

One-rdg. \_\_\_\_\_  
P. Hrngs.     X      
Pgs.     29      
Filed:     11-22-16    

Sponsored by:     Schilling    

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO.     2016- 274    

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the issuance of Conditional Use Permit No. 426 to allow a reduction in  
2 front yard setback along Kimbrough Avenue between 815 and 943  
3 South Kimbrough Avenue, 940 South Roanoke Avenue and 500 East  
4 Madison Street. (Planning and Zoning Commission and staff  
5 recommend approval).  
6  
7

8 WHEREAS, by the authority of Section 36-363 of the Land Development Code of  
9 the City of Springfield, Missouri, City Council may grant permits for certain types of  
10 conditional uses in certain zoning districts; and  
11

12 WHEREAS, the Springfield Planning and Zoning Commission (“Commission”)  
13 held a properly noticed public hearing on November 10, 2016; and the Commission by a  
14 vote of 7-0 found that the necessary conditions existed for issuance of a permit; and  
15

16 WHEREAS, the City Council finds that sufficient evidence has been presented to  
17 satisfy the applicable standards contained in Section 36-363(10); and  
18

19 WHEREAS, the granting of such permit is deemed proper and beneficial to the  
20 welfare of the City of Springfield, Missouri.  
21

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

25 Section 1 – A Conditional Use Permit, No. 426, is hereby granted to reduce the  
26 required front yard setback as described in “Exhibit C” which is attached hereto and  
27 incorporated herein for the real property described in the attached “Exhibit A”  
28 (“Property”) which is also incorporated herein.  
29

30 Section 2 – Building permits and certificates of occupancy may be issued by the proper  
31 authorities consistent with the Conditions and requirements identified in the attached  
32 “Exhibit C – Attachment 2” which is incorporated herein by this reference.  
33

34            Section 3 – This Ordinance shall be in full force and effect only so long as the  
35 Property and any improvements thereon conform to the conditions and requirements  
36 described in “Exhibit C,” unless special exceptions thereto shall have been granted by  
37 the Board of Adjustment.

38  
39            Section 4 – Any violation of the requirements of this Ordinance is grounds for the  
40 revocation of this permit by the City Council after a hearing before said City Council.

41  
42            Section 5 – This Ordinance shall be in full force and effect from and after  
43 passage.

44  
45  
46 Passed at meeting: \_\_\_\_\_

47  
48  
49 \_\_\_\_\_  
50 Mayor

51 Attest: \_\_\_\_\_, City Clerk

52  
53 Filed as Ordinance: \_\_\_\_\_

54  
55 Approved as to form: , Assistant City Attorney

56  
57 Approved for Council action: , City Manager

## EXPLANATION TO COUNCIL BILL NO: 2016- 274

FILED: 11-22-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To allow a reduction of the front yard setback along Kimbrough Avenue within an R-HD, High-Density Multi-Family Residential District between 815 and 943 South Kimbrough Avenue, and also at 940 South Roanoke Avenue and 500 East Madison Street

BACKGROUND INFORMATION: USE PERMIT NUMBER 426

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for medium- or high-density housing. This category promotes townhouses and various forms of apartment buildings. The *Plan* identifies Center City and Missouri State University and surrounding area as a major Activity Center, which is to be a location of employment, housing, business and entertainment.

The applicant is requesting to reduce the front yard setback along Kimbrough Avenue, a secondary arterial roadway, from twenty-five (25) feet to three (3) feet for a proposed multi-family building at the corner of Kimbrough Avenue and Grand Street. The applicant is also requesting to reduce the front yard setback along Kimbrough Avenue from twenty-five (25) feet to six (6) feet for an existing multi-family building located at 815 South Kimbrough Avenue. The approval of the reduced setback will allow the existing structure to be in conformance with the building setback requirements.

In 2013, City Council passed General Ordinance 6032 to allow a reduction in the front yard setback along collector and higher classification roadways with the approval of a Conditional Use Permit. The proposed setback brings activity to the street and an edge along the sidewalk that promotes pedestrian activity and safety. The proposed setback does not create any sight or safety issues for travelers on adjacent roadways.

City Council has approved other similar requests for reduced front yard setbacks in this area, specifically along Kimbrough Avenue, Bear Boulevard and Madison Street. Conditional Use Permit 404, 405, and 414 were approved for reduced setbacks and are located within a 1/4 mile of the subject property. The locations of the approved Use Permits are identified in "Exhibit C," Development Review Staff Report, Location Sketch Map.

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.

## REMARKS:

The Planning and Zoning Commission held a public hearing on November 10, 2016, and recommended approval, by a vote of 7 to 0, of the proposed conditional use permit. See "Exhibit B," attached hereto and incorporated herein by this reference.

The Planning and Development staff recommends the application be approved with the following conditions:

## CONDITIONS:

1. The regulations and standards listed on "Attachment 3 of Exhibit C" shall govern and control the use and development of the land in Use Permit Number 426 in a manner consistent with the attached site plan ("Exhibit C - Attachment 5").
2. The front yard setback along Kimbrough Avenue may be reduced to three (3) feet for the structure at the corner of Kimbrough Avenue and Grand Street and labeled as "Phase 5" in "Exhibit C - Attachment 5." The structure shall be constructed in substantial conformance with "Exhibit C - Attachment 5."
3. The front yard setback along Kimbrough Avenue may be reduced to six (6) feet for the building at the corner of Kimbrough Avenue and Madison Street and labeled as "Phase 1" in "Exhibit C - Attachment 5." The building shall be permitted as it exists in substantial conformance with "Exhibit C - Attachment 5."

