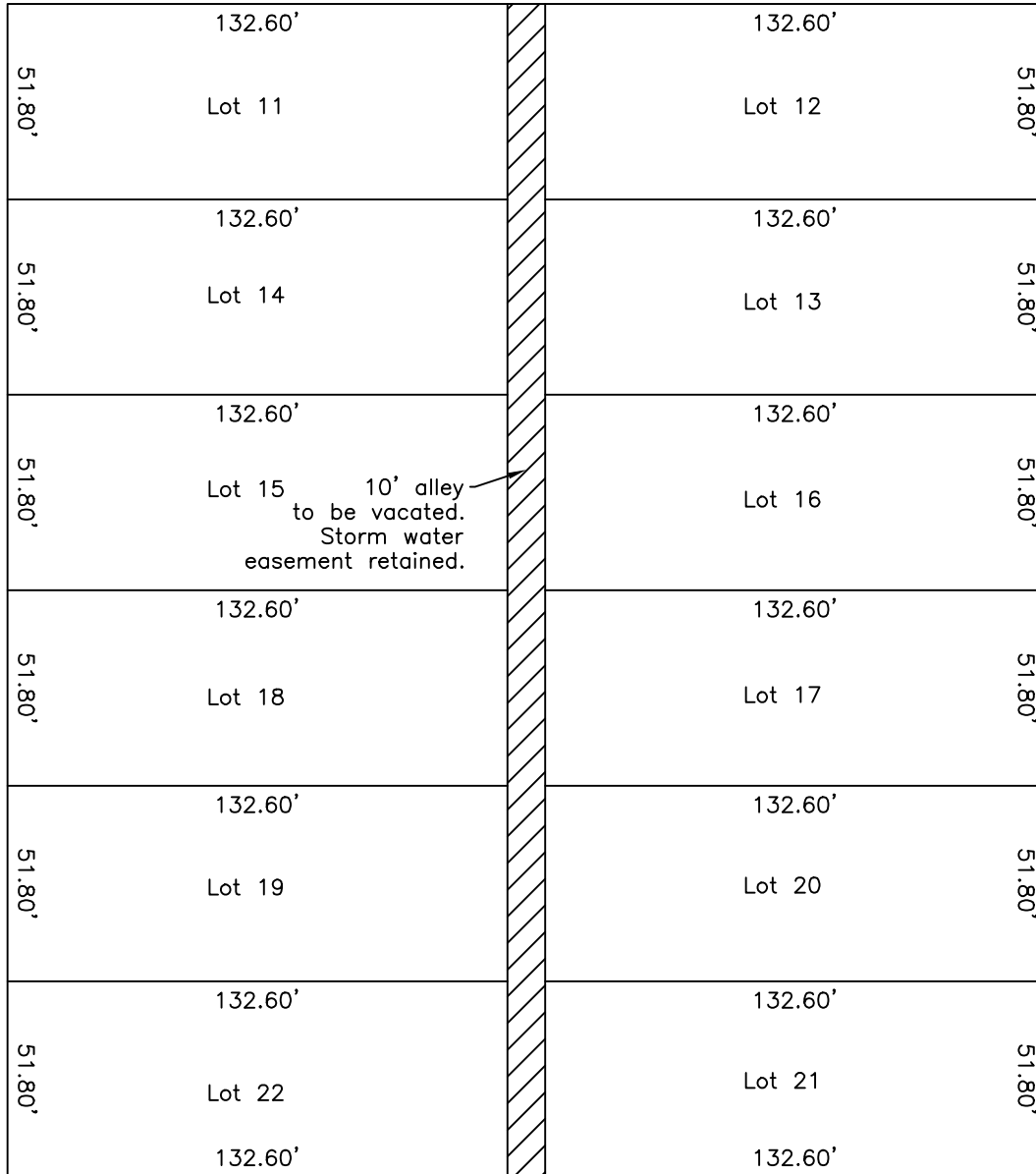
Lot 6

20.0'

10.0'

N. MISSOURI AVENUE

N. DOUGLAS AVENUE



City of Springfield
10' alley vacation
1600 Block N. Missouri

DRW BY: Dill
DRW DATE: 10/15/2018
SURVEY SECTION

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018



CASE NUMBER:

Vacation 805

PROJECT LOCATION:

800 block South Kimbrough Avenue

ACRES:

0.057 acres (2,485 square feet)

EXISTING LAND USE:

Public Alley

APPLICANT:

City of Springfield

STAFF:

Jared Follin, Associate Planner
417-864-1612

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve Vacation 805 as submitted.

SUMMARY OF REQUEST:

The City of Springfield is requesting to vacate two segments of a public alley generally located at 800 block South Kimbrough Avenue. The alley is no longer a benefit to the city street system and is not traversable by the traveling public.

FINDINGS FOR STAFF RECOMMENDATION:

1. The requested vacation meets the approval criteria listed on Exhibit 2.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	PD 358 & 359	R-HD	R-HD	R-HD
LAND USE	Vacant/Multi-Family Residential	Church	Multi-Family Residential	Single-Family Residential

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



MAJOR THOROUGHFARE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

This segment of public alley right-of-way was platted in 1909 as part of the Whitlock's Home Addition Subdivision.

STAFF COMMENTS:

1. This is a request to vacate two segments of a public alley generally located at 800 block South Kimbrough Avenue. The alley is no longer a benefit to the city street system and is not traversable by the traveling public.
2. A sanitary sewer easement will need to be retained along both vacated segments.
3. The northern 7' wide alley will be returned to the owner of Lot 1. The southern 14' wide alley will be split and returned to the adjacent lots.
4. The proposed vacation was reviewed by City departments and comments are contained in Exhibit 1.

NEIGHBORHOOD MEETING:

Since the City is the applicant, the City elected not to conduct a neighborhood meeting, as the proposed vacation is inaccessible by vehicle to the adjacent properties

PUBLIC NOTIFICATION:

The public notice was advertised in the News-Leader at least 30 days prior to the public hearing. The property was posted by the applicant at least 10 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 300 feet.

Notices sent to property owners within 300 feet: Mailed: 14 Returned: 0

Development Review Staff Report



EXHIBIT 1: DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

There are no issues.

CITY UTILITIES COMMENTS:

City Utilities does not have any utilities in the alley proposed to be vacated. Approved.

CLEAN WATER SERVICES COMMENTS:

No comment.

FIRE DEPARTMENT COMMENTS:

No objection from Fire dept.

PUBLIC WORKS - TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the proposed vacation.

PUBLIC WORKS - STORMWATER COMMENTS:

No issues with alley vacation from stormwater.

Development Review Staff Report



EXHIBIT 2: REQUIREMENTS FOR APPROVAL

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

Approval Criteria	Staff Response:
1. All property owners adjacent to the street, alley or public way have access to another street, alley or public way.	All adjacent properties have access to other public streets.
2. The owners of two-thirds of the property adjacent to the street, alley or public way to be vacated have given their consent to the vacation.	The city elected to not conduct a neighborhood meeting as the proposed vacation is inaccessible by vehicle to the adjacent properties.
3. That the retention of the street, alley, public way or subdivision serves no useful purpose.	The requested portion to be vacated is no longer a benefit to the city street system and the traveling public.
4. That the vacation will not affect the ability to use utilities, public or private.	The applicant will not be dedicating replacement easements. No utilities are located within the vacated property.

Development Review Staff Report

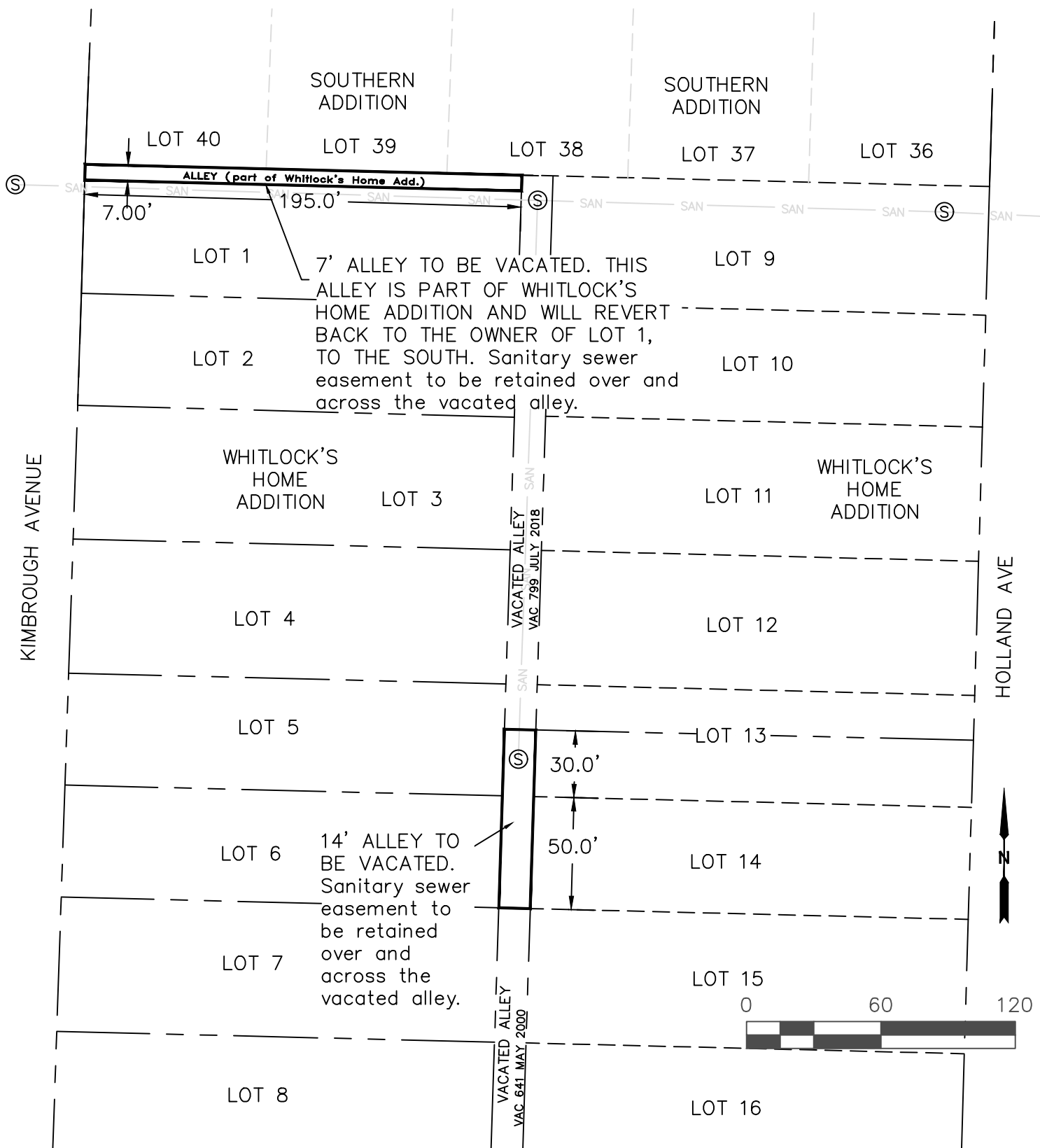


LEGAL DESCRIPTION:

Beginning at the Northwest corner of Lot 15 of Whitlock's Home Addition, a recorded subdivision in the City of Springfield, Greene County, Missouri; Thence North a distance of 80 feet to the Northwest corner of the South 30 feet of Lot 13 of Whitlock's Home Addition and the Southeast corner of Alley Vacation 799; Thence West along the South line of Alley Vacation 799, a distance of 14 feet to the East line of Lot 5 of Whitlock's Home Addition; Thence South a distance of 80 feet to the Northeast corner of Lot 7 of Whitlock's Home Addition; Thence East a distance of 14 feet to the Point of Beginning. Vacated alley is subject to a sanitary sewer easement over and across the entire tract.

And also:

Beginning at the Northeast corner of Lot 1 of Whitlock's Home Addition, a recorded subdivision in the City of Springfield, Greene County, Missouri; Thence North along the extended East line of said Lot 1 and adjoining Alley Vacation 799, a distance of 7.0 feet to the North line of the alley; Thence West along the North line of said alley a distance of 195.0 feet to the East right of way of Kimbrough Avenue; Thence South along the said East right of way, 7.0 feet to the Northwest corner of said Lot 1; Thence East along the North line of said Lot 1 a distance of 195.0 feet to the Point of Beginning. Vacated alley is subject to a sanitary sewer easement over and across the entire tract.



ALLEY VACATION EXHIBIT
CITY OF SPRINGFIELD
800 Block S. Kimbrough

DRW BY: Dill
DRW DATE: 10/18/2018
SURVEY SECTION

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

DATE: November 27, 2018

TO: Planning and Zoning Commission

FROM: Bob Hosmer, AICP
Principal Planner

SUBJECT: Z-30-2018 w/ Conditional Overlay District No. 162

The applicant's representative of the property at 3411 South Kansas Avenue has requested that this rezoning case be tabled to the next Planning and Zoning Commission meeting on January 17, 2019.

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

JANUARY 14, 2019



CASE NUMBER:

Z-31-2018 w/Conditional Overlay District No. 163

LOCATION:

2200 blk N. Belcrest Avenue

ACRES:

33.33 acres

EXISTING LAND USE:

Vacant/undeveloped

APPLICANT:

ICT II, LLC

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve to rezone from HC, Highway Commercial District and HM, Heavy Manufacturing District, to HM, Heavy Manufacturing District, and establishing Conditional Overlay District No. 163 as submitted in the staff report

SUMMARY OF REQUEST:

Request to rezone approximately 33.33 acres of property from HC, Highway Commercial District and HM, Heavy Manufacturing District, to HM, Heavy Manufacturing District, and establishing Conditional Overlay District No. 163

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for General Industry, Transportation and Utilities. This category includes industry that involves railroad service, heavy truck traffic, extensive outdoor storage, noise or odors and the handling of raw materials. The most appropriate district would be Heavy Manufacturing. The Major Thoroughfare Plan classifies U.S. 65 as a freeway, Kearney Street as a primary arterial and Belcrest Avenue as a commercial local roadway which supports the proposed land use.
2. The proposed Conditional Overlay District will require the developer to construct a cul-de-sac at the south end of Belcrest Avenue at the time of development. It will also require the property to be subdivided along the zoning district boundaries.

Development Review Staff Report



SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM & HC	HM	ROW & HM	HM
LAND USE	Industrial uses	Vacant/undeveloped	U.S. 65 and rental uses	Industrial uses

Development Review Staff Report

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

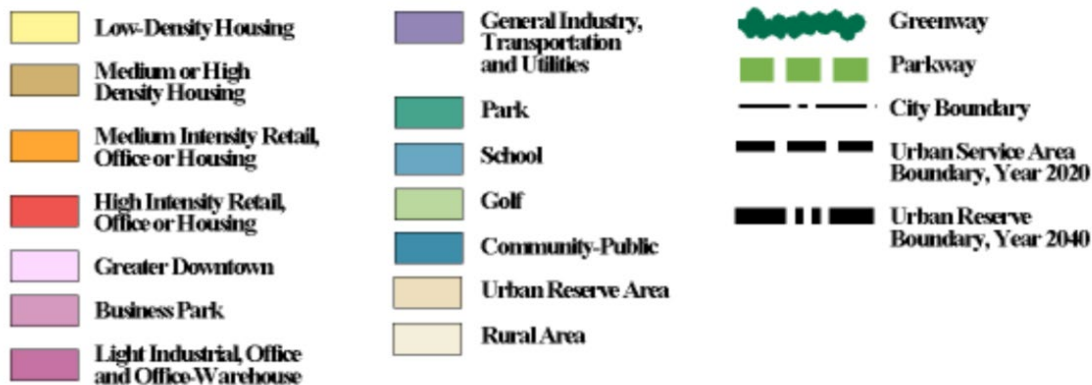
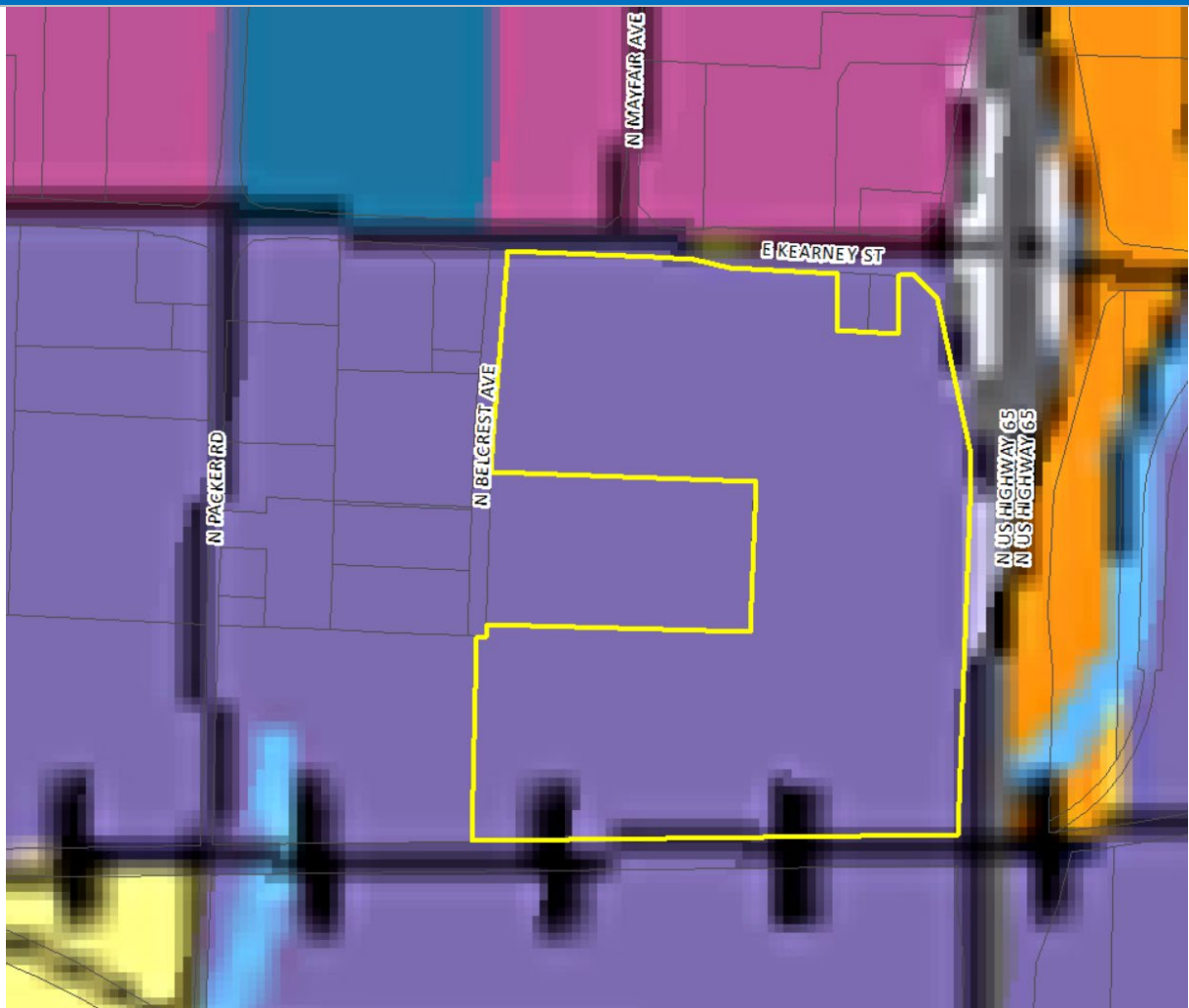


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property was rezoned to HC, Highway Commercial District and HM, Heavy Manufacturing District in 1995. The property owner has an application pending to rezone the southern portion of the property to HM, Heavy Manufacturing District with a conditional overlay district.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR HM
Use Limitations	N/A
Maximum Structure Height	N/A
Front Yard Setback	N/A
Side and Rear Setbacks	None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection 36-421(8).
Open Space Requirement	N/A
Design Requirements	Standard per code

BULK PLANE	LANDSCAPING
N/A	N/A

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for General Industry, Transportation and Utilities. This category includes industry that involves railroad service, heavy truck traffic, extensive outdoor storage, noise or odors and the handling of raw materials. The most appropriate district would be Heavy Manufacturing. The Major Thoroughfare Plan classifies U.S. 65 as a freeway, Kearney Street as a primary arterial and Belcrest Avenue as a commercial local roadway which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to rezone the property generally located at 2200 block of N. Belcrest Avenue from HC, Highway Commercial District and HM, Heavy Manufacturing District, to HM, Heavy Manufacturing District, and establishing Conditional Overlay District No. 163. The property is being processed concurrently with a preliminary plat and will have a public hearing at the same City Council meeting.
2. The proposed zoning will allow the subject property to be developed similarly to adjacent properties along Belcrest Avenue.
3. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. However, as can be seen below, the change in use of this site produces an increase in trip generation of more than 100 trips in the peak hours and more than 1,000 trips daily. Therefore, a Traffic Impact Study may be required at the time of development. Please also refer to MODOT comments regarding a Traffic Impact Study. The City of Springfield does not currently have any plans to make improvements to N. Belcrest Avenue. Defer to MODOT for any comments regarding E. Kearney Street.
4. MODOT commented that a traffic study may be required when this property develops and access to Kearney will be very limited.

Development Review Staff Report



5. The proposed Conditional Overlay District will require the developer to construct a cul-de-sac at the south end of Belcrest Avenue. The cul-de-sac may be placed in an access easement or right of way. The cul-de-sac shall be constructed to the City of Springfield's public works standards. The cul-de-sac may be constructed at the time of development. It will also require the property to be subdivided along the zoning district boundaries.
6. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on November 12, 2018, regarding the request for rezoning. A summary of this meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 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.

Notices sent to property owners within 185 feet: Mailed: 5 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

No objection to rezoning. For comments on gas, water and electric service availability, please refer to past review comments for this parcel of land: PLN2018-00019, PLN2018-00264 and PLN2018-00483.

CLEAN WATER SERVICES COMMENTS:

No issues with rezoning.

FIRE DEPARTMENT COMMENTS:

No issues.

MODOT COMMENTS:

A traffic study may be required when this property develops. Access to Kearney will be very limited.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Kearney Street as a Primary Arterial roadway and N. Belcrest Avenue as a Non-Residential Local roadway. The standard right-of-way width for E. Kearney Street is 50 feet from the centerline of the roadway. It appears approximately five feet of additional right-of-way needs to be dedicated to MODOT as a part of this rezoning/development, as Kearney Street is under MODOT jurisdiction. The standard right-of-way width for N. Belcrest Avenue is 30 feet from the centerline of the roadway. It does not appear additional right-of-way needs to be dedicated along N. Belcrest Avenue, unless it is so desired to accommodate the proposed turnaround at the end of Belcrest. A survey is recommended to determine the exact amount of existing right-of-way. E. Kearney Street is under MODOT jurisdiction and N. Belcrest Avenue is under City of Springfield jurisdiction.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on E. Kearney Street west of N. US Highway 65 is 22,656 vehicles per day. There are not recent traffic counts for this section of N. Belcrest Avenue. On-street parking is not allowed along E. Kearney Street but is allowed along N. Belcrest Avenue.

DRIVEWAY ACCESS

There is currently no driveway access to the property. One driveway access point will be permitted to/from the property from the new proposed turnaround at the end of N. Belcrest Avenue. Any other new/modified driveway approaches must meet minimum spacing requirements.

SIDEWALK

There is existing sidewalk along the property frontage of E. Kearney Street. The existing infrastructure meets current City Standards. There is not currently sidewalk along the property frontage of N. Belcrest Avenue. Please note that if/when the northern piece of the property develops, it will be required to construct sidewalk

Development Review Staff Report



along the entire length of the property frontage on N. Belcrest Avenue, or a fee paid in-lieu-of sidewalk construction.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area pertaining to this rezoning. There are bus stops along E. Kearney Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A turnaround is required to be constructed at the end of N. Belcrest Avenue. This turnaround must be constructed to Public Works standards but may be deferred until the time of development. This turnaround may be located within public right-of-way or within a public access easement. Please note that these improvements must be constructed and approved prior to issuance of a Certificate of Occupancy. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. However, as can be seen below, the change in use of this site produces an increase in trip generation of more than 100 trips in the peak hours and more than 1,000 trips daily. Therefore, a Traffic Impact Study may be required at the time of development. Please also refer to MODOT comments regarding a Traffic Impact Study. The City of Springfield does not currently have any plans to make improvements to N. Belcrest Avenue. Defer to MODOT for any comments regarding E. Kearney Street.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	E. Kearney Street	Primary Arterial	No	45	50
Street 2	N. Belcrest Avenue	Local	Yes	30	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		0	0	0	N/A
*Proposed Trips Generated		231	264	1287	N/A
Additional Trips Generated		231	264	1287	N/A

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

STORMWATER COMMENTS:

The property is in the Jordan Creek North drainage basin. The property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will not be allowed. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required. There are sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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.
3. Water quality will be required if disturbing more than one acre.

Development Review Staff Report



4. More detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Jordan Creek North
Is property located in Floodplain	No
Is property located on a sinkhole	Yes
Is stormwater buyout an option	No

Attachment 2

1. Request change to zoning from: Mixed HC and HM to HM

*(existing zoning)**(proposed zoning)*
2. Meeting Date & Time: November 12th - 4:00 to 6:30
3. Meeting Location: Double Tree Hotel
4. Number of invitations that were sent: 18
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 3
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

No comments. The neighbors just wanted to know what was going on. Nobody who came to the meeting was opposed to the zoning.

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

No Comments

I, Derek Lee (print name), attest that the neighborhood meeting was held on 11/12/2018 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Derek H. Lee

Signature of person completing affidavit

Derek Lee

Printed name of person completing affidavit

OWN1	OWN_ADDR	CITYNAME	STATECODE	ZIP1
G & T PROPERTIES LLC	3030 HADDOCK ST	WEST PLAINS	MO	65775
OZARK MOTOR LINES INC	3934 HOMEWOOD RD	MEMPHIS	TN	38118
VEDERNIKOV, SERGEY	5950 E VISTA LN	ROGERSVILLE	MO	65742
SUTTON, SHELBA TR	2000 S MEADOWVIEW AVE	SPRINGFIELD	MO	65804
BELCREST LLC	262 DIETRICH RD	BALLWIN	MO	63021
SLAYDEN, M MAURICE TRUST	2103 E ROCKHURST ST	SPRINGFIELD	MO	65802
JWMW PROP LLC	2145 N PACKER RD	SPRINGFIELD	MO	65803
SPRINGFIELD UNDERGROUND INC	3253 E CHESTNUT EXPY	SPRINGFIELD	MO	65802
ST LOUIS SAN FRANCISCO RR CO	906 OLIVE FRISCO BUILDING	SAINT LOUIS	MO	63101
MISSOURI INTERSTATE INV LTD	309 S NATIONAL AVE	SPRINGFIELD	MO	65802
CURRENT RESIDENT/BUSINESS	2301 N BELCREST AVE	SPRINGFIELD	MO	65802
CURRENT RESIDENT/BUSINESS	2320 N BELCREST AVE	SPRINGFIELD	MO	65802
CURRENT RESIDENT/BUSINESS	2222 N PACKER RD	SPRINGFIELD	MO	65802
CURRENT RESIDENT/BUSINESS	2221 N BELCREST AVE	SPRINGFIELD	MO	65802
CURRENT RESIDENT/BUSINESS	2241 N BELCREST AVE	SPRINGFIELD	MO	65802
CURRENT RESIDENT/BUSINESS	2146 N PACKER RD	SPRINGFIELD	MO	65802
CURRENT RESIDENT/BUSINESS	3500 E KEARNEY ST	SPRINGFIELD	MO	65802
CURRENT RESIDENT/BUSINESS	3610 E KEARNEY ST	SPRINGFIELD	MO	65802

Neighborhood Meeting Notice

Date of Letter:

10/31/18

DEAR PROPERTY OWNER,

You have received a notice of a "Neighborhood Meeting" since all development applications involving an advertised public hearing require that a developer hold a neighborhood meeting and invite the property owners within 500 feet of the property and the officers of any neighborhood associations on file with the City of Springfield.

The applicant or representative below has filed an application with the City of Springfield for a change in land use, zoning or street vacation in your neighborhood.

APPLICANT CONTACT INFORMATION:

Applicant/Representative Name:

Lee Engineering & Associates, LLC

Address:

1200 E. Woodhurst Dr., Suite D200

City, State and Zip:

Springfield, MO 65804

Phone Number:

417-886-9100

E-mail:

dlee@leeengineering.biz

PROJECT LOCATION:

See attached exhibit

PROPOSED CHANGES:

Provide details of the existing zoning and proposed zoning (planned development, conditional use permit, conditional overlay district or vacation of roadways).

From existing zoning mixed HC and HM to proposed zoning HM.

PUBLIC NEIGHBORHOOD MEETING:

Date of Meeting:

11/12/18

Location of Meeting:

DoubleTree by Hilton, 2431 N. Glenstone Ave., Springfield, MO 65803

Time of Meeting:

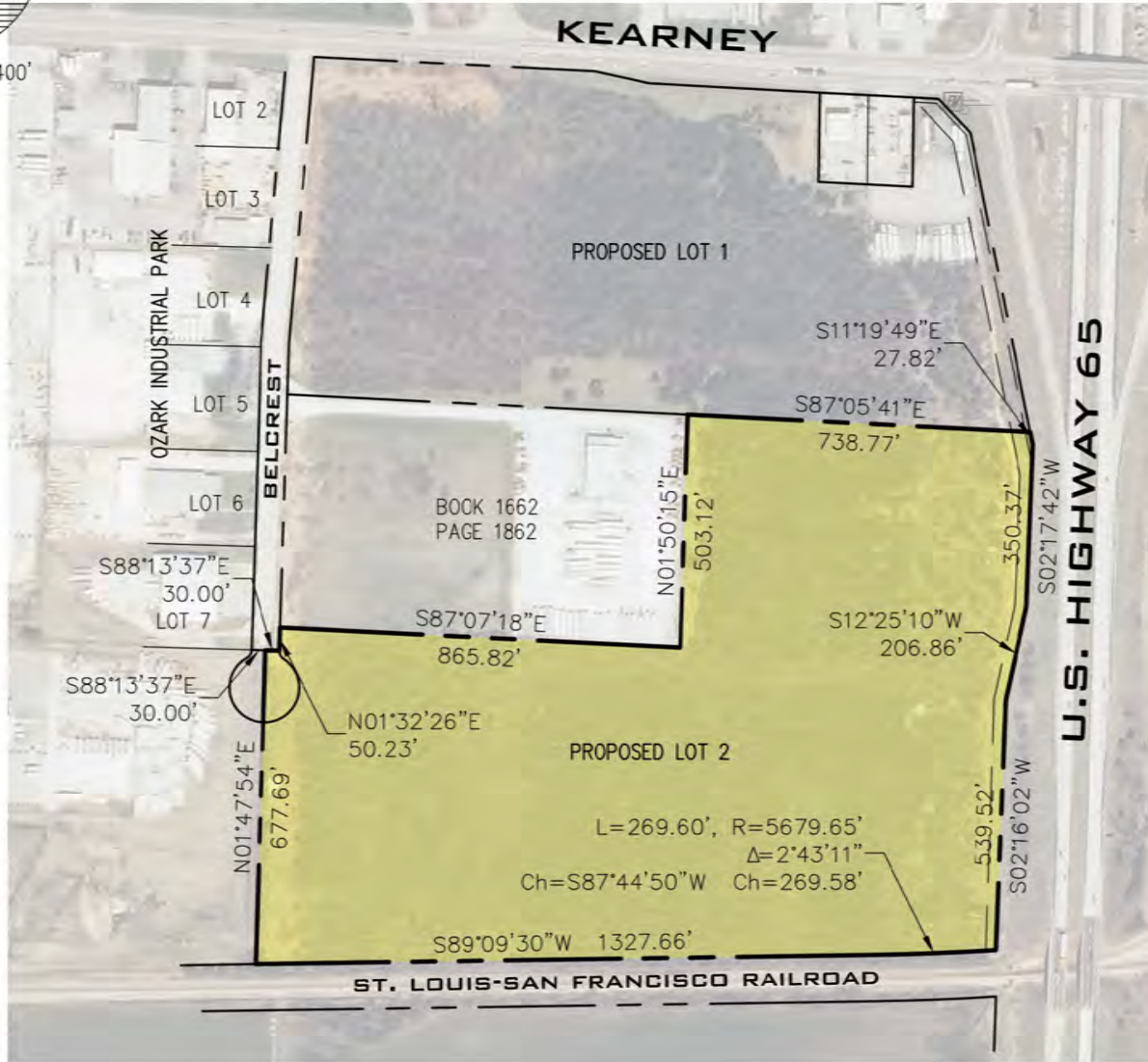
Ⓐ 4:00 PM to 6:30 PM

We look forward to seeing you at this meeting! Thank You!

ATTACHMENTS: Notice Letter from City with Comment Card attached to this letter



SCALE 1" = 400'



NOTE:
THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65807
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz



Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050

**RE-ZONE EXHIBIT
KEARNEY-65
SECT. 9, T29N, R21W**

DATE:

10/26/2018

PROJECT NO.:

1715

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 3 CONDITIONAL OVERLAY DISTRICT PROVISIONS

The requirements of Section 36-433., Heavy manufacturing district of the Springfield Zoning Ordinance shall be as modified herein for development within this district.

1. The subject property shall be subdivided along the zoning district boundaries following the current Subdivision Regulations.
2. The developer will be required to construct a cul-de-sac at the south end of Belcrest Avenue in an access easement or right-of-way. The cul-de-sac shall be constructed at the time of development following to the City of Springfield's public works design standards.

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING: JANUARY 14, 2019



CASE NUMBER:

Z-32-2018

PROJECT LOCATION: 2963 East Division Street

ACRES: 1.89 acres

EXISTING LAND USE: Non-conforming gas station

APPLICANT: Kum & Go, LC

STAFF:

Bob Hosmer, AICP Principal Planner
417-864-1834

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve Z-32-2018 as submitted.

SUMMARY OF REQUEST:

To rezone approximately 1.89 acres of property located at 2963 East Division Street from GM, General Manufacturing District to a IC, Industrial Commercial District. The applicant intends to construct a new Kum & Go gas station on the site. The GM District does not allow for gas stations and convenience stores.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Low-Density Housing on the northern portion and Medium Intensity Retail, Office or Housing on the southeast corner of the subject property. However, it should be noted that the Growth Management and Land Use Plan Element states that the Land Use Plan map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation in the Comprehensive Plan, Staff finds that the proposed IC District with the surrounding GM zoning is an appropriate land use. The intent of the IC, Industrial Commercial District is for uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. The IC zoning is consistent with IC and GM properties in the vicinity. Division Street is classified as primary arterial roadway and Packer Road is classified as a secondary arterial roadway in the Transportation Plan.
2. Approval of this application will facilitate development of this site and is consistent with the City's policies to promote infill development where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM	IC	GM/ IC	GM
LAND USE	Undeveloped Land	Industrial/warehouse	Industrial/commercial	Industrial/warehouse

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



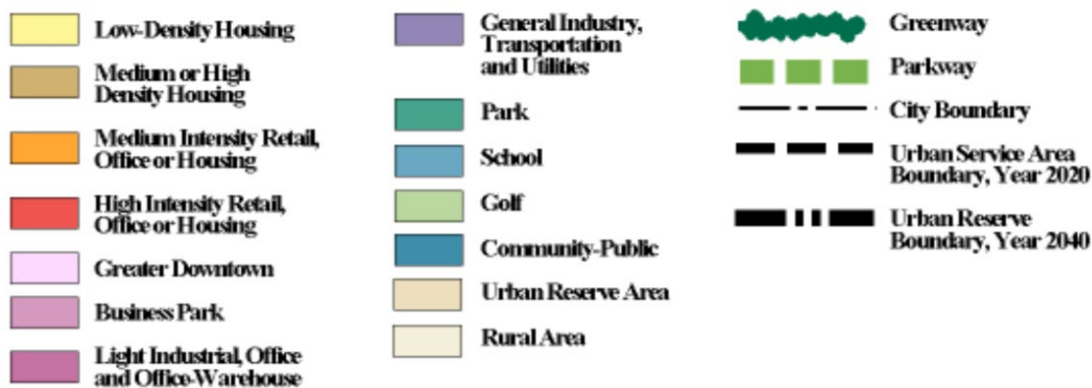
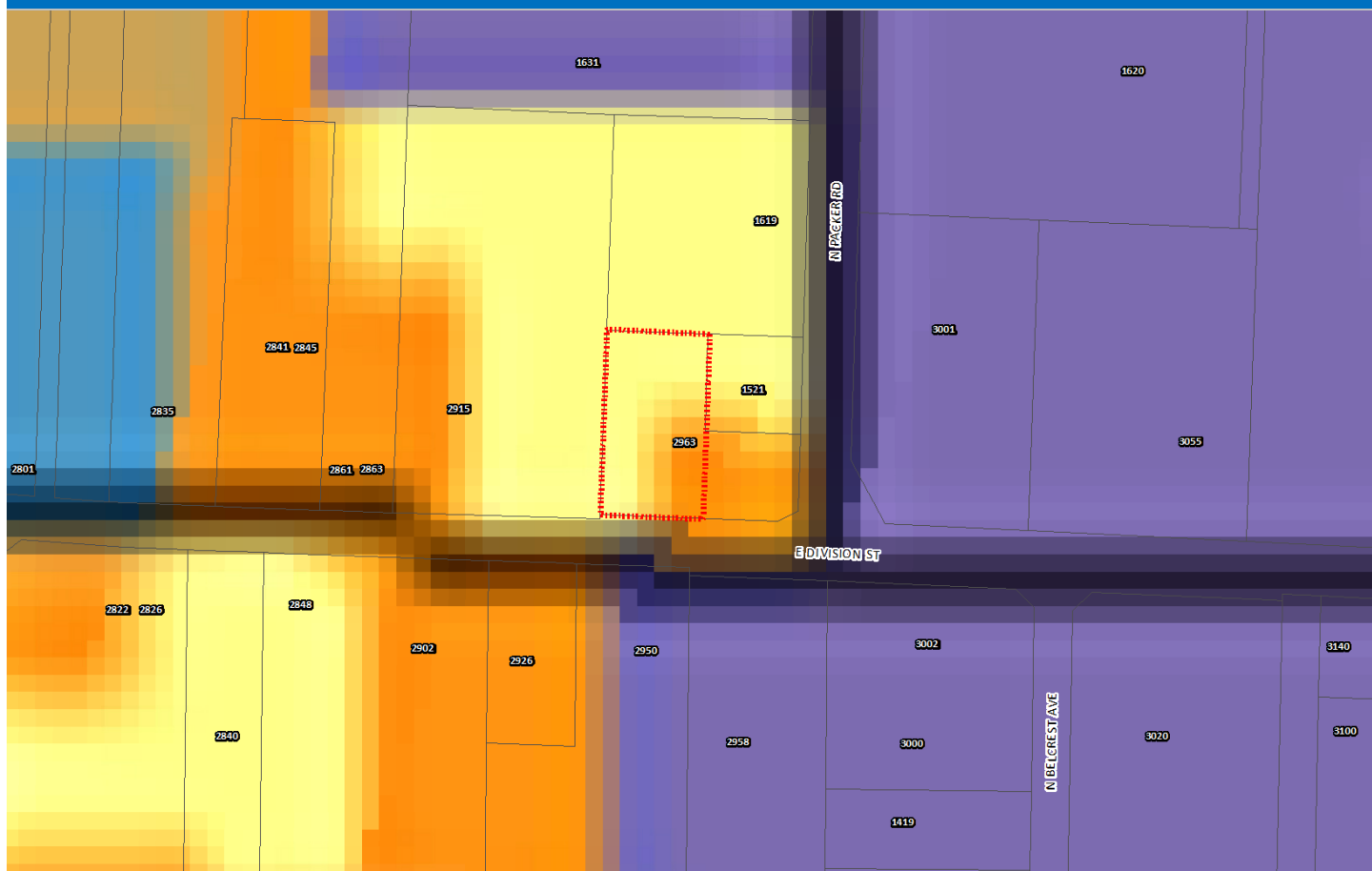
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property was zoned GM in a community-wide rezoning to the current Zoning Ordinance regulations in March 1995 (G.O. 4494).

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR IC
Maximum Structure Height	None
Minimum open space	Not less than 15 percent open space.
Maximum impervious area	A maximum of 85 percent impervious area.
BULK PLANE	BUFFERYARD AND LANDSCAPING
No bulk plane is required. The subject property is surrounded by manufacturing districts.	No bufferyard is required because the subject property is surrounded by manufacturing districts. Landscaping and screening will be provided in accordance with the Zoning Ordinance.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Low-Density Housing on the northern portion and Medium Intensity Retail, Office or Housing on the southeast corner of the subject property. However, it should be noted that the Growth Management and Land Use Plan Element states that the Land Use Plan map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation in the Comprehensive Plan, Staff finds that the proposed IC District with the surrounding GM zoning is an appropriate land use. The intent of the IC, Industrial Commercial District is for uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. The IC zoning is consistent with IC and GM properties in the vicinity. Division Street is classified as primary arterial roadway and Packer Road is classified as a secondary arterial roadway in the Transportation Plan.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 1.89 acres of a portion of property located at 2963 East Division Street from GM, General Manufacturing District to a IC, Industrial Commercial District. The applicant intends to use the subject property for a Kum & Go gas station. The GM District does not allow for gas stations and convenience stores. The manufacturing districts, prior to 1995 Zoning Ordinance, allowed any uses that were permitted in any of the other districts i.e. any commercial use was allowed in the GM District.
2. The proposed application is consistent with the surrounding property which is zoned GM, General Manufacturing to the north and the IC, Industrial Commercial to the south and east of the subject property.
3. Approval of this application will allow development of this property and promote infill development where investments have already been made in public services and infrastructure.
4. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

Development Review Staff Report



NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on November 12, 2018 regarding the rezoning request. A summary of the meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 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.

Notices sent to property owners within 185 feet:	Mailed: 9	Returned: 0
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Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to rezoning.

CITY UTILITIES COMMENTS:

No objections to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Division Street as a Primary Arterial roadway and N. Packer Road as a Secondary Arterial roadway. The standard right-of-way width for E. Division Street is 50 feet from the centerline of the roadway. The standard right-of-way width for N. Packer Road is 35 feet from the centerline. It appears approximately five feet of additional right-of-way needs to be acquired along the entire length of the existing property frontage of E. Division Street as well as approximately 12 feet of additional right-of-way along the new proposed lot line adjustment area. In addition, a 100-foot by 100-foot right-of-way sight triangle is needed at the corner of Division and Packer. A survey is recommended to determine the exact amount of existing right-of-way. E. Division Street and N. Packer Road are both City maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on E. Division Street west of N. Packer Road is 11,159 vehicles per day. The most recent traffic count on N. Packer Road north of E. Division Street is 3,939 vehicles per day. On-street parking is not allowed along either street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from N. Packer Road and two driveway access points onto the property from E. Division Street. The driveway access point onto the property from N. Packer Road may remain, as long as the existing driveway approach is not modified. The existing driveway approach onto E. Division Street that is nearest the intersection of N. Packer Road must be closed as it does not meet the minimum spacing requirement from the intersection. Any new/modified driveway approaches must meet the current minimum spacing requirements.

SIDEWALK

There is existing sidewalk along the property frontage of E. Division Street. The existing infrastructure meets current City Standards. There is currently sidewalk along a portion of the property frontage on N. Packer Road. However, this sidewalk does not extend all the way to the sidewalk along Division. This sidewalk must be completed as a part of this rezoning/development.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area pertaining to this rezoning. There are a few bus stops along Division Street a couple blocks west of the property pertaining to this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required. A Traffic Impact Study was not required, as there is no change in use and the proposed improvements did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of

Development Review Staff Report



1,000 additional trip-ends daily. The City of Springfield does not currently have any plans to make improvements to this section of Division and/or Packer.

STORMWATER COMMENTS:

The property is in the Jordan Creek North drainage basin. The part of the property is not in a FEMA designated floodplain. Staff is not aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will not be allowed. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required. There are no sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Water quality will be required if disturbing more than one acre.
3. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.
4. Detention will be required and paying a fee in lieu of constructing detention, will not be allowed. If disturbing more than one-acre water quality will still be required. This site drains to the currently undeveloped lot to the north.

Public Works Stormwater Division	Response
Drainage Basin	Jordan Creek North
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is fee in lieu of detention allowed?	No

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: GM (General Manufacturing) to IC (Industrial Commercial)
(existing zoning) (proposed zoning)
2. Meeting Date & Time: November 12, 2018 from 4:00-6:30pm
3. Meeting Location: Greenstay Hotel & Suites, 222 N. Ingram Mill Road, Springfield, MO
4. Number of invitations that were sent: 32 Invitations sent, addresses provided by the City
5. How the mailing list was generated: Generated by the City
6. Number of neighbors in attendance (attach a sign-in sheet): 2
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

Prior to the meeting, I received a call from the property owner located at 1601 N. Packer Road to discuss the neighborhood meeting letter he had received. He was curious to know what the rezoning was for and mentioned that he was currently working on developing his property. He had no objections to the rezoning.

See attached Sign-in Sheet for attendees, no noted objections.

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

See Attached Sign-in Sheet for attendees, no noted objections.

I, William Hoey (print name), attest that the neighborhood meeting was held on 11/12/2018 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

WILLIAM HOEY
Printed name of person completing affidavit

Neighborhood Meeting

Rezoning

November 12, 2018

4:00 p.m. – 6:30 p.m.

