AN ORDINANCE

1 GRANTING Conditional Use Permit No. 461 for the purpose of permitting an eating and drinking establishment use group, including drive-in, pick-up window, or drive-thru facilities, as a conditional use within the LB – Limited Business District, generally located at 404, 420, and 424 East Sunshine Street. (Planning and Zoning Commission recommends denial and staff recommends approval.)

WHEREAS, pursuant to Section 36-363 of the Land Development Code, City Council may grant permits authorizing certain enumerated conditional uses as provided in the various zoning districts; and

WHEREAS, the Planning and Zoning Commission held a public hearing on June 16, 2022, and recommended denial of Conditional Use Permit No. 461 for the property generally located at 404, 420, and 424 East Sunshine Street and zoned LB – Limited Business District; and

WHEREAS, City Council finds that sufficient evidence has been presented to satisfy all applicable standards of the Land Development Code for issuance of Conditional Use Permit No. 461; and

WHEREAS, the granting of such permit is deemed proper, and it is not found to harm the community or injure the value, lawful use, and reasonable enjoyment of properties in the vicinity of 404, 420, and 424 East Sunshine Street.

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

Section 1 – City Council adopts the City staff’s specific findings of fact on the proposed conditional use as set forth in “Exhibit D – Attachment 3.” “Exhibit D” is attached hereto and incorporated herein by this reference in its entirety. Conditional Use Permit No. 461 is hereby granted in accordance with and subject to the provisions of Section 36-363 of the Land Development Code. Conditional Use Permit No. 461 is granted for the purpose of permitting an eating and drinking establishment use group,
including drive-in, pick-up window, or drive-thru facilities, to operate as a conditional use within the LB – Limited Business District, located at the property described in “Exhibit B,” which is attached hereto and incorporated herein by this reference, and which is generally located at 404, 420, and 424 East Sunshine Street.

Section 2 – Building permits, certificates of occupancy, and any other required permits or approvals may be issued by the duly authorized officials of the City provided that such issuance is consistent with Section 36-363 of the Land Development Code, any other applicable City regulation or ordinance, and the “Requirements for Conditional Use Permit 461” described in “Exhibit A,” which is attached hereto and incorporated herein by this reference. Additionally, the provisions contained in “Exhibit A” and “Exhibit D – Attachment 2” shall govern and control the use and development of the land described in “Exhibit B,” in a manner consistent with the attached site plan depicted on “Exhibit D – Attachment 5.”

Section 3 – Any violation of the provisions of this Ordinance shall be grounds for the revocation of the Conditional Use Permit granted by the adoption of this Ordinance.

Section 4 – This Ordinance shall be in full force and effect from and after passage only so long as the Property and any improvements thereon conform to the conditions and requirements described in Section 36-363 of the Land Development Code, other applicable City regulations or Ordinances, and this Ordinance.

Passed at meeting: ______________________

_______________________________
Mayor

Attest: ________________________________, City Clerk

Filed as Ordinance: ______________________

Approved as to form: ____________________, Assistant City Attorney

Approved for Council action: ____________________, City Manager
EXPLANATION TO COUNCIL BILL 2022 - 170

FILED: 07-05-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 East Sunshine Street. (Planning and Zoning Commission recommends denial and staff recommends approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 461

The applicant is requesting to permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 E. Sunshine Street. The applicant is proposing to construct a new drive-thru coffee shop. A rezoning to LB is concurrently being processed with this application.

CONDITIONS:

1. The regulations and standards listed on Exhibit D - Attachment 3 and 4 shall govern and control the use and development of the land in Use Permit Number 461 in a manner consistent with the attached site plan (“Exhibit D - Attachment 5”).

FINDINGS FOR STAFF RECOMMENDATION:

1. Planning and Zoning Commission unanimously recommended denial of this case at their meeting on March 10, 2022. This case was referred back to Planning and Zoning Commission by City Council on April 4th.

2. The applicant is proposing to add 7 additional understory trees and 7 evergreens to the bufferyard area between the proposed development and the single-family residential properties to the south.

3. This application meets the approval standards for a Conditional Use Permit (“Attachment 3”).

4. Approval of this application is subject to the Requirements for Approval (“Attachment 2”) and site plan (“Attachment 5”).
5. Approval of this request will provide for continued development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

REMARKS: The Planning and Zoning Commission held a public hearing on June 16, 2022, and recommended denial, by a vote of 6 to 2 of the proposed Conditional Use Permit (see the attached "Exhibit C," Record of Proceedings).

The Planning and Development staff recommends the application be approved with the conditions (see attached “Exhibit A”).

Submitted by:

Daniel Neal, Senior Planner

Recommended by: 

Susan Istenes, AICP Director

Approved by: 

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Requirements for Conditional Use Permit Number 461
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Requirements for Conditional Use Permit
Attachment 3, Standards and Responses for Conditional Use Permits
Attachment 4, Affidavit of Neighborhood Notification and Meeting Summary
Attachment 5, Proposed CUP Site Plan
Attachment 6, Neighborhood Correspondence
EXHIBIT A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 461

1. An eating and drinking establishment with drive-in, pick-up window or drive-thru facilities is permitted in substantial conformance with Attachment 5.

