

# Zoning & Subdivision Report

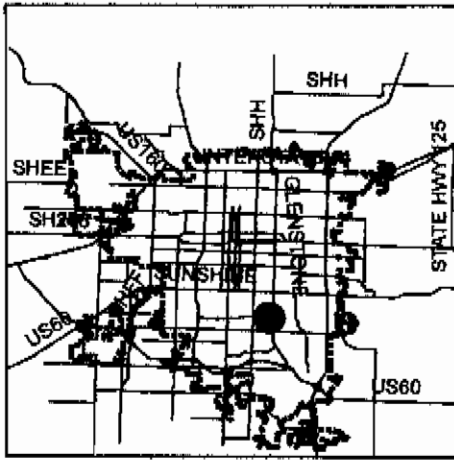
Planning & Development - 417/864-1611  
840 Boonville - Springfield, Missouri 65801

## Z-12-2009/Conditional Overlay District #30

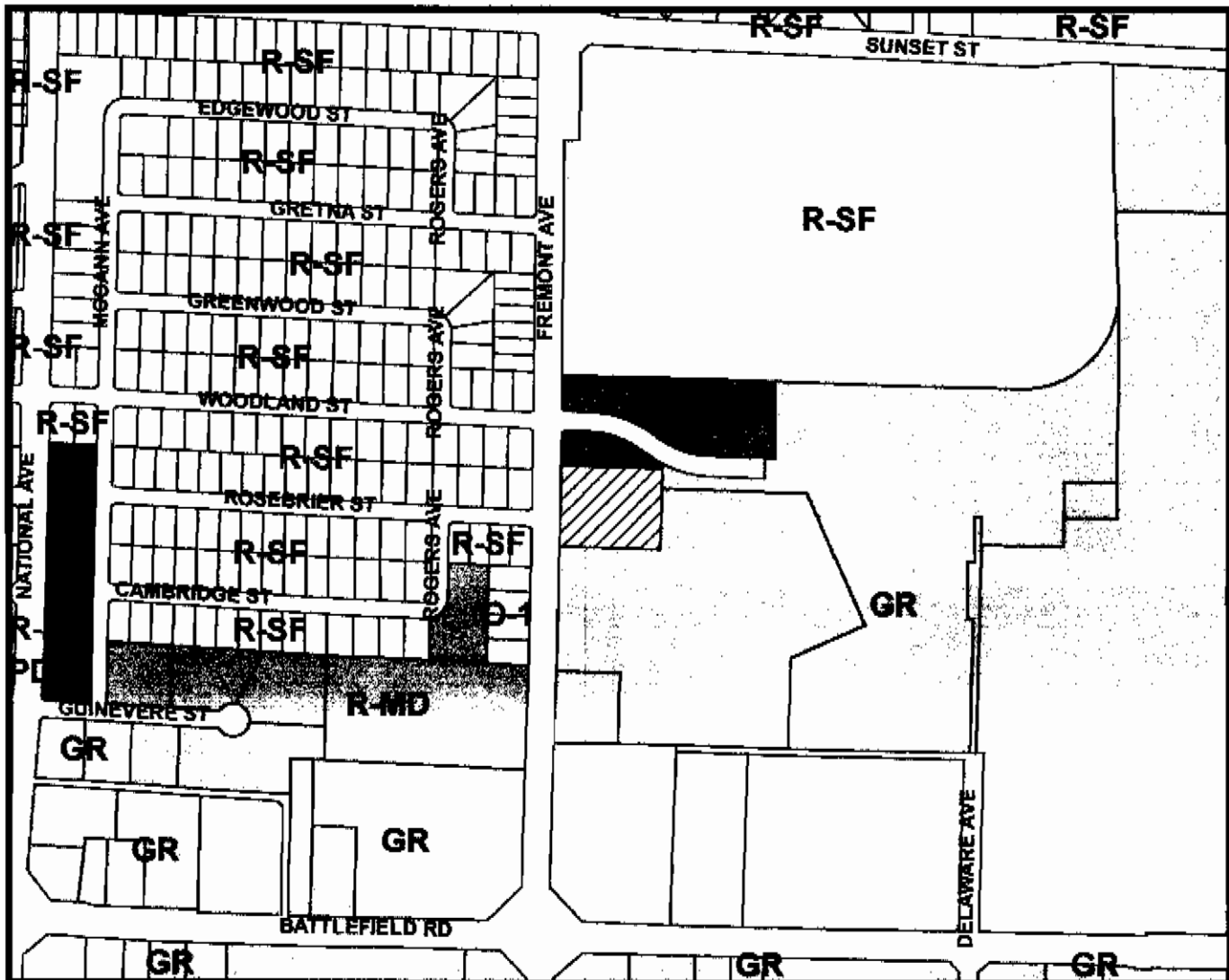
Location: 2814 S. Fremont

Current Zoning: O-1, Office District and R-HD,  
High-Density Multi-Family Residential District

Proposed Zoning: GR, General Retail District



LOCATION SKETCH



- Area of Proposal



1 inch = 500 feet

Affected Agency Notified: Yes  
Emergency Required: No  
Budget Adjust. Required: No  
Board Rec. Required: Yes  
Public Hearing: October 26, 2009  
Sponsor: Bailles  
Date: September 11, 2009

## EXPLANATION TO COUNCIL BILL NO. 2009 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 2.38 acres, generally located at 2814 S. Fremont Avenue, from a O-1, Office District and a R-IID, High-Density Multi-Family Residential District to a GR, General Retail District; and establishing Conditional Overlay District #30.

### ZONING CASE NUMBER Z-12-2009/CONDITIONAL OVERLAY DISTRICT #30

#### BACKGROUND INFORMATION:

The applicant is proposing to rezone approximately 2.38 acres, generally located at 2814 S. Fremont Avenue, from a O-1, Office District and a R-HD, High-Density Multi-Family Residential District to a GR, General Retail District with Conditional Overlay District #30. The applicant is proposing to build a shopping center.

Conditional Overlay District #30 will restrict the Floor Area Ratio (FAR), require additional screening along Fremont, require a lot combination of the rezoned lots and limit signage height, size and type.

Exhibit C contains the requirements and standards for development within this proposed Conditional Overlay District.

#### RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on \_\_ and recommended \_\_, by a vote of \_\_ to \_\_, of the proposed zoning on the tracts of land described on the attached sheet (see the attached Record of Proceedings).

The Planning and Development staff recommends **approval** of the proposed zoning with the requirements of Conditional Overlay District No. 30 (see the attached Zoning and Subdivision Report).

#### FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan designates this area as appropriate for high-intensity retail, office or housing uses being near a major Activity Center.

2. The GR, General Retail District is intended for uses that provide community-wide personal and business services.
3. The General Retail District is consistent and comparable with the existing intensity of uses located east of Fremont Avenue.
4. The conditional overlay district will require additional screening and restrict signage along Fremont Avenue which reduces the impact to the residential neighborhood to the west.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

Submitted by:

Approved by:

Michael MacPherson

\_\_\_\_\_  
Planning and Development

\_\_\_\_\_  
City Manager

EXHIBITS:

- Exhibit A, Legal Description
- Exhibit B, Record of Proceedings
- Exhibit C, Conditional Overlay District Provisions
- Exhibit D, Location Map

ATTACHMENTS:

- Attachment 1, Background Report
- Attachment 2, Neighborhood Meeting Summary (7 pages)
- Attachment 3, Letter of Explanation from H-Design (1 page)

EXHIBIT A  
LEGAL DESCRIPTION  
ZONING CASE Z-12-2009 & CONDITIONAL OVERLAY DISTRICT #30

Legal Description #1

Lots 9 and 10, Meador Park Plaza Subdivision Springfield, Greene County, Missouri

Legal Description #2

Beginning at the center of Section 6, Township 28, Range 21, Greene County, Missouri; Thence North 1191.61 feet for a beginning point; thence East 1327.5 feet; thence North 137.19 feet; thence East 417.9 feet; thence North 394.79 feet; thence West 1745.4 feet; thence South 531.98 feet to place of beginning, all in Greene County, Missouri. Except that part platted as Meadow Park Plaza subdivision recorded in plat book DD at page 85 in the recorder's office of Greene County, Missouri and except that part used for roads.

