

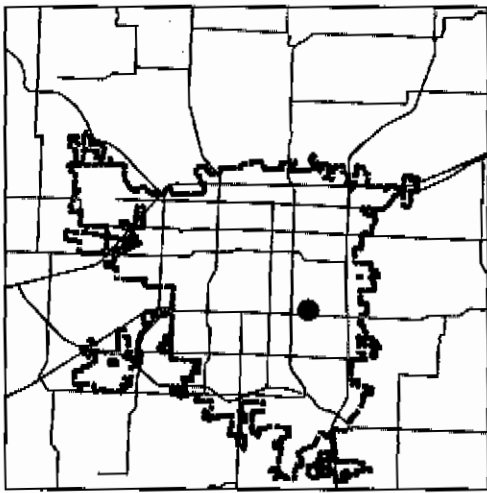
Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville - Springfield, Missouri 65801

Planned Development 332

Location: 1670 South Enterprise

Current Zoning: Planned Development 41



LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing:
Sponsor:
Date: September 9, 2009

EXPLANATION TO COUNCIL BILL NO. 2009 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to rezone approximately 31,151 square feet of land generally located at 1670 S. Enterprise, from Planned Development 41 2nd Amendment to Planned Development District Number 332 to allow a kennel operation with overnight boarding as a permitted use. (Both Planning and Zoning Commission and Staff recommend approval).

PLANNED DEVELOPMENT DISTRICT NUMBER 332

BACKGROUND INFORMATION:

The applicant is proposing to rezone 31,151 square feet from a Planned Development 41 2nd amendment to Planned Development 332 to permit kennel operations with overnight boarding. The applicant discovered that she was not in compliance with the zoning ordinance and permitted uses in PD 41 2nd amendment when she applied for a business license.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on October 8, 2009 and, by a vote of 10 to 0, of the proposed planned development on the tract of land described on the attached sheet and if approved, the regulations and standards on the attached Exhibit 1 shall govern and control the use and development of the land in Planned Development District Number 332 (see the attached Record of Proceedings).

The Planning and Development staff recommends **approval** of the proposed planned development (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed uses are consistent with uses approved in the original planned development.
2. The proposed uses are consistent with surrounding uses in adjacent properties
3. The proposed planned development will permit kennel operations with overnight boarding as a permitted use.

Submitted by:

Michael K MacPHERSON

Planning and Development

Approved by:

City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

ATTACHMENTS:

Attachment A, Background Report

Attachment B, Street System Report

Attachment C, Drainage Report

Attachment D, Neighborhood Meeting Summary

Exhibit 1, Requirements and Standards applicable to Planned Development 332

Pub. Imp. _____
Govt. Grnt. _____
Emer. _____
P.Hmgs. _____
Pgs. _____
Filed: _____

Sponsored by:

First Reading: _____ Second Reading: _____

COUNCIL BILL NO. 2009 - _____ GENERAL ORDINANCE NO. _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 31,151 square feet of land generally located at the 1670 S. Enterprise, from Planned Development 41 2nd Amendment to Planned Development District Number 332 to permit a kennel operation with overnight boarding. (Both Planning and Zoning Commission and Staff recommend approval).

WHEREAS, application has been filed for a zoning change of the following described tract of land from Planned Development 41 2nd Amendment to Planned Development District Number 332; and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission, and the said Commission has made its recommendation; and

WHEREAS, proper notice was given of a public hearing before the City Council, and that 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 on Exhibit A to this Ordinance be, and the same hereby is, rezoned from Planned Development 41 2nd Amendment, or such zoning district as is designated on the Official Zoning Map adopted by the City Council, to Planned Development District No. 332, and the Springfield Land Development Code, Section 1-1600 thereof, Zoning Maps, is hereby amended, changed and modified accordingly; which district shall be subject to regulations set forth in the Springfield Land Development Code, Division IV, Section 4-2500, Planned Development Districts, and the regulations set forth in Section 2 of this ordinance.

Section 2 -The regulations attached to the Explanation, marked as Exhibit "1" and incorporated herein by reference, shall govern and control the use and development of land in Planned Development District No. 332.

Section 3 - A copy of this ordinance, as well as such documents as the Director of Planning deems appropriate, may be recorded in the Greene County Land Records.

