

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 07-19-16

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016 - 178

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.62 acres of property, generally located at 2420
3 East Sunshine Street, from Planned Development 136, to GR, General
4 Retail District; and adopting an updated Official Zoning Map. (Staff and
5 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 2420 East Sunshine
10 Street, from Planned Development 136, to GR, General Retail District; and
11

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

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

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

23 Section 1 – The property described on "Exhibit B" of this Ordinance be, and the
24 same hereby is, rezoned from Planned Development 136, or such zoning district as is
25 designated on the Official Zoning Map adopted by the City Council, to GR, General
26 Retail District; and the Springfield Land Development Code, Section 36-306 thereof,
27 Zoning Maps, is hereby amended, changed and modified accordingly.
28

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

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

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Achale T. Wicker, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL NO: 2016- 178

FILED: 07-19-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.62 acres of property generally located at 2420 East Sunshine Street from a Planned Development 136 to a GR, General Retail District. (Planning and Zoning Commission and Staff recommend approval)

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-9-2016

The applicant is proposing to rezone the subject properties from a Planned Development 136 to a GR, General Retail District. The intent of this application is to rezone the subject property which will facilitate the redevelopment of the site for a new automotive service garage. This use is not currently permitted by the existing PD 136 Amended. A conditional use permit (Use Permit 423) to allow an automotive service garage accompanies this rezoning request.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Sunshine Street corridor as appropriate for medium-intensity retail, office and residential uses. General Retail is one of the zoning districts recommended in these areas. The General Retail District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets (Sunshine and Lone Pine).

This ordinance supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner; Objective 4a, Increase density in activity centers and transit corridors.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Sunshine Street corridor as appropriate for medium-intensity retail, office and residential uses. General Retail is one of the zoning districts recommended in these areas.
2. The proposed GR, General Retail zoning is consistent with adjacent commercial zoning and uses that front along Sunshine Street.

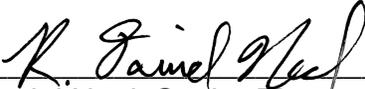
3. Approval of this application will facilitate redevelopment of these properties and promote infill development and increased intensity where investments have already been made in public services and infrastructure.

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 Record of Proceedings ("Exhibit A")).

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

Submitted by:



Daniel Neal, Senior Planner

Recommended by:



Bob Hosmer, AICP Principal Planner

Approved by:



Greg Burris, City Manager

EXHIBITS:

- Exhibit A, Record of Proceedings
- Exhibit B, Legal Description
- Exhibit C, Development Review Staff Report

ATTACHMENTS:

- Attachment 1: Department Comments
- Attachment 2: Neighborhood Meeting Summary

Exhibit A

**RECORD OF PROCEEDINGS
ZONING CASE Z-9-2016**

Z-9-2016

2420 East Sunshine Street

Applicant: D.L. Rogers Corp

Mr. Hosmer states that this is a request to rezone approximately 0.62 acres of property generally located at 2420 East Sunshine Street from a Planned Development 136 to a GR, General Retail District.

The Growth Management and Land Use Plan of the Comprehensive Plan designate this area along the Sunshine Street corridor as appropriate for medium-intensity retail, office and residential uses. General Retail is one of the zoning districts recommended in these areas. The intent of this application is to rezone the subject property for a new automotive service garage. A conditional use permit is required to allow an automotive service garage. Use Permit 423. A traffic study was not warranted. There are no bufferyards required adjacent to PD 136 Amended since the permitted uses are similar to the GR, General Retail District. Staff recommends approval

Mr. Ray opened the public hearing.

Mr. Derek Lee, Lee Engineering, 1200 E. Woodhurst Drive, stated that they are turning a Sonic Drive-In into a tire store. Conditional Use Permit 423 has the site plan.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Edwards motions that we approve item Z-9-2016 (2420 East Sunshine Street). Mr. King 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 B

LEGAL DESCRIPTION
ZONING CASE Z-9-2016

Lot Three (3), Lone Pine Place Final Plat, also a replat of Lots 1-8 of the Linwood Heights Fifth Addition, a Subdivision in the City of Springfield, Greene County, Missouri, according to the recorded plat thereof, recorded in Plat Book PP, Page 3.

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-9-2016

PURPOSE: To rezone approximately 0.62 acres of property generally located at 2420 East Sunshine Street from a Planned Development 136 to a GR, General Retail District.

REPORT DATE: June 3, 2016

LOCATION: 2420 E. Sunshine St.

