Springfield Planning and Zoning Commission

City Council Chambers (830 Boonville)

Date: August 13, 2020
Time: 6:30 p.m.

Members: Randall Doennig (Chair), King Coltrin (Vice-Chairman), Melissa Cox, David Shuler, Dee Ogilvy, Cameron Rose, Joel Thomas, Natalie Broekhoven, and Britton Jobe.

This meeting will be conducted both at 830 N. Boonville Ave. and electronically. The public may observe, physically attend (the number of people gathered will be limited with physical distancing requirements applied) or view at https://cityview.springfieldmo.gov/livestream/.

1. ROLL CALL

2. APPROVAL OF MINUTES

July 16th, 2020

Documents:

PZ MINUTES 7-16-2020.PDF

3. COMMUNICATIONS

City Council Summary July 13th, 2020

Documents:

NA07-13-20.PDF

City Council Summary July 27th, 2020

Documents:

NA07-27-20.PDF

4. CONSENT ITEMS

5. Relinquishment Of Easement 903

281 North Eastgate Avenue, Burks Development Corporation

Documents:

RE 903 SR.PDF

6. Acquisition / Change Of Use 534

3303 West Division Street, City of Springfield

Documents:

ACQUISITION-CHANGE OF USE 534.PDF

7. UNFINISHED BUSINESS

8. PUBLIC HEARINGS

9. Planned Development 375

1452 North Eastgate Avenue, Eastgate Office, LLC

Documents:

PD 375 UPDATED2.PDF

10. Z-17-2020

6177 South Farm Road 189, Frank and Kimberly Steed

Documents:

Z-17-2020 SR REVISED.PDF

11. Z-18-2020

6177 South Farm Road 189, Frank and Kimberly Steed

Documents:

Z-18-2020.PDF

12. Preliminary Plat Of Westgate Subdivision

4202 West Kearney Street, Parrish Land & Development, LLC and ARMA Development, LLC

Documents:

WESTGATESUB SR.PDF

13. OTHER BUSINESS

14. ADJOURN

For items for which the public may speak, the Commission Chairperson will invite anyone

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.

July 16, 2020
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session and Zoom video conferencing in the City Council Chambers.

Roll Call - Present: Randall Doennig, (Chairman), King Coltrin (Vice-Chairman), Natalie Broekhoven, Britton Jobe, Dee Ogilvy, Melissa Cox, Joel Thomas, and Cameron Rose. Absent: David Shuler. Staff in attendance: Bob Hosmer, Planning Manager, Kyle Tolbert, Assistant City Attorney, and Mary Lilly Smith, Planning Director.

MINUTES: The minutes of June 4, 2020 were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Relinquishment of Easement 902
1109 East Chestnut Expressway
Applicant: Community College District of Central Southwest Missouri

King Coltrin recused.

COMMISSION ACTION:
Ms. Cox motioned to **approve** consent item Relinquishment of Easement 902 (1109 East Chestnut Expressway). Mr. Jobe seconded the motion. Ayes: Doennig, Ogilvy, Cox, Rose, Jobe, Thomas, and Broekhoven. Nays: None. Abstain: None. Absent: Shuler. King Coltrin recused.

UNFINISHED BUSINESS:

Planned Development 374
3503, 3521, 3527, & 3535 South Lone Pine Avenue
Applicant: Elevation Enterprises, LLC

Mr. Hosmer stated that this is a request rezone approximately 4.2 acres of property generally located at 3503, 3521, 3527, and 3535 South Lone Pine Avenue from a R-SF, Single-family Residential and LB, Limited Business District and GR, General Retail District to Planned Development 374. The proposed Planned Development 374 is consistent with the Comprehensive Plan which identifies the south portion of the property as appropriate for medium intensity retail, office or housing and the north portion of property as appropriate for low-density housing. The property to the north has been zoned to a Planned Development for office/medical uses. The Transportation Plan classifies Lone Pine as a Secondary Arterial roadway. The Galloway Creek Greenway Trail and Sequiota Park entrance are across Lone Pine to the east of the property. The property is not in a FEMA floodplain. A fee in lieu of on-site stormwater detention will not be allowed. The property is located in a stream buffer area and a stream buffer easement is being granted by the owner (21,000 sf). The subject property is within the Galloway Redevelopment Policy Area (accepted by City Council October 21, 2019). Galloway Redevelopment Policy Area Recommendations Vision Statement, states that… "The Lone Pine corridor will be welcoming for living and commerce. It will emphasize use of human-scale design components typically embodied in a village environment. This includes high-quality development with distinctive architectural features that respect the area's historic context, sensitive to the surrounding developments, in harmony with nature, built into the topography, beautifully landscaped, colorful and offering many common areas for recreation and socializing. The corridor will continue to be a pedestrian-friendly environment where people can easily walk, bicycle, and drive. Private development will emphasize diverse small retail and service businesses, while employing best practices to protect the area's natural resources and amenities, particularly Galloway Creek, Sequiota Park, and the tree canopy." The surrounding uses to the north (PD 264) allow up 10,000 sf for medical and general office uses, to the south allows for general retail uses (multi-family) and to the west allows for single family/church uses. The proposed Planned Development is for a mixed-use development of multi-family and commercial uses (max 12,000 sf.). The Multi-Family Guidelines assessment resulted in a density of 27 dwelling units per acre; however, the applicant has elected to restrict the density to 25 dwelling units per acre

(proposed development is only for 23 du/ac or 100 units). The PD will preserve the existing Treadway Store, Purple Shamrock and Sequiota Bike Shop historic buildings and the applicant has agreed to follow the U.S. Secretary of Interior's Standards for rehabilitation and maintenance. The PD will restrict building heights to 45 feet within 60 feet of Lone Pine and a 60-feet max for other areas or a 45-degree bulk plane adjacent to R-SF (GR has no height restriction but does have 45-degree bulk plane from R-SF). A "Type C" bufferyard adjacent to R-SF to west (minimum of 15 feet wide with plantings). The PD is required to preserve all existing trees of 6" caliper or greater per site plan or replace with 2-inch caliper trees for at least 7 trees per acre. The PD is proposing similar uses per the GR, General Retail District and densities similar to the R-LD/R-MD Multi-Family Districts. GR has no density requirements. Amenities – The development will have a swimming pool, exercise room and resident clubhouse as shown on the site plan. The PD will require sidewalks to be built along Lone Pine per the site plan. The PD requires that Lone Pine Avenue be widened (5') for a northbound left-turn lane to the southern-most entrance to the development and a northbound left-turn lane of a minimum of 150-feet, no further than the railroad right-of-way OR a Traffic Impact Study is approved by the Public Works Department. Staff recommends approval.

Joel Thomas questioned about the Planned Development 264 to the north and asked what the bulk plain requirements were.

Mr. Hosmer was not sure at this time but believes if refers back to the code.

Mr. Doennig opened the public hearing.

Mr. Brent Stevens, representative of the owner and has a passion to develop Galloway and the enhancement of the area and is adopting the Galloway policy and is working with City staff and gave a brief overview.

Mr. Ryan Phillips, representative of the owner and states that they believe they are keeping within the feel of the area and will reuse the existing current buildings for a village feel of the area and enhanced streetscaping.

Ms. Jane Earnhart, representative of the owner, worked on the site design for a natural environment and will protect and preserve the stream buffer, terrain and maintain a majority of trees. The focus of the site design is public safety and the environment (tree canopy) and will have traffic calming on Lone Pine with open space with pervious areas.

Mr. Mitchell Jenkins, owner have used the Galloway policy to make any decisions and believes that it is a vision of a diverse community and creates additional tax revenue for the city.

Mr. Steven Bowen, 3811 S. Weller Avenue (Sam Coryell), has a vested interested in Galloway and questions if this fits the fabric of the community and the buildings along Lone Pine need to adhere to part of community.

Mr. King Coltrin what would they need to meet the fabric of the land.

Mr. Bowen does believe it may meet that fabric of the community but want whatever goes forward to meet those requirements.

Mr. Bryan Bevel, citizen has different view and believes this is a positive for the area and that the developers have listened to the concerns of the neighborhood.

Mr. Matt O'Reilly citizen stated that 24 du/ac is above the design guidelines requirements and is 25% higher than the Township 28 and more than double the 12 du/ac at Quarry Town. He went through information on dwelling units per acre and went over the height/evaluations of the buildings as well as removing a majority of the trees.

Ms. Cristina Bustamante, citizen went over dwelling units per acre and height of the proposed building and believes if exceeds the requirements of the design guidelines and went over the possible financial problems these building may have fiscally.

Mr. Joel Thomas asked for clarification on the rate of square foot.

Ms. Bustamante noted that market rates are 1.25 per square foot on multi-family.

Ms. Marcie Kirkup, citizen and president of the Galloway Neighborhood and believes it does not meet the Galloway policy of incompatible land uses, safety and traffic. She also noted that unknown damage to the park and waterways and needs more investigation on the waterway/neighborhood and traffic and is not opposed to future development.

Mr. Greg Horton, citizen wants the Galloway project and believes it will bring construction jobs and future amenities to the area.

Ms. Melanie Bach, citizen voiced her concerns for traffic issues and noted that the buildings that he wants to reuse/renovate were active businesses before they were sold to Mr. Jenkins.

Mr. Chad Cook, citizen believes the demand for more development and stated that Mr. Jenkins made numerous concessions to accommodate the neighbors and believes the project will continue the village feel and bring businesses.

Ms. Wendy Huscher, citizen expressed her concern for the development and went over all the obstacles they had in order to develop their photograph studio and is not opposed to development, just this development project.

Ms. Anne Baker, citizen 2240 South Lone Pine and owner of the Sequiota Bike Shop and believes Mr. Jenkins has worked with the neighbors and the design team to get a unique development.

Ms. Amy Haymes, citizen voice her concerns on the possible increase in traffic and that people would use the easement across her property to get to the proposed new development and that raises safety concerns.

Mr. Brandon Biskup, developer believes this is an appropriate scale of development along Lone Pine and went over the retaining wall height and believes this increases neighborhood walkability and an asset to the community.

Mr. Doennig closed the public hearing.

Ms. Melissa Cox asked about the monolith appearance and the 4th story buildings in the Galloway Policy.

Mr. Hosmer stated that the developers worked with City staff to meet the guidelines/policies of the Comp Plan and the Galloway Policy including the preservation of the trees and historic structures.

Mr. Joel Thomas noted that the buildings are very close to Lone Pine Avenue and if there are any future plans to widen Lone Pine.

Mr. Hosmer noted that there will be 5' of right-of-way for left turn lanes.

Mr. Derek Estell, Public Works there are dedicating additional ROW along Lone Pine for a total of 70' width

Mr. King asked when the improvements are scheduled.

Mr. Estell the ROW acquisition may be 6 to 12 months and noted the round-about to decrease traffic speed.

Ms. Cox confirmed about the round-about at Lone Pine and Galloway and voiced her concern on traffic (turn lanes) and for the 4-story buildings and that it is hard to vision but will vote in favor of the development.

Mr. Coltrin noted that the developer has made big improvements and advancement in the designs from 2018.

Ms. Broekhoven voiced her concerns about the development not sharing the same low density along the corridor and will be voting no.

Mr. Jobe noted that he is sensitive to the concerns of the neighbors, but believes the development is in line with the guidelines and will be in support.

COMMISSION ACTION:
Ms. Cox motioned to **approve** item Planned Development 374 (3503, 3521, 3527, & 3535 South Lone Pine Avenue). Ms. Ogilvy seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Jobe, Thomas, and Rose. Nays: Broekhoven. Abstain: None. Absent: Shuler.

Vacation 819
Crenshaw Road from Kissick Avenue to Ridgecrest Street
Applicant: City of Springfield

Mr. Hosmer stated that this is a request vacate right of way of Crenshaw Road between South Kissick Avenue and East Ridgecrest Street. The applicant, City of Springfield, is requesting the vacation. The City of Springfield owns all the property on both sides of the proposed vacated street. The City will not be required to dedicate any easements as part of the vacation. The request for vacation meets the approval criteria. Any person objecting may petition the City Council by filing an appeal with the City Clerk Office within 15 days from the date the resolution was passed by the Planning and Zoning Commission. Staff recommends approval.

Approval Criteria		Staff Response
1.	All property owners adjacent to the street, alley, or public way have access to another street, alley or public way.	All adjacent properties have access to other public streets and alleys.
2.	The owners of two-theirs of the property adjacent of the street, alley or public way to be vacated have given their consent to the vacation.	All adjacent property owners have consented to the vacation of the alley.
3.	That the retention of the street, alley, public way or subdivision serves no useful purpose.	It has been determined that the retention of the street is not necessary to the city street system.
4.	That the vacation will not affect the ability to use utilities, public or private.	There are no utilities within the proposed vacation area. Replacement easements will not be required.

Mr. Doennig opened the public hearing.

Mr. Steve Stodden, City Utilities gave his support and history of the area, noting vandalism at the closed James River power station and overpass.

Mr. Chris Jones, City Utilities also noted that vandalism has been occurring at the closed James River power station and believes closing the road will alleviate it.

Mr. Randall Doennig questioned why vacate Crenshaw due to lack of light and closure of the power plant.

Mr. Chris Jones noted that the facility no longer has any staff located there and the vandalism has become an issue.

Ms. Ruth Seboldt, 4410 Westwind Drive, Ozark uses Crenshaw Road has had several near close calls and noted the blind intersection and does not want to road to be vacated.

Ms. Natalie Broekhoven asked if keeping Crenshaw open will mitigate accidents.

Ms. Ruth Sebodlt stated that it would eliminate the dangerous intersection.

Mr. Randall Doennig asked if there are any streetlights and if it is adequate.

Ms. Ruth Sebodlt stated that there are streetlights on the east side, but not adequate.

Mr. Douglas Hays, citizen has clients traveling that route to get to his clinic and stated that it has blind corners and when they had the road closed for maintenance if cause many problems.

Mr. Doennig closed the public hearing.

Mr. King would like the City to request City Utilities to make the intersection safer.

COMMISSION ACTION:
Ms. Cox motioned to **approve** item Vacation 819 (Crenshaw Road from Kissick Avenue to Ridgecrest Street). Mr. Jobe seconded the motion. Ayes: Coltrin, Rose, Cox, Jobe, and Thomas. Nays: Doennig, Ogilvy, and Broekhoven. Abstain: None. Absent: Shuler.

Z-12-2020
405 North Jefferson Avenue
Applicant: Missouri State Board of Governors and Vecino Group

Melissa Cox recused.

Mr. Hosmer stated that this is a request to rezone approximately 5.3 acres of property generally located at 410, 414 and 430 N. Boonville Avenue, 310 E. Phelps Street and 405 N. Jefferson Avenue from a HM, Heavy Manufacturing District to CC, Center City District. This application is consistent with the Comprehensive Plan, which identifies the subject property as appropriate for Greater Downtown uses. The Center City District is listed as an appropriate zoning district for this land use category. The adjacent properties are mostly zoned for Center City uses. In addition, the majority of these properties are utilized for commercial, office or industrial purposes which is consistent with the intent of the Center City District. The Transportation Plan classifies Jefferson Avenue as a Secondary Arterial roadway, Phelps Street as a Local roadway, and Boonville Avenue as Collector roadway. A Traffic Impact Study is required to be submitted. Any roadway improvements required will be defined in the Traffic Impact Study. The property is located in a FEMA designated floodplain. A fee in lieu of on-site stormwater detention is not applicable as the site is already built out. The property is not located in a stream buffer area. Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Jane Earnhart, developer here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** item Z-12-2020 (405 North Jefferson Avenue). Mr. King seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Rose, Jobe, Thomas, and Broekhoven. Nays: None. Abstain: None. Absent: Shuler. Melissa Cox recused.

Z-13-2020 w/COD #186
3221 West Kearney Street
Applicant: The Agron H. Selencia & Lele L. Selenica Family Trust

Mr. Hosmer stated that this is a request to rezone approximately 10.41 acres of the full 14.78 acres of property generally located at 3221 W. Kearney Street from HC, Highway Commercial District to R-MD, Medium-Density Multifamily Residential District and establishing Conditional Overlay District No. 186. The Comprehensive Plan identifies the area to be rezoned as appropriate for medium- or high-density housing. The proposed R-MD, Medium-Density Multifamily Residential District is recognized as an appropriate zoning designation for this area. City's Transportation Plan classifies Kearney Street as a Primary Arterial roadway and Cresthaven Avenue as a Collector roadway. There is a proposed future collector roadway on the northside of the property. A Traffic Impact Study was not required as the change in zoning did not generate an additional 1,000 trips per day or 100 trips during the am or pm peaks. The property is not located in a FEMA floodplain. A fee in lieu of on-site stormwater detention is not allowed. The property is not located in a stream buffer area. The proposed Conditional Overlay District will limit the multifamily development within the R-MD District to a maximum of 11 dwelling units per acre. The property shall be subdivided in compliance with the major subdivision process and conform to the proposed zoning district lines as depicted in Attachment 4. The applicant shall dedicate 50 feet of public right-of-way along the full length of the north property

line for the future construction of a collector street. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, developer, requesting down zoning for limited 11 du/ac and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** item Z-13-2020 w/COD #186 (3221 West Kearney Street). Ms. Ogilvy seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Jobe, Thomas, and Broekhoven. Nays: None. Abstain: None. Absent: Shuler.

PUBLIC HEARINGS:

Z-14-2020
1738 West Sunshine Street
Applicant: Sunshine TP, LLC

Cameron Rose and King Coltrin recused.

Mr. Hosmer stated that this a request to rezone approximately 1.04 acres of property generally located at 1738 West Sunshine Street from R-TH, Residential Townhouse District to LB, Limited Business District. This application is consistent with the Comprehensive Plan, which identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. The Transportation Plan classifies Sunshine Street as a primary arterial and Kansas Expressway as an Expressway. Lexington Avenue is classified as a local roadway. A Traffic Impact Study was not required as the change in the Trip Generation Rate did not exceed 100 trips in the am or pm peak or 1,000 trips daily. The property is not located in a FEMA designated floodplain. A fee in lieu of on-site stormwater detention is not allowed, and detention will be required. The property is not located in a stream buffer area. The LB district serves as a transition between the commercial uses across Sunshine Street and to the residential uses to the south and east. The LB district is the least intense commercial zoning district and requires a 30-degree bulk plane from the boundary of R-SF and R-TH districts. The LB district limits individual retail stores, personal services use to 5,000 square feet per use. Restaurants with a drive-in, pick-up window, or drive-thru facilities and financial institutions with an ATM or drive-through are not allowed unless approved by a Conditional Use Permit. A 15-ft bufferyard with plantings of one canopy tree, one understory tree, two evergreen trees and ten shrubs per one-hundred linear feet are required adjacent to R-SF properties to the south and west. Staff recommends approval.

Ms. Cox if it also excludes gas stations, drive-throughs, etc.

Mr. Hosmer stated that no drive-through is allowed.

Mr. Doennig opened the public hearing.

Mr. Christopher Wynn, representative, asking to rezone to limited business and stated that this is consistent with the Comprehensive Plan, noting that Kansas Expressway and Sunshine Road is the 6th busiest intersection in the City. All utilities and stormwater will be directed towards the north and will do a light test and noted that all neighbors noted their concerns regarding traffic in and out of the neighborhood.

Mr. Erick Henry, 1839 S. Lakeshore voiced his concerns and opposition to the rezoning noting the dangerous intersection and that it does not benefit the community.

Ms. Rebecca Welsh, 1806 W. Washita noted that this is a 90 year old subdivision with very old and mature trees, narrow lanes (streets) and voices her concern regarding the busy intersection and that traffic would be directed in and out of the neighborhood and would like it to remain Residential Townhouse District.

Mr. Stephen Allen, citizen stated that he lives in a 73-year old home and that the neighborhood is beautiful is opposed to the proposal and asked about having an impact study completed.

Mr. Biff Hansen, 1860 S. Lakeshore said that this is small neighborhood with no sidewalks or curbs and that Residential Townhouse District is appropriate for families and stated that there will be no east bound access.

Mr. Garry Warren, citizen went over neighborhood specifics and voiced his concern for the traffic problems.

Ms. Susan Goodman, citizen gave out neighborhood history and believes the development is ill planned and is in opposition.

Mr. Doennig closed the public hearing.

Ms. Cox asked about the length from South Lexington Avenue to the intersection.

Mr. Hosmer believes it is approximately 261' and that it only a driveway requires 200'.

Mr. Thomas noted that there is no site plan provided and if limited business can put in townhomes.

Mr. Hosmer noted that they could put in townhomes or multi-family.

Bob stated that this is straight rezoning, so they do not have to have a site plan.

Mr. Randall Doennig asked about Washita to Kansas Expressway.

Mr. Derek Estell stated that it is blocked off.

Mr. Randall Doennig voiced his concern about a pathway to an older neighborhood abutting against a major street and traffic into the neighborhood without sidewalks or curbs and will not support the project.

Ms. Dee Ogilvy stated that she will not support this project due to traffic concerns within the neighborhood.

Mr. Jobe stated that he will vote in support of the project and asked if the developer could resubmit with a Conditional Over District (COD).

Mr. Hosmer noted that there are restrictions within 6 months and could not apply for same business/zoning.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** item Z-14-2020 (1738 West Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Jobe and Thomas. Nays: Doennig, Ogilvy, Broekhoven, and Cox. None. Abstain: None. Absent: Shuler. Cameron Rose and King Coltrin recused. **Motion failed.**

Z-15-2020
618 North Benton Avenue
Applicant: Advocates for a Healthy Community, Inc.

Mr. Hosmer stated that this a request to rezone approximately 1.08 acres of property generally located at 618 North Benton Avenue from HM, Heavy Manufacturing and GI, Governmental and Institutional Use District to CC, Center City. The Comprehensive Plan designates the subject property as appropriate for Community-Public land uses. Jordan Valley Community Health Clinic intends to build an expansion to the existing clinic. The CC district supports a mixed-uses as envisioned in the Idea Commons Plan and the Jordan Valley Park Concept Plan and Design Guidelines. Transportation Plan classifies Benton Avenue as a Secondary Arterial roadway, Chestnut Expressway as an Expressway roadway, and Jones

Avenue as a local roadway. The property is not located in a FEMA designated floodplain. A fee in lieu of on-site stormwater detention will be allowed. The property is not located in a stream buffer area. The rezoning will consolidate Jordan Valley Health Clinic facilities into one zoning district. Staff recommends approval.

