



# Springfield Planning and Zoning Commission

City Council Chambers (830 Boonville)

Date: November 10th, 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, King Coltrin, Dee Ogilvy, and Cameron Rose

## 1. ROLL CALL

## 2. APPROVAL OF MINUTES

**October 13th, 2016**

Documents:

[PZ MINUTES 10-13-2016.PDF](#)

## 3. COMMUNICATIONS

**City Council - October 3rd, 2016**

Documents:

[NA10-03-16.DOCX](#)

**City Council - October 31st, 2016**

Documents:

[NA10-31-16.PDF](#)

## 4. UNFINISHED BUSINESS

### 5. Z-12-2016

2832 East Sunshine Street, Robert L. O'Block, Trust

Documents:

[Z-12-2016.PDF](#)

## **6. Z-15-2016**

404-420 East Madison Street & 802 South Jefferson Avenue, Ken E. Porter, John B. Duncan, T & N Investments, LLC

Documents:

[Z-15-2016 SR.PDF](#)

## **7. CONSENT ITEMS**

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

## **8. Relinquishment Of Easement 842**

3800 blk West Washita Street, Grace One, LLC

Documents:

[RE 842.PDF](#)

## **9. PUBLIC HEARINGS**

## **10. Z-18-2016**

3150 South National Avenue, Elpidio Y. Alcancia, Trust

Documents:

[Z-18-2016.PDF](#)

## **11. Z-19-2016 W/COD #115**

1435 West Talmage Street & 1432 West Livingston Street, Greenway Studios North, LLC

Documents:

[Z-19-2016 COD115.PDF](#)

## **12. Planned Development 352**

4900 South National Avenue, Martin Property Management, LLC

Documents:

[PD 352.PDF](#)

## **13. Final Development Plan 296**

4050 South Fairview Avenue, John Young, Four Eyes Investment Properties, LLC

Documents:

[PD 296 FDP.PDF](#)

## **14. Conditional Use Permit 426**

815 & 943 South Kimbrough Avenue & 940 South Roanoke Avenue, 500 East Madison Street, Bear Village IV, LLC, Bear Village Phase I, LLC

Documents:

[UP426.PDF](#)

## 15. OTHER BUSINESS

### 16. Elm House Redevelopment Plan

404-420 East Madison Street & 802 South Jefferson Avenue, Elm House, LLC

Documents:

[ELM HOUSE REDEVELOPMENT PLAN.PDF](#)

### 17. Preliminary Plat - Major Subdivision Ironbridge Phase XIV

4900 blk South National Avenue, Martin Property Management, LLC

Documents:

[IRONBRIDGEPHXIV.PDF](#)

### 18. Off-Street Parking For Convenience Food Stores Amendments

Citywide, City of Springfield

Documents:

[OFF-STREET PARKING FOR CONVENIENCE FOOD STORES AMENDMENTS.PDF](#)

## 19. 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.

**October 13, 2016**  
**MINUTES OF THE PLANNING AND ZONING COMMISSION**  
Springfield, Missouri

The Planning and Zoning Commission meeting regular session October 13, 2016 in the City Council Chambers. Vice Chairman Randall Doennig called the meeting to order.

Roll Call - Present: Jason Ray (Chair), Randy Doennig, Cameron Rose, King Coltrin, and Dee Ogilvy.  
Absent: Matthew Edwards, Melissa Cox, David Shuler, and Andrew Cline

Staff in attendance: Bob Hosmer, Principal Planner, Nicholas Woodman, Asst. City Attorney, Tom Rykowski, Asst. City Attorney, Dawne Gardner, Public Works Traffic Engineer, Julie Hawkins, Public Works Project Engineer.

Minutes: The minutes of September 1, 2016 were approved unanimously.

**COMMUNICATIONS :**

Mr. Hosmer reported on the September 6, 2016, September 19, 2016, and October 3, 2016 City Council meeting actions.

Mr. Hosmer also noted that October is also Community Planning Month and Jason Ray (Chair) read the Proclamation as submitted.

**UNFINISHED BUSINESS:**

Z-12-2016 w/COD #111  
2832 East Sunshine Street  
**Applicant:** Robert L. O'Block, Trust

The applicant's representative has requested that this case be tabled again and placed on the Planning and Zoning Commission meeting for the November 10, 2016. Staff recommends approval.

**COMMISSION ACTION:**

Mr. Doennig motioned that we table Z-12-2016 w/COD #111 (2832 East Sunshine Drive) to the next meeting (November 10, 2016). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.

**NEW BUSINESS :**

**CONSENT ITEMS :**

Request to Acquire 516  
614 West Division Street  
**Applicant:** City Utilities

Relinquishment of Easement 841  
2020 East Battlefield Road  
**Applicant:** Evangel Temple Christian  
Center

**COMMISSION ACTION:**

Mr. Doennig motioned that we approve consent items Request to Acquire 516 (614 West Division Street) and Relinquishment of Easement 841 (2020 East Battlefield Road). Ms. Ogilvy seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.



## **PUBLIC HEARINGS:**

Z-15-2016

404-420 East Madison Street

**Applicant:** Ken E. Porter, John B. Duncan, and T&N Investments, LLC

The applicant's representative has requested that this case be tabled again and placed on the Planning and Zoning Commission meeting for the November 10, 2016. Staff recommends approval.

## **COMMISSION ACTION:**

Mr. Rose motioned that we table Z-15-2016 (404-420 East Madison Street) to the next meeting (November 10, 2016). Mr. Coltrin seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.

Z-16-2016 w/COD #113

519, 525, & 529 East Cherry Street

**Applicant:** Jason Murray

Mr. Hosmer states that this is a request to rezone approximately 0.68 acre of property generally located at 519, 525 and 529 East Cherry Street from Planned Development No. 232 to a CC, Center City District and establishing Conditional Overlay District No. 113

The Growth Management and Land Use Plan element of the Comprehensive Plan also designates this area within the Greater Downtown land use district. This district, which pertains to the downtown and University Plaza portions of Center City, promotes high-intensity office, retail and housing, preferably in mixed-use buildings with a strong pedestrian orientation. The Major Thoroughfare Plan classifies Cherry Street as a Secondary Arterial roadway. A traffic study was not required. The applicant is also requesting that the total required parking can be reduced by 20% of the total number of parking spaces required by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each required off-street automobile space. Staff is supportive of a greater reduction of automobile parking with more bicycle parking similar to the UN, University Combining District and previous zoning cases in this area. The accompanying Conditional Overlay District will provide off-street parking requirements for residential uses. Staff recommends approval

Mr. Ray opened the public hearing.

Mr. Jason Murray, PO Box 2965 representing the project. There are 2 lots that make up the project and would start with saving the 3 story brick on the east side and make them into new apartments and the remaining buildings on the other lot will be demolished at a later date. We will be putting parking on each side as well as an underground parking garage.

Mr. Essam Elkady, owner of 511 E. Cherry has concern over his 18 parking spots and uses the common driveway between 511 and 519 East Cherry and it has been used over 50 years and states that there is an easement by prescription. His concern is with the applicant possibly putting up a fence resulting in losing 9 parking spots and his tenants having to park along Cherry Street which is narrow. He states that he can prove the easement but would have to go through litigation so he would like the Commission to prevent Mr. Murray from putting in a fence.

Mr. Ray asked if staff was aware of this issue.

Mr. Hosmer states that they are aware of it and have had discussions with the adjacent property owner. The Planning and Zoning office have not found anything as far as an easement.

Mr. Elkady stated that it an easement by prescription and would be easy to prove in court.

Mr. Hosmer noted that we are only looking at the rezoning of the property, the details as far as the development will have to be worked out.

Mr. Elkady asked if there is anyway that a fence would not be built and eliminating his parking spaces.

Mr. Hosmer noted that there is no documentation prohibiting a fence.

Mr. Elkady noted that parking along Cherry Street would be disastrous and would not have enough parking as well as being very small and congested and Center City is not limited by any parking.

Mr. Rose asked Mr. Elkady if he has spoken with the developer about his concerns.

Mr. Elkady stated that he has spoken with Mr. Murray and that Mr. Murray does not want to talk about it because he does not know yet. He said he would have to go to court but would like a condition that prohibits a fence.

Mr. Coltrin asked about the driveway and parking on Mr. Murray's land.

Mr. Elkady stated that if Mr. Murray puts in a fence he will not use the parking because the tenants have to back through the land the he has been using for 50 years. He states that it is Mr. Murray's land, but by easement by prescription he has a right to use it.

Mr. Tom Rykowski stated that an easement by prescription is an operation of law by which overtime you acquire certain legal rights over another person's property based upon continued and uncontested use. However we cannot today state that Mr. Elkady does or does not have an easement by prescription and that is something that would have to be agreed to by the owner of the proposed development or go to court and get an order to do that. Even if there was an easement over the land it would not impact the zoning, but would impact his legal rights of development.

Mr. Elkady asked if the zoning could be put on hold until there was an agreement over the fence.

Mr. Rykowski noted that it would be the applicant's decision.

Mr. Rose asked if rezoning to Center City does not guarantee that a fence will not be built.

Mr. Hosmer stated that there could be a condition made on the zoning.

Mr. Ray stated that the rezoning does not have any impact, however you are correct that we could request a provision to not include a fence, however it up to the applicant and the other issue would be the request to reduce the required parking and how does that play into the situation.

Mr. Hosmer stated that Center City does not have any parking requirements, but typically when we have zoned to Center City District we require the applicant provide parking on-site.

Mr. Ray asked Mr. Murray to explain what the conversations have been about the development of the site.

Mr. Murray stated that Mr. Elkady was at the neighborhood meeting and expressed his concerns about the fence and he was told that there are no plans at this time to build a fence and has spoken with his architect about the parking. Mr. Murray noted that Mr. Elkady also has access to a drive along the west side of his property noting that there are two ways in from Cherry Street.

Mr. Coltrin asked Mr. Murray how long the Family Violence Center has had the property.

Mr. Murray believes they have been there from the late 1990's.

Mr. Jerald Benson owner of 516 & 520 East Elm has concerns regarding the unlit area next to his property where people are parking and possible criminal activity and is worried if there will be any unlit parking on the new proposed property.

Mr. Ray closed the public hearing.

Mr. Ray noted that this is a difficult situation for the property owners, however at this time there is too much unknown about the possible development and doesn't believe there is any malicious attempt to cut off access. At this point it is not job of this commission to add a requirement for an exclusion of a fence for this rezoning purpose. Other matters regarding access to property and parking spaces will need to be addressed amongst the property owners.

**COMMISSION ACTION:**

Mr. Doennig motioned that we accept Z-16-2016 w/COD #113 (519, 525, & 529 East Cherry Street). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.

Utility Substation Facilities Amendments  
Citywide

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request for Text Amendments to Section 36-303. (30) (b) Utility Substations Facilities. Staff is requesting amendments to the design standards of utility substation facilities. The current requirements state that if a utility substation facility building, fence or wall is painted that neutral colors shall be used.

Staff believes there are situations where alternate colors may be appropriate and proposes to modify this section of the Zoning Ordinance to remove the paint color requirement. Staff recommends approval.

Sec. 36-303. - General provisions. Note: Language to be deleted is stricken. Language to be added is underlined.

(30) Utilities.

(b) Utility substation facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:

1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.
2. When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. If the building, fence, or wall is painted, neutral colors shall be used. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chain link security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chain link security fence is more than 100 feet from the property line.

Mr. Ray opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Rose motioned that we approve Utility Substation Facilities Amendments (Citywide). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.

## Initiate Transfer of Development Rights Amendments

Citywide

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to Initiate Text Amendments to Section 36-303. Transfer of Development Rights. Staff is requesting that the General Provisions (Section 36-303) of the Zoning Ordinance be modified to clarify that the Transfer of Development Rights for Overnight Shelters, Soup Kitchens and Transitional Service Shelters prohibit the transfer of those development rights to the COM District. The current language prohibits the transfer of development rights for these uses to the Center City district, but not to the COM district. At the time of adoption, the Center City district included the Commercial Street area. When Commercial Street was rezoned to the new COM district in 2000, the prohibition on transfer of development rights was inadvertently omitted.

Staff requests that Commission initiate amendments to the Zoning Ordinance. If approved staff will prepare and draft changes to the Zoning Ordinance and schedule a public hearing at both Commission and City Council. Staff recommends approval.

### **COMMISSION ACTION:**

Mr. Rose motioned that we approve Initiate Transfer of Development Rights Amendments (Citywide). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.

## Initiate Floor Area Ratio and Maximum Building Coverage Amendments

Citywide

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to Initiate Text Amendments to Floor Area Ratio and Maximum Building Coverage. Staff is requesting to modify the Zoning Ordinance to cleanup language and uses referencing Floor Area Ratio (FAR) and Maximum Building Coverage which were removed in other sections as part of amendments in 2014. This will include modifying the accessory building and uses section referencing Maximum Building Coverage and the number and size of accessory buildings allowed per lot.

Staff requests that Commission initiate amendments to the Zoning Ordinance. If approved staff will prepare and draft changes to the Zoning Ordinance and schedule a public hearing at both Commission and City Council. Staff recommends approval.

### **COMMISSION ACTION:**

Mr. Doennig motioned that we approve Initiate Floor Area Ratio and Maximum Building Coverage Amendments (Citywide). Ms. Ogilvy seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.

## Initiate Off-Street Parking for Food Convenience Store Amendments

Citywide

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to Initiate Text Amendments Off-Street Parking for Convenience Food Stores. Staff is requesting to modify the off-street parking requirements for convenience food stores. Staff has recently found issues with convenience store uses and their required off-street parking requirements being excessive especially for outdoor activities. Staff will review other community's requirements for these uses and determine whether an improved parking ratio can be proposed.

Staff requests that Commission initiate amendments to the Zoning Ordinance. If approved staff will prepare and draft changes to the Zoning Ordinance and schedule a public hearing at both Commission and City Council. Staff recommends approval.

Mr. Coltrin asked if people have asked for less convenience food parking spaces.

Mr. Hosmer noted that there has been requests by companies who have other stores in other cities for fewer parking spaces and the City has done a precursor look in other cities. By allowing parking on the islands when filling up with gas you leave your vehicle there and do not pull up to the front door if you go into the store. A lot of communities allow the islands to be counted towards their parking spaces and want to make sure we are inline with other cities.

Mr. Doennig noted that if we are counting parking spaces at the pump then we are reducing of the amount of impervious surface which at some stores seems expansive.

**COMMISSION ACTION:**

Mr. Doennig motioned that we approve Initiate Off-Street Parking for Food Convenience Store Amendments (Citywide). Ms. Ogilvy seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.



# 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  
Tom Prater, 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 October 3, 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.**

**1. ROLL CALL.**

Approved  
as  
Presented

**2. APPROVAL OF MINUTES. September 19, 2016 – Regular, September 20, 2016 – Special, and September 27, 2016 - Special**

Approved  
as  
Presented

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

Sworn In

**4. CEREMONIAL MATTERS.**

Swear in **Kelly Guenther** and **Nick Baker** to the Tree City USA Citizen Advisory Committee.

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

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

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*All meetings are recorded.*

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6306

**7. Council Bill 2016-220. (Hosmer)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.90 acres of property, generally located at 222 East Primrose Street, from Planned Development 21 Amendment 1 District, to a GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (By: Lipscomb Properties LLC; 222 East Primrose Street; Z-13-2016.)

6307

**8. Amended Council Bill 2016-221. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.6 acres of property, generally located at 1811 East Sunset Drive, from Planned Development No. 97, to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (By: 1811 E. Sunset, LLC; 1811 E. Sunset Drive; Z-11-2016 Conditional Overlay District No. 112.)

Failed

**9. Council Bill 2016-222. (Fulnecky)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 2.4 acres of property, generally located at 1606 East Blaine Avenue, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 110; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (By: John Peterson; 1606 East Blaine Avenue; Z-14-2016 & Conditional Overlay District No. 110.)

**10. RESOLUTIONS.**

**11. EMERGENCY BILLS.**

**12. PUBLIC IMPROVEMENTS.**

**13. GRANTS. Citizens May Speak. May Be Voted On.**

26801

**14. Council Bill 2016-225. (McClure)**

A special ordinance authorizing the City Manager, or their designee, to apply for and accept a Youth Homeless Demonstration Program Grant from the Department of Housing and Urban Development, in an amount not to exceed \$2,000,000, with funds to be used for the development and implementation of a coordinated community plan to end youth homelessness; to execute any sub-grant agreements that may be necessary or convenient, and to exercise any and all powers necessary or convenient to implement the grant; and declaring that this bill qualifies for approval in one reading.

**15. AMENDED BILLS.**

**16. COUNCIL BILLS FOR PUBLIC HEARING.**

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

**18. Council Bill 2016-226. (Ferguson)**

A special ordinance establishing a budget for the Commercial Street Tax Increment Financing District Special Allocation Fund for Fiscal Year 2016-17 in the amount of \$570,035.53; approving expenditures from said Special Allocation Fund for property acquisition costs and certain public improvement projects within the Commercial Street Increment Financing District in an amount not to exceed \$400,000.00; and also using certain rail credits obtained in the sale of the West Wye to BNSF in the amount of \$707,849.57 to partially fund the acquisition of a portion of Frisco Lane in connection with the aforementioned public improvement projects.

**19. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

Did Not  
Appear

Ms. Madison Weiler wishes to address City Council.

**20. NEW BUSINESS.**

Recommended

The Mayor recommends the following appointments to the Tree City USA Citizen Advisory Committee: Zach Clapper with term to expire December 1, 2016 and Mindy Spitz with term to expire December 1, 2017.

Recommended

The City Manager recommends the following appointment, who has been serving as an alternate, to the Board of Adjustment: Derek Lee with term to expire January 1, 2017.

Recommended

The City Manager recommends the following reappointments to the Park Board: Sarah McCallister with term to expire June 1, 2018, and Sidney Needem with term to expire June 1, 2019.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

**21. UNFINISHED BUSINESS.**

**22. MISCELLANEOUS.**

**23. CONSENT AGENDA – FIRST READING BILLS. See Item #3.**

**24. Council Bill 2016-227. (Fisk)**

A general ordinance amending the Springfield City Code Chapter 36 Land Development Code, Article 1 – Administration and Enforcement of Codes, Division 4 Permits and Fees, Section 36-128, 'When permit is required'; and 36-146 'Fees,' to correct inaccurate cross-references.

**25. CONSENT AGENDA – ONE READING BILLS. See Item #3.**

10288

**26. Council Bill 2016-228. (Schilling)**

A resolution declaring the intent of the City of Springfield to annex approximately 4.7 acres of Greene County right-of-way; which annexation has been petitioned by the property owners, generally located between the 2800 and 3000 blocks of West Republic Street, and is more fully described in this resolution, generally referenced as Annexation A-2-16.

**27. CONSENT AGENDA – SECOND READING BILLS. Citizens Have Spoken. May Be Voted On.**

**26802 28. Council Bill 2016-213. (Stephens) Due to the Zone 2 Vacancy, This Bill Was Republished With New Sponsorship.**

A special ordinance approving the transfer of the City's interest in real property located at 1436 North Rogers Avenue to Springfield Community Gardens.

**26803 29. Council Bill 2016-223. (Ferguson)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Andy Land Subdivision, generally located at 3830 South Glenstone Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Staff recommends that City Council accept the public streets and easements).

**30. END OF CONSENT AGENDA.**

**31. CLOSED SESSION:**

City Council will hold a closed meeting to discuss legal actions, causes of action, litigation, privileged and confidential communications pursuant to Section 610.021 (1), RSMo.; and this meeting, record, and vote shall be closed and the City Council shall stand adjourned at the end of the closed session.



# Noted Agenda City Council Meeting

City Council Chambers  
Historic City Hall, 830 Boonville

Robert Stephens, Mayor

**Zone Councilmembers**

Phyllis Ferguson, Zone 1  
Tom Prater, 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  
October 31, 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.

**1. ROLL CALL.**

Approved  
as  
Presented

**2. APPROVAL OF MINUTES. October 17, 2016 – Regular and October 25, 2016 – Special**

Approved  
as  
Presented

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

**4. CEREMONIAL MATTERS.**

Sworn In

Swear in **Mindy Spitz** to the Tree City USA Citizen Advisory Committee.

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

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

6309

**7. Council Bill 2016-231. (Fisk)**

A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article I, In General, Section 2-5, Bonds on public works projects, by increasing the

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minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00.

**6310 8. Council Bill 2016-232. (Hosmer)**

A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsection 13-3.104, Paragraph 8, Contract Performance and Payment Bonds, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00 in the City's Purchasing Manual.

**6311 9. Council Bill 2016-233. (Fulnecky)**

A general ordinance amending the Springfield City Code, Chapter 98, Streets, Sidewalks and Public Places, Article VI, Improvements, Division 1, generally, by repealing Sections 98-224, 'Authority to suspend or debar bidders'; 98-225, 'Procedure for suspension or debarment of bidders'; and 98-226, 'Grounds for suspension or debarment of bidders'; in their entirety, and reserving these sections for future use.

**6312 10. Council Bill 2016-234. (McClure)**

A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsections 13-3.401 and 13-3.402, relating to procedures to suspend and/or debar bidders.

**26807 11. Council Bill 2016-236. (Schilling)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement for a road improvement project with Greene County, Missouri, for the purpose of constructing roadway improvements on Republic Road between Golden Avenue and Route FF in the amount of \$1,248,000.

**12. RESOLUTIONS. Citizens May Speak. May Be Voted On.**

**10291 13. Council Bill 2016-238. (Ferguson)**

A resolution endorsing the establishment of a 90-day pilot program to study a designated area within the West-Central Neighborhood for the purpose of assessing the impact of targeted enforcement of a one- and two-family unit, life safety housing inspection program and recommending improvements to existing City Code as a result of such study.

**10292 14. Council Bill 2016-239. (Stephens)**

A resolution confirming the appointment of Rebekah Polly to serve on the Commercial Street Community Improvement District Board of Directors.

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

26808

**16. Council Bill 2016-240. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the City of Joplin, Missouri, for use of the Joplin Jail for housing City inmates and declaring an emergency.

**17. PUBLIC IMPROVEMENTS.**

**18. GRANTS. Citizens May Speak. May Be Voted On.**

26809

**19. Council Bill 2016-245. (Prater)**

A special ordinance authorizing the City Manager, or his designee, to accept an Environmental Workforce Development and Job Training Grant in the amount of \$200,000 from the United States Environmental Protection Agency for the purpose of creating job training programs that recruit, train, and place local unemployed and under-employed residents into full-time employment in the environmental field, and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Workforce Development for Fiscal Year 2016-2017 in the amount of \$200,000 to appropriate the grant funds; and declaring that this bill qualifies for approval on one reading.

**20. AMENDED BILLS.**

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

**22. Council Bill 2016-241. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Zoning Maps,' by rezoning approximately 0.68 acres of property, generally located at 519, 525 and 529 East Cherry Street from Planned Development No. 232, to a CC, Center City District; establishing Conditional Overlay District No. 113; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (By: Family Violence Center, Inc. c/o Jason Murray; 519, 525 & 529 E. Cherry Street; Z-16-2016 Conditional Overlay District No. 113.)

**23. Council Bill 2016-242. (Schilling)**

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' by annexing approximately 4.7 acres of Greene County right-of-way into the City of Springfield, Missouri, generally located between the 2700 and 3000 blocks of West Republic Street, generally referenced as Annexation A-2-16; and amending the Springfield City Code, Chapter 46, Section 46-1, 'Boundaries of wards, precincts and council zones,' by adding this property to the ward and precinct assigned them by the County Clerk.

**24. Council Bill 2016-243. (Fulnecky)**

A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the Land Development Code, Article III – 'Zoning Regulations,' Division 1 'Intent, Purpose and General Provisions,' Section 36-303(30)(b) 'Utilities.'

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

Amended

**26. Council Bill 2016-244. Substitute No. 1. (McClure)**

A general ordinance amending the Springfield City Code by repealing language contained in Chapter 118 Vehicles for Hire, and adding new regulations for Transportation Network Companies and Drivers.

**27. Council Bill 2016-244. (McClure, Hosmer, Fulnecky, & Schilling)**

A general ordinance amending the Springfield City Code by repealing language contained in Chapter 118 Vehicles for Hire, and adding new regulations for Transportation Network Companies and Drivers. (The Finance and Administration Committee recommends approval.)

**28. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

Did Not  
Appear

Mr. Robert A. Mondy wishes to address City Council.

**29. NEW BUSINESS.**

**30. UNFINISHED BUSINESS.**

**31. MISCELLANEOUS.**

**32. CONSENT AGENDA – FIRST READING BILLS. See Item #3.**

**33. Council Bill 2016-246. (Hosmer)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the member agencies of the Central Ozarks Regional DWI Task Force.

**34. CONSENT AGENDA – ONE READING BILLS. See Item #3.**

26810

**35. Council Bill 2016-247. (Stephens)**

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the International Association of Chiefs of Police to provide a training program for the Springfield Police Department, and declaring an emergency pursuant to Charter Section 2.12(1).

**36. CONSENT AGENDA – SECOND READING BILLS.**

Confirmed

**37. Confirm the following reappointments to the Mayor's Commission on Human Rights and Community Relations: Larry Dinges and Angela Myers with terms to expire October 1, 2019.**

**38. END OF CONSENT AGENDA.**

**39. ADJOURN.**

# Development Review Staff Report

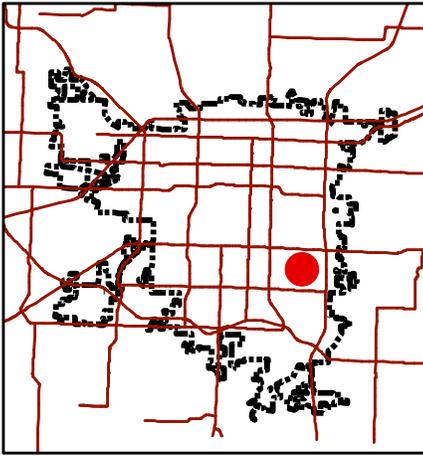
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802

**Z-12-2016**

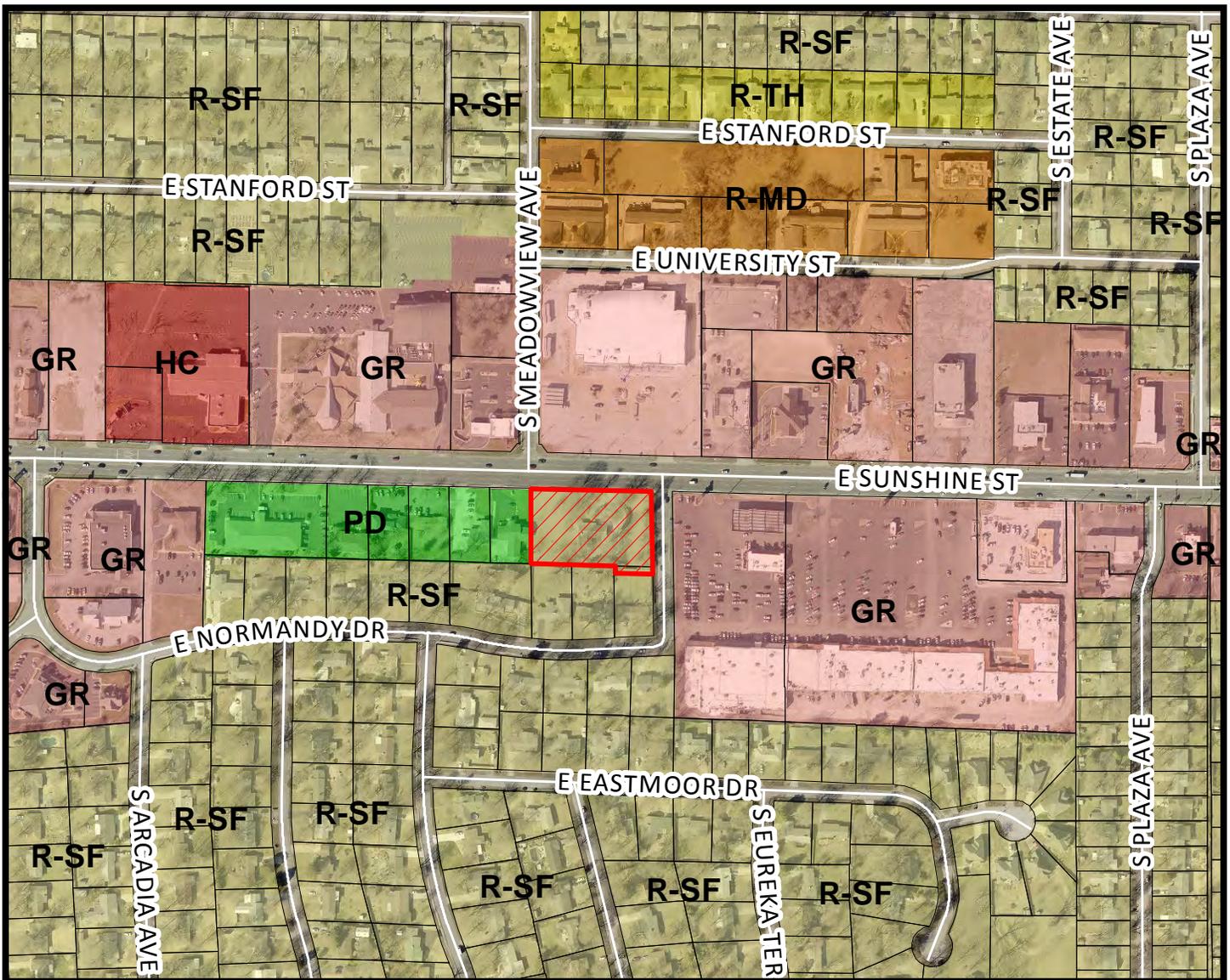
LOCATION: 2832 E. Sunshine Street

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

PROPOSED ZONING: O-1, Office District



## LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet

DEVELOPMENT REVIEW STAFF REPORT  
ZONING CASE Z-12-2016

PURPOSE: To rezone approximately 1.3 acres of property generally located at 2832 East Sunshine Street from a R-SF, Single-Family Residential District to a O-1, Office District

DATE: October 24, 2016

LOCATION: 2832 E. Sunshine Street

APPLICANT: Robert O'Block

TRACT SIZE: Approximately 1.3 acres

EXISTING USE: Single-family residential

PROPOSED USE: Bank/financial institution

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the intersection of Sunshine Street, a primary arterial roadway, and Woodward Avenue, a collector roadway, which is an appropriate location for Office zoning. The proposed Office zoning is consistent with adjacent office and commercial zoning and uses that front along Sunshine Street.
2. This request for Office zoning will provide for the redevelopment 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 development requirements in the proposed O-1, Office 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	GR	Grocery store
East	GR	Retail sales and office uses
South	R-SF	Single-family residences
West	R-SF	Vacant property

#### COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the City's *Comprehensive Plan* designates this area as appropriate for low-density housing; however, the subject property is located at the intersection of an arterial and collector street (Sunshine and Woodward). This area is also located near a Community Activity Center at U.S. 65 and Sunshine. The *Plan* recommends these areas be developed with greater intensity.

#### STAFF COMMENTS:

1. This is a request to rezone the subject property from a R-SF, Single-Family Residential District to a O-1, Office District. This request is intended to allow the property to be redeveloped for a new bank/financial institution.
2. The applicant has proposed to rezone the north 15 feet of an adjacent lot so the bank/financial institution site can accommodate additional off-street parking spaces on the southeast side of the subject property. The additional lot to the southeast will also be purchased to provide stormwater detention facilities.
3. The subject property is located along a significant roadway corridor of the City which is near the U.S. 65 and Sunshine Community Activity Center. These land uses should be sited to minimize the effect on the environment and surrounding land uses by providing adequate utilities, storm water management, parking, landscaping and buffering and design practices. The *Growth Management and Land Use Plan* element of the City's *Comprehensive Plan* supports the rezoning of the subject property.
4. A traffic study was not warranted by Public Works Traffic Division since the rezoning from R-SF to O-1 will not generate a significant amount of additional traffic.

5. Sunshine Street is classified as a primary arterial roadway and Woodward Avenue is classified as a collector roadway. These roadways are appropriate locations for O-1 uses.
6. The final plat of Southern Hills of Springfield Subdivision indicates a 90 foot building setback from Sunshine Street. The lots along Sunshine Street may need to be replatted if this interferes with the development. This can be accomplished with an administrative replat, non-residential subdivision. The O-1, Office District allows a front yard building setback of 25 feet along streets classified as collector or higher.
7. Upon development of the property a bufferyard is required along the south property line adjacent to the Single Family Residential District. The normal bufferyard required between O-1 and R-SF zoning would be a Bufferyard "Type C" of at least fifteen (15) feet wide. The minimum fifteen (15) foot wide bufferyard with plantings for each one-hundred (100) linear feet of bufferyard would be one (1) canopy tree, two (2) understory tree, two (2) evergreen trees and ten (10) shrubs. Fencing or berming are not required when O-1 is adjacent to R-SF.
8. The O-1, Office District requires a 45 degree bulk plane height requirement adjacent to property zoned R-SF. This equates to a one to one building height to building setback distance.
9. 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 October 12, 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. Ten (10) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. A homeowner has contacted staff to advise them that the subject property has restrictive covenants. The City has notified that property owner that these are private rights and a civil matter.

#### CITY COUNCIL MEETING:

November 28, 2016

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
DEPARTMENT COMMENTS  
ZONING CASE Z-12-2016

**BUILDING DEVELOPMENT SERVICES COMMENTS:**

No BDS issues. ARC ruling has been made with respect to vehicular use area setback. See PLN2016-00380.

**CITY UTILITIES:**

No objection to rezoning. But please note that there is an overhead electric and phone line running along the south property line of 2832. This will have to be dealt with when designing buffer yards.

**CLEAN WATER SERVICES COMMENTS:**

No objections to rezoning. Public sewer is currently available. Verify and show sewer easement on plans. No permanent structures such as walls or buildings are allowed within the sewer easement.

**MODOT COMMENTS:**

No objection to the rezoning.

**PUBLIC WORKS TRAFFIC DIVISION COMMENTS:**

The City's Transportation Plan classifies Sunshine Street as a Primary Arterial roadway and Woodward Avenue as a Collector. The standard right of way width for Sunshine Street is 50 feet from the centerline and for Woodward Avenue is 30 feet from the centerline. Sunshine is a State maintained street and Woodward is a City maintained street. The most recent traffic counts on Sunshine Street are 33,387 vehicles per day and on Woodward Avenue are 1,598 vehicles per day. There is one existing driveway access along Sunshine Street and none on Woodward Avenue. There is a sidewalk along Sunshine Street and no sidewalk along Woodward Avenue. On-street parking is not allowed along the adjacent streets. There is not a greenway trail in the area. There is one bus stop along Sunshine Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are not any proposed improvements along Sunshine Street or Woodward Avenue.

