

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 07-19-16

Sponsored by: Burnett

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 177

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.41 acres of property, generally located at 2263
3 East Cherry Street, from R-MD, Medium density Multi-Family District, to
4 HM, Heavy Manufacturing District with Conditional Overlay District No.
5 109; and adopting an updated Official Zoning Map. (Staff and Planning
6 and Zoning Commission recommend approval.)
7
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 described in "Exhibit A" of this Ordinance, generally located at 2263 East Cherry Street,
11 from R-MD, Medium density Multi-Family District, to HM, Heavy Manufacturing District
12 with a Conditional Overlay District No. 109;
13

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

19 WHEREAS, proper notice was given of a public hearing before the City Council,
20 and that said hearing was held in accordance with the law.
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
23 SPRINGFIELD, MISSOURI, as follows, that:
24

25 Section 1 – The property described in "Exhibit A" of this Ordinance shall be, and
26 the same hereby is, rezoned from R-MD, Medium density Multi-Family District, or such
27 zoning district as is designated on the Official Zoning Map adopted by the City Council,
28 to an HM, Heavy Manufacturing with a Conditional Overlay District No. 109; and the
29 Springfield Land Development Code, Section 36-306 thereof, Zoning Maps, is hereby
30 amended, changed and modified accordingly.
31

32 Section 2 – The City Council hereby directs the City Manager, or his designee, to
33 update the City's digital zoning map to reflect this rezoning, and City Council adopts the

34 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
35 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps
36 and Rules of Interpretation.

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

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

43
44 Passed at meeting: _____

45
46 _____
47 Mayor

48
49 Attest: _____, City Clerk

50
51 Filed as Ordinance: _____

52
53 Approved as to form: Richard J. Wieden, Assistant City Attorney

54
55 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 177

FILED: 07-19-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.41 acres of property generally located at 2263 East Cherry Street from a R-MD, Medium density Multi-family District to an HM, Heavy Manufacturing District and establishing Conditional Overlay District No. 109 (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-10-2016 & CONDITIONAL OVERLAY DISTRICT NO. 109

The applicant is requesting to rezone the subject property from a R-MD, Medium density Multi-family District to an HM, Heavy Manufacturing District with Conditional Overlay District No. 109. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for General Industry, Transportation and Utilities land uses.

Supports the following Field Guide 2030 goal(s): Chapter 6, Major Goal 4: Develop the community in a sustainable manner. Objectives 4a and 4b

REMARKS:

The Planning and Zoning Commission held a public hearing on, July 7, 2016, and recommended approval, by a vote of 9 to 0, of the proposed zoning on the tract of land described on the attached sheet (see the attached "Exhibit B," Record of Proceedings).

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The requested HM, Heavy Manufacturing District zoning is consistent with the recommendations of the *Growth Management and Land Use Plan* of the *Comprehensive Plan* which recommends General Industry, Transportation and Utilities land uses.
2. The proposed Conditional Overlay District requirements are consistent with the COD of the adjacent property to the west in regards to permitted uses and depth from Cherry Street.

3. Approval of this application will allow for development of this property for additional parking and access drive for a business and will promote development where investments have already been made in public services and infrastructure.

Submitted by:


Michael Sparlin, Senior Planner

Recommended by:


Brendan Griesemer, Planning &
Development Manager

Approved by:


Greg Burris, City Manager

EXHIBITS:

- Exhibit A, Legal Description
- Exhibit B, Record of Proceedings
- Exhibit C, Conditional Overlay District Provisions
- Exhibit D, Development Review Staff Report

ATTACHMENTS:

- Attachment 1: Department Comments
- Attachment 2: Conditional Overlay District Provisions
- Attachment 3: Neighborhood Meeting Summary

