One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 09-13-16

Sponsored by: Fishel

First Reading: _____ Second Reading: _____

COUNCIL BILL NO. 2016- 221 GENERAL ORDINANCE NO. _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.6 acres of property, generally located at 1811 East Sunset Drive, from Planned Development No. 97, to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval).

WHEREAS, an application has been filed for a zoning change of the property described in "Exhibit A" of this Ordinance, generally located at 1811 East Sunset Drive, from Planned Development No. 97, to O-1, Office District; and

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

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

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

Section 1 –The property described in "Exhibit A" is hereby rezoned from Planned Development No. 97, or such zoning district as is designated on the Official Zoning Map adopted by the City Council, to O-1, Office District; and the Springfield Land Development Code, Section 36-306 thereof, Zoning Maps, is hereby amended, changed and modified accordingly.

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

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: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO 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 O-1, Office District (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-11-2016

The intent of this application is to facilitate the redevelopment of the site for a new office building. The applicant's original request was to rezone the subject property from Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112; however, at the Planning and Zoning Commission meeting the request was recommended for denial and the Commission amended the rezoning request to O-1, Office District. The Planning and Zoning Commission unanimously recommended approval of the amended rezoning request from Planned Development No. 97 to an O-1, Office District.

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 is one 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 O-1, Office District is designed to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas.

The existing Planned Development No. 97 allows for many of the same uses and site restrictions as the O-1, Office District and staff believes it is consistent with the Comprehensive Plan and intent of the O-1, Office District.

The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway, which is an appropriate location for the O-1, Office District.

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 corridor.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on September 1, 2016 and recommended denial of the original request to rezone to LB, Limited Business District, by a vote of 4 to 1, but then unanimously voted to amend the request to rezone the subject property to O-1, Office District by a vote of 5 to 0, on the tract of land described on the attached sheet (see the attached Record of Proceedings).

The Planning and Development staff recommends the application be approved (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. 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 is one of the zoning districts recommended in this area.

2. The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway, which is an appropriate location for the O-1, Office District.

3. This proposed O-1, Office District use is comparable to the existing Planned Development No. 97 and does not intensify what is currently permitted.

REMARKS:

The Planning and Development staff recommends the application be approved (see the attached Zoning and Subdivision Report).

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, Development Review Staff Report
    ATTACHMENTS:
    Attachment 1, Department Comments
    Attachment 2, Neighborhood Meeting Summary

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:

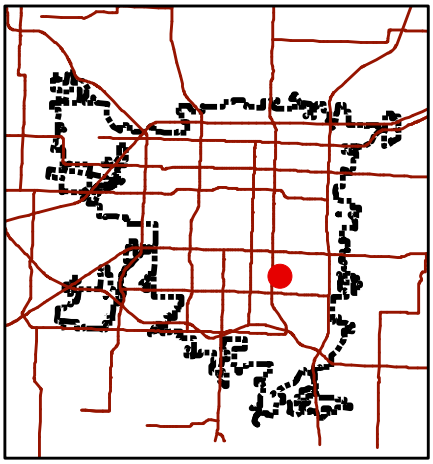
BEGINNING AT THE SOUTHEAST CORNER OF LOT 9 OF THE SECOND AMENDED PLAT OF BRENTWOOD TERRACE, SAID POINT ALSO LYING ON THE NORTHERLY RIGHT-OF-WAY SUNSET DRIVE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, 83.06 FEET ALONG A 428.44 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 75°55'13" WEST FOR A 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
ZONING CASE Z-11-2016 CONDITIONAL OVERLAY DISTRICT NO. 112

(The Record of Proceedings will be prepared for the City Council meeting)

