

One-rdg. _____
P. Hrngs. X
Pgs. 30
Filed: 06-21-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016 - 150

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.89 acres of property, generally located at 1215
3 and 1225 North Benton Avenue, from a Planned Development No. 348
4 with the Mid-Town Urban Conservation District No. 3 Area E to a Planned
5 Development District No. 348 Amendment 1 with the Mid-Town Urban
6 Conservation District No. 3 Area E; and adopting an updated Official
7 Zoning Map. (Staff and Planning and Zoning Commission recommend
8 approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 described on "Exhibit B," of this Ordinance, generally located at 1215 and 1225 North
13 Benton Avenue, from a Planned Development No. 348 with the Mid-Town Urban
14 Conservation District No.3 Area E, to a Planned Development No. 348 Amendment 1
15 with the Mid-Town Urban Conservation District No. 3 Area E; and
16

17 WHEREAS, following proper notice, a public hearing was held before the
18 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
19 hearing being attached hereto as "Exhibit A," and said Commission made its
20 recommendation; and
21

22 WHEREAS, proper notice was given of a public hearing before the City Council
23 and that said hearing was held in accordance with the law.
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 SPRINGFIELD, MISSOURI, as follows, that:
27

28 Section 1 - The property described on "Exhibit B" of this Ordinance be, and the
29 same hereby is, rezoned from Planned Development District No. 348 with the Mid-Town
30 Urban Conservation District No. 3 Area E, or such zoning district as is designated on
31 the Official Zoning Map adopted by the City Council, to a Planned Development No. 348
32 Amendment 1 with the Mid-Town Urban Conservation District No. 3 Area E; and the
33 Springfield Land Development Code, Section 36-306 thereof, Zoning Maps, is hereby

34 amended, changed and modified accordingly.

35

36 Section 2 – The City Council hereby directs the City Manager, or his designee, to
37 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
38 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
39 for in the Springfield Land Development Code, Section 36-306, Official Zoning Map and
40 Rules of Interpretation.

41

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

44

45 Section 4 - This ordinance shall be in full force and effect from and after passage.

46

47 Passed at meeting: _____

48

49

50

51

52

53

54

55

56

57

58

59

60

61

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Achalee T. Wadew, Assistant City Attorney

Approved for Council action: Greg Bunt, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016 - 150

FILED: 06-21-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.89 acres of property generally located at 1215 and 1225 North Benton Avenue from Planned Development 348 and Mid-Town UCD No. 3 Area E to a Planned Development District No. 348 Amendment 1 and Mid-Town Urban Conservation District No. 3 Area E (Staff and Planning and Zoning Commission recommend approval).

PLANNED DEVELOPMENT DISTRICT NO. 348 AMENDMENT 1

BACKGROUND INFORMATION: The applicant is proposing to rezone the subject property to a Planned Development 348 to add multi-family uses to the existing PD which allows for bed and breakfasts, restaurants, and residential uses on property located at 1215 and 1225 North Benton Avenue within the Mid-Town UCD No. 3 Area E. The requested amendment is only to add multi-family as a permitted use.

RECOMMENDATIONS: The Planning and Zoning Commission held a public hearing on June 9, 2016 and recommended approval, by a vote of 7 to 0, of the proposed zoning on the tracts of land described on the attached sheet (see the attached Record of Proceedings).

FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan and Mid-Town Neighborhood Plan both support the proposed uses.
2. The subject property is within walking and bicycling distance of the Drury and OTC campuses, the downtown area and bus stops. In addition there is a good sidewalk system, greenway and marked bike routes in the area.
3. The Planned Development will allow for the rehabilitation and use of these two properties while preserving the architecturally significant structures and design within the Mid-Town neighborhood.
4. Approval of this application will increase intensity where investments have been made in public services and infrastructure. The proposed expansion will not have a significant impact on the surrounding neighborhood.
5. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner; Objectives 4a, Increase density in activity centers and transit corridors; and 4b, Increase mixed-use development areas.

REMARKS: The Planning and Development staff recommends the application be approved.

Submitted by:

Bob Hosmer, AICP
Principal Planner

Reviewed by:

Approved by:



Mary Lilly Smith, Director



Greg Burris, City Manager

EXHIBITS:

- Exhibit A, Record of Proceedings
- Exhibit B, Legal Description
- Exhibit C, Development Review Staff Report
 - Attachment 1, Department Comments
 - Attachment 2, Neighborhood Meeting Summary
 - Attachment 3, Multi-Family Development Design Guidelines

PLANNED DEVELOPMENT 348 AMENDMENT 1 EXHIBITS:

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

Exhibit A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT 348 AMENDMENT 1

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

Exhibit B

RECORD OF PROCEEDINGS
PLANNED DEVELOPMENT 348 AMENDMENT 1

Planned Development 348 Amendment 1

1215 & 1225 North Benton Avenue

Applicant: Historic Patterson House, LLC

Mr. Hosmer states that this is a request to rezone approximately 0.89 acres of property generally located at 1215 and 1225 North Benton Avenue from Planned Development 348 and Mid-Town UCD No. 3 Area E to a Planned Development District No. 348 Amendment 1 and Mid-Town Urban Conservation District No. 3 Area E.

