





Affected Agency Notified: Yes  
Emergency Required: No  
Budget Adjust. Required: No  
Board Rec. Required: Yes  
Public Hearing: March 22, 2010  
Sponsor: Ibarra  
Date: February 22, 2010

## EXPLANATION TO COUNCIL BILL NO. 2010 - 085

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.37 acres, generally located on the south side of the 2600 block West Olive, from an HC, Highway Commercial District to an R-LD, Low Density Multi-Family Residential District; and establishing Conditional Overlay District No. 32.

### ZONING CASE NUMBER Z-07-2010/CONDITIONAL OVERLAY DISTRICT #32

#### BACKGROUND INFORMATION:

The applicant is proposing to rezone approximately 0.37 acres, generally located on the south side 2600 block of West Olive from an HC, Highway Commercial District to an R-LD, Low Density Multi-Family Residential District with Conditional Overlay District No. 32. The applicant is proposing to construct two duplexes on the subject property.

Conditional Overlay District No. 32 will restrict the density of development to a maximum density of eleven (11) dwelling units per acre. Since the applicant has requested a maximum of eleven (11) dwelling units per acre, the Multi-Family Development Location and Design Guidelines do not apply. As part of the Conditional Overlay District, additional right-of-way and sidewalks on Olive Street are required.

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 March 4, 2010 and recommended approval, by a vote of 6 to 0, of the proposed zoning on the tract 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. 32 (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will permit the construction of two duplexes and is compatible with the existing residential development to the west and south.
2. Commercial development of the subject property would be difficult with today's more extensive development requirements.
3. Approval will allow for infill development on this property where public infrastructure and services already exist.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

Submitted by:

Michael K MacPherson  
Planning and Development

Approved by:

[Signature]  
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

EXHIBIT A  
LEGAL DESCRIPTION  
ZONING CASE Z-07-2010 & CONDITIONAL OVERLAY DISTRICT #32

ALL OF LOT 34, BLOCK 12, IN WESTPORT ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

# Exhibit B

## RECORD OF PROCEEDINGS

### GENERAL INFORMATION:

Zoning Case Z-07-2010/COD #32 is a request to rezone approximately 0.37 acres of land located on the south side of the 2600 block of West Olive Street from an HC, Highway Commercial, district to an R-LD, Low-Density Multifamily Residential, district with the added restrictions of Conditional Overlay District Number 32.

**COMMISSION HEARING:** March 4, 2010

Mr. MacPherson described the purpose of the case, as per the *General Information* section above. He said that the applicant is proposing to construct two duplexes on the subject property. He quoted from the City's staff report as follows:

Conditional Overlay District #32 will restrict the density of development to a maximum density of eleven dwelling units per acre. Since the applicant has requested a maximum of eleven dwelling units per acre, the Multi-Family Development Location and Design Guidelines do not apply. As part of the Conditional Overlay District, additional right-of-way and sidewalks on Olive Street are required.

Mr. MacPherson referred the Commission to *Exhibit C* of the staff report for more detail on the conditions imposed by the overlay district. He said that staff was recommending approval of the proposal because of the following findings:

1. Approval of this request will permit the construction of two duplexes and is compatible with the existing residential development to the west and south.
2. Commercial development of the subject property would be difficult with today's more extensive development requirements.
3. Approval will allow for infill development on this property where public infrastructure and services already exist.

Mr. McClelland asked if the existing duplexes to the west of the subject site were part of the eleven dwelling units per acre. Mr. MacPherson said no, they were not. Mr. McClelland asked if the person who built the duplexes to the west was also the owner of the proposed new duplexes. Mr. Macpherson said he did not know if the parcels under discussion were all owned by the same person.

Mr. Lawhon opened the public hearing.

Bob Scheid, 1329 W. Swallow, said he was representing Lakes Country Rehabilitation Center. He said the duplexes would be used as transitional housing for vocational rehabilitation clients.

Mr. Lawhon asked how long the clients would typically be living in the duplexes. Mr.

Scheid said that "they would be mentally/physically handicapped developed who come in for vocational evaluation, job training, and job placement." Mr. Lawhon asked if "some of that" would be done in the duplexes. Mr. Scheid replied that the duplexes would only be used as dwelling units.

Pam DeWolfe, 2615 W. College, said she was concerned about the safety of her family, which lives near the subject site. She said she was also concerned that the new duplexes might be built right up against her property line. Mr. MacPherson said that if the property were developed it would have to be done in accordance with guidelines that govern such things as setbacks from adjoining property.

Ms. DeWolfe asked if, later on, she would be able to see what the plans are. Mr. Lawhon said yes, she would.

Mr. Rognstad said that, in addition to setbacks, there would need to be a bufferyard when the property is developed due to the presence of an area of single-family zoning to the south.

Mr. Lawhon closed the public hearing.