Exhibit A

**LEGAL DESCRIPTION
ZONING CASE Z-10-2016 & CONDITIONAL OVERLAY DISTRICT NO. 109**

A TRACT OF LAND AS LYING IN LOTS 5 AND 6 OF CHERRY HEIGHTS TERRACE, PLAT BOOK Q, PAGE 22 AS DESCRIBED IN THE GREENE COUNTY, MISSOURI, RECORDER'S OFFICE IN BOOK 2006, PAGE 012910-06 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5 OF CHERRY HEIGHTS TERRACE, SAID POINT ALSO LYING ON THE NORTH RIGHT-OF-WAY OF CHERRY STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY, NORTH 86°30'21" WEST, 119.51 FEET TO THE SOUTHWEST CORNER OF LOT 6; THENCE LEAVING SAID NORTH RIGHT-OF-WAY, AND ALONG THE WEST LINE OF LOT 6, NORTH 01°53'29" EAST, 150.06 FEET TO THE NORTHWEST CORNER OF LOT 6 CHERRY HEIGHTS TERRACE; THENCE ALONG THE NORTH LINE OF LOTS 5 AND 6, SOUTH 86°30'21" EAST, 124.18 FEET TO THE NORTHEAST CORNER OF LOT 5 OF CHERRY HEIGHTS TERRACE; THENCE ALONG THE EAST LINE OF LOT 5, SOUTH 03°40'37" WEST, 150.00 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. CONTAINING 0.419 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2000.

Exhibit B

RECORD OF PROCEEDINGS
ZONING CASE Z-10-2016 & CONDITIONAL OVERLAY DISTRICT NO. 109

Z-10-2016 w/COD #109

2263 East Cherry Street

Applicant: O'Reilly Automotive Stores, Inc.

Mr. Hosmer states that this is a request to rezone approximately 0.41 acres of property generally located at 2263 East Cherry Street from a R-MD, Medium density Multi-family District to an HM, Heavy Manufacturing District and establishing Conditional Overlay District No.

Commission and City Council approved COD No. 34 which prohibits all other uses except commercial off-street parking lots and structures along Cherry Street and COD No. 106 prohibits all other uses except commercial off-street parking lots and structures and office uses. The Growth Management and Land Use Plan Element of the Comprehensive Plan identify this area as appropriate for General Industry, Transportation, and Utilities land uses. The intent is to rezone the property for commercial off-street parking lots and structures consistent with COD #34. No traffic study is required. Must dedicate right-of-way to meet 35 feet from the centerline of Cherry Street. The property shall be combined with the property to the North (455 South Patterson Avenue). Bufferyards are required adjacent to R-MD District. Staff recommends approval.

Mr. Ray opened the public hearing.

Mr. Jared Davis, 2045 W. Woodland, Anderson Engineering, representing the owners.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Ms Cox motions that we approve item Z-10-2016 (2263 East Cherry Street). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, Cox, Coltrin, Ogilvy, Edwards, and Rose. Nays: None. Abstain: None. Absent: None.

Bob Hosmer, AICP
Principal Planner

Exhibit C

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-10-2016 & CONDITIONAL OVERLAY DISTRICT NO. 109

The requirements of Section 46-433 of the Springfield Zoning Ordinance shall be modified herein for development within this district.

(2) Permitted Uses

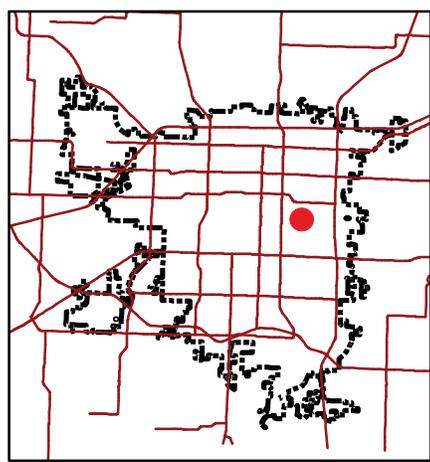
(m) Commercial off-street parking lots and structures

Additional Design Requirements

1. Dedicate additional right-of-way to meet 35 feet from the established centerline of Cherry Street.
2. The property shall be combined with the property to the North, 455 South Patterson Avenue.