The applicant is proposing to amend PD 348 to add multi-family uses to the existing PD which currently allows for bed and breakfasts, restaurants, and residential uses. The Growth Management and Land Use Plan element of the Comprehensive Plan designates this area as appropriate for medium or high density housing uses. There are two existing structures on the property which are identified as contributing to the Mid-Town National Register Historic District. The Mid-Town Plan states that any institutional expansion in this area should utilize and preserve contributing structures. The PD will allow for the rehabilitation and use of these two properties while preserving the architecturally significant structures and design within the Mid-Town neighborhood. This proposal required a Multi-Family Location and Design Guidelines assessment. The request is consistent with the Multi-Family Development Location and Design Guidelines. Should either the Hawkins House or the Patterson House, or both, be damaged by fire or natural disaster then: 1) Restore to original plans or if it is not possible to repair or rebuild property shall revert to single family and multi-family residential uses. 2) All new construction of multi-family buildings shall meet the Multi-Family Development Location and Design Guidelines. Staff recommends approval.

Mr. Ray opened the public hearing.

Mike Textor, 1215 N. Benton Avenue would have like to use the bed and breakfast concept, however the cost is not feasible at this time and now wants to use and preserve the historic character by allowing multi-family use. We believe it is consistent with appropriate plans and looking forward to moving ahead.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Cline motions that we approve Planned Development 348 Amendment 1 (1215 & 1225 North Benton Avenue). Ms. Cox seconded the motion. The motion carried as follows: Ayes: Ray, Doennig, Cline, Cox, Coltrin, Ogilvy, and Rose. Nays: None. Abstain: Shuler (recused himself). Absent: Edwards.

Bob Hosmer, AICP
Principal Planner

Exhibit C

Development Review Staff Report

Planning & Development - 417/864-1031

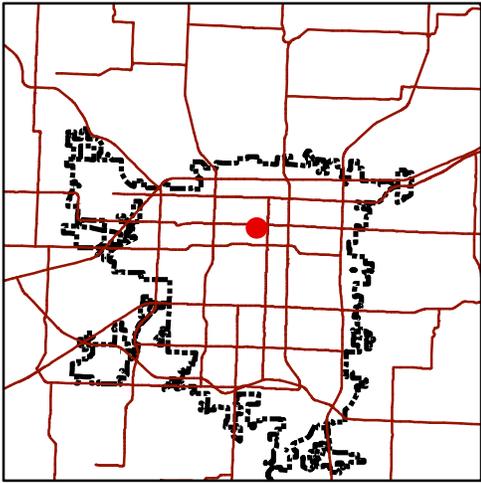
840 Boonville - Springfield, Missouri 65802

Planned Development 348 Amendment 1

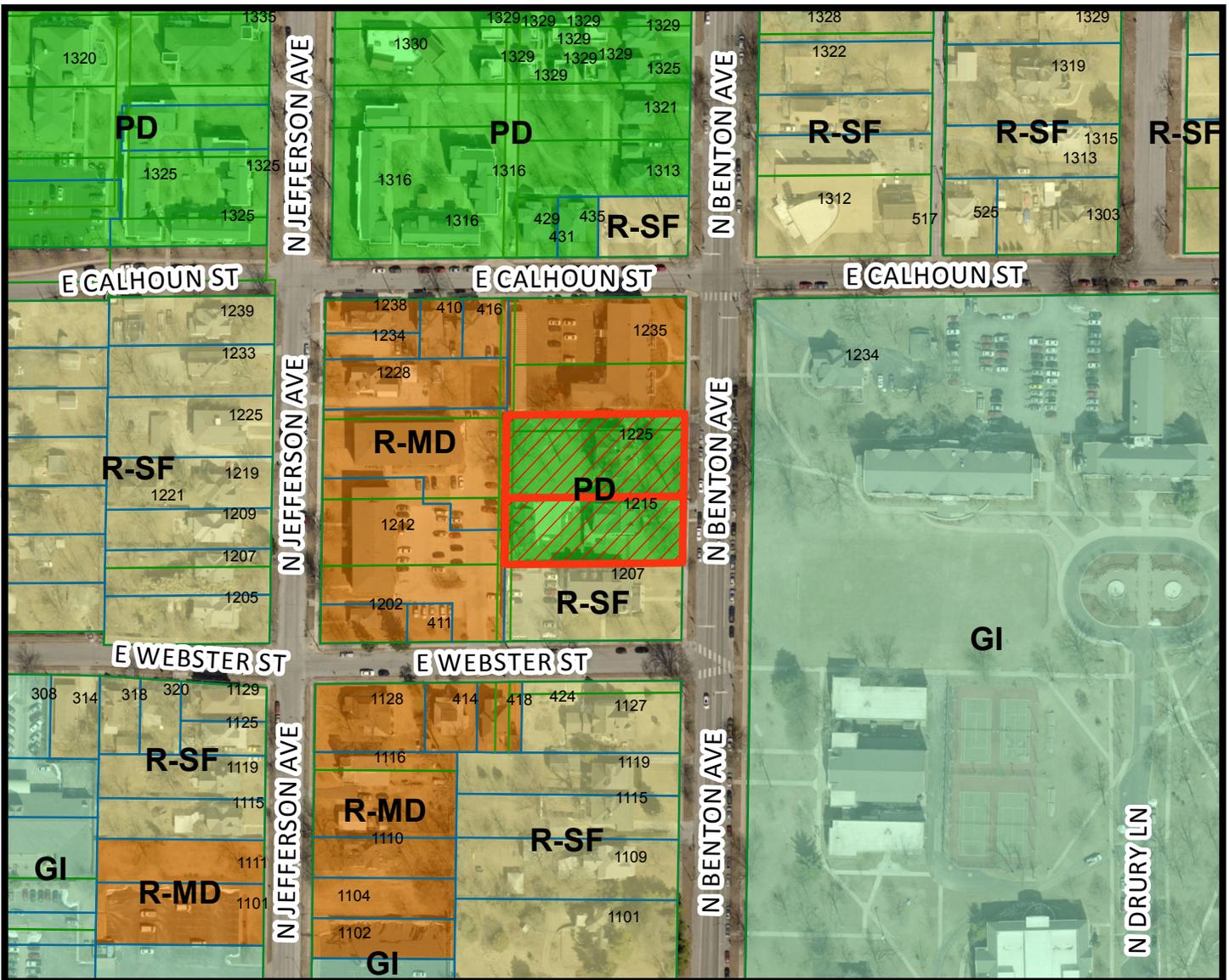
LOCATION: 1215 and 1225 North Benton Ave.