Mr. Coltrin asked how this helps.

Mr. Hosmer stated that they want all the same zoning and expansion will not be allowed.

Mr. Doennig opened the hearing.

Mr. Derek Lee, 1200 E. Woodhurst noted that they want to consolidate and have more control over their property.

Mr. Doennig closed the hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** item Z-15-2020 (618 North Benton Avenue). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Jobe, Thomas, and Broekhoven. Nays: None. Abstain: None. Absent: Shuler.

Z-16-2020
3146 South Golden Avenue
Applicant: OIP Golden, LLC

Mr. Hosmer stated that this is a request rezone approximately 5 acres of property generally located at 3146 South Golden Avenue from GM, General Manufacturing to O-1, Office District and establishing Conditional Overlay District No. 188. This application is consistent with the Comprehensive Plan which designates the subject property as appropriate for Light Industrial, Office and Office-Warehouse. Manufacturing, assembly, office and warehousing activities are included in this category. The Transportation Plan classifies Golden Avenue as a secondary arterial. The property is not located in a FEMA designated floodplain. A fee in lieu of on-site stormwater detention is not allowed, and detention will be required. The property is not located in a stream buffer area. The O-1 district is designed to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas. A Traffic Impact Study shall be submitted at the time of development based on the actual use of the property. Any improvements required based on the study will be required to be constructed or funds escrowed prior to the issuance of a building permit. Staff recommends approval.

Mr. Doennig opened the public hearing.

Derek Lee, 1200 E. Woodhurst Drive representing the owner, noted that churches are allowed, but not schools and the church and school want to share and there will be no change to the exterior and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** item Z-16-2020 (3146 South Golden Avenue). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Jobe, Thomas, and Broekhoven. Nays: None. Abstain: None. Absent: Shuler.

Conditional Use Permit 444
423, 501 & 503 West Olive Street
Applicant: Ross Williams Architects

Cameron Rose recused.

Applicant has requested that Conditional Use Permit 444 be tabled to the next Planning and Zoning meeting on August 13, 2020.

COMMISSION ACTION:
Ms. Cox motioned to **TABLE** item Conditional Use Permit 444 (423, 501 & 503 West Olive Street). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Jobe, Thomas, and Broekhoven. Nays: None. Abstain: None. Absent: Shuler. Cameron Rose recused.

Conditional Use Permit 445
2706 West Chestnut Expressway
Applicant: Pearstone, LLC

Mr. Hosmer stated that this is a request to allow a warehousing and storage facility within a CS, Commercial Service District generally located at 2706 West Chestnut Expressway. The Comprehensive Plan identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing. City's Transportation Plan classifies Chestnut Expressway as an Expressway. A traffic study is not required. The property is not located in a FEMA designated floodplain. A fee in lieu of on-site stormwater detention is not applicable as the site is all built out. The property is not located in a stream buffer area. The applicant had an approved Conditional Use Permit for warehousing and storage facility but its expired November 13, 2017. Staff has reviewed the applicant's new request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits. Approval of this request will provide for the productive reuse of existing buildings on the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Billy Kimmons, representative noted that due to unforeseen issues the CUP had expired.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** item Conditional Use Permit 445 (2706 West Chestnut Expressway). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Jobe, Thomas, and Broekhoven. Nays: None. Abstain: None. Absent: Shuler.

Preliminary Plat of Firestone Springfield Addition
216 East Weaver Road
Applicant: McKeen Trust, c/o Gene McKeen

Mr. Hosmer stated that this is a request to approve a two-lot commercial subdivision on 2.8 acres of property located at 216 East Weaver Road. The Comprehensive Plan identifies this as an appropriate area for High Intensity Retail, Office or Housing. The Transportation Plan classifies Campbell Avenue as an Expressway and Weaver Road as a Secondary Arterial which supports the proposed land use. The property is not located in a FEMA designated floodplain. A fee in lieu of on-site stormwater detention is not allowed, and detention will be required. The property is not located in a stream buffer area. The property is currently zoned GR, General Retail District. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department. If Planning and Zoning Commission approves the preliminary plat, 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. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Bob Gage, representative wants to subdivide the access easement across the property and one west of Weaver Road.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** item Preliminary Plat of Firestone Springfield Addition (216 East Weaver Road). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Jobe, Thomas, and Broekhoven. Nays: None. Abstain: None. Absent: Shuler.

Kansas at Grand Subdivision Variance
1720 West Grand Street
Applicant: College of the Ozarks

King Coltrin recused.

Mr. Hosmer stated that this is a request to approve a variance from the subdivision regulations section 36-0251(4) located at 1720 West Grand Street. The applicant is proposing to replat approximately 11.53 acres into a four-lot commercial subdivision. The applicant is requesting a variance from Section 36-251(4) of the Subdivision Regulations, which requires a minimum distance of 200 feet from the nearest right-of-way line of any intersection street to the edge of driveway, and from edge of driveway to edge of driveway, on Primary Arterials (Grand). The applicant wants to maintain the access point that is approximately 166 feet from the nearest right-of-way line of the intersection of Kansas and Grand. If approved; Staff recommends the following conditions of the variance:

- The re-design of the access point as a right-in/right-out access point shall be reviewed and approved by the Director of Public Works, or his designee.
- The access point will be temporarily closed until the right-in/right-out access point is constructed.
- The replat will remove the plat note stating, "No direct vehicular access permitted to Grand Avenue west of this point" and replaced with a note referencing the variance.
- All required improvements will be built or escrowed before the recording of this plat.

The conditions of the variance, if approved, must be satisfied within one year of its approval. Staff recommends approval.

Mr. Randall Doennig opened the public hearing.

Mr. Dane Seiler, representative noted that this was part of the plat one year ago and wants to close the entrance for full access.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** item Kansas at Grand Subdivision Variance (1720 West Grand Street). Mr. Jobe seconded the motion. Ayes: Doennig, Ogilvy, Cox, Rose, Jobe, Thomas, and Broekhoven. Nays: None. Abstain: None. Absent: Shuler. King Coltrin recused.

Noted Agenda
City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers	**General Councilmembers**
Phyllis Ferguson, Zone 1	Jan Fisk, General A
Abe McGull, Zone 2	Craig Hosmer, General B
Mike Schilling, Zone 3	Andrew Lear, General C
Matthew Simpson, Zone 4	Richard Ollis, General D

Upcoming Council Meeting Agenda
July 13, 2020 - 6:30 p.m.

This meeting will be conducted both at 830 N. Boonville Ave. and electronically. The public may observe, physically attend (the number of people gathered will be limited to fewer than 25 per space with physical distancing requirements applied) or viewed at https://cityview.springfieldmo.gov/livestream/.

Speakers must sign up with the City Clerk no later than 5:00 p.m. the Friday before the meeting to speak to an issue on the agenda. Citizens wishing to submit comments to City Council may do so at https://www.springfieldmo.gov/FormCenter/City-Council-6/Citizen-Comment-Form-for-Regular-Springf-368.

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. JUNE 29, 2020 CITY COUNCIL MEETING AND JUNE 30, 2020 SPECIAL CITY COUNCIL MEETINGS.**

Approved as Amended — **3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST NOTIFY THE CITY CLERK BY 5:00 P.M. ON FRIDAY, July 10, 2020.**

Persons addressing City Council will be escorted to a monitored computer and address City Council via Zoom. Please clearly state your name and address before speaking.

All meetings are recorded.

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

4. CEREMONIAL MATTERS.

5. CITY MANAGER REPORT, PUBLIC HEALTH DIRECTOR 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.

27349 7. Council Bill 2020-147 (Ollis)

A Special Ordinance approving the plans and specifications for the construction of Landfill Facility Improvement, Phases 1, 2, and 3, at the Noble Hill Sanitary Landfill; accepting the bid of Carson-Mitchell, Inc., in the amount of $5,016,632.00 for the project; authorizing the City Manager, or his designee, to enter into contracts necessary for completion of said Landfill Facility Improvements; and approving a budget adjustment for the amount of the bid, plus a contingency, to amend the budget for the Department of Environmental Services Solid Waste Fund for Fiscal Year 2020-2021 by appropriating reserves of said fund in the amount of $6,250,000.00.

6605 8. Council Bill 2020-148 (McGull)

A General Ordinance amending the Springfield City Code, Chapter 2, ‘Administration,’ Article VI, ‘Finances,’ Division 2, ‘Purchasing,’ Section 2-401, ‘Purchasing Manual adopted,’ by adding Section 13-3.104(5)(C) for the purpose of allowing the use of the “Construction Manager at Risk ” contracting processes.

27350 9. Council Bill 2020-149 (Simpson)

A Special Ordinance approving the plans and specifications for the Battlefield Road and Delaware Avenue Signal Replacement Project; accepting the bid of Ewing Signal Construction, LLC, in the amount of $125,773.33 for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

6606 10. Council Bill 2020-150 (Hosmer)

A General Ordinance amending the Springfield City Code, Chapter 54, ‘Fire Prevention and Protection,’ Article II, ‘Fire Prevention Code,’ Section 54-32, ‘Amendments and additions,’ by adding specific local amendments to Section 320 of the 2018 International Fire Code, relating to Landscaping Materials.

27351 11. Council 2020-153 (McGull)

A Special Ordinance approving the final development plan of Planned Development District No. 298, on 44.70 acres generally located at 3414 East Chestnut Expressway. (Planning and Zoning Commission and Staff recommend approval.)

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

Failed **13. Council Bill 2020-157 (Lear)**

A Resolution granting a new liquor license to sell retail liquor in the original package, including Sunday sales, to SKT, LLC, d/b/a AM PM Food Mart, for their location at 529-531 South Grant Avenue, Springfield, Missouri.

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

27352 **15. Council Bill 2020-158 (McGull)**

A Special Ordinance amending the budget of the Springfield-Greene County Health Department for Fiscal Year 2020-2021 in the amount of $2,184,000.00 to appropriate funds from the Public Health Fund balance to provide additional staff to respond to COVID-19; and declaring an emergency pursuant to City Charter Section 2.12.

Amended 6607 **16. Council Bill 2020-159 (Council)**

A General Ordinance amending the Springfield City Code, Chapter 58, 'Health and Sanitation,' by adding a new Article XIII, 'COVID-19 pandemic,' to add regulations related to Face Coverings, occupancy limits, and physical distancing to respond to the COVID-19 pandemic; and declaring an emergency pursuant to City Charter Section 2.12.

17. PUBLIC IMPROVEMENTS.

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

27353 **19. Council Bill 2020-160 (Simpson)**

A Special Ordinance authorizing the City Manager, or his designee, to apply for and accept a grant in the amount of $300,000, from the Environmental Protection Agency for the purpose of providing supplemental funds to the City's Brownfields Revolving Loan Fund Program and to enter into contracts to carry out the grant objectives; and amending the budget provided for the Planning and Development Department for Fiscal Year 2020-2021 in the amount of $300,000.

20. AMENDED BILLS.

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

22. Council Bill 2020-161 (McGull)

A Special Ordinance approving a Petition to Establish the Glenstone and Kearney Community Improvement District; declaring the 4.54 acres in said District to be a blighted area and its redevelopment necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare; authorizing the City Manager to execute a Cooperative Agreement between the City, the Glenstone and Kearney Community Improvement District, and Missouri Commercial Development, LLC; and directing the City Clerk to notify the Missouri Department of Economic Development of the creation of the District. (Staff recommends approval.)

23. Council Bill 2020-162 (Ferguson)

A Special Ordinance approving a Petition to Establish the Kay Pointe Place Community Improvement District; authorizing the City Manager to execute a Cooperative Agreement between the City and the Kay Pointe Place Community Improvement District, and Carleton Resources, LLC; and directing the City Clerk to notify the Missouri Department of Economic Development of the creation of the District. (Staff recommends approval.)

24. Council Bill 2020-163 (Schilling)

A Special Ordinance approving a Petition to Establish the Ridge at Ward Farm Community Improvement District; authorizing the City Manager to execute a Cooperative Agreement between the City, the Ridge at Ward Farm Community Improvement District, and RW Developments, LLC; and directing the City Clerk to notify the Missouri Department of Economic Development of the creation of the District. (Staff recommends approval.)

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

26. Council Bill 2020-164 (Ferguson)

A Special Ordinance approving the plans and specifications for the Commercial Street Parking Lot and Pedestrian Alleyway Improvement Project; accepting the bid of Hunter Chase & Associates, Inc., in the amount of $522,660.40, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

27. Council Bill 2020-165 (Ferguson)

A Special Ordinance authorizing the City Manager, or his designee, to accept a donation of mosaic artwork valued at $15,000.00 from the Commercial Club of Springfield, Missouri, for inclusion in sidewalk construction and enhancement in the Commercial Street area.

28. Council Bill 2020-166 (Ferguson)

A Special Ordinance authorizing expenditures from the Commercial Street Tax Increment Financing Special Allocation Fund for public improvement projects within the Commercial Street Tax Increment Financing District in the amount of $66,000, which had previously been allocated for the Commercial Street TIF Façade Loan Program. (Staff recommends approval.)

29. Council Bill 2020-167 (Ollis)

A Special Ordinance amending the Fiscal Year 2019-2020 operating budget of the City of Springfield by increasing both revenue and expenses in the amount of $368,028.00, in various Special Revenue and Capital Project Funds, for the purpose of accounting for certain reimbursements and associated offsetting expenses.

30. Council Bill 2020-168 (Hosmer)

A Special Ordinance amending the Fiscal Year 2019-2020 operating budget of the City of Springfield in the General Fund by increasing both revenue and expenses in the amount of $146,511.00, for the purpose of adjusting for certain reimbursements and associated offsetting expenses as well as adjusting the salary budget for retirement payouts.

31. Council Bill 2020-169 (McClure)

A Special Ordinance authorizing the General Manager of City Utilities of Springfield, Missouri ("City Utilities"), or his designee, on behalf of City Utilities to enter into an agreement with BKD, LLP, to provide professional auditing services to City Utilities for Fiscal Years 2020-2024. If City Utilities is unsuccessful at negotiating the terms and conditions of such a contract with BKD, LLP, then City Utilities will move to do so with RSM US, LLP.

Removed from the Consent Agenda First Reading Bills

31.5 Council Bill 2020-171 (Simpson)

A Special Ordinance authorizing the City Manager, or his designee, to accept a donation of 700 railroad ties, valued at $17,780.00, from BSB Tie Company to be used by the Springfield Police Department to improve safety in their training shoot house.

32. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

33. NEW BUSINESS.

34. UNFINISHED BUSINESS.

35. MISCELLANEOUS.

36. CONSENT AGENDA – FIRST READING BILLS. See Item #3.

37. Council Bill 2020-170 (Ferguson)

A Special Ordinance authorizing the City Manager, or his designee, to enter into a Cost Share Agreement with Springfield Public Schools to share the costs associated with sidewalk construction along Smith Street, near Hillcrest High School, with the City's expected contribution to be $21,335; and amending the budget of the Department of Public Works for Fiscal Year 2020-2021 in the amount of $21,335 to appropriate Springfield Public Schools' contribution to the costs.

Removed and Placed Under First Reading Bills

38. Council Bill 2020-171 (Simpson)

A Special Ordinance authorizing the City Manager, or his designee, to accept a donation of 700 railroad ties, valued at $17,780.00, from BSB Tie Company to be used by the Springfield Police Department to improve safety in their training shoot house.

39. CONSENT AGENDA – ONE READING BILLS. See Item #3.

10515 40. Council Bill 2020-172 (Fisk)

A Resolution acknowledging the appointment of Matt Pearce by the Republic School District to the Tax Increment Finance Advisory Commission.

10516 41. Council Bill 2020-173 (Ferguson)

A Resolution approving the reappointment of John L. Hulston and John P. Hulston to the Kansas and Kearney Community Improvement District Board of Directors. (Staff recommends approval.)

42. CONSENT AGENDA – SECOND READING BILLS. See Item #3.

27354 43. Council Bill 2020-151 (Schilling)

A Special Ordinance authorizing the City Manager, or his designee, to enter into an Agreement for Encroachment License with Three-D Development, LLC, for the purpose of allowing an encroachment onto City rights-of-way for the placement of a ramp and landing that meets Americans with Disabilities Act guidelines on property located at 401 South Avenue, under the same terms and conditions as encroachments are permitted on City rights-of-way under Chapter 98, Article VII of the Springfield City Code.

27355 44. Council Bill 2020-152 (Simpson)

A Special Ordinance authorizing the City Manager, or his designee, to accept a grant for $500.00 from the Lennie Cloud Fund for the Hearing Impaired, administered through the Community Foundation of the Ozarks, to provide free smoke alarms for the deaf and hard of hearing.

27356 **45. Council Bill 2020-154 (McGull)**

A Special Ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Kirkland Commons, generally located at 3502 East Chestnut Expressway, 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 all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

27357 **46. Council Bill 2020-155 (Ferguson)**

A Special Ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of IDEA Commons, generally located at 405 North Jefferson Avenue and 410 North Boonville 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 all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

27358 **47. Council Bill 2020-156 (McGull)**

A Special Ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat Renewal of Catalpa Cottages, generally located at the 2300 block of East Catalpa Street, 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 all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

48. END OF CONSENT AGENDA.

49. ADJOURN.

Noted Agenda
City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers	**General Councilmembers**
Phyllis Ferguson, Zone 1	Jan Fisk, General A
Abe McGull, Zone 2	Craig Hosmer, General B
Mike Schilling, Zone 3	Andrew Lear, General C
Matthew Simpson, Zone 4	Richard Ollis, General D

Upcoming Council Meeting Agenda
July 27, 2020 - 6:30 p.m.

This meeting will be conducted both at 830 N. Boonville Ave. and electronically. The public may observe, physically attend (the number of people gathered will be limited to fewer than 25 per space with physical distancing requirements applied) or viewed at https://cityview.springfieldmo.gov/livestream/.

Speakers must sign up with the City Clerk no later than 5:00 p.m. the Friday before the meeting to speak to an issue on the agenda. Citizens wishing to submit comments to City Council may do so at https://www.springfieldmo.gov/FormCenter/City-Council-6/Citizen-Comment-Form-for-Regular-Springf-368.

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. JULY 13, 2020 CITY COUNCIL MEETING AND JULY 13, 2020 SPECIAL CITY COUNCIL MEETINGS.**

Approved as Presented — **3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST NOTIFY THE CITY CLERK BY 5:00 P.M. ON SUNDAY, JULY 26, 2020.**

Persons addressing City Council will be escorted to a monitored computer and address City Council via Zoom. Please clearly state your name and address before speaking.

All meetings are recorded.

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

4. CEREMONIAL MATTERS.

5. CITY MANAGER REPORT, PUBLIC HEALTH DIRECTOR 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.

27359 7. Council Bill 2020-161 (McGull)

A Special Ordinance approving a Petition to Establish the Glenstone and Kearney Community Improvement District; declaring the 4.54 acres in said District to be a blighted area and its redevelopment necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare; authorizing the City Manager to execute a Cooperative Agreement between the City, the Glenstone and Kearney Community Improvement District, and Missouri Commercial Development, LLC; and directing the City Clerk to notify the Missouri Department of Economic Development of the creation of the District. (Staff recommends approval.)

27360 8. Council Bill 2020-162 (Ferguson)

A Special Ordinance approving a Petition to Establish the Kay Pointe Place Community Improvement District; authorizing the City Manager to execute a Cooperative Agreement between the City and the Kay Pointe Place Community Improvement District, and Carleton Resources, LLC; and directing the City Clerk to notify the Missouri Department of Economic Development of the creation of the District. (Staff recommends approval.)

27361 9. Council Bill 2020-163 (Schilling)

A Special Ordinance approving a Petition to Establish the Ridge at Ward Farm Community Improvement District; authorizing the City Manager to execute a Cooperative Agreement between the City, the Ridge at Ward Farm Community Improvement District, and RW Developments, LLC; and directing the City Clerk to notify the Missouri Department of Economic Development of the creation of the District. (Staff recommends approval.)

27362 10. Council Bill 2020-164 (Ferguson)

A Special Ordinance approving the plans and specifications for the Commercial Street Parking Lot and Pedestrian Alleyway Improvement Project; accepting the bid of Hunter Chase & Associates, Inc., in the amount of $522,660.40, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

27363 **11. Council Bill 2020-165 (Ferguson)**

A Special Ordinance authorizing the City Manager, or his designee, to accept a donation of mosaic artwork valued at $15,000.00 from the Commercial Club of Springfield, Missouri, for inclusion in sidewalk construction and enhancement in the Commercial Street area.

27364 **12. Council Bill 2020-166 (Ferguson)**

A Special Ordinance authorizing expenditures from the Commercial Street Tax Increment Financing Special Allocation Fund for public improvement projects within the Commercial Street Tax Increment Financing District in the amount of $66,000, which had previously been allocated for the Commercial Street TIF Façade Loan Program. (Staff recommends approval.)

27365 **13. Council Bill 2020-167 (Ollis)**

A Special Ordinance amending the Fiscal Year 2019-2020 operating budget of the City of Springfield by increasing both revenue and expenses in the amount of $368,028.00, in various Special Revenue and Capital Project Funds, for the purpose of accounting for certain reimbursements and associated offsetting expenses.

27366 **14. Council Bill 2020-168 (Hosmer)**

A Special Ordinance amending the Fiscal Year 2019-2020 operating budget of the City of Springfield in the General Fund by increasing both revenue and expenses in the amount of $146,511.00, for the purpose of adjusting for certain reimbursements and associated offsetting expenses as well as adjusting the salary budget for retirement payouts.

27367 **15. Council Bill 2020-169 (McClure)**

A Special Ordinance authorizing the General Manager of City Utilities of Springfield, Missouri (“City Utilities”), or his designee, on behalf of City Utilities to enter into an agreement with BKD, LLP, to provide professional auditing services to City Utilities for Fiscal Years 2020-2024. If City Utilities is unsuccessful at negotiating the terms and conditions of such a contract with BKD, LLP, then City Utilities will move to do so with RSM US, LLP.

27368 **16. Council Bill 2020-171 (Simpson)**

A Special Ordinance authorizing the City Manager, or his designee, to accept a donation of 700 railroad ties, valued at $17,780.00, from BSB Tie Company to be used by the Springfield Police Department to improve safety in their training shoot house.

