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Filed: 11-22-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 276

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Zoning Maps,'
2 by rezoning approximately 0.55 acres of property, generally located at
3 404, 410, 412, 416, and 420 East Madison Street as well as 802 South
4 Jefferson Avenue from a R-HD, High Density Multi-Family Residential
5 District to a R-HD, High Density Multi-Family Residential District with a
6 UN, University Combining Overlay District; and adopting an updated
7 Official Zoning Map. (Staff and Planning and Zoning Commission
8 recommend approval).
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 described in "Exhibit A" of this Ordinance which is attached hereto and incorporated
13 herein by this reference; generally located at 404, 410, 412, 416, and 420 East Madison
14 Street as well as 802 South Jefferson Avenue, from a R-HD, High Density Multi-Family
15 Residential District to a R-HD, High Density Multi-Family Residential District with a UN,
16 University Combining Overlay District; and
17

18 WHEREAS, following proper notice, a public hearing was held before the
19 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
20 hearing being attached hereto and incorporated by reference as "Exhibit B;" and said
21 Commission made its recommendation; and
22

23 WHEREAS, the City has reviewed the applicant's request and prepared a
24 Development Review Staff Report which is attached hereto as "Exhibit C" and
25 incorporated herein by this reference; and
26

27 WHEREAS, proper notice was given of a public hearing before the City Council,
28 and that said hearing was held in accordance with the law.
29

30 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
31 SPRINGFIELD, MISSOURI, as follows, that:
32

33 Section 1 –The property described in "Exhibit A" of this Ordinance be, and the

34 same hereby is, rezoned from a R-HD, High Density Multi-Family Residential District, or
35 such zoning district as is designated on the Official Zoning Map adopted by the City
36 Council, to a R-HD, High Density Multi-Family Residential District with a UN, University
37 Combining Overlay District, and the Springfield Land Development Code, Section 36-
38 306 thereof, Zoning Maps, is hereby amended, changed and modified accordingly.
39

40 Section 2 – The City Council hereby directs the City Manager, or his designee, to
41 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
42 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
43 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps
44 and Rules of Interpretation.
45

46 Section 3 – The Official Zoning Map herein adopted shall be maintained and
47 archived in the same digital form in which this Council has approved its adoption.
48

49 Section 4 – This Ordinance shall be in full force and effect from and after
50 passage.
51

52 Passed at meeting: _____
53

54 _____
55 Mayor

56
57 Attest: _____, City Clerk
58

59 Filed as Ordinance: _____
60

61 Approved as to form: , Assistant City Attorney
62

63 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 276

FILED: 11-22-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.55 acres of property generally located at 404, 410, 412, 416, and 420 East Madison Street as well as 802 South Jefferson Avenue from a R-HD, High Density Multi-Family Residential District to a R-HD, High Density Multi-Family Residential District with a UN, University Combining Overlay District. (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-15-2016

The applicant is proposing to rezone the subject property to add a UN, University Combining District Overlay to the existing R-HD, High Density Multi-Family Residential District zoning. If approved, the UN Overlay District will permit additional uses that are not otherwise permitted by the existing R-HD zoning, including fraternities and sororities. The applicant's intent is to develop the property with housing to serve Missouri State University students.

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

REMARKS:

The Planning and Zoning Commission held a public hearing on, October 13, 2016, and recommended approval by a vote of 7 to 0, of the proposed zoning on the property described in "Exhibit A."

The Planning and Development staff recommends the application be approved. See "Exhibit C."

Staff findings and recommendations:

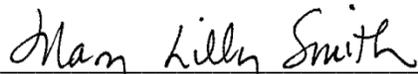
1. This request is consistent with the recommendations of the *Comprehensive Plan*, which identifies Center City and the MSU campus and surrounding area as a major Activity Center and is located within an area of redevelopment as MSU continues to grow and expand.
2. Approval of this request will provide for a more diverse type of student housing to serve the MSU campus.
3. The proposed project is consistent with other redevelopment projects within the area to provide additional housing.

