AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning approximately 2.87 acres of property, generally located at 1850 South Blackman Road, from County district R-1, Suburban Residence, to O-1, Office District and establishing Conditional Overlay District No. 141; and adopting an updated ‘Official zoning map.’ (Staff and Planning and Zoning Commission recommend approval).

WHEREAS, an application has been filed for a zoning change of the property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, and generally located at 1850 South Blackman Road, from County district R-1, Suburban Residence, to O-1, Office District and establishing Conditional Overlay District No. 141; and

WHEREAS, Conditional Overlay District No. 141 shall modify the requirements of Springfield Land Development Code Section 36-421, ‘O-1, Office District,’ by requiring that the property described in “Exhibit B” comply with the requirements contained in “Exhibit A,” which is attached hereto and incorporated herein by this reference; and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission, a copy of the Record of Proceedings from said public hearing is attached hereto and incorporated herein by this reference as "Exhibit C," and said Commission made its recommendation; and

WHEREAS, the City has reviewed the applicant’s request and prepared a staff report concerning the application which is attached hereto and incorporated herein by this reference as “Exhibit D;” and

WHEREAS, proper notice was given of a public hearing before City Council, and said hearing was held in accordance with the law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

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SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The property described in "Exhibit B" of this Ordinance is hereby rezoned from County district R-1, Suburban Residence or such other zoning district to O-1, Office District with Conditional Overlay District No.141; that the requirements of Conditional Overlay District No. 141, which are contained on “Exhibit A,” shall apply to the property described on “Exhibit B;” and the Springfield Land Development Code, Section 36-306 thereof, ‘Official zoning map and rules for interpretation,’ is hereby amended, changed and modified accordingly.

Section 2 – City Council hereby directs the City Manager, or his designee, to update the City’s digital zoning map to reflect the rezoning described in this Ordinance, and City Council adopts the map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps and rules of interpretation.'

Section 3 – The Official Zoning Map herein adopted shall be maintained and archived in the same digital form in which this Council has approved its adoption.

Section 4 – This Ordinance shall be in full force and effect from and after passage.

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 2018 - 009

FILED: 01-09-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning approximately 2.87 acres of property, generally located at 1850 South Blackman Road, from County district R-1, Suburban Residence, to O-1, Office District and establishing Conditional Overlay District No. 141; and adopting an updated ‘Official zoning map.’ (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-38-2017 / CONDITIONAL OVERLAY DISTRICT NO. 141

The applicant is proposing to rezone from a County R-1, Suburban Residence to an O-1, Office District and establishing Conditional Overlay District No. 141.

The intent of the O-1, Office district is to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas. The proposed Conditional Overlay District requirements further restricts the property beyond the O-1 district in order to mitigate the adverse effects on adjacent residential areas.

Approval of this application is consistent with the Office Land Use Guidelines of the Comprehensive Plan which encourages the use of location, design and landscaping of office uses to screen and buffer neighborhood from lights, traffic noise and pollution and other factors incompatible or conflicting with adjacent land uses.

The request is consistent with the recommendations of the Growth Management and Land Use Plan and other elements of the Comprehensive Plan which recommend office or medium to high-density multifamily residential as appropriate uses along major roadways. The Plan encourages the use of office developments as transitions and buffers between commercial and residential areas.

Supports the following Field Guide 2030 goal(s): Chapter 6, Major Goal 4; Develop the community in a sustainable manner; Objective 4a, Increase density in activity centers and transit corridors; and 4b, Increase mixed-use development areas.
REMARKS:

The Planning and Zoning Commission held a public hearing on December 14, 2017 and recommended approval, by a vote of 4 to 3, of the proposed zoning on the tract of land described on the attached sheet (see the attached “Exhibit C” Record of Proceedings).

The Planning and Development staff recommends the application be approved (see the attached “Exhibit D” Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is an appropriate location for the O-1, Office district which is intended to be designed to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas. The proposed Conditional Overlay District requirements further restricts the property beyond the O-1 district in order to mitigate the adverse effects on adjacent residential areas.

2. Approval of this application is consistent with the Office Land Use Guidelines of the Comprehensive Plan which encourages the use of location, design and landscaping of office uses to screen and buffer the neighborhood from lights, traffic noise and pollution and other factors incompatible or conflicting with adjacent land uses. The proposed Conditional Overlay District addresses these factors by prohibiting potentially objectionable uses, placing limits on the hours of operation for uses including athletic clubs, fitness centers, indoor sports facilities, and medical and dental clinics, limiting hours for trash pick-up and deliveries, requiring a bufferyard that exceeds required standards with at least a forty (40) foot depth with additional screening along the east and south property line, restricting buildings to a maximum of two (2) stories and requiring a higher requirement of open space.