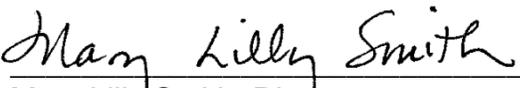
## STAFF FINDINGS AND RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for medium- or high-density housing. This land use category would accommodate townhouses and various forms of apartment buildings. The *Plan* identifies Center City and Missouri State University and surrounding area as a major Activity Center, which is to be a location of employment, housing, business and entertainment.
2. In 2013, City Council passed General Ordinance 6032 to allow a reduction in the front yard setback along collector and higher classification roadways with the approval of a Conditional Use Permit. The proposed setback brings activity to the street and an edge along the sidewalk that promotes pedestrian activity and safety. The proposed setback does not create any sight or safety issues for travelers on adjacent roadways.
3. Approval of this application will reduce the front yard setback along Kimbrough Avenue which will allow the building to be constructed closer to the street to utilize more of the lot area for the development which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

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 Proceeding

Exhibit C, Development Review Staff Report

**ATTACHMENTS:**

Attachment 1, Department Comments

Attachment 2, Requirements for Conditional Use Permit 426

Attachment 3, Standards and Responses for Conditional Use Permits

Attachment 4, Neighborhood Meeting Summary

Attachment 5, Site Plan

**Exhibit A**

LEGAL DESCRIPTION  
USE PERMIT NUMBER 426

A TRACT OF LAND AS LYING IN LOTS 19 THRU 27 OF SARAH R OWEN ADDITION, PLAT BOOK J, PAGE 11, ADMINISTRATIVE SUBDIVISION NUMBER AS-7124, AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2015, PAGE 039347-15 AND ALSO LOTS 28 AND 29 IN SARAH R OWEN ADDITION AS DESCRIBED IN BOOK K 2008, PAGE 02976-06 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 19 OF SARAH R. OWEN ADDITION, SAID POINT ALSO LYING ON THE EASTERLY RIGHT-OF-WAY ROANOKE AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY, NORTH 02°22'08" EAST, 23.00 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY SOUTH 88°50'53" EAST, 195.12 FEET TO A POINT LYING ON THE WEST LINE OF LOT 27; THENCE NORTH 02°07'13" EAST, 139.46 FEET TO THE NORTHWEST CORNER OF LOT 29; THENCE ALONG THE NORTH LINE OF LOT 29, SOUTH 88°50'26" EAST, 196.58 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF KIMBROUGH AVENUE; THENCE LEAVING SAID NORTH LINE AND ALONG THE WEST RIGHT-OF-WAY OF KIMBROUGH AVENUE THE FOLLOWING COURSES, SOUTH 02°08'38" WEST, 99.92 FEET; THENCE NORTH 88°54'29" WEST, 6.00 FEET; THENCE SOUTH 02°15'39" WEST, 172.54 FEET; THENCE SOUTH 46°41'34" WEST, 35.69 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF GRAND STREET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY AND ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 88°51'49" WEST, 360.87 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY OF ROANOKE AVENUE; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 02°22'08" EAST, 135.14 FEET TO THE POINT OF BEGINNING. CONTAINING 2.02 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

AND

ALL OF LOTS ONE HUNDRED THIRTEEN (113), ONE HUNDRED FOURTEEN (114) AND ONE HUNDRED FIFTEEN (115) OF SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND ALL OF LOT ONE HUNDRED SIXTEEN (116), EXCEPT THE WEST TWENTY (20) FEET THEREOF; ALONG AND WITH:

BEGINNING ON THE WEST SIDE OF KIMBROUGH STREET, TWO HUNDRED (200) FEET SOUTH OF THE NORTHEAST CORNER OF LOT ONE HUNDRED THIRTEEN (113), IN SOUTHERN ADDITION; THENCE SOUTH FORTY SEVEN AND ONE HALF (47 ½) FEET; THENCE WEST TWO HUNDRED THREE (203) FEET; THENCE NORTH FORTY SEVEN AND ONE HALF (47 ½) FEET; THENCE EAST TWO HUNDRED THREE (203) FEET TO THE POINT OF BEGINNING, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI;  
ALONG AND WITH;  
ALL OF THE WEST TWENTY (20) FEET OF LOT ONE HUNDRED SIXTEEN (116) AND THE EAST THIRTY (30) FEET OF LOT 117 OF SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

**Exhibit B**

**RECORD OF PROCEEDINGS  
Planning and Zoning Commission October 13, 2016**

Conditional Use Permit 426

815 & 943 South Kimbrough Avenue, 840 South Roanoke Avenue, and 500 East Madison Street

**Applicant:** Bear Village IV, LLC & Bear Village Phase 1, LLC

Mr. Hosmer stated that this is a request to allow a reduction of the front yard setback along Kimbrough Avenue within an R-HD, High-Density Multi-Family Residential District generally located at 815 & 943 South Kimbrough Avenue, 940 South Roanoke Avenue and 500 East Madison Street

The Growth Management and Land Use Plan identifies this area as appropriate for medium- or high-density housing.

In 2013, City Council passed General Ordinance 6032 to allow a reduction in the front yard setback along collector and higher classification roadways with a Conditional Use Permit. The applicant is requesting to reduce the front yard setback along Kimbrough Avenue, from twenty-five (25) feet to three (3) feet and at Kimbrough and Madison from twenty-five (25) feet to six (6) feet for an existing multi-family building. City Council has approved other similar requests for reduced front yard setbacks in this area specifically along Kimbrough Avenue, Bear Boulevard and Madison Street. The regulations and standards listed on Attachment 3 shall govern and control the use and development of the land in Use Permit Number 426 in a manner consistent with the attached site plan (Attachment 5). Staff Recommends approval.