**EXHIBIT B**  
**RECORD OF PROCEEDINGS**  
**ZONING CASE Z-12-2009 & CONDITIONAL OVERLAY DISTRICT #30**

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

EXHIBIT C  
CONDITIONAL OVERLAY DISTRICT PROVISIONS  
ZONING CASE Z-12-2009 & CONDITIONAL OVERLAY DISTRICT #30

The requirements of *Section 4-3100* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

A. Use Limitations

1. No building permits shall be issued for development within this district until the property is combined with all lots within the proposed rezoning following the City's *Subdivision Regulations*.
2. The maximum Floor Area Ratio (FAR) for this district shall be limited to 0.25.
3. If parking or a vehicular use area is provided within twenty-five (25) feet of the right-of-way along Fremont Avenue, then a decorative headlight screen wall shall be constructed between Fremont Avenue right-of-way and such vehicular use area as generally described:
  - a. Thirty (30) inch high masonry wall measured from finished grade to the top of masonry consisting of split face concrete block, brick, natural stone, cast stone or other approved masonry product.

The screen wall shall not be required at driveway approaches or where sight triangles are required.

4. All requirements of *Section 5-1400* of the *Springfield Zoning Ordinance* shall apply except as amended below:
  - a. The maximum effective area for any detached signs shall be one-hundred (100) square feet.
  - b. The maximum height for any detached signs shall be fifteen (15) feet above street grade.
  - c. No changeable message or image shall be permitted on the detached signage.

ATTACHMENT 1  
 BACKGROUND REPORT  
 ZONING CASE Z-12-2009 & CONDITIONAL OVERLAY DISTRICT #30

DATE: September 11, 2009

LOCATION: 2814 S. Fremont Avenue

APPLICANT: Kenneth Hamilton & Southwest Community Bank c/o Mark Uhler

TRACT SIZE: Approximately 2.38

EXISTING USE: Residential & vacant land

PROPOSED USE: General Retail Uses

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-HD	Multi-Family Residential
East	GR & R-HD	Battlefield Mall & Multi-Family Residential
South	GR	General Retail Uses
West	R-SF	Single-Family residences

HISTORY:

This case was tabled at the Planning Commission meeting on September 3<sup>rd</sup>.

COMPREHENSIVE PLAN:

The Comprehensive Plan designates this area as appropriate for high-intensity retail, office or housing. This category is located near Activity Centers and recommends mixed and multiple land uses on any given site with major considerations given to creating attractive pedestrian spaces and streetscapes, shared or public open spaces and links to greenways. The high-intensity retail, office or housing category lists General Retail as an appropriate zoning district within these areas.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

#### TRAFFIC DIVISION COMMENTS:

1. The proposed overlay district restricts the maximum floor area ratio to 0.25. With this restriction, the proposed change in zoning would result in an increase of fewer than 1,000 additional trips generated by this property. No traffic impact study is required.
2. Access would be allowed from Woodland Street and Fremont Avenue per City's *Subdivision Regulations*.

#### STORMWATER COMMENTS:

1. Drainage patterns for any runoff currently flowing across the site must not be blocked or altered by any future construction.
2. Any increase in impervious area from 1983 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1983 and in currently in good condition can be credited as existing impervious surface.
3. Concentrated points of discharge from these improvements will be required to drain into a natural channel, public right-of-way, or a drainage easement.
4. Provide a sediment and erosion control plan at time of development.
5. Provide a MDNR Land Disturbance Permit at time of development, if disturbing one acre or more.

#### SANITARY SERVICES COMMENTS:

No issues with rezoning regarding sanitary sewer. Sewer will be available when the administrative subdivision is approved.

#### ADJACENT PROPERTY OWNER COMMENTS:

Sixteen (16) property owners were notified by mail of this request. No one from this list has objected to this request to date.

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 13, 2009 on the site. Fifty (50) property owners were notified. A summary of the meeting is attached (Attachment 2).