Exhibit C



Development Review Staff Report

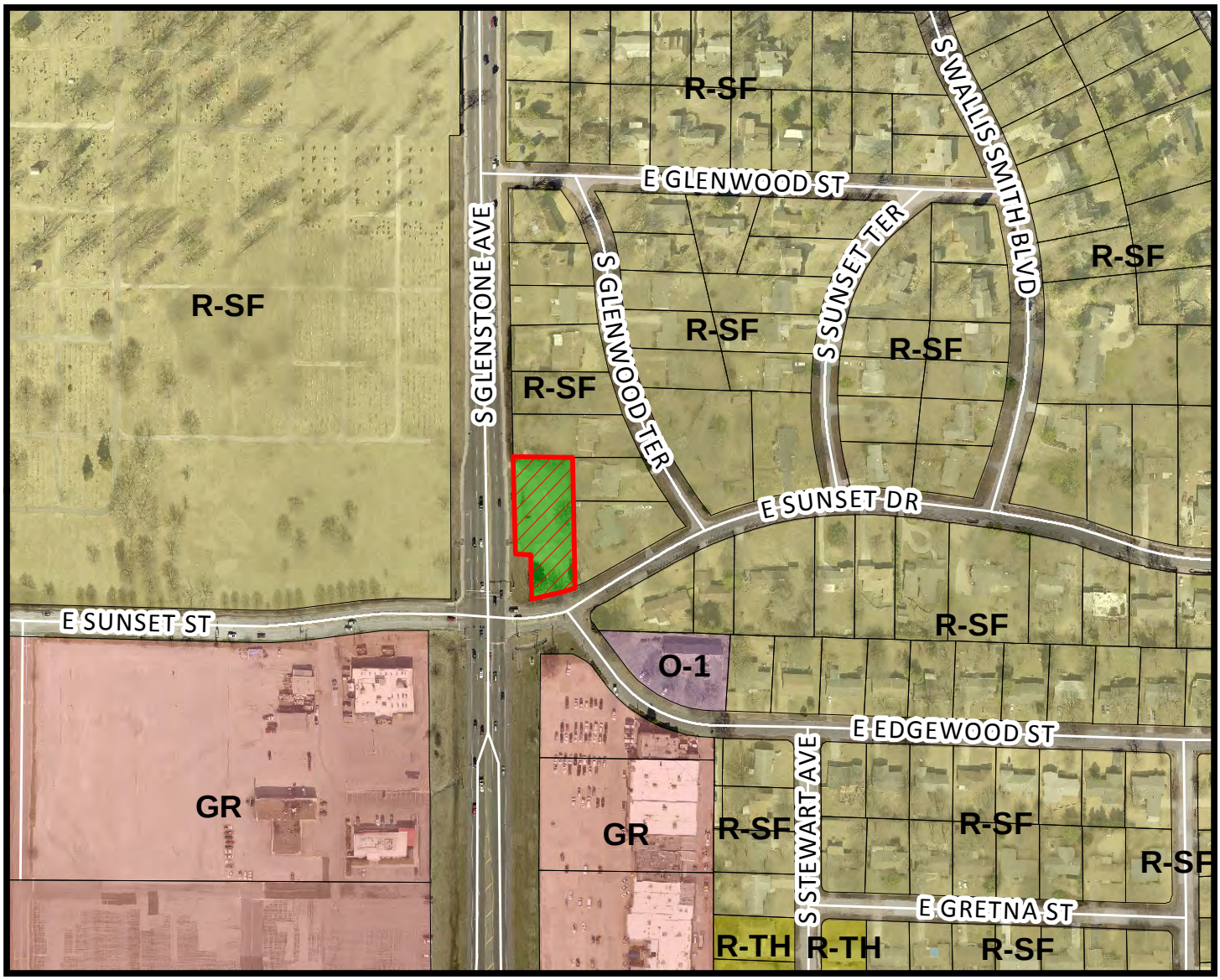
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

Z-11-2016 with Conditional Overlay District

No. 112

LOCATION: 1811 E. Sunset Drive
CURRENT ZONING: Planned Development 97
PROPOSED ZONING: LB, Limited Business District with COD #112

LOCATION SKETCH



N

- Area of Proposal

0 150 300 600 Feet

1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-11-2016 CONDITIONAL OVERLAY DISTRICT NO. 112

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

DATE: August 19, 2016

LOCATION: 1811 E. Sunset Drive

APPLICANT: 1811 E. Sunset, LLC

TRACT SIZE: Approximately 0.6 acre

EXISTING USE: Vacant lot

PROPOSED USE: LB permitted uses

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, excluding convenience stores with gas pumps and any other retail sales.

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.

RECOMMENDATION:

Staff recommends **denial** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-SF	Single-family residence
East	R-SF	Single-family residence
South	GR	Brentwood shopping center
West	R-SF	Springfield National Cemetery

COMPREHENSIVE PLAN:

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. The 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.

STAFF COMMENTS:

1. This is a request to rezone the subject property from Planned Development No. 97 to a LB, Limited Business District and establish a new Conditional Overlay District No. 112. The accompanying Conditional Overlay District would prohibit many high traffic generating uses, such as convenience stores with gas pumps, retail sales uses with drive-in, pick up window and drive-thru facilities, banks and financial institutions with ATMs and drive-thru facilities, etc (Attachment 3).

2. The current Planned Development No. 97 only permits for administrative and professional offices, finance, insurance and real estate services and medical offices and medical support activities. It also requires any building to be a maximum of 5,000 square feet of gross floor area and to not exceed the height of a single story. Access, parking, setbacks and bufferyards were to be in substantial conformance to the Preliminary Development Plan; however, the plan was based off a driveway access onto Glenstone Avenue. Since no access to Glenstone Avenue is allowed, it is very difficult to bring a new site plan in substantial conformance to the Planned Development No. 97. Staff is supportive of rezoning this property; however, staff believes that the LB, Limited Business

District is too intense for this location. Staff has recommended the O-1, Office District as a better choice for this location.

3. 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. The retail sales use group lists many uses including, but not limited to, pawn shops, stores selling, leasing or renting consumer, home, and business goods, including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales,.

4. 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. This 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.

5. 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 conflict with the Edgewood Street intersection across from 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.

