PLANNING AND ZONING COMMISSION PUBLIC HEARING: APRIL 11, 2019
CITY COUNCIL PUBLIC HEARING: MAY 6, 2019

CASE NUMBER: Z-11-2019 w/ Conditional Overlay District No. 172
LOCATION: 3250 East Sunshine Street
ACRES: 2.39
EXISTING LAND USE: Lumber yard and warehousing
APPLICANT: Sunshine RE Holdings, LLC
STAFF: Bob Hosmer, ACIP 417-864-1834
STAFF RECOMMENDATIONS: Approve w/Conditions
PROPOSED MOTION: Move to approve Z-11-2019 w/ COD No. 172 as submitted.

SUMMARY OF REQUEST:
To rezone approximately 2.39 acres of property from Planned Development No. 9 to a GR, General Retail District and establish Conditional Overlay District No. 172.

FINDINGS FOR STAFF RECOMMENDATION:
1. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. The GR zoning district has been identified as an appropriate zoning for this category. The subject property is located along Sunshine Street which is classified as a primary arterial roadway and Ingram Mill which is classified as a collector roadway in the Major Thoroughfare Plan.
2. Approval of this request will provide for the redevelopment of this property consistent with the surrounding property and will provide for the productive use of this property where investments in public infrastructure and services have already been made.
3. The Conditional Overlay District will provide for the dedication of right-of-way for adjacent streets, additional landscaping, govern access to adjacent streets and require a traffic study at the time of development.
4. This request is consistent with the City’s policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th></th>
<th>NORTH</th>
<th>SOUTH</th>
<th>EAST</th>
<th>WEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING</td>
<td>GR</td>
<td>R-SF</td>
<td>HC</td>
<td>GR</td>
</tr>
<tr>
<td>LAND USE</td>
<td>Retail and office use</td>
<td>Single-family residences</td>
<td>Retail and office use</td>
<td>Retail and office use</td>
</tr>
</tbody>
</table>
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

GOOGLE MAPS STREET VIEW:
GROWTH MANAGEMENT AND LAND USE PLAN:
**PROPERTY HISTORY:**

The subject property was rezoned from a C-2, General Retail District to a Planned Development Number 9 on July 27, 1981 and has been zoned a Planned Development No 9 since the Citywide remapping in 1995.

**ZONING ORDINANCE REQUIREMENTS:**

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR GR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Limitations</td>
<td>(a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows: 1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to section 36-363, conditional use permits, of this article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. 2. If the premises abuts only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>None, except that no building shall be higher than a 30-degree bulk plane adjacent to R-SF or R-TH Districts</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations</td>
</tr>
<tr>
<td>Side and Rear Setbacks</td>
<td>None, except as required by the supplemental open space and bufferyard requirements</td>
</tr>
<tr>
<td>Open Space Requirement</td>
<td>20%</td>
</tr>
<tr>
<td>Design Requirements</td>
<td>Standard per code</td>
</tr>
</tbody>
</table>

**BULK PLANE**

30-degree bulk plane is required adjacent to R-SF zoning.

**BUFFERYARD AND LANDSCAPING**

Bufferyard Type “S2” when across street from R-SF.
COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. The GR zoning district has been identified as an appropriate zoning for this category. The GR district is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops and are recommended to be located along or at the intersection of two or more arterial or higher classification streets. The subject property is located along Sunshine Street which is classified as a primary arterial roadway and Ingram Mill is classified as a collector roadway in the Major Thoroughfare Plan.

The Growth Management and Land Use Plan of the Comprehensive Plan states that protection of our existing residential neighborhoods is a prime concern. It is important to ensure that new land uses are not detrimental to residential areas and to recognize the vulnerability of residential areas to certain adverse impacts. This objective does not mean that non-residential land uses are automatically inappropriate in residential areas; it means that design and location criteria must consider the existing residential areas. Mixed land uses, as well as mixed residential densities, will need to be accommodated in the future. These must be accommodated with sensitivity to existing residential neighborhoods. The plan encourages mixed use. However, where commercial areas are concentrated they should be sited and designed to have a minimal effect on adjacent lower-intensity development and the environment.