Mr. Rose asked if these buildings are already built.

Mr. Hosmer stated that one building is already built within this request however several buildings were built along Kimbrough which allowed the reduced setback with a plat which allowed the reduced setback. They are asking for the setback on the Kimbrough location at the corner of Grand and at the Corner of Madison.

Ms.Ogilvy asked about the sidewalk width and setback.

Mr. Hosmer stated that the setback is 35' from the centerline on the street and will not affect the sidewalk.

Mr. Ray opened the public hearing.

Mr. Rick Muenks, 3041 S. Kimbrough, representing the applicant. The center of the development was initial plan and was part of a plat. The southern part which is in question has platted lots that had existing buildings on it. We are wanting to make the

building align and be consistent with the other buildings that already exist. The Springfield Public School property operations manager came to the neighborhood meeting and wanted to make sure that the sidewalks were not being impacted. There is no change to the sidewalks.

Mr. Eddie Tims, 1174 S. Maryland, has a problem that the City has allowed the apartment complex to encroach further onto Kimbrough and take away the green space. The building on Grand Street is big mistake because of the height of the building and has concerns about the increase of traffic. Believes that the visibility on the corner Kimbrough/Grand becomes an issue and would like to see more landscaping.

Mr. Ray closed the public hearing.

**COMMISSION ACTION:**

Mr. Doennig motioned to approve Conditional Use Permit 426 (815 & 943 South Kimbrough Avenue & 840 South Roanoke Avenue & 500 East Madison Street). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Ogilvy, Cox, Cline, Rose, and Coltrin. Nays: None. Abstain: None. Absent: Edwards and Shuler.

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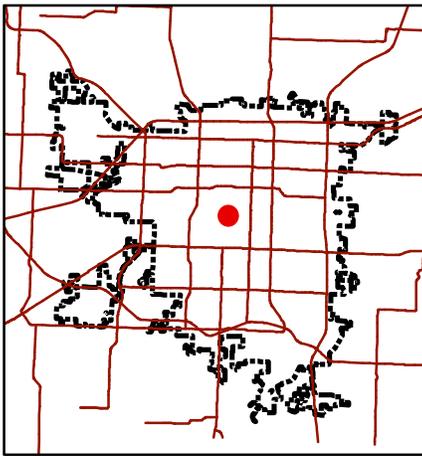
Bob Hosmer, AICP  
Principal Planner

# Development Review Staff Report

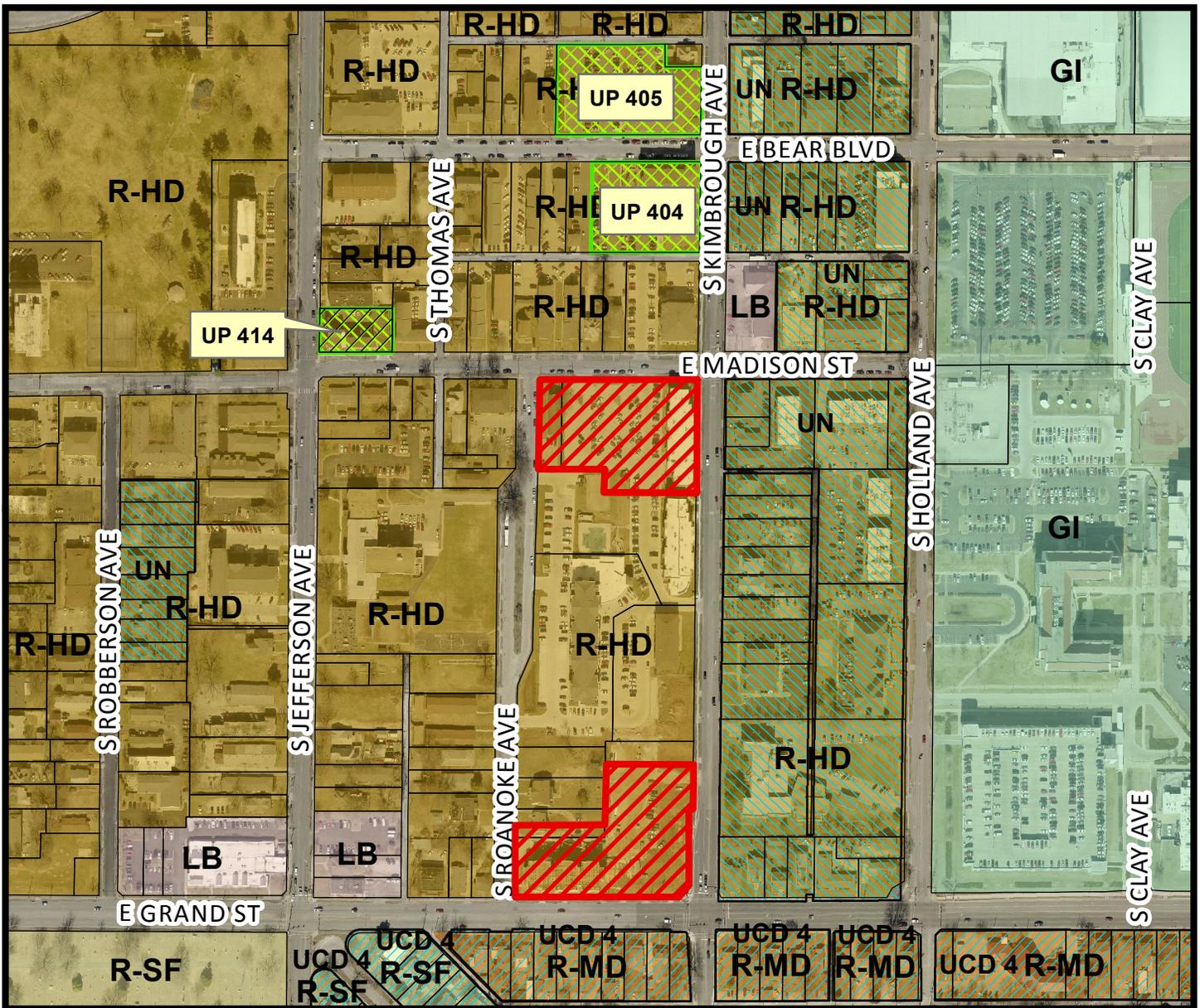
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802