#### STAFF COMMENTS:

1. The applicant is proposing to rezone approximately one (1) acre of property from a LB, Limited Business District to a GR, General Retail District to allow a shopping center. A residential structure is currently situated on the subject tracts.
2. The City's Comprehensive Plan designates this area as appropriate for high-intensity retail, office or housing. This category is located near Activity Centers and recommends

mixed and multiple land uses on any given site with major considerations given to creating attractive pedestrian spaces and streetscapes, shared or public open spaces and links to greenways. The high-intensity retail, office or housing category lists General Retail as an appropriate zoning district within these areas. Fremont Avenue is classified as a secondary arterial and Woodland Street is classified as a non-residential local. Staff believes that Fremont and Woodland provide the appropriate pedestrian facilities to serve the public and is located within a convenient walking distance of the single-family neighborhood to the west, Battlefield Mall to the southeast and apartments to the northeast of the subject properties.

3. Public Works Traffic Division determined that the change in zoning will not result in a significant increase in trip generation because of the restrictions in the conditional overlay district. The proposed overlay district restricts the maximum floor area ratio to 0.25. With this restriction, the proposed change in zoning would result in an increase of fewer than 1,000 additional trips generated by this property; therefore no traffic impact study is required.
4. The proposed Conditional Overlay District #30 will restrict the Floor Area Ratio (FAR), require additional screening along Fremont, require a lot combination of the rezoned lots and limit signage height, size and type. The GR zoning district would typically have a maximum FAR of 0.40, but the applicants have requested to decrease its intensity to 0.25. As mentioned by the Traffic Division, the restriction on the FAR will reduce any traffic impact concerns. The requirement for a wall along Fremont Avenue will establish an attractive edge along the street and provide headlight screening for the residential properties to the west along with any requirement for perimeter landscaping. The lot combination requirement will allow for alternative access to Woodland Street for any commercial traffic or fire access. The restriction on signage will create a smaller and less invasive detached sign(s). The applicant has restricted any detached signage from having changeable messages or images in response to Planning Commissions concern. Staff believes the proposed overlay district will reduce the impact that any development will have on the single-family neighborhood to the west. The potential intensity that the existing R-HD and O-1 districts, if fully utilized, would make a far greater impact.
5. Staff believes a connection to the Battlefield Mall driveway should be considered, but not required, by the applicant to reduce trip generations on Fremont Avenue.
6. The Zoning Ordinance requires perimeter landscaping where a parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building. Perimeter landscaping is a minimum open space of ten (10) feet wide between the abutting right-of-way and the off-street parking or vehicular use area with the following plantings per hundred linear feet: one (1) canopy tree, one (1) understory, ornamental, or evergreen tree and four (4) shrubs.
7. When adjacent right-of-way is seventy (70) feet or less and residentially zoned property is located across it, a Bufferyard "S2" is required. The Bufferyard "S2" requires a minimum open space of fifteen (15) feet wide with the following plantings per one

hundred (100) linear feet: one (1) canopy tree, two (2) understory tree and four (4) shrubs.

8. All structures shall also remain below a thirty (30) degree bulk plane as measured from the boundaries of any residential districts.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan designates this area as appropriate for high-intensity retail, office or housing uses being near a major Activity Center.
2. The GR, General Retail District is intended for uses that provide community-wide personal and business services.
3. The General Retail District is consistent and comparable with the existing intensity of uses located east of Fremont Avenue.
4. The conditional overlay district will require additional screening and restrict signage along Fremont Avenue which reduces the impact to the residential neighborhood to the west.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

RECOMMENDATION:

Staff recommends **approval** of this request with the requirements of Conditional Overlay District No. 30.

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036



H DESIGN

August 17, 2009

Daniel Neil  
 City of Springfield Zoning Department  
 840 Boonville Avenue  
 Springfield Mo. 65802

Re: Neighborhood Meeting Summary for Rezoning Request  
 2814 S. Fremont Avenue  
 Zoning Case #Z-12-2009 Conditional Overlay District #30.

