



# Springfield Planning and Zoning Commission

City Council Chambers (830 Boonville)

Date: May 12th, 2016  
Time: 6:30 p.m.

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Members: Jason Ray (Chairman), Randall Doennig (Vice-Chairman), Matt Edwards, Melissa Cox, David Shuler, Andrew Cline, Tom Baird, IV, and Cameron Rose

## 1. ROLL CALL

## 2. APPROVAL OF MINUTES

**April 14th, 2016**

Documents: [PZ MINUTES 4-14-2016.PDF](#)

## 3. COMMUNICATIONS

**City Council Meeting 5-2-16**

Documents: [NA05-02-16.PDF](#)

## 4. CONSENT ITEMS

(All items may be approved with a single motion without a public hearing, unless removed from the consent agenda)

## 5. Change Of Use 516

3100 South Kauffman Road, City of Springfield

Documents: [CHANGEOFUSE516.PDF](#)

## 6. PUBLIC HEARINGS

### 7. Z-4-2016 W/COD #108

3100 South Kauffman Road, City of Springfield

Documents: [Z-4-2016.PDF](#)

### 8. Z-7-2016 W/COD #107

1850 West Republic Road, Judith Groover

Documents: [Z-7-2016 COD 107 SR.PDF](#)

· **9. Conditional Use Permit 422**

1755 South National Avenue, Grandpa's Hospitality House, Inc.

Documents: [UP422 SR.PDF](#)

· **10. Planned Development 348 Amendment 1**

1215 & 1225 North Benton Avenue, Historic Patterson House, LLC

Documents: [MEMO TO TABLE PD 348 AMD 1.PDF](#)

· **11. Preliminary Plat Highland Gardens Lot 13 Block 8**

3248 West State Street, RNB Properties, LLC

Documents: [HIGHLANDGARDENSLOT13BLOCK8.PDF](#)

· **12. OTHER BUSINESS**

· **13. Retaining Wall Amendments**

Citywide, City of Springfield

Documents: [RETAINING WALL AMENDMENTS.PDF](#)

· **14. Conditional Use Permit Amendments**

Citywide, City of Springfield

Documents: [CONDITIONAL USE PERMIT AMENDMENTS.PDF](#)

**15. ADJOURN**

For items for which the public may speak, the Commission Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. **Please fill out a Speaker Card. When you address Commission, please step to the microphone at the podium and state your name and address.** All meetings are televised live and tape recorded. Please limit your remarks to five (5) minutes unless Commission allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 417-864-1443 at least three (3) days prior to the scheduled meeting.

**April 14, 2016**  
**MINUTES OF THE PLANNING AND ZONING COMMISSION**  
Springfield, Missouri

The Planning and Zoning Commission met in regular session April 14, 2016 in the City Council Chambers. Vice Chairman Randall Doennig called the meeting to order.

Roll Call: Present: Randy Doennig (Vice Chair), Tom Baird, David Shuler, Andrew Cline, Cameron Rose, Matt Edwards, and Melissa Cox. Absent: Jason Ray

Staff in attendance: Mary Lilly Smith, Director of Planning and Development, Bob Hosmer, Principal Planner, Tom Rykowski, Asst. City Attorney, Nicholas Woodman, Asst. City Attorney, Dawne Gardner, Public Works Traffic Engineer and Rodney Colson, Public Works Storm Water.

Minutes: The minutes of March 3, 2016 and March 31, 2016 were approved unanimously.

**Communications:**

Mr. Hosmer stated that there are two City Council agendas that have been presented from the March 21 and April 4, 2016 City Council meetings.

**Consent Items:** NONE

**UNFINISHED BUSINESS:**

Conditional Use Permit 417  
506 West Edgewood Street  
**Applicant:** Mark Hunter, LLC

Mr. Hosmer states that this is a request to allow a self-service storage facility within a GR, General Retail District generally located at 506 West Edgewood Street. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this area as appropriate for medium intensity retail, office or housing. 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 uses permitted only by CUP. If the CUP is approved a 5 foot buffer yard is required along the western property line adjacent to the R-TH, Residential Townhouse District zoned property to the west. Staff has reviewed the applicant's request and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363 of the Zoning Ordinance. The regulations and standards listed on the site plan shall govern and control the use and development of the land.

A self-service storage facility is permitted in general conformance with the site plan. When the property develops, all requirements of the GR, General Retail District shall be met including off-street parking, open space, interior and perimeter landscaping. The development of the property shall meet all requirements of the Fire Code including fire lanes and access, Knox switch on the electric gate and the provision of any necessary fire hydrants. An Administrative Re-plat shall be approved to remove the platted setback along the north property line. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Rick Wilson, Wilson Surveying, 2012 S. Stewart, stated that this has been a difficult site to plan a development and is a small lot at the end of a private drive. Property has been commercially designated since its annexation and there is a 30 degree bulk plane requirement because of the residential properties to the west. This property has been vacant for several years.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Edwards motions that we approve the Conditional Use Permit 417 (506 West Edgewood Street). Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray

East West Arterial Mapping  
Evans Road and US Highway 65  
**Applicant:** City of Springfield

Mr. Doennig states that he has conflict of interest on the East West Arterial Mapping (Evans Road and US Highway 65) and will need to recuse himself and appoint a temporary chair and he nominated Commissioner Baird. Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: Doennig. Absent: Ray

Mr. Hosmer states that this a request to approve the East West Arterial Mapping from U.S. Highway 65 and Riverbluff Boulevard to Kissick Avenue (Farm Road 169). The City Charter (section 11.11) gives the Planning and Zoning Commission the ability to make surveys for the exact location of new streets that have been previously included in the Major Thoroughfare Plan. When Commission certifies to the City Council that they have made such a survey; the City may by ordinance map the subject street on the official street map. The general location of the East-West Arterial was identified as a future primary arterial in the City of Springfield-Greene County Comprehensive Plan Transportation Plan Element which was adopted on June 11, 2001 and updated March 3, 2016. The City Planning and Zoning Commission approved the preparation of preliminary designs for the alignment of the East West Arterial at their meeting on June 4, 2015.

A more detailed survey has been completed showing the exact alignment of the East-West Arterial corridor (Attachment 2 and 3). The timing of the street will depend on the development in the area. The adoption of a mapped street shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes. The City Council may provide by general ordinance that no permit shall be issued for any buildings or structures or any part thereof on any land located between the mapped lines of a street as shown on the official map.

The public can view the exact alignment plans in the City of Springfield Public Works Department. Staff recommends approval.

Commission members asked if there was a public hearing or a public notice and if there have been inquiries and what interactions were done with the current landowners.

Mr. Hosmer states that there was notification and that there have been a few inquiries, but no objections to the plan. He also stated that inquiries have been on the general location and how it was going to be funded, built and the timeline.

Mr. Baird opened the public hearing.

Mr. Topper Glass, 4922 S. Clay Court representing Steve Hartley and family who own a portion of the property (15 acre tract) that is affected by the mapping. Asked about the affect of the mapping on future use of the property and noted that the City cannot commit or know when the arterial would start or be completed. He asked who would be responsible to cancel the project if the construction would not take place in the foreseeable future and stated that without a foreseeable timeline it encumbers the property and places restrictions on the owner. He also asked about the arterial being moved south as opposed to the original path.

Mr. Hosmer stated that the old alignment of the centerline was adopted in 2001 and stated that the new alignment was adopted at the last meeting on March 3, 2016 and shows an exact survey of the location with the Major Thoroughfare Plan.

Staff stated that the commission adopted the current Transportation Plan on March 3, 2016 and a survey was completed showing the alignment and a change in the design of the road was due to engineering of a multi-million dollar creek crossing. To cancel the project (or un-map the road) or change the current proposed location would require an action from City Council. The East West Arterial is part of future growth and will eventually connect from Highway 65 to Campbell Avenue providing a corridor for Southern Greene County.

Mr. Baird closed the public hearing.

Commission members asked what is the City's obligation to the landowner for compensation.

Staff noted that the City will pay for the right-of-way when ready to build, but there is no immediate compensation. However, the City will do market studies at the time of the building, employ real estate professionals and get a fair market value and make the owners an offer.

Mr. Baird had concerns regarding the arterial's new location versus the old location and how it will affect the current landowners.

Mr. Edwards stated that he appreciates the need to plan, however feels that there should be a better process and hopes that City Council notes that inaction is irresponsible on behalf of the City and if the City wishes to encumber this property they have a responsibility to move forward to the landowners. He states that long-term planning is important, however needs to have action ready when a decision is made and not to leave citizens in limbo.

Commission members asked about the landowner notification and expressed concerns regarding any future plans that were approved at the March 3, 2016 meeting and what is the difference since it has been surveyed.

Mr. Hosmer stated that there has been 2 public meetings as well letters sent, newspaper notifications and that the commission approved the Major Thoroughfare Plan Map Amendment which had 37 changes at various locations throughout the City of Springfield.

Dawne Gardner, Public Works Traffic Engineer noted that the East West Arterial is not a new road; it has been on the Major Thoroughfare Plan since 2001. What was presented at the March 3, 2016 was a five year update to the Major Thoroughfare Plan with changes. The East West Arterial corridor is a project that needed more than just a line on a map because it was surveyed long before the Major Thoroughfare Plan was adopted last month. The City needed to know more of where it should exactly be located in case of development and with it being an arterial it became more critical that the City do a detailed survey so the City knows exactly where it is going to be placed.

Mr. Edwards motions that we approve the East West Arterial Mapping (Evans Road and US Highway 65). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Baird, Shuler, Cline, Rose, and Edwards. Nays: Cox. Abstain: None. Absent: Ray

Vacation 784  
1245 East Republic  
**Applicant:** David Mires

Mr. Hosmer states that this is a request to vacate approximately 13 feet of Republic Road right-of-way at 1245 & 1247 East Republic Road. The right-of-way was obtained by the City to make intersection improvements to the Republic Road and National Avenue intersection. The intersection improvements have been completed and the subject right-of-way is no longer needed for public use. All necessary easements within the subject rights-of-way vacation have been obtained in the existing platted subdivision. There are 13 property owners within three hundred (300) feet of the subject area and have been notified of this action. Staff has not received any comments. The applicant held a neighborhood meeting on March 7, 2016 regarding the vacation request. The requested vacation meets the approval criteria. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Ted Johnson, 4945 S. Pratt, representing the client, stated that when Republic Road and National Avenue on the northeast corner was widened it was agreed upon that if additional right-of-way to the west was given, the City would agree to support the vacation of the driveway that was constructed and approved at that time.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Edwards motions that we approve Vacation 784 (1245 East Republic). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray

Z-3-2016

6323 South Creeksedge Court

**Applicant:** Dogwood Ventures, LLC

Mr. Hosmer states that this a request to rezone approximately 0.45 acres of property generally located at 6323 & 6327 South Creeksedge Court from a Planned Development 209 to a R-SF, Residential Single-family District. The Growth Management and Land Use Plan Element of the Comprehensive Plan identifies this area as appropriate for Low-Density Housing. The proposed R-SF district is an appropriate zoning district for this land use category. The current Planned Development only allows semi-detached and attached dwellings, such as patio court homes or townhouses. The applicant proposes to develop single-family detached dwellings on the two (2) undeveloped lots. City Council approved Planned Development 318 in April 2007 rezoning property in this area to allow for development of single-family detached homes. This PD is across the street to the east.

Approval of this application will allow for the development of single-family detached dwellings. This use is compatible with the existing patio court homes and townhomes. Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Peggy Resz, 1612 E. Powell, representing the applicant and just changing from patio homes and townhouses to single family homes.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Cline motions that we approve Z-3-2016 (6323 South Creeksedge Court). Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray

Z--5-2016

3026-3156 North Oakland Avenue

**Applicant:** Spring Meadow Estates, LTD

Mr. Hosmer states that this is a request to rezone approximately 3.74 acres of property generally located at 3026-3156 North Oakland Avenue from a R-LD, Low-Density Multi-Family Residential District to a R-SF, Single-Family Residential District. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for medium- or high-density housing. Townhouses and all various forms of apartment buildings are included in this category. The request is consistent with the adjacent R-SF zoning to the west along Oakland Avenue and in the Spring Meadows Subdivision. The Transportation Plan classifies Oakland Avenue as a local street which supports the proposed land use. The proposed properties will need to be re-platted to comply with the R-SF, Single-Family Residential District bulk area and height requirements. Staff recommends approval.

Ms. Cox asked about the buffer and what is currently there and if there is any retroactive buffer required and asked what was Lowe's previous buffer requirement was when it was constructed.

Mr. Hosmer stated that the buffer yard would be on the general retail side and if the site was redeveloped then they would have to meet the requirements.

Mr. Baird asked if the buffer yard would take effect only if Lowe's would redevelop their site.

Mr. Hosmer stated yes, only if Lowe's redevelop their site and the landscaping would be on Lowe's property. Lowe's original requirement did not require landscaping, possibly due to an drainage easement.

Mr. Doennig opened the public hearing.

Mr. James Wehr, 1680 H. South Bradford Parkway is the developer of this subdivision and it was acquired in 2007 and would like to see it changed to single family residential because they are not selling as multi-family units. He stated that he had a commitment from someone to buy if they are changed to single family residential.

Mr. Baird asked if this subdivision was developed prior to Lowe's.

Mr. Wehr stated that Lowe's was already there.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Ms. Cox motions that we approve Z-5-2016 (3026-3156 North Oakland Avenue). Mr. Edwards seconded the motion. The motion **carried** as follows: Ayes: Doennig , Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray

Z-6-2106 w/COD #106

500 Block South Barnes Avenue

**Applicant:** O'Reilly Automotive Stores, Inc.

Mr. Hosmer states that this is a request to rezone approximately 2.6 acres of property, located in the 500 block of South Barnes Avenue from a HM, Heavy Manufacturing with Conditional Overlay District No. 34 to a HM, Heavy Manufacturing District with a Conditional Overlay District No 106. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this property as an appropriate area for General Industry, Transportation and Utilities land uses. City Council on May 5, 2010 approved Ordinance No. 5872 to rezone the subject property to a Conditional Overlay District No. 34 which prohibits all other uses except off-street commercial parking lots and structures. The applicant is requesting to change a portion of Conditional Overlay District No. 34 and enact a new Conditional Overlay District No. 106 which will

prohibit all other uses except general offices and off-street commercial parking lots and structures. The rezoning request will retain the Conditional Overlay District No 34 requirements for the property at the intersection of Barnes Avenue and Cherry Street which prohibits all other uses except off-street commercial parking lots and structures. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Paul Engel, Anderson Engineering representing O'Reilly Automotive. At the neighborhood meeting 4 individuals attended, one requesting that we limit to general office and it was agreed upon.

Mr. Doennig closed the public hearing.

Mr. Edwards asked if there are any storm water concerns.

Rodney Colson, Public Works Storm Water stated that the developer would have to provide detention and water quality for any increase of the impervious area to meet code.

**COMMISSION ACTION:**

Ms. Cox motions that we approve Z-6-2016 (500 Block South Barnes Avenue). Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray

Conditional Use Permit 421  
1141 East Elm Street  
**Applicant:** City of Springfield

Mr. Hosmer states that this is a request to allow a reduction of the front yard setback along Elm Street within an R-HD, High-Density Multi-Family Residential District and UN, University Combining Overlay District generally located at 1141 East Elm Street.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this area as appropriate for medium- or high-density housing. The property is within a University Combining District which permits dormitories, fraternities and sororities. The City is requesting to reduce the front yard setback along Elm Street, a collector roadway, from twenty-five (25) feet to ten (10) feet. The reduced setback will allow the existing sorority building to be in conformance with the building setback requirements. A reduced setback brings activity to the street and an edge along the sidewalk that promotes pedestrian activity and safety. The proposed setback does not create any sight or safety issues for travelers on adjacent roadways. City Council has approved other similar requests for reduced front yard setbacks near the MSU campus specifically along Elm, Kimbrough Avenue and Bear Boulevard.

Development of this site will comply with all of the requirements of the Zoning Ordinance for the R-HD, High-Density Multi-Family Residential and UN, University Combining District other than the change to the setback being requested with this application. All requirements for parking, open space, buffer yards and height will be met with the development of this property. 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 36-363(10) of the Zoning Ordinance. Staff recommends approval.

Mr. Doennig asked about the setback lines.

Mr. Hosmer stated that the City has building setbacks and to be consistent along with right-of-way. A lot of the setbacks along Kimbrough Avenue are at 10 to 15 feet.

Mr. Baird asked about the standards for conditional use permits and if they are proposing a new building or is the setback just changing for their existing facility.

Mr. Hosmer stated that this building has already been constructed and is not currently in compliance. The conditional use permit will bring the building into compliance by allowing the second story porch.

Mr. Doennig questioned whether they had approved a previous type of variance for the same builder and wondered if the problem was lack of understanding with the City staff.

Mr. Hosmer stated that the City did look at this incorrectly as far as interpretation of the code.

Mr. Doennig opened the public hearing.

No speaker spoke.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Cline motions that we approve the Conditional Use Permit 421 (1141 East Elm Street). Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray

Preliminary Plat Western Meadows  
800 South Waco Avenue and Miller Avenue  
**Applicant:** Mary Ann Moore Trust

Mr. Hosmer states that this is a request to approve a preliminary plat to subdivide approximately 5 acres into a 28 lot single-family residential subdivision with common area located at 800 Block of South Waco Avenue and Miller Avenue. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Low-Density Housing uses. The applicant is also requesting a subdivision variance to allow one driveway per lot onto a collector street (Miller). There are 11 lots on Miller. Per zoning code 36-471, sidewalk is required to be constructed along the property frontage on Waco, Madison, Miller.

Storm water management will be a low impact development that encourages infiltration through the use of grass swales and a dry detention basin. Staff recommends approval.

Mr. Cline asked if the collector street would be similar to Fremont Avenue which has many driveways directly on it.

Mr. Hosmer stated that it is correct however, the City does not encourage driveways on collector streets.

Mr. Edwards questioned why staff would support it.

Mr. Hosmer stated that the arrangement of the platting and otherwise the developer would not be able to plat as many lots as he wants.

Ms. Dawne Gardner, Public Works Traffic Engineer stated that normally residential single family homes are not on a collector road, so that is why the code states that, but in this area, it acts more of a residential single family area and it does have a lower traffic count.

Ms. Cox asked about the storm water and the density and if there is an allowance for a higher density for streets coming out onto arterial area for the proposed low-density housing and if this is being utilized as a green storm water infrastructure and other types of storm water management or only to meet City storm water management.

Mr. Rodney Colson, Public Works Storm Water, the developer went through a very preliminary drainage design procedure and made sure that the detention basin that they are proposing will provide adequate storm water detention and water quality for the development so there will not any drainage issues. Low impact development (LID) is where the City is trying to implement with infill areas where there is no drainage system for them to connect to and this will get detention and water quality on site through infiltration into the ground.

Mr. Baird asked about communications with the school and navigating for children walking along Waco Street.

Mr. Hosmer stated that there have not been any communication, however the property was posted and the development requires sidewalks.

Mr. Doennig opened the public hearing.

Mr. Rick Wilson, Wilson Surveying, 2012 S. Stewart, representing the owner stated that this is an old plat. Plat was generated around 1927 or 1928 with through and through lots going from Waco Street to Miller Avenue which are double frontage lots. We are proposing to divide into smaller lots to be more compatible with the affordable housing that is in the area and with a 5' sidewalk. We have studied the storm water management for approximately 6 months and think that we can handle most of the storm water with infiltration and will have a shallow detention pond which will be discharged into Miller Avenue. We are

bringing sanitary sewer to this site and will reconstruct the ditch along Miller Avenue that will be adequate to carry the storm water discharge.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Edwards motions that we approve the Preliminary Plat Western Meadows (800 South Waco Avenue and Miller Avenue). Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray

Preliminary Plat South Creek Crossing  
2620 South Campbell Avenue

**Applicant:** South Creek Crossing, LLC

Mr. Hosmer states that this is a request to approve a preliminary plat to subdivide approximately 8 acres into a three lot subdivision located at 2620 South Campbell Avenue. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Medium Intensity Retail, Office or Housing. The applicant is also requesting a subdivision variance to allow lots without full frontage on a public street. No additional access allowed to Campbell and they must utilize existing shared access with property to the north. Since the site is located in the floodplain, storm water detention has been bought-out for Lots 1 & 2 and will be bought-out for Lot 3 at the time of development. A regional water quality basin has been constructed to serve Lots 1, 2 & 3. Staff recommends approval.

Commission members asked for a brief description because of the water concerns next to a stream.

