

One-rdg. _____
P. Hrngs. _____
Pgs. 24
Filed: 09-13-16

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016 - 220

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.90 acres of property, generally located at 222
3 East Primrose Street, from Planned Development 21 Amendment 1
4 District, to a GR, General Retail District; and adopting an updated Official
5 Zoning Map. (Staff and Planning and Zoning Commission recommend
6 approval).
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 described on "Exhibit A" of this Ordinance, generally located at 222 East Primrose
11 Street, from Planned Development 21 Amendment 1 District to GR, General Retail
12 District; and
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
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19 WHEREAS, proper notice was given of a public hearing before the City Council
20 and 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" is hereby, rezoned from
26 Planned Development 21 Amendment 1 District to GR, General Retail District; and the
27 Springfield Land Development Code, Section 36-306 thereof, Zoning Maps, is hereby
28 amended, changed and modified accordingly.
29

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

34 Rules of Interpretation.

35

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

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

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42 Passed at meeting: _____

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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

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

Approved for Council action: Greg Bunn, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 220

FILED: 09-13-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.90 acres of property generally located at 222 East Primrose Street from a Planned Development 21 Amendment 1 District, to a GR, General Retail District. (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-13-2016

The applicant is proposing to rezone the subject property from a Planned Development 21 Amendment 1 District, to a GR, General Retail District.

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. The *Plan* identifies the General Retail district as appropriate for this land use category.

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; and 4b, Increase mixed-use development areas.

REMARKS: The Planning and Zoning Commission held a public hearing on, September 1, 2016, and recommended approval, by a vote of 5 to 0, of the proposed zoning on the tract of land described in "Exhibit A" (see the attached Record of Proceedings "Exhibit B").

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. The *Plan* identifies the General Retail district as appropriate for this land use category.
2. Approval of this application will provide for the continued productive use of the subject property which is already served by public facilities and services.

Submitted by:



Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

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

ATTACHMENTS:

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

Exhibit A

LEGAL DESCRIPTION
ZONING CASE Z-13-2016

All of Lot One (1), Final Plat of Kickapoo Prairie Estates East 6th Addition, in the City of Springfield, Greene County, Missouri.

Exhibit B

**RECORD OF PROCEEDINGS
ZONING CASE Z-13-2016
Planning and Zoning Commission September 1, 2016**

Z-13-2016
222 East Primrose Street
Applicant: Lipscomb Properties, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.90 acres of property generally located at 222 East Primrose Street from a Planned Development 21 Amendment 1 District to a GR, General Retail District.

The Growth Management and Land Use Plan Element of the Comprehensive Plan identify this area appropriate for medium intensity retail, office or housing. The Plan identifies the General Retail district as appropriate for this land use category. The subject property is near the James River Freeway and Campbell Avenue Activity Center. The property is located at the corner of Primrose Street, a secondary arterial roadway and South Avenue, a collector roadway, both of which are appropriate for GR, General Retail uses. A traffic study was not warranted. The PD has similar uses to the GR. Buyout in lieu of on-site stormwater detention is not an option. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, Lee Engineering, 1200 E. Woodhurst representing the owner and to answer any questions. This is an existing strip center and they want to add the use of a pharmacy that will primarily serve the Pain Management Center currently located in the strip center.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned that we approve Z-13-2016 (222 East Primrose Street). Mr. Coltrin seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

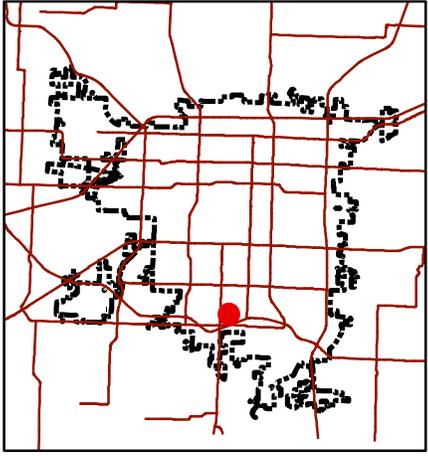
**Bob Hosmer, AICP
Principal Planner**

Development Review Staff Report

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

Z-13-2016

LOCATION: 222 East Primrose Street
CURRENT ZONING: Planned Development 21 Amendment 1
PROPOSED ZONING: GR, General Retail



LOCATION SKETCH



 - Area of Proposal



1 inch = 150 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-13-2016

PURPOSE: To rezone approximately 0.90 acres of property generally located at 222 East Primrose Street from a Planned Development 21 Amendment 1 District to a GR, General Retail District

REPORT DATE: August 18, 2016

LOCATION: 222 East Primrose Street

APPLICANT: Lipscomb Properties LLC

TRACT SIZE: Approximately 0.90 acres

EXISTING USE: Medical Offices uses

PROPOSED USE: Medical Office uses with pharmacy

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. The *Plan* identifies the General Retail district as appropriate for this land use category.
2. Approval of this application will provide for the continued productive use of the subject property which is already served by public facilities and services.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	GR	Office Uses
East	PD 21 Amd. 1	General Office use
South	PD 21 Amd. 1	Financial Office and Bank use
West	PD 21 Amd. 1	General Office and Financial Office use

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. The subject property is near the James River Freeway and Campbell Avenue Activity Center as shown in the *Growth Management and Land Use Plan* element.