17. RESOLUTIONS. Citizens May Speak. May Be Voted On.

10517 18. Council Bill 2020-174 (Schilling)

A resolution delaying the acceptance and processing of applications for demolition, new construction, re-platting of property, including lot combinations, and rezoning for a period of one hundred eighty (180) days from the date of passage of this Resolution for those properties which abut the Grant Avenue Parkway Area, to allow time to seek input from area residents, property owners, design professionals and interested citizens regarding the Grant Avenue Parkway concept design and for staff to present a report to City Council regarding the Parkway concept, development constraints and opportunities in this area.

19. EMERGENCY BILLS.

20. PUBLIC IMPROVEMENTS.

21. GRANTS.

22. AMENDED BILLS.

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

24. Council Bill 2020-175 (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning approximately 5 acres of property generally located at 3146 South Golden Avenue from GM, General Manufacturing to O-1, Office District; establishing Conditional Overlay District No. 188; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: OIP Golden, LLC; 3146 South Golden Avenue; Z-16-2020 w/COD #188.)

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

26. Council Bill 2020-176 (Council)

A general ordinance amending the Springfield City Code Chapter 74, ‘Nuisance and Housing Code,’ Article I, ‘In General,’ Section 74-1, to redefine ‘Lead-bearing substance’ and ‘Lead hazard’ to cross-reference definitions in state law, and Article IV, ‘Lead Poisoning,’ Section 74-171, to replace “elevated blood lead toxicity” with “lead poisoning,” and Section 74-178, to delete “lead toxicity” as redundant to “lead poisoning.”

27. Council Bill 2020-177 (Lear)

A special ordinance declaring the necessity of condemning rights-of-way over, under, and through the properties herein described for the purpose of constructing and maintaining sanitary sewers in the Hunt Branch Trunk Sewer Project, #5PW5716; and authorizing certain officers, or their designees, to do all things necessary to carry out the terms of this Ordinance.

28. Council Bill 2020-178 (Ferguson)

A special ordinance approving the plans and specifications for the West Meadows Trail and Parking Lot Improvements, Plan No. 2018PW0077; accepting the bid of Emery Sapp & Sons, Inc., in the amount of $405,508.60, for construction of said project; and authorizing the City Manager, or his designee, to enter into an agreement with such bidder.

29. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

APPEARED	Melanie Taylor
DID NOT APPEAR	Jerusha Azjita
APPEARED	Michael Hasty
DID NOT APPEAR	Eric Harleman
APPEARED	Amanda Douglas
APPEARED	Melissa Garrett
APPEARED	Debra Buckner
DID NOT APPEAR	Dustin Gavisk
APPEARED	Marc Falmer
DID NOT APPEAR	Aviah LaBrie
DID NOT APPEAR	Dixie George
APPEARED	Jim Palmisano
DID NOT APPEAR	Amanda Newsom
DID NOT APPEAR	Trevion Burnett
DID NOT APPEAR	Darius Burnett
APPEARED	Kris Palmer
APPEARED	Kimberly Woodman

APPEARED Thomas “Alex” Haines

APPEARED Mia Jones

APPEARED Denzel Ransom

APPEARED Tim Havens

30. NEW BUSINESS.

31. UNFINISHED BUSINESS.

32. MISCELLANEOUS.

33. CONSENT AGENDA – FIRST READING BILLS. See Item #3.

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

35. CONSENT AGENDA – SECOND READING BILLS. See Item #3.

27369 36. Council Bill 2020-170 (Ferguson)

A Special Ordinance authorizing the City Manager, or his designee, to enter into a Cost Share Agreement with Springfield Public Schools to share the costs associated with sidewalk construction along Smith Street, near Hillcrest High School, with the City’s expected contribution to be $21,335; and amending the budget of the Department of Public Works for Fiscal Year 2020-2021 in the amount of $21,335 to appropriate Springfield Public Schools’ contribution to the costs.

37. END OF CONSENT AGENDA.

38. ADJOURN.

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	AUGUST 13, 2020
CITY COUNCIL PUBLIC HEARING:	N/A

CASE: Relinquishment of Easement 903

ACRES: N/A

LOCATION: 281 North Eastgate Avenue

EXISTING LAND: Right-of-way and undeveloped land

APPLICANT: Burks Development Corporation

STAFF: Andrew Menke, Assistant Planner 417-864-1613

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION: Move to approve as submitted in the staff report. 5 voting members to approve or deny.

SUMMARY OF REQUEST:

The applicant, Burks Development Corporation, is requesting to relinquish a sidewalk easement to facilitate the development of their property. A replacement easement is to be dedicated.

FINDINGS FOR STAFF RECOMMENDATION:

The requested relinquishment meets the approval criteria listed in Table A.

Development Review Staff Report

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

GOOGLE MAPS STREET VIEW:

Development Review Staff Report

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 98-160. - Relinquishment of public utility easements.

(a) The planning and zoning commission may authorize the relinquishment of a public utility easement upon determining the following:
   (1) No one has objected to the relinquishment of the easement.
   (2) The appropriate city agency (public works in the case of sewer easements, and city utilities in the case of electric, gas and water easements) has filed with the department of community development a statement that the easement is no longer needed to provide utility service.
   (3) The retention of the easement no longer serves any useful public purpose.

(b) Upon the planning and zoning commission determining that the conditions set forth in subsection (a) of this section have been satisfied, the commission may adopt a resolution authorizing the mayor of the city to quitclaim the city's interest in the public utility easement, which quitclaim deed shall be filed in the county land records. If the conditions set forth in subsection (a) of this section are not satisfied, any person who has filed a request for the relinquishment of the public utility easement can request that the city council consider the matter by filing a notice with the director of community development asking that the city council hear the matter.

STAFF COMMENTS:

1. The applicant is requesting to relinquish a sidewalk easement in order to facilitate the development of the property.
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.

DEPARTMENT COMMENTS:

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

Approved.

DEPARTMENT OF PUBLIC WORKS TRANSPORTATION ENGINEERING RIGHT-OF-WAY DIVISION:

Approved.

RELINQUISHMENT OF EASEMENT RESPONSES:

Table A

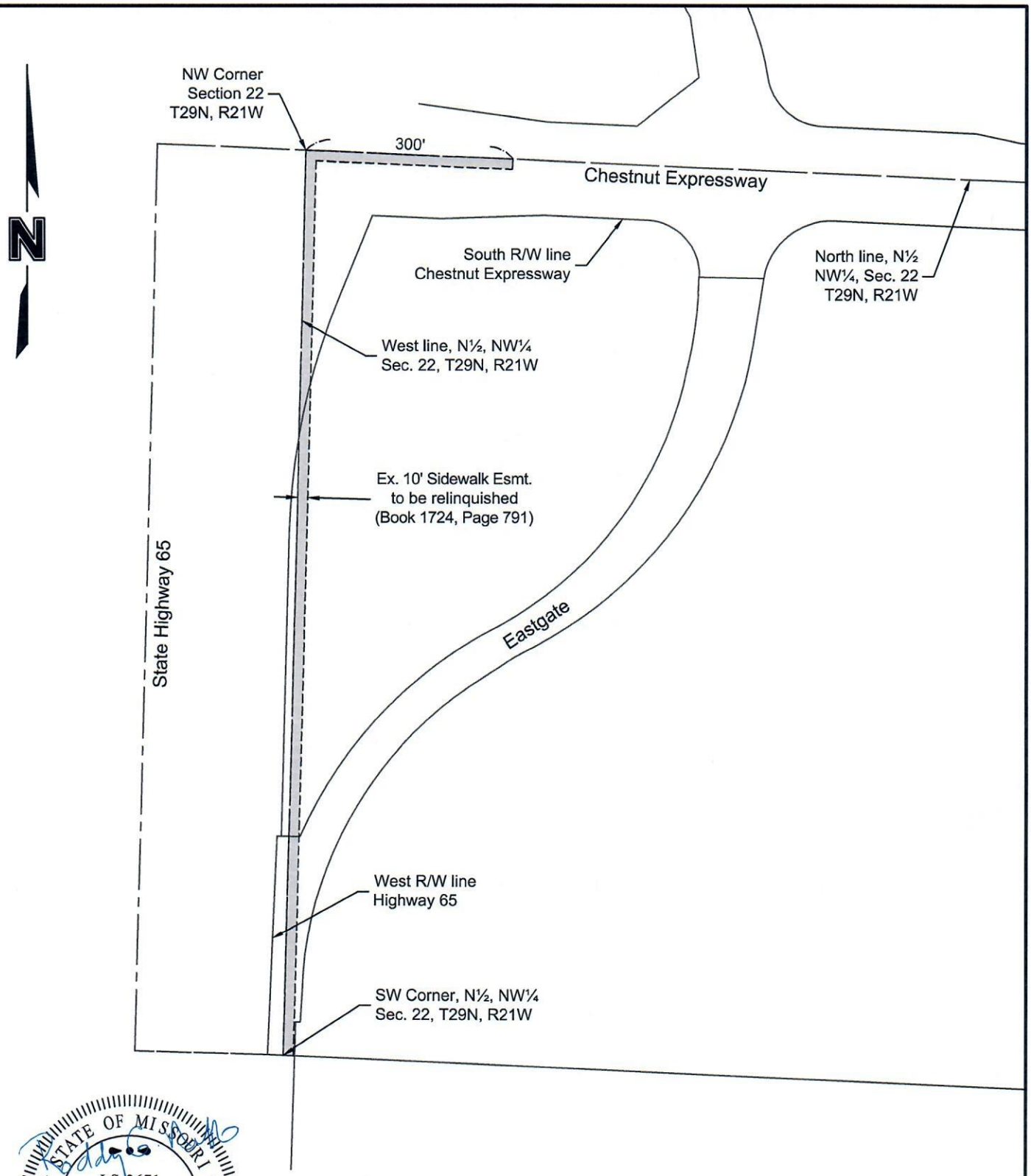
In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings.		Staff Response
1.	No one has objected to the relinquishment of the easements.	No one has objected to the relinquishment of the easements.
2.	The appropriate City agency has filed with the Planning and Development Department a statement that the easements are no longer needed to provide service.	All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement. A replacement easement is to be dedicated.
3.	That the retention of the easements no longer serves any useful public purpose.	The retention of the subject easement no longer serves a public purpose. The applicant is to dedicate a replacement easement through a separate instrument.

LEGAL:

A 10.0’ SIDEWALK EASEMENT TO BE RELINQUISHED:

ALL THAT PART OF THE NORTH ONE-HALF (N½) OF THE NORTHWEST QUARTER (NW¼) OF SECTION 22, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING ALL OF THE RIGHT-OF-WAY DEED RECORDED IN THE GREENE COUNTY RECORDER’S OFFICE IN BOOK 1724 AT PAGE 791, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PERPETUAL SIDEWALK EASEMENT DESCRIBED AS BEING THE WESTERNMOST 10 FEET OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 29, RANGE 21 AND THE NORTH 10 FEET OF THE WEST 300 FEET OF THE ABOVE NORTHWEST QUARTER, ALL IN SPRINGFIELD, GREENE COUNTY, MISSOURI, EXCEPT THAT PORTION TAKEN OR USED FOR STREETS, ROADS AND HIGHWAYS.



STATE OF MISSOURI
LS-2671
RODDY G. NEFF
REGISTERED LAND SURVEYOR
6-24-20

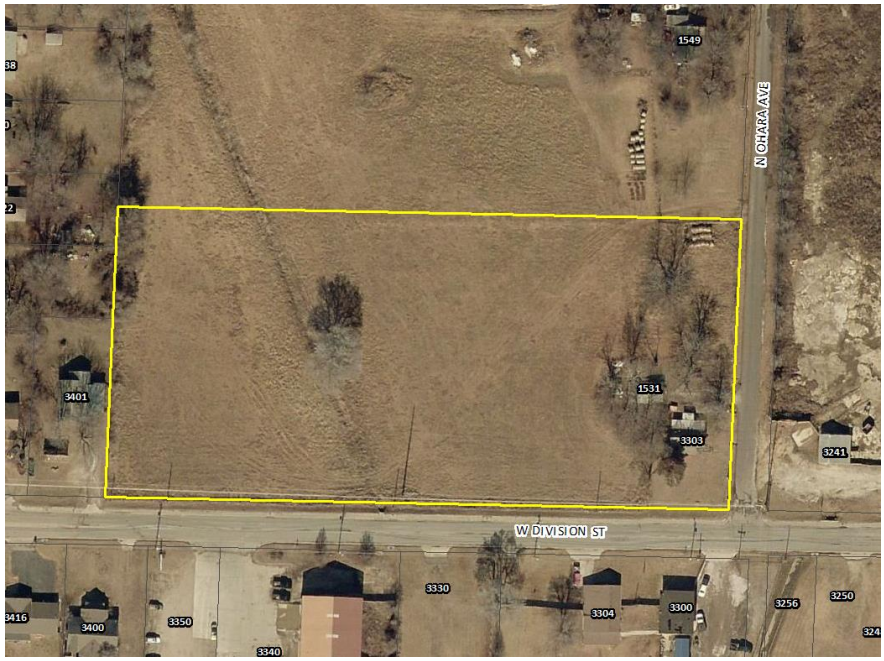
This sketch is not a boundary survey. It is intended to show the configuration of a proposed easement relinquishment. It should not be used to locate property lines and does not meet the Standards for Property Boundary Surveys.

DWG: F:\2019\2001-2500\019-2034\40-Design\Survey\SRVY\Sheets\V_ESM_Sidewalk Relinquishment_0192034.dwg USER: carnold
DATE: Jun 22, 2020 3:33pm XREFS: V_XBNDY_0192034

PROJECT NO: 019-2034	Sidewalk Easement Relinquishment Springfield, Greene County, Missouri	olsson	Olsson, Inc. Survey MO Certificate of Authority #LC366 550 St. Louis Street Springfield, MO 65806 TEL 417.890.8802 FAX 417.890.8805	EXHIBIT
DRAWN BY: CDA				B
DATE: 06.18.20				

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	AUGUST 13, 2020
CITY COUNCIL PUBLIC HEARING:	N/A



CASE: Acquisition/Change of Use 534

ACRES: 5.0

LOCATION: 3303 West Division Street

EXISTING LAND USE: Undeveloped

APPLICANT: City of Springfield

STAFF: Andrew Menke, Assistant Planner
417-864-1613

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION: Move to approve as submitted in the staff report. 5 voting members to approve or deny.

SUMMARY OF REQUEST:

The Springfield-Greene County Health Department is proposing to construct a 15,000 square foot animal shelter facility at this location.

FINDING FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Change of Use.
2. Approval of this request will provide for development of the subject property and is not expected to adversely impact the surrounding properties.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	LI	HM	HM	R-TH
LAND USE	Agricultural/Residential	Industrial uses	Vehicle storage yard	Residential

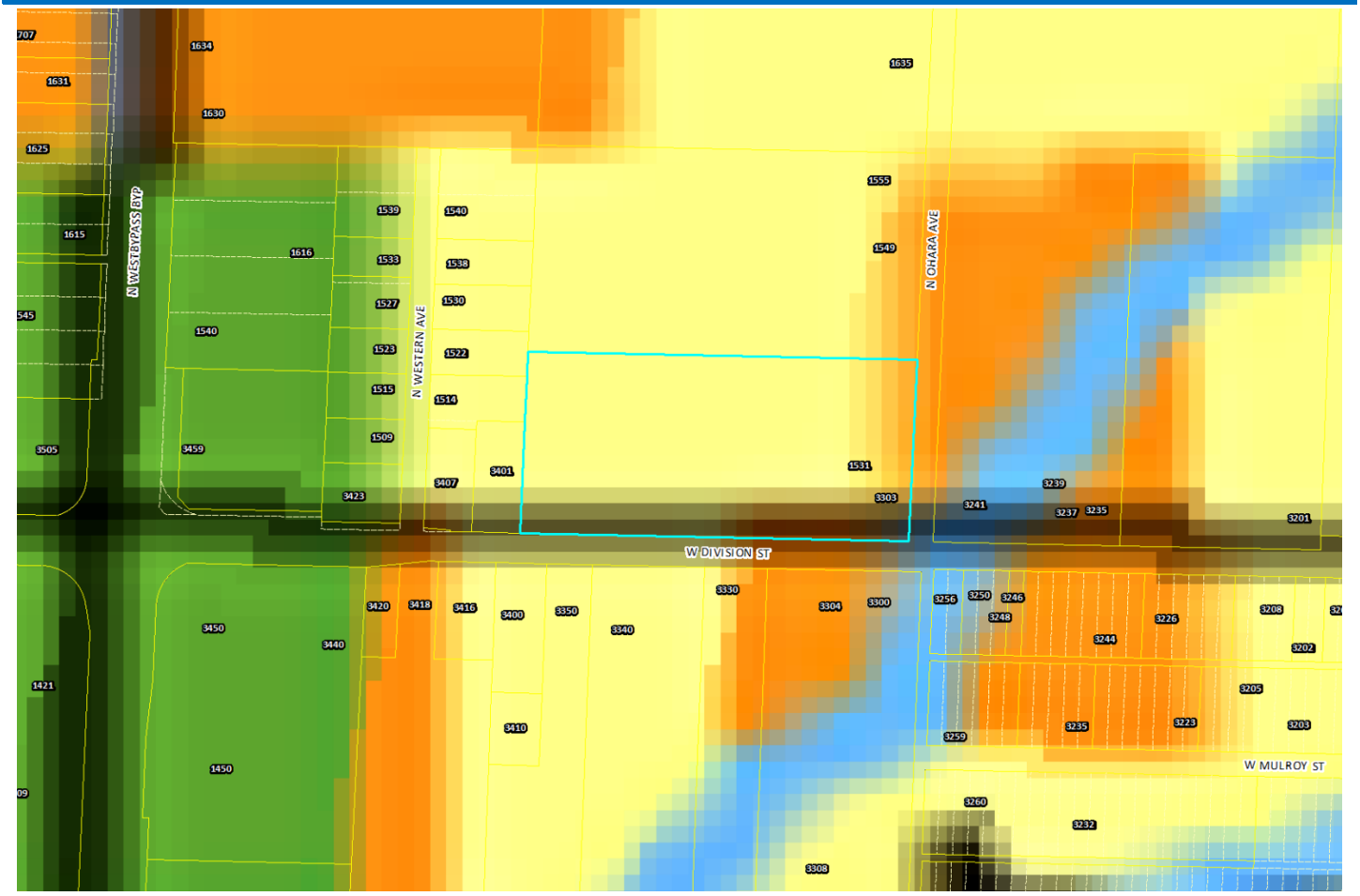
Development Review Staff Report

SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)

GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

The subject property was annexed into the City in 1968. In the 1995 citywide rezoning the property was zoned R-TH, Residential Townhouse. In 1996 the property was rezoned to LI, Light Industrial. The City acquired this property in 2020 through settlement of a lawsuit.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 11.7. - Legal status of master plan.

(1) Master plan to provide general guidelines. The master plan shall be prepared and maintained as a general guide for the orderly and efficient development and redevelopment of the City of Springfield. The master plan shall be kept current through review not less than every five years. When required by this Charter or otherwise deemed necessary, such review shall include proposed revisions or alterations in the master plan and public hearings thereon.

(2) Regulations to generally conform to master plan. All rezoning of land, subdivision plats, development proposals, and the zoning ordinance, subdivision ordinance and the zoning map should generally conform with the guidelines set forth in the master plan and should be reviewed for consistency with the master plan; provided, however, inconsistencies with the master plan shall not constitute cause to invalidate any such matter. The master plan shall not have the effect of a regulatory ordinance.

(3) Master plan to guide public improvements. The master plan shall provide guidelines for the location of public streets, parks and other public ways, grounds and spaces, public buildings and structures, facilities of public or private utilities, and the acquisition of real property by the city for public use. To that end the planning and zoning commission shall review the following:

(a) All proposals to construct or extend public streets.
(b) All proposals to improve land as a park.
(c) All proposals to lay out or improve other public ways, grounds or spaces.
(d) All proposals to construct public buildings and structures.
(e) All proposals to lay out and construct facilities of public utilities, whether publicly or privately owned.
(f) All proposals to acquire real property for public purposes.

In reviewing and approving all such proposals, the function of the planning and zoning commission shall be to determine whether they are generally consistent with the master plan of the city. No such proposals shall be constructed or authorized until the location, extent and character thereof has been submitted and approved by the planning and zoning commission.

In case of disapproval, the commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the proposal is by an agency other than an agency of the city and the authorization or financing does not fall within the province of the city council, then the submission to the planning commission shall be by the agency having jurisdiction, and the planning commission's disapproval may be overruled by that agency by a vote of not less than two-thirds of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled.

In the event the commission shall fail to act within thirty days after the date of official submission of a proposal (which date shall be the date that the matter is placed upon the agenda of the commission) to the commission, then the proposal shall be deemed to have been approved by the commission, unless a longer period for review by the commission shall have been authorized by the council or by the public officials submitting the proposal. In any case in which the commission finds that it is not reasonably able to complete its review of a proposal within thirty days, it may extend the time for such review for not more than thirty days.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Low-Density Housing. The *Plan* permits the presence of public facilities in low-density residential areas if integrated through proper locating, site planning and facility design.

STAFF COMMENTS:

1. The Springfield-Greene County Health Department is proposing to establish an animal shelter facility at this location.

2. The Planning and Zoning Commission reviews changes of use for City-owned properties to determine whether they are consistent with the City's *Comprehensive Plan*.

3. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Low-Density Housing. The *Plan* permits the presence of public facilities in low-density residential areas if integrated through proper locating, site planning and facility design.

4. The property is zoned LI, Light Industrial District. This zoning district permits veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes. The proposed use is permitted.

