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Pgs. 13
Filed: 03-15-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 057

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.62 acres of property generally located at 540 &
3 550 East Chestnut Expressway from an HM, Heavy Manufacturing District
4 to a GR, General Retail District; and adopting an updated Official Zoning
5 Map. (Staff and Planning and Zoning Commission recommend approval.)
6
7

8 WHEREAS, an application has been filed for a zoning change of the property
9 described on "Exhibit B" of this Ordinance, generally located at 540 & 550 East
10 Chestnut Expressway from an HM, Heavy Manufacturing District to a GR, General
11 Retail District; and
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13 WHEREAS, following proper notice, a public hearing was held before the
14 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
15 hearing being attached hereto as "Exhibit A;" and said Commission made its
16 recommendation; and
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18 WHEREAS, proper notice was given of a public hearing before the City Council,
19 and that said hearing was held in accordance with the law.
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21 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
22 SPRINGFIELD, MISSOURI, as follows, that:
23

24 Section 1 – property described on "Exhibit B" of this Ordinance be, and the same
25 hereby is, rezoned from an HM, Heavy Manufacturing District, or such zoning district as
26 is designated on the Official Zoning Map adopted by the City Council, to a GR, General
27 Retail District; and the Springfield Land Development Code, Section 36-306 thereof,
28 Zoning Maps, is hereby amended, changed and modified accordingly.
29

30 Section 2 – The City Council hereby directs the City Manager, or his designee, to
31 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
32 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
33 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps

34 and Rules of Interpretation.

35

36 Section 3 – The Official Zoning Map herein adopted shall be maintained and
37 archived in the same digital form in which this Council has approved its adoption.

38

39 Section 4 – This ordinance shall be in full force and effect from and after
40 passage.

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42 Passed at meeting: _____

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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: A. Charles J. Wiedner, Assistant City Attorney

Approved for Council action: Greg B. Smith, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 057

FILED: 03-15-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.62 acres of property generally located at 540 & 550 East Chestnut Expressway from a HM, Heavy Manufacturing District to a GR, General Retail District (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-2-2016

The applicant is proposing to rezone the subject property from a HM, Heavy Manufacturing District to a GR, General Retail District.

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area within the Greater Downtown land use district. This district, which pertains to the downtown and University Plaza portions of Center City, promotes high-intensity office, retail and housing, preferably in mixed-use buildings with strong pedestrian orientation.

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

REMARKS:

The Planning and Zoning Commission held a public hearing on, March 3, 2016, and recommended approval, by a vote of 5 to 0, of the proposed zoning on the tract of land described on the attached sheet (see "Exhibit B," Record of Proceedings).

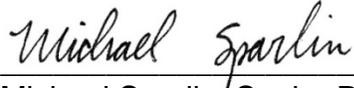
The Planning and Development staff recommends the application be approved (see "Exhibit C," Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as Greater Downtown and appropriate for high-intensity office, retail and housing, preferably in mixed-use buildings with strong pedestrian orientation.

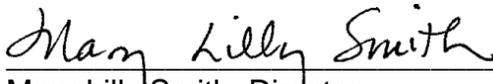
2. Approval of this application will allow a more compatible zoning district in relation to the existing uses of the subject property. The existing restaurant will be a conforming use within the proposed GR district.

Submitted by:



Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

Exhibit A

LEGAL DESCRIPTION
ZONING CASE Z-2-2016

BEGINNING AT THE SOUTHEAST CORNER OF LOT 38, BLOCK "H" IN HARWOOD LISEBY AND BOYD'S ADDITION, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF. THENCE NORTH ALONG THE EAST LINE OF LOTS 38 AND 39, A DISTANCE OF 123.46 FEET TO AN IRON PIN SET ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BUSINESS HIGHWAY #44 (CHESTNUT EXPRESSWAY); THENCE WESTERLY ALONG THE SOUTHERLY RIGHT-OF- WAY LINE OF SAID CHESTNUT EXPRESSWAY, A DISTANCE OF 218.91 FEET TO AN EXISTING RIGHT-OF-WAY MARKER ON THE WEST LINE OF SAID LOT 39; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 39 AND THE WEST LINE OF LOT 38, A DISTANCE OF 124.12 FEET TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF SAID LOT 38: THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 38, A DISTANCE OF 217.28 TO THE POINT OF BEGINNING CONTAINING 0.62 ACRES. EXCEPT ANY PART DEEDED TAKEN OR USED FOR HIGHWAY PURPOSES. ALL IN SPRINGFIELD, GREENE COUNTY, MISSOURI.