Name	Address	Phone
Brad Storgas	3020 E. Division St Springfield, MO 65802	417-862-5830
Rick Peters	3001 E Division ST SPRINGFIELD, MO 65802	417-893-2688

olsson

550 St. Louis Street
Springfield, MO 65806

TEL 417.890.8802
FAX 417.890.8805

www.olsson.com

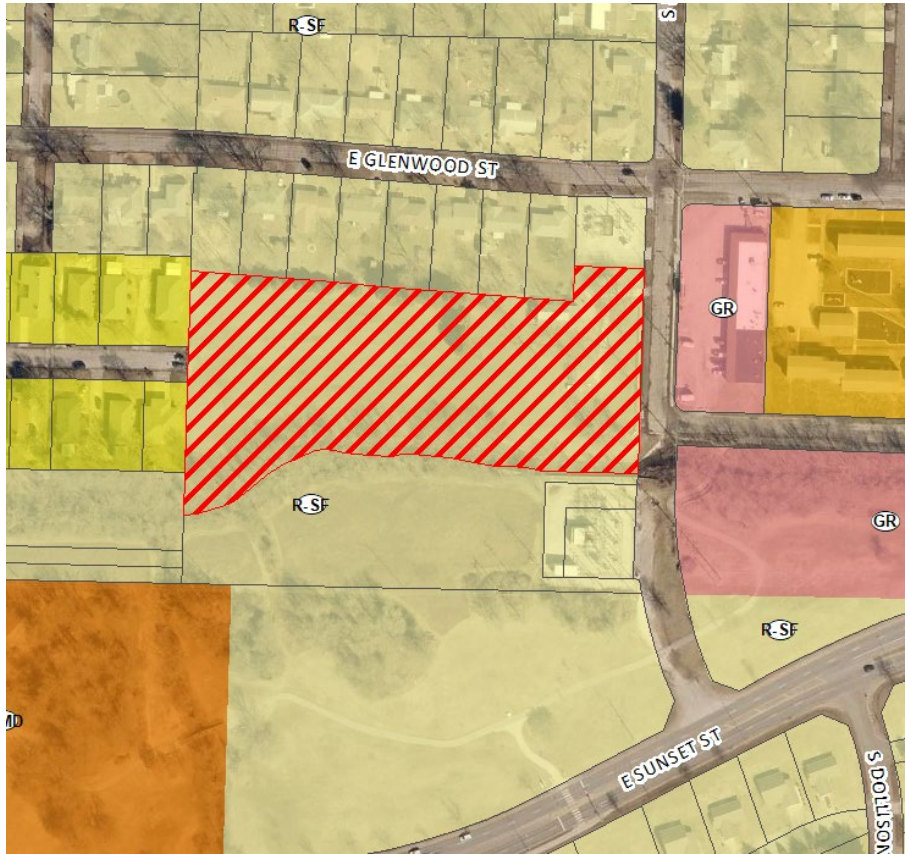
Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

JANUARY 14, 2019



CASE NUMBER:

Z-33-2018 w/ Conditional Overlay District No. 164

PROJECT LOCATION: 2521 South Holland Avenue

ACRES: 3.58 acres

EXISTING LAND USE: Single-family house

APPLICANT: Jefferey Ballard

STAFF:
Michael Sparlin, Senior Planner
417-864-1091

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve Z-33-2018 w/ COD No. 164 as submitted.

SUMMARY OF REQUEST:

To rezone approximately 3.58 acres of property generally located at 2521 South Holland Avenue from R-SF, Single-family Residential to R-LD, Low-Density Multi-family District and establish Conditional Overlay District No. 164.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as a Greenway. However, the greenway is located south of this property and the map is not sufficiently detailed to determine the land use category. The properties to the north are identified as appropriate for low-density housing. The properties to the east indicate an appropriate land use as Medium Intensity Retail, Office or Housing. The *Plan* encourages each neighborhood should contain a range of housing types, densities, and building configurations including single-family detached, townhouses, and apartments. It discourages large housing projects that consist of a single building type. Some portion of each type of housing should, ideally, be available for occupancy on either an ownership or lease basis.
2. The R-LD district and proposed conditional overlay district will mitigate potential impact on the single-family housing to the north by restricting the maximum density to no more than eleven (11) dwelling units per acres. This density limit is the same as what is allowed in the R-TH, Residential Townhouse district. This is consistent with the adjacent R-TH district to the west. The standard development requirements in the R-LD district will also require a bufferyard type B which is a minimum of fifteen (15) feet with required plantings and a 45-degree bulk plane from the south property line.

Development Review Staff Report

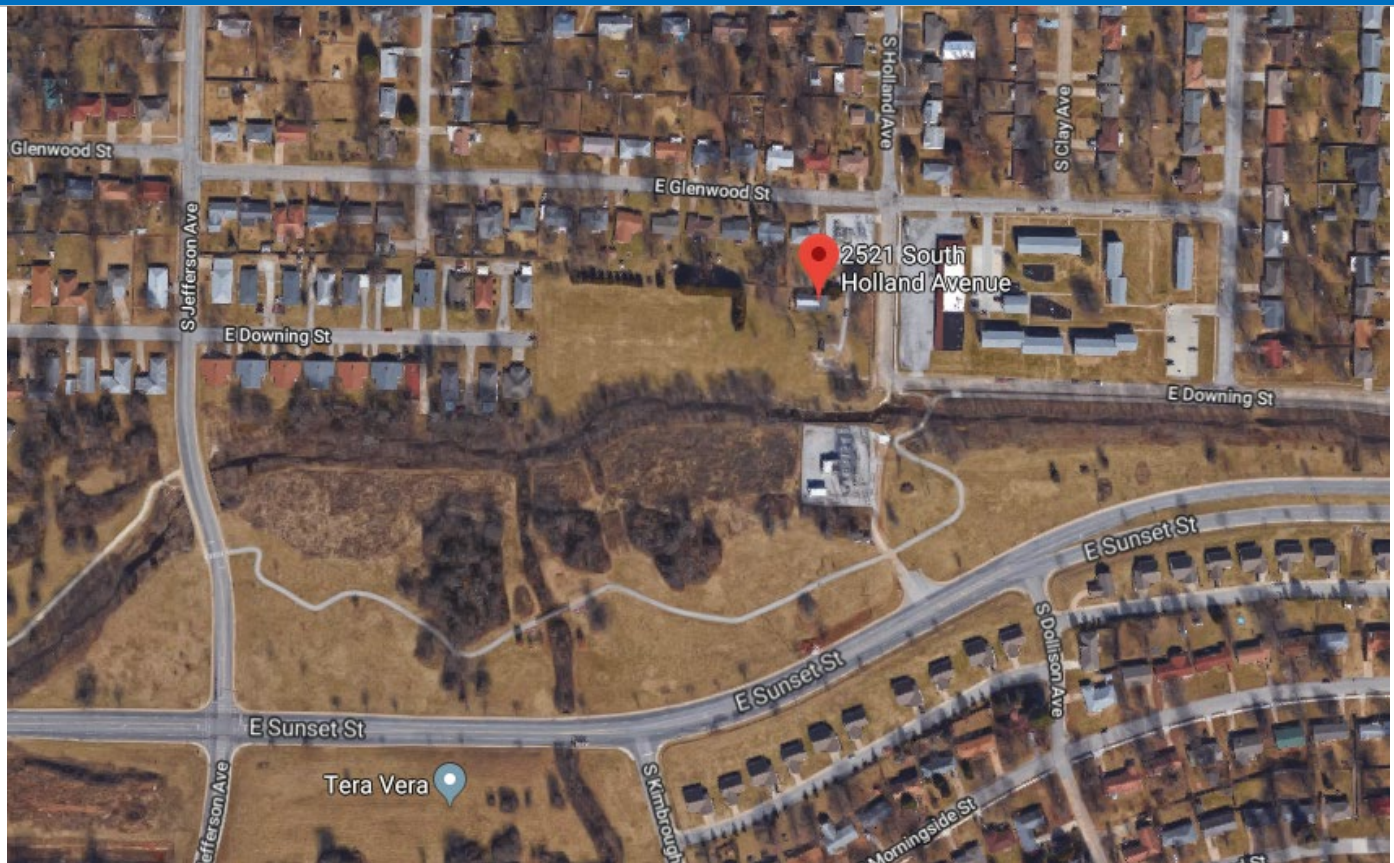


3. The *Plan* also encourages residential development provide a variety of housing types that would enable developers to compete more effectively and to provide a greater choice for the City's residents
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:				
	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	GR	R-TH
LAND USE	Single-family residences	City-owned Undeveloped Land	Commercial Uses	Duplex housing

Development Review Staff Report

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

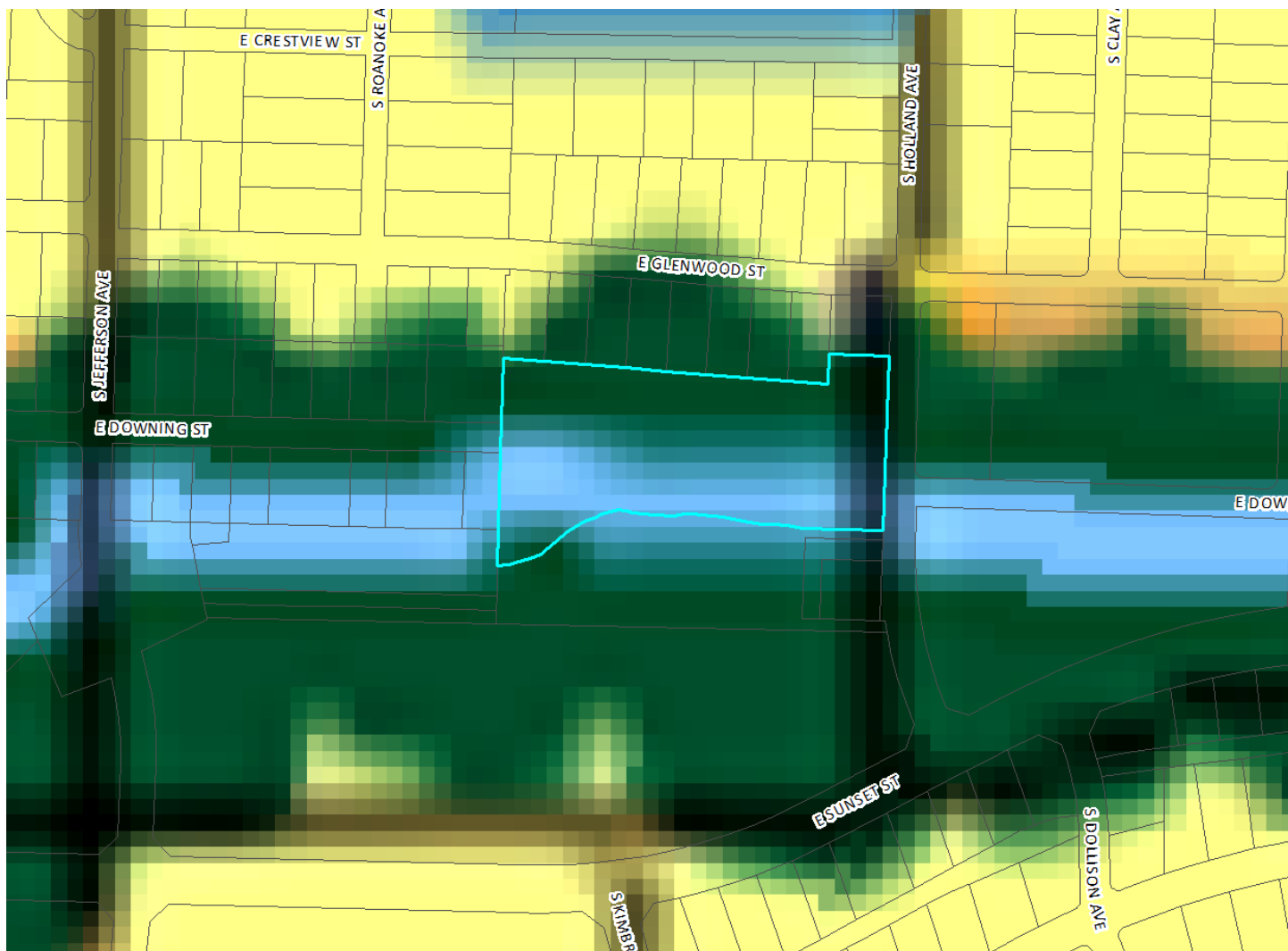


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse

- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area

- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

Development Review Staff Report

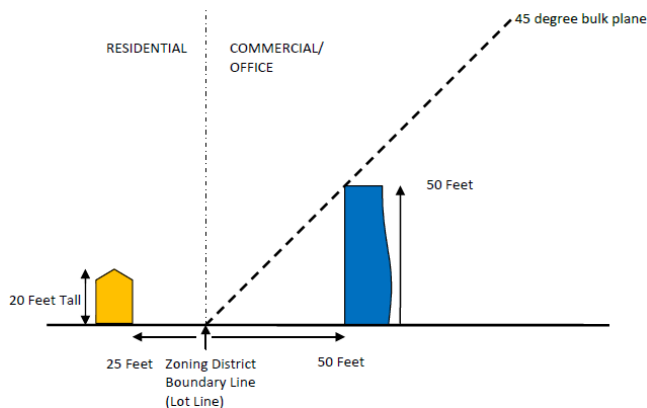


PROPERTY HISTORY:

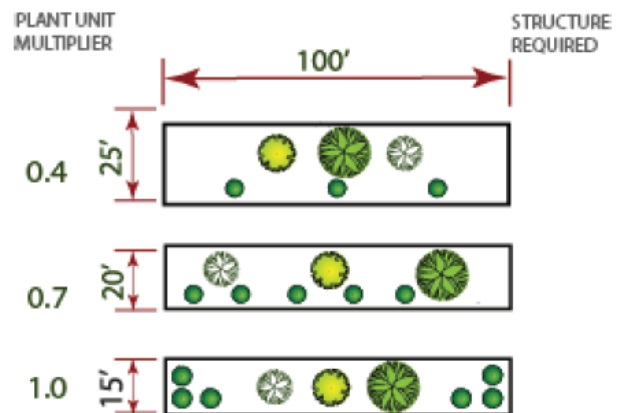
The subject property was originally zoned R-SF, Single-family Residential in 1995 during the citywide re-mapping.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-LD
Use Limitations	The COD limits the maximum density to eleven (11) dwelling units per acre.
Maximum Structure Height	When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
BULK PLANE	BUFFERYARD AND LANDSCAPING
45-degree bulk plane is required along the north & south property line adjacent to R-SF zoning.	A Bufferyard type B is required along the north & south property line adjacent to R-SF zoning.



36-482-12- (b)



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as a Greenway. However, the greenway is located south of this property and the map is not sufficiently detailed to determine the land use category. The properties to the north are identified as appropriate for low-density housing. The properties to the east indicate an appropriate land use as Medium Intensity Retail, Office or Housing.

The *Plan* encourages each neighborhood should contain a range of housing types, densities, and building configurations including single-family detached, townhouses, and apartments. It discourages large housing projects that consist of a single building type. Some portion of each type of housing should, ideally, be available for occupancy on either an ownership or lease basis.

The *Plan* also encourages residential development provide a variety of housing types that would enable developers to compete more effectively and to provide a greater choice for the City's residents.

STAFF COMMENTS:

Development Review Staff Report



1. The applicant is proposing to rezone approximately 3.58 acres of property generally located at the 2521 South Holland Avenue from R-SF, Single-family Residential to R-LD, Low-Density Multi-family District and establish Conditional Overlay District No. 164. The applicant intends to build a multi-family development with a maximum density of eleven (11) dwelling units per acre.
2. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as a Greenway. However, the greenway is located south of this property and the map is not sufficiently detailed to determine the land use category. The properties to the north are identified as appropriate for low-density housing. The properties to the east indicate an appropriate land use as Medium Intensity Retail, Office or Housing. The *Plan* encourages each neighborhood should contain a range of housing types, densities, and building configurations including single-family detached, townhouses, and apartments. It discourages large housing projects that consist of a single building type. Some portion of each type of housing should, ideally, be available for occupancy on either an ownership or lease basis.
3. The *Plan* also encourages residential development provide a variety of housing types that would enable developers to compete more effectively and to provide a greater choice for the City's residents.
4. The R-LD district is intended to accommodate multifamily developments at densities up to approximately 18 units per acre. However, the applicant has limited the subject property to eleven (11) units per acre. The R-LD district is intended to serve as a transition between lower density and higher density residential districts and areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. The development is consistent with the intent of the R-LD district as the subject property is located adjacent to single-family housing to the north and commercial uses to the east and provides a transition between the two uses. The development intends to take primary vehicular access to the Holland Avenue, classified as a Collector roadway and could potentially have a secondary access to Downing Street, classified as a local street. A turnaround is required to be constructed at the end of East Downing Street.
5. The R-LD district and proposed conditional overlay district will mitigate potential impact on the single-family family housing to the north by restricting the maximum density to no more than eleven (11) dwelling units per acres. This density limit is the same as what is allowed in the R-TH, Residential Townhouse district. This is consistent with the adjacent R-TH district to the west. The standard development requirements in the R-LD district will also require a bufferyard type B which is a minimum of fifteen (15) feet with required plantings and a 45-degree bulk plane from the south property line.
6. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.
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 November 12, 2018 regarding the rezoning request. A summary of the meeting is attached (Attachment 3)

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 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.

Notices sent to property owners within 185 feet: Mailed: 23 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to rezoning.

CITY UTILITIES COMMENTS:

No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Holland Avenue as a Collector roadway and E. Downing Street as a Local roadway. The standard right-of-way width for S. Holland Avenue is 30 feet from the centerline. It appears approximately 3 feet of additional right-of-way needs to be acquired along the entire length of the property frontage on S. Holland Avenue. The standard right-of-way width for E. Downing Street is 25 feet from the centerline. There appears to already be 25 feet of right-of-way from the centerline, however, a turnaround is required at the end of E. Downing Street on the west side of the proposed development. In order for this turnaround to be constructed, additional right-of-way will need to be dedicated to accommodate the improvements *OR* a public access easement may be dedicated for the extents of the turnaround. Amount of additional right-of-way *OR* easement dedicated is dependent upon type of turnaround desired. A survey is recommended to determine the exact amount of existing right-of-way. S. Holland Avenue and E. Downing Street are both City-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for these sections of S. Holland Avenue or E. Downing Street. On-street parking is allowed along both streets.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from S. Holland Avenue. Any new/modified driveway approaches proposed will need to meet minimum spacing requirements from intersections and from each other. A driveway approach is allowable off of the proposed turnaround at the end of E. Downing Street.

SIDEWALK

There is not currently sidewalk along the property frontage of S. Holland Avenue. Sidewalk is required to be constructed along the entire length of the property frontage of S. Holland Avenue as a part of the rezoning/development.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

The South Creek Greenway Trail is immediately to the south of the property pertaining to this rezoning – on the south side of the creek. There are no bus stops in the area pertaining to this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

Development Review Staff Report



A turnaround is required to be constructed at the end of E. Downing Street on the western end of the property. This turnaround will require dedication of additional right-of-way *OR* a public access easement *AND* public improvement plans. The required improvements must be constructed and approved or funds escrowed prior to approval of construction plans. Sidewalk and driveways should be included in these public improvement plans. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. The City of Springfield does not currently have any plans to make improvements to S. Holland Avenue and/or E. Downing Street.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	S. Holland Avenue	Collector	Yes	27	30
Street 2	E. Downing Street	Local	Yes	25	Varies
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		1	1	9	10
*Proposed Trips Generated		13	16	218	196
Additional Trips Generated		12	15	209	186

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

STORMWATER COMMENTS:

The property is in the South Creek drainage basin. The property is in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will be allowed due to the proximity to the floodplain. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required. There are no sinkholes on the proposed property.

This site has a natural stream that requires 80 foot stream buffer per Chapter 8 of the Stormwater Design Criteria Manual.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Water quality will be required if disturbing more than one acre.
3. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	South Creek
Is property located in Floodplain?	Yes
Is property located on a sinkhole?	No

Development Review Staff Report



Is fee in lieu of detention allowed?	Yes
--------------------------------------	-----

FIRE DEPARTMENT COMMENTS:

No objections to rezoning.

PARKS & GREENWAYS COMMENTS:

Recommend a connection to the South Creek Greenway trail.

REQUIREMENTS FOR APPROVAL:

Development Review Staff Report



CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-33-2018 & CONDITIONAL OVERLAY DISTRICT NO. 164

The requirements of *Section 36-382* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. Use Limitations:
 - a. The maximum density for the subject property is eleven (11) dwelling units per acre.
 2. A turnaround shall be constructed, and additional right-of-way will need to be dedicated to accommodate the improvements *OR* a public access easement may be dedicated for the extents of the turnaround. The amount of additional right-of-way *OR* easement dedicated is dependent upon type of turnaround desired. The turnaround shall be constructed at the time of development.
 3. Sidewalk shall be constructed along the entire length of the property frontage of South Holland Avenue at the time of development.
-

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

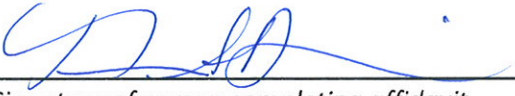
1. Request change to zoning from: R-SF to R-LD (COD max. 11 DU/acre)
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 4pm to 6:30 pm Monday, November 12th, 2018
3. Meeting Location: 2521 S.Holland Ave.
4. Number of invitations that were sent: 108
5. How the mailing list was generated: City Planning Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 7 (5 signed in + 2 did not)
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

Please see attached Summary.

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

To our knowledge, no written comments have been received as of 11/26/2018.

I, Teresa A. Davison, P.E. (print name), attest that the neighborhood meeting was held on 11/12/2018 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Teresa A. Davison

Printed name of person completing affidavit



Heithaus Engineering & Associates, Inc.

Consulting Engineering & Land Surveying – Since 1979

535 W. Battlefield St. Springfield, MO 65807
(417) 887-3238 Fax (417) 887-1940

E-mail: HEI@heiweb.com
www.heiweb.com

November 26, 2018

Re: **Neighborhood Meeting Summary**
PLN2018-00624
Rezoning Request – 2521 S. Holland Ave.

The neighborhood meeting for this request was held on November 12th, 2018 between 4 pm to 6:30 pm at the existing residence located on the subject property at 2521 S. Holland Ave. From the 108 mailers that were sent to neighbors within a 500-ft. radius, there were 7 neighbors that dropped by to inquire about the proposed zoning and discuss how it may impact them.

Most of the neighbors had lived in the area for quite some time and liked the view of the creek from their properties and were concerned that development would decrease their property values. We discussed that the property was already zoned Residential – Single Family and that single-family homes could be placed on the property without rezoning. We furthered discussed that the cost to install infrastructure for single-family development would leave little in a developer's budget for the house construction. This would likely result in less-than desirable single-family housing in the area.

Alternately, providing a more “clustered” development with the lowest Residential-Low Density zoning (maximum 11 DU's/acre), offers the benefit of having more-upscale units. The proximity to South Creek and the walking trails offers the appeal for an upscale, low-density apartment style development.

The neighbors noted the concern for the maximum height of the proposed apartment buildings. It was discussed that similar to a single-family home permitted with the existing zoning, 2-story apartments would be appropriate for this development. We also discussed the nice row of existing mature evergreens that would remain as part of the landscape buffer the City would require between this development and the existing residential.

The neighbors noted that that the existing homes routinely get water under their homes from high-water tables. One neighbor noted that her sump pump from the crawl space discharged to the street and had been notified by the City that she could no longer do this. We encouraged her to contact the City Stormwater Department for guidance.

The neighbors also noted having seen water in the fields of the undeveloped property and were concerned that development outside of the floodway in the floodplain could cause flooding problems for them. We noted if the rezoning request is approved, the City Stormwater Department would require the development to provide a no-rise certification prior to developing.

The neighbors voiced concerns about traffic along Glenwood and Jefferson St. We discussed that the primary access for the proposed development would be from Holland Ave. which offers several street routes to help minimize traffic impacts.

Finally, the neighbors inquired as to whether the existing school system would be able to handle the additional children that could be housed with the proposed development. We discussed we had not been advised by the City that there were any school districts concerns for this area.

The neighborhood meeting sign-in sheet is included with this summary.

Respectfully,

Teresa A. Davison

Teresa A. Davison, P.E.

Neighborhood Meeting - Sign In

Rezoning Request for 2521 S. Holland St.

Monday, Nov. 12th, 2018 (4 PM to 6:30 PM)

[illegible]

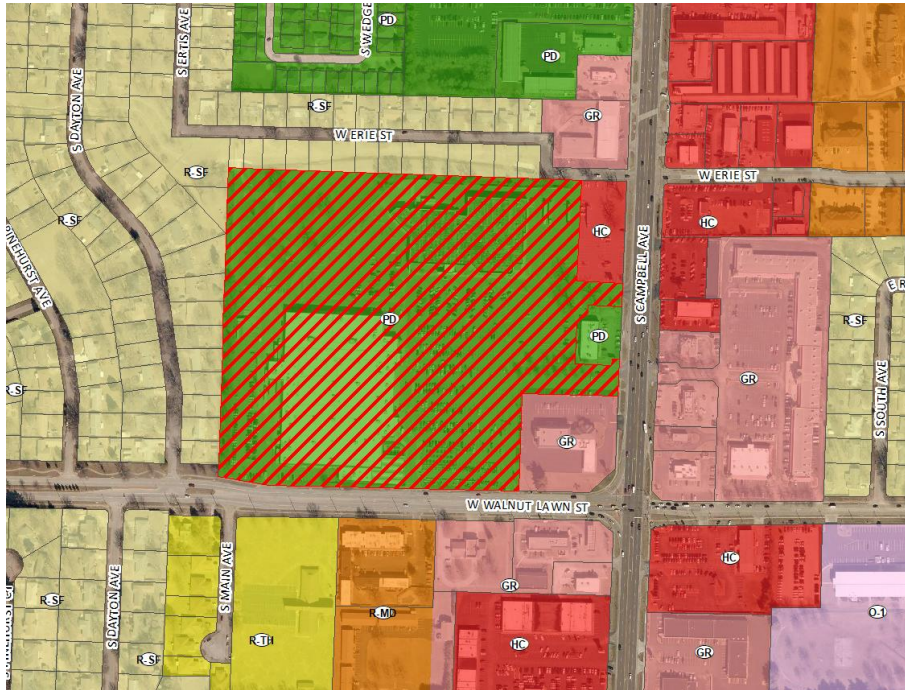
Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

JANUARY 14, 2019



CASE NUMBER:

Planned Development 367

PROJECT LOCATION: 3315 & 3303
South Campbell Avenue

ACRES: 26.03 acres

EXISTING LAND USE: Retail center and
retail store

APPLICANT: Wal-Mart Stores Inc. 8721

STAFF:

Michael Sparlin, Senior Planner
417-864-1091

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve Planned Development
367 as submitted.

SUMMARY OF REQUEST:

To rezone approximately 26.03 acres of property generally located at 3315 & 3303 South Campbell Avenue, from Planned Development 14 amendment 4 to Planned Development 367.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for Medium-intensity Retail, Office or Housing. This mixed category indicates that a variety of commercial and/or mid-or high-density housing may be appropriate at major intersections along certain road corridors.
2. This request will not have a negative effect on adjacent properties as the proposed Planned Development only changes the parking requirements to match the *Zoning Ordinance* requirements.
3. Approval of this application will facilitate development of this site and is consistent with the City's policies to promote infill development where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF, GR	GR, R-MD, R-TH	HC, GR	R-SF

Development Review Staff Report



LAND USE	Single-family homes, commercial uses (to east)	Commercial uses, Multi-family dwellings, Church	Commercial & Retail Uses	Single-family homes
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Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

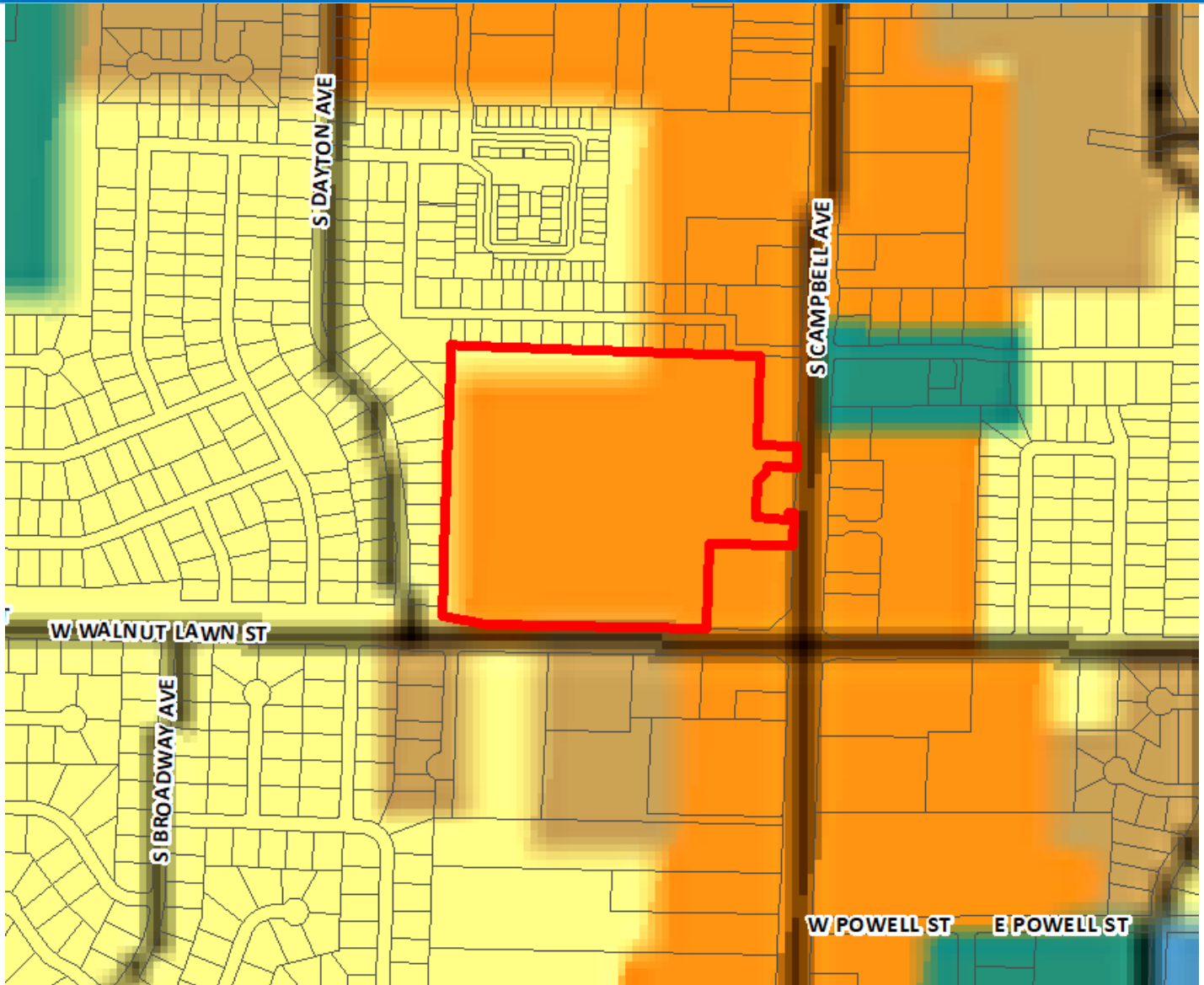


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:

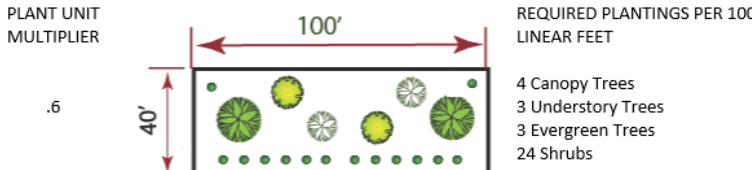


Development Review Staff Report

PROPERTY HISTORY:

The subject property was rezoned to Planned Development 14 in 1982 and was amended 4 times. The current zoning is Planned Development 14 amendment 4 which was passed in April 1989.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR PD 367
Maximum impervious area	80 percent
Use Limitation	A maximum of three hundred four thousand five hundred (304,500) square feet of gross floor area shall be permitted.
BULK PLANE	BUFFERYARD AND LANDSCAPING
None, however development must be in substantial conformance with the attached site plan, Exhibit 2.	Refer to Exhibit 1. 

COMPATIBILITY WITH COMPREHENSIVE PLAN:

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

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 26.03 acres of property generally located at 3315 & 3303 South Campbell Avenue, from Planned Development 14 amendment 4 to Planned Development 367. The proposed Planned Development retains all of the existing Planned Development's requirements except changes the parking requirements to match those of the Zoning Ordinance. The existing Planned Development requires more parking than what is required by the Zoning Ordinance.
2. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for Medium-intensity Retail, Office or Housing. This mixed category indicates that a variety of commercial and/or mid-or high-density housing may be appropriate at major intersections along certain road corridors. The City's Transportation Plan classifies S. Campbell Avenue as a Primary Arterial roadway, W. Walnut Lawn Street as a Secondary Arterial Roadway, and W. Erie Street as a Local roadway.
3. The existing Planned Development requires off-street parking to be a minimum of one (1) parking space for each one hundred sixty-five (165) square feet of gross leasable area. The *Zoning Ordinance* requires one (1) parking spaces for each two hundred fifty (250) square feet of total building floor area for supermarkets/grocery stores and retail uses.
4. Staff believes this request will not have a negative effect on adjacent properties as the proposed Planned Development only changes the parking requirements to match the Zoning Ordinance. All other provisions of the Planned Development have been retained.
5. Approval of this application will allow development of this property and promote infill development where investments have already been made in public services and infrastructure.

Development Review Staff Report



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

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on November 14, 2018 regarding the rezoning request. A summary of the meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 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.

Notices sent to property owners within 185 feet: Mailed: 44 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to rezoning.

CITY UTILITIES COMMENTS:

No objections to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Campbell Avenue as a Primary Arterial roadway, W. Walnut Lawn Street as a Secondary Arterial Roadway, and W. Erie Street as a Local roadway. The standard right-of-way widths for Campbell, Walnut Lawn, and Erie are 50 feet, 35 feet, and 25 feet, respectively. It appears additional right-of-way is not needed along either Campbell or Walnut Lawn.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on S. Campbell Avenue north of W. Walnut Lawn Street is 36,206 vehicles per day. The most recent traffic count on W. Walnut Lawn Street west of S. Campbell Avenue is 16,533 vehicles per day. There are no recent traffic counts for the section of W. Erie Street relating to this property. On-street parking is not allowed along S. Campbell Avenue or W. Walnut Lawn Street, but is allowed along W. Erie Street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Erie Street, two full-access driveway approaches and one shared-access driveway approach onto the property from S. Campbell Avenue, and three full-access driveway approaches onto the property from W. Walnut Lawn Street. Any new proposed driveway approaches must meet the minimum spacing requirements.

SIDEWALK

There is existing sidewalk along the property frontage of W. Walnut Lawn Street and S. Campbell Avenue. The existing infrastructure meets current City Standards. There is not currently sidewalk along the property frontage of W. Erie Street. Sidewalk is required to be constructed along W. Erie Street to current City Standards as a part of this development/rezoning.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area pertaining to this rezoning. There are several bus stops along both S. Campbell Avenue and W. Walnut Lawn Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. The City of Springfield

Development Review Staff Report



has plans to make capacity improvements to the intersection of Campbell and Walnut Lawn. For details on these plans, please contact Transportation Engineering. A timeline for improvements to this intersection is currently pending funding approval.

SITE PLAN

This appears to be only the addition of approximately 1,400 square feet for a grocery pick-up facility. Trip generation is not anticipated to increase with the addition of this facility. Any new/modified parking must comply with current City Standard ST-6.

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	S. Campbell Avenue	Primary Arterial	No	60	50
Street 2	W. Walnut Lawn Street	Secondary Arterial	No	45	35
Street 3	W. Erie Street	Local	Yes	20	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		1450	1868	20142	24556
*Proposed Trips Generated		1450	1868	20142	24556
Additional Trips Generated		0	0	0	0

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

STORMWATER COMMENTS:

The property is in the Inman Creek drainage basin. The part of the property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention is not applicable as the site is already fully built out. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required. There are no sinkholes on the proposed property.

This re-zoning does not have any effect on stormwater as the site is already built out but there is an existing 48 in pipe shown on public improvement plans OPW4888 that is in a 15 ft drainage easement. So future buildings at that location should be outside this easement.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Water quality will be required if disturbing more than one acre.
3. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.

Development Review Staff Report



Public Works Stormwater Division	Response
Drainage Basin	Pierson Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is fee in lieu of detention allowed?	NA

FIRE DEPARTMENT COMMENTS:

No objection to rezoning.

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

1. Project Case No.: PLN2018-00594
2. Meeting Date & Time: November 14, 2018 4 p.m. to 6:30 p.m.
3. Meeting Location: Walmart #444 Campbell Road
4. Number of invitations that were sent: 193
5. How was the mailing list generated: provided by City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 17
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.)

Joe R. Strong located at 437 W Erie St. expressed concern about young teenagers skating/partying behind the Gordmans and the trash they leave behind. This information was forwarded to the Store Manager to monitor and correct.

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

Development Review Staff Report



REQUIREMENTS FOR APPROVAL:

EXHIBIT 1

Requirements and Standards Applicable to Planned Development District No. 367

A. APPLICATION

Building or other permits may not be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan have been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

B. INTENT

The Development is existing retail establishment. It is the Applicants' intent to update Planned Development District 14 – 4th Amendment to current site conditions, which includes revising the existing off-street parking requirements.

C. DEFINITIONS

The definitions contained in the *Zoning Ordinance* shall apply to this ordinance. For purposes of this ordinance, the following definitions shall also apply.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including parking or loading spaces for motor vehicles. The gross floor area shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies, or mall areas, whether closed or enclosed and shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

Floor Area Ratio (FAR): The gross floor area of all buildings on a lot divided by the lot area.

$$\text{FAR} = \frac{\text{Gross Floor Area}}{\text{Total Site Area}}$$

Impervious Surface Ratio (ISR): The proportion of the site covered by impervious surfaces, i.e., surfaces which do not absorb rainwater including buildings, roads, sidewalks, patios, parking areas and any other paved area.

$$\text{ISR} = \frac{\text{Area covered by impervious surfaces}}{\text{Total Site Area}}$$

D. USES PERMITTED: The following uses shall be permitted:

1. The following Use Groups as defined by Sec. 36-310 of the *Springfield Zoning Ordinance*.

Development Review Staff Report



- a. Office Use Group
- b. Medical Office Use Group
- c. Retail Sales Use Group
- d. Personal Services use Group
- e. Eating and Drinking established use group.
- f. Entertainment-oriented use group

2. Automotive Service Stations and Service Centers. Establishments primarily engaged in the onsite sale of petroleum products, tires, and batteries and other automotive replacement and accessory items, and in the provision of services and minor repairs such as lubrication, tune-ups, and the installation of replacement parts. Typical users include automobile service stations and service centers, but do not include truck stops, truck terminals, automobile sales (either new or used), auto storage, or major automotive repair defined as any body repair or major automotive repair or painting or major disassembly or dismantling of the engine, transmission, or other drive components.

E. USE LIMITATIONS:

1. All uses shall operate in accordance with the noise standards contained in Section 36-485 of the Springfield Zoning Ordinance.
2. No use shall emit an odor that creates a nuisance as determined by Chapter 2A, Article X, Springfield City Code.

F. INTENSITY OF DEVELOPMENT: Development shall adhere to the following:

1. A maximum of three hundred four thousand five hundred (304,500) square feet of gross floor area shall be permitted.

G. BULK, AREA AND HEIGHT REQUIREMENTS: Development shall adhere to the following:

1. All structures, drives, parking and open spaces and pedestrian facilities shall be situated in substantial conformance with the City of Springfield Zoning Ordinance.
2. The impervious surface ratio shall not exceed 0.80

H. DESIGN REQUIREMENTS Development shall adhere to the following:

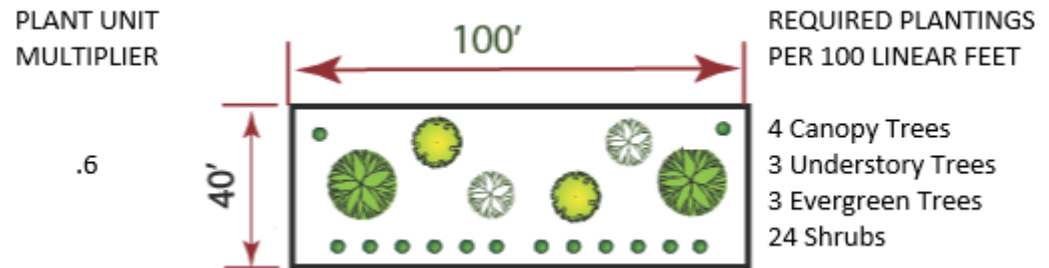
1. Site and Building Design
Site Design shall be in substantial conformance with Exhibit 2.

I. OPEN SPACE/LANDSCAPING AND SCREENING: Development shall adhere to the following:

1. The Screening and Fencing provisions of Section 36-480 of the Springfield Zoning Ordinance in effect at the time of development shall apply.
2. The landscape and bufferyard provisions of Section 36-482 of the Springfield Zoning Ordinance in effect at the time of development shall apply.
3. In addition, the development shall adhere to the following:

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- a. A Bufferyard, illustrated below, is required adjacent to the north district boundary behind Lots 1 through 7 of Ertis Johnson Addition, also adjacent to the western district boundary behind Lots 15 through 22 of Block C of Southgate Terrace Subdivision and adjacent to the southern district boundary from the western district boundary to the westernmost driveway from this district to Walnut Lawn Street. This bufferyard, adjacent to the western and southern boundaries only, shall contain in addition to the required plantings, a six (6) feet high earthen berm with 3 to 1 slopes and the top of the berm shall be at least six (6) feet across.



- b. The existing green space south of the existing retail store adjacent to Walnut Lawn, and between the two westernmost drives, shall not be reduced in size. In addition, landscaping shall be installed within this green space to help reduce the impact of this retail store on the apartment complex south of Walnut Lawn.
- c. No structures, parking lots or drives, except those required to provide access to adjoining public thoroughfares, are permitted within these bufferyards. The surface of these buffer yards shall be required to be maintained with a living ground cover.
- d. All other areas not shown as building or other form of impervious surface on Exhibit 2 and which are not designated as a bufferyard shall be required to be maintained with a living ground cover.
- e. Waste cans, dumpsters units, or other forms of litter control and refuse disposal devices shall be placed within the district where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of a sight-proof fence or wall, shall be provided.
4. A landscape plan, showing conformance with these requirements, shall be submitted with the final development plan.

J. EXTERIOR LIGHTING: Development shall adhere to the following:

1. Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and/or a general increase in lighting intensity within the adjoining existing residential area. Exterior lighting will comply with the standards and requirements of section 36-484 of the Springfield Zoning Ordinance.

K. ACCESS TO PUBLIC THOROUGHFARES:

1. Access to the adjoining public thoroughfares shall be situated in substantial conformance with Exhibit 2.

L. OFF-STREET PARKING: Development shall adhere to the following:

Development Review Staff Report



1. Sections 36-455 & 36-483, of the Springfield Zoning Ordinance in effect at the time of development shall apply.
2. All parking spaces shall be for the use of employees and customers only. Parking of delivery trucks shall occur only in the loading dock area shown on Exhibit 2.

M. SIGNS: Development shall adhere to the following:

1. The Applicant shall be permitted three (3) detached on premise signs. Two (2) shall be located adjacent to the Campbell Avenue frontage and one (1) shall be located adjacent to the Walnut Lawn Street frontage within close proximity to the southeast corner of the planned development district. Each of these signs shall not exceed an effective area of five hundred (500) square feet nor a maximum height of fifty (50) feet. No other freestanding signs, either permanent or temporary shall be permitted.
2. No sign shall use blinking, flashing, animated, or other illuminated device with changes in light intensity. No beacons, spotlights or strobe lights shall be permitted. No exposed, reflective type bulb or incandescent lamp, which exceeds twenty-five (25) watts, shall be used on the exterior surface of a sign to expose the face of the bulb or lamp to view from the public streets. Colored lights shall not be used in any manner to be confused with or construed as a traffic control device.
3. Signs shall not present an imitation of an official traffic control device or signage, or contain the word “stop”, “yield”, “go slow”, “caution”, “danger”, “warning, or similar wording in a manner which may distract or confuse motorists.
4. Off premise signs, as defined by the city sign code, are prohibited.

N. REQUIRED IMPROVEMENTS:

1. Sidewalk is required to be constructed along the entire length of the property frontage on W. Erie Street, or a fee paid in-lieu-of sidewalk construction, which must first be approved by Administrative Review Committee and fees paid, prior to issuance of a building permit.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES: Development shall adhere to the following:

1. Maintenance of the Common Areas and Facilities with the District shall remain responsibility of the Applicant, or shall be assumed by a duly constituted Property Owner’s association meeting all legal requirements prescribed by the City Attorney.

P. FINAL DEVELOPMENT PLAN:

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

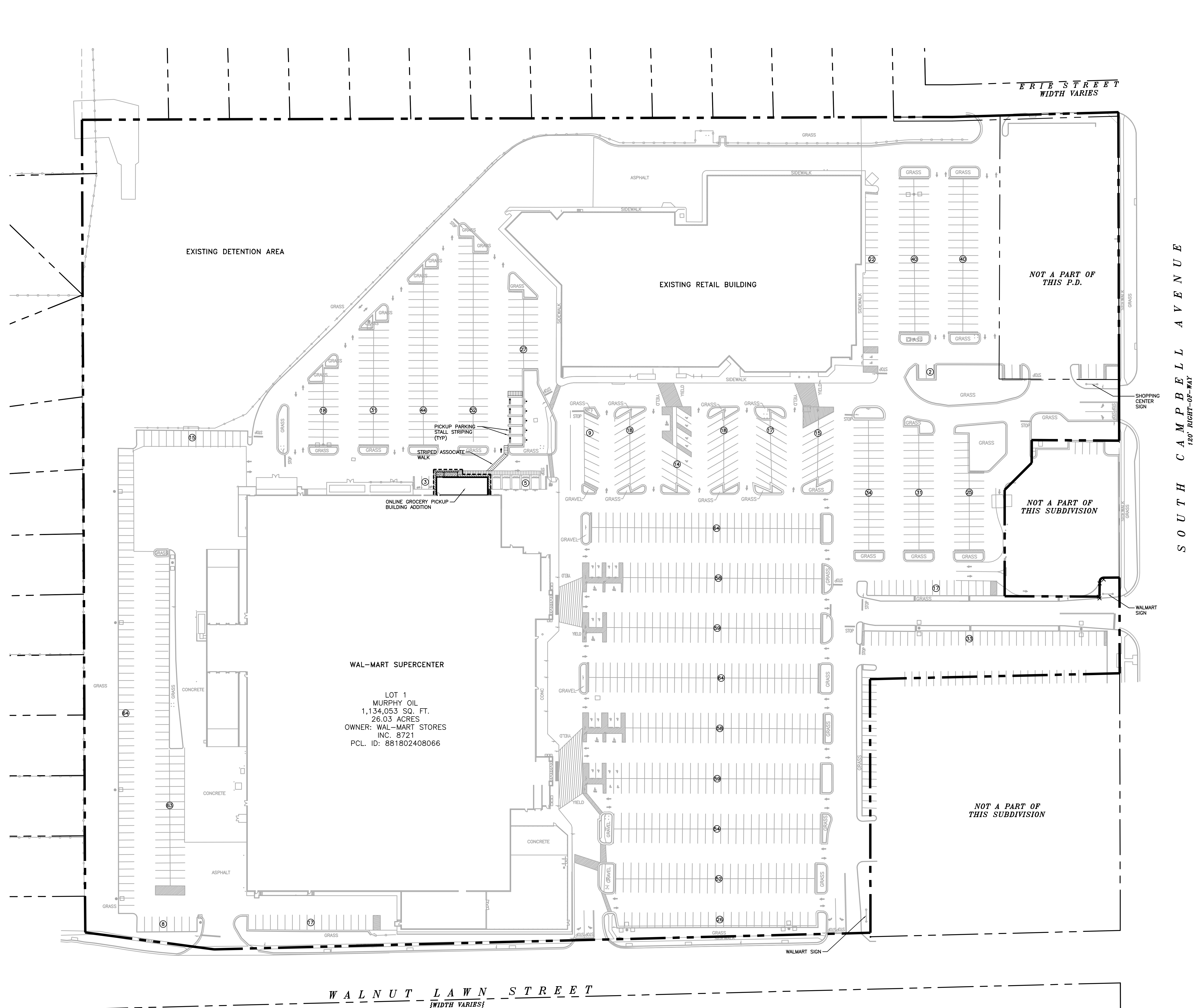
1. The intent of Exhibit 1 is to revise the off-street parking. The site layout of buildings and parking may shift while still maintaining conformance with Exhibit 1. A final development plan

Development Review Staff Report



shall be only approved if it is in substantial conformance with Exhibit 2 as defined by Subsection 36-405 (9) c of the *Springfield Zoning Ordinance*.