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-15-2016

TRACT 1

THE WEST 80 FEET OF THE NORTH 92 FEET AND 7 INCHES OF LOT ONE HUNDRED TWENTY (120), IN SOUTHERN ADDITION, TO THE CITY OF SPRINGFIELD, MISSOURI, AND A STRIP OF GROUND 5 FEET WIDE, MORE OR LESS, LYING ALONG THE NORTH SIDE OF SAID WEST 80 FEET OF SAID LOT, SAID STRIP OF LAND ABOVE DESCRIBED BEING BOUNDED ON THE NORTH BY MADISON STREET, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, EXCEPT THAT PART DEEDED IN BOOK 1536, AT PAGE 25, SUBJECT TO ANY PART THEREOF, TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

TRACT 2

ALL OF THE EAST 70 FEET OF THE WEST 150 FEET OF THE NORTH 92 FEET AND 7 INCHES OF LOT ONE HUNDRED TWENTY (120), SOUTHERN ADDITION, AND A STRIP OF GROUND 5 FEET WIDE, MORE OF LESS, LYING ALONG THE NORTH SIDE OF SAID STRIP OF LAND ABOVE DESCRIBED BEING BOUNDED ON THE NORTH BY MADISON STREET IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

TRACT 3

ALL OF THE WEST 50 FEET OF THE EAST 100 FEET OF THE FOLLOWING DESCRIBED LAND: THE NORTH 92 FEET AND 7 INCHES OF LOT ONE HUNDRED-TWENTY (120) IN SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, MISSOURI. ALSO A STRIP OF GROUND 5 FEET WIDE BY 250 FEET IN LENGTH, LYING ALONG THE NORTH SIDE OF LOT ONE HUNDRED-TWENTY (120) OF SOUTHERN ADDITION MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 120 SOUTHERN ADDITION; THENCE EAST 250 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 5 FEET TO THE FENCE ON THE SOUTH SIDE OF MADISON STREET, AS SAID FENCE IS NOW LOCATED; THENCE RUNNING IN A WESTERLY DIRECTION 250 FEET TO A POINT DIRECTLY NORTH OF THE PLACE OF BEGINNING; THENCE SOUTH 5 FEET TO THE PLACE OF BEGINNING. SUBJECT TO ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

TRACT 4

THE EAST FIFTY (50) FEET OF THE NORTH NINETY-TWO AND SEVEN-TENTHS (92.7) FEET OF LOT ONE HUNDRED TWENTY (120), SOUTHERN ADDITION,

TOGETHER WITH A FIVE (5) FOOT STRIP NORTH OF AND ADJOINING SAID TRACT, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

Exhibit B

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

Z-15-2016

404-420 East Madison Street & 802 South Jefferson Avenue

Applicant: Ken E. Porter, John B. Duncan, T & N Investments, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.55 acres of property generally located at 404, 410, 412, 416, 420 East Madison Street and 802 South Jefferson Avenue from a R-HD, High Density Multi-Family Residential District to a R-HD, High Density Multi-Family Residential District with a UN, University Combining Overlay District.

The Growth Management and Land Use Plan, identifies this area as Medium or High Density Housing within the Center City and the MSU campus and surrounding area major Activity Center. The applicant is requesting to rezone the subject property to add the UN, University Combining Overlay District to the existing R-HD, High Density Multi-Family Residential District zoning. The applicant intends to develop the property to serve Missouri State University students with housing options which may include fraternity and/or sorority housing. The applicant has submitted a Redevelopment Plan for the Elm House Redevelopment Area in conjunction with this request. Staff recommends approval.

Mr. Ray opened the public hearing.

Mr. Kevin Hoffmeyer, 2144 E. Republic, owner representative.

Mr. Ray closed the public hearing.

