

# Development Review Staff Report



**PLANNING AND ZONING COMMISSION PUBLIC HEARING:**  
**CITY COUNCIL PUBLIC HEARING:**

JUNE 4, 2020

N/A

**CASE:** Vacation 820

**ACRES:** 16.3 square feet

**LOCATION:** 600 East Commerical Street

**EXISTING LAND USE:** Public Street right-of-way

**APPLICANT:** E. Joseph Hosmer

**STAFF:** Jared Follin, Associate Planner  
 417-864-1612

**STAFF RECOMMENDATIONS:**  
 Approve w/Conditions

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



## SUMMARY OF REQUEST:

Request to vacate a portion of public street right-of-way in order to correct an encroachment of the existing building located at 600 East Commercial Street.

## FINDINGS FOR STAFF RECOMMENDATIONS:

1. The requested vacation meets the approval criteria listed in Exhibit 2.

## SURROUNDING ZONING AND LAND USES:

	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>
<b>ZONING</b>	COM-2	R-MD	COM-2	COM-1
<b>LAND USE</b>	Distribution/Retail	Residential	Residential	Vacant Commercial Building

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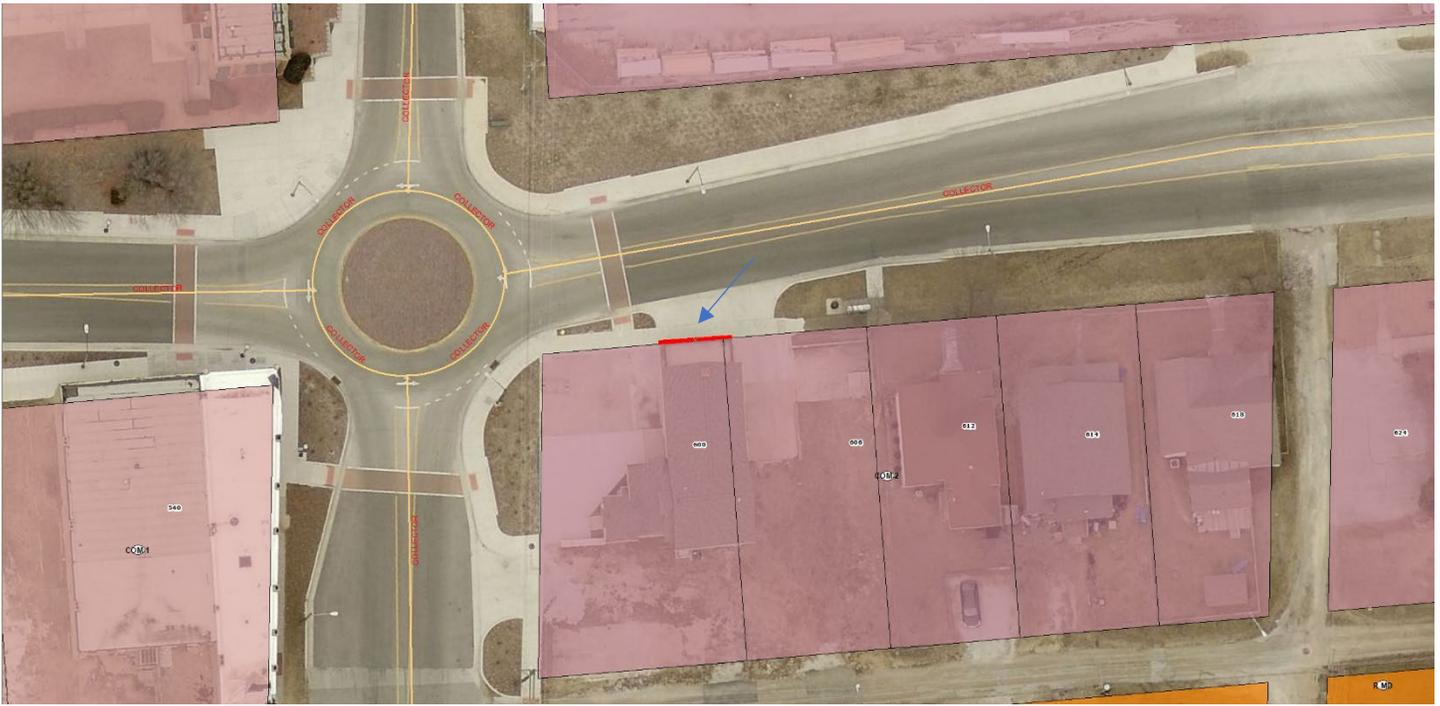
## SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



## GOOGLE MAPS STREET VIEW:



## MAJOR THOROUGHFARE PLAN:



## PROPERTY HISTORY:

This portion of East Commercial has been incorporated in the Springfield City Limits in its entirety since 1870. The existing building began construction in 2015 and was completed in early 2018.

