

# Zoning & Subdivision Report

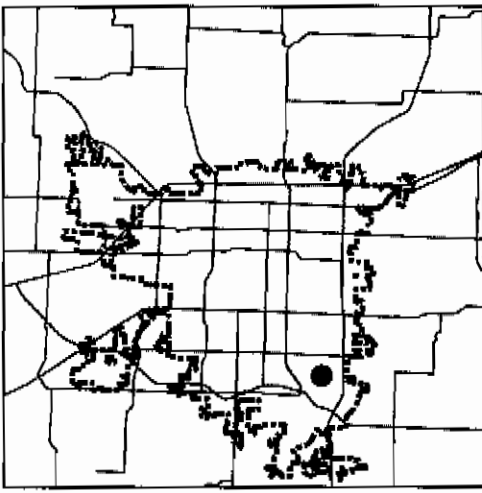
Planning & Development - 417/864-1611  
840 Boonville - Springfield, Missouri 65801

## Zoning Case Z-13-2009

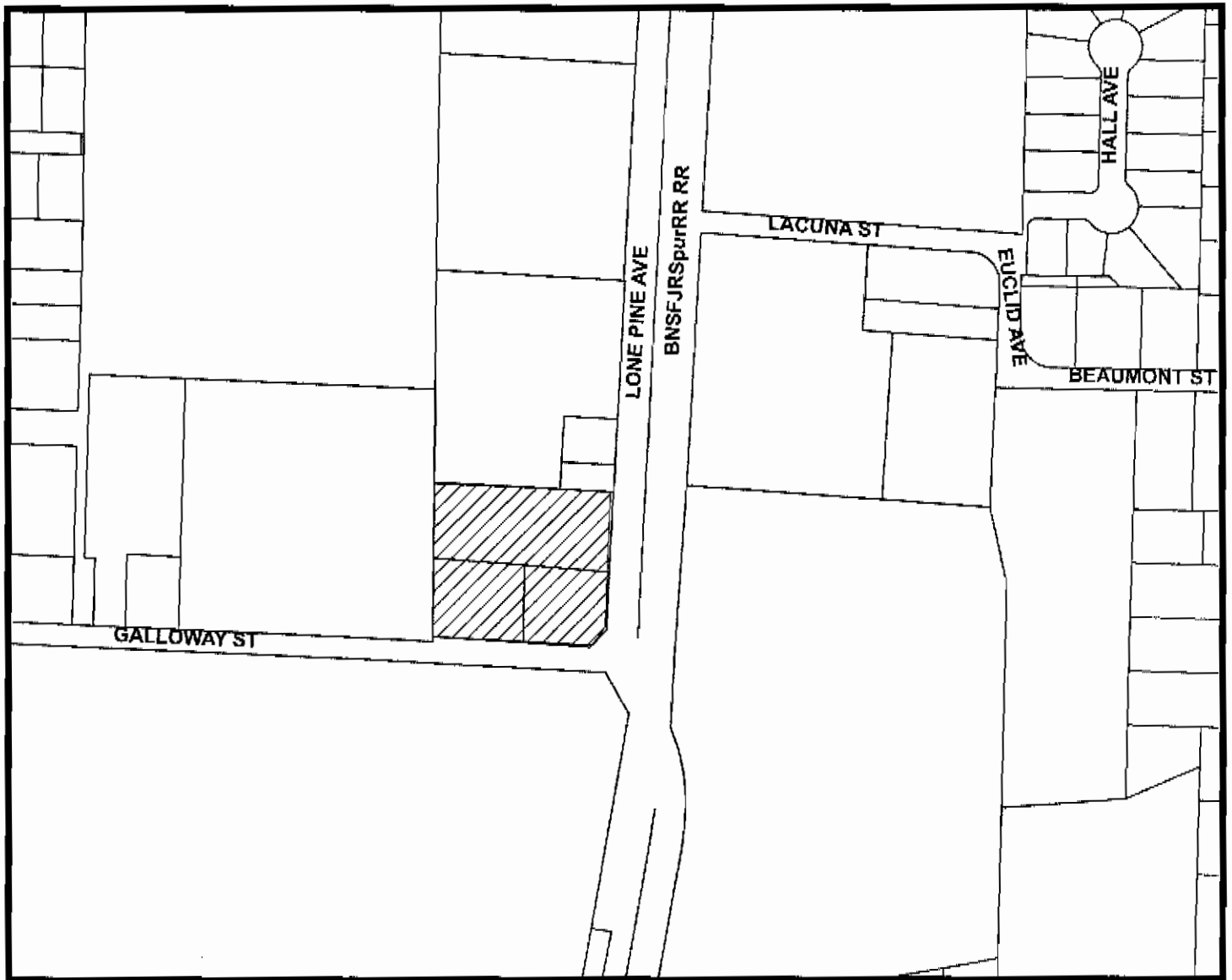
Location: 3535 and 3539 S. Lone Pine and 2811 E. Gallowa

