

Zoning & Subdivision Report

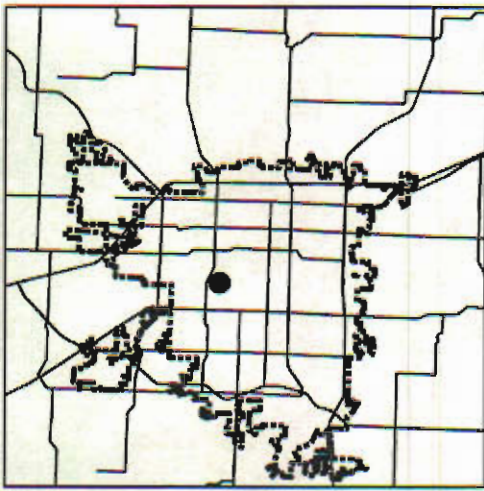
Planning & Development - 417/864-1611
 840 Boonville - Springfield, Missouri 65801

Use Permit 386

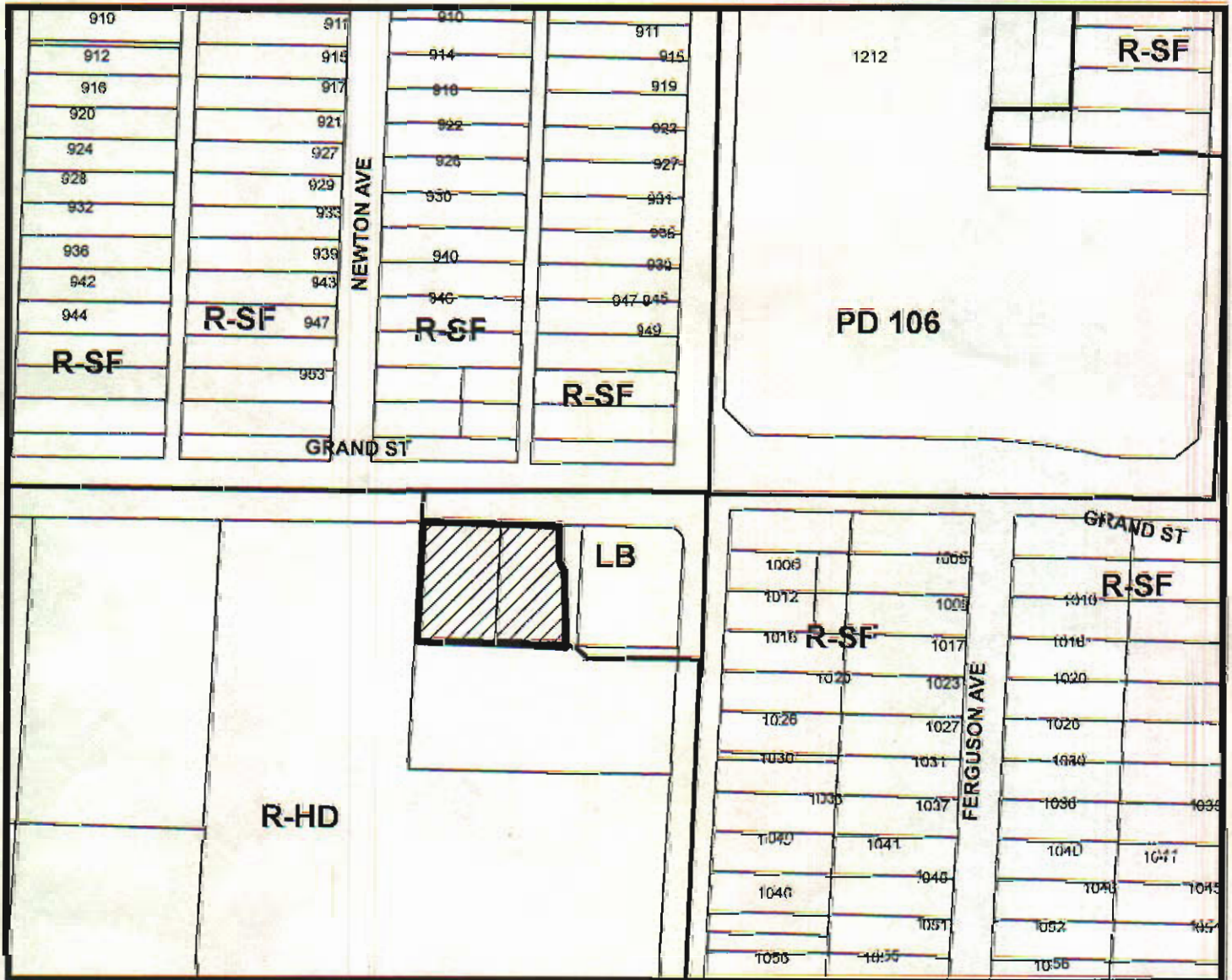
Location: 1322 West Grand Street

Current Zoning: Zoning District or N/A

Proposed Use: Martial Arts Business



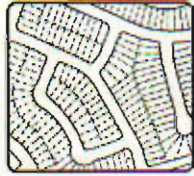
LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet



Zoning & Subdivision Report

*Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 6580*

CONDITIONAL USE PERMIT 386

DATE: August 17, 2009

PURPOSE:

To approve a Conditional Use Permit to allow a school or studio for art, dancing, drama, music, photography, interior decorating or similar courses of study within an LB, Limited Business District in an existing retail building. The intended use is a martial arts business.

BACKGROUND:

LOCATION: 1322 West Grand Street

APPLICANT: Chris Dunham

TRACT SIZE: 0.63 acres

EXISTING USE: Retail strip center

PROPOSED Use: A martial arts business

RECOMMENDATION:

Staff recommends the request be **approved** with the condition listed below.

FINDINGS FOR STAFF RECOMMENDATION:

This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan.

CONDITIONS:

The regulations and standards on the attached Exhibit I shall govern and control the use and development of the land in Use Permit Number 384 in a manner consistent with Exhibit III, except as modified by Exhibit I, and except any changes made by the Planning and Zoning Commission.

FINDINGS TO RECOMMEND DENIAL:

None

STAFF CONTACT PERSON:

K. A. Giles
Associate Planner

- Attachment A – Staff Background Report**
- Exhibit I – Requirements for Conditional Use Permit**
- Exhibit II – Standards for Conditional Use Permit & Applicant's Responses**
- Exhibit III – Site Plan**
- Exhibit IV – Summary of Public Meeting**

ATTACHMENT A
BACKGROUND REPORT
CONDITIONAL USE PERMIT 386

APPLICANT'S PROPOSAL:

The applicant is requesting a Conditional Use Permit to allow a martial arts studio under the category of a school or studio for art, dancing, drama, music, photography, interior decorating or similar courses of study within an LB, Limited Business District within an existing space in a retail building.

SURROUNDING LAND USES:

Direction	Zoning	Land Use
North	R-SF	Single family homes
South	R-HD	Apartments
East	LB	Convenience store
West	R-HD	Apartments

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 Exhibit II.
2. No conditional use permit shall be valid for a period longer than eighteen months from the date City Council grants the conditional use permit, unless within this eighteen 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.

STORMWATER COMMENTS:

No comments as to the change of use of property. Property appears to already be developed to maximum extent allowed.

SANITARY SERVICE COMMENTS:

No objections.

TRAFFIC ENGINEERING COMMENTS:

No objections.

ADJACENT PROPERTY OWNER COMMENTS:

1. Four (4) property owners are within 185 feet of the subject property and were notified of this request.
2. The applicant held a neighborhood meeting on August 7, 2009 in conformance with City Council's policy. A summary of the meeting is attached (Exhibit IV).

STAFF COMMENTS:

1. 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 3-3310 of the Zoning Ordinance. The applicant's proposal involves in-fill in an existing retail building. There will be no change to the exterior of the building except for a change in signage which will be in accordance with the Zoning Ordinance.

EXHIBIT I
REQUIREMENTS FOR CONDITIONAL USE PERMIT 386

1. Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study are permitted. A martial arts business shall be permitted.
2. The location of the structures, green space, parking and drives shall be in substantial conformance with Exhibit III.
3. Any signage shall conform to the standards set forth in Section 5-1400 of the Zoning Ordinance.
4. All other standards of the Zoning Ordinance, and other applicable ordinances, shall be adhered to.