Mr. Rodney Colson, Public Works Storm Water, stated that some of the proposed area is in the 100 year floodplain. They are not able to development in the floodway and can't allow rise, but can develop in the floodplain. In a 100 year flood a detention basin would under water so the City does buyouts on the detention portion of the requirements, it allows the water to pass into the existing stream channels fast so it won't hold water upstream and cause flooding. We require them to do water quality because in the lower storm events we want to keep the discharge coming off the property clean because it will go into the creek in order to meet federal requirements.

On this type of development we allow buyouts on the detention, we required water quality to be constructed onsite to protect the creek and this is what the developer has done. The developer will be required to raise their finished floor elevation to a minimum of 2' higher than the 100 year flood elevations. The 100 year flood term is the 1 percent annual chance flood, means that there is 1 percent chance in a year or 1 time in a hundred years.

Mr. Doennig opened the public hearing.

Ms. Jane Earnhart, Olsen Associates, 550 St. Louis Street, representing the developer, we did have to go through the floodplain development permit and the engineers have made certain that it will meet the regulations that are required.

Mr. Doennig asked about the rain water based upon the design presented.

Ms. Earnhart stated that the property slopes from north to south, and the parking lots will allow rain water to flow to the south and the water quality is along the south side. All the water has to go through the green belt before it is allowed to go through the outlet structure and out into the creek area and the water quality basin will do the filtering. The water will discharge through the berm between the water quality basins and will go underneath the trail.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Edwards motions that we approve the Preliminary Plat South Creek Crossing (2620 South Campbell Avenue). Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, and Edwards. Nays: None. Abstain: None. Absent: Ray (Cox did not cast a vote)

Preliminary Plat Battlefield Business Center Number 12  
2000 West Sunset Street

**Applicant:** Battlefield Business Center II, LLC

Mr. Hosmer states that this is a request to approve a preliminary plat to subdivide approximately 3.64 acres into a 2 lot manufacturing subdivision located in the 2000-2100 block W. Sunset Street. The original preliminary plat of Battlefield Business Center was approved by City Council in 2000 and extended by the approval of final plats until 2011, when the preliminary plat expired. The remaining un-platted lots must be brought into conformance with the Subdivision Regulations prior to building permits being issued. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Business Park uses. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" The applicant's proposal is consistent with the City's Subdivision Regulations. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Rick Wilson, Wilson Surveying, 2012 S. Stewart, these are two lots that did not get final platted. The developer had concerns that the economy was changing and did not want to pay higher taxes; however we now want to complete the development.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Baird motions that we approve the Preliminary Plat Battlefield Business Center Number 12 (2000 West Sunset Street). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray

Initiate Retaining Wall Amendments  
Citywide

**Applicant:** City of Springfield

Mr. Hosmer states that this is a request Initiate Retaining Wall Amendments Subsection 36-453(5)(a)5. The current requirements do not permit any retaining or solid masonry wall in all required yards above two and one half feet (30 inches) in height. Staff is proposing to modify the Permitted projections and structures in required yards section of the ordinance to permit retaining walls in any required yard regardless of height. This will allow for more flexibility and eliminate the need for a zoning variance when new or existing lots are created on steep or sloping terrain. Staff requests that Commission initiate amendments to the Zoning Ordinance to consider modifications as specified. If Commission approves, staff will bring text language back the Planning and Zoning Commission for consideration and approval.

**COMMISSION ACTION:**

Mr. Baird motions that we approve the Initiate Retaining Wall Amendments (Citywide). Mr. Edwards seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray

Initiate Conditional Use Permit Amendments  
Citywide

**Applicant:** City of Springfield

Staff has recently found that section 36-363(5) conditional use permits is referring to the wrong subsection of the Zoning Ordinance. The subsection referenced should not be (6) but rather subsection (10) which is the standards subsection in the Zoning Ordinance. Staff requests that Commission initiate amendments to the Zoning Ordinance to consider correcting this section of the code. If Commission approves, staff will bring text language back the Planning and Zoning Commission for consideration and approval.

**COMMISSION ACTION:**

Ms. Cox motions that we approve the Initiate Conditional Use Permit Amendments (Citywide). Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Doennig, Baird, Shuler, Cline, Rose, Edwards, and Cox. Nays: None. Abstain: None. Absent: Ray



# Noted Agenda City Council Meeting

**City Council Chambers  
Historic City Hall, 830 Boonville**

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**Robert Stephens, Mayor**

**Zone Councilmembers**

Phyllis Ferguson, Zone 1  
Justin Burnett, Zone 2  
Mike Schilling, Zone 3  
Craig Fishel, Zone 4

**General Councilmembers**

Jan Fisk, General A  
Craig Hosmer, General B  
Kristi Fulnecky, General C  
Ken McClure, General D

**Upcoming Council Meeting Agenda  
May 2, 2016 - 6:30 p.m.**

**Speakers must sign up with the City Clerk to speak to an issue on the agenda.  
Speakers are to limit their remarks to three to five minutes.**

**Note: Sponsorship does not denote Council member approval or support.**

**ROLL CALL.**

Approved as  
Presented

**APPROVAL OF MINUTES. April 18, 2016 and April 26, 2016 - Special**

Approved as  
Presented

**FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.**

**CEREMONIAL MATTERS.**

**CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETINGS.**

**SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On.**

Tabled

**Council Bill 2015-324 Substitute 1. (Stephens)**

A special ordinance amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2015-2016, by appropriating the carryover fund balance and increasing expenses in the amount of \$3,213,570.

*Persons addressing City Council are asked to step to the microphone and clearly state their name and address before speaking.*

*All meetings are recorded.*

*In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864 -1443 at least 3 days prior to the scheduled meeting.*

**Amended -  
Public  
Hearing  
Continued**

**Council Bill 2016-034. (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.81 acres of property, generally located at 608, 614, and 618 West Mount Vernon Street, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District; establishing Conditional Overlay District No. 103; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Mount Vernon 608, LLC; 608, 614 and 618 West Mount Vernon Street; Z-39-2015 & Conditional Overlay District No. 103.)

**6275**

**Amended Council Bill 2016-091. (Fisk, Ferguson, Burnett, & McClure)**

A general ordinance amending the Springfield City Code, Chapter 10, Alcoholic Beverages, Section 10-62 Exception for general merchandise stores, restaurants, and exempt organizations, to increase and expand the area for certain permitted events; Chapter 78, Offenses and Miscellaneous Provisions, Section 78-4 Possession, sale or consumption of alcoholic beverages in public place, to add exemptions for certain permitted events; amending Chapter 106, Traffic and Vehicles, Section 106-50 Use of right-of-way during Artsfest; and including a sunset provision for December 31, 2016.

**RESOLUTIONS.**

**EMERGENCY BILLS. Citizens May Speak. May Be Voted On.**

**26726**

**Council Bill 2016-092. (Hosmer)**

A special ordinance approving the plans and specifications for the Central Street/Pythian Street Phase 1 Corridor Improvements Project, Plan No. 2015PW0076WT, accepting the bid of Hartman and Company, Inc. for that project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder; and declaring an emergency.

**PUBLIC IMPROVEMENTS.**

**GRANTS.**

**AMENDED BILLS.**

**COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On.**

**Council Bill 2016-093. (McClure)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.45 acres of property, generally located at 6323 and 6327 South Creeksedge Court, from a Planned Development 209 to a R-SF, Residential Single-family District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Dogwood Ventures, LLC; 6323 & 6327 South Creeksedge Court; Z-3-2016.)

**Council Bill 2016-094. (Fulnecky)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 3.74 acres of property, generally located at 3026-3156 North Oakland Avenue, from an R-LD, Low-Density Multi-Family Residential District to an R-SF, Single-Family Residential District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Spring Meadow Estates, LTD; 3026-3156 N. Oakland Ave.; Z-5-2016.)

**Council Bill 2016-095. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 2.6 acres of property, generally located in the 500 block of South Barnes Avenue, from an HM, Heavy Manufacturing with Conditional Overlay District No. 34, to an HM, Heavy Manufacturing with a Conditional Overlay District No. 106; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: O'Reilly Automotive Stores, Inc.; 500 block of South Barnes Avenue; Z-6-2016 Conditional Overlay District No. 106.)

**Council Bill 2016-096. (Ferguson)**

A special ordinance Authorizing the issuance of Conditional Use Permit No. 417 to allow a self-service storage facility within a GR, General Retail District, generally located at 506 West Edgewood Street. (Staff and Planning and Zoning Commission recommend approval.)

**Council Bill 2016-097. (Burnett)**

A special ordinance authorizing the issuance of Conditional Use Permit No. 421 to allow a reduction of the front yard setback along Elm Street within an R-HD, High-Density Multi-Family residential District and UN, University Combining Overlay District, generally located at 1141 East Elm Street. (Staff and Planning and Zoning Commission recommend approval.)

**Council Bill 2016-098. (Fisk)**

A special ordinance approving the mapping of the East West Arterial, generally located between US Highway 65 and Riverbluff Boulevard to Kissick Avenue, pursuant to Section 11.10 of the City Charter of the City of Springfield, Missouri, in order to preserve right-of-way for future public street improvements. (Planning and Zoning Commission recommend approval. Staff request that this item be remanded to Planning and Zoning Commission to consider a review of the mapping if the road is not constructed in five years and to clarify that the mapping only pertains to right-of-way segments within the existing Springfield city limits.)

**FIRST READING BILLS. Citizens May Speak. Not Anticipated To Be Voted On.**

Remanded to  
Planning and  
Zoning



# Development Review Staff Report

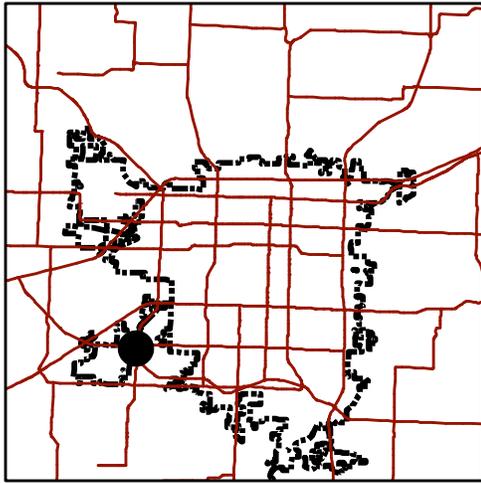
Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

## Change of Use 516

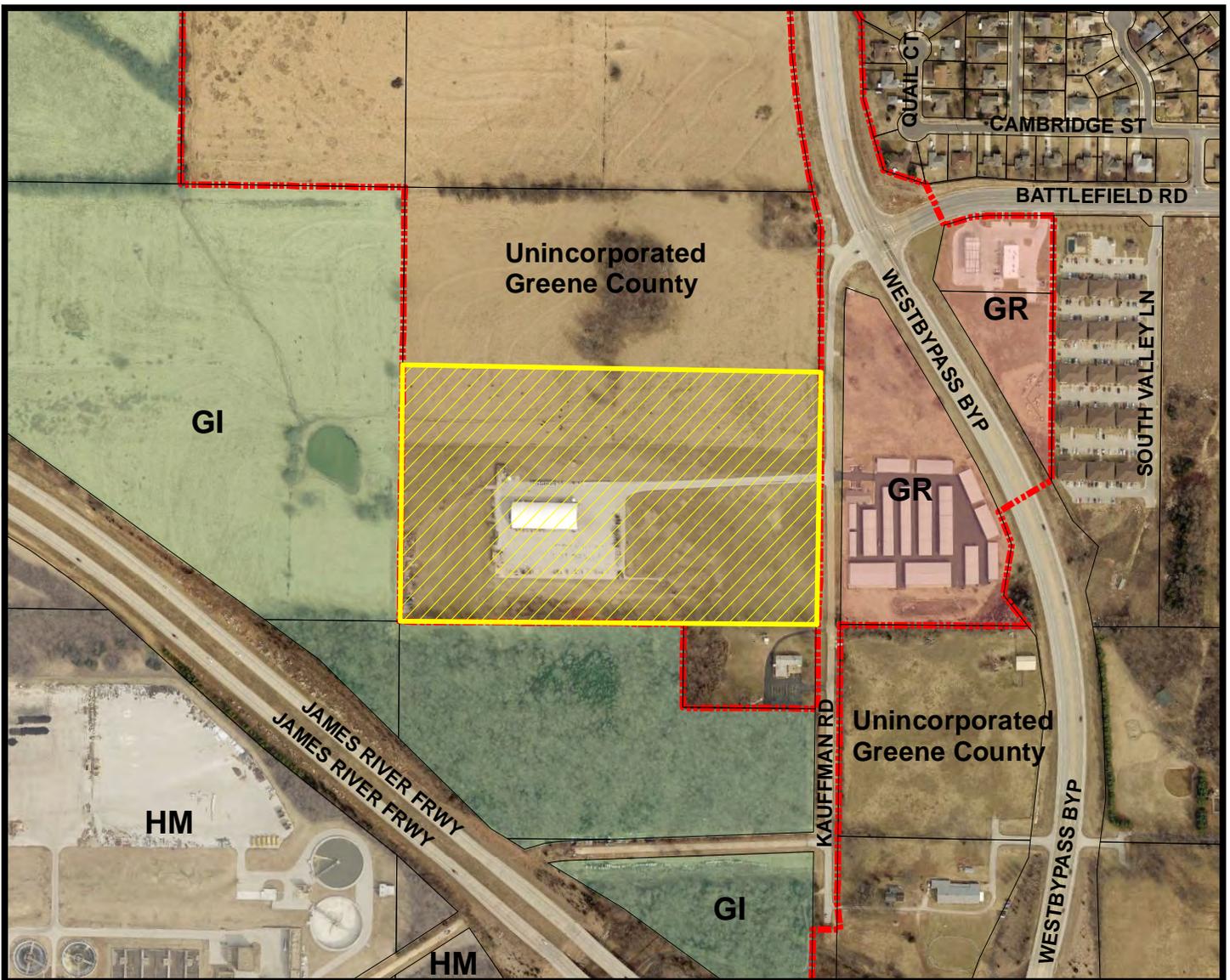
Location: 3100 block S. Kauffman Rd.

Current Uses: Public Works Salt Facility

Proposed Uses: Salt Facility and Animal Shelter/Adoption Facility



LOCATION SKETCH



- Area of Proposal



1 inch = 500 feet

DEVELOPMENT REVIEW STAFF REPORT  
CHANGE OF USE NUMBER 516

PURPOSE: To approve a change of use for property owned by the City of Springfield to allow for an animal shelter and adoption facility

REPORT DATE: April 26, 2016

LOCATION: 3100 block S. Kauffman Road

APPLICANT: Springfield-Greene County Health Department and Environmental Services Department

RECOMMENDATION:

The request be **approved**.

FINDINGS:

1. Approval of this application will allow the subject property to be used for a new animal shelter and adoption facility.

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner

Attachment 1: Background report

Attachment 2: Legal Description

ATTACHMENT 1  
CHANGE OF USE NO. 516  
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The Springfield-Greene County Health Department is proposing to construct a new animal shelter and adoption facility at this location. The property involved in this annexation was acquired by the City of Springfield in 2003 as a buffer area for the Southwest Treatment Plant and the Public Works salt facility.

STAFF COMMENTS:

1. The Planning and Zoning Commission reviews changes of use for City-owned properties to determine whether they are consistent with the City's Comprehensive Plan.
2. The *Growth Management and Land Use Element* of the *Comprehensive Plan* recommends medium intensity retail, office or housing uses in this area. This area is also within the James River Freeway and State Highway FF Activity Center. The plan states that this interchange is well-located to serve as an Activity Center for nearby residential neighborhoods and for residential development southwest of Springfield, but the topography may make it difficult to develop at much density or intensity. The *Growth Management and Land Use Element* of the *Comprehensive Plan* recommends that industrial areas be directly accessible to regional transportation facilities such as arterial roads, expressways and the Interstate Highway System. This area is located near the intersection of West Bypass, an expressway, Battlefield Road, an arterial roadway, and James River Freeway.
3. The Springfield-Greene County Health Department and Environmental Services Department have applied for annexation and rezoning for the subject property. A neighborhood meeting was held on April 21, 2016 to discuss any issues with surrounding residents and property owners. The City is proposing to rezone this area to a GM, General Manufacturing District. The GM District is the least intense district to allow the existing and proposed uses.

ATTACHMENT 2  
CHANGE OF USE NO. 516  
LEGAL DESCRIPTION

A tract of land being a part of the Northwest Quarter of the Southwest Quarter of Section 5, Township 28 North, Range 22 West, Greene County, Missouri which is described as follows:

Commencing an existing railroad spike at the Southeast corner of the said Northwest Quarter of the Southwest Quarter; Thence along the South line of the said Northwest Quarter of the Southwest Quarter, N88°32'02"W a distance of 33.31 feet to the West right of way of Kauffman Road and the True Point of Beginning; Thence continuing N88°32'02"W a distance of 1314.01 feet to an existing iron pin capped LS-267D at the Southwest corner of the said Northwest Quarter of the Southwest Quarter; Thence along the West line of the said Northwest Quarter of the Southwest Quarter, N02°07'35"E a distance of 760.05 feet; Thence leaving said West line, S88°32'02"E a distance of 1298.95 feet to the West right of way of Kauffman Road; Thence along the said West right of way, S00°28'58"W a distance of 535.30 feet to an existing 1/2" iron pin; Thence continuing along said right of way, S02°12'11"W a distance of 224.79 feet to the Point of Beginning. Bearings used in this description are based on the Missouri Coordinate System of 1983, Central Zone. Tract contains an area of 994,731.7 Square Feet (22.84 acres), more or less.

# Development Review Staff Report

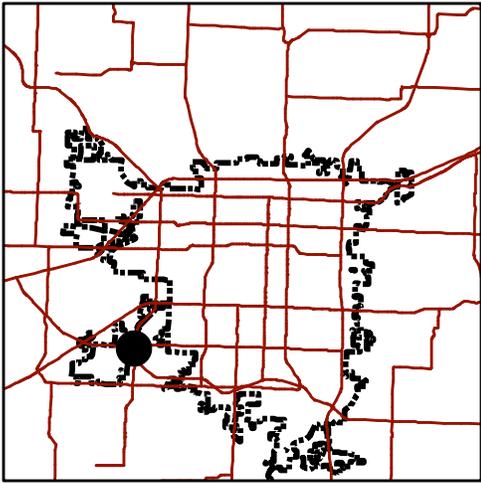
Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

## Zoning Case Z-4-2016

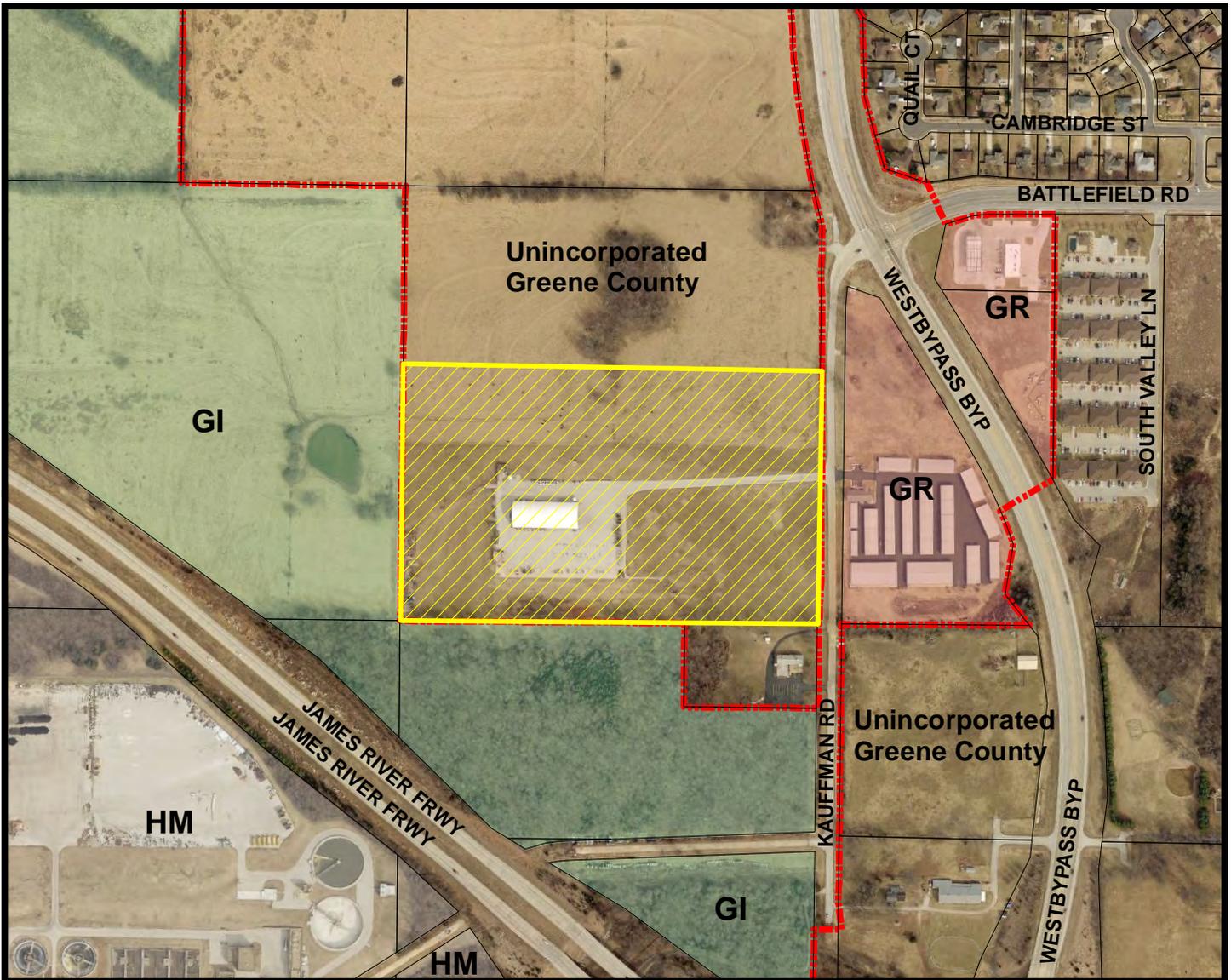
Location: 3100 block S. Kauffman Rd.