2. The Administrative Review Committee is hereby authorized to, acting jointly, approve the final development plan provided such plan substantially conforms to the provisions of this ordinance. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - a. Any uses within the District other than those specifically prescribed by the ordinance.
 - b. Any increase in the intensity of use permitted within the District.



PARKING INFORMATION		
BUILDING SQ.FT.	TOTAL PARKING ^a SPACES PROVIDED	TOTAL PARKING RATIO
265,466 ¹ (EXISTING)	1183 SPACES ² (EXISTING)	4.45/1,000 SF OF BUILDING AREA
266,874 (PROPOSED)	1176 SPACES (POST DEVELOPMENT)	4.41/1,000 SF OF BUILDING AREA

PARKING INFORMATION NOTES

1. EXISTING BUILDING SIZES OBTAINED FROM RECORDED PLAT, BY FARNSWORTH GROUP; DATED SEPTEMBER 08, 2014
2. EXISTING PARKING COUNT OBTAINED FROM GOOGLE EARTH AERIAL, DATED FEBRUARY 16, 2017.

REQUIRED PARKING

PLANNED UNIT DEVELOPMENT REQUIRES

- * 1 PER EACH 165 SF OF G.L.A. (PER EXHIBIT 1 REQUIREMENTS AND STANDARDS APPLICABLE TO PLANNED DEVELOPMENT DISTRICT No. 14 - FOURTH AMENDMENT, DATED APRIL 1989)

CITY OF SPRINGFIELD PARKING REQUIREMENTS

- * FOR RETAIL USES - ONE FOR EACH 250 SQUARE FEET OF TOTAL BUILDING FLOOR AREA OR ONE FOR EACH 200 SQUARE FEET OF NET USABLE BUILDING FLOOR AREA, WHICHEVER REQUIRES LESS PARKING SPACES (PER CHAPTER 36 LAND DEVELOPMENT CODE OF THE CITY OF SPRINGFIELD, MISSOURI - ARTICLE III - ZONING REGULATIONS)

IMPERVIOUS SURFACE RATIO

$$ISR = \frac{\text{AREA COVERED BY IMPERVIOUS SURFACES}}{\text{TOTAL SITE AREA}}$$
$$\text{ISR} = \frac{901,439 \text{ SF}}{1,134,053 \text{ SF}}$$

ISR= 0.79 (PRE AND POST DEVELOPMENT)

[illegible]

CHECKED BY:	CDW
DRAWN BY:	PDG
PROTO:	LC
PROTO CYCLE:	08/14/18
DOCUMENT DATE:	09/06/18



OVERALL
SITE
PLAN

SHEET: SD2

Development Review Staff Report

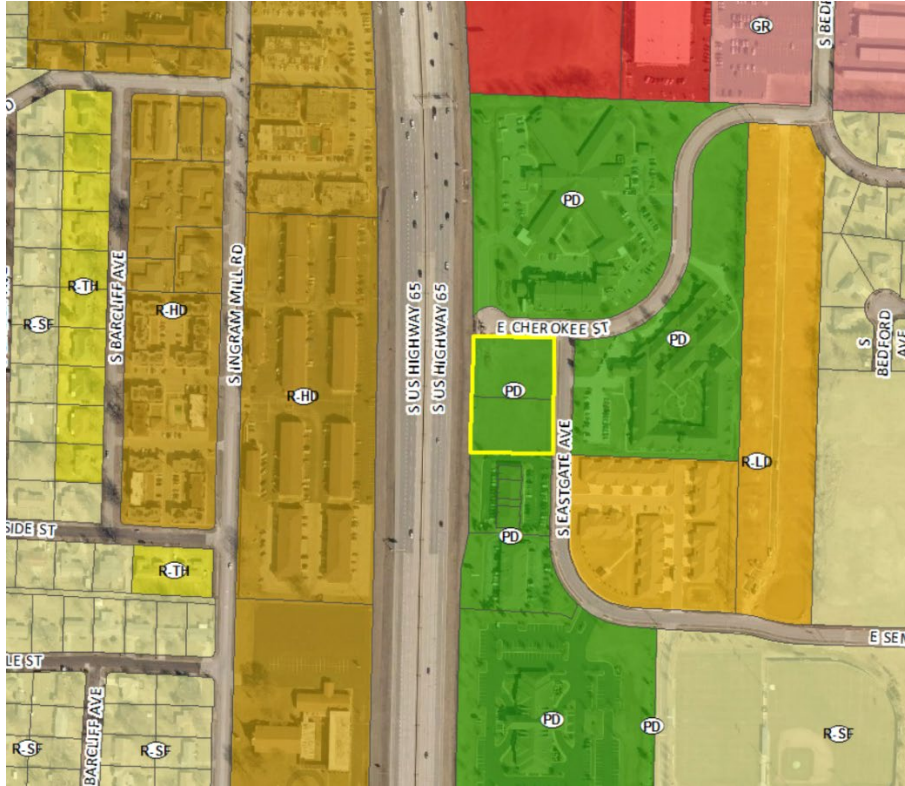


PLANNING AND ZONING COMMISSION PUBLIC HEARING:

DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

JANUARY 14, 2019



CASE NUMBER:

Planned Development No. 368

LOCATION:

2100 block S. Eastgate Avenue

ACRES:

1.45 acres

EXISTING LAND USE:

Vacant/undeveloped land

APPLICANT:

Castlebay Real Estate Holdings
No. 9 LLC

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve rezoning the subject property to Planned Development No. 368

SUMMARY OF REQUEST:

Request to rezone approximately 1.45 acres generally located at 2100 block S. Eastgate Avenue from Planned Development No. 268 to Planned Development No. 368 to allow an indoor self-storage facility.

FINDINGS FOR STAFF RECOMMENDATION:

1. The request is consistent with the *Growth Management and Land Use Plan* of the *Comprehensive Plan* which identifies this property as an appropriate area for Medium or High Density Housing; however, the existing PD allows for commercial uses such as fitness centers, indoor sports facilities, nursing and retirement homes and general office uses. The subject property is located along U.S. 65 Highway and near the U.S. 65 and Sunshine Community Activity Center which encourages more intense land uses and development.
2. Approval of this application will facilitate redevelopment of this property and promote infill development where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	PD	PD 268	PD	ROW & R-HD
LAND USE	Nursing home and rehabilitation uses	General offices	Nursing home	U.S. 65 Hwy and multi-family residential uses

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



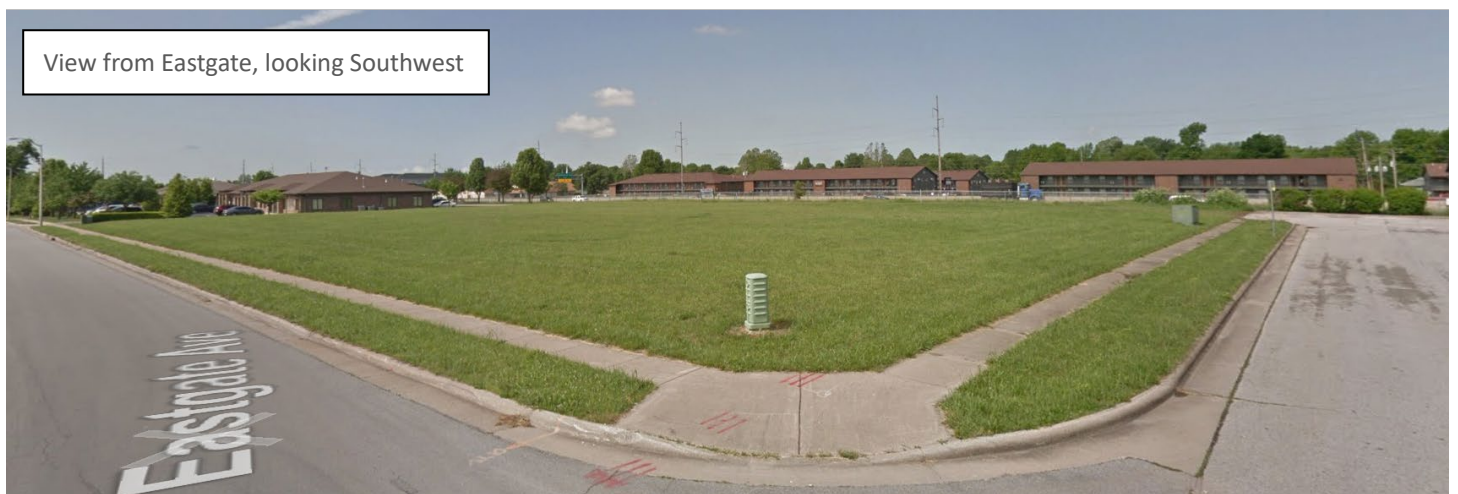
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GOOGLE MAPS STREET VIEW:

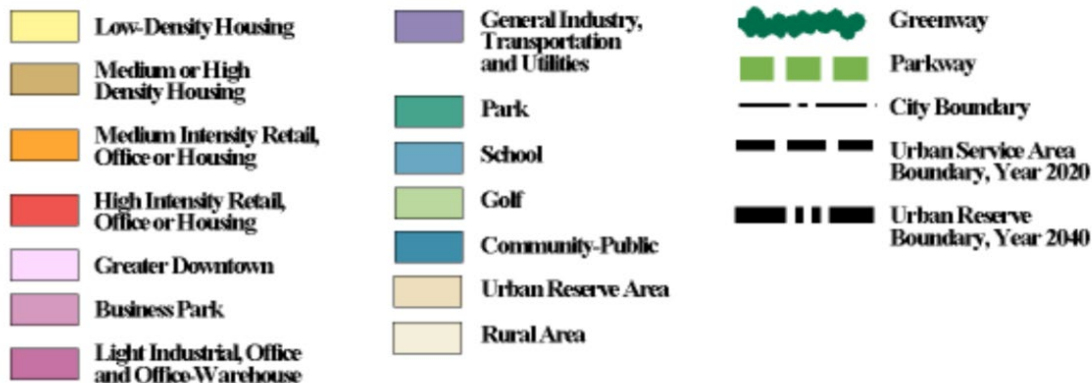
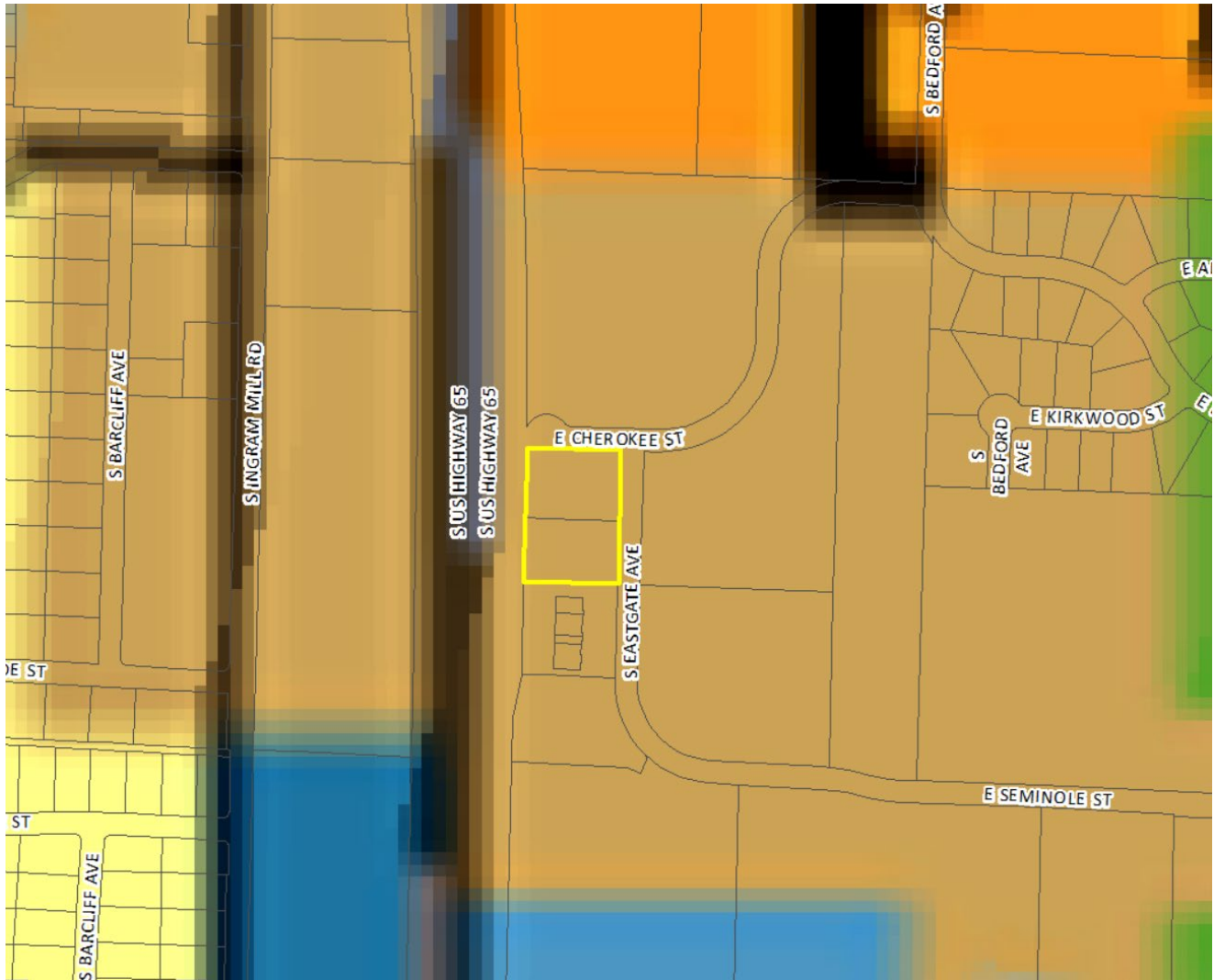


View from Eastgate, looking Southwest



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



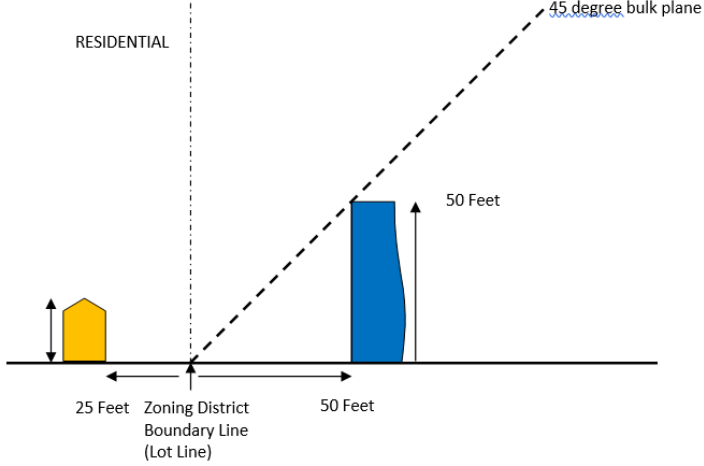
Development Review Staff Report

PROPERTY HISTORY:

The subject properties were originally zoned Planned Development District 121 and PD 233. PD 121 was later amended. The subject properties were rezoned to their existing zoning of PD 268 in 2004 to allow commercial along U.S. 65 and nursing and retirement homes along Eastgate Avenue.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR PD 368
Maximum Structure Height	Maximum of 60 feet measured to the average roof height (excluding parapets and related architectural elements) and below a 45 degree bulk plane from any residential district or planned development district measured from the east right of way line of Eastgate Avenue or the north right of way line of Cherokee Street
Front Yard Setback	50 feet along U.S. 65
Side setbacks	10 feet from all other property line
Open Space Requirement	20%
Design Requirements	See Exhibit 1 for details
BULK PLANE	LANDSCAPING
45 degree measured from any residential district or planned development district measured from the east right of way line of Eastgate Avenue or the north right of way line of Cherokee Street.	See Exhibit 2, Site Plan for details. Bufferyard Type B to the east along Eastgate Ave. Perimeter landscaping to the north along Cherokee St. as prescribed in Exhibit 1.



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The request is consistent with the *Growth Management and Land Use Plan* of the *Comprehensive Plan* which identifies this property as an appropriate area for Medium or High Density Housing; however, the existing PD allows for commercial uses such as fitness centers, indoor sports facilities, nursing and retirement homes and general office uses. The subject property is located along U.S. 65 Highway and near the U.S. 65 and Sunshine Community Activity Center which encourages more intense land uses and development.

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STAFF COMMENTS:

1. The applicant is proposing to rezone this property (approximately 1.45 acres) generally located at 2100 block S. Eastgate Avenue from Planned Development No. 268 to Planned Development No. 368 to allow an indoor self-storage facility.
2. The major difference between the existing Planned Development No. 268 and the proposed Planned Development No. 368 is that indoor self-service storage facilities are permitted. The following differences are being proposed:
 - a. The indoor self-service storage facilities use is being added to the list of permitted uses. The general office use group and accessory uses are remaining; however, all other uses are being removed that don't fit in the area.
 - b. The use limitations section has been modified to allow self-service storage facility hours of operation from 5:00 a.m. to 12:00 a.m. There shall be no loading and unloading of vehicles on the property between the hours of 12:00 a.m. and 5:00 a.m. Overhead loading and unloading doors are permitted on the south side of the building for access to internal units; however, self-service storage units shall not have direct access to the exterior of the building. Outdoor storage of vehicles or equipment is not permitted. This does not prohibit overnight parking of delivery trucks associated with the facility as long as they are parked off street in a designated parking space on the West side of the building only.
 - c. The Floor Area Ratio (FAR) is being increased from a 0.5 to 1.6 and the maximum total square footage of building space allowed on this site is 100,000 square feet.
 - d. Building setbacks along U.S. 65 is 50 feet while all other boundaries are setback 10 feet.
 - e. The proposed maximum height of structures is sixty (60) feet measured to the average roof height (excluding parapets and related architectural elements) and below a 45 degree bulk plane from any residential district or planned development district measured from the east right of way line of Eastgate Avenue or the north right of way line of Cherokee Street. The current PD limits the height to four stories or a forty-eight degree bulk plane from adjacent residential districts.
 - f. Permitted building materials for the indoor self-service storage facility include: Masonry (including but not limited to burnished block, scored block, fluted block and concrete slump brick) or stucco (synthetic or plaster) exterior elements, architectural glass, horizontal architectural metal panel, architectural composite metal panels, architectural wood and composite wood clad panels, stone veneer, aluminum framed storefront windows with clear, tinted or reflective glazing, pre-finished sheet metal door trim, window trim, wall caps, copings and parapet cap trim; however, building elevations that are in substantial conformance to Exhibit 3 shall be submitted and approved with the Final Development Plan by the Administrative Review Committee (ARC).
 - g. The design standards will also require: Street facing walls that are greater than 100 feet in length shall be articulated at least every 50 feet with bays, projections or recesses. Articulation means a difference in the vertical plane of the building of at least 12 inches or more. Facades that face streets that are greater than 25 feet in length shall be subdivided and proportioned using at least one of the following features: windows, entrances, arcades, arbors or awnings, distributed along the façade at least once every 25 feet.
 - h. A 10-foot-deep Bufferyard B is required along the eastern boundary of the property north of the detention area adjoining Eastgate Avenue. Perimeter landscaping of at least two understory or evergreen trees and four shrubs shall be provided along the north side of the property between the proposed building and the sidewalk/street right-of-way. No bufferyard is required on the other sides of the property. No perimeter fencing is required for this property due to its proximity to highway and streets.

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- i. Off-street parking for the self-service storage facility uses: 14 parking stalls plus two for employees is required (Total of 16). No bicycle parking is required for this use. All other uses shall meet the requirements of 36-455.
 - j. The Final Development Plan can be approved by the Administrative Review Committee (ARC). The intent of Exhibit 2 is to show development of this tract in conformance with the requirements of Exhibit 1. The site layout of buildings and parking may shift while still maintaining conformance with Exhibit 1. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by Subsection 36-405 of the Springfield Zoning Ordinance.
3. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. As can be seen in Table 1 below, the proposed change in zoning is less intense than previously allowable. The City of Springfield does not currently have any plans to make improvements to either Cherokee Street or Eastgate Avenue.
4. Approval of this application will facilitate redevelopment of this property and promote infill development where investments have already been made in public services and infrastructure.
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 November 14, 2018. A summary of the meeting and sign-in sheet is attached (Attachment 2).

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 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.

Notices sent to property owners within 185 feet: Mailed: 7 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No objection to rezoning. Plan shows existing water lines on west side of property and associated easements. No building within these easements. There are also existing electric utilities on the property parallel to Cherokee and Eastgate. Please use caution around these underground electric lines as well. Please show all existing easements on property whether platted or obtained. CU can serve the proposed building with electric, water and natural gas.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning.

FIRE COMMENTS:

No comments.

TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Cherokee Street and S. Eastgate Avenue as Local roadways. The standard right-of-way widths for both streets is 25 feet from the centerline. It appears additional right-of-way is not needed along either street. A survey is recommended to determine the exact amount of existing right-of-way. E. Cherokee Street and S. Eastgate Avenue are both City-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for either section of Cherokee or Eastgate. On-street parking is allowed on both Cherokee Street and Eastgate Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from E. Cherokee Street. Any new proposed driveway approaches must meet minimum spacing requirements from the intersection of Cherokee and Eastgate, as well as from each other.

SIDEWALK

There is existing sidewalk along the property frontage of both Cherokee Street and Eastgate Avenue. The existing infrastructure meets current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway trails in the area pertaining to this rezoning. There are no bus stops in the area pertaining to this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of

Development Review Staff Report



1,000 additional trip-ends daily. As can be seen in Table 1 below, the proposed change in zoning is less intense than previously allowable. The City of Springfield does not currently have any plans to make improvements to either Cherokee Street or Eastgate Avenue.

SITE PLAN

Any new/modified parking must comply with current City Standard ST-6. Any new/modified driveway approaches must comply with current City Standard ST-9.

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	E. Cherokee Street	Local	Yes	25	25
Street 2	S. Eastgate Avenue	Local	Yes	25	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		1524	378	375	199
*Proposed Trips Generated		974	142	147	221
Additional Trips Generated		-550	-236	-228	22

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

STORMWATER COMMENTS:

The property is in the Pierson Creek drainage basin. The part of the property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will not be allowed. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required. There are no sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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.
3. Water quality will be required if disturbing more than one acre.
4. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Pierson Creek
Is property located in Floodplain	No
Is property located on a sinkhole	No
Is stormwater buyout an option	No

Attachment 2

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Planned Development to Planned Development
(existing zoning) (proposed zoning)
2. Meeting Date & Time: November 14th, 2018 from 4pm to 6:30pm
3. Meeting Location: Springfield Fire Station #12
4. Number of invitations that were sent: 23
5. How the mailing list was generated: By City Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 2
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

Both neighbors in attendance liked the project and thought it would be a good addition to the area.

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

There were no issues to resolve, so we plan on moving forward with our project.

I, King Coltrin (print name), attest that the neighborhood meeting was held on
11-14-18 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning
Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

King Coltrin
Printed name of person completing affidavit

Sign In Sheet

[illegible]

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

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

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

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

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

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

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	11/14/18	Telephone No.	417- 924 -425-3333
YOUR NAME:	GARY FENTON		
YOUR ADDRESS:	3621 E. SEMINOLE		
PROJECT ADDRESS:	2000 EASTGATE SW CHEVROLEE + EASTGATE		
COMMENTS:	Development PCS LOOK GREAT! LOOKS LIKE A NICE DEVELOPMENT That will be an Asset to the Area.		

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

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Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	11-14-10	Telephone No.	417 880 1523
YOUR NAME:	Jason Melvick		
YOUR ADDRESS:	3621 E Semmole St #A1 65809		
PROJECT ADDRESS:	200 Eagle Gate SW Cherokee		
COMMENTS:	Perfect fit for the area.		

REQUIREMENTS FOR APPROVAL:

EXHIBIT 1 Requirements and Standards Applicable To Planned Development District No. 368

A. APPLICATION

Building or other permits may not be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan has been approved in the manner described at the end of this exhibit.

All requirements of the Springfield Zoning Ordinance shall apply unless modified by the requirements and standards that follow.

B. INTENT

The intent of this Planned Development is to allow for a climate-controlled storage facility (consisting of individual storage units enclosed within a single building), or an office building to be developed on the combined properties within the district. Currently there are two (2) lots which will be combined into a single tract to form the district.

This ordinance will allow development which will enhance and compliment the adjoining properties with minimal new traffic impact to the area and control the storm water discharge from the property.

C. DEFINITIONS

The definitions contained in the Zoning Ordinance shall apply to this ordinance.

D. USES PERMITTED

The following uses shall be permitted on the subject parcel:

1. General Office Use Group.
2. Accessory uses as permitted by Section 36-450.
3. Indoor Self-Service Storage Facilities.

E. USE LIMITATIONS

1. All uses shall operate in accordance with the noise standards contained in *Section 36-485* of the *Springfield Zoning Ordinance*.
2. No use shall emit an odor that creates a nuisance as determined by Chapter 2, *Article X, Springfield City Code*.
3. Garbage pick-up at refuse storage areas shall not occur between the hours of 11:00 p.m. and 6:00 a.m.
4. There shall be no truck deliveries to or pick-ups from any use located on the property between the hours of 12:00 a.m. and 5:00 a.m., however, deliveries and pick-ups by passenger vehicles within these time frames is not prohibited.

5. There shall be no delivery trucks allowed to remain on the property with their engines idling between the hours of 10:00 p.m. and 6:00 a.m., however, engine idling by passenger vehicles within these time frames is not prohibited.
6. Overhead loading and unloading doors are permitted on the south side of the building for access to internal units; however, self-service storage units shall not have direct access to the exterior of the building.
7. The self-service storage facility hours of operation are from 5:00 a.m. to 12:00 a.m. There shall be no loading and unloading of vehicles on the property between the hours of 12:00 a.m. and 5:00 a.m.
8. Outdoor storage of vehicles or equipment is not permitted. This does not prohibit overnight parking of delivery trucks associated with the facility as long as they are parked off street in a designated parking space on the West side of the building only.

F. INTENSITY OF DEVELOPMENT

Development shall adhere to the following standards.

1. Maximum Allowable Building. The maximum total square footage of building space allowed on this site is 100,000 square feet.
2. Floor Area Ratio (FAR) of 1.6.

G. BULK, AREA AND HEIGHT REQUIREMENTS

Development shall adhere to the following standards.

1. All structures, vehicular use areas and open space shall be situated in substantial conformance with Exhibit 2.
2. The following minimum setbacks shall be required:
 - a. West Property Line (U.S.65 R/W). Fifty (50) foot building setback (to coincide with western edge of existing water line easements).
 - b. East Property Line (West R/W of Eastgate). Ten (10) foot building setback. Access drives may be located within this required setback.
 - c. North Property Line (South R/W of Cherokee). Ten (10) foot building and parking setback. Access drives may be located within this required setback.
 - d. South Property Line. Ten (10) foot building setback and zero (0) foot vehicular parking setback.
3. Maximum Structure Height:
 - a. There currently are two lots that will be combined into one lot. Maximum height of structures is sixty (60) feet measured to the average roof height (excluding parapets and related architectural elements).
4. Bulk Plane:
 - a. No elements of any uses shall project through a Forty-five (45) degree bulk plane projected from the property line of any residential district or planned development district measured from the east right of way line of Eastgate Avenue or the north right of way line of Cherokee Street
5. The maximum impervious surface ratio shall not exceed 0.80.
6. The minimum open space ratio shall be at least 0.20.

Development Review Staff Report



H. DESIGN STANDARDS:

The design requirements shall adhere to the following standards:

1. Masonry (including but not limited to burnished block, scored block, fluted block and concrete slump brick) or stucco (synthetic or plaster) exterior elements, architectural glass, horizontal architectural metal panel, architectural composite metal panels, architectural wood and composite wood clad panels, stone veneer, aluminum framed storefront windows with clear, tinted or reflective glazing, pre-finished sheet metal door trim, window trim, wall caps, copings and parapet cap trim are materials that are permitted; however, building elevations that are in substantial conformance to Exhibit 3 shall be submitted and approved with the Final Development Plan by the Administrative Review Committee (ARC).
2. Street facing walls that are greater than 100 feet in length shall be articulated at least every 50 feet with bays, projections or recesses. Articulation means a difference in the vertical plane of the building of at least 12 inches or more.
3. Facades that face streets that are greater than 25 feet in length shall be subdivided and proportioned using at least one of the following features: windows, entrances, arcades, arbors or awnings, distributed along the façade at least once every 25 feet.

I. OPEN SPACE, LANDSCAPING & SCREENING

The landscaping and screening provisions are intended to improve the physical appearance of the District; to improve the environmental performance by contributing to the abatement of heat, glare and noise, and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of adjoining property and neighborhoods. footprint.

1. The following bufferyard and perimeter landscaping is required.
 - a. A 10-foot-deep Bufferyard B is required along the eastern boundary of the property north of the detention area adjoining Eastgate Avenue. Perimeter landscaping of at least two understory or evergreen trees and four shrubs shall be provided along the north side of the property between the proposed building and the sidewalk/street right-of-way. No bufferyard is required on the other sides of the property.
2. No perimeter fencing is required for this property due to its proximity to highway and streets.
3. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed within the district where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of a sight-proof fence or wall, shall be provided. These devices may not occupy parking spaces required by this exhibit.
4. No structures, signs, mechanical equipment, vehicular use areas (except those drives required to provide access to adjoining public thoroughfares) are permitted within the buffer yard. The surface of the buffer yard, or other required landscaped areas, shall be maintained with a living ground cover.
5. All utilities within required buffer yard shall be located underground.
6. All other areas not shown as buildings or other form of impervious surface on Exhibit A and which are not designated as a buffer yard shall be required to be maintained with a living ground cover.

Development Review Staff Report



7. A landscape plan, showing conformance with these requirements, shall be submitted with the final development plan.

J. EXTERIOR LIGHTING

The requirements and standards of Section 36-484 of the Springfield Zoning Ordinance, in effect at the time of development shall apply.

K. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system as shown on Exhibit 2, shall be governed by the existing standards of the City of Springfield for the applicable street classification at the time of development.

L. OFF-STREET PARKING

1. Self-service storage facility uses: 14 parking stalls plus two for employees is required (Total of 16). No bicycle parking is required for this use.
2. For all other permitted uses the City of Springfield's off-street parking requirements in *Section 36-455, 36-456 and 36-483* of the City of Springfield Zoning Ordinance in effect at the time of development shall apply.

M. SIGNS

The requirements and standards of *Section 36-454* of the *Springfield Zoning Ordinance*, in effect at the time of development shall apply.

N. REQUIRED IMPROVEMENTS

Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. If the development of the property is phased, the construction of the improvements may also be phased provided there is a logical relationship between each phase of the development and the construction of the required improvements. Prior to building permits being issued to the applicant, or subsequent owners shall:

1. Construct the required improvements; or
2. Provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department shall be provided to the City.

No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:

1. The required improvements are completed prior to occupancy of the structures; or
2. The Director of Public Works has determined that such required improvements, if not completed, have little or no effect on the occupancy of the facility or conditions beyond the control of the contractor, i.e., strikes, weather, etc., have delayed the completion of the improvements.

Development Review Staff Report

If one of these conditions occurs, the Director of Building Development Services may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

Improvements necessary to adequately accommodate the intensity of development in this District include the following.

1. Sanitary sewer facilities - The property must be connected to City sanitary sewer prior to occupancy.
2. Storm water management facilities - Stormwater detention and water quality will be required at time of development. All storm water management facilities, including detention and water quality, will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department in effect at the time of this rezoning.
3. Street facilities - There are no public street improvements required for this development.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s)/owner(s).

P. PHASING

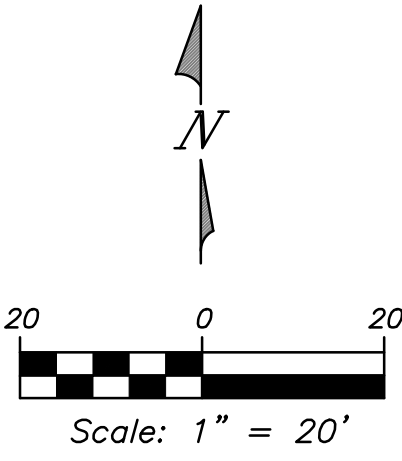
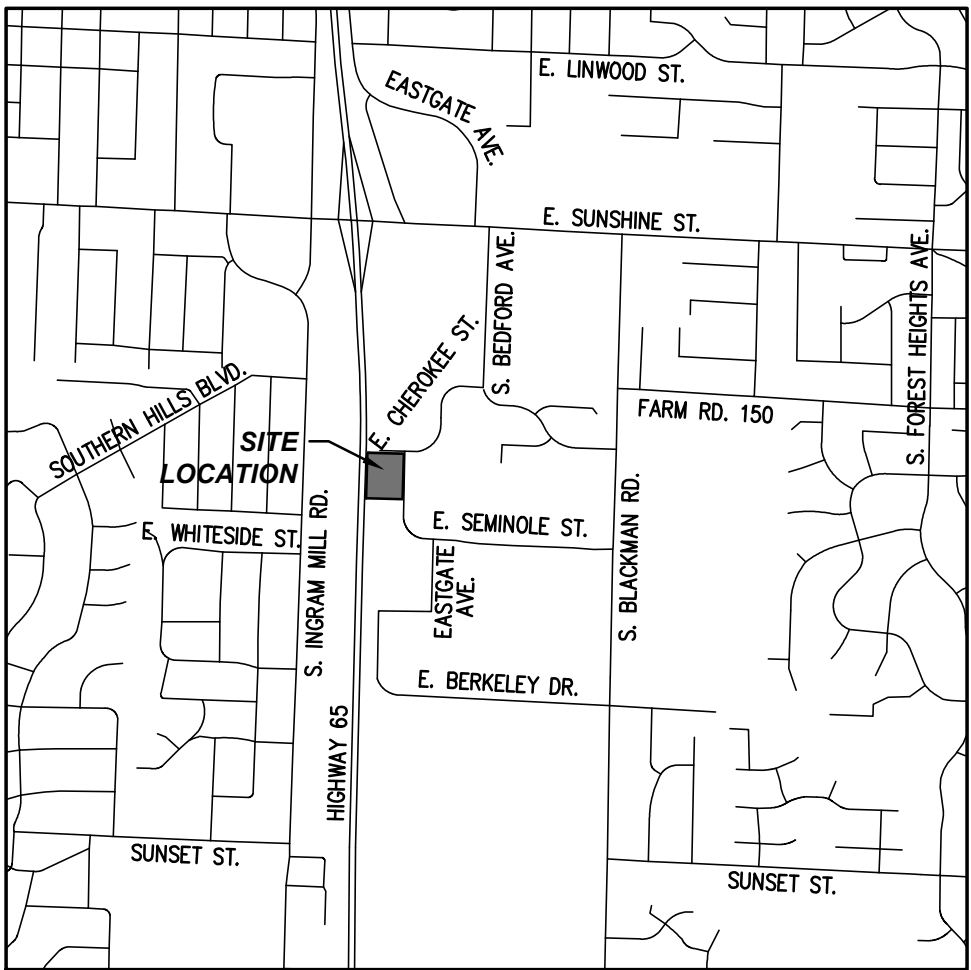
Development may be phased if all public improvements directly related to each phase are completed at the time of its development and that improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

Q. FINAL DEVELOPMENT PLAN

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

1. The intent of Exhibit 2 is to show development of this tract in conformance with the requirements of Exhibit 1. The site layout of buildings and parking may shift while still maintaining conformance with Exhibit 1. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by Subsection 36-405 of the Springfield Zoning Ordinance.
2. The Administrative Review Committee is hereby authorized to, acting jointly, approve the final development plan provided such plan substantially conforms to the provisions of this ordinance. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - a. Any uses within the District other than those specifically prescribed by the ordinance.
 - b. Any increase in the intensity of use permitted within the District.

PRELIMINARY PLANNED DEVELOPMENT PLAN
EXHIBIT 2



LEGEND

- Light Pole, Electric Box, Pedestal, Sign, Water Meter, Water Valve, Chain-Link Fence, Water Line, Underground Electric, Sanitary Sewer, Storm Pipe, Gas Line.

PROPERTY DESCRIPTION:

TRACT I: A PART OF THE SOUTHWEST QUARTER (SW14) OF THE NORTHWEST QUARTER (NW14) OF SECTION THIRTY-FOUR (34), TOWNSHIP TWENTY-NINE (29) NORTH, RANGE TWENTY-ONE (21) WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI...

TRACT II: BEGINNING AT THE NORTHWEST CORNER OF CATHOLIC HIGH SCHOOL FIRST ADDITION, A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI...

SITE DATA

- 1. TWO LOTS COMBINED.....±1.45 ACRES (63,162 SQ FT) TOTAL
2. MAXIMUM BUILDING AREA.....100,000 SQUARE FEET
3. MAXIMUM IMPERVIOUS SURFACE RATIO.....0.80



PRELIMINARY PLANNED DEVELOPMENT PLAN
NEW STORAGE FACILITY
2000 BLK S. EASTGATE, SPRINGFIELD MO

Table with 2 columns: No., Description. Rows include Survey By, Date, Dwg, Design, Drawn, Checked, Scale Hor, Scale Vert.

EXHIBIT 2
SHEET NO. 1
CJW NO. 18123 OF 1

Prepared by: CJW
CJW Transportation Consultants, L.L.C.
5051 S. National Suite 7A
Springfield, MO 65810





PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

JANUARY 14, 2019



CASE NUMBER:

Planned Development 369

PROJECT LOCATION: 1624 East Briar Street

ACRES: 1.5 acres

EXISTING LAND USE: One single-family residence

APPLICANT: Hoke and Peterson, LLC

STAFF: Bob Hosmer, AICP Principal Planner 864-1834

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION:

Move to approve Planned Development 369 as submitted.

SUMMARY OF REQUEST:

To rezone approximately 1.5 acres of property generally located at 1624 East Briar Street from a R-SF, Single-Family Residential District to a PD, Planned Development 369 District.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan element of the City's Comprehensive Plan designates this area as appropriate for low-density housing. The applicant's proposed PD establishes a maximum residential density of 4 dwelling units per acre which is less than the permitted 7 du/acre in R-SF zoning district.
2. The Established Neighborhoods section of the Plan encourages focusing less on separating different land uses and more on the size, design or position of buildings and their relationship to the street, to users and to neighbors. It also encourages the continuation of zoning districts that allow and encourage infill or replacement housing that is compatible with neighboring structures in height, setback, lot width, front door orientation and general architecture, particularly in older neighborhoods.
3. The Growing Neighborhoods section of the Plan encourages a variety of development and redevelopment strategies such as the neighborhood unit concept, planned mixed-use developments, rural clustered housing or other innovative concepts to build strong neighborhoods and a sense of community. It also encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns that are also environmentally responsible.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure. The proposed uses are consistent with the adjacent R-SF uses and allowed densities along Kissick Avenue and Briar Street.

SURROUNDING ZONING AND LAND USES:

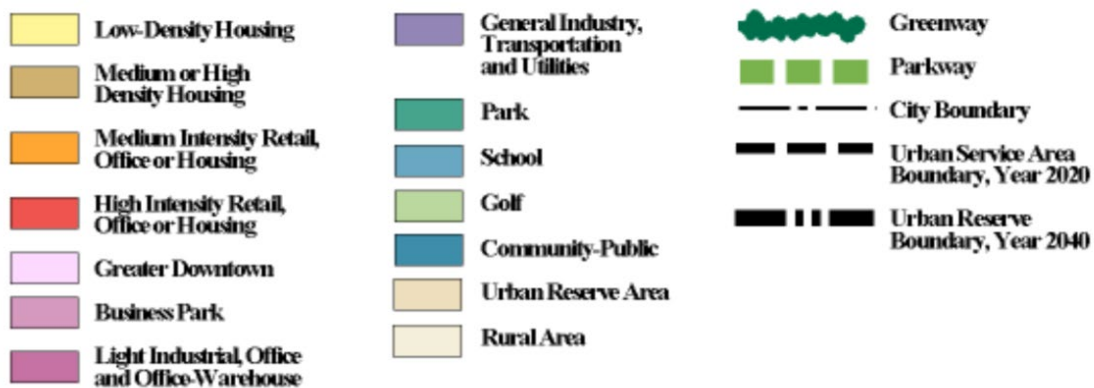
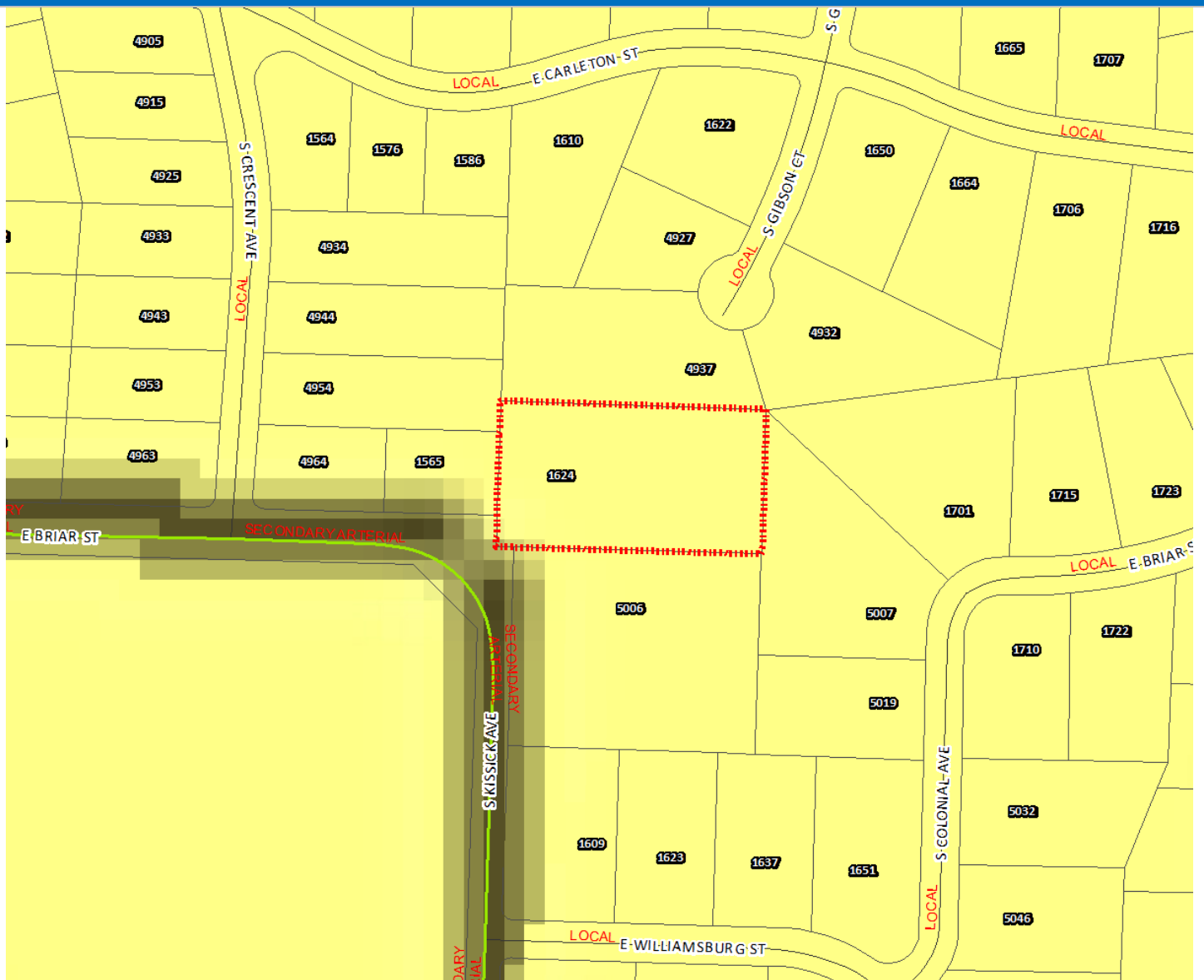
	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Single-family Residence	Single-family Residence	Single-family Residence	Single-family residence

An aerial photograph of a suburban neighborhood in Virginia Beach, VA. A red pin is placed on a house at 624 East Briar Street. The street grid includes S Fremont Ave, S Pleasant Ave, S Greenleaf Ave, S Kistick Ave, S Colonial Ave, S Williamsburg St, S Chesapeake Ave, S Carleton St, E Briar St, and E Carleton St. A large, empty brown field is located to the left of the main residential area. The houses are mostly single-story with various roof colors, and there are green lawns and some trees. The map is oriented with North at the top.

GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

The subject property was zoned to R-SF in a community-wide rezoning to the current Zoning Ordinance regulations in March 1995 (G.O. 4494).

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR PD 369
Maximum Structure Height	No structure will exceed the height of two (2) stories above grade, or 35 feet above finished grade. Ordinance normally allows 45 feet or three (3) stories, when side yards are 15 feet or greater.
Minimum open space	Not less than 54 percent, Ordinance normally requires 30 percent.
Maximum impervious area	Not to exceed 46 percent of total lot area. Ordinance normally requires not to exceed 70 percent.
Building Setbacks	Per Exhibit 2 as attached
BULK PLANE	BUFFERYARD AND LANDSCAPING
None.	None. However, the applicant is providing an opaque barrier of wooden fence, six (6) feet in height, which visually screens the development from adjacent properties as allowed per Springfield Zoning Ordinance.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan element of the City's Comprehensive Plan designates this area as appropriate for Low-Density housing. The Single-Family Residential District is considered an appropriate land use category for this area. The Plan also encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents. Appropriate design standards can assure compatibility of different housing types and densities with existing neighborhoods. The Plan suggests rezoning to the PD, Planned Development, classification which gives the City special powers to deny or regulate development in exchange for allowing the landowner to submit a more flexible or creative plan than would be permitted under the Zoning Ordinance.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from R-SF, Single-Family Residential District, to a Planned Development No. 369 to allow for a single-family residential condominium subdivision on the property. The proposed planned development will rezone the existing R-SF District; however, it does not deviate from the overall intent and uses that already exist within the R-SF District. The applicant is required to apply for a Planned Development because the current ordinance only allows single-family residential dwellings to be placed on individual lots. A condominium allows for multiple units on one lot surrounded by common area that is maintained by a condominium/homeowner's association. This rezoning request will be followed with a preliminary plat which defines the parameters of each single-family condominium unit and the designated common area.
2. The Established Neighborhoods section of the Plan discusses maintaining traditional urban character in a close-knit, compact mixture of different forms of housing, shops, offices, services and employment areas. New building technologies should be used, and more accommodation made for the auto than in the past, but certain elements of the pre-auto era should be respected. It is these urban patterns that will help make Springfield and its older neighborhoods distinct, livable and competitive with other locations. This section encourages focusing less on separating different land uses and more on the size, design or position of buildings and their relationship to the street, to users and to neighbors. It also encourages the continuation of zoning districts that allow and encourage

infill or replacement housing that is compatible with neighboring structures in height, setback, lot width, front door orientation and general architecture, particularly in older neighborhoods. The Plan encourages neighborhood preservation by maintaining and strengthening the character of the various residential areas of the City. This can be accomplished through the rehabilitation of older and historic housing, ensuring that infill development standards reflect the setbacks, orientation, rhythm, height and scale of surrounding one- and two-family dwellings and creating traditional patterns where no clear architectural patterns exist.