Section 5 -This ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

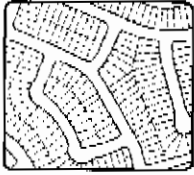
Filed as Ordinance: _____

Approved as to form: _____, City Attorney

Approved for Council action: _____, City Manager

Exhibit A
Legal Description
Planned Development 332

LEGAL DESCRIPTION: A parcel of land located in Enterprise Park being a part of Tract 1 of minor subdivision 2730 and a part of Parcel B of minor subdivision 2839, more particularly described as follows: Beginning at a 5/8" iron pin LS2334 set at the Southwest corner of Tract 1 of minor subdivision 2730, thence North 02° 35' 47" East a along the Easterly right of way line of Enterprise Avenue a distance of 107.00 feet to a 5/5" iron pin LS2334 set; thence leaving the Easterly right of way line on Enterprise Avenue South 87° 24' 13" East a distance of 302.41 feet to a 5/8" iron pin LS2334 set on the Easterly line of Parcel B of minor subdivision 2839; thence South 14° 28' 26" West along the Easterly line of said Parcel B a distance of 17.24 feet to a 5/8" iron pin LS1936 read found; thence South 14° 30' 24" West along the Easterly line of Tract 1 of minor subdivision 2730 a distance of 92.11 feet to a 5/8" iron pin LS1936 read found at the Southeast corner of said Tract 1; thence North 87° 24' 13" West along the South line of said Tract 1 a distance of 279.85 feet to the point of beginning containing 31,151 square feet.



Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

PLANNED DEVELOPMENT NUMBER 332

DATE: September 9, 2009

PURPOSE: To rezone a tract of land from PD 41, 2nd Amendment to PD, Planned Development 332 to allow a kennel operation with overnight boarding as a permitted use.

LOCATION: 1670 S. Enterprise
APPLICANT: Jennifer L. Fromme
TRACT SIZE: 31,151 square feet
EXISTING USE: Doggie Day Care Facility
PROPOSED USE: Same

RECOMMENDATION:

The request be **approved**.

FINDINGS FOR STAFF RECOMMENDATION:

1. The regulations of the proposed new zoning district would vary only slightly from those of the original Planned Development, and would permit an existing use, a kennel operation, with overnight boarding as a permitted use.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

None.

STAFF CONTACT PERSON:

Mike MacPherson
Principal Planner, 417-864-1198

Attachment A, Background report
Attachment B, Street system report
Attachment C, Drainage report
Attachment D Neighborhood Meeting Summary

ATTACHMENT A
BACKGROUND REPORT
PLANNED DEVELOPMENT 332

APPLICANT'S PROPOSAL:

The proposal is to change the subject tract's zoning from PD 41, 2nd Amendment to PD 332 and permit a kennel use that is already in existence.

SURROUNDING ZONING AND LAND USES:

AREA	ZONING	LAND USE
North	PD 41 2 nd amendment	Office and Commercial Use
East	PD	Office and commercial Use
South	PD	Office and Commercial Use
West	HM	Warehousing and Distribution

HISTORY

When the applicant attempted to acquire a business license it was discovered that her business, a doggie day care operation allowing overnight boarding was not listed as a permitted use in PD 41, 2nd amendment. The applicant proposes to create a new PD, 332, to permit kennel operations with overnight boarding, without changing the remaining characteristics and requirements of the original PD.

ADJACENT PROPERTY OWNER COMMENTS:

Twenty six (26) property owners are within 185 feet of this site and have been notified of this action. As of the date of this report, City staff has not received any communications from the area property owners.

NEIGHBORHOOD MEETING:

The developers held an open house for neighbors, on September 10, 2009 at 1670 S. Enterprise and no one attended. Results are included in Attachment D

CITY UTILITIES:

No Objection

BUILDING DEVELOPMENT SERVICES:

Need to have language similar to zoning districts that allow kennels as a use that regulate the outdoor activities. I would suggest using the same language as in the GM district for kennels.

STAFF COMMENTS:

1. The proposed uses are consistent with existing surrounding uses
2. The proposed uses are consistent with the uses permitted in the original planned development.