3. The request is consistent with the recommendations of the Growth Management and Land Use Plan and other elements of the Comprehensive Plan which recommend office or medium to high-density multifamily residential as appropriate uses along major roadways. The Plan encourages the use of office developments as transitions and buffers between commercial and residential areas. The proposed rezoning would be consistent with the existing commercial/office land uses surrounding at the intersection and would serve as a transition between these commercial/office uses and the residential development to the east and south.

4. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.
Submitted by:

Michael Sparlin, Senior Planner

Recommended by: Approved by:

Mary Lilly Smith, Director Greg Burris, City Manager

EXHIBITS:
Exhibit A, Conditional Overlay District Provisions
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report

ATTACHMENTS:
Attachment 1: Department Comments
Attachment 2: Neighborhood Meeting Summary
Attachment 3: Conditional Overlay District Provisions
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-38-2017 & CONDITIONAL OVERLAY DISTRICT NO. 141

A. **Uses** - The following uses, normally allowed in the O-1, Office District as per Section 36-400 of the *Springfield Zoning Ordinance*, are prohibited in this district:

1. Cemeteries
2. Community centers, nonprofit
3. Substance abuse treatment facilities for 50 or fewer residents
4. Police and fire stations
5. Print shops and photocopying establishments
6. Public and private parks, playgrounds, and golf courses
7. Public service and public utility uses, as follows: water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
8. Schools, elementary and secondary
9. Schools or development centers for persons with handicaps or development disabilities
10. Temporary uses as permitted by Section 36-452
11. Any residential dwellings existing at the time the district is mapped
12. Tier III wireless facilities in accordance with Section 36-466

In addition, the following conditional uses, as normally permitted in the O-1, Office District as per Section 36-400, are prohibited within this district:

1. Crematoriums
2. Heliports
3. Tier III wireless facilities
4. Tier IV wireless facilities
5. Other towers

B. **Use Limitations** - Development within this district shall adhere to the following:

1. Athletic clubs, fitness centers and indoor sports facilities shall not be open between the hours of 10:00 p.m. and 6:00 a.m.
2. Urgent care centers (medical clinics) shall not be open between the hours of 10:00 p.m. and 6:00 a.m.
3. Medical and dental clinics shall not be open between the hours of 10:00 p.m. and 6:00 a.m.
4. Trash pick-up and business deliveries shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
C. **Bulk and Intensity of Use** - The provisions (Section 36-400) of the *Springfield Zoning Ordinance* pertaining to the O-1, Office District is modified as follows:

1. No building shall be constructed within forty (40) feet of the east property line of the subject property.
2. No building shall be constructed within forty (40) feet of the South property line of the subject property.
3. No Structure shall exceed two (2) stories.

D. **Open Space Requirements** - The provisions (Section 36-400) of the *Springfield Ordinance* pertaining to the O-1, Office District shall be modified as follows:

1. Minimum open space shall be thirty-five (35) percent.
2. Maximum impervious surface area shall not exceed sixty-five (65) percent.

E. **Bufferyard Requirements** - Section 36-482 of the *Springfield Zoning Ordinance* regarding bufferyards shall be amended as follows:

1. The bufferyards along the east property line of the subject property shall be at least forty (40) feet deep. The plantings within the eastern bufferyard shall consist of evergreen trees, 6 feet to 12 feet in height, (preferably a white pine species) and shall be planted every 12 feet in a "zig-zag" or staggered pattern to allow for maximum growth and to eventually create a screening effect.

2. The bufferyards along the South property line of the subject property shall be at least forty (40) feet deep. The plantings within the southern bufferyard shall consist of evergreen trees, 6 feet to 12 feet in height, (preferably a white pine species) and shall be planted every 12 feet in a "zig-zag" or staggered pattern to allow for maximum growth and to eventually create a screening effect. Any existing tree that is saved over 6" in diameter will count as two newly planted trees.
Exhibit B

LEGAL DESCRIPTION
ZONING CASE Z-38-2017 & CONDITIONAL OVERLAY DISTRICT NO. 141

All of Lot 2 of Pearson Creek Office Park, a subdivision in the City of Springfield, Greene County, Missouri according to the recorded plat thereof.
Mr. Hosmer stated that this is a request to rezone approximately 2.87 acres generally located at 1850 South Blackman Road from a County R-1, Suburban Residence to an O-1, Office District and establishing Conditional Overlay District No. 141. The subject property was annexed into the city in 2007. The property to the north, at 3810 E. Sunshine Street, was included in this annexation.