3. The Growing Neighborhoods section of the Plan discusses actions that include neighborhood planning of undeveloped land based on creating identifiable neighborhoods. Each neighborhood should be structured by public open space, should contain a mixture of housing types (single-family detached and multi-family attached) and should be contained within a convenient walking radius of some retail stores. They should also provide variety within the larger community by encouraging developments with special features and a sense of uniqueness. It also discusses neighborhood site planning and design and that a variety of development and redevelopment strategies such as the neighborhood unit concept, planned mixed-use developments, rural clustered housing or other innovative concepts to build strong neighborhoods and a sense of community. It also encourages innovative development and redevelopment using incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns that are also environmentally responsible. It encourages incentives for development that protect natural areas or environmentally sensitive areas through land trusts, open space zoning, or other techniques such as density bonuses for open space development. It encourages sites to share functional site design elements (such as shared access, shared parking, coordinated landscaping, linked open space, detention and retention areas, etc.) when such elements support a more efficient and attractive development pattern. It also recommends requiring protection of natural features such as trees, slopes, streams, and lakes in new developments as well as, preserving open space in new developments by using open space subdivisions, planned unit developments, transfer of development rights between land owners, conservation easements, etc. It also mentions encouraging creative subdivision design with strong controls for the preservation of open space.
4. The applicant has indicated that the intent of this Planned Development District is to better utilize the land on this parcel, while still maintaining the Single Family Residential feel of the neighborhood. The Zoning Ordinance states that the intent of a planned development is to encourage more creative and imaginative design than generally is possible under conventional zoning regulations. It is intended to permit upon application and upon approval of site and use plans, the creation of PD districts. Suitability of such tracts for the PD district designation shall be determined by and shall be made in accordance with the comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, other public requirements, and with a reasonable consideration being given to among other things, the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the city. Staff believes the proposed development has creative elements that cannot be approved with traditional zoning and merits approval.
5. The major difference between the existing R-SF, Single-Family Residential District and the proposed Planned Development No. 369 is that single-family residential condominiums will be permitted, and each unit will access a private drive that will then access the public street system (Briar Street). The proposed rezoning will not increase the intensity of uses or development on the site from what is currently allowed in the R-SF District.
6. The permitted uses will allow the same uses as the R-SF District. The PD will limit permitted uses to single-family detached dwellings, residential condominiums, accessory uses, home occupation uses, and temporary uses. All these uses are currently permitted in the R-SF District except the residential condominiums. The number of permitted and conditional uses compared to the R-SF District is significantly reduced by the proposed PD.
7. The maximum residential density shall not exceed 4 dwelling units per acre. The current R-SF District has a higher maximum density of 7 dwelling units per acre. The overall potential residential density for the site is reduced with this PD.

-
8. The bulk, area and height requirements are the same as R-SF. The proposed maximum height of any structure (not exceeding two stories above or 35 feet from ground level) is more restrictive than the current R-SF requirements of two and one-half stories or 35 from ground level. The maximum impervious surface ratio of 46% is more restrictive than the R-SF requirements of 30%. The front yard side back will be 25 feet, side yard setbacks will be 5 feet adjacent and the rear yard setback will be at least 25 feet from any R-SF district. Staff is supportive of the proposed requirements and believe these contribute to a lower impact development and blending with of the neighborhood.
 9. The Planned Development requires an opaque barrier, wooden fence, six (6) feet in height, which visually screens the development from adjacent properties.
 10. The proposed off-street parking of two spaces per residential unit in the PD is greater than what is currently allowed in the R-SF District which is one space for each dwelling unit.
 11. A final development plan is required to be reviewed and approved by the Administrative Review Committee (ARC) to show conformity to the Exhibit 1 (text).
 12. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.
 13. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on November 14, 2018 regarding the rezoning request. A summary of the meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 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.

Notices sent to property owners within 185 feet: Mailed: 14 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No critical issues

CITY UTILITIES COMMENTS:

City Utilities is ok with this development. An 8" water main extension will be required to serve the 5 units on this property. The existing water is at Crescent Ave. CU water to be extended per the CU Extension Policy. CU natural gas is located on this property and is available to serve the development. CU electric is also available at the site and can be extended as necessary to serve all units. Please coordinate all extensions required with CU. Utility easements may be necessary for extensions. Please coordinate all utility requirements with CU

CLEAN WATER SERVICES COMMENTS:

No objection to the PD however we do have comments regarding the uploaded plan.

The plan shows an 8-inch sewer main tying into a new manhole over the existing main to the west. Adding the new manhole will require a public improvement plan. The new 8-inch main can remain private

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Briar Street and S. Kissick Avenue as Secondary Arterial roadways. The standard right-of-way widths for both streets is 35 feet from the centerline of the roadway. It appears additional right-of-way is not needed along either street. A survey is recommended to determine the exact amount of existing right-of-way. These sections of Briar Street and Kissick Avenue are City-maintained.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on E. Briar Street east of S. National Avenue is 8,311 vehicles per day. There are no recent traffic counts for this section of Kissick Avenue. On-street parking is not allowed along either street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from the corner of Briar Street and Kissick Avenue. The current driveway access is via an "outer road" adjacent to Briar and Kissick. As a part of this development, the outer road is required to be improved as a driveway access to the property. This improvement can be covered under a driveway permit. Any additional work beyond the improvements to the outer road will require public improvement plans and approval by Traffic.

SIDEWALK

There is not currently sidewalk along the property frontage of either Briar or Kissick. Given that this lot is at the northeastern-most corner of this intersection, sidewalk will not be required at the time of development.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

Lake Springfield Park is a couple blocks southeast of the proposed development, where there are numerous paved and unpaved trails. There are not bus stops in the area pertaining to this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

As a part of this development, the outer road, which this property takes access to, is required to be improved as a driveway access. This improvement can be covered under a driveway permit. Any additional work beyond the improvements to the outer road will required

public improvement plans and approval by Traffic. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. The City of Springfield does not currently have any plans to make improvements to either Briar Street or Kissick Avenue.

SITE PLAN

Please ensure that all drive/access aisles are accessible by Fire and meet all applicable Fire codes for width, weight, turnaround, etc.

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft)	Required Street ROW from Centerline (ft)
Street 1	E. Briar Street	Secondary Arterial	No	110	35
Street 2	S. Kissick Avenue	Secondary Arterial	No	100	35
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		1	1	9	10
*Proposed Trips Generated		2	3	29	33
Additional Trips Generated		1	2	20	23

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

STORMWATER COMMENTS:

The property is in the Ward Branch drainage basin. The part of the property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will not be allowed. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required. There are no sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Water quality will be required if disturbing more than one acre.
3. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.
4. Detention will be required and a buyout, paying a fee in lieu of detention, will not be allowed. This site drains north directly to adjacent residential properties. If disturbing more than one acre of impervious water quality will be required. Since the detention will be serving more than one lot it will need to be done on public improvement plans.

Public Works Stormwater Division	Response
Drainage Basin	Ward Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is fee in lieu of detention allowed?	No

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

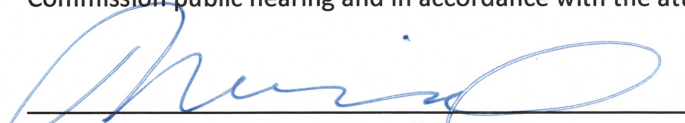
1. Request change to zoning from: Residential-Single Family to Planned Development
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Wednesday, November 14, 2018, 4:00-6:30 PM
3. Meeting Location: The Library Center, Grafton Rm, 4653 S Campbell Springfield, MO 65810
4. Number of invitations that were sent: 51 invitations sent from the 500' buffer list
5. How the mailing list was generated: City of Springfield Planning Department
6. Number of neighbors in attendance (attach a sign-in sheet): 36
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

See attached document.

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

See the letter provided by the homeowners of 4937 S Gibson Court attached. No other written comments were provided to Wilson Surveying staff.

I, ROBERT WILSON (print name), attest that the neighborhood meeting was held on 11/14/2018 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

ROBERT H. WILSON
Printed name of person completing affidavit

NEIGHBOR COMMENTS FOR PLN2018-00651

Comments

Verbal comments from neighbors consisted of concerns over:

- The type and density of homes to be constructed and layout of buildings
- The fact that some of the lots in the area are larger and in a country-like setting and they would like to see it stay like that
- Issues related to stormwater from the site, neighbors say that there are already stormwater runoff problems in the area and they believe this development will make it worse

Responses

- A conceptual drawing of the buildings and site layout, along with utility provisions and stormwater maintenance structures was provided at the meeting. Attendees were also told that there was no current design for the structures as it would not make sense to spend that money until the developer knew that the project could go forward.
- The planned density of three homes per acre is consistent with many of the existing subdivisions in the area.
- Discussion of planned stormwater facilities and control for the site was provided to the attendees, along with the guidance that any development must manage the flow of stormwater at no greater impact or an improved impact over what the site produces currently.

Results

The meeting was well attended by the neighborhood surrounding the project site. The neighbors came to the meeting in one large group, well organized, and vocal in their opinions. All those in attendance did not support the project.

NEIGHBORHOOD MEETING SIGN IN SHEET

1624 E BRIAR STREET PLANNED DEVELOPMENT PLN2018-00651

Name	Business Name If Any	Address	Phone
Pamela Harvredan		1646 E Williamsburg	417-829-9532
Ann Harvredan		✓	✓
John Flinchbaugh		1723 E. Briar St.	417 942-2882
Maribeth Robertson		5100 S Colonial	417-887-7090
Neil Jackson		1722 E. Briar	417-883-1739
Deirdre D. Dering		1715 E. Briar	417-887-7115
Shirley Snyder		5032 S. Colonial	417 883-1447
Henry Long		1701 E. Briar St	417-870-4346
Edmund Rogers		5007 S. Colonial	417-881-2943
Dynelle Dack		5011 S Charleston	417-827-6865
Sarah Hamlet		4964 S Crescent Ave	417-235-9516
Angela Nesbitt		4954 S Crescent Ave	417 840 514
Jonathan W.		4927 S. Gibson St	417 887 1187
Michael R. Denduff		4927 S. Gibson St	417 887 1787

Name	Business Name If Any	Address	Phone
William & Paula		5046 S Colonial Ave	417-881-0618
David Clark		1628 E. Williamsburg	417-886-6105
Flyer Mole		1526 E Carlton	417-379-0461
B. Asker		1623 W. Williamsburg	763-8584
Dennis Smart		1710 E Baird St.	417-880-5999
Dennis Grover		1809 E. Williamsburg	417-353-6953
Jada Dooling		4944 S. Crescent Ave.	417-439-2735
Nick Moses		5006 S. Kussick Ave	417-631-2006
Shuan Mervin		1649 E. Arlington Rd	(417) 838-606
Debra Baxter		4925 S. Crescent Ave.	(417) 773-8300
FILE DOORING		4944 S Crescent Ave	417-825-0769
Shane Moses		5006 S. Kussick	417-838-5606
Pan Burns		4933 S Crescent Ave	417-343-5339
Dennis Smart		1710 E. Baird St.	417-224-3845
Frank Jenkins		1722 E. Baird St	417-883-1739

Name	Business Name If Any	Address	Phone
Peter Richardson		4934 S. Crescent	417-343-1311
Ellen Richardson		" "	" "
Tosh Johnson		801 1557 E Celestia	(417) 414-4444
Carol Seater		1565 E 6th St	417-209-2229
Jennifer Marlin		4932 S. Gibson St.	417-830-2252
Don Matthews		" "	417-224-5852
Sarah Hill		1637 E Williamsburg	417-886-4164

ATTACHMENT 2

Neighbors and Friends!

Rick and I would like to thank you from the bottom of our hearts for all the time and effort you have put in to fighting this rezoning proposal. We are very sad that we can not be there tonight to show our support in person. We are currently in St Louis where Rick is seeking treatment and medical care at Siteman Cancer Center.

Rezoning 1624 East Briar Street is not a good fit for our neighborhood and it would be especially detrimental to our property at 4937 South Gibson Ct. The Briar property and our property having uniquely shaped lots. The placement of the single-family homes on each of our lots is purposeful to maximize the green space shared by each home. The open side yards of each of the properties prevent us from feeling closed in and gives us the privacy that our neighborhood is known for. Any building that is completed on the Briar lot would be in our backyard and eliminate our privacy and open space we now enjoy. We do not even want to think about all the noise and commotion that having multi buildings on the Briar property would cause. Gone would be the silence and sounds of nature to be replaced by car noise, mechanical equipment and the general noise that a large population of people in a small area make on a day to day basis.

There are plenty of multi-family home options in South East Springfield, so we are not sure why the owners of the Briar property think that they need to bring a high-density development into our very low-density, single family home neighborhood. It just isn't a good fit. We are all for someone fixing up the existing home on the property but oppose anything other than that.

Since purchasing the property, the current owners have not maintained the property and yard. They acquired the home May 2, 2018 and only cut the grass 2 times. Each time was not voluntary but prompted by a warning from the city. We know because we personally filed 2 tall grass grievances with the city.

A few other concerns we have are water runoff and drainage. Where does all the water go when you add multiple homes and concrete? This development will impact the natural flow of wildlife in our neighborhood. We enjoy the deer and watching the fawns grow up each year. Who doesn't look forward to seeing if the momma deer will have twin fawns again? We have also seen an increase in the red-tailed fox population. The blue birds utilized the open space on the Briar property for hunting insects. This is the reason we love our neighborhood. A park like setting. A country feel within the city limits. We need to protect this unique environment and our greatest selling feature!

We typically would not support a Home Owners Association, but in light of these recent events we feel one is necessary. There are already a few rental homes in our neighborhood. If this rezoning is approved, who is to say that they would not apply for rezoning and build additional rental units on their lots? We all have large yards that could accommodate multiple homes. If your neighbor sells their house, could a developer purchase it and do what the owners of the Briar property are proposing to do. The answer is YES. A HOA would prevent this from happening in the future. To clarify, we support a limit invasion HOA. We are not interested in anyone tell us where we can park our vehicles or boats. Or what our landscaping and house color can look like. We support a HOA that protects our single family neighborhood, green space and privacy.

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

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

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

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

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

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

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	11/13/2018	Telephone No.	417-276-1974
YOUR NAME:	Jess + Sarah Hamlet		
YOUR ADDRESS:	4964 S. Crescent Ave. Springfield, MO 65804		
PROJECT ADDRESS:	1624 E. Briar St Springfield, MO 65804		
COMMENTS:	We oppose rezoning from residential-single family to planned developments, both at this time and in the future.		

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DATE:	Nov. 14, 2018	Telephone No.	417-889-9532
YOUR NAME:	Ann Harkreader		
YOUR ADDRESS:	1646 E. Williamsburg St, Springfield, MO 65804		
PROJECT ADDRESS:	1624 E. Briar Street, Springfield, MO 65804		
COMMENTS:	My husband and I have lived at the above address since early 2002. This neighborhood is quiet with friendly neighbors, large lots, and easy access to shopping, medical and spiritual needs as well as community activities. I am very much against changing the social climate of Williamsburg Hills into a society where citizens practically live on top of each other and privacy is almost nonexistent.		

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City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	11/17/18	Telephone No.	417-886-6105
YOUR NAME:	DENISE ASH		
YOUR ADDRESS:	1628 E. WILLIAMSBURG ST. 65804		
PROJECT ADDRESS:	1624 E. BRIAR		

COMMENTS: This is to show my objection to the re-zoning for building 4 condos-style homes on 1624 E. Briar. I have lived here for 30 years, and one of the reasons was the availability of owning single-family homes on 1/4-1 acre yards. We have come to enjoy seeing wildlife in this area, especially deer and even fox. Many deer & baby deer are seen in that area. I have also seen a fox heading in that area & was excited to call nature center to let them know. This is country, living within the city. Would hate to see it end.

City of Springfield, Missouri Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611

There are concerns of drainage run-off. where will all of that go? Also, the road access is on a sharp curve at Briar & Kissick. I have seen accidents there in the past. what will re-zoning do to the value of any homes? Please leave our neighborhood as it is and not allow the re-zoning and building of condos.

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City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	15 NOV 2018	Telephone No.	417 887-1787
YOUR NAME:	Thomas Hendrix		
YOUR ADDRESS:	4927 S. Gibson Ct., Springfield, MO, 65804		
PROJECT ADDRESS:	1624 E. Briar, Springfield, MO.		
COMMENTS:	1) Safety of turning into and out of drive that is on a curve on a busy street. 2) Excess stormwater runoff. We already have a problem. The city has had to buy a house on Crescent because of water damage. 3) Noise pollution from mult. family dwellings.		

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611

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840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	11-19-2018	Telephone No.	417-942-2882
YOUR NAME:	John Flinchbaugh		
YOUR ADDRESS:	1723 E. Briar St.		
PROJECT ADDRESS:	1624 E. Briar St.		

COMMENTS: I am against the rezoning of the property to 'Planned Development' For many reasons—among these are:
1) We bought our home over 20 years ago because it was in a neighborhood of single family residential homes on large lots. Changing the zoning for multiple homes on 1/2 lot would lower the value of our home and lower the quality of life. — Eyesore, increased traffic, eyesore of water retention basin, incompatible to the rest of the neighborhood.
Thank you,

John Flinchbaugh 11-19-18

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611

Werland, Amy

From: Richardson, Peter <PeterRichardson@MissouriState.edu>
Sent: Tuesday, November 13, 2018 4:36 PM
To: Zoning@springfieldmo.gov
Cc: Richardson, Peter; jada.dooling@gmail.com
Subject: Attn: Bob Hosmer; Zoning comment on 1624 E. Briar

Date: Nov 13, 2018 Telephone: 417-343-1311
Peter Richardson
4934 S. Crescent Ave, Springfield
Project Address: 1624 E. Briar, Springfield

Comments: I am commenting on a proposed zoning variance and development request by Robert Wilson, Wilson Surveying for the property at 1624 E. Briar. I strongly object to this for many reasons. My property is about two lots northwest of the proposed development. Other than a single dwelling on that property the majority of it is green space. Much of the water from the hill that our street and back yards are on drain into my back yard and then in to a drainage channel that leads into a large cement drainage ditch on Carelton Avenue that is maintained by the city. There was a marked increase in runoff when the large house on the curve on Briar was built several years ago. Currently during heavy rains water backs up and there is a small temporary "creek" and "pond" forms in our yard. A development that would replace a lot of that green space with nonpermeable surfaces would greatly increase the runoff and may pose a risk to flooding the yards that border us on the north as the drainage channel runs between those houses and would certainly flood my property more and lead to more cutting and washing away on my land. I also believe that I recall that when the house on the curve on Briar was built, they encountered a small sinkhole on the north side of the property and had to fill it in.

A second objection involves traffic. The sharp curve on Briar has very poor visibility and is quite narrow. It is a secondary arterial road leading into Evans Road which is an arterial road. Briar is a very busy road at all times of the year. It looks to me like the entrance to the proposed development would have to be located somewhere along or near that curve. This would present a very dangerous situation.

A further objection involves what it would do to the existing nature of this neighborhood. This isn't just a NIMBY concern. The neighborhood is an old established neighborhood dating back to the 1970's. There are single family homes with large lots. This development would be very out of place with everything else around it and I am guessing its nature and possibly its elevation would be inconsistent with all of the other properties in the neighborhood. And it is not like there is a lot of other space to develop. It would just be dropped into a small open spot in the middle of everything.

I respectfully request that you deny this request for rezoning. Thank you for your consideration.



Neale & Newman

Established 1903

417.882.9090

Paul G. White
Richard L. Schnake
Kevin Hays Dunaway
Brian K. Asberry
Michael J. DeArmon[†]
Daniel K. Wooten[°]
Mark L. McQueary
Patrick J. Platter
Judson B. Poppen*
Britton D. Jobe
W. Bradley Risby
Bryan D. Fisher[°]
Nathan Dunville
Ryan D. Frazier

Of Counsel

Jerry L. Redfern
Anne Sallee Mason
Melissa E. Bade

Retired

Thom G. Field
J. Richard Owensby

* Licensed also in Kansas
° Licensed also in Arkansas
† Licensed also in Oklahoma

December 3, 2018

Sent via email & regular mail

Ms. Anita Cotter
City Clerk
City of Springfield
840 Boonville
Springfield, Missouri 65802

Mr. Bob Hosmer
Senior Planner
City of Springfield
840 Boonville
Springfield, Missouri 65802

Re: Application for Planned Development 369

Dear Ms. Cotter:

This correspondence concerns the application PD 369 now pending before the Department of Planning and Development and presently scheduled for a hearing before the Planning and Zoning Commission on Thursday, December 6th. Our firm represents neighbors to the site who object to the application. We saw where the City published the packet concerning this application this past late Thursday afternoon. We believe it necessary to submit this written response. We submit these primary concerns here on page 1 and will follow with more details.

- 1. The application violates Section 36-405 of the Zoning Ordinance because it is not appropriate for a planned development and does not preserve the sense of space of the surrounding neighborhood; does not preserve the natural features of the land; nor provide a preliminary development plan.**
- 2. The application violates the Comprehensive Plan/Community Physical Image and Character Element because it does not protect this neighborhood from negative unbuffered land uses.**
- 3. The application violates the Comprehensive Plan/Growth Management and Land Use Plan because maintain the traditional character of the neighborhood.**
- 4. The application violates the Neighborhoods Element of the Comprehensive Plan because the Plan requires the applicant must meet the burden of proof to justify a change to the neighborhood.**

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Description of the Application/Project and Neighborhood.

The surrounding neighborhood consists solely of traditional *residential single-family homes*. Construction started approximately 40 years ago. Many of the lots, especially close to the proposed site, are approximately $\frac{3}{4}$ acre. Further, the homes were placed during construction on the lots to give the neighborhood a wider sense of space. The neighborhood has maintained its stability since then. The western boundary line of 1624 East Briar is the boundary between the subdivisions of Lakewood Hills South (34 lots) and Williamsburg Hills (87 lots).

The application requests the construction of 5 *condominiums* on a 1 $\frac{1}{2}$ acre tract. There is *no public road* leading to this tract. Staff proposes a *driveway* be used for traffic leading to and from the 5 condominium units.

The house located at 1624 East Briar will apparently be razed and rebuilt or remodeled. It has been vacant because the previous owner was elderly and moved. A garage will apparently be razed. Four units will be constructed starting where the garage is apparently located and extending across the eastern side of the tract.

The applicant will need an easement across the yard of 4937 Gibson Court so a stormwater line can be built to connect underground to a City stormwater trunk. The line will extend from the eastern boundary of the proposed tract and extend the entire length of the eastern side of the neighbor's yard. We understand the owners at 4937 Gibson Court will not voluntarily convey an easement to the applicant. We further understand the owners will contest any effort by the City to acquire an easement because the acquisition would solely concern economic development reasons.

There is relatively little information concerning the project itself. The applicant did not file a preliminary development plan. Neither of the members from the LLC that is the applicant attended neighborhood meeting. The report from that neighborhood meeting at least accurately reports the meeting was well attended and all those attending opposed the application. We understand from the neighbors that the surveyor was not authorized to answer questions.

References to the City's Ordinances and Policies

The undersigned has always appreciated the efforts and assistance of the City's staff in zoning applications and likewise appreciates the demands placed upon the staff when considering applications upon a deadline basis. We also appreciate that many of the recommendations the staff must make to either approve or deny the application.

The undersigned however cannot agree with the City's characterization of the policies it makes in recommending the approval of the application. Approval of the application will lead to significant and permanent damage to the surrounding neighborhood. Further, the clear text, underlying purposes, and fair inferences of the pertinent ordinances and policies mandate a denial of the application.

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In this application, we must particularly disagree with the City's characterization of the Comprehensive Plan. We therefore cite to the Commission and City Council what Ordinance and policy provisions we believe have been omitted or not fully considered in the staff report; quote those provisions (or describe them if too lengthy to quote) and finally list the reasons why the Ordinances and policies omitted should be considered and ultimately justify denial of the application. Copies of the Ordinances or policies quoted or mentioned are attached to this correspondence.

Number #1. The application violates Section 36-405 of the Zoning Ordinance because it is not appropriate for a planned development and does not preserve the sense of space of the surrounding neighborhood; does not preserve the natural features of the land; nor provide a preliminary development plan.

We think it important for Commission and City Council to consider the ordinance which concerns the application for planned developments. Section 36-405 is that provision. Comparison of just this Ordinance with the application shows just how deficient the application is. Section 36-405 starts with this:

"It is intended to permit upon application and upon approval of site and use plans, the creation of PD districts. Suitability of such tracts for the PD district designation shall be determined by and **shall be made in accordance with the comprehensive plan** and designed **to lessen the congestion in the streets, to secure safety from fire, panic and other dangers**, to promote health and the general welfare, to provide adequate light and air, **to prevent the over-crowding of land, to avoid undue concentration of population**, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and with a **reasonable consideration** being given to among other things, **the character of the district and its peculiar suitability for particular uses** and with a view to conserving the land throughout the city." (emphasis added)

This ordinance also requires a development plan which address at the least the following:

"In addition, a development should be designed to ensure that the following general goals will be achieved:

* * * * *

(b) The development will efficiently utilize the available land, and will protect and preserve to the extent possible, **natural features of the land** such as trees, streams and **topographic features**.

(c) The development shall provide for **harmonious and [a] coherent site and building design a creates a sense of place**.

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* * * * *

added) (emphasis

Section 36-405 (8) provides that applicants file preliminary development plans for the purpose of showing the basic concept, character, and nature of the entire proposed development without yet becoming involved in the preparation of final details or engineering drawings. It is expected that this is filed before submission to the Commission. Compare (8)(b) with (8c). It would have been far better for the City to have reviewed a preliminary development plan before making a recommendation making an impact upon neighbors in such as established neighborhood.

Number #2. The application violates the Comprehensive Plan/Community Physical Image and Character Element because it does not protect this neighborhood from negative unbuffered land uses.

The Comprehensive Plan/Community Physical Image and Character Element directs that the Neighborhoods Element of Vision 20/20 should be a reference when considering planning and zoning decisions. The very first objective of this Element is “Sustainability: Promote continuous public and private reinvestment to ensure that established neighborhoods remain attractive to live.” The very first action calling for protection of neighborhoods states on p. 25-6:

“The City of Springfield and Greene County should protect the best aspects of established areas from negative effects such as excessive auto traffic or incompatible, unbuffered land uses. . . . **Also, new housing should ‘fit’ into the neighborhood in terms of density, housing value, and style. Where possible, the original use or intent of each structure should be retained.**”

Unfortunately, the staff report does not mention this objective nor actions to reach it and one cannot see where the staff considered them.

Number #3. The application violates the Comprehensive Plan/Growth Management Land Use Plan because it does not maintain the traditional character of the neighborhood.

The Comprehensive Plan makes it clear that established neighborhoods should be protected. The following is from the Growth Management and Land Use Plan, pp. 18-53 to 81-54 directly concerning Neighborhood Preservation.

“Maintain and strengthen the character of the various residential areas of the City and the County.

Continue to encourage the rehabilitation of older and historic housing rather than demolishing such housing.

Expand the scope and thoroughness of site plan review to include multi-family developments and to use the design considerations contained in the Community Physical Image and Character Plan in this review.

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Ensure that infill development standards reflect the setbacks, orientation, rhythm, height and scale of surrounding one- and two-family dwellings.

Limit the amount and type of non-residential land uses permitted in low-density residential areas to religious institutions, specific public facilities such as schools, libraries, parks and other non-residential land uses that can be integrated with low-density housing through proper locating, site planning and facility design.

Create traditional setbacks, orientation, rhythm, height and scale of housing in areas where no clear architectural pattern exists.” (emphasis added).

We challenge any objective reader to compare this mandate with the items submitted by the applicant to find just where the applicant meant to meet infill development standards concerning setbacks, orientation, rhythm, and height and scale of surrounding dwellings.

Number #4. The application violates the Neighborhoods Element of the Comprehensive Plan because the Plan requires the applicant must meet the burden of proof necessary to justify a change to the neighborhood.

The following is taken from the fifth goal of the Neighborhoods Element of the Comprehensive Plan, pp. 25-3:

“Recognize and maintain the original residential character of neighborhoods while encouraging a diversity of land uses where appropriate.

Neighborhood residents often feel strongly about preserving the character of their neighborhoods and prefer stability to change. The challenge is to find a balance between the need for change and the need for stability. Preserving existing neighborhood values, while accommodating the necessary and inevitable forces of change, requires much open discussion and ongoing communication among all interested parties.

The City and County should adhere to the principle that the more developed and established a neighborhood, the greater the burden of proof is upon the proponent of change. Among the factors to be considered are the social and economic costs of the loss of existing housing; use and site planning and compatibility; and the importance of new investment to the long-term residential health of the neighborhood.” (emphasis added).

City staff has for some reason recommended that a driveway provide access to the proposed condominium units and mentions that the applicant obtain a driveway permit. We attach the driveway ordinances to this correspondence. We respectfully that a single driveway (whether commercial or residential and staff does not say which) can be used to access this project if completed. This is the definition of a driveway:

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“Driveway means an area intended for the operation of automobiles and other vehicles from the street right-of-way to a garage, parking area, building entrance, structure or approved use located on the property. Any dimensions relating to the width of a driveway or driveway surface shall be measured at the right-of-way line.”

Staff does not distinguish between a commercial or residential driveway. The difference in width is significant. Commercial driveways must be a minimum of 26 feet. Residential driveways must be a minimum of 12 feet. A brief comparison of the ordinances makes it obvious a driveway does not have the same specifications as a City street. See generally Sec. 98-116.

Objections and Concerns with the Application.

We expect several neighbors to make presentations before the Commission on Thursday, December 6th and subsequent City Council hearings. This letter supplements and in no way replaces what the neighbors will have to say.

1. This application only calls for the construction of five condominiums, a 6-foot fence, and a driveway. It does not meet the purposes necessary to approve a planned development and does not provide information necessary to consider it as a planned development.
2. The project is not a continuation of residential housing existing in the neighborhood. It puts five condominiums on a 1 ½ acre lot surrounded by dozens of acres of an established neighborhood of traditional residential single-family residential homes.
3. We believe the City makes a false comparison when it refers to desirable developments such as mixed use to justify this application. This application provides NO services to the established neighborhood. These condominiums do not in any way complement the homes already located there.
4. In characterizing the Comprehensive Plan the way it does, the City ignores this established neighborhood for what it is.
5. The City states the proposed site is, by definition, compatible with the neighborhood because that neighborhood and the site would all fall within the RSF classification. This, even by the City's analysis, is inaccurate because a planned development is an amendment to the Zoning Ordinance and supercedes all existing and prior zoning classifications. See Section 36-405 (3).
6. The lack of a preliminary development plan is especially concerning. The City has not required the applicant to be forthcoming on the record about important project details and, as it presently stands, there will be no public review and hearing necessary before the administrative review board could approve the project to go forward. That is, at least, the way we read the packet posted last Thursday.

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7. We ask, how many driveways in Springfield provide access to City sanctioned zoning sites where that is the **only** way in and out?
8. Isn't the request to require an easement for stormwater solely for economic development, which violates one state statute concerning condemnations, which is Section 523.271 RSMo 2016? And if the City claims stormwater control is the reason to condemn, can it cite us to any public improvement programs in the past several years which emphasized the acquisition of this line? And is the City ready to proceed with a larger project for stormwater control in the reasonably near future for this neighborhood, or is just this the only line to be installed?

We call for the Commission and City Council to deny the application for PD 369.

Very truly yours,



Patrick J. Platter
pplatter@nnlaw.com

PJP/ejs
Attachments as indicated in the text

CC: Ms. Jada Dooling
Ms. Lori Livingston
Wilson Surveying

- Focus less on separating different land uses and more on the size, design or position of buildings and their relationship to the street, to users and to neighbors. Base plans and zoning on performance standards that measure how various types of buildings interact. Allow a wide variety of activities within these buildings in mixed-use areas.
 - Develop site design standards that attract pedestrians by bringing storefronts and windows to the sidewalk and orienting building faces to the street.
 - Accommodate the automobile but locate parking so that it does not interfere with pedestrian movement and enjoyment. Rear or side parking is definitely preferred. Encourage patrons to travel to mixed-use areas by alternative means. Encourage parking and landscaping strategies that protect adjacent areas and mitigate negative spillover effects. Encourage shared parking. Landscape all parking areas, particularly those near the street. Build low walls of masonry or hedges that extend the visual effect of the building line along the street edge.
 - Require storefront windows facing the street to ensure both natural surveillance and an inviting pedestrian experience.
- 2. Housing in Mixed-Use Areas:** Support the development of housing of appropriate form and density in Center City and designated mixed-use areas.
- Promote the development of well-designed moderate-density housing adjacent to one or more of the following amenities: shopping, recreational or cultural facilities, and employment centers.
 - Advance the understanding and acceptance of urban density and traditional urban patterns among businesses and designers; promote traditional urban patterns as a means of improving business, enhancing neighborhoods and reducing traffic congestion.
- 3. Appropriate Housing Forms:** Continue to provide zoning districts that allow and encourage infill or replacement housing that is compatible with neighboring structures in height, setback, lot width, front door orientation, and general architecture, particularly in older neighborhoods.
- 4. Neighborhood Preservation:** Maintain and strengthen the character of the various residential areas of the City and the County.
- Continue to encourage the rehabilitation of older and historic housing rather than demolishing such housing.
 - Expand the scope and thoroughness of site plan review to include multi-family developments and to use the design considerations contained in the *Community Physical Image and Character Plan* in this review.
 - Ensure that infill development standards reflect the setbacks, orientation, rhythm, height and scale of surrounding one- and two-family dwellings.

- Limit the amount and type of non-residential land uses permitted in low-density residential areas to religious institutions, specific public facilities such as schools, libraries, parks and other non-residential land uses that can be integrated with low-density housing through proper locating, site planning and facility design.
 - Create traditional setbacks, orientation, rhythm, height and scale of housing in areas where no clear architectural pattern exists.
- 5. Utilizing Historic Resources:** Continue to work with private groups to educate the public about the value of historic preservation as a tool for economic development and neighborhood stabilization. The City and County should follow the policies established in the *Vision 20/20 Historic Preservation Plan*.

Commercial Areas

“Neighborhood scale” shopping has a wide appeal but requires specific market criteria in order to remain viable. As retailing and transportation have evolved, small shopping areas oriented to the pedestrian have given way to much larger complexes with ample front-door parking and major roadway access. Springfield has followed this national trend. “Big-box” retailing requires very large sites and big store footprints, two features that do not fit well in older neighborhoods.

Actions:

- 1. Traditional Commercial Design Standards:** Support urban design standards that emphasize a traditional urban character in those commercial areas that were designed with a pedestrian orientation.
- Identify commercial districts in the city that reflect traditional urban form and develop appropriate standards and preservation objectives for these areas. The *Center City Plan Element* is a major step in this direction. Plans and zoning regulations for the Walnut Street and Commercial Street Historic Districts also apply.
 - Enhance unique characteristics of the city’s designated traditional commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, appropriate site plans, and by maintaining high quality public spaces and infrastructure.
 - Enhance pedestrian or transit-oriented commercial districts with street furniture, tree planting and improved transit amenities.
 - Orient new buildings to the street to foster safe and successful commercial districts, particularly in Center City.
 - Limit the construction and visual impact of billboards in neighborhood commercial districts.

Objectives and Actions for Neighborhood Planning and Design

The Objectives of this section are:

Objective 1 – Sustainability: Promote continuous public and private reinvestment to ensure that established neighborhoods remain attractive places to live.

Objective 2 – Physical Planning: Create neighborhoods that are comprehensively planned, include all needed public facilities, provide for bicyclist and pedestrian movement, accommodate a variety of housing types, minimize land use incompatibilities, and exhibit a sense of identity.

Objective 3 -- Street Network: Protect neighborhoods from the deleterious effects of high-speed or cut-through traffic while still providing street connections in all four directions.

Objective 4 -- Park System: Provide neighborhood park facilities at convenient locations throughout the Springfield urbanized area.

Objective 5 -- Walking and Bicycling: Provide pedestrian and bicyclist connections through and among all residential neighborhoods.

Objective 6 -- Housing Design: Encourage single-family housing that creates an inviting street corridor and attached housing that is an attractive alternative and is complementary to and linked with the larger neighborhood.

Objective 7 -- Neighborhood Services and Facilities: Provide municipal services and facilities with the aim of maintaining or improving older neighborhoods and creating lasting value in emerging neighborhoods.

Objective 8 -- Neighborhood Organization: Build a strong system of neighborhood organizations as a means of reducing crime and the fear of crime, improving communications among residents, building a sense of community, and improving communications between residents and public agency personnel.

Objective 9 -- Role of the Public Sector: Participate in neighborhood design, stabilization and revitalization through planning, public works and housing assistance programs.

Objective 10 -- Code Enforcement: Provide a consistent system of code enforcement for recurring issues that affect neighborhoods.

Neighborhood Sustainability

Objective 1 – Sustainability: Promote continuous public and private reinvestment to ensure that established neighborhoods remain attractive places to live.

Actions:

1. **Protection.** The City of Springfield and Greene County should protect the best aspects of established areas from negative effects such as excessive auto traffic or incompatible, unbuffered land uses. Conversely, blighted, deteriorating or obsolete activities should be phased out and those sites improved according to an established plan. Guided by the planning and community physical image principles of *Vision 20/20*, private and public investments should aim to enhance or strengthen a sense of neighborhood in all established areas.

When working toward housing variety within an established neighborhood, recognize and maintain the original residential character of the neighborhood.

The City and County should review zoning patterns to assure that current zoning regulations are consistent with the predominant existing residential use in those areas where preservation of that housing is intended. Zoning should protect existing neighborhoods by buffering businesses from residential uses and by buffering single-family and higher density housing. Also, new housing should "fit" into the neighborhood in terms of density, housing value and style. Where possible, the original use or intent of each structure should be retained.

2. **Coordination.** Coordinate public sector actions and investments to promote private maintenance and renewal of established residential, commercial and industrial areas. Job growth should be promoted in mature areas to help reduce economic disparities. Blight and abandonment should not be regarded as unavoidable central area characteristics. Instead, the continual process of change should help keep those locations vital and desirable.

Driveway

Acquiring a Permit

Permits must be obtained in the Traffic Operations office. When you request your permit, please have with you all the required information as stated with each permit description. Direct any questions to the Traffic Operation office.

Application for a permit to construct, reconstruct, alter, remove or replace any driveway approach, or a curb, guttering or sidewalk in connection with such driveway approach work, shall include a plot plan, per Section 98-114 of Springfield City Code.

Permit Requirements

- Fee
 - Commercial: \$165
 - Residential: Improved - \$102, Unimproved (no curb & gutter) - \$114
- Site Address
- Name of contractor, address, and telephone
- Project Description
- Name of street driveway is on
- Name of nearest cross street (a copy of the subdivision plan is preferred)
- Direction of nearest cross street from driveway
- Width of driveway at right-of-way line and at curb cut. Minimum required:
 - Commercial: 26 feet
 - Residential: 12 feet
- Driveway Plot Plan including the following items:
 - Distance from driveway to lot line and / or street right-of-way (nearest edge of driveway at right-of-way line to property line shall be a minimum of 5 feet, on corner lots the nearest edge of driveway to nearest right-of-way of an intersecting street is 20 feet).
 - Width of each side of property line of a joint driveway approach, if required.
 - Footprint of structure, showing location of garage, carport, or other required parking
 - Distance of garage door from right-of-way (20 foot minimum required)
 - Width and depth of property
 - Distance between house or building and property line
 - Setback distance from street right-of-way to building

act Us
fic Operations
ail

Physical Address

Busch Building
840 Boonville Ave.
First Floor
Springfield, MO 65802

Mailing Address

P.O. Box 8368
Springfield, MO 65801-8368

Ph: 417-864-1980

Quick Links

- [Current Traffic Conditions](#)
- [Online Service Request](#)
- [Ozarks Transportation Organization](#)

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means the entire width of a public way which extends only secondary means of access to abutting property.

Contractor means a contractor employed by a person to construct, reconstruct, alter, remove or replace a driveway approach.

Corner means the point of intersection of lines of two street curb faces extended into a street intersection.

Driveway means an area intended for the operation of automobiles and other vehicles from the street right-of-way line to a garage, parking area, building entrance, structure or approved use located on the property. Any dimensions relating to the width of a driveway or driveway surface shall be measured at the right-of-way line.

Driveway approach means an area intended for the operation of automobiles and other vehicles giving access between a roadway and abutting property. The driveway approach includes the sum of the driveway returns on each side of the driving surface, plus the driving surface.

Driveway return means that portion of the curb at the beginning of a driveway approach which serves as a transition from the height of the curb to the level of the approach.

Gutter means that portion of the driving surface of an improved street, driveway approach or other public way which abuts the curb and provides for the runoff of surface drainage.

Improved street means a public street having concrete curbs or curbs and gutters, or other such equivalent physical features which serve to establish a permanent street grade.

Intersection means the general area where two or more roadways meet, join or cross at a common point establishing an area within which vehicles traveling different roadways may come in conflict.

Joint driveway means a driveway which provides access to a public street for more than one parcel of land.

The Vision and Goals of the *Vision 20/20* Focus Groups

The *Vision 20/20* Neighborhoods and Housing Focus Group prepared the following goal, vision statement and six major objectives. These statements have been used to formulate the Neighborhoods Element, which is highly consistent with and supportive of the Focus Group's work.

Overall Goal: **Create a community of neighborhoods across the
Springfield-Greene County urbanized area.**

The Vision for Neighborhoods

Springfield should be a community of neighborhoods that have strong ties to elementary schools, exhibit a small town or "home town" feeling, and are characterized by activities and events that draw the neighborhood together.

The physical character of these neighborhoods should be a source of pride for the community. Streets should be tree lined, historic buildings preserved and the neighborhoods clean, well-maintained, functional and aesthetically pleasing. Linkages to parks and open space should be hallmarks of both old and new neighborhoods. There should be a public commitment to conserve existing neighborhoods and a specific recognition of the importance of redeveloping declining, older neighborhoods.

In addition, Springfield has a strong system of neighborhood organizations. These groups provide a mechanism for coordination and cooperation within the neighborhood and between neighborhoods and public agencies.

1. Preserve the unique character of existing neighborhoods. Foster creative and high-quality development in new neighborhoods.

Every community has unique characteristics that define different neighborhoods. Characteristics such as house styles, tree-lined streets, neighborhood parks and schools, historical features and topographical features are a few characteristics that distinguish one neighborhood from another. Preserving these features provides for a diverse selection of neighborhoods for residents to live. The development of new high quality neighborhoods will help to ensure the quality of life within the community and provide housing stock that will maintain a long economic life.

2. Design and maintain neighborhoods that promote interaction among residents, include appropriate public facilities, and provide safe places to live, work and play.

Neighborhoods are the building blocks of the community. The quality of life for a municipality is often measured by the livability and character of its neighborhoods. Strong neighborhoods instill pride among residents, are safe and drug free, create small

town or hometown feelings, provide a network to nurture families, and instill a sense of community characterized by events and activities that promote resident interaction.

3. Administer services at the neighborhood level whenever possible.

Services should be tailored to address specific neighborhood needs and issues. Providing services at the neighborhood level may also build familiarity and trust between neighborhoods and service personnel.

4. Maintain the integrity of the neighborhood's physical resources - yards, houses, sidewalks, streets.

The City and County should lead the private sector by providing a high level of maintenance of its public facilities, by conducting protective land use planning, zoning and code enforcement, by administering a program of housing rehabilitation loans and grants, and by removing abandoned or severely deteriorated buildings.

5. Recognize and maintain the original residential character of neighborhoods while encouraging a diversity of land uses where appropriate.

Neighborhood residents often feel strongly about preserving the character of their neighborhoods and prefer stability to change. The challenge is to find a balance between the need for change and the need for stability. Preserving existing neighborhood values, while accommodating the necessary and inevitable forces of change, requires much open discussion and ongoing communication among all interested parties.

The City and County should adhere to the principle that the more developed and established a neighborhood, the greater the burden of proof is upon the proponent of change. Among the factors to be considered are the social and economic costs of the loss of existing housing; use and site planning compatibility; and the importance of new investment to the long-term residential health of the neighborhood.

6. Encourage a system of neighborhood organizations in Springfield and Greene County to foster neighborhood pride, build a theme of community and improve communications.

Neighborhood organizations provide a vehicle for communication between the City and County and their residents. They provide a forum to promote grassroots issues to community leaders and provide a voice for their membership. Neighborhood organizations create a social network that helps to increase neighborhood confidence and they create a sense of unity and safety within the neighborhood. All of these elements foster a sense of ownership in the neighborhood.

Land Development Code

- (8) *Interpretation.* Questions of interpretation of this section may be referred to the administrative review committee.

(Zoning Ord., § 4-2400; G.O. 4519, 6-12-95; G.O. 4570, 11-27-95; G.O. 4592, 4-1-96; G.O. 4736, 9-2-97; G.O. 5125, 10-15-01; G.O. 5886, 8-9-10; G.O. 5954, 11-14-11)

Sec. 36-405. - PD - Planned development district.

modified

- (1) *Authority.* Upon enactment of an ordinance by the city council, a development plan for a planned development district may be approved in any district in the City of Springfield, subject to the procedures and standards in this section.
- (2) *Purpose.* The intent of the planned development (PD) district is to encourage more creative and imaginative design than generally is possible under conventional zoning regulations.

It is intended to permit upon application and upon approval of site and use plans, the creation of PD districts. Suitability of such tracts for the PD district designation shall be determined by and shall be made in accordance with the comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, other public requirements, and with a reasonable consideration being given to among other things, the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the city.