2. The eating and drinking establishment with drive-in, pick-up window or drive-thru facilities shall comply with all the standards listed in Attachment 3.

3. No access is allowed to Sunshine Street from any lots except for the existing residential driveway on Lot 7 of Noble Heights Subdivision Unit #1 (420 E. Sunshine St.) which shall be closed, at the owner’s expense, once the existing residence has been demolished or is no longer used residentially.

4. Provisions for cross access easements shall be provided through all Lots 6-11 of Noble Heights Subdivision Unit #1 between Jefferson and Roanoke Avenues.

5. A Type D Bufferyard is required adjacent to R-SF properties to the south. An additional two understory and two evergreen trees per 100 lineal feet are required between the R-SF property to the south. The required bufferyard/landscaping on Lots 6 & 7 shall be established once the existing residential structures at 420 & 424 E. Sunshine St. have been demolished. The bufferyard exemption for narrow or shallow properties per Section 36-482 shall not be applied to any development of these properties.

6. An administrative lot combination of Lots 8, 9, 10 and 11 of Noble Heights Subdivision is required at the time of development. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is also required at the time of development.

7. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.
Lots 6 through 11 of Unit #1, Noble Heights Subdivision, Springfield, Greene County, Missouri except new street right-of-way.
Conditional Use Permit 461
404, 420 & 424 East Sunshine Street
Applicant: Reding Management LLC & Redec, LLC

Mr. Hosmer stated that this is a request to permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 E. Sunshine Street. The applicant is proposing to construct a new drive-thru coffee shop. Limited Business LB District allows eating and drinking establishments, for drive-thru facilities only with a Conditional Use Permit and a site plan is required for a CUP. All activities and uses except off-street parking and loading facilities, drive-thru facilities, activities shall be conducted entirely within a completely enclosed building. No individual retail store establishment or other permitted use shall have a gross floor area greater than 5,000 square feet. The maximum structure height is 25 feet and all structures shall remain below a 30-degree bulk plane.

The CUP will require the following:
- Sidewalks along Roanoke.
- A Type D" bufferyard (15) feet wide. There must be two (2) canopy trees, two (4) understory trees, two (4) evergreen tree and fourteen (14) shrubs per 100 liner feet. A six-foot-tall solid wood fence is also required as part of the bufferyard.
- Not allow access to Sunshine (except for existing home), Limit access to the southern portions of Jefferson and Roanoke. Require cross access.
- Not allow the narrow lot exemption for reduced landscaping, require landscaping lots 6-7 if homes are demolished,
- Require a lot combination for lots 6-7 at time of development.
- The application meets the approval standards for conditional use permits.

Staff recommends approval.

Mr. Doennig opened the public hearing

Combined with Z-1-2022 at the public hearing (see comments/discussion on Z-1-2022).

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**
Mr. Colony motioned to **approve** Conditional Use Permit 461 (404, 420 & 424 East Sunshine Street). Mr. Knuckles seconded the motion. Ayes: Knuckles and Jobe.
Nays: Doennig, Coltrin, Colony, Bruce, Lebeck, and Pauly. Abstain: None. Absent: Broekhoven. **Motion failed.**

______________________________

Bob Hosmer, AICP  
Planning Manager
SUMMARY OF REQUEST:

This is a request to permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 E. Sunshine Street.

FINDINGS FOR STAFF RECOMMENDATION:

1. Planning and Zoning Commission unanimously recommended denial of this case at their meeting on March 10, 2022. This case was referred back to Planning and Zoning Commission by City Council on April 4th.

2. The applicant is proposing to add 7 additional understory trees and 7 evergreens to the bufferyard area between the proposed development and the single-family residential properties to the south.

3. This application meets the approval standards for a Conditional Use Permit (Attachment 3).

4. Approval of this application is subject to the Requirements for Approval (Attachment 2) and site plan (Attachment 5).

5. Approval of this request will provide for continued development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.
## 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-SF</td>
</tr>
<tr>
<td>Land Use</td>
<td>Elementary School</td>
<td>Single-family residential uses</td>
<td>Single-family residential uses</td>
<td>Church uses</td>
</tr>
</tbody>
</table>
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

GOOGLE MAPS STREET VIEW:
GROWTH MANAGEMENT AND LAND USE PLAN:
PROPERT HYSTORY:
The property was annexed in 1926 and has been zoned R-SF, Single-Family Residential District since the Citywide remapping in 1995.

ZONING ORDINANCE REQUIREMENTS:
Sec. 36-363. - Conditional Use Permit
(1) Purpose. The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(8) Period of validity.
(a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18-month period:
1. A building permit is obtained and the erection or alteration of a structure is started; or
2. An occupancy permit is obtained and the conditional use commenced.
   The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.

(b) When a conditional use 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), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.

d. Damage or destruction. In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

COMPATIBILITY WITH COMPREHENSIVE PLAN:
The Growth Management and Land Use Plan designate this area as appropriate for Low Density Housing uses; however, as an optional element, small neighborhood-oriented retail or service businesses carefully located and screened at certain locations.