The Growth Management and Land Use Plan of the Comprehensive Plan also states that new development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space. Landscaped transitions should be used between sharply differing types of land use. Encourage the effective use of location, design and landscaping of commercial uses to screen and buffer neighborhoods from lights, signs, traffic noise and pollution, and other factors incompatible or conflicting with adjacent land uses. These practices will help ensure the integrity and function of the road system, reduce the length and frequency of auto trips, minimize impact on residential areas and contribute to the overall attractiveness of the community.

STAFF COMMENTS:

1. The applicant is requesting to rezone 2.39 acres of property from Planned Development District No. 9 to a GR, General Retail District with a Conditional Overlay District.

2. Approval of this application will provide for the redevelopment of this property that is consistent with the surrounding zoning and development. The subject property was part of the Meeks lumberyard development. The existing PD zoning only permits wholesale and retail sales of home building supplies and materials including lumber, appliances and tools. If approved, any use permitted in the GR district will be permitted which includes restaurants, banks and offices. Approval of GR zoning will provide more opportunities for the redevelopment and reuse of the subject property in a manner consistent with surrounding properties.

3. The Conditional Overlay District that accompanies this request will prohibit access to Washita Street and require the existing driveway on Sunshine to be removed or limited to a right-in / right-out only. The COD will also require the dedication of additional right-of-way along Sunshine and Ingram Mill and require a 30x30 sight triangle at this intersection. The Conditional Overlay District will require the completion of a traffic study at the time of development and may require public improvements based on the proposed development’s impact on the street system.

4. The normal bufferyard required between GR and R-SF with public street right-of-way 70 feet or less is a Bufferyard “Type S2” at least fifteen (15) feet wide. A street bufferyard is required along the south property line adjacent to Washita Street across from the R-SF zoning districts. Plantings required for a Type S2 bufferyard are for each one-hundred (100) linear feet, there must be at least one (1) canopy tree, two (2) understory trees and four (4) shrubs. No structures are required as part of this bufferyard.
5. A perimeter landscaping is required if a parking lot is within 50 feet of the right-of-way and there is no intervening building. The width of the perimeter landscaping can vary in size depending on the parking lot layout such as landscaped parking islands within 30 feet of the street and varied widths of landscaping strips along the frontage. This is not in addition to the S2 bufferyard, but rather an overlaying bufferyard. Parking lots or vehicle use areas are required to be screened by a four-foot fence or berm.

6. The applicant is proposing to modify the required Type S2 and perimeter landscaping requirements along Washita in the Conditional Overlay District provisions by requiring a 20 feet bufferyard with a berm and a 6 feet wooden fence. The COD will require evergreen trees that are at least 6 feet in height to be planted every 30 feet along the frontage of Washita on the southside of the fence.

7. This request is consistent with the City’s policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

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

NEIGHBORHOOD MEETING:
The applicant held a neighborhood meeting on March 21, 2019, regarding the request for rezoning. A summary of this meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:
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: 28  
Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1

BUILDING DEVELOPMENT SERVICES COMMENTS:
No objections to the rezoning.

CITY UTILITIES COMMENTS:
No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:
No objection to rezoning.

FIRE DEPARTMENT COMMENTS:
No objections to the rezoning.

