### Case Number:
Z-17-2019

### Location:
613, 615 & 617 West Division Street

### Acres:
0.17 acre

### Existing Land Use:
Beauty salon, barber shop and apartments

### Applicant:
Alfred and Sandra Mase

### Staff:
Daniel Neal, 864-1036

### Staff Recommendation:
Approve

### Proposed Motion:
Move to approve Z-17-2019 as submitted

### Summary of Request:
Request to rezone approximately 0.17 acre of property from R-SF, Single-Family Residential District, to a LB, Limited Business District.

### Findings for Staff Recommendation:

1. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for Low-Density Housing land uses, however, this property is located along Division Street which is classified as a primary arterial on the Major Thoroughfare Plan. The beauty salon and barber shop have been determined to be legal nonconforming uses. The non-residential uses were discontinued on December 31, 2018 when the business license was not renewed. When a nonconforming use of land is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use except in case of damage or destruction), such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land, building or structure shall comply with the regulations of the zoning district in which it is located. The proposed rezoning to the LB district would allow the existing uses to be conforming.

2. The subject property is appropriate for LB zoning which is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas and are recommended to be located along or at the intersections of collector or higher classification streets. The subject property is located along Division Street, a primary arterial roadway and is less than 300 feet from the intersection of Division Street and Grant Avenue, both primary arterials.
3. 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>R-SF</td>
<td>R-SF</td>
<td>R-SF</td>
<td>R-LD</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 is currently zoned R-SF, Single-Family Residential District and has been since the Citywide remapping in 1995.

COMPATIBILITY WITH THE ZONING ORDINANCE:

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR LB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Limitations (a)</td>
<td>All activities and permitted uses except off-street parking and loading facilities, drive-thru facilities and day care activities shall be conducted entirely within a completely enclosed building.</td>
</tr>
<tr>
<td></td>
<td>(b) No individual store, personal service establishment or other permitted use shall have a gross floor area greater than 5,000 square feet.</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Principal building: 25 feet and 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>Side yard: None, except as required by the supplemental open space and bufferyard requirements. Rear yard: 20 percent of the lot depth or ten feet whichever is greater. No more than 25 feet shall be required.</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

LANDSCAPING

Bufferyard Type “S2” when across street from R-SF

36-482-12- (l)

100’

COMPATIBILITY WITH COMPREHENSIVE PLAN:
The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for Low-Density Housing land uses, however, this property is located along Division Street which is classified as a primary arterial on 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 take into account for 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 proposing to rezone approximately 0.17 acre of property from R-SF, Single-Family Residential District, to a LB, Limited Business District. The applicant is having issues trying to sell their legal nonconforming beauty salon and barber shop business. There are also two apartments behind the non-residential uses.

2. The beauty salon and barber shop have been determined to be legal nonconforming uses. The non-residential uses were discontinued on December 31, 2018 when the business license was not renewed. When a nonconforming use of land is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use except in case of damage or destruction), such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land, building or structure shall comply with the regulations of the zoning district in which it is located.

3. The subject property is appropriate for LB zoning which is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. This district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. This district should be located along or at the intersections of collector or higher classification streets. The subject property is located along Division Street, a primary arterial roadway and is less than 300 feet from the intersection of Division Street and Grant Avenue, both primary arterials.

4. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. The standard right-of-way width for West Division Street is 50 feet from the centerline. It appears approximately 14 feet of additional right-of-way needs to be acquired along the property frontage of West Division Street. However, ARC unanimously approved to allow a reduction in the entire amount of right-of-way to be dedicated along West Division Street – citing concerns about the ability for the existing structures to remain, and consistency with the rest of the corridor.

5. There is currently one driveway access point onto the property from West Division Street that will need to be closed, as it does not meet the minimum spacing requirements from the alleyway/N. Main Avenue. Access will be permitted off the alleyway. Any change of use to the subject property will require the current gravel parking lot to be brought up to meet current off-street parking design requirements.

6. If the existing structures are utilized, then bufferyard requirements are not triggered. If the site is redeveloped, the subject property will require a bufferyard along the north and east property line adjacent to the R-SF, Single Family
zoning district. The normal bufferyard required between LB and single-family zoning would be a Bufferyard "Type D" at least fifteen (15) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be two (2) canopy trees, two (2) understory trees, two (2) evergreen trees and fourteen (14) shrubs with a six-foot solid wood fence or solid masonry/brick wall, or six-foot solid evergreen hedge. These may be reduced by utilizing the narrow or shallow lot exemptions.