CURRENT ZONING: Planned Development 348 UCD#3 Area E

PROPOSED ZONING: Planned Development 348 Amendment 1 UCD#3 Area E



LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT
PLANNED DEVELOPMENT 348 AMENDMENT 1

PURPOSE: To rezone approximately 0.89 acres of property generally located at 1215 and 1225 North Benton Avenue from Planned Development 348 and Mid-Town UCD No. 3 Area E to a Planned Development District No. 348 Amendment 1 and Mid-Town Urban Conservation District No. 3 Area E to add multi-family uses.

DATE: May 20, 2016

LOCATION: 1215 and 1225 North Benton Avenue

APPLICANT: Mike and Hannah Textor

TRACT SIZE: Approximately 0.89 acres

EXISTING USE: Two vacant residential homes

PROPOSED USE: Bed and breakfast, restaurant, residential and multi-family uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting to add multi-family uses to the existing Planned Development which currently allows for bed and breakfasts, restaurants, and residential uses.
2. The *Growth Management and Land Use* element of the Comprehensive Plan designates this area as Medium or High Density Housing.
3. The planned development is within the Mid-Town Neighborhood Plan which was updated on April 2, 2001. The Plan identifies these two properties as contributing to the Mid-Town National Register Historic District. The Plan states that any institutional expansion in this area should utilize and preserve contributing structures.
4. The Planned Development will allow for the rehabilitation and use of these two properties while preserving the architecturally significant structures and design within the Mid-Town neighborhood.
5. A Traffic Study is not required based on the proposed uses. Benton Avenue is classified as a secondary arterial which is appropriate for the intensity of the proposed uses.
6. The subject property is within walking and bicycling distance of the Drury and OTC campuses, the downtown area and bus stops. In addition there is a good sidewalk system, greenway and marked bike routes in the area.
7. The planned development will mitigate the potential impact between the permitted uses and the adjacent apartment by retaining a wood fence between the apartment property parking lot to the west as outlined in Exhibit 1 and

Exhibit 2. The proposed expansion will not have a significant impact on the surrounding neighborhood.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

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

HISTORY:

The Planning and Zoning Commission held a public hearing on April 9, 2014 and the City Council approved General Ordinance No. 6194 for a Planned Development 348 District zoning on May 11, 2015.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use* element of the Comprehensive Plan designates this area as Medium or High Density Housing. The planned development is within the Mid-Town Neighborhood Plan which was updated on April 2, 2001. The Plan identifies these two properties within the Mid-Town Historic District as contributing to the Mid-Town National Register Historic District.

STAFF COMMENTS:

1. The proposed amendment will allow for multi-family residential uses.
2. The Comprehensive Plan and Mid-Town Neighborhood Plan both support the proposed uses.
3. The *Growth Management and Land Use* element of the Comprehensive Plan designates this area as Medium or High Density Housing. This area is also within proximity to the Comprehensive Plan designated Center City Activity Center (Downtown, Drury University/OTC) which is a major mixed-use activity center. The Comprehensive Plan states that activity centers will vary from one to another, but each should include, at a minimum, retail and office buildings and, ideally, multi-family housing, restaurants, and hotels, entertainment, and community facilities such as churches, public agencies, libraries, parks, etc. Activity Centers are the preferred development pattern to encourage infill growth by using existing

infrastructure where the City has already constructed the necessary services and facilities to accommodate growth.

4. The Planned Development will allow for the rehabilitation and use of these two properties while preserving the architecturally significant structures and design within the Mid-Town neighborhood. The Planned Development is written with similar language as the UCD Area A requirements while allowing for the bed and breakfast and restaurant use while preserving the contributing historic structures. The Planned Development will be the underlying zoning district while keeping the UCD No 3 Area E designation. The Area E is a reserve area that does not have any UCD requirements other than requiring Mid-Town Neighborhood Association notification of proposed changes through the Administrative Review Committee (ARC) process.
5. Approval of this application will facilitate redevelopment of these properties and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
6. The Planned Development will be the underlying zoning district while keeping the UCD No 3 Area E designation overlay district.
7. This proposal did require a Multi-Family Location and Design Guidelines assessment. The request is consistent with the Multi-Family Development Location and Design Guidelines as approved by the Planning and Zoning Commission and City Council (see attachment 3).

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on April 19, 2016. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENT:

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. Twenty-eight (28) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has received no objections to date.

CITY COUNCIL MEETING: June 27, 2016

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner
864-1834

ATTACHMENT 1
DEPARTMENT COMMENTS
PLANNED DEVELOPMENT 348 AMENDMENT 1

TRAFFIC DIVISION COMMENTS:

The Transportation Plan classifies Benton Avenue as a secondary arterial roadway. The standard right of way width for Benton Avenue is 35 feet from the centerline (total of 70 feet full street right of way). This is a City maintained street. The most recent traffic count on Benton Avenue in this approximate location is 4,528 vehicles per day. There are two existing driveway access points on Benton Avenue along the property in this zoning case. Existing right of way appears to be adequate. A survey is recommended to verify existing right of way. Sidewalk exists along Benton Avenue. The driveways do not meet existing city standards and will be addressed at building plan review submittal. On-street parking is allowed along the adjacent streets. There is no greenway trail in the area and no bus stops along this block of Benton Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are no proposed improvements along Benton Avenue.