## Conditional Use Permit No 426

LOCATION: 815, 943 South Kimbrough Avenue, 940 South Roanoke Avenue, & 500 East Madison Street  
CURRENT ZONING: R-HD, High-Density Multi-family Residential



### LOCATION SKETCH



 - Area of Proposal



1 inch = 350 feet

DEVELOPMENT REVIEW STAFF REPORT  
CONDITIONAL USE PERMIT 426

PURPOSE: To allow a reduction of the front yard setback along Kimbrough Avenue within an R-HD, High-Density Multi-Family Residential District generally located at 815 & 943 South Kimbrough Avenue, 940 South Roanoke Avenue and 500 East Madison Street

REPORT DATE: January 26, 2016

LOCATION: 815 & 943 South Kimbrough Avenue, 940 South Roanoke Avenue and 500 East Madison Street

APPLICANT: Bear Village IV LLC, Bear Village Phase I LLC

TRACT SIZE: Approximately 3.84 acres

EXISTING USE: Multi-family Residential

PROPOSED USE: Multi-family Residential

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for medium- or high-density housing. This land use category would accommodate townhouses and various forms of apartment buildings. The *Plan* identifies Center City and Missouri State University and surrounding area as a major Activity Center, which is to be a location of employment, housing, business and entertainment.
2. In 2013, City Council passed General Ordinance 6032 to allow a reduction in the front yard setback along collector and higher classification roadways with the approval of a Conditional Use Permit. The proposed setback brings activity to the street and an edge along the sidewalk that promotes pedestrian activity and safety. The proposed setback does not create any sight or safety issues for travelers on adjacent roadways.
3. Approval of this application will reduce the front yard setback along Kimbrough Avenue which will allow the building to be constructed closer to the street to utilize more of the lot area for the development which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

**RECOMMENDATION:**

Staff recommends approval of this request with the following conditions:

1. The regulations and standards listed on Attachment 3 shall govern and control the use and development of the land in Use Permit Number 426 in a manner consistent with the attached site plan (Attachment 5).
2. The front yard setback along Kimbrough Avenue may be reduced to three (3) feet for the structure at the corner of Kimbrough Avenue and Grand Street and labeled as "Phase 5" in Attachment 5. The structure shall be constructed in substantial conformance with Attachment 5.
3. The front yard setback along Kimbrough Avenue may be reduced to six (6) feet for the building at the corner of Kimbrough Avenue and Madison Street and labeled as "Phase 1" in Attachment 5. The building shall be permitted as it exists in substantial conformance with Attachment 5.

**SURROUNDING LAND USES:**

AREA	ZONING	LAND USE
North	R-HD	Multi-family housing
East	R-HD w/ UN	Multi-family housing, School
South	R-MD	Single & Multi-family housing
West	R-HD	Multi-family housing, School

**ZONING ORDINANCE REQUIREMENTS:**

1. The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. In granting a conditional use, the Planning and Zoning Commission may recommend, and the City Council may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in the Zoning Ordinance to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood. The general standards for conditional use permits are listed in Attachment 3.
2. No conditional use permit shall be valid for a period longer than 18 months from the date City Council grants the conditional use permit, unless within this 18 months:

- a. A building permit is obtained and the erection or alteration of a structure is started; or
- b. An occupancy permit is obtained and the conditional use is begun.

#### COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for medium- or high-density housing. This category promotes townhouses and various forms of apartment buildings which have been located where there is good traffic access between Low-Density Housing and non-residential land uses and at high-amenity locations. The *Plan* identifies Center City and Missouri State University and surrounding area as a major Activity Center, which is to be a location of employment, housing, business and entertainment.

#### STAFF COMMENTS:

1. The applicant is requesting to reduce the front yard setback along Kimbrough Avenue, a secondary arterial roadway, from twenty-five (25) feet to three (3) feet for a proposed multi-family building at the corner of Kimbrough Avenue and Grand Street. The applicant is also requesting to reduce the front yard setback along Kimbrough Avenue from twenty-five (25) feet to six (6) feet for an existing multi-family building located at 815 South Kimbrough Avenue. The approval of the reduced setback will allow the existing structure to be in conformance with the building setback requirements.
2. The reduced setback will allow the proposed multi-family building to be placed closer to Kimbrough Avenue which will permit more of the land to be used for the proposed development. In 2013, City Council passed General Ordinance 6032 to allow a reduction in the front yard setback along collector and higher classification roadways with the approval of a Conditional Use Permit. The proposed setback brings activity to the street and an edge along the sidewalk that promotes pedestrian activity and safety. The proposed setback does not create any sight or safety issues for travelers on adjacent roadways.
3. City Council has approved other similar requests for reduced front yard setbacks in this area specifically along Kimbrough Avenue, Bear Boulevard and Madison Street. Conditional Use Permit 404, 405, and 414 were approved for reduced setbacks and are located within a 1/4 mile of the subject property. The location of the approved Use Permits are identified in Exhibit C, Development Review Staff Report, Location Sketch Map.
4. The subject properties in this application are double-frontage lots with their front yard on both Kimbrough Avenue and Roanoke Avenue. This application includes only reduced setbacks from Kimbrough Avenue. The existing building at 940 South Roanoke and proposed building at 500 East Madison Street, labeled as

"Phase 4" and "Phase 7" respectively, maintain the required front yard setback from Roanoke Avenue.