Public Works Traffic Division	Response
Street classification	Sunshine - Primary Arterial Woodward - Collector
On-street parking along streets	No

Trip generation - existing use	48 vehicles per day
Trip generation - proposed use	120 vehicles per day
Existing street right of way widths	Sunshine - 40 feet from the centerline Woodward - 25 feet from the centerline
Standard right of way widths	Sunshine - 50 feet from the centerline Woodward - 30 feet from the centerline
Traffic study submitted	Not required
Proposed street improvements	Not required

**STORMWATER COMMENTS:**

The property is located in the Galloway Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems for the commercial property to the east of the proposed site. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. The detention basin must be sized to maintain existing peak flow rates from the property and therefore the development will not exacerbate existing flooding downstream. 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 are no public stormwater systems 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 the public right-of-way along Woodward Ave.
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?	Galloway Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	No

**AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY**

1. Request change to zoning from: \_\_\_\_\_ to \_\_\_\_\_  
*(existing zoning)* *(proposed zoning)*

2. Meeting Date & Time: \_\_\_\_\_

3. Meeting Location: \_\_\_\_\_

4. Number of invitations that were sent: \_\_\_\_\_

5. How was the mailing list generated: \_\_\_\_\_

6. Number of neighbors in attendance (attach a 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.)

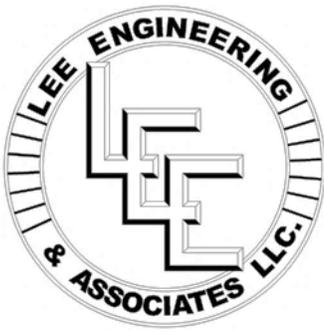
8. List or attach the written comments and how you plan to address any issues:

I, Dalton Patterson (*print name*), attest that the neighborhood meeting was held on 10/14/2016 (*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."



\_\_\_\_\_  
*Signature of person completing affidavit*

Dalton Patterson  
*Printed name of person completing affidavit*



# LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

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1200 E. WOODHURST DRIVE, SUITE D200, SPRINGFIELD, MO 65804  
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

October 14, 2016

City of Springfield  
Mr. Bob Hosmer  
840 Boonville  
Springfield, Mo. 65801

Re: Proposed Rezone of PLN2016-00255  
2841 E Normandy

Dear Bob:

The following comments and responses were made during the neighborhood meeting regarding the rezone of 2841 E Normandy that was held on October 12, 2016. The first individual that showed up, Amber Mase, was a representative from Southern Bank that was in full support of the rezone and proposed building. Jerry Reynolds, second attendee, had the following concerns:

- He does not want a fence between his lot and the Normandy lot;  
***Mr. Reynolds was informed that there was no intention of placing fence on the east or west side of the lots.***
- He does not want a contemporary looking building. He wants it to look like a house;  
***Mr. Reynolds was informed that the exterior look of the building is going to be like that of a bank or financial institution.***
- He thinks a title loan business could open up on the lot to the West of him since we are building a detention basin on the East side;  
***Mr. Reynolds was informed that there was no plan for that property to be purchased, rezoned, or demolished.***
- He thinks the City could condemn him and take his house and give it to the client;  
***Mr. Reynolds was informed that he owns his property and the city cannot seize or condemn it.***

- He wanted to make sure our storm water won't go on his property;  
***We used plans to show and explain to Mr. Reynolds the purpose of the detention basin that would be placed at the Normandy address, as well as the pipeline that will catch and dispel water away from his property.***
- He does not want to sell his property.  
***Mr. Reynolds was told that he does not have to sell or surrender his property.***

If you have any question, please feel free to contact our office.

Sincerely,



Dalton Patterson  
Office Manager



# Development Review Staff Report

Department of Planning & Development - 417-864-1031

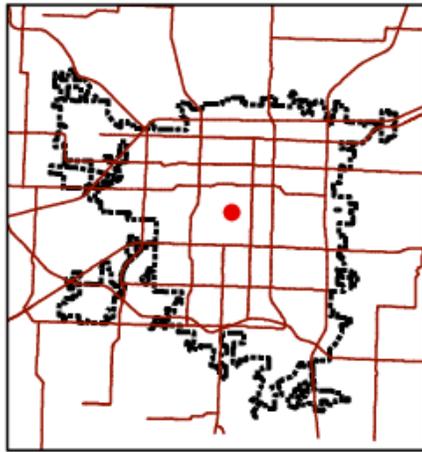
840 Boonville - Springfield, Missouri 65802

## Z-15-2016

LOCATION: 404, 410, 416 & 420 East Madison Street  
& 802 South Jefferson Avenue

CURRENT ZONING: R-HD, High Density Multi-Family Residential

PROPOSED ZONING: R-HD, High Density Multi-Family Residential with UN, University Combining Overlay District



LOCATION SKETCH



- Area of Proposal



1 inch = 250 feet

DEVELOPMENT REVIEW STAFF REPORT  
ZONING CASE Z-15-2016

PURPOSE: To rezone approximately 0.55 acres of property generally located at 404, 410, 412, 416, 420 East Madison Street and 802 South Jefferson Avenue from a R-HD, High Density Multi-Family Residential District to a R-HD, High Density Multi-Family Residential District with a UN, University Combining Overlay District

REPORT DATE: September 29, 2016

LOCATION: 404, 410, 412, 416, 420 East Madison Street and 802 South Jefferson Avenue

APPLICANT: Ken E. Porter, John B. Duncan, & T&N Investments LLC

TRACT SIZE: Approximately 0.55 acres

EXISTING USE: Duplex housing and Single-family housing

PROPOSED USE: Uses permitted in the R-HD, High Density Multi-Family Residential District with UN, University Combining Overlay District

FINDINGS FOR STAFF RECOMMENDATION:

1. This request is consistent with the recommendations of the *Growth Management and Land Use Plan*, which identifies Center City and the MSU campus and surrounding area as a major Activity Center and is located within an area of redevelopment as MSU continues to grow and expand.
2. Approval of this request will provide for a more diverse type of student housing to serve the MSU campus.
3. The proposed project is consistent with other redevelopment projects within the area to provide additional housing.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-HD	Multi-Family residential housing
East	R-HD	Multi-Family residential housing
South	R-HD	Public School
West	R-HD	Multi-Family residential housing

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies Center City and Missouri State University and surrounding area as a major Activity Center, which is to be a location of employment, housing, business and entertainment.

STAFF COMMENTS:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies Center City and Missouri State University and surrounding area as a major Activity Center, which is to be a location of employment, housing, business and entertainment. Missouri State University and related development have experienced significant growth since the activity center map was adopted. The subject property is located west of the main campus which is an area, along with areas to the north, that has been the focus of redevelopment for student housing and is a logical area for continued redevelopment as MSU continues to grow and expand.
2. The applicant is requesting to rezone the subject property to add the UN, University Combining Overlay District to the existing R-HD, High Density Multi-Family Residential District zoning. The UN district is an overlay district intended to be used in combination with any one of the multifamily residential districts. The principal function of the district is to permit in multifamily residential districts abutting colleges and universities the establishment of the types of uses which cluster about a university, but which are not located on university property. The overlay district provides for increased densities for student housing in multi-family districts in proximity to colleges and universities without disturbing density in those multi-family residential districts when they are located elsewhere.
3. The applicant has submitted this application in conjunction with a Redevelopment Plan for the Elm House Redevelopment Area. The applicant intends to develop the property with housing to serve Missouri State University students which may include fraternity and/or sorority housing. This project is consistent with other student housing projects approved or constructed nearby within the last several

years including The One House Development located across the street from the subject property on the northeast corner of Madison Street and Jefferson Avenue and the Jefferson Avenue Apartments southeast of the subject property.

4. The subject property is already zoned for high-density multi-family housing and the addition of the UN overlay district to allow additional university-related uses is appropriate at this location. The subject property has good pedestrian accessibility to the MSU campus to the east with existing sidewalks on Madison Street and is in close proximity with good access to existing goods and services in the downtown area.

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 11, 2016 regarding the rezoning request. 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 (20) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

#### CITY COUNCIL MEETING:

November 28, 2016

#### STAFF CONTACT PERSON:

Michael Sparlin  
Senior Planner  
864-1091

ATTACHMENT 1  
DEPARTMENT COMMENTS  
ZONING CASE Z-15-2016

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with the University Combining Overlay District

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Madison Street as a Local Residential roadway and Jefferson Avenue as a Secondary Arterial roadway. The standard right of way width for Madison Street is 25 feet from the centerline and Jefferson Avenue is 35 feet from the centerline. These are both City-maintained streets. The most recent traffic count on Madison Street is 1,780 vehicles per day and 5,437 vehicles per day on Jefferson Avenue. There is one existing driveway access point along the property frontage on Madison Street and one on Jefferson Avenue. There is sidewalk along Cherry Street and Jefferson Avenue. The existing infrastructure meets current city standards. On-street parking is allowed along Madison but not on Jefferson. There is no greenway trail in the area. There is no bus stop along Madison Street and there is one bus stop along Jefferson Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are currently no improvements planned for Madison Street or Jefferson Avenue.

Public Works Traffic Division	Response
Street classification	Madison Street - Local Residential Jefferson Avenue - Secondary Arterial
On-street parking along streets	Madison only
Trip generation - existing use	240 daily trips
Trip generation change - proposed use	240 daily trips
Existing street right of way widths	Madison - 25 feet from the centerline Jefferson - 35 feet from the centerline
Standard right of way widths	Madison - 25 feet from the centerline Jefferson - 35 feet from the centerline
Traffic study submitted	Not required
Proposed street improvements	Not required

**STORMWATER COMMENTS:**

The property is located in the Fassnight 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 not be disturbing less than one (1) acre, no land disturbance permit required. There are existing curb inlets at the intersection of Jefferson Avenue and Madison Street 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 Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	Yes

**CLEAN WATER SERVICES COMMENTS:**

1. No objections to rezoning.
2. Public sewer is currently available in Madison and Thomas however there are no apparent service laterals and we have no records of any of the properties being currently connected.
3. Any further review to determine sewer capacity will require a site plan, proposed use and flow rates.

## CITY UTILITIES:

The rezoning would not have an impact on City Utilities. All utilities are available to provide service. Note that the water mains on Madison and Jefferson are 6-inch in diameter.

**AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY**

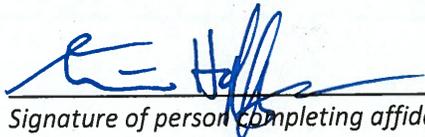
1. Request change to zoning from: Residential High Density to RD Plus University Combining Dist.  
*(existing zoning)* *(proposed zoning)*
2. Meeting Date & Time: August 11, 2016; 4:00PM-6:30PM
3. Meeting Location: Wilhoit Plaza, Unit #132
4. Number of invitations that were sent: 108
5. How was the mailing list generated: City Department of Planning and Development
6. Number of neighbors in attendance (attach a sign-in sheet): 3
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.)

See Exhibit A.

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

See Exhibit A

I, Kevin Hoffmeyer (*print name*), attest that the neighborhood meeting was held on 08/11/2016 (*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."

  
Signature of person completing affidavit

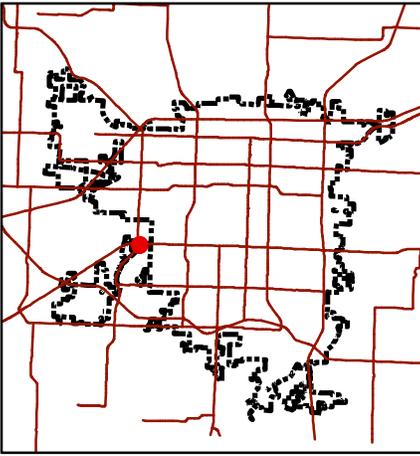
Kevin Hoffmeyer  
Printed name of person completing affidavit

Exhibit A – Affidavit of Neighborhood Notification and Meeting Summary

Neighbor in Attendance	Issue	Remedy
Sarah Semple	Sarah is a listing agent for an adjacent land owner. She had no concerns and was only there to offer support.	N/A
Brad Gebhart	Brad is an employee of the adjacent property owner. He inquired as to the parameter of the development.	There was no a concern to address. We explained the parameter of the development.
Hai Deng	Hai inquired as to the parameter of the development and asked about potential pollution.	We explained to him that the Developer would comply with all laws and regulations related to pollution control.

# Development Review Staff Report

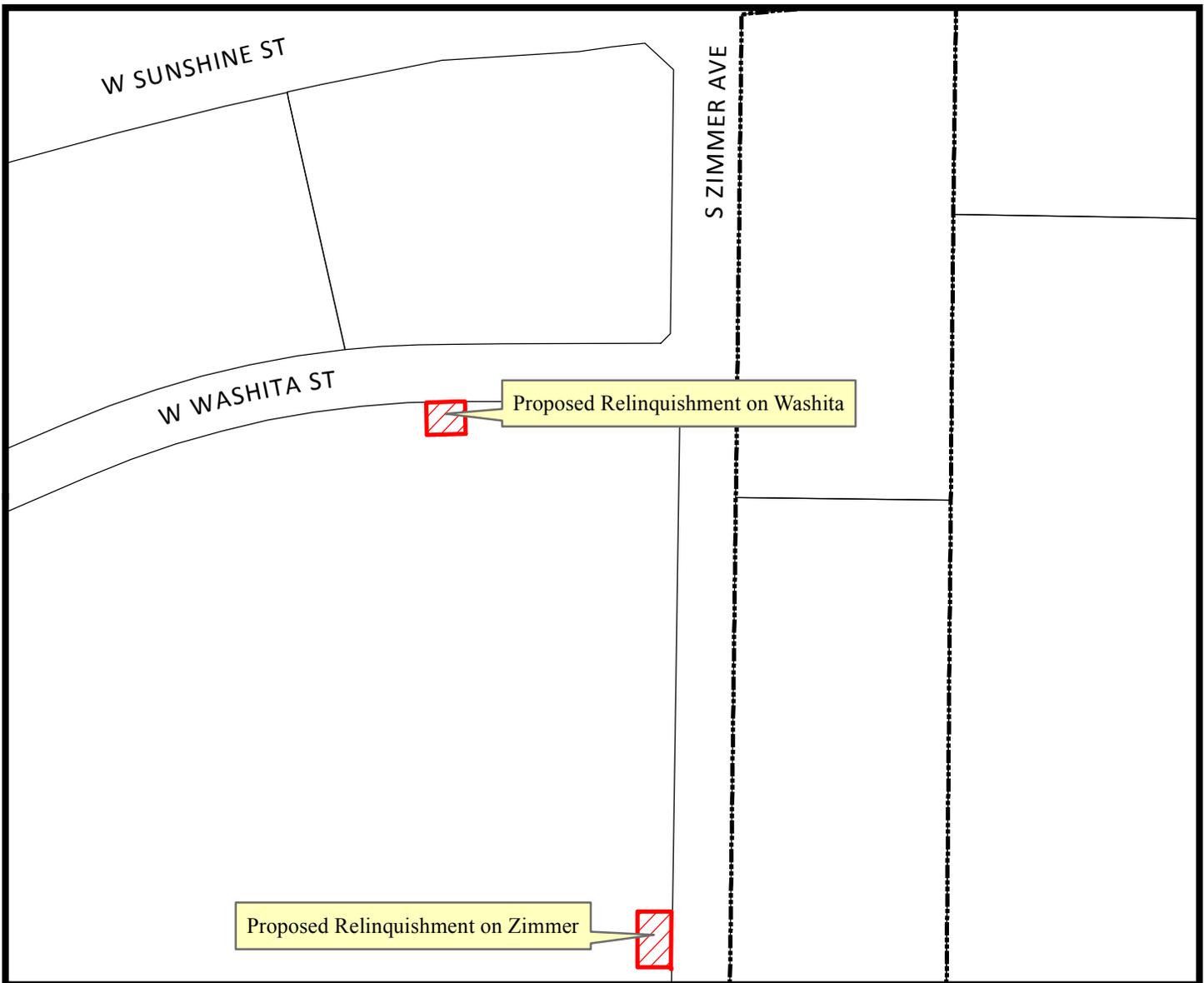
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802



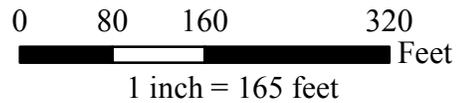
## Relinquish Easement 842

LOCATION: 3800 block W. Washita Street

### LOCATION SKETCH



 - Area of Proposal



DEVELOPMENT REVIEW STAFF REPORT  
REQUEST TO RELINQUISH EASEMENT NUMBER 842

PURPOSE: To relinquish two access easements

REPORT DATE: October 19th, 2016

LOCATION: 3800 block W. Washita Street

APPLICANT: Grace One, LLC

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Alyssa S. Ahner  
Assistant City Planner

Attachment A: Background report  
Attachment B: Approval criteria  
Exhibit 1: Legal description  
Exhibit 2: Drawing

ATTACHMENT A  
RELINQUISH EASEMENT NO. 842  
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting to relinquish two access easements in order to facilitate the development of the property.

RIGHT OF WAY COMMENTS:

Replacement easement has been reviewed and approved.

TRAFFIC COMMENTS:

Traffic is not opposed to the relinquishment and replacement of the noted easement(s).

FIRE COMMENTS:

Fire has approved of the relinquishment of easements.

STAFF COMMENTS:

1. The applicant is requesting to relinquish two access easements due to a change in the proposed planned development requiring the relocation of a drive entrance along Zimmer Avenue as well as a street connection be made. The completion of the street connection to Zimmer Avenue eliminates the need for an access easement along Washita Street.
2. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
3. No one has objected to this request to date.

ATTACHMENT B  
RELINQUISH EASEMENT NO. 842  
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of this easement.

STAFF RESPONSE:

No one has objected to relinquishing the subject easement to date.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide service.

STAFF RESPONSE:

All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement.

3. That the retention of the easements no longer serves any useful public purpose.

STAFF RESPONSE:

The retention of the subject easement no longer serves a public purpose.

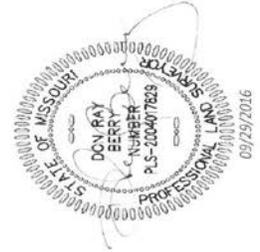
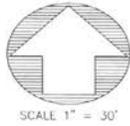
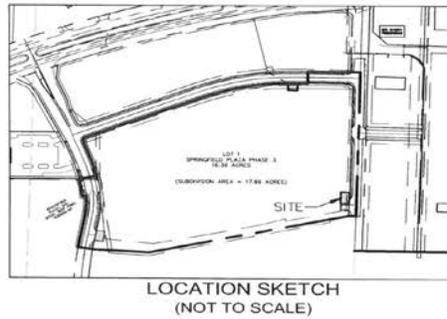
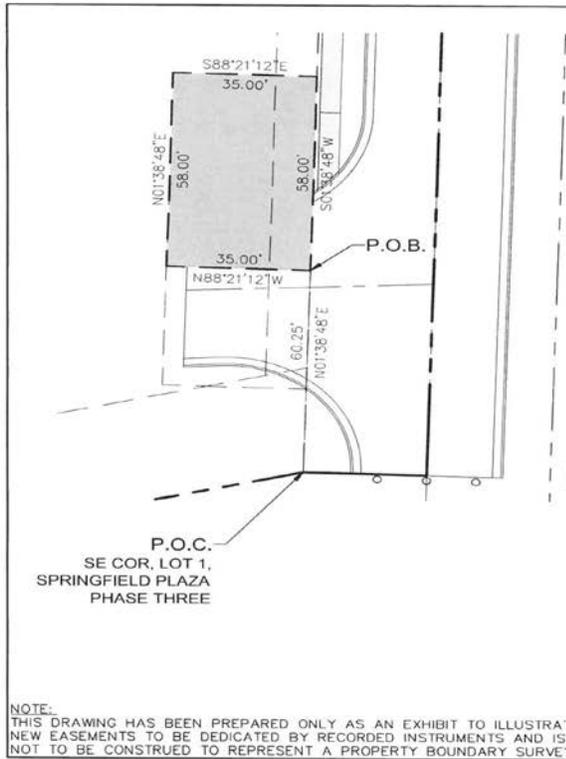
RELINQUISH EASEMENT NO. 842  
EXHIBIT 1

EXISTING ZIMMER ACCESS EASEMENT:

All that part of Lot One of Springfield Plaza Phase Three, being a platted access easement along the Western right-of-way of Zimmer Avenue and being more particularly described as follows: Commencing at the Southeast corner of Lot One of Springfield Plaza Phase Three, as shown on the recorded plat thereof; thence, North 01.38'48" East, along and with the East line of said Lot One, also being the West right-of-way line of Zimmer Avenue, a distance of 60.25 feet to the POINT OF BEGINNING; thence, North 88.21'12" West, leaving said East lot line, a distance of 35.00 feet; thence, North 01"38'48" East, a distance of 58.00 feet; thence, South 88.21'12" East, a distance of 35.00 feet to the East line of said Lot One; thence, South 01"38'48" West, along and with said East line, a distance of 58.00 (shown as 59.50 feet) feet to the POINT OF BEGINNING, containing 2,030 square feet, more or less.

EXISTING WASHITA ACCESS EASEMENT:

Commencing at the Southwest Corner of Lot 1, Springfield Plaza Phase 1, as shown on the recorded plat thereof; thence, South 56°27'48" East, a distance of 100.00 feet to the proposed South right-of-way of Washita Street and the POINT OF BEGINNING; thence, Northeasterly along and with a 967.50-foot radius non-tangent curve to the right, having a chord bearing of North 89°54'18" East and chord length of 30.59 feet, an arc distance of 30.60 feet; thence, South 89°11'21" East, a distance of 9.41 feet; thence, South 00°11'00" West, a distance of 35.05 feet; thence, North 89°49'00" West, a distance of 40.00 feet; thence, North 00° 11'00" East, a distance of 35.01 feet to the POINT OF BEGINNING, containing 1,406 square feet.



DATE: 08/30/2016  
 PROJECT NO.: 632

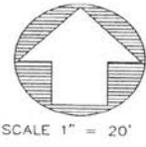
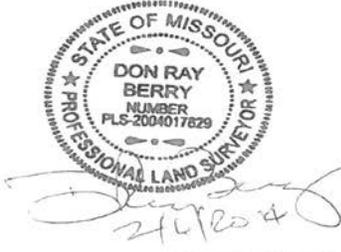
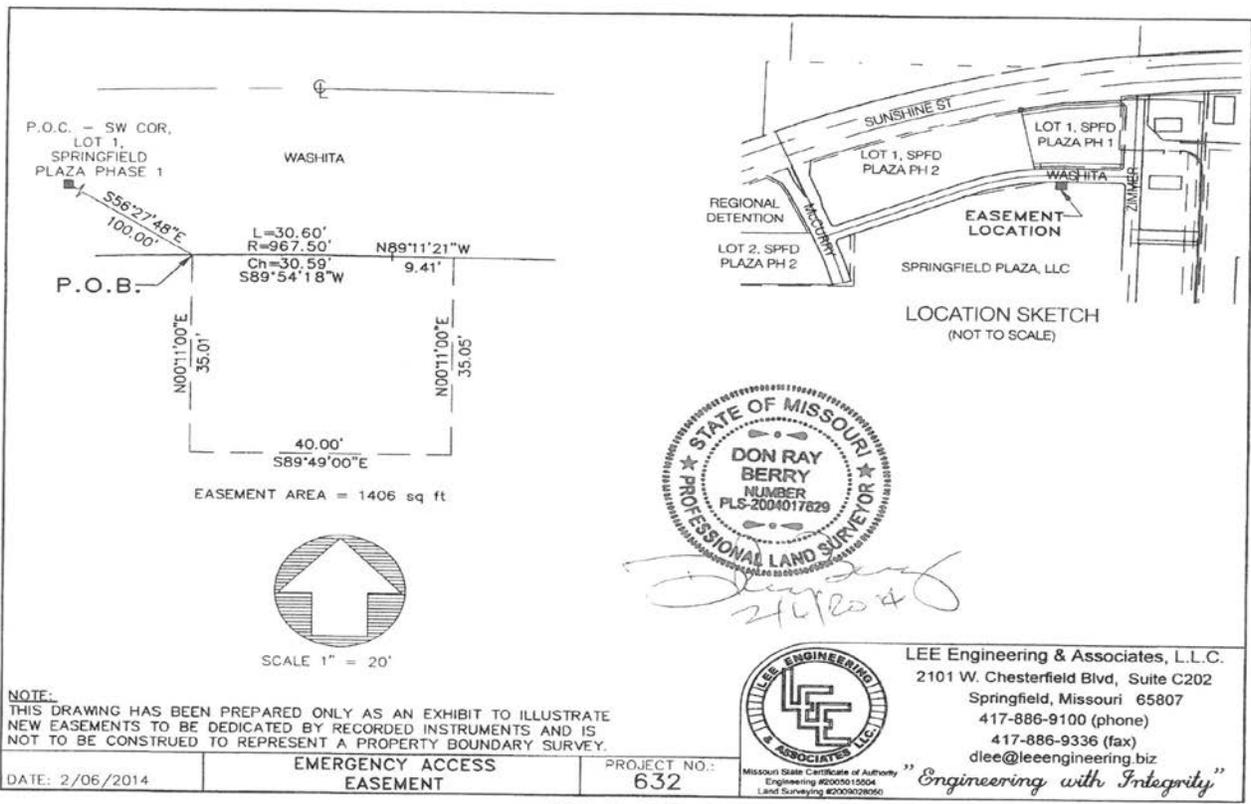
ACCESS EASEMENT  
 RELINQUISHMENT EXHIBIT  
 SPRINGFIELD PLAZA  
 PHASE THREE

Missouri State Certificate of Authority  
 Engineering #2005019504  
 Land Surveying #2009022050

LEE Engineering & Associates, L.L.C.  
 1200 E. Woodhurst Dr., Suite D200  
 Springfield, Missouri 65807  
 417-886-9100 (phone)  
 417-886-9336 (fax)  
 dee@leeengineering.biz

*Engineering with Integrity*

NOTE:  
 THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE  
 NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS  
 NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.



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LEE Engineering & Associates, L.L.C.  
 2101 W. Chesterfield Blvd, Suite C202  
 Springfield, Missouri 65807  
 417-886-9100 (phone)  
 417-886-9336 (fax)  
 dee@leeengineering.biz

*Engineering with Integrity*

DATE: 2/06/2014

EMERGENCY ACCESS  
 EASEMENT

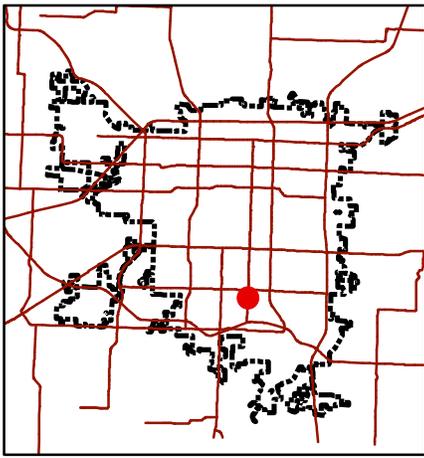
PROJECT NO.: 632

# Development Review Staff Report

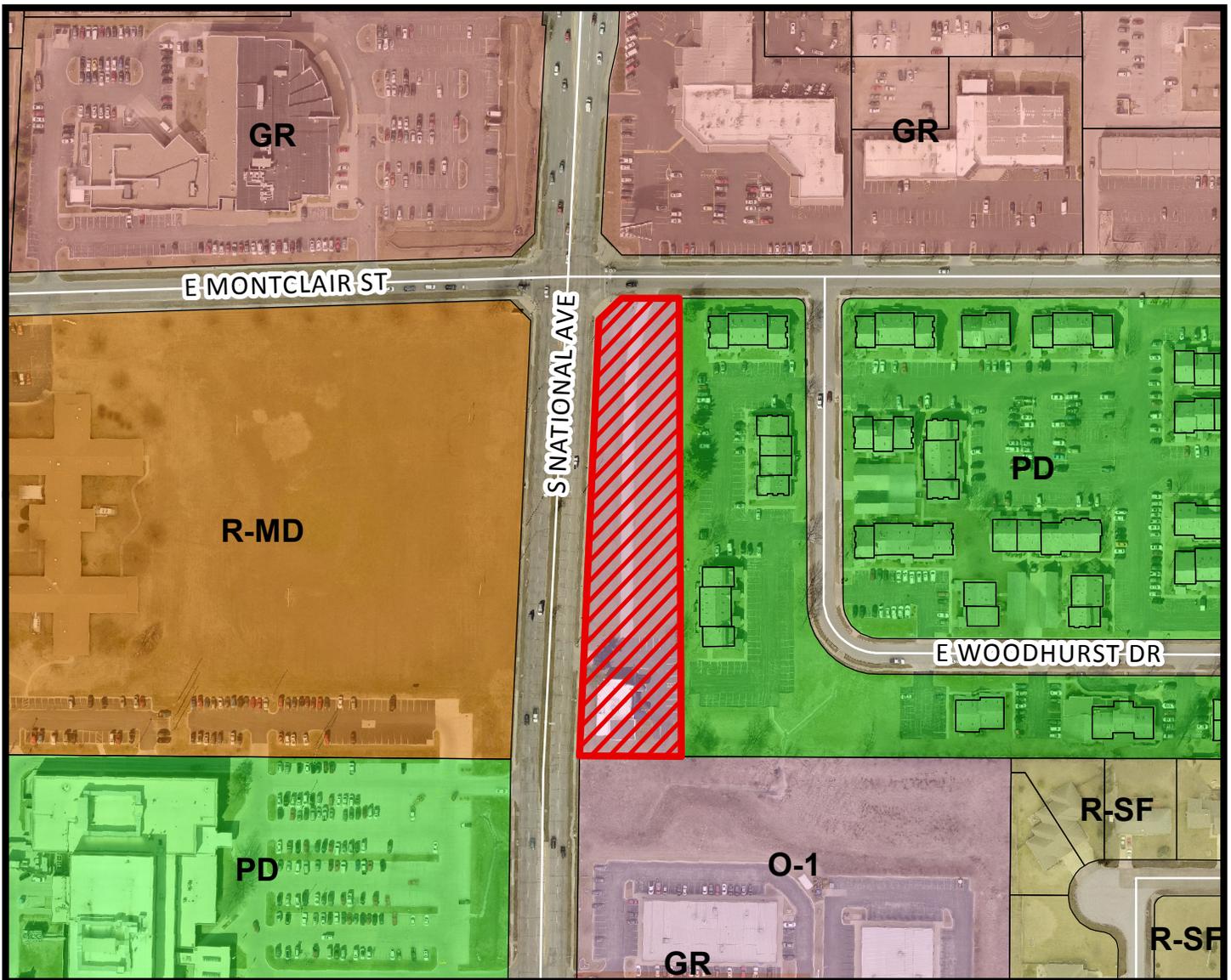
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802

**Z-18-2016**

LOCATION: 3150 South National Avenue  
CURRENT ZONING: O-1, Office District  
PROPOSED ZONING: O-2, Office District



## LOCATION SKETCH



- Area of Proposal



1 inch = 225 feet

DEVELOPMENT REVIEW STAFF REPORT  
ZONING CASE Z-18-2016

PURPOSE: To rezone approximately 1.88 acres of property generally located at 3150 South National Avenue from an O-1, Office District to an O-2, Office District

REPORT DATE: October 26, 2016

LOCATION: 3150 South National Avenue

APPLICANT: Elpidio Alcancia Trustee

TRACT SIZE: Approximately 1.88 acres

EXISTING USE: Medical Office

PROPOSED USE: General/Medical Offices

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this application is consistent with the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*, which identifies this area as appropriate for High Intensity Retail, Office or Housing. The O-2, Office district is a recommended zoning district for this land use category.
2. Approval of this application will allow for further development of this property and promote infill development where investments have already been made in public services and infrastructure. It will also allow a structure height to exceed the thirty-five (35) feet height restriction with the existing O-1, Office district.
3. The O-2 district is designed to allow more intense use of land that is in close proximity to the central city district or other high intensity use areas specified in the *Comprehensive Plan*. The subject property is located within a high intensity area and proximity to a major intersection of Battlefield Road and National Avenue, both primary arterial roadways. Furthermore, the proposed zoning district is compatible and consistent with other commercial and office development in this area.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	GR	Retail Shopping Center & Restaurants
East	PD 20	Professional & Medical Offices
South	O-1	Administrative Medical Office
West	R-MD	Parking, undeveloped land, recreation field

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for High Intensity Retail, Office or Housing.

STAFF COMMENTS:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for High Intensity Retail, Office or Housing. The Office District and more intense commercial zoning districts are identified as appropriate zoning district• for this land use category.
2. The applicant is proposing to rezone from an O-1, Office District to an O-2, Office District. The existing O-1 zoning district limits structure heights to thirty-five (35) feet. The O-2 zoning district does not have a structure height limit. The applicant is proposing to construct a 3-story office building that exceeds 35 feet in height.
3. The O-2 district is designed to allow more intense use of land that is in close proximity to the central city district or other high intensity use areas specified in the *Comprehensive Plan*. The subject property is located within a high intensity area and proximity to a major intersection of Battlefield Road and National Avenue, both primary arterial roadways. Furthermore, the proposed zoning district is compatible and consistent with other commercial and office development in this area.
4. Approval of this application will allow for further development of this property and promote infill development where investments have already been made in public services and infrastructure.
5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on October 11, 2016 regarding the rezoning request. 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. Sixteen (16) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

November 28, 2016

STAFF CONTACT PERSON:

Michael Sparlin  
Senior Planner  
864-1091

ATTACHMENT 1  
DEPARTMENT COMMENTS  
ZONING CASE Z-18-2016

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with rezoning to O-2

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies National Avenue as a Primary Arterial roadway and Montclair Street as a Collector. The standard right of way width for National Avenue is 50 feet from the centerline and for Montclair Street is 30 feet from the centerline. Additional right of way is not needed. National Avenue and Montclair are City maintained. The most recent traffic counts on National Avenue are 30,498 vehicles per day and Montclair Street are 6,345 vehicles per day. There is one existing driveway access along National Avenue and one along Montclair Street. There are sidewalks along the property frontage on National and Montclair. The existing infrastructure meets current city standards. On-street parking is not allowed along the adjacent streets. There is not a greenway trail in the area. There is one bus stop along National Avenue and none along Montclair Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are no proposed improvements along National Avenue or Montclair Street.

Public Works Traffic Division	Response
Street classification	National Avenue - Primary Arterial Montclair Street - Collector
On-street parking along streets	No
Trip generation - existing use	240 vehicles per day
Trip generation change - proposed use	480 vehicles per day
Existing street right of way widths	National Avenue - 45 feet from centerline Montclair Street - 30 feet from the centerline
Standard right of way widths	National Avenue - 50 feet from the centerline Montclair Street - 30 feet from the centerline
Traffic study submitted	Not required
Proposed street improvements	None required

STORMWATER COMMENTS:

The property is located in the Ward Branch 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. The lot currently drains into a detention basin located on the south adjacent property. There are no known 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. The increase in impervious surfacing will require the development to meet current detention and water quality requirements. Impervious surfaces in place and currently in good condition can be credited as existing impervious surface.
2. Payment in lieu of construction of detention facilities is not an option for this site. Continue to explore the possibility of expanding the existing detention basin with the neighboring property owner and utility company. There is a large overhead transmission line going through the basin with a pole in the middle of the basin.
3. Public improvement plans will be required if existing basin is modified. An agreement between property owners will also need to be submitted.
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. Drainage improvements serving only the subject property must be constructed, inspected, approved and operational prior to issuance of building permit.
6. 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	Ward Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	No

**CLEAN WATER SERVICES COMMENTS:**

1. No objections to the rezoning.
2. Public sewer is currently available along Montclair and south of the lot. Public sewer may have to be extended to serve the new building depending on the size of the required service lateral. If public sewer is desired, public improvement plans would need to be submitted for review. An 8 inch lateral would require public improvement plans for a new manhole. A 6 inch lateral cap tap the existing main.
3. A capacity analysis would require proposed flow rates for the new building.