The procedures herein established are intended to substitute procedural protections for substantive regulations in recognition of the fact that traditional density, bulk, spacing, and use regulations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development or redevelopment of parcels which lend themselves to an individual, planned approach. In addition, a development plan should be designed to ensure that the following general goals will be achieved:

- (a) The proposed development shall be of such design that it will promote achievement of the stated purposes of the Springfield Comprehensive Plan.
- (b) The development will efficiently utilize the available land, and will protect and preserve to the extent possible, natural features of the land such as trees, streams and topographic features.
- (c) The development shall provide for harmonious and coherent site and building design that creates a sense of place.
- (d) The development will be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
- (e) In determining whether a proposed PD district should be approved, the planning and zoning commission and the city council should consider the extent to which the proposed development plan is consistent with the Springfield Comprehensive Plan and the other adopted plans and policies of the city.
- (f) To achieve these purposes, the requirements for a PD district may vary from, and be either more or less restrictive than, the requirements of other district regulations in this article.
- (3) *Effect of planned development district approval.* Approval of a PD district shall constitute an amendment to the zoning ordinance. Designation of a property as a PD district in accordance with an approved development plan shall supersede all existing and prior zoning classifications. Such property shall for zoning purposes be identified by the letters PD followed by an identifying number.
- (4) *Uses and densities permitted.* The development plan shall specify both for the project as a whole and/or for sub-areas within the project, as appropriate, those principal and accessory uses and development densities that are to be permitted. The city council may include or exclude uses from the development plan or include uses with attached conditions as appropriate to achieve the intent of these provisions. In making its determination of the uses and

development densities to be permitted within the PD district, the council may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the PD district, the appropriateness of permitted uses for the area in general and their overall impact on the community, and the consistency of the permitted uses with the Springfield Comprehensive Plan and other adopted plans and policies. Applications for any residential uses over 11 dwelling units per acre after August 27, 2007, shall include sufficient information for staff to complete analysis under the multifamily development location and design guidelines, and the density can exceed the maximum densities within other multifamily zoning districts.

- (5) *Application.* An application for approval of a development plan may be filed by the owner of, or any person having a contractual interest in, the property which is the subject of the application.
- (6) *Procedure.* Applications for PD district designation shall be processed pursuant to a three-step review process as specified in this section. The three-step process shall include:
 - (a) A sketch plan;
 - (b) A preliminary development plan; and
 - (c) A final development plan.
- (7) *Sketch plan.* Prior to filing a preliminary development plan, the applicant shall prepare a sketch plan of the proposed planned development for review by the director of planning and development, or his deputy, and such other city department heads, or their deputies, as may be desirable. The director of planning and development shall coordinate sketch plan review of the proposed planned development. Upon completion of the sketch plan review, the director of planning and development shall provide the applicant with written comments with respect to the proposed planned development and shall also provide such recommendations as may inform and assist the applicant in preparing an application for approval of a PD district.
- (8) *Preliminary development plan.*
 - (a) *Purpose and effect.* The preliminary development plan is intended to provide the applicant with an opportunity to submit a plan showing the basic concept, character, and nature of the entire proposed planned

development without becoming involved in the preparation of detailed development plans or engineering drawings. In order to permit the city and the applicant to proceed with some assurance, approval of the preliminary development plan binds the applicant and the city with respect to the following development constraints:

1. Categories of uses to be permitted;
2. Overall maximum density of residential uses and intensity of nonresidential uses;
3. General location of vehicular and pedestrian circulation systems;
4. General location and extent of public and private open space;
5. General location of residential and nonresidential land uses; and
6. Staging of development.

(b) *Application.* Upon completion of the sketch plan requirements, an application for a preliminary development plan may be submitted. Five copies of applications for approval of a preliminary development plan shall be submitted to the director of planning and development.

The application for a preliminary development plan shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the director of planning and development in written rules but shall in all instances contain at least the following information and documentation, which information and documentation, taken together, shall constitute a preliminary development plan:

1. The applicant's name and address and his interest in the subject property.
2. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
3. The names and addresses of all professional consultants advising the applicant with respect to the proposed planned development.
4. The legal description of the subject property.
5. The names and addresses, provided on legal-size envelopes and on a list, for all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject

property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law. These names shall be used for a letter as well as other mailings.



6. The zoning district classification and present use of the subject property.
7. One or more maps at a scale of not less than one inch to 200 feet delineating the existing physical characteristics of the site, including:
 - a. Topography at contours not more than five feet;
 - b. Slopes of 15 percent or more;
 - c. Property boundary lines and dimensions; available utilities; and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property;
 - d. Water courses, drainage ways, sinkholes, groundwater recharge areas, ponds, lakes and bodies of water;
 - e. A generalized description of vegetation and tree cover;
 - f. Marshes and floodplains, including the delineation of the 100-year floodplain, where applicable;
 - g. Drainage patterns;
 - h. Other physical features that may affect the development of the property that the applicant may wish to delineate.
8. A map depicting both the existing development of the subject property and appropriate adjacent property and showing the approximate location of existing streets, property lines, easements, water mains and storm and sanitary sewers.
9. A written statement, with supporting graphics, generally describing the overall concept of the proposed planned development, the market which it is intended to serve, and its relationship to the Springfield Comprehensive Plan; the uses included and any limitations upon uses; a description of the general architectural design of theme to be employed; building types and prototypical site layouts, if appropriate; any proposed agreement, dedications or

easements; any proposed private covenants and restrictions; and
Land Development Code any other information required by this article or pertinent to a
determination of compliance with this article.



10. One or more maps at a scale of not less than one inch to 200 feet and a written description of the proposed planned development describing the following features of the project:
 - a. A general land use plan with a description of the type, location, and nature of land use within each area of the development;
 - b. A proposed traffic circulation concept which illustrates both external and internal trafficways related to the development, including proposed right-of-ways, travel lanes and other transportation improvements;
 - c. A generalized layout and description of water service, sanitary sewerage, utilities, refuse collection, management of stormwater runoff and similar essential services;
 - d. A generalized landscape plan for the development, including the buffer and perimeter areas;
 - e. A delineation and description of the minimum open space areas, including the buffer and perimeter area;
 - f. A description of screening and berming adjacent to existing residential areas; and
 - g. A sign plan that coordinates the size, location, illumination, and relation to surrounding uses of signs within the proposed planned development.
11. A tabulation of the following information:
 - a. The approximate total number of dwelling units proposed by type of structure and approximate number of bedrooms for multifamily units;
 - b. The approximate total square feet of building floor area proposed for nonresidential uses by general type of use;
 - c.

The total land area expressed in acres and as a percent of the total development area, proposed to be devoted to residential and nonresidential uses, by type of structure; streets; and off-street parking and loading areas; and



- d. The proposed number of off-street parking and loading spaces for each proposed type of land use.
12. If the planned development is proposed for construction in phases during a period extending beyond a single construction season, a proposed and tentative schedule for the development of such phases shall be submitted, stating the approximate beginning and completion date for each phase, the proportion of the total public and private open space and the proportion of each type of proposed land use to be provided or constructed during each such phase; and the overall chronology of development to be followed from phase to phase. All public improvements directly related to each phase shall be completed at the time the phase is developed and improvements serving the proposed planned development as a whole and any adjoining area in the planned development shall be completed in a sequence assuring full utility of the planned development as a whole and all areas within the planned development. All public improvements shall also be completed so that future public improvements required by this article and other applicable ordinances of the city are not compromised or rendered unduly difficult.
13. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed planned development, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including a current certified abstract of title or commitment for title insurance.
14. A traffic impact analysis indicating the relationship of the proposed development to traffic and road use and plans in the immediate surrounding area.

(c)

Public notice and hearing before planning and zoning commission. After giving the notice required by section 36-368, publication and posting of notices, a public hearing on the development plan shall be set, advertised and conducted by the planning and zoning commission within 28 days of the filing of a complete application in accordance with the provisions of this section.

- (d) *Action by planning and zoning commission.* Within 30 days following the conclusion of the public hearing, unless a delay is requested by the applicant, the planning and zoning commission shall transmit to the city council its recommendation that the preliminary development plan either be approved, be approved subject to modifications, or not be approved. In considering the preliminary development plan and formulating its recommendation, the planning commission shall be guided by the standards made applicable to proposed planned developments by subsection 36-405(2).

The failure of the planning and zoning commission to act within 30 days following the conclusion of such hearing, or such longer period as may be agreed to by the applicant, shall be deemed a recommendation for the denial of the preliminary development plan as submitted.

- (e) *Public notice and hearing before city council.* After giving the notice required by section 36-368, publication and posting of notices, a public hearing on the proposed development plan shall be set, advertised and conducted by city council within 45 days of action or failure to act by planning and zoning commission in accordance with the provisions of this section.
- (f) *Action by city council.* Within 30 days following the conclusion of the public hearing, unless a delay is requested by the applicant, the city council shall either refuse to approve the preliminary development plan; shall refer it back to the planning and zoning commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the preliminary development plan, with or without modifications to be accepted by the applicant as a condition of such approval; provided, however, that if such plan is approved with modifications, no application for approval of a final development plan shall be filed or considered until

the applicant has filed with the director of planning and development his written consent to such modifications. In the event the city council shall fail to act within the time limit herein specified, the preliminary development plan shall be deemed finally denied.

Within seven days of the city council's action, or its failure to act as above provided, the secretary of the planning and zoning commission shall mail notice thereof to all parties entitled thereto.

- (g) *Action by applicant.* When a preliminary development plan has been approved, or approved with modifications acceptable to the applicant, the applicant shall proceed to file a final development plan in accordance with the provisions of subsection (8) below.
- (h) *Effect of preliminary development plan approval.* Unless the applicant shall fail to meet time schedules for filing a final development plan or plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this section or any approval granted pursuant to it, a preliminary development plan which has been approved, or approved with modifications which have been accepted by the applicant, shall not be modified, revoked or otherwise impaired, pending the application for approval of a final development plan or plans, by any action of the city without the consent of the applicant.
- (i) *Standards for approval of a preliminary development plan.* A preliminary development plan shall contain at least the following provisions:
 - 1. For nonresidential development, the intensity of development may be regulated:
 - a. Reserved;
 - b. By specifying maximum square footage or gross leasable area;
 - c. By specifying setbacks, height and bulk restrictions; or
 - d. By a combination of such restrictions for the project as a whole or for components or sub-areas within the project. In addition, nonresidential preliminary development plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial,

commercial and other nonresidential activities. In making its determination regarding the intensity of development and appropriate performance standards, the city council may consider the character and scale of similar development, the character and scale of surrounding development and the area in general, the real or anticipated impact on public facilities and services.



2. The maximum number of dwelling units permitted shall be computed based on the requirements of subsection 36-405(4)(b). The permitted number of dwelling units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this section. The preliminary development plan shall specify distribution of residential density for the project as a whole or for subareas within the project. In making its determination regarding the distribution of residential densities, the city council may consider the compatibility of residential densities with other uses within the district as well as outside the district, the impact of residential densities on public facilities and services.

- (j) *Uses permitted.* For nonresidential development, the specific uses shall be listed. For residential uses, the types of dwellings shall be listed.
- (k) *Bulk, area, and height requirements.* The preliminary development plan shall specify bulk, area, and height restrictions for the project as a whole or for sub-areas and/or components of the project. In making its determination regarding such restrictions, the council may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, and the general character and scale of similar development within the area of the proposal.
- (l) *Public facilities.* The preliminary development plan shall specify conditions, restrictions, and standards relating to the timely provision of necessary public facilities. In making its determination regarding such conditions, restrictions and standards, the council may consider the

adequacy of existing facilities, the timely provision of adequate facilities,
Land Development Code the impact of the proposed development on existing and/or planned
facilities and the overall cost to the community.



- (m) *Access to public thoroughfares.* The preliminary development plan shall specify the location and general design of ingress and egress to the project along with any proposed access restrictions. The city council may impose such access standards and restrictions as are necessary to protect the integrity and function of the city's thoroughfare system and to insure the safe and efficient circulation of vehicles and pedestrians within the PD district. In making its determination regarding such access standards and restrictions, the council may consider the classification and function of the thoroughfare system, existing and projected volumes, the condition and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns and the consistency with the Springfield Comprehensive Plan and other adopted plans and policies.
- (n) *Off-street parking and loading requirements.* Unless specifically modified by the preliminary development plan, the off-street parking and loading requirements imposed by this article shall apply. Reductions in off-street parking and loading standards may be approved only if it can be demonstrated that parking demand will be less due to design and/or occupancy characteristics of the project and/or the availability of public transportation.
- (o) *Sign requirements.* The sign plan shall be approved only if the general intent of the sign regulations, section 36-454, signs, regarding size, location, illumination, structural integrity, and relation to surrounding uses is satisfied.
- (p) *Landscaping and perimeter treatment.* The preliminary development plan shall specify the design and arrangement of landscaping on all open space areas in the PD district, and on all buffer and perimeter areas provided to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The city council may impose such standards and requirements

for perimeter treatment it deems necessary to protect adjoining
Land Development Code properties from adverse effects and to achieve an appropriate transition
of land uses and densities.



(9) *Final development plan.*

- (a) *Purpose.* The final development plan is intended to particularize, refine, and implement the preliminary development plan. A final development plan may be submitted for the entire planned development or in phases as approved in the preliminary development plan.

When approving the preliminary development plan, the city council may permit review and approval of the final development plan in its entirety or for specified portions of the project by the planning and zoning commission or the administrative review committee. Administrative review and approval shall be granted only if the preliminary development plan offers sufficient detail and assurances to adequately safeguard the public interest, or review procedures normally required by other regulations would offer adequate review to safeguard the public interest. Administrative review and approval shall not be construed to waive review procedures otherwise required by city ordinances.

- (b) *Application.* Upon approval of the preliminary development plan, the applicant shall submit an application for final development plan approval to the director of planning and development. The application for final development plan may include the entire area included in the approved preliminary development plan or one or more stages or units thereof in accordance with a staging plan approved as part of the preliminary development plan. The application shall contain a plan which refines, implements and is in substantial conformity with the approved preliminary development plan, and shall contain such information and documentation as shall be prescribed from time to time by the planning and zoning commission but shall in all instances contain at least the following information and documentation, which information and documentation, taken together, shall constitute a final development plan:

1. The applicant's name and address and his interest in the subject property.
2. The owner's name and address, if different than the applicant, and

3. A legal description of the property for which final development plan approval is sought.
4. The date on which preliminary development plan approval was granted.
5. A preliminary plat of subdivision that includes a survey certified by a registered land surveyor. A survey shall be required even if a plat is not necessary.
6. A tabulation of the following information with respect to the area included in the final development plan:
 - a. The total number of dwelling units proposed, by type of structure and number of bedrooms for multifamily;
 - b. The total square feet of building floor area proposed for nonresidential uses by general type of use;
 - c. The total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; nonresidential uses; public and private open space; streets; and off-street parking and loading areas; and
 - d. The proposed number of off-street parking and loading spaces for each proposed type of land use.
7. A landscape plan specifying the design, description and arrangement of landscaping for all open space, buffer and perimeter areas in the PD district, including materials and techniques to be used. A statement and plan of the proposed treatment of the buffer and perimeter areas of the proposed planned development, including materials and techniques to be used. The plan shall be approved only if the general intent of the screening and fencing regulations, section 36-480, screening and fencing, and landscaping and bufferyard regulations, section 36-482, landscaping and bufferyards, is satisfied.
- 8.

When the proposed planned development, or stage thereof, includes provisions for public or private open space or service facilities, a statement describing the provision that is to be made for the dedication or care and maintenance of such open space or service facilities. If it is proposed that such open space be owned or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

9. Copies of any restrictive covenants that are to be recorded with respect to property included in the final development plan.
 10. Utility plans, indicating placement of water mains, sanitary and storm sewerage, gas, electric and telephone lines, and related facilities.
 11. A statement summarizing all changes which have been made in any document, plan, data, or information previously submitted, together with revised copies of any such document, plan, or data.
 12. Proof of recording any easements and restrictive covenants prior to the sale of any land or structure or portion thereof within the planned development and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or private common open space or service facility.
 13. All certificates, seals, and signatures required for the dedication of land and recordation of documents.
 14. Such other and further information as the planning and zoning commission and city council shall find necessary to a full consideration of the entire proposed planned development or any stage or unit thereof.
- (c) *Substantial conformity defined.* A final development plan shall be deemed not to be in substantial conformity with an approved preliminary development plan if it:
- 1.

Increases by more than five percent from the maximum density, approved in the preliminary development plan, except that in no event shall the maximum density exceed the density permitted for the underlying district by subsection (4)(b);

2. Increases by more than five percent the maximum floor area to be devoted to any residential or nonresidential use;
3. Increases height by more than five percent;
4. Decreases by more than five percent the area approved for public and private open space or changes the general location of such areas;
5. Relocates approved circulation elements to any extent that would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and circulation elements, or would reduce their effectiveness as buffers or amenities;
6. Significantly alters the arrangement of land uses within the planned development;
7. Violates any provision of the codes and ordinances applicable to the proposed planned development; or
8. Departs from the preliminary development plan in any other manner which the planning and zoning commission or city council shall, based on stated findings and conclusions, find to materially alter the plan or concept for the proposed planned development.

(d) *Action by administrative review committee.* When administrative review and approval has been granted in the preliminary development plan, within 30 days following the submission of a complete application for the final development plan, or such longer period as may be agreed to by the applicant, the administrative review committee shall review the plan with respect to its conformity to the approved preliminary development plan; with respect to the merit or lack of merit of any departure of the final development plan from substantial conformity with the preliminary development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the

preliminary development plan, and with the provisions of this article and
Land Development Code
all other applicable federal, state and city codes, ordinances and
regulations.



If the administrative review committee finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. Administrative review committee action shall constitute final approval of the final development plan.

If the administrative review committee shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the planning and zoning commission together with its recommendation that the final development plan be approved.

In any case, where the administrative review committee finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the planning and zoning commission, together with its recommendation that the final development plan not be approved.

- (e) *Action by planning and zoning commission.* Within 45 days following the submission by the applicant or referral from the administrative review committee of a complete application for the final development plan, or such longer period as may be agreed to by the applicant, the planning and zoning commission shall review the plan with respect to its conformity to the approved preliminary development plan; with respect to the merit or lack of merit of any departure of the final development plan from substantial conformity with the preliminary development plan; and with respect to compliance of the final development plan with any conditions

imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable federal, state and city codes, ordinances and regulations.



If the planning and zoning commission finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. Planning and zoning commission action shall constitute final approval of the final development plan.

If the planning and zoning commission shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the city council together with its recommendation that the final development plan be approved.

In any case, where the planning and zoning commission finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the city council, together with its recommendation that the final development plan not be approved. The failure of the commission to act within the aforesaid time period shall be deemed a recommendation to the city council to deny the final development plan as submitted.

- (f) *Action by city council.* Within 45 days, or such longer period as may be agreed to by the applicant, following the action of the planning and zoning commission, or its failure to act as provided, the city council shall either refuse to approve the final development plan, shall refer it back to the planning commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the final development plan, with or without modifications to be accepted by the applicant, as a condition of such approval. The failure of the city council to act within the aforesaid time period shall be deemed a final denial of final development plan approval.

Land Development Code (g) *Notice and recording of final development plan.* Within seven days following the final disposition of an application for final development plan approval, the secretary of the planning and zoning commission shall mail notice thereof to the applicant and to all city officials, departments, bureaus, boards and commissions whose duties might be affected by such disposition. When a final development plan is approved, the secretary shall, within ten days of its approval, file a copy of the entire final development plan in the permanent records of the planning and zoning commission.

- (10) *Building and other permits.* Upon, but not before, receiving notice from the secretary of the planning and zoning commission that the final development plan has been approved, and upon application by the applicant, all appropriate officials of the city may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final development plan; provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the city have been met which are applicable to the permit sought.
- (11) *Adjustments to plan during development.* During the construction of a planned development, the administrative review committee may authorize minor adjustments to the final development plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development.
- (12) *Amendments to final development plan.* In addition to the minor adjustments authorized by subsection (11) above, an approved final development plan may be amended, varied, or altered in the same manner, and subject to the same limitations, as any other regulation established by this article. In addition, an approved final development plan may be amended or altered pursuant to the procedures established by this section for its original approval.
- (13) *Compliance with final development plan.* The construction and operation of a planned development shall be in compliance with the approved final development plan at all times.

(Zoning Ord., § 4-2500; G.O. 4519, 6-12-95; G.O. 5127, 10-29-01; G.O. 5701, 8-27-01; G.O. 5813, 4-6-09; G.O. 6467, § 1(Exh. A), 7-16-18)

REQUIREMENTS FOR APPROVAL:

EXHIBIT 1

Requirements and Standards Applicable to Planned Development District No. 369

A. APPLICATION

Building or other permits may not be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan has been approved in the manner described at the end of this exhibit. All requirements of the Springfield Zoning Ordinance shall apply unless modified by the requirements and standards that follow.

B. INTENT

The intent of this Planned Development (PD) is to better utilize the land on this parcel, yet still maintain the Single Family Residential feel of the neighborhood.

C. DEFINITIONS

The definitions contained in the Zoning Ordinance shall apply to this ordinance as defined in Single Family Residential.

D. USES PERMITTED

Uses that will be permitted by this Planned Development shown below:

1. Single-Family Detached Dwellings (Limited to 4 units per acre)
2. Accessory uses, as permitted by Section 36-450
3. Home Occupation uses, as permitted by Section 36-451
4. Temporary uses, as permitted by Section 36-452
5. Residential condominiums

E. USE LIMITATIONS

1. All uses shall operate in accordance with the noise standards contained in Section 36-485 of the Springfield Zoning Ordinance.
2. No use shall emit an odor that creates a nuisance as determined Springfield City Code.

F. INTENSITY OF DEVELOPMENT

Development shall adhere to the following standards:

1. Maximum residential density shall not exceed 4 dwelling units per acre.

G. BULK, AREA AND HEIGHT REQUIREMENTS

Development shall adhere to the following standards:

-
1. Maximum structure heights: No structure will exceed the height of two (2) stories above grade, or 35 feet above finished grade.
 2. Maximum impervious surface ratio will not exceed 50%.

H. DESIGN REQUIREMENTS

The intent of this Planned Development district is to encourage a more creative and imaginative design than generally is possible under conventional zoning regulations.

1. The proposed development shall be of such design that it will promote achievement of the stated purposes of the Springfield Comprehensive Plan.
2. The development will efficiently utilize the available land, and will protect and preserve to the extent possible, natural features of the land such as trees, streams and topographic features.
3. The development shall provide for harmonious and coherent site and building design that successfully blends the remodel of the existing home with that of the four new homes.

I. OPEN SPACE, LANDSCAPING & SCREENING

1. An opaque barrier, wooden fence, six (6) feet in height, shall be provided which visually screens the development from adjacent properties as allowed per Springfield Zoning Ordinance.

J. EXTERIOR LIGHTING

1. As required by Section 36-484 of the Springfield Zoning Ordinance.

K. ACCESS TO PUBLIC THOROUGHFARES

1. Access to both Briar Street and Kissick Avenue shall be by way of a private drive intersecting where the two streets meet on the curve. This will provide the best sight of traffic from each direction. See Exhibit-(2)

L. OFF-STREET PARKING

1. Two (2) per residential unit.

M. SIGNS

1. The requirements and standards of Section 36-454 of the Springfield Zoning Ordinance, in effect at the time of development shall apply.

N. REQUIRED IMPROVEMENTS

1. Public improvements to be completed. Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. If the development of the property is phased, the construction of the improvements may also be phased provided there is a logical relationship between each phase of the development and the construction of the required improvements. Prior to building permits being issued to the applicant, or subsequent owners shall:
 - a. construct the required improvements; or

-
- b. provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department shall be provided to the City.
 2. Certificate of occupancy. No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:
 - a. the required improvements are completed prior to occupancy of the structures; or
 - b. the Director of Public Works has determined that:
 - (1) any incomplete required improvements have little or no effect on the occupancy of the facility; or
 - (2) conditions beyond the control of the contractor, i.e., strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Building Development Services may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.
 3. Required improvements. Improvements necessary to adequately accommodate the intensity of development in this District include the following:
 - a) Street improvements. None required.
 - b) Sanitary sewer facilities.
 - c) A sanitary sewer extension will be required to serve the four (4) new single-family homes constructed on the property. The extension will connect into an existing easement sewer near the west side of the property.
 - d) Storm water management facilities. A detention basin will be constructed at the east end of the property and will discharge to a channel within an easement between the two properties to the north and then out into the cul-de-sac as is the current flow.
 4. Improvement Standards. Improvements shall conform to the following standards. All utilities and utility connections shall be located underground, including, but not limited to, electrical and telephone cables, security and other telecommunication systems and wires. Transformers, meters of any type (including electric, gas or other meters), or other apparatus shall be adequately screened and landscaped.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a duly constituted property owners association meeting all legal requirements prescribed by the City Attorney.

P. PHASING

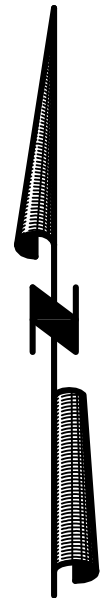
1. Does not apply.

Q. FINAL DEVELOPMENT PLAN

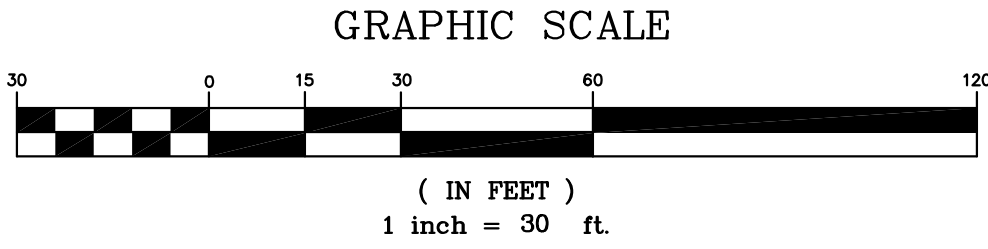
A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. The final development plan may be submitted in the form of a preliminary plat, provided the plat is prepared in accordance

with the requirements, standards, and intent of this Exhibit. Development of this District shall be in accordance with the approved final development plan.

1. The intent of Exhibit 2 is only a representation of how the site may develop in conformance with the standards and requirements provided in the body of Exhibit 1.
2. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by Subsection 36-405 (9) (c) of the Springfield Zoning Ordinance.
3. The Administrative Review Committee is hereby authorized to, act jointly, approve the final development plan provided such plan substantially conforms to the provisions of the ordinance. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - A. Any uses within the District other than those specifically prescribed by the ordinance.
 - B. Any increase in the intensity of use permitted within the District.

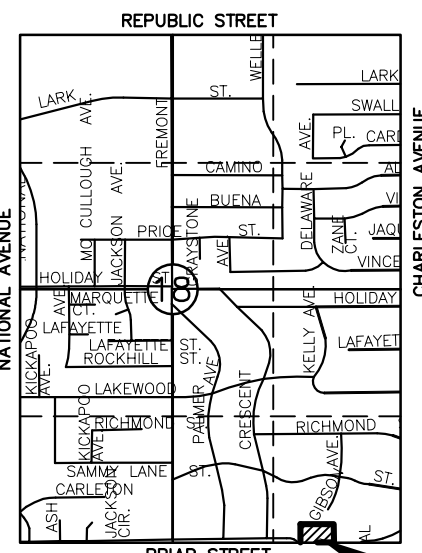


GRID NORTH
MISSOURI STATE
PLANE
CENTRAL ZONE
NAD83



PLANNED DEVELOPMENT PRELIMINARY PLAN
OF
HOKE & PETERSON, LLC
CONDOMINIUMS
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

OWNER/DEVELOPER
HOKE & PETERSON, LLC
PO BOX 8128
SPRINGFIELD MO 65801
PHONE: (301) 252-7061



SITE

LOCATION MAP
SECTION 18
TOWNSHIP 28 RANGE 21
APPROX. SCALE: 1"=2000'

LEGEND

- = FIRE HYDRANT
- = SEWER MANHOLE
- = POWER POLE
- = SANITARY SEWER LINE
- = WATER LINE
- = ASPHALT

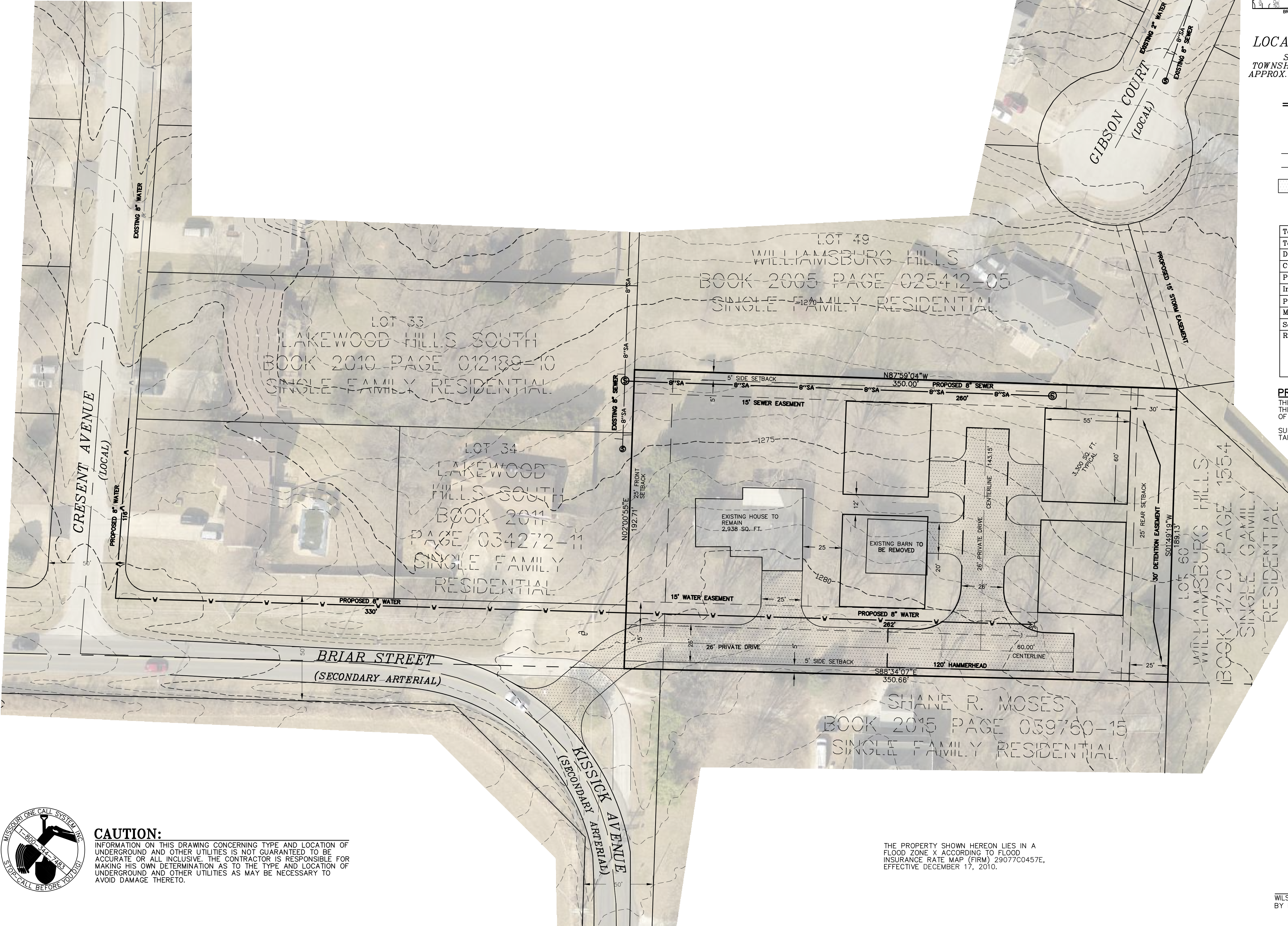
DEVELOPMENT NOTES

Total Area	65,340 sq. ft. (1.50 Acres)
Total No. of Units	5
Density	3.33 Units/Acre
Current Zoning	Residential Single Family
Proposed Land Use	Planned Development
Impervious Area	30,240 sq.ft. (0.69 acres) 46%
Pervious Area	35,100 sq.ft. (0.81 acres) 54%
Max. Building Height	35 feet
Source of Title	Book 2335 Page 964
Required Setbacks	
Front Yard	25 ft.
Side Yard	5 ft.
Rear Yard	25 ft.

PROPERTY DESCRIPTION

THE WEST 350 FEET OF THE SOUTH 187 FEET OF THE SE 1/4 OF THE SE 1/4 OF SECTION 18, TOWNSHIP 28, RANGE 21, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

SUBJECT TO ANY EASEMENTS OF RECORD, EXCEPT ANY PART THEREOF TAKEN OR USED FOR ROAD OR HIGHWAY PURPOSES.



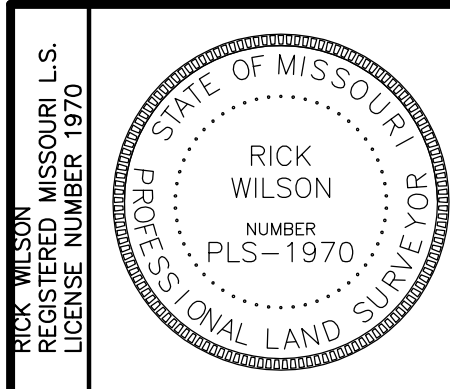
CAUTION:
INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.

THE PROPERTY SHOWN HEREON LIES IN A FLOOD ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) 29077C0457E, EFFECTIVE DECEMBER 17, 2010.

PREPARED BY
WILSON SURVEYING CO., INC.
SURVEYING/ ENGINEERING/ LAND PLANNING
1835 S. STEWART AVENUE, SUITE 124
Springfield, Missouri 65804
TELE.: (417)522-7870 FAX: (417)522-7874
EMAIL: RICK.WILSON@WILSONSURVEYING.COM
DRAWING NO.: WD-105-366
JOB NO.: 18081
DRAWN BY: RHW
DATE: NOVEMBER 14, 2018

AREA
1.5 ACRES
65,340 SQ. FT.

WILSON SURVEYING CO., INC. L.C. 267D
BY RICK WILSON, P.L.S. 1970



Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING: JANUARY 14, 2019



CASE NUMBER:

Preliminary Plat of AFM Pet Corp

LOCATION:

2710 & 2738 E. Kearney Street

ACRES:

8.5 acres

EXISTING LAND USE:

Automotive service station and vacant/undeveloped land

APPLICANT:

MFA Petroleum Corporation

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve preliminary plat as submitted

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a two-lot subdivision named "AFM Pet Corp".

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant's proposal, with the conditions listed below, is consistent with the City's *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM & IC	HM	HM	HM
LAND USE	Vacant/undeveloped	Industrial uses	Industrial uses	Industrial uses

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

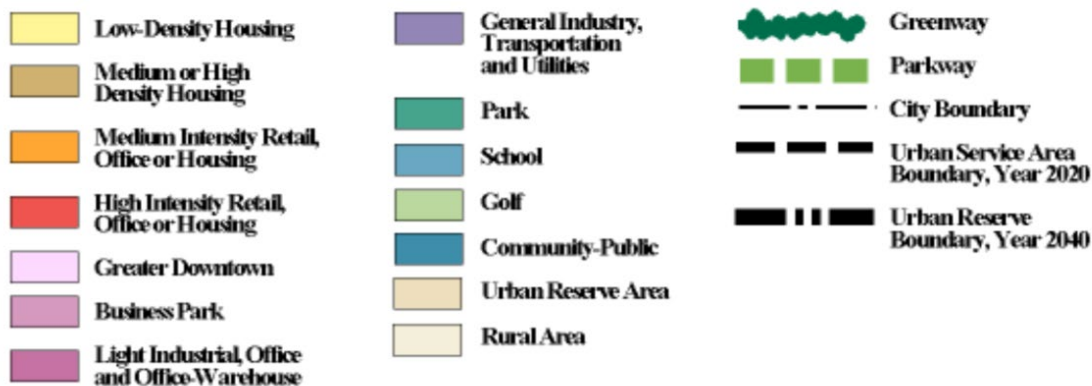
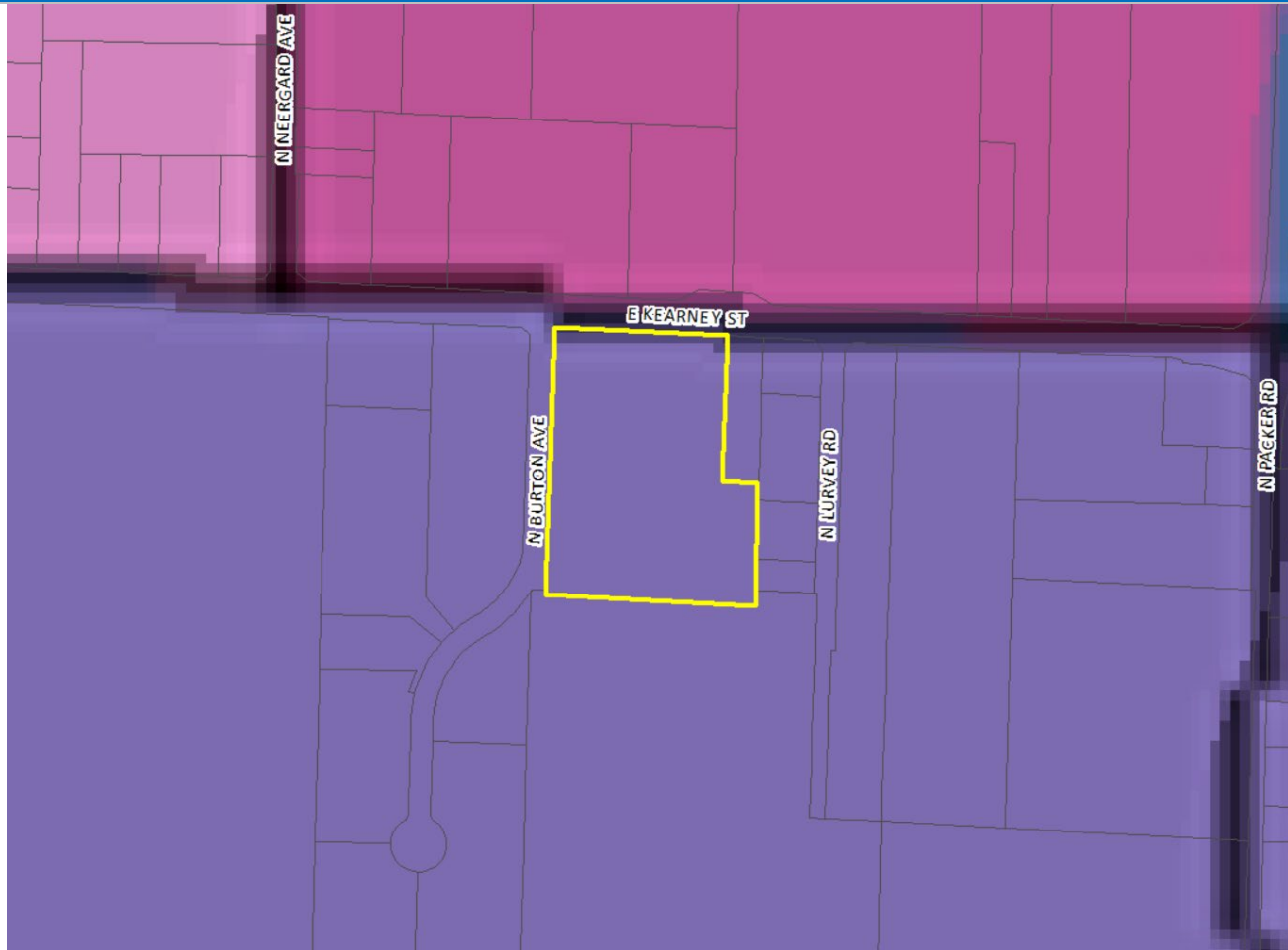


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The northern portion of the subject property was rezoned to IC, Industrial Commercial District in 2012. The remaining of the property was rezoned to HM, Heavy Manufacturing District in 1995. The subject property is considered a tract of record.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR IC
Use Limitations	N/A
Maximum Structure Height	N/A
Front Yard Setback	25 feet along a collector or higher street classification, 15 feet along a local street
Side and Rear Setbacks	None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection 36-421(8).
Open Space Requirement	20%
Design Requirements	Standard per code
BULK PLANE	LANDSCAPING
N/A	N/A

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for General Industry, Transportation and Utilities. This category includes industry that involves railroad service, heavy truck traffic, extensive outdoor storage, noise or odors and the handling of raw materials. The most appropriate district would be Heavy Manufacturing. The Major Thoroughfare Plan classifies Kearney Street as a primary arterial and Belcrest Avenue as a commercial local roadway which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 8.5 acres into a two-lot subdivision named "AFM Pet Corp".
2. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
3. The proposed subdivision will create a mixed zoned lot which could create redevelopment issues in the future for Lot 2; however, since the HM and IC districts do not require bufferyards between them, the issues should be minimal. The IC district boundary was placed in the off-street parking and vehicular access area of the building at 2738 E. Kearney Street.
4. The rezoning to IC, Industrial Commercial District with COD #46 required additional right-of-way, sidewalk and the center driveway on Kearney Street to be removed. The applicant will need to satisfy both the COD and subdivision requirements.
5. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1. An engineering report was provided by the engineer of record in Attachment 3.

PUBLIC NOTIFICATION:

The property was posted 10 days prior to the Planning and Zoning Commission meeting.

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

AT&T COMMENTS:

AT&T HAS FACILITIES WITHIN R/W AND U/E FEEDING EXISTING STRUCTURES IN AND NEAR THIS DEVELOPMENT THAT WILL CONTINUE TO BE MAINTAINED. LOCATES NEED TO BE CONDUCTED PRIOR TO CONSTRUCTION TO IDENTIFY ANY UTILITIES IN THE PROPOSED DEVELOPMENT LOCATIONS, AND TO IDENTIFY IF THEY CONFLICT WITH THIS DEVELOPMENT PLAN. THE SITE DEVELOPMENT MAY REQUIRE EXISTING AT&T FACILITIES TO BE RELOCATED AT THE DEVELOPER'S EXPENSE. CONTACT ENGINEER STEVEN BEIER 417-836-2761 180 DAYS PRIOR TO CONSTRUCTION. IF THE DEVELOPMENT OF THIS PROPERTY WILL NEED ADDITIONAL AT&T FACILITIES PLACED, CONTACT ENGINEER STEVEN BEIER 417-836-2761 180 DAYS PRIOR TO CONSTRUCTION.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

There is an existing gas service line that will be crossing Lot 1 that currently serves 2738 E. Kearney St. Please provide an easement for this gas line or relocate the gas service such that it is only on lot that it serves. There may be the same situation but with a private water line crossing lot 1 to serve 2738 E. Kearney. This meter will need to be relocated or an easement provided to allow private line on lot. Electric utilities look ok.

CLEAN WATER SERVICES COMMENTS:

Need to show proposed sewer and sewer easement to serve lot 1 on plat.

FIRE DEPARTMENT COMMENTS:

Fire cannot review until access is shown on the plan once the center driveway is closed.

MODOT COMMENTS:

As previously discussed, the center drive needs to be removed.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Kearney Street as a Primary Arterial roadway and N. Burton Avenue as a Non-residential Local roadway. The standard right-of-way widths for Kearney and Burton are 50 feet from centerline and 30 feet from centerline, respectively. It appears approximately four feet of additional right-of-way needs to be dedicated along the property frontage of E. Kearney Street. In addition, a 30-foot by 30-foot right-of-way sight triangle needs to be dedicated at the corner of Kearney and Burton. A survey is recommended to determine the exact amount of existing right-of-way. Kearney Street is under MODOT jurisdiction and Burton Avenue is under City of Springfield jurisdiction. Defer all finalized comments regarding Kearney Street to MODOT.

DRIVEWAY ACCESS

There are currently three driveway access points onto the property from E. Kearney Street. Per MODOT requirements, only one driveway access is permitted to/from Kearney Street. There is currently no driveway

Development Review Staff Report



access to/from the property on Burton Avenue. The City will permit access to/from Burton Avenue, as long as access meets all minimum spacing requirements.

SIDEWALK

There is existing sidewalk along the property frontage of E. Kearney Street. The existing infrastructure meets current standards. There is currently sidewalk along the western side of Burton Avenue. The existing infrastructure meets current City Standards.

IMPROVEMENTS

No traffic infrastructure improvements are required, other than the closure/reconstruction of driveways along E. Kearney Street. Defer to MODOT for final comments regarding Kearney Street. The City of Springfield does not currently have any plans to make improvements to N. Burton Avenue. Defer to MODOT for any comments related to improvements along E. Kearney Street.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	E. Kearney Street	Primary Arterial	No	46	50
Street 2	N. Burton Avenue	Local	Yes	33	30

STORMWATER COMMENTS:

The property is in the South Dry Sac drainage basin. The property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will not be allowed. If a future project disturbs more than one (1) acre there will be a land disturbance permit required. There are no sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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.
3. Water quality will be required if disturbing more than one acre.
4. More detailed stormwater calculations must be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	South Dry Sac
Is property located in Floodplain	No
Is property located on a sinkhole	No
Is stormwater buyout an option	No

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONS OF PLAT APPROVAL

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.



**PRELIMINARY PLAT ENGINEERING REPORT
FOR
MFA OIL COMPANY SUBDIVISION
2738 E KEARNEY STREET
SPRINGFIELD, MISSOURI**

Prepared for:
MFA Oil Company
One Ray Young Drive
Columbia, MO 65201

October 25, 2018

Prepared by:
Anderson Engineering Inc
2045 W Woodland
Springfield, MO 65807

Project #18SP10216



PROJECT DESCRIPTION

The proposed subdivision is located on approximately 8.52-acres at the southeast corner of E Kearney Street and N Burton Ave. There are 2 proposed commercial lots. Lot 1 will be approximately 0.89-acres in size and Lot 2 will be approximately 7.63-acres. Approximately 0.01-acres will be donated as a 30'x30' right-of-way triangle at Kearney and Burton. Each lot will have their own access to Kearney Street. Per Conditional Overlay District 046 (Council Bill #2012-005, General Ordinance 5966 filed on January 30, 2012) right of way will be dedicated to provide 50 feet of right-of-way measured from the centerline to the property line, a 30'x30' right-of-way triangle will be provided at Kearney and Burton, the center driveway on Kearney Street will be closed, and sidewalk improvements will be completed in the area of the closed driveway.

STORMWATER

The proposed subdivision is currently developed and the majority of the property drains to the north towards Kearney Street. Approximately the southern 162-feet of the property drain to the south. The site receives no off-site runoff. At this time, no detention is required. If any of the lots are to re-develop, they will be required to provide detention per the latest version of the City of Springfield's Flood Control and Water Quality Protection Manual.

WATER QUALITY

At this time, no water quality is required. If any of the lots are to re-develop, they will be required to provide water quality per the latest version of the City of Springfield's Flood Control and Water Quality Protection Manual.