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from a Planned Development 21 Amendment 1 District to a GR, General Retail District. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. The *Plan* identifies the General Retail district as appropriate for this land use category. The subject property is near the James River Freeway and Campbell Avenue Activity Center as shown in the *Growth Management and Land Use Plan* element. Activity Centers are identified as areas of significant business and high-density housing. It is intended that additional development be concentrated in and around these activity centers to optimize transportation investments, citizen convenience, investor confidence and a compact growth pattern. Properties within Activity Centers are to be intensively and efficiently used.
2. Approval of this application will provide for the continued productive use of the subject property which is already served by public facilities and services.
3. Approval of this application will allow compatible and consistent commercial uses with the surrounding zoning and development in this area.
4. The subject property is located on a corner of Primrose Street, a secondary arterial roadway and South Avenue, a collector roadway, both of which are appropriate for GR, General Retail uses.
5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 9, 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. Eleven (11) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

September 19, 2016

STAFF CONTACT PERSON:

Michael Sparlin
Senior Planner
864-1091

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-13-2016

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Primrose Street as a Secondary Arterial and South Avenue as a Collector. The standard right of way width for Primrose Street is 70 feet and 60 feet for South Avenue. Both are City maintained streets. The most recent traffic counts on Primrose Street are 12,876 vehicles per day and 2,245 vehicles per day on South Avenue. There is one existing driveway/access point along Primrose and one along South. There are sidewalks along both Primrose and South. 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 Primrose Street in proximity to the property. 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 Primrose Avenue or South Street. Traffic is not opposed to this zoning request.

Public Works Traffic Division	Response
Street classification	Primrose - Secondary Arterial; South - Collector
On-street parking along streets	No
Trip generation - existing use	240 ADT
Trip generation - proposed use	240 ADT
Existing street right of way widths	Primrose - 90 ft; South - 60 ft
Standard right of way widths	Primrose - 70 ft; South - 60 ft
Traffic study submitted	Not Required
Proposed street improvements	No

FIRE DEPARTMENT COMMENTS:

No issues with Fire Department

STORMWATER COMMENTS:

The property is located in the Ward Branch 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 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 not be disturbing more than one acre a land disturbance permit required will not be required. There are no existing detention ponds, retention basins, stream channels, pipes, culverts, or ditches available for this development to discharge into. There are no known 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 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. 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	Ward Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	No

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning. Public sewer is currently available.

CITY UTILITIES:

No objection to rezoning. All utilities are available.

ATTACHMENT 2
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PD-21 to GR
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: August 9th, 2016 4:00-6:30 PM
3. Meeting Location: 222 E. Primrose
4. Number of invitations that were sent: 38
5. How was the mailing list generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 6
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.)

All verbal comments given during the meeting were in favor of the rezone.

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

Written comments are attached.

I, Dalton Patterson (*print name*), attest that the neighborhood meeting was held on 8/9/16 (*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

Dalton Patterson

Printed name of person completing affidavit



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & LAND SURVEYING

1200 E. WOODHURST DR., SUITE D200, SPRINGFIELD, MO 65804
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

COMMENT SHEET

Neighborhood Meeting
Tuesday, August 9, 2016

Re: Proposed Rezone
222 E. Primrose
Springfield, Missouri

NAME	ADDRESS	PHONE
ERIC ROBERTS	3734 South Avenue	881-1533 ext 2

COMMENTS: This is fine for our neighborhood
Eric Roberts

Jared Enterprises | Jared Management | Jared Properties | Jared Development | Jared Commercial

2870 S. Ingram Mill Rd., Suite A

Springfield, MO 65804

Work: 417.877.7900 | Fax: 417.877.7689

cjared@jaredenterprises.com www.jaredenterprises.com

August 2, 2016

Lee Engineering and Associates
1200 E Woodhurst Drive Suite D200
Springfield, MO 65804

RE: Proposed Rezoning

Dalton,

We are in receipt of your letter in regards to the proposed rezoning at 222 Primrose Springfield, MO.
Please let this letter serve as a letter of support in regards this project. Please let us know if you have any questions.

Sincerely

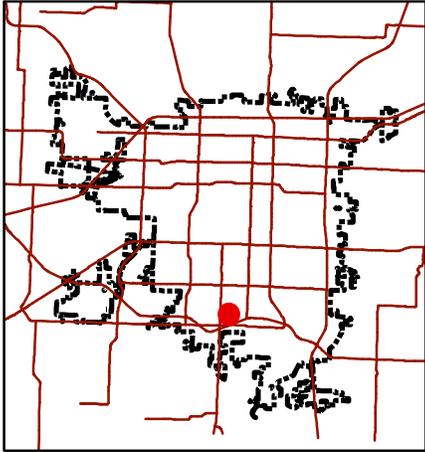
Curtis Jared, President
Jared Enterprises

Development Review Staff Report

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RECOMMENDATION:

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Dalton Patterson

Printed name of person completing affidavit



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Sincerely

Curtis Jared, President
Jared Enterprises