After modifications to the original rezoning proposal of both the properties, this property was excluded from the rezoning and remained zoned County R-1 in the city. The Growth Management and Land Use Plan recommends offices as appropriate uses along major roadways when not located at major intersections. The Plan encourages the use of office developments as transitions and buffers between commercial and residential areas. Sunshine Street is classified as a Primary Arterial and Blackman Road is classified as a Secondary Arterial. A Traffic Study was submitted and approved prior to rezoning of property. Staff is aware of flooding problems in the area. Buyout in lieu of stormwater detention will not be allowed and detention must be provided. A bulk plane of forty-five (45) degree measured from the boundary of the residential districts to the east and south. This is a one to one relationship; building to setback. The measurement is taken from the property line; of which increases in elevations could determine the height of the building or structures.

The proposed Conditional Overlay District will:
- Prohibiting cemeteries, substance abuse treatment facilities, police and fire stations, wireless tower facilities, etc.,
- Placing limits on the hours of operation for uses including athletic clubs, fitness centers, indoor sports facilities, and medical and dental clinics (10pm to 6am),
- Limiting hours for trash pick-up and deliveries (10pm to 7am),
- Requiring a bufferyard that exceeds required standards with a forty (40) foot wide buffer including additional screening along the east and south property line,
- Restricting buildings to a maximum of two (2) stories; and,
- Requiring a higher requirement of open space from 20% to 35% open space.

The COD will require:
- Bufferyards along the east and south property line of the subject property at least forty (40) feet deep.
- The plantings within the bufferyards shall consist of evergreen trees, 6 feet to 12 feet in height, (preferably a white pine species) and shall be planted every 12 feet in a “zig-
zag” or staggered pattern to allow for maximum growth and to eventually create a screening effect.

- On the southern bufferyard any existing trees that are over 6” in diameter will count as two newly planted trees.

Staff recommends approval.

Mr. Doennig noted it was still county zoning and at what point is the applicant required to do city zoning.

Mr. Hosmer stated that they would have to get zoned to the City’s districts.

Mr. Doennig open the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, representing the owner. Has documents showing the original subdivision and the rezoned tract to the north. The north tract was zoned 10 years ago, and came before the Commission at that time. The neighborhood was against the zoning 10 years ago, and still are. The neighborhood will not support any development in this area other than single family and their objections are in the neighborhood meeting notes. We have placed a very restricted Conditional Overlay District to match what could be developed with the zoning.

Mr. Doennig asked about the Conditional Overlay District and what is considered a side-yard in this situation.

Mr. Lee noted that the width in O-1 would 6 feet, but to the neighbors to the south and east, we are proposing 40 feet buffer and a typical office buffer would be 15 feet. Against the street there will be a 10-foot parameter landscape buffer and on the north side, there is a shared access easement with the office park.

Mr. Doennig asked about a 45-foot building, and if that would be more than 2-stories.

Mr. Lee stated that it would be higher than a 2-story building with the north lot being 55 foot and will be three stories tall, however the south lot will only be 2 stories tall.

Mr. Thomas asked about how many acres will be developed due to the restrictions indicated.

Mr. Lee noted that the development restriction will be approximately 1+ acre off the development.

Mr. Doennig noted for the record that Commission is allowing additional time for Mr. Aaron Lyons at the podium due to his representation of the neighborhood members.

Mr. Aaron Lyons, Attorney at Law, 3337 E. Ridgeview, representing the neighborhood who are opposing this development. He noted that he had sent
documentation/pictures/signed petition (part of staff report) stating the details of their opposition.

Mr. John Gafner, 1885 S. Camber, has concerns regarding flooding (run-off from Sam’s Club, etc.), height of the building overlooking his backyard noting that his yard will be 70 feet below the office complex including a retaining wall the height of 20 feet and noted the previous good faith to a 1-story building.

Mr. Thomas asked about the bulk plane being measured from the elevation of the property line and believes that the drone pictures are not accurate and asked about the previous zoning on the property.

Mr. Gafner said that the drone pictures (located in staff report) were taken 40 feet away from the fence at the height of 35 feet above Blackman Road and stated that there was an agreement that the front portion would be commercial and this area would provide a buffer and that is when the neighbors stopped their opposition when the church agreed to an O-1 designation for just the corner and that is when the lot was split in half and stated that they were going to leave that area alone and not ask for rezoning.