EXHIBIT II
STANDARDS FOR CONDITIONAL USE PERMITS
CONDITIONAL USE PERMIT 386
AND APPLICANT'S RESPONSES

An application for a conditional use permit shall be granted only if evidence is presented which establishes the following:

1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.
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;
Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.
3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control. Although existing conditions do not allow for access of aerial apparatus parallel to the long side (east or west) of the building, allowances have been made for access to the north side of the structure. In return the building owner will upgrade the sprinkler system exceeding requirements of the code;
Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.
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;
Applicant's response: Correct. As a martial arts business, the only noise will be students speaking and practicing.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood. The site and adjacent properties are zoned CC. The vehicular and stationary lights will be similar to the adjacent properties that contain parking lots and area lights;
Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.
7. The location, lighting and type of signs and the relationship of signs to traffic control will be appropriate for the site and in accordance with signage ordinances;
Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

8. 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;

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

9. 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, and will revitalize and reactivate a currently unoccupied building.

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

10. 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;

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city. As a martial art business we strive to improve the character of the neighborhood through promoting healthy values and relationships.

11. 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;

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

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

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

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

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

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

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

15. The proposed residential space will not result in the destruction, loss or damage of any natural, scenic, or historic feature of significant importance.

Applicant's response: Correct. As a martial art business we strive to improve the character of the neighborhood through promoting healthy values and relationships. We provide a convenient location for exercise and training in personal safety and living a healthy lifestyle.

16. Off-street parking and loading areas will be provided in accordance with the standards set out in 5-1500, 5-1600 and 6-1300 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. Due to center city zoning, no parking is required on site. However, parking will be provided within the building;

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

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. The parking lot to the north of the site will be improved following access and utility easements.

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

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. A one-way drive will be provided for vehicular circulation;

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

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;

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

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;

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

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.

Applicant's response: Correct. This is a pre-existing building and the only change will be the addition of signage that is consistent with the requirements of the city.

Chris Dunham of Dunham's Art of American Kenpo held a neighborhood meeting on Friday, August 7th, from 4:00 pm to 6:30 pm at 1322 W. Grand.

There were no attendees.

There were no issues raised.

Chris Dunham

**USE PERMIT 386
EXHIBIT IV**

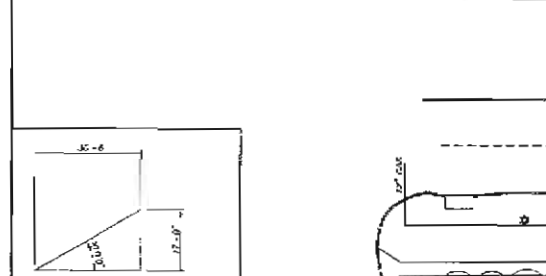
10' Wide Perimeter Landscape Planting Schedule			
SYMBOL	TOTAL TREES REQUIRED PER 100'	MINIMUM PLANTING PER 100' LINEAR FEET	
1	7	1-CANOPY TREES 20'-RED OAK, P-PINES, W-WALNUTS, HW-RED MAPLE (1-1/2" CALIBER)	
2	7	1-UNDERSTORY TREES E2-EASTERN REDBUD, SP-BRAIDED PEARS AND 70-FLOWERING DOGWOOD (1" CALIBER)	
3	1	1-ALT. EVERGREEN TREES WQ-WHITE PINE, SP-SCOTCH PINE (6' HEIGHT)	
4	6	4-SPRINKLES 2A-BOXWOOD (18" HEIGHT) 2B-GLOBE ARBORETUM (18" HEIGHT)	