The Growth Management and Land Use Plan recommends limiting auto-oriented commercial districts to major arterial streets when the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-
oriented land uses can be compatibly concentrated. The properties are located at a major intersection of collector and arterial roadways. Non-residential uses exist at all other corners of this major intersection.

The Growth Management and Land Use Plan encourages the future location of neighborhood level shopping areas near intersections of arterials and collector streets. Site commercial areas where they serve only the adjacent neighborhood. Site smaller commercial areas where they have safe pedestrian access.

The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial, Jefferson Avenue north of Sunshine Street as a secondary arterial and south of Sunshine as a collector roadway. Roanoke Avenue is classified as a local roadway. These properties are located at the corner of a major intersection.

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 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 Community Physical Image and Character Plan element of the Comprehensive Plan developed goals to improve the visual appearance of the urban area and the Growth Management and Land Use Plan element encourages the protection of residential neighborhoods from adverse impacts of proposed development and inappropriate land use changes. New development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space.

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 permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 E. Sunshine Street. The applicant is proposing to construct a new drive-thru restaurant/coffee shop.

2. The Limited Business District 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.

3. The purpose of the CUP review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. Conditions have been submitted to mitigate any potential impacts of the LB conditional use. These conditions include:

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a. An eating and drinking establishment with drive-in, pick-up window or drive-thru facilities is permitted in substantial conformance with the site plan.

b. No access is allowed to Sunshine Street.

c. Access to Jefferson Avenue is limited to the most southern portion of Lot 6 that is not located in the bufferyard.

d. A Type D Bufferyard is required adjacent to R-SF properties to the south. An additional two understory and two evergreen trees per 100 lineal feet are required between the R-SF property to the south. The required bufferyard/landscaping on Lots 6 & 7 shall be established once the existing residential structures at 420 & 424 E. Sunshine St. have been demolished. The bufferyard exemption for narrow or shallow properties per Section 36-482 shall not be applied to any development of these properties.

e. An administrative lot combination of Lots 8, 9, 10 and 11 of Noble Heights Subdivision is required at the time of development. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is also required at the time of development.

f. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is required at the time of development.

4. The applicant states that, “All traffic will enter off of Jefferson, and then proceed through the drive through, and exit either onto Roanoke, or back on to Jefferson, this should help to alleviate any traffic through the neighborhood and encourage traffic to utilize Sunshine Street. In addition, landscape buffers will be placed with the prescribed screenings. This will allow for the reasonable enjoyment to the adjacent properties.”

5. A Traffic Impact Study was not required as the change in zoning does not generate an additional 100 trips in the a.m. or p.m. peak or 500 trips in a 24-hour period.

6. The development of the property will require a bufferyard along the south property line adjacent to the R-SF, Single-Family Residential zoning district. The normal bufferyard required between LB and R-SF 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 tree and fourteen (14) shrubs. A six-foot-tall solid wood fence is also required as part of this bufferyard.

7. Approval of this request will provide for the continued development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

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

**NEIGHBORHOOD MEETING:**

The applicant held a neighborhood meeting on February 14, 2022, regarding the rezoning request. A summary of the meeting is attached (Attachment 4)

**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: 18 Returned: 0
DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the rezoning. Lot has access to public sewer.

FIRE DEPARTMENT:

No comments.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City’s Transportation Plan classifies E. Sunshine Street as a Primary Arterial, S. Jefferson Avenue as a Collector roadway and S. Roanoke Avenue as a Local-Residential roadway. The standard right-of-way width for E. Sunshine Street is 50-feet from the centerline, 30-feet from the centerline for S. Jefferson Avenue and 25-feet from the centerline for S. Roanoke Avenue. It appears an additional 10-feet of right-of-way is needed along E. Sunshine Avenue. It appears no additional right of way is needed along S. Jefferson Avenue or S. Roanoke Avenue. A 30-foot X 30-foot right of way site triangle is also needed at the intersection of E. Sunshine Avenue and S. Roanoke Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. E. Sunshine Avenue, S. Jefferson Avenue and S. Roanoke Avenue are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING
The most recent traffic counts for E. Sunshine Avenue is 35,500 vehicles per day and for S. Jefferson Avenue is 4,995 vehicles per day. There are no traffic counts for S. Roanoke Avenue since it is classified as a Local roadway. On-street parking is not allowed along E. Sunshine Avenue or S. Jefferson Avenue. On-street parking is allowed on S. Roanoke Avenue.

DRIVEWAY ACCESS
There is one driveway access point onto the property from E. Sunshine Street, one from S. Jefferson Avenue and one from S. Roanoke Avenue. No access will be allowed to the property from E. Sunshine Street and one access point will be allowed from S. Jefferson Avenue as far south from the intersection of E. Sunshine Street as possible. One access point will be allowed from S. Roanoke Street and must be a minimum of 100 feet from E. Sunshine Street to meet current City of Springfield spacing standards set forth in the City of Springfield Public Works Design Guide.