## PLANNING AND ZONING COMMISSION AUTHORITY:

### Sec. 98-151. - Petition for vacation; notice of proposed vacation.

1. Any person owning any real estate within the city which has been subdivided by a duly recorded plat may petition the city to vacate the subdivision, or any part thereof, giving a distinct description of the property to be vacated and the names of the owners thereof with proof of their ownership; and any person owning property abutting upon any alley, street, common or public square, or any part thereof, may petition the city to vacate all or any part of the alley, street, common or public square, giving a distinct description of the property to be vacated and the names of the owners of the property abutting thereon. A petition to vacate such land shall be filed with the city clerk and referred to the planning and zoning commission for consideration. Thereupon, the planning and zoning commission shall cause notices of the proposed vacation to be posted in at least three prominent places in the vicinity of the area to be vacated and the petitioner shall cause a notice of the proposed vacation to be published in the daily newspaper having the greatest number of paid subscribers in the city at least 30 days prior to the public hearing, which newspaper shall meet the requirements of RSMo 493.050. No vacation shall take place until the petitioner shall have filed with the executive secretary of the planning and zoning commission proof that notice has been given of such vacation as required in this section, except in no event shall the failure of the planning and zoning commission to post the property in any way affect the validity of the vacation, it being intended by the city council that the legal notice for such vacation shall be solely by newspaper advertisement and that other advertisements shall be for informational purposes. In addition to the methods established by this section for notice, the city manager shall endeavor to cause notices of such vacations to be circulated in the area in accordance with rules to be adopted by the city manager, which rules should be filed with the executive secretary of the planning and zoning commission; provided, however, the failure to give such notice shall in no way affect the validity of the vacation.

## COMPATIBILITY WITH COMPREHENSIVE PLAN:

N/A

## STAFF COMMENTS:

1. The applicant is proposing to vacate approximately 16.3 square feet of public street right-of-way in order to correct an encroachment of an existing building. The building deviates into the public right-of-way approximately 0.8 feet.
2. The applicant will not be required to dedicate any easements as part of the vacation.
3. The proposed vacation was reviewed by City departments and comments are contained in Exhibit 1.

## NEIGHBORHOOD MEETING:

Due to the Coronavirus Pandemic, the Planning and Development Department waived the neighborhood meeting requirement. The applicant was still required to send out notification to all property owners and residents within 500 feet directing them to either email questions or concerns to [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov) or mail the included comment card to the City's Office.

## PUBLIC NOTIFICATIONS:

The public notice was advertised in the News-Leader at least 30 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 300 feet.

Notices sent to property owners within 300 feet:

Mailed: 47

Returned: 0

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## DEPARTMENT COMMENTS:

### EXHIBIT 1

#### DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No issues

#### CITY UTILITIES:

No issues with proposed vacation.

#### DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to vacation.

#### DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

Traffic has no issues with this vacation request.

#### DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

There is no conflict with stormwater with proposed vacation.

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## REQUIREMENTS FOR APPROVAL:

### EXHIBIT 2

In order to approve the vacation of a public street or alley, the Planning and Zoning Commission must make the following findings.	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-thirds of the property adjacent to 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 this portion of public street right-of-way 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.

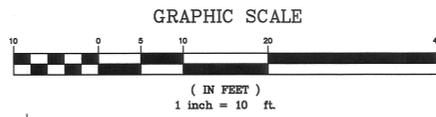
## LEGAL DESCRIPTION:

### EXHIBIT 3

COMMENCING AT A "X" CUT IN CONCRETE MARKING THE NORTHWEST CORNER OF LOT 31 OF BLOCK 26 IN NORTH SPRINGFIELD, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE ALONG THE NORTH LINE OF SAID BLOCK 26, N85°21'46"E, A DISTANCE OF 32.92 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING N85°21'46"E, A DISTANCE OF 22.20 FEET; THENCE N03°52'28"W, A DISTANCE OF 0.66 FEET; THENCE S85°43'45"W, A DISTANCE OF 22.21 FEET; THENCE S04°44'46"E, A DISTANCE OF 0.81 FEET TO THE POINT OF BEGINNING, CONTAINING 16.3 SQ. FT.