Mr. Daniel Neil,

Please find below a summarization of the neighborhood meeting on the above referenced zoning case:

1. Development Application:  
*Zoning Case Z-12-2009 Conditional Overlay District #30.  
 Rezone and combine 2 parcels currently zoned O-1 and R-HD into GR with Conditional Overlay.*
2. Meeting Date & Time:  
*Thursday, August 13<sup>th</sup> 2009 from 5:00 p.m. to 6:30 p.m. (See attachment A)*
3. Meeting Location:  
*Project Site at 2814 S. Fremont Ave.*
4. Number of Invitations that were sent: 50 (See attachment B)  
 How was the mailing list generated: *City of Springfield Zoning Staff.*
5. Number of neighbors in attendance: 3 (See attachment C)
6. List the verbal comments and how you plan to address any issues:  
*The primary initial concern was related to traffic increases that this development would generate above existing conditions. We explained to them that the properties are currently zoned O-1 and R-HD and could develop under those requirements. The traffic impact has to be looked at in relation to current zoning vs. proposed zoning, not necessarily in relation to the existing undeveloped land. They understood.*

*Another concern from one gentleman was having food service in the development. He has experienced kids throwing fast-food trash from their car windows into his yard and thought additional restaurants would further contribute. We explained to him that city ordinances regarding trash enclosure and littering would have to be relied on in any case.*

*For the most part, the three people were simply interested in what was being proposed and how it might affect their property values. We explained the conditional overlay requirements that would help to protect their homes and the types of business that would be allowed under GR zoning. They were relieved to hear that no apartments would be built and that the rezone would eliminate that possibility.*



H DESIGN

(2)

7. List or attach the written comments and how you plan to address any issues:  
*No written comments received.*

The meeting ended at 6:30 p.m. and we have received no additional phone call or written inquiries. Please let me know if you receive any inquiries so that we may address prior to the deadline for Planning & Zoning Commission Hearing.

Thank you,

Brent M. Stevens AIA  
Principal / Architect

- Attachments: Attachment A (Neighborhood Meeting Invitation Mailer) 2 pages  
Attachment B (Neighborhood Meeting Mailing List) 2 pages  
Attachment C (Neighborhood Meeting Sign-In Sheet) 1 page



H DESIGN

(3)

# COPY

July 24, 2009

Dear Neighbor,

Please join us for a neighborhood meeting to discuss our rezoning request for a proposed change in zoning for approximately 2.5 acres located on the east side of S. Freemont between Woodlawn Street and the Battlefield Mall Entrance Road. (See attached Map). There are 2 parcels within the rezone that are currently zoned R-HD (Residential High Density) and O-1 (Office). We are asking to rezone and combine both parcels to GR (General Retail).

For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite everyone within 500 feet of the property surrounding the property along with recognized neighborhood organizations.

Although we do not currently have plans for the property, we are interested in understanding potential concerns, recommendations or suggestions that should be considered by the developer for the ultimate use of the project. A sign-in sheet will be circulated and minutes of the meeting will be taken and submitted to the City of Springfield Zoning Department.

Meeting Location: At the project site (Weather Permitting\*\*)  
2814 S. Freemont  
Springfield MO. 65804

\*\*If raining, meeting will be held at the office of H Design Group  
5051 S. National, Suite 7A  
Springfield Mo. 65810

Meeting Date: Thursday, August 13, 2009

Meeting Time: 5:00 p.m. to 6:30 p.m.

The meeting will be an "open house" format with Owner Representatives in attendance during the entire time frame allotted so you are welcome to come and go anytime during the meeting. If you are unable to attend the meeting but would like information, please contact Brent Stevens at 417-887-6595.