Public Works Traffic Division	Response
Street classification	Secondary Arterial
On-street parking along streets	Yes
Trip generation - existing use	180
Trip generation proposed use	180
Existing street right of way widths	Appears to be 85 feet. A survey is recommended to verify.
Standard right of way widths	70 feet
Traffic study submitted	Not required
Proposed street improvements	None

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with rezoning to Planned Development

STORMWATER COMMENTS:

The property is located in the Jordan Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of any flooding problems in the area. If the project increases the amount of impervious surfacing; detention is required according to Chapter 96. Buyout in lieu of on-site stormwater detention may be an option. Since the project will be disturbing less than one (1) acre there will not be a land disturbance permit required. There is not an existing stormwater system available for this development to discharge into. There are no sinkholes on the proposed property.

Please note that development (or re-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 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. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

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

SANITARY SERVICES COMMENTS:

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

CITY UTILITIES COMMENTS:

No objection to PD concept.

Michael and Hannah Textor
1215 N. Benton Ave, Springfield, MO 65802
Phone: (417) 865-1000

Date: April 8, 2016

Re: Proposed Zoning Amendment of 1215 and 1225 N. Benton

Michael and Hannah Textor, through Historic Patterson House LLC, are owners of the Patterson House, at 1225 North Benton Ave and the adjacent property at 1215 N. Benton Ave. Last year the properties were put into a Planned Development. The proposed amendment would restore the historic Residential-Medium Density use within the Planned Development.

The Patterson House has been apartments since 1939 and was zoned Residential-Medium Density until the Planned Development rezoning last year. We still intend to save and rehabilitate both historic structures within the current footprint.

You are invited to a meeting to view drawings of the Planned Development, to discuss the plans and any concerns you may have about this process. The meeting will take place Tuesday, April 19, 4:00 PM at 1215 N. Benton Ave.

Sincerely,

Mike and Hannah Textor

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PD348 to PD348a (adding R-MD)
(existing zoning) (proposed zoning)
2. Meeting Date & Time: April 19, 2016 4:00 pm
3. Meeting Location: 1215 N. Benton Ave, Spfd MO 65802
4. Number of invitations that were sent: 99
5. How was the mailing list generated: obtained from City P&Z staff
6. Number of neighbors in attendance (attach a sign-in sheet): 5
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 negative comments. People are excited to see the properties put into use.

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

None

I, Michael Texter (print name), attest that the neighborhood meeting was held on 4/19/2016 (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

Michael Texter
Printed name of person completing affidavit

Planned Development District 348 Amended
Sign-in sheet
Neighborhood Meeting, 1215 N. Benton
April 19, 2016
4:00 PM

	Name	Address
1.	Michael Textor	- Developer - Historic Patterson House
2.	STEVE WIFMER	1101 N BENTON SPRINGFIELD 65802
3.	PETE RADECKI	1215 N BENTON " "
4.	SHELLA RADECKI	1215 N BENTON " "
5.	Connie Petrich	1127 N Benton Ave Springfield MO 65802
6.		
7.		
8.		
9.		
10.		
11.		
12.		

ATTACHMENT 3
MULTI FAMILY DEVELOPMENT LOCATION AND DESIGN GUIDELINES
ASSESSMENT FOR PLANNED DEVELOPMENT 348 AMENDMENT 1

According to the Multi-Family Location and Design Assessment Matrix, the proposed development has attained 11 points, thus permitting a housing density of 18-20 dwelling units/acre. The applicant is requesting 18 units per acre which equates to approximately 16 dwelling units for the 0.89 acres of property. Below is an analysis of the five categories used to calculate the Matrix score.

- A. Land Use Accessibility (3/3 points)
Three points were given for land use accessibility. One point each was given for neighborhood retail, public school, hospital and public library within the 1/4 and 1/2 assessment area.
- B. Connectivity Analysis (2/5 points)
Two out of a maximum of five points were given for connectivity analysis.
- C. Road Network Evaluation (2/2 points)
A maximum of two points were given for the road network evaluation.
- D. Design Guidelines (6/6 points)
Six points were given for design guideline criteria. Below are some of the design considerations that have been incorporated into the proposed development.
 - 1. Pedestrian Amenities - Pedestrian amenities shall include benches placed near walkways at appropriate locations throughout the development. Pedestrian-scale lighting shall be provided within the development lighting sources or luminaries that do have a cutoff shall not exceed a maximum of 30 feet in height. All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through external shields or through optics within the fixture. A site lighting and photometric plan shall be submitted conforming to these requirements for building permits.
 - 2. Building Scale and Articulation - Street facing walls that are greater than 50 feet in length shall be articulated at least each 25 feet with bays, projections or recesses. Articulation means a difference in the vertical plane of the building at least 18 inches or more. This project shall be in compliance with the attached site plan and elevations
 - 3. Building Orientation and Interior Landscaping - Building orientation shall address the Streets and building alignments per submitted site plan. Landscaping and open spaces shown shall be provided with approved ground cover and/or plantings per required city ordinances and zoning requirements. Landscaping islands with plantings shall be located

throughout the parking lot. A landscaping plan shall be submitted conforming to these requirements for building permits.

4. Avoidance of Blank Walls along pedestrian circulation areas - Facades that face public streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features windows, entrances, arcades, arbors, awning (over windows or doors), distributed along the façade at least once every 25 feet. This project shall be in conformance with the attached site plan and elevations
5. Internal Connectivity – Internal sidewalks shall connect internally and to the public sidewalk system in accordance to the attached site plan.
6. Useable Recreational Area/Facility – Benches will be located throughout the common areas providing for useable tenant amenities. A minimum of 15% usable open space shall be provided in accordance with the attached site plan.
7. Preservation of Trees –All existing trees of 6” caliper or greater shall be preserved or replaced with 2-inch caliper trees in accordance with the attached site plan and the city ordinance.