CITY UTILITIES:

No objection to rezoning. CU has adequate utilities available to serve the rezoned property.

**AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY**

1. Request change to zoning from: O1 to O2  
*(existing zoning)* *(proposed zoning)*

2. Meeting Date & Time: October 11, 2016 -- 4:00 PM - 6:30 PM

3. Meeting Location: Lee Engineering Office // 1200 E. Woodhurst Dr. Ste D200

4. Number of invitations that were sent: 62

5. How was the mailing list generated: City of Springfield

6. Number of neighbors in attendance (attach a sign-in sheet): 10

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.)

All attendees were happy with the rezone. Their one concern was not wanting to grant an access easement once the parking lots are constructed. We advised them that the through access is not being requested as part of the rezone.

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

Comment Sheets attached

I, Dalton Patterson (*print name*), attest that the neighborhood meeting was held on 10/13/2016 (*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."

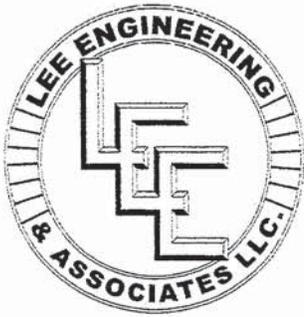


*Signature of person completing affidavit*

Dalton Patterson

*Printed name of person completing affidavit*





**LEE ENGINEERING AND ASSOCIATES, L.L.C.**  
CIVIL ENGINEERING & LAND SURVEYING

---

1200 E. WOODHURST DR., SUITE D200, SPRINGFIELD, MO 65804  
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

**COMMENT SHEET**

Neighborhood Meeting

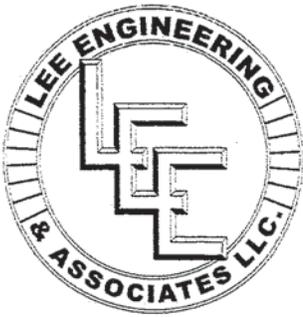
Tuesday, October 11, 2016

Re: Proposed Rezone  
3150 S. National  
Springfield, Missouri

NAME	ADDRESS	PHONE
Laura McClaskill	1200 E. Woodhurst Bldg P	417.234.5899

COMMENTS:

No objections



**LEE ENGINEERING AND ASSOCIATES, L.L.C.**  
CIVIL ENGINEERING & LAND SURVEYING

1200 E. WOODHURST DR., SUITE D200, SPRINGFIELD, MO 65804  
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

**COMMENT SHEET**

Neighborhood Meeting

Tuesday, October 11, 2016

Re: Proposed Rezone  
3150 S. National  
Springfield, Missouri

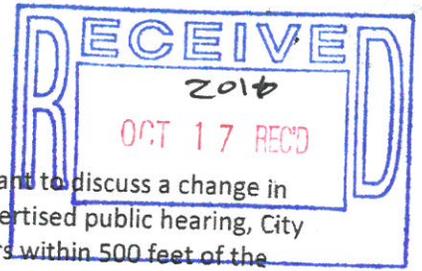
NAME	ADDRESS	PHONE
Jerry Crowder	1200 E Woodhurst K-400	417-838-3698

COMMENTS:

My only concern is parking. I am in K-400 and would not want my parking lot accessible by traffic to the planned development.

MS

NOTICE



ed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a change in land use or zoning the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1<sup>st</sup> City Council Public Hearing (185 feet notification from subject property)
5. 2<sup>nd</sup> City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov). Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner  
City of Springfield Development Review Office  
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov)

DATE:	10-12-16	Telephone No.	417-881-6000
YOUR NAME:	Dr. Thomas Meyer		
YOUR ADDRESS:	1200 E. Woodhurst, H-200 SBF, MO 65804		
PROJECT ADDRESS:	3150 S. National		

COMMENTS:

The size of the proposed building will allow for many tenants and employees resulting in insufficient parking space which will cause overflow into Woodhurst Office Park. This will be disruptive to the businesses in Woodhurst. I am also concerned that the height is not in compliance with zoning that was done when Woodhurst was developed. I vote for denial in change of land use and zoning.

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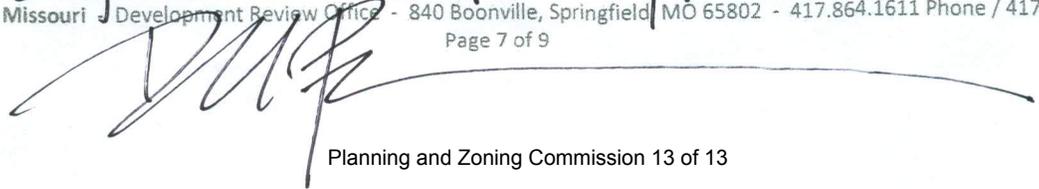
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Bob Hosmer, AICP Principal Planner  
City of Springfield Development Review Office  
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov)

DATE:	10.24.16	Telephone No.	417.889.3545
YOUR NAME:	DALE PEER		
YOUR ADDRESS:	1200 E. WOODHURST K.100		
PROJECT ADDRESS:	3150 S. NATIONAL AVE		

COMMENTS: My concern is "TRAFFIC" and "Parking" the curb cut on National allows for only NORTH BOUND turns & the curb cut on Montclair can only "easily" turn EAST. there is already congestion @ Montclair & that has with cars trying to turn into the existing strip center blocking traffic. Also if the proposed Bldg is 3 stories - that would require much more parking - my concern is that people will park in my parking area & walk over to the new Bldg then causing Woodhurst Parking Problems



**NOTICE**

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A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

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**The Land Use or Zoning Change Process:**

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
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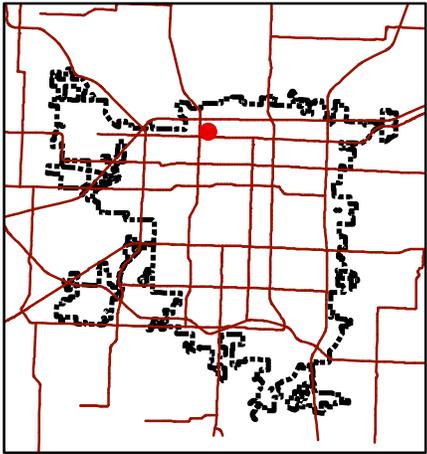
Bob Hosmer, AICP Principal Planner  
City of Springfield Development Review Office  
840 Boonville Ave, Springfield Missouri 65801

**Comment Card:** mail comments to the address above or email comments to [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov)

DATE:	11-7-16	Telephone No.	417-848-6985
YOUR NAME:	TIM BADE		
YOUR ADDRESS:	1200 E. Woodhurst, Bldg V		
PROJECT ADDRESS:			
COMMENTS:	The tenants of Building V are opposed to the 3-story building. The increased traffic the building will create will cause even longer lines of traffic at an already jammed intersection. We believe that parking will also be an issue with already overtaxed lots. Please do not allow the 3-story building. Thank you.		

# Development Review Staff Report

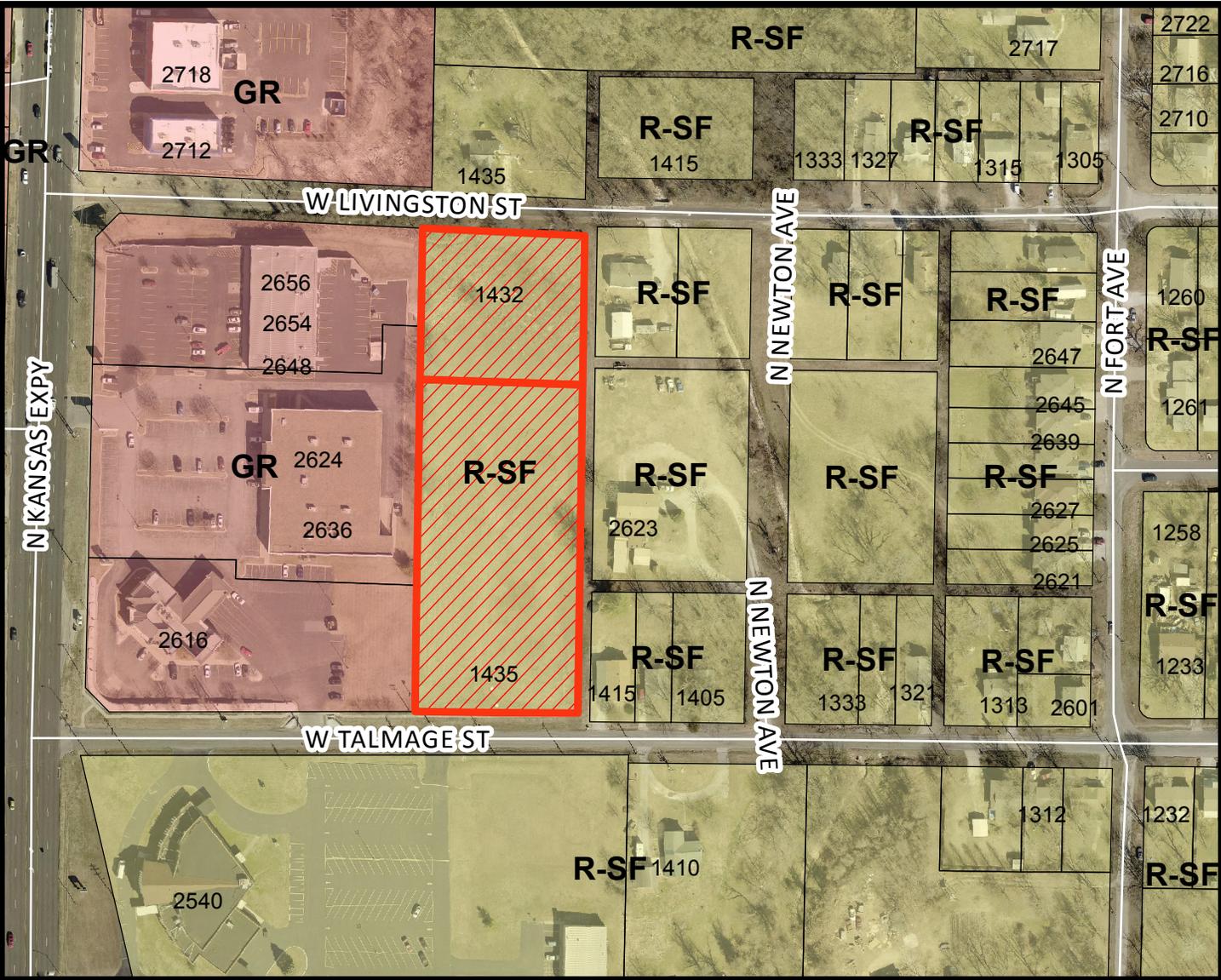
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802



## Z-19-2016 COD#115

LOCATION: 1435 W. Talmage and 1432 W. Livingston Street  
CURRENT ZONING: R-SF, Single Family Residential District  
PROPOSED ZONING: R-MD, Medium Density Multi-Family Residential District with a COD# 115

### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT  
ZONING CASE Z-19-2016 & CONDITIONAL OVERLAY DISTRICT NO. 115

REPORT DATE: October 24, 2016

LOCATION: 1432 West Livingston and 1435 West Talmage Street.

APPLICANT: Greenway Studios North, LLC

TRACT SIZE: Approximately 2.72 acres

EXISTING USE: Vacant land

PROPOSED USE: Micro-efficiency multi-family residential uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* identifies this as an appropriate area for Medium or High Density Housing. The R-MD District is intended to serve as a transition between lower density and higher intensity commercial districts.
2. The Transportation Plan classifies Talmage Street as a collector roadway which supports the proposed land use.
3. The Multi-Family Location and Design Guidelines will limit the development to 27.25 dwelling units per acre for a total of 74 micro-efficiency dwelling units and require amenities such as a swimming pool, basketball court, dog park and park benches with an internal walkway system connecting to public sidewalks.
4. The proposed conditional overlay district will mitigate the potential impact of the multi-family development by requiring a lot combination, sewer extension cost recovery fee and will require the development to conform to the proposed site plan and elevations. The development requirements in the R-MD District are adequate for mitigating any other 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	R-SF	Single-family residences
East	R-SF	Single-family residences
South	R-SF	Church
West	GR	Commercial uses

COMPREHENSIVE PLAN:

1. The *Growth Management and Land Use* element of the *Comprehensive Plan* designates this area as appropriate for Medium or High Density Housing uses. The *Plan* encourages a variety of housing types that would enable developers to compete more effectively and provide greater choices for residents. Appropriate design standards as required by the Multi-Family Location and Design Guidelines can assure compatibility of different housing types and densities with existing neighborhoods. These properties are located near the Interstate 44 and Kansas Expressway area which is identified as a Community Activity Center. This area recommends greater intensity of land development. The Transportation Plan classifies Talmage Street as a collector roadway which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from an R-SF, Residential Single Family District to a R-MD, Medium Density Multi-Family Residential District with Conditional Overlay District No. 115. The proposed rezoning will facilitate the development of this property for a micro-efficiency multi-family apartment complex. A micro-efficiency dwelling unit is a unit with a total floor area of 400 square feet or less. The Conditional Overlay District Provisions will require a lot combination, sewer extension cost recovery fees and the development must conform to the site plan and elevations (Attachment 4).
2. The R-MD District is intended to accommodate multi-family developments at densities up to approximately twenty-nine (29) units per acre. The applicant is requesting a maximum of 27.25 dwelling units per acre. The R-MD District along with the alley on the eastside and drainage basin on the north side will provide for a transition between the single-family residential to the east and to the north. The R-MD district is intended to have all vehicular access from a collector or higher classified street without traversing minor streets in adjoining residential neighborhoods. Talmage Street is classified as collector roadway and access will only be allowed from Talmage Street.
3. A traffic study was not warranted by Public Works Traffic Division since the rezoning from R-SF to R-MD will not generate a significant amount of additional traffic.

4. The property to the north and south of the subject property is zoned R-SF, Single Family Residential. There are no bufferyard requirements when public streets or right-of-way separate residential districts; however, all structures shall remain below a forty-five (45) degree bulk plane as measured from the boundaries of any R-SF district. The property to the east is zoned R-SF, Residential Single Family District with an existing alley between the properties. The minimum bufferyard required between the R-MD zoning and the adjacent R-SF zoned property is a 15 foot wide landscaped bufferyard (Bufferyard C) as shown on the attached site plan. There is an existing storm drainage detention basin which does not require a bufferyard. All other applicable zoning requirements such as lighting, noise, landscaping shall be met.
5. The proposed project required a Multi-Family Location and Design Guidelines assessment. The request is consistent with the Revised Multi-Family Development Location and Design Guidelines as approved by the Planning and Zoning Commission and City Council (see Attachment 3). As part of the multi-family development, the developer is proposing 74 micro-efficiency dwelling units. The proposed development will also include a swimming pool, basketball court, dog park and park benches with an internal walkway system connecting to public sidewalks. As shown on the site plan, the developer is proposing to provide additional off-street parking spaces above the required 74 spaces (one space for each micro-efficiency dwelling unit). The project will be providing 82 parking spaces with 9 bicycle spaces. The development must substantially comply with the site plan (Attachment 5).
6. The proposed rezoning was reviewed by City departments and comments are attached (Attachment 1).

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on October 20, 2016. A summary of the meeting is attached (Attachment 2).

#### PUBLIC COMMENTS:

Fifteen (15) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

#### CITY COUNCIL MEETING:

November 28, 2016

#### STAFF CONTACT PERSON:

Bob Hosmer, AICP  
Principal Planner  
864-1834

ATTACHMENT 1  
DEPARTMENT COMMENTS  
ZONING CASE Z-19-2016 & CONDITIONAL OVERLAY DISTRICT NO. 115

**BUILDING DEVELOPMENT SERVICES COMMENTS:**

1. Building Development Services does not have any issues with the proposed rezoning.

**TRAFFIC DIVISION COMMENTS:**

The City's Transportation Plan classifies Talmage Street as a Collector and Livingston Street as a Local Commercial. The standard right of way width for both Talmage and Livingston is 30 feet of right of way from the centerline of the street. Additional right of way is not needed. Both are City maintained streets. The most recent traffic counts on Talmage Street is 1,894 vehicles per day and Livingston Street is 288 vehicles per day. There are no existing driveway access points along the property frontage on Talmage or Livingston. The site plan shows there is no access being taken to Livingston. Livingston is a substandard Street. If access is developed onto Livingston it will have to be improved to current city standards including sidewalks. There is a sidewalk along the property frontage on Talmage but not along the property frontage on Livingston Street. On-street parking is not allowed along the adjacent streets. There is not a greenway trail in the area. There are no bus stops along Talmage or Livingston Street. There are no proposed improvements along Talmage or Livingston.

Public Works Traffic Division	Response
Street classification	Talmage Street - Collector Livingston Street - Residential Commercial
On-street parking along streets	No
Trip generation - existing use	60 vehicles per day
Trip generation change - proposed use	180 vehicles per day
Existing street right of way widths	Talmage Street - 30 feet from centerline Livingston Street - 30 feet from the centerline
Standard right of way widths	Talmage Street - 30 feet from the centerline Livingston Street - 30 feet from the centerline
Traffic study submitted	Not required
Proposed street improvements	None required

**STORMWATER COMMENTS:**

The property is located in the Spring Beach drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems on the adjacent property due to groundwater. 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 applicable since stormwater detention is

already provided as part of the Talmage Trio Subdivision. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required. There is an existing detention and water quality basin 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.

Public Works Stormwater Division	Response
Drainage Basin	Spring Beach
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	NA

**Additional Stormwater Comments**

**Stormwater detention is provided north of this site as part of the Talmage Trio Subdivision. Divert all stormwater flows to this basin. Water quality has been provided as well as part of 9PW4661.**

**CLEAN WATER SERVICES COMMENTS:**

1. No objection to rezoning but there is an outstanding SECR (sewer extension cost recovery) fee of \$15,417.05 that would be required before rezoning. Below is the information regarding the SECR fee; Tax Bill ID 53200A, PIN # 881302305016, Original Tax Amount \$23,717.05, Total Reduction \$15,417.05, Tax Date 1/10/2011, Date Recorded 2/24/2011, Book # 2011, Page # 007568-11, Sewer District 112, Sewer Section 5
2. This fee would have to be paid as a condition of the rezoning.
3. Public sewer and service lateral are available however the lateral may not be large enough for this development. The sewer main can be tapped if a larger lateral is required.

**CITY UTILITIES:**

1. No objection to re-zoning. Note that adequate room must be allowed for on west side of property for pad mount transformers.

**ATTACHMENT 2**

**AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY**

1. Request change to zoning from: R-SF to R-HD  
*(existing zoning)* *(proposed zoning)*
2. Meeting Date & Time: 10/20/2016 4:00pm - 6:30pm
3. Meeting Location: The Library Center, 4653 S Campbell Ave, Springfield, MO 65810
4. Number of invitations that were sent: 15 Recipients per 185', 75 recipients per 500'
5. How was the mailing list generated: Zoning and Planning Produced the List
6. Number of neighbors in attendance (attach a sign-in sheet): 1
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.)

Neighbor wanted to learn more about the development. In favor of redevelopment due to the existing crime and homeless in the area. They would like to see the development expand to he North & East.

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

I, Chase Bilyeu (*print name*), attest that the neighborhood meeting was held on 10/20/2016 (*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."

  
\_\_\_\_\_  
*Signature of person completing affidavit*

Chase Bilyeu  
\_\_\_\_\_  
*Printed name of person completing affidavit*



October 27, 2016

Bob Hosmer  
Principal Planner  
City of Springfield  
840 Boonville Ave  
Springfield, Missouri 65801

Re: PLN2016-00372  
Zoning Map Change from R-SF to R-MD

Dear Mr. Hosmer:

Please accept this letter as our explanation for requesting Zoning Map Change from R-SF to R-MD. The proposed project would consist of studio apartments with less than 400 square feet of floor area per unit. The initial assessment criteria resulted in a total of 6 points and we have designed the site to achieve an additional six design points for a total of 12 points or a maximum density of 24 DU/acre. The development will also achieve bonus density of 2 for providing affordable housing and 1.25 for an Energy Star rating of 75-100. The developer's attorney will prepare a deed restriction for the affordable housing bonus. This brings the density to at least 27 DU/acre or 74 total units for the 2.72-acre site. If the developers do not meet the Energy Star rating then we would reduce the density to 73 DU/acre at the time of development.

The developers held a neighborhood meeting on October 20, 2016 at the Library Center on South Campbell. There were no community rooms available at the North Library Center and they were concerned about the possibility of inclement weather if the meeting were held at the vacant site. There were rooms available at the south location so the decision was made to hold the meeting at the south location.

In addition we will be requesting a lot combination prior to development that will combine the development site and the common area into one tract if the zoning change is approved.

Please contact me at 417-379-0640 if you have any questions.

Sincerely,  
Whitlock Engineering, LLC

A handwritten signature in blue ink, appearing to read 'Greg Whitlock', is written over a light blue circular stamp. Below the signature, the text 'Greg Whitlock, P.E.' is printed in a black sans-serif font.

Greg Whitlock, P.E.



ATTACHMENT 3  
MULTI-FAMILY MATRIX ASSESSMENT  
ZONING CASE Z-19-2016 & CONDITIONAL OVERLAY DISTRICT NO. 115

The applicant is requesting 74 micro-efficiency apartments on 2.72 acres of property. According to the Multi-Family Location and Design Assessment Matrix, the proposed development has attained 12 points, which would allow 24 dwelling units per acre. The applicant is proposing to obtain additional bonus density for providing EPA Energy Star Rating and Affordable Housing bonus density for a total of 27.25 dwelling units per acre or for a total of 74 dwelling units. Below is an analysis of the four categories used to calculate the Matrix score.

A. Land Use Accessibility (3/3 points)

A maximum of three points were given for land use accessibility. There is neighborhood retail mix, supermarket, medical/dental, as well as a public library within ½ mile of the subject property.

B. Connectivity Analysis (2/5 points)

Two out of a maximum of five points were given for connectivity. The proposed development received scores for its proximity to transit, sidewalks, roadways, greenways and bicycle paths.

C. Road Network Evaluation (2/2 points)

A maximum of two points were given for the road network evaluation.

D. Design Guidelines (6/6 points)

A maximum of six points were given for design guideline criteria. Below are the design considerations that have been incorporated into the proposed development.

1. Pedestrian Amenities - Pedestrian amenities shall include benches placed near walkways at appropriate locations throughout the development. Pedestrian-scale lighting shall be provided within the development lighting sources or luminaries that do have a cutoff shall not exceed a maximum of 30 feet in height. All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through external shields or through optics within the fixture. A site lighting and photometric plan shall be submitted conforming to these requirements for building permits.
2. Building Scale and Articulation - Street facing walls that are greater than 50 feet in length shall be articulated at least each 25 feet with bays, projections or recesses. Articulation means a difference in the vertical plane of the building at least 18 inches or more. This project shall be in compliance with the attached site plan and elevations

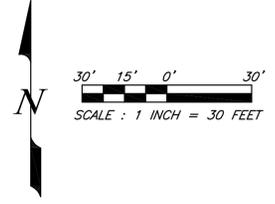
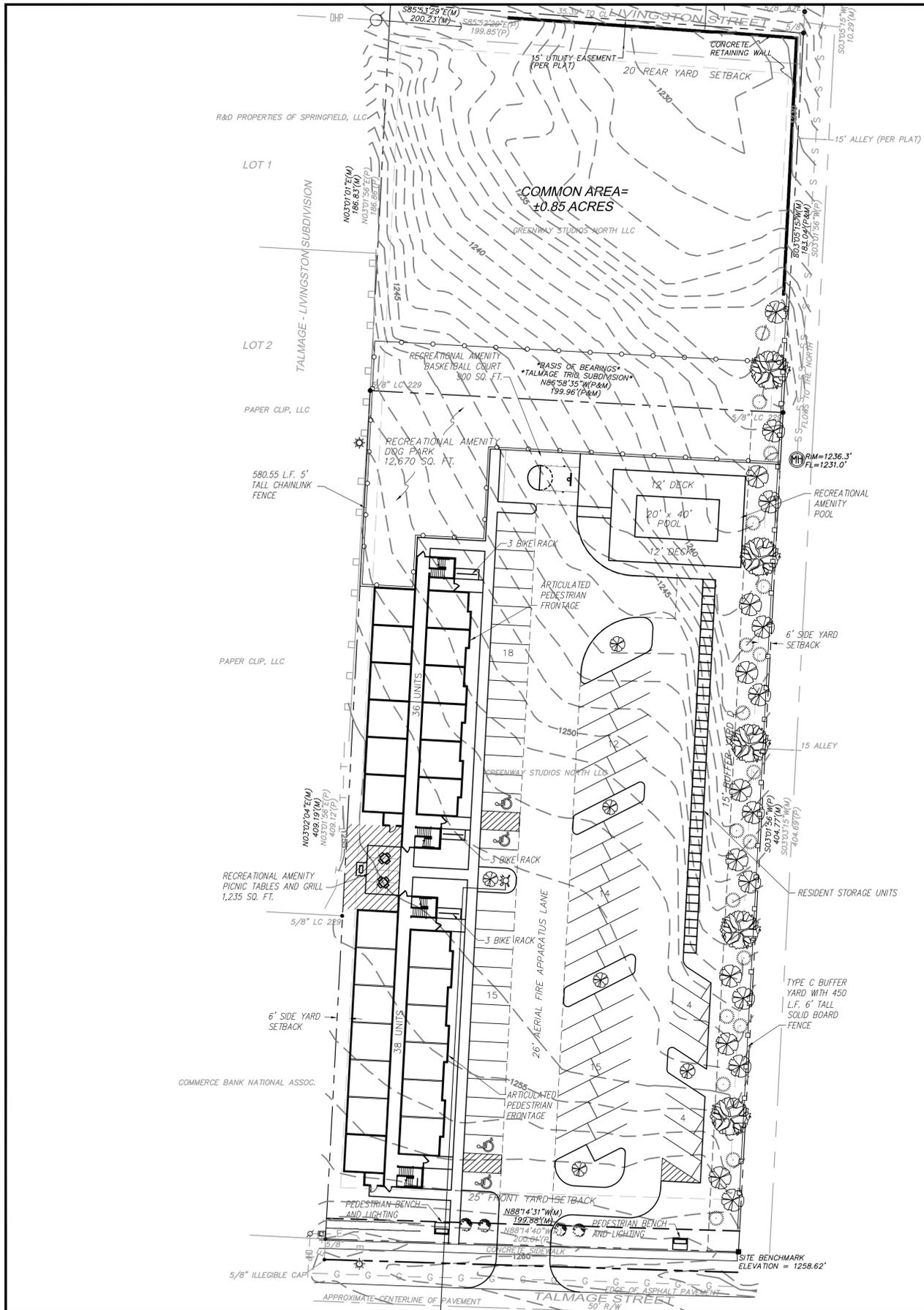
3. Building Orientation and Interior Landscaping – All building orientations will address Talmage Street to receive a design points for this element. Landscaping and open spaces shown shall be provided with approved ground cover and/or plantings per required city ordinances and zoning requirements. Landscaping islands with plantings shall be located throughout the parking lot. There shall be a 15 feet wide Type C bufferyard located along the eastern property per the site plan. A landscaping plan shall be submitted conforming to these requirements for building permits.
4. Avoidance of Blank Walls along pedestrian circulation areas - Facades that face public streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features windows, entrances, arcades, arbors, awning (over windows or doors), distributed along the façade at least once every 25 feet. This project shall be in conformance with the attached site plan and elevations
5. Internal Connectivity – Internal sidewalks shall connect internally and to the public sidewalk system in accordance to the attached site plan.
6. Useable Recreational Area/Facility – Benches will be located throughout the common areas providing for useable tenant amenities in accordance with the attached site plan; however a minimum of 20% usable open space.
7. Amenity Calculation – The following amenities shall be provided: A swimming pool, swimming pool, basketball court, dog park and park benches per the site plan.
8. Preservation of Trees –All existing trees of 6” caliper or greater shall be preserved or replaced with 2-inch caliper trees in accordance with the attached site plan and the city ordinance.
9. Water Quality and Detention – As noted on the attached site plan, a storm water detention area that meets city requirements is located to the north of the proposed site plan.

DENSITY: The initial assessment criteria resulted in a total of 12 points or a maximum density of 24 dwelling units per acre. The development will also obtain a density bonus of 1.25 dwelling units per acre for an EPA Energy Star Rating of 75-100, and 2 dwelling units per acre for providing affordable housing. The developer's attorney will prepare a deed restriction for the affordable housing bonus. This brings the maximum density to 27.25 du/acre or 74 total units for the 2.72 acre site. Maximum density (du/acre) shall not exceed maximum 74 units per acre.

ATTACHMENT 4  
CONDITIONAL OVERLAY DISTRICT PROVISIONS  
ZONING CASE Z-19-2016 & CONDITIONAL OVERLAY DISTRICT NO. 115

The requirements of *Section 36-383* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district.

1. The subject properties at 1432 West Livingston and 1435 West Talmage Street must be administratively combined prior to building permits being issued.
2. The applicant is proposing to obtain additional bonus density for providing EPA Energy Star Rating of 75-100 (1.25 du/ac) and Affordable Housing bonus density (2 du/ac) for a total of 27.25 dwelling units per acre or for a total of 74 micro-efficiency dwelling units. The developer's attorney will prepare a deed restriction for the affordable housing bonus.
3. A sewer extension cost recovery fee of \$15,417.05 must be paid at the time of development prior to construction.
4. The development of the subject property shall be in substantial conformance to the Multi-Family Location and Design Guidelines and the attached site plan (Attachment 5).



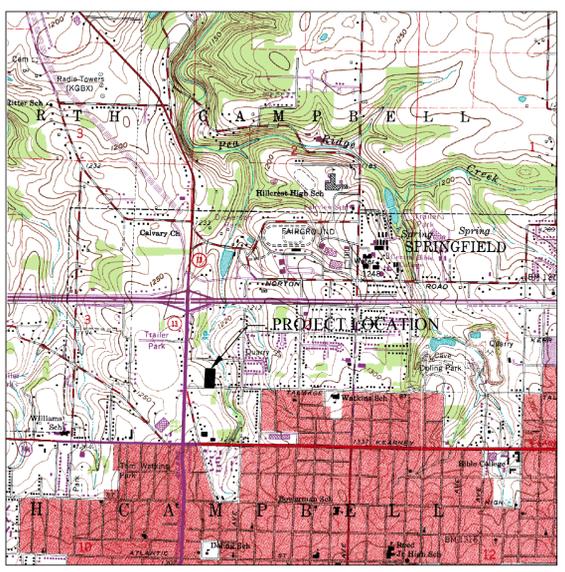
**OWNER**  
 GREENWAY DEVELOPMENT, LLC  
 4820 N TOWNE CENTRE DR  
 OZARK, MO 65721

**PROJECT ADDRESS**  
 1435 N TALMAGE ST &  
 1432 W LIVINGSTON ST  
 SPRINGFIELD, MO 65803

**DEVELOPER**  
 GREENWAY DEVELOPMENT, LLC  
 4820 N TOWNE CENTRE DR  
 OZARK, MO 65721

**DESCRIPTION**  
 THAT CERTAIN PARCEL OR TRACT OF LAND BEING ORIGINALLY PLATTED AS ALL OF LOT 1 OF TALMAGE TRIO SUBDIVISION AND THE COMMON AREA OF TALMAGE-LIVINGSTON SUBDIVISION, BOTH BEING RECORDED SUBDIVISIONS IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE, N03°02'04"E, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 409.19 FEET TO THE COMMON WEST CORNER TO SAID LOT 1 AND THE COMMON AREA; THENCE, N03°01'01"E, ALONG THE WEST LINE OF SAID COMMON AREA, A DISTANCE OF 186.83 FEET TO THE NORTHWEST CORNER OF SAID COMMON AREA; THENCE, S85°53'28"E, ALONG THE NORTH LINE OF SAID COMMON AREA, A DISTANCE OF 200.23 FEET TO THE NORTHEAST CORNER OF SAID COMMON AREA; THENCE, S03°05'15"W, ALONG THE EAST LINE OF SAID COMMON AREA, A DISTANCE OF 183.04 FEET TO THE COMMON EAST CORNER OF SAID COMMON AREA AND LOT 1; THENCE, S03°03'15"W, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 404.77 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE, N88°14'31"W, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 199.88 FEET TO THE POINT OF BEGINNING, CONTAINING 2.72 ACRES, MORE OR LESS.

**PLANTINGS:**  
 THERE ARE NO EXISTING TREES ON THE SITE  
**PERIMETER (LESS THAN 50')**  
 HEDGE BUFFER ALONG SOUTH BUILDING  
 4 SHRUBS  
**INTERIOR (83 SPACES)**  
 6 UNDERSTORY  
**TYPE C BUFFERYARD (450 L.F. TO DETENTION WALL)**  
 5 CANOPY  
 9 UNDERSTORY  
 9 EVERGREEN  
 9 EVERGREEN/UNDERSTORY IN LIEU OF 45 SHRUBS



**LOCATION MAP**  
 1" = 2000'

**SITE ANALYSIS**  
 SITE AREA = 2.72 ACRES  
 EXISTING ZONING = R-SF  
 PROPOSED ZONING = R-MD  
 TOTAL PROPOSED UNITS = 74  
 MAXIMUM PROPOSED DENSITY = 27.25 D.U./ACRE  
 MAXIMUM BUILDING HEIGHT = THREE STORY CONSTRUCTION  
 GREEN SPACE = 1.51 ACRES = 56% (20% REQUIRED)  
**RECREATIONAL AMENITIES**  
 17,700 S.F. = 15%  
**PARKING REQUIRED PER ORDINANCE**  
 CAR @ 1 SPACE/UNIT = 74 SPACES REQUIRED  
 BICYCLE @ 3 SPACES PER 51-75 CAR SPACES  
 OFF-STREET PARKING PROVIDED = 82 CAR SPACES  
 BICYCLE PARKING PROVIDED = 9 SPACES  
**VEHICULAR OPEN SPACE**  
 MINIMUM ALLOWED = 5%  
 VEHICULAR AREA = 32,218 S.F.  
 OPEN SPACE PROVIDED = 2,315 S.F.  
 = 7.2%  
**IMPERVIOUS AREA ANALYSIS**  
 MAXIMUM ALLOWED = 80%  
 POST-PROJECT IMPERVIOUS AREA = 1.21 AC.  
 = 44%  
**BUILDING SQUARE FOOTAGE:**  

	BUILDING 1	BUILDING 2
FIRST FLOOR	6,088 S.F.	5,736 S.F.
SECOND FLOOR	6,027 S.F.	5,678 S.F.
THIRD FLOOR	6,027 S.F.	5,678 S.F.
TOTAL		35,234 S.F.