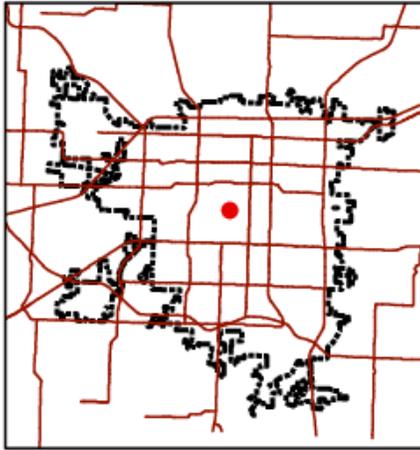
COMMISSION ACTION:

Ms. Cox motioned to approve Z-15-2016 (404-420 East Madison Street & 802 South Jefferson Avenue). Mr. King 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.

Bob Hosmer, AICPP Principal Planner

Development Review Staff Report

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



Z-15-2016

LOCATION: 404, 410, 416 & 420 East Madison Street
& 802 South Jefferson Avenue

CURRENT ZONING: R-HD, High Density Multi-Family Residential

PROPOSED ZONING: R-HD, High Density Multi-Family Residential with UN, University Combining Overlay District

LOCATION SKETCH



- Area of Proposal



1 inch = 250 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-15-2016

PURPOSE: To rezone approximately 0.55 acres of property generally located at 404, 410, 412, 416, 420 East Madison Street and 802 South Jefferson Avenue from a R-HD, High Density Multi-Family Residential District to a R-HD, High Density Multi-Family Residential District with a UN, University Combining Overlay District

REPORT DATE: September 29, 2016

LOCATION: 404, 410, 412, 416, 420 East Madison Street and 802 South Jefferson Avenue

APPLICANT: Ken E. Porter, John B. Duncan, & T&N Investments LLC

TRACT SIZE: Approximately 0.55 acres

EXISTING USE: Duplex housing and Single-family housing

PROPOSED USE: Uses permitted in the R-HD, High Density Multi-Family Residential District with UN, University Combining Overlay District

FINDINGS FOR STAFF RECOMMENDATION:

1. This request is consistent with the recommendations of the *Growth Management and Land Use Plan*, which identifies Center City and the MSU campus and surrounding area as a major Activity Center and is located within an area of redevelopment as MSU continues to grow and expand.
2. Approval of this request will provide for a more diverse type of student housing to serve the MSU campus.
3. The proposed project is consistent with other redevelopment projects within the area to provide additional housing.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-HD	Multi-Family residential housing
East	R-HD	Multi-Family residential housing
South	R-HD	Public School
West	R-HD	Multi-Family residential housing

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive 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 *Growth Management and Land Use Plan* element of the *Comprehensive 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. Missouri State University and related development have experienced significant growth since the activity center map was adopted. The subject property is located west of the main campus which is an area, along with areas to the north, that has been the focus of redevelopment for student housing and is a logical area for continued redevelopment as MSU continues to grow and expand.
2. The applicant is requesting to rezone the subject property to add the UN, University Combining Overlay District to the existing R-HD, High Density Multi-Family Residential District zoning. The UN district is an overlay district intended to be used in combination with any one of the multifamily residential districts. The principal function of the district is to permit in multifamily residential districts abutting colleges and universities the establishment of the types of uses which cluster about a university, but which are not located on university property. The overlay district provides for increased densities for student housing in multi-family districts in proximity to colleges and universities without disturbing density in those multi-family residential districts when they are located elsewhere.
3. The applicant has submitted this application in conjunction with a Redevelopment Plan for the Elm House Redevelopment Area. The applicant intends to develop the property with housing to serve Missouri State University students which may include fraternity and/or sorority housing. This project is consistent with other student housing projects approved or constructed nearby within the last several

years including The One House Development located across the street from the subject property on the northeast corner of Madison Street and Jefferson Avenue and the Jefferson Avenue Apartments southeast of the subject property.