SIDEWALK
There is existing sidewalk along the property frontage of E. Sunshine Street and S. Jefferson Avenue. There is currently no sidewalk along the property frontage of S. Roanoke Avenue. The developer will be required to install sidewalk in accordance with the City of Springfield Public Works Design Guide at the time of development.
TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There is one bus stop along E. Sunshine Street along the property frontage of this development. 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 does not generate an additional 100 trips in the am or pm peak or 500 trips in a 24-hour period.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Street Classification</th>
<th>On-Street Parking</th>
<th>Existing Street ROW from Centerline (ft.) (Approx.)</th>
<th>Required Street ROW from Centerline (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Sunshine St</td>
<td>Primary Arterial</td>
<td>No</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>S. Jefferson Ave</td>
<td>Collector</td>
<td>No</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>S. Roanoke Ave</td>
<td>Local – Commercial</td>
<td>Yes</td>
<td>25</td>
<td>30</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

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the Fassnight Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of flooding problems in the area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention will not be allowed and detention is required. The property is not 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. For any increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3 of the City’s Flood Control and Water Quality Protection Manual. This site primarily drains to the East. A fee in lieu of constructing onsite stormwater detention will not be permitted.

2. Water quality will be required per Chapter 10 Sec. 2.0 if greater than one acre of land is disturbed. Water quality is also required for less than one acre of disturbance if part of a larger common plan.

3. As-builts of the detention and water quality improvements are required.

4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the City’s Flood Control and Water Quality Protection Manual.
5. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the ProjectDox process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0. More details at the following link: https://www.springfieldmo.gov/2120/Resources.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
CONDITIONAL USE PERMIT 461

1. An eating and drinking establishment with drive-in, pick-up window or drive-thru facilities is permitted in substantial conformance with Attachment 5.

2. The eating and drinking establishment with drive-in, pick-up window or drive-thru facilities shall comply with all the standards listed in Attachment 3.

3. No access is allowed to Sunshine Street from any lots except for the existing residential driveway on Lot 7 of Noble Heights Subdivision Unit #1 (420 E. Sunshine St.) which shall be closed, at the owner’s expense, once the existing residence has been demolished or is no longer used residentially.

4. Provisions for cross access easements shall be provided through all Lots 6-11 of Noble Heights Subdivision Unit #1 between Jefferson and Roanoke Avenues.

5. A Type D Bufferyard is required adjacent to R-SF properties to the south. An additional two understory and two evergreen trees per 100 lineal feet are required between the R-SF property to the south. The required bufferyard/landscaping on Lots 6 & 7 shall be established once the existing residential structures at 420 & 424 E. Sunshine St. have been demolished. The bufferyard exemption for narrow or shallow properties per Section 36-482 shall not be applied to any development of these properties.

6. An administrative lot combination of Lots 8, 9, 10 and 11 of Noble Heights Subdivision is required at the time of development. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is also required at the time of development.

7. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.
### STANDARDS FOR CONDITIONAL USE PERMIT 461

#### ATTACHMENT 3

<table>
<thead>
<tr>
<th>36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:</th>
<th>Applicant’s response:</th>
<th>Staff response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan.</td>
<td>The property is along a major arterial and thus takes advantage of the infrastructure that an arterial provides.</td>
<td>This application is consistent with the <em>Growth Management and Land Use Plan</em> of the <em>Comprehensive Plan</em> which encourages higher intensity uses at major intersections. The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial, Jefferson Avenue north of Sunshine Street as a secondary arterial and south of Sunshine as a collector roadway. Roanoke Avenue is classified as a local roadway.</td>
</tr>
<tr>
<td>2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.</td>
<td>The property will have a vehicular exit only access to Sunshine Street and will not adversely affect the public safety as it relates to the motoring public and pedestrians. Primary Access will be taken from Jefferson Avenue.</td>
<td>Public Works Traffic Division has reviewed the application and has determined that the conditional use will not adversely affect safety of the motoring public and of pedestrians with traffic access controls that are required. Traffic comments are provided in Attachment 1.</td>
</tr>
<tr>
<td>3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.</td>
<td>A new building will be constructed on site that will meet all applicable fire codes.</td>
<td>The Fire Department has reviewed this request and has no concerns with regard to safety from fire hazards and fire controls. Fire comments are provided in Attachment 1.</td>
</tr>
<tr>
<td>4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.</td>
<td>Drainage flows north on the property towards Sunshine Street, and the development will meet the Stormwater requirements of the City.</td>
<td>Public Works Stormwater Division has reviewed this request and provided comments in Attachment 1. The development is required to meet development standards for stormwater management.</td>
</tr>
<tr>
<td>5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district.</td>
<td>The proposed use is for a drive through facility, so no noise will exceed the levels that are typically permitted in the district.</td>
<td>The applicant’s response adequately addresses this condition. It is not expected that the proposed use will have noise characteristics that exceed Zoning Ordinance standards.</td>
</tr>
<tr>
<td>6. The glare of vehicular and stationary lights will not affect the established</td>
<td>A fence will be installed per the screen regulations in the zoning</td>
<td>It is not expected that the proposed use will negatively</td>
</tr>
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</table>
### 36-363 (10) Standards