GRID NORTH  
MISSOURI STATE  
PLANE  
CENTRAL ZONE  
NAD83



**LEGEND**

- = EXISTING IRON PIN EXCEPT AS NOTED
- ⊙ = 5/8" IRON PIN SET CAPPED "LS-267D"
- ⊠ = EXISTING STONE MONUMENT
- ⊕ = CROSS SET IN CONCRETE
- = POWER POLE
- = BENCHMARK
- = LIGHT POLE
- = ELECTRIC METER
- = CLEANOUT
- = GAS METER
- = GAS VALVE
- = WATER METER
- = WATER VALVE
- = FIRE HYDRANT
- = SEWER MANHOLE
- = DECIDUOUS TREE
- = ELECTRIC LINE
- = UNDERGROUND ELECTRIC LINE
- = SANITARY SEWER LINE
- = GAS LINE
- = WATER LINE
- = CHAIN-LINK FENCE

**ADMINISTRATIVE SUBDIVISION**

NO. \_\_\_\_\_

**CERTIFICATE OF APPROVAL**

APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

BOB HOSMER, A.I.C.P.  
PLANNING MANAGER

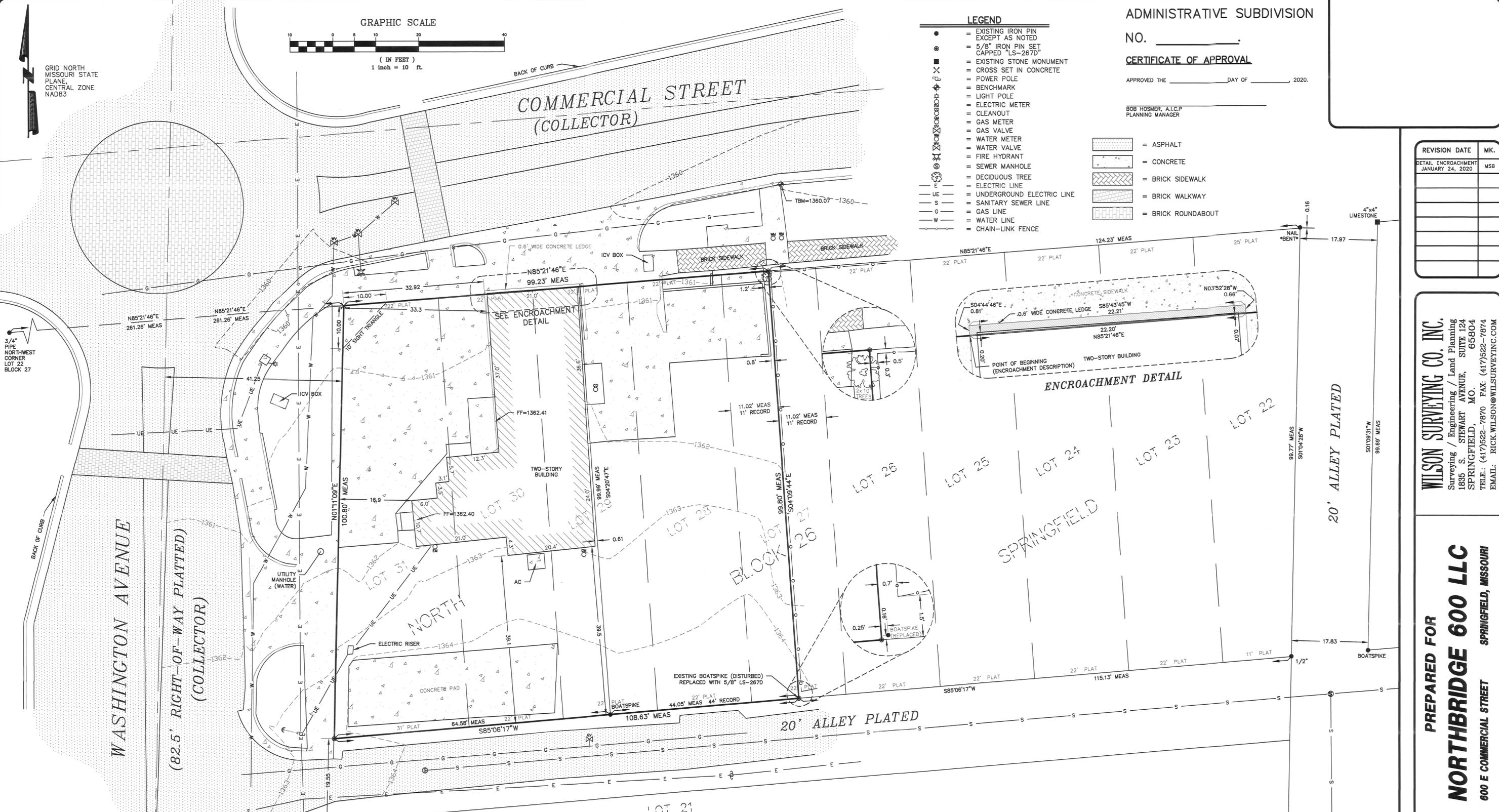
- [Pattern] = ASPHALT
- [Pattern] = CONCRETE
- [Pattern] = BRICK SIDEWALK
- [Pattern] = BRICK WALKWAY
- [Pattern] = BRICK ROUNDABOUT