4. The subject property is already zoned for high-density multi-family housing and the addition of the UN overlay district to allow additional university-related uses is appropriate at this location. The subject property has good pedestrian accessibility to the MSU campus to the east with existing sidewalks on Madison Street and is in close proximity with good access to existing goods and services in the downtown area.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 11, 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. Twenty (20) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

November 28, 2016

STAFF CONTACT PERSON:

Michael Sparlin
Senior Planner
864-1091

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-15-2016

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with the University Combining Overlay District

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Madison Street as a Local Residential roadway and Jefferson Avenue as a Secondary Arterial roadway. The standard right of way width for Madison Street is 25 feet from the centerline and Jefferson Avenue is 35 feet from the centerline. These are both City-maintained streets. The most recent traffic count on Madison Street is 1,780 vehicles per day and 5,437 vehicles per day on Jefferson Avenue. There is one existing driveway access point along the property frontage on Madison Street and one on Jefferson Avenue. There is sidewalk along Cherry Street and Jefferson Avenue. The existing infrastructure meets current city standards. On-street parking is allowed along Madison but not on Jefferson. There is no greenway trail in the area. There is no bus stop along Madison Street and there is one bus stop along Jefferson Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are currently no improvements planned for Madison Street or Jefferson Avenue.

Public Works Traffic Division	Response
Street classification	Madison Street - Local Residential Jefferson Avenue - Secondary Arterial
On-street parking along streets	Madison only
Trip generation - existing use	240 daily trips
Trip generation change - proposed use	240 daily trips
Existing street right of way widths	Madison - 25 feet from the centerline Jefferson - 35 feet from the centerline
Standard right of way widths	Madison - 25 feet from the centerline Jefferson - 35 feet from the centerline
Traffic study submitted	Not required
Proposed street improvements	Not required

STORMWATER COMMENTS:

The property is located in the Fassnight 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 is an option. Since the project will not be disturbing less than one (1) acre, no land disturbance permit required. There are existing curb inlets at the intersection of Jefferson Avenue and Madison Street available for this development to discharge into. There are no sinkholes on the proposed property.

Please note that 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	Fassnight Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	Yes

CLEAN WATER SERVICES COMMENTS:

1. No objections to rezoning.
2. Public sewer is currently available in Madison and Thomas however there are no apparent service laterals and we have no records of any of the properties being currently connected.
3. Any further review to determine sewer capacity will require a site plan, proposed use and flow rates.

CITY UTILITIES:

The rezoning would not have an impact on City Utilities. All utilities are available to provide service. Note that the water mains on Madison and Jefferson are 6-inch in diameter.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

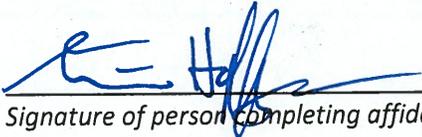
1. Request change to zoning from: Residential High Density to RD Plus University Combining Dist.
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: August 11, 2016; 4:00PM-6:30PM
3. Meeting Location: Wilhoit Plaza, Unit #132
4. Number of invitations that were sent: 108
5. How was the mailing list generated: City Department of Planning and Development
6. Number of neighbors in attendance (attach a sign-in sheet): 3
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

See Exhibit A.

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

See Exhibit A

I, Kevin Hoffmeyer (*print name*), attest that the neighborhood meeting was held on 08/11/2016 (*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."



Signature of person completing affidavit

Kevin Hoffmeyer

Printed name of person completing affidavit

Exhibit A – Affidavit of Neighborhood Notification and Meeting Summary

Neighbor in Attendance	Issue	Remedy
Sarah Semple	Sarah is a listing agent for an adjacent land owner. She had no concerns and was only there to offer support.	N/A
Brad Gebhart	Brad is an employee of the adjacent property owner. He inquired as to the parameter of the development.	There was no a concern to address. We explained the parameter of the development.
Hai Deng	Hai inquired as to the parameter of the development and asked about potential pollution.	We explained to him that the Developer would comply with all laws and regulations related to pollution control.