SEE SHEET NO. 428
FOR OUTLET FOR FIRE
NORTH SIDE OF STREET

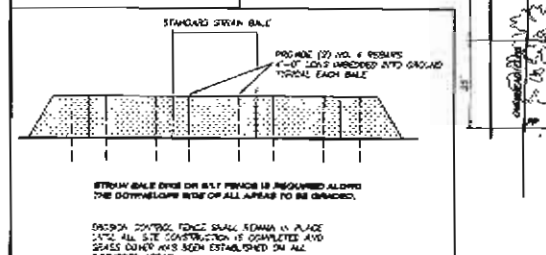
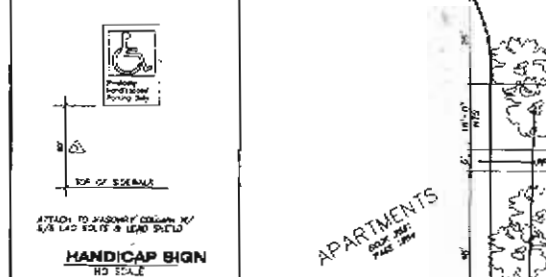
15' Wide Perimeter Landscape Planting Schedule			
SYMBOL	TOTAL TREES REQUIRED PER 150'	MINIMUM PLANTING PER 150' LINEAR FEET	
1	7	1-CANOPY TREES 20'-RED OAK, P-PINES, W-WALNUTS, HW-RED MAPLE (1-1/2" CALIBER)	
2	7	1-UNDERSTORY TREES E2-EASTERN REDBUD, SP-BRAIDED PEARS AND 70-FLOWERING DOGWOOD (1" CALIBER)	
3	1	1-ALT. EVERGREEN TREES WQ-WHITE PINE, SP-SCOTCH PINE (6' HEIGHT)	
4	6	4-SPRINKLES 2A-BOXWOOD (18" HEIGHT) 2B-GLOBE ARBORETUM (18" HEIGHT)	

EXISTING TREES AND SHADES CAN BE SUBSTITUTED FOR REQUIRED PLANTING
SCHEDULES. PLANTING MUST BE LOCATED CLOSE TO THE 15' PERIMETER PLANTING LINE.
NO 20' UNDERSTORY TREES CAN BE SUBSTITUTED FOR CANOPY TREES.
PLANTING SCHEDULES ARE MINIMUM REQUIREMENTS ONLY. ADDITIONAL PLANTING CAN BE INCORPORATED
AS LONG AS IT DOES NOT EXCEED THE MINIMUM PLANTING SCHEDULES.
CITY OF SPRINGFIELD, MISSOURI

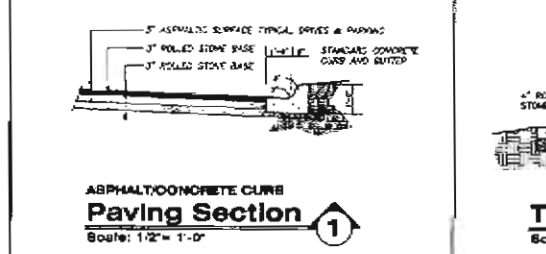
PROPERTY DESCRIPTION
A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 23-NORTH, RANGE 23-WEST OF THE FIFTH PRINCIPAL MERIDIAN BEING ALL OF LOT 1 AND A PORTION OF LOT 2 OF THE HATCHER FINAL PLAT OF OAKWOOD ESTATES AS FILED IN THE GREAT COUNTY, MISSOURI RECORDER'S OFFICE IN PLAT BOOK 47, AT PAGE 87. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID HATCHER FINAL PLAT OF OAKWOOD ESTATES; THENCE S 89° 04' 37" W, A DISTANCE OF 122.00 FEET; THENCE S 0° 04' 37" W, A DISTANCE OF 35.00 FEET; THENCE S 42° 52' 37" E, A DISTANCE OF 13.30 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE N 89° 04' 37" W, A DISTANCE OF 122.00 FEET TO THE NORTHWEST CORNER OF LOT 1; THENCE N 89° 04' 37" W, A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING. ALL BEING IN SPRINGFIELD, GREAT COUNTY, MISSOURI AND CONTAINING 0.81 ACRES MORE OR LESS, SUBJECT TO EASEMENTS OF RECORD AND ANY PORTION DEEDED FOR REASONS PURPOSES THIS TRACT BEING THE SAME TRACT DESCRIBED IN THE TEXT OF BOOK 1009 ON PAGE 1719.