6. A traffic study was not warranted by Public Works Traffic Division since the rezoning from Planned Development No. 97 to LB on such a small lot will not generate a significant amount of additional traffic. Although the trip generation change with the rezoning did not significantly increase the number of vehicles per day or during the a.m. or p.m. peak to trigger a traffic study, the Traffic Department does have concerns with the driveway access on Sunset Drive and

its impact on the existing congestion on Sunset Drive at the intersection with Glenstone Avenue.

7. If the property is rezoned to the LB District, a bufferyard is required along the north and east property lines adjacent to the R-SF District. The normal bufferyard required between LB and R-SF zoning would be a Bufferyard "Type D" at least fifteen (15) feet wide with a six foot solid wood fence, masonry/brick wall or evergreen hedge. For each one-hundred (100) linear feet of bufferyard, there must be two (2) canopy tree, two (2) understory tree, two (2) evergreen trees and fourteen (14) shrubs. All structures shall remain below a thirty (30) degree bulk plane as measured from the boundaries of any R-SF district. A portion of this lot may qualify for a narrow or shallow lot exemption which would allow the bufferyard width to be reduced to as low as 5 feet with a fence. The current Planned Development No. 97 requires a Bufferyard “Type E” adjacent to the R-SF Districts which is 20 feet wide with landscaping and a fence.

8. 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 July 25, 2016. A summary of the meeting is attached (Attachment 2).

PUBILC 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. Staff has received no objections to date.

CITY COUNCIL MEETING:

September 19, 2016

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-11-2016 & CONDITIONAL OVERLAY DISTRICT NO. 112

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to the proposed rezoning.

CITY UTILITIES:

City Utilities has no objection to the proposed rezoning. All utilities are available.

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning. Public sewer is currently available and there is adequate capacity for the proposed development.

MODOT COMMENTS:

This property has no access to Glenstone Avenue. The existing drive on Glenstone will have to be removed and replaced with curb and gutter and sidewalk. This work will be required to be done at night.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Sunset Street as a Collector roadway and Glenstone Avenue as a Primary Arterial. The standard right of way width for Sunset Street is 60 feet and for Glenstone Avenue is 100 feet. Sunset is a City maintained street while Glenstone is State maintained. The most recent traffic count on Sunset Street is 5,720 vehicles per day and 30,029 on Glenstone Avenue. There is one existing driveway access point along Sunset and no existing access on Glenstone. There is not sidewalk along Sunset, but sidewalk does exist along Glenstone. 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 the property frontage on Glenstone Avenue. 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 Sunset Street.

Although the trip generation change with the rezoning did not significantly increase the number of vehicles per day or during the a.m. or p.m. peak to trigger a traffic study, the Traffic Department does have the following concerns:

1. The existing congestion on Sunset Dr. at the intersection with Glenstone Ave.

2. Minimum driveway access on a collector from a primary arterial is 200 feet. Due to the width of the lot and right-of-way available, driveway access on Sunset will only be 110 feet from the Glenstone intersection.

Public Works Traffic Division	Response
Street classification	Sunset - Collector; Glenstone - Primary Arterial
On-street parking along streets	No
Trip generation - existing use	480 average daily trips
Trip generation - proposed use	470 average daily trips
Existing street right of way widths	Sunset - 115 ft; Glenstone - 119 ft
Standard right of way widths	Sunset - 60 feet; Glenstone - 80 ft
Traffic study submitted	n/a
Proposed street improvements	n/a

STORMWATER COMMENTS:

The property is located in the Galloway 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 and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention cannot be determined based on the information provided. Since the project will be disturbing less than one (1) acre there will not be a land disturbance permit required. There is a natural channel along Sunset Dr. 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. 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
Which Drainage Basin is this located?	Galloway Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	Maybe depending on development

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PD-97 (existing zoning) to LB (proposed zoning)
2. Meeting Date & Time: July 25, 2016 - 4:00 p.m. to 6:30 p.m.
3. Meeting Location: Springfield Fire Station - #12 Blackmon Road
4. Number of invitations that were sent: 43 - 500 feet from property
5. How was the mailing list generated: Assessor Records by Rick J. Muenks, Attorney
6. Number of neighbors in attendance (attach a sign-in sheet): 2
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.)

1. Did not find the modern design of building attractive, traffic congested at Edgewood/Sunset/Glenstone. - cannot change traffic intersection.
2. wanted to make sure it was not a c-store

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

I, Rick J. Muenks (*print name*), attest that the neighborhood meeting was held on 7/25/2016 (*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."

Rick J. Muenks
Signature of person completing affidavit

Rick J. Muenks
Printed name of person completing affidavit

Subscribed and sworn to me 7/26/2016

Sara R. Davis

My commission expires: 06/16/2018

SARA R. DAVIS
Notary Public - Notary Seal
State of Missouri
Commissioned for Greene County
My Commission Expires: June 16, 2018
Commission Number: 14627988

1811 E. Sunset Neighborhood Meeting

July 25, 2016

Name	Address	Phone Number
Lynda Neale	2045 E. Edgewood	887-5342
S/W Hauger	1866 E. Sunset Dr	417-315-2726

ATTACHMENT 3
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.