Maximum density (du/acre) shall not exceed maximum 18 units per acre for PD 348 Amendment 1 zoning as indicated on the attached site plan.

If it is not possible to repair or rebuild the existing structures in a manner that complies with the requirements of the Exhibit 1 and 2, the use of the property shall revert to single family and multi-family residential uses. However, all new construction of multi-family buildings shall meet the Multi-Family Development Location and Design Guidelines. Bufferyard and landscaping requirements for the existing parking lot shall be in substantial conformance with Exhibit 2. If the site is completely redeveloped then the current bufferyard and landscaping requirements at the time of development will have to be met for parking and other site developments.

EXHIBIT 1

Requirements and Standards Applicable to Planned Development District 348 Amendment 1

Introduction

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

Background

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

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

Application

Building permits for any currently allowed use can be issued at any time. Otherwise, building or other permits cannot be issued for development permitted by this planned development, until the final development plan is approved in the manner described at the end of this document.

Intent

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

Definitions

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

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

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

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

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

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

Uses Permitted

- A. The following uses shall be permitted in the Planned Development:
1. Single-family detached dwellings
 2. Multi-family, R-LD uses.
 3. Accessory Uses as permitted in section 36-350, accessory structures and uses.
- B. The following commercial and multi-family uses shall be permitted within the Planned Development:

1. Eating and Drinking Establishments Use Group. Establishments primarily engaged in the sale of prepared foods and/or beverages for on-premise consumption. Typical uses include restaurants and coffee shops. Drive-up windows, Drive-in and drive thru facilities are NOT allowed.
2. Bed and Breakfasts. Establishments providing lodging available to the public on a daily basis. Typical uses include bed and breakfasts and activities normally accessory thereto such as incidental retail sales, offices, restaurants, bars, spa services, art sales and recreation facilities intended for the convenience of guests.
3. The carriage house on the south lot may have an apartment and offices incidental to the operation of the Bed and Breakfast and Restaurant. The carriage house may also be used as guest suites or as a kitchen incidental to the operation of the restaurant. For the initial phase of this planned development the carriage house will be a garage.
4. R-LD, multi-family apartments shall be allowed.
5. Accessory uses as permitted by section 36-350. Accessory structures and uses.
6. Should either the Hawkins House or the Patterson House, or both, be damaged by fire or natural disaster then:
 - a. The structure(s) shall be restored to maintain their significant features consistent with the most recent rehabilitation plans approved by the State Historic Preservation Office; or
 - b. The structures shall be completely rebuilt to their original plans; or
 - c. If it is not possible to repair or rebuild in a manner that complies with these requirements, the use of the property shall revert to single family and multi-family residential uses.
7. All new construction of multi-family buildings, per 6 (c) above, shall meet the Multi-Family Development Location and Design Guidelines. Bufferyard and landscaping requirements for the existing parking lot shall be in substantial conformance with Exhibit 2. If the site is completely redeveloped then the current bufferyard and landscaping requirements at the time of development will have to be met for parking and other site developments.

Historic District and Landmarks Compliance

- A. The Landmarks Board, in 2015, approved the proposed exterior modifications to the historic structures. The initial phase of single and multi-family residential eliminates the previously-proposed addition to the Hawkins House. Because the initial phase uses the properties for their historic purposes, rehabilitates and preserves the existing exterior structures without any material change to the exterior appearance of existing structures, and reduces the parking and driveway area from the previously approved design, no further review by the Landmarks Board is required. All modifications and uses of Contributing Buildings within the Planned Development shall retain the historic character of the existing structure. Additionally, the goals of historic rehabilitation shall be met and any exterior modification to the property must be consistent with the Secretary of Interior's Standards for Rehabilitation. A Certificate of Appropriateness shall be required in the following instances before the commencement of exterior work upon any new or existing structure or outside work within the Planned Development except for ordinary maintenance and repair:
1. Any construction, alteration, or removal affecting the exterior of a site or structure that requires a building or demolition permit from the City of Springfield including but not limited to the construction of new structures;
 2. A material change to the exterior appearance of existing structures including but not limited to additions, reconstruction or alterations, which affects a significant exterior feature of a structure as specified in the materials attached to the ordinance designating the properties in this Planned Development as contributing to the Midtown Historic District.
 3. Any action resulting in the application of paint to a previously unpainted brick or masonry exterior surface or the application of stucco or siding;
 4. The construction or enlargement of a driveway or parking area or erection of fencing;
 5. Work by the City of Springfield or any of its agencies or departments which would require a Certificate of Appropriateness if undertaken by a private citizen and any Public Improvement Project, which, in the opinion of the Director of Planning and Development would affect the Midtown Historic District.
 6. The placement or construction of any building one hundred (100) square feet or less in size within the Planned Development, with the exception of gazebos, pergolas, and green houses, and structures associated with the temporary use of street festivals so long as said structures are removed at the expiration of the

applicable use permit issued by the Director of Building Development Services;
and

7. A material change to the interior appearance of existing structures, including but not limited to additions, reconstruction, or alterations, if a significant interior feature of a structure was listed in the nomination for the Midtown Historic District.