5. The existing multi-family building located at 815 South Kimbrough Avenue was constructed with a lot configuration that considered Madison Street as the front yard and Kimbrough Avenue as the side yard. At that time, the building was constructed in conformance with the Madison Street front yard requirement. The lot configuration has since changed through administrative lot combination and now Kimbrough Street is classified as the front yard. The approval of the reduced setback will allow the existing structure to be in conformance with the building setback requirements.
6. Adequate right-of-way for Kimbrough Avenue will be maintained which is thirty-five (35) feet for a secondary arterial roadway. The front yard setbacks are in addition to the required right-of-way width.
7. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363(10) of the Zoning Ordinance. Any development of this property must also follow the R-HD District requirements.
8. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on October 20, 2016, regarding the request for a conditional use permit. A summary of the meeting is attached (Attachment 4).

#### 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. Thirty-five (35) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

#### CITY COUNCIL PUBLIC HEARING:

November 28, 2016

STAFF CONTACT PERSON:

Michael Sparlin  
Senior Planner  
864-1091

# ATTACHMENT 1

## DEPARTMENT COMMENTS CONDITIONAL USE PERMIT 426

### BUILDING DEVELOPMENT SERVICES COMMENTS:

BDS has no objections since this setback is consistent with the other structures on the site along Kimbrough.

### PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Kimbrough Avenue as a Secondary Arterial roadway, Madison Street as a Local Commercial and Roanoke Avenue as a Local Residential. The standard right of way width for Kimbrough is 35 feet from the centerline, 30 feet from the centerline for Madison and 25 feet from the centerline for Roanoke. Additional right of way is not needed. All three are City maintained streets. The most recent traffic counts on Kimbrough Avenue is 12,015 vehicles per day, 1,157 for Madison Street and no count exists for Roanoke as it is a Local Residential classified street. There is one existing driveway access point along Kimbrough Avenue, two along Madison and three along Roanoke. There is a sidewalk along the property frontage on Kimbrough and Madison and no sidewalk along the property frontage on Roanoke. The existing infrastructure meets current city standards. On-street parking is not allowed along Kimbrough, but is allowed along Madison and Roanoke. There is not a greenway trail in the area. There are no bus stops along this area of Kimbrough, Madison or Roanoke. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are no proposed improvements along Kimbrough, Madison or Roanoke Avenue.

Public Works Traffic Division	Response
Street classification	Kimbrough Avenue - Secondary Arterial Madison Street - Local Commercial Roanoke Avenue - Local Residential
On-street parking along streets	Kimbrough - No Madison - Yes Roanoke - Yes
Trip generation - existing use	240 vehicles per day
Trip generation change - proposed use	240 vehicles per day
Existing street right of way widths	Kimbrough Avenue - 35 ft from the centerline Madison Street - 30 ft from the centerline Roanoke Avenue - 25 ft from the centerline
Standard right of way widths	Kimbrough Avenue - 50 ft from the centerline

	Madison Street - 30 ft from the centerline Roanoke Avenue - 25 ft from the centerline
Traffic study submitted	Not required
Proposed street improvements	None required

**STORMWATER COMMENTS:**

The property is located in the Fassnight 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. There are no known sinkholes on the proposed property.

1. There will be no stormwater impact from the conditional use permit to reduce yard setback.
2. 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.
3. 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.
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	Fassnight 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 objections to change in setback.

**CITY UTILITIES:**

No objection to approval of conditional use permit. The reduction in setback along Kimbrough should not impact utilities.

## FIRE DEPARTMENT:

Fire supports the application, allows better access to the multistory building for fire fighting and rescue operations from an aerial platform.

# ATTACHMENT 2

## REQUIREMENTS FOR CONDITIONAL USE PERMIT 426

1. The front yard setback along Kimbrough Avenue may be reduced to three (3) feet for the structure at the corner of Kimbrough Avenue and Grand Street and labeled as "Phase 5" in Attachment 5. The structure shall be constructed in substantial conformance with Attachment 5.
2. The front yard setback along Kimbrough Avenue may be reduced to six (6) feet for the structure at the corner of Kimbrough Avenue and Madison Street and labeled as "Phase 1" in Attachment 5. The building shall be permitted as it exists in substantial conformance with Attachment 5.
3. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

# ATTACHMENT 3

## STANDARDS AND RESPONSES FOR CONDITIONAL USE PERMITS CONDITIONAL USE PERMIT 426

An application for a conditional use permit shall be granted only if evidence is presented which establishes the following: (see attached Attachment 5 for the applicant's response)

1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent possible such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare as proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment

of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.

11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
  - a. The location, nature and height of buildings, structures, walls and fences on the site; and
  - b. The nature and extent of landscaping and screening on the site;
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed

vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.