LAND AQUISTION POLICY:		
Planning and Zoning Commission adopted the following policy statement for land acquisition by public bodies		**Applicant's Response**
1.	All land acquisitions shall be consistent with the adopted Plans and Policies.	The Acquisition/Change of Use is consistent with the *Growth Management and Land Use Plan*.
2.	Proposals for land acquisition and public uses shall consider the effect of the proposed use on the surrounding land uses and shall include measures to mitigate any adverse effects of the proposed use on the surrounding uses.	The use of the subject property will change from undeveloped to public use as an animal shelter. The current Light Industrial zoning permits the use of an animal shelter.
3.	If no immediate use is intended for the acquisition and the negotiated contract does not include the previous owner removing the structure, existing sound structures should be retained unless such retention is not economically feasible. The current use should be continued, the structure should be used in a manner consistent with adopted plans until such time as the land will be cleared for the use for which it was acquired, or the structure should be moved to a suitable location.	No existing structures are present. Houses were once located on the southeast corner of the property, but they have since been demolished.
4.	At a minimum, the acquiring agency should either attempt to preserve architecturally or historically significant structures in place or make the structures available to the previous owner or public for moving or solicit bids from individuals and firms interested in salvaging those items which have architectural significance. Disposition of the property when conducted by a City agency shall be made pursuant to City ordinances including the City purchasing manual.	No existing structures are present. Houses were once located on the southeast corner of the property, but they have since been demolished.
5.	To the extent possible, the acquiring agency shall make all structures to be removed, regardless of historical or architectural significance, available to the previous owner or public for moving and reuse at another location. Disposition of property when conducted by a City agency shall be made pursuant to City ordinances including the City Purchasing Manual.	No existing structures are present. Houses were once located on the southeast corner of the property, but they have since been demolished.

LEGAL:

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 22 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI, RECORDER'S OFFICE IN BOOK 2019, PAGE 027651-19 AND SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 22 WEST THENCE ALONG THE SOUTH LINE OF SAID SECTION 9 SOUTH 88°49'49” EAST, 662.02 FEET FOR THE POINT OF BEGINNING; THENCE LEAVING SAID SOUTH LINE OF SECTION 9, NORTH 02°22'51” EAST, 334.08 FEET; THENCE SOUTH 88°49'49” EAST, 662.21 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SOUTH 02°24'54” WEST, 334.08 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE ALONG THE SOUTH LINE OF SAID SECTION 9, NORTH 88°49'49” WEST, 662.02 FEET TO THE POINT OF BEGINNING, ALL IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN GREENE COUNTY, MISSOURI CONTAINING 4.56 ACRES MORE OR LESS, EXCEPT ANY PART TAKEN OR USED FOR ROAD PURPOSES.

Lowther Johnson
Attorneys at Law, LLC

CO-FOUNDER
THEODORE L. JOHNSON, III

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MICHAEL K. CULLY [1]
JOHN W. HOUSLEY
DAVID A. FIELDER
GLENN P. GREEN
THOMAS M. BENSON
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August 12, 2020

Planning and Zoning
City of Springfield
110 West Chestnut Street
Springfield, MO 65802

RE: **Animal Shelter Site Analysis**
Matter ID 34137-001

Dear Sirs:

I represent Mr. Robert Hopkins located at 3304 West Division Street, Springfield, Missouri 65802. Mr. Hopkins owns a business known as Missouri Sandblasting and Equipment Company and also has a residence that is directly south of the site for development.

I write on behalf of my client for two reasons. The stream buffer directly west of the planned animal shelter causes significant flooding along West Division Street and the intersection of North O-Hara Avenue to the east. Even modest amounts of water brought about through precipitation over tops the drainage system at West Division Street.

Therefore, the 4,000 square foot stormwater basin currently projected to deal with the run-off from the non-porous surfaces and roof from the animal shelter would be inadequate.

Existing flooding occurs every year such that it interferes with my client's business and enters the crawl space beneath his house.

My client believes that the non-porous surface will cause run-off well beyond the capacity of the 4,000 square foot stormwater basin currently projected for use by the animal shelter.

We urgently request that Planning and Zoning not allow for the proposed footprint currently being developed for the animal shelter because the stormwater run-off is inadequate and will impact landowners to the south.

We would ask that you consider this at your August 13th preliminary hearing.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC

Lee J. Viorel, III

LJV:klc

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: AUGUST 13, 2020

CITY COUNCIL PUBLIC HEARING: September 8, 2020

CASE: Planned Development 375

ACRES: Approximately 1.9 acres

LOCATION: 1452 North Eastgate Avenue

EXISTING LAND USE: Undeveloped land

APPLICANT: Eastgate Office LLC

STAFF: Michael Sparlin, Senior Planner
417-864-1091

STAFF RECOMMENDATIONS:
Deny

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 1.9 acres of property generally located at 1452 North Eastgate Avenue from O-1, Office District with Conditional Overlay District No. 128 to Planned Development No. 375.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The application is not consistent with the *Growth Management and Land Use Element* of the *Comprehensive Plan* which designates this property as appropriate for low-density housing. With its current zoning of O-1, Office District with Conditional Overlay District No. 128, the subject property has been zoned for a higher intensity use than recommended by the land use plan map. The past rezoning substantiated the reasons to differ from the map based on other land use recommendations of the *Comprehensive Plan*. This application would further increase the intensity of the subject property and would not be consistent with other land use recommendations of the *Comprehensive Plan*.

2. The proposed PD would allow several uses that could potentially have detrimental impact to the adjacent neighborhood and remove protections that are already in place with the current O1, Office COD No. 128 zoning district that was approved in 2017.

3. The proposed Planned Development would allow three permitted uses that are considered to potentially have higher environmental impacts in terms of noise, dust and odor which make them incompatible with the adjacent neighborhood. Those permitted uses are body and fender repair, pest control services and general office with a "shop or stockroom."

4. The proposed Planned Development does not adequately maintain provisions of the current Conditional Overlay District No. 128 that would minimize any adverse impacts on adjacent residential property owners.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	PD 229 Am.	O-1 COD 128	HC COD 127	HC COD 127
LAND USE	Springfield Underground	Undeveloped land, stormwater detention	Residential uses	Car dealership

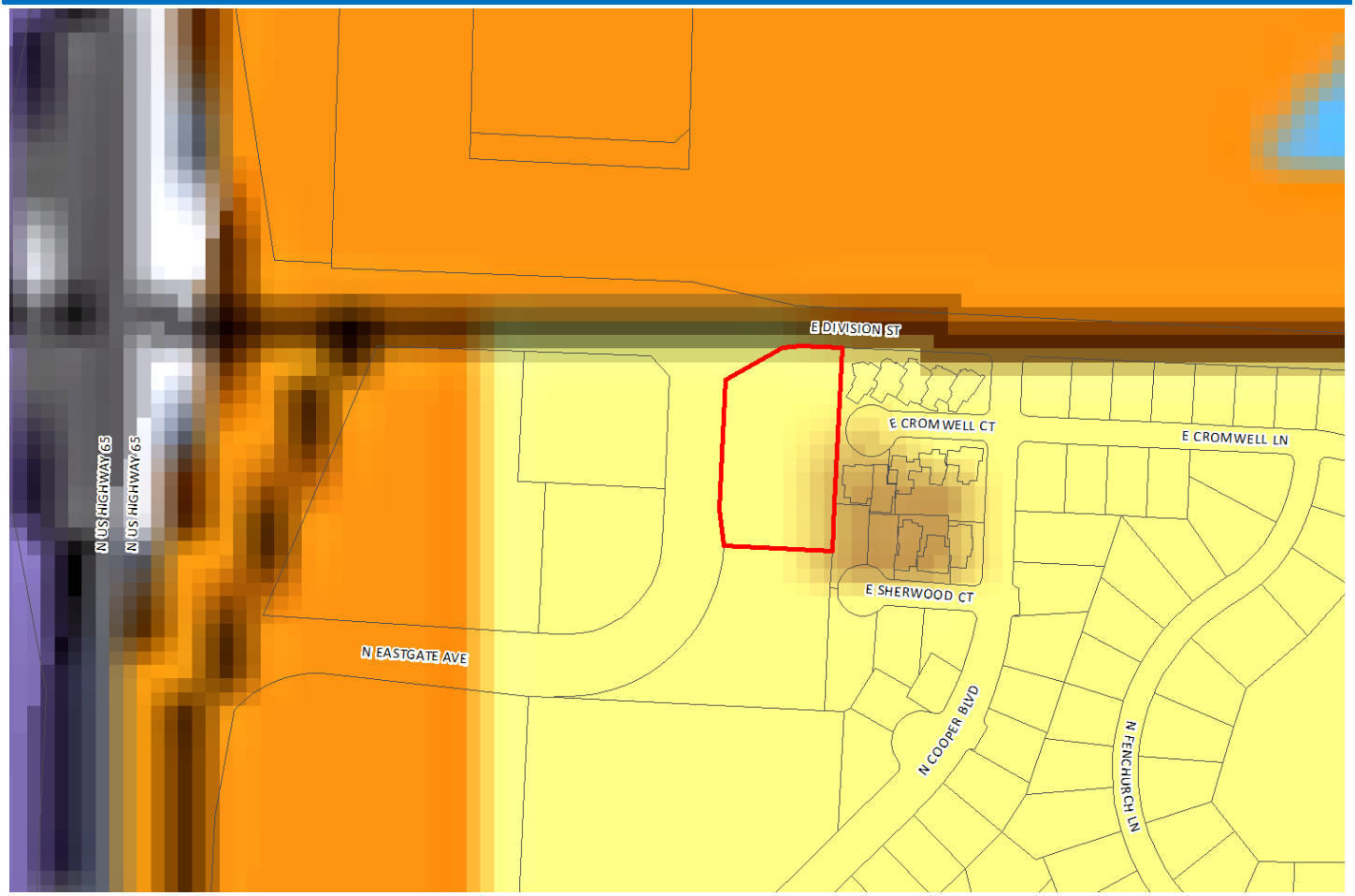
Development Review Staff Report

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report

PROPERTY HISTORY:

In October 1982, City Council approved General Ordinance No. 3350 rezoning the subject property from R-1, One-Family District to Planned Development No. 19. The subject property was a 15.6-acre portion of the larger 111.84-acre Planned Development No. 19. PD No. 19 and permitted “General Commercial” uses on this tract which included professional and medical office uses, restaurants, retail sales, automotive service stations and service centers, and commercial entertainment (movie theaters, bowling alleys, skating rinks and other similar activities).

In August 1997, City Council approved General Ordinance No. 4732 rezoning the subject property from Planned Development No. 19 to Planned Development 19 Amendment 2. This PD permitted professional offices, research and development facilities engaged in culinary and horticultural research and development, commercial nurseries and greenhouses, restaurants, general retail sales, personal services and specialty retail such as bookstores, card shops, jewelry shop, arts and craft shops and similar uses.

In May 2014, City Council approved General Ordinance No. 6119 (Z-07-2014 w/ COD No. 69) rezoning the subject property from Planned Development 19 Amendment 2 to GR, General Retail District with Conditional Overlay District No. 69 (before the realignment of Eastgate Ave).

In July 2017, City Council approved General Ordinance No. 6382 rezoning the subject property from General Retail with Conditional Overlay District No. 69 to O-1, Office District with Conditional Overlay District No. 128. The new alignment of Eastgate Avenue was undergoing design and construction during this rezoning and effectively split the property into its current configuration.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

Development Review Staff Report

CITY OF Springfield

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR PD 375
Use Limitations	All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building. No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted. All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. No building shall be used for residential purposes. No drive through services. No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
Maximum Structure Height	30 feet
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
No bulk plane is proposed in the Planned Development.	There shall be a thirty (30) foot bufferyard along the east property line with the following plantings per 100 foot of length: 3 canopy trees, 3 understory trees and 3 evergreen trees. There is an existing masonry screen fence along the east property line belonging to Cooper estates.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* designates this property as appropriate for low-density housing. The *Plan* shows this area as an emerging Activity Center where light manufacturing, retail and office development could emerge as a significant community activity center. The *Plan* recommends design of these land areas should consider the proximity of the existing residential development south of Division Street. The Office Land Use Guidelines of the Comprehensive Plan encourage the use of locations, design and landscaping of office uses to screen and buffer neighborhoods from lights, traffic noise and pollution and other factors incompatible or conflicting with adjacent land uses. The *Plan* recommends carefully planned, low volume office development to be used as transitions and buffers between commercial and residential areas.

STAFF COMMENTS:

1) The applicant is proposing to rezone approximately 1.9 acres of property generally located at 1452 North Eastgate Avenue from O-1, Office District with Conditional Overlay District No. 128 to Planned Development No. 375.

2) Staff does not support the proposed Planned Development. The proposed PD would allow several uses that could potentially have detrimental impact to the adjacent neighborhood and provides less protections than the current zoning that was agreed to in the Conditional Overlay District during the most recent rezoning in 2017.

3) The *Comprehensive Plan* encourages carefully planned, low volume office development to be used as transitions and buffers between commercial and residential areas. The current zoning is consistent with this recommendation. However, the proposed PD does not adequately preserve the recommended transition between commercial and residential areas.

4) The application is not consistent with the *Growth Management and Land Use Element* of the *Comprehensive Plan* which designates this property as appropriate for low-density housing. With its current zoning of O-1, Office District with Conditional Overlay District No. 128, the subject property has been zoned for a higher intensity use than recommended by the land use plan map. The past rezoning substantiated the reasons to differ from the map based on other land use recommendations of the *Comprehensive Plan*. This application would further increase the intensity of the subject property and would not be consistent with other land use recommendations of the *Comprehensive Plan*.

5) Staff cannot support the following proposed permitted uses of the PD with an explanation for each:

   a) The PD proposes "automobile detailing services including minor body and fender repair and paint work limited to 6,000 square feet maximum area per business." The *Zoning Ordinance* first allows "Body and fender repair" by right in the CS, Commercial Service District and by a Conditional Use Permit in the HC, Highway Commercial District. These two districts are more intense commercial zoning districts. This use is considered to have potentially higher environmental impacts in terms of noise, dust and odor which makes them incompatible with office or retail business districts and would be considered potentially detrimental to the adjacent neighborhood. The applicant states this use would be "minor" however, the request does not define what would be considered "minor." This could lead to an interpretation and enforcement issue.

   b) The PD proposes "Pest Control Services" which is first allowed by the *Zoning Ordinance* in the CS, Commercial Service district and all industrial districts. This use has been assigned to these higher intensity districts because it is considered to potentially have higher environmental impacts in terms of noise, dust and odor which makes them incompatible with office or retail business districts and would be considered potentially detrimental to the adjacent neighborhood.

   c) The PD proposes "General office use group *with or without shop/stockroom."* The applicant does not provide definitions or standards to define what use constitutes a "shop or stockroom," which could lead to an interpretation and enforcement issue, absent a definition by the *Zoning Ordinance*. The *General Office Use Group*, defined by the Zoning Ordinance, may have accessory uses which may 'include cafeterias, health facilities, parking or other amenities primarily for the use of employees in the firm or building" but makes an exception that "contractors and others who perform services off-site are included in the general office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site" (Sec. 36-310(5)).The PD language does not propose limits of the size or square footage of the shop/stockroom in comparison to the General Office use.

6) The additional provisions of Conditional Overlay District No. 128 were agreed to by the applicant, city staff and Cooper Estates Property Owners Association during the last rezoning of the subject property. Some provisions are not maintained with this PD. The proposed PD does not maintain the maximum floor area ratio of 0.30 that is required by the current COD zoning. The proposed PD does not maintain the thirty (30) degree bulk plane for all structures adjacent to the east (residential) boundary that is currently required by the current COD zoning. These provisions were aimed at providing more protection from the adverse impacts to the adjacent neighborhood.

7) The applicant states the following as the "intent" of the proposed Planned Development:

   "The Developer needs to create a zoning district which allows for "flex" space units. A Flex Space is a multiple purpose business where low density and low intensity uses which are not addressed well in the zoning ordinance can exist. Many of these uses often end up having to go into more intense zoning districts merely because our Zoning Ordinance does not address them well. This PD is crafted to provide a significant buffer between the buildings and the residential area to the west as well as requiring that no business functions can exist between the buildings and the residential zoning."

   The applicant's intent is for "low density and low intensity uses", yet the proposed Planned Development does not set requirements with intensity or density of use. It is common for other Planned Developments to set "intensity" standards. The intent statement is not a binding regulation. Although the PD proposes that all activities and permitted uses be conducted entirely within a completely enclosed building (a standard reflected in the LB and GR commercial districts) and no drive through service, it lacks regulations to adequately limit density and intensity of uses that are viewed as incompatible with adjacent residential neighborhoods.

8) The PD proposes off-street parking standards that are less than required by the *Zoning Ordinance*. The applicant has not provided an explanation or justification for reducing off-street parking standards. Planned Development Districts are intended to encourage more "creative and imaginative design", however, without a justification for reducing the parking standards this is arbitrary and could be detrimental to adjacent properties. The PD proposes to provide one off-street parking space per 500 square feet of gross building

area for all permitted uses. The *Zoning Ordinance* sets parking standards based on the use. The table below shows parking standards of the permitted uses in the proposed PD.

Use	**Parking Requirement** (of total building area)	**Proposed PD 375** 1 space/500 sq. ft. building area
Banks and financial institutions.	1 space/300 sq. ft.	Below *Zoning Ordinance* requirement
Business or professional offices and public administration buildings	1 space/350 sq. ft.	Below *Zoning Ordinance* requirement
Retail uses (unless listed separately).	1 space/250 sq.ft. or 1 space/200 net useable area, whichever less	Below *Zoning Ordinance* requirement
Restaurants (Coffee and Donut Shop per PD)	1 space/80 sq. ft. or 1 space for each two and one-half seats, whichever is greater.	Below *Zoning Ordinance* requirement

9) The PD proposes a thirty (30) foot bufferyard along the east property line with the following plantings per 100 foot of length: 3 canopy trees, 3 understory trees and 3 evergreen trees. There is an existing masonry fence along the east property line belonging to Cooper estates. The *Zoning Ordinance* would normally require a bufferyard type F with a minimum of twenty (20) foot width and plantings of 3 canopy trees, 3 understory trees, 4 evergreen trees and 20 shrubs per 100 linear feet.

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

NEIGHORHOOD MEETING:

All neighborhood meetings have been cancelled due the Mayor's Proclamation of Civil Emergency related to COVID-19. Property owners were mailed a comment card to provide their comments. All received comments are attached (Attachment 2).

PUBLIC NOTIFICATIONS:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 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.

Notices sent to property owners within 185 feet: Mailed: 17 Returned: 0

Development Review Staff Report

CITY OF Springfield

DEPARTMENT COMMENTS:

ATTACHMENT 1

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No issues with the proposed rezoning

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning. Tract has access to public sewer.

FIRE DEPARTMENT COMMENTS:

No issues with zoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Division Street as a Primary Arterial roadway and N. Eastgate Avenue as a Collector roadway. The standard right-of-way width for E. Division Street is 50-feet from the centerline N. Eastgate Avenue is 30-feet from the centerline. It appears no additional right-of-way is needed along these roadways. A survey is recommended to determine the exact amount of existing right-of-way. E. Division Street and N. Eastage Avenue are both MoDOT-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The are no recent traffic counts on E. Division Street or N. Eastgate Avenue. On-street parking is not allowed along E. Division Street or N. Eastgate Avenue.

DRIVEWAY ACCESS

Access to N. Eastgate Avenue is limited to the existing access already constructed. No access is allowed to E. Division Street.

SIDEWALK

There is not existing sidewalk along the property frontage of E. Division Street and sidewalk is not required to be constructed. Sidewalk already exists along the property frontage on N. Eastgate Avenue.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along the property frontage on E. Division Street or N. Eastgate Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required. Improvements to N. Eastgate Avenue have already been made with the relocation of Eastgate.

SITE PLAN

Detailed site-specific comments.

Development Review Staff Report

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT/CONDITIONAL USE PERMIT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	E. Division Street	Primary Arterial	No	70	50
Street 2	N. Eastgate Avenue	Collector	No	30	50

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	65	84	456	
***Proposed Trips Generated**	19	19	120	
Additional Trips Generated	-46	-65	-336	

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

STORMWATER COMMENTS:

The property is in the Pierson Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing, detention is required according to Chapter 96. A fee in lieu of on-site stormwater detention is not applicable as this site already has regional detention and water quality provided as part of public improvement plans 2017PW0062.

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. If disturbing 1 acre or greater, water quality will also have to be provided.
3. Drainage easements must be provided for this conveyance.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.
5. A land disturbance permit will be required if disturbing 1 acre or greater.

Public Works Stormwater Division	Response
Drainage Basin	Pierson Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	No
Is stormwater fee in lieu an option?	No

MISSOURI DEPARTMENT OF TRANSPORTATION:

No comments.

1452 N. Eastgate rezoning

Chris Nattinger <cnattinger@comcast.net>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Tue 7/21/2020 12:48 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

As a resident of Cooper Estates I am opposed to the rezoning of this property from O-1 to a PD. I attended the meeting presented by Architect Butler when this property was rezoned to allow the car dealership to be developed. At that time we were assured that the portion of the land that is adjacent to the Cooper boundary would be developed as office use only and not as a cluster of multi use companies as requested in this rezoning proposal. Noise, traffic, odors, etc. are not acceptable or compatible with our quality residential neighborhood. Please deny this request and keep the trust that was presented at the original meeting.

Thanks. Chris Nattinger, 1452 N. Cooper Blvd, Spfld Mo 838-4797

Sent from my iPad

Re zoning 1452 north east gate

Orvil Brewer <orvilbrewer@yahoo.com>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Thu 7/23/2020 9:46 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Mr.Hosmer,
In response to rezoning of 1452 North Eastgate, Lot 4 of Napleton Equities Replat of Cooper Estates Tract V, we the homeowner of 3649 E Cromwell Lane adamantly oppose this proposal.
As a resident in the community of Cooper Estates we were assured that space of land would only be used for an office, with the example given of perhaps an insurance agency.
To change this from O-1 to PD is setting a precedent that will significantly reduce the value of the homes in Cooper Estates. This proposal goes against everything the Cooper Community was assured of when Napleton purchased the corner of highway 65.
The traffic congestion , noise pollution, light pollution that already exists on Division Street are already detractors to home values, to add more problems by rezoning this plat of land is simply UNACCEPTABLE.
Thank you for your time,
OT &Sharon Brewer

Sent from Yahoo Mail for iPad

PLN 2020-00127 , 1452 North Eastgate

Frank Gardner <cooperestates@att.net>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Mon 7/27/2020 10:01 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

PLN 2020-00127 , 1452 N. Eastgate

As a Resident of Cooper Estates I am Opposed to the rezoning of this mentioned property from O-1 to a PD.
In May of 2014 City Council took into consideration the affects of such a development and changed the zoning to the current O-1. The Office Land Use Guidelines of that Comprehensive Plan suited both the Developer and Cooper Estates.
The added Noise, Lights, Traffic , Odors, Etc. are all not compatible with our adjoining Quality Residential Neighborhood.