Edwards made a motion to approve zoning case Z-07-2010/COD 32. Coltrin seconded the motion. Motion **carried** as follows: AYES: Coltrin, Young, Baird, McClelland, Edwards, Lawhon; NAYS: None; ABSTAIN: None; ABSENT: Wheeler, Roling, Hansen.

MICHAEL K. MACPHERSON  
Secretary  
Planning and Development

EXHIBIT C  
CONDITIONAL OVERLAY DISTRICT PROVISIONS  
ZONING CASE Z-07-2010 & CONDITIONAL OVERLAY DISTRICT #32

The requirements of *Section 4-1200* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

A. Bulk and Intensity of Use Restrictions

1. Maximum residential density shall not exceed eleven (11) dwelling units per acre.

B. Required Improvements

1. Additional right-of-way shall be dedicated for Olive Street to total thirty (30) feet from the centerline.
2. A sidewalk, in conformance with City of Springfield Public Works standards, shall be constructed along the Olive Street frontage of the subject property.

# Zoning & Subdivision Report

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

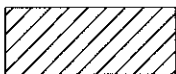
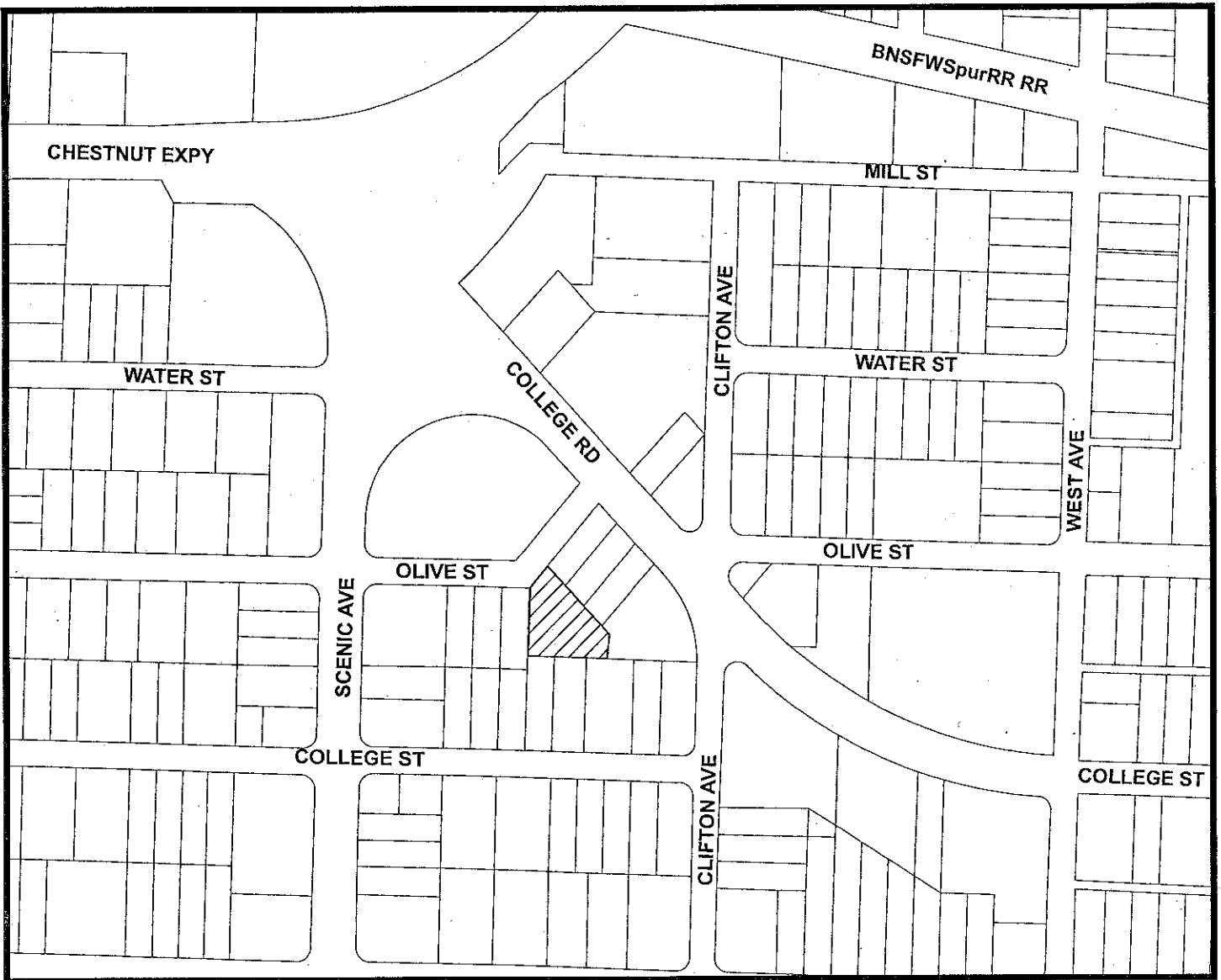
## Zoning Case Z-07-2010/ Conditional Overlay District 32

Location: south side 2600 block West Olive

Current Zoning: HC, Highway Commercial

Proposed Zoning: R-LD, Low Density Multi-Family Residential

### LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

ATTACHMENT 1  
 BACKGROUND REPORT  
 ZONING CASE Z-07-2010 & CONDITIONAL OVERLAY DISTRICT #32

DATE: February 22, 2010

LOCATION: south side 2600 block West Olive

APPLICANT: Lakes Country Rehabilitation Center Assoc.