 USE GROUP R-2  
 CONSTRUCTION TYPE 5-B  
 FULLY SPRINKLED

SYMBOL	TYPE	SIZE
	DECIDUOUS CANOPY TREE	1-1/2" CALIPER AT TIME OF PLANTING MINIMUM 30' HEIGHT AT MATURITY
	DECIDUOUS UNDERSTORY TREE	1" CALIPER AT TIME OF PLANTING MAXIMUM 30' HEIGHT AT MATURITY
	EVERGREEN/CONIFER	6' TALL AT TIME OF PLANTING MINIMUM 20' HEIGHT AT MATURITY
	SHRUB	MINIMUM 18" HEIGHT AT TIME OF PLANTING
	HEDGE	MINIMUM 18" HEIGHT AT TIME OF PLANTING MINIMUM 3' HEIGHT ONE YEAR AFTER PLANTING

GREENWAY DEVELOPMENT, LLC  
 4820 N TOWNE CENTRE DR  
 OZARK, MO 65757  
 417-887-6897

**WHITLOCK ENGINEERING, LLC**  
 9648 E North View Road  
 Stratford, Missouri 65757  
 Phone: 417-582-4003

Certificate/License No. 2012000438

STATE OF MISSOURI  
 R. GREGORY WHITLOCK  
 LICENSE NUMBER E-28639  
 REGISTERED PROFESSIONAL ENGINEER

License No. 028639

NO.	REVISION/ISSUE	DATE
1		10/14/16
2		10/27/16
3		11/03/16

GREENWAY STUDIOS TWO  
 1435 N TALMAGE STREET  
 SITE PLAN

Project 15-073  
 Date 10/03/16  
 Scale 1" = 30'  
 Sheet SP-1



October 31, 2016

MEMBERS

THEODORE L. JOHNSON, III  
CRAIG F. LOWTHER  
MICHAEL K. CULLY <sup>1</sup>  
JOHN W. HOUSLEY  
DAVID A. FIELDER  
GLENN P. GREEN  
THOMAS M. BENSON  
RANDY J. REICHARD  
LEE J. VIOREL  
MICHAEL L. MILLER  
KORY D. STUBBLEFIELD  
RUSSELL W. COOK <sup>1,2</sup>  
MATTHEW J. GROWCOCK  
MATHEW L. PLACZEK  
AARON M. KLUSMEYER

ASSOCIATES

KYLE HARMON  
N. AUSTIN FAX  
AIMEE L. MORRISON  
LYNSEY R. COFFEY  
MEGAN N. C. MILLION

OFFICE ADMINISTRATOR

SAMIE K. PAYNE

<sup>1</sup> ALSO ADMITTED IN ARKANSAS

<sup>2</sup> ALSO ADMITTED IN KANSAS

DIRECT EMAIL

lvioREL@lowtherjohnson.com

901 ST. LOUIS STREET  
20<sup>TH</sup> FLOOR  
SPRINGFIELD, MISSOURI  
65806-2592  
TELEPHONE :  
(417) 866-7777 EXT 242  
FACSIMILE :  
(417) 866-1752

WEB

www.lowtherjohnson.com

Development Review Staff  
Department of Planning and Development  
840 Boonville Avenue  
Springfield, MO 65802

RE: *Planning and Zoning Commission*  
*Case # Z-19-2016 COD #115*  
Matter ID 21605-017.003

Dear Sirs:

I represent R & D Properties of Springfield, LLC, which is an owner of property within 185 feet of the property requested for the rezoning. A portion of the property requested to be rezoned is used as a water detention area. The request for the Medium Density change will impact the water detention area and will affect my client. My client is concerned as to the capacity of the water detention area to take on additional storm water run-off, particularly if there is an increase in square footage of non-permeable materials erected upon the surface of the subject property.

My clients rely upon the water detention area for discharge of water and the change in the use of the property as requested by the current owner will negatively and substantially impact my client. In addition, there does not appear to be proper access for ingress and egress to the subject property.

As a result, my client requests that the Commission and Development Staff take special note of the uses of the water detention area, its continued use as a water detention area, and the capacity of the water detention area in light of the requested zoning change and deny the request for the change in zoning.

Thank you for your time and attention to this matter.

Very truly yours,

LOWTHER JOHNSON  
Attorneys at Law, LLC

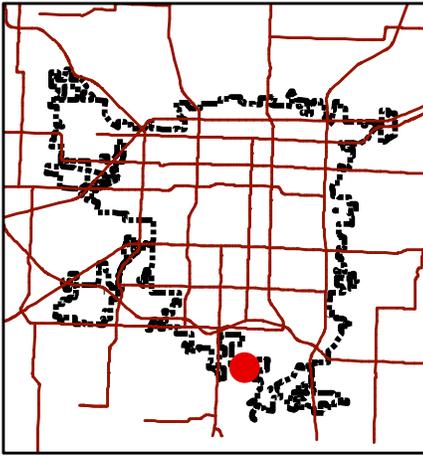
A handwritten signature in blue ink that reads "Lee J. Viorel, III".

Lee J. Viorel, III

LJV:gbm

# Development Review Staff Report

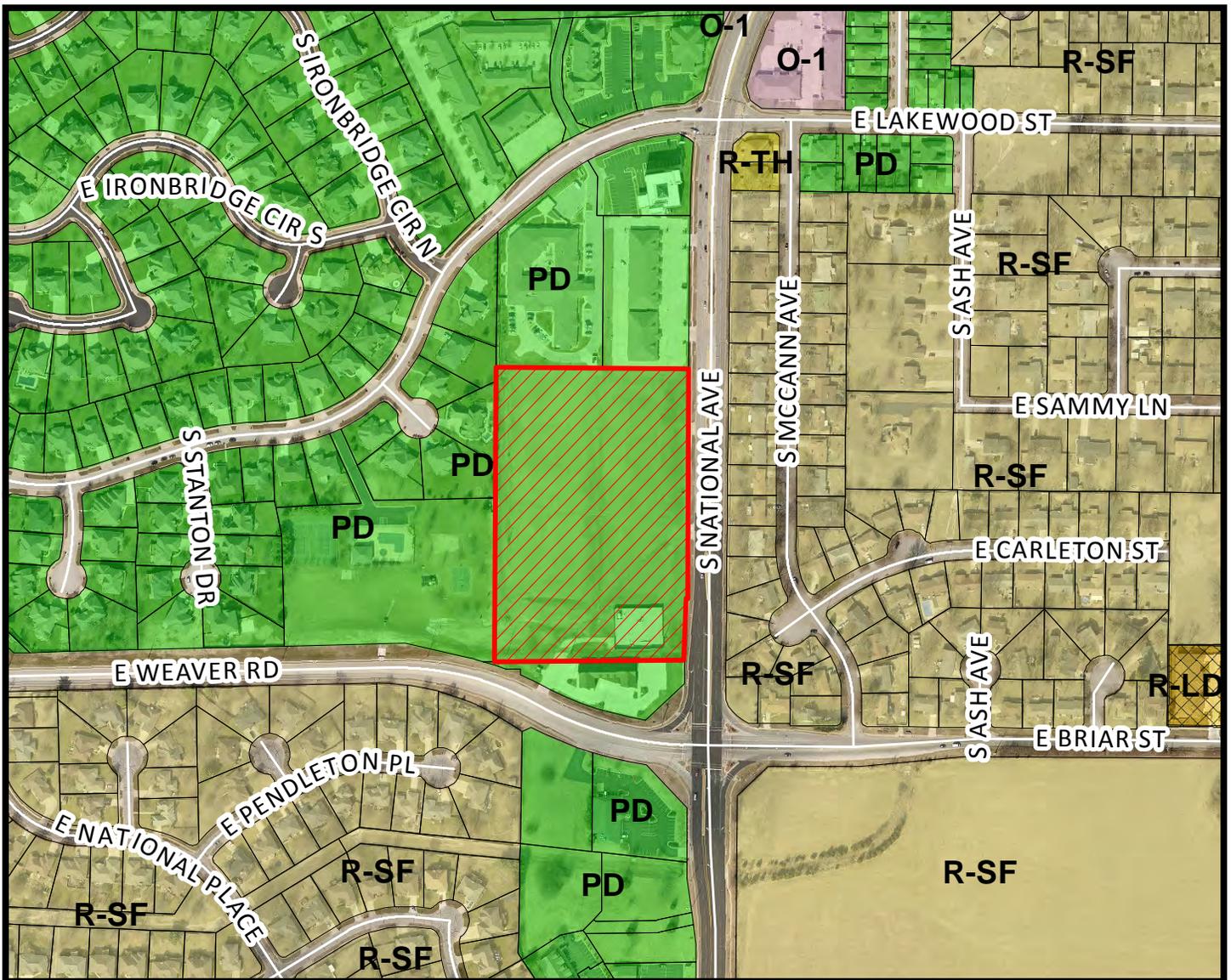
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802



## Planned Development 352

LOCATION: 4900 block S. National Ave.  
CURRENT ZONING: PD 306  
PROPOSED ZONING: PD 352

### LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet

DEVELOPMENT REVIEW STAFF REPORT  
PLANNED DEVELOPMENT 352

PURPOSE: To rezone approximately 7.8 acres of property generally located at the 4900 block South National Avenue from Planned Development District No. 306 to a Planned Development District No. 352.

DATE: October 26, 2016

LOCATION: 4900 block S. National Avenue

APPLICANT: Martin Property Management, LLC

TRACT SIZE: Approximately 7.8 acres

EXISTING USE: Vacant/undeveloped land

PROPOSED USE: Nursing home and other uses as permitted by PD

FINDINGS FOR STAFF RECOMMENDATION:

5. This area is located near the intersection of National and Weaver which are both classified as arterial streets. Community-Scale Businesses are recommended on primary arterials and near intersections of primary and secondary arterials.
6. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
7. The proposed uses are consistent with the adjacent properties along the National Avenue corridor.
8. The proposed planned development will mitigate the potential impact between the permitted uses and the adjacent residential PD property to the west with a 20 foot wide bufferyard which includes plantings as outlined in Exhibit 1 and Exhibit 2. The proposed Planned Development will not have a significant impact on the surrounding neighborhood.
9. 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. Objective 4a, Increase density in activity centers and transit corridor.

RECOMMENDATION:

Staff recommends **approval** of this request.

**SURROUNDING LAND USES:**

AREA	ZONING	LAND USE
North	PD 306 & 338	Office and retail uses
East	R-SF	Single-family residences
South	PD 306	Dental office
West	PD 200	Single-family residences

**COMPREHENSIVE PLAN:**

1. The *Growth Management and Land Use Plan* element of the City's *Comprehensive Plan* designates this area as appropriate for low-density housing; however these properties are located near a major intersection of two arterial streets. This area is located near the intersection of National and Weaver which are both classified as arterial streets. Community-Scale Businesses are recommended on primary arterials and near intersections of primary and secondary arterials.

**STAFF COMMENTS:**

1. The applicant is proposing to revise the existing planned development for a new nursing home facility on Lot 3 of the Ironbridge Phase XIV preliminary plat. The proposed planned development replaces the existing Planned Development No. 306; however, it does not deviate from the overall intent and uses that already exist. The applicant is required to apply for a new PD number because they are only rezoning a portion of the remaining Planned Development No. 306 area. This rezoning request is being processed concurrently with the preliminary plat of Ironbridge Phase XIV.
2. The major difference between the existing Planned Development No. 306 and the proposed Planned Development No. 352 is the addition of the nursing home use. The proposed rezoning will not significantly increase the intensity of uses or development on the site. The following differences are being proposed:
  - a. The proposed PD will add and define the nursing home use that the applicant is proposing to develop on the property. The applicant defines the permitted nursing home use as an extended or intermediate care facility licensed or approved to provide full-time convalescent or rehabilitation care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

- b. Since the existing PD 306 includes restrictions as far north as Lakewood, access restrictions have been updated to only include the subject property's access to public thoroughfares which is shown on Exhibit 2.
  - c. Signage requirements have been modified to remove language that is only relevant to adjacent lots that are still a part of PD 306.
  - d. The applicant is proposing to rename the Perimeter Treatment section of PD 306 to Open Space, Landscaping & Screening. The applicant is also proposing to remove the additional bufferyard requirement along National Avenue. The bufferyard requirement was established for the single-family residential across National Avenue; however, neither the applicant nor staff believe that this 25 foot wide bufferyard with one canopy tree, two understory trees and four shrubs per 100 linear feet provides much protection when National Avenue, a five lane primary arterial, is between them. The current perimeter landscaping requirements, which would apply whether or not this PD is approved, provides a 10 foot wide open space with one canopy tree, one understory/evergreen tree and four shrubs when off-street parking is within 50 feet of public right-of-way. Essentially, the additional bufferyard would be doubling the number of plantings required along National Avenue. Staff believes that the perimeter landscaping is adequate buffering for the single-family residences across National Avenue.
  - e. The applicant is modifying the final development plan section of the PD to require substantial conformance to Exhibit 1 (text), as opposed to the current PD which requires substantial conformance to Exhibit 2 (preliminary development plan). The Exhibit 2 has no specific uses or structures shown so it makes more sense that the final development plan substantially conform to the language of the PD in Exhibit 1.
3. A traffic study was not warranted by Public Works Traffic Division since the proposed nursing home use will not generate a significant amount of additional traffic.
4. The existing and proposed PD language references the bulk, area and height requirements for the GR, General Retail District. The GR District requires that new structures shall remain below a 30 degree bulk plane as measured from the boundary of any R-SF or R-TH district.
5. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.

6. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

**NEIGHBORHOOD MEETING:**

The applicant held a neighborhood meeting in accordance with the Zoning Ordinance requirements on October 19, 2016. A summary of this 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. Fifty-nine (59) property owners were notified by mail of this request and are within one hundred eighty-five (185) feet of the subject property. Staff has received no objections to date.

**CITY COUNCIL MEETING:** November 28, 2016

**STAFF CONTACT PERSON:**

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
DEPARTMENT COMMENTS  
PLANNED DEVELOPMENT 352

TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies National Avenue as a Primary Arterial roadway. The standard right of way width for National Avenue is 50 feet from the centerline. Additional right of way is not needed. National Avenue is a City maintained street. The most recent traffic counts on National Avenue is 12,628 vehicles per day. There are two existing driveway access points along National Avenue. There is a sidewalk along the property frontage. The existing infrastructure meets current city standards. On-street parking is not allowed along the adjacent streets. There is not a greenway trail in the area. There are no bus stops along this area of National Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are no proposed improvements along National Avenue.

Public Works Traffic Division	Response
Street classification	National Avenue - Primary Arterial
On-street parking along streets	No
Trip generation - existing use	480 vehicles per day
Trip generation change - proposed use	480 vehicles per day
Existing street right of way widths	National Avenue - 50 feet from the centerline
Standard right of way widths	National Avenue - 50 feet from the centerline
Traffic study submitted	Not required
Proposed street improvements	None required

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with rezoning to Planned Development.

STORMWATER COMMENTS:

The property is located in the Ward Branch 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 applicable since regional detention is provided. Since the project will be will disturbing more than one (1) acre there will be a land disturbance permit required. There is existing regional detention southwest of the development available to discharge into. There are no 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. Water quality will be required if disturbing more than 1 acre.

Public Works Stormwater Division	Response
Which Drainage Basin is this located?	Ward Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	NA

**SANITARY SERVICES COMMENTS:**

No objections to rezoning. Public sewer is available to development. Any further review of the existing sewer system capacity will require proposed flow rates and site plan.

**CITY UTILITIES COMMENTS:**

No issues with planned development. CU will need to approve the construction of the access easement where it crosses the existing utility easement containing natural gas mains. Keep in mind that signs are not allowed in utility easements so plan accordingly with sign placement along National Ave.

**FIRE DEPARTMENT COMMENTS:**

No issues.

**AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY**

1. Request change to zoning from: PD 306 to PD  
*(existing zoning)* *(proposed zoning)*

2. Meeting Date & Time: October 19, 2016 from 4-6:30 PM

3. Meeting Location: Residence Inn Hotel (1301 E. Kingsley St. SGF, MO 65804)

4. Number of invitations that were sent: 126

5. How was the mailing list generated: City Provided

6. Number of neighbors in attendance (attach a sign-in sheet): 4

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.)

No negative comments were voiced. Neighbors felt the exiting commercial uses allowed and constructed would affect their home values. They preferred the property to remain undeveloped.

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

None were received.

I, Jared Rasmussen (*print name*), attest that the neighborhood meeting was held on 10-19-2016 (*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."

  
\_\_\_\_\_  
*Signature of person completing affidavit*

Jared Rasmussen  
\_\_\_\_\_  
*Printed name of person completing affidavit*

# Neighborhood Meeting

S. National and E. Weaver Rezoning

October 19, 2016

4:00 p.m. – 6:30 p.m.

Name	Address	Phone
JARED RASMUSSEN	550 Saint Louis St. Sgf, MO 65806	417-990-8802
Peter Stattery	icanlaff43@gmail.com	
→ Lisa Stattery	4856 S. Chrysoth 65810	417-414-4894
DEBRA SHECTERLE dshecterle1@gmail.com	1104 E. LAKEWOOD ST 65810	417-315-8334
Dean Hustos dean.hustos@jeaseniorliving.com	Maple Wood 1146 E Lakewood St Springfield, MO 65810	Personal Call 417 693 2263

EXHIBIT 1

**Requirements and Standards Applicable to  
Planned Development District No. 352**

**A. APPLICATION**

Building or other permits may not be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan has been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

**B. INTENT**

Mixed use development with retail, office and nursing home uses.

**C. DEFINITIONS**

The definitions contained in the *Zoning Ordinance* shall apply to this ordinance. For purposes of this ordinance, the following definitions shall also apply.

Nursing home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or rehabilitation care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but not including parking or loading spaces for motor vehicles. The gross floor areas shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, whether closed or enclosed and shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

Floor Area Ratio (FAR): The gross floor area of all buildings on a lot divided by the lot area.

$$\text{FAR} = \frac{\text{Gross Floor Area}}{\text{Total Site Area}}$$

Impervious Surface: Any part of a lot that is covered by buildings, structures, parking areas, driveways and any other surfaces which reduce or prevent absorption of storm water.

Impervious Surface Ratio (ISR): The proportion of the site covered by impervious surfaces, and shall be determined as follows:

$$\text{ISR} = \frac{\text{Area covered by impervious surfaces}}{\text{Total Site Area}}$$

Open Space Ratio (OSR): The proportion of a site covered by open space which shall be determined as follows:

$$\text{OSR} = \frac{\text{Area covered by open space}}{\text{Total site area}}$$

Vehicular Use Area: That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprised the total of circulation areas, loading and unloading areas, and parking areas.

#### **D. USES PERMITTED**

The following uses shall be permitted:

Nursing Homes

Churches and Government/Civic Buildings

Administrative and Professional Office. Office or firms or organizations providing professional, management or administrative services. Typical uses include abstract services, advertising agencies, data processing services, travel agencies, law offices, architectural and engineering offices, and general business and administrative, corporate offices and artist and photographic studios.

Finance, Insurance and Real Estate Services. Establishments primarily engaged in the provision of financial, insurance, real estate, security brokerage and other similar activities, including automatic teller machines. Drive-thru facilities designed to expedite customer service are permitted. Typical uses include banks, insurance agencies, real estate firms, securities brokerage establishments, savings and loan institutions and other similar uses.

Medical Offices and medical Support Activities. Establishments such as offices for doctors and dentists and medical laboratories along with incidental administrative activities.

Retail Uses. For purposes of this ordinance, the following uses shall be classified as retail:

General Retail Sales. Establishments involved in the onsite retail sales of goods and merchandise for personal or household use. Such activities are to be conducted within the confines of an enclosed structure with no permanent outdoor sales or storage. Typical uses include department stores, apparel stores, antiques shops, bicycle shops, bookstores, cosmetic shops, candy stores, confectionery stores, costume rental, dry goods stores, drugstores, florist or flower shops, furniture stores, garden supply shops, hardware stores, hobby shops, jewelry stores, pet stores, photographic supply stores, radio and television sales, shoe stores, sporting goods stores, stationery stores, toy shops, variety stores, wallpaper stores, wig shops and other similar retail sales.

Food and Beverage Retail Sales. Establishments primarily engaged in the retail sale of food and beverages for off-site consumption. Such activities are to be conducted within

the confines of an enclosed structure with no permanent outdoor sales or storage. Drive-thru facilities designed to expedite customer service are permitted. Typical uses include grocery stores and liquor stores.

Convenience Sales and Personal Services. Establishments primarily engaged in the provision of frequently needed goods and services. Such activities are to be conducted within the confines of an enclosed structure with no permanent outdoor sales or storage. Drive-thru facilities designed to expedite customer service are permitted. Typical uses include barber shops, beauty shops, bakeries, delicatessens, pharmacies, dry cleaning and laundry establishments, self-service laundries, newsstands, repair shops and other similar uses.

Eating and Drinking Establishments. Establishments or places of business primarily engaged in the sale of prepared foods and/or beverages for on-premise consumption. Drive-thru facilities designed to expedite customer services are permitted. Curb services facilities are prohibited. Typical uses include restaurants, cafeterias, coffee shops, bars and taverns.

Parking. Parking of motor vehicles on a temporary basis within an off-street parking area with or without a fee. Typical uses include commercial parking lots, parking garages or structures and supplementary parking space for nearby land uses.

#### **E. USE LIMITATIONS**

1. All uses shall operate in accordance with the noise standards contained in *Section 36–485 of the Springfield Zoning Ordinance*.
2. No use shall emit an odor that creates a nuisance as determined by *Chapter 2A, Article X, Springfield City Code*.
3. No dust, particulate matter or noxious or toxic matter of any sort shall be emitted or discharged at any time.
4. All activities or permitted uses shall be conducted within a completely enclosed building, except:
  - a. Parking uses
  - b. Permitted drive-in, pick-up, and drive-thru facilities;
  - c. Seasonal outdoor sales and related storage and temporary uses as provided in *Section 36-452 of the Springfield Zoning Ordinance*;
  - d. Accessory outdoor garden supply sales and storage; and
  - e. Outdoor eating and drinking areas.
5. Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designed arterials or greater street classifications, and from other property.
6. All outdoor storage shall be at least one hundred (100) feet from any residential district boundary.

**F. INTENSITY OF DEVELOPMENT**

The maximum floor area ratio (FAR) shall not exceed 1.0 for office and retail uses

**G. BULK, AREA AND HEIGHT REQUIREMENTS**

1. The bulk regulations and open space requirements provision of the General Retail District as stated in the *Springfield Zoning Ordinance* in effect at the time of development shall apply on each buildable lot, when not specified herein.
2. Minimum greenspace to be twenty percent (20%) of each buildable lot.

**H. OPEN SPACE, LANDSCAPING & SCREENING**

The landscaping and screening provisions are intended to improve the physical appearance of the District; to improve the environmental performance by contributing to the abatement of heat, glare and noise, and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of adjoining property and neighborhoods.

1. A bufferyard at least 20 feet deep is required adjacent to the western boundary of this District. Required plantings within the bufferyard are as follows: 3 canopy trees, 3 understory trees, 4 evergreen trees, and 20 shrubs.
2. The interior landscaping and perimeter landscaping requirements of the *Springfield Zoning Ordinance* shall apply.
3. No structures, signs, mechanical equipment, parking lots or drives (except those required to provide access to adjoining public thoroughfares) are permitted within these bufferyards. The surface of these bufferyards, or other required landscaped areas, shall be maintained with a living ground cover.
4. All utilities within required bufferyards shall be located underground.
5. All other areas which will not be buildings or other form of impervious surface and which are not designated as a bufferyard shall be required to be maintained with a living ground cover.
6. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed within the District where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of a sight-proof fence or wall, shall be provided.
7. A landscape plan, showing conformance with these requirements, shall be submitted with the final development plan.

**I. EXTERIOR LIGHTING**

The requirements and standards of *Section 36-484* of the *Springfield Zoning Ordinance*, in effect at the time of development shall apply.

**J. ACCESS TO PUBLIC THOROUGHFARES**

Direct access shall not be allowed to National Ave. from Tracts B or C. Access to National Ave. shall be provided via Cross Access Easements through Tract A, as shown. Access easements through

Tracts B and C shall be provided to allow access to Weaver Road. Access is provided to Weaver Road via an existing access easement included on the Final Plat of Iron Bridge Phase VIII. Access shall be dedicated as shown on Exhibit 2.

**K. OFF-STREET PARKING**

*Sections 36–455, 36–456 and 36–483 of the Springfield Zoning Ordinance* in effect at the time of development shall apply, with the following exception:

1. One (1) off-street parking space is required per one thousand (1,000) square feet of non-occupied basement space such as mechanical rooms, storage, utility rooms, etc.

**L. SIGNS**

1. Each platted lot with frontage along National Avenue may have at least one sign depending on the amount of frontage; multiple signs are permitted on a lot with five hundred (500) or more feet of frontage; sign spacing shall be at least two hundred (200) feet. A maximum of six (6) freestanding signs are permitted along National. These signs shall not exceed a maximum height of twenty (20) feet nor a maximum effective area of one hundred fifty (150) square feet. There shall be a minimum of fifty (50) feet of separation from the boundary of any residential development.
2. No internally or externally lit wall or roof signage is permitted that is directed toward the residential development west of this District.
3. Off-premise signs, as defined by the City sign code, are prohibited. All other signage, and signage requirements not changed herein, shall conform with the requirements of the *Springfield Zoning Ordinance* for signage permitted for business areas shall be complied with.

**M. REQUIRED IMPROVEMENTS**

There are no required improvements associated with this PD.

**N. PHASING**

Development may be phased provided that all public improvements directly related to each phase are completed at the time of its development and that improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

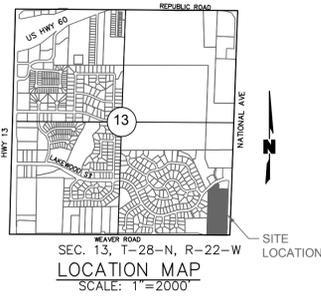
**O. FINAL DEVELOPMENT PLAN**

A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. The final development plan may be submitted in the form of a preliminary plat, provided the plat is prepared in accordance with the requirements, standards, and intent of this Exhibit. Development of this District shall be in

accordance with the approved final development plan.

1. The intent of Exhibit 2 is to establish the boundaries of the District and the general locations of driveways to the public thoroughfare system.
2. A final development plan shall only be approved if it is in substantial conformance with Exhibit 1 as defined by *Subsection 36-405 (9) (c)* of the *Springfield Zoning Ordinance*.
3. The Administrative Review Committee is hereby authorized to, acting jointly, approve the final development plan(s) provided such plan substantially conforms to the provisions of the ordinance. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
  - a. Any uses within the District other than those specifically prescribed by the ordinance.
  - b. Any increase in the intensity of use permitted within the District.

# EXHIBIT 2: PRELIMINARY DEVELOPMENT PLAN



## DEVELOPMENT & PLANNED DEVELOPMENT NOTES

Total Area: 340,087 Sq.Ft.± or 7.81 Ac.±

Total Number of Tracts: 3

Smallest Tract: Tract B  
45,304 Sq.Ft.± 1.03 Ac.±

Largest Tract: Tract C  
181,235 Sq.Ft.± 4.16 Ac.±

Current Zoning: PD-306

Commercial Floor Area 1.0

Required Open Space 20%

Access to Public Thoroughfares:

Direct access shall not be allowed to National Ave. from Tracts B or C. Access to National Ave. shall be provided through Cross Access Easements through Tract A, as shown. Access easements through Tracts B and C shall be provided to allow access to Weaver Road. Access is provided to Weaver Road via an existing access easement included on the Final Plat of Iron Bridge Phase VIII.

## DEVELOPMENT STORM DRAINAGE NOTES

Regional detention is provided offsite. Detention facility was constructed as a part of 7PW5941.

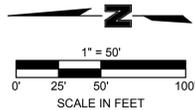
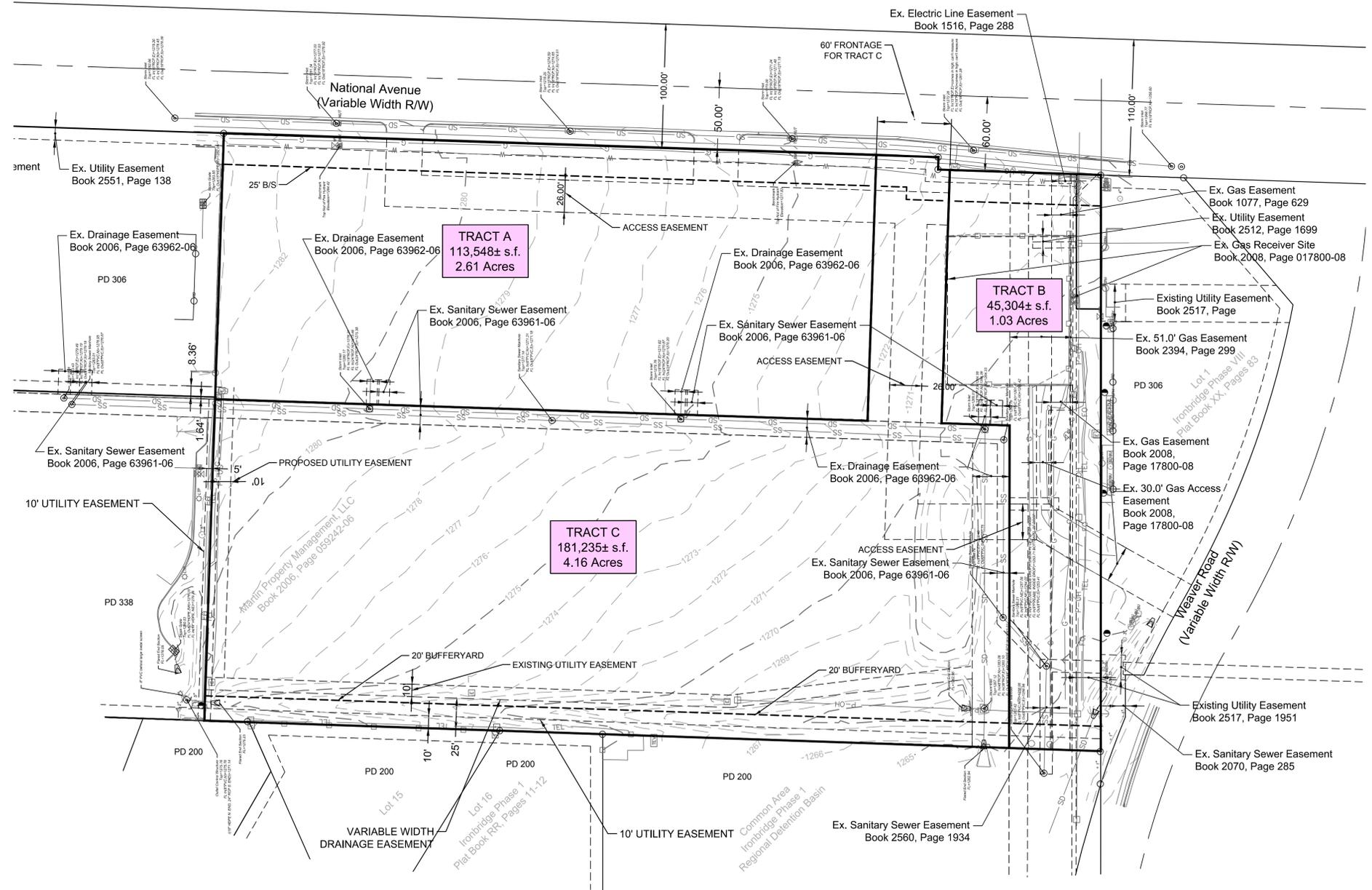
Maximum impervious area for the overall development shall not exceed 80%.

Onsite water quality shall be provided for each tract, on said tract, at the time of development

## LEGAL DISCRPTION

A part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 28 North, Range 22 West, City of Springfield, Greene County, Missouri, being more particularly described as follows:

Commencing at the Southeast corner of Section 13, Township 28 North, Range 22 West, City of Springfield, Greene County, Missouri; thence North 89 Degrees 56 Minutes 52 Seconds West (N89°56'21"W, Plat), a platted distance of 77.01 feet to a found 5/8" iron bar marking the Northeast corner of Ironbridge Phase VIII, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book XX, at Page 83, said point being the POINT OF BEGINNING; thence North 89 Degrees 56 Minutes 52 Seconds West (N89°56'21"W, Plat) along the North line of said subdivision, a distance of 464.90 feet to a found 5/8" iron bar with cap, "Bockman LS2334" marking the Southeast corner of Iron Bridge Phase I, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book RR, at Page 11; thence departing said North line North 01 Degrees 57 Minutes 47 Seconds East, (N01°58'34"E, Plat) along the East line of said subdivision, and beyond, along the East line of Ironbridge Phase II, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book SS, at Page 14, a distance of 727.04 feet to a 1/2" iron bar with cap, "LC 366" set at the Southwest corner of Ironbridge Phase XI, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book AAA, at Page 10; thence departing said East line South 88 Degrees 03 Minute 12 Seconds East (S88°02'24"E, Plat) along the South line of said subdivision, and beyond, along the South line of Ironbridge Phase XIII, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book AAA, at Page 221, a distance of 474.00 feet (474.03', Plat) to a found 1/2" iron bar in the West Right-of-Way line of National Avenue, as now established; thence departing said South line South 01 Degrees 54 Minutes 16 Seconds West along said West Right-of-Way line, a distance of 579.46 feet to a found cross cut in concrete; thence continuing along said West Right-of-Way line North 89 Degrees 22 Minutes 23 Seconds West, a distance of 9.87 feet to a found aluminum monument with cap, "COS RW LS2297"; thence continuing along said West Right-of-Way line South 01 Degrees 59 Minutes 48 Seconds West, a distance of 131.99 feet to the POINT OF BEGINNING, and containing 339,843 square feet or 7.802 acres, more or less. EXCEPT any part thereof taken, deeded or used for road or highway purposes. SUBJECT TO easements, rights of way and restrictions of record.



BASIS OF BEARINGS  
NORTH BASED ON MISSOURI STATE  
PLANE COORDINATE SYSTEM 1983  
CENTRAL ZONE

DATUM  
ELEVATIONS BASED ON NAVD 88

## NOTE

THE PLAN IS NOT A BOUNDARY SURVEY OR PLAT.