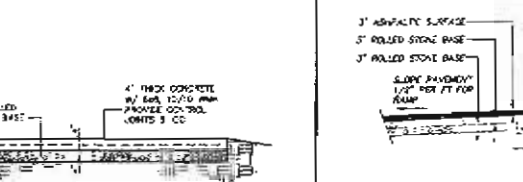
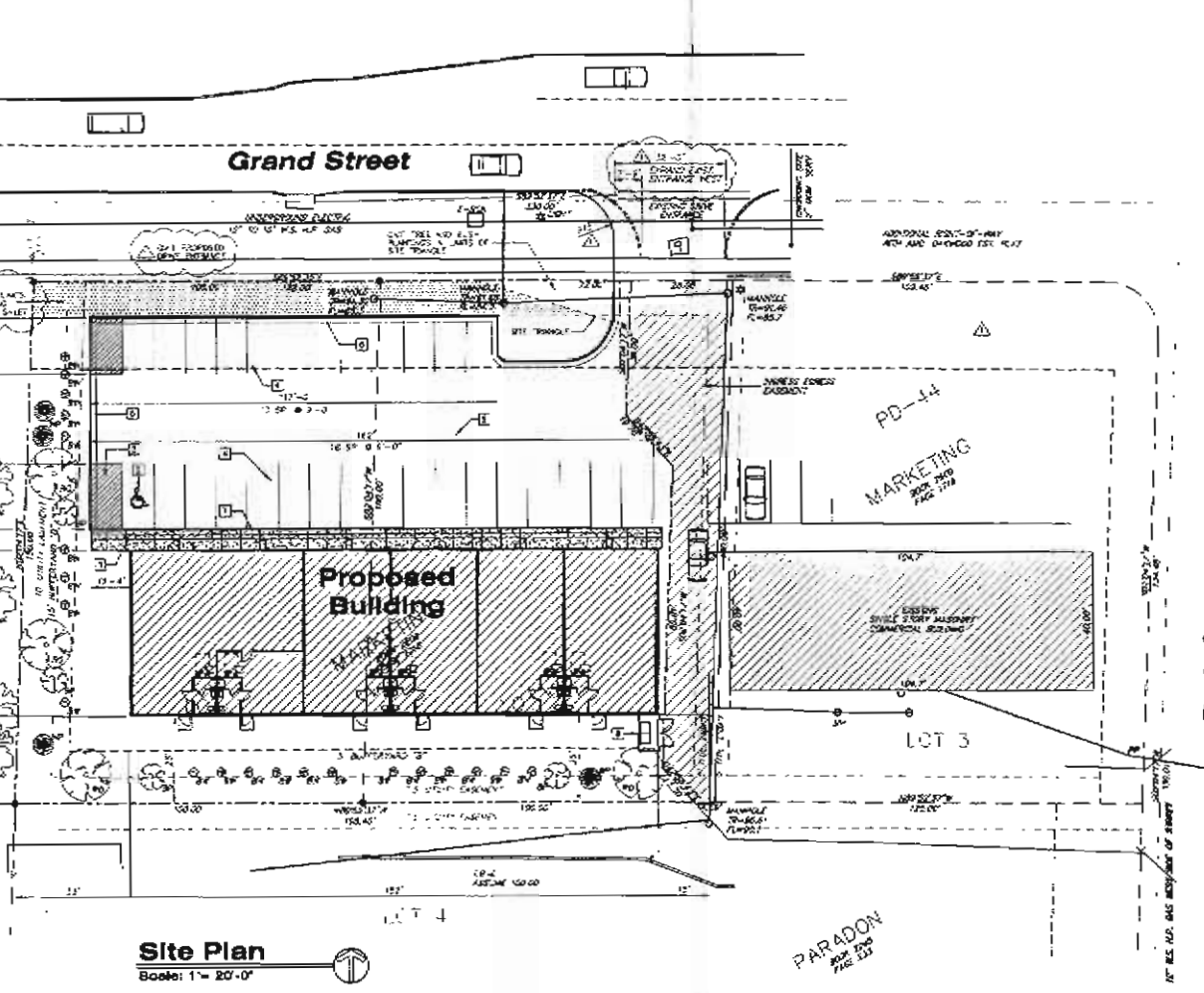
30° Bulk Plane
Scale: 1" = 20'-0"



