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Pgs. 10
Filed: 09-13-16

Sponsored by: Fishel

First Reading: _____
SUBSTITUTE
COUNCIL BILL NO. 2016- 221

Second Reading: _____
GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.6 acres of property, generally located at 1811
3 East Sunset Drive, from Planned Development No. 97, to LB, Limited
4 Business District Conditional Overlay District No. 112; and adopting an
5 updated Official Zoning Map. (Staff and Planning and Zoning Commission
6 recommend denial).
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 1811 East Sunset Drive,
11 from Planned Development No. 97, to LB, Limited Business District Conditional Overlay
12 District No. 112; 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
18

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" of this Ordinance is hereby
26 rezoned from Planned Development No. 97, or such zoning district as is designated on
27 the Official Zoning Map adopted by the City Council, to LB, Limited Business District
28 Conditional Overlay District No. 112; that the requirements of Conditional Overlay
29 District No. 112, shall be as described in "Exhibit C" attached to this Ordinance, which is
30 hereby incorporated by reference as if set out verbatim and, shall apply to the subject
31 property; and that the Springfield Land Development Code, Section 36-306 thereof,
32 Zoning Maps, is hereby amended, changed and modified accordingly.
33

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

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

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

45
46 Passed at meeting: _____

47
48 _____
49 Mayor

50 Attest: _____, City Clerk

51
52
53 Filed as Ordinance: _____

54
55 Approved as to form: A. Charles T. Weder, Assistant City Attorney

56
57 Approved for Council action: Greg Bunt, City Manager

EXPLANATION TO SUBSTITUTE COUNCIL BILL NO: 2016- 221

FILED: 09-13-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.6 acre of property generally located at 1811 East Sunset Drive from Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112 (Staff and Planning and Zoning Commission recommend denial).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-11-2016 CONDITIONAL OVERLAY DISTRICT NO. 112

The applicant is proposing to rezone the subject property from Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112. The intent of this application is to facilitate the redevelopment of the site for a new retail/office building.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Glenstone Avenue corridor as appropriate for medium-intensity retail, office and residential uses. Office and Limited Business Districts are two of the zoning districts recommended in these areas. Since these land uses may have differing impacts on adjacent low-density housing and on traffic generation, the site planning guidelines of this plan and the regulations of the zoning ordinance must be observed during the site planning process.

The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. The district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. The district should be located along or at the intersections of collector or higher classification streets.

The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway. No driveway accesses will be allowed along the Glenstone frontage. The City's spacing standards require that driveways be at least 200 feet from the intersection of an arterial and a collector. The subject property only has about 80 feet of frontage along Sunset Drive. Any driveway access to this property will not meet the City's spacing standards. The driveway

location will also conflict with the Edgewood Street intersection across Sunset Drive from the subject property point of access. Traffic from the residential areas to the east along Sunset Drive and Edgewood Street combined with commercial traffic from the Brentwood Shopping Center create safety and congestion concerns. The addition of a retail sales use could potentially create additional traffic safety and congestion within this area.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on September 1, 2016 and recommended denial, by a vote of 4 to 1, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings, "Exhibit B").

The Planning and Development staff recommends the application be denied.

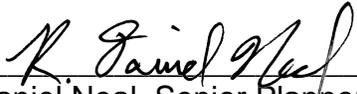
FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway. The addition of a retail sales use could potentially create traffic safety and congestion issues.
2. This request for LB, Limited Business zoning will allow for retail uses which could potentially intensify the use of this location, which may not be compatible with adjacent R-SF, Single-Family Residential zoning.
3. The proposed Conditional Overlay District will restrict some of the high traffic generators such as eating and drinking establishment uses. However, the applicant has retained the retail sales use group (convenience stores without gas pumps) and any other retail sales use group uses which can also be high traffic generators.
4. Staff does not support retail sales uses and thus the LB District at this location because of its access restraints, lot configuration and proximity to R-SF, but would support O-1, Office District which has comparable uses to the existing PD.