B. Administrative Review. A person who is required to obtain a Certificate of Appropriateness shall submit an application to the Director of Planning and Development, hereinafter referred to as Director. Persons desiring to perform work on structures or parcels designated as Historic Landmarks or located within a Historic District are required to contact the Director in order to determine if certificate is required. If the application is for work that will have no effect on exterior architectural details or is one of any number of items that the Landmark Board has designated for action, then the Director shall review the application and issue or deny a Certificate of Appropriateness. Such certificate shall be in addition to all other permits required by the City. If the request is within the Director's jurisdiction and is denied by the Director, the applicant may appeal such decision to the Landmarks Board. Permits required by the City involving items requiring a Certificate of Appropriateness shall not be issued by the City until the Director has issued said certificate, has issued a Certificate of Economic Hardship, or in the event of demolition being refused, the requisite time period has expired. If the Director determines that the application is for action not designated for administrative review, then the Director shall submit the application to the Landmarks Board. The Director may require as a condition of processing the application that the applicant submit information as determined by the Director. The Director shall also have the authority to refer any building or demolition permit application for structures within the Planned Development to the Landmarks Board for the sole purpose of review and comment when, in his opinion, the proposed improvements would have a significant adverse impact on the Midtown Historic District.

C. Landmarks Board Review and Action on Certificates of Appropriateness. Applications for Certificates of Appropriateness must be complete and be received in the Director's office no later than fifteen (15) days prior to a scheduled Landmarks Board meeting. Not less than ten (10) days prior to the hearing Applicant shall post signs on the property being considered indicating the proposed action and the time, date, and place of the hearing. The applicant must comply with standards and procedures provided and approved by the Director of the Planning and Development Department and on file in the City Clerk's office, regarding compliance with this section. The Landmarks Board shall review the application and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this section. If the certificate is denied, no permit for the work shall be

issued and the applicant shall not proceed with the work. The Landmarks Board shall state the reasons for denial in writing to the applicant and shall also make suggestions in regard to appropriate changes.

D. Review Criteria. The Landmarks Board in considering whether or not to issue a Certificate of Appropriateness shall be guided by the general purpose of this section and the following:

1. The Secretary of Interior's Standards for Rehabilitation as listed below.
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the

massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. Any design guidelines or standards that the Landmarks Board may establish and adopt.
 3. For new construction, the Landmarks Board shall also consider the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this section to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.
- F. Work Required to Conform with Certificate of Appropriateness. Work performed pursuant to the issuance of a Certificate shall conform to the requirements of such certificate, if any. The Director of Building Development Services shall inspect from time to time any work performed pursuant to a certificate to assure such compliance. In the event that such work is not in compliance, the Director of Building Development Services shall issue a stop work order. A certificate shall become void unless construction is commenced within one hundred eighty (180) days of date of issue. All City licenses shall be issued on condition that the person owning or occupying the premises will comply with conditions, if any, in the certificate.
- G. Applicant's Action if Application is denied. In the event that a certificate is denied, the applicant may:
1. Not resubmit a denied application without substantial change, but may change the original proposal and resubmit the application within fifteen (15) days of denial by the Landmarks Board; or
 2. Apply for a Certificate of Economic Hardship; or
 3. File an appeal to the Board of Adjustment within fifteen (15) days of the denial by the Landmarks Board.
- H. Certificate of Economic Hardship.
1. Application Procedure. Application for a Certificate of Economic Hardship shall be submitted to the Director of Planning and Development. Applications for

Certificates of Economic Hardship must be complete and received in the Director's office no later than fifteen (15) days prior to a scheduled Landmarks Board meeting. Not less than ten (10) days prior to the hearing the applicant shall post signs on the property being considered indicating the proposed action and the time, date and place of the hearing. The applicant must comply with standards and procedures provided and approved by the Director of the Planning and Development Department and on file in the City Clerk's office, regarding compliance with this section.

2. Review Criteria. The Landmarks Board will review the application at a public hearing and may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application:

- a. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Board for changes necessary for the issuance of a Certificate of Appropriateness.
- b. A report from a licensed engineer or architect with experience in recognized historic property rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.
- c. A report from a state-certified real estate appraiser as to the estimated market value of the property in its current condition, after completion of the proposed construction, alteration, demolition or removal, after any changes recommended by the Landmarks Board.
- d. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operation and maintenance expenses for the previous two (2) years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
- f. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
- g. Assessed value of the property according to the two (2) most recent assessments.
- h. Real estate taxes for the previous two (2) years.
- i. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.

- j. Amount paid for the property, date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
- k. Annual debt service, if any, for the previous two years.
- l. Any consideration by the owner as to profitable adaptive uses for the property.
- m. Any other information considered necessary by the Landmarks Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.

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

Use Limitations

- A. All uses must operate in accordance with the noise standards contained in Section 36-485 of the Springfield Zoning Ordinance.
- B. No use may emit an odor that creates a nuisance as determined by Springfield City Code.

Design Requirements

- 1. In the event the removal of trees from the Planned Development would cause the number of trees, six inches or more in diameter and 4.5 feet tall, to fall below (7) seven trees per acre, the following provisions shall apply. A tree six inches or greater in diameter measured 4 1/2 feet above ground must be preserved or replaced with a tree of at least two inches (2") in diameter—for a maximum total of 7 trees per acre. Trees meeting the landscape requirements in the zoning ordinance may be counted toward this requirement. A tree survey site plan must be submitted with a zoning application in order to assess this requirement. The

life of all planted or saved trees shall be guaranteed and maintained for a period of 5 years or shall be replaced with an equal diameter tree. If this is not possible then the total diameter of trees at the time they are lost shall be replaced with an equal diameter amount of trees with no less than 2" in diameter throughout the project area

2. There shall be one (1) street/park bench provided within each multi-family development.

Bulk, Area and Height Requirements

A. Development shall adhere to the following:

1. A maximum impervious surface ratio of 0.80 shall be permitted.

Intensity of Development

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

A maximum of eighteen (18) dwelling units per acre may be developed within the Planned Development. A maximum of fourteen (16) guest suites may be operated by the bed and breakfast within the Planned Development.