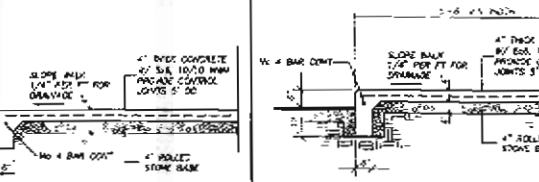
Erosion Control Fence
Scale: 1/2" = 1'-0"



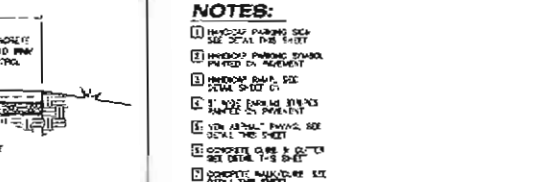
Asphalt/Concrete Curb Paving Section
Scale: 1/2" = 1'-0"



Typical Walk
Scale: 1/2" = 1'-0"



Handicap Ramp Plan
Scale: 1/2" = 1'-0"



Typical Walk/Curb
Scale: 1/2" = 1'-0"

LEGEND

- EXISTING IRON PIPE EXCEPT AS NOTED
- 3/8" IRON PIPE SET CAPED 15'-200'
- EXISTING AS NOTED
- STONE
- CHAIN-LINK FENCE
- WIRE FENCE
- WOOD FENCE
- CUT GRASS ON CONCRETE

CLASS OF SURVEY
THE PROPERTY SHOWN HEREON HAS BEEN RECONSIDERED TO MEET OR EXCEED THE REQUIREMENTS FOR AN SURVEY OF THIS CLASS PROPERTY.

REQUIREMENTS FOR FLOOD PLAIN
THE PROPERTY SHOWN HEREON DOES NOT LIE IN A FEMA IDENTIFIED FLOOD PLAIN ACCORDING TO FLOOD INSURANCE MAP NO. 17040-008-02 DATED 10-19-2003.

AREA
0.81 ACRES
27,781 SQ. FT.

CHANGE OF DESCRIPTION
PLAN, DEK. NO. 163

RESOURCE MATERIALS USED FOR BOUNDARY DETERMINATION
AND SURVEYED ESTATES BY PLAN, DEK. NO. 153
DEED BY 1879 PG. 1977
DEEDS AS SHOWN.

DATE REVISIONS
ALL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2000 INTERNATIONAL BUILDING CODE.

RECEIVED
JAN 24 2006
P1320-30-00729
Revised Sheets Attached

CAUTION:
INFORMATION ON THIS DRAWING IS CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUDING THE CONTRACTOR IS RESPONSIBLE FOR CONDUCTING NECESSARY ONE-CALL FOR A DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AND COMPLETION LINES TO AS TO AVOID DAMAGE THEREIN.

- NOTES:**
- 1) MINIMUM PARKING SEE DETAIL T-10
 - 2) EXISTING PARKING SPACES PAVED ON SURVEY
 - 3) EXISTING CURB, SEE DETAIL T-8
 - 4) 1" NOT EXPOSED BRICKS FINISH IN PARKING
 - 5) 1/2" IRON PIPE, SEE DETAIL T-10
 - 6) CONCRETE CURB & SETTER SEE DETAIL T-8
 - 7) EXISTING MANHOLE SEE DETAIL T-10
 - 8) EXISTING 12" IRON PIPE SEE DETAIL T-10
 - 9) 4" THICK REINFORCED CONCRETE CURB WITH WOODEN FORMS SEE DETAIL T-8

1320-30 W. Grand

PERSONS

3070 South Delaware Ave.
Springfield, Missouri
(417) 883-3760 Fax 883-7807

BILL DERINGTON ARCHITECT

AIA

New Office and Retail Center
For Willie Smith
West Grand Street
Springfield, Missouri
1320-30 W. Grand

C-1