REMARKS:

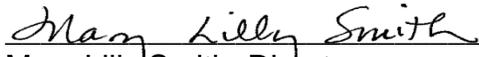
The Planning and Development staff recommends the application be denied.

Submitted by:



Daniel Neal, 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, Conditional Overlay Provisions

Exhibit A

LEGAL DESCRIPTION
ZONING CASE Z-11-2016 CONDITIONAL OVERLAY DISTRICT NO. 112

A TRACT OF LAND AS BEING ALL OF LOT 7 AND A PART OF LOTS 8 AND 9 OF THE SECOND AMENDED PLAT OF BRENTWOOD TERRACE, PLAT BOOK N, PAGE 24, AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2013, PAGE 0041808-13 AND IN BOOK 2016, PAGE 004210-16 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 9 OF THE SECOND AMENDED PLAT OF BRENTWOOD TERRACE, SAID POINT ALSO LYING ON THE NORTHERLY RIGHT-OF-WAY SUNSET DRIVE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, 83.06 FEET ALONG A 428.44 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 75°55'13" WEST FOR A DISTANCE OF 82.93 FEET TO THE SOUTHWEST CORNER OF LOT 9; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE WEST LINE OF LOT 9, NORTH 01°30'56" EAST, 82.93 FEET; THENCE LEAVING SAID WEST LINE, NORTH 89°06'37" WEST, 26.01 FEET; THENCE NORTH 00°58'48" EAST, 99.65 FEET TO A POINT LYING ON THE SOUTH LINE OF LOT 7; THENCE ALONG SAID SOUTH LINE, NORTH 88°13'33" WEST, 15.00 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF GLENSTONE AVENUE; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID EAST RIGHT-OF-WAY, NORTH 01°15'39" EAST, 81.05 FEET TO A POINT LYING ON THE NORTH LINE OF LOT 7; THENCE LEAVING SAID EAST RIGHT-OF-WAY AND ALONG SAID NORTH LINE, SOUTH 86°39'33" EAST, 122.41 FEET TO THE NORTHEAST CORNER OF LOT 7; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF LOT 7, SOUTH 01°33'27" WEST, 79.92 FEET TO THE NORTHEAST CORNER OF LOT 9; THENCE ALONG THE EAST LINE OF LOT 9 AND CONTINUING SOUTH 01°33'27" WEST, 157.30 FEET TO THE POINT OF BEGINNING. CONTAINING 0.599 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. CONDITIONS AND MONUMENTS ARE AS SHOWN ON ANDERSON ENGINEERING, INC. DRAWING NUMBER WB 110-506.

Exhibit B

**RECORD OF PROCEEDINGS
Planning and Zoning Commission September 1, 2016**

Z-11-2016 w/COD #112
1811 East Sunset Drive
Applicant: 1811 E. Sunset, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.6 acre of property generally located at 1811 East Sunset Drive from Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112. The Growth Management and Land Use Plan of the Comprehensive Plan designate this area as appropriate for medium-intensity retail, office and residential uses. Office and Limited Business Districts are two of the zoning districts recommended in this area.

The applicant is proposing to rezone the property to facilitate the redevelopment of the site for a new retail/office building.

Planned Development No. 97 currently only permits administrative and professional offices-- finance, insurance, real estate services, medical offices and medical support activities.

CONDITIONAL OVERLAY DISTRICT PROVISIONS:

The requirements of Section 36-420. Limited Business District of the Springfield Zoning Ordinance shall be as modified herein for development within this district.

Prohibits the following permitted uses:

- Eating and drinking establishment use group, excluding drive-in, pick up window, or drive-thru facilities.

Prohibits the following conditional uses:

- Eating and drinking establishment use group, including drive-in, pick up window, or drive-thru facilities.
- Funeral homes and mortuaries (crematoriums are permitted as accessory use).
- General office use group, including banks and financial institutions with automatic teller machines and drive-thru facilities.
- Public service and public utility uses.
- Residential uses on the first floor frontage of a building.
- Retail sales use group, including convenience stores with gas pumps.