Current Zoning: County R-1, Suburban Residence District

Proposed Zoning: GM, General Manufacturing District



### LOCATION SKETCH



- Area of Proposal



1 inch = 500 feet

DEVELOPMENT REVIEW STAFF REPORT  
ZONING CASE Z-4-2016

PURPOSE: To rezone approximately 22.84 acres of City-owned property generally located on the west side of the 3100 block South Kauffman Road from a County R-1, Suburban Residence District to a GM, General Manufacturing District.

REPORT DATE: April 28, 2016

LOCATION: 3100 block S. Kauffman Road

APPLICANT: City of Springfield

TRACT SIZE: Approximately 22.84 acres

EXISTING USE: Public Works Salt Storage Facility and undeveloped land

PROPOSED USE: PW Salt Facility and Animal Shelter/Adoption Facility

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Element* of the *Comprehensive Plan* recommends that industrial areas be directly accessible to regional transportation facilities such as arterial roads, expressways and the Interstate Highway System. This area is located near the intersection of West Bypass, an expressway, Battlefield Road, an arterial roadway, and James River Freeway.
2. This area is within the James River Freeway and State Highway FF Activity Center. The *Plan* recommends these areas be developed with greater intensity.
3. Majority of the property to the south and west of the West Bypass, Battlefield and Kauffman Road intersection is owned by the City as a buffer area for the Southwest Treatment Plant.
4. Approval of this application will facilitate redevelopment of these properties and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
5. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major Goal 4: Develop the community in a sustainable manner.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

| AREA  | ZONING          | LAND USE  |
|-------|-----------------|---|
| North | County R-1      | Undeveloped City-owned property                 |
| East  | GR              | Self-storage facilities with living quarters    |
| South | GI & County R-1 | Church uses and undeveloped City-owned property |
| West  | GI              | Undeveloped City-owned property                 |

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the City's *Comprehensive Plan* designates this area as appropriate for medium intensity retail, office or housing uses; however the City owns majority of the property to the south and west of the West Bypass, Battlefield and Kauffman Road intersection as a buffer area for the Southwest Treatment Plant. This buffer area is currently underutilized and is currently being use by the Department of Public Works Salt Facility. The Department of Environmental Services has plans to use the remaining buffer area in the future.

This area is also within the James River Freeway and State Highway FF Activity Center. The *Plan* states that this interchange is well-located to serve as an Activity Center for nearby residential neighborhoods and for residential development southwest of Springfield, but the topography may make it difficult to develop at much density or intensity.

STAFF COMMENTS:

1. The Springfield-Greene County Health Department and Environmental Services Department are requesting the rezoning of City-owned property generally located in the 3100 block South Kauffman Road from a County R-1, Suburban Residence District to a GM, General Manufacturing District. The property involved in this request was acquired by the City of Springfield in 2003 as a buffer area for the Southwest Treatment Plant and the Public Works salt facility. The City is proposing a new animal shelter and adoption facility at this location. The GM, General Manufacturing District is the least intense district to allow the existing and proposed uses. The recommendations of this rezoning request will be forwarded to City Council to be reviewed concurrently with the annexation request.
2. The GM District permits veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provide that no outdoor activities are located closer than a 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 100-foot radius from a building used for a restaurant. It also permits construction equipment storage yards with storage that may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property. All outdoor storage shall be at least 100 feet from any residential district boundary.

3. All uses in the GM District are subject to the noise and nuisance odor requirements of the Zoning Ordinance and City Code.
4. A traffic study was not required by Public Works Traffic Division because Kauffman Road is adequate based on existing access and the proposed development.
5. Upon development of the property a bufferyard is required along the south property line adjacent to the County R-1 zoning which is comparable to the City's R-SF. The normal bufferyard required between GM and R-SF zoning would be a Bufferyard "Type H" at least thirty-five (35) feet wide with a five-foot tall earthen berm or six foot solid wood fence, masonry/brick wall or evergreen hedge. For each one-hundred (100) linear feet of bufferyard, there must be four (4) canopy trees, four (4) understory trees, five (5) evergreen trees and twenty-eight (28) shrubs. There are no maximum structure height requirements.
6. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting with property owners, residents and any registered neighborhood association within 500 feet of the subject properties on April 22, 2016. A summary of the meeting is attached (Attachment 2).

#### PUBLIC COMMENTS:

The property was posted by the applicant or their representative on May 2, 2016 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Three (3) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

#### CITY COUNCIL MEETING:

May 31, 2016

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
DEPARTMENT COMMENTS  
ZONING CASE Z-4-2016

**BUILDING DEVELOPMENT SERVICES COMMENTS:**

Building Development Services does not have any issues with the proposed zoning classification.

**CITY UTILITIES:**

No objection to rezoning. All utilities are available to serve the property. The water main is subject to a cost recovery agreement. The agreement expires on January 29, 2017.

**CLEAN WATER SERVICES COMMENTS:**

1. No objections to rezoning; however, the site does not have access to public sewer.
2. Public sewer will have to be extended onsite unless a septic system is permitted.

**FIRE DEPARTMENT COMMENTS:**

Fire Department has no objections to rezoning.

**PUBLIC WORKS TRAFFIC DIVISION COMMENTS:**

The Transportation Plan classifies Kauffman Road as a Local Commercial. The standard right of way width for Kauffman Road is 30 feet from the centerline (60 feet for the total width). This is a City maintained street. The current traffic volume on Kauffman Road is 145 vehicles per day. There is one driveway access point along the property frontage on this Street. There is no sidewalk along Kauffman Road and right of way appears to meet existing standard. On-street parking is not allowed along the adjacent streets. There is a greenway trail in the area and there are not any bus stops along Kauffman Road. The proposed development is not located in an area that provides for multiple direct connections and does not provide for good connectivity in the area, but is adequate based on existing access and the proposed development. There are not any proposed improvements along Kauffman Road. Kauffman Road is already annexed into the city.

| Public Works Traffic Division   | Response         |
|---------------------------------|------------------|
| Street classification           | Local Commercial |
| On-street parking along streets | Not allowed      |
| Trip generations existing use   | 48 trips/day     |
| Trip generations proposed use   | 63 trips/day     |

|                                     |              |
|-------------------------------------|--------------|
| Existing street right of way widths | 60 feet      |
| Standard right of way widths        | 60 feet      |
| Traffic study submitted             | Not Required |
| Proposed street improvements        | No           |

**STORMWATER COMMENTS:**

The property is located in the South Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of any flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not an option. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required. There is an existing detention basin onsite, but it will need to be expanded and the outlet structure will need to be modified. There are sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

| Public Works Stormwater Division      | Response                                 |
|---------------------------------------|--|
| Which Drainage Basin is this located? | South Creek                              |
| Is property located in Floodplain?    | No                                       |
| Is property located on a sinkhole?    | Potential sinkhole in middle of property |
| Is stormwater buyout an option?       | No                                       |

April 11, 2016

Re: Proposed Zoning  
3301 S. Kauffman Road

Dear Property Owners:

The City of Springfield is hosting a neighborhood meeting to discuss the proposed zoning for 3301 South Kauffman Road that will allow appropriate zoning for an Animal Shelter and Animal Adoption Facility. This property is owned by the City and currently houses the Public Works Salt Storage facility. The proposed GM, General Manufacturing zoning will permit the proposed new Animal Shelter and Animal Adoption Facility to be located on this site. GM zoning is required to allow the outdoor activities necessary for the animal facilities, such as dog runs. The attached site plan demonstrates the portion of land to be rezoned. The proposed Public Hearing for this zoning change is scheduled to go to Planning and Zoning Commission on May 12, 2016 and City Council on May 31, 2016 for public hearings.

**Date: Thursday, April 21, 2016**

**Meeting Location:** Fire Station #8 Community Room at 1405 South Scenic, Springfield, MO 65803 between the hours of 4:00 and 6:30 p.m.

Please, contact me with any questions or comments if you cannot make the neighborhood meeting.

Sincerely,



**Jennifer Swan, AIA**

City Architect

City of Springfield, Missouri

Public Works, Facility Design & Construction

Phone: 417-864-2033

Fax: 417-864-1998

[jswan@springfieldmo.gov](mailto:jswan@springfieldmo.gov)

April 21, 2016

Re: Neighborhood Meeting Comments  
Proposed Rezoning of 3301 S. Kauffman Road

1. Concerns about facility location. Where will the facility be located on the site?
  - a. The facility is proposed as far north as possible to allow the existing drive to the Salt Structure to remain.
  - b. The southeast corner of the proposed facility is 262' north of the City/Church property line.
  - c. The south side of the proposed dog run is 327' north of the City/Church property line.
  - d. The facility is at an elevation approximately 25' higher than that of the church which also provides a buffer.
2. Concerns about safety. How will the City deal with the risk of dogs escaping?
  - a. The City is proposing a new 8' tall vinyl coated chain link fence and gates to full enclose the Animal Shelter.
  - b. The Animal Shelter's operating procedures don't provide opportunities for the animals to escape.
    - i. The animals are brought on site via a truck and delivered into a Sally Port (garage) and the garage doors are shut before the dogs are removed from the trucks.
    - ii. The dogs are not taken out for walks. There is a small planned dog run located on the north side of the proposed building that will also be fenced.
3. Concerns about polluting the church's well water. How will the City deal with the risk of animal waste polluting their well water?
  - a. The City proposes to extend the City's sanitary sewer system from the south near James River Freeway to the site. This will keep all waste within that system. No animal waste will be washed onto the ground providing opportunity to pollute the church's well water.
  - b. The City proposes also to incorporate into the design rainwater harvesting which will collect the majority of the roof area surfaces into cisterns for reuse. This in turn reduces the amount of run-off.
4. Concerns about undesirable odors. How will the City deal with the odors associated with the animals?

- a. The animals typically have a short stay (5-9 days) at the Animal Shelter; therefore they will not be outside. The exterior dog run is intended for court ordered long term stays dogs. Because of this the City does not feel that odor will be a concern.
5. Church Board Members inquired about the possibility of attaching to the sanitary sewer extension.
  - a. The Board Members were told that this is a possibility if they were to be annexed into the City. There would be connection costs and fees that they would be responsible for.
6. Church Board Members inquired about the vast uses associated with General Manufacturing (GM) zoning.
  - a. The Board Members were told that a Conditional Overlay was possible to limit certain undesirable uses.
7. Church Board Members inquired about the possibility of being annexed into the City limits.
  - a. The Board Members were told that we are required by State Law to ask any property owner that is surrounded to be annexed and that a letter was being drafted, they would have to submit a valid annexation petition, and that it would be at a later date.



**Jennifer Swan, AIA**

City Architect

City of Springfield, Missouri

Public Works, Facility Design & Construction

Phone: 417-864-2033

Fax: 417-864-1998

[jswan@springfieldmo.gov](mailto:jswan@springfieldmo.gov)

# MEETING SIGN-IN SHEET

|                     |                                   |                      |  |
|---------------------|-----------------------------------|----------------------|--|
| <b>Project:</b>     | Rezoning of 3301 S. Kauffman Road | <b>Meeting Date:</b> | April 21, 2016   |
| <b>Facilitator:</b> | Jennifer Swan                     | <b>Place/Room:</b>   | Fire Station #8 Community Room<br>1405 South Scenic Avenue |

| Name            | Address   | Phone        | E-Mail                             |
|-----------------|---|--------------|------------------------------------|
| Lisa Fogle      | 6452 N. Crystal Valley Lane                       | 833-9316     | lisa.leefogle@gmail.com            |
| Emerson Fogle   | "   | 901-545-9084 | <del>emerson.fogle@gmail.com</del> |
| Ann Books       | 1458 E Whiteside<br>SPRINGFIELD, MO               | 861-0065     | ann.books@gmail.com                |
| Robert Crumpton |   | 268-7322     | robertcrumpton91@gmail.com         |
| Billy Kimmons   | 400 SOUTH AVE, #300                               | 417 862-4483 | bkimmons@hoodrich.com              |
| NICK BEISHIR    | " "   | " "          | nbeishir@hoodrich.com              |
| Elaine Johnson  | 1710 S. ROBERSON AVE                              | 417.379.4640 | LaneLight@sbcglobal.net            |
| Sherry Turner   | 3527 S. PRIMROSE CT.                              | 894-1803     | SLT883@OUTLOOK.COM                 |
| Ben Knaup       | 3548 N. KOSSEA LN                                 | 269-420-9554 | bknaup@KSPR.com                    |
| Kathryn Well    | 227 E Chestnut Expy                               | 874-1205     | kwell@springfieldmo.gov            |
| Collin Cargle   | 840 Baswell Ave                                   | 864-1008     | ccargle@springfieldmo.gov          |
| Shadd Delmez    | 3048 S. Kauffman Rd.<br><small>Spfld. Mo.</small> | 437-4119     | shaddbusa@yahoo.com                |
| CLAY GADDARD    | 227 E. CHESTNUT EXPY                              | 864-1663     | cgaddard@springfieldmo.gov         |
| Jennifer Swan   | 1010 W. Chestnut St                               | 864-2033     | jswan@springfieldmo.gov            |



| OWN1                         | Own_Addr              | CITYNAME    | STATE | ZIP1  |
|------------------------------|-----------------------|-------------|-------|-------|
| BATTLEFIELD MINI STORAGE LLC | 1675 E SEMINOLE       | SPRINGFIELD | MO    | 65804 |
| TOMAR PROP REGISTERED LLLP   | 2804 S INGRAM MILL RD | SPRINGFIELD | MO    | 65804 |
| UNITY SPIRITUAL CENTER       | 3233 S KAUFFMAN RD    | SPRINGFIELD | MO    | 65807 |
| WILLIAMS, DONALD E           | 3252 S STATE HWY FF   | SPRINGFIELD | MO    | 65807 |
| CURRENT RESIDENT             | 3007 S KAUFFMAN RD    | SPRINGFIELD | MO    | 65807 |
| CURRENT RESIDENT             | 3048 S KAUFFMAN RD    | SPRINGFIELD | MO    | 65807 |
| CURRENT RESIDENT             | 4020 W BATTLEFIELD RD | SPRINGFIELD | MO    | 65807 |

May 11, 2016

Re: Conditional Overlay District Request for 3301 S. Kauffman Road

Dear Planning & Zoning Commission:

In response to the discussions with Unity Spiritual Center board members, The City of Springfield is requesting a Conditional Overlay District to prohibit the following uses in the GM District:

- A. Airports.
- B. Auction sales, flea markets, and swap meets.
- C. Automobile service garages including body and fender repair and paint shops.
- D. Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, and located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for an overnight shelters, transitional service shelters or soup kitchens herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.
- E. Heliports.
- F. Recycling centers.
- G. Substance abuse treatment facilities for 50 or fewer residents.
- H. Vehicle rental, towing and storage services.
- I. Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.
- J. Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
- K. Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
- L. No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.

Sincerely,



**Jennifer Swan, AIA**

City Architect

City of Springfield, Missouri

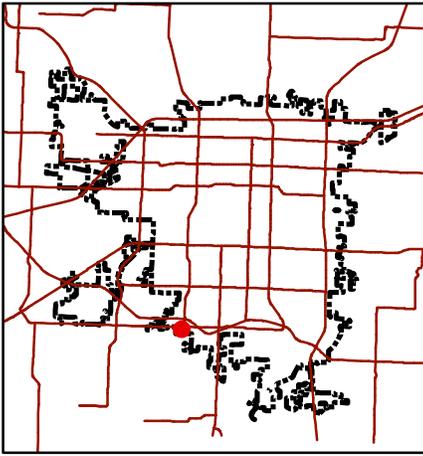
Public Works, Facility Design & Construction

# Development Review Staff Report

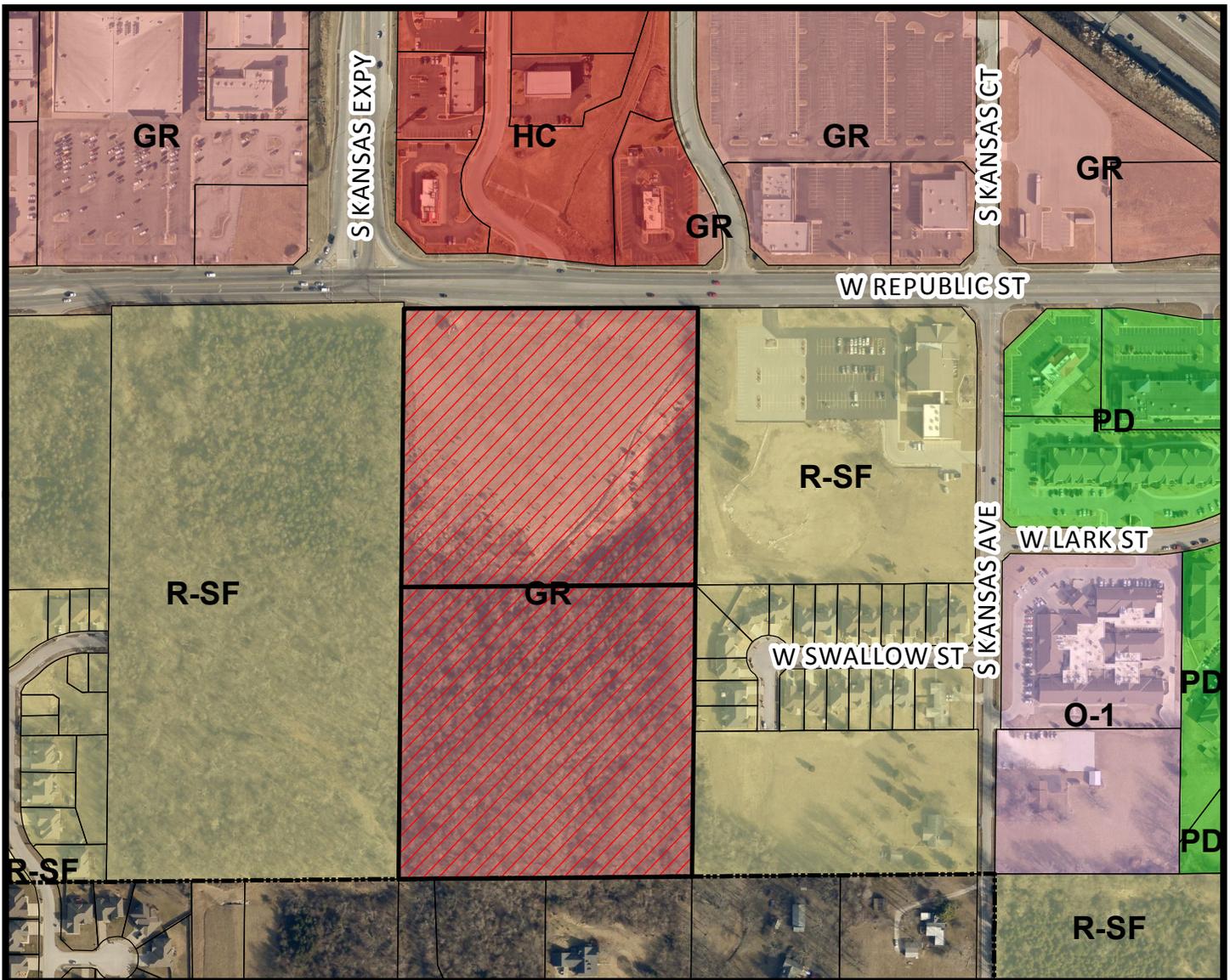
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802

## Z-7-2016 COD No 107

LOCATION: 1800 West Republic Road  
CURRENT ZONING: GR, General Retail COD No 66  
PROPOSED ZONING: GR, General Retail COD No 107



### LOCATION SKETCH



- Area of Proposal



1 inch = 366.875 feet

DEVELOPMENT REVIEW STAFF REPORT  
ZONING CASE Z-7-2016 CONDITIONAL OVERLAY DISTRICT NO. 107

PURPOSE: To rezone approximately 20 acres of property generally located at 1800 West Republic Street from a GR, General Retail District with a Conditional Overlay District No. 66 to a GR, General Retail District and establishing Conditional Overlay District No. 107

DATE: April 21, 2016

LOCATION: 1800 West Republic Street

APPLICANT: Judith Groover Trust and Warner Family Trust

TRACT SIZE: Approximately 20 acres

EXISTING USE: Undeveloped land

PROPOSED USE: GR permitted uses/ VA Clinic

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located along Republic Street and the future intersection of Kansas Expressway. Kansas Expressway, classified as an expressway roadway, and Republic Street, a primary arterial roadway, are both appropriate locations for GR, General Retail zoning.
2. This request is to modify the driveway locations along Republic Street which will provide for the development of this site and is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.
3. The proposed Conditional Overlay District will restrict uses and provide for flexibility on access locations on adjacent roadways.
4. The development requirements in the GR district are adequate for mitigating potential impacts of the proposed development on the adjoining properties.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

| AREA  | ZONING | LAND USE                   |
|-------|--------|----------------------------|
| North | HC     | Commercial uses            |
| East  | R-SF   | Southland Christian Church |
| South | County | Single family home         |
| West  | R-SF   | Vacant property            |

HISTORY:

The Planning and Zoning Commission held a public hearing on February 6, 2014 and the City Council approved General Ordinance No. 6111 for a GR, General Retail District zoning establishing Conditional Overlay District No. 66 on March 24, 2014.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this area as High intensity Retail, Office or Housing on the northern tract and Medium Intensity Retail, Office or Housing on the southern tract. The subject property is also located near the James River Freeway and Kansas Expressway Community Activity Center where the City encourages locations of significant business and high-density housing developments.