Development Review Staff Report

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



Z-10-2016 with Conditional Overlay District No. 109

LOCATION: 2263 East Cherry Street
CURRENT ZONING: R-MD, Medium Density Multi-family Residential
PROPOSED ZONING: HM, Heavy Manufacturing with Conditional Overlay District No. 109

LOCATION SKETCH



 - Area of Proposal

0 100 200 400 Feet
1 inch = 225 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-10-2016 & CONDITIONAL OVERLAY DISTRICT NO. 109

PURPOSE: To rezone approximately 0.41 acres of property generally located at 2263 East Cherry Street from a R-MD, Medium density Multi-family District to an HM, Heavy Manufacturing District and establishing Conditional Overlay District No. 109

REPORT DATE: June 23, 2016

LOCATION: 2263 East Cherry Street

APPLICANT: O'Reilly Automotive Stores, Inc.

TRACT SIZE: Approximately 0.41 acres

EXISTING USE: Vacant Daycare facility

PROPOSED USE: Off-street parking and access drive

FINDINGS FOR STAFF RECOMMENDATION:

1. The requested HM, Heavy Manufacturing District zoning is consistent with the recommendations of the *Growth Management and Land Use Plan* of the *Comprehensive Plan* which recommends General Industry, Transportation and Utilities land uses.
2. The proposed Conditional Overlay District requirements are consistent with the COD of the adjacent property to the west in regards to permitted uses and depth from Cherry Street.
3. Approval of this application will allow for development of this property for additional parking and access drive for a business and will promote development where investments have already been made in public services and infrastructure.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	HM	Office Building and parking lot
East	R-MD	Multi-family dwellings
South	R-SF	Single-family residence
West	HM COD #34	Undeveloped land

HISTORY:

City Council, on May 5, 2010, approved Ordinance No. 5872 to rezone the property to the west of the subject property to a HM district & Conditional Overlay District No. 34 which prohibits all other uses except commercial off-street parking lots and structures.

City Council, on May 16, 2016, approved Ordinance No. 6278 to rezone a portion of the property to the west of the subject property to a HM & Conditional Overlay District No. 106 which prohibits all other uses except commercial off-street parking lots and structures and General Office use group. This rezoning maintained the prior Conditional Overlay District No. 34 at a distance of 150 feet North of Cherry Street.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for General Industry, Transportation and Utilities land uses.

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from a R-MD, Medium density Multi-family District to an HM, Heavy Manufacturing District with Conditional Overlay District No. 109. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for General Industry, Transportation and Utilities land uses.
2. The proposed Conditional Overlay District requirements are consistent with the COD of the adjacent property to the west in regards to permitted uses and depth from Cherry Street. The current Conditional Overlay District No. 34 area, subsequent to COD 106, maintained a depth of 150 feet from Cherry Street. This request is consistent with the depth from Cherry Street.
3. Approval of this application will allow for development of this property for additional parking and access drive for a business and will promote 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.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on June 13, 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. Ten (10) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

July 25, 2016

STAFF CONTACT PERSON:

Michael Sparlin
Senior Planner
864-1091

ATTACHMENT 1
 DEPARTMENT COMMENTS
 ZONING CASE Z-10-2016 & CONDITIONAL OVERLAY DISTRICT NO. 109

BUILDING DEVELOPMENT SERVICES COMMENTS:

No BDS issues with proposed zoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Cherry Street as a Secondary Arterial roadway. The standard right of way width for Cherry Street is 70 feet (35 feet from the centerline). It appears additional right of way is acquired to meet this standard. This is a City maintained street. The most recent traffic count on Cherry Street is 26,588 vehicles per day. There is one existing driveway access point along Cherry Street. This existing access will need to be reconstructed to meet current city standard for a commercial driveway. There is a sidewalk along the property frontage. The existing infrastructure meets current city standards. On-street parking is not allowed along the adjacent streets. There is not a greenway trail in the area. There is one bus stop along Cherry Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are proposed improvements along Cherry Street. These are planned for construction in 2018. They include widening to three lanes with curb & gutter, bike lanes and sidewalk. This request will require right of way be dedicated in the amount needed to meet the 35 feet standard from the centerline. A survey is recommended to determine the exact existing right of way.

Public Works Traffic Division	Response
Street classification	Secondary Arterial
On-street parking along streets	No
Trip generation - existing use	180 vehicles per day
Trip generation change - proposed use	39 vehicles per day
Existing street right of way widths	31
Standard right of way widths	35
Traffic study submitted	Not required
Proposed street improvements	None required

Transportation Plan
 Growth Management Land Use Plan

FIRE DEPARTMENT COMMENTS:

Fire has no issues.