ATTACHMENT B
STREET SYSTEM REPORT
PLANNED DEVELOPMENT 332

TRAFFIC ENGINEER:

No objections from traffic engineering

ATTACHMENT C
DRAINAGE REPORT
PLANNED DEVELOPMENT 332

No objection to adding doggie day care to permitted use for PD.

ATTACHMENT D

Planning and zoning
Attn: Alana Owen

Results for Jade, Loki, Kody, LLC. Neighborhood meeting.
We held a neighborhood meeting on September 10th at 8:00am and no one
showed up!

Thanks,
Jennifer Fromme
Happy Tails
1670 S. Enterprise Ave
Springfield, MO 65804
417-881-8644

EXHIBIT 1

Requirements and Standards Applicable to Planned Development District No. 332

A. APPLICATION

Building or other permits may not be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan has been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

B. DEFINITIONS

The definitions contained in the *Zoning Ordinance* shall apply to this ordinance.

C. USES PERMITTED

1. Administrative and Professional Offices. Offices of firms or organizations providing professional management or administrative services. Typical uses include abstract services, advertising agencies, data processing services, travel agencies, law offices, architectural and engineering offices, and general business and administrative, corporate offices and artist and photographic studios.
2. Finance, Insurance and Real Estate Services: Establishments primarily engaged in the provision of financial, insurance, real estate, security brokerage and other similar activities. Drive-thru facilities designed to expedite customer service are permitted. Typical uses include banks, insurance agencies, real estate firms, securities brokerage establishments, savings and loan institutions and other similar uses.
3. Medical Offices and Medical Support Activities such as offices for doctors and dentists, medical laboratories, and ambulance services along with incidental administrative activities.
4. Health institutions and clinics offering both outpatient and inpatient services but excluding long-term, inpatient psychiatric care facilities .
5. Retail Uses. For purposes of this ordinance, the following uses shall be classified as retail:

- a. **General Retail Sales.** Establishments involved in the onsite retail sales of goods and merchandise for personal or household use. Such activities are to be conducted within the confines of an enclosed structure with no permanent outdoor sales or storage. Typical uses include department stores, apparel stores, antiques shops, bicycle shops, bookstores, cosmetic shops, candy stores, confectionery stores, costume rental, dry goods stores, drugstores, florist or flower shops, furniture stores, garden supply shops, hardware stores, hobby shops, jewelry stores, pet stores, photographic supply stores, radio and television sales, shoe stores, sporting goods stores, stationery stores, toy shops, variety stores, wallpaper stores, wig shops and other similar retail sales.
- b. **Food and Beverage Retail Sales.** Establishments primarily engaged in the retail sale of food and beverages for off-site consumption. Such activities are to be conducted within the confines of an enclosed structure with no permanent outdoor sales or storage except for the sale of gasoline from pumps. Drive-thru facilities designed to expedite customer service are permitted. Typical uses include grocery stores, convenience food stores and liquor stores.
- c. **Convenience Sales and Personal Services.** Establishments primarily engaged in the provision of frequently needed goods and services. Such activities are to be conducted within the confines of an enclosed structure with no permanent outdoor sales or storage except for the sale of gasoline from pumps. Drive-thru facilities designed to expedite customer service are permitted. Typical uses include barber shops, Beauty shops, bakeries, convenience food stores, delicatessens, Pharmacies, dry cleaning and laundry establishments, self-service laundries, newsstands, repair shops and other similar uses.
- d. **Eating and Drinking Establishments:** Establishments or places of business primarily engaged in the sale of prepared foods and/or beverages for on-premise consumption. Curb services facilities are prohibited. Drive-thru facilities designed to expedite customer services are permitted. Typical uses include restaurants, cafeterias, coffee shops, bars and taverns.
- e. **Commercial Entertainment and Recreation Facilities.** Establishments providing entertainment and/or recreational activities open to the general public on a commercial basis. Such activities shall be entirely conducted within an enclosed structure. Typical uses include movie theaters, bowling alleys, skating rinks, billiard parlors, indoor tennis and racketball facilities, athletic clubs, health spas and other similar activities.
- f. **Business Support Services:** Establishments primarily engaged in the provision of services of a clerical, employment, protective or processing nature to firms and individuals and where the storage of goods or equipment other than as samples or as necessary for daily operation is prohibited. Such activities are to be conducted within the confines of an enclosed structure with no outdoor sales or storage. Typical uses

include secretarial services, telephone answering services, copying and blueprint services, drafting services, office supply stores, and computer sales and services.