Reference Book and Page: Book 2005 page 54947-05

Exhibit B

**RECORD OF PROCEEDINGS
Planning and Zoning Commission March 3, 2016**

Z-2-2016

550 East Chestnut Expressway

Applicant: William Brandt Properties, LLC

Mr. Hosmer stated that this is a request to rezone 0.62 acres of property located at 540 and 550 East Chestnut Expressway from a HM, Heavy Manufacturing District to a GR, General Retail District. The subject property is within the Center City Activity Center as shown in the Growth Management and Land Use Plan element of the Comprehensive Plan. Activity Centers are identified as areas of significant business and high-density housing. The IDEA Commons Plan identifies this property within the General Mixed-Use future land use category. There is an existing restaurant on the property as a legal non-conforming use in the HM, Heavy Manufacturing District. If the rezoning is approved, it would allow the existing restaurant use to be considered a permitted use. Sidewalks are required to be constructed on Chestnut Expressway frontage at the time of redevelopment. Staff recommends approval.

Mr. William Brandt, 540 E. Chestnut Expressway, asking for rezoning from heavy manufacturing to general retail. The land was purchased in 1995 with the intent to operate a restaurant. In 2004 some of the old duplexes were torn down and replaced with an office building and now would like to operate a restaurant.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Baird motions that we approve Z-2-2016 (550 East Chestnut Expressway). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards



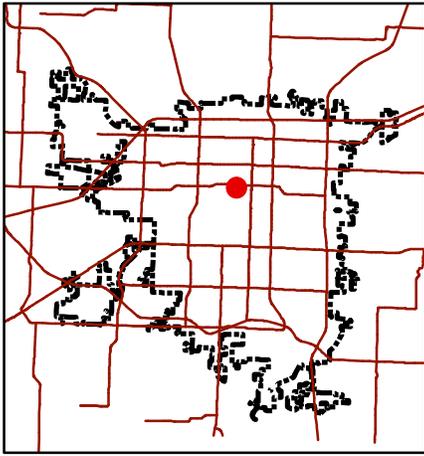
Bob Hosmer, AICP
Principal Planner

Development Review Staff Report

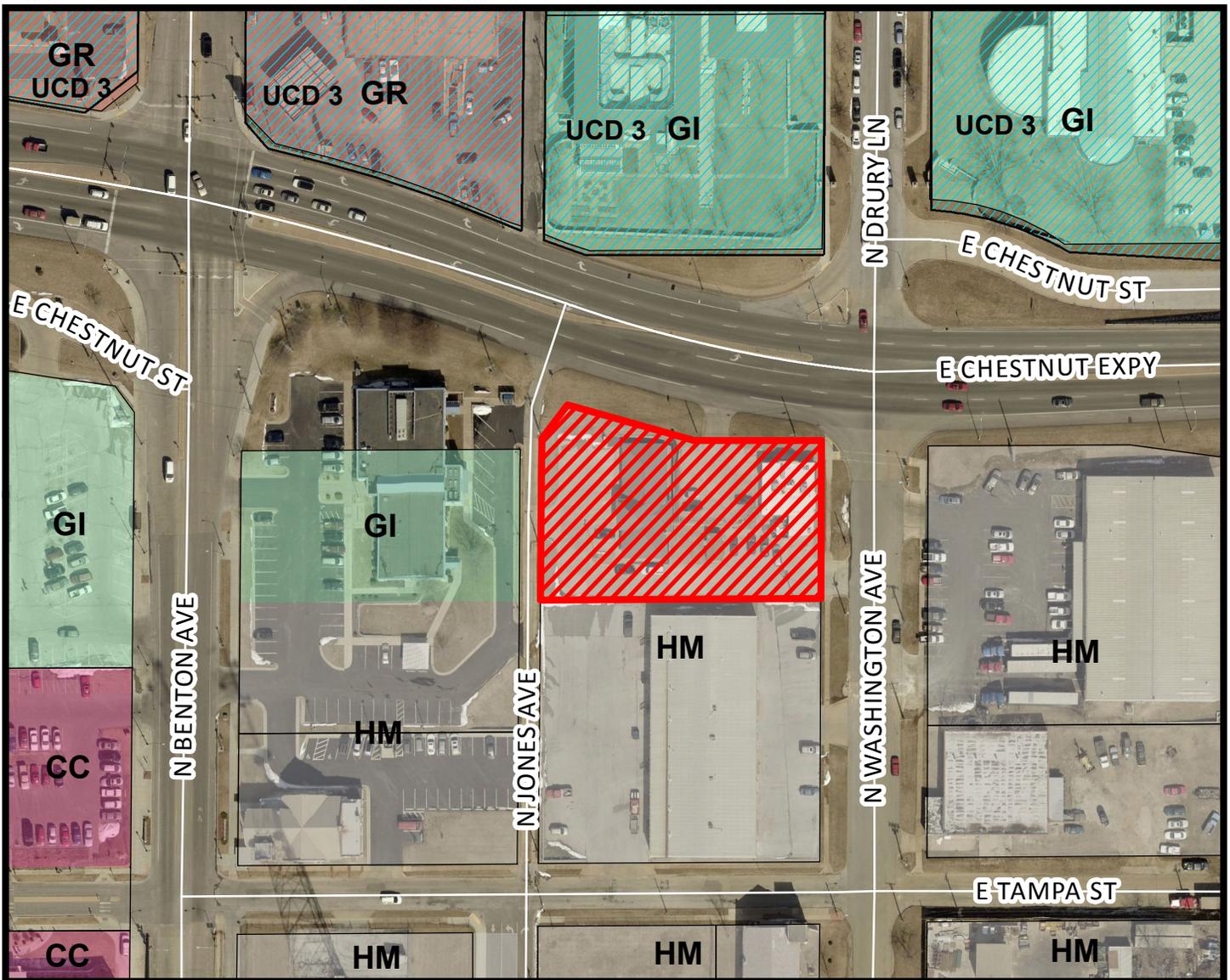
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