MISSOURI DEPARTMENT OF TRANSPORTATION COMMENTS:
A traffic study may be required when this property develops. The existing drive on Sunshine does not meet access management spacing. This drive on Sunshine will need to be removed or limited to right-in / right-out only.
PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City’s Transportation Plan classifies E. Sunshine Street as a Primary Arterial roadway and is under MoDOT jurisdiction. MoDOT has not requested additional right of way on E. Sunshine Street. S Ingram Mill Avenue is classified as a Collector roadway which requires 60 feet of right of way, 30 feet from the centerline. It appears approximately 4 feet is needed. E Washita Street is classified as a local street which requires 50 feet of right of way, 25 feet from the centerline. It appears adequate right of way exists. A survey is recommended to determine the exact amount of existing right-of-way on both S Ingram Mill Avenue and E Washita Street. S Ingram Mill and E Washita Street are city-maintained streets. A 30 foot X 30 foot right of way sight triangle is required at the intersection of E Sunshine Street and S Ingram Mill Avenue.

TRAFFIC COUNTS & ON-STREET PARKING
The most recent traffic count on E Sunshine Street is 15,507 vehicles per day. The most recent traffic count on S Ingram Mill Avenue is 6,968 vehicles per day. E Washita Street is classified as a local street and does not have a traffic count. Traffic counts are done on local streets by request only. On-street parking is not allowed along E Sunshine Street, S Ingram Mill Avenue or E Washita Street.

DRIVEWAY ACCESS
There is currently one driveway access point on E Sunshine Street to the property and one driveway access point to S Ingram Mill Avenue. Per MoDOT comments, the existing driveway approach on E Sunshine Street will need to be removed or become a right in/right out. The existing driveway access point on S Ingram Mill Avenue can remain or be relocated across from the existing driveway approach on the property to the east. No access is allowed to E Washita Street.

SIDEWALK
Sidewalk currently exists along E Sunshine Street and along S Ingram Mill Avenue.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area surrounding the property pertaining to this rezoning. There is one bus stop along E. Sunshine Street and one on S Ingram Mill Avenue in the area pertaining to this rezoning. 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 is required at development based on the highest, most intense use being developed. There are no improvements planned for this portion of E Sunshine Street or S Ingram Mill Avenue.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Street Classification</th>
<th>On-Street Parking</th>
<th>Existing Street ROW from Centerline (ft)</th>
<th>Required Street ROW from Centerline (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street 1</td>
<td>E. Sunshine</td>
<td>Primary Arterial</td>
<td>45</td>
<td>50</td>
</tr>
<tr>
<td>Street 2</td>
<td>S. Ingram Mill</td>
<td>Collector</td>
<td>26</td>
<td>30</td>
</tr>
<tr>
<td>Street 3</td>
<td>E. Washita</td>
<td>Local</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing Trips Generated</th>
<th>AM Peak</th>
<th>PM Peak</th>
<th>Weekday</th>
<th>Weekend</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Proposed Trips Generated</td>
<td>TBD</td>
<td>TBD</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Development Review Staff Report

<table>
<thead>
<tr>
<th>Additional Trips Generated</th>
<th>TBD</th>
<th>TBD</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
</table>

*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 Galloway 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 and water quality is required according to Chapter 96. A fee in lieu of on-site stormwater detention is not applicable as the site is already built out and no additional impervious can be added. The property is not located in a stream buffer area. Since the project will not be disturbing more than one (1) acre there will not be a land disturbance permit required.

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 more than one acre 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. Water quality will still need to be provided if more than one acre is disturbed.

<table>
<thead>
<tr>
<th>Public Works Stormwater Division</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Basin</td>
<td>Galloway Creek</td>
</tr>
<tr>
<td>Is property located in Floodplain?</td>
<td>No</td>
</tr>
<tr>
<td>Is property located on a sinkhole?</td>
<td>No</td>
</tr>
<tr>
<td>Is property located in a stream buffer?</td>
<td>No</td>
</tr>
<tr>
<td>Is stormwater fee in lieu an option?</td>
<td>NA – site is already at maximum impervious</td>
</tr>
</tbody>
</table>

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-11-2019 & CONDITIONAL OVERLAY DISTRICT NO. 172

The requirements of Section 36-421 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following.