Thank you,

# Zoning



SITE ADDRESS

SPRINGFIELD CITY LIMITS

OVERLAY ZONES (continued)

L

UC

ZONING (continued)

LB

GR

ATTACHMENT B COPY 2814 S. Fremont 500 ft. Neighborhood meeting list (5)

BC&TJ LLC ETAL  
413 BOUNTY DR  
CAPE FAIR, MO 656249632

BEMARKT, RICHARD G TR  
2730 S ROGERS AVE  
SPRINGFIELD, MO 658043636

BEUMER, WILLIAM HENRY  
1350 E ROSEBRIER ST  
SPRINGFIELD, MO 658043647

BRACY, DONALD E TR  
2900 S FREMONT AVE  
SPRINGFIELD, MO 658043674

BRYANT CREEK PROP LLC  
598 LAKESIDE RD  
ROGERSVILLE, MO 657427641

BUKOWSKI, KENNETH  
1326 E ROSEBRIER ST  
SPRINGFIELD, MO 658043641

CITY OF SPRINGFIELD  
830 N BOONVILLE AVE  
SPRINGFIELD, MO 658023832

COCHRAN, STEVEN TRUSTEE  
1318 E ROSEBRIER ST  
SPRINGFIELD, MO 658043641

COYNER, ANNA L TR  
1317 E ROSEBRIER ST  
SPRINGFIELD, MO 658043640

DOC HOLIDAY MGT LLC  
2849 S FREMONT AVE  
SPRINGFIELD, MO 658043653

ELMORE, ROBERT L  
1355 E WOODLAND ST  
SPRINGFIELD, MO 658043646

EVANS PROP LLC  
PO BOX 14461  
SPRINGFIELD, MO 658140461

FEAGAN, RONALD LEE & MYRA  
TRUST  
7 DEER RUN DR  
JOPLIN, MO 64804

FENNER, JOHN R JR  
444 GLADSTONE BLVD  
KANSAS CITY, MO 641241823

FITZPATRICK, BRIAN T  
1351 E ROSEBRIER ST  
SPRINGFIELD, MO 658043640

FREMONT PROP LLC  
3333 E BATTLEFIELD ST  
SPRINGFIELD, MO 65804

GILMORE, DOROTHY  
1343 E WOODLAND ST  
SPRINGFIELD, MO 658043644

GOSNELL, MAXINE  
2741 S FREMONT AVE  
SPRINGFIELD, MO 658043606

GOULD, ROBERT M  
1350 E WOODLAND ST  
SPRINGFIELD, MO 658043645

HAMILTONIAN APTS PRTNSHP  
1417 E WOODLAND ST  
SPRINGFIELD, MO 658043707

HCR MANORCARE PROP LLC  
333 N SUMMIT ST  
TOLEDO, OH 43604

HICKMAN, CONDEL H III  
2620 S CAMPBELL AVE  
SPRINGFIELD, MO 658073504

JOHNSON, BOB LON TR  
3227 E AMIDON ST  
SPRINGFIELD, MO 658043526

JONES, HERBERT D ETAL TR  
2711 S FREMONT AVE  
SPRINGFIELD, MO 658043606

LAUGHLIN, STEPHAN E  
1342 E GREENWOOD ST  
SPRINGFIELD, MO 658043621

LEE, RICHARD B  
2029 E ADOLPHUS CT  
SPRINGFIELD, MO 658047596

LOGAN, W NELSON  
1338 E ROSEBRIER ST  
SPRINGFIELD, MO 658043647

LUTTRELL, KEVIN L  
2715 S FREMONT AVE  
SPRINGFIELD, MO 658043606

MCSWEENEY, JOHN OLIVER  
1355 E ROSEBRIER ST  
SPRINGFIELD, MO 658043640

MURPHY, SHARON L  
1336 E WOODLAND ST  
SPRINGFIELD, MO 658043645

NELSON, MARK  
1372 E GRETNA ST  
SPRINGFIELD, MO 658043625

OWREY, WALTER J  
1373 E WOODLAND ST  
SPRINGFIELD, MO 658043646

PAINTER, GLENN W  
1345 E ROSEBRIER ST  
SPRINGFIELD, MO 658043640

PARK PLACE TOWERS LLC  
730 W CENTER CIR  
NIXA, MO 657147001

PHOTOPULOS, DALAS J  
3731 S GLENSTONE AVE  
SPRINGFIELD, MO 65804

PULLEYKING, MICKI A  
1525 E MEADOWMERE ST  
SPRINGFIELD, MO 65804

REEVES, ANGELA  
2721 S FREMONT AVE  
SPRINGFIELD, MO 658043606

SCHWEGEL, ROSEMARY M TR  
1366 E WOODLAND ST  
SPRINGFIELD, MO 658043645

SEARS, THOMAS F  
3332 POPLAR CT  
JOPLIN, MO 64804

SIMON PROPERTY GROUP LP  
P.O. BOX 6120  
INDIANAPOLIS, IN 462046120

SMITH, BRENDA L  
1361 E WOODLAND ST  
SPRINGFIELD, MO 65804

SONNENBERG, ALEX  
816 N NATIONAL AVE  
SPRINGFIELD, MO 658023648

SRC FACILITIES STATUTORY  
TRUST  
3333 BEVERLY RD  
HOFFMAN ESTATES, IL 601790001

TINNIN, HOMER  
1325 E ROSEBRIER ST  
SPRINGFIELD, MO 658043640

TRL, LLC  
PO BOX 10383  
SPRINGFIELD, MO 658080383

TURNER, GEORGE A ETAL TR  
2900 S FREMONT AVE  