6. Educational and religious institutions and facilities offering academic or vocational training or providing facilities for religious activity. Typical uses include schools, colleges, universities, nursing schools, vocational training schools and churches, and uses normally considered accessory to and clearly incidental to these typical uses.
7. Community Service Facilities such as day care centers, community centers, museums and libraries.
8. Funeral homes. Facilities for the preparation of the deceased for burial, for the viewing of the deceased and for funerals but shall not include cemeteries or facilities for cremation.
9. Automotive Service Stations and Service Centers: Establishments primarily engaged in onsite sale of petroleum products, tires, batteries and other automotive replacement and accessory items, and in the provision of services and minor repairs such as lubrication, tune-ups, the installation of replacement parts and the washing of cars and those trucks with a capacity of one ton or less. Typical uses include automobile service stations, service centers and car washes but do not include truck stops, truck terminals, automobile sales either new or used, auto storage, or major automotive repair defined as any body repair or painting or major disassembly or dismantling of the engine, transmission or other drive components.
10. Self Service Storage Facilities. Facilities (including their rental office and caretaker's apartment) providing for the rental of enclosed storage units to the general public. Open outside storage for boats, recreation vehicles, automobiles and other similar personal vehicles shall be incidental to the provision of enclosed storage space, and which outside space shall be substituted for an equal square footage of permitted enclosed space. No business activities other than the rental of storage units shall be conducted within the area used for the storage facility. Garage sales, the maintenance and repair of vehicles and equipment, the manufacture or assembly of any goods or materials, and similar activities are prohibited within the area used for the storage facility. Typical uses include mini-storage facilities.
10. Warehouse and Wholesale Activities: Establishments providing warehousing services and wholesale services with administrative offices provided all activities and storage are contained within an enclosed structure.
11. Light Industrial Activities: General commercial and industrial uses provided: (a) all activities are contained within an enclosed structure; (b) noise, glare, vibrations, odor, etc. from the industrial activities do not extend beyond property boundaries; and (c) wastewater and air emissions are no greater than that produced by normal office and commercial activity. Specific uses proposed to be included are truck and auto storage, automotive repair, automotive sales (new and used), builder's supply, contractor's equipment sales and service, equipment repairs, building materials storage, cabinet or carpentry shops, and similar uses.

12. Commercial Nurseries and Greenhouses: Establishments involving the cultivation and/or storage of plant materials for sale along with goods, materials, etc. normally associated with landscaping and gardening. Such activities may be located outside provided: (a) noise, glare, vibrations, odor, etc. from these activities do not extend beyond the property boundaries, and; (b) wastewater and air emissions are no greater than that produced by normal office and commercial activities. Typical uses include nurseries, commercial greenhouses and other similar uses.

13. Hotels and Motels: Establishments providing lodging available to the public on a daily basis. Typical uses include hotels and motels and activities normally accessory thereto such as incidental retail sales, offices, restaurants, bars, night clubs, recreation facilities intended for the convenience of guests, but shall not include accommodations for travel vehicles, recreational vehicles, tents, etc.

14. Kennels: An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business, provided that no outdoor activities are located closer than a three hundred (300) foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a one hundred (100) foot radius from a building used for a restaurant.

D. USE LIMITATIONS

1. All uses shall operate in accordance with the noise standards contained in *Section 6-1500 of the Springfield Zoning Ordinance*.
2. No use shall emit an odor that creates a nuisance as determined by *Chapter 2A, Article X, Springfield City Code*.

E. INTENSITY OF DEVELOPMENT

Development shall adhere to the following standards.

1. The maximum floor area ratio for all permitted office, finance, insurance, real estate, medical support, health clinic, educational and religious institutions, and community service uses shall not exceed 0.35.
2. The maximum floor area ratio for retail uses shall not exceed 0.25.
3. No floor area ratio shall apply to: (a) self service storage facilities, (b) warehouse and wholesale activities, (c) light industrial activities, nor (d) mixed office-warehouse or retail-warehouse uses where less than fifty percent (50%) of the gross floor space is designated for office or commercial use.