Please keep in place the Trust that was set in 2014 and Deny this request of rezoning.

Frank Gardner
3679 E. Cromwell Ln.
417-861-0255

No No No to Rezoning request 1452 N Eastgate

karenrotton@cebridge.net
To **Zoning@springfieldmo.gov**
Cc admin@cooperestatespoa.com

Reply | Reply All | Forward | ...

Tue 7/28/2020 12:13 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

As residents of Cooper Estates we are opposed to the rezoning of this property from O-1 to a PD. In 2014 the meeting presented by Architect Butler to rezone and allow the car dealership to be developed. At that time we were assured that the portion of the land that is adjacent to the Cooper boundary would be developed as office use only and not as a cluster of multi-use companies as requested in this rezoning proposal. The noise, increased traffic, use of jake breaks, extreme light pollution, industrial odors are impacting all in Cooper., not just those within 500 ft of the proposed rezoning. This is not acceptable or compatible with our quality residential neighborhood. Deny this request and keep the trust that was presented at the original meeting.
Thanking you in advance to our request and concerns the impact of rezoning will have on Cooper Estates.
The Rotton's
3673 E. Cromwell

PLN 2020-00127 , 1452 N. Eastgate

As a Resident of Cooper Estates I am Opposed to the rezoning of this mentioned property from O-1 to a PD.

In May of 2014 City Council took into consideration the effects of such a development and changed the

zoning to the current O-1. The Office Land Use Guidelines of that Comprehensive Plan suited both the Developer

and Cooper Estates.

The added Noise, Lights, Traffic , Odors, Etc. are all not compatible with our adjoining Quality Residential Neighborhood.

Please keep in place the Trust that was set in 2014 and Deny this request of rezoning.

Rezoning PLN 2020-00127, 1452 N. Eastgate

Catherine Kershaw <katiebker@gmail.com>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Tue 7/28/2020 1:22 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

---

ob Hosmer, AICP Planning Manager

City of Springfield Development Review Office

840 Boonville Ave

Springfield, MO 65802

I am a resident of Cooper Estates. This is to inform you that I am opposed to the rezoning of this property from O-1 to a PD. It was my understanding at a prior meeting presented by Architect Butler that this property was rezoned to allow the car dealership. Assurance was given at that time that the portion of the land that is adjacent to the Cooper boundary would be developed as office use only and not as a cluster of multi-use companies as requested in this rezoning proposal. We already have problems with light pollution at night. Now we can anticipate noise levels, increase traffic congestion and food odors. All of these will decrease the quality of life we have experienced. Please deny this request and keep the trust that was presented at the original meeting.

Thank you for your time and attention to this matter.

Catherine Kershaw

PLN 2020-00127 , 1452 N. Eastgate

Todd Tolbert <emailttolbert@yahoo.com>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Tue 7/28/2020 5:13 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Bob Hosmer, AICP Planning Manager

City of Springfield Development Review Office

840 Boonville Ave

Springfield, MO 65802

Dear Mr. Hosmer,

As a resident of Cooper Estates I am opposed to the rezoning of this property from O-1 to a PD.

Please deny this request.

Sincerely,

Todd Tolbert

Cooper Resident and POA Board Member

Re: PLN 2020-00127 , 1452 N. East gate

Joel <jgl4545@gmail.com>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Tue 7/28/2020 6:11 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

As a Resident of Cooper Estates I am Opposed to the rezoning of this mentioned property from O-1 to a PD.

In May of 2014 City Council took into consideration the effects of such a development and changed the zoning to mop the current O-1. The Office Land Use Guidelines of that Comprehensive Plan suited both the Developer and Cooper Estates.

The added Noise, Lights, Traffic , Odors, Etc. are all not compatible with our adjoining Quality Residential Neighborhood.

Rezoning North Eastgate

Greg Walton <gkwalton@att.net>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Tue 7/28/2020 8:00 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

PLN 2020-00127 , 1452 N. Eastgate

As a Resident of Cooper Estates I am Opposed to the rezoning of this mentioned property from O-1 to a PD.

In May of 2014 City Council took into consideration the effects of such a development and changed the zoning to the current O-1. The Office Land Use Guidelines of that Comprehensive Plan suited both the Developer and Cooper Estates.

The added Noise, Lights, Traffic , Odors, Etc. are all not compatible with our adjoining Quality Residential Neighborhood.

Please keep in place the Trust that was set in 2014 and Deny this request of rezoning.

Rezoning PLN 2020-00127 1452 N.Easgate

BA
Bernie and Pam Burrier <burriers@sbcglobal.net>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Wed 7/29/2020 9:11 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Please do not change the zoning on this property.

Zoning has an obligation to ensure the value of private citizens property.

Please review the zoning transcripts to see what was promised.

Thank you

Bernie Burrier

1155 N.Chesire Ct

Cooper Estates

rezoning

Mike Richerson <mikericherson@mediacombb.net>
To **Zoning@springfieldmo.gov**
Cc admin@cooperestatespoa.com

Reply | Reply All | Forward | ...

Wed 7/29/2020 11:32 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Proposed zoning change at 1452 N Eastgate

As a Resident of Cooper Estates I am Opposed to the rezoning of this mentioned property from O-1 to a PD. The types of proposed businesses would increase traffic on both Eastgate and Division. Cooper Estates only has two gates. One on Eastgate and one on Division. Eastgate already has increased traffic due to Menard's. Most traffic exiting to Division makes a left turn. This is already difficult during times of heavy traffic. Increased traffic will make the Division gate more difficult to use. Also some of those businesses are likely to be open later in the evening. This would cause more noise and light for nearby property in Cooper Estates. Such a zoning change could impact not only nearby property values, but the values of all properties in Cooper Estates.

Michael Richerson

Rezoning Request Impacting Cooper Estates

AM
Andrea McKinney <andrea.mckinney@ymail.com>
To **Zoning@springfieldmo.gov**
Cc Greg McKinney

Reply | Reply All | Forward | ...

Wed 7/29/2020 10:07 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

To Whom It May Concern:

Re: PLN 2020-00127 , 1452 N. Eastgate

As a Resident of Cooper Estates I am opposed to the rezoning of this property from O-1 to a PD.

In May of 2014, City Council took into consideration the effects of such a development and changed the zoning to the current O-1. The *Office Land Use Guidelines* of that Comprehensive Plan suited both the developer and Cooper Estates.

Now that the construction of the car dealership is complete, our neighborhood has been impacted by the light pollution from the commercial lighting illuminating the parking lot. We have asked the car dealer, several times, to remedy this issue. It has been difficult to get the dealer's attention and we feel betrayed.

The added noise, lights, traffic, and negative environmental impact are not compatible with our adjoining quality residential neighborhood. The agreements and promises made with our neighborhood have been broken and trust has been lost.

Please reinstate the trust that was established in 2014 and deny this request of rezoning.

Sincerely,
Andrea McKinney
1316 N. Fenchurch Lane

Re: 1452 North Eastgate

Keith Abercrombie <keithabercrombie329@gmail.com>
To **Zoning@springfieldmo.gov**
Cc Kim Richards; Greg McKinney; Frank Gardner

Reply | Reply All | Forward | ...

Sat 8/1/2020 9:45 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

I am writing in opposition to the proposed re-zoning of the property at the listed address. While I appreciate your soliciting input from surrounding property owners, I am extremely disappointed your board has even entertained this request!

Only two or three years ago Napleton Automotive Group through their architect and representative, Geoffrey Butler, petitioned to have the corner property re-zoned to allow for their car dealership with assurances that their facilities would be located on the west side of the re-routed Eastgate and assured the zoning commission that the lots between their dealership and Cooper Estates would be restricted to "professional offices such as dentists and attorneys". During community meetings prior to that initial re-zoning, the subject of light pollution was addressed and assurances were given that the amount of lighting from their car lot would be under a predetermined level. Those assurances were thrown aside shortly after opening the dealership and the board for Cooper Estates POA had to petition the city to force Napleton to adhere to city restrictions. And now this!

Despite Geoffrey Butler and Napleton's assurances otherwise, they now want to use the property East of Eastgate and adjacent to our gated community to expand their business footprint. It is quite clear that Mr Butler and Napleton Automotive have intent to use these lots to build their auto body repair center and other related business ventures. These businesses types ALL eventually become visually offensive and oftentimes are accompanied with loud and abrasive sounds with their operations. For these reasons, they have even be restricted from locating to property zoned for retail, let alone next to residential neighborhoods. Please reject this request and permit our neighborhood to remain the quality community we have enjoyed for over 30 years!

Keith Abercrombie
1236 Newcastle Avenue
Springfield, MO 65802
417-838-0258

Rezoning of property on Eastgate and Division PLN 2020-00127 , 1452 N. Eastgate

Susan Tolbert <susan.d.tolbert@gmail.com>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Sun 8/2/2020 1:03 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Bob Hosmer, AICP Planning Manager

City of Springfield Development Review Office

840 Boonville Ave

Springfield, MO 65802

Dear Mr. Hosmer,

As a resident of Cooper Estates I am opposed to the rezoning of this property from O-1 to a PD.

In May of 2014 City Council took into consideration the effects of such a development and changed the zoning to the current O-1. The Office Land Use Guidelines of that Comprehensive Plan suited both the Developer and Cooper Estates.

However, incrementally increasing the noise, traffic, and light pollution through incremental rezoning of the property in question seems to be in bad faith on the part of the land owner, who hasn't helped to the original limitations of light pollution and of keeping the vacant lot presentable (I run on the sidewalk often and it is hardly passable due to vegetation overgrowth, though recently, with utility work being done, the margins have been mowed).

Thank you for considering the residential side of the zoning in question, I hope you will find that the original zoning agreement will stand.

Sincerely,

Susan Tolbert

Cooper Resident and POA Board Member

PLN 2020-00127 , 1452 N. Eastgate

Skip Wilson <skipncarol@sbcglobal.net>
To **Zoning@springfieldmo.gov**

Reply | Reply All | Forward | ...

Mon 8/3/2020 9:34 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

As a Resident of Cooper Estates I am Opposed to the rezoning of this mentioned property from O-1 to a PD.

In May of 2014 City Council took into consideration the effects of such a development and changed the zoning to the current O-1. The Office Land Use Guidelines of that Comprehensive Plan suited both the Developer and Cooper Estates.

The added Noise, Lights, Traffic , Odors, Etc. are all not compatible with our adjoining Quality Residential Neighborhood.

Please keep in place the Trust that was set in 2014 and Deny this request of rezoning.

Rezone 1452 N Eastgate from O-1 to PD 375

Dale Fagerland <dalejfagerland@gmail.com>
To **Zoning@springfieldmo.gov**
Cc CooperEstates@att.net

Reply | Reply All | Forward | ...

Thu 8/6/2020 9:53 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Dear Bob Hosmer and Planning and Zoning Commission,

As residents on Cromwell Ct. in Cooper Estates, we agreed in 2017 to the rezoning of 1452 N. Eastgate to Office-1 (O-1) with the assurance that this property adjoining Cooper Estates would **remain zoned for professional office space only.**

My wife and I are firmly opposed to rezoning this to a "Flex" office PD which would open the door to potential businesses or trades that would increase hours of operation, noise, smells, lighting and traffic to mention a few.
Please keep the existing O-1 zoning.

Cordially,

DALE & JUDITH FAGERLAND
3638 E CROMWELL CT
SPRINGFIELD, MO 65802

cooper estates

Douglas Gooch <d-gooch@sbcglobal.net>
To **Zoning@springfieldmo.gov**; cooperestates@att.net

Reply | Reply All | Forward | ...

Fri 8/7/2020 7:59 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Mr Hosmer,
Ladies and Gentleman of the Commission

As a resident of Cooper Estates we are opposed to the rezoning of this property from O-1 to a PD. We attended the meeting presented by Architect Butler when this property was rezoned to allow the car dealership to be developed. At that time we were assured that the portion of the land that is adjacent to the Cooper boundary would be developed as office use only and not as a cluster of multi-use companies as requested in this rezoning proposal. Noise, traffic, odors, etc. are not acceptable or compatible with our quality or anyone's residential neighborhood. Please deny this request and keep the trust that was presented at the original meeting.
Please do not let them say or promise 1 plan and then request another.
Why should Mr Butler or the City of Springfield take away our neighborhood ,our home, our peace and quite ?

With Respect
Doug & Patty Gooch
3637 E. Cromwell Ct.
Cooper Estates

PLN 2020-00127 , 1452 N. Eastgate

please note the extra traffic that we already endure from truck traffic and noise
why they continue to use division instead of kearney st ?
how nice to be awoken by a jake brake @ 7 am going to the underground

From: John Swanson
To: Zoning@springfieldmo.gov
Cc: cooperestates@att.net
Subject: 1452 North Eastgate
Date: Friday, August 7, 2020 2:35:12 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

To whom it may concern.
I live in Cooper Estates next to the above property. I am opposed to this change. WE have a nice quiet community and the addition would cause a lot of tragic and noise to our peaceful neighborhood.

John Swanson
3612 East Cromwell Court
Springfield, Mo. 65802
Cell 417-880-6622

From: Randi Heard
To: Zoning@springfieldmo.gov
Subject: PLN 2020-00127 , 1452 N. Eastgate
Date: Sunday, August 9, 2020 8:28:42 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

As a resident of Cooper Estates, I am opposed to re-zoning of the above property from O-1 to a PD. This community has already been compromised by the addition of the car-lot and we are trying desperately to maintain the culture and value of this unique neighborhood. To add a possible car repair shop, upholstery shop, plumbing storage building would put the nail in our coffin so to speak.

Please reconsider the rezoning of this property.

Randi Heard
3706 E. Dartmoor Ct.
Cooper Estates
Springfield, MO. 65802

719-505-6088
randim1948@gmail.com

From: Carroll, Beth
To: Zoning@springfieldmo.gov
Subject: PLN2020 - 00127 Proposed Plan 1452 North Eastgate Project
Date: Friday, August 7, 2020 5:06:15 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

I am writing in response to a notice I received of possible rezoning to an area immediately west of the Cooper Estates neighborhood. I would like to speak in opposition of the proposed change. Cooper Estates has always been viewed as a safe, gated community in spite of being located in north Springfield, within eyeshot of a major highway and multiple existing large businesses (with plans for more). This small parcel of land is too close in proximity to construct and maintain a business without being overly invasive to the residents of Cooper Estates. Not to mention adding to the already heavy traffic off of Division and Eastgate. Cooper Estates brings beauty and stability to our city, and is the front edge of beautiful single family home developments to the east and south east. Please preserve what is left of the integrity in the immediate areas surrounding our neighborhood. Thank you for your consideration.

Beth Wannenmacher Carroll
3739 E Cromwell Ln
Springfield, MO 65802
417-849-4556

From: Casey Chasteen
To: Zoning@springfieldmo.gov
Cc: cooperestates@att.net
Subject: PLN2020-00127- 1452 N. Eastgate: Comments to Proposed Zoning Changes
Date: Friday, August 7, 2020 11:46:22 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Mr. Hosmer:

Good morning, I am a resident of Cooper Estates and own property within 500 feet of the proposed zoning change at 1452 N. Eastgate (PLN2020-00127). I wanted to submit my comments to the Commission via email for its consideration regarding this zoning change.

I am opposed to the change of zoning from an O-1 Office District to a PD allowing for flex space office units. The "Flex Offices" zoning, as opposed to the current O-1 Office zoning, would allow for the potential development of business spaces with uses that are undesirable for a commercial property so close to a residential neighborhood. Businesses that may produce additional undesirable odors, loud noises and cause additional traffic outside of common business hours then business allowable under an O-1 Office District.

In addition, several years ago this same applicant applied for a change of zoning for a property adjacent to 1452 N. Eastgate, meeting with Cooper Estates homeowners and communicating with our property owners association in doing so. This change of zoning eventually resulted in the development of the car dealership adjacent to 1452 N. Eastgate. At that time, we were assured by the Applicant that this 1452 N. Eastgate property would not be developed into anything other than the office spaces allowed by the O-1 Office Zoning. Now, contrary to that assurance, Applicant is asking for a change of zoning that would potentially allow for uses undesirable to our neighborhood.

Approval of this zoning change by the Commission would be detrimental to the interests of residential property owners nearby. As a community we (Cooper Estates property owners) have been cooperative regarding Applicant's need to be able to use and develop its property. However, we were assured in connection with previous zoning changes that Applicant can enjoy reasonable and adequate use of Applicant's property without further change of zoning.

Thank you for your time and consideration.

Casey Chasteen
1401 N. Cooper Blvd., Springfield MO 65802
417-496-5868

From: Ron Reynolds
To: Zoning@springfieldmo.gov
Cc: cooperestates@att.net
Subject: Rezoning of 1452 N Eastgate, Spfd, MO
Date: Friday, August 7, 2020 2:56:02 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Mr. Hosmer,

I would like to respectfully request that you reconsider the change of rezoning the property at 1452 N Eastgate from O-1 (Office District) to PD (Flex Offices). I am a resident of Cooper Estates subdivision and my cul de sac (East Sherwood Court) backs directly up to the fence which sits adjacent to the property that you are looking to rezone. I am very concerned about the amount of noise and traffic associated with this change. Before the Audi dealership went in, we were assured that multi-use companies would never be permitted in this plot of land, only offices. Now we find out that the change in zoning could possibly include an automobile body shop, a fitness facility, an automobile accessory/glass shop, upholstery shop, etc. I would ask that you deny Geoffrey Butler's request to rezone this piece of property and keep it as we were told in the earlier meeting.

Sincerely,

Mrs. Ron (Cindy) Reynolds
3637 E Sherwood Court
Springfield, MO. 65802
417-619-3534

Sent from Yahoo Mail for iPad

From: ann dowell
To: Zoning@springfieldmo.gov
Subject: Rezoning request
Date: Friday, August 7, 2020 7:32:45 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

I am a resident of Cooper Estates. I am opposed to the rezoning of this property from 0-1 to PD.

I recall that we were assured that this portion of land adjacent to the Cooper boundary would be developed as office use only.....I considered the word 'assured' to mean: guaranteed, certain, secure, declared earnestly, something is true.....SO I thought that decision could be trusted as true. Evidently the word 'assured' does not have the same meaning to you as it does
to me. I respect truth in both words and actions.

I am opposed to the rezoning of this property from 0-1 to PD.

Faye Ann Dowell, Tr
3628 E Sherwood Ct.
Springfield, MO 65802

From: Karla V
To: Zoning@springfieldmo.gov
Cc: cooperestates@att.net
Subject: Zoning - 1452 North Eastgate
Date: Friday, August 7, 2020 2:02:24 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Date: August 7, 2020
Phone: 320-760-1479
Resident: Karla Vipond
Address: 1391 N Cooper Blvd Springfield, MO 65802

Project Address: 1452 N Eastgate Springfield, MO 65802

Comment:
Please DENY proposed zoning change from current O-1 to PD.
I am new to this community, but my communication with residents of this subdivision say that a compromise was reached with this parcel and to be zoned for only O-1 a few years ago. This was agreed upon when previous zoning permissions were obtained for other properties abutting Cooper Estates. This parcel is extremely close to housing. Air, noise and sight pollution could be devastating to the value of the homes and their enjoyment of it.

Thank You,
Karla Vipond

--
KARLA VIPOND
1391 N Cooper Blvd Springfield, MO 65802 (c) 320-760-1479

DATE:	7/28/20	Telephone No.	417-770-4177
YOUR NAME:	Laurene Zimmer / Michelle Holder		
YOUR ADDRESS:	1210 N. New Castle Ave.		
PROJECT ADDRESS:	1452 North Eastgate		

COMMENTS:

As a resident of Cooper Estates I am opposed to the rezoning of this property from O-1 to a PD.

Having the added noise, people, lights, traffic so close to homes with children & older folks isn't best. Devaluing of homes, so close to businesses, doesn't help resale. Would you want the back of a business to be your view? Thank you for understanding.

Michelle Holder
Laurene Zimmer

DATE:	8/5/20	Telephone No.	417-868-8750
YOUR NAME:	Ruth Donadio		
YOUR ADDRESS:	3627 E. Kensington DR		
PROJECT ADDRESS:			

COMMENTS:

I absolutely do not want this proposal to go into effect now or in the future. ever!

From: Jim Austin
To: Zoning@springfieldmo.gov
Cc: cooperestates@att.net
Subject: PLN2020-00127 1452 N. Eastgate
Date: Tuesday, August 11, 2020 3:34:19 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

August 11,2020
Delores M. Austin
3645 E. Sherwood Ct., Springfield, MO 65802
Project Address: 1452 N. Eastgate, Springfield, MO

I am a Cooper Estate Resident at the above address. I DO NOT APPROVE OF CHANGING THE CURRENT O-1 Office District to a PD zone. WHY? Cooper Estates is an established lovely area with trees, shrubs and well-maintained homes.....it is being taken over by businesses and is becoming a residential area "in the middle of the business world" and approaching a "closed-in" atmosphere. Furniture Row, the recently added car dealership, Menard's.....soon-to-be COSTCO.. and now rezoning for more businesses, even though the applicant has said it would be office spaces. My vote is to leave the area in question to be rezoned to just do that.....LEAVE IT ALONE. Cooper Estates does not need added traffic, added noise, added lights, and in general, added buildings that would further "close in" a residential area. Thanks to ALL who are involved in this decision for allowing the residents to share their concerns.

Neale & Newman
Established 1903

Bryan D. Fisher
Partner
Email: bfisher@nnlaw.com
Main: 417.882.9090

August 11, 2020

Anita Cotter, City Clerk
City of Springfield
840 Boonville
Springfield, Missouri 65 802

***Via e-mail*: acotter@springfieldmo.gov**

Bob Hosmer, Senior Planner
City of Springfield
840 Boonville
Springfield, MO 65802

***Via e-mail*: bhosmer@springfieldmo.gov**

Re: Application for Planned Development 375
1452 North Eastgate Avenue, Eastgate Office, LLC
Our Client: Cooper Estates Property Owners Association
Our File No.: 19289.02

Dear Ms. Cotter and Mr. Hosmer:

Our firm has the privilege of representing the Cooper Estates Property Owners Association (the "Association"). Our client contacted us regarding Planned Development 375 now pending before the Department of Planning and Development and scheduled for a hearing before the Planning and Zoning Commission on Thursday, August 13, 2020. The Cooper Estates Subdivision is located directly east of the property located at 1452 North Eastgate Avenue, which is the subject of the Application for Planned Development 375. For the reasons set forth in this correspondence, our client urges the Planning and Zoning Commission to deny the Application for Planned Development 375.