SINKHOLES

There are no known sinkholes that will be impacted on this site or immediately adjacent to this site.

SANITARY SEWER

No known sewer capacity issues exist for this site.

TRAFFIC ENGINEERING

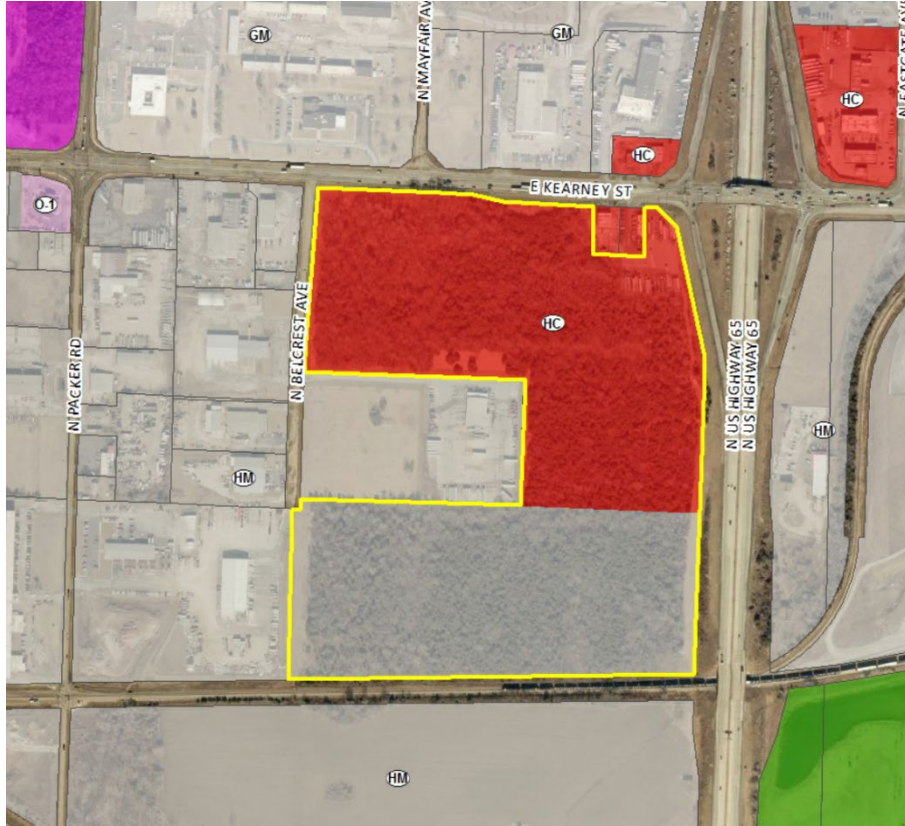
There will be no internal streets provided as part of this subdivision. Sidewalks are being provided on the south side of Kearney where the center driveway is being closed. New sidewalks have been constructed recently along the remainder of the parcel frontage.

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING: JANUARY 14, 2019



CASE NUMBER:

Preliminary Plat of Morris Industrial Park

LOCATION:

3200 block E. Kearney Street

ACRES:

57.25 acres

EXISTING LAND USE:

Vacant/undeveloped land

APPLICANT:

ICT II, LLC

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve preliminary plat as submitted

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a two-lot subdivision named "Morris Industrial Park".

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant's proposal, with the conditions listed below, is consistent with the City's *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM & HC	HM	ROW & HM	HM
LAND USE	Industrial uses	Vacant/undeveloped	U.S. 65 and rental uses	Industrial uses

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

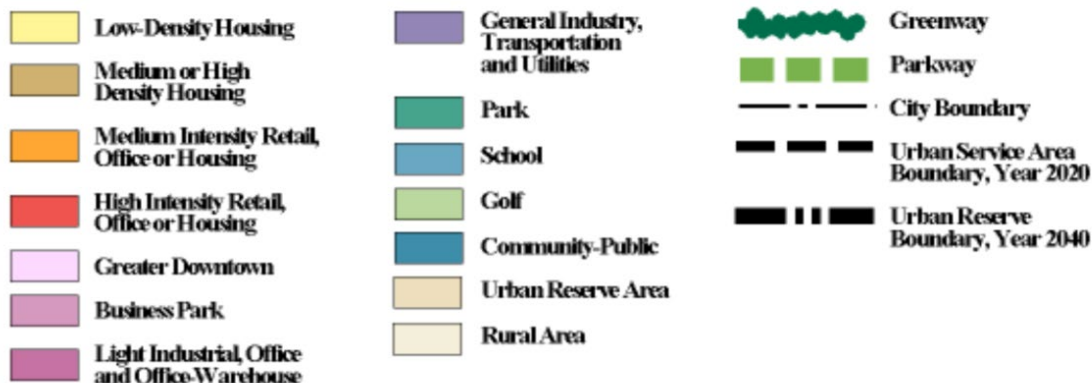
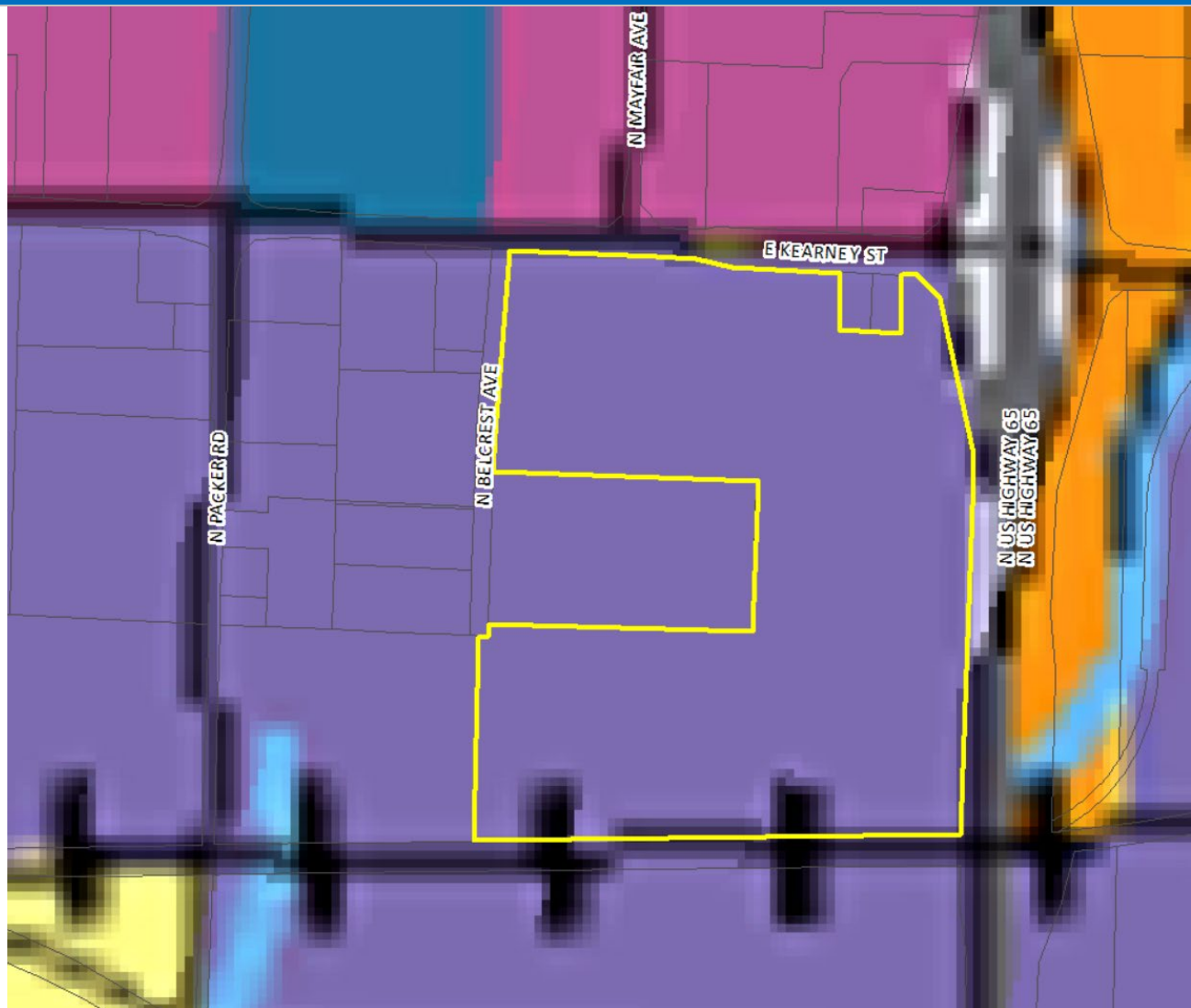


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property was rezoned to HC, Highway Commercial District and HM, Heavy Manufacturing District in 1995. The property owner has an application pending to rezone the southern portion of the property to HM, Heavy Manufacturing District with a conditional overlay district.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR HC
Use Limitations	N/A
Maximum Structure Height	N/A
Front Yard Setback	25 feet along a collector or higher street classification, 15 feet along a local street
Side and Rear Setbacks	None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection 36-421(8).
Open Space Requirement	20%
Design Requirements	Standard per code

BULK PLANE	LANDSCAPING
N/A	N/A

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for General Industry, Transportation and Utilities. This category includes industry that involves railroad service, heavy truck traffic, extensive outdoor storage, noise or odors and the handling of raw materials. The most appropriate district would be Heavy Manufacturing. The Major Thoroughfare Plan classifies U.S. 65 as a freeway, Kearney Street as a primary arterial and Belcrest Avenue as a commercial local roadway which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately fifty-seven acres into a two-lot subdivision named "Morris Industrial Park". A rezoning for a portion of the property from HC, Highway Commercial District to HM, Heavy Manufacturing District with Conditional Overlay District No. 163 is being processed concurrently with this application.
2. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
3. Staff is aware of flooding problems in the area. Stormwater detention is required so fee in lieu of on-site stormwater detention will not be allowed. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required.
4. The developer will be required to construct a cul-de-sac at the south end of Belcrest Avenue on Lot 2 in an access easement or right-of-way. The cul-de-sac shall be constructed at the time of development following to the City of Springfield's public works design standards.
5. MODOT commented that a traffic study may be required when this property develops and access to Kearney will be very limited.

Development Review Staff Report



6. The existing bill boards along Interstate U.S. Highway 65 do not meet Zoning Ordinance requirements. Section 36-454 (3) (j) of the zoning ordinance requires a minimum of 1,500 feet of separation. These bill boards are non-conforming and will be treated as such in accordance with the Zoning Ordinance.
7. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1. Conditions of Approval are provided in Attachment 2. An engineering report was provided by the engineer of record in Attachment 3.

PUBLIC NOTIFICATION:

The property was posted 10 days prior to the Planning and Zoning Commission meeting.

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

AT&T COMMENTS:

AT&T HAS FACILITIES WITHIN R/W AND U/E FEEDING EXISTING STRUCTURES IN AND NEAR THIS DEVELOPMENT THAT WILL CONTINUE TO BE MAINTAINED. LOCATES NEED TO BE CONDUCTED PRIOR TO CONSTRUCTION TO IDENTIFY ANY UTILITIES IN THE PROPOSED DEVELOPMENT LOCATIONS, AND TO IDENTIFY IF THEY CONFLICT WITH THIS DEVELOPMENT PLAN. THE SITE DEVELOPMENT MAY REQUIRE EXISTING AT&T FACILITIES TO BE RELOCATED AT THE DEVELOPER'S EXPENSE. CONTACT ENGINEER STEVEN BEIER 417-836-2761 180 DAYS PRIOR TO CONSTRUCTION.

BUILDING DEVELOPMENT SERVICES COMMENTS:

Place a note on the plat that "The existing bill boards along Interstate U.S. Highway 65 do not meet Zoning Ordinance requirements. Section 36-454 (3) (j) of the zoning ordinance requires a minimum of 1,500 feet of separation. These bill boards are non-conforming and will be treated as such in accordance with the zoning ordinance."

CITY UTILITIES:

There are CU 36 inch and 48 inch raw water lines that are on this property. Any proposed grading over these lines will require permission from CU. Electric facilities are available to serve both lots. See electric detail map for location of electric facilities. Gas: High pressure natural gas is available to serve both lots. Water: 12 inch and 8 inch water mains are available to tap for service to both lots.

CLEAN WATER SERVICES COMMENTS:

No comments.

FIRE DEPARTMENT COMMENTS:

Fire has no objections to the plat.

MODOT COMMENTS:

A traffic study may be required when this property develops. Access to Kearney will be very limited. If access on Kearney is even allowed it will have to line up with Mayfair Avenue.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Kearney Street as a Primary Arterial roadway and N. Belcrest Avenue as a Non-Residential Local roadway. The standard right-of-way width for E. Kearney Street is 50 feet from the centerline of the roadway. It appears approximately five feet of additional right-of-way needs to be dedicated to MODOT as a part of this rezoning/development, as Kearney Street is under MODOT jurisdiction. The standard right-of-way width for N. Belcrest Avenue is 30 feet from the centerline of the roadway. It does not appear additional right-of-way needs to be dedicated along N. Belcrest Avenue, unless it is so desired to accommodate the proposed turnaround at the end of Belcrest. A survey is recommended to determine the exact amount of existing right-of-way. E. Kearney Street is under MODOT jurisdiction and N. Belcrest Avenue is under City of Springfield jurisdiction.

Development Review Staff Report



DRIVEWAY ACCESS

There is currently no driveway access to the property. One driveway access point will be permitted to/from the property from the new proposed turnaround at the end of N. Belcrest Avenue. Any other new/modified driveway approaches must meet minimum spacing requirements.

SIDEWALK

There is existing sidewalk along the property frontage of E. Kearney Street. The existing infrastructure meets current City Standards. There is not currently sidewalk along the property frontage of N. Belcrest Avenue. Please note that if/when the northern piece of the property develops, it will be required to construct sidewalk along the entire length of the property frontage on N. Belcrest Avenue, or a fee paid in-lieu-of sidewalk construction.

IMPROVEMENTS

A turnaround is required to be constructed at the end of N. Belcrest Avenue. This turnaround must be constructed to Public Works standards but may be deferred until the time of development. This turnaround may be located within public right-of-way or within a public access easement. Please note that these improvements must be constructed and approved prior to issuance of a Certificate of Occupancy. Traffic Impact Studies are not required as a part of the platting process.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	E. Kearney Street	Primary Arterial	No	45	50
Street 2	N. Belcrest Avenue	Local	Yes	30	30

STORMWATER COMMENTS:

The property is in the Jordan Creek North drainage basin. The property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will not be allowed. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required. There are sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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.
3. Water quality will be required if disturbing more than one acre.
4. More detailed stormwater calculations must be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Jordan Creek North
Is property located in Floodplain	No
Is property located on a sinkhole	Yes
Is stormwater buyout an option	Yes

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONS OF PLAT APPROVAL

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

Engineering Report

for

Morris Industrial Park-Preliminary Plat

Springfield, Missouri

Submitted to:

City of Springfield

October 26, 2018



Derek H. Lee

10/26/2018

Lee Engineering and Associates, LLC
1200 E. Woodhurst, Suite D200
Springfield MO, 65807
Phone: 417-886-9100
Fax: 417-886-9336
Missouri State Certificate of Authority
Engineering #2005015504

Project Number: 1715

Engineering Report for

Morris Industrial Park-Preliminary Plat

City of Springfield, Missouri

Title	Page Number
Summary	1
Sinkholes	1
Sanitary Sewer	1
Street System	1
Traffic Impact Statement	1
Utilities	1
Stormwater Calculations.....	1-13

A. Summary

The subdivision will divide a 57 acre tract into two large tracts

B. Sinkholes:

There are two sinkholes on site. The sinkholes are small compared to the size of the lots. The sinkholes will be evaluated at the time of development.

C. Sanitary Sewer:

Sanitary Sewer is available along Belcrest Avenue to serve both lots. The sewer along Belcrest may not be able to serve the entire development by gravity since there is a ridge along the eastern third of the property. Sanitary sewer pumps may be required to develop the property depending on the location of buildings on the site.

D. Street System:

A cul-de-sac is required on Belcrest Avenue. Otherwise no street system is required.

E. Traffic Impact Statement:

A traffic impact statement is not required. The subdivision of land will not generate any new traffic.

F. Utilities:

Gas, water and electric will be provided by City Utilities. Existing Mains are available on Belcrest, Kearney and along the North lot along I-65.

G. Stormwater:

1. Stormwater Summary

The proposed subdivision is planned to split the existing 57-acre lot into 2 lots. The property is currently vacant and is primarily wooded. The property address is the 3200 block of East Kearney.

The existing topography sheds stormwater runoff in 4 directions as indicated on the drainage area map. It is anticipated that the development of the property will maintain these existing drainage patterns.

2. Detention Calculations Summary

In accordance with common practice in Springfield, a detention basin(s) will be designed to alleviate the increase in peak flow rates for this planned development. This design feature will be designed to match the post-development peak flows to the current day peak flow rates for the 1 year, 10 year and 100 year (100%, 10% and 1% AEP) design storms. The SCS method was selected to determine these peaks flow rates utilizing the Huff temporal distribution.

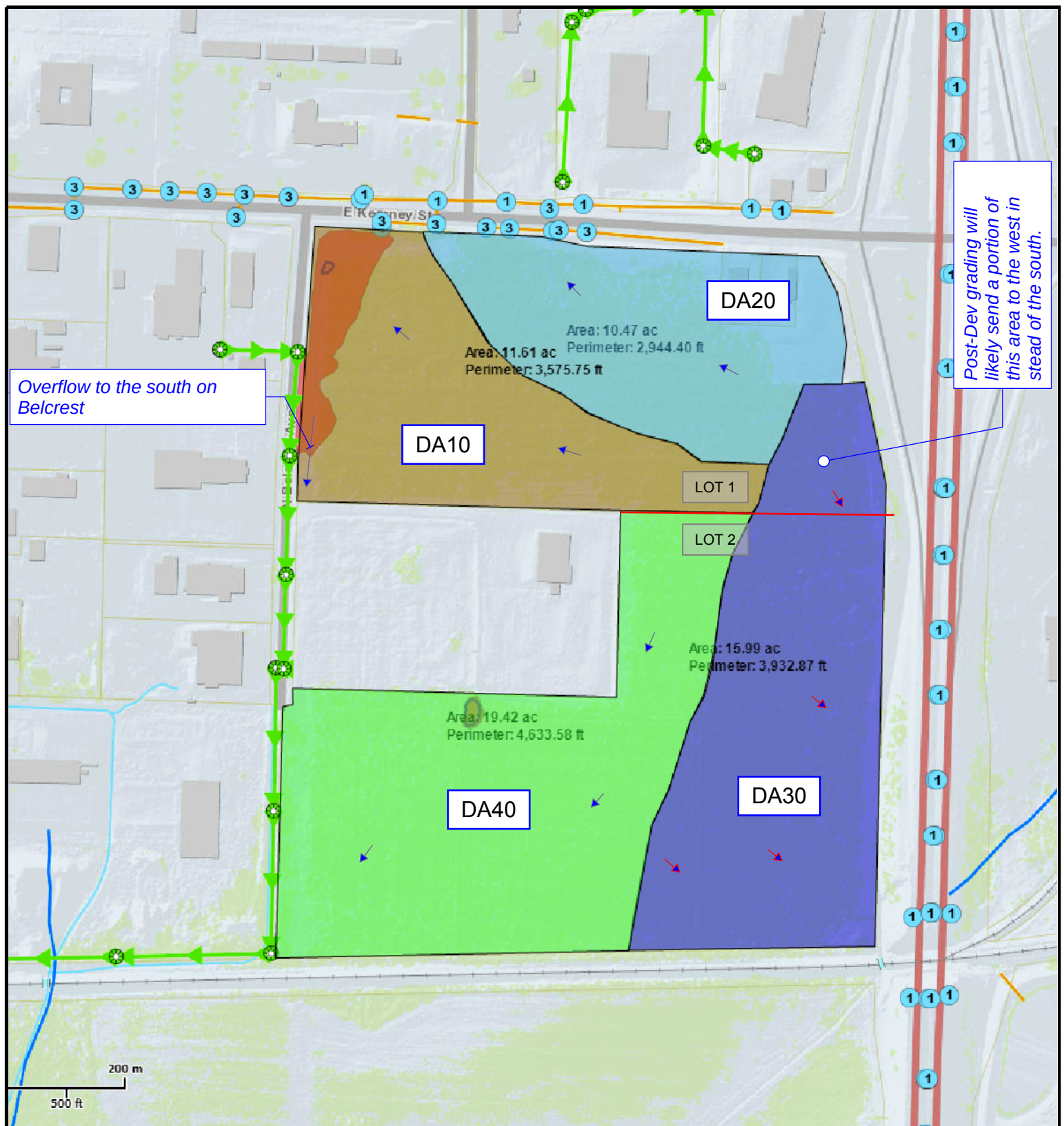
Approximate needed detention volumes are estimated as follows:

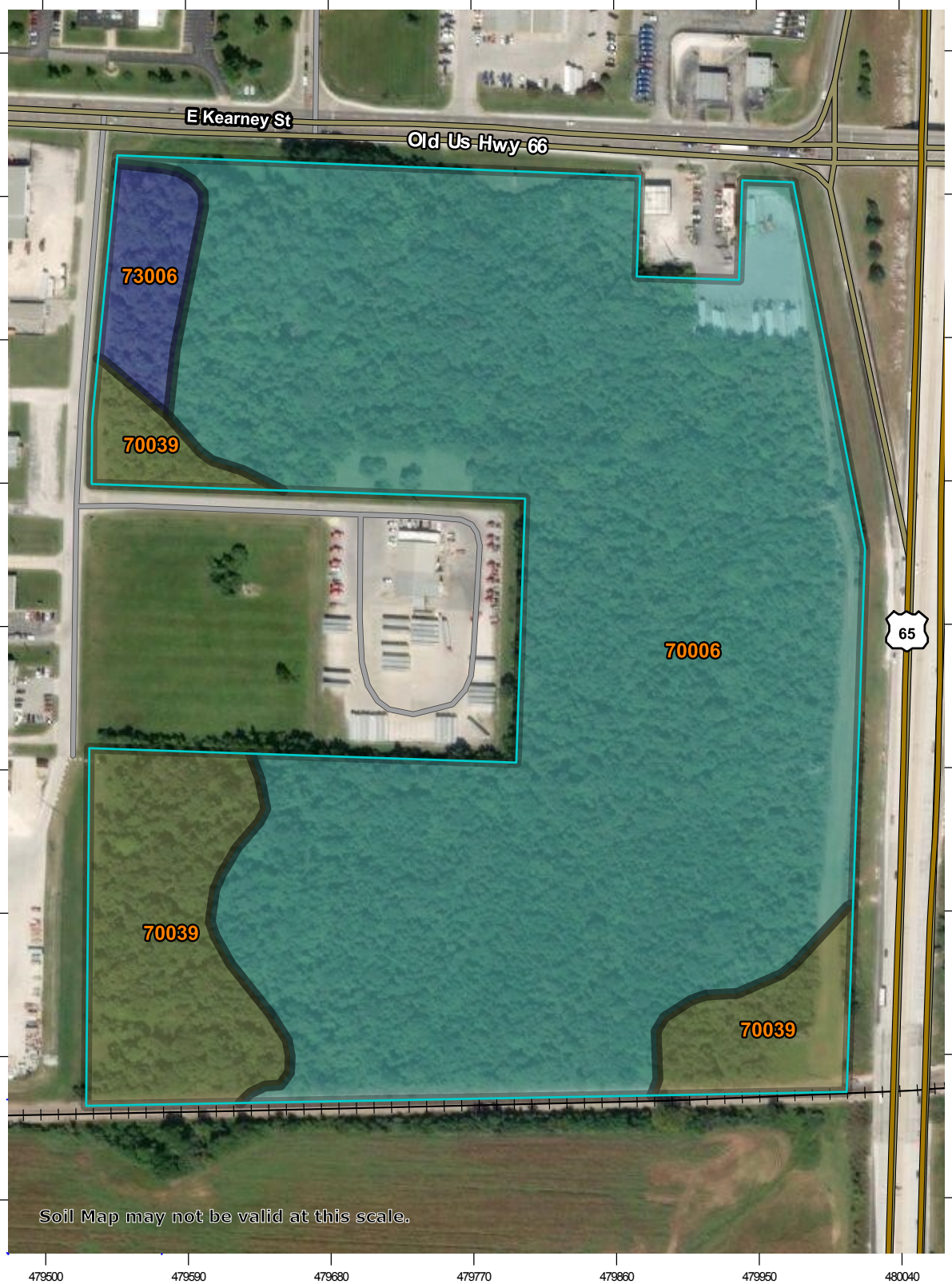
	AREA (AC)	80% IMP (AC)	APPROXIMATED DETENTION VOLUME BASED ON 12,800 CF/AC OF IMPERVIOUS (AC-FT)
DA10	11.61	9.29	2.73
DA20	10.47	8.38	2.46
DA30	15.99	12.79	3.76
DA40	19.42	15.54	4.57

A critical storm analysis was performed on the existing drainage areas to determine which storm duration produced the highest peak flow rates. Due to the fact that we were looking for the maximum peak flow rate, only the 100 year storm was compared. The 60 minute storm was determined to be the critical event. Once development plans are prepared the critical storm will need to be re-evaluated.

SITE FLOW DATA

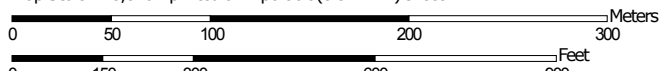
Drainage Area	Existing Peak Flow (1% AEP) (cfs)
DA10	23
DA20	24
DA30	36
DA40	40





Soil Map may not be valid at this scale.

Map Scale: 1:3,810 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Lines

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Points

 A
 A/D
 B
 B/D

 C
 C/D
 D
 Not rated or not available

Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Greene County, Missouri
 Survey Area Data: Version 23, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 15, 2010—Oct 1, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
70006	Celdon silt loam, 1 to 3 percent slopes	C	45.8	81.2%
70039	Sacville silty clay loam, 1 to 3 percent slopes	C/D	8.9	15.7%
73006	Peridge silt loam, 2 to 5 percent slopes	B	1.8	3.1%
Totals for Area of Interest			56.4	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

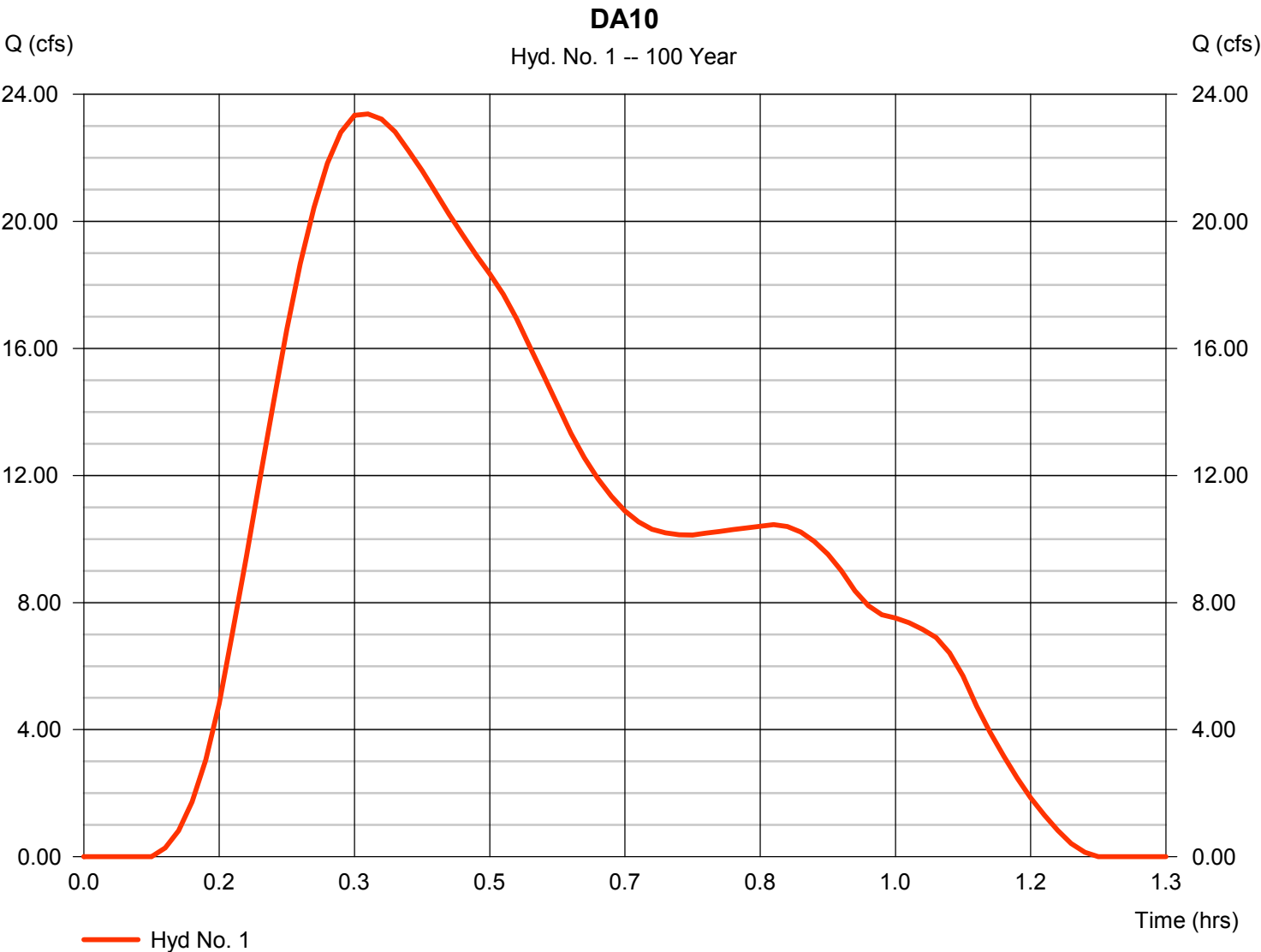
Hydrograph Report

Hyd. No. 1

DA10

Hydrograph type	= SCS Runoff	Peak discharge	= 23.38 cfs
Storm frequency	= 100 yrs	Time to peak	= 0.35 hrs
Time interval	= 1 min	Hyd. volume	= 46,466 cuft
Drainage area	= 11.610 ac	Curve number	= 68*
Basin Slope	= 1.5 %	Hydraulic length	= 1300 ft
Tc method	= KIRPICH	Time of conc. (Tc)	= 9.82 min
Total precip.	= 3.84 in	Distribution	= Huff-1st
Storm duration	= 1.00 hrs	Shape factor	= 484

* Composite (Area/CN) = [(9.810 x 70) + (1.800 x 55)] / 11.610



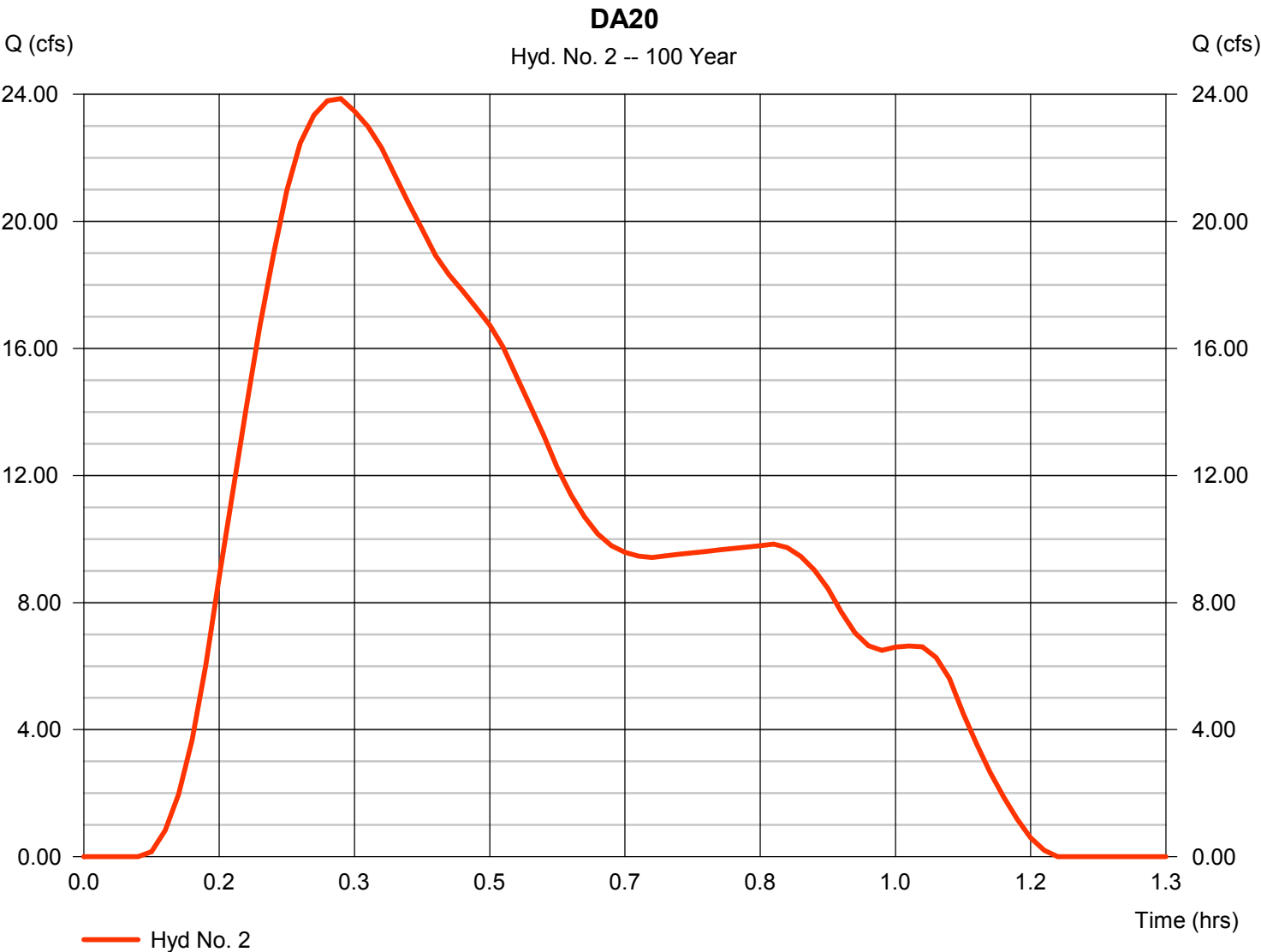
Hydrograph Report

Hyd. No. 2

DA20

Hydrograph type	= SCS Runoff	Peak discharge	= 23.87 cfs
Storm frequency	= 100 yrs	Time to peak	= 0.32 hrs
Time interval	= 1 min	Hyd. volume	= 45,355 cuft
Drainage area	= 10.470 ac	Curve number	= 70*
Basin Slope	= 2.0 %	Hydraulic length	= 1000 ft
Tc method	= KIRPICH	Time of conc. (Tc)	= 7.18 min
Total precip.	= 3.84 in	Distribution	= Huff-1st
Storm duration	= 1.00 hrs	Shape factor	= 484

* Composite (Area/CN) = [(10.470 x 70)] / 10.470



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

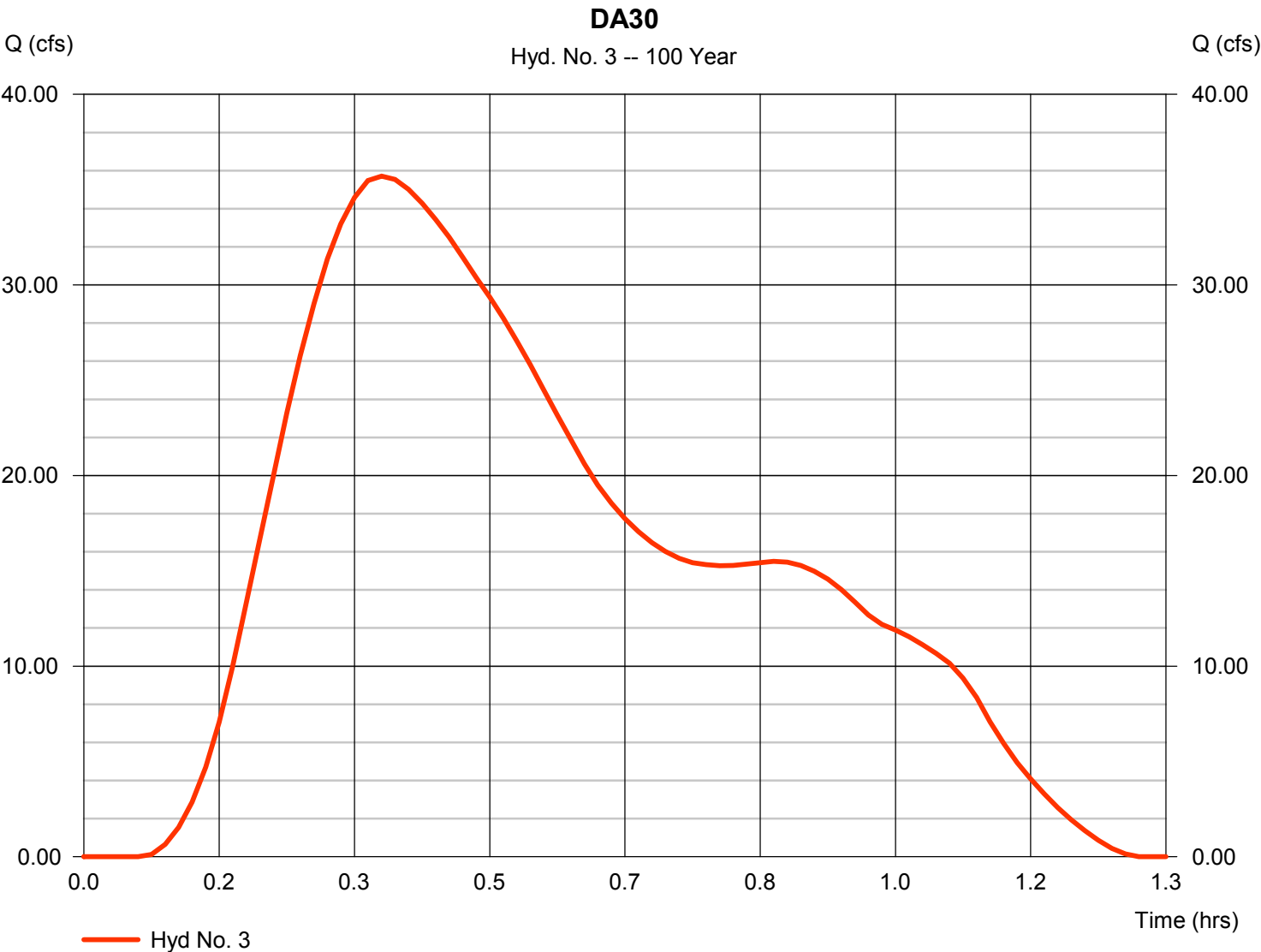
Thursday, 10 / 25 / 2018

Hyd. No. 3

DA30

Hydrograph type	= SCS Runoff	Peak discharge	= 35.71 cfs
Storm frequency	= 100 yrs	Time to peak	= 0.37 hrs
Time interval	= 1 min	Hyd. volume	= 72,356 cuft
Drainage area	= 16.000 ac	Curve number	= 70*
Basin Slope	= 1.4 %	Hydraulic length	= 1400 ft
Tc method	= KIRPICH	Time of conc. (Tc)	= 10.67 min
Total precip.	= 3.84 in	Distribution	= Huff-1st
Storm duration	= 1.00 hrs	Shape factor	= 484

* Composite (Area/CN) = [(16.000 x 70)] / 16.000



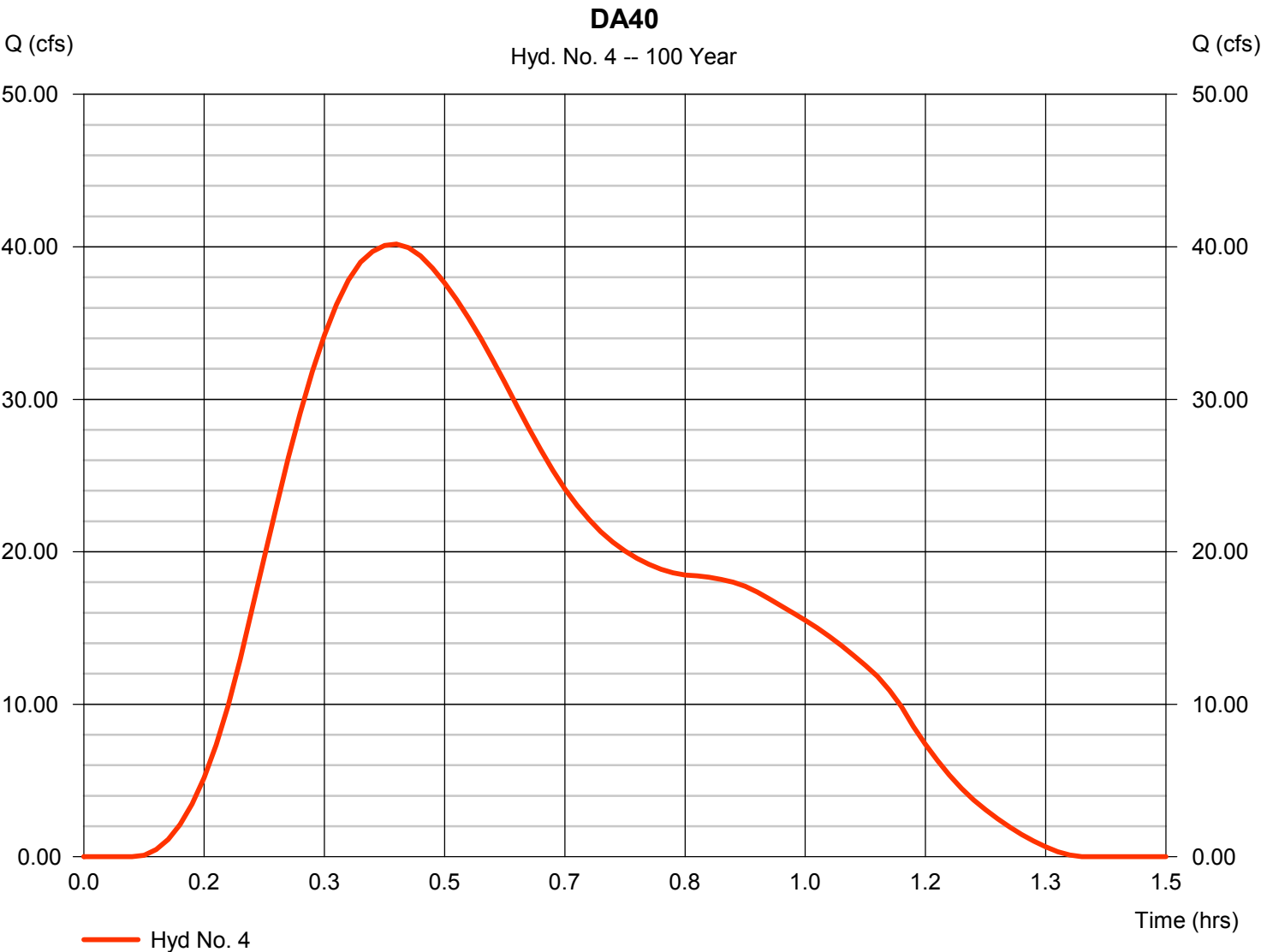
Hydrograph Report

Hyd. No. 4

DA40

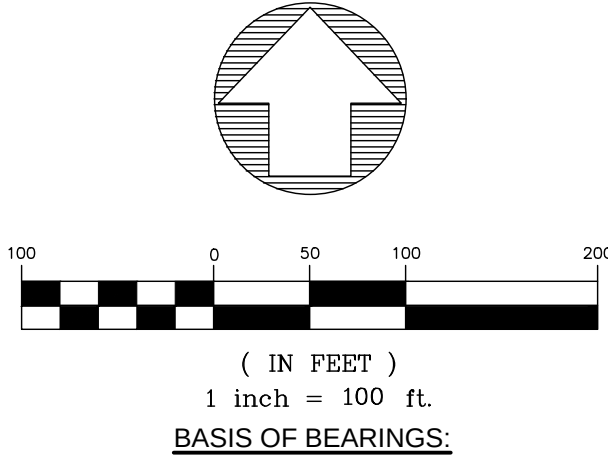
Hydrograph type	= SCS Runoff	Peak discharge	= 40.19 cfs
Storm frequency	= 100 yrs	Time to peak	= 0.43 hrs
Time interval	= 1 min	Hyd. volume	= 86,282 cuft
Drainage area	= 19.420 ac	Curve number	= 70*
Basin Slope	= 1.1 %	Hydraulic length	= 1700 ft
Tc method	= KIRPICH	Time of conc. (Tc)	= 13.60 min
Total precip.	= 3.84 in	Distribution	= Huff-1st
Storm duration	= 1.00 hrs	Shape factor	= 484

* Composite (Area/CN) = [(19.420 x 70)] / 19.420



PRELIMINARY PLAT
MORRIS INDUSTRIAL PARK

OWNER/DEVELOPER
ICT II, LLC
2023 South Glenstone
Springfield, MO 65804



BEARINGS ARE GRID NORTH BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE. GPS TIES TO STATION GR-09

GR-09
N: 154589.622m
E: 435860.635m
ELEV: 431.962m

BUILDING SETBACKS:

Current Zoning: HC - Highway Commercial
HM - Heavy Manufacturing

Proposed Zoning: Lot 1 - HC Lot 2 - HM

Current Zoning Setbacks

	HC	HM
Front	30'	30'
(Commercial/Industrial Local Street Frontage)		
Side	0'	10' or 0'
Rear	0'	10' or 0'

LOT INFORMATION:

Total Acreage - 57.25

Largest Lot: Lot 2 - 33.33 Acres
Smallest Lot: Lot 1 - 23.92 Acres

No Lots will have access to U.S. Highway 65

GENERAL NOTES -

- The existing bill boards along Interstate U.S. Highway 65 do not meet Zoning Ordinance requirements. Section 36-454 (30)(l) of the zoning ordinance requires a minimum of 1,500 feet of separation. These bill boards are non-conforming and will be treated as such in accordance with the zoning ordinance.
- The developer of Lot 2 will be required to construct a cul-de-sac at the South end of Belcrest Avenue in an access easement or right-of-way. The cul-de-sac shall be constructed at the time of development following the City of Springfield's public works design standards.

FLOOD NOTE:

This property lies in Flood Zone "X" (areas determined to be outside of the 0.2% annual chance floodplain) according to Flood Insurance Rate Map Community Panel 29077C 0351 E, effective December 17, 2010.

SURVEY NOTES -

Accuracy Standard: Type Urban Property

SOURCE OF TITLE:: Book 2009 Page 50188-09

The utilities shown were compiled from existing mapping from city services, field locates, and from other mapping/plans such as highway plans. The utilities shown are only to the extent of the available mapping and may not represent all utilities on site. Any particular areas that become of concern during design/planning should be researched further. All buried utilities shown are approximate only.