An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

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<tr>
<th>Character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.</th>
<th>Applicant’s response:</th>
<th>Staff response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>code to eliminate any head light glare and stationary light glare.</td>
<td>affect the neighborhood. The applicant’s response adequately addresses this condition.</td>
<td></td>
</tr>
</tbody>
</table>

| The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site. | Signage will be along Sunshine Street and adhere to the Sign code. | The development will be subject to the signage standards of the Zoning Ordinance. |

| Such signs will not have an adverse effect on any adjacent properties. | Signage will be along Sunshine Street to minimize any impact to adjacent properties. | The development will be subject to the signage standards on the Zoning Ordinance. |

| The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use. | The right of way and adjacent street pavement widths are wide enough in the area to support the development. | Jefferson Avenue and Sunshine Street pavement width is adequate to handle increased traffic volume. |

| The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare. | The site is planned in such a manner that it would not. | It is not anticipated that the proposed drive-thru restaurant will have an adverse effect or be incompatible with the adjacent and surrounding properties along Sunshine Street. |

| The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: | a. The current plan is to construct and arrange the buildings in such a manner that customers will utilize Sunshine and Jefferson, this will allow for the conditional use to not dominate the adjacent properties. Buildings will be shifted north, with fencing along the south property line for screening. Vehicle circulation will face vehicles to the north to help lessen any glare impact on the adjacent properties. | The standards of the Zoning Ordinance adequately address these issues. The subject property is located in an area of non-residential uses and is not anticipated to dominate the immediate vicinity or to interfere with the development and use of neighboring properties. An additional two understory and two evergreen trees per 100 lineal feet are being required in the bufferyard between the R-SF property to the south. |

| b. The nature and extent of landscaping and screening on the site. | b. The site will be developed to meet all of the landscaping and screen requirements of the City of Springfield. |

| The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify | Currently the site is a vacant lot so it should not. | It is not expected that the proposed development will negatively affect any significant |

| 12. | 20 of 42 | 20 of 42 |
### 36-363 (10) Standards

<table>
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<tr>
<th>Condition</th>
<th>Applicant’s response</th>
<th>Staff response</th>
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<tbody>
<tr>
<td>1. The proposed conditional use</td>
<td>Currently the site is a vacant lot so it should not.</td>
<td>The applicant’s response adequately addresses this condition. The two houses at 420 &amp; 424 E. Sunshine Street are not designated as historical.</td>
</tr>
<tr>
<td>2. The proposed conditional use</td>
<td>It currently does and will be developed in a manner that will meet those regulations.</td>
<td>The proposed use is required to comply with applicable regulations with regard to lot size, bulk regulations, use limitations and performance standards.</td>
</tr>
<tr>
<td>3. The proposed conditional use</td>
<td>The drives are placed in such a manner to contribute to the convenience and promote the welfare.</td>
<td>The applicant’s response adequately addresses this condition.</td>
</tr>
<tr>
<td>4. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect</td>
<td>Such screenings are planned, and the development of the site will meet these regulations.</td>
<td>The development will be subject to these standards of the Zoning Ordinance.</td>
</tr>
<tr>
<td>5. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.</td>
<td>The new drives will be designed in such a manner to meet this criterion.</td>
<td>Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards.</td>
</tr>
<tr>
<td>6. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.</td>
<td>The vehicular circulation will not. It is expected that traffic will only enter off Jefferson Avenue, and then exit either onto Sunshine Street or onto Jefferson. It was done in this manner to have the least impact on adjacent properties.</td>
<td>Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards with the traffic access controls that are required with this Conditional Use.</td>
</tr>
<tr>
<td>7. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.</td>
<td>The new structure and parking lot will not.</td>
<td>There is not any known interference with any public rights-of-way or easements.</td>
</tr>
<tr>
<td>8. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building,</td>
<td>A new structure is planned that will conform to all current codes.</td>
<td>The development is required to adhere to all standards of the Zoning Ordinance and other applicable ordinances.</td>
</tr>
</tbody>
</table>
### 36-363 (10) Standards

An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

<table>
<thead>
<tr>
<th>Applicant’s response:</th>
<th>Staff response:</th>
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<tr>
<td>plumbing and electrical requirements of the City of Springfield.</td>
<td></td>
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</table>

21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

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<tr>
<th>Applicant’s response:</th>
<th>Staff response:</th>
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<tbody>
<tr>
<td>The proposed conditional use is located along a major roadway with the necessary utilities and services.</td>
<td>This property is already served with public infrastructure and services.</td>
</tr>
</tbody>
</table>
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: \( \text{R-SF} \) to \( \text{LB, With a CUP} \)

2. Meeting Date & Time: February 14th, 2022 from 4:00pm to 6:30pm

3. Meeting Location: 316 E Sunshine Street

4. Number of invitations that were sent: 

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

6. Number of neighbors in attendance (attach a sign-in sheet): 14

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.)
   See Attached

8. List or attach the written comments and how you plan to address any issues:
   None received.

I, \( \text{Dane Seiler} \) (print name), attest that the neighborhood meeting was held on February 21st, 2021 (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.”

\( \begin{align*} 
\text{Signature of person completing affidavit} \\
\text{Dane Seiler} \\
\text{Printed name of person completing affidavit} 
\end{align*} \)
Jefferson & Sunshine

Neighborhood Meeting Summary

2/14/2022 – 4:00 PM to 6:30 PM

1. Concerns about the current property conditions, general consensus was the neighborhood would be glad to see the houses razed.
   a. Upon full development the houses will be razed.