Brief History

As I am sure the Planning and Zoning Commission may recall, this property was rezoned just three (3) years ago, along with another tract of land. That other tract of land is directly west of the current subject property and was commonly known as 3508 East Division Street. The purpose of that rezoning was to rezone the East Division Street property from General Retail to General Retail with Conditional Overlay District 69 and to rezone the current North Eastgate property from General Retail to O-1, Office District with Conditional Overlay District 128.

As members of the Planning and Zoning Commission and the City may also recall, at that time, the homeowners in Cooper Estates had concerns about the proposed rezoning of both parcels of property and the potential impact on their neighborhood. Specifically, residents of Cooper Estates expressed concern to the developer and the City that if that rezoning was approved eventually an automobile service center, or other similar business would be constructed behind the now-existing car dealership. The concern of residents was, of course, the increased traffic, noise, light pollution, etc. of such businesses being located directly adjacent to homes in the Subdivision.

In response to the concerns of homeowners in Cooper Estates, the developer noted that the property located on North Eastgate, which is, again, the property now at issue, would be rezoned from General Retail to Office, which would reduce traffic and the potential uses of the property. The developer noted the other potential non-office uses were not very compatible with residential uses. For your reference, I am enclosing a copy of the pertinent portions of e-mail correspondence sent by the developer to one of the property owners in 2017.

Additionally, Conditional Overlay District 128 included a number of restrictions negotiated by the developer with the homeowners in Cooper Estates. For your reference, I am including a copy of Exhibit A to an agreement between the Cooper Estates Property Owners Association and Napleton Equities, LLC, which outlines those restrictions. As you will see, a number of restrictions such as prohibiting the construction of wireless facilities and towers taller than fifty feet, use of the property as a substance abuse treatment facility for fifty or fewer residents, and other requirements including a proposed buffer yard, access from Eastgate Avenue, and lighting pollution were included.

Current Application

Presently, a mere three (3) years after rezoning the property from General Retail to O-1, the current Application for Plan Development 375 seeks to rezone the property from Office 1 to a planned development that would allow ***all*** the following uses:

- Accessory uses, as permitted by Section 36-450, Accessory Structures and Uses;
- All uses allowed in O-1 Zoning District;
- Automobile detailing services including minor body and fender repair and paint work limited to 6,000 sf maximum area per business;
- Sales and installation of automobile accessories and glass treatments;
- Fitness and personal training businesses;
- General office use group with or without shop/stockroom;
- Coffee and donut shop;
- Internet sales of automobiles, and other motor vehicles with no on-site car display;
- Microbrewery with tasting room and no food service;

- Retail sales use group provided the sale of products as related to the principal use. Products related to the principal use include products produced, distributed, or sold on-site by the principal use; and
- Upholstery shops.

Although the current plan includes a thirty foot buffer yard with plantings, it is notable that almost none of the restrictions from the rezoning in 2017 from General Retail to O-1 are now included. Thus, the very concerns articulated by homeowners in Cooper Estates when the original proposal was passed just a few years ago, would now be stripped from the property if the application was approved. One can understand why homeowners within Cooper Estates rightly view this new rezoning attempt as nothing more than a bait-and-switch. As outlined above, the property owners were assured that their concerns would be addressed by rezoning the current property from General Retail to O-1. Now the developer proposes that the O-1 zoning be changed to allow the very types of uses that formed the basis of the homeowners' concerns when the original proposal was made in 2017.

As you have no doubt seen in the many e-mails sent by owners within the Cooper Estates Subdivision, including, I believe, every owner located within 500 feet of the property to be rezoned, many attended the neighborhood meeting three years ago when the original rezoning was proposed. Those e-mails to the Commission recount the assurances made by the developer at that time concerning the benefit that would be conferred by zoning the property from General Retail to O-1. And they unanimously reflect those homeowners', and also the Association's, opposition to the current rezoning request.

Additionally, the proposed change seeks to allow "Flex Offices." The developer describes those offices as "those offices where there is a[n] office component and also a shop area where supplies and other miscellaneous activities can occur inside the building." But, notably, "Flex Offices" is a not a term defined in the Planning and Zoning Code or the Springfield City Code of Ordinances (the "Code"). This means that despite the explanation offered by the developer, all of the permitted uses identified above would be permitted if the property was rezoned as requested. So despite describing Flex Offices with the example of "a[n] office for a plumber who has the business office and their shop has parts and necessary equipment for their work." Uses such as automobile detailing services, including minor body and fender repair and paint work, coffee and donut shops, microbreweries, wireless towers over fifty feet, etc. would now also been permitted. This is in direct contravention of the representations and agreements made by the developer in 2017.

<u>References to City Ordinances and Policies</u>

The Association and the homeowners that are its members have always appreciated the efforts and assistance of the City Staff with zoning applications and the demands placed upon them when considering applications and the deadlines related thereto. The Association also appreciates the

Development Review Staff Report (the "Report") prepared with regard to this matter and the recommendation made by Staff, which is to deny the proposed rezoning. The Association echoes that recommendation.

Specifically, the Association emphasizes the first finding made by Staff in its Report. As you can see, that finding notes "the Application is not consistent with the *Growth Management and Land Use Element* of the *Comprehensive Plan* which designates this property as appropriate for low-density housing." As the Report correctly notes, even the current zoning of O-1, Office District with Conditional Overly District 128, exceeds the intensity use currently contemplated by the *Comprehensive Plan*. As noted by Staff, the proposed rezoning would thus increase the intensity of the use. The proposed rezoning is thus inconsistent with the *Comprehensive Plan* and inconsistent with the very reasons why this property was rezoned in 2017 (i.e., to reduce the intensity of use).

Section 36-405 of the Code states that the "suitability of such tracts for the PD District designation shall be determined by and shall be made in accordance with ***the Comprehensive Plan*** . . . and with a reasonable consideration being given to, among other things, the character of the District and its particular suitability for particular uses and with the view to conserving the land throughout the City." (Code 36-405). The proposed rezoning to a planned development district is thus not compatible to Section 36-405. This is because it is not consistent with the *Comprehensive Plan.*

Moreover, as noted by Staff in Finding No. 2, "the proposed PD would allow several uses that could potentially have detrimental impact to the adjacent neighborhood and remove protections that are already in place with the current O1, Office COD No. 128 zoning district that was approved in 2017." Finding No. 3 also highlights the incompatibility of the proposed planned development district with Section 36-405 because as noted by Staff, "the proposed Planned Development would allow three permitted uses that are considered to potentially have higher environmental impacts in terms of noise, dust and odor which make them incompatible with the adjacent neighborhood." The proposed rezoning is thus incompatible with Section 36-405 because it does not give reasonable consideration to the character of the property's peculiar suitability for the particular uses that would be permitted. This incompatibility thus further highlights the compelling reasons for denial of the present application.

Section 36-405 also requires that the applicant identify the uses that will be permitted in a proposed non-residential development. *See* (Code § 36-405(8)(k)). Thus, despite the statement in the Neighborhood Notice that the proposed planned development is for "Flex Offices," the permitted uses are all of those listed previously in this correspondence and included in the developer's application. The Association thus respectfully urges the Commission and the City to carefully review those permitted uses, and their potential harm to homeowners in Cooper Estates.

Conclusions

As you are no doubt aware, the COVID-19 health pandemic has drastically altered the way public hearings and neighborhood meetings are conducted. The Association and the homeowners which are its members hope that the Planning and Zoning Commission and the City will give special attention to the numerous e-mails that have been sent by homeowners concerning this matter and the handwritten letters included with this correspondence. In light of the COVID-19 health pandemic and the public health issues created with large public hearings, the Association has elected to have only a few representatives appear at the public hearing scheduled for this Thursday, August 13, 2020.

Along with one or two property owners, I anticipate appearing, along with Frank Gardner, Manager of the Association. In an attempt to respect the time of the Planning and Zoning Commission and the health safety issues, we do not anticipate a large group of homeowners. In fact, those considerations were precisely, in part, why our firm was retained to represent the Association. But again, we respectfully urge the Commission and the City to give the same consideration and attention to the numerous e-mails sent by homeowners in Cooper Estates as they would the remarks of those homeowners if they were appearing in person.

Again, my client and I reiterate our sincere appreciation of the City's work on this matter, and the Planning and Zoning Commission's and the City's consideration. We respectfully urge the Commission to deny the proposed rezoning for the reasons set forth in this correspondence.

My best,

Bryan D. Fisher

BDF/jv

Enclosures

cc: Amy Werland (*via e-mail*)
Cooper Estates Property Owners Association
Greg McKinney (*via e-mail*)

Geoffrey Butler

From:	Geoffrey Butler
Sent:	Monday, May 15, 2017 8:33 PM
To:	coopiemom2@gmail.com
Cc:	Neal, Daniel; Randy Reichard; paul napleton; David Murray; David Havens; Bob Hosmer
Subject:	Fw: 3508 E. Division. Noble Estates

Joretta,

Your email was forwarded on to me and I would like to respond to your comments. First I would like to encourage you to come to the neighborhood meeting on Wednesday. That meeting gives us a chance to hear your concerns and to try to address them.

Here are my responses to your comments:

6. Changing the zoning from General Retail (which will be bad enough when that happens) to Highway Commercial will de-value property in Cooper Estates and could allow additional undesired businesses to locate nearby. The property is already zoned General Retail and it will be developed as such if this does not pass. In this instance we have a buyer who wants to put in a new and used car dealership. That is a known entity. Whereas right now you have no idea or control over what can go there. Allowing the zoning change for the front parcel to HC to allow the dealership gives you some level of certainty. Better to know what is going in than what might happen with other developers. I also should mention the down zoning of the eastern parcel from GR to Office reduces the traffic as well and the potential for uses which are not very compatible with residential uses. Office uses are very benign and are generally 8-5 weekdays.

and your final comment:

Geoffrey H. Butler AIA - Architect & Founder

Butler, Rosenbury & Partners, Inc.

Exhibit A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-21-2017 & CONDITIONAL OVERLAY DISTRICT NO. 128

The requirements of *Section 36-400. Office District.* of the *Springfield Zoning Ordinance,* shall be as modified herein for development within this district.

1. The following uses within the O-1, Office District shall be prohibited in this district:
    a. Wireless Facilities and Towers taller than 50'
    b. Substance abuse treatment facilities for 50 or fewer residents
2. The following conditional uses within the O-1, Office District shall be prohibited in this district:
    a. Funeral homes, mortuaries, crematoriums
    b. Heliports
3. The maximum floor area ratio shall not exceed .30
4. All structures must remain below thirty (30) degree bulk plane as measured from the east and south district boundaries (adjacent to Cooper Estates residential and community area).
5. The site lighting shall utilize cutoff light fixtures which reduce glare and not exceed .5 footcandle along the south and east district boundary, 1 footcandle along the property line along Division Street and Eastgate Avenue, as required by Section 36-484.
6. The Stormwater Management Plan will include management of all stormwater runoff from proposed MODOT Eastgate Avenue relocation.
7. Bufferyards will be provided as required by *Section 36-482, Landscaping and Bufferyards* but shall also include improvements made to the existing Cooper Estates fence along the south and east district boundaries where the upper steel picket fencing is replaced with an equal height solid screen fencing material to be approved by the Cooper Estates Property Owners Association.
8. A traffic study will be required to be submitted to MoDOT at the time of development of the tracts.
9. No access on Eastgate Avenue from within 300 feet of centerline of Division Street.
10. Shared access will be required between lots and each lot will not have its own access to Eastgate Avenue.
11. Sidewalks are required to be constructed along Eastgate Avenue and portions of Division Street.
12. A $0.0147 per square foot trunkline connection fee is required before any building permits can be issued or public improvement plans can be filed.

August 4, 2020

Caroline Lohmeyer 417-593-1731
3705 E. Kensington Dr.
Springfield, Mo. 65802

1452 North Eastgate

Seriously concerned about the proposed change in the promise that was made to Cooper Estates residents a few years back when you needed our approval/acceptance for building. Now seems as though you are going back on your word. Making such proposed changes are not in our best interest. This also makes your words null and void. Why are you even considering this? Have integrity and keep your word!

Sincerely,

Caroline Lohmeyer

8/3/2020

Joshua Quinn O'Daniel (417) 331-6286
3705 E Kensington Dr Springfield Mo

Project - 1452 North Eastgate Springfield Mo

I strongly object the changing of zoning in this area. My opinion is that all residents of Cooper Estates are opposed to the plan because of traffic and safety problems; destroy local wildlife habitat, and potentially lower property values of the existing community.

I urge you to disapprove the rezoning.

Thank you for your service and support of our Communities!

Best regards,

Josh O'D

DATE:	8-7-2020	Telephone No.	314-623-3499
YOUR NAME:	Mike Moskoff		
YOUR ADDRESS:	3608 E. Sherwood		
PROJECT ADDRESS:	1452 North Eastgate		

COMMENTS:

We are against the zoning change.

Our concerns are the possibility of less restrictive requirements. We are also concerned about the run-off from the parki[illegible] which drains into the water retention area [illegible] then into our backyard. We would like [illegible] the restriction of any auto repair which wou[illegible] [illegible]able existing [illegible]ghborhood.

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417 864 5611
Application for Zoning Map Amendment & Planned Developments
*This are non-refundable

From: Judith Self
To: Zoning@springfieldmo.gov
Subject: Zoning Request. PLN 2020-00127, 1452 N. Eastgate
Date: Wednesday, August 12, 2020 10:16:43 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Mr. Hosmer,
We are residents of Cooper Estates and are writing to express our opposition to the proposed re-zoning of property near the corner of East Division and North Eastgate. We understood that after the re-zoning for the auto dealership, that land adjacent to Cooper Estates would be zoned for office use only. We are not in favor of a change in zoning, specifically this zoning request to allow a cluster of multi-use companies, which could create additional traffic, additional noise, additional lighting and other conditions not compatible to our residential neighborhood. We urge you to deny this re-zoning request.

Larry & Judith Self
1328 N. Fenchurch Lane
Springfield, MO. 65802

Sent from my iPad

EXHIBIT 1

Requirements and Standards Applicable
to Planned Development District No.
375

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

The Developer needs to create a zoning district which allows for “flex” space units. A Flex Space is a multiple purpose business where low density and low intensity uses which are not addressed well in the zoning ordinance can exist. Many of these uses often end up having to go into more intense zoning districts merely because our Zoning Ordinance does not address them well. This PD is crafted to provide a significant buffer between the buildings and the residential area to the west as well as requiring that no business functions can exist between the buildings and the residential zoning.

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.

D. USES PERMITTED

1. Accessory uses, as permitted by section 36-450, accessory structures and uses
2. Automobile detailing services including minor body and fender repair and paint work limited to 6,000 sf maximum area per business
3. Sales and Installation of automobile accessories and glass treatments.
4. Fitness and personal training businesses
5. General office use group with or without shop/stockroom
6. Coffee and donut shop
7. Internet sales of automobiles, and other motor vehicles with no on-site car display
8. Microbrewery with tasting room and no food service
9. Pest control services
10. Retail sales use group provided the sale of products is related to the principal use. Products related to the principal use include products produced, distributed or sold on-site by the principal use.
11. Upholstery shops.

E. USE LIMITATIONS

1. All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building.
2. No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted.

3. All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
4. No building shall be used for residential purposes.
5. No drive through services.
6. No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

F. BULK, AREA AND HEIGHT REQUIREMENTS

1. *Maximum height:* 30 feet.

2. *Building Setbacks*
   - *Front Yard:* Twenty-five feet along Eastgate and East Division
   - *Side Yard:* Ten feet or as required by section 36-453, supplemental open space and yard regulations.
   - *Rear yard:* Ten feet.

G. OPEN SPACE, LANDSCAPING & SCREENING

1. *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards

2. *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area.

3. There shall be a thirty (30) foot bufferyard along the east property line with the following plantings per 100 foot of length: 3 canopy trees, 3 understory trees and 3 evergreen trees. There is an existing masonry screen fence along the east property line belonging to Cooper estates.

H. EXTERIOR LIGHTING

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

I. ACCESS TO PUBLIC THOROUGHFARES

Access to Eastgate is limited to the existing access already constructed on Eastgate. There shall be no access to Division Street.

J. OFF-STREET PARKING

Provide one parking space per 500 square feet of gross building area.

K. SIGNS

The requirements and standards of *Section 36-454* of the *Springfield Zoning Ordinance*, in effect at the time of development shall apply.

***L.* REQUIRED IMPROVEMENTS**

None required.

M. MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities within the District shall remain the responsibility of the existing property owners association meeting all legal requirements prescribed by the City Attorney.

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. No phasing is requested or necessary, all public improvements are existing.

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. Development of this District shall be in accordance with the approved final development plan.

1. A final development plan shall only be approved if it is in substantial conformance with Exhibits 1 and 2 as defined by *Subsection 36-405 (9) (c)* of the *Springfield Zoning Ordinance*.

   The final development plan shall be submitted to the Planning and Development Department for the Administrative Review Committee review and final action, either as a whole or in phases. 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.

PROPOSED SITE PLAN

GREENSPACE:

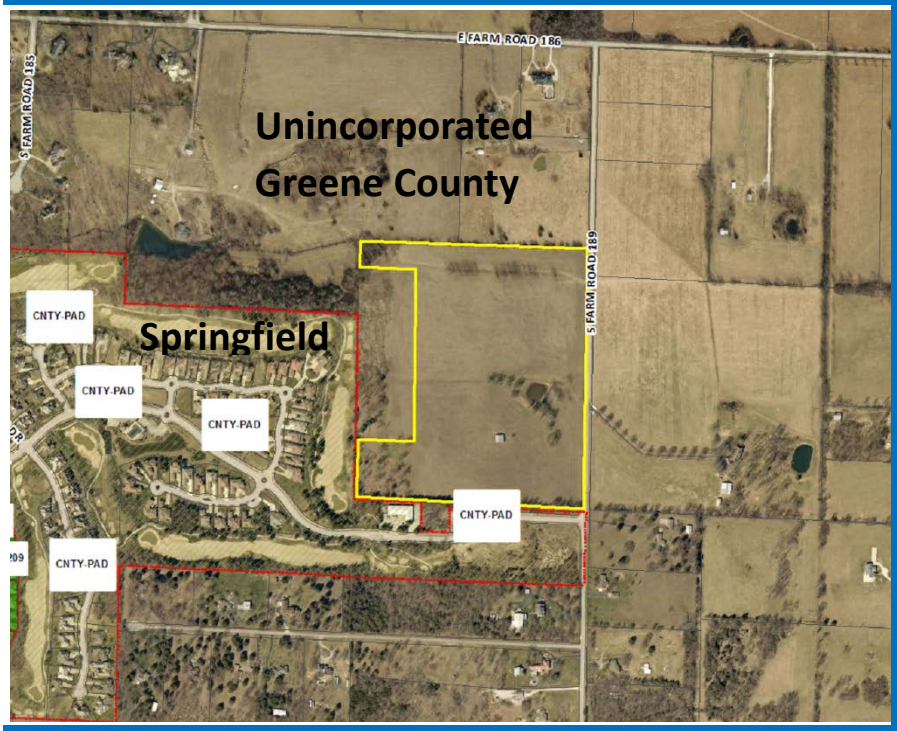
TOTAL SITE = 82,785 sq. ft.
GREEN SPACE PROVIDED = 35,170 sq. ft. = 42.48%

SCALE: 1"=100'

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: August 13, 2020

CITY COUNCIL PUBLIC HEARING: September 8, 2020



CASE: Z-17-2020

ACRES: Approximately 38 acres

LOCATION: 6177 South Farm Road 189

EXISTING LAND USE: Undeveloped, agricultural uses

APPLICANT: Frank and Kimberly Steed

STAFF: Daniel Neal, Senior Planner 864-1036

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 38 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management & Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low Density Housing.

2. The *Plan* encourages residential developments to provide for a variety of housing types that would enable developers to compete more effectively and to provide a greater choice for the City's residents.

3. The current County R-1 District is most similar to the City's R-SF District when translating the allowed uses. The R-SF District is the least intense district of all the zoning classifications in the Zoning Ordinance.