STAFF COMMENTS:

1. This is a request to rezone the subject property from a GR, General Retail District with a Conditional Overlay District No. 66 to a GR, General Retail District and establishing a new Conditional Overlay District No 107. This request is to modify the driveway locations along Republic Street for the proposed development of the Veterans Affairs Clinic.
2. The accompanying Conditional Overlay District would allow the developer to have accesses to Republic Street with locations approved by the Public Works Director and to provide for the future extension of Kansas Expressway for both tracts since the southern tract does not currently have public access. The Conditional Overlay District will also limit the GR uses on the southern tract.
3. The changes from the original overlay district are to remove the following requirements; "Full access to Republic Street for both Tracts shall be located at least 150' feet west of the eastern property line and a right in and right out access along Republic Street will be allowed 400' west of the eastern property line by constructing an island in the driveway approach. The possibility exists that once Kansas Expressway is extended south, the nature of the design will necessitate the closure of this right in and right out access on Republic Street".

4. These requirements will be replaced with new requirements as stated in Attachment 3 which states that "Two access points will be allowed on Republic Road. The westernmost access is required to be right in/right out and the easternmost access will allow full access. The location of each access must be approved by the Director of Public Works".
5. The *Growth Management and Land Use Plan* supports the rezoning of the property.
6. Republic Street is classified as a primary arterial roadway and Kansas Expressway is classified as a expressway roadway. These roadways are an appropriate locations for GR uses.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on April 21, 2016. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Twenty-eight (19) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has received no objections to date.

CITY COUNCIL MEETING: May 31, 2016

STAFF CONTACT PERSON:

Bob Hosmer, AICP  
Principal Planner

ATTACHMENT 1  
DEPARTMENT COMMENTS  
ZONING CASE Z-7-2016 & CONDITIONAL OVERLAY DISTRICT NO. 107

**BUILDING DEVELOPMENT SERVICES COMMENTS:**

No BDS issues with proposed rezoning.

**PUBLIC WORKS TRAFFIC DIVISION COMMENTS:**

The Transportation Plan classifies Republic Street as a primary arterial roadway. The standard right of way width for Republic Street is 50 feet from the centerline (total of 100 feet full street right of way). This is a City maintained street. The most recent traffic count on Republic Street in this approximate location is 28,000 vehicles per day. There are zero existing driveway access points on Republic Street along the property in this zoning case. Two access points will be allowed on Republic Street. The westernmost access is required to be right in/right out and the easternmost access is allowed to be a full access. The location of each access must be approved by the Director of Public Works. Existing right of way appears to meet the 50 foot city standard from the centerline. A survey is recommended to verify existing right of way. Sidewalk exists along Republic Street. On-street parking is not allowed along Republic Street. There is no greenway trail in the area and no bus stops along this block of Republic Road. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are proposed improvements extending Kansas Expressway south of Republic Street which are currently under design by the Greene County Highway Department.

| Public Works Traffic Division       | Response   |
|-------------------------------------|--|
| Street classification               | Primary Arterial   |
| On-street parking along streets     | No   |
| Trip generation - existing use      | 720 trips/acre   |
| Trip generation - proposed use      | 720 trips/acre   |
| Existing street right of way widths | Appears to be 50 feet from the centerline of Republic Street. A survey is recommended to verify. |
| Standard right of way widths        | 100 feet   |
| Traffic study submitted             | Required to be submitted at the time of development.   |
| Proposed street improvements        | None at this time  |

**STORMWATER COMMENTS:**

There are no Stormwater issues with rezoning this property; however, please note that development of the subject property will be subject to the following conditions at the time of development:

1. 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 currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are only eligible for 50% credit.
2. Payment in lieu of construction of detention facilities is not an option for this site due to existing downstream flooding problems.
3. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports.
4. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
5. Public improvement plans and drainage easements will be required for any concentrated runoff crossing lot lines, as well as for detention and/or water quality features serving more than one lot. These improvements must be constructed, inspected, approved and operational prior to issuance of a building permit or final plat. Must pay Engineering and Inspection Fees, which are 5% of the public improvement construction costs, prior to final approval of public improvement plans.
6. Drainage easements will be required where concentrated flow drains from one lot to another or from offsite onto the proposed subdivision. Such easement shall be sized for the 100-year peak flow rate.
7. Based upon City data, there is a significant amount of offsite concentrated storm water crossing the subject property. Although storm water detention and water quality do not have to be provided for these flows, public improvement plans will be required to convey these flows across the subject property. Drainage easements must be provided for this conveyance.
8. Provide topography, with contour intervals not exceeding two (2) feet, showing the locations of any natural features such as watercourses, drainage ways, flood prone areas, or other geological features within the site, and contributing off-site drainage areas.
9. Drainage patterns for any runoff currently flowing across the site must not be blocked or altered by any future construction.
10. Connect private drainage facilities to public drainage system whenever possible, which will require a public improvement plan or excavation permit.
11. Any property that contains a detention basin/water quality basin which serves properties other than the property on which it is located, must be located in a dedicated drainage easement or common area.

#### CLEAN WATER SERVICES COMMENTS:

No objections to rezoning.

#### CITY UTILITIES:

City Utilities has no objection to the proposed rezoning.



**C A R N E G I E**  
MANAGEMENT AND DEVELOPMENT CORPORATION

April 11, 2016

Re: Proposed Zoning Change for Property Located at  
1850 West Republic Street  
Springfield, MO 65810

Dear Neighboring Property Owners:

Please be advised that on behalf of the Judith Mae Groover Revocable Trust Estate and the Warner Family Trust, Carnegie Management and Development Corporation has filed an application with the city of Springfield to make minor language modifications to the current Attachment 2 of the Conditional Overlay District No. 66 Provisions. These parcels are currently zoned GR and will remain GR. This request is being made to accommodate required locations for curb cuts on Republic Street in connection with the new Department of Veterans Affairs Community Based Outpatient Clinic.

Pursuant to the city of Springfield's Development Policies, there will be a **Neighborhood Meeting** held on **April 21, 2016**. This meeting will be held at **Southland Christian Church, 1630 West Republic Rd, Springfield, MO 65807 in Fellowship Hall**. A representative for Carnegie Management and Development Corporation will be on hand from **4:00 pm to 6:30 pm** to discuss the modification to the curb cut language, answer questions and hear any concerns.

Please feel free to contact me at 440-892-6800 or email me at [joakley@carnegiecorp.com](mailto:joakley@carnegiecorp.com) if you have questions or concerns.

Sincerely,

Jenny Oakley  
Sr. Project Manager

**AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY**

1. Request change to zoning from: GR with cond. overlay dist. No. 66 to GR with new/revised cond. overlay  
*(existing zoning)* *(proposed zoning)*
2. Meeting Date & Time: April 21, 2016 from 4:00 - 6:30 pm
3. Meeting Location: Southland Christian Church, 1630 W. Republic
4. Number of invitations that were sent: 65
5. How was the mailing list generated: City provided
6. Number of neighbors in attendance (attach a sign-in sheet): 16
7. List the verbal comments and how you plan to address any issues:  
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

**ATTACHED**

8. List or attach the written comments and how you plan to address any issues:

I, George Papandreas (*print name*), attest that the neighborhood meeting was held on 04/21/16 (*month/date/year*), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

  
*Signature of person completing affidavit*

George Papandreas  
*Printed name of person completing affidavit*



## **NEIGHBORHOOD MEETING SUMMARY**

**1850 West Republic Street**

**April 21, 2016**

City of Springfield - Project PLN2016-00099

### Meeting Minutes

A public neighborhood meeting was held on April 21, 2016 from 4:00 p.m. until 6:30 p.m. at the Southland Christian Church located at 1630 West Republic Street for the proposed Rezoning of the property located at 1850 Republic Street. Representatives for the developer, design team, and contractor were present at the meeting to answer questions which arose from the public. Exhibits were displayed which depicted the proposed development of the property and specifically the request to modify the location of the proposed drive entrances on Republic Street.

Numerous surrounding property owners were in attendance at the meeting. The sign in sheet is attached to these minutes. Following is a summary of the questions and comments made by those in attendance.

Several neighbors commented that the proposed position of the two drive entrances on Republic Street as compared to the original locations required by the existing Conditional Overlay should be better since they would be located farther from the intersection with Kansas Expressway.

Several neighbors who own or manage business on the north side of Republic Street were concerned that a concrete median is planned in Republic Street as part of the Kansas Expressway Extension project which will restrict turning movements for properties on the north side of Republic Street. These citizens were informed that the developer has no control over future Republic Street improvements or the Kansas Expressway Extension project.

One citizen who resides downstream of the subject property commented that he currently experiences flooding on his property due to the development of properties north of Republic Street. He was under the impression that the developer of the subject property will be responsible to build a stormwater detention basin that will manage all runoff received by the drainage channel. Representatives for the design team and developer informed the citizen that the project includes a stormwater detention system that will only serve the proposed development of the subject property. The proposed stormwater detention basin is going to be constructed outside of the natural drainage channel and will not manage runoff from upstream properties. After explaining the character and approach for the design of our stormwater management system, the citizen understood and expressed a sincere desire for the success of the Project.

One neighbor asked if the existing culvert which discharges on the subject property will be modified. Representatives for the developer and design team stated the existing culvert will not be modified.

One citizen commented they would like a stop light constructed at the intersection of Kansas Street and Republic Street. They were informed to direct that request to the City.

One citizen commented that fill had been placed on the subject property. The representative for the developer stated that he was aware of the fill and a geotechnical investigation was being performed on the property.

One citizen asked if a fence will be constructed along the east property line. Representatives for the developer and design team stated a fence is not proposed.

A property owner to the east of the subject property stated he currently has issues with moles on his property and that he has to trap them to get rid of them. He is concerned that construction activities on the subject property will cause more moles to migrate to his property. There was discussion about the unlikelihood of that happening because of the remoteness of the site work from the citizen's property line.

**END OF MINUTES**

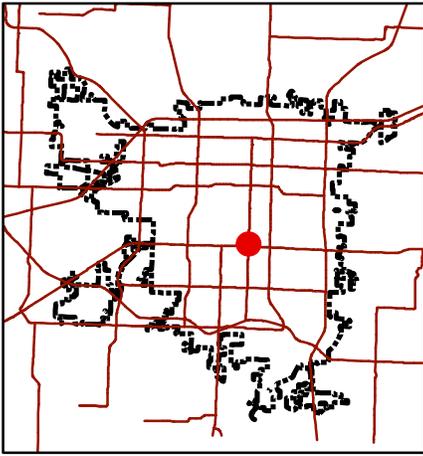
ATTACHMENT 3  
CONDITIONAL OVERLAY DISTRICT PROVISIONS  
ZONING CASE Z-7-2016 & CONDITIONAL OVERLAY DISTRICT NO. 107

The requirements of *Section 36-421 General Retail District* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

1. The northern (Groover) Tract A shall have all the current allowable GR, General Retail District permitted uses.
2. The southern (Warner) Tract B shall have all the current allowable GR, General Retail District permitted uses except for the following:
  - a. Commercial off street parking lots and structures;
  - b. Funeral homes and Mortuaries;
  - c. Household resource recovery collection centers;
  - d. Freestanding Telecommunication Towers;
  - e. Water reservoirs, standpipes, elevated and ground level water storage tanks unless said storage tanks are part of a storm water conservation and recycling system;
3. Access to Republic Street for the southern (Warner) Tract B shall be provided by either a cross access easement from the northern (Groover) Tract A or by a direct access to the future extension of Kansas Expressway.
4. The southern (Warner) Tract B shall dedicate 50' feet of right of way for the future extension of Kansas Expressway.
5. Full access to the future extension of Kansas Expressway for the northern (Groover) Tract A must be provided with a cross access easement across the southern (Warner) Tract B to the proposed intersection and future extension of Lark and Kansas Expressway 850' feet south of the Republic Street right of way.
6. Right in and Right out access to the future extension of Kansas Expressway for the northern (Groover) Tract A is allowed at least 400' feet south of the Republic Street right of way.
7. Two access points will be allowed on Republic Road. The westernmost access is required to be right in/right out and the easternmost access will allow full access. The location of each access must be approved by the Director of Public Works.
8. Traffic Studies will be required at the time of development of the tracts and be based on the proposed uses in the development. Public improvements required will be based on said traffic studies.

# Development Review Staff Report

Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802



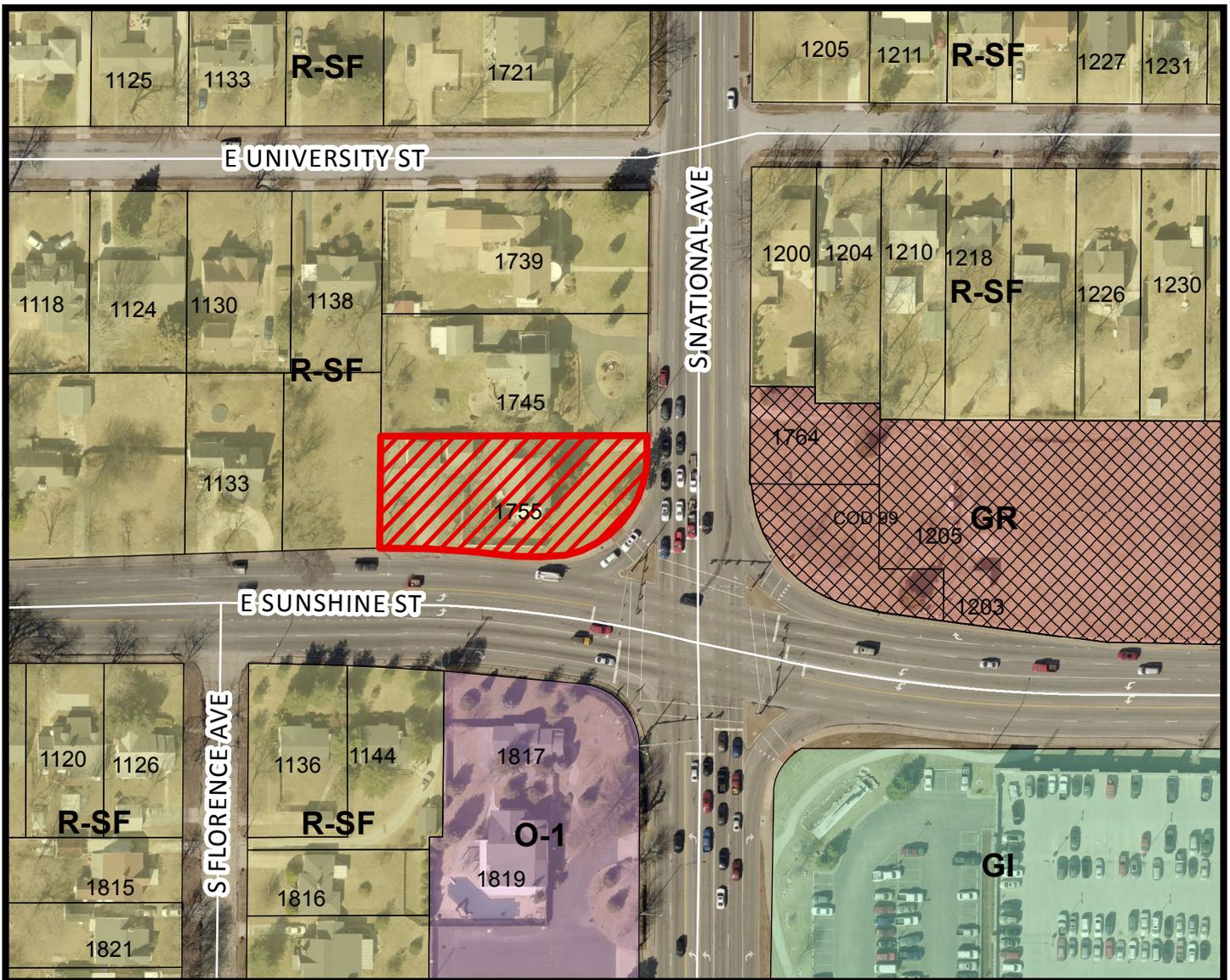
## Conditional Use Permit No 422

LOCATION: 1755 South National Avenue

CURRENT ZONING: R-SF, Residential Single-Family

PROPOSED ZONING: R-SF, Residential Single-Family with a Conditional Use Permit to allow a Bed & Breakfast

### LOCATION SKETCH



- Area of Proposal



1 inch = 125 feet

DEVELOPMENT REVIEW STAFF REPORT  
CONDITIONAL USE PERMIT 422

PURPOSE: To allow a bed and breakfast within a R-SF, Residential Single-family District generally located at 1755 South National Avenue

REPORT DATE: April 28, 2016

LOCATION: 1755 South National Avenue

APPLICANT: Grandpa's Hospitality House, Inc.

TRACT SIZE: Approximately 0.44 acres

EXISTING USE: Single-family residence

PROPOSED USE: Bed and breakfast

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* identifies this area as Low-Density Housing. The *Plan* identifies the National Avenue and Sunshine Street area as an Activity Center.
2. The approval of this request will provide for the productive use of the existing residential structure and will maintain the single-family character in the area while allowing for a viable use of the property.
4. The purpose of the Conditional Use Permit requirements is to minimize any possible adverse effects of a bed and breakfast on the surrounding neighborhood while providing opportunities to make better use of existing housing, particularly larger, older houses located on major streets. The subject property would fit within these criteria
4. This application meets the approval standards for a Conditional Use Permit and is in conformance with the *Comprehensive Plan*, which identifies this area as appropriate for single-family housing at up to 6 housing units per net acre, home occupations specified in the zoning ordinance and, as an optional element, small neighborhood-oriented retail or service business carefully located and screened at certain intersections.

RECOMMENDATION:

Staff recommends approval of this request with the following conditions:

1. The regulations and standards listed on Attachment 3 and Attachment 4 and shall govern and control the use and development of the land in Use Permit Number 422 in a manner consistent with the attached site plan (Attachment 6).