LEGEND	
●	Found Iron Monument (As Noted)
⊙	Set 1/2" Rebar w/Plastic Cap, "LC 366"
⊠	Aluminum Monument
⊞	Electric Box
⊞	Fiber Optic Box
⊞	Gas Valve
⊞	Grate Inlet
⊞	Guy Wire
⊞	Power Pole
⊞	Sanitary Manhole
⊞	Storm Manhole
⊞	Sign
⊞	Telephone Riser
⊞	Bush
⊞	Coniferous Tree
⊞	Deciduous Tree
—SS—	Sanitary Sewer Line
—SD—	Storm Sewer Line
—E—	Underground Electric
—FO—	Fiber Optic Line
—TEL—	Telephone Line
—W—	Water Line
—P-OH—	Overhead Power Line
—GAS—	Gas Line
—□—	Wood Fence
—○—	Iron Fence

PREPARED BY  
OLSSON ASSOCIATES  
550 ST. LOUIS STREET  
SPRINGFIELD, MO 65806

OWNER/DEVELOPER  
MARTIN PROPERTY MANAGEMENT, LLC  
PO BOX 4547, SPRINGFIELD, MO 65808

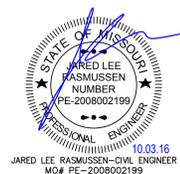
## PLANNED DEVELOPMENT PLAN



Olsson Associates - State of Missouri  
Certificate of Authority No. 001592  
550 St. Louis Street  
Springfield, MO 65806

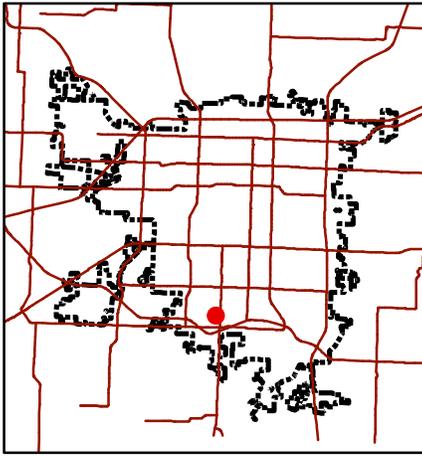
TEL 417.890.8802  
FAX 417.890.8805  
www.oaconsulting.com

drawn by:	DATE	REVISION	BY
JLR			
surveyed by:			
JLR			
checked by:			
JLR			
approved by:			
JLR			
project no.:	016-2232		
file name:	C_PD Plan		
	10.03.16	Original Preparation	JLR



# Development Review Staff Report

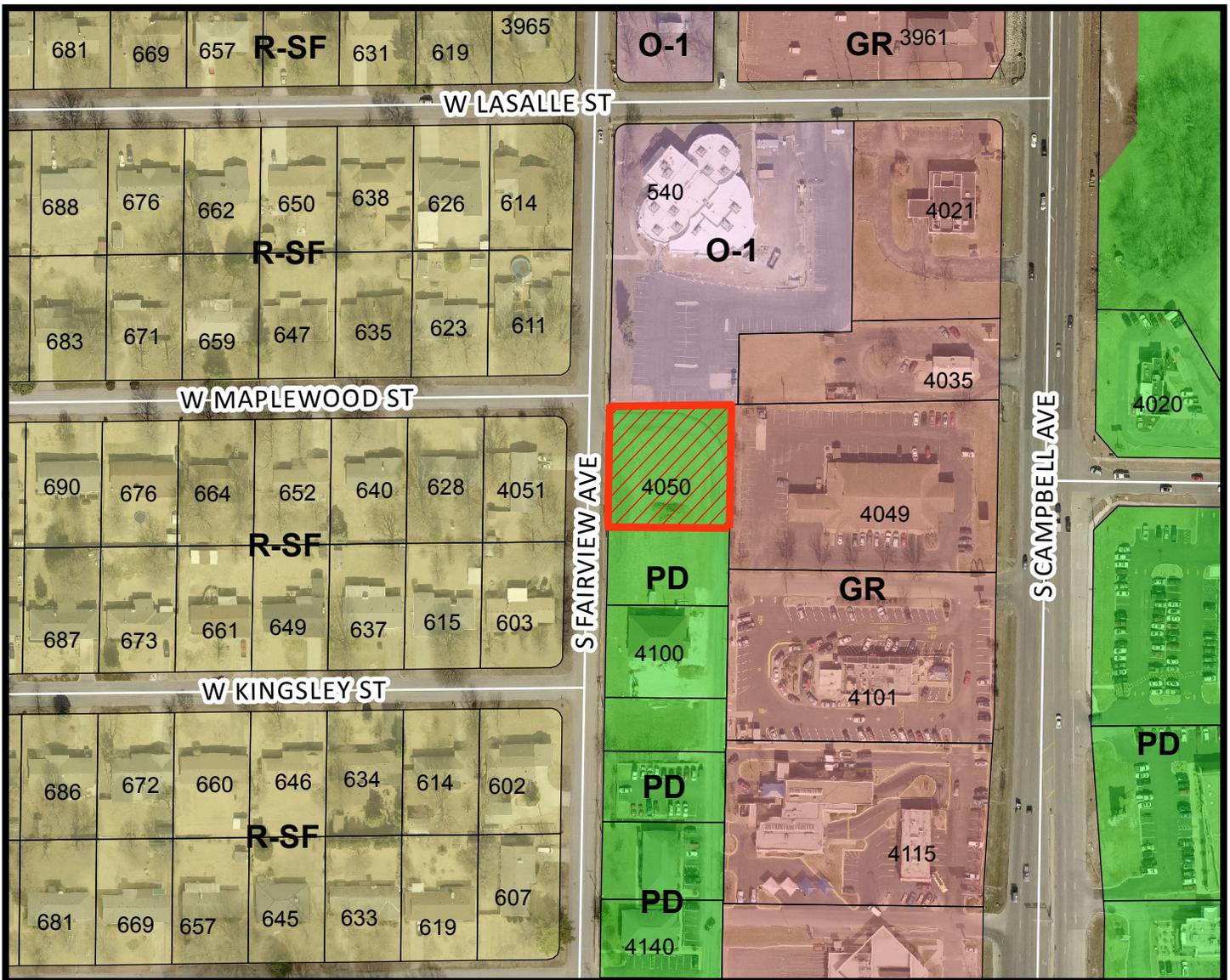
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802



## Final Development Plan 296

LOCATION: 4050 South Fairview Ave  
CURRENT ZONING: PD 296  
PROPOSED ZONING: NA

### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT  
FINAL DEVELOPMENT PLAN - PLANNED DEVELOPMENT 296

PURPOSE: To approve the final development plan for PD 296 that the Administrative Review Committee (ARC) cannot approve due to its lack of conformity to the approved planned development but merits approval despite this lack of conformity.

REPORT DATE: October 20, 2016

LOCATION: 4050 South Fairview Avenue

APPLICANT: John Young

TRACT SIZE: Approximately 0.52 acres

EXISTING USE: Vacant/undeveloped land

PROPOSED USE: Office

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed final development plan meets all requirements of the planned development except for the location of the parking lot and a private sidewalk.
2. The Administrative Review Committee cannot administratively approve the final development plan due to its lack of conformity to the approved planned development.
3. The final development plan lacks substantial conformity to the Planned Development Ordinance approved by City Council but merits approval notwithstanding such lack of conformity.
4. The Administrative Review Committee has reviewed the proposed Final Development Plan and finds that the plan merits approval despite its lack of conformity.

RECOMMENDATION:

Staff recommends **approval** of this request.

HISTORY:

Planned Development 296 was approved by City Council on July 24, 2006. The requirements and standards for Planned Development 296 are attached (Exhibit 1 & 2).

ZONING ORDINANCE:

*Section 36-405 Planned Development District*

- d. **Action by Administrative Review Committee.** *If the Administrative Review Committee shall find that the Final Development Plan lacks substantial conformity to the Preliminary Development Plan, but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the Planning and Zoning Commission together with its recommendation that the Final Development Plan be approved.*
  
- e. **Action by Planning and Zoning Commission.** *If the planning and zoning commission finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. Planning and zoning commission action shall constitute final approval of the final development plan.*

*If the planning and zoning commission shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the city council together with its recommendation that the final development plan be approved.*

*In any case, where the planning and zoning commission finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the city council, together with its recommendation that the final development plan not be approved. The failure of the commission to act within the aforesaid time period shall be deemed a recommendation to the city council to deny the final development plan as submitted.*

STAFF COMMENTS:

1. The proposed Final Development Plan is not in substantial conformance to the requirements of the approved Planned Development ordinance and cannot be approved administratively.
  
2. The Administrative Review Committee determined that the site plan as submitted (Exhibit 3) does not meet the original site plan of PD 296 since the parking lot is proposed to be moved to a different location. The original PD required an access

easement between the subject property and the vacant property to the south. This would not be possible until the property to the south is developed. There is a required 25 feet bufferyard along the front of the property for PD 296. The proposed site plan has a private sidewalk within this bufferyard. Sidewalks are allowed parallel to a bufferyard if the bufferyard is less than 20 feet and if it is increased by the width of the sidewalk. A typical bufferyard between an office and a residential district that is across from a public right of way, that is less than 70 feet wide, would require a 15 feet S-1 type bufferyard. Since the PD requires a larger bufferyard than typically required by the zoning ordinance,, a private sidewalk should be allowed within the increased bufferyard.

3. The Final Development Plan (Exhibit 3) is required to be approved by the Planning and Zoning Commission and City Council provided it is not in substantial conformance with the approved Planned Development ordinance but merits approval.
4. The Administrative Review Committee has reviewed the proposed Final Development Plan and finds that the plan merits approval despite its lack of conformity.
5. The proposed final development plan was reviewed and approved by City departments.

**STAFF CONTACT PERSON:**

Bob Hosmer, AICP  
Principal Planner  
864-1834

**EXHIBITS:**

Exhibit 1, PD 296, District Requirements  
Exhibit 2, PD 296, Site Plan  
Exhibit 3, Proposed Final Development Plan for Office Use

# Zoning & Subdivision Report

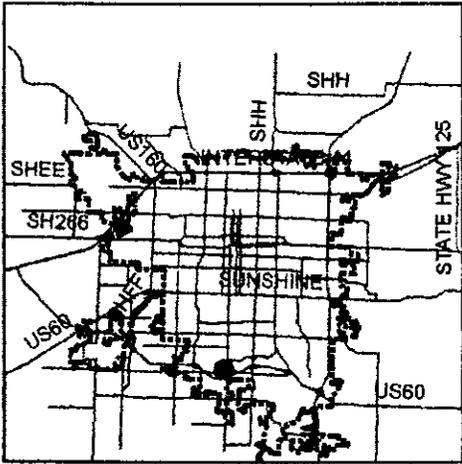
Planning & Development - 417/864-1611  
840 Boonville - Springfield, Missouri 65801

## Planned Development No. 296

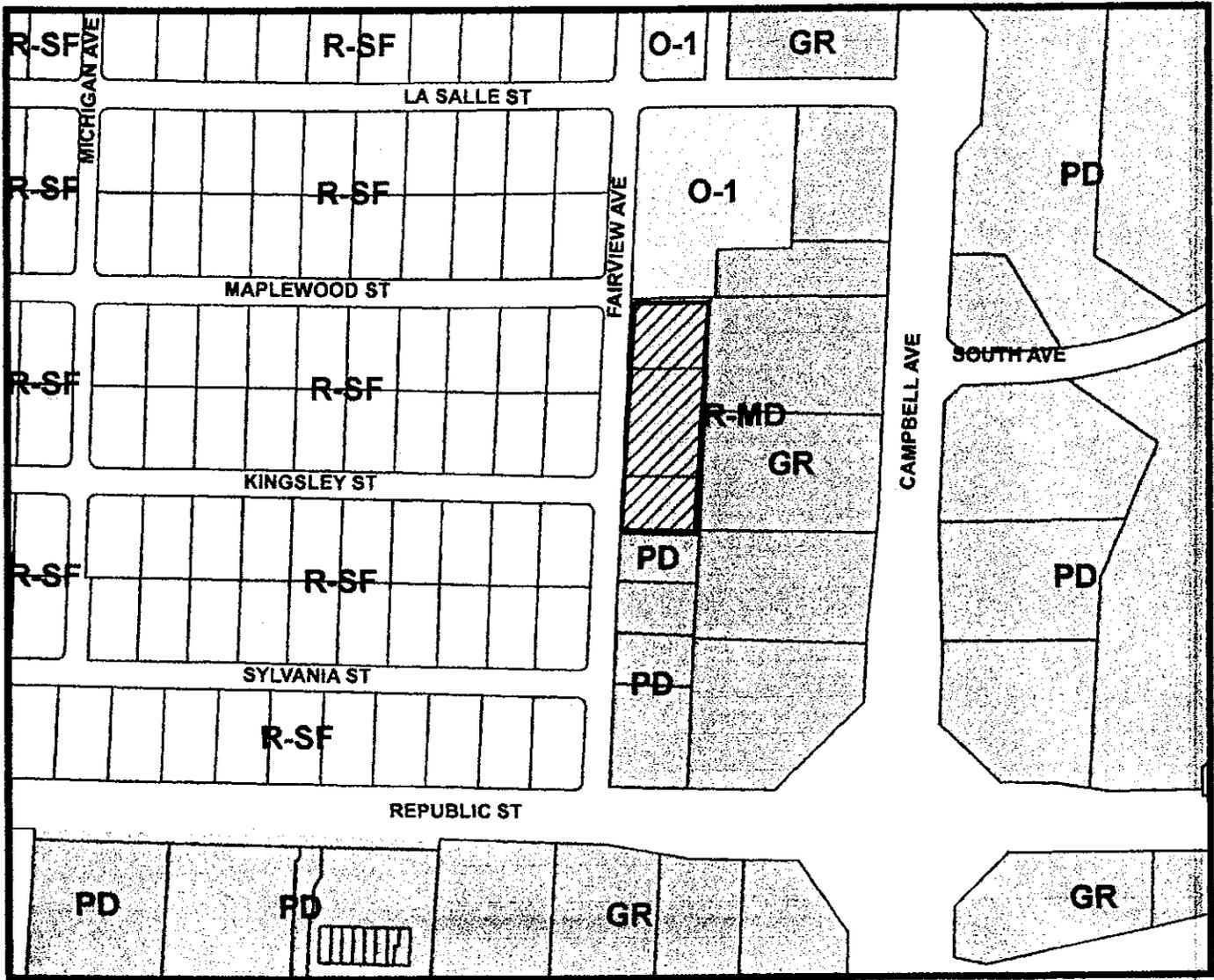
Location: 4100 South Fairview Avenue

Current Zoning: R-MD

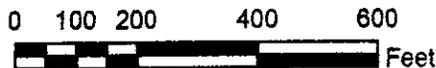
Proposed Zoning: Planned Development



### LOCATION SKETCH



- Area of Proposal



1 inch equals 300 feet

Pub. Imp. \_\_\_\_\_  
Govt. Grnt. \_\_\_\_\_  
Emer. \_\_\_\_\_  
P. Hrngs. 7-10-06  
Pgs. 25  
Filed: 7-3-06

Sponsored by: Wright

First Reading: July 10, 2006

Second Reading: July 24, 2006

COUNCIL BILL NO. 2006-252

GENERAL ORDINANCE NO. 5578

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 1-1600, Zoning Maps, by  
2 rezoning 1.47 acres of land generally located at 4100 South Fairview  
3 Avenue, more particularly described in this ordinance, from an R-MD,  
4 Medium-Density Multi-Family Residential District to a Planned  
5 Development District No. 296. (Planning and Zoning Commission and staff  
6 recommend approval.)  
7  
8  
9

10  
11 WHEREAS, application has been filed for a zoning change of the following  
12 described tract of land from an R-MD, Medium-Density Multi-Family Residential district  
13 to a Planned Development District No. 296; and  
14

15 WHEREAS, following proper notice, a public hearing was held before the  
16 Planning and Zoning Commission, and the said Commission has made its  
17 recommendation; and  
18

19 WHEREAS, proper notice was given of a public hearing before the City Council,  
20 and that said hearing was held in accordance with the law.  
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
23 SPRINGFIELD, MISSOURI, as follows:  
24

25 Section 1 - That the property described on "Exhibit A" to this ordinance be, and  
26 the same hereby is, rezoned from an R-MD, Medium-Density Multi-Family Residential  
27 district, or such zoning district as is designated on the Official Zoning Map adopted by  
28 the City Council, to a Planned Development District No. 296, and the Springfield Land  
29 Development Code, Section 1-1600 thereof, Zoning Maps, is hereby amended,  
30 changed and modified accordingly; which district shall be subject to regulations set forth

31 in the Springfield Land Development Code, Division IV, Section 4-2500, Planned  
32 Development Districts, and the regulations set forth in Section 2 of this ordinance.  
33

34 Section 2 - The regulations attached to the Explanation, marked as "Exhibit 1"  
35 and incorporated herein by reference, shall govern and control the use and  
36 development of land in Planned Development District No. 296.  
37

38 Section 3 - A copy of this ordinance, as well as such documents as the Director  
39 of Planning deems appropriate, may be recorded in the Greene County Land Records.  
40

41 Section 4 - This ordinance shall be in full force and effect from and after passage.  
42

43  
44 Passed at meeting: July 24, 2006  
45

46 Thomas Carlson  
47 Mayor  
48

49  
50 Attest: Brenda M. Ants, City Clerk  
51

52  
53 Filed as Ordinance: July 24, 2006  
54

55  
56 Approved as to form: Marvian Henderson, Assistant City Attorney  
57

58  
59 Approved for Council action: Bob Cumley, City Manager  
60

61  
62  
63 S:\CBILLS\7-10-06\PD 296\_ord.doc

Affected Agency Notified: Yes  
Emergency Required: No  
Budget Adjust. Required: No  
Board Rec. Required: Yes  
Public Hearing: July 10, 2006  
Sponsor: Wright  
Date: June 21, 2006

EXPLANATION TO COUNCIL BILL NO. 2006 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone about 1.47 acres of land on the east side 4100 block South Fairview Avenue from an R-MD, Medium Density Multifamily Residential District to a Planned Development District (Planning and Zoning Commission and staff recommend approval)

PLANNED DEVELOPMENT NUMBER 296

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on June 8, 2006 and recommended **approval**, by a vote of 6 to 0, of the proposed planned development on the tract of land described on the attached sheet and if approved, the regulations and standards on the attached Exhibit 1 shall govern and control the use and development of the land in Planned Development District No. 296 in a manner consistent with Exhibit 2 (see the attached Record of Proceedings).

The Planning and Development staff recommends **approval** of the proposed planned development (see the attached Zoning and Subdivision Report).

Submitted by:



Department of Planning & Development

Approved by:



City Manager

EXHIBIT A  
LEGAL DESCRIPTION  
PLANNED DEVELOPMENT NUMBER 296

**LOTS 13, 14, 15 AND 16 AND THE NORTH 9 FEET OF LOT 12 OF THE REPLAT OF  
KICKAPOO PRAIRIE ESTATES WEST, IN CITY OF SPRINGFIELD, GREENE  
COUNTY, MISSOURI**

## RECORD OF PROCEEDINGS

### GENERAL INFORMATION:

Planned Development 296 is a request by C & M Realty, Inc. to rezone property generally located at 4100 South Fairview Avenue from a R-MD, Medium Density Multi-Family Residential District to a PD, Planned Development District.

COMMISSION HEARING: June 8, 2006

Mrs. Owen said the rezoning of this same piece of property was approved in 2003 however with that PD there was a requirement to improve the existing access easement on the east side of the property. The improvement was not performed in the required amount of time so the zoning remained R-MD. She stated this proposal is consistent with the Comprehensive Plan and with the surrounding development. She said this will provide for a transition between the commercial uses fronting on Campbell and the residential uses to the west. She said to reduce the impact on the adjacent properties there are requirements such as limitation on the types of uses, maximum height of one story with a residential appearance, low floor area ratio of .25 maximum and only one small sign on the east side. Staff is recommending approval.

Jack Hood, representing the owners, said they agree with staff requirements except they would like permission to delete the requirement to resurface the alley. He said that was a problem with the original PD because the owner thought they had complied with all requirements. He said in September 2004 they received a letter from the City saying the thickness of the pavement was not up to standards.

Mr. Peters asked what the current pavement thickness is. Mr. Hood said it is 3 ½ to 4 inches. Mr. Peters asked staff what the requirement was. Mr. Haynes said it is 6 inches minimum for a local street but this is not public right-of-way so it can vary from the standard. Mr. Peters asked what is recommended for private access drives. Mr. Haynes said they would recommend at least local requirements of 6 inches. Mr. Hood indicated on the overhead that there is a portion that is not included in the PD so they would only be paving the north half of the alley causing a drop off in the pavement height. Mr. Peters asked what the base under the pavement is. Mr. Hood said he assumes 4 inches but he is not sure.

No one spoke in opposition. The public hearing was closed.

Mr. Peters said he is not willing to remove that requirement because 3 ½ to 4 inches is not adequate for this kind of use. He said the alley has the potential to have a large amount of traffic because of the businesses adjacent to it. He said he supports this case but with staff requirements.

Mr. Alden said he agrees with Mr. Peters. He asked if the applicant was willing to table it to perform a core analysis to show his base is deep enough to meet City requirements.

Mr. Wheeler said he agreed.

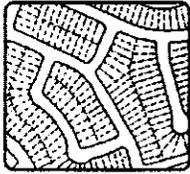
Mr. Rognstad said staff was not aware the applicant wanted that requirement removed. He said staff would recommend denial without that requirement.

Mr. Hood stated they did not wish to table this item and would comply with the City requirement of 6 inches.

**COMMISSION ACTION:**

Alden made the motion to approve Planned Development 296. Mason seconded the motion. Motion carried as follows: AYES: Compton, Peters, Alden, Wheeler, Cover and Mason; NAYS: None; ABSTAIN: Ferguson; ABSENT: Hansen and Hedrick.

  
Secretary  
Planning and Development



# Zoning & Subdivision Report

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

## PLANNED DEVELOPMENT NUMBER 296

DATE: June 1, 2006

PURPOSE: To rezone this tract from a R-MD, Medium-Density Multi-Family Residential, district to a Planned Development district

### BACKGROUND:

LOCATION: 4100 South Fairview Avenue

APPLICANT: C & M Realty, Inc.

TRACT SIZE: 1.47 acres

EXISTING USE: Vacant land with a private alley

PROPOSED USE: Administrative and professional offices; offices for real estate and insurance services

### RECOMMENDATION:

The request be **approved**.

### FINDINGS FOR STAFF RECOMMENDATION:

1. This request is consistent with the recommendations of the Comprehensive Plan and with surrounding zoning and development.
2. Low-intensity office uses will serve as a transition between the commercial development to the east along Campbell Ave. and the single-family residential development to the west.
3. This request, with the proposed buffering, design requirements, height restriction and restricted signage, is not expected to adversely impact the adjacent residential neighborhood and will be compatible with the residential character of the roadway.

### FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

There are very few apartments within a half-mile of this site. This site should be reserved for multifamily development, to provide more housing options for this area.

**STAFF CONTACT PERSON:**

**Bob Reed**  
**Associate Planner**  
**417-864-1091**

**Attachments:**

**Attachment A, Background report**  
**Attachment B, Street system Report**  
**Attachment C, Drainage report**  
**Exhibit 1, Requirements for PD 296**  
**Exhibit 2, Site plan**  
**Exhibit 3, Summary of neighborhood meeting**

ATTACHMENT A  
BACKGROUND REPORT  
PLANNED DEVELOPMENT NUMBER 296

**APPLICANT'S PROPOSAL:**

This is a request to rezone this tract from an R-MD, Medium Density Multifamily Residential District to a planned development district for administrative and professional offices and offices for insurance and real estate services. Medical offices, banks and drive-thru facilities will not be allowed. In an effort to blend in with the single family residences west of Fairview Avenue, the office buildings will be constructed of materials and colors and finishes normally found on single family homes. Pitched roofs similar to those found on single family homes are also proposed. A 25 foot deep setback and bufferyard is proposed next to Fairview Avenue.

**SURROUNDING ZONING AND LAND USES:**

AREA	ZONING	LAND USE
North	O-1	medical offices
East	GR	offices, restaurants, car wash
South	PD 239 (offices), GR	bank, offices
West	R-SF	single-family homes

**HISTORY:**

The rezoning of this same property was approved by Commission and Council in August of 2003, as PD 262. However, a condition of approval was not met within the required time-frame and so the zoning reverted from PD 262 to the original R-MD zoning. The original PD proposed two office buildings; the current one proposes three.

**COMPREHENSIVE PLAN:**

The *Growth Management and Land Use Plan* recommends carefully planned, low-intensity office developments be used as transitions and buffers between commercial and residential land uses. Apartments are also considered by the *Plan* as appropriate for this site.

**PUBLIC FACILITIES:**

No concerns have been raised concerning utilities or the sanitary sewer service.

**ADJACENT PROPERTY OWNER COMMENTS:**

Twelve (12) property owners are within 185 feet of this site and have been notified of this action. No one has objected to date.

## NEIGHBORHOOD MEETING:

The applicant conducted an open house on May 11, 2006 to explain the proposed rezoning. However, no one from the surrounding neighborhood attended the meeting. For the applicant's description of the meeting, see Exhibit 3.

## STAFF COMMENTS:

1. This proposal is consistent with the recommendations of the *Comprehensive Plan* and with surrounding zoning and development to the north and south and is appropriate at this location. The *Growth Management and Land Use Plan* recommends carefully planned, low volume office developments be used as transitions and buffers between commercial and residential areas. This development will serve as a transition between the retail uses along Campbell and the single family homes to the west. The subject property is surrounded by office zoning to the north, general retail zoning to the east, PD 239 to the south and single family residential to the west. The planned development to the south (PD 239) permits administrative and professional offices and offices for insurance and real estate services, just as is being proposed with this request. Other requirements of PD 239 including signage and height restrictions and residential design standards are being replicated with this proposal.
2. The property has been zoned for apartments since 1969. Apartments are consistent with the *Comprehensive Plan*. Retaining the existing zoning would allow construction of apartments, offering more housing choice for people wanting to live in this area.
3. The applicant is proposing a significantly lower intensity of development than would normally be permitted for this type of development. A maximum floor area ratio (FAR) of 0.25 is proposed for the entire site, which will permit a total of 15,900 square feet of building area. The zoning ordinance permits a floor area ratio of 0.40 for office uses.
4. This proposal includes several requirements and standards intended to reduce the impact the development might have on the adjacent single family homes. First, medical offices, banks, and drive-thrus are not permitted in this development, Next, the offices are restricted to a maximum height of one story and must be residential in appearance, including pitched roofs, windows along the Fairview Avenue elevation, and materials and colors normally found on single family homes. The 25-foot wide area between the buildings and the sidewalk along Fairview Avenue is required to be landscaped. Required plantings within the bufferyard include 1 canopy tree, 2 understory trees, 2 evergreen trees and 10 shrubs per 100 linear feet. Overhead electric lines along the western property line, however, will require that two understory trees be substituted for each canopy tree. In addition, signage within this development is restricted to two monument style signs located on the east side of the development adjacent to the north/south alley away from the single family homes. The permitted signs will have a maximum height of 8 feet with a maximum effective area of 60 square feet, the same as is permitted by PD 239 to the south. Attached signage is also permitted.

5. Access to this tract is from the north/south alley along the east edge of the property and Fairview Avenue, to the west, opposite Kingsley Street. The intent of allowing the driveway to Fairview Avenue is to provide immediate access to the development for traffic from the south and from the residential area to the west. Providing a highly interconnected street network reduces trip length and conserves energy. However, this type of interconnection must be carefully designed when a street is shared by dissimilar development on either side. This is done primarily by having the driveway intersect opposite the street so that any cars leaving the site at night do not shine their headlights into an opposing residence. Also, by intersecting opposite the street, any neighborhood traffic entering the site from Kingsley Street does not have to make two turning movements which tend to be less safe than a straight movement across an intersection. The expected number of daily trips for the proposed office development is less than would be expected if the property develops to the maximum density permitted under the existing R-MD zoning. The AM and PM peak trips are expected to be slightly higher with the proposed office development, however they are not expected to adversely impact the adjacent street system or surrounding residential development. Also, there should be less traffic at night from office development than apartment development because most offices of the type proposed are not open after 5:00 PM.

ATTACHMENT B  
STREET SYSTEM REPORT  
PLANNED DEVELOPMENT NUMBER 296

TRAFFIC ENGINEER:

Proposed uses, access conditions, and preliminary development plan drawing are acceptable to the City Traffic Engineer.

TRAFFIC GENERATION:

<u>Existing and Proposed Uses</u>	<u>Daily Traffic Counts</u>	<u>Peak Hour Traffic Counts</u>
Apartments (max. 29 du/acre)	264 trip ends	13 trip ends a.m.; 17 trip ends p.m.
Office (max. 15,900 sq ft)	175 trip ends	25 trip ends a.m.; 24 trip ends p.m.

ATTACHMENT C  
DRAINAGE REPORT  
PLANNED DEVELOPMENT NUMBER 296

STORMWATER ENGINEER:

The proposal is acceptable to the Stormwater Division provided that the following conditions are met if and when the site is developed:

1. Existing drainage patterns must not be altered and any runoff currently flowing across the site must not be blocked or altered.
2. All runoff must drain down the west side of the properties. Runoff will not be allowed to drain to the existing road along the east side of the property.
3. Drainage easements must be provided through lots 13, 14 and 15 to the proposed detention basin.
4. Current detention and water quality requirements must be met.
5. Detention basin/water quality controls must discharge to the existing drainage channel along the west side of lots 8 - 12 located south of the proposed PD to the drainage channel located in the right-of-way south of lot 8. Drainage swale through lots 8-12 must have sufficient capacity for the addition of the discharge from the proposed detention basin. A drainage easement must be shown for the existing drainage channel along the west side of lots 8 through 12.
6. Detention and water quality basins must be constructed, inspected, functional, and approved prior to any other construction activity.
7. If disturbing one acre or more, the developer must provide a copy of the MDNR land disturbance permit at time of development.
8. The developer must provide a sediment and erosion control plan at time of development.

**EXHIBIT 1**  
**Requirements and Standards Applicable to**  
**Planned Development District No. 296**

**APPLICATION:**

No building or other permits may be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan has been approved in the manner described at the end of this exhibit.

All requirements of the Springfield Zoning Ordinance shall apply unless modified by the requirements and standards that follow.

**APPLICANT'S CONCEPT OF PLANNED DEVELOPMENT:**

The proposal is to provide administrative/professional offices and offices for insurance and real estate services. Medical offices, banks, and drive-through facilities will *not* be permitted. In an effort to blend with the residential neighborhood on the west side of Fairview Ave., the buildings will be constructed of materials, colors, and finishes normally found on single family homes. Pitched roofs similar to those found on single family homes are proposed. We believe this development will serve as a transition between the retail uses along Campbell Ave. and the single family homes to the west.

**DEFINITIONS:** For purposes of this ordinance, the following definitions shall apply:

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including parking or loading spaces for motor vehicles. The gross floor area shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, whether closed or enclosed and shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

Floor Area Ratio (FAR): The gross floor area of all buildings on a lot divided by the lot area.

$$\text{FAR} = \frac{\text{Gross Floor Area}}{\text{Total Site Area}}$$

Impervious Surface: Any part of a lot that is covered by buildings, structures, parking areas, driveways and any other surfaces which reduce or prevent absorption of storm water.

**Impervious Surface Ratio (ISR):** The proportion of the site covered by impervious surfaces, and shall be determined as follows:

$$\text{ISR} = \frac{\text{Area covered by impervious surfaces}}{\text{Total site area}}$$

**Open Space:** Any occupied space on a lot that is unobstructed to the sky except for the ordinary projection of cornices and eaves. Open space shall not include areas covered by structures, decks, porches, parking areas, driveways, internal streets and other forms of impervious surface.

**Open Space Ratio (OSR):** The proportion of a site covered by open space which shall be determined as follows:

$$\text{OSR} = \frac{\text{Area covered by open space}}{\text{Total site area}}$$

**Vehicular Use Area:** That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

**USES PERMITTED:** The following uses shall be permitted:

1. **Administrative and Professional Offices.** Offices of firms or organizations providing professional, management or administrative services. Typical uses include abstract services, advertising agencies, data processing services, travel agencies, law offices, architectural and engineering offices, and general business and administrative, corporate offices and artist and photographic studios. Medical offices and medical support activities are not permitted. Drive-thru facilities designed to expedite customer service are not permitted.
2. **Finance, Insurance and Real Estate Services:** Establishments primarily engaged in the provision of financial, insurance, real estate, security brokerage and other similar activities. Drive-thru facilities designed to expedite customer service are not permitted. Typical uses include insurance agencies, real estate firms, and securities brokerage establishments. Banks and savings and loan institutions and other similar uses are not permitted.

**USE LIMITATIONS:**

1. No dust, particulate matter or noxious or toxic matter of any sort shall be emitted or discharged at any time.

2. All uses shall operate in accordance with the noise standards contained in *Section 6-1500 of the Springfield Zoning Ordinance*.
3. All activities and permitted uses, except off-street parking and loading facilities shall be conducted wholly inside a building, or buildings.
4. No use shall emit an odor that creates a nuisance as determined by *Chapter 2A, Article X, Springfield City Code*.
5. No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.

**INTENSITY OF DEVELOPMENT:** Development shall adhere to the following:

1. The maximum gross floor area ratio shall not exceed 0.25 for each lot.

**BULK, AREA AND HEIGHT REQUIREMENTS:** Development shall adhere to the following:

1. All structures, vehicular use areas, open space and pedestrian facilities shall be situated in substantial conformance with Exhibit 2.
2. The following structure and vehicle use area setbacks are required.
  - A. No parking or vehicular use areas, except permitted driveways, are permitted to extend closer to Fairview Avenue than the building walls facing Fairview Avenue.
  - B. No structure shall exceed a height greater than one (1) story.
  - C. The maximum impervious surface ratio on each buildable lot shall not exceed 0.75.
  - D. The minimum open space ratio on each buildable lot shall be at least 0.25.

**DESIGN REQUIREMENTS:** Development shall adhere to the following:

1. Screening and fencing shall be provided in accordance with Section 6-1000 of the *Springfield Zoning Ordinance*.
2. Buildings and Structures.
  - A. All buildings and structures shall be designed so that they are residential in appearance, with pitched roof lines similar to the single-family homes in the adjacent single-family neighborhood.

B. The following building materials are permitted for walls:

- 1) Brick and tile masonry
- 2) Stucco (cementitious finish)
  - a) Smooth or sand only, no "cake icing" finish.
- 3) Native stone (or synthetic equivalent)
- 4) Pre-cast masonry (for trim and cornice elements only)
- 5) Gypsum Reinforced Fiber Concrete (GFRC -- for trim elements only)
- 6) Metal (for beams, lintels, trim elements and ornamentation only)
- 7) Split-faced block (only for piers, foundation walls and chimneys)
- 8) Wood-lap siding
  - a) Lap siding (horizontal) configuration
  - b) Smooth or rough-sawn finish (no faux wood grain)
- 9) Hardie-Plank™ equivalent or better siding
  - a) Lap siding (horizontal) configuration
  - b) Smooth or rough-sawn finish (no faux wood grain)

Wall materials shall be consistent horizontally (i.e. joints between different materials must be horizontal and continue around corners) except for chimneys and piers. Material changes shall be made within a constructional logic—as where an addition (of a different material) is built onto the original building. Wall colors are to be those normally found on single-family homes.