19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield, and;
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

RESPONSES FOR CONDITIONAL USE PERMIT

1. The proposed conditional use will be consistent with the adopted policies in the *Springfield Comprehensive Plan*;

**Response: The requested setback reduction will be consistent with said policies.**

2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;

**Response: The requested setback reduction will not adversely affect safety in any way and will maintain the 35' ROW along Kimbrough Ave. as well as the 50' ROW along Grand St.**

3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;

**Response: The proposed building will provide safety from fire hazards and the building will be equipped with a fire suppression system.**

4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;

**Response: The proposed building will utilize on-site storm water detention.**

5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;

**Response: The proposed student residential housing building will not have noise characteristics that exceed typical sound levels.**

6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;

**Response: The proposed building will adhere to city light level guidelines and will provide a photometric plan for review with construction documents.**

7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site;

**Response: Any signage will adhere to city regulations and go through the appropriate permitting process for approval.**

8. Such signs will not have an adverse effect on any adjacent properties;

**Response: Any signage will adhere to city regulations and go through the appropriate permitting process for approval.**

9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;

**Response: The proposed building will adhere to traffic guidelines and maintain the 35' ROW along Kimbrough Ave. as well as the 50' ROW along Grand St.**

10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare;

**Response: We believe the proposed development will improve the surrounding area and provide a safe, attractive beacon at a prominent downtown intersection. This new building will maintain the same appearance and use the same exterior finish materials as other multi-family housing in the area. No new drive entrance will be created for this building and all parking for this building will already be constructed in previously approved developments so traffic/parking conditions should not be effected.**

11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:

- a. The location, nature and height of buildings, structures, walls and fences on the site; and
- b. The nature and extent of landscaping and screening on the site;

**Response: The proposed building will replace rundown single family residences and provide a safe environment for students. It will adhere to city zoning requirements for heights as well as landscaping.**

12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;

**Response: The proposed building will replace single family residences that have already been demolished and will not interfere with any natural features of the existing site.**

13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;

**Response: The proposed building does not interfere with any natural, scenic or historic feature.**

14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards;

**Response: The proposed building will adhere to all city regulations and will be reviewed during the permit process.**

15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;

**Response: The proposed building will replace rundown single family residences and provide a safe environment for students. It will improve street level pedestrian access for the Bear Village development which houses many MSU students.**

16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36- 456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;

**Response: The proposed building will adhere to all city regulations and will be reviewed during the permit process.**

17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;

**Response: The proposed building will adhere to traffic guidelines and maintain the 35' ROW along Kimbrough Ave. as well as the 50' ROW along Grand St.**

18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;

**Response: The proposed building will adhere to traffic guidelines. Approval of a reduced setback will allow for better internal vehicular circulation as well as meet the requirements for the fire apparatus access.**

19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;

**Response: The proposed building will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.**

20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield; and

**Response: N/A**

21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

**Response: The proposed building will adhere to all city regulations and will be reviewed during the permit process.**

#### **RESPONSE HOW DEVELOPMENT AND USE OF NEIGHBORING PROPERTY WILL NOT BE ADVERSELY AFFECTED**

The proposed Phase 5 building of the Bear Village student housing development is the last piece of property to be developed. Mr. Magers of Bryan Properties has slowly acquired the properties within the block extending north/south from Madison to Grand and east/west from Kimbrough to Roanoke. Most of these properties were run down/not maintained and Bryan Properties has replaced these houses/buildings will attractive and safe student housing. This last building will be well lit and provide safe access for students traveling from the surrounding campus buildings. The only properties immediately affected by the development of this building are Bryan Properties own Phase 4 building to the west and the Phase 6 building to the north.

#### **RESPONSE ON ANY POTENTIAL ADVERSE EFFECTS OF THE CONDITIONAL USE PERMIT AND HOW WE INTEND TO AVOID, MINIMIZE OR MITIGATE SUCH EFFECTS**

Our conditional use permit request is to reduce the building setback along Kimbrough. The only negative effect we can see with granting this request is the potential to reduce sightlines at the intersection. We intend to not only meet, but also exceed the sight right-of-way triangle at this intersection.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING

I, Rick Muenks (print name), attest that the invitation letter to the neighborhood meeting (attached) was mailed ten (10) days prior to the neighborhood meeting on 10/10/16 (month/date/year), the neighborhood meeting is scheduled to be held on 10/20/16 (month/date/year), which is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Exhibit 1: Neighborhood Notification and Meeting Process."

  
\_\_\_\_\_  
Signature of person completing mailings

Rick Muenks  
\_\_\_\_\_  
Printed name of person completing mailings

\*NOTE: this affidavit must be submitted by the Friday following the application deadline.

# ATTACHMENT 4

## EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

1. Project Case No.: UP 426
2. Meeting Date & Time: 10/20/2016 4:00 pm to 6:30 p.m
3. Meeting Location: Fire Station Community Room, 720 E Grand Street
4. Number of invitations that were sent: 156
5. How was the mailing list generated: City Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 1

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.)