2. General comments about liking the exit onto Sunshine (this has been subsequently removed from the plan).
   a. Due to the restrictions that would remove the drive at full development, the right out exit only drive onto Sunshine has been removed from the development.

3. Concerned about existing property maintenance on the corner of Roanoke and Sunshine.
   a. Overgrowth on the corner will be eliminated.

4. Questions about number of employees
   a. Approximately 10

5. Questions about who will maintain the property once construction is complete
   a. The properties will be maintained by the tenants who will have a daily operation at the site.

6. Concerns about sewer capacity
   a. We believe that there is enough capacity in existing sanitary sewer to handle the additional flows. Conversations with Environmental Services confirm this.

7. Concerns about additional traffic on Roanoke.
   a. With no access to Sunshine the development will need to access Roanoke to provide the necessary circulation. Traffic from the coffee shop would be encouraged to exit back through Jefferson, and that would be the natural flow of the site, but one could expect some additional traffic on Roanoke.

8. Questions about hours of operation.
   a. Generally 5:30 AM to 9:00 PM, no 24 hour operation

9. Questions about trees, and what it would look like between the development and houses
   a. A bufferyard with a fence is planned; the bufferyard will be 15' in depth and contain dense plantings. There was a request from one neighbor asking to coordinate the removal of specific trees in that bufferyard.
10. Questions about dumpster location
   a. Currently planned for the south east corner of the site, one request was made to move it to the west side of the property.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address or Company</th>
<th>Phone</th>
<th>E-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dane Seiler</td>
<td>CJW</td>
<td>417-889-3400</td>
<td><a href="mailto:dseiler@gocjw.com">dseiler@gocjw.com</a></td>
</tr>
<tr>
<td>Rick &amp; Sally Keene</td>
<td>517 E. Ottawa Court</td>
<td>417-886-5828</td>
<td><a href="mailto:rick-sallykeene@steglobal.net">rick-sallykeene@steglobal.net</a></td>
</tr>
<tr>
<td>Cody &amp; Sarah Hicks</td>
<td>1817 S. Commerce</td>
<td>417-837-8797</td>
<td><a href="mailto:ybluejazz@yahoo.com">ybluejazz@yahoo.com</a></td>
</tr>
<tr>
<td>J. Dean Price</td>
<td>1847 S. Jefferson</td>
<td></td>
<td><a href="mailto:dean@deanpricelaw.com">dean@deanpricelaw.com</a></td>
</tr>
<tr>
<td>John &amp; Chris Heil</td>
<td>2215 S. State Hwy 125</td>
<td>417-841-2246</td>
<td><a href="mailto:johncrh@msn.com">johncrh@msn.com</a></td>
</tr>
<tr>
<td>Julie Schulze</td>
<td>505 E. Ottawa St.</td>
<td>417-425-4333</td>
<td><a href="mailto:schulzeju@aol.com">schulzeju@aol.com</a></td>
</tr>
<tr>
<td>Laurie Mertens</td>
<td>1847 S. Jefferson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Morisset</td>
<td>522 E. Sunshine St</td>
<td>417-693-2808</td>
<td><a href="mailto:michael@millnerstructures.com">michael@millnerstructures.com</a></td>
</tr>
<tr>
<td>Carolyn Pepper</td>
<td>1739 S. Jefferson Ave</td>
<td>417-766-9755</td>
<td>wcpenderyahoo.co.uk</td>
</tr>
<tr>
<td>Ross &amp; Laura Martin</td>
<td>519 E. Ottawa St.</td>
<td>417-595-4462</td>
<td>s <a href="mailto:semiconductor@gmail.com">semiconductor@gmail.com</a></td>
</tr>
</tbody>
</table>
Dear Planning Department,

We have made adjustments to our site plan under consideration for a conditional use permit at the intersection of Sunshine Street and Jefferson Avenue. Listening to the concerns of a few neighbors, we added additional landscaping and vegetation to provide an enhanced buffer between the limited business and the residential single family uses. We ask that the planning and zoning commission reconsider our rezone and conditional use permit.

We have reviewed the comprehensive plan and believe that the plan identifies this section of Sunshine Street as a transitional corridor, and thus allows for commercial uses. We are requesting limited business with a conditional use permit for a drive through, which is the lowest level of commercial use. We believe this is an appropriate use for an undeveloped corner of primary arterial. We also would point out that the lot has remained undeveloped under current zoning for nearly 40 years.

Sincerely,

Royce Reding
April 20, 2022

Re: Review of Lot 7

Mr. Reding,

Per our conversation, you requested my opinion of Lot 7 of Noble Heights located at the intersection of Jefferson Ave. and Sunshine St. in Springfield, MO. My review of the property was to determine the best use of Lot 7 as future development in that area. On April 19, 2022 I visited the property and took into consideration all of the existing residential structures and the existing commercial property adjacent to the property. In my professional opinion, I feel like Lot 7 is more conducive to future commercial development and should be rezoned as commercial use. Building a new home in that location would not be a desirable or profitable endeavor for any residential builder and/or future homeowner.

I hope my review of the property is conclusive for your future plans. Please let me know if you have any further questions.