1. No access will be allowed to East Washita Street.
2. The existing drive on Sunshine will need to be removed or limited to right-in / right-out only.
3. The current access to Ingram Mill can be retained or shall be relocated across from the existing access from the property to the east if the building along Ingram Mill is demolished.
4. A 20’ feet bufferyard shall be provided along the south property line (except were the access to Ingram Mill exists for a distance of 50 feet into the property). The bufferyard shall require a 3’ foot tall berm with a
6’ feet wooden privacy fence located 10 feet from the property line. The required plantings shall be either a 6’ feet Chinese juniper “Spartan” (Juniperus chinensis “Spartan”) or a 6’ feet red cedar “Taylor” (Juniperus virginiana “Taylor”) or similar 6’ feet evergreen columnar trees planted 30’ feet on center in the bufferyard on the southside of the fence. If the building along Ingram Mill is not demolished and there is no additional building square footage added onsite; there shall be a 6’ feet wooden privacy fence constructed along the south property line along Washita Street for approximately 160 feet (driveway length) from the Ingram Mill Road right of way. The 20 feet bufferyard, berm, fence and planting requirements as noted above shall be constructed for the remainder of the south property line along Washita.

5. A cross access shall be encouraged to provide access to Ingram Mill for the property to the west.

6. A traffic impact study shall be provided at the time of development to determine if public improvements are warranted.

7. Five (5) feet of additional right-of-way is required along Sunshine Street and a 30-foot by 30-foot right-of-way sight triangle is required at the corner of Sunshine and Ingram Mill. Four (4) feet of additional right-of-way is required along Ingram Mill. The additional right-of-way will be required if the building along Ingram Mill is demolished and additional building square footage is constructed.
<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sam Appleton</td>
<td>1914 S. Mayfair</td>
<td><a href="mailto:ss11k@ymail.com">ss11k@ymail.com</a></td>
</tr>
<tr>
<td>Mandace Primutt</td>
<td>2733 E. Battlefield Rd. #355 04</td>
<td></td>
</tr>
<tr>
<td>LuAnn Creed</td>
<td>1966 S. Mayfair</td>
<td><a href="mailto:nnpproperties177@gmail.com">nnpproperties177@gmail.com</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>creedville@yahoo</td>
</tr>
</tbody>
</table>

NEIGHBORHOOD MTG
3250 E. SUNSHINE
3.21.19 - 400 - 630 PM
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: __________________________ to __________________________
   (existing zoning) to (proposed zoning)

2. Meeting Date & Time: __________________________ Thursday March 21, 2019
   __________________________

3. Meeting Location: __________________________
   3250 East Sunshine

4. Number of invitations that were sent: __________________________
   108

5. How the mailing list was generated: __________________________
   by City

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

7. List the verbal comments and how you plan to address any issues:
   (City Council does not expect all the issues to be resolved to the neighborhood’s satisfaction; however, the developer must explain why the issues cannot be resolved.)

   All three neighbors were concerned about the traffic conditions out there. Washita which is behind the property has been taking a lot of traffic with the development of the Arvest Bank and the properties west of this tract. Most of the traffic seems to be people who can’t access Sunshine to go west and use Washita to get to the signal on Ingram Mill. Others use Washita to get to Ingram Mill to go south.

   As a result of the traffic, the road is deteriorating and needs to be improved.

   A secondary concern was the trash which blows onto their yards from the commercial properties or from the traffic.

8. No one objected to the zoning and land uses.

   We are proposing a COD which has the following added restrictions:
   1. No access to Washita will be allowed.
   2. One access to Sunshine is allowed.
   3. The current access to Ingram Mill shall be retained.
   4. A 20’ buffer yard shall be provided on the south property line (except were the access to Ingram Mill exists) the bufferyard shall have a three foot berm on it and a 6’ privacy fence located on the high point 10’ from the PL.
   5. Cross access with the properties to the west shall be encouraged to provide access to Ingram Mill.

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

Geoffrey H. Butler AIA