Access to Public Thoroughfares

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

Off-street Parking

The Planned Development shall have one (1) parking space for each dwelling unit under 400 sf and shall have one and a half (1.5) parking spaces for every dwelling unit over 400 sf. The second phase of the Planned Development shall have one (1) parking space for each guest suite, office and apartment, and one parking space for every 250 square feet of additional gross floor area within a habitable structure. Provided, however, that the gross floor area of common areas located on a floor with guest rooms or dwelling units shall not be considered for parking requirements.

Signs

All signage shall meet the standards of section 36-454 of the zoning ordinance unless otherwise modified herein:

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

Perimeter Treatment

The Planned Development shall adhere to the following:

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

Refuse Storage

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

Exterior Lighting

The Planned Development shall adhere to the following:

Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and /or a general increase in lighting within the adjoining existing residence area. Lighting sources or luminaries that do not have a cutoff and are used in parking lots and pedestrian ways shall not exceed a maximum of 15 feet in height. Lighting sources or luminaries that do have a cutoff shall not exceed a maximum 30 feet in height. The developer shall submit a lighting plan at the time of development demonstrating compliance with this section.

Maintenance of Common Areas and Facilities

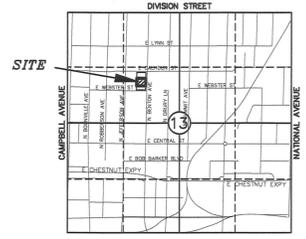
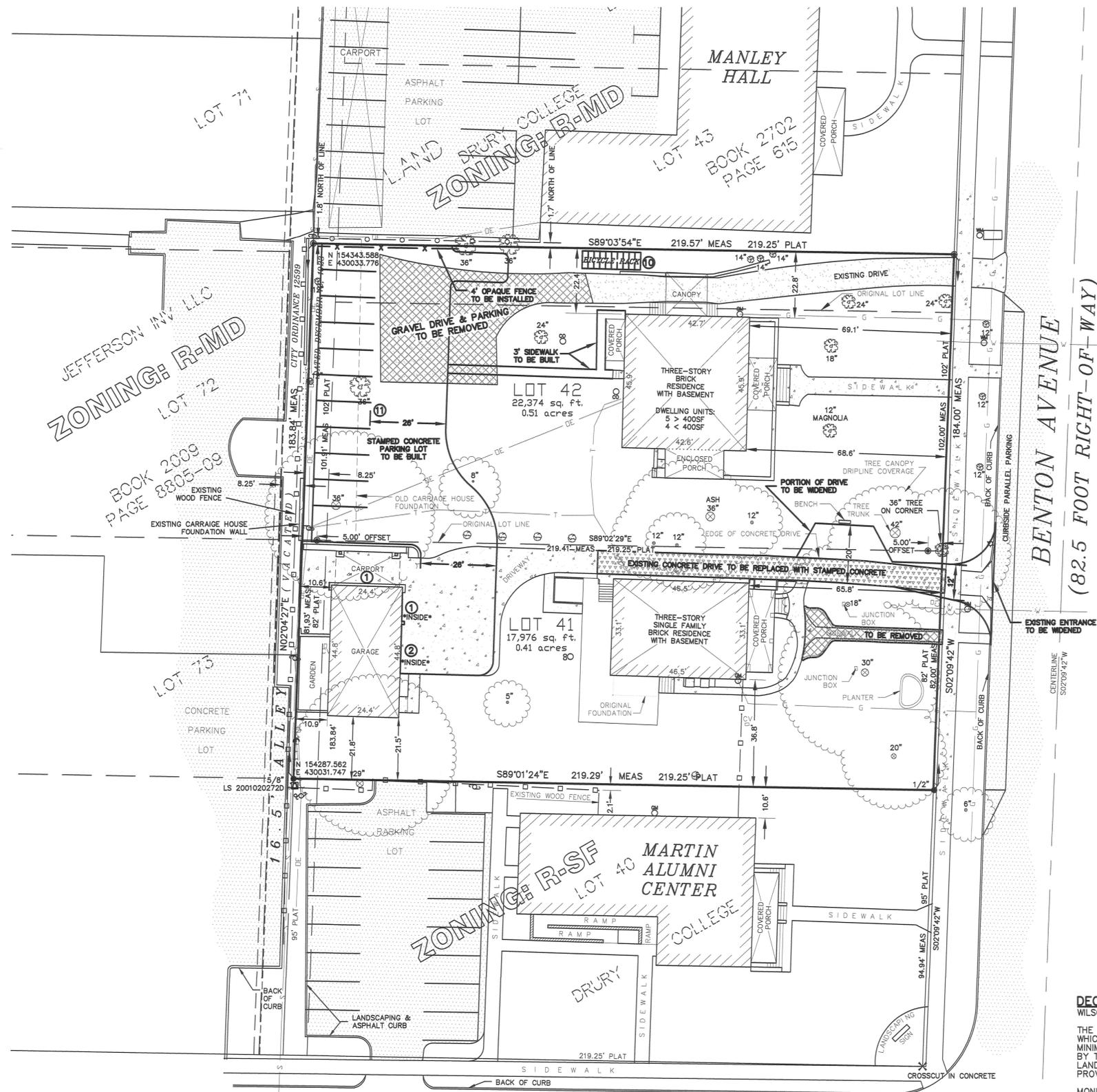
There are no proposed Common Areas within the Planned Development.