SPRINGFIELD, MO 65804

TYKOR PROP LLC  
PO BOX 10001  
SPRINGFIELD, MO 658080001

VILES, LUCAS  
1325 E CAMBRIDGE ST  
SPRINGFIELD, MO 658043612

VONNAHME, MARGIE J  
1372 E WOODLAND ST  
SPRINGFIELD, MO 658043645

WEAVER, JAMES L  
2245 W INGLEWOOD ST  
SPRINGFIELD, MO 658102233





September 17, 2009

Mr. Daniel Neal  
Senior Planner  
Planning & Development Department  
840 Booneville Avenue  
Springfield Mo. 65802

Re: Zoning Case Z-12-2009 with C.O. #30  
2814 South Fremont

Mr. Neal,

Following up on our recent correspondence and in response to the Planning & Zoning Commission hearing on September 3, 2009, we are formally requesting a change to the Conditional Overlay requirements that would address Mr. Ray Shermer's concern of "flashing signage" by amending the text to read as follows:

*4.c. : No changeable message or image shall be allowed on the detached sign.*

I understand from the city attorney that this change will not trigger re-advertisement, additional time, public notifications, or continued public hearings since the proposed change is more restrictive.

The other main concern from Mr. Ray Shermer was with the allowed uses listed under the General Retail zoning. As far as limiting specific uses in this district, we simply are not prepared to make that change. At Mr. Shermer's request, Mike MacPherson sent me a copy of a different conditional overlay that prohibited a "laundry list" of uses that was likely generated due to actual neighborhood opposition. Although there are certain uses on that list that couldn't possibly be constructed on the parcel (driving range, theaters, reservoirs, etc), we would rather simply keep the basic General Retail Zoning without trying to complicate or limit a possible use that may or may not be objectionable to the neighborhood. As previously indicated, we have had no objections from neighbors still to this day. The city adopted zoning ordinance and the uses allowed within each district have evolved over time to suit the growth patterns of our city. If the debate is to be made that certain uses within the GR zoning district are not appropriate anytime it's close to residential zoning regardless of the neighborhood, I feel that is a debate that needs to occur internally to amend the zoning ordinance and not be applied to properties on a case by case basis.

I know that Mr. Ray Shermer was also inquiring about the tenants who were planned to go into the new building and I was not at liberty to share that information during the hearing. If it's any consolation to Mr. Shermer or other board members, I have now been authorized to say that the main anchor tenant will be a fabric store and another smaller tenant will be a pharmacy. With this information, I hope that Mr. Shermer can recognize that this is planned to be a nice "neighborhood retail center". Please feel free to pass this letter along to the planning and zoning commission.

Thank you and please let me know if you need anything else from me prior to the commission meeting on October 8<sup>th</sup>.

Respectfully,

A handwritten signature in black ink, appearing to read 'Brent M. Stevens'.

Brent M. Stevens AIA  
Principal / Architect

Cc: Mike MacPherson, City of Springfield  
Ralph Rognstad, City of Springfield