C. The following roofing materials are permitted for pitched roofs.

- 1) Composite
- 2) Slate (or synthetic equivalent)
- 3) Wood (or synthetic equivalent)
- 4) Standing-seam metal

D. Each building shall have windows on its western exterior wall.

3. All outside heating, ventilating and air conditioning equipment, as well as other forms of mechanical equipment, shall be located on the eastern side of the proposed buildings.

**REQUIRED IMPROVEMENTS.** Public and private improvements are necessary to adequately accommodate the intensity of development proposed in this District. The improvements shall be constructed prior to or concurrently with the development of the property. If the development of the property is phased, the construction of the improvements may also be phased provided there is a logical relationship between each phase of the development and the construction of the required improvements. The applicant or subsequent owners shall include with the Final Development Plan(s) a schedule for completion of the required improvements. Prior to building permits being issued to the applicant, or subsequent owners:

- A. The required improvements shall be constructed; or
- B. Assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department shall be provided to the City.

No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:

- A. The required improvements are completed prior to occupancy of the structures; or
- B. The Director of Public Works has determined that such required improvements, if not completed, have little or no effect on the occupancy of the facility or conditions beyond the control of the contractor, i.e., strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Building Development Services may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

Improvements necessary to adequately accommodate the intensity of development proposed in this District include the following:

1. Development shall comply with the provisions of the City's Water Quality Protection Policy.
2. The private alley east of the subject property shall be brought up to City standards for public alleys.

**ACCESS TO PUBLIC THOROUGHFARES:** Development shall adhere to the following:

Access to the adjoining public thoroughfares shall be situated in substantial conformance with Exhibit 2. The permitted driveway to Fairview Avenue shall be located opposite the Kingsley Street intersection with Fairview Avenue. The applicant shall provide a cross-access easement from the driveway at the Fairview/Kingsley T-intersection to the private alley east of this site's office buildings.

**OFF-STREET PARKING:** Development shall adhere to the following:

The City's off-street parking requirements, off-street loading requirements as well as the off-street parking and loading area design standards, Sections 5-1500, 5-1600 and 6-1300 from the *Springfield Zoning Ordinance* in effect at the time of development shall apply.

**SIGNS:** Development shall adhere to the following:

1. The developer(s) are permitted two (2) site identification sign(s) along the east side of the development adjacent to the north/south access easement. Each sign shall have a maximum height of eight (8) feet and a maximum effective area of sixty (60) feet.
2. Attached signs are permitted in conformance with the City's sign ordinance.
3. Off-premise signs, as defined by the City sign code, are prohibited.
4. Externally lit signs are prohibited and all other lit signs shall have a low-level lighting intensity.
5. All other provisions of the *Springfield Zoning Ordinance* for signage permitted for business areas shall be complied with.

**PERIMETER TREATMENT:** Development shall adhere to the following:

1. A bufferyard C, at least twenty-five (25) feet deep, is required adjacent to Fairview Avenue along the west property line.
2. Screening and fencing, and landscaping requirements for off-street parking and vehicular use areas is required in accordance with Sections 6-1000 and 6-1200 of the *Springfield Zoning Ordinance* in effect at the time of development.
3. No structures, signs, mechanical equipment, vehicular use areas (except those drives required to provide access to adjoining public thoroughfares) are permitted within these bufferyards. The surface of these bufferyards, or other required landscaped areas, shall be maintained with a living ground cover.
4. All utilities within required bufferyards shall be located underground.
5. All other areas not shown as buildings or other form of impervious surface on Exhibit 2 and which are not designated as a bufferyard shall be required to be maintained with a living ground cover.
6. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed within the district where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of a sight-proof fence or wall, shall be provided. These devices may not occupy parking spaces required by this exhibit.

7. A landscape plan, showing conformance with these requirements, shall be submitted with the final development plan.

**EXTERIOR LIGHTING:** Development shall adhere to the following:

The purpose of this section is to regulate the spillover and glare on operators of motor vehicles, pedestrian and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public street lighting, signs or seasonal displays.

1. The requirements and standards of Section 6-1400 of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

**MAINTENANCE OF COMMON AREAS AND FACILITIES:** Development shall adhere to the following:

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a duly constituted property owners association meeting all legal requirements prescribed by the City Attorney.

**PHASING:** Development shall adhere to the following:

Development may be phased at the discretion of the developer(s) provided that all public improvements directly related to each phase are completed at the time of its development and that improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

**FINAL DEVELOPMENT PLAN:** A final development plan, showing conformance with the requirements of this exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. All development within this district shall be in conformance with the approved planned development district.

1. The intent of Exhibit 2 (the site plan) is to represent the development of the site with the existing structures. The site can be redeveloped with new structures provided the new structures are in substantial conformance with the requirements of this district, with conformity defined by Subsection 4-2509.C of the *Springfield Zoning Ordinance*.

2. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by Subsection 4-2509.C of the *Springfield Zoning Ordinance*.
3. The Administrative Review Committee is hereby authorized to, acting jointly, approve the final development plan(s) provided such plan substantially conforms to the provisions of the ordinance. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
  - a. Any uses within the District other than those specifically prescribed by the ordinance.
  - b. Any increase in the intensity of use permitted within the District.

PD296-2-Exh1.wpd



**EXHIBIT 3**  
**For PD Ordinance**

PAUL D. BLACK, P.E.  
JACK K. HOOD, Architect  
JOEL K. HOOD, R.L.S.  
ROBERT S. LOGAN, Architect  
RAY E. WEST, P.E.  
GUY A. WILKERSON, P.E.

May 12, 2006

Alana D. Owens, Associate Planner  
Department of Planning & Development  
840 Boonville Avenue  
P.O. Box 8368  
Springfield, MO 65801-8368

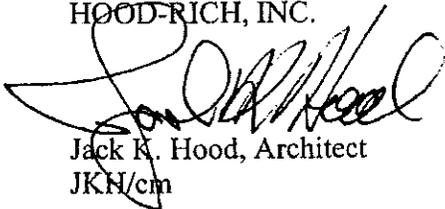
Re: Proposed New Plan Development 4000-4100 Block South Fairway Avenue  
Springfield, Missouri

Dear Ms. Owens:

Attached you will find my official report on the neighborhood meeting conducted May 11, 2006.  
If you have any questions concerning this matter, please advise.

Sincerely,

HOOD-RICH, INC.



Jack K. Hood, Architect  
JKH/cm

Enclosure

\\Server\PROJECTS-A\2006\06-116 KICKAPOO PRAIRIE\LETTERS\alana owens2.ltr.wpd

**HOOD-RICH INC.**

Architecture, Engineering, Interior Design, Land Planning & Surveying

801 S. Glenstone • Springfield, MO 65802 • (417) 862-4483 • Fax (417) 862-6504 • hoodrich@hoodrich.com

NEIGHBORHOOD MEETING  
FOR  
PLANNED DEVELOPMENT 296  
4000-4100 BLOCK FAIRWAY AVENUE

**EXHIBIT 3**  
For PD Ord

Invitations were sent to 54 residents on a list furnished by the City for a neighborhood meeting to be held Thursday, May 11, 2006, at 5:30 p.m.

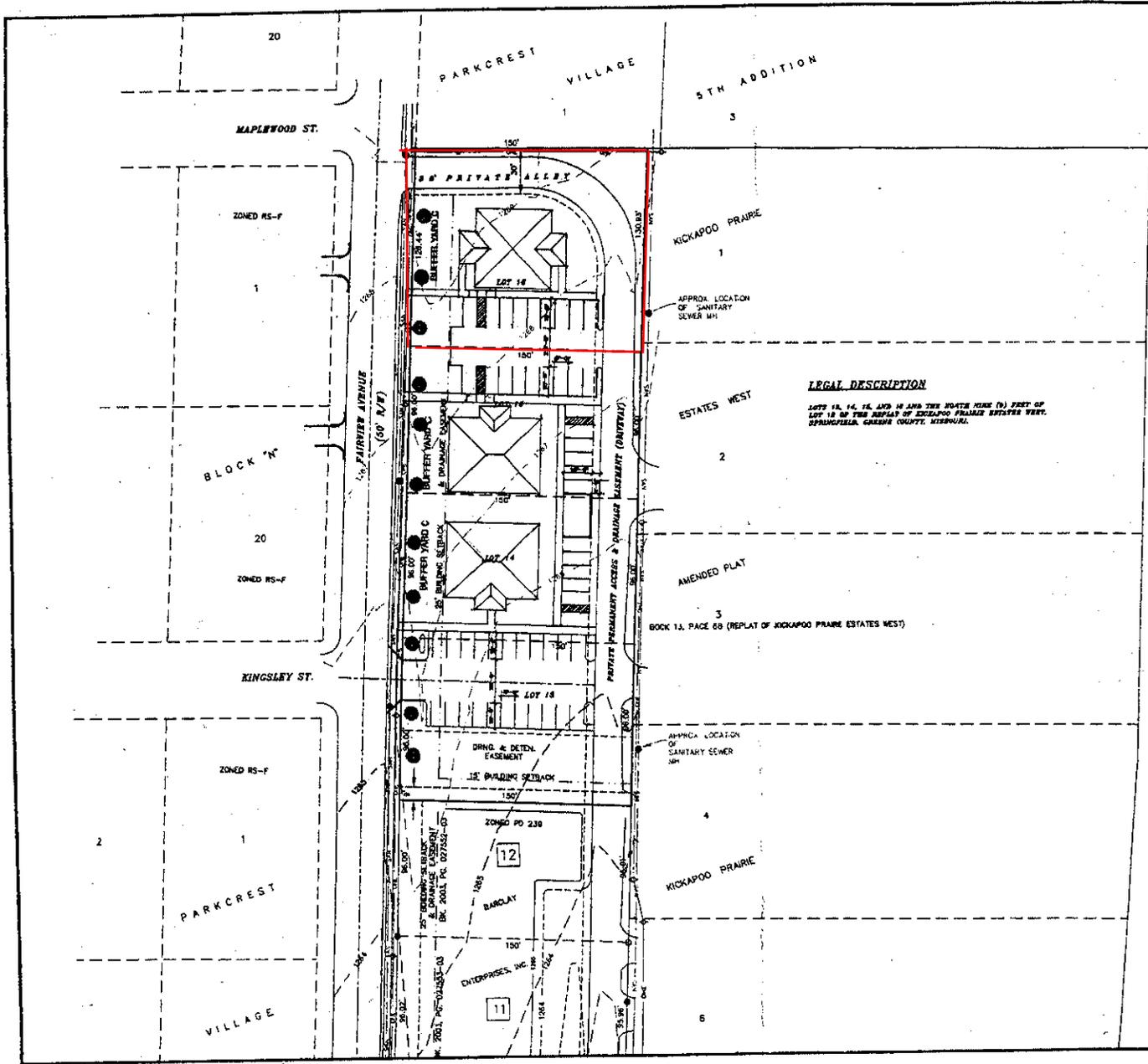
The owner and the architect were present at the owners office 3840 South Avenue, between 5:30 and 6:00. The neighbors invited did not attended the meeting.

Please call me with any questions you might have.

Jack K. Hood, Architect  
Hood-Rich, Inc.  
Architects & Engineers  
801 S. Glenstone  
Springfield, MO 65802  
Phone: (417) 862-4483  
Fax: (417) 862-6504

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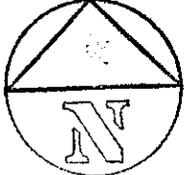
Exhibit 2 Approved Site Plan



**LEGAL DESCRIPTION**  
 LOTS 12, 14, 16, AND 18 AND THE NORTH HALF (N) PART OF LOT 18 OF THE REPLAT OF KICKAPOO PRAIRIE ESTATES WEST, SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT 2

Floor Area Ratio	=	9,220 GSA	=	14%
		65,857 TSA		
Impervious Surface Ratio	=	38,258	=	61%
		62,671 TSA		
Open Space Ratio	=	24,144 GSA	=	39%
		62,671 TSA		
Total Land Area		63,734 Sq. Ft.		
Impervious Surface		12,954 Sq. Ft.		
Building Area		9,220 Sq. Ft.		
Parking Required		17 cars		
Parking Provided		22 cars		



**SITE PLAN**  
 scale: 1"=30'

**HOOD-RICH, INC.**  
 801 SOUTH GLENSTONE  
 SPRINGFIELD, MISSOURI 65802  
 (417)-862-4483



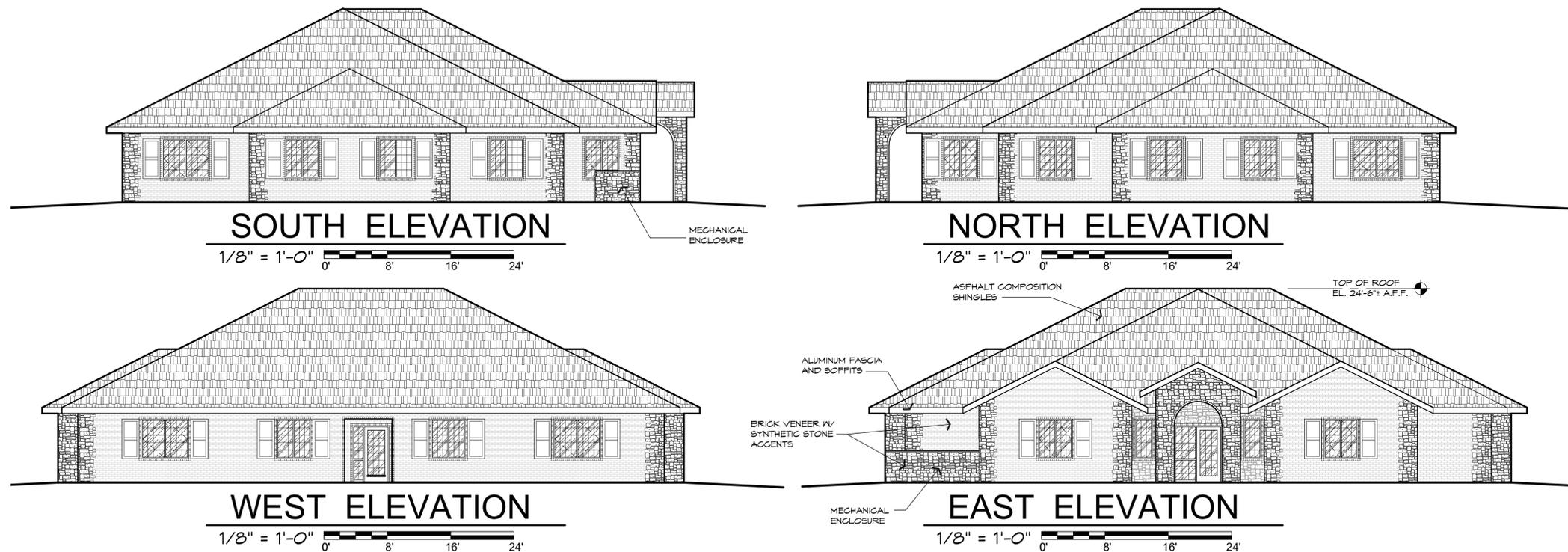
COMM. NO. 06-116

**PLAN DEVELOPMENT**  
**FOR JOHN YOUNG**  
**KICKAPOO PRAIRIE ESTATES WEST**  
 MISSOURI  
 SPRINGFIELD

**SHEET**  
**PD.1**

DATE  
 03-30-06

REV. DATE



**DESCRIPTION OF PROPERTY (FROM TITLE COMMITMENT)**

ALL OF LOT ONE (1), FINAL PLAT OF KICKAPOO PRAIRIE PLACE, A SUBDIVISION IN GREENE COUNTY, MISSOURI, BEING A PART OF LOT 12 AND ALL OF LOTS 13, 14, 15 AND 16 IN THE REPLAT OF KICKAPOO PRAIRIE ESTATES WEST SUBDIVISION.

**SOURCES USED FOR SURVEY**

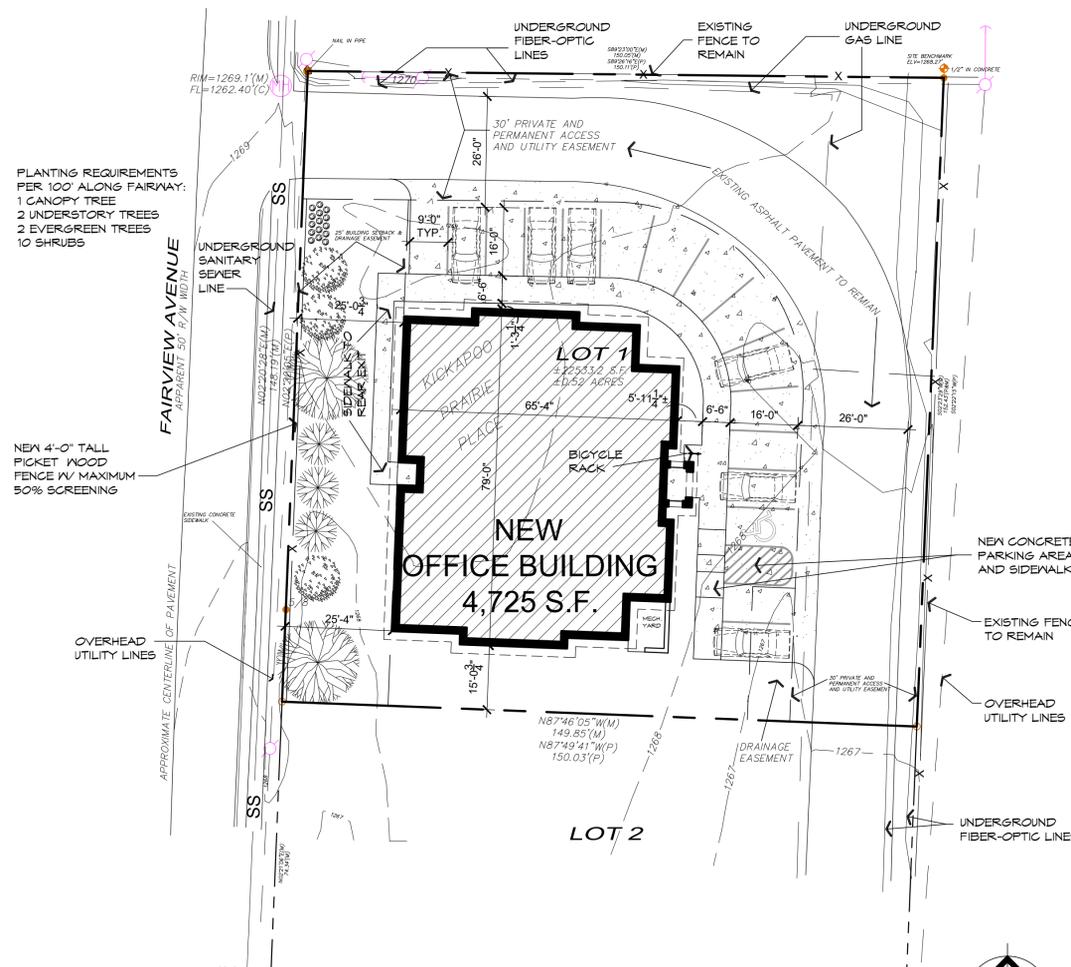
1. PLAT OF KICKAPOO PRAIRIE PLACE (BOOK "AAA", PAGE 4723)
2. ELEVATIONS BASED ON THE CITY OF SPRINGFIELD BENCHMARK #158, ELEVATION = 1251.26'
3. TITLE COMMITMENT PREPARED BY HOGAN LAND TITLE, COMMITMENT No.: 1609057, EFFECTIVE DATE: SEPTEMBER 2, 2016

**SITE DATA**

ZONING .....	PD-296
NEW LOT SIZE .....	0.52 ACRES ±
AREA OF LOT .....	22,533 S.F. ±
EXISTING STRUCTURES .....	NONE
NEW STRUCTURE .....	4,725 S.F. ±
<b>PARKING SPACES REQUIRED</b>	
4,725 S.F. OFFICE .....	1/350 S.F. = 14 SPACES
TOTAL PARKING SPACES REQUIRED .....	14 SPACES
TOTAL PARKING SPACES PROVIDED .....	16 SPACES
HANDICAP SPACES REQUIRED .....	1 SPACE
HANDICAP SPACES PROVIDED .....	1 SPACE
<b>LOT OPEN SPACE REQUIRED .....</b> 4,507 S.F. ± (25%)	
LOT OPEN SPACE SHOWN .....	7,697 S.F. ± (34.16%)
TOTAL IMPERVIOUS AREA SHOWN .....	14,836 S.F. (65.84%)
TOTAL VEHICULAR USE AREA SHOWN .....	8,614 S.F.
NOTE: NO INTERIOR LANDSCAPE REQUIRED IN VEHICULAR USE AREA.	

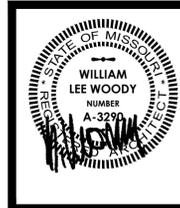
**GENERAL NOTES:**

1. THE ORIGINAL PLANNED DEVELOPMENT 296 EXHIBIT 2 (FINAL DEVELOPMENT PLAN) INDICATED A SHARED DRIVE ON THE SOUTH SIDE OF THIS PROPERTY. THERE IS CURRENTLY NO SHARED ACCESS EASEMENT ON THE SOUTH SIDE OF THIS PROPERTY. WITHOUT A SHARED ACCESS EASEMENT, THERE IS NO WAY FOR OUR CLIENT TO BUILD A SHARED DRIVE ON THE SOUTH SIDE OF THE PROPERTY.



**FINAL DEVELOPMENT PLAN**

1" = 20'-0" 0' 20' 40' 60'



1736 E. Sunshine,  
Suite 311  
Springfield, Missouri  
65804  
Phone: (417) 883-2720  
FAX: (417) 883-0161

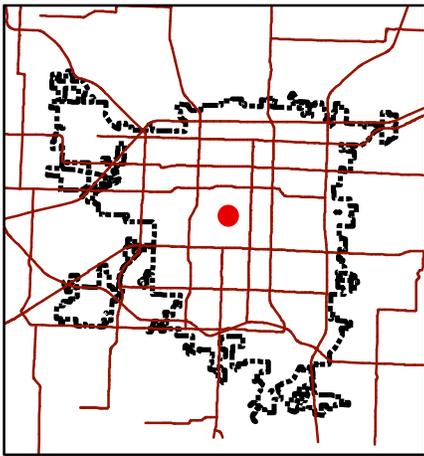


**NEW OFFICE BUILDING  
FOR  
FOUR EYES INVESTMENT PROPERTIES, LLC,  
4050 S. FAIRVIEW AVE.  
SPRINGFIELD, MISSOURI**

**date**  
12 OCT. 2016  
**revised**

**drawn**  
AJP  
**checked**  
BW  
**comm. no.**  
66.06

**sheet**  
**FDP1**  
of 1



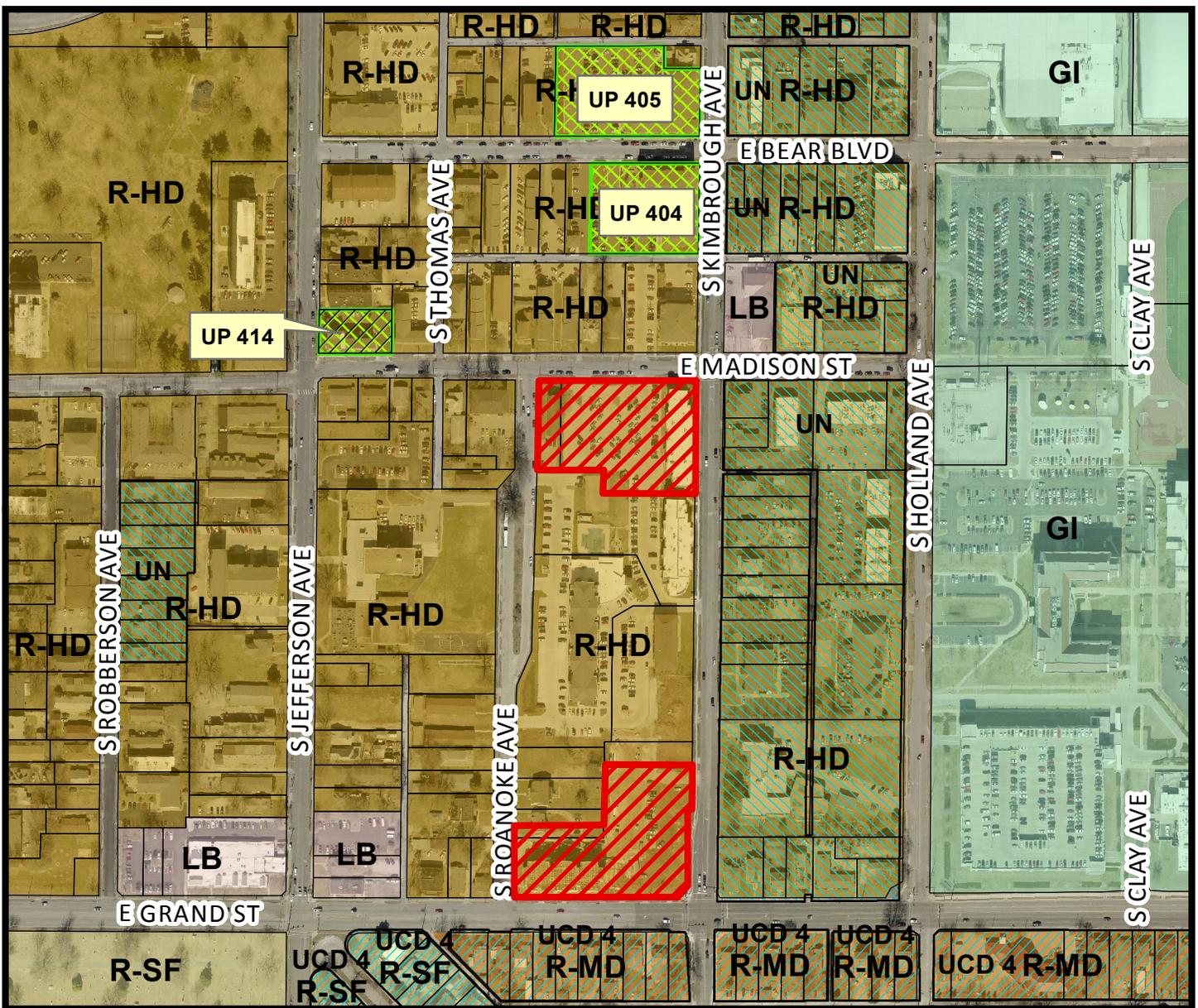
# Development Review Staff Report

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

## Conditional Use Permit No 426

LOCATION: 815, 943 South Kimbrough Avenue, 940 South Roanoke Avenue, & 500 East Madison Street  
 CURRENT ZONING: R-HD, High-Density Multi-family Residential

### LOCATION SKETCH



 - Area of Proposal



1 inch = 350 feet

DEVELOPMENT REVIEW STAFF REPORT  
CONDITIONAL USE PERMIT 426

PURPOSE: To allow a reduction of the front yard setback along Kimbrough Avenue within an R-HD, High-Density Multi-Family Residential District generally located at 815 & 943 South Kimbrough Avenue, 940 South Roanoke Avenue and 500 East Madison Street

REPORT DATE: January 26, 2016

LOCATION: 815 & 943 South Kimbrough Avenue, 940 South Roanoke Avenue and 500 East Madison Street

APPLICANT: Bear Village IV LLC, Bear Village Phase I LLC

TRACT SIZE: Approximately 3.84 acres

EXISTING USE: Multi-family Residential

PROPOSED USE: Multi-family Residential

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for medium- or high-density housing. This land use category would accommodate townhouses and various forms of apartment buildings. The *Plan* identifies Center City and Missouri State University and surrounding area as a major Activity Center, which is to be a location of employment, housing, business and entertainment.
2. In 2013, City Council passed General Ordinance 6032 to allow a reduction in the front yard setback along collector and higher classification roadways with the approval of a Conditional Use Permit. The proposed 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.
3. Approval of this application will reduce the front yard setback along Kimbrough Avenue which will allow the building to be constructed closer to the street to utilize more of the lot area for the development which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

**RECOMMENDATION:**

Staff recommends approval of this request with the following conditions:

1. The regulations and standards listed on Attachment 3 shall govern and control the use and development of the land in Use Permit Number 426 in a manner consistent with the attached site plan (Attachment 5).
2. The front yard setback along Kimbrough Avenue may be reduced to three (3) feet for the structure at the corner of Kimbrough Avenue and Grand Street and labeled as "Phase 5" in Attachment 5. The structure shall be constructed in substantial conformance with Attachment 5.
3. The front yard setback along Kimbrough Avenue may be reduced to six (6) feet for the building at the corner of Kimbrough Avenue and Madison Street and labeled as "Phase 1" in Attachment 5. The building shall be permitted as it exists in substantial conformance with Attachment 5.

**SURROUNDING LAND USES:**

AREA	ZONING	LAND USE
North	R-HD	Multi-family housing
East	R-HD w/ UN	Multi-family housing, School
South	R-MD	Single & Multi-family housing
West	R-HD	Multi-family housing, School

**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* element of the *Comprehensive Plan* identifies this area as appropriate for medium- or high-density housing. This category promotes townhouses and various forms of apartment buildings which have been located where there is good traffic access between Low-Density Housing and non-residential land uses and at high-amenity locations. The *Plan* identifies Center City and Missouri State University and surrounding area as a major Activity Center, which is to be a location of employment, housing, business and entertainment.

#### STAFF COMMENTS:

1. The applicant is requesting to reduce the front yard setback along Kimbrough Avenue, a secondary arterial roadway, from twenty-five (25) feet to three (3) feet for a proposed multi-family building at the corner of Kimbrough Avenue and Grand Street. The applicant is also requesting to reduce the front yard setback along Kimbrough Avenue from twenty-five (25) feet to six (6) feet for an existing multi-family building located at 815 South Kimbrough Avenue. The approval of the reduced setback will allow the existing structure to be in conformance with the building setback requirements.
2. The reduced setback will allow the proposed multi-family building to be placed closer to Kimbrough Avenue which will permit more of the land to be used for the proposed development. In 2013, City Council passed General Ordinance 6032 to allow a reduction in the front yard setback along collector and higher classification roadways with the approval of a Conditional Use Permit. The proposed 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.
3. City Council has approved other similar requests for reduced front yard setbacks in this area specifically along Kimbrough Avenue, Bear Boulevard and Madison Street. Conditional Use Permit 404, 405, and 414 were approved for reduced setbacks and are located within a 1/4 mile of the subject property. The location of the approved Use Permits are identified in Exhibit C, Development Review Staff Report, Location Sketch Map.
4. The subject properties in this application are double-frontage lots with their front yard on both Kimbrough Avenue and Roanoke Avenue. This application includes only reduced setbacks from Kimbrough Avenue. The existing building at 940 South Roanoke and proposed building at 500 East Madison Street, labeled as

"Phase 4" and "Phase 7" respectively, maintain the required front yard setback from Roanoke Avenue.

5. The existing multi-family building located at 815 South Kimbrough Avenue was constructed with a lot configuration that considered Madison Street as the front yard and Kimbrough Avenue as the side yard. At that time, the building was constructed in conformance with the Madison Street front yard requirement. The lot configuration has since changed through administrative lot combination and now Kimbrough Street is classified as the front yard. The approval of the reduced setback will allow the existing structure to be in conformance with the building setback requirements.
6. Adequate right-of-way for Kimbrough Avenue will be maintained which is thirty-five (35) feet for a secondary arterial roadway. The front yard setbacks are in addition to the required right-of-way width.
7. 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. Any development of this property must also follow the R-HD District requirements.
8. 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 October 20, 2016, regarding the request for a conditional use permit. A summary of the meeting is attached (Attachment 4).

#### 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. Thirty-five (35) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

#### CITY COUNCIL PUBLIC HEARING:

November 28, 2016

STAFF CONTACT PERSON:

Michael Sparlin  
Senior Planner  
864-1091

ATTACHMENT 1  
DEPARTMENT COMMENTS  
CONDITIONAL USE PERMIT 426

**BUILDING DEVELOPMENT SERVICES COMMENTS:**

BDS has no objections since this setback is consistent with the other structures on the site along Kimbrough.

**PUBLIC WORKS TRAFFIC DIVISION COMMENTS:**

The City's Transportation Plan classifies Kimbrough Avenue as a Secondary Arterial roadway, Madison Street as a Local Commercial and Roanoke Avenue as a Local Residential. The standard right of way width for Kimbrough is 35 feet from the centerline, 30 feet from the centerline for Madison and 25 feet from the centerline for Roanoke. Additional right of way is not needed. All three are City maintained streets. The most recent traffic counts on Kimbrough Avenue is 12,015 vehicles per day, 1,157 for Madison Street and no count exists for Roanoke as it is a Local Residential classified street. There is one existing driveway access point along Kimbrough Avenue, two along Madison and three along Roanoke. There is a sidewalk along the property frontage on Kimbrough and Madison and no sidewalk along the property frontage on Roanoke. The existing infrastructure meets current city standards. On-street parking is not allowed along Kimbrough, but is allowed along Madison and Roanoke. There is not a greenway trail in the area. There are no bus stops along this area of Kimbrough, Madison or Roanoke. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are no proposed improvements along Kimbrough, Madison or Roanoke Avenue.

Public Works Traffic Division	Response
Street classification	Kimbrough Avenue - Secondary Arterial Madison Street - Local Commercial Roanoke Avenue - Local Residential
On-street parking along streets	Kimbrough - No Madison - Yes Roanoke - Yes
Trip generation - existing use	240 vehicles per day
Trip generation change - proposed use	240 vehicles per day
Existing street right of way widths	Kimbrough Avenue - 35 ft from the centerline Madison Street - 30 ft from the centerline Roanoke Avenue - 25 ft from the centerline
Standard right of way widths	Kimbrough Avenue - 50 ft from the centerline

	Madison Street - 30 ft from the centerline Roanoke Avenue - 25 ft from the centerline
Traffic study submitted	Not required
Proposed street improvements	None required

**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 not an option. There are no known sinkholes on the proposed property.

1. There will be no stormwater impact from the conditional use permit to reduce yard setback.
2. 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.
3. 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.
4. 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 Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	No

**CLEAN WATER SERVICES COMMENTS:**

No objections to change in setback.

**CITY UTILITIES:**

No objection to approval of conditional use permit. The reduction in setback along Kimbrough should not impact utilities.

**FIRE DEPARTMENT:**

Fire supports the application, allows better access to the multistory building for fire fighting and rescue operations from an aerial platform.

ATTACHMENT 2  
REQUIREMENTS FOR CONDITIONAL USE PERMIT 426

1. The front yard setback along Kimbrough Avenue may be reduced to three (3) feet for the structure at the corner of Kimbrough Avenue and Grand Street and labeled as "Phase 5" in Attachment 5. The structure shall be constructed in substantial conformance with Attachment 5.
2. The front yard setback along Kimbrough Avenue may be reduced to six (6) feet for the structure at the corner of Kimbrough Avenue and Madison Street and labeled as "Phase 1" in Attachment 5. The building shall be permitted as it exists in substantial conformance with Attachment 5.
3. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

ATTACHMENT 3  
STANDARDS AND RESPONSES FOR CONDITIONAL USE PERMITS  
CONDITIONAL USE PERMIT 426

An application for a conditional use permit shall be granted only if evidence is presented which establishes the following: (see attached Attachment 5 for the applicant's response)

1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
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;
3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
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;
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;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
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;
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.