Final Development Plan

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

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

SITE PLAN EXHIBIT 2

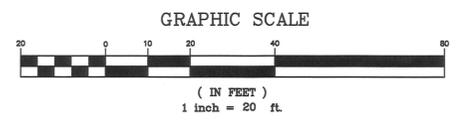


LOCATION MAP
SECTION 13
TOWNSHIP 29 RANGE 22
APPROX. SCALE: 1"=2000'

GRID NORTH
MISSOURI STATE
PLANE
CENTRAL ZONE
NAD83



PARKING NOTE
10 BICYCLE PARKING SPACES
15 VEHICLE PARKING SPACES (TYP: 9'x18.5')



- LEGEND**
- = EXISTING IRON PIN EXCEPT AS NOTED
 - ⊙ = 5/8" IRON PIN SET CAPPED "LS-267D"
 - ✕ = CROSSCUT IN CONCRETE
 - ☐ = CLEANOUT
 - ☐ = TELEPHONE RISER
 - ⊙ = TREE TRUNK
 - ⊙ = DECIDUOUS TREE
 - ⊙ = POWER POLE
 - ⊙ = LIGHT POLE
 - ⊙ = GAS METER
 - ⊙ = WATER METER
 - ⊙ = CONTROL VALVE
 - ⊙ = CHAIN-LINK FENCE
 - ⊙ = WOOD FENCE
 - ⊙ = OPAQUE FENCE TO BE INSTALLED
 - ⊙ = SANITARY SEWER LINE
 - ⊙ = OVERHEAD ELECTRIC LINE
 - ⊙ = GAS LINE
 - ⊙ = WATER LINE
 - ⊙ = TELEPHONE LINE
 - ⊙ = TREE DRIP LINE
 - ▨ = ASPHALT
 - ▨ = CONCRETE
 - ▨ = GRAVEL
 - ▨ = TO BE REMOVED
 - ▨ = TO BE REPLACED WITH STAMPED CONCRETE

RESOURCE MATERIALS USED FOR BOUNDARY DETERMINATION

- ZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD FINAL PLAT
- SURVEY BY L.A. WEEKS DATED OCTOBER 21, 1953
- SURVEY BY WILSON SURVEYING CO., INC. DATED DECEMBER 14, 1991
- SURVEY BY WILSON SURVEYING CO., INC. DATED NOVEMBER 12, 2015
- DEEDS AS SHOWN

SOURCE OF TITLE

- BOOK 2015 PAGE 7026-15
- BOOK 2015 PAGE 11348-15
- HOGAN LAND TITLE COMMITMENT NO. 1411011 EFFECTIVE DATE: OCTOBER 31, 2014
- HOGAN LAND TITLE COMMITMENT NO. 1502141 EFFECTIVE DATE: FEBRUARY 9, 2015

PROPERTY DESCRIPTION

ALL OF LOTS FORTY-ONE (41), FORTY-TWO (42) AND THE SOUTH TWENTY (20) FEET OF LOT FORTY-THREE (43) IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

SUBJECT TO ANY EASEMENTS OF RECORD, EXCEPT ANY PART THEREOF TAKEN OR USED FOR ROAD OR HIGHWAY PURPOSES.

DECLARATION

WILSON SURVEYING CO. INC., HEREBY DECLARES TO HISTORIC PATTERSON HOUSE LLC:

THE INFORMATION CONTAINED HEREON IS BASED ON AN ACTUAL SURVEY OF THE LAND DESCRIBED ABOVE, WHICH WAS PERFORMED TO THE BEST OF CORPORATE KNOWLEDGE AND BELIEF IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS PROMULGATED FOR THE STATE OF MISSOURI BY THE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS; AND THE MISSOURI DEPARTMENT OF AGRICULTURE; AND BASED ON INFORMATION PROVIDED BY MIKE TEXTOR.

MONUMENTS AND PINS SHOWN AS SET WERE PLACED UNDER MY PERSONAL SUPERVISION.

PHYSICAL EVIDENCE OF IMPROVEMENTS AS SHOWN IS FROM INFORMATION OBTAINED BY VISUAL INSPECTION OF THE PREMISES. EASEMENTS SHOWN ARE THOSE WRITTEN, PROVIDED, OR DISCOVERED AND MAY NOT BE ALL INCLUSIVE. APPARENT OWNERSHIPS AS SHOWN ARE THOSE BASED ON INFORMATION PROVIDED BY OTHERS AND DO NOT REPRESENT AN OPINION AS TO TITLE.

THE SURVEY SHOWN HEREON WAS PERFORMED TO MEET OR EXCEED THE REQUIREMENTS OF MISSOURI MINIMUM STANDARDS FOR URBAN CLASS PROPERTY.

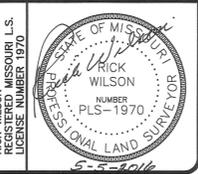
THE PROPERTY SHOWN HEREON LIES IN A FLOOD ZONE X ACCORDING TO FLOOD INSURANCE MAP 29077C0331E, EFFECTIVE DECEMBER 17, 2010.

WEBSTER STREET
(50 FOOT RIGHT-OF-WAY)

PREPARED BY
WILSON SURVEYING CO., INC.

SURVEYING/ ENGINEERING/ LAND PLANNING
2012 S. STEWART AVENUE
Springfield, Missouri 65804
TELE: (417)522-7870 FAX: (417)522-7874
EMAIL: RICK.WILSON@WILSONSURVEYING.COM
DRAWING NO.: WD-105-008
JOB NO.: 16044
DRAWN BY: MSB
DATE: MAY 5, 2016

TOTAL AREA
0.93 ACRES
40,350 SQ. FT.



Rick Wilson
WILSON SURVEYING CO., INC. L.C. 267D
BY RICK WILSON, P.L.S. 1970