DECLARATION BY SURVEYOR:

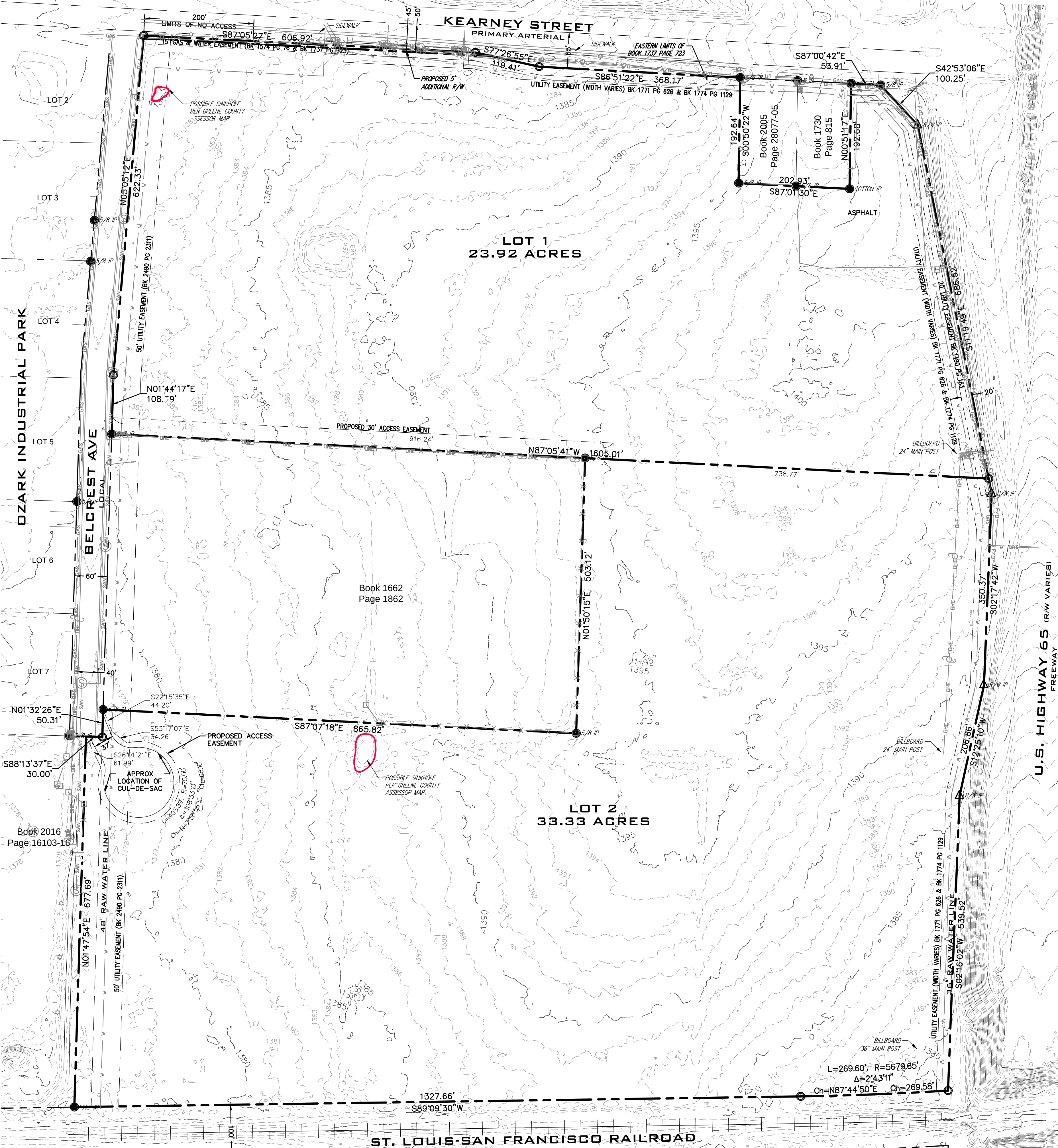
I hereby declare to ICT II, LLC that the information contained hereon is based upon an actual survey of the land described herein, according to the current Missouri Survey Standards for Property Boundary Surveys, 4CSR30-16, URBAN class properties, that the results are correctly represented hereon to the best of my knowledge and belief and that monuments and pins set were placed under my personal supervision.

Physical evidence of improvements is shown from information taken by visual inspection of the premises. Easements shown are those written, provided or evident from surface features and may not be all inclusive. Apparent ownerships as shown are based on information provided by others and do not represent an opinion as to Title.

This plat of survey is an instrument of service and is protected under U.S. Copyright Law. It is not to be used by anyone other than the party or parties named on this plat unless it has been updated and recertified by Lee Engineering & Associates, L.L.C.

BY:  DATE: 11/19/2018

DON RAY BERRY, PROFESSIONAL LAND SURVEYOR
STATE OF MISSOURI LICENSE NO. 2004017829



VICINITY MAP
NOT TO SCALE

LEGEND

- FOUND IRON PIN
- SET IRON PIN OR MARKER AS NOTED
- △ R/W MARKER
- BOUNDARY LINE
- R/W LINE
- EASEMENT LINE
- SETBACK LINE
- MEASURED PLAT
- DEED RECORD
- ☆ LIGHT POLE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER LINE
- UTILITY POLE
- ELECTRIC METER
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- GUY WIRE
- PHONE/COMMUNICATION MANHOLE
- PHONE PEDESTAL
- CABLE TV RISER
- CABLE TV LINE
- UNDERGROUND PHONE
- OVERHEAD PHONE
- FIBER OPTIC LINE
- WATER VALVE
- WATER METER
- WATER LINE
- FIRE HYDRANT
- GAS VALVE
- GAS METER
- GAS LINE
- FENCE LINE (AS NOTED)
- ROAD SIGN (STOP, SPEED LIMIT, ETC)

ABBREVIATIONS:

XFMR TRANSFORMER
ICV IRRIGATION CONTROL VALVE
CI STORMWATER CURB INLET

DEED DESCRIPTION:

Beginning at an iron pin set at the intersection of the South right-of-way of U.S. Highway # 66, and the East line of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Nine (9), Township Twenty-nine (29), Range Twenty-one (21); thence South 1849.3 feet to the North right-of-way line of the St. Louis and San Francisco railway Company; thence West 418.38 feet along the North line of said right-of-way; thence North 1892.33 feet to the point on the South line of highway #66 and 417.67 feet West of the Place of Beginning; thence East 417.67 feet to the Place of Beginning. ALSO, Commencing on the South right-of-way line of U.S. Highway #66 at a point 417.67 feet West of the East line of the Northeast Quarter (NE¼) of Section Nine (9), Township Twenty-nine (29), Range Twenty-one (21), running thence South 1892.33 feet to a point on the North right-of-way line of the St. Louis San Francisco Railway Company 418.38 feet West of the East line of said Quarter Section; thence West along the North right-of-way of said railroad a distance of 1380.78 feet; thence Northerly making an angle to the right with last described course of 92°39' a distance of 1340.1 feet to an iron pin; thence Northerly making an angle to the right 3°15' a distance of 627.8 feet to the South right-of-way line of U.S. Highway #66 at a point of 1322.33 feet West of the point of beginning; thence East along said right-of-way line to the Place of Beginning; except that portion conveyed to Walter B. Vinton and John C. Vinton in Book 1284, page 712, and also except that part conveyed in Book 1662, Page 1862, in Springfield, Greene County, Missouri.

DATE:	2018-11-07
SHEET:	1 OF 1
PROJECT:	1715
FILE:	1715 - Morris Industrial Park Prelim Plat.dwg

REVISIONS:	DATE:	BY:

SCALE: 1" = 100'	FIELD BY: TS, JS	DRAWN BY: DRB	CHECKED BY: DRB
------------------	------------------	---------------	-----------------

Preliminary Plat

ICT II, LLC

North Belcrest Avenue,
Springfield, Greene County, Missouri

LEE ENGINEERING & ASSOCIATES, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65807
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz

"Engineering with Integrity"

Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING: N/A



CASE NUMBER:

Master Sign Plan - Napleton Autowerks

LOCATION:

3508 East Division Street

ACRES:

6.65 acres

EXISTING LAND USE:

Vacant and under construction

APPLICANT:

Napleton Equities, LLC

STAFF:

Jared Follin, Associate Planner
417-864-1612

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve the request for a Master Sign Plan for Napleton Equities, LLC

SUMMARY OF REQUEST:

Request to approve a Master Sign Plan for the Napleton Equities, LLC property on approximately 6.65 acres of property zoned HC, Highway Commercial District with Conditional Overlay District #127. The Master Sign Plan will allow the property to have an additional sign (3 total), but not additional signage allowance in terms of total effective area. Master sign plans only require Planning and Zoning Commission approval.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Community Physical Image and Character* element of the *Comprehensive Plan* recommends improving the visual appearance of the urban area. The plan states that Springfield should take steps to reduce visual blight caused by poor quality signs, utility placement, dominance of the automobile, and new development that is out of character with its surroundings. The plan recommends reducing the allowable sign area, height and number of visual clutter.
2. Approval of this application will allow the property to establish a commercial detached sign on each street frontage of the property. The property is planned to be utilized by three car dealerships, each with their own sign. Current ordinance only allows for a maximum of two signs per premise.
3. A master sign plan may be utilized to allow additional signage on a premise. This application will not increase the allowable total effective area of signage on the premise.
4. This application meets the requirements for establishment of a Master Sign Plan.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	PD 229, Amendment #1	PD 19, Amendment #1	O-1 w/COD #128	HM
LAND USE	Residential/Undeveloped	Retail Commercial	Vacant	Industrial Uses

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse

- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area

- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

Development Review Staff Report



PROPERTY HISTORY:

The subject property was annexed into the City of Springfield in 1987. The property was originally zoned R-1, One Family District, but has been through various zoning changes. The most recent zoning change was in 2017, which changed the zoning classification from General Retail, with Conditional Overlay District #69 to Highway Commercial, with Conditional Overlay District #127. The property was recently platted through the Administrative Replat process. The replat is titled "Napleton Equities LLC Administrative Replat of Cooper Estates Tract V." Property adjacent to Lot 1 was recently purchased from MODOT and is included in the Master Sign Plan.

COMPATIBILITY WITH THE ZONING ORDINANCE:

Section 36-454 (21): A Master Sign Plan application may be approved for the purpose of establishing consistent, logical and equitable signage for: Multiple uses on a single lot; a building group of a single use or multiple uses that may involve multiple properties; or a large tract that contains a single use with multiple services.

The main intent of a Master Sign Plan is to provide clarity of communications regarding tenants and services to users of the premise or building group. A Master Sign Plan is not intended to provide special or additional signage allowance in terms of total effective area than would otherwise be permitted in the Zoning Ordinance Section 36-454, Signs.

CODE ITEM	REQUIREMENTS FOR A MASTER SIGN PLAN
<i>Review of Master Sign Plan application</i>	The planning and zoning commission shall review and either approve, deny, or amend all applications for Master Sign Plans. No review of a Master Sign Plan application shall be done by the planning and zoning commission unless the director of planning and development, or his duly designated delegate, has certified to the planning and zoning commission that the application is complete (based on the information and contents of required application) and does not contain or reveal violations of this article or other applicable regulations.
Conditions and restrictions.	In approving a Master Sign Plan application, the planning and zoning commission may impose conditions and safeguards to comply with the requirements of this article or to avoid, minimize, or mitigate any potentially adverse or injurious effect of such Master Sign Plan upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the resolution approving the Master Sign Plan application.
Maximum number of detached signs without Master Sign Plan	The maximum allowable number of detached signs combined is two.
Maximum sign height and effective area of a detached sign without Master Sign Plan	Division frontage - 400 sq. ft., 40' in height US 65 Highway frontage - 400 sq. ft., 40' in height

MASTER SIGN PLAN REQUIREMENTS	MASTER SIGN PLAN REQUIREMENTS
Maximum number of detached signs with a Master Sign Plan	The maximum allowable number of detached signs combined is three.
Maximum detached sign height and effective area with a Master Sign Plan	Eastgate frontage: 150 sq. ft., 24' in height Division frontage: 200 sq. ft., 30' in height US 65 Highway frontage: 300 sq. ft., 40' in height

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The proposed Master Sign Plan meets the recommendations of the Community Physical Image *Plan* element of the *Comprehensive Plan* which encourages revising the ordinance to limit the number and size of signs permitted and combine multiple signs into coordinated sign panels. While the Master Sign Plan increases the number of signs permitted to the site, the size and height of the signs will be reduced and only one sign will be allowed on each street frontage.

Development Review Staff Report



STAFF COMMENTS:

1. The applicant, Napleton Equities, LLC, is seeking to create a Master Sign Plan for the Napleton Equities, LLC Administrative Replat of Cooper Estates Tract V (Lot 1) and the adjacent 1.85 acres of property recently purchased from MODOT. The proposed plan will allow the property an additional sign, permitting a sign to be located on each street frontage (3). The plan will not allow additional sign allowances in terms of total effective area.
2. The Zoning Ordinance allows each premise with frontage on any street to have one (1) permanent detached sign. Premises which have more than 425 feet of frontage along a primary arterial, expressway or freeway street, where the first sign is located, may have one (1) additional detached sign for each additional 425 feet of frontage provided a minimum of 300 feet of separation is maintained between all signs on a given premise. Under the current zoning ordinance, the subject property of Napleton Equities, LLC would be allowed to have two detached signs; one along the frontage of two streets. The applicant is requesting a master sign on Lot 1 of the Napleton Equities, LLC administrative replat and the adjacent 1.85 acres of property recently purchased from MODOT along Division street, Eastgate Street, and US 65 Highway to allow one sign on each street frontage as shown on Exhibit 3. The Eastgate Street sign will be 150 square feet and 24 feet in height, the Division Street sign will 200 square feet and 30 feet in height, and the US 65 Highway sign will be 300 square feet and 40 feet in height. There will be three-hundred (300) feet spacing between all proposed signs per the zoning ordinance. All other signs i.e. wall signs, directional signs shall be permitted per the sign regulations.
3. 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. The approval of a Master Sign Plan application shall not authorize the erection, placement, reconstruction, structural alteration or moving of any sign, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals, which may be required by the codes and ordinances of the City, including, but not limited to, a building or sign permit. The signs shall be required to have a separate permit.
4. All provisions of Section 36-454 of the Springfield Zoning Ordinance shall be met.
5. The proposed Master Sign Plan was reviewed by City departments and comments are contained in Exhibit 1.

NEIGHBORHOOD MEETING:

A neighborhood meeting is not required for a Master Sign Plan per the zoning ordinance.

PUBLIC NOTIFICATION:

The Planning and Zoning Commission agenda was posted for the Master Sign Plan.

Development Review Staff Report



EXHIBIT 1: DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

CITY UTILITIES:

Electric: The sign locations are clear of underground electric facilities or easements. No issue with the proposed sign locations.

Gas: No issue with the sign locations.

Water: Sign C on the north side may be removed if City Utilities has to dig to get to the 48 inch water line in that area.

CLEAN WATER SERVICES COMMENTS:

No conflict with public sewer.

FIRE DEPARTMENT COMMENTS:

No comments

MODOT COMMENTS:

Sign cannot be on or overhang state r/w.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

There does not appear to be any work taking place within public right-of-way. Defer to MODOT for final approval.

PUBLIC WORKS STORMWATER COMMENTS:

No issue with Master Sign Plan other than Sign A will be over a new storm water pipe and foundation will either need to be shallow or straddle that pipe.

REQUIREMENTS FOR MASTER SIGN PLAN – NAPLETON EQUITIES, LLC:

Signage is permitted in conformance with master sign site plan as submitted in Attachment 1 & 2.

1. Proposed detached sign for the Eastgate street frontage: The master sign shall have a maximum height of 24 feet with a maximum effective area of 150 square feet as shown on Attachment 1 & 2.
2. Proposed detached sign located for the Division street frontage: The master sign shall have a maximum height of 30 feet with a maximum effective area of 200 square feet as shown on Attachment 1 & 2.
3. Proposed detached signs for the US 65 Highway frontage: The master sign shall have a maximum height of 40 feet with a maximum effective area of 300 square feet as shown on Attachment 1 & 2.
4. All other signs shall conform to the zoning ordinance at the time of development.

STANDARDS FOR MASTER SIGN PLAN:

An application for a Master Sign Plan shall be granted only if evidence is presented which establishes the Applicant's response to:

1. The proposed Master Sign Plan will be consistent with the adopted policies in the Springfield Comprehensive Plan;

RESPONSE: This plan is consistent with adopted policies in the Comprehensive Plan in that we are providing for good business identification while not allowing more signage area than is currently allowed.

2. The proposed Master Sign Plan has the potential to improve the safety and convenience of the motoring public and of pedestrians using the property and the area immediately surrounding the property;

RESPONSE: It provides for better business identification to the motoring public.

3. The location, lighting and type of signs proposed and the relationship of signs to traffic control is appropriate for the property;

RESPONSE: The sign locations are appropriate and are properly spaced.

4. The proposed signs will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations;

RESPONSE: The signs are on a seven-acre property and do not dominate the area.

5. The proposed signs, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topography or physical features of the site;

RESPONSE: The signs will not inhibit or significantly change any natural topography or features.

6. The proposed signs will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;

RESPONSE: There are no historic features on the site.

7. The proposed signs, as shown by the applicant, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way; and

RESPONSE: They do not conflict with any utilities, easements, or private rights of way.

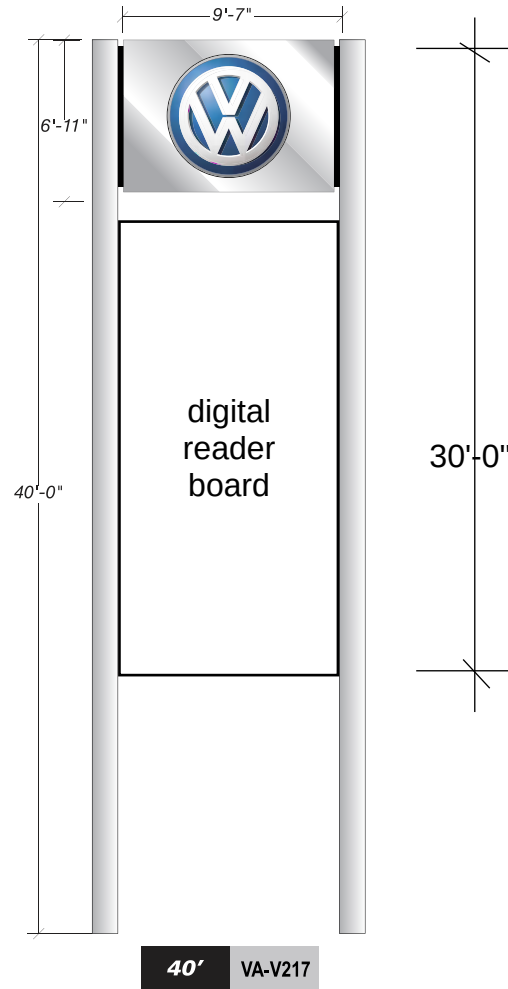
8. The proposed signs will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent or surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public, safety and general welfare.

RESPONSE: They will not have an adverse effect on the area.

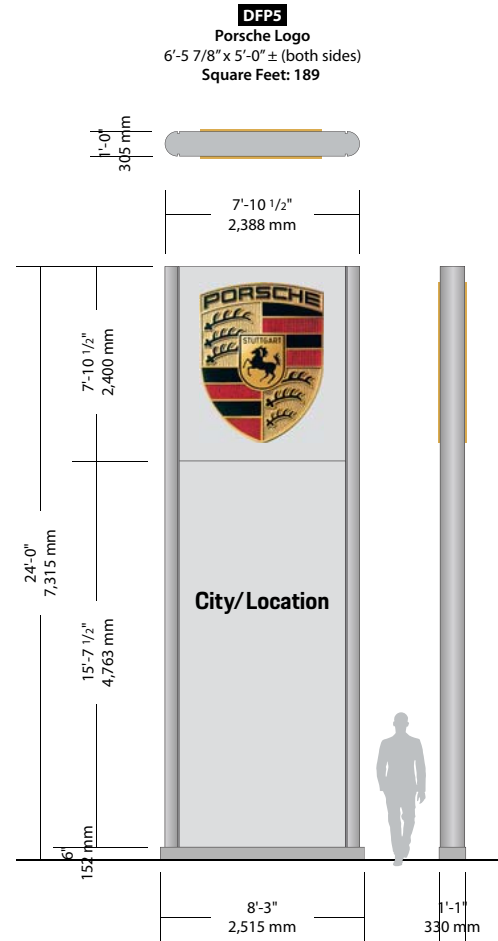
Attachment 1

Napleton Autowerks Master Sign Plan Sign Exhibit

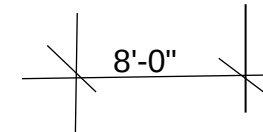
Note: These signs are representations of Brand prototype signs but final sign design will be determined with Franchiser input. sign materials are steel posts with ACM metallic panel exteriors and internal lighting



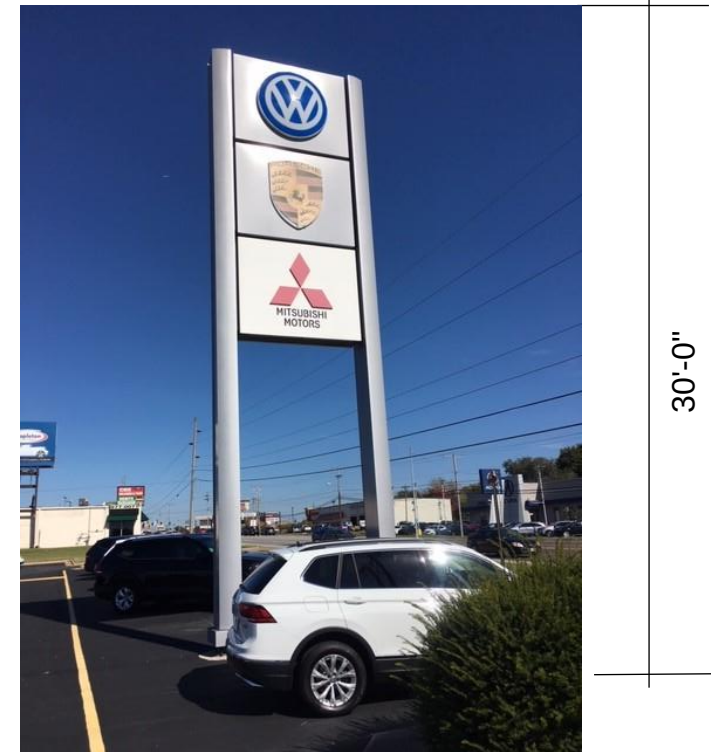
Sign A
along US 65
max sign area
300 SF



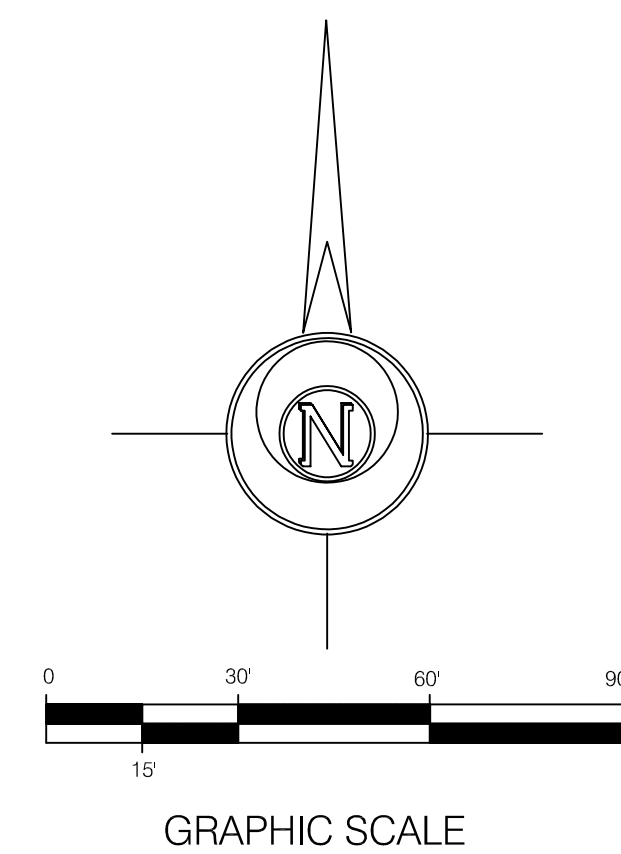
Sign B
Eastgate
max sign area
150 sf



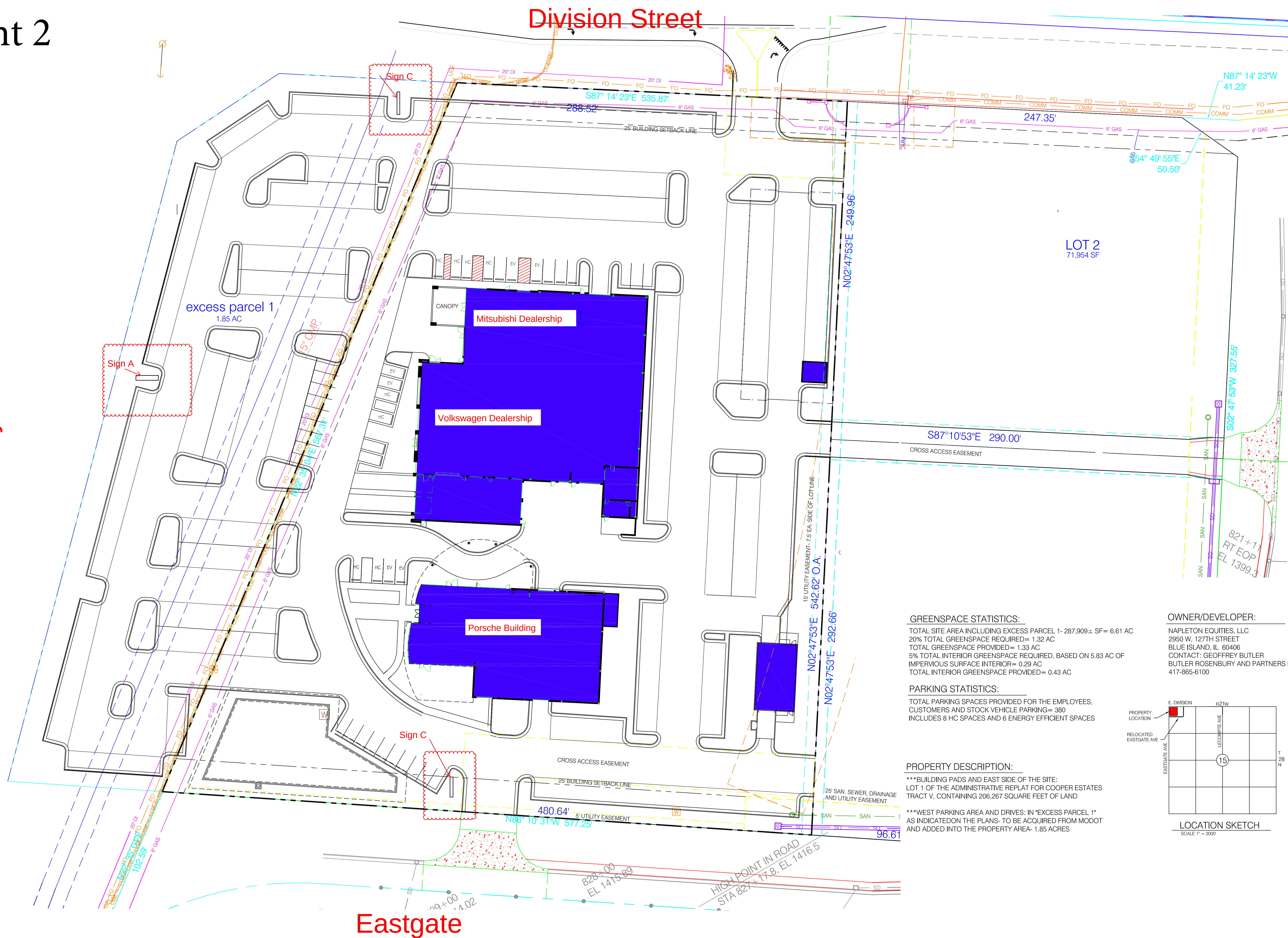
Sign C
Division St.
max sign area
200 sf



Attachment 2



US 65 Freeway



GREENSPACE STATISTICS:

TOTAL SITE AREA INCLUDING EXCESS PARCEL 1- 287,909± SF= 6.61 AC
20% TOTAL GREENSPACE REQUIRED= 1.32 AC
TOTAL GREENSPACE PROVIDED= 1.33 AC
5% TOTAL INTERIOR GREENSPACE REQUIRED, BASED ON 5.83 AC OF IMPERVIOUS SURFACE INTERIOR= 0.29 AC
TOTAL INTERIOR GREENSPACE PROVIDED= 0.43 AC

PARKING STATISTICS:

TOTAL PARKING SPACES PROVIDED FOR THE EMPLOYEES, CUSTOMERS AND STOCK VEHICLE PARKING= 380
INCLUDES 8 HC SPACES AND 6 ENERGY EFFICIENT SPACES

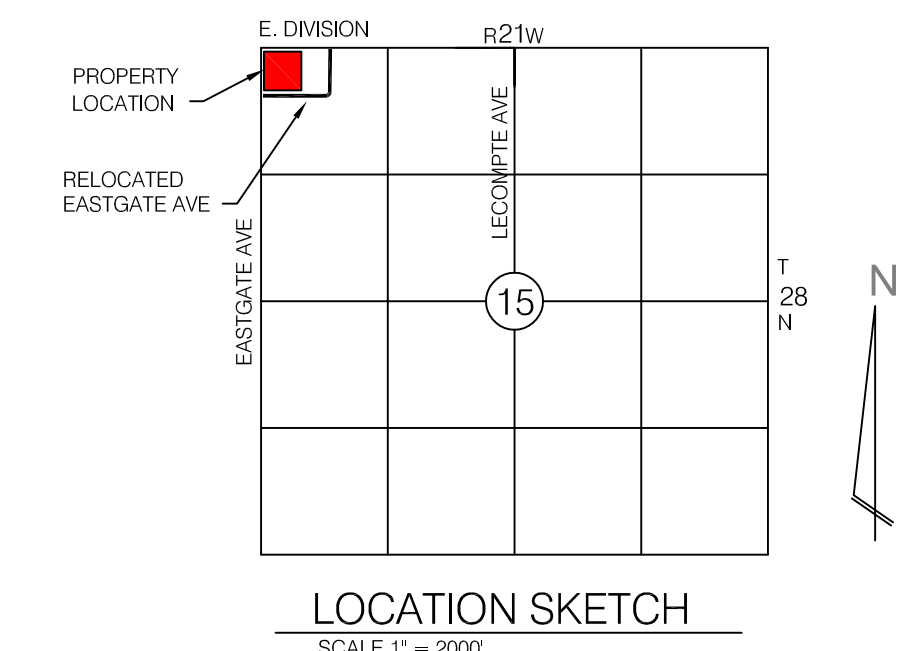
PROPERTY DESCRIPTION:

***BUILDING PADS AND EAST SIDE OF THE SITE:
LOT 1 OF THE ADMINISTRATIVE REPLAT FOR COOPER ESTATES TRACT V, CONTAINING 206,267 SQUARE FEET OF LAND

***WEST PARKING AREA AND DRIVES: IN "EXCESS PARCEL 1" AS INDICATED ON THE PLANS- TO BE ACQUIRED FROM MODOT AND ADDED INTO THE PROPERTY AREA- 1.85 ACRES

OWNER/DEVELOPER:

NAPLETON EQUITIES, LLC
2950 W. 127TH STREET
BLUE ISLAND, IL 60406
CONTACT: GEOFFREY BUTLER
BUTLER ROSENBERG AND PARTNERS PC
417-865-6100



Napleton Autowerks Master Sign Plan - Sign Location Plan



319 N Main, Suite 200
Springfield, MO 65806
417.521.6100

YOUR VISION. OUR FOCUS.

**PUBLIC WORKS DEPARTMENT – TRAFFIC OPERATIONS
DEVELOPMENT REVIEW
MEMORANDUM**

DATE: November 26, 2018

TO: Planning and Zoning Commission

FROM: Dawne Gardner
Transportation Planner

SUBJECT: Initiate amendments to the Zoning Ordinance Section 36-454, Signs

Staff is requesting amendments to the Zoning Ordinance to clarify that signage or markings on public right of way will be allowed through the encroachment process. Currently, the ordinance allows only government or neighborhood identification signs on the public right of way with approval of the Public Works Director.

Staff requests that Commission initiate amendments to the Zoning Ordinance to consider modifications as specified. If approved, staff will prepare and draft changes to the Zoning Ordinance and schedule a public hearing at the next available date for both the Commission and the City Council.

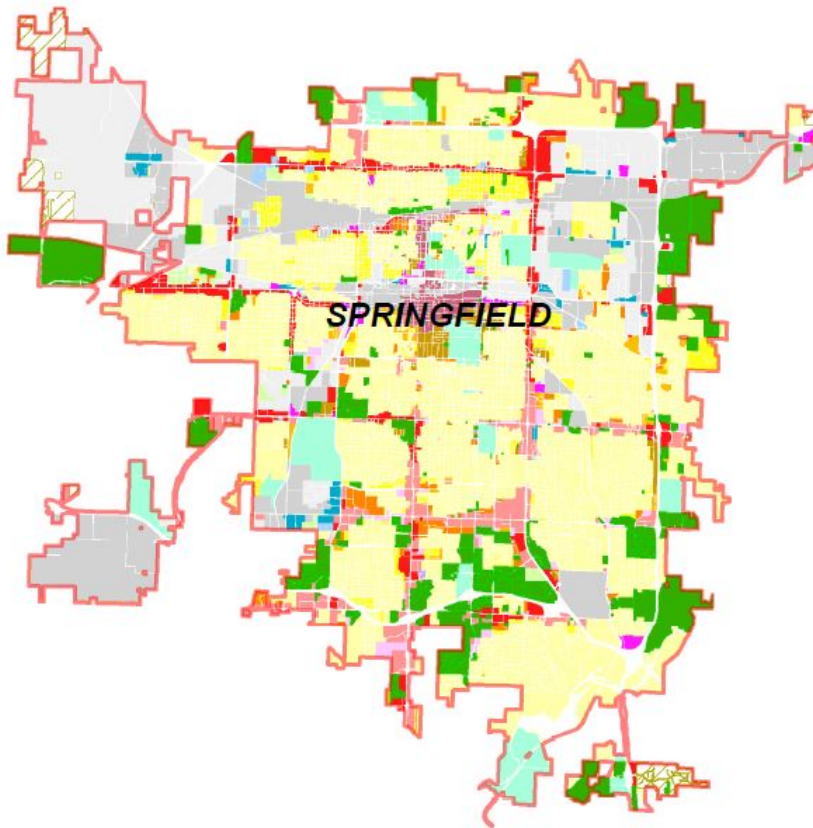
Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING:

DECEMBER 10, 2018



CASE:

ATM Amendments

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

1. Staff is requesting an amendment to the Springfield Land Development Code, Article III, 'Zoning Regulations,' Division 5, 'Supplemental District Regulations,' Section 36-452.- 'Temporary Uses,' to add requirements for Automatic Teller Machines (ATMs) as a temporary use in all zoning districts.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will allow an ATM to be relocated temporarily in any zoning district on large properties along major roadway corridors where the additional traffic can be accommodated and eliminate any disruption in customer service.

Development Review Staff Report



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. City Council initiated amendments to Section 36-452., Temporary Uses, on November 19, 2018.
2. In situations where an Automated Teller Machine (ATM) must be temporarily moved from an existing location, staff is proposing to add a new subsection to temporary uses to allow ATMs to be relocated for a short period of time. This will provide consistency with customers to have an ATM available during situations where new construction is occurring on a site.
3. Staff is proposing amendments that will allow an ATM to temporarily locate for no more than 24 months in any zoning district if the site is 10 acres or more and is located along and has access to a secondary arterial or higher classified roadway. This will limit these temporary uses to larger sites (i.e. churches) along major roadway corridors.
4. The amendments will also limit the site to no more than one ATM and the issuance of a permit shall not give any legal non-conforming status to the site in establishing a long-term placement. The ATM use shall cease to exist no later than 24 months from the issuance of the building permit.
5. A site plan shall be submitted to, and approved, showing conformance with the requirements of the Zoning Ordinance, adopted standards, and other city codes. This site plan review will rectify any issues with circulation, queuing, screening and lighting that may occur.
6. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be added is underlined.

Sec. 36-452. - Temporary uses.

(3) *Temporary uses permitted.*

- (a) The following temporary uses of land are permitted in any zoning district subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

6. Automated Teller Machines (ATMs), subject to the following restrictions:

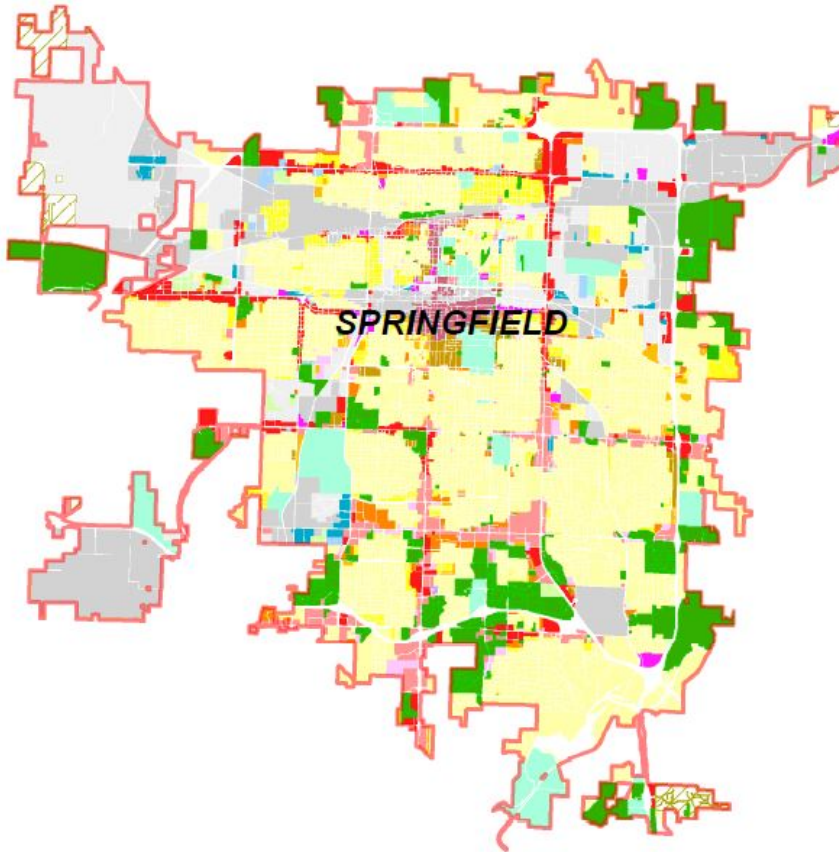
- a. Must be located on 10 acres or more; and
- b. Must be located along and have access to a secondary arterial or higher classified roadway; and
- c. A site plan shall be submitted to, and approved, showing conformance with the requirements of the zoning ordinance, adopted standards, and other city codes; and
- d. Such use shall cease to exist no later than 24 months from the issuance of the building permit; and
- e. No more than one ATM is allowed per site; and
- f. Issuance of this permit shall not give any legal non-conforming status to the site, and under no circumstance shall the use exist longer than 24 months as set forth in subsection d.

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: DECEMBER 6, 2018

CITY COUNCIL PUBLIC HEARING: JANUARY 14, 2019



CASE:

Short-Term Rental Amendments

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve the proposed Zoning Ordinance amendments as submitted in the staff report

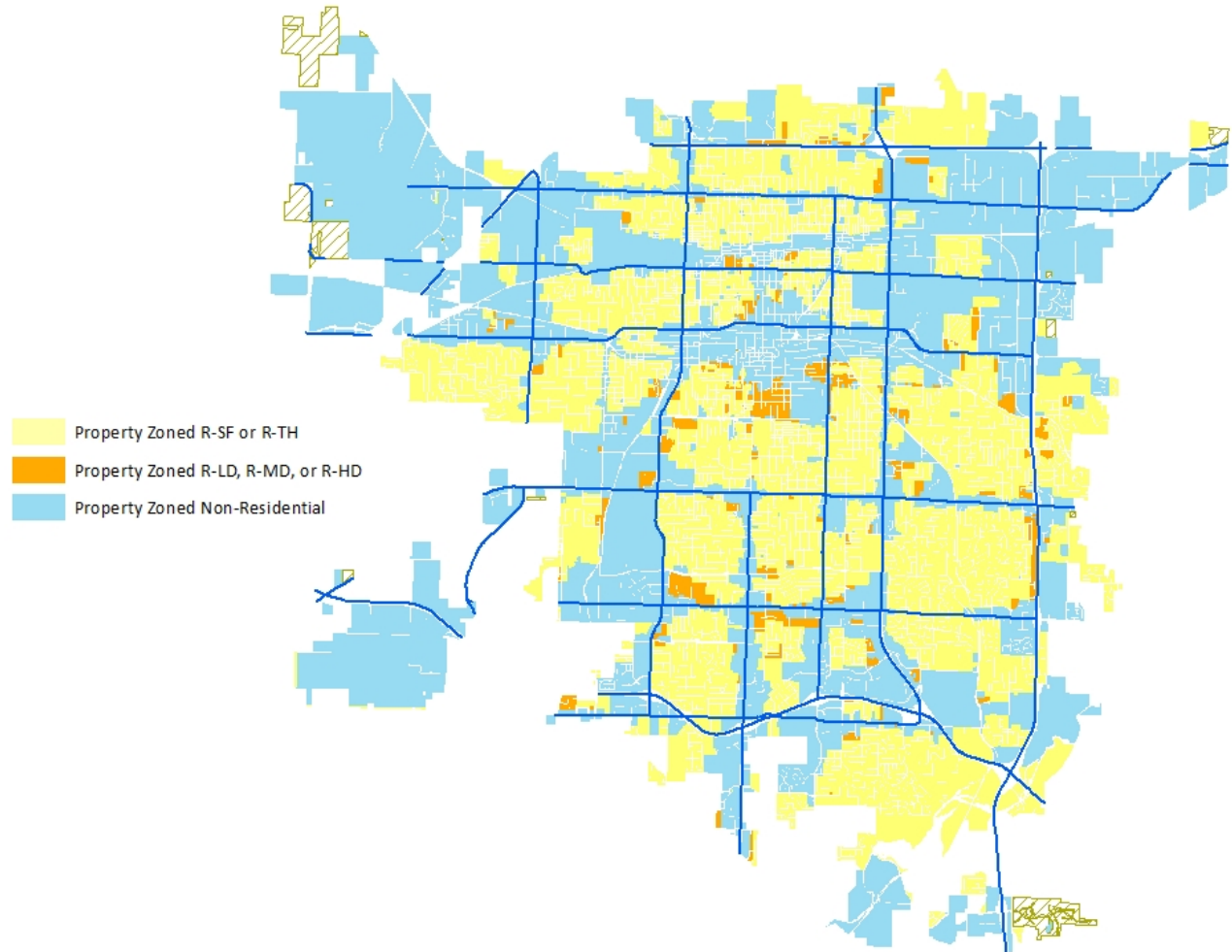
SUMMARY OF REQUEST:

To amend the permitted uses subsections in all base zoning districts in Division 4 of the Zoning Ordinance, clarify Section 36-451, Home Occupations, add a new Section 36-472, Short-Term Rentals and definition to allow Short-Term Rentals under certain conditions and requirements.

FINDINGS FOR STAFF RECOMMENDATION:

1. Short-Term Rentals are currently not permitted in the Zoning Ordinance. The current ordinance only allows the rental of a residential dwelling for more than 30 days. Short-Term Rentals are a growing land use that needs to be addressed with certain conditions and requirements in the Zoning Ordinance to be compatible with other residential uses. The reason for the short-term rental ordinance is to allow this growing industry while protecting the integrity of single-family neighborhoods within the community.
2. The proposed Zoning Ordinance will allow three Types of Short Term Rentals; owner-occupied in the R-SF and R-TH with limited rental days, non-owner occupied in the R-SF and R-TH which requires a Short-Term Rental permit, and the third Short Term Rental type is allowed in all other districts but limited to two per premise.

CITYWIDE LAND USES:



COMPATIBILITY WITH COMPREHENSIVE PLAN:

Short-Term Rentals were not addressed in City's *Comprehensive Plan*; however, the *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and non-residential development patterns.

SUMMARY OF PROPOSED TEXT AMENDMENT:

The original Short-Term Rental Amendments were considered by Planning and Zoning Commission on January 11, 2018. On April 12th, Planning and Zoning Commission considered revised amendments that were remanded from City Council. On June 7th, City Council referred revised amendments to City Council's Plans and Policies Committee which held multiple meetings to discuss the issue. On October 11th, Planning and Zoning Commission considered revised amendments from Plans and Policies. City Council has made additional changes with a substitute bill and have remanded these changes to Planning and Zoning Commission for review:

Modifies the Short-Term Rental (STR) Type 1 definition to permit unlimited short-term rentals in a legal accessory apartment located in the primary structure or historic carriage-house when the property owner is present on the premise. Type 1s are otherwise limited to no more than 95 days in a calendar year when the owner is absent from the premise.

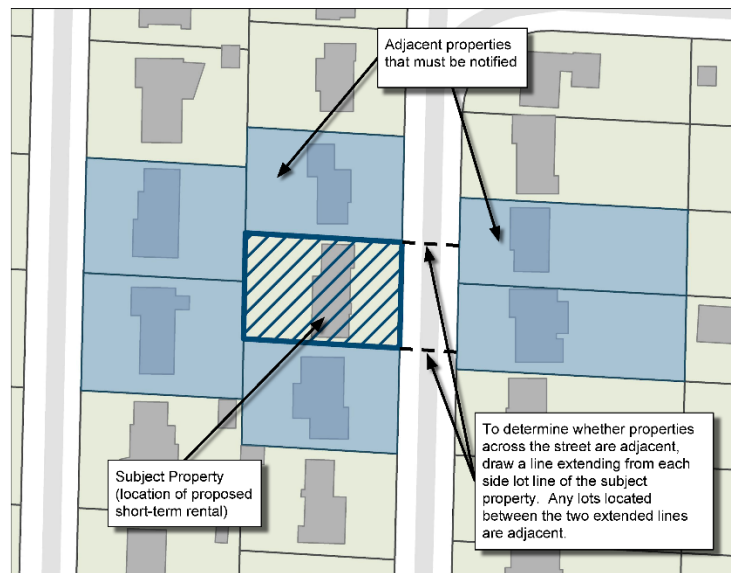
Clarifies that advertising or promoting a noncompliant Short-Term Rental using a third-part intermediary will be a violation of the ordinance.