APPLICANT: D.L. Rogers Corporation

TRACT SIZE: Approximately 0.62 acres

EXISTING USE: Restaurant

PROPOSED USE: Automotive service garage

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Sunshine Street corridor as appropriate for medium-intensity retail, office and residential uses. General Retail is one of the zoning districts recommended in these areas.
2. The proposed GR, General Retail zoning is consistent with adjacent commercial zoning and uses that front along Sunshine Street.
3. 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.
4. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major Goal 4: Develop the community in a sustainable manner. Objective 4a, Increase density in activity centers and transit corridor.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	HM	Manufacturing and industrial uses
East	PD 136	Automotive parts store uses
South	PD 136	Office uses
West	PD 136	Convenience store and fueling station uses

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Sunshine Street corridor as appropriate for medium-intensity retail, office and residential uses. General Retail is one of the zoning districts recommended in these areas. The General Retail District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from a Planned Development 136 to a GR, General Retail District. The intent of this application is to rezone the subject property which will facilitate the redevelopment of the site for a new automotive service garage. This use is not currently permitted by the existing PD 136 Amended. A conditional use permit (Use Permit 423) to allow an automotive service garage accompanies this rezoning request.
2. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Sunshine Street corridor as appropriate for medium-intensity retail, office and residential uses. General Retail is one of the zoning districts recommended in these areas. The General Retail District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets. Staff believes the subject site meets the recommendation of the *Comprehensive Plan* and intent of the General Retail District.
3. A traffic study was not warranted by Public Works Traffic Division since the rezoning from PD 136 Amended to GR will not generate a significant amount of additional traffic.

4. There are no bufferyards required adjacent to PD 136 Amended since the permitted uses are similar to the GR, General Retail District.
5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting with property owners, residents and any registered neighborhood association within 500 feet of the subject properties on May 12, 2016. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant or their representative on June 10, 2016 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. Nine (9) 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:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-9-2016

BUILDING DEVELOPMENT SERVICES COMMENTS:

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

CITY UTILITIES:

No objection to rezoning. All utility services are available.

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning. Public sewer and service lateral available.

MODOT COMMENTS:

No comments.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Sunshine Street as a Primary Arterial and Madrid Street as a local commercial roadway. Sunshine is a State maintained street. The standard right of way for Madrid Street is 30 feet from the centerline. The most recent traffic count on Sunshine Street is 33,021 vehicles per day. There is no recent traffic count on Madrid Street. There is one existing driveway access points along the property frontage on Sunshine Street and one on Madrid Street. There is a sidewalk along Sunshine Street but no sidewalk along Madrid Street. 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 Sunshine Street and no bus stops along Madrid Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are not any proposed improvements along Sunshine Street or Madrid Street. Staff recommends approval of this rezoning request.

Public Works Traffic Division	Response
Street classification	Sunshine - Primary Arterial; Madrid - Local Commercial
On-street parking along streets	No
Trip generation - existing use	720 trips per day
Trip generation - proposed use	20 trips per day per service bay
Existing street right of way widths	50 feet from centerline for Sunshine (city standards - this is a MoDOT route)

	30 feet from centerline for Madrid
Standard right of way widths	50 feet from centerline for Sunshine (city standards - this is a MoDOT route) 30 feet from centerline for Madrid
Traffic study submitted	Not required
Proposed street improvements	None

STORMWATER COMMENTS:

The property is located in the Galloway 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 less than one (1) acre there will not be a land disturbance permit required. There is an existing detention basin and underground storm sewer serving this development. There are no sinkholes on the proposed property.

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

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

- 1. Request change to zoning from: PD 136 to GR
(existing zoning) *(proposed zoning)*
- 2. Meeting Date & Time: May 12, 2016 4 to 6:30pm
- 3. Meeting Location: Panera Bread, 2924 East Sunshine
- 4. Number of invitations that were sent: 47
- 5. How was the mailing list generated: City of Springfield
- 6. Number of neighbors in attendance (attach a sign-in sheet): 3
- 7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

Dan Malachowski telephoned our office with concerns about noise issues. Attached is a letter from Plaza Tire that was given to Mr. Malachowski at the neighborhood meeting in regards to that concern.

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

No written comments.

I, Leslie Chrystal (*print name*), attest that the neighborhood meeting was held on 5/12/16 (*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

Leslie Chrystal

Printed name of person completing affidavit



2075 Corporate Circle
P.O. Box 2048
Cape Girardeau, MO 63702-2048
PHONE: 573-334-5036
US: 1-800-334-5036
FAX: 573-334-0322
www.plazatireservice.com

May 12, 2016

Mr. Derek Lee
Lee Engineering
1200 E Woodhurst Dr Bldg D 200
Springfield MO 65804

RE: New Plaza Tire Service, 2420 East Sunshine, Springfield, Missouri

Dear Derek,

Please allow this letter to address concerns about possible noise issues coming from our store operations.

- 1) All work will be inside the building
- 2) The bays will be facing west toward Kum & Go.
- 3) We will use rotary driven compressor not a piston type compressor. This compressor makes noise similar to a residential refrigerator.

The noise from our operations is typical of retail developments such as Kum & Go or Sonic. We have never had a complaint or violation regarding noise from any of our other 58 stores. Some stores operate within 100' from residential areas. This is our first store in Springfield and we want to be a part of the Springfield community. We will fully comply with the City's noise ordinance (Division 2 Sec. 78-111-114). It is our goal to be a good neighbor and corporate citizen to the City of Springfield.

Sincerely,

Plaza Tire Service, Inc.

Scott M. Rhodes
Vice President
Co-Owner