The applicant has retained the retail sales use group, including convenience stores without gas pumps and any other retail sales.

The addition of a retail sales use could potentially create additional traffic safety and congestion within this area. Staff does not support (LB District) retail sales uses at this location because of its access restraints, lot configuration and proximity to R-SF, properties. Staff does support O-1; Office District which is similar to the uses in the existing PD. Staff recommends denial.

Mr. Doennig opened the public hearing.

Mr. Rick Muenks, 3041 S. Kimbrough handed out a letter to the commission members. I am the owner/representative and represent the contracted buyer. The contracted buyer desires to construct a State Farm office and have additional lease space which may be office or retail. He wants to keep that option open and have the flexibility due to Glenstone Avenue. The site is small and will not be able to hold large retail, however it can support small retail, such as a boutique shop, etc., and this is why they are asking for the zoning change. Mr. Muenks went over the documentation that he has passed out to the commission members.

Mr. Coltrin asked Mr. Muenks about possible traffic backing up from the proposed plans and noted the problems that are currently there due to the number of vehicles turning in and out at the intersection.

Mr. Doennig asked about the additional right-of-way (ROW) improvements that are available and asked if the proposed buyer will be making any improvements to the intersection and Mr. Muenks noted that the proposed buyer will not make any improvements.

Ms. Cox asked for clarification and asked if State Farm's best interest would be for recommendation to Office District 1 (O-1) due to the proposed buyer not wanting to make any improvements to the intersection. Mr. Muenks noted that it has been discussed with staff on their recommendation for Office District 1 (O-1).

Ms. Cox noted that the current zoning would not work, but for the immediate timeframe that possibly Office District 1 (O-1) could be recommended and that possible future improvements could be looked at in the future.

Mr. Muenks noted that the proposed buyer would probably be okay with Office District 1 (O-1) for the immediate timeframe.

Mr. Doennig closed the public hearing.

Mr. Coltrin noted that this is a difficult decision and feels that Office District 1 (O-1) would be a step in the right direction.

Ms. Cox asked staff if the Commission can make a recommendation for Office District 1 (O-1) and would like to make a motion that addresses the concerns of the client, but appeases both sides of the issue.

Staff clarified that the Commission can make a recommendation for Limited Business (LB) or Office District 1 (O-1) and that during LDIC staff recommended straight Office District zoning with no limitations which allows retail but not to exceed 10% of the total office space.

COMMISSION ACTION: 1

Mr. Doennig motioned to approve Z-11-2016 w/COD #112 (1811 East Sunset Drive). Ms Cox seconded the motion. The motion **did not carry** as follows: Ayes: Ogilvy. Nays: Doennig, Shuler, Cox, and Coltrin. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

COMMISSION ACTION: 2

Ms. Cox motioned that Commission amend Z-11-2016 w/COD #112 (1811 East Sunset Drive) to Office District 1 (O-1). Mr. Shuler 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.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', written over a horizontal line.

Bob Hosmer, AICP
Principal Planner

Exhibit C

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-11-2016 & CONDITIONAL OVERLAY DISTRICT NO. 112

The requirements of *Section 36-420. Limited Business District* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

1. Prohibits the following permitted uses:
 - a. Eating and drinking establishment use group, excluding drive-in, pick up window, or drive-thru facilities.

2. Prohibits the following Conditional uses:
 - a. Eating and drinking establishment use group, including drive-in, pick up window, or drive-thru facilities.
 - b. Funeral homes and mortuaries (crematoriums are permitted as accessory use).
 - c. General office use group, including banks and financial institutions with automatic teller machines and drive-thru facilities.
 - d. Public service and public utility uses.
 - e. Residential uses on the first floor frontage of a building.
 - f. Retail sales use group, including convenience stores with gas pumps.