Current Zoning: LB, Limited Business District

Proposed Zoning: GR, General Retail



### LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

Affected Agency Notified: Yes  
Emergency Required: No  
Budget Adjust. Required: No  
Board Rec. Required: Yes  
Public Hearing: May 18, 2009  
Sponsor: Bailes  
Date: October 1, 2009

#### EXPLANATION TO COUNCIL BILL NO. 2009 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 2.1 acres, generally located at 3535 and 3539 South Lone Pine Avenue and 2811 East Galloway Street, from an LB, Limited Business District to a GR, General Retail District.

ZONING CASE NUMBER Z-13-2009

#### BACKGROUND INFORMATION:

The applicant is proposing to approximately 2.1 acres of land from an LB, Limited Business District to a GR, General Retail District. This would allow an existing furniture and gift store and school/studio for dance to remain and become permitted uses.

#### RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on October 8, 2009 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 conditions listed below (see the attached Zoning and Subdivision Report).

#### FINDINGS FOR STAFF RECOMMENDATION:

1. The Southeast Springfield Development Study supports general retail uses at this location.
2. The GR, General Retail District is intended for specialty shops that produce handcrafted items in conjunction with retail sales as proposed by the applicant.
3. The additional uses such as studios/schools for art would only add to the diversity of services that can be offered in this area.

CONDITIONS:

If approved, the new zoning is not effective until:

1. Additional right-of-way is dedicated for Galloway Street to total thirty –five (35) feet from the centerline.
2. The joint driveway on Galloway should be relocated further west to provide one-hundred-fifty (150) foot separation between the drive and the western right-of-way line of Lone Pine Avenue.
3. Access to Lone Pine Avenue will be restricted to a single joint access

If these conditions are not completed within two (2) years from City Council’s approval, then that approval is null and void and the zoning will remain LB, Limited Business.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

Submitted by:

Approved by:

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

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

EXHIBITS:

- Exhibit A, Legal Description
- Exhibit B, Record of Proceedings
- Exhibit C, Location Map

ATTACHMENTS:

- Attachment 1, Background Report
- Attachment 2, Neighborhood Meeting Summary

EXHIBIT A  
LEGAL DESCRIPTION  
ZONING CASE Z-13-2009

All that part of the Northeast Quarter of the Northwest Quarter of Section 9, Township 28 North, Range 21 West, in the city of Springfield, Greene County, Missouri, and being all of a tract of land described in the Warranty Deed recorded in Book 2004, at Page 044636-04 in the Greene County Recorder's Office and being more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Northwest Quarter of Section 9, Township 28 North, Range 20 West, said point being marked by a found 5/8" Iron bar with cap, "Landmark LSC 334", thence North 00 Degrees 59 Minutes 29 Seconds East along the West line of said Quarter Quarter, passing over a found 5/8" Iron bar with cap "Landmark LSC 164D", set 21.35 feet from the origin of the herein course, also passing over a found 5/8" Iron bar with cap "A.D. Inc. 164D", set 30.01 feet from the origin of the herein course, a distance of 175.15 feet to the Point of Beginning, said point also being the Northwest corner of Sequiota Center, a subdivision in the city of Springfield, Greene County, Missouri as recorded in Plat Book UU, at Page 84, in the Greene County Recorder's Office; thence continuing along the said West line North 00 Degrees 59 Minutes 29 Seconds East, a distance of 141.23 feet to a point being the Southwest corner of a tract of land described in an Administrator's W.W.A. Deed as recorded as Book 1820, at Page 688, in the Greene County Recorder's Office; thence departing said West line South 87 Degrees 19 Minutes 11 Seconds East along the South line of said tract of land, and beyond, along the South line of the tract of land as described in a Trustee's Deed (Under Foreclosure) as recorded as Book 2883, at Page 0680, in the Greene County Recorder's Office, a distance of 337.60 feet to the Southeast corner thereof, said point also being in the West Right-of-Way line of Long Pine Avenue, as now established; thence South 03 Degrees 14 Minutes 02 Seconds West along the said West Right-of-Way line, a distance of 149.11 feet to a point in the same; thence North 85 Degrees 57 Minutes 03 Seconds West, and beyond, along the North line of said Sequiota Center Subdivision, a distance of 332.09 feet to the Point of Beginning, and containing 48,586 square feet or 1.115 acres of land, more or less; Except any part thereof taken, deeded or used for road or highway purposes.