**SURROUNDING LAND USES:**

| AREA  | ZONING        | LAND USE                   |
|-------|---------------|----------------------------|
| North | R-SF          | Single-family residences   |
| East  | GR w/ COD #99 | Undeveloped land           |
| South | O-1           | Office use - Travel Agency |
| West  | R-SF          | Single-family residences   |

**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 Attachment 3.
2. No conditional use permit shall be valid for a period longer than 18 months from the date City Council grants the conditional use permit, unless within this 18 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.

**COMPREHENSIVE PLAN:**

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* identifies this area as appropriate for Low-Density Housing. This category includes single-family housing at up to 6 housing units per net acre, home occupations specified in the zoning ordinance and, as an optional element, small neighborhood-oriented retail or service business carefully located and screened

at certain intersections. The *Plan* identifies the National Avenue and Sunshine Street area as an Activity Center.

#### STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit for a Bed and breakfast on the subject property within a R-SF, Residential Single-family District. The Zoning Ordinance requires a use permit in the R-SF, Residential Single-family District for a bed and breakfast. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* identifies this area as appropriate for Low-Density Housing. The *Plan* identifies the National Avenue and Sunshine Street area as an Activity Center. National Avenue and Sunshine Street are classified as Primary Arterial streets. Furthermore, the *Central Sunshine Corridor Study*, completed in 2007 as a collaborative effort between the City of Springfield Planning and Development Department and the Drury University Center for Community Studies, focused on Sunshine Street between Campbell Avenue and National Avenue. This study recommends compatible small-scale commercial uses to be introduced that maintain the residential character of the area.
2. The purpose of the Conditional Use Permit requirements is to minimize any possible adverse effects of a bed and breakfast on the surrounding neighborhood while providing opportunities to make better use of existing housing, particularly larger, older houses located on major streets. The subject property would fit within these criteria.
3. The approval of this request will provide for the productive use of the existing residential structure and will maintain the single-family character in the area while allowing for a viable use of the property.
4. The single-family character in the area will be preserved. Per conditional use permit requirements, the proposed bed and breakfast will be located in an existing structure. Additions shall not be built to provide bed and breakfast rooms nor shall a new structure be built expressly for a bed and breakfast. Furthermore, no exterior alterations that would change the single-family character of the bed and breakfast, other than those necessary to ensure the safety of the structure, shall be made. Exterior improvements to the existing structure will be limited to those providing accessible entrance and minor repairs to the structure as required to seal the building.
5. The bufferyard requirement when a permitted nonresidential use locates adjacent to a residential use is a bufferyard "Type (D)" at least fifteen (15) feet wide with a six (6) foot solid wood fence, masonry/brick wall or evergreen hedge and required plantings. This bufferyard will be required on the North and West property line adjacent to the R-SF, Single-family Residential zoned property. There are parking structures and pavement located within this bufferyard area.

Under Section 36-482 (15), the intent is the bufferyard, parking lot and perimeter landscaping requirements be met to the maximum extent feasible without requiring existing structures or buildings to be removed or moved and that existing pavement only be removed as a last recourse. In these areas, screening will be required with a six (6) foot solid fence along the North and West property line adjacent to the R-SF, Single-family Residential zoned property.

6. 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 36-363 (10) (Attachment 3) of the Zoning Ordinance. Any development of this property must also follow the R-SF, Residential Single-family District requirements.
7. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on April 19, 2016 regarding the request for a conditional use permit. A summary of the meeting is attached (Attachment 5).

#### PUBLIC COMMENTS:

The property was posted by the applicant on April 27, 2016 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Eighteen (18) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL PUBLIC HEARING: May 31, 2016

#### STAFF CONTACT PERSON:

Michael Sparlin  
Senior Planner  
864-1091

ATTACHMENT 1  
DEPARTMENT COMMENTS  
CONDITIONAL USE PERMIT 422

**BUILDING DEVELOPMENT SERVICES COMMENTS:**

No issues with the conditional use permit.

Construction documents will need to be submitted and approved for the change in use with respect to the building code within 18 months of the Conditional Use Permit approval. All permits will need to be obtained and construction approved for the change in use.

**PUBLIC WORKS TRAFFIC DIVISION COMMENTS:**

1. The Transportation Plan classifies National Avenue as a Primary Arterial roadway and Sunshine Street as a Primary Arterial. The standard right of way width for both National Avenue and Sunshine Street is 100 feet. These are both City maintained streets. The most recent traffic counts registered National Avenue at 32,375 vehicles per day and Sunshine Street at 31,548 vehicles per day. There is one existing driveway access along the property frontage on National Avenue and one existing driveway access along the property frontage on Sunshine Street. There is a sidewalk along National Avenue and Sunshine Street. National Avenue or Sunshine Street does not meet existing right of way standards, there is no change in traffic generation based on the proposed use, and therefore this meets the requirements for the conditional use permit. The driveway spacing on both National and Sunshine is too close to the intersection based on Primary Arterial standards. On-street parking is not allowed along the adjacent streets. There is not a greenway trail in the area. There are not any bus stops along the property frontage along National Avenue or Sunshine Street. There are not any proposed improvements along National Avenue or Sunshine Street. The gate for the driveway on National is required to be set back 20 feet from the right of way line and a turn around provided to prevent any vehicles turning into the driveway by mistake from backing out onto National. An "Entrance only" or "Exit only" sign will have to be posted.

| Public Works Traffic Division         | Response                                 |
|---------------------------------------|--|
| Street classification                 | Primary Arterial                         |
| On-street parking along streets       | No                                       |
| Trip generation - existing use        | 10                                       |
| Trip generation change - proposed use | No change with bed and breakfast use     |
| Existing street right of way widths   | 80 feet on National; 95 feet on Sunshine |

|                              |  |
|------------------------------|--|
| Standard right of way widths | 100 feet (50 feet from the centerline) |
| Traffic study submitted      | N/A                                    |
| Proposed street improvements | N/A                                    |

**STORMWATER COMMENTS:**

The property is located in the Fassnight drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of any flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is an option based on the information provided. Since the project will be disturbing less than one (1) acre there will not be a land disturbance permit required. There is an existing storm sewer available for this development to discharge into. There are no sinkholes on the proposed property.

Please note that re-development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

| Public Works Stormwater Division   | Response  |
|------------------------------------|-----------|
| Drainage Basin                     | Fassnight |
| Is property located in Floodplain? | No        |
| Is property located on a sinkhole? | No        |
| Is stormwater buyout an option?    | Yes       |

**CLEAN WATER SERVICES COMMENTS:**

No objections to use permit. Public sewer and service lateral currently available.

**CITY UTILITIES:**

No objection to use permit. The building is currently served by electric, gas and water. There is a fire hydrant along the National Street frontage.

FIRE DEPARTMENT:

No issues with the use permit.

ATTACHMENT 2  
REQUIREMENTS FOR CONDITIONAL USE PERMIT 422

1. A Bed and breakfast is permitted in conformance with Attachment 6.
2. The bed and breakfast shall comply with all the standards listed in Attachment 3 and Attachment 4.
3. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

ATTACHMENT 3  
STANDARDS FOR CONDITIONAL USE PERMITS  
CONDITIONAL USE PERMIT 422

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;

RESPONSE:

*The Growth Management and Land Use Plan of the Comprehensive Plan identifies this area as appropriate for Low-Density Housing. This category includes single-family housing at up to 6 housing units per net acre, home occupations specified in the zoning ordinance and, as an optional element, small neighborhood-oriented retail or service business carefully located and screened at certain intersections. The Plan identifies the National Avenue and Sunshine Street area as an Activity Center.*

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;

RESPONSE: The proposed project will not adversely affect the safety of the motoring public nor that of pedestrians using the facility and immediately surrounding the site. Public Works has reviewed the proposed use and determined that there is no change in traffic generation. The entrances into the property will be designated with "Entrance only" and "Exit only" so that traffic circulation will be directed to ensure safety of the motoring public and pedestrians.

3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;

RESPONSE: The proposed project will meet all building and fire codes.

4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;

RESPONSE: The proposed project will meet all stormwater requirements.

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;

RESPONSE: The proposed project will not have noise characteristics that exceed the sound levels typical with the uses permitted in the district.

6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent possible such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare as proposed;

RESPONSE: The glare of vehicular & stationary lights will not affect the established character of the neighborhood. A bufferyard Type D is being provided on the North and West side property. Additionally, a headlight screen will be provided on the West property line per Zoning Ordinance as to reduce glare of vehicular lights.

7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;

RESPONSE: The location, lighting and type of signs and the relationship of those signs to traffic control will be appropriate to the site. Existing lighting will remain and is adequate. No additional exterior lighting is proposed for the property.

8. Such signs will not have an adverse effect on any adjacent properties;

RESPONSE: Such signs will not have an adverse effect on adjacent properties. Signage will be in compliance with all signage codes and requirements. Only one non-illuminated sign no larger than 25 square feet will be provided.

9. 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;

RESPONSE: Public Works has reviewed this application and determined that the street right-of-way and pavement width is adequate for traffic reasonably expected to be generated by the proposed use.

10. 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.

RESPONSE: The proposed use will not have any substantial or undue adverse effect upon, or will lack amenity or will be compatible 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. The proposed use will comply with all development and conditional use requirements for bed and breakfast. The purpose of these conditions is to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood. The single-family character of the property will be retained. A bufferyard is required along the North and West property line. A headlight screen to reduce vehicular glare is being provided on the West property line. No additional lighting is being

proposed. A maximum of 5 guest rooms is allowed. An operator will live on site and provided necessary services to the guests. Requirements related to traffic, stormwater, building code, fire code, zoning, signage have or will be complied with to ensure the use and enjoyment of adjacent property.

11. 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;

RESPONSE: The Operators will be utilizing the existing single-family residence for the proposed project. Any additional structures 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. The location, nature and height of such buildings, structures, walls and fences on the site; and the nature and extent of landscaping and screening on the site will be of appropriate character and scale of neighboring properties and uses.

12. 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;

RESPONSE: The proposed use will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site; in contrast, the proposed use intends to enhance any significant features of the site. In contrast to the current appearance of neglect, the proposed use will enhance the visual and physical appearance of the property by allowing a use that will maintain the structure and yard. All existing trees will be protected in place.

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

RESPONSE: The proposed use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance. The property is not listed as a historic structure. The single-family appearance of the structure will be maintained. All existing trees will be protected in place.

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

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

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

RESPONSE: The proposed use will promote the welfare and convenience of the public. Given the location next to National Avenue and Sunshine Street, two primary arterials, the property has not been conducive for a single-family residence. The property has experienced a difficulty in maintaining a long-term resident. The allowance of the Conditional Use Permit for a bed and breakfast will be a good solution to this problem because it maintains that single-family character while permitting a productive and viable use of the existing structure.

16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 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.

RESPONSE: Seven (7) parking spaces and two (2) bicycle parking spaces will be provided on site. A bufferyard Type D is being provided on the North and West side property. A headlight screen will be provided on the West property line per Zoning Ordinance as to reduce glare of vehicular lights.

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.

RESPONSE: Any access roads, entrances or exit drives will be provided and designed to as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. There are two entrances to the site. One entrance will be a "Entrance Only" and one access will be an "Exit Only." This will provide adequate circulation and reduce vehicular and pedestrian conflict. The paved areas also provide enough turn-around space for vehicles. Additionally, the access of Sunshine Street will be expanded from the current 16 feet to 26 feet as required for commercial drives. The paved areas also provide enough turn-around space for vehicles. This will reduce traffic hazards and congestion.

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.

RESPONSE: Vehicular circulation will not create hazards, undue interference or inconvenience to vehicular or pedestrian travel. There are two entrances to the

site. One entrance will be an "Entrance Only" and one access will be an "Exit Only." This will provide adequate circulation and reduce vehicular and pedestrian conflict. The paved areas also provide enough turn-around space for vehicles.

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;

RESPONSE: The proposed use will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.

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;

RESPONSE: The proposed converted structure(s) will meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.

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.

RESPONSE: The proposed use is served adequately by essential public facilities and services (utilities, streets, fire and police protection and schools). The operator will provide adequately for such services where those services are not otherwise provided, such as private refuse disposal.

ATTACHMENT 4  
STANDARDS FOR BED AND BREAKFAST CONDITIONAL USE PERMITS  
CONDITIONAL USE PERMIT 422

**Purpose.** The purpose of these requirements is to minimize any possible adverse effects of a bed and breakfast on the surrounding neighborhood while providing opportunities to make better use of existing housing, particularly larger, older houses located on major streets.

**Approval standards.** All applications for a conditional use permit for bed and breakfasts shall comply with the following requirements.

1. The use shall front on a primary arterial street, if the property is zoned R-SF, or on a collector street, if the property is zoned another zoning district, or a street with a higher functional classification as designated by the major thoroughfare plan.

RESPONSE: The proposed project complies with this standard. The property is zoned R-SF, Residential Single-family and is located on a primary arterial street.

2. There shall be a maximum of five guest rooms in the bed and breakfast.

RESPONSE: The proposed project complies with this standard. There are 5 (five) guest rooms.

3. The bed and breakfast shall be located in an existing structure, i.e. additions shall not be built to provide bed and breakfast rooms nor shall a new structure be built expressly for a bed and breakfast.

RESPONSE: The proposed project complies with this standard. The bed and breakfast will be located in an existing structure.

4. No exterior alterations that would change the single-family character of the bed and breakfast, other than those necessary to ensure the safety of the structure, shall be made.

RESPONSE: The proposed project complies with this standard. Exterior improvements to the existing structure will be limited to those providing accessible entrance and minor repairs to the structure as required to seal the building.

5. No residential structure shall be removed for parking or to expand the bed and breakfast.

RESPONSE: The proposed project complies with this standard. Adequate parking space currently exists. This proposal does not include expanding the structure.

6. Only short-term lodging shall be permitted, no monthly rentals.

RESPONSE: The proposed project will comply with this standard.

7. There shall be no individual cooking facilities.

RESPONSE: The proposed project complies with this standard. No cooking facilities will be located in guest rooms.

8. The facilities shall not be rented for receptions, parties, weddings or similar activities unless potential negative impacts, including, but not limited to, traffic, parking, and noise, have been addressed and the activity is specifically permitted in the use permit.

RESPONSE: The proposed project will not be rented for receptions, parties, weddings or similar activities.

9. One additional paved parking space per guest room shall be provided in the rear yard. Parking shall be screened in accordance with section 36-480, screening and fencing.

RESPONSE: The proposed project complies with this standard. Seven (7) parking spaces and two (2) bicycle parking spaces will be provided on site.

10. The operator shall live at the bed and breakfast.

RESPONSE: The operator will live at the bed and breakfast.

11. Only resident guests shall be served meals.

RESPONSE: Only resident guests will be served meals.

12. Only one non-illuminated sign no larger than 25 square feet shall be permitted.

RESPONSE: Exterior signage has not yet been designed for the bed and breakfast; however, any future signage will be in compliance with all signage codes and requirements. Only one non-illuminated sign no larger than 25 square feet will be provided.

13. A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.

RESPONSE: The applicant shall annually obtain a business license.

14. No bed and breakfast shall be located within 500 feet of another bed and breakfast as measured along continuous public street rights-of-way from all streets abutting the bed and breakfast property, nor shall a bed and breakfast be located on property that abuts property on which another bed and breakfast is located.

RESPONSE: The proposed project complies with this standard. There are no bed and breakfast uses within 500 feet.

**AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY**

- 1. Conditional Use Permit for: Bed & Breakfast use at Grandpa's Hospitality House, 1755 S. National Ave.
- 2. Meeting Date & Time: Tuesday, April 19th from 4:00 pm to 6:30 pm
- 3. Meeting Location: First floor of project site; 1755 S. National
- 4. Number of invitations that were sent: All (116) addressees that were listed on the 500 ft. mailing list
- 5. How was the mailing list generated: City Staff
- 6. Number of neighbors in attendance (attach a sign-in sheet): Six; not all attendees signed the sign-in sheet.
- 7. List the verbal comments and how you plan to address any issues:  
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

Please see attached.

- 8. List or attach the written comments and how you plan to address any issues:

Please see attached.

I, Lindsay Reichert (print name), attest that the neighborhood meeting was held on 4/19/2016 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

LReichert  
Signature of person completing affidavit

Lindsay Reichert  
Printed name of person completing affidavit

## Grandpa's Hospitality House

Application for Conditional Use Permit

PLN2016-00104

### Summary of Neighborhood Meeting

- a. Development application.
  - Please see attached copy of the original Conditional Use Permit Application.
- b. Meeting date, time and location.
  - Tuesday, April 19<sup>th</sup> from 4:00 to 6:30 pm.
- c. Number of invitations send and how the mailing list was generated.
  - One-hundred and sixteen invitations were sent.
  - The mailing list was generated by the City of Springfield staff.
- d. Number of neighbors in attendance with an attached sign-in sheet.
  - Six neighbors were in attendance. Please note, not all attendees signed the sign-in sheet. Those who did not sign-in include a resident from 1745 S. National Ave. and a resident from 1138 E. University.
  - Please see attached sign-in sheet.
- e. List of issues raised, any verbal comments and how applicant plans to respond.
  1. Concern regarding homeless living on the premises.
    - a. *Accommodations are strictly limited to those who are referred by neighboring Mercy Hospital and who have loved ones receiving care/treatment at the time of the request for accommodations.*
  2. Concern regarding taking payment for services on site.
    - a. *We are not aware of any restrictions in place to limit the receipt of payment for lodging on site.*
  3. Concern regarding noise and light from parking (on adjacent lot) disturbing neighboring parties.
    - a. *Parking is currently limited to the project site. Should parking be expanded to the neighboring lot, Grandpa's Hospitality House would, at a minimum, provide City required bufferyard to limit noise and light intrusion.*
  4. One person noted outright objection but did not give details regarding her concern, ask questions or stay for discussion regarding the proposed project.
    - a. *No action at this time since no specific concerns were noted.*
- f. Additional information such as comment cards, letters from neighbors, etc.
  - None.

**Grandpa's Hospitality House**

Neighborhood Meeting for Conditional Use Permit

Tuesday, April 19th

4:00 to 6:30 pm

Sign-In Sheet

Beverly Miller

Vera Pennington

Watt M. S. De

## Sparlin, Michael

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**From:** Lori Muetzel [lorimuetzel@gmail.com]  
**Sent:** Tuesday, April 19, 2016 10:27 AM  
**To:** Zoning@springfieldmo.gov  
**Cc:** Tom Muetzel  
**Subject:** 1755 South National Avenue

My name is Lori Muetzel and I live at 1745 South National Avenue. It is my understanding that an application has been made for the Change in Use of the 1755 South National Avenue property. I will be unable to attend the meeting scheduled for later today, but would like to have my comments included in this process.

My husband and I and our children moved into our home approximately 3 years ago, believing that we were going to live in a residential neighborhood. We have a large family and this house suited our needs. University Heights has a great reputation for good neighbors and nice homes. People live in neighborhoods to establish relationships. Even if you don't like your neighbor, knowing who they are still allows you a sense of security. It has been a slow process in updating our home but we are proud of, and love where we live.

I cannot even begin to tell you how angry I am about this potential change. The thought of not knowing at any given moment who is next door to not only me, but my children, is more than disturbing. Our sun room, which is where we spend most of our living time and is all windows, is **approximately 20 feet away from this house**. My children are frequently home without adults. I would not feel secure in allowing them outside while we are gone in this situation, which would mean that they couldn't use our pool or spend time with our dog. They have expressed a real concern about having a **constant stream of strangers** next door to us.

Our bedroom, our teenage daughter's room, living area, back patio and kitchen can be viewed from the second floor of 1755 at all times, unless we choose to somehow keep our windows continuously covered and find some walls for outdoors. There is not a fence tall enough to give us the privacy we deserve. Again, **this is not a family moving in next door**. This is a constant stream of people we do not know, coming and going at all hours of the day and night. I feel as if I am going to have to barricade my family in, just to keep others out. **I do not think it is fair that we should have to minimize the enjoyment of our home for this facility.**

As someone who lost their father approximately two years ago, and had to travel to Mt. Vernon on a regular and eventually, daily basis for several weeks, I understand the purpose of wanting to find a close facility to stay. I also know that being sick is not discriminate. Everyone deals with a serious illness at some point, which means that we will never know what kind of person will be staying next to us. I will have to worry about this issue daily. **I believe that potential to PERMANENTLY EFFECT someone's lifestyle for your TEMPORARY PROBLEM is not the answer.**

I have not even discussed the potential effect this could have on the future value and sale of this home.