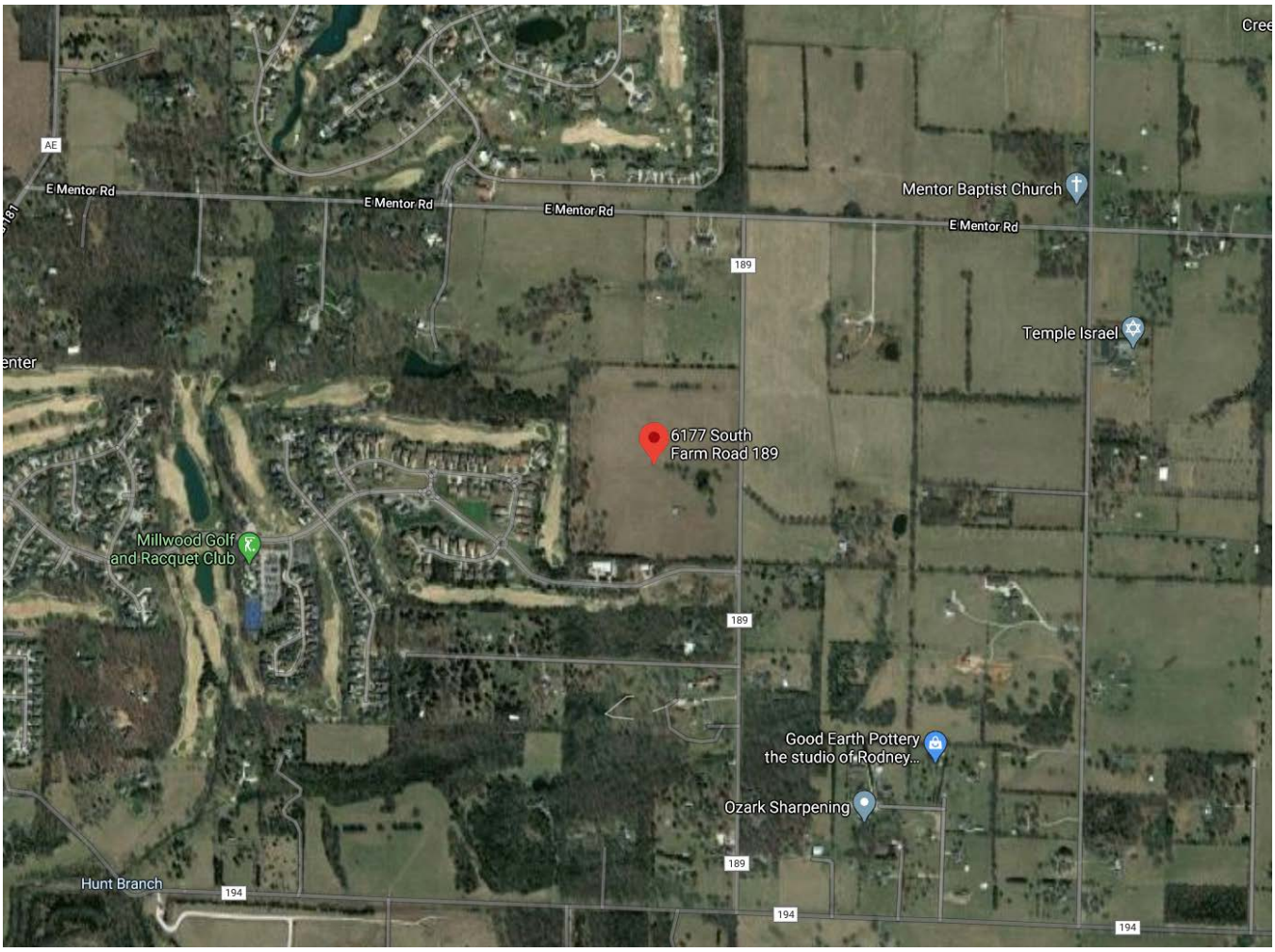
4. The application is consistent with the adjacent property within the City (Millwood) that has single-family and patio court housing uses.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County A-1	County A-1 and PAD 1033	County A-1	County A-1 and PAD 1033
LAND USE	Single-family and agricultural uses	Cemetery and golf course uses	Single-family and agricultural uses	Single-family, golf course and agricultural uses

Development Review Staff Report

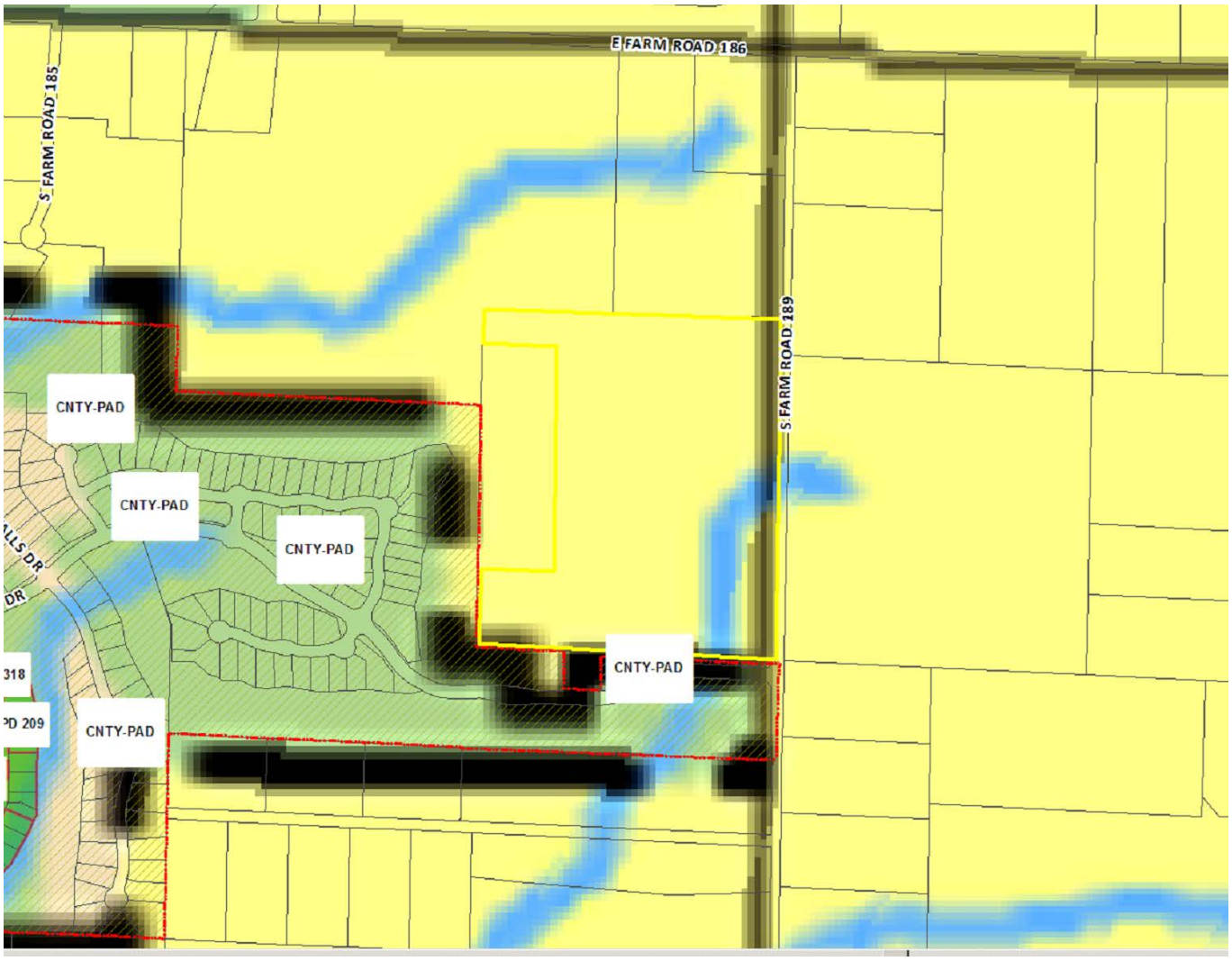
SURROUDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Low-Density Housing
Medium or High Density Housing
Medium Intensity Retail, Office or Housing
High Intensity Retail, Office or Housing
Greater Downtown
Business Park
Light Industrial, Office and Office-Warehouse
General Industry, Transportation and Utilities
Park
School
Golf
Community-Public
Urban Reserve Area
Rural Area
Greenway
Parkway
City Boundary
Urban Service Area Boundary, Year 2020
Urban Reserve Boundary, Year 2040

Development Review Staff Report

PROPERTY HISTORY:

The subject property in currently located outside the City limits in unincorporated Greene County. The rezoning is being processed concurrently with an annexation and will have a public hearing at the same City Council meeting.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-SF
Use limitations	N/A
Lot size requirements	(a) Minimum lot area: 6,000 square feet. (b) Minimum lot width: 50 feet. (c) Minimum lot depth: 80 feet.
Maximum structure height	1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. 2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Minimum open space	Not less than 30 percent
Maximum impervious area	Shall not exceed 70 percent of total lot area
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
None.	None.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management & Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low Density Housing.

The *Plan* encourages that each neighborhood should contain a range of housing types, densities, and building configurations including single-family detached, townhouses, and apartments. It discourages large housing projects that consist of a single building type. It is recommended that some portion of each type of housing should, ideally, be available for occupancy on either an ownership or lease basis.

The Transportation Plan classifies South Farm Road 189 as a Secondary Arterial roadway.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 38 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District. The applicant intends to develop a single-family and patio home development.

2. The current County R-1 District is most similar to the City's R-SF District when translating the allowed uses. The R-SF District is the least intense district of all the zoning classifications in the Zoning Ordinance.

3. The R-SF district is intended primarily for single-family detached dwellings at low residential densities of approximately seven units per acre. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and by consideration of the proper functional relationship and arrangement of the different uses permitted in this district.

4. The development will take primary vehicular access to Farm Road 189 which is classified as a Secondary Arterial roadway and will remain outside the city limits in unincorporated Greene County for maintenance purposes.

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

NEIGHBORHOOD MEETING:

All neighborhood meetings have been cancelled due the Mayor's Proclamation of Civil Emergency related to COVID-19. Property owners were mailed a comment card to provide their comments. All received comments are attached (Attachment 2).

PUBLIC NOTIFICATIONS:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 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.

Notices sent to property owners within 185 feet: Mailed: 5 Returned: 0

Development Review Staff Report

DEPARTMENT COMMENTS:

ATTACHMENT 1

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No issues with proposed rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning. Public Sewer is required both on and offsite and is currently in design and R/W acquisition. Environmental Services has entered into a developer agreement for a cost share for the offsite sanitary sewer.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Millwood Drive as a Collector roadway and S. Farm Road 189 as a Secondary Arterial roadway. The standard right-of-way width for E. Millwood Drive is 30-feet from the centerline and S. Farm Road 189 is 35-feet from the centerline. It appears no additional right-of-way is needed along E. Millwood Drive. S. Farm Road 189 is under jurisdiction of Greene County. They are not requiring additional right of way. A survey is recommended to determine the exact amount of existing right-of-way. E. Millwood Drive is a city-maintained street and S. Farm Road 189 is a county-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There is no recent traffic counts for E. Millwood Drive or S. Farm Road 189. On-street parking is not allowed along E. Millwood Drive or S. Farm Road 189.

DRIVEWAY ACCESS

There is currently no driveway access points onto the property from E. Millwood Drive or S. Farm Road 189. Access to this property will be allowed from E. Millwood Drive based on existing City of Springfield standards for a Collector. Access to this property from S. Farm Road 189 must be approved and permitted by Greene County.

SIDEWALK

There is existing sidewalk along the property frontage of E. Millwood Drive. Sidewalk does not exist along the property frontage of S. Farm Road 189 and is not required by the county.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along E. Millwood Drive or S. Farm Road 189. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study was not required as the change in zoning did not generate an additional 1,000 vehicles per day or 100 vehicles in the a.m. or p.m. peak periods.

Development Review Staff Report

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	E. Millwood Drive	Collector	No	45	30
Street 2	S. Farm Road 189	Secondary Arterial	No	20	35
Street 3					
Street 4					

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	154	193	1,848	
***Proposed Trips Generated**	154	193	1,848	
Additional Trips Generated	0	0	0	

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

The property is in the Farmers Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing, detention is required according to Chapter 96. A fee in lieu of on-site stormwater detention is not allowed, and detention is required. Water quality will be required if disturbing more than one acre. The property is not located in a stream buffer area.

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. If disturbing 1 acre or greater, water quality will also have to be provided.
3. Drainage easements must be provided for this conveyance.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.
5. A land disturbance permit will be required if disturbing 1 acre or greater.

Public Works Stormwater Division	Response
Drainage Basin	Farmers Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	No
Is stormwater fee in lieu an option?	No

Development Review Staff Report

FIRE DEPARTMENT COMMENTS:

No issues.

Attachment 2

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

Enclosed 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.

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If the developer submits an application for a change in land use or zoning, the property will be posted and 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)
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5. 2nd 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. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	7/23/2020	**Telephone No.**	417-844-2939
YOUR NAME:	Kevin & Kimberly Mills		
YOUR ADDRESS:	3939 E. Knollwood Dr. Ozark, MO 65721		
PROJECT ADDRESS:	6177 S. farm Road 189 / 38.48 Acres of 45.16 for residential single family		

COMMENTS: As long as the finished product would be comparable to the properties already established in Millwood, and would not decrease the current value of my property, I would be okay with the new development. Otherwise, I would be opposed.

From: KColeman
To: Zoning@springfieldmo.gov
Cc: Ken Coleman
Subject: Neighborhood Notice of 6177 S Farm Rd 189
Date: Tuesday, July 28, 2020 10:21:04 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Dear Bob Hosmer:

Concerning the rezoning of the property at 6177 S Farm Rd 189, from its current R-1 status to R-SF, my wife and I are adamantly opposed to the requested change. The reasons for this have not changed since the previous request several years ago! This will change a great deal of attributes for the reasons the residents of this area chose to either build homes here, or buy existing homes; it is not desirable in any way as the issues that this change would bring to this area will be mostly negative and destroy in so many ways the countryside environment and atmosphere we enjoy currently.

Traffic will increase significantly if rezoning takes place. The earlier years would bring much construction type traffic with accompanying congestion challenges. Also the increase of automobile traffic will grow quickly, which will bring increased safety challenges too.

This has been for years a major bicycling, running and walking farm road system for Springfield area residents, and heavier residential traffic would greatly decrease the viability of this to continue, as safety would decline greatly.

The second major reason against rezoning is the obvious noise increase as residential homes increase. As already addressed, traffic alone adds significant noise; and then the outdoor use of the combined residents from a "subdivision" will regularly be loud and most often in the evening and nighttime hours when peace is most valued. This erodes at the appeal of the peaceful environment that currently exists here in this area.

Please consider these points in preservation of the current value of not rezoning, for the existing residents, as well as the exercise enthusiasts of the greater Springfield area that value the safety of this area with the current lower traffic.

Sincerely,
Tracy and Ken Coleman
COLEMAN FAMILY TRUST
3945 E PIONEER RD
ROGERSVILLE, MO 65742

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Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	07-22-20	**Telephone No.**	417-234-7601
YOUR NAME:	Johanna A. Garrison		
YOUR ADDRESS:	6114 S. SAN ROSA AVE. OZARK, MO 65721		
PROJECT ADDRESS:	6177 S. FARM ROAD 189		

COMMENTS:

OK for SINGLE DWELLING HOMES.
No to TOWNHOUSES - No to RENTAL HOUSING

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Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	7-22-20	**Telephone No.**	417 839-7307
YOUR NAME:	Charles E Murray (Chuck)		
YOUR ADDRESS:	6102 S. San Rosa Ave Ozark MO 65726		
PROJECT ADDRESS:	6177 S Farm Road 189		

COMMENTS:

We moved in Millwood to get away from Rentals!!

Residential—Single family is OK

But NOT Townhouses !!.

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

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Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	07/23/2020	**Telephone No.**	417.350.5159
YOUR NAME:	L. ALTON GARRISON		
YOUR ADDRESS:	6114 S. SAN ROSA AVE. - OZARK, MO 65721		
PROJECT ADDRESS:	6177 S. FARM ROAD 189		

COMMENTS:

O.K. WITH SINGLE DWELLING HOMES.

NO ON TOWNHOUSES - NO TO RENTERS.

From: Mike Rand
To: Zoning@springfieldmo.gov
Subject: Zoning Cases Z-17-2020 and Z-18-2020
Date: Thursday, August 13, 2020 11:11:28 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

I am writing with my concerns for the two cases noted above. I live in the Millwood Subdivision and feel that the increased traffic that will occur if these cases are approved will create a safety issue on our streets. Millwood Drive will be the primary route for cars to access Highway 65. There is already a high amount of traffic on this road and an increase of construction traffic during the build phase and then residential traffic afterwords will dramatically change the traffic flow through the neighborhood.

I am respectfully asking that you turn down this rezoning attempt.

Sincerely,

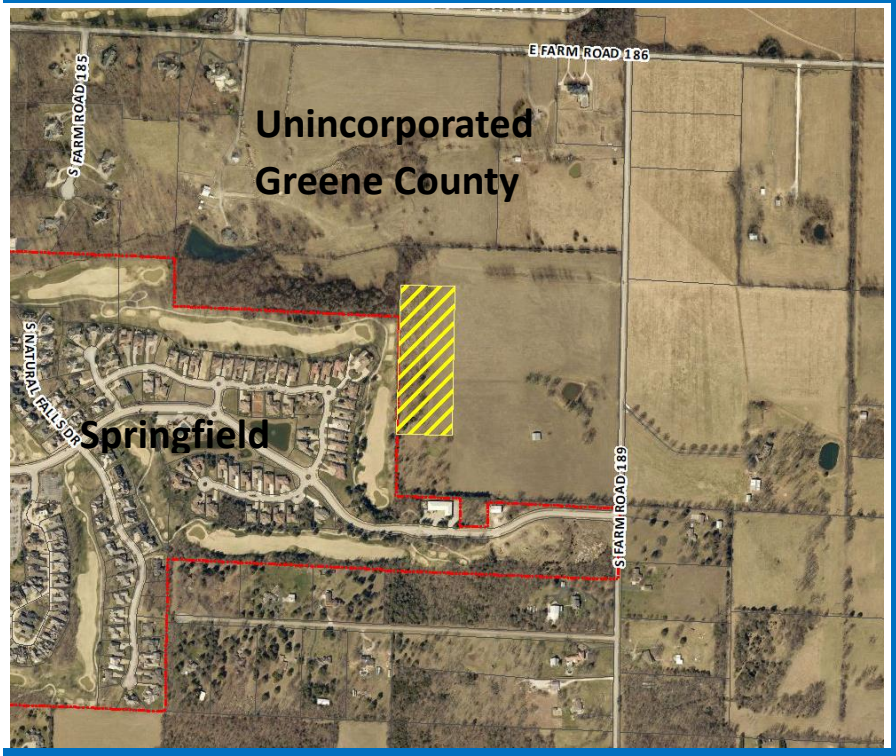
Mike Rand
3540 E Bluff Point Drive
Ozark, MO 65721

913-645-0088

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: August 13, 2020

CITY COUNCIL PUBLIC HEARING: September 8, 2020



CASE: Z-18-2020

ACRES: Approximately 6.68 acres

LOCATION: 6177 South Farm Road 189

EXISTING LAND USE: Undeveloped, agricultural uses

APPLICANT: Frank and Kimberly Steed

STAFF: Michael Sparlin, Senior Planner 864-1091

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District to R-TH, Residential Townhouse.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management & Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low Density Housing.

2. This application is consistent with the *Comprehensive Plan* which encourages that each neighborhood should contain a range of housing types, densities, and building configurations including single-family detached, townhouses, and apartments. It discourages large housing projects that consist of a single building type. It is recommended that some portion of each type of housing should, ideally, be available for occupancy on either an ownership or lease basis.

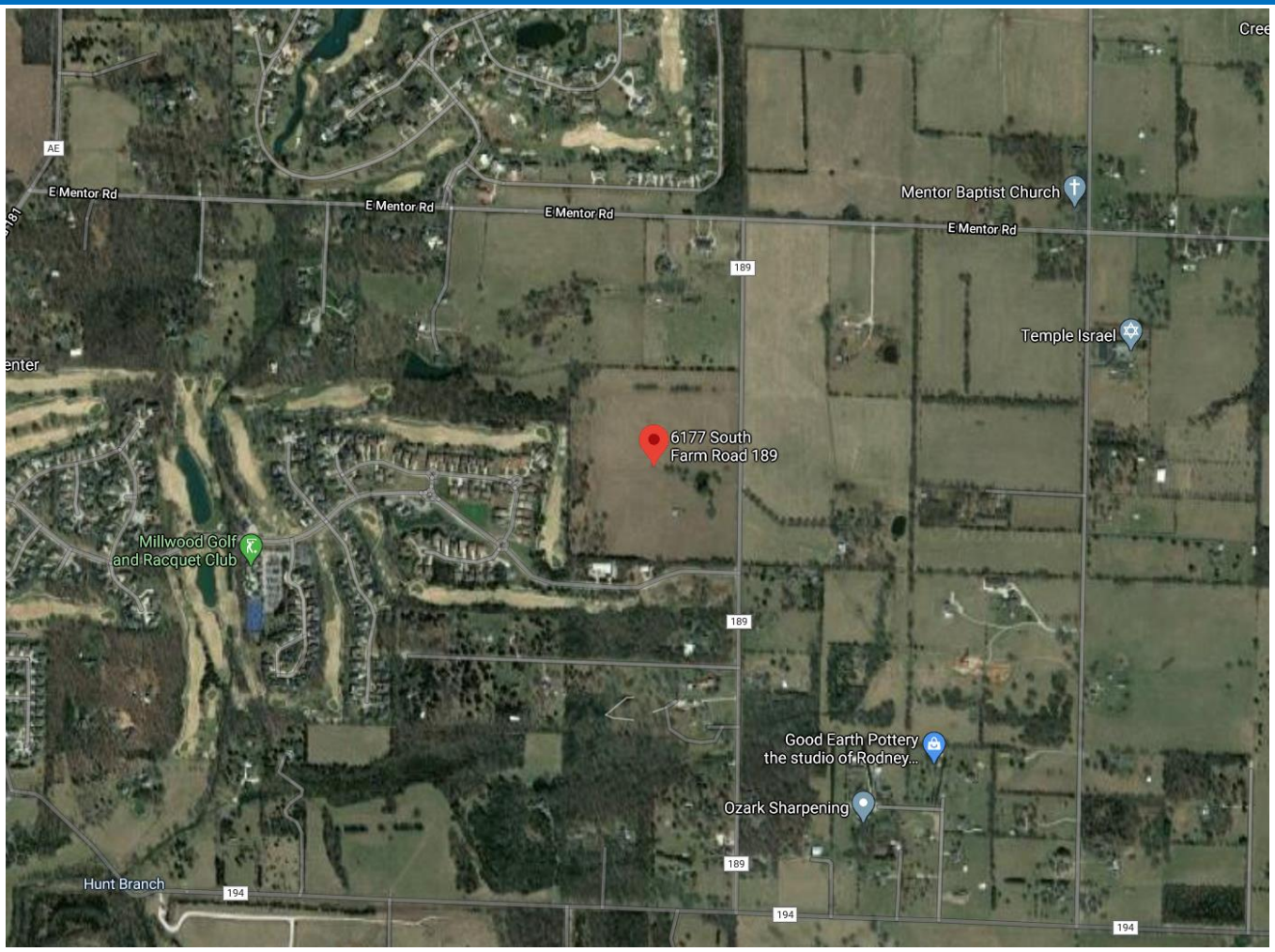
3. The application is consistent with the adjacent property within the City (Millwood) that has single-family and patio court housing uses.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County A-1	County A-1 and PAD 1033	County A-1	County A-1 and PAD 1033
LAND USE	Single-family and agricultural uses	Cemetery and golf course uses	Single-family and agricultural uses	Single-family, golf course and agricultural uses