Implements a grace period for implementation of the density limitation. Applicants for STR Type 2s who file within the first thirty (30) days of passage of the ordinance will not be subject to the density limitations. This will apply to existing and new STRs.

Changes the separation requirement to a density limitation for Short-Term Rental Type 2s. Type 2s will be limited to no more than one Type 2 or bed and breakfast per eight residential structures on a block face in R-SF or R-TH districts. No STR Type 2 will be permitted on a block face with fewer than four (4) residential structures, unless an appeal is granted by City Council. Block face is defined as one side of a street, from one intersection to the next, excluding alleys. Residential structures are determined by the mailing address assigned to each.



Changes the protest provision to a consent provision for Short-Term Rental Type 2s. Type 2 applicants will be required to present a notarized affidavit with the signatures of fifty-five percent (55%) of the adjacent residential property owners, including those adjoining and immediately across the street from the proposed STR, indicating their consent to the STR Type 2. Prior to submitting their application, including the affidavit, to the City, the applicant must conduct a neighborhood meeting to discuss their proposal. Notification and posting requirements remain the same as the original bill. The applicant may apply to City Council for a Resolution granting the STR Type 2 permit if they are unable to obtain the requisite signatures.



Proposed Public Hearing Schedule

Monday, November 19	City Council	- Substitute bill is remanded to Planning & Zoning Commission per City Charter - Original bill is tabled
Thursday, December 6	Planning & Zoning Commission	Commission considers substitute bill and makes recommendation to City Council
Monday, January 14	City Council	First reading on substitute bill
Monday, January 28	City Council	- Both original and substitute bill appear as second readings on City Council agenda - If one is voted on, the other bill dies

STAFF COMMENTS:

Short-term rentals are not a new type of use; however, the advances in technology with smartphones and the internet apps and platforms have changed the way that they are advertised and rented (e.g. AirBnb, VRBO, HomeAway, etc.). Short-term vacation rentals are flourishing and while typically found in destination communities, they have now been expanding into other communities for business, medical and recreational purposes. The “Short-Term Rental” new regulations would apply to any renting of an apartment, house, condominium or bedroom in a primary structure on a temporary basis for less than 30 days to transient guests as an alternative to a hotel/motel.

The current ordinance only allows the rental of a residential dwelling for more than 30 days. Short-Term Rentals are currently not permitted by the Zoning Ordinance. The exceptions are hotel/motels (allowed in commercial districts), boarding, rooming and lodging houses (allowed in multi-family districts), institutional care facilities (allowed in multi-family, commercial and institutional districts) and bed and breakfast uses (allowed in R-SF and R-TH with a Conditional Use Permit and location restrictions). Staff has determined that the Short-Term Rentals and a traditional Bed and Breakfast use differ in a few ways. A bed and breakfast is allowed up to 5 guest rooms, individual cooking facilities are not permitted, only guests shall be served meals, the operator shall live at the bed and breakfast, and monthly rentals are not permitted.

Staff believes that short-term rentals are part of a burgeoning sharing economy. The sharing economy concept like vacation rentals is not new either. This is a business model where there is peer-to-peer based sharing of access to goods and services. Examples include Uber, Parkatmyhouse, DogVacay, StreetBank, etc.

The issue of Short-Term Rentals has recently been brought to staff’s attention through complaints by neighbors of existing short-term rentals. Complaints have included on-street parking, noise and an influx of transient guests during all hours of the night. Staff also wanted to address the possibility of being pre-empted by the State of Missouri with new laws regulating Short-Term Rentals. The Missouri State Legislature has discussed multiple bills to restrict local authority on regulating Short-Term Rentals; however, no new legislation has been passed to date. It is also important to note that the City does not enforce private agreements; therefore, existing homeowner’s association or deed covenants will remain binding between the parties, and enforceable by private action to the extent allowed by law.

In theory, Short-Term Rentals are self-regulating since renters rate owners and owners rate renters, thus poor operators will receive negative ratings and consequently fewer rentals. However, the adjacent neighbors are not given any way to rate or post their issues and concerns for these businesses. Typically, the enforcement issue is not the specific use, rather, the potential side effects of overcrowding, parking and noise.

Staff believes that this use is an issue of preserving neighborhood character and preventing negative impacts to surrounding residential neighborhoods. Proposed regulations are intended to ensure that existing life safety and health codes including occupancy requirements are being met. They will create a level playing field between these types of temporary lodging businesses and provide a diversity of lodging options for guests/tourists. They will also help to ensure adequate housing options for residents.

The following information was contained in the January 11, 2018, staff report and is repeated here as background.

In response to this growing business model, staff conducted an informational meeting with two neighborhoods that could be most impacted by these Short-Term Rental uses. Staff sought feedback about what issues these uses could create in these neighborhoods. Approximately 1,500 notification letters were sent to owners in the Rountree and Phelps Grove neighborhoods. The informational meeting was held on June 14, 2016 to discuss Short-Term Rentals and Accessory Dwelling Units. Approximately 50 property owners and known Short-Term Rental owners attended. Staff took notes and recorded results from a poll of questions and concerns that owners would have with these uses. Staff also created a survey to gain input from those that could not attend the meeting or wanted to make additional comments. The survey was opened the next day and remained open for three weeks. Staff also presented information on Short-Term Rentals and Accessory Dwelling Units on August 10, 2016 to the Neighborhood Advisory Committee and promoted the survey to gain input from all other registered neighborhood associations. The next day staff opened a similar online survey for three weeks. Staff has included the survey information in the packet in Attachment 2.

Staff met with City Council's Plans and Policies Committee three times over this last year and made multiple changes in response to their concerns. Staff has also met with representatives of the Springfield Convention and Visitors Bureau, Missouri Hotel Lodging Association, Springfield Hotel Lodging Association and with the Developer's Issues Input Group (DIIG).

Staff used many different sources for the development of the proposed amendments. The City of Kansas City and Waco, TX have recently been going through a review and approval process for their proposed draft ordinances. The City of Lee's Summit and St. Louis have bed and breakfast homestays (Short-Term Rental) with conditional use permit requirements. The City of Austin, TX implemented one of the first Short-Term Rental ordinances in the Midwest back in 2012 and has amended their ordinances multiple times since. Staff used the citizen feedback that we mentioned earlier and our existing codes and ordinances as well.

Staff has identified the major issues that were presented to these groups:

- Neighborhood character and stability – too many in one area
- Enforcement of new and existing Short-Term Rentals
- Enforcement of private covenants
- Discourage tourists/travelers that prefer Short-Term Rentals
- Provide more lodging options for tourists/travelers
- Source of income for property owners
- Health and safety issues
- Aesthetics and maintenance – will a short-term vacation property owner take care of their property better or worse than a long-term renter
- Potential loss of hotel/motel and sales tax revenues (City Code and Hancock issues)

In review of all the public comments, our existing ordinances, and other cities ordinances, staff is proposing amendments to permit Short-Term Rentals under certain conditions and requirements. The current Short-Term Rental providers who rent out their property within Springfield via Airbnb, VRBO or other online marketplaces will need to have a business license and comply with the short-term rental regulations to protect the safety, character and quality of life in all of the City of Springfield neighborhoods.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

DEPARTMENT COMMENTS:

**ATTACHMENT 1
DEPARTMENT COMMENTS**

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No objection to zoning text amendments.

CLEAN WATER SERVICES COMMENTS:

No objection to zoning text amendment.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the zoning text amendment.

STORMWATER COMMENTS:

Stormwater has no issues with the zoning text amendment.

FIRE DEPARTMENT COMMENTS:

No comments.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 SHORT-TERM RENTAL AMENDMENTS

Note: Language to be added is underlined, language to be deleted is ~~stricken~~.

Sec. 36-321. - Definitions.

Short-Term Rental: The rental of an entire dwelling, or any portion thereof, for a period of not more than 30 days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. Short-term rentals are further categorized as Type 1, 2 or 3 and subject to the conditions set forth in this Article.

Sec. 36-380. - R-SF - Single-family residential district.

(2) Permitted uses.

(o) Short-term rental type 1 or 2 in accordance with section 36-472.

~~(pe)~~ Temporary uses, as permitted by section 36-452, temporary uses.

~~(qp)~~ Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.

~~(rq)~~ Transitional housing for single-family use.

~~(sf)~~ Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

Sec. 36-381. - R-TH - Residential townhouse district.

(2) Permitted uses.

(p) Short-term rental type 1 or 2 in accordance with section 36-472.

~~(qp)~~ Temporary uses, as permitted by section 36-452, temporary uses.

~~(rq)~~ Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.

~~(sf)~~ Townhouses.

~~(ts)~~ Transitional housing for single-family or low to moderate residential density.

~~(ut)~~ Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

Sec. 36-382. - R-LD - Low-density multifamily residential district.

(2) Permitted uses.

(r) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-382(2)(a) if applicable.

~~(sf)~~ Temporary uses, as permitted by section 36-452, temporary uses.

~~(ts)~~ Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.

~~(ut)~~ Transitional housing for single-family or low to moderate residential density.

~~(vu)~~ Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

Sec. 36-383. - R-MD - Medium-density multifamily residential district.

(2) Permitted uses.

(r) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-383(2)(c) if applicable.

~~(sf)~~ Temporary uses, as permitted by section 36-452, temporary uses.

~~(ts)~~ Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.

~~(ut)~~ Transitional housing for single-family or low to moderate residential density.

~~(vu)~~ Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

Sec. 36-384. - R-HD - High-density multifamily residential district.

(2) Permitted uses.

(u) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-384(2)(c) if applicable.

~~(vu)~~ Temporary uses, as permitted by section 36-452, temporary uses.

~~(wv)~~ Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.

~~(xw)~~ Transitional housing for single-family or low to moderate residential density.

~~(yx)~~ Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

Sec. 36-385. - R-MHC - Manufactured home community district.

(2) Permitted uses.

(p) Short-term rental type 3 in accordance with section 36-472.

(~~qp~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~rq~~) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.

(~~sf~~) Transitional housing for single-family.

(~~ts~~) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

Sec. 36-400. - O - Office districts.

(2) Permitted uses.

(v) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-400(2)(b) or (r) if applicable.

(~~ww~~) Schools or development centers for persons with handicaps or development disabilities.

(~~xw~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, emergency shelter, soup kitchen, transitional service shelter, substance abuse treatment facility, or any community corrections facility, jail, prison, or detention facility, as measured from property lines; and
2. A plan of operation, including, but not limited to, administration contact information, patron access requirements, hours of operation and security measures, is on file with the City of Springfield Planning and Development Department.

(~~yx~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~zy~~) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.

Sec. 36-401. - GI - Government and institutional use district.

(2) Permitted uses.

(cc) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-401(2)(c) if applicable.

(~~dd~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, emergency shelter, soup kitchen, transitional service shelter, substance abuse treatment facility, or any community corrections facility, jail, prison, or detention facility, as measured from property lines; and
2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operation and security measures, is on file with the City of Springfield Planning and Development Department.

(~~eedd~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~ffe~~) Tier I wireless facilities in accordance with section 36-466, telecommunication towers.

-
- (~~ggff~~) Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - (~~hhgg~~) Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - (~~iihh~~) Other towers, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.

Sec. 36-409. - WC - West College Street district.

(2) *WC-1, Mixed-use sub-area.*

(a) *Permitted uses.*

21. Short-term rental type 3 in accordance with section 36-472.

(3) *WC - 2, live/work sub-area.*

(b) *Permitted uses.*

10. Renting sleeping rooms and serving meals to not more than two persons (and not exceeding three unrelated) not members of the family occupying the dwelling unit for more than 30 days unit provided one off-street parking space is provided for each person.

22. Short-term rental type 3 in accordance with section 36-472.

(4) *WC - 3, residential sub-area.*

(a) *Permitted uses.*

14. Short-term rental type 3 in accordance with section 36-472.

1514. Temporary uses, as permitted by section 36-452, temporary uses.

1615. Townhouses.

1716. Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

Sec. 36-420. - LB - Limited business district.

(2) *Permitted uses.*

(~~n~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-420(2)(b) or (l) if applicable.

(~~on~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~pe~~) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.

(~~qp~~) Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

Sec. 36-421. - GR - General retail district.

(2) Permitted uses.

(bb) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-421(2)(b) or (w) if applicable.

(~~cbb~~) Taxidermists.

(~~dee~~) Temporary lodging use group.

(~~eed~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~fee~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~gff~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.

(~~hgg~~) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

Sec. 36-422. - HC - Highway commercial district.

(2) Permitted uses.

(pp) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-422(2)(c) or (kk) if applicable.

(~~qpp~~) Swimming pool sales and displays.

(~~rqq~~) Taxi dispatch yards and offices.

(~~ssr~~) Taxidermists.

(~~tss~~) Temporary lodging use group.

(~~utt~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~vuu~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~www~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius

of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(~~xxww~~) Upholstery shops.

(~~yyx~~) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities, and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services, and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(~~zzyy~~) Wholesale sales.

Sec. 36-423. - CS - Commercial service district.

(2) Permitted uses.

(xx) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(~~yyx~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~zzyy~~) Swimming pool sales and display.

(~~aaazz~~) Taxi dispatch yards and offices.

(~~bbbaaa~~) Taxidermists.

(~~cccbbb~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~dddeee~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~eeeddd~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(~~fffeee~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius

of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(~~gggfff~~) Truck stops.

(~~hhhegg~~) Upholstery shops.

(~~iiihhh~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~iiijii~~) Wholesale sales use group.

Sec. 36-424. - CC - Center city district.

(2) Permitted uses.

(nn) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.

(~~oogn~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~ppoe~~) Taxi dispatch yards and offices.

(~~qqpp~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~rrqq~~) Temporary lodging use group.

(~~ssrr~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~ttss~~) Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(~~uutt~~) Wholesale sales.

Sec. 36-425. - COM - Commercial street district.

(2) Permitted uses.

- (b) The following uses are only permitted above the first floor or in the second layer of the first floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit for the use set out in this subsection. The first layer of the first floor is the first 50 feet of lot depth measured from the front of the lot. The second layer is located behind the first 50 feet of lot depth measured from the front of the lot. An entrance and hallway through the first layer to provide access to the second layer or upper floors is permitted.

14. Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-425(2)(b) if applicable.

Sec. 36-430. - RI - Restricted industrial district.

(2) Permitted uses.

(y) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.

- (~~zy~~) Swimming pool sales and display.
- (~~az~~) Taxidermists.
- (~~bbaa~~) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~ccbb~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (~~ddee~~) Upholstery shops.
- (~~eedd~~) Veterinary clinics, animal hospitals, and kennels, with no outside activities.
- (~~ffee~~) Warehouses, storage and distribution centers.
- (~~ggff~~) Wholesale sales.

Sec. 36-431. - LI - Light industrial district.

(2) Permitted uses.

(w) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.

- (~~xw~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
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1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~y~~x) Swimming pool sales and display.

(~~z~~y) Temporary uses, as permitted by section 36-452, temporary uses.

(~~a~~az) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~b~~baa) Upholstery shops.

(~~c~~cbb) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~d~~dee) Warehouses, storage and distribution centers.

(~~e~~eed) Wholesale sales and distribution.

(~~f~~fee) Wholesale sales use group.

Sec. 36-432. - GM - General manufacturing district.

(2) Permitted uses.

(cc) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.

(~~d~~dee) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~e~~eed) Swimming pool sales and display.

(~~f~~fee) Temporary uses, as permitted by section 36-452, temporary uses.

(~~g~~gff) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~h~~hgg) Upholstery shops.

(~~i~~ihh) Vehicle rental, towing and storage services.

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- (~~jjj~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - (~~kkj~~) Warehouses, storage and distribution centers.
 - (~~llk~~) Wholesale sales use group.

Sec. 36-433. - HM - Heavy manufacturing district.

(2) Permitted uses.

- (mm) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.
- (~~nnmm~~) Stockyards or feed lots.
- (~~oona~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
- (~~ppoe~~) Swimming pool sales and display.
- (~~qqpp~~) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~rrqq~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (~~ssrr~~) Upholstery shops.
- (~~ttss~~) Vehicle rental, towing and storage services.
- (~~uu~~~~tt~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
- (~~vvuu~~) Warehouses, storage and distribution centers.
- (~~wwvv~~) Wholesale sales.
- (~~xxvv~~) Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.

Sec. 36-434. - IC - Industrial commercial district.

(2) Permitted uses.

(mm) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.

~~(nnmm)~~ Swimming pool sales and display.

~~(oonn)~~ Taxi dispatch yards and offices.

~~(ppee)~~ Taxidermists.

~~(qqpp)~~ Temporary lodging use group.

~~(rrqq)~~ Temporary uses, as permitted by section 36-452, temporary uses.

~~(ssrr)~~ Towers other than wireless facilities, less than 100 feet in height, and related facilities.

~~(ttss)~~ Upholstery shops.

~~(uu#)~~ Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

~~(vvuu)~~ Warehouses, storage and distribution centers.

~~(wwvv)~~ Wholesale sales use group.

Sec. 36-451. - Home occupations.

(3) Home occupations permitted. Home occupations include, but are not limited to, the following occupations:

- (i) Renting sleeping rooms and serving meals to not more than two persons (and not exceeding three unrelated) not members of the family occupying the dwelling unit for more than 30 days provided on off-street parking space is provided for each person.

Sec. 36-472. - Short-Term Rentals.

(1) Short-Term Rental Type 1

(a) This section shall apply to a Short-Term Rental use that:

1. is rented for periods of less than 30 consecutive days; and
2. is located within a R-SF or R-TH zoning district; and
3. is an owner-occupied primary residence and is not rented for more than 95 days in a calendar year when the owner is absent from the premise; or
4. If the owner is present on the premise during the entire time it is rented, there is no limit on the number of rental days per year.

(b) The following provisions shall apply to a Short-Term Rental Type 1:

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1. A Short-Term Rental Type 1 shall only be located in the primary structure or a historic carriage house per Section 36-464.
 2. No exterior alterations that would change the single-family character of the Short-Term Rental Type 1, other than those necessary to ensure the safety of the structure, shall be made.
 3. No residential structure shall be removed for parking or to expand the Short-Term Rental Type 1.
 4. A Short-Term Rental Type 1 shall not be rented solely for receptions, parties, weddings or any similar activities.
 5. The owner of a Short-Term Rental Type 1 shall provide notification as required by Section 36-472(4).
 6. It shall be a violation of this section for an owner to advertise or promote or to use a third-party intermediary to advertise or promote a Short-Term Rental Type 1 which is not in compliance with the provisions of this section.
- (c) An affidavit certifying that the primary residence, legal accessory apartment or historic carriage house will not be rented for more than 95 days in a calendar year when the owner is absent from the premise.
- (d) Annual business license shall be obtained.

(2) Short-Term Rental Type 2

- (a) This section shall apply to a Short-Term Rental use that:
1. is rented for periods of less than 30 consecutive days; and
 2. is located within a R-SF or R-TH zoning District; and
 3. is not an owner-occupied residence or is an owner-occupied primary residence, legal accessory apartment or historic carriage house and is rented for more than 95 days in a calendar year when the owner is absent from the premise.
- (b) A certificate of occupancy shall be obtained in accordance with Section 36-333, Certificate of occupancy.
- (c) Annual business license shall be obtained.
- (d) The following provisions shall apply to a Short-Term Rental Type 2:
1. *Density Limitations:* A Short-Term Rental Type 2 shall be limited to no more than one STR Type 2 or bed and breakfast per eight residential structures on the block face in R-SF or R-TH districts. No STR Type 2 shall be permitted on a block face with fewer than four residential structures unless an appeal is granted by City Council (i.e. 1-3: no STR; 4-8: 1 STR; 9-15: 1 STR; 16-23: 2 STR). For purposes of this section, block face shall be defined as one side of a street, from one intersection to the next, not including alleys. Residential structures' block face shall be determined by the mailing address assigned to each.
 2. A Short-Term Rental Type 2 shall only be located in the primary structure or a historic carriage house per Section 36-464.
 3. No exterior alterations that would change the single-family character of the Short-Term Rental Type 2, other than those necessary to ensure the safety of the structure, shall be made.
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4. No residential structure shall be removed for parking or to expand the Short-Term Rental Type 2.
 5. A Short-Term Rental Type 2 shall not be rented solely for receptions, parties, weddings or any similar activities.
 6. The owner of a Short-Term Rental Type 2 shall provide notification as required by Section 36-472(4).
 7. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a Short-Term Rental Type 2 which is not in compliance with the provisions of this section.
- (e) A Short-Term Rental Type 2 permit shall be required for Short-Term Rental Type 2 uses.
1. *Application fee.* A fee of \$350.00 or as set forth in the schedule of fees, shall accompany any Short-Term Rental Type 2 application and is in addition to the license and certificate of occupancy fee required by this section. The additional fee shall be for the costs of processing the application.
 2. Applicant(s) shall hold a neighborhood meeting at the property involved in the application or in the immediate vicinity. Notice of the meeting shall be sent by first-class mail, postage paid, at least ten days prior to the meeting, to at least one record owner of each real property within 500 feet of the Short-Term Rental property, as shown on the records of the county assessor, and to the president or other association officer(s) of any neighborhood association(s) as on file with the director of planning and development.
 3. Notice of the neighborhood meeting shall be posted by the applicant at least ten days prior to the meeting and 21 days after for a total of at least 31 days in conspicuous places on or in the immediate vicinity of the property which is the subject of the Short-Term Rental Type 2. One sign shall be posted on each street frontage of the subject property. Additional signs or alternate posting locations may be required at the discretion of the director of the planning and development department. Such notice shall be at least 18 inches in height and 24 inches in width and shall contain the words "NEIGHBORHOOD MEETING" and in addition the date, time, and place of the public meeting, and a telephone number where additional information can be secured.
 4. It is recommended the meeting be held early enough to provide time for the applicant to consider any neighborhood input, allow any changes to be evaluated by staff, and to resolve any issues if possible. The meeting shall be scheduled from 4:00 to 6:30 p.m.
 5. The mailing shall be performed by the planning and development department; however, the letters and envelopes themselves must be prepared, and postage placed on same by the applicant. The neighborhood letters shall be submitted to the planning and development department for mailing, in sufficient time to allow for mailing for at least 10 days prior to the date of the neighborhood meeting. A file copy of the letter shall be provided
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to the planning and development department. The notice letter shall contain the following at a minimum and any additional information as required by the director of planning and development:

a. Description and details of proposed Short-Term Rental operation including number of days per month to be rented and any other proposed changes.

b. Meeting date, time and location.

c. Applicant or their representative's contact information.

d. Information sheet provided by the City.

6. No more than ten days following the neighborhood meeting, the applicant shall submit a summary of the meeting to the planning and development department using the following format as set forth below:

a. Meeting date, time and location.

b. Number of neighbors in attendance with an attached sign-in sheet.

c. List of issues raised, any verbal comments and how applicant plans to respond.

d. Additional information, such as comment cards and letters from neighbors shall be attached to the summary.

e. Notarized affidavit containing signatures of at least fifty-five percent (55%) of adjacent residential property owners, including those adjoining and immediately across the street.

7. If the applicant does not submit the information listed above within ten days of the neighborhood meeting, the application shall be considered incomplete and the applicant will be required to conduct a new meeting.

8. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured the applicant may apply to the City Council to obtain a Resolution granting the STR Type 2 permit.

9. The City shall have the authority from time to time to prepare forms to implement this section including a sample affidavit form, application forms, and forms for notice, forms for proof of ownership, and other appropriate requirements.

(3) Short-Term Rental Type 3

(a) This section shall apply to a Short-Term Rental use that:

1. is rented for a period of less than 30 consecutive days; and
2. is not located in an R-SF or R-TH zoning district.

(b) The following provisions shall apply to a Short-Term Rental Type 3:

1. No more than two Short-Term Rental Type 3 units are allowed on a premise.
 2. A Short-Term Rental Type 3 shall provide notification as required by Section 36-472(4).
 3. A Short-Term Rental Type 3 unit shall not be rented solely for receptions, parties, weddings or any similar activities.
 4. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a
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Short-Term Rental Type 3 which is not in compliance with the provisions of this section.

(c) A certificate of occupancy shall be obtained in accordance with Section 36-333, Certificate of occupancy.

(d) Annual business license shall be obtained.

(4) Short-Term Rental Notification Requirements.

(a) The owner of a Short-Term Rental shall post, conspicuously in each rental unit the following information:

1. The names and contact information of the person or persons responsible for the day-to-day operations of the Short-Term Rental;
2. The certificate of occupancy and business license number;
3. The restrictions on noise applicable under Section 36-485, Noise standards., including limitations on the use of amplified sound;
4. Any applicable parking restrictions;
5. Trash collection schedule;
6. That the Short-Term Rental unit may not be rented solely for receptions, parties, weddings or other similar events.

(5) Short-Term Rental Revocation, Suspension or Denial of a License.

(a) The Director of Building Development Services may immediately revoke or suspend the license, or deny either the issuance or renewal thereof, if it is found that:

1. The owner or operator failed to comply with the Short-Term Rental requirements in this section or any other city codes and ordinances. The director may suspend, revoke or deny an application to renew a Short-Term Rental license for a period of 12 months. During that time, another Short-Term Rental may be established following the requirements and cause the revoked or denied Short-Term Rental from being re-established due to the separation requirement.
2. The director of building development services may, in writing, suspend, deny or revoke a license issued under provisions of this section whenever the license is issued on the basis of a misstatement of fact, fraud, or noncompliance with this article.
3. When a Short-Term Rental license is denied by the director of building development services, written notice shall be given of the denial to the owner, together with a brief written statement of the reason for the denial. Such denials shall have referenced the section of this article or other pertinent code used as a standard for the basis of denial.
4. If the director of building development services denies, suspends or revokes the license, the owner may file an appeal request to City Council.

(6) Transferability.

(a) The owner of a licensed Short-Term Rental may transfer the property along with the permitted use to another, subject to the transferee completing an application and

providing all required information to the City. This transfer does not trigger a new Certificate of Occupancy inspection by virtue of the transfer alone.

(7) Implementation.

(a) For the purpose of the implementation of the Short-Term Rental uses and fairness in dealing with potential conflicts based on density limitations. Applications for Short-Term Rentals shall commence two weeks after the passage of this ordinance.

(b) Implementation and Suspension of Density Limitations.

Applicants filing an application for a Short-Term Rental Type 2 within the first thirty (30) days following passage of this ordinance shall not be subject to the density limitations set forth in 36-472(2)(d)(1). Applications received after this initial period will be subject to this density.

Attachment 3

From: [Smith, Mary Lilly](#)
To: [Werland, Amy](#); [Neal, Daniel](#); [Hosmer, Bob](#)
Subject: RE: Please Consider these minor revisions to the newest Proposed Short-Term Rental Proposal
Date: Monday, November 26, 2018 3:41:12 PM
Attachments: [STRAdjacentOwnerConsentFormandAffidavit-1.pdf](#)

Please include this in the Planning and Zoning Commission packets.

The purpose of this email is to correct one of the statements made below. Mr. Dalzell indicates that the requirement that a potential Short-Term Rental Type 2 operator obtain notarized signatures from 55% of the adjacent property owners is impractical. The substitute ordinance does not require that the signatures of the individual adjacent property owners be notarized. Rather, it requires that the potential operator provide a notarized affidavit containing the signatures. We mirrored this provision after Kansas City's. I've attached a copy of their affidavit form showing how this works in Kansas City.

While we aren't requiring individual notarized signatures for this consent form, I would note that zoning protest petitions are required to be notarized so it would not be out of the norm to require individual notarized signatures.

Please let me know if you have any questions about this information.

Mary Lilly Smith

Planning and Development Director
City of Springfield, Missouri
417/864-1094
www.springfieldmo.gov

From: Werland, Amy
Sent: Monday, November 26, 2018 9:17 AM
To: Neal, Daniel <Dneal@springfieldmo.gov>; Hosmer, Bob <BHosmer@springfieldmo.gov>; Smith, Mary Lilly <mlsmith@springfieldmo.gov>
Subject: FW: Please Consider these minor revisions to the newest Proposed Short-Term Rental Proposal

This came to me this morning.

Amy

From: Todd Dalzell <tdalzell@midmobank.com>
Sent: Monday, November 26, 2018 7:01 AM
To: Werland, Amy <awerland@springfieldmo.gov>
Subject: FW: Please Consider these minor revisions to the newest Proposed Short-Term Rental Proposal

Please provide this to the members of the Planning and Zoning Committee that are working on the STR proposal. Thank you Amy!

Todd W. Dalzell, CRCM

Mid-Missouri Bank

Office: 417-890-2964

Cell: 417-496-1355

tdalzell@midmobank.com

From: Todd Dalzell

Sent: Monday, November 26, 2018 6:50 AM

To: kmccclure@springfieldmo.gov; pferguson@springfieldmo.gov; Prater, Tom; mschilling@springfieldmo.gov; jfisk@springfieldmo.gov; chosmer@springfieldmo.gov; msimpson@springfieldmo.gov; Ollis, Richard; alear@springfieldmo.gov

Cc: Werland, Amy; kimberlin@springfieldmo.org; jhorner910@att.net; Julieblackmon@gmail.com

Subject: Please Consider these minor revisions to the newest Proposed Short-Term Rental Proposal

This proposal is based on the framework of the latest Planning and Zoning Committee proposal and has broad support of STR Owners and also received a favorable response from Tracy Kimberlin President of Springfield's Convention and Visitors Bureau. This accomplishes everything in the latest proposal but is much more workable for everyone.

Introduction:

I own a Type 1 and Type 2 Short Term Rental. I have participated in numerous hearings and have listened to all parties involved: City Administrators, City Council Members, Concerned Citizens, Hotel Industry Representatives and other Short Term Rental (STR) Owners. I have given this considerable thought and now I have constructed a proposal that I believe will accommodate all the concerns of all the parties involved. Since it does not appear the City is willing to simply change the definition of a residential rental by deleting the "30 day" wording, I propose these ordinances which are simple, fair and easy to comply with. These should apply to all STR Owners NOT just those that advertised on popular websites as previous proposals have suggested.

Type 1, 2 and 3 STRs are subject to proposals 1 and 2.

Type 2 also subject to proposal 3

Type 3 also subject to proposal 4

Maintain the Type 1, 2 and 3 definitions as proposed in the latest Planning and Zoning Proposal except exclude any references to distance restrictions.

Proposal:

1) Require all STR Owners to register with the City in the same manner and on the same online platform as is currently required by Long Term Rental Owners.

Commentary: This will open a direct line of communication with the City and each STR Owner. In the event a complaint is filed with the City, City Administrators will have easy access to the STR Owners and will be able to expedite resolutions to a complaint. Any STR Owners that do not registered within 60 days of passage of the Ordinance will be subject to fines.

This process is also fair in comparison to requirements for Long Term Rental Owners. Much of the conversation from those concerned about STRs pertains to "Changing the Character of a Neighborhood." There is nothing that changes the character of a neighborhood more dramatically than having a bad Long Term Renter in a neighborhood. Less than 40% of the Springfield community owns their own house. It seems obvious that a bigger concern is ensuring Long Term Rentals are properly managed. If you compare the upkeep of STR vs. LTR rentals, STR maintenance is far superior to LTR.

I have heard concerned citizens say "it bothers them they don't know the tenants." This concern could be applied to owner occupied dwellings. While it is nice to get to know your

neighbors over time, it is not reasonable to consider this concern in city legislation. I have lived on Elm Street since 2007. I am a social person, but I barely "know" 30% of the neighbors around my house. It is not the City's Administrators responsibility to accommodate nosey citizens. If a tenant is not causing harm or a nuisance, this is not a legitimate complaint. It simply make no difference how long a tenant occupies a dwelling.

In summary, none of the alleged complaints I have heard are specific to STRs. These complaints could apply to any type of tenant: Owner-Occupied, Long Term Renter or Short Term Renter. So it makes complete sense to use the same registration procedures required of Long Term Rental Owners.

2) Require STR Owners to sign an affidavit that spells out that the house will not be solely used for social gatherings (ie weddings, birthday parties, reunions). Wording should require the STR Owner to devise house rules and communicate those rules to tenants that are directed at avoiding nuisances with surrounding neighbors (i.e. parking, trash disposal and city noise ordinances).

Wording should require the STR Owner to provide adjoining neighbors on each side of the property and directly across the street from the subject property the STR Owner's contact information.

Only new Type 2 STRs would be required to obtain the Affidavit from adjoining neighbors as proposed in planning and zoning most recent proposal (no Public Notary Requirement).

Commentary: This will help lessen the likelihood neighbors are not subject to any nuisances caused by STR rental tenants. Requiring the STR Owner to provide neighbors contact information provides a means to resolve complaints in an informal manner.

The practicality of owners holding special meetings with neighbors and/or asking neighbors to sign an affidavit endorsing a STR is NOT reasonable. Regardless of the content of the Affidavit, any reasonable person would not willing sign a document that could be used to infringe their rights to complain at some future time. It is not reasonable to expect a neighbor to be bound infinitely by a legal document that provides open-end endorsement to the use of a property in close proximity to theirs. No one in their right mind would sign that. **Furthermore, asking the STR Owner to obtain Notarized Signatures is completely impractical.** How would that work ? Do you expect STR Owners to hire a Notary Public to accompany them to these meetings with neighbors. Surely you would not expect the neighbor to take a copy to go do a Signature Notary on their own time and at their own expense on their own recognizance. Do you think a STR Owner is going to risk forging a neighbor's name? Seriously, put yourself in the shoes of a STR Owner who is in good faith trying to comply with City Ordinances. Is it reasonable, necessary or practical to ask a STR Owner to go request permission, including obtaining affidavit signatures, to utilize their property in innocent manner? My proposal binds the STR Owner to specific conduct. There is no need to obtain official endorsements from neighbors.

The lottery idea on existing Type 2 STRs is totally unreasonable. Decisions and regulations should be based on well thought out criteria not random selections with no basis.

Many of the neighbors STR Owner would be dealing with are LTR tenants. Does a tenant of a LTR property have the legal interest to make decisions of the utility of a neighboring property? Some the owners of the neighboring properties may not even live in Springfield, MO or may be owned by a corporation.

The City already has a complaint process in place. If a neighbor has a "legitimate" complaint, deal with it through the process that is already in place. Proposal #2 goes a long way in preventing complaints.

3) Require STR owners to obtain a permit for the STR property that is non-transferable with ownership. This permit should be reasonably priced not to exceed \$300.

Commentary: Although it appears this permit is basically a barrier to entry, it would provide a tool to stop STR rental activity if the property is not being managed reasonably. The City could revoke this permit if legitimate complaints are not adequately addressed after a hearing in accordance with protocol that is currently in place.

Having a non-transferable permit is also fair for all citizens and it does provide

positive consideration for those concerned about "changing the character of the neighborhood." STR should not be designated to remain STR forever. Issuing a non-transferable permit eliminates the need to place distance restrictions because it opens up the use of the property for owner-occupied or LTR rental occupancy at some future date.

The distance restriction ordinances that have been proposed are a complete stomp on property rights of all citizens. These distance restrictions will diminish the value of surrounding dwellings by limiting their utility; thereby adversely affecting the market value of the surrounding dwellings compared to STRs. It is simply not fair to pick and choose what property owners can do STR simply by distance. As stated above, STR are maintained very well and as long as the owner is managing the property responsibly, why does it matter how many there are in a neighborhood?

There are already numerous barrier to entering the STR market. The cost associated is materially more than operating a LTR. You have to furnish the house (\$15,000-\$25,000), you have to deal with customers (24/7), you have to do most of the manual labor operating the STRs if you are going to be able to price them to compete in the market and make a reasonable profit. **STR Owners ALSO PAY SALES TAX** which is not required by LTR owners. Even doing everything right and doing most of the manual labor, the profit margin is not much more than doing a LTR rental. The biggest advantage is owners of STR rentals are frequently in the dwelling so maintenance of the property is frequently checked. This is a big advantage over maintaining a LTR, often problems go unreported and end up costing much more to fix.

The STR business is not easy. It takes a special personality and a lot of time commitment to make the STR successful. The number of people doing STRs may be growing but many of those new ventures will not last. It is simply too much time and expense for most people to make it worth their while. A lot of that growth reported at the last meeting is likely people renting a bed room (it is has become especially popular with College Students that rent houses). Not all of that growth is from new Type II and Type III STRs.

4) Limit multi-dwelling buildings to no more than 2 units per building.

Commentary: This is fair to the hotel industry. Allowing a multi-dwelling building to operate extensive STR is basically blurring the lines of the intent of the building. Allowing more than 2 would by definition start resembling a Hotel.

Feel free to call me if you have any questions.

Todd W. Dalzell, CRCM

Mid-Missouri Bank

Office: 417-890-2964

Cell: 417-496-1355

tdalzell@midmobank.com

To send me an encrypted email securely, please visit our secure email portal at <http://secure.midmobank.com>.

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**SHORT TERM RENTAL
ADJACENT OWNER CONSENT AFFIDAVIT**

Address of Proposed Short Term Rental _____

STATE OF _____)

COUNTY OF _____)

The undersigned hereby states that the undersigned verified the ownership of each residential property adjacent to the above-referenced address as defined in section 88-321-03-B.4.a and obtained written consent of the proposed short term rental at the above-referenced address from at least 55% of said owners as shown on Exhibit 1 and attached hereto. The undersigned further states that he or she personally witnessed the signatures contained on Exhibit 1 and that each person signed Exhibit 1 in the undersigned's presence.

(Corporate Seal**)

Signature of Property Owner

Typed or Printed Name

ATTEST:

Title

Corporate Secretary
(If no seal)

Name of Company or Organization
(If Applicable)

Subscribed and sworn to before me a notary public on this _____ day of _____, 20 _____.

Notary Public

My Commission expires: _____

**SHORT TERM RENTAL
ADJACENT OWNER CONSENT FORM**

The undersigned hereby certifies that I/we are the owners of property referenced below and that I/we consent to the proposed short term rental located at _____.

In addition, each individual signing in a representative capacity hereby affirms that he or she is authorized to sign on behalf of said owner.

*If the ownership is under two or more individuals, each individual must sign this form.

**The address and owner of record of all adjacent residential properties must be listed below, whether they consent or not. Only the owner's signature constitutes consent.

Address of Adjacent Property: _____

Owner(s) of Record (Typed or Printed)

Signature(s) of Owners

Title

Address of Adjacent Property: _____

Owner(s) of Record (Typed or Printed)

Signature(s) of Owners

Title

Address of Adjacent Property: _____

Owner(s) of Record (Typed or Printed)

Signature(s) of Owners

Title

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Owner(s) of Record (Typed or Printed)

Signature(s) of Owners

Title

Address of Adjacent Property: _____

Owner(s) of Record (Typed or Printed)

Signature(s) of Owners

Title

From: [Smith, Mary Lilly](#)
To: [Neal, Daniel](#)
Subject: STR emails for Commission
Date: Thursday, November 29, 2018 10:14:44 AM

Here is the email string
Mary Lilly Smith
Planning and Development Director
City of Springfield, Missouri
417/864-1094

From: Cotter, Anita <acotter@springfieldmo.gov>
Sent: Thursday, November 29, 2018 8:39 AM
To: Gage, Jason; Lewsader, Rhonda; Quigley, Collin; Scott, Cora; Smith, Mary Lilly
Subject: FW: Please Consider these minor revisions to the newest Proposed Short-Term Rental Proposal

This was sent to all members of Council.

From: Todd Dalzell <tdalzell@midmobank.com>
Sent: Thursday, November 29, 2018 6:47 AM
To: jhorner910@att.net; McClure, Ken <kmcclure@springfieldmo.gov>; Ferguson, Phyllis <pferguson@springfieldmo.gov>; Prater, Tom <tprater@springfieldmo.gov>; Schilling, Mike <mschilling@springfieldmo.gov>; Fisk, Jan <jfisk@springfieldmo.gov>; Hosmer, Craig <chosmer@springfieldmo.gov>; Simpson, Matthew <msimpson@springfieldmo.gov>; Ollis, Richard <Rollis@springfieldmo.gov>; Lear, Andrew <alear@springfieldmo.gov>
Cc: Werland, Amy <awerland@springfieldmo.gov>; amy.piano1@gmail.com; 'Bob Hosmer' <thosmer@sbcglobal.net>; Smith, Mary Lilly <mlsmith@springfieldmo.gov>
Subject: RE: Please Consider these minor revisions to the newest Proposed Short-Term Rental Proposal

This message was sent securely using Zix®

The suggestions John Honer put forth below could accomplish a direct communication path to STR Owner via the registration process. In that registration, commitments to take steps to properly management STR properties could be included. Doing this would dramatically lessen the City's Administration cost. If you had an STR owner that did not register or if you had a legitimate neighbor complaint, you could trigger the Affidavit process that is outlined in the newest Planning and Zoning proposal.

Keeping maximum two Units in commercial multi-dwelling structures is fair to the Hotel Industry.

There is no need to make this overly complex. The City's Administration burden will be taxed and likely additional staff would be required to implement steps that aren't really needed. Keeping the expense to a minimum should be a high priority.

Todd W. Dalzell, CRCM

Mid-Missouri Bank

Office: 417-890-2964

Cell: 417-496-1355

tdalzell@midmobank.com

From: jhorner910@att.net [<mailto:jhorner910@att.net>]

Sent: Wednesday, November 28, 2018 10:34 AM

To: kmcclure@springfieldmo.gov; pferguson@springfieldmo.gov; 'Prater,

Tom'; mschilling@springfieldmo.gov; jfisk@springfieldmo.gov;

chosmer@springfieldmo.gov; msimpson@springfieldmo.gov; 'Ollis, Richard'; alear@springfieldmo.gov

Cc: 'Werland, Amy'; amy.piano1@gmail.com; 'Bob Hosmer'; mlsmith@springfieldmo.gov; Todd Dalzell

Subject: RE: Please Consider these minor revisions to the newest Proposed Short-Term Rental Proposal

This e-mail is from an external source. Please do not open attachments or click links if you do not expect this email or trust the sender.

I respond to Todd's message to basically and generally support and endorse his No 1 and No 4 proposals. As for the suggestion of an affidavit and a permit, I cannot support.

As I have addressed in previous letters, council presentations, messages, and personal discussions, It is the opinion of myself and many other STR owners that most all of the City proposed regulations are impractical and unnecessary.

I agree with Todd that the STR regulation and control should be on a level playing field with LTRs. This especially is important with regard to neighborhood meetings and consent, distance restrictions, business licenses, and Certificates of Occupancy – none of which are required for LTR despite the fact the STR are far more conducive to neighborhood betterment and enhancement.

I am particularly concerned, as noted by Todd, of the requirement for neighbor approval and consent. This, I believe, carries a high potential of creating bitterness,

resentment, and conflict among neighbors and can likely establish negative relationships in a neighborhood. Most all of the current STRs, including mine, have co-existed in neighborhoods with virtually no opposition or valid complaint.

The distance requirement is quite arbitrary and without logic. I am somewhat perplexed about why a distance restriction taken from the bar and nightclub ordinances would be applied to the peaceful and respectful STR establishments.

I appreciate that the City, the council, and the P&Z along with the citizens and owners are working together to develop a plan that is workable and satisfactory to all.

Please, let the STRs co-exist in peace without undue restriction and regulations as they have done for the past 7+ years.

I would appreciate that this message be received by all City Council and P&Z members and concerned City personnel.

From: [Smith, Mary Lilly](#)
To: [Werland, Amy](#); [Neal, Daniel](#)
Subject: FW: STR
Date: Thursday, November 29, 2018 3:52:55 PM

Please add to Commission packets

Mary Lilly Smith

Planning and Development Director
City of Springfield, Missouri
417/864-1094
www.springfieldmo.gov

From: Cindy Cox Hodges <bransonhomes@gmail.com>
Sent: Thursday, November 29, 2018 3:51 PM
To: Todd Dalzell <tdalzell@midmobank.com>; jhorner910@att.net; Julie Blackmon <julieblackmon@gmail.com>; Werland, Amy <awerland@springfieldmo.gov>; amy.piano1@gmail.com; Bob Hosmer <thosmer@sbcglobal.net>; Smith, Mary Lilly <mlsmith@springfieldmo.gov>; cindy@bransonhomes.com; Lesa Bullock <llbullock@mchsi.com>; Ollis, Richard <Rollis@springfieldmo.gov>
Subject: STR

Hello Everyone involved in the STR debate. This is Cindy Hodges. I understand that everyone is not 100 % happy with the amended regulations. Serving on the Stone County board of adjustments I am familiar with compromise. Therefore, I want to thank the council for their hard work and the amended regulations. I believe it is in our best interests to accept the amended regulations and put this subject to bed. I would have liked to see the owners who are currently in operation completely grandfathered in. Then move on accordingly with the new amended rules in place. That's my opinion if we were looking for a perfect scenario.

Thank you,

Cindy Hodges

Bissman Cottage located @ 425 S. Weller, Springfield, Mo. 65807

Neal, Daniel

Subject: FW: COMMENTS REQUESTED - Proposed Short-Term Rental and ATM Amendments to P&Z and CC

From: betsy92slp@yahoo.com <betsy92slp@yahoo.com>

Sent: Tuesday, December 4, 2018 2:08 PM

To: Neal, Daniel <Dneal@springfieldmo.gov>

Subject: Re: COMMENTS REQUESTED - Proposed Short-Term Rental and ATM Amendments to P&Z and CC

Our Executive Committee for Galloway Village Neighborhood Association met yesterday, with the STR discussion included on our agenda. We have only 1 point of discussion: Is there a procedure included should adjacent neighbors determine that having a STR next door is no longer feasible?

We are also concerned that there is adequate city staff to monitor any code violations, whether it is short or long term rental property.

Thank you for reaching out for input. We are excited to be a part of the city neighborhood associations.

Best regards,
Betsy Johnson
Interim Board President
Galloway Village Neighborhood Association

Sent from my T-Mobile 4G LTE device

----- Original message-----

From: Neal, Daniel

Date: Tue, Nov 20, 2018 11:23 AM

Subject: COMMENTS REQUESTED - Proposed Short-Term Rental and ATM Amendments to P&Z and CC

Staff is proposing text amendments (attached) at the Planning and Zoning Commission for public hearing on December 6th, 2018.

Staff is considering adding a new subsection to temporary uses to allow ATMs to be relocated for a short period of time to accommodate situations where an ATM must be temporarily moved from an existing location. Staff is considering amendments that would factor the size, location, circulation and usage of the property as conditions to allowing an ATM to temporarily (no more than 24 months) locate in any zoning district (attached). This amendment will go to City Council for public hearing on December 10th.

The Short-Term Rental Amendments have been remanded with a substitute bill back to P&Z for review with the following changes (attached):

Modifies the Short-Term Rental (STR) Type 1 definition to permit unlimited short-term rentals in a legal accessory apartment located in the primary structure or historic carriage-house when the property owner is present on the premise. Type 1s are otherwise limited to no more than 95 days in a calendar year when the owner is absent from the premise.