I would ask that you imagine yourself in our position. I truly hope that you will take serious consideration of this request and understand the permanent effect this will have on my family.

Lori Muetzel

**From:** Alison Nelson [<mailto:a2nelson@bop.gov>]

**Sent:** Monday, May 09, 2016 11:26 AM

**To:** Hosmer, Bob

**Subject:** Hearing for Variance at the corner of Sunshine and National

Hi,

My name is Alison Nelson and I am a resident of the University Heights neighborhood. My address is 919 E. University St. I am unable to attend the hearing on Thursday, May 12 but I am very opposed to the zoning being changed at the corner of National and Sunshine. Please maintain our neighborhood as residential.

Thank you,  
Alison Nelson

Alison Nelson, DDS, FAGD  
USMCFP Springfield  
(417) 862-7041 x 1447

**From:** courtney fletcher [<mailto:markanthonyfletcher4@outlook.com>]  
**Sent:** Monday, May 09, 2016 8:35 PM  
**To:** Hosmer, Bob  
**Subject:** Hearing for Variance at Corner of Sunshine and National

My name is Mark Fletcher. I live at 1011 E. University. I am unable to attend the hearing Thursday in the above matter. My wife and I strongly oppose the application for a variance to allow a bed & breakfast to be run at the corner of Sunshine and National. We have lived at our current address for over fifteen years. It is important to us that the residential character of the University Heights neighborhood be maintained. This variance would begin to change the character of the neighborhood and would serve as a precedent for further businesses to be run in the neighborhood. Additionally, this corner is already a dangerous intersection for pedestrians and vehicles. The granting of a variance will make it even more dangerous.

Thank you in advance for your consideration.

Mark Fletcher

Sent from Windows Mail

**From:** Tonya D <[tjwente@live.com](mailto:tjwente@live.com)>  
**Date:** May 10, 2016 at 4:26:00 PM CDT  
**To:** "Hosmer, Bob" <[BHosmer@springfieldmo.gov](mailto:BHosmer@springfieldmo.gov)>  
**Subject:** **Planning and zoning issue for Grandpa's House**

We are unable to attend the Planning and Zoning meeting on Thursday, May 12 @6:30 p.m. Please know that we have received the information concerning Grandpa's House. WE ARE OPPOSED TO ANY AND ALL CHANGES IN THE ZONING OF OUR NEIGHBORHOOD, University Heights.

Please do not allow this to happen, and help us to maintain the commitment to the health of our neighborhood by opposing this variance.

Please feel free to contact us at any time concerning this matter. We are a proud home owner in the University Heights Neighborhood.

Sincerely,

Chuck and Sheila Wentz  
959 East University  
Springfield MO  
417-881-7750 Home  
417-417-861-0936 Cell  
417-831-0174 Office

**From:** Martha <[mj1776@mchsi.com](mailto:mj1776@mchsi.com)>  
**Date:** May 10, 2016 at 11:29:24 PM CDT  
**To:** "Hosmer, Bob" <[BHosmer@springfieldmo.gov](mailto:BHosmer@springfieldmo.gov)>  
**Subject:** Grandpa's House

Due to a prior commitment out of town, I will be unable to attend the Planning and Zoning Commission hearing on Thursday, May 12, 2016 with regard to Grandpa's House.

I did note several months back that a big sign indicating Grandpa's Hospitality House or something to that effect was soon coming has been posted on the concrete brick wall at the side of the property on Sunshine. It would appear that it is assumed this variance will pass, with this announcement having been posted prior to the hearing.

**Please do not do this to our neighborhood.** Once a commercial / or B&B is established, others will follow, and this beautiful residential, historic neighborhood will forever be changed.

Martha J. Pickering  
1046 East University  
Springfield, MO 65807  
417.886.1776

**From:** Shelley Wolbrink <[swolbrin@drury.edu](mailto:swolbrin@drury.edu)>  
**Date:** May 11, 2016 at 8:10:57 AM CDT  
**To:** "Hosmer, Bob" <[BHosmer@springfieldmo.gov](mailto:BHosmer@springfieldmo.gov)>  
**Subject: Variance for Sunshine and National**

Hello Brian,

I am unable to make the Thursday meeting because of my daughter's 8th grade graduation. Otherwise, I would be there, and would strongly speak against the proposal for Grandpa's House property to have a variance. Although the idea is currently proposed as a non-profit, and therefore seems appealing, we ask that the committee look at the practicality of the decision and the impact to the neighborhood on a real family and community-based level.

Government must always weigh one idea versus another for the common good. On a practical level, the destruction to a long time neighborhood and impact to traffic problems would be devastating.

**The corner of Sunshine and National currently receives 65,501 cars per day** through the intersection, according to a 2015 Springfield News-Leader study. The current structure has largely been abandoned in the last decade and has certainly not had the amount of traffic that it would have in the future. **If the committee decides to move forward with the variance, I request that a traffic study be completed and presented to the public, before voting.**

**In addition, in the past two decades it has been named twice as one of the deadliest corners in Missouri. According to one study in the Springfield News-leader, it was the second most accident prone corner in the city.**

The University Heights neighborhood is a treasure in the heart of the city. We have not had a single commercially-zoned business operate within the neighborhood. And there is a good reason for this. This is because we form a neighborhood of like-minded citizens, who feel that neighborhoods are for family time, walks, playing with children and the occasional walk/run. One commercial zoning will likely lead to others, and there is no way to ensure the success of Grandpa's House and/or the occupants.

I would like to point the committee to other areas of the city that have been commercially-zoned. One terrible example is the new blight caused by the 8-10 new apartment complexes on Kimbrough. This has completely changed the way the Kimbrough functions (nearly every day I almost hit a student who simply crosses Kimbrough at any place, and any time of the day). This event has gone completely blameless and is seen as a positive movement for the city. But businesses are detrimental to family life, community ties, and homes where families live in them are central the the bond of the city. That's why Grandpa's House is better served near the block closer to the hospital that is already zoned for businesses.

For the reasons stated, 1) it is not practical given the enormous traffic backup already and accident-prone area, and 2) neighborhood blight and assault; keep neighborhoods for families please, I ask you to serious consider the proposal and honor the "underdogs" here, the families who have successfully kept businesses in business areas of the city.

Best,

Shelley

--

Dr. Shelley Amiste Wolbrink  
Professor of History | 306 Burnham Hall  
Program director, Medieval and Renaissance Studies  
900 N. Benton Avenue | Springfield, Missouri 65802  
417.873.7387 | [swolbrin@drury.edu](mailto:swolbrin@drury.edu)



**From:** Southeast International Hotel Brokers [<mailto:info2@southeastinternational.com>]

**Sent:** Wednesday, May 11, 2016 12:33 PM

**To:** Hosmer, Bob

**Cc:** [kit@creemer.net](mailto:kit@creemer.net); [ndcapeci@hotmail.com](mailto:ndcapeci@hotmail.com)

**Subject:** Planning and Zoning Commission hearing on Thursday, May 12th

May 11, 2016

I will not be able to attend the Planning and Zoning Commission hearing on Thursday, May 12<sup>th</sup> regarding the variance hearing for rezoning of property for Grandpa's House, a B&B for visitors of Mercy Hospital.

I am opposed the rezoning of this property in my neighborhood. My address is 1755 S. Kimbrough Ave.

Thank you,

Mike DeLacy  
1755 S. Kimbrough Ave.  
Springfield, MO 65807

**From:** [anfogle@aol.com](mailto:anfogle@aol.com) [<mailto:anfogle@aol.com>]  
**Sent:** Wednesday, May 11, 2016 12:02 PM  
**To:** Hosmer, Bob  
**Subject:** Zoning issue @ Sunshine and National

Mr. Hosmer,

I was given your email address as the person to whom I could voice my opinions/concerns about a proposed zoning variance.

Both my husband and I will be out of town on Thursday evening and will be unable to attend the hearing concerning a zoning variance that would allow Grandpa's House to open as a B&B at the corner of Sunshine and National. While the idea of Grandpa's House may be a good one, we are opposed to any zoning variance at that location. We bought our first home in the University Heights neighborhood in 1984 and moved 2 houses down the street 12 years ago when our family needed a larger home. We love our neighborhood and do not want to see any zoning change that could alter the makeup and personality of our area. We of course are fully aware of what borders University Heights: busy streets, traffic, Mercy, and now coming a strip center to the east of the proposed Grandpa's House. University Heights is a little "oasis" among all of that. Our quality of neighborhood life, as well as property values could (and I feel would) be adversely affected by this proposed change.

I appreciate your time and hope you consider the feelings of those in the neighborhood when this decision is made.

Renee and Brian Fogle  
1125 E. Kingsbury Street  
Springfield, MO

From: Paul Wolbrink [<mailto:pwolbrin@earthlink.net>]  
Sent: Wednesday, May 11, 2016 10:12 AM  
To: Hosmer, Bob  
Subject: Variance Hearing Sunshine & National

We're Paul and Vivian Wolbrink. We own a house in the Phelps Grove neighborhood at 636 East Loren. We spend winter months in Springfield near grandchildren and return to Michigan during the summer.

We're extremely opposed to the variance being considered for the house near the corner of Sunshine and National. The point of zoning is to protect the investments of property owners, to provide stability and predictability for land use. University Heights is a residential neighborhood. It should remain a residential neighborhood.

It's surprising to us, coming from a community in Michigan where zoning means something and neighborhoods are valued, that the city could seriously consider permitting transient housing in an established single-family area. What's next, a McDonald's alongside the National Avenue Christian Church? A Jimmy John's at Sunshine and Dollison?

**From:** Lori Muetzel [<mailto:lorimuetzel@gmail.com>]  
**Sent:** Wednesday, May 11, 2016 1:32 PM  
**To:** [Zoning@springfieldmo.gov](mailto:Zoning@springfieldmo.gov); Sparlin, Michael; Hosmer, Bob  
**Cc:** Tom Muetzel  
**Subject:** Re: 1755 South National Avenue

Good Afternoon. I wanted to provide some additional information for tomorrow's hearing. Attached you will find a map of the available facilities 5 miles or less from Mercy. Please note that there are over 18. Please also note their price ranges, many which would fall under the requested \$42 per person, per day at the proposed business.

You will also find attached a printout of the price of a room at the TownePlace Suites, which is directly across from the hospital. This, too is a comparable price to the requested amount per guest at the proposed business.

Thank you again for your time and consideration.

Lori Muetzel

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Inbox (2) - lorimuetzel@g... Case.net: Name Search, Jud... hotels near mercy hospital ...

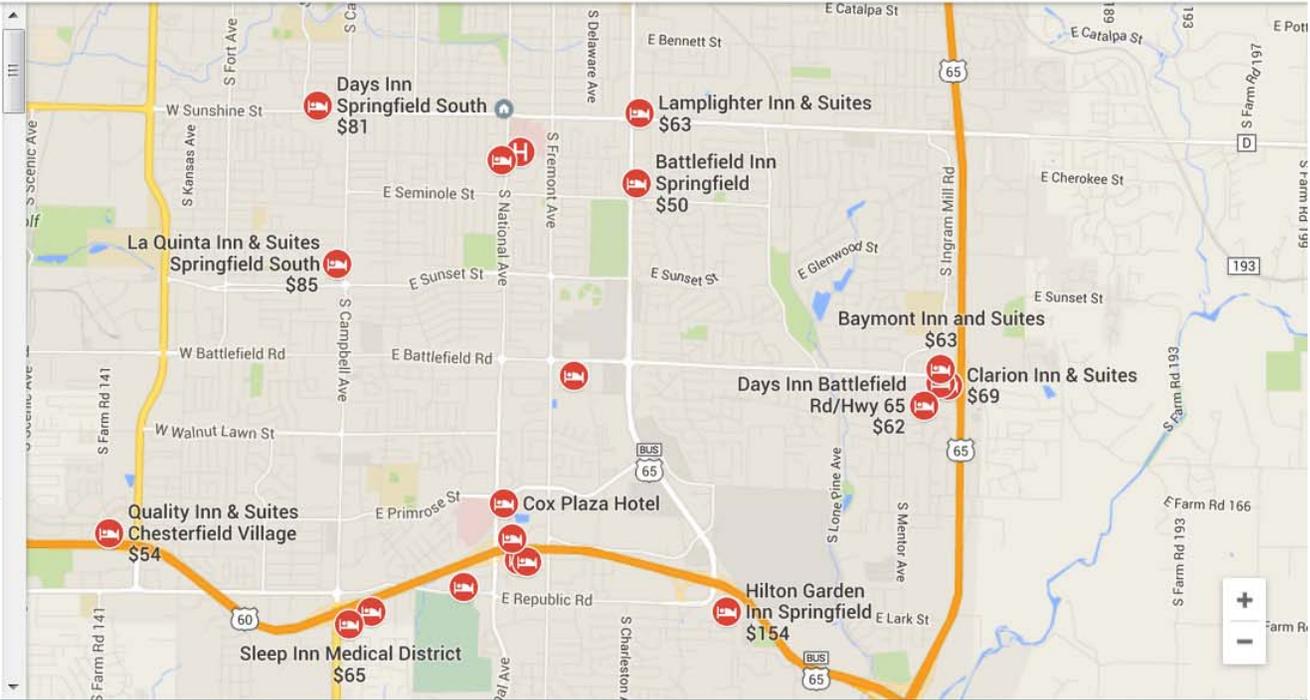
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|---|---|
| <p><b>Battlefield Inn Springfield</b><br/>           2.2 ★★★★★ · 2-star hotel<br/>           2.2 mi<br/>           Free Wi-Fi Free breakfast</p>  | <p><b>\$50</b></p>           |
| <p><b>Quality Inn &amp; Suites Chest...</b><br/>           4.4 ★★★★★ · 2-star hotel<br/>           Basic downtown hotel with freebies such as WiFi &amp; hot breakfast, plus an indoor pool &amp; a gym.<br/>           5.5 mi<br/> <b>OFFER</b> \$14 off per night</p> | <p><b>\$54</b><br/>\$68</p>  |
| <p><b>Arbor Suites Medical Mile</b><br/>           4.1 ★★★★★ · 2-star hotel<br/>           Bright rooms &amp; suites in a refuge with free breakfast &amp; WiFi, plus a shuttle to Cox South Hospital.<br/>           4.5 mi</p>  | <p><b>\$58</b></p>          |



1:06 PM 5/11/2016

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[Rate details](#) · [Room details](#)

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 \* Check out: 05/22/16

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1:08 PM 5/11/2016

## Conditional Use Permit 422 Grandpa's Hospitality House

The University Heights neighborhood has a definite boundary – Sunshine to Brookside, National to Kimbrough. The residents consider the Sunshine and National corridors part of the neighborhood, viewing the house at 1755 South National Avenue as the entrance to the neighborhood.

Unfortunately, a newly-formed nonprofit organization, Grandpa's Hospitality House, wants a variance for this house in order to open a B&B for Mercy Hospital guests. I strongly oppose this exception. The chipping away of the boundaries, particularly at the corner, threatens the character and desirability of the neighborhood as a whole, especially as developers see this variance as an opportunity to rezone the entire Sunshine and National corridors.

Although the house needs serious attention, I cannot see how the rezoning of this house for a business, no matter how noble, will help the neighborhood. This rezoning is permanent. There would be no opportunity to reverse it, if this venture fails. And I seriously doubt that it will succeed, as the business plan seems flawed.

The organization is relying on monetary donations and a minimal room rate for capital and revenue. The initial goal was to purchase the house outright for \$300,000. Then they lowered their expectations, hoping to raise \$80,000 to \$100,000 for the down payment. They still have not raised \$60,000 after seven months.

Even if they were to raise the funds for the down payment, the house would need serious renovation to comply with B&B regulations and building codes: the exterior, driveway and seven parking spaces with screens; the interior, a decent kitchen and bath facilities. The house would also need furnishings and linens. How long will it take to raise the money for renovations and start-up costs?

If the business did open, the income at full occupancy would be just \$6300 a month, 5 rooms at \$42. Would this be enough for the monthly payments: mortgage, insurance, maintenance, taxes, telecommunications, and utilities, especially the high cost of electricity and water for full occupancy?

Considering the age of the house, a high occupancy rate would stress the electrical and plumbing infrastructure. Would the organization need to raise additional funds for these capital improvements?

A nonprofit organization, like any other business, needs a strategy to raise capital and earn revenue to maintain financial stability. Either donors do not see their cause as very important or the organization does not have the right skills for fund raising, as it has not even accomplished the first goal. I see a constant need for fundraising, which I do not think can be accomplished. In the meantime, the neighborhood is in limbo about the uncertainty of an unfinished project.

The organization was formed by a family during a difficult time of mourning for a loved one. The plan is flawed, partly because successful businesses do not operate on emotion, but practical business principles.

It is my understanding, that Steve Plaster, the current owner, who has never occupied the house, purchased the property speculating that the Sunshine corridor would be rezoned for commercial use. His speculation did not pay off. Now, he is willing to sell the property at a loss, leaving the neighborhood to pay the price.

University Heights is one of the most desirable neighborhoods in Springfield, for good reason. All the houses are different; many are unique. Like the houses, the residents are also different and unique: from newborns to retirees, from professionals to wage earners, from conservatives to liberals. University Heights is a diverse yet stable community. And this house is the cornerstone to that community.

University Heights should not have to pay for the owner's miscalculation or for the organization's overly-ambitious plan. I hope that the commission will give serious consideration to the negative impact that this B&B variance will have on the University Heights neighborhood. I hope that this commission will not sacrifice a stable community for an uncertain business venture.

Norma D. Capeci  
900 East Kingsbury Street  
Springfield, Missouri 65807  
417-883-3379

**From:** barbaradurham1948 <[barbaradurham1948@gmail.com](mailto:barbaradurham1948@gmail.com)>

**Date:** May 11, 2016 at 4:18:34 PM CDT

**To:** "Hosmer, Bob" <[BHosmer@springfieldmo.gov](mailto:BHosmer@springfieldmo.gov)>

**Subject:** **Planning and Zoning meeting 5/12/16**

We are opposed to any variance which would change the zoning in our neighborhood.

David and Barbara Durham

1110 E. University St.

**From:** Sonja Kremppges [<mailto:SonjaKremppges@OutdoorLivingBrands.com>]  
**Sent:** Thursday, May 12, 2016 8:26 AM  
**To:** Hosmer, Bob  
**Subject:** Variance at corner of Sunshine and National

I can't attend the meeting tonight but feel strongly I don't want the zoning changed at Sunshine and National. I just moved to this neighborhood last September after living in the country for 15 years. I was reluctant to move away from the peace and quiet of the country to town. I absolutely love the neighborhood. Please help us keep our peaceful neighborhood for families, not commercial use. Thank you.

Sonja Kremppges  
1037 E Stanford  
Springfield MO 65807

Best Regards,

**Sonja Kremppges**  
*Marketing Manager – Renew Crew*  
Outdoor Living Brands, Inc.  
2924 Emerywood Parkway, Suite 101  
Richmond, VA 23294  
P: 804-353-6999 x 351 | F: 804-358-1878

OUTDOOR LIVING BRANDS™  
LIVE WELL™

—  —  
Archadeck Outdoor Living  
Outdoor Lighting Perspectives • Mosquito Squad  
Renew Crew • Casuwel

Dear Commissioner Hosmer:

As a relatively new resident in the University Heights area, I am concerned about the permit variance request for Grandpa's House at the corner of National Avenue and Sunshine Street. Years ago, when I lived at 648 S. McCann Avenue, I assisted Paul Redfern, Bert Helm, Paul Arnold and others to create the Rountree Conservation District, the first of its kind in Springfield. This was possible because the Springfield Planning and Zoning Commission supported and greatly assisted our efforts. Thereafter, we constantly had to be vigilant, especially protecting the arterial streets that fronted the district, namely National Avenue and Cherry Street. The effort was ongoing and somewhat successful with small business development, less so with fraternity dormitories on National. In recent years a variance change was made for a wireless phone store on National and, more concerning, for an apartment complex built in back of a home on the corner of Cherry and Kickapoo, within the district itself. This is one of the reasons why I sold my McCann home and moved into University Heights. Perhaps because of that small set of apartments, sizeable new ones are under construction across the north-side of Cherry Street just east of the National Avenue-Cherry Street intersection.

At a time when numerous neighborhoods, for example west and north of MSU, have been developed into privatized apartments, viable family neighborhoods need to be supported. A change in one variance, no matter how small, can lead to more and greater changes over time. Once the precedent is created, others could follow, compromising University Heights' southern boundary along Sunshine Street between National and Kimbrough. It is for this reason that I appeal to you and your fellow commissioners to deny Permit 422 and become an advocate for our neighborhood.