Director of operations for Springfield Public Schools wanted to confirm that sidewalks widths we're not being changed as part of cup. Explained that the cup was about the building set back and not sidewalks

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



**Client**  
 Bryan Properties  
 2254 South Campbell Ave.  
 Springfield, MO 65807  
 (417) 864-6303 ph  
 (417) 864-7552 fx

**Consultants**

**Professional Seal**



Revisions

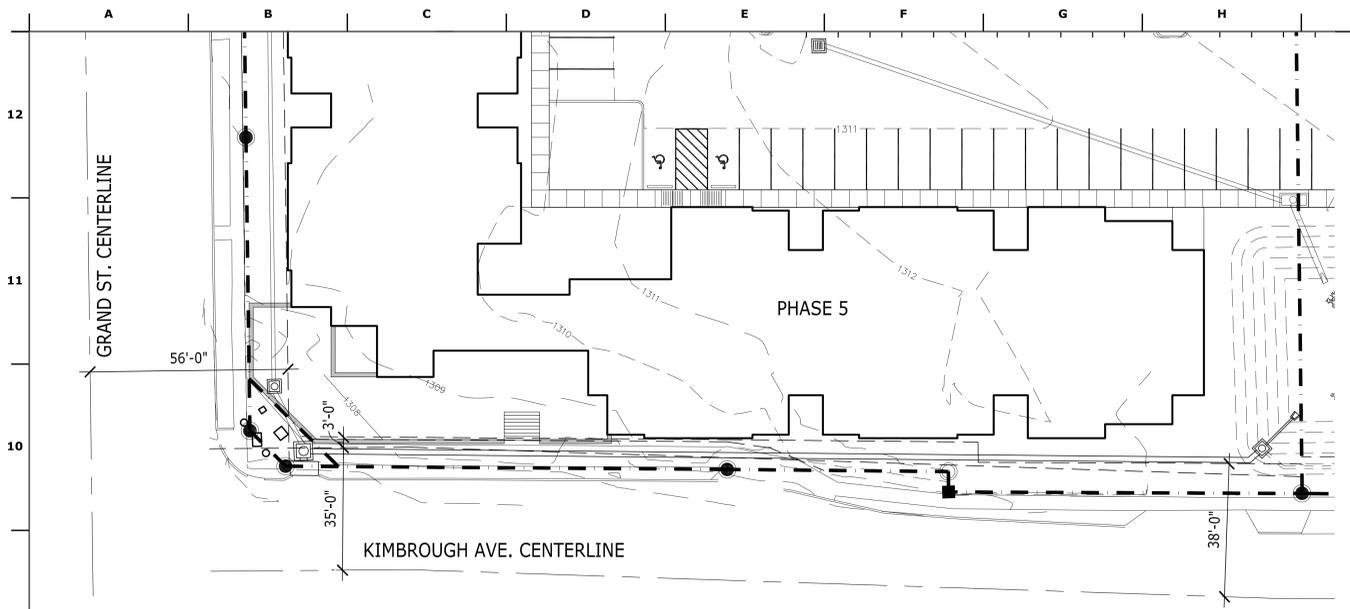

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New Facility for:  
 Bear Village Phase 5  
 South Kimbrough Avenue  
 Springfield, MO 65806