STORMWATER COMMENTS:

The property is located in the Jordan Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not an option. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required. There is an existing channel available for this development to discharge into. 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. Based upon City data, there is a significant amount of offsite concentrated stormwater crossing the subject property. Although stormwater detention and water quality do not have to be provided for these flows, public improvement plans will be required to convey these flows across the subject property. Drainage easements must be provided for this conveyance.
4. 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?	No

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning. Public sewer is available to tract.

CITY UTILITIES:

No objection to rezoning. All utilities are available.

ATTACHMENT 2
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-10-2016 & CONDITIONAL OVERLAY DISTRICT NO. 109

The requirements of Section 46-433 of the Springfield Zoning Ordinance shall be modified herein for development within this district.

(2) Permitted Uses

(m) Commercial off-street parking lots and structures

Additional Design Requirements

1. Dedicate additional right-of-way to meet 35 feet from the established centerline of Cherry Street.
2. The property shall be combined with the property to the North, 455 South Patterson Avenue.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

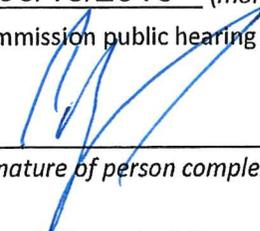
1. Request change to zoning from: R-MD to HM COD (parking lot)
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: June 13, 2016; 4:00 PM to 6:30 PM
3. Meeting Location: 3057 East Cairo Street, Springfield, MO 65802
4. Number of invitations that were sent: 66
5. How was the mailing list generated: City of Springfield, MO Planning Dept.
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 community attendance at Neighborhood meeting.
4 Phone call messages were received prior to the Neighborhood meeting & attached to this summary as Exhibit A. There were no objections noted in the phone calls. Just questions about what is being proposed.
Given there are no objections to the re-zoning; there is no issue to address.

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

No written comments received.

I, Paul Engel, PE (*print name*), attest that the neighborhood meeting was held on 06/13/2016 (*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

Paul Engel, PE

Printed name of person completing affidavit

**2263 E. Cherry Street Re-Zoning
PLN2016-00185 Neighborhood Meeting
4 PM - 6:30 PM; June 13, 2016**

3057 East Cairo Street, Springfield, MO 6580

---Please Print Your Name---

1.	22.
2.	23.
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16.	37.
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18.	39.
19.	40.
20.	41.
21.	42.

NO NEIGHBOR OR COMMUNITY ATTENDANCE
DURING OPEN TIME OF 4 PM - 6:30 PM
ON JUNE 13, 2016.

Page 1 of 1

PAUL ENGEL
6/13/2016 6:31 PM

2263 E. Cherry Street Re-Zoning PLN2016-00185: EXHIBIT A Phone Call Question Log to Anderson Engineering

Call #1: 06/03/2016 Goldie Burns (417-869-3534)

Message: Lives near Cherry & Sparks. Asked what is going to be put in.
Anderson called Goldie Burns back on 06/03/2016, ~11 am.
Left message that O'Reilly is wanting to add a drive access and parking lot.
No return call from Goldie Burns.

Call #2: 06/03/2016 Linda Dobbins (417-862-6693)

Left message wanting to know why the property needs to be re-zoned.
Anderson called back and explained that for O'Reilly to construct a parking lot & drive access to Cherry St, the City of Springfield requires the property to be re-zoned.
Linda Dobbins is okay with the parking lot & drive access proposed zoning change.

Call #3: 06/06/2016 Loretta Chilton (417-864-4514)

Message: Lives at 2306 E Cherry. Asked what is going to be built.
Anderson called Loretta Chilton on 06/06/2016, ~1:30 pm.
Left message that O'Reilly is wanting to add a drive access and parking lot.
Loretta Chilton called back (06/06/2016, ~1:50 pm) and said she is okay with the proposed change.

Call #4: 06/08/2016 Celeste - Realtor (417-343-2098)

Message: Client owns property on Sparks but lives in Florida. Question about what is proposed to be built. Anderson said parking lot & access drive. Celeste said that sounds okay & will forward the info to her client.