Sincerely,

Travis W. Miller, CGP
Travis Miller Homes, LLC – President/Owner
travis@travismillerhomes.com
www.travismillerhomes.com
(417) 838-3120
To Whom it May Concern at the Springfield Department of Planning and Development

Jefferson Avenue Baptist Church is not in opposition to the rezoning of 404, 420, and 424 E Sunshine St. (Z-1-2022 w/COD #207). The property was sold with restrictions in place with how the land can be used. As long as these restrictions are upheld, we have no opposition to rezoning.

Kind Regards,
Brandon Fields
Lead Pastor
June 15, 2022

TO WHOM IT MAY CONCERN,

Old Missouri Bank supports the rezoning request made by Reding Management LLC on the corner of Sunshine and Jefferson.

OMB under the current rezoning would be unable and unwilling to lend money on a low density housing project, which is all that would be allowed under the current zoning.

Regards,

SCOTT SPEIGHT
VP COMMERCIAL LENDER   NMLS #658692
3570 S. National, Springfield, MO 65807
O: 417.869.9000   C: 417.860.8215
June 3, 2022

Reference: Re-Zoning of SE corner of Jefferson and Sunshine Springfield MO

To Whom it may concern,

It has been our pleasure to have a good working relationship with the community of Springfield, MO. Brew Crew, LLC is currently operating 3 Seven Brew locations in Springfield and hopes to add another location on Jefferson and Sunshine.

It is our intent to serve the community and our patrons by providing a safe, clean, and well-operated business while producing sales tax and creating 40-50 new jobs. Currently our 3 open stores have been well received by the Springfield community and we have enjoyed serving them and creating raving fans daily.

We hope to expand our reach and value in Springfield (Sunshine and Jefferson) by professionally developing this vacant parcel that has not served a purpose for the community in numerous years.

Thank you for your consideration, and the continued working relationship.

Respectfully,

[Signature]

Brandon Sebald
7 Brew Franchisee

__________
Seven Brew/Drive-Thru Coffee
MO, AR, OK, & LA Markets
(c) 914.384.1998
(e) brandon@7brewcrew.com
(w) 7Brew.com

[Logo]
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.

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

If the developer submits an application for a change in land use or zoning, the property will be posted 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

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<tbody>
<tr>
<td>YOUR NAME:</td>
<td>Codji Hicks, Sarah Hicks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOUR ADDRESS:</td>
<td>1817 S. Roanoke Ave, Springfield, MO 65807</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROJECT ADDRESS:</td>
<td>404, 420, 424 E. Sunshine St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMENTS:</td>
<td>All stated addresses of proposed zoning border our property. We have a new fence that is less than a year old. The businesses proposed would border all of our north and west facing property. We would want an easement to maintain our fence when necessary. We are concerned with the future upkeep and cleanliness of the properties due to the current owners, Realig Mgt. Despite numerous complaints, the company has allowed tenants to behave in an unneighborly fashion. The current tenants have a multitude and variety of animals, have dumped their litter boxes in my bushes, thrown garbage in my yard, intentionally ran over my landscaping, and the whole property is piled up with garbage.</td>
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</table>
With intent to lease the properties, we are concerned Reding Mkt. will allow the properties to degrade like the current houses and properties have since their purchase. We do not want a commercial dumpster anywhere close to our property line, 15 ft. of our property is unacceptable. We would like the trees bordering our property with the exception of the trees in our fence, to be removed. If they are not removed we would ask that they are properly trimmed and maintained. We don't want a road or driveway connecting the businesses to Reanoke Ave. close to our property line; 15 ft. away is unacceptable. We are concerned that a sewer upgrade would effect our new fence and our pre-existing garage. We would like to see more green space than the proposed excess of asphalt. Zoning changing from residential to business concerns us with the possibility of unwanted and additional foot and vehicle traffic. If we are going to welcome a new neighbor, we would like it to benefit the Neighborhood. Please feel free to contact us.
Dear Sir or Ma’am,

I have been invited to the meeting with developers about the zoning application for properties, 404, 420, and 424 E Sunshine.

First of all I will not oppose the change of land use. For about five years the neighborhood has tried to get the city to help with the nuisance property at 424 E Sunshine. Calls to the city and contact with the land owner, Reding Management, brought no change. Ironically now the city is contacting us about a change for the better but only because the owner stands to profit from the sale and taxes will increase.

All of this is perfectly legal but is this process good for the city? I plan to address this at the meeting. We in the neighborhood finally welcome an improvement.

Julie Schulze
505 E Ottowa Ct.
Subject: FW: Behind 7Brew on North Glenstone. This can’t happen at Sunshine /Jefferson 7Brew location. Please

From: JULIE SCHULZE <schulzeju@aol.com>
Sent: Wednesday, March 2, 2022 12:30 PM
To: Zoning@springfieldmo.gov
Subject: Behind 7Brew on North Glenstone. This can’t happen at Sunshine /Jefferson 7Brew location. Please

Julie Schulze

Sent from my iPhone
Feb. 24, 2022

To: Bob Hosmer, AICP planning manager, City of Springfield’s Development Review Office
From: University Heights Neighborhood Association Board

Dear Mr. Hosmer,

University Heights Neighborhood Association board members recently received notice of a request to rezone 404, 420 and 424 E. Sunshine St. to allow for a drive-through coffee shop.