Sincerely, Dominic J. Capeci, Jr.

932 E. Stanford Street

Springfield, MO 65807

417-862-4577

**From:** Ben Muetzel [<mailto:benmuetzel@gmail.com>]  
**Sent:** Wednesday, May 11, 2016 2:58 PM  
**To:** Hosmer, Bob  
**Subject:** Proposed Variance for House at Sunshine and National

My name is Ben Muetzel. My family owns a house in the Phelps Grove neighborhood at 642 East Loren.

We're extremely opposed to the variance being considered for the house near the corner of Sunshine and National. The point of zoning is to protect the investments of property owners, to provide stability and predictability for land use. University Heights is a residential neighborhood. It should remain a residential neighborhood.

This city has lost historic home after home, neighborhood after neighborhood to ill-advised and short sighted municipal planning--mostly apparently done for the sake of developers and not the citizens of the city. Once you encroach on this corner it's just a matter of time before the University Heights neighborhood will disappear all along Sunshine.

We are a well traveled family and have visited many cities in the U.S. similar to Springfield, MO with one exceptionally large difference. The older sections of their towns are clean and vibrant, brimming with older homes and businesses and they are considered desirable cities to live and work in. Springfield needs to start thinking of that.

Respectfully,

Ben Muetzel

**From:** kay green <[kay.byars.green@gmail.com](mailto:kay.byars.green@gmail.com)>

**Date:** May 12, 2016 at 12:15:50 PM CDT

**To:** "Hosmer, Bob" <[BHosmer@springfieldmo.gov](mailto:BHosmer@springfieldmo.gov)>

**Subject: Planning & Zoning Commission hearing, May 12, 2016- re : Hearing-Corner of Sunshine & National**

Re: Hearing for variance at corner of Sunshine & National

Dear Mr. Hosmer,

Since we are unable personally to attend the hearing, we are wanting to express our immediate concerns on this matter.

As residents of University Heights Neighborhood for over 45 years, at 1055 E. Kingsbury, & citizens of Springfield for 54 years, we strongly object to a potential zoning variance at Sunshine & National.

There is already a large, full service hotel directly across National from Mercy Hospital's main entrance.

The corner of National & Sunshine is one of the busiest, and undoubtedly one of the most hazardous in Springfield. Entrance and exit from that corner property would be extremely dangerous, only adding to an already congested, very high volume traffic area. Traffic from that corner moves from 3 different directions.

To allow the zoning variance proposal to pass, to become open for a business model, we foresee as threatening the integrity of our University Heights neighborhood. The appeal of this particular neighborhood, from National to Kimbrough, from Sunshine to Brookside, historically has been and currently remains the pristine single family dwellings.

We appreciate your consideration .

Kathleen D. Green  
Walter H.Green,Jr.  
1055 E . Kingsbury  
Springfield, Mo 65807  
417-881-5068

PROJECT INFORMATION:

Street Address: 1755 S. National Ave.  
 Current Zoning: R-SF  
 Specific Conditional Use Requested: Bed & Breakfast  
 Total Site Acreage: 0.4471 acres  
 Guest Room Count: 5 Bedrooms

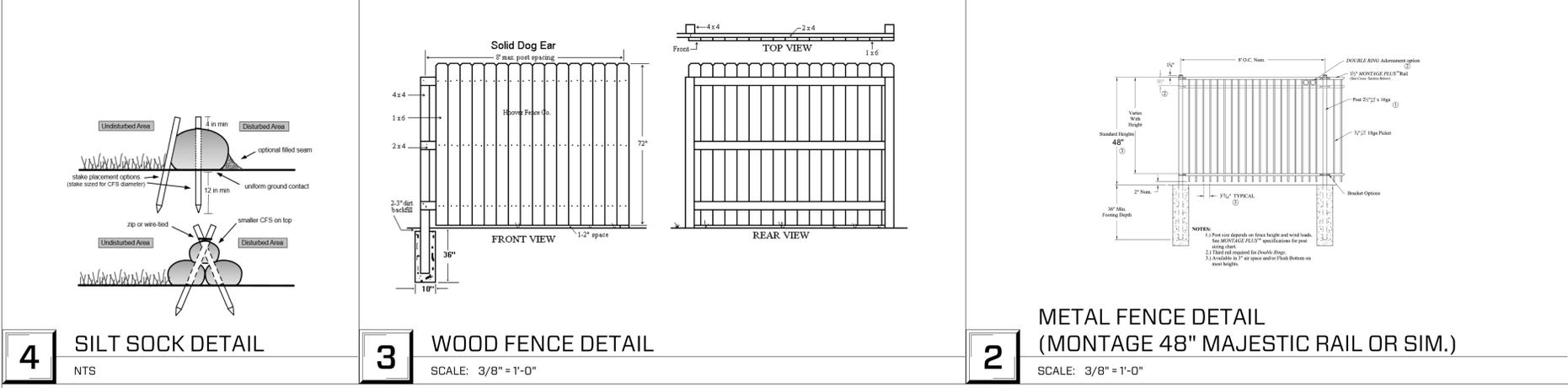


SITE INFORMATION:

- Front Yard Fencing: All front yard fencing will meet the requirements of a front yard fence.
- Bicycle Parking: At a minimum, two bicycle parking spaces will be provided.
- Proposed Grading or Regrading of Site: There are no plans for grading or regrading of the project site.
- Lot Size Dimensions: Minimum lot area 6,000 s.f. (actual 19,475 s.f.); minimum lot width 50 ft. (actual 85 ft.); minimum lot depth 80 ft. (actual 207.5 ft.).
- Yard Dimensions: Front yard 25 ft. (actual 70 ft.); side yard 5 ft.; rear yard 10% of yard depth or 20 ft. max. Please note that existing structures do exceed minimum sideyard and rear yard setbacks; however, no additional structures will be erected that exceed setback requirements.
- Exterior Circulation: All vehicular & pedestrian circulation is existing except as noted in the floor plan.
- Proposed outdoor signage: Exterior signage has not yet been designed for the space; however, any future signage will be in compliance with signage requirements. Only one non-illuminated sign no greater than 25 s.f. will be provided.
- Bufferyard and landscaping requirements: The required bufferyard is Bufferyard D. Due to existing structures and paving on the north side of the site, the non-confirming status applies and a six ft. solid wood fence will be provided in lieu of plantings. The six ft. solid wood fence will not encroach upon the clear ROW or impede required lines of sight.
- Open Space Requirements: Minimum open space requirements are no less than 30% of the total lot area or 5,842 sq. ft. min. More than 33% open space is provided.
- Impervious Area: Impervious area shall not exceed 70%. Impervious area is less than 67% of total area.
- Site Trees: All existing trees will be protected in place.
- Soil Erosion Control: Standard soil erosion control practices will be utilized should any soil be disturbed onsite.
- Exterior Lighting: Existing exterior lighting shall remain in place. No additional exterior lighting is planned for the property.
- Off-street parking: Maintain existing (7) parking spaces.



**5 SITE PLAN**  
 SCALE: 1" = 10'-0"



**1 LOCATION SKETCH**  
 NTS



**PLANNING AND DEVELOPMENT DEPARTMENT  
DEVELOPMENT REVIEW OFFICE  
MEMORANDUM**

DATE: May 5, 2016  
TO: Planning and Zoning Commission  
FROM: Bob Hosmer, AICP Principal Planner  
SUBJECT: Planned Development 348 Amendment 1

Staff is requesting that agenda item number 10 be tabled until the June 9, 2016 Planning and Zoning Commission meeting.

Please contact us if you have any questions or need more information on this request.

# Development Review Staff Report

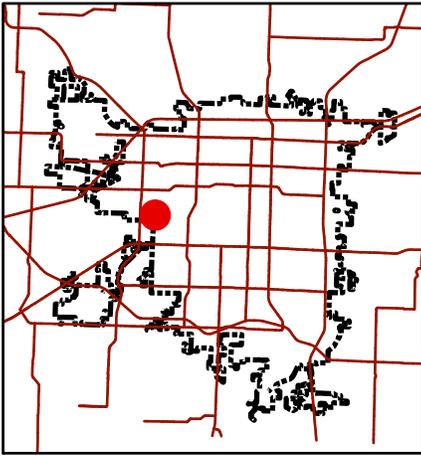
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802

## Preliminary Plat - Highland Gardens Lot 13 Block 8

LOCATION: 3248 W. State Street

CURRENT ZONING: R-SF, Single-Family Residential District

PROPOSED ZONING: N/A



### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT  
PRELIMINARY PLAT – HIGHLAND GARDENS LOT 13 BLOCK 8

PURPOSE: To approve a preliminary plat to subdivide approximately 0.48 acres into a 3 lot residential subdivision

REPORT DATE: April 26, 2016

LOCATION: 3248 W. State Street

APPLICANT: RNB Properties, LLC

TRACT SIZE: Approximately 0.48 acres

EXISTING USE: Vacant/undeveloped land

PROPOSED USE: Single-family residential uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant's proposal is consistent with the City's *Subdivision Regulations*.

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission **approve** the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
  - a. Public sewer is currently only available for Lot 1. Public sewer will have to be extended south to serve Lots 2 & 3 which will require public improvement plans. Submit public improvement plans for review and approval. The public improvements will have to be constructed or escrowed before the final plat can be approved. Approval of escrow is determined by the Director of Public Works
  - b. Sidewalk is required to be constructed along the property frontage of State Street. The sidewalk must be included on the public improvement plans, constructed or funds escrowed prior to approval of the final plat.
2. All required street rights-of-way, drainage and utility easements and limitations of

access shall be dedicated on the final plat.

- a. A 10 foot by 10 foot right of way sight triangle (not a clear space triangle) is required at the intersection of Laurel and State.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

**SURROUNDING LAND USES:**

| AREA  | ZONING | LAND USE                |
|-------|--------|-------------------------|
| North | R-SF   | Single-family residence |
| East  | R-SF   | Single-family residence |
| South | R-SF   | Single-family residence |
| West  | R-SF   | Single-family residence |

**COMPREHENSIVE PLAN:**

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing uses. The recommended zoning is R-SF, Single-Family Residential uses.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 0.48 acres into a 3 lot residential subdivision named "HIGHLAND GARDENS LOT 13 BLOCK 8". The property is currently zoned R-SF, Single-Family Residential and vacant/undeveloped land.
2. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

CITY COUNCIL:

May 31, 2016

STAFF CONTACT:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
BACKGROUND REPORT  
PRELIMINARY PLAT – HIGHLAND GARDENS LOT 13 BLOCK 8

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

CLEAN WATER SERVICES COMMENTS:

1. Public sewer is currently only available for Lot 1. Public sewer will have to be extended south to serve Lots 2 & 3 which will require public improvement plans. Submit public improvement plans for review and approval. The public improvements will have to be constructed or escrowed before the final plat can be approved. Approval of escrow is determined by the Director of Public Works.

CITY UTILITIES COMMENTS:

All utilities are available on Laurel Avenue and State Street. A new power pole will need to be set between lots 1 and 2. Underground or overhead service can be taken from this pole. Lot 2 has an existing water meter that can be re-used. Lots 1 and 3 will require new water meters. Natural Gas is available on the south side of State St. and east side of Laurel Ave.

FIRE DEPARTMENT COMMENTS:

No issues.

TRAFFIC DIVISION COMMENTS:

1. A 10 foot by 10 foot right of way sight triangle (not a clear space triangle) is required at the intersection of Laurel and State.
2. Sidewalk is required to be constructed along the property frontage of State Street. The sidewalk must be included on the public improvement plans, constructed or funds escrowed prior to approval of the final plat.
3. Both State Street and Laurel Avenue are classified as local residential streets which require 25 feet of right of way from the centerline. It appears adequate right of way exists; however, we recommend this be determined by a survey.
4. One access will be allowed to each lot. Driveways will need to be built to City of Springfield ST-8 standards. If Lot 1 takes driveway access to Laurel Avenue, access must be at least 20 feet from the edge of the right of way sight triangle.

## STORMWATER COMMENTS:

The property is located in the Upper Wilson's Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of any flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is an option. Since the project will be disturbing less than one (1) acre there will not be a land disturbance permit required. There are existing culverts and ditches available for this development to discharge into. There are no sinkholes on the proposed property.

Please note that development (or re-development) of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Concentrated points of discharge from these improvements will be required to drain into the public right-of-way or a drainage easement.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

| Public Works Stormwater Division      | Response             |
|---------------------------------------|----------------------|
| Which Drainage Basin is this located? | Upper Wilson's Creek |
| Is property located in Floodplain?    | No                   |
| Is property located on a sinkhole?    | No                   |
| Is stormwater buyout an option?       | Yes                  |

**BENCHMARKS**

CITY OF SPRINGFIELD BENCHMARK #82  
 WESTERN @ LOMBARD  
 S.E. QUADRANT  
 STANDARD COS MONUMENT  
 ELEVATION = 1198.29

TBM #1  
 3/4" IRON PIN  
 SOUTHWEST CORNER  
 OF LOT 13 BLOCK 8  
 ELEVATION = 1230.69

CONTOUR INTERVAL 1'

PRELIMINARY PLAT  
**HIGHLAND GARDENS LOT 13 BLOCK 8**

**A REPLAT OF LOT 13 BLOCK 8 HIGHLAND GARDENS**

BEING PART OF THE N.E. 1/4 OF THE S.W. 1/4 OF SEC. 21, TWP. 29 N, RNG. 22 W  
 A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI  
 3248 W STATE STREET

OWNER: RNB PROPERTIES LLC  
 RANDALL B PROPST  
 3343 S PARKMONT CT  
 SPRINGFIELD MO 65807

SOURCE OF DESCRIPTION: BOOK 2014 PAGE 011376-14

**PROPERTY DESCRIPTION**

ALL OF LOT THIRTEEN (13) BLOCK 8 OF HIGHLAND GARDENS,  
 A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY,  
 MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

**DEDICATION:**

I, RANDALL B PROPST, MEMBER OF RNB PROPERTIES, L.L.C., OWNER OF SAID REAL ESTATE DESCRIBED AND SHOWN HEREON, DO HEREBY CERTIFY TO HAVE CAUSED SAID REAL ESTATE TO BE PLATTED AS SHOWN HEREON AND THAT SAID REAL ESTATE SHALL BE KNOWN AND DESIGNATED AS HIGHLAND GARDENS LOT 13 BLOCK 8 AND THAT ALL STREETS, EASEMENTS AND ACCESS LIMITATIONS AS SHOWN HEREON ARE DEDICATED TO THE PUBLIC.

IN WITNESS WHEREOF, WE, AS SOLE OWNER, HAVE HEREUNTO SET OUR HAND AND AFFIXED MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

RNB PROPERTIES, L.L.C. - RANDALL B PROPST - MEMBER

**ACKNOWLEDGMENT**

STATE OF MISSOURI  
 COUNTY OF GREENE

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME PERSONALLY APPEARED RANDALL B PROPST, TO ME KNOWN, WHO DULY SWORN, DID STATE TO BE A MEMBER OF RNB PROPERTIES, L.L.C., AND THAT THE FOREGOING INSTRUMENT WAS SIGNED AND SEALED ON BEHALF OF SAID RNB PROPERTIES, L.L.C. BY AUTHORITY OF ITS MEMBERS AND ACKNOWLEDGE SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID RNB PROPERTIES, L.L.C.

IN WITNESS WHEREOF I HAVE SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN \_\_\_\_\_ COUNTY, MISSOURI, THE FIRST DAY WRITTEN ABOVE.

NOTARY PUBLIC: \_\_\_\_\_

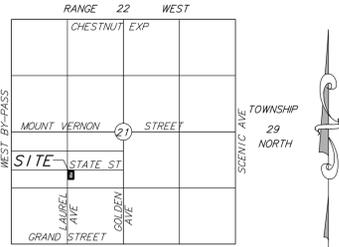
PRINT NAME: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF APPROVAL  
 BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

I, Michael K. MacPherson, Principal Planner, of Planning and Development of the City of Springfield, Greene County, Missouri, in accordance with the authority granted to me by Section 203 of Article 11 of the Land Development Code, Chapter 36, Springfield City Code, do hereby approve the Administrative Re-plat of HIGHLAND GARDENS LOT 13 BLOCK 8, a subdivision of said City of Springfield on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Michael K. MacPherson  
 Principal Planner



BEARINGS BASED UPON GRID NORTH  
 NAD 1983  
 MISSOURI COORDINATE SYSTEM  
 CENTRAL ZONE  
 MISSOURI GEOGRAPHIC CONTROL SYSTEM MONUMENTS  
 GR-42 & GR-42A  
 GRID FACTOR 0.9999491  
 1 METER = 0.28063333 FEET  
 (376.726 METERS) NAVD 1988

**STATE PLANE COORDINATES  
 FOR  
 CONTROLLING CORNERS  
 (GIVEN IN METERS)**

| Corner# | North      | East       |
|---------|------------|------------|
| GR 42   | 152,541.57 | 424,463.26 |
| 1       | 152,240.30 | 425,027.80 |
| 2       | 152,239.46 | 425,062.64 |
| 3       | 152,183.16 | 425,060.47 |
| 4       | 152,184.04 | 425,025.65 |

**INTERNAL ANGLES**

| CORNER # | ANGLE      |
|----------|------------|
| 1        | 90°48'47"  |
| 2        | 88°57'53"  |
| 3        | 90°58'30"  |
| 4        | 89°16'50"  |
| TOTAL    | 360°00'00" |

(N-2) X 180°

**MINIMUM FINISH FLOOR  
 FOR  
 SANITARY SEWER**

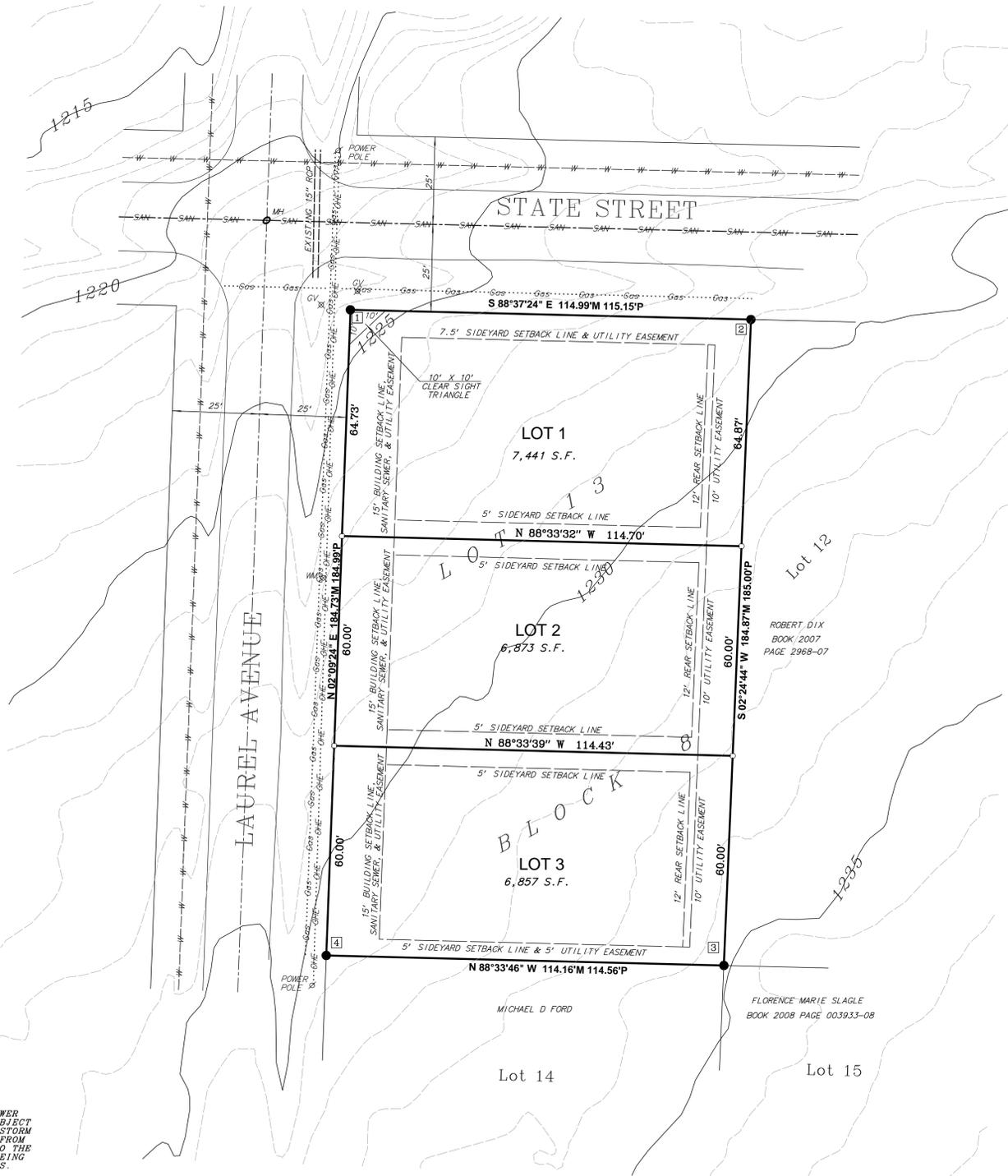
| LOT # | ELEVATION |
|-------|-----------|
| 1     | 1228.0    |
| 2     | 1228.0    |
| 3     | 1228.0    |

**LEGEND**

- WV WATER VALVE
- WM WATER METER
- GV GAS VALVE
- SL STREET LIGHT
- FH FIRE HYDRANT
- MH MANHOLE
- S SANITARY SEWER LINE
- OHE OVERHEAD ELECTRIC LINE
- W WATER LINE
- G GAS LINE

NOTE: THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSIGNMENT COST IF INCLUDED IN A FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE RUN-OFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUN-OFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.

THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA AS DETERMINED BY THE FLOOD INSURANCE RATE MAP # 29077C0328E DATED 12-17-2010.



KNOWN ALL MEN BY THESE PRESENTS: THAT I, LAWRENCE E JANSEN LS 2385, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF LAWRENCE E. JANSEN LS 2385 IN ACCORDANCE WITH SECTION 410.5 OF THE SUBDIVISION REGULATIONS, ARTICLE 11, CHAPTER 36, OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND I DID ATTEMPT TO MEET THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, AND THE STANDARDS ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

Lawrence E Jansen 4-14-16  
 LAWRENCE E. JANSEN PLS 2385 DATE

CLASS "URBAN" SURVEY  
 EIP - EXISTING IRON PIN  
 SIP - SET IRON PIN  
 B - PERMANENT MONUMENTS  
 P - PLAT DISTANCE  
 M - MEASURED DISTANCE  
 D - DEED DISTANCE  
 Job No.: 1406-003  
 Date of Preparation: 6-05-2015  
 Drawn By: LEJ  
 Checked By: LEJ



**GLOBAL**  
 PRECISION SURVEYING, L.L.C.  
 P.O. BOX 790, REPUBLIC, MO 65738  
 PHONE 417-883-0300 FAX 417-883-0335  
 CERTIFICATE OF AUTHORITY  
 NUMBER LS-2010000563

DEVELOPMENT REVIEW STAFF REPORT  
RETAINING WALL AMENDMENTS

PURPOSE: To amend Subsection 36-453(5)(a)5., Permitted projections and structure in required yards., in the Zoning Ordinance to allow retaining walls that exceed two and one-half (2 ½) feet in all required yards.

REPORT DATE: April 29, 2016

APPLICANT: City of Springfield

FINDINGS FOR STAFF RECOMMENDATION:

1. This amendment will allow both commercial and residential lots to construct retaining walls in the required yards or building setbacks. This will allow for more flexibility and eliminate the need for a zoning variance when new or existing lots are created on steep or sloping terrain.
2. Approval of these amendments will promote infill development where investments have already been made in public services and infrastructure.

RECOMMENDATION:

Staff recommends **approval** of this request.

COMPREHENSIVE PLAN:

1. The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

STAFF COMMENTS:

1. Planning and Zoning Commission initiated amendments regarding retaining walls at their meeting on April 18, 2016.
2. The current ordinance allows retaining walls in all yards; however they must be located outside of any required yard setbacks and cannot exceed the maximum height requirements for the site. The current ordinance also allows certain other projections and structures in a required yard setback. Retaining walls and solid masonry walls are one of multiple structures that are allowed in the required yard setback but with a maximum height of two and one-half (2 ½) feet.
3. Staff has processed many zoning variance requests over the past few years because of retaining walls that exceed the height requirement in a required yard.

In these instances, the lot was on a steep sloping terrain. Staff believes more of these requests will occur in the future because infill property is typically more challenging to develop due to steep slopes.

4. The definition of a retaining wall is a structure designed and constructed to resist the lateral pressure of soil when there is a desired change in ground elevation that exceeds the angle of repose of the soil. The walls must resist the lateral pressures generated by loose soils or, in some cases, water pressures. The International Building Code requires retaining walls to be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift; and that they be designed for a safety factor of 1.5 against lateral sliding and overturning. (Attachment 4)
5. The difference between a retaining wall and a fence or wall is that a retaining wall must be engineered to withstand lateral pressure of the soil. Any wall that is constructed in a front yard that does not retain soil will be considered a fence and shall be 50% open/screened and four feet in height above yard grade or it will be considered a visual obstruction (Attachment 5 and 6).
6. Staff is proposing to remove the requirement that retaining walls cannot exceed the height of two and one-half (2 ½) feet in all required yards. This will allow both commercial and residential lots to construct retaining walls in the required yards or building setbacks. This will allow for more flexibility and eliminate the need for a zoning variance when new or existing lots are created on steep or sloping terrain.
7. Staff is also proposing to remove the solid masonry wall height requirement which is covered by the fencing requirements.
8. The Development Issues Input Group (DIIG), Springfield Downtown Association (DSA), Environmental Advisory Board (EAB) and all registered neighborhood associations were notified of these amendments and have made no objections to date.

CITY COUNCIL MEETING:

May 31, 2016

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
PROPOSED CHANGES TO ZONING ORDINANCE  
RETAINING WALL AMENDMENTS

Note: Language to be deleted is ~~stricken~~.

Sec. 36-453. – Supplemental open space and yard regulations.

(5) Permitted projections and structures in required yards. The following shall not be considered to be obstructions when located in a required yard:

(a) In all yards.

5. Any retaining wall ~~or solid masonry wall up to two and one-half (2-1/2) feet high~~ shall be permitted in any required yard.

ATTACHMENT 2  
FINAL LANGUAGE AFTER PROPOSED CHANGES  
RETAINING WALL AMENDMENTS

Sec. 36-453. – Supplemental open space and yard regulations.

(5) Permitted projections and structures in required yards. The following shall not be considered to be obstructions when located in a required yard:

(a) In all yards.

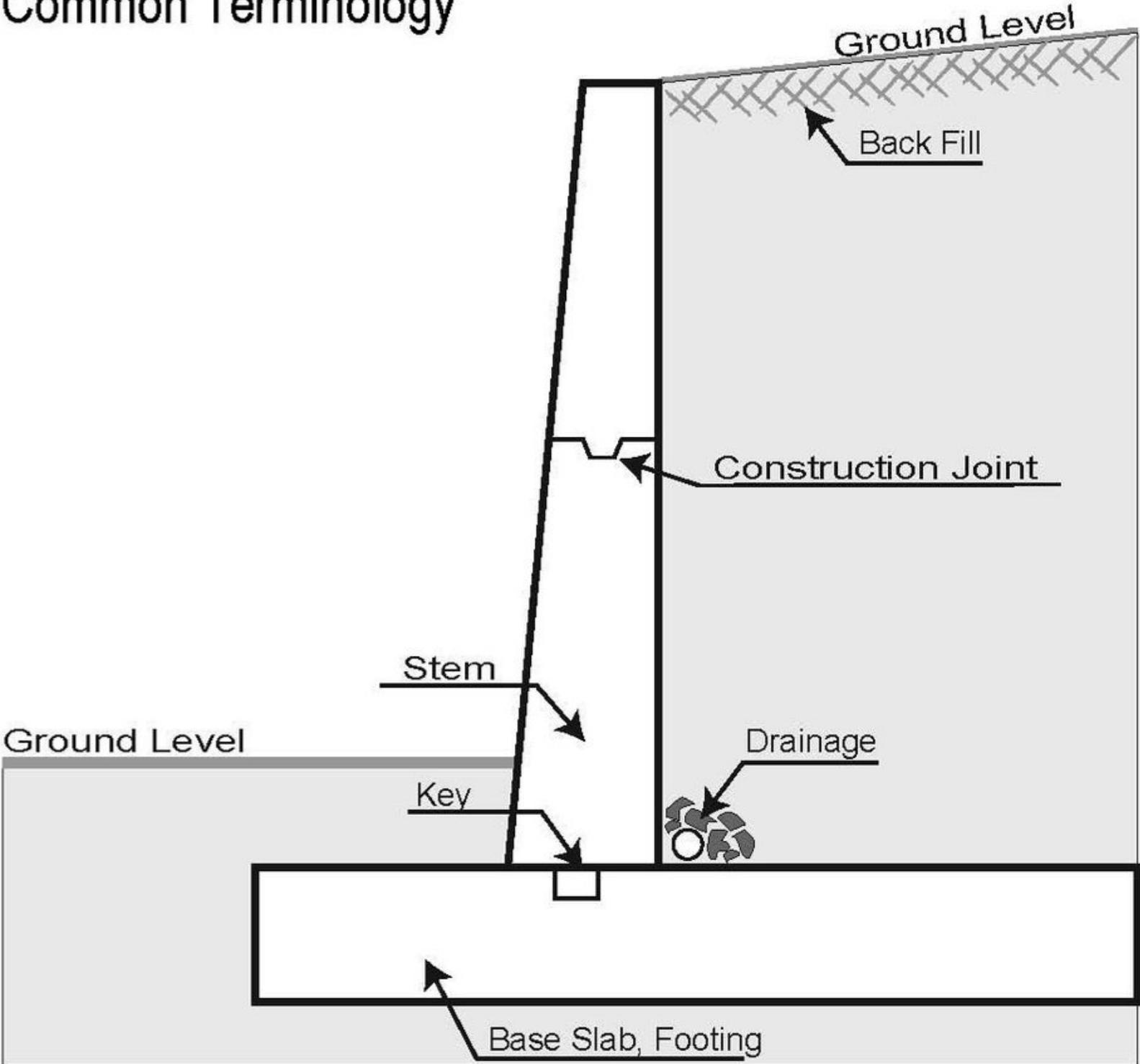
5. Any retaining wall shall be permitted in any required yard.

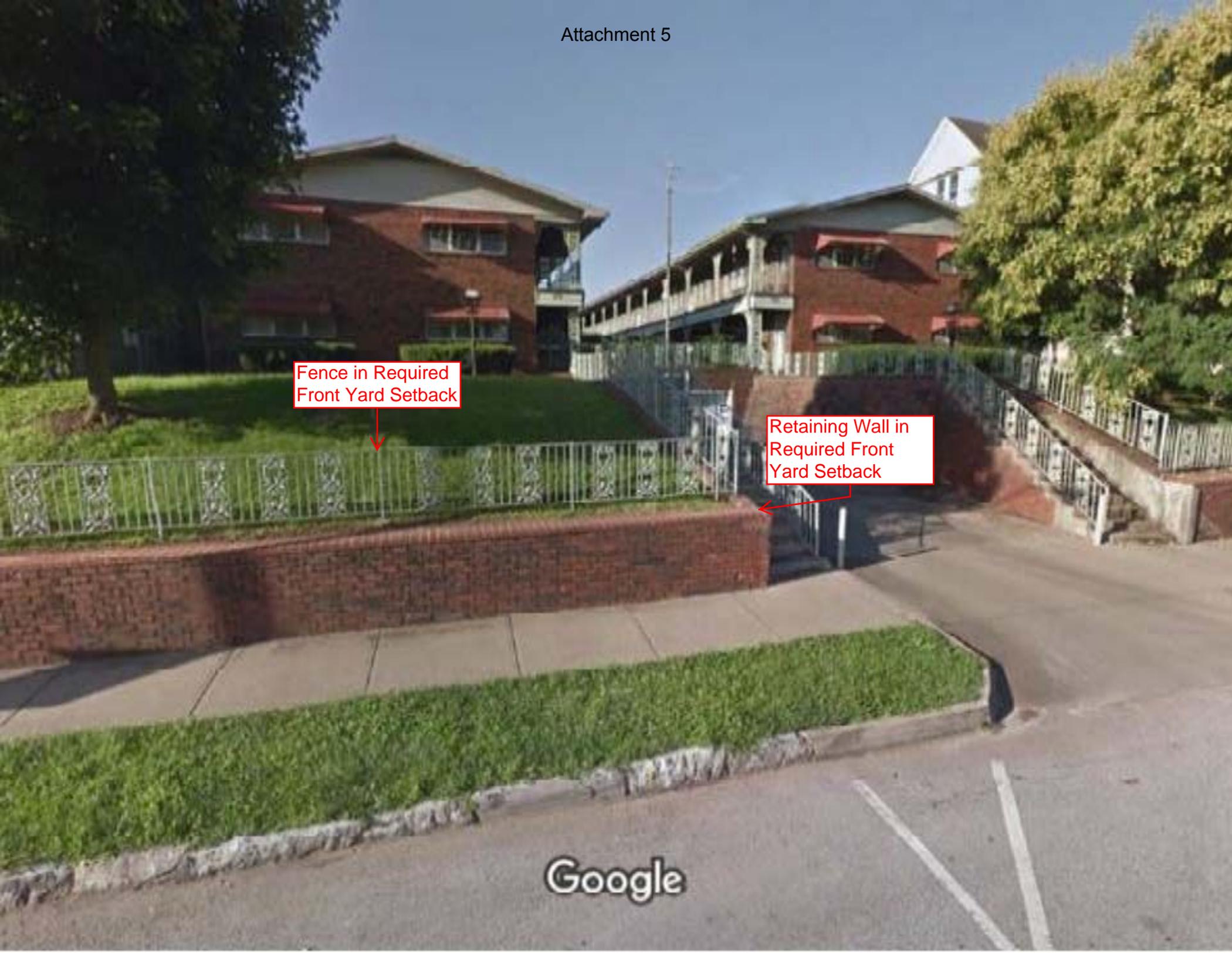
ATTACHMENT 3  
EXISTING LANGUAGE IN ZONING ORDINANCE  
RETAINING WALL AMENDMENTS

Sec. 36-453. – Supplemental open space and yard regulations.

- (5) Permitted projections and structures in required yards. The following shall not be considered to be obstructions when located in a required yard:
  - (a) In all yards.
    - 5. Any retaining wall or solid masonry wall up to two-and-one-half (2-1/2) feet high shall be permitted in any required yard.

# Common Terminology

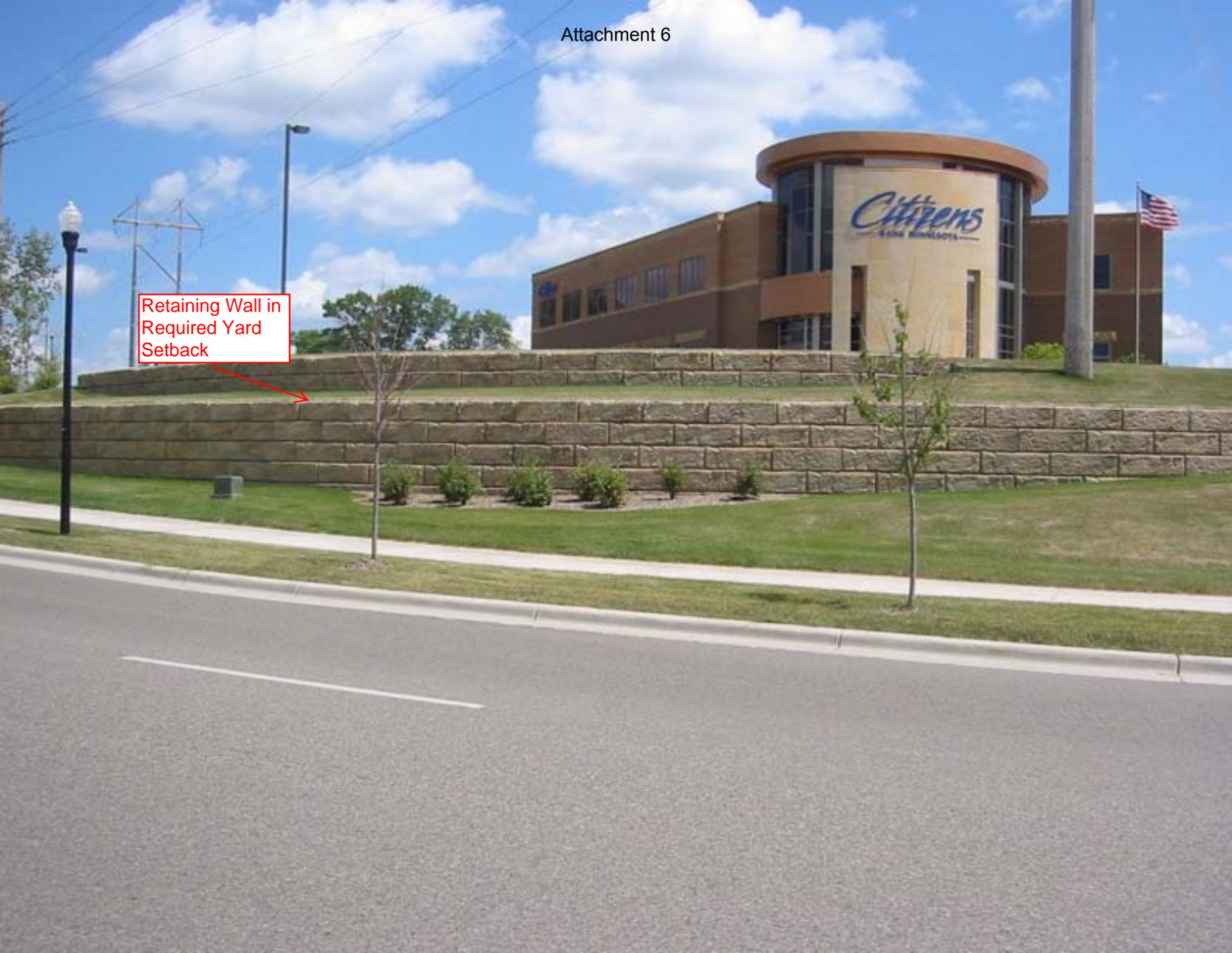




Fence in Required  
Front Yard Setback

Retaining Wall in  
Required Front  
Yard Setback

Retaining Wall in  
Required Yard  
Setback



DEVELOPMENT REVIEW STAFF REPORT  
CONDITIONAL USE PERMIT AMENDMENTS

PURPOSE: To amend Subsection 36-363(5), Conditions and restrictions., of  
Conditional Use Permits in the Zoning Ordinance to correct references.

REPORT DATE: April 29, 2016

APPLICANT: City of Springfield

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will change an incorrect reference in the Zoning Ordinance and allow for sustainable practices within the community which is consistent with the City's Comprehensive Plan.

RECOMMENDATION:

Staff recommends **approval** of this request.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

STAFF COMMENTS:

1. Staff has found two subsections, 36-363(3) and (5), Conditional use permits., that refer to the wrong subsections of the Zoning Ordinance. In subsection 36-363(3)(g), the subsection references site plan review, but uses the incorrect subsection number. In subsection 36-363(5) the referenced should be subsection (10), the conditional use permit standards subsection in the Zoning Ordinance, instead of subsection (6). The proposed amendments will allow the original intent of the references to be applied to these subsections.

CITY COUNCIL MEETING:

May 31, 2016

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
PROPOSED CHANGES TO ZONING ORDINANCE  
CONDITIONAL USE PERMIT AMENDMENTS

Note: Language to be added is underlined.

Sec. 36-363. - Conditional use permits.

- (3) Contents of application. An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.
- (g) A site plan, pursuant to section 36-3603, site plan review, of this article.
- (5) *Conditions and restrictions.* 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 benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (106) of this article to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.

ATTACHMENT 2  
FINAL LANGUAGE AFTER PROPOSED CHANGES  
CONDITIONAL USE PERMIT AMENDMENTS

Sec. 36-363. - Conditional use permits.

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  - (g) A site plan, pursuant to section 36-360, site plan review, of this article.
  
- (5) *Conditions and restrictions.* 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 benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (10) of this article to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.

ATTACHMENT 3  
EXISTING LANGUAGE IN ZONING ORDINANCE  
CONDITIONAL USE PERMIT AMENDMENTS

Sec. 36-363. - Conditional use permits.

(3) Contents of application. An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.

(g) A site plan, pursuant to section 36-363, site plan review, of this article.

(5) *Conditions and restrictions.* 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 benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (6) of this article to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.