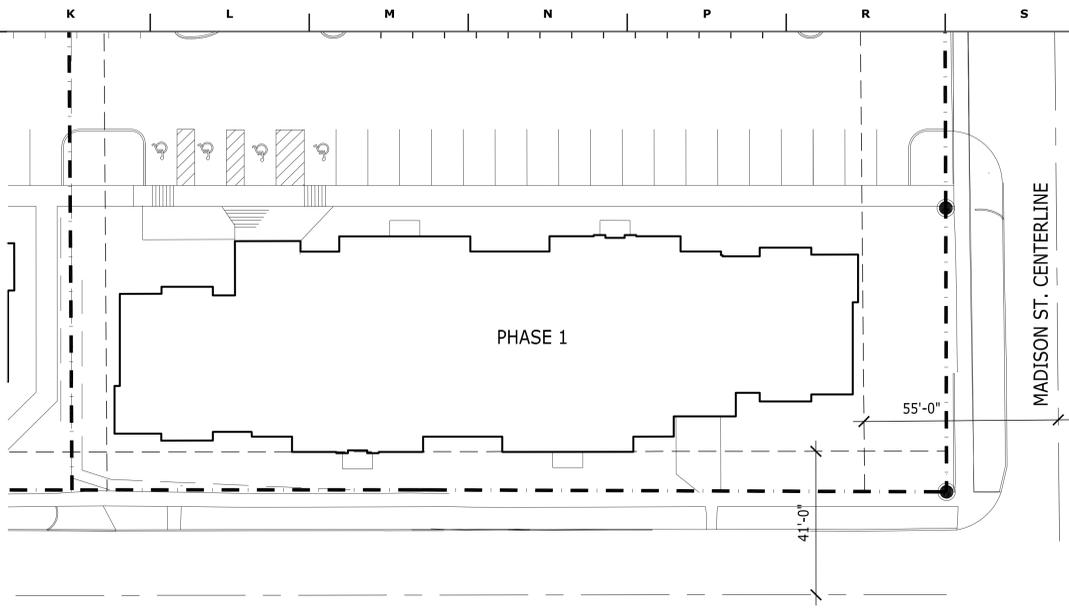
**USE PERMIT SKETCH PLAN**

Project No: 15-XXXX  
 Drawn By: BAO  
 Reviewed By: RCH  
 Date: 04-27-2015

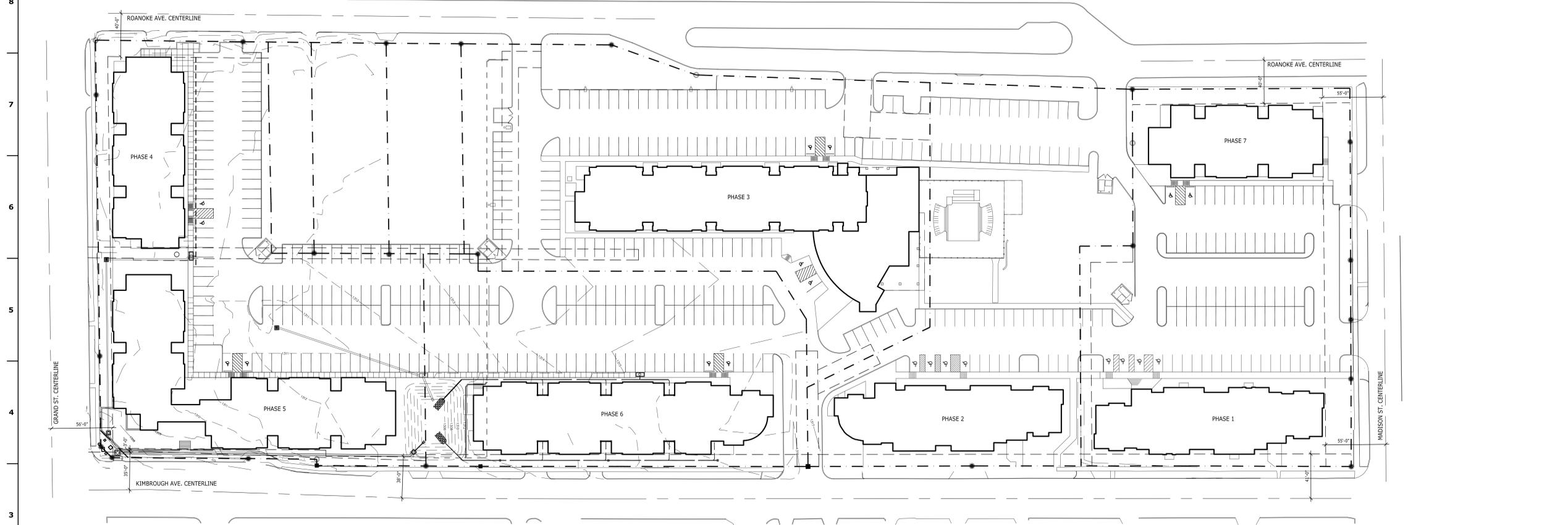
Sheet  
**C1.1**



**9A ENLARGED USE PERMIT SKETCH PLAN**  
 C1.1 scale: 1" = 40'-0"



**9K ENLARGED USE PERMIT SKETCH PLAN**  
 C1.1 scale: 1" = 40'-0"



**3A USE PERMIT SKETCH PLAN**  
 C1.1 scale: 1" = 40'-0"

**BUILDING CODE DATA**

BUILDING USE GROUP	R-2 APARTMENT HOUSES
CONSTRUCTION TYPE	SA
TOTAL AREA PER BUILDING	PHASE 4 - 41,622 S.F. PHASE 5 - 70,978 S.F.
ALLOWABLE BUILDING AREA	12,000 S.F. PER STORY (R-2)
AREA INCREASE FOR OPEN PERIMETER	7,800 S.F.
STRUCTURAL FRAME	1 HOUR
BEARING WALLS: INT. & EXT.	1 HOUR
NON-BEARING INT. WALLS	0 HOUR
FLOOR CONSTRUCTION	1 HOUR
ROOF CONSTRUCTION	1 HOUR
FIRE SUPPRESSION	NFPA 13R
DESIGNED BUILDING HEIGHT	4 STORY OR 60 FEET
ALLOWABLE HEIGHT	3 STORY & 50 FEET
SPRINKLER INCREASE	1 STORY & 20 FEET
PERMITTED HEIGHT	4 STORY & 60 MAX FT

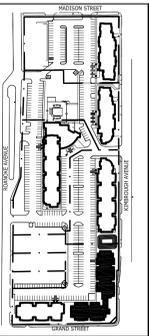
**ZONING ORDINANCE DATA**

PROPERTY ZONING:	R-HD, HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT
REQUIRED SETBACK FROM RIGHT OF WAY CENTERLINE	GRAND ST.- 50' PLUS YARD SETBACK KIMBROUGH AVE.- 35' PLUS YARD SETBACK
YARD REQUIREMENTS:	FRONT YARD = 25 FEET ALONG COLLECTOR STREET/ 15 FEET ALONG LOCAL STREET SIDE YARD = 6 FEET REAR YARD = 10% OF LOT DEPTH (NOT LESS THAN 10 FEET OR MORE THAN 20 FEET)
MAX BLDG COVERAGE:	50%
MAX IMPERVIOUS SURFACE:	50%
MIN OPEN SPACES:	20%
MIN LOT SIZE PER UNIT:	3,100 SF
LOT SIZE PROVIDED:	83,668 (1.92 ACRES)/1,100= 76 UNITS
	PHASE 4 BUILDING- 24 UNITS PHASE 5 BUILDING- 56 UNITS
BUFFERYARD:	NONE REQUIRED (NO DISSIMILAR ZONING)
PARKING REQUIREMENT:	RESIDENTIAL- 2 PER UNITS WITH 2 OR MORE BEDS / 1.5 PER 1 BED UNITS CHECK 1 SPACE PER 2 SIDE SPACES (UP TO 10%)
	PHASE 4 BUILDING- 48 SPACES - 4x 44 SPACES PHASE 5 BUILDING- 100 SPACES - 10x 90 SPACES

**CONDITIONAL USE REQUEST**

REQUEST TO REDUCE FRONT YARD SETBACK FROM 60'-0" (35'-0" FROM THE CENTERLINE OF KIMBROUGH WITH ADDITIONAL 25'-0" FRONT YARD SETBACK)

REQUEST TO REDUCE FRONT YARD SETBACK TO 38'-0" (35'-0" FROM THE CENTERLINE OF KIMBROUGH WITH ADDITIONAL 3'-0" FRONT YARD SETBACK)



**ATTACHMENT 5**