And also the following:

All of Lots 1 and 2 in Sequiota Center Subdivision, a subdivision in the city of Springfield, Greene County, Missouri.

EXHIBIT B  
RECORD OF PROCEEDINGS  
ZONING CASE Z-13-2009

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

ATTACHMENT 1  
BACKGROUND REPORT  
ZONING CASE Z-13-2009

DATE: October 1, 2009

LOCATION: 3535 and 3539 South Lone Pine Avenue and 2811 East Galloway Street

APPLICANT: Robert Wayne and Jennifer Shelley and Ronald R. and Betty Shelley

TRACT SIZE: Approximately 2.1 acres

EXISTING USE: Furniture and gift store, yoga studio and other retail uses

PROPOSED USE: Studio/School for dance, furniture and gift store and other General Retail uses

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	LB & R-SF	Retail and residential uses
East	R-SF	Sequiota Park and residential uses
South	HM	Quarry
West	PD 325 & R-SF	Undeveloped land and residential uses

SOUTHEAST DEVELOPMENT STUDY:

The Southeast Development Study's recommended land use pattern designates this area within the Retail or Service Business land use district. Retail and service business districts would include Limited Business (LB), General Retail (GR), and the Office (O) Districts.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. Lone Pine Avenue and Galloway Street are classified as secondary arterials, which require 35 feet of right-of-way measured from centerline. Approximately 5 feet of additional right-of-way is required on Galloway Street. A 30 foot by 30 foot sight triangle is already in place at the intersection of Galloway Street and Lone Pine Avenue.
2. One driveway for each 200 feet of frontage is allowed on a secondary arterial. The joint driveway on Galloway would need to remain, but should be relocated further west to provide 150 separation between the drive and the western right-of-way line of Lone Pine

Avenue. The length of each property frontage along Lone Pine Avenue is less than 250 feet. Access to Lone Pine Avenue will be restricted to a single joint access.

3. The change in zoning would not cause an increase in number of trips generated.

#### 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. Any redevelopment is required to meet the current requirements of the Storm water Design Criteria Manual at time of development.
5. Provide a sediment and erosion control plan at time of development.
6. Provide a MDNR and/or City Land Disturbance Permit at time of development, if disturbing one acre or more or in a protected watershed.

#### SANITARY SERVICES COMMENTS:

No issues.

#### ADJACENT PROPERTY OWNER COMMENTS:

Eight (8) property owners are located within one hundred eighty-five (185) feet of the subject property and were notified by mail of this request. No one has objected to this request to date.

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on September 2, 2009 on the site. Eleven (11) property owners were notified. A summary of the meeting is attached (Attachment 2).

#### STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 2.1 acres of property from an LB, Limited Business District to a GR, General Retail District to allow an existing furniture/gift store and interior decorating business and studio/school for dance as permitted uses. There are currently three commercial buildings located on the subject property. The two businesses located in two different buildings on the site and later found out they were not permitted uses within the Limited Business District. The existing uses are permitted in the General Retail District. City Council recently approved the rezoning of another property along Lone Pine (3830 South Lone Pine) from a Limited

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

RECOMMENDATION:

Staff recommends **approval** of this request.

STAFF CONTACT PERSON:

Alana D. Owen, AICP  
Senior Planner

On September 2, 2009 an open house style meeting was held at 3539 S. Lone Pine, Springfield, MO 65804 to fulfill requirements for re-zoning. Present were Wayne and Jennifer Shelley. The meeting was held from 4:30 to 6:30 P.M. at Success Naturally Yoga center. Mr. & Mrs. Perry Wise attended the meeting and we explained the difference between LB and GR zoning. They had no objections to the rezoning.

Robert Wayne Shelley

Jennifer Shelley