TRACT SIZE: Approximately 0.37 acre

EXISTING USE: undeveloped land

PROPOSED USE: Duplex use

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	HC	Lakes Country Resource Centers
East	HC	Commercial uses and single family dwellings
South	R-SF	Single family dwellings
West	R-TH, HC	Duplexes and single family dwellings

HISTORY:

The property to the west of the subject property was rezoned from an HC, Highway Commercial District to an R-TH, Residential Townhouse District in October 2002 (Zoning Case Z-27-2002).

TRAFFIC DIVISION COMMENTS:

1. The request is to change zoning from HC to R-LD with a conditional overlay (under 11 DU/acre).
2. Olive Street is classified as a commercial local that requires 30 feet of right-of-way measured from centerline. It appears that approximately 5 feet of additional right-of-way is required for Olive Street as a condition of the rezone.
3. Sidewalk would be required on the Olive Street frontage.
4. The requested change in zoning would cause a decrease in number of trips generated by this property. No traffic study will be required.

#### STORMWATER COMMENTS:

1. Development will be required to meet current storm water detention and water quality requirements.
2. All runoff shall discharge to public right of way, drainage easement, or certified natural drainage channel.
3. Provide sediment and erosion control plan at time of development.
4. Obtain Land Disturbance Permit from MoDNR since development is greater than 1 acre.
5. Obtain Land Disturbance Permit from City of Springfield.

#### SANITARY SERVICES COMMENTS:

Public sewer is available. A tee is available to serve this tract, however its location will have to be verified at the time of connection. Video shows a capped tee 17' east of the west manhole, just outside the main. The developer will have to cut and repair the street to access and unplug the tee. Street repairs are performed by Public Works Street department and billed to the developer or owner.

#### ADJACENT PROPERTY OWNER COMMENTS:

Twenty-six (26) 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 February 1, 2010. A summary of the meeting is attached (Attachment 2).

#### STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from an HC, Highway Commercial District to an R-LD, Low Density Multi-Family Residential District with the intent of constructing two duplexes on the property. The requested Conditional Overlay District will restrict the density on the property to a maximum density of eleven (11) dwelling units per acre which is the typical density of the R-TH, Residential Townhouse District. The R-TH, Residential Townhouse District is the typical zoning district for the proposed use, however the requirement that each duplex be constructed on its own lot in the R-TH district cannot be met because of the irregular shape of the subject property. The subject property has enough lot area to accommodate the structures but does not have enough street frontage on Olive to comply with the minimum lot width requirements for two lots. The requested R-LD zoning will permit the two structures to be constructed on the existing lot without the need to subdivide the property. The proposed development is consistent with the existing development to the west and is compatible with the existing development to the south.

2. The subject property is situated along Olive Street, a local roadway. The subject property's limited visibility on Olive coupled with today's more extensive development requirements for parking, green space, buffering, storm water detention and height requirements next to residential property would make commercial development of the property difficult. Approval of this rezoning will provide for the productive use of the subject property where public infrastructure and services already exist.

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will permit the construction of two duplexes and is compatible with the existing residential development to the west and south.
2. Commercial development of the subject property would be difficult with today's more extensive development requirements.
3. Approval will allow for infill development on this property where public infrastructure and services already exist.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

RECOMMENDATION:

Staff recommends **approval** of this request with the requirements of Conditional Overlay District No. 32.

STAFF CONTACT PERSON:

Alana D. Owen, AICP  
Senior Planner

Attachment 2  
2-7-2010 / Cond. Overlay 32

## NEIGHBORHOOD MEETING SUMMARY

- 1) Development Application: The re-zoning of lot # 34 of the West Port Addition from zoned HC to be rezoned to R-LD COD. Application date 1/22/2010.
- 2) Meeting date and time : 2/01/2010 4:00 to 6:30 pm
- 3) Meeting location :2626 West College Street
- 4) Number of invitations sent: (84)  
How was the mailing list generated? Planning and Zoning Dept c/o Joe Harpine
- 5) Number of neighbors in attendance. (3)

Davis Louzader 2633 West College St Springfield  
John Dickinson 2434 E. Raynell St Springfield  
Dora Cooper 2103 S Western Ave. Springfield

- 6) List of verbal comments:

All three attendants said that the request made good sense to them and had no problems with it.

### Conducting and present at the meeting:

Tom Goss (owner of lot)  
Dave Becker (president of Becker Homes Inc. – builder)