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;
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;
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;
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;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
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.
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.
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.

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;
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;
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.

## RESPONSES FOR CONDITIONAL USE PERMIT

1. The proposed conditional use will be consistent with the adopted policies in the *Springfield Comprehensive Plan*;

**Response: The requested setback reduction will be consistent with said policies.**

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 requested setback reduction will not adversely affect safety in any way and will maintain the 35' ROW along Kimbrough Ave. as well as the 50' ROW along Grand St.**

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

**Response: The proposed building will provide safety from fire hazards and the building will be equipped with a fire suppression system.**

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

**Response: The proposed building will utilize on-site storm water detention.**

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 student residential housing building will not have noise characteristics that exceed typical sound levels.**

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

**Response: The proposed building will adhere to city light level guidelines and will provide a photometric plan for review with construction documents.**

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

**Response: Any signage will adhere to city regulations and go through the appropriate permitting process for approval.**

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

**Response: Any signage will adhere to city regulations and go through the appropriate permitting process for approval.**

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: The proposed building will adhere to traffic guidelines and maintain the 35' ROW along Kimbrough Ave. as well as the 50' ROW along Grand St.**

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: We believe the proposed development will improve the surrounding area and provide a safe, attractive beacon at a prominent downtown intersection. This new building will maintain the same appearance and use the same exterior finish materials as other multi-family housing in the area. No new drive entrance will be created for this building and all parking for this building will already be constructed in previously approved developments so traffic/parking conditions should not be effected.**

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 proposed building will replace rundown single family residences and provide a safe environment for students. It will adhere to city zoning requirements for heights as well as landscaping.**

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 building will replace single family residences that have already been demolished and will not interfere with any natural features of the existing site.**

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 building does not interfere with any natural, scenic or historic feature.**

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 building will adhere to all city regulations and will be reviewed during the permit process.**

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

**Response: The proposed building will replace rundown single family residences and provide a safe environment for students. It will improve street level pedestrian access for the Bear Village development which houses many MSU students.**

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: The proposed building will adhere to all city regulations and will be reviewed during the permit process.**

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: The proposed building will adhere to traffic guidelines and maintain the 35' ROW along Kimbrough Ave. as well as the 50' ROW along Grand St.**

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: The proposed building will adhere to traffic guidelines. Approval of a reduced setback will allow for better internal vehicular circulation as well as meet the requirements for the fire apparatus access.**

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 building 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: N/A**

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 building will adhere to all city regulations and will be reviewed during the permit process.**

#### **RESPONSE HOW DEVELOPMENT AND USE OF NEIGHBORING PROPERTY WILL NOT BE ADVERSELY AFFECTED**

The proposed Phase 5 building of the Bear Village student housing development is the last piece of property to be developed. Mr. Magers of Bryan Properties has slowly acquired the properties within the block extending north/south from Madison to Grand and east/west from Kimbrough to Roanoke. Most of these properties were run down/not maintained and Bryan Properties has replaced these houses/buildings will attractive and safe student housing. This last building will be well lit and provide safe access for students traveling from the surrounding campus buildings. The only properties immediately affected by the development of this building are Bryan Properties own Phase 4 building to the west and the Phase 6 building to the north.

#### **RESPONSE ON ANY POTENTIAL ADVERSE EFFECTS OF THE CONDITIONAL USE PERMIT AND HOW WE INTEND TO AVOID, MINIMIZE OR MITIGATE SUCH EFFECTS**

Our conditional use permit request is to reduce the building setback along Kimbrough. The only negative effect we can see with granting this request is the potential to reduce sightlines at the intersection. We intend to not only meet, but also exceed the sight right-of-way triangle at this intersection.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING

I, Rick Muenks (print name), attest that the invitation letter to the neighborhood meeting (attached) was mailed ten (10) days prior to the neighborhood meeting on 10/10/16 (month/date/year), the neighborhood meeting is scheduled to be held on 10/20/16 (month/date/year), which is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Exhibit 1: Neighborhood Notification and Meeting Process."

  
\_\_\_\_\_  
Signature of person completing mailings

Rick Muenks  
\_\_\_\_\_  
Printed name of person completing mailings

\*NOTE: this affidavit must be submitted by the Friday following the application deadline.

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

- 1. Project Case No.: UP 426
- 2. Meeting Date & Time: 10/20/2016 4:00 pm to 6:30 p.m
- 3. Meeting Location: Fire Station Community Room, 720 E Grand Street
- 4. Number of invitations that were sent: 156
- 5. How was the mailing list generated: City Staff
- 6. Number of neighbors in attendance (attach a sign-in sheet): 1

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.)

Director of operations for Springfield Public Schools wanted to confirm that sidewalks widths we're not being changed as part of cup. Explained that the cup was about the building set back and not sidewalks

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



**Client**  
 Bryan Properties  
 2254 South Campbell Ave.  
 Springfield, MO 65807  
 (417) 864-6303 ph  
 (417) 864-7552 fx

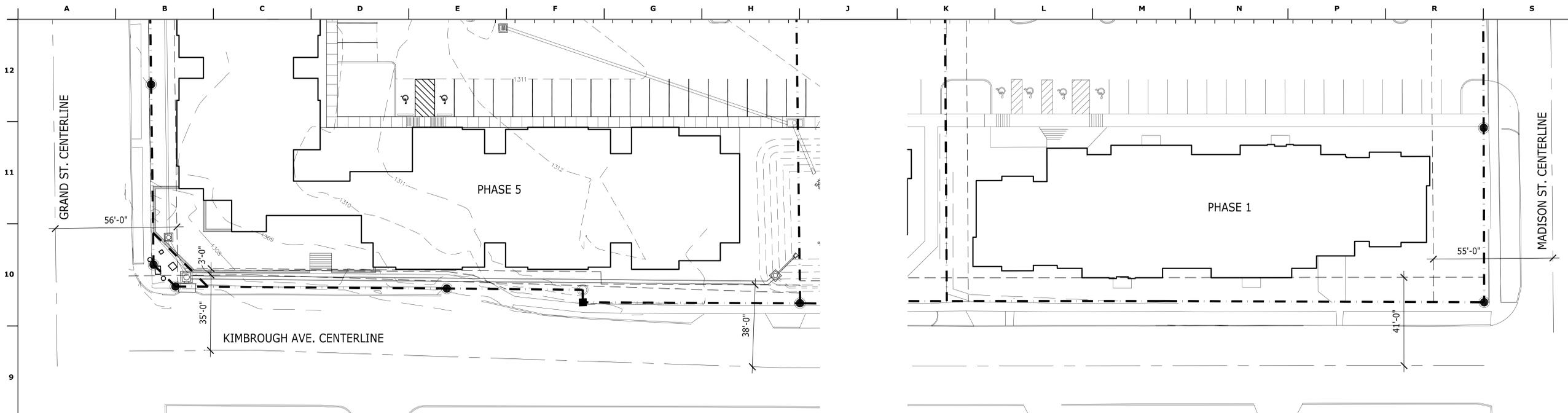
**Consultants**

**Professional Seal**



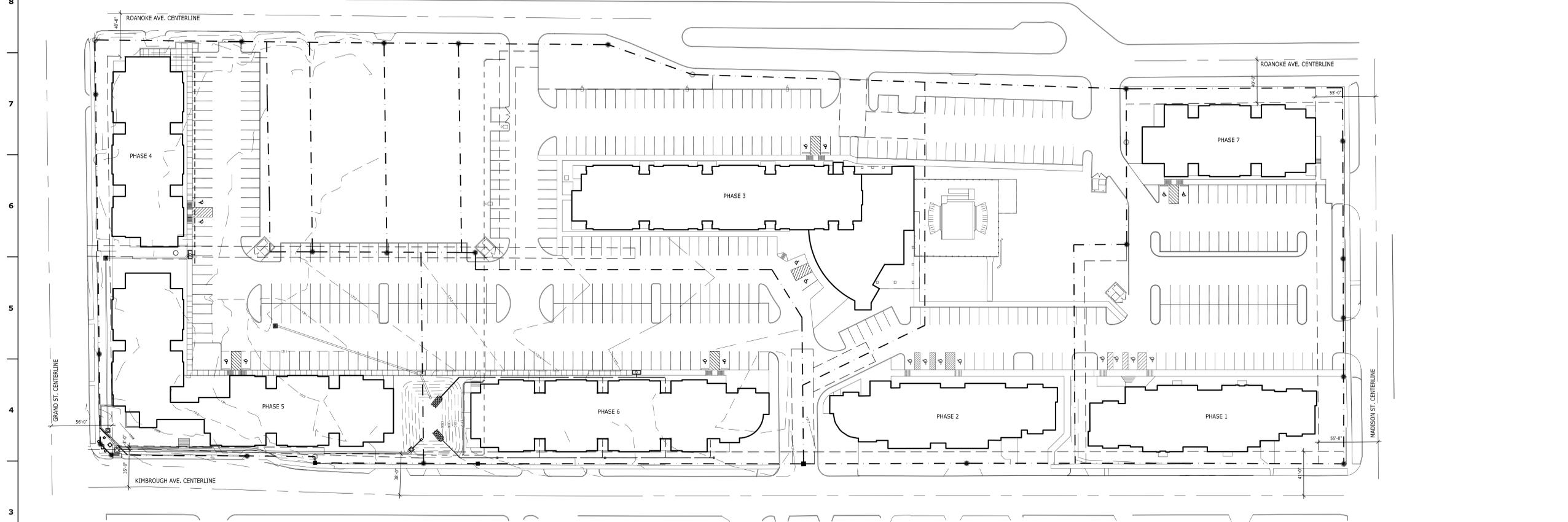
Revisions


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 New Facility for:  
 Bear Village Phase 5  
 South Kimbrough Avenue  
 Springfield, MO 65806



**9A ENLARGED USE PERMIT SKETCH PLAN**  
 C1.1 scale: 1" = 40'-0"  


**9K ENLARGED USE PERMIT SKETCH PLAN**  
 C1.1 scale: 1" = 40'-0"  

**3A USE PERMIT SKETCH PLAN**  
 C1.1 scale: 1" = 40'-0"  


**BUILDING CODE DATA**

BUILDING USE GROUP	R-2 APARTMENT HOUSES
CONSTRUCTION TYPE	SA
TOTAL AREA PER BUILDING	PHASE 4 - 41,622 S.F. PHASE 5 - 70,978 S.F.
ALLOWABLE BUILDING AREA	12,000 S.F. PER STORY (R-2)
AREA INCREASE FOR OPEN PERIMETER	7,800 S.F.
STRUCTURAL FRAME	1 HOUR
BEARING WALLS: INT. & EXT.	1 HOUR
NON-BEARING INT. WALLS	0 HOUR
FLOOR CONSTRUCTION	1 HOUR
ROOF CONSTRUCTION	1 HOUR
FIRE SUPPRESSION	NFPA 13R
DESIGNED BUILDING HEIGHT	4 STORY OR 60 FEET
ALLOWABLE HEIGHT	3 STORY & 50 FEET
SPRINKLER INCREASE	1 STORY & 20 FEET
PERMITTED HEIGHT	4 STORY & 60 MAX FT

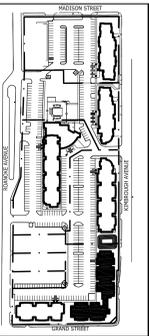
**ZONING ORDINANCE DATA**

PROPERTY ZONING:	R-HD, HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT
REQUIRED SETBACK FROM RIGHT OF WAY CENTERLINE	GRAND ST. - 50' PLUS YARD SETBACK KIMBROUGH AVE. - 35' PLUS YARD SETBACK
YARD REQUIREMENTS:	FRONT YARD = 25 FEET ALONG COLLECTOR STREET/ 15 FEET ALONG LOCAL STREET SIDE YARD = 6 FEET REAR YARD = 10% OF LOT DEPTH (NOT LESS THAN 10 FEET OR MORE THAN 20 FEET)
MAX BLDG COVERAGE:	50%
MAX IMPERVIOUS SURFACE:	50%
MIN OPEN SPACES:	20%
MIN LOT SIZE PER UNIT:	3,100 SF
LOT SIZE PROVIDED:	83,668 (1.92 ACRES)/1,100= 76 UNITS
	PHASE 4 BUILDING- 24 UNITS PHASE 5 BUILDING- 56 UNITS
BUFFERYARD:	NONE REQUIRED (NO DISSIMILAR ZONING)
PARKING REQUIREMENT:	RESIDENTIAL- 2 PER UNITS WITH 2 OR MORE BEDS / 1.5 PER 1 BED UNITS COMMERCIAL- 1 SPACE PER 2 SIDE SPACES (UP TO 10%)
	PHASE 4 BUILDING- 48 SPACES - 4x 44 SPACES PHASE 5 BUILDING- 100 SPACES - 10x 90 SPACES

**CONDITIONAL USE REQUEST**

REQUEST TO REDUCE FRONT YARD SETBACK FROM 60'-0" (35'-0" FROM THE CENTERLINE OF KIMBROUGH WITH ADDITIONAL 25'-0" FRONT YARD SETBACK)

REQUEST TO REDUCE FRONT YARD SETBACK TO 38'-0" (35'-0" FROM THE CENTERLINE OF KIMBROUGH WITH ADDITIONAL 3'-0" FRONT YARD SETBACK)



DEVELOPMENT REVIEW STAFF REPORT  
Redevelopment Plan for the Elm House Redevelopment Area

DATE: November 1, 2016

PURPOSE: To approve the Redevelopment Plan for the Elm House Redevelopment Area.

LOCATION: South side of East Madison Street between South Jefferson Avenue and South Thomas Avenue

APPLICANT: Elm House, LLC

STAFF RECOMMENDATION:

Staff recommends the Redevelopment Plan for the Elm House Redevelopment Area be **approved**.

FINDINGS:

The proposed Redevelopment Plan for the Elm House Redevelopment Area is in conformance with the *Springfield-Greene County Comprehensive Plan*.

STAFF CONTACT:

Matt D. Schaefer  
Senior Planner  
417-864-1100

ATTACHMENTS:

Attachment A: Background Report  
Exhibit I: Legal Description  
Exhibit II: Location Map  
Exhibit III: Redevelopment Plan

ATTACHMENT A  
Background Report  
Redevelopment Plan for the Elm House Redevelopment Area

Applicant's Proposal:

Elm House, LLC has filed an application requesting approval of a redevelopment plan pursuant to Sections 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority (LCRA) Law, for a redevelopment project generally located along the side of East Madison Street between South Jefferson Avenue and South Thomas Avenue (*Exhibits I&II*). The Planning and Zoning Commission is required by Statute to review the proposed Redevelopment Plan (*Exhibit III*) for conformance with the City's general plan for the development of the City as a whole.

The purpose of the Redevelopment Plan for the Elm House Redevelopment Area is to remove blight and redevelop the area into a new housing development for fraternities and sororities that will be associated with Missouri State University. The Redevelopment Area consists of four parcels of land (approx. 0.55 acres) that are currently occupied by two duplexes and two single-family residential structures, which were constructed between the years 1887 and 1951. The Plan proposes to demolish the existing structures and construct a fraternity and sorority development consisting of two, three-story buildings. The buildings will be leased to college fraternities and sororities and will each serve as the residence for up to 24 students, as well as a location for chapter meeting and activities. Off-street parking will be provided as required in the R-HD, High-Density Multi-Family Residential District and the UN, University Combining District Overlay.

Comprehensive Plan:

1. The Redevelopment Area is located within the area included in the *Center City Plan Element of the Springfield –Greene County Comprehensive Plan*. The Plan mentions the Center City area suffers from physical deterioration and economic obsolescence. It also states that although there are several properties within Center City that have been well maintained or recently constructed, the overall tone is one of an area that could use revitalization and new investment. The Redevelopment Plan addresses those issues by proposing to remove existing blight and redevelop the area into a new fraternity and sorority development.
2. The *Growth Management and Land Use Element of the Springfield-Greene County Comprehensive Plan* designates the land within and surrounding the Redevelopment Area for Medium- or High-Density Residential Housing. This land use designation includes all types of multi-family residential housing with densities greater than six dwelling units per acre. The Plan recommends this type of land use be located where there is good traffic access, preferably along

arterials and collectors. It also recommends that it be located between low-density housing and non-residential land uses, as well as near high-amenity areas. The Redevelopment Plan satisfies these recommendations by proposing new high-density residential housing that will abut South Jefferson Avenue, which is classified as a secondary arterial. Furthermore, the Redevelopment Area is immediately adjacent to a Missouri State University Bear Line Shuttle stop located at the southwest corner of South Thomas Avenue and East Madison Street and a City Utilities bus stop located at the southwest corner of South Jefferson Avenue and East Madison Street. The Redevelopment Area is also served by sidewalks and is located adjacent to a designated bicycle route running along East Madison Street. In addition to its close proximity to Missouri State University, the Redevelopment Area is located within 250 feet of Jenny Lincoln Park.

Staff Comments:

1. The proposed Redevelopment Plan is one component of the applicant's request to obtain partial real property tax abatement pursuant to the Land Clearance for Redevelopment Law ("Chapter 99, RSMo"). Chapter 99 tax abatement is an economic development incentive used to encourage redevelopment within blighted areas through partial real property tax abatement. Within Council-approved redevelopment areas, the Land Clearance for Redevelopment Authority may authorize partial real property tax abatement for projects that conform to an approved redevelopment plan. Real property tax abatement is based on 100% of the assessed value of qualified new construction or rehabilitation for 10 years.

The applicant is required to submit an application that includes a redevelopment plan as well as a blight report if the redevelopment area is not currently declared a blighted area. The Planning and Zoning Commission's responsibility is to review the redevelopment plan for conformance with the City's general plan for the development of the City as a whole and make a recommendation regarding the same to City Council.

2. The Redevelopment Area is located within the South Central "A" Urban Renewal Area. City Council declared the Area a blighted area in 1964 (Resolution No. 4282) and adopted an Urban Renewal Plan for the Area in 1967 (Resolution No. 4794). The requirements of the Urban Renewal Plan have become obsolete and are impractical by today's standards for new multi-family residential construction in Center City. In order to facilitate redevelopment, the Developer has submitted a new redevelopment plan for the Elm House Redevelopment Area, which will replace the existing Urban Renewal Plan within said Redevelopment Area.
3. The Redevelopment Area is currently zoned R-HD, High -Density Multi-Family Residential District, which does not permit fraternities and sororities. The applicant has filed an application requesting the Area be rezoned to add the UN, University Combining District Overlay to permit additional uses that are not

otherwise permitted by the existing R-HD zoning, including fraternities and sororities. The proposed rezoning (Zoning Case Z-15-2016) and Redevelopment Plan will be considered by the Planning and Zoning Commission and City Council concurrently.

4. The Redevelopment Plan is consistent with City policy, which encourages off-campus student housing be constructed near college and university campuses. This may help reduce vehicular traffic by allowing more students to walk and bike to class, as opposed to driving. The Redevelopment Plan is also consistent with the City of Springfield's and Missouri State University's policies to direct university and university-related growth to the north and west of the Missouri State University main campus.

EXHIBIT I  
Legal Description  
Redevelopment Plan for the Elm House Redevelopment Area

404 E. MADISON/802 S. JEFFERSON

THE WEST 80 FEET OF THE NORTH 92 FEET AND 7 INCHES OF LOT ONE HUNDRED TWENTY (120), IN SOUTHERN ADDITION, TO THE CITY OF SPRINGFIELD, MISSOURI, AND A STRIP OF GROUND 5 FEET WIDE, MORE OR LESS, LYING ALONG THE NORTH SIDE OF SAID WEST 80 FEET OF SAID LOT, SAID STRIP OF LAND ABOVE DESCRIBED BEING BOUNDED ON THE NORTH BY MADISON STREET, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, EXCEPT THAT PART DEEDED IN BOOK 1536, AT PAGE 25, SUBJECT TO ANY PART THEREOF, TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

410/412 E. MADISON

ALL OF THE EAST 70 FEET OF THE WEST 150 FEET OF THE NORTH 92 FEET AND 7 INCHES OF LOT ONE HUNDRED TWENTY (120), SOUTHERN ADDITION, AND A STRIP OF GROUND 5 FEET WIDE, MORE OF LESS, LYING ALONG THE NORTH SIDE OF SAID STRIP OF LAND ABOVE DESCRIBED BEING BOUNDED ON THE NORTH BY MADISON STREET IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

416 E. MADISON

ALL OF THE WEST 50 FEET OF THE EAST 100 FEET OF THE FOLLOWING DESCRIBED LAND: THE NORTH 92 FEET AND 7 INCHES OF LOT ONE HUNDRED-TWENTY (120) IN SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, MISSOURI. ALSO A STRIP OF GROUND 5 FEET WIDE BY 250 FEET IN LENGTH, LYING ALONG THE NORTH SIDE OF LOT ONE HUNDRED-TWENTY (120) OF SOUTHERN ADDITION MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 120 SOUTHERN ADDITION; THENCE EAST 250 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 5 FEET TO THE FENCE ON THE SOUTH SIDE OF MADISON STREET, AS SAID FENCE IS NOW LOCATED; THENCE RUNNING IN A WESTERLY DIRECTION 250 FEET TO A POINT DIRECTLY NORTH OF THE PLACE OF BEGINNING; THENCE SOUTH 5 FEET TO THE PLACE OF BEGINNING. SUBJECT TO ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

420 E. MADISON

THE EAST FIFTY (50) FEET OF THE NORTH NINETY-TWO AND SEVEN-TENTHS (92.7) FEET OF LOT ONE HUNDRED TWENTY (120), SOUTHERN ADDITION, TOGETHER WITH A FIVE (5) FOOT STRIP NORTH OF AND ADJOINING SAID TRACT, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

EXHIBIT II  
Location Map  
Redevelopment Plan for the Elm House Redevelopment Area

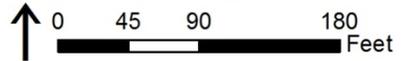


EXHIBIT III

**REDEVELOPMENT PLAN  
FOR  
THE ELM HOUSE  
REDEVELOPMENT AREA  
SPRINGFIELD, MISSOURI**

September 13, 2016

**TABLE OF CONTENTS**

I. Introduction .....3

II. Description of the Project .....3

    A. Boundaries of the Redevelopment Area .....3

    B. Need for Redevelopment..... 3

    C. Redevelopment Plan Objectives and Strategies ..... 3-5

III. Land Use ..... 5

    A. Former and Existing Land Use ..... 5

    B. Proposed Land Use ..... 5

    C. Existing and Proposed Zoning ..... 5

    D. Regulation and Controls.....6

IV. Execution of the Project ..... 6

    A. Execution .....6

    B. Land Acquisition.....6

    C. Financing..... 6

    D. Disposition of Property ..... 6

    E. Plans for Relocation Assistance ..... 6

    F. Redevelopment Schedule and Estimated Dates of Completion ..... 6

    G. Taxation..... 7

    H. Covenants.....7

V. Other Provisions.....7

    A. Compliance with State and Local Laws.....7

    B. Population Density .....7

    C. Public Facilities..... 7

VI. Procedure for Changes or Modification of Plan..... 7

**Addenda**

Map of Blighted Area ..... Exhibit A

Map of Redevelopment Area ..... Exhibit B

Legal Description of Redevelopment Area..... Exhibit C

Land Use Plan..... Exhibit D

## Redevelopment Plan

### **I. Introduction**

Elm House, LLC, a Missouri limited liability company (the “*Developer*”), has prepared the following plan (the “*Redevelopment Plan*”) for the planned development of panhellenic style (fraternity and sorority) residential housing which will be in the vicinity of Missouri State University’s campus and marketed primarily to students. The Redevelopment Plan proposes to completely redevelop the Redevelopment Area (as defined below) by constructing two (2) approximately three (3) story buildings and on-site parking lot (the “*Project*”). The maximum height of each building will be three (3) stories with a pitched roof. Upon completion of the Project, the Developer intends to master-lease each building to a separate Panhellenic organization (i.e. fraternities and sororities) associated with Missouri State University (“*Panhellenic Organization*”). The Panhellenic Organizations will then lease each of the building’s individual beds to their members for residential use. Although the Developer fully expects to master-lease each building to a Panhellenic Organization, in the event Developer is unable to lease one or more of the buildings to a Panhellenic Organization, Developer will seek an amendment to this Redevelopment Plan to retrofit one or more of the buildings to be leased as market-rate housing marketed primarily to students. As further set forth below, partial real property tax abatement will be available for redevelopment in the Redevelopment Area (as defined below) that is consistent with this Redevelopment Plan.

In 1964, pursuant to Resolution No. 4282, the Springfield City Council (the “*City Council*”) blighted an area generally bounded on the south by East Grand Street, on the east generally by the back lot lines of properties that face South Kimbrough Avenue, on the north by the Downtown Redevelopment Plan Area (with some portions that overlap), and on the west by South Market Avenue and then South Campbell Avenue (the “*Blighted Area*”). The City Council reaffirmed the blight for the Blighted Area pursuant to Resolution No. 4794 which was adopted in 1967. A map identifying the Blighted Area is attached hereto as Exhibit A.

### **II. Description of the Project**

#### *A. Boundaries of the Redevelopment Area*

The area to be redeveloped includes four (4) parcels addressed at 404 E. Madison Avenue/802 S. Jefferson Avenue, 410/412 E. Madison Avenue, 416 E. Madison Avenue, and 420 E. Madison Avenue (the “*Redevelopment Area*”), which consists of approximately 0.5508 acres of land. A map identifying the Redevelopment Area is attached hereto as Exhibit B and the Redevelopment Area is legally described on Exhibit C attached hereto.

#### *B. Need for Redevelopment*

The Redevelopment Area and other surrounding property were initially blighted in 1964 by the City Council due to a predominance of deteriorating conditions. The prosecution of this Redevelopment Plan will eliminate such conditions and create a desirable living environment for residents while increasing the taxable revenues to the City of Springfield.

#### *C. Redevelopment Plan Objectives and Strategies*

1. Goals of the Springfield - Greene County Comprehensive Plan.

The Redevelopment Area is located within the Center City Study Area (as defined by the City of Springfield’s Center City Plan Element (the “*CCPE*”), which is a component of the Vision 20/20 Springfield-Greene County Comprehensive Plan). The CCPE is a long-term guide for private investments and public improvements for a major part of central Springfield (“*Center City*”).<sup>1</sup> One of the goals of the CCPE is that Center City will continue to be the focal point for higher education and technology development and that Springfield and Center City will be known as “an education and communications city” fulfilling the needs of businesses and students of tomorrow.<sup>2</sup>

Additionally, the City of Springfield and Missouri State University (“*MSU*”) executed an agreement establishing direction for the future physical growth of MSU.<sup>3</sup> This agreement evolved from the desire to redirect the physical expansion of MSU’s campus away from the neighborhoods located to the south and east of MSU and to direct it instead toward Greater Downtown’s core area around Park Central Square.<sup>4</sup>

The Redevelopment Area is located within the vicinity of MSU. The Growth Management and Land Use Plan (“*Land Use Plan*”), which is another component of the Vision 20/20 Springfield-Greene County Comprehensive Plan, indicates that the Redevelopment Area and surrounding property is an appropriate area for medium or high density housing. The Land Use Plan also identifies MSU and surrounding areas as an Activity Center.<sup>5</sup> The Land Use Plan states that one of its objectives for areas identified as Activity Centers is that plans should promote additional or new employment, intensified retail business, higher density housing, and convenient transit service.<sup>6</sup> While the Redevelopment Area is located outside the official Activity Center according to the Activity Center Map, MSU has experienced significant growth since the Activity Center Map was adopted. If the Map was updated today, it is likely the Redevelopment Area would be located within the official Activity Center boundaries. In addition, the Redevelopment Area conforms to the guidelines for higher-density residential uses, as described in the Land Use Plan.

The Redevelopment Area meets both the accessibility and connectivity criteria described in the Land Use Plan. Particularly, the Redevelopment Area is accessible due to the close proximity of collector and arterial streets. For instance, Jefferson Avenue, a secondary arterial borders the western side of the Redevelopment Area and West Grand Street, which runs directly south of the Redevelopment Area, is classified as a primary arterial.

In addition, the Redevelopment Area is located near bus transit routes, is served by good sidewalks for pedestrian access, and is located to several nearby parks, MSU, and Downtown. Specifically, MSU’s Bear Line shuttle service has a route along E. Madison Avenue, which includes a stop in the direct vicinity to the Redevelopment Area. In addition to the Bear Line, the Redevelopment Area is located near two City Utilities bus routes: one along South Avenue (two blocks to the west of the Redevelopment Area) and another along Jefferson Avenue –

---

<sup>1</sup>See page 1-1 of the CCPE.

<sup>2</sup>See page 1-2 of the CCPE.

<sup>3</sup>See page 3-38 of the CCPE.

<sup>4</sup>See page 3-38 of the CCPE.

<sup>5</sup>See page 18-34 of the Land Use Plan.

<sup>6</sup>See page 18-28 of the Land Use Plan.

directly across the street from the Redevelopment Area. Moreover, Madison Avenue is designated as a bicycle route.

2. Redevelopment Plan Objectives and Conformance with the Goals of the Springfield - Greene County Comprehensive Plan.

The primary objective of the Redevelopment Plan is to remove blight and to redevelop the area for fraternity and sorority housing marketed to Panhellenic Organizations and their members. The Project involves the construction of two (2) approximately three (3) story buildings. Each building will be a maximum of three (3) stories with a pitched roof. To accommodate residents and their guests, the Project will include onsite parking of approximately twenty-six (26) parking spaces.

The Project will further the objectives of the Springfield - Greene County Comprehensive Plan in several different ways. It will provide for additional student housing in Center City which will help to further the CCPE's goal that Center City be a focal point for higher education and fulfill the needs of students. The Project also complies with the City's goals for MSU's growth since the Redevelopment Area is located to the west of MSU's main campus. In addition, the Project meets the guidelines for multi-family residential housing set forth in the Land Use Plan as a result of the vehicle and pedestrian accessibility of the Redevelopment Area to MSU, Center City and nearby parks and other City amenities via the bus transit routes and the sidewalks in the area.

**III. Land Use Plan**

A. *Former and Existing Land Use*

There are currently two (2) duplexes and two (2) single family residences in the Redevelopment Area.

B. *Proposed Land Use*

The proposed land use for the Redevelopment Area is as two (2) approximately three (3) story buildings with on-site parking. Each building is intended to serve as a residence for approximately twenty-four (24) fraternity or sorority members and will also be able to accommodate various fraternity or sorority functions, such as chapter meetings and other events. Should the Developer be unable to enter into a master-lease with a Panhellenic Organization for one or more of the buildings, the Developer will seek an amendment to this Redevelopment Plan to allow one or more of the buildings to be used as market-rate multi-family residential housing marketed primarily to students. Land use plans showing proposed site plans for the Redevelopment Area are attached hereto as Exhibit D. The Project will substantially conform to the attached proposed plans.

C. *Existing and Proposed Zoning*

The existing zoning for the Redevelopment Area is High-Density Multi-Family Residential (R-HD). Developer is pursuing rezoning of the Redevelopment Area from R-HD to R-HD with the University Combining District (UN)—which allows for fraternity and sorority housing.

D. *Regulations and Controls*

Redevelopment of the Redevelopment Area shall be subject to all applicable Springfield, Missouri Codes and Ordinances.

**IV. Execution of the Project**

A. *Execution*

The Developer or its successors in interest will be responsible for executing the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan.

B. *Land Acquisition*

The Developer is currently under contract to purchase 404 E. Madison Avenue/802 S. Jefferson Avenue, 410/412 E. Madison Avenue, 416 E. Madison Avenue, and 420 E. Madison Avenue and does not require any additional land. Per the terms of the purchase contracts, the current owners are aware the Developer is submitting this Redevelopment Plan and have agreed to assist the Developer in the submittal of this Redevelopment Plan.

C. *Financing*

The Developer is utilizing conventional financing to finance the Project.

D. *Disposition of Property*

No property is proposed to be disposed of within the Redevelopment Area.

E. *Plan for Relocation Assistance*

The Developer intends offer relocation assistance to current residents of the Redevelopment Area by working with Developer's management company to attempt to offer to place any displaced resident in another unit.

F. *Redevelopment Schedule and Estimated Dates of Completion*

The Developer estimates that each stage of the Project will be completed in accordance with the following schedule:

Building # 1:

- Pre-Construction (Inspections/Permits): Completed by December 2016
- Site Work (Demolition): Completed by January 2017
- Construction of Building: Completed by August 2017

Building # 2:

- Pre-Construction (Inspections/Permits): Completed by September/October 2017
- Site Work (Demolition): Completed by November/December 2017
- Construction of Building: Completed by August 2018

G. *Taxation*

The Developer or its successors in interest may apply to the Land Clearance for Redevelopment Authority for tax relief pursuant to Sections 99.700 to 99.715 of the Missouri Revised Statutes, 2000.

H. *Covenants*

The Redevelopment Plan shall run with the land for a period of twenty (20) years from the date of final approval (at which point it shall expire and shall be of no further force or effect) and shall, during such time, require the Developer and any successors in interest to redevelop the real property within the Redevelopment Area in accordance with the specified uses in the Redevelopment Plan if they wish to benefit from tax relief available under Sections 99.700 to 99.715 of the Missouri Revised Statutes, 2000.

**V. Other Provisions**

A. *Compliance with State and Local Law*

The Redevelopment Plan shall be implemented in conformance with the requirements of state and local law.

B. *Population Density*

The Project will provide housing for approximately forty-eight (48) individuals on a .55 acre site.

C. *Public Facilities*

The Project will not require any additional public facilities or utilities.

**VI. Procedure for Changes or Modification of Plan**

Upon application by the Developer or its successors in interest, the Redevelopment Plan may be amended or modified by the Land Clearance for Redevelopment Authority with the consent of the Planning and Zoning Commission. When the proposed amendment or modification substantially changes the Redevelopment Plan, the City Council must also approve the amendment or modification.