After careful consideration of the request, our Board of Directors voted to oppose rezoning for a variety of reasons. Primarily, we think the rezoning would be inconsistent with the City of Springfield’s Growth Management and Land Use comprehensive plan, specifically its intent to preserve quality of life and the character of its historic neighborhoods, in this instance Seminole/Holland and University Heights.

This stretch of East Sunshine Street is one of only a handful of arterial streets in Springfield that retains its original character and quality of place. It’s lined with single-family residences, old-growth trees, sidewalks and, literally, picket fences. A vehicle-forward business would be out of place along this stretch, which enjoys a high degree of walkability.

Other reasons for opposing this development include but are not limited to:

- The limited-business rezoning request requires a conditional use for a drive-through, which is more appropriately zoned as general retail, highway commercial or commercial service district. In our opinion, none of these uses would be appropriate for Sunshine Street between Jefferson and National avenues.
- The site is surrounded by single-family residential zoning and does not border any commercial zoning.
- Traffic through the intersection of Jefferson Avenue and Sunshine Street is already heavy, at an estimated total volume of more than 40,000 vehicles per day. Direct access to East Sunshine would further tangle traffic near Sunshine and Campbell, which is snarled in large part because of drive-through restaurants.
• A drive-through presents a safety concern, as Sunshine Elementary is directly across the street. Traffic is heavy at student drop-off and pickup times, and the school district’s border extends well south of Sunshine. Some families may opt to use the crosswalk to access the school. An adjacent drive-through would only increase risk to pedestrians.

• If primary access to the coffee shop is pushed to Jefferson or Roanoke, that would place it in a single-family residential neighborhood.

The city has worked hard on its Forward SGF initiative, emphasizing quality of place to make Springfield a more desirable and vibrant place to live. The Grant Avenue project and the Restore SGF initiative are great examples of how this city is working to celebrate the unique qualities of our historic neighborhoods.

If a drive-through coffee shop is permitted to be developed along this stretch of Sunshine, it will be to the detriment of the character of our historic neighborhoods as well as the city at large. In time, such development could transform our tree-lined neighborhood streets into another North Glenstone Avenue or West Sunshine Street.

We respectfully ask the city to deny this rezoning request and hold off on any other rezoning requests along our borders until the completion of the city’s comprehensive plan. We believe there is a path toward development that celebrates and enhances our neighborhoods’ uniqueness, and we would like to be partners in finding it.

Sincerely,

Jan Peterson
President, University Heights Neighborhood Association
uhnasa@t.net
417-838-6216
Dear Chair Doennig and Commissioners:

Thank you for your time and attention again on this application. I regret that I cannot be there in person to deliver my opposition comments for the zoning application Z-1-2022w/COD#207 Conditional Use permit #461. As you know, the application would create a multi-lane drive-thru coffee franchise, 7 Brew Coffee, on the corner of Jefferson Ave. and Sunshine St. across from Sunshine school and across from Jefferson Avenue Baptist Church. Operating hours would be 5:30am-10pm, open till 11pm on weekends.

The multi-lane drive-thru will create a dangerous situation in my neighborhood. The plan calls for an entrance/exit on Jefferson Ave. and a second exit on Roanoke. Cars exiting onto Jefferson Ave will be competing with cars entering and exiting the drive-thru and cars queueing at the Stop and Go light at Jefferson and Sunshine, already a busy intersection. Exiting the business by turning onto Roanoke may seem the more optimal exit to customers because of the increased traffic at the Jefferson side. Entering Sunshine from Roanoke in either direction is now difficult because of heavy traffic on Sunshine.

Roanoke is a narrow neighborhood street, a local roadway through a quiet cul-de-sac neighborhood with school children and seniors walking -all without sidewalks. Whether cars exit the business onto Roanoke and into already frenetic traffic on Sunshine or go south toward Cherokee, the added traffic will be hazardous to the walkers, bike riders, and children on foot, on scooters, and on skateboards in my neighborhood. Coffee customers will likely, for the most part, be from outside the neighborhood and thus unfamiliar with how best to exit this already heavily trafficking intersection.

The 7 Brew franchise relies on large numbers of customers in cars from morning until late in the evening. One 7 Brew franchise marketing ad encourages potential franchisees to seek locations within “dense retail corridors” with nearby nationally known tenants, i.e. Lowe’s, Aldi’s, etc. Current 7Brew franchises from Arkansas to Missouri are located in established commercial zones. None border a quiet cul-de-sac neighborhood of single family homes. Allowing this business to open in our neighborhood with already high volumes of traffic that will increase significantly if this business is to be successful is bad for the business and the city and hazardous for my residential neighborhood. Thus, this location is not appropriate for a drive-thru establishment.

I request that you oppose the zoning application for 7 Brew multi-lane drive-thru coffee establishment on the corner of Jefferson Ave. and Sunshine St.

Thank you,
Sincerely yours,

Juliana Schulze
505 E Ottowa Ct.(on the corner of Ottowa Ct. and Roanoke)

Sent from the all new AOL app for iOS