7. If the existing structures are utilized, then bufferyard requirements are not triggered. If the site is redeveloped, the normal bufferyard required between LB and R-SF with public street right-of-way 70 feet or less would be a Bufferyard "Type S2" at least fifteen (15) feet wide. A street bufferyard would be required along the south and west property line adjacent to Main Avenue and on the south along Division 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.

8. If the existing structures are utilized, then perimeter landscaping requirements are not triggered. If the site is redeveloped, perimeter landscaping is required if a parking lot is within 50 feet of the right-of-way and there is no intervening building. This can vary in size according to the parking lot layout such as landscaped parking island being within 30 feet of the street and varied widths of landscaping strips. This is not in addition to the S2 bufferyard, but rather overlaying bufferyard. Parking lots or vehicle use areas are required to be screened by a four-foot fence or berm. No parking is permitted within 25 feet of the right-of-way or 100 feet from the residential property to the south.

9. 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.

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

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on June 11, 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: 23 Returned: 0
DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:
No comments.

CITY UTILITIES:
City Utilities has no issues with proposed rezoning.

CLEAN WATER SERVICES COMMENTS:
No comments.

FIRE DEPARTMENT COMMENTS:
No comments.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City’s Transportation Plan classifies W. Division Street as a Primary Arterial roadway. The standard right-of-way width for W. Division Street is 50 feet from the centerline. It appears approximately 14 feet of additional right-of-way needs to be acquired along the property frontage of W. Division Street. However, ARC unanimously approved to allow a reduction in the entire amount of right-of-way to be dedicated along W. Division Street – citing concerns about the ability for the existing structures to remain, and consistency with the rest of the corridor. A survey is recommended to determine the exact amount of existing right-of-way. W. Division Street is a City-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING
The most recent traffic count on W. Division Street east of N. Grant Avenue is 10,750 vehicles per day. Parking is not allowed along W. Division Street.

DRIVEWAY ACCESS
There is currently one driveway access point onto the property from W. Division Street that will need to be closed, as it does not meet the minimum spacing requirements from the alleyway/N. Main Avenue. Access will be permitted off the alleyway.

SIDEWALK
There is existing sidewalk along the property frontage of W. Division Street. The existing infrastructure meets current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area pertaining to this rezoning. There are bus stops along W. Division Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS
None required. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000
additional trip-ends daily. The City of Springfield just recently completed improvements at the intersection of Grant and Division. This included traffic signal upgrades and ADA improvements. A Traffic Impact Study will be submitted for a property one block to the east of the property in question. Depending on the results of this Traffic Impact Study, improvements may or may not be necessary.

### TRAFFIC - TABLE 1: REZONING DETAILS

<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>W. Division Street</td>
<td>Primary Arterial</td>
<td>No</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AM Peak</td>
<td>PM Peak</td>
<td>Weekday</td>
<td>Weekend</td>
</tr>
<tr>
<td>Existing Trips Generated</td>
<td>0.68</td>
<td>0.85</td>
<td>8.16</td>
<td>N/A</td>
</tr>
<tr>
<td>*Proposed Trips Generated</td>
<td>1.87</td>
<td>6.8</td>
<td>79.9</td>
<td>N/A</td>
</tr>
<tr>
<td>Additional Trips Generated</td>
<td>1.19</td>
<td>5.95</td>
<td>71.74</td>
<td>N/A</td>
</tr>
</tbody>
</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 Lower Jordan Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not 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 will be allowed, and detention will not be required. 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>Lower Jordan 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 buyout an option</td>
<td>Yes</td>
</tr>
</tbody>
</table>
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

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

2. Meeting Date & Time: June 11th 2019 4PM - 6:30PM

3. Meeting Location: 817 W. Division

4. Number of invitations that were sent: 166

5. How the mailing list was generated: ZONING

6. Number of neighbors in attendance (attach a sign-in sheet): 1

7. List the verbal comments and how you plan to address any issues:
   (City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)
   Lisa Leage / moved in neighborhood six months ago on Howey St. I do not want neighborhood to go down.

8. List or attach the written comments and how you plan to address any issues:
   I told her that I had property sold for Barber Shop, est. apt. + tattoo parlour, which she was against! But then the sale fell through, because realtor called City and found out it was listed Residential! If it was a beauty shop it could be grandfathered in, which she was ok with.

I, Sandra Mase (print name), attest that the neighborhood meeting was held on 6-11-19 (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."

Sandra Mase
Signature of person completing affidavit

Sandra Mase
Printed name of person completing affidavit
Sign-in Sheet

Alicia Bagule / Honey