Development Review Staff Report

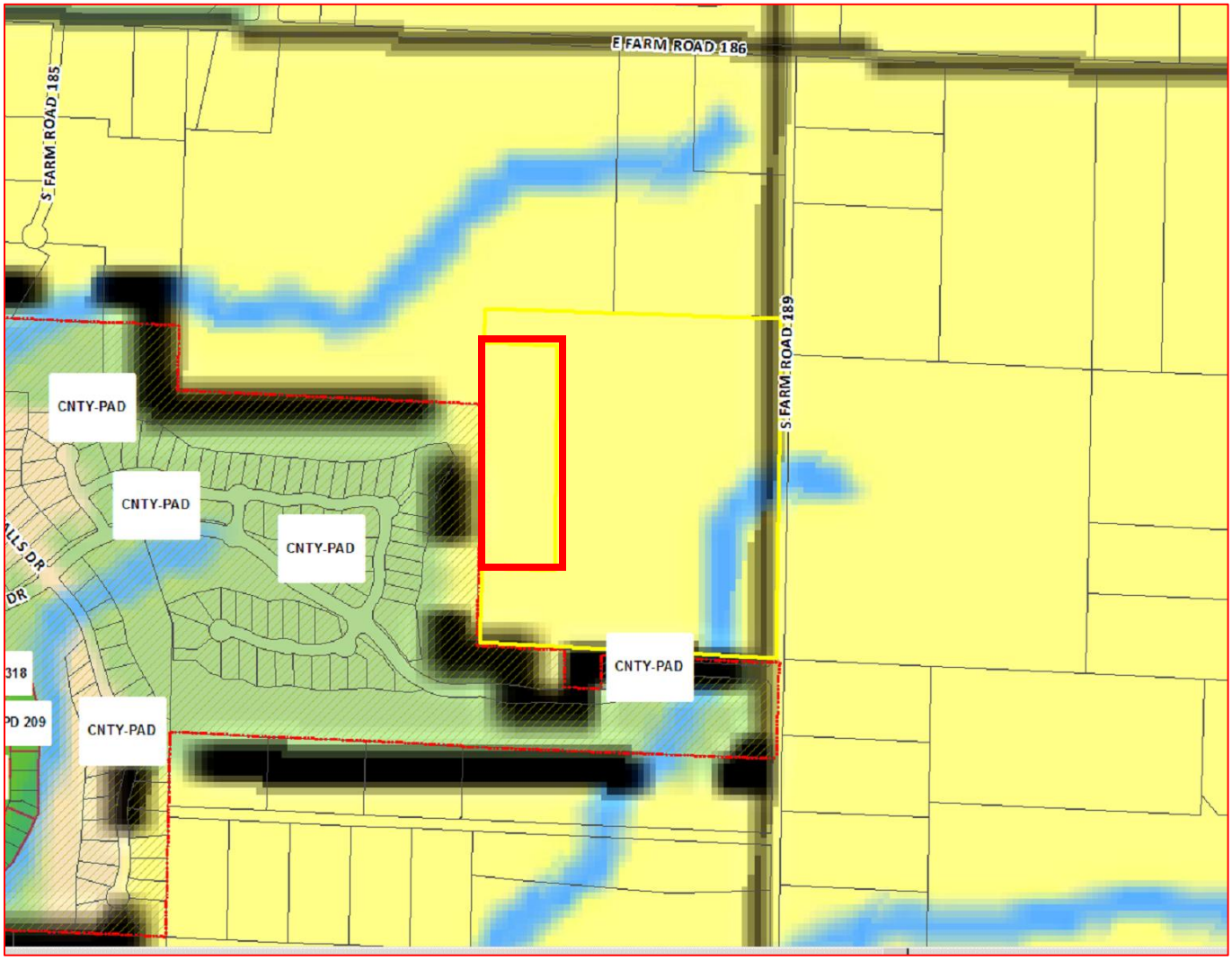
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Low-Density Housing
Medium or High Density Housing
Medium Intensity Retail, Office or Housing
High Intensity Retail, Office or Housing
Greater Downtown
Business Park
Light Industrial, Office and Office-Warehouse
General Industry, Transportation and Utilities
Park
School
Golf
Community-Public
Urban Reserve Area
Rural Area
Greenway
Parkway
City Boundary
Urban Service Area Boundary, Year 2020
Urban Reserve Boundary, Year 2040

Development Review Staff Report

PROPERTY HISTORY:

The subject property in currently located outside the City limits in unincorporated Greene County. The rezoning is being processed concurrently with an annexation and will have a public hearing at the same City Council meeting.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-TH
Use limitations	There shall be a separate platted lot of record for each single-family semi-detached or townhouse dwelling unit.
Lot size requirements	Minimum lot area: 1. Single-family detached dwellings and residential group homes: 5,000 square feet. 2. Duplexes: 7,500 square feet. 3. Each single-family semi-detached dwelling on a separate platted lot: 3,750 square feet. 4. Each townhouse on a separate platted lot: a. End lots: 4,000 square feet. b. Interior lots: 3,000 square feet. 5. All other uses: 7,500 square feet.
Maximum structure height	1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. 2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
None.	None.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management & Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low Density Housing.

Development Review Staff Report

The *Plan* encourages that each neighborhood should contain a range of housing types, densities, and building configurations including single-family detached, townhouses, and apartments. It discourages large housing projects that consist of a single building type. It is recommended that some portion of each type of housing should, ideally, be available for occupancy on either an ownership or lease basis.

The Transportation Plan classifies South Farm Road 189 as a Secondary Arterial roadway.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District to R-TH, Residential Townhouse. The applicant intends to develop a single-family and patio home development.

2. The R-TH district is intended to accommodate a variety of housing types, including single-family detached, single-family semi-detached, duplex, and townhouse dwellings, at low to moderate residential densities (approximately 11 units per acre). This district is also intended to function as a transition between the less intense single-family district and more intense multifamily districts.

3. The development will take primary vehicular access to Farm Road 189 which is classified as a Secondary Arterial roadway and will remain outside the city limits in unincorporated Greene County for maintenance purposes.

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

NEIGHBORHOOD MEETING:

All neighborhood meetings have been cancelled due the Mayor's Proclamation of Civil Emergency related to COVID-19. Property owners were mailed a comment card to provide their comments. All received comments are attached (Attachment 2).

PUBLIC NOTIFICATIONS:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 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.

Notices sent to property owners within 185 feet: Mailed: 3 Returned: 0

Development Review Staff Report

CITY OF Springfield

DEPARTMENT COMMENTS:

ATTACHMENT 1

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No issues with proposed rezoning.

CLEAN WATER SERVICES COMMENTS:

The property is in the Farmers Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing, detention is required according to Chapter 96. A fee in lieu of on-site stormwater detention is not allowed and detention is required. Water quality will be required if disturbing more than one acre. The property is not located in a stream buffer area.

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

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4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.
5. A land disturbance permit will be required if disturbing 1 acre or greater.

Public Works Stormwater Division	Response
Drainage Basin	Farmers Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	No
Is stormwater fee in lieu an option?	No

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies both E. Millwood Drive as a Collector roadway and S. Farm Road 189 as a Secondary Arterial roadways. The standard right-of-way width for E. Millwood Drive is 30-feet from the centerline and S. Farm Road 189 is 35-feet from the centerline. It appears no additional right-of-way is needed along E. Millwood Drive. S. Farm Road 189 is under jurisdiction of Greene County. They are not requiring additional right of way. A survey is recommended to determine the exact amount of existing right-of-way. E. Millwood Drive is a city-maintained street and S. Farm Road 189 is a county-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for E. Millwood Drive or S. Farm Road 189. On-street parking is not allowed along E. Millwood Drive or S. Farm Road 189.

Development Review Staff Report

CITY OF Springfield

DRIVEWAY ACCESS

There is currently no driveway access points onto the property from E. Millwood Drive or S. Farm Road 189. Access to this property will be allowed from E. Millwood Drive based on existing City of Springfield standards for a Collector. Access to this property from S. Farm Road 189 must be approved and permitted by Greene County.

SIDEWALK

There is existing sidewalk along the property frontage of E. Millwood Drive. Sidewalk does not exist along the property frontage of S. Farm Road 189 and is not required by the county.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along E. Millwood Drive or S. Farm Road 189. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study was not required as the change in zoning did not generate an additional 1,000 vehicles per day or 100 vehicles in the a.m. or p.m. peak periods.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
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Street 3					
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	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	28	35	336	
*Proposed Trips Generated	35	42	420	
Additional Trips Generated	7	7	84	

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

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Public Works Stormwater Division	Response
Drainage Basin	Farmers Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	No
Is stormwater fee in lieu an option?	No

FIRE DEPARTMENT COMMENTS:

No issues.

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

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City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

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YOUR NAME:	Johanna A. Garrison		
YOUR ADDRESS:	6114 S. SAN ROSA AVE. OZARK, MO 65721		
PROJECT ADDRESS:	6177 S. FARM ROAD 189		

COMMENTS:

OK for SINGLE DWELLING HOMES.
No to TOWNHOUSES - No to RENTAL HOUSING

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If the developer submits an application for a change in land use or zoning, the property will be posted and 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. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd 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. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	7-22-20	**Telephone No.**	417 839-7307
YOUR NAME:	Charles E Murray (Chuck)		
YOUR ADDRESS:	6102 S. San Rosa Ave Ozark MO 65726		
PROJECT ADDRESS:	6177 S Farm Road 189		

COMMENTS:

We moved in Millwood to get away from Rentals!!

Residential—Single family is OK

But NOT Townhouses !!.

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

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Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	07/23/2020	**Telephone No.**	417.350.5159
YOUR NAME:	L. ALTON GARRISON		
YOUR ADDRESS:	6114 S. SAN ROSA AVE. - OZARK, MO 65721		
PROJECT ADDRESS:	6177 S. FARM ROAD 189		

COMMENTS:

O.K. WITH SINGLE DWELLING HOMES.

NO ON TOWNHOUSES - NO TO RENTERS.

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

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Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	7/23/2020	**Telephone No.**	417-844-2939
YOUR NAME:	Kevin + Kimberly Mills		
YOUR ADDRESS:	3939 E. Knollwood Dr. Ozark MO 65721		
PROJECT ADDRESS:	6177 S. Farm Road 189 / 6.68 Acres of 45.16 for residential townhouses		

COMMENTS: 100% opposed to having townhouses because it will affect the value of my property.

Re: 6177 S. Farm Road 189 6.68 and 38.48 acres

KM

Kevin Mills <kevin@millsfoundations.com>(Kevin M

To Neal, Daniel

Cc **Zoning@springfieldmo.gov**

7/23/2020

The actual sender of this message is different than the normal sender. Click here to learn more. Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Daniel,

Thanks for the clarification. If I can tweak the comments on the 38.48 acres - I am in favor of residential development on the 38.48 acres that is not for townhomes.

Thanks again!

Kevin Mills
417-725-1437

Right-click or tap and

On Thu, Jul 23, 2020 at 1:11 PM Neal, Daniel <dneal@springfieldmo.gov> wrote:

> Thank you for your comments. They will be attached to the staff report that goes to Planning and Zoning Commission on August 13th and City Council on September 8th. The zoning ordinance and base residential districts (R-SF and R-TH) do not specify housing cost minimums or have minimum design requirements.
>
> ---
>
> **From:** Kevin Mills <kevin@millsfoundations.com>
> **Sent:** Thursday, July 23, 2020 12:52 PM
> **To:** Zoning@springfieldmo.gov <Zoning@springfieldmo.gov>
> **Subject:** 6177 S. Farm Road 189 6.68 and 38.48 acres
>
> **CAUTION** This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.
>
> ---
>
> Please see both attachments.
>
> Thank you!
>
> Kevin Mills
> 417-725-1437
>
> Right-click or tap and

Neighborhood Notice of 6177 S Farm Rd 189

KColeman <ktjgmcd@gmail.com>
To **Zoning@springfieldmo.gov**
Cc Ken Coleman

Tue 7/28

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Dear Bob Hosmer:

Concerning the rezoning of the property at 6177 S Farm Rd 189, from its current R-1 status to R-SF, my wife and I are adamantly opposed to the requested change. The reasons for this have not changed since the previous request several years ago! This will change a great deal of attributes for the reasons the residents of this area chose to either build homes here, or buy existing homes; it is not desirable in any way as the issues that this change would bring to this area will be mostly negative and destroy in so many ways the countryside environment and atmosphere we enjoy currently.

Traffic will increase significantly if rezoning takes place. The earlier years would bring much construction type traffic with accompanying congestion challenges. Also the increase of automobile traffic will grow quickly, which will bring increased safety challenges too.

> This has been for years a major bicycling, running and walking farm road system for Springfield area residents, and heavier residential traffic would greatly decrease the viability of this to continue, as safety would decline greatly.

The second major reason against rezoning is the obvious noise increase as residential homes increase. As already addressed, traffic alone adds significant noise; and then the outdoor use of the combined residents from a "subdivision" will regularly be loud and most often in the evening and nighttime hours when peace is most valued. This erodes at the appeal of the peaceful environment that currently exists here in this area.

Please consider these points in preservation of the current value of not rezoning, for the existing residents, as well as the exercise enthusiasts of the greater Springfield area that value the safety of this area with the current lower traffic.

Sincerely,
Tracy and Ken Coleman
COLEMAN FAMILY TRUST
3945 E PIONEER RD
ROGERSVILLE, MO 65742

From: Mike Rand
To: Zoning@springfieldmo.gov
Subject: Zoning Cases Z-17-2020 and Z-18-2020
Date: Thursday, August 13, 2020 11:11:28 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

I am writing with my concerns for the two cases noted above. I live in the Millwood Subdivision and feel that the increased traffic that will occur if these cases are approved will create a safety issue on our streets. Millwood Drive will be the primary route for cars to access Highway 65. There is already a high amount of traffic on this road and an increase of construction traffic during the build phase and then residential traffic afterwords will dramatically change the traffic flow through the neighborhood.

I am respectfully asking that you turn down this rezoning attempt.

Sincerely,

Mike Rand
3540 E Bluff Point Drive
Ozark, MO 65721

913-645-0088

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: August 13, 2020

CITY COUNCIL PUBLIC HEARING: September 8, 2020

CASE: Preliminary Plat of Westgate Subdivision

ACRES: 17.23

LOCATION: 4202 West Kearney Street

EXISTING LAND USE: Office uses / Vacant

APPLICANT: ARMA Development, LLC c/o Richard Kramer & Parrish Land & Development, LLC

STAFF: Jared Follin, Associate Planner 417-864-1615

STAFF RECOMMENDATIONS: Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a two-lot industrial subdivision named “Westgate Subdivision” to facilitate development on the property.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The applicant’s proposal, with the conditions listed below, is consistent with the City’s *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM	GM	GM	HM
LAND USE	Office/Vacant	Vacant	Vacant	Manufacturing

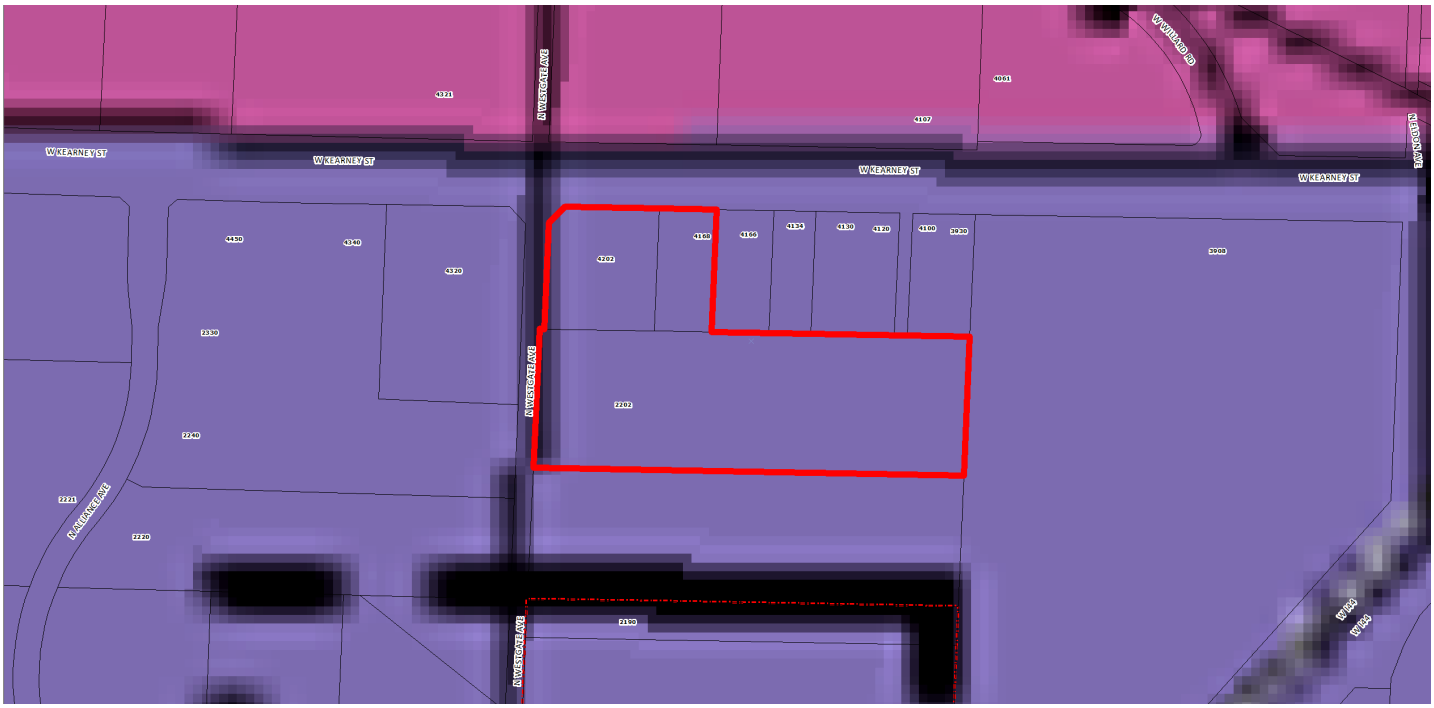
Development Review Staff Report

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

Development Review Staff Report

CITY OF Springfield

PROPERTY HISTORY:

The subject property was annexed into the City in 1967. The northwest portion of the property was previously platted in 1958 as part of the Ja's H. Millers Addition. This portion was also recently rezoned to General Manufacturing in 2018.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

(a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.

(b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.

(c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.

(d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.

(e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

(f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.

(g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

Development Review Staff Report

CITY OF Springfield

ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR GENERAL MANUFACTURING DISTRICT
Minimum Lot Size	None
Maximum Structure Height	None
Front Yard Setback	None, unless office, as principle use, athletic clubs, fitness centers, indoor sports facilities, and recording, television and radio studios.
Side and Rear Setbacks	None, unless office, as principle use, athletic clubs, fitness centers, indoor sports facilities, and recording, television and radio studios.
Street Classification	Kearney Street – Secondary Arterial Westgate Avenue – Secondary Arterial
Sidewalks (Per Sec.36-471)	There is no existing sidewalk along the property frontage of S. Westgate Avenue or W. Kearney Street. Sidewalk is required to be constructed along S. Westgate Avenue to current City Standards when the property develops.
Open Space Requirement	None, unless office, as principle use, athletic clubs, fitness centers, indoor sports facilities, and recording, television and radio studios.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for General Industrial, Transportation and Utilities. The subdivision divides the property in a way that will facilitate industrial development which is consistent with the comprehensive plan and current zoning district. The Major Thoroughfare Plan classifies Kearney Street as a Secondary Arterial and Westgate Avenue as a Secondary Arterial which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 17.23 acres into a two-lot industrial subdivision named “Westgate Subdivision” to facilitate development of the site.

2. The property is currently zoned GM, General Manufacturing District.

3. A large portion of Lot 1 is within the area of a sinkhole. The sinkhole area and a 25 feet buffer around the sinkhole perimeter will not be buildable area. The extent of the sinkhole and the buffer can be seen on the plat as a bold, dotted line.

4. All proposed lots meet the requirements of the City’s Subdivision Regulations.

5. 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.

The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1. Conditions of Approval are provided in Attachment 2.

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

Development Review Staff Report

CITY OF Springfield

DEPARTMENT COMMENTS:

ATTACHMENT 1

City Utilities
No issues with prelim plat. Elec/Gas/Water available to both lots from Kearney St.
Note: Future subdivision of Lot 1 is likely to require Gas/Water extensions along Westgate Ave.

Fire Department
No issues.

Public Works – Construction Inspection
If required, PW plans must be constructed and accepted prior to approval of the final plat. If allowed, a security (escrow) could be placed in lieu of construction of Public Improvements prior to approval of final plat. As applicable, any work on existing R/W, Easements, or Public Streets shall have a security (escrow) placed prior to any physical work or excavation in these areas.

Public Works - Traffic

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies both S. Westgate Avenue and W. Kearney Street as Secondary Arterial roadways. The standard right-of-way width for S. Westgate Avenue and W. Kearney Street is 35-feet from the centerline. It appears additional right-of-way is needed along S. Westgate Avenue. There is no additional right of way needed along W. Kearney Street A survey is recommended to determine the exact amount of existing right-of-way. S. Westgate Avenue is a city-maintained street and W. Kearney Street is a state-maintained street.

DRIVEWAY ACCESS
There is currently no driveway access point onto the property from S. Westgate Avenue or W. Kearney Street. There is a 26-foot access easement through the property to the north that can access Kearney Street. Access will be allowed to the property from Westgate Avenue based on existing City of Springfield standards for a Secondary Arterial. Any additional access to W. Kearney Street must be approved by MoDOT.

SIDEWALK
There is no existing sidewalk along the property frontage of S. Westgate Avenue or W. Kearney Street. Sidewalk is required to be constructed along S. Westgate Avenue to current City Standards when the property develops.

IMPROVEMENTS
None required. A Traffic Impact Study was not required.

TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline	Required Street ROW From Centerline
				(ft)	(ft)
Street 1	S. Westgate Avenue	Secondary Arterial	No	20	35
Street 2	W. Kearney Street	Secondary Arterial	No	130	35

Public Works - Stormwater
Stormwater has no issues with the preliminary plat as shown.

Development Review Staff Report

The property is in the Rainer Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing, detention is required according to Chapter 96. A fee in lieu of on-site stormwater detention is not allowed, and detention is required. Water quality will be required if disturbing more than one acre. The property is not located in a stream buffer area.

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. If disturbing 1 acre or greater, water quality will also have to be provided.
3. Drainage easements must be provided for this conveyance.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.
5. A land disturbance permit will be required if disturbing 1 acre or greater.

Public Works Stormwater Division	Response
Drainage Basin	Rainer Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No – but is in a sinkhole watershed
Is property located in a stream buffer?	No
Is stormwater fee in lieu an option?	No

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

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.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

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