EXHIBIT A  
Map of Blighted Area

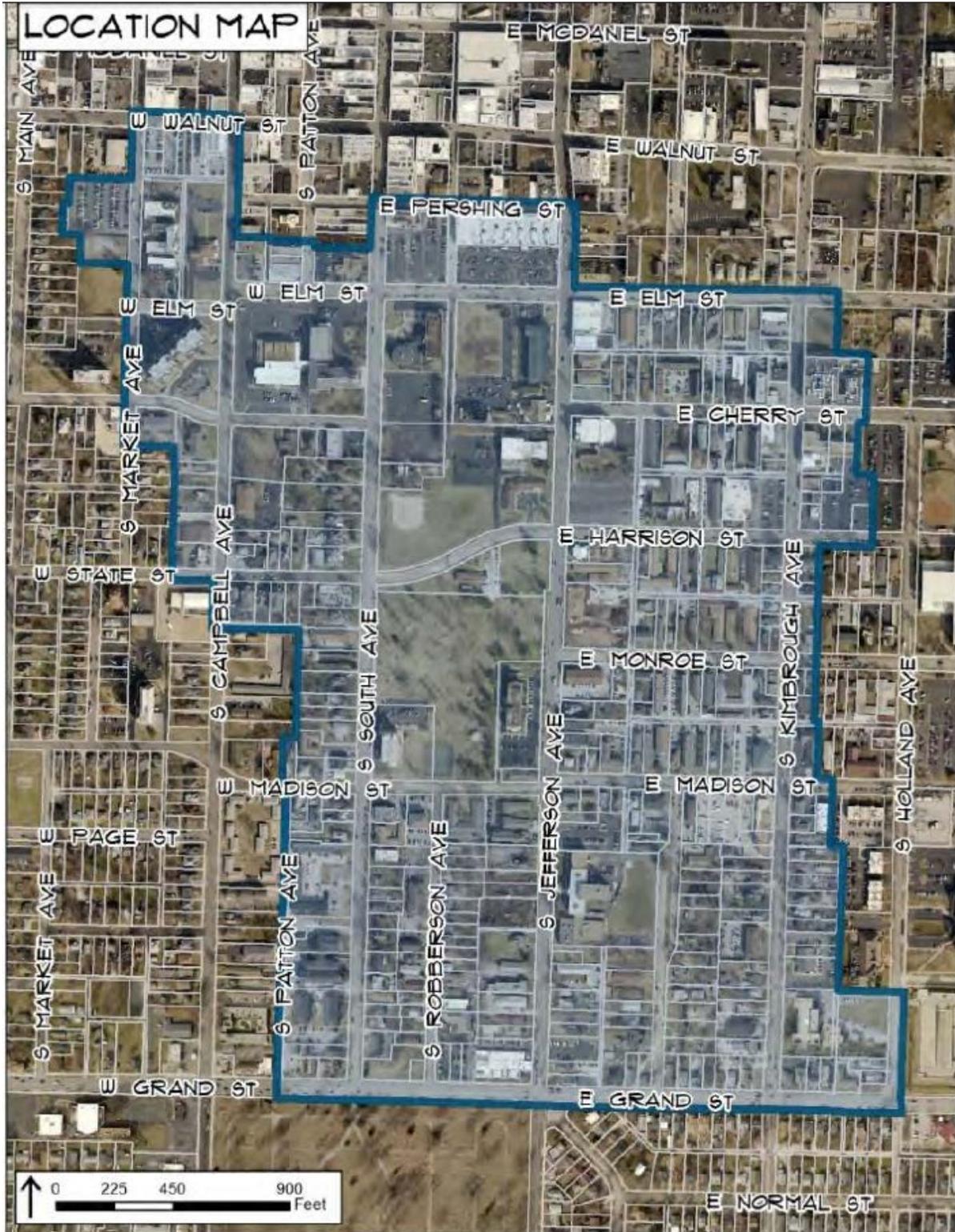


EXHIBIT B

Map of Redevelopment Area



EXHIBIT C

Legal Description of the Redevelopment Area

404 E. MADISON/802 J. JEFFERSON

THE WEST 80 FEET OF THE NORTH 92 FEET AND 7 INCHES OF LOT ONE HUNDRED TWENTY (120), IN SOUTHERN ADDITION, TO THE CITY OF SPRINGFIELD, MISSOURI, AND A STRIP OF GROUND 5 FEET WIDE, MORE OR LESS, LYING ALONG THE NORTH SIDE OF SAID WEST 80 FEET OF SAID LOT, SAID STRIP OF LAND ABOVE DESCRIBED BEING BOUNDED ON THE NORTH BY MADISON STREET, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, EXCEPT THAT PART DEEDED IN BOOK 1536, AT PAGE 25, SUBJECT TO ANY PART THEREOF, TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

410/412 E. MADISON

ALL OF THE EAST 70 FEET OF THE WEST 150 FEET OF THE NORTH 92 FEET AND 7 INCHES OF LOT ONE HUNDRED TWENTY (120), SOUTHERN ADDITION, AND A STRIP OF GROUND 5 FEET WIDE, MORE OF LESS, LYING ALONG THE NORTH SIDE OF SAID STRIP OF LAND ABOVE DESCRIBED BEING BOUNDED ON THE NORTH BY MADISON STREET IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

416 E. MADISON

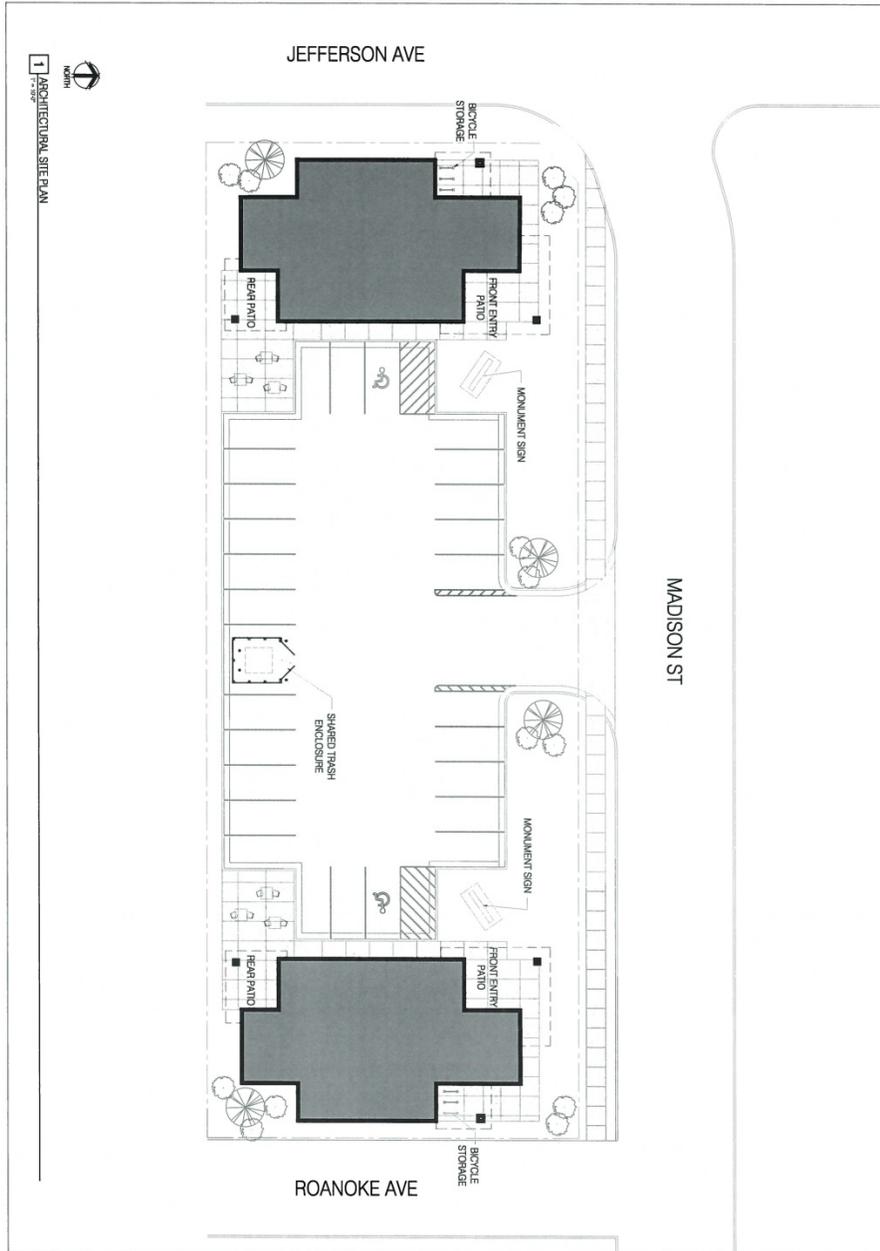
ALL OF THE WEST 50 FEET OF THE EAST 100 FEET OF THE FOLLOWING DESCRIBED LAND: THE NORTH 92 FEET AND 7 INCHES OF LOT ONE HUNDRED-TWENTY (120) IN SOUTHERN ADDITION TO THE CITY OF SPRINGFIELD, MISSOURI. ALSO A STRIP OF GROUND 5 FEET WIDE BY 250 FEET IN LENGTH, LYING ALONG THE NORTH SIDE OF LOT ONE HUNDRED-TWENTY (120) OF SOUTHERN ADDITION MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 120 SOUTHERN ADDITION; THENCE EAST 250 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 5 FEET TO THE FENCE ON THE SOUTH SIDE OF MADISON STREET, AS SAID FENCE IS NOW LOCATED; THENCE RUNNING IN A WESTERLY DIRECTION 250 FEET TO A POINT DIRECTLY NORTH OF THE PLACE OF BEGINNING; THENCE SOUTH 5 FEET TO THE PLACE OF BEGINNING. SUBJECT TO ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

420 E. MADISON

THE EAST FIFTY (50) FEET OF THE NORTH NINETY-TWO AND SEVEN-TENTHS (92.7) FEET OF LOT ONE HUNDRED TWENTY (120), SOUTHERN ADDITION, TOGETHER WITH A FIVE (5) FOOT STRIP NORTH OF AND ADJOINING SAID TRACT, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

# EXHIBIT D

## Land Use Plan



DATE	2/20/2024
SCALE	AS SHOWN
PROJECT	STUDENT HOUSING FOR SAY YOU CAN LLC
CLIENT	SAY YOU CAN LLC
ARCHITECT	BATES ARCHITECTURE

**STUDENT HOUSING FOR SAY YOU CAN LLC**

SPRINGFIELD, MO

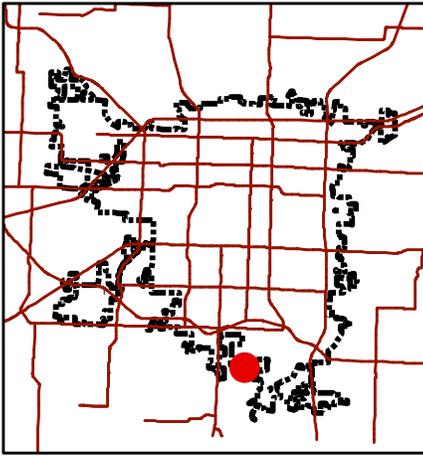
www.batesarch.com  
 phone no. 417.885.2086  
 local office 417.885.2113  
 433 west walton  
 springfield, missouri 65808



NO. 1	DATE	DESCRIPTION

# Development Review Staff Report

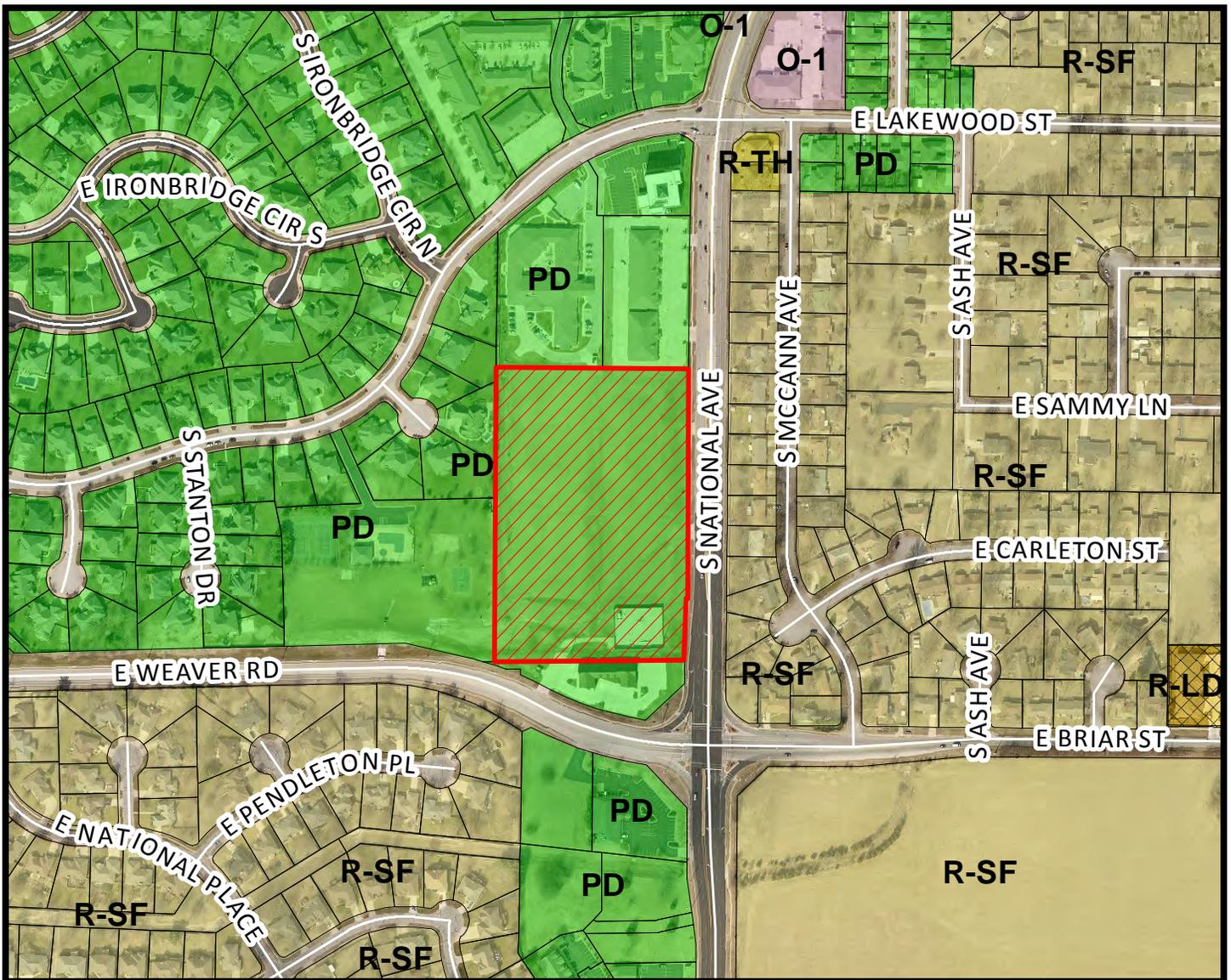
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802



## Preliminary Plat - Ironbridge Phase XIV

LOCATION: 4900 block S. National Ave.  
CURRENT ZONING: PD 306  
PROPOSED ZONING: PD 352

### LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet

DEVELOPMENT REVIEW STAFF REPORT  
PRELIMINARY PLAT – IRONBRIDGE PHASE XIV

PURPOSE: To approve a preliminary plat to subdivide approximately 7.8 acres into a three lot subdivision

REPORT DATE: October 26, 2016

LOCATION: 4900 block S. National Avenue

APPLICANT: Martin Property Management, LLC

TRACT SIZE: Approximately 7.8 acres

EXISTING USE: Vacant/undeveloped land

PROPOSED USE: Nursing home and other commercial uses as permitted by the PD

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant's proposal, with the conditions listed below, 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.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
  - a. Access to National Avenue is limited to the two access points on Lot 1 as specified on the plat. No direct access shall be allowed to National Avenue from Lots 2 or 3. Cross access between lots is also required as shown on the plat.
  - b. Additional easements may be required to extend gas and water mains to the building proposed on Lot 3. These can be dedicated on the final plat if

the locations are known at the time of review. If not, they can be dedicated by separate instrument at a later date.

7. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
8. 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.
9. 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.
10. 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	PD 306 & 338	Office and retail uses
East	R-SF	Single-family residences
South	PD 306	Dental office
West	PD 200	Single-family residences

**HISTORY:**

The preliminary plat of Ironbridge Phase XII, which included the subject property, expired on March 15, 2014. Since all requirements of the plat were never met for the subject property, a new preliminary plat is required to be reviewed and approved by Planning and Zoning Commission and City Council.

## COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the City's *Comprehensive Plan* designates this area as appropriate for low-density housing; however these properties are located near a major intersection of two arterial streets. This area is located near the intersection of National and Weaver which are both classified as arterial streets. Community-Scale Businesses are recommended on primary arterial and near intersections of primary and secondary arterials.

## STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 7.8 acres into a three lot office/commercial subdivision named "IRONBRIDGE PHASE XIV". The property is currently zoned Planned Development 306, but the applicant has requested to rezone the property to construct a new nursing home facility on Lot 3. This preliminary plat is being processed concurrently with the rezoning request Planned Development 352.
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.
3. Staff recommends that a commercial lot have at least 60 feet of street frontage when possible as to plan for future street extensions and redevelopment of the site. The applicant has shown more than 60 feet of street frontage, thus staff supports this request.
4. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

CITY COUNCIL: November 28, 2016

## STAFF CONTACT:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
DEPARTMENT COMMENTS  
PRELIMINARY PLAT – IRONBRIDGE PHASE XIV

AT&T COMMENTS:

AT&T requests a 10 foot utility easement along entire north property line of Lot 1 and a 15 foot utility easement along entire lot line of Lots 2 and 3 with 7.5 feet on each side of lot line. AT&T also requests existing utility easement along east lot line of all 3 lots be called out with footage. No objections to plat otherwise.

BUILDING DEVELOPMENT SERVICES COMMENTS:

The proposed zoning change is to add uses to the current PD. This would not affect the proposed subdivision.

CITY UTILITIES COMMENTS:

Additional easements may be required to extend gas and water mains to the building proposed on Lot 3. These can be dedicated on final plat if the locations are known at the time of review. If not, they can be dedicated by separate instrument at a later date.

FIRE DEPARTMENT COMMENTS:

No issues.

TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies National Avenue as a Primary Arterial roadway. The standard right of way width for National Avenue is 50 feet from the centerline. Additional right of way is not needed. National Avenue is a City maintained street. The most recent traffic counts on National Avenue is 12,628 vehicles per day. There are two existing driveway access points along National Avenue. There is a sidewalk along the property frontage. The existing infrastructure meets current city standards. On-street parking is not allowed along the adjacent streets. There is not a greenway trail in the area. There are no bus stops along this area of National Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are no proposed improvements along National Avenue.

Public Works Traffic Division	Response
Street classification	National Avenue - Primary Arterial
On-street parking along streets	No
Trip generation - existing use	480 vehicles per day
Trip generation change - proposed use	480 vehicles per day
Existing street right of way widths	National Avenue - 50 feet from the centerline
Standard right of way widths	National Avenue - 50 feet from the centerline

Traffic study submitted	Not required
Proposed street improvements	None required

**STORMWATER COMMENTS:**

The property is located in the Ward Branch 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 applicable since regional detention is provided. Since the project will be will disturbing more than one (1) acre there will be a land disturbance permit required. There is existing regional detention southwest of the development available to discharge into. There are no 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. Water quality will be required if disturbing more than 1 acre.

Public Works Stormwater Division	Response
Which Drainage Basin is this located?	Ward Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	NA

**CLEAN WATER SERVICES COMMENTS:**

No objection to plat. All lots have access to public sewer.

PRELIMINARY PLAT  
IRONBRIDGE PHASE XIV  
A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF  
SECTION 13, TOWNSHIP 28 NORTH, RANGE 22 WEST  
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

BOUNDARY DESCRIPTION

A part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 28 North, Range 22 West, City of Springfield, Greene County, Missouri, being more particularly described as follows:

Commencing at the Southeast corner of Section 13, Township 28 North, Range 22 West, City of Springfield, Greene County, Missouri; thence North 89 Degrees 56 Minutes 52 Seconds West (N89°56'21"W, Plat), a platted distance of 77.01 feet to a found 5/8" iron bar marking the Northeast corner of Ironbridge Phase VIII, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book XX, at Page 83, said point being the POINT OF BEGINNING; thence North 89 Degrees 56 Minutes 52 Seconds West (N89°56'21"W, Plat) along the North line of said subdivision, a distance of 464.90 feet to a found 5/8" iron bar with cap, "Bockman LS2334" marking the Southeast corner of Iron Bridge Phase I, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book RR, at Page 11; thence departing said North line North 01 Degrees 57 Minutes 47 Seconds East, (N01°57'47"E, Plat) along the East line of said subdivision, and beyond, along the East line of Ironbridge Phase II, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book RR, at Page 11, a distance of 727.04 feet to a 1/2" iron bar with cap, "LC 366" set at the Southwest corner of Ironbridge Phase XII, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book AAA, at Page 203; thence departing said East line South 88 Degrees 03 Minute 12 Seconds East (S88°02'24"E, Plat) along the South line of said subdivision, and beyond, along the South line of Ironbridge Phase VIII, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book AAA, at Page 203; thence departing said East line South 88 Degrees 03 Minute 12 Seconds East (S88°02'24"E, Plat) along the South line of said subdivision, and beyond, along the South line of Ironbridge Phase VIII, a subdivision in the City of Springfield, duly recorded in the Greene County Recorder's Office in Plat Book AAA, at Page 203; thence departing said East line North 89 Degrees 22 Minutes 23 Seconds West, a distance of 9.87 feet to a found aluminum monument with cap, "COS RW LS2297"; thence continuing along said West Right-of-Way line South 01 Degrees 59 Minutes 48 Seconds West, a distance of 131.99 feet to the POINT OF BEGINNING, and containing 339,843 square feet or 7.802 acres, more or less. EXCEPT any part thereof taken, deeded or used for road or highway purposes. SUBJECT TO easements, rights of way and restrictions of record.

NOTES

Total Area: 339,843 Sq. Ft. ±, 7.802 Ac. ±

Total Number of Lots: 3  
Smallest Lot: Lot 2 - 45,016 Sq. Ft. ±, 1.033 Ac. ±  
Largest Lot: Lot 3 - 181,288 Sq. Ft. ±, 4.162 Ac. ±

Current Zoning: Planned Development #306

According to F.E.M.A. Flood Insurance Rate Map Community Panel Number: 29077C0457E & 29077C0344E, both with an effective date of December 17, 2010, this property does not lie within a designated flood plane and is Zone X.

The area shown herein is not located in a storm sewer district as of the date of recording and may be subject to future assessment cost if included in future storm water benefit district deemed necessary resulting from problems created by surface water run-off. This is due to the fact that the surface water run-off is presently being accommodated by street and open drainage facilities.

Lot 2 has a total of 45,016± Sq. Ft., 15,292± Sq. Ft. is impervious space (being a gravel area and an asphalt drive) and 29,724± Sq. Ft. is open space. 15,292/45,016=0.3397 or 34% Impervious Space 29,724/45,016=0.6603 or 66% Open Space

This Survey conforms to the Missouri Minimum Standards for Boundary Surveys Accuracy Standards for Type Urban Property.

Maintenance of any area referred to as an easement, drainage easement or detention basin is the responsibility of the property owner.

Each lot shall provide water quality at time of development.

No direct access shall be allowed to National Avenue from Lot 2 or Lot 3.

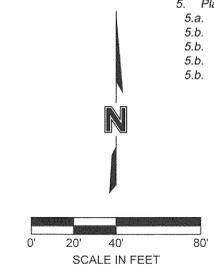
Detention is provided off site as a part of Ironbridge Phase I.

INFORMATION OF FACT

- 1. This survey and plan is based upon the following data and/or exceptions:  
Yes No Item  
a) Deed of Record X Deed Book 2006, Page 59242-06  
b) Filed Maps X See Note 5  
c) Title Search/Binder X Hogan Land Title, Agent for Fidelity National Title Insurance Company, Commitment No.: 1606643, Effective Date June 29, 2016 at 8:00 am  
2. Certified To: Martin Property Management  
This is to certify that, to the best of my knowledge and belief, this map or plan is the result of a field survey performed on August 15, 2016, by me or under my direct supervision, in accordance with the rules and regulations promulgated by the "State Board of Professional Engineers and Land Surveyors". The information depicted hereon, to the best of my knowledge and belief, represents the conditions found at, and as of the date of the field survey, except such improvements or easements, if any below the surface and not visible. Accordingly the undersigned professional is not responsible for the presence of underground utilities or structures, if same are not visible or otherwise disclosed by any aforementioned data listed above.  
3. This survey or plan is made for and certified to the parties named hereon for the purpose(s) stated. No other purpose is intended nor implied. The undersigned professional is neither responsible nor liable for the use of this plan beyond its intended purpose.  
4. The use of the word "certify" or "certification" constitutes an expression of professional opinion regarding those facts or findings which are the undersigned professional's knowledge, information and belief, and in accordance with the commonly accepted procedure consistent with the applicable standards of practice, and does not constitute a warranty or guarantee either expressed or implied.  
5. Plat References:  
5.a. A plat entitled, "Ironbridge Phase VIII", dated October 16, 2003, duly recorded in the Greene County Recorder's Office in Plat Book XX, Page 83  
5.b. A plat entitled, "Ironbridge Phase I", dated September 12, 1996, duly recorded in the Greene County Recorder's Office in Plat Book RR, Page 11.  
5.c. A plat entitled, "Ironbridge Phase II", dated August 16, 1997, duly recorded in the Greene County Recorder's Office in Plat Book SS, Page 14.  
5.d. A plat entitled, "Ironbridge Phase XI", dated April 10, 2008, duly recorded in the Greene County Recorder's Office in Plat Book AAA, Page 10.  
5.e. A plat entitled, "Ironbridge Phase XIII", dated March 6, 2012, duly recorded in the Greene County Recorder's Office in Plat Book AAA, Page 221.

LEGEND

○ Found Iron Monument (As Noted)	⊕ Ex. Sanitary Cleanout
● Set 1/2" Rebar w/Plastic Cap, "LC 366"	⊙ Ex. Sanitary Manhole
⊠ Ex. Air Conditioner	⊙ Ex. Storm Manhole
⊙ Ex. Benchmark	⊙ Ex. Sprinkler Head
⊙ Ex. Bush	⊙ Ex. Telephone Riser
⊙ Ex. Deciduous Tree	⊙ Ex. Underground Gas Sign
⊙ Ex. Electric Box	⊙ Ex. Water Meter
⊙ Ex. Fire Hydrant	⊙ Ex. Water Valve
⊙ Ex. Flared End Section	⊙ Ex. Sanitary Sewer Line
⊙ Ex. Gas Meter	⊙ Ex. Storm Sewer Line
⊙ Ex. Gas Valve	⊙ Ex. Underground Electric
⊙ Ex. Grate Inlet	⊙ Ex. Fiber Optic Line
⊙ Ex. Guy Wire	⊙ Ex. Telephone Line
⊙ Ex. Irrigation Valve	⊙ Ex. Water Line
⊙ Ex. Light Pole	⊙ Ex. Overhead Power Line
⊙ Ex. Power Pole	⊙ Ex. Gas Line
⊙ Ex. Roof Drain	⊙ Ex. Wood Fence
⊙ Proposed Easement	



BASIS OF BEARINGS  
GRID NORTH BASED ON MISSOURI STATE  
PLANE COORDINATE SYSTEM 1983  
CENTRAL ZONE  
DATUM  
ELEVATIONS BASED ON NAVD 88  
BY USE OF  
MODOT CONTINUOUSLY  
OPERATING GNSS RTK NETWORK

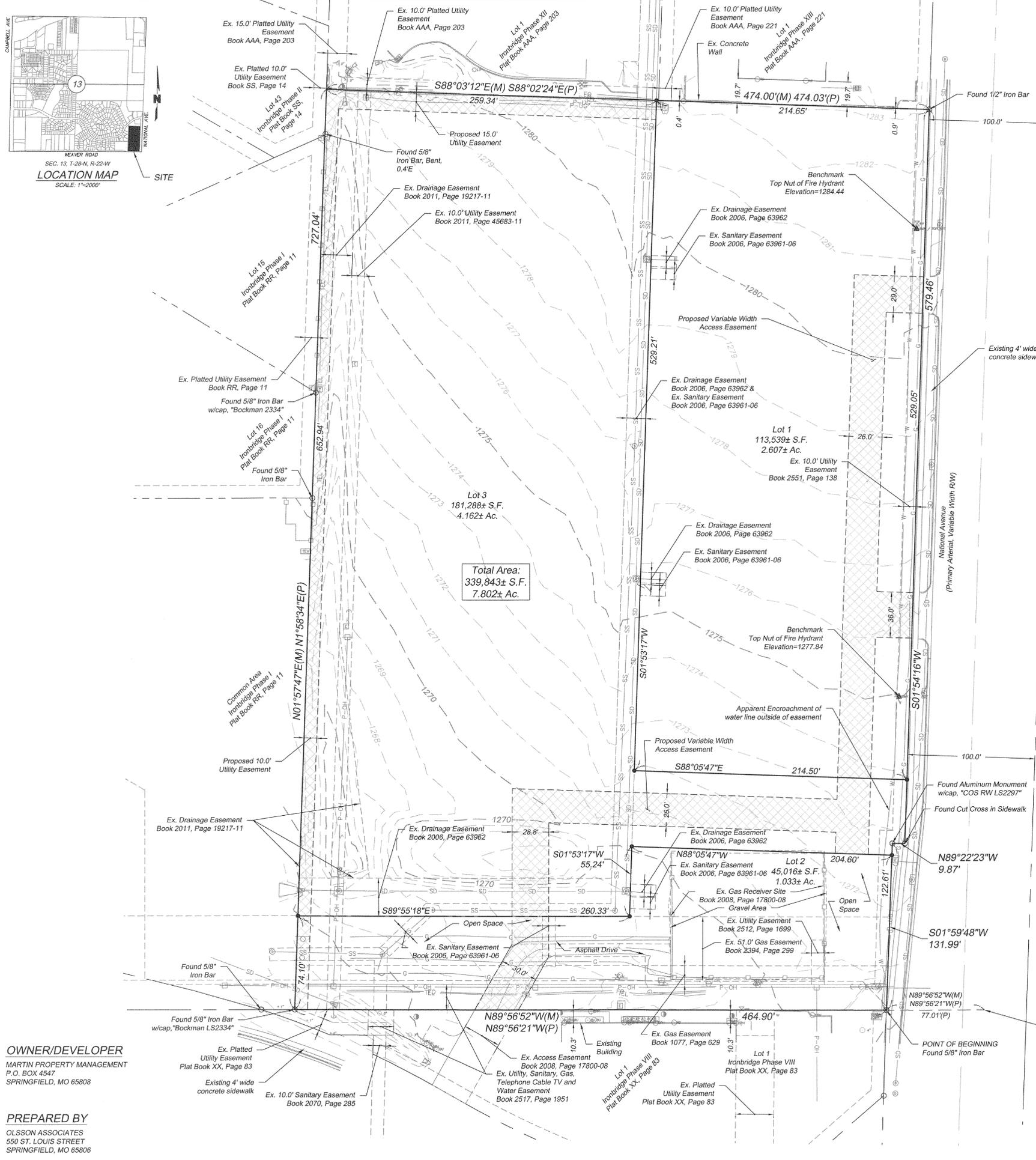
POINT OF COMMENCING  
SE Corner of Sec. 13,  
T-28-N, R-22-W

drawn by: DRC  
surveyed by: DDD  
checked by: RGN  
approved by: RGN  
project no.: 16-2232  
file name: V\_PLT\_62232

DATE	REVISION	BY
09.28.16	Original Preparation	DRC



550 St. Louis St  
Springfield, MO 65806  
TEL 417.890.8802  
FAX 417.890.8805  
www.olssonassociates.com



Total Area:  
339,843± S.F.  
7.802± Ac.

OWNER/DEVELOPER  
MARTIN PROPERTY MANAGEMENT  
P.O. BOX 4547  
SPRINGFIELD, MO 65808

PREPARED BY  
OLSSON ASSOCIATES  
550 ST. LOUIS STREET  
SPRINGFIELD, MO 65806

DEVELOPMENT REVIEW STAFF REPORT  
OFF-STREET PARKING FOR CONVENIENCE FOOD STORES AMENDMENTS

PURPOSE: To amend Subsection 36-455.(2)(b)10., Convenience food stores., in the Zoning Ordinance to modify the off-street parking requirements for convenience food stores.

REPORT DATE: October 25, 2016

APPLICANT: City of Springfield

FINDINGS FOR STAFF RECOMMENDATION:

1. Staff's review of similar regulations in other area communities found that Springfield's requirements are more restrictive than the norm. Adjusting the parking requirements as proposed will not result in an adverse impact on surrounding land uses.
2. 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.

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 off-street parking for convenience food stores at their meeting on October 13, 2016. Staff is proposing to modify the off-street parking requirements for convenience food stores in the Zoning Ordinance.
2. Staff has recently discovered development issues with the current off-street parking requirements for convenience food stores. The current off-street parking requirements require one parking space for each 350 square feet of total building floor area plus one parking space for each two and one-half seats of on-site seating, but not less than ten. Service areas at gas pumps are not to be counted as parking spaces.

3. Staff is proposing amendments that will ultimately reduce the number of required off-street parking spaces for convenience food stores with onsite seating, while providing adequate parking similar to other cities in the area. The City of Fayetteville, Arkansas requires one parking space for each 250 square feet of retail floor area and allows spaces at the pump islands to be counted as required parking spaces. The City of Branson requires one parking space for every four occupants based on occupant loads established by the building code and each fueling bay station or pump may be counted as one parking space. The City of Columbia, Missouri requires one parking space for each 200 square feet of building floor area and also allows parking spaces at gas pumps to be counted toward required parking. By reviewing other surrounding cities in the area, staff believes that the current off-street parking requirements for convenience food stores are excessive.
4. Staff is proposing the following modifications to the parking requirements for convenience food stores:
  - a. Modify the requirement for one parking space for each 350 square feet to one parking space for each 250 square feet (consistent with other retail use parking requirements).
  - b. Remove the separate requirement for one parking space for each two and one-half seats of on-site seating and remove the 10 parking space minimum.
  - c. Allow fueling bays or gas pump spaces to be counted toward the required parking.
5. 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:

November 28, 2016

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
PROPOSED CHANGES TO ZONING ORDINANCE  
OFF-STREET PARKING FOR CONVENIENCE FOOD STORES AMENDMENTS

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

Sec. 36-455. - Off-street parking requirements.

(2) *Required spaces.*

(b) *Business and commercial uses.*

10. Convenience food stores.	One for each <del>3</del> <u>2</u> 50 square feet of total building floor area <del>plus one for each two and one-half seats of on-site seating, but not less than ten.</del> Service areas at gas pumps <del>can</del> <u>shall not</u> be counted as parking spaces.
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ATTACHMENT 2  
FINAL LANGUAGE AFTER PROPOSED CHANGES  
OFF-STREET PARKING FOR CONVENIENCE FOOD STORES AMENDMENTS

Sec. 36-455. - Off-street parking requirements.

(2) *Required spaces.*

(b) *Business and commercial uses.*

10. Convenience food stores.	One for each 250 square feet of total building floor area. Service areas at gas pumps can be counted as parking spaces.
------------------------------	---

ATTACHMENT 3  
EXISTING LANGUAGE IN ZONING ORDINANCE  
OFF-STREET PARKING FOR CONVENIENCE FOOD STORES AMENDMENTS

**Sec. 36-455. - Off-street parking requirements.**

(2) *Required spaces.*

(b) *Business and commercial uses.*

10. Convenience food stores.	One for each 350 square feet of total building floor area plus one for each two and one-half seats of on-site seating, but not less than ten. Service area at gas pumps shall not be counted as parking spaces.
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