REVISION DATE	MK.
DETAIL ENCROACHMENT JANUARY 24, 2020	MSB

**WILSON SURVEYING CO., INC.**  
Surveying / Engineering / Land Planning  
1835 S. STEWART AVENUE, SUITE 124  
SPRINGFIELD, MO 65804  
TEL.: (417)622-7870 FAX: (417)622-7874  
EMAIL: RICK.WILSON@WILSONSURVEYING.COM

**PREPARED FOR**  
**NORTHBRIDGE 600 LLC**  
600 E COMMERCIAL STREET  
SPRINGFIELD, MISSOURI

DRAWN BY	MSB & APW
CREW CHIEF	BP
CHECKED	RW
DATE	OCTOBER 30, 2019
SCALE	1"=10'
JOB NO.	19116
DRAWING NO.	WD-105-522
SHEET	1 OF 1 SHEETS



**BENCHMARKS**  
CITY BENCHMARK NO. 123  
CITY OF SPRINGFIELD STANDARD BENCHMARK  
NORTHWEST QUADRANT OF SUMMIT DIVISION  
ELEV. 1344.18  
  
TEMPORARY BENCHMARK NO. 1  
SQUARE CUT ON BACK OF CURB  
NORTH OF CONCRETE BETWEEN BRICK SIDEWALKS  
ELEV. 1360.07

**RESOURCE MATERIALS USED FOR BOUNDARY DETERMINATION**  
SURVEY BY CLYDE R DURHAM  
SURVEYOR RECORDS BOOK 50 PAGE 12  
  
SURVEY BY GEO. H. KASTENDIECK  
SURVEYOR RECORDS BOOK 11 PAGE 23  
  
SURVEY BY CJW TRANSPORTATION CONSULTANTS, L.L.C.  
FILE NO. 2019PW0016  
DATED APRIL 6, 2016  
DEEDS AS SHOWN

**SOURCE OF TITLE**  
BOOK 2019 PAGE 20970-19  
  
**PROPERTY DESCRIPTION**  
ALL OF THE WEST HALF OF LOT 27, AND ALL OF LOTS 28-31 OF BLOCK 28 IN NORTH SPRINGFIELD, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.  
  
SUBJECT TO ANY EASEMENTS OF RECORD, EXCEPT ANY PART THEREOF TAKEN OR USED FOR ROAD OR HIGHWAY PURPOSES.

**ZONING**  
COM-2 = COMMERCIAL STREET ZONE 2  
  
**ENCROACHMENT DESCRIPTION**  
COMMENCING AT A "X" CUT IN CONCRETE MARKING THE NORTHWEST CORNER OF LOT 31 OF BLOCK 28 IN NORTH SPRINGFIELD, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE ALONG THE NORTH LINE OF SAID BLOCK 28, N85°21'46"E, A DISTANCE OF 32.92 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING N85°21'46"E, A DISTANCE OF 22.20 FEET; THENCE N03°52'28"W, A DISTANCE OF 0.81 FEET; THENCE S85°43'45"W, A DISTANCE OF 22.21 FEET; THENCE S04°44'46"E, A DISTANCE OF 0.81 FEET TO THE POINT OF BEGINNING, CONTAINING 15.3 SQ. FT.

**SURVEYORS DECLARATION**  
KNOW ALL MEN BY THESE PRESENTS, THAT I, RICK WILSON, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED PREPARED BY WILSON SURVEYING CO., INC. DATED OCTOBER 30, 2019 AND SIGNED BY RICK WILSON P.L.S. NO. 1970 AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF RICK WILSON P.L.S. NO. 1970 IN ACCORDANCE WITH MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AS PROMULGATED FOR THE STATE OF MISSOURI BY THE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS AND THE MISSOURI DEPARTMENT OF AGRICULTURE, AND IN ACCORDANCE WITH SECTION 410.5 OF THE SUBDIVISION REGULATIONS, ARTICLE II, CHAPTER 36, OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

SIGNATURE *Rick Wilson*  
WILSON SURVEYING CO., INC. L.S. 267D  
BY RICK WILSON P.L.S. 1970

DATE PREPARED: JANUARY 14, 2020

**AREA**  
0.2 ACRES  
10,346 SQ. FT.



THE SURVEY SHOWN HEREON WAS PERFORMED TO MEET OR EXCEED THE REQUIREMENTS OF MISSOURI STANDARDS FOR URBAN CLASS PROPERTY.  
  
THE PROPERTY SHOWN HEREON LIES IN A FLOOD ZONE X ACCORDING TO FLOOD INSURANCE MAP 29077C0331E, EFFECTIVE DECEMBER 17, 2010.