Z-2-2016

LOCATION: 540 & 550 E. Chestnut Expressway
CURRENT ZONING: HM, Heavy Manufacturing
PROPOSED ZONING: GR, General Retail



LOCATION SKETCH



- Area of Proposal



1 inch = 125 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-2-2016

PURPOSE: To rezone approximately 0.62 acres of property generally located at 540 & 550 East Chestnut Expressway from a HM, Heavy Manufacturing District to a GR, General Retail District

REPORT DATE: February 18, 2016

LOCATION: 540 & 550 East Chestnut Expressway

APPLICANT: William P Brandt Properties, LLC

TRACT SIZE: Approximately 0.62 acres

EXISTING USE: Office use & vacant restaurant

PROPOSED USE: Office use & restaurant

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as Greater Downtown and appropriate for high-intensity office, retail, housing, academic and public land uses.
2. Approval of this application will allow a more compatible zoning district in relation to the existing uses of the subject property. The existing restaurant will be a conforming use within the proposed GR district.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	GI	Drury University
East	HM	OTC Center for Workforce Development
South	HM	Warehouse & commercial uses
West	GI	Medical & Dental Clinic

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* element designates this area within the Greater Downtown land use district. This district, which pertains to the downtown and University Plaza portions of Center City, promotes high-intensity office, retail and housing, preferably in mixed-use buildings with strong pedestrian orientation.

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from a HM, Heavy Manufacturing District to a GR, General Retail District. The subject property is within the Center City Activity Center as shown in the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*. Activity Centers are identified as areas of significant business and high-density housing. It is intended that additional development be concentrated in and around these activity centers to optimize transportation investments, citizen convenience, investor confidence and a compact growth pattern. Properties within Activity Centers are to be intensively and efficiently used. The subject property would fit within these criteria. The *IDEA Commons Plan* identifies this property within the General Mixed-Use future land use category.
2. The existing restaurant is considered a legal non-conforming use in the current HM, Heavy Manufacturing District. If the rezoning is approved, it would allow the existing restaurant use to be considered a permitted use. The GR district will be a more compatible zoning district in relation to the existing restaurant and office uses on the subject property.
3. Sidewalks will be required to be constructed on Chestnut Expressway frontage at time of redevelopment.
4. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on February 11, 2016 regarding the rezoning request. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Seven (7)

property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

March 21, 2016

STAFF CONTACT PERSON:

Michael Sparlin
Senior Planner
864-1091

Attachment 1

DEPARTMENT COMMENTS

ZONING CASE Z-2-2016

BUILDING DEVELOPMENT SERVICES COMMENTS:

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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the rezoning request.

MODOT COMMENTS:

Need sidewalks along Chestnut Expressway at time of redevelopment.

FIRE DEPARTMENT COMMENTS:

No issues with fire department.

STORMWATER COMMENTS:

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

1. Any increase in impervious area will require the development to meet current detention and water quality requirements. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
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.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning. Tract is served by public sewer.

CITY UTILITIES:

No objection to rezoning request.

NEIGHBORHOOD MEETING SUMMARY

- 1. Request change to zoning from: HEAVY MANUFACTURING to GENERAL RETAIL
(existing zoning) (proposed zoning)
- 2. Meeting Date & Time: FEB 11, 2016
- 3. Meeting Location: 540 E. CHESTNUT EXPY #111 SPRINGFIELD, MO 65806
- 4. Number of invitations that were sent: 42
- 5. How was the mailing list generated: CITY OF SPRINGFIELD
- 6. Number of neighbors in attendance (attach a sign-in sheet): 0
- 7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

NO NEIGHBORS ATTENDED THE MEETING. HOWEVER, PRIOR TO THE MEETING, A REPRESENTATIVE FROM SOUTHERN MATERIALS COMPANY, CALLED TO INQUIRE ABOUT THE USAGE. WHEN HE WAS TOLD THAT THE INTENT WAS TO CONTINUE THE LOCATION AS A RESTAURANT, HE STATED HE HAD NO OBJECTION TO THE ZONING CHANGE.

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

N/A

on this 17th day of February 2016

SUBMITTED BY WILLIAM P. BRANDT

W P 2/17/16

Sarah Rogers
Notary Public

My Commission Expires 7-31-16