F. BULK, AREA AND HEIGHT REQUIREMENTS

1. No structure shall exceed a 45 degree bulk plane.

2. All other setbacks shall be as required in the Zoning Ordinance for the GR. General Retail, District, or its equivalent, or as otherwise specified on the recorded plat of Enterprise Park.
4. Storage buildings within self service storage facilities shall be separated by a driveway not less than twenty five (25) feet in width.

H. OPEN SPACE, LANDSCAPING & SCREENING

1. All areas not shown as buildings or other form of impervious surface on the final development plan and which are not designated as a bufferyard shall be required to be maintained with a living ground cover.
2. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed within the district where they are least visible from a public street or adjoining properties. If such areas cannot be fully removed from view from streets or adjoining property, screening, in the form of a sight proof fence or wall shall be provided.
3. A landscape plan, showing conformance with these requirements, shall be submitted with the final development plan.

I. EXTERIOR LIGHTING

The requirements and standards of *Section 6-1400* of the *Springfield Zoning Ordinance*, in effect at the time of development shall apply.

J. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system shown on Exhibit 2 shall be governed by the existing standards of the City of Springfield for the applicable street classification.

K. OFF-STREET PARKING

The City's parking standards and requirements shall apply except for self service storage facilities in which case the following shall apply for those uses: (a) a minimum of four (4) parking spaces for patrons, tenants, plus (b) a minimum of one (1) parking space per employee, and (c) one (1) parking space for each one hundred (100) storage units shall be provided. In no event shall more than a total of ten (10) parking spaces shall be required for self service storage facilities. Such parking spaces shall be located "to service the project office and manager's living unit.

L. SIGNS

The requirements and standards of *Section 5-1400 of the Springfield Zoning Ordinance*, in effect at the time of development shall apply.

N. MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a duly constituted property owners association meeting all legal requirements prescribed by the City Attorney.

O. PHASING

Development may be phased provided that all public improvements directly related to each phase are completed at the time of its development and that improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

P. FINAL DEVELOPMENT PLAN

A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. The final development plan may be submitted in the form of a preliminary plat, provided the plat is prepared in accordance with the requirements, standards, and intent of this Exhibit. Development of this District shall be in accordance with the approved final development plan.

1. The intent of Exhibit 2 is to show the existing development. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by *Subsection 4-2509.C of the Springfield Zoning Ordinance*.
2. The Administrative Review Committee is hereby authorized to acting jointly, approve the final development plan(s) provided such plan substantially conforms to the provisions of this ordinance.
3. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - a. Any uses within the district other than those specifically prescribed by the ordinance.
 - b. Any increase in the intensity of use permitted within the district.

- c. Any deviation from the height and setback standards prescribed by the ordinance.
- d. Any reduction in the required parking prescribed by the ordinance.

Exhibit 1
Subdivision
Variance 332

LOT 10 EASTWOOD LOT 11

EXIST. SEW. LIFT STATION
HAS BEEN ABANDONED
AND REMOVED TO
WITHIN 3' OF SURFACE

SAN. SEW. LINE A

STA. 2+26
STANDARD SS-1 JUNCTION BOX 2

165.0'
S 87°51'20"E

STA. 2+42
STORM DET. AREA
OUTLET STRUCTURE
SEE DETAILS
SHEET 3

10' X 40' GROUDED
RIP RAP EROSION
PROTECTION AT DITCH
DISCHARGE TO DET.
AREA

STORM DETENTION
ESMT.

H DITCH
DRAINAGE AREA
= 1.21 AC.

EAST DITCH
DRAINAGE AREA
AREA = 1.21 AC.

ON SITE DRAINAGE
AREA NO. 1
AREA = 1.72 AC.

Proposed
Lot 5

CONSTRUCT SWALE
TO DIRECT SURFACE
RUNOFF TO DETENTION
AREA

SEDIMENT CONTROL SILT FENCE
SEE DETAILS THIS SHEET

25' x 50' GRAVEL SURFACE
TEMPORARY CONSTRUCTION
ENTRANCE

SAN. SEW. MH A-2

STANFORD ST.

SEDIMENT CONTROL
MEASURES PER CITY OF
SPRINGFIELD SPECIFICATIONS

LOT 17 EASTWOOD LOT 16 SOUTH

CHARING AVE.