Mr. Hosmer said that the church was looking for General Retail for both tracts and went through City Council and then remanded back to Planning and Zoning when it was zoned Office and took off the southern tract due to considerable opposition.

Ms. Barb Farrar, 3873 E. Eastmoor Street, has concerns of privacy from which the building will be overlooking her backyard/patio and swimming pool and her preference would be a 45-foot home versus an office building that might have 130 car parking lot, as well as dumpsters, delivery trucks, and trash trucks, etc., and she also expressed concerns stormwater run-off and flooding. She noted the 20/20 Vision showing low-density housing for this area.

Mr. Doennig noted everything to the east boundary is County and everything to the west is City. Mr. Hosmer affirmed.

Mr. Darrell Reeds, 3889 E. Eastmoor Street has concerns regarding noise issues and traffic and his view is the back of the Walmart Neighborhood Market and now having stormwater issues after the development, citing his crawl space has been flooded up to 20 inches of water on two occasions and Ms. Farrar of 3873 E. Eastmoor had up to 24 inches of water in her crawl space.

Mr. Bart Newton, 1888 S. Brandon Avenue passed out pictures of flooding/stormwater problems (photos in staff report) showing ducks hanging out in the flooded area and that water does not respect city and county lines. He also has noted that the neighborhood retention pond has been patched/repairsed out of his own resources. He states that no one maintains the retention pond except him and the neighbors.
Mr. Thomas noted that problem of stormwater and wondered if it (stormwater from Sam’s, Neighborhood Market, etc.,) cross Blackman Road.

Ms. Hawkins stated that the when the Neighborhood Market was constructed there was already a detention area that served the Sam’s Club and is in the same area as the Neighborhood Market detention now. The Neighborhood Market detention drains to the north onto Sunshine and the new detention that was built to serve some of the Sam’s Club has an existing pipe that goes under Blackman Road to the proposed site.

Ms. Elaine Hamburg, 1926 S. Brittany Place stated that past compromises’ have been forgotten and the owner of the property is again asking to rezone this tract of land without consideration for the prior flexibility. This would have involved cutting down the trees, building up the height of the land, putting in a detention pond next to her property and putting up a multi-story office building including a parking lot with night lighting. She stated that she will be looking up at least 55 feet or more to the building and people in the building will be able to look down into my home/yard. She also noted the increase of stormwater problems into the neighborhood.

Ms. Broekhoven asked about the stormwater pipe from the existing Sam’s development under Blackman Road and into the detention pond and asked where the easement is located and if Stormwater has been asked to review the requirements that the City would see for detention or conveyance of the water that is naturally passing through the property.

Ms. Hawkins stated that they piped under Blackman Road because there is a natural channel that runs to the southeast corner of the property and is not sure if there is a formal easement and it comes out to a concrete channel that conveys the flow to the spring-fed pond and continues to the detention that serves the neighborhood. She noted that they have e-mailed the consultant regarding the new flooding issues and the consultant to consider the timing of the detention outflow from Sam’s Club and the Neighborhood Market on detention design and are required to do on-site detention.

Mr. Bob Warren, 3939 E. Eastmoor, has concerns for traffic flow problems from Sunshine, Blackman, and Cherokee noting the intersection at Sunshine and Blackman which has speed limit of 50mph.

Mr. Thomas if the current property will utilize the existing right-in-right-out off Sunshine as a cross access easement or will they only have access off Blackman.

Mr. Estell noted that they will be able to access Sunshine.

Ms. Debbie Peterson, 1940 S. Brittany Place. Our cul-de-sac abuts against the property has been involved fighting against the development of the Walmart Super Center/Sam’s Club/Neighborhood Market. The history of this property has been going on for more than 20 years and we knew that it was residential and accepted that when we bought our home/property and there are severe water problems in this area.
Brian Hamburg, 1921 S. Oakmont, commented on the stormwater issues as well as the retention pond and that it cannot handle the current amount and will be more extreme with more development. The stormwater from the detention exit pipe is astonishing and the water seeps over the top of the detention pond and goes into my yard, which has been damaged in the past.

Ms. Martha Phillips, 1920 S. Brittany Place stated safety issues and the blanket rezoning of the unknown tenants of office buildings and is worried about not enough information that may bring crime. She also stated concerns on the height of the building.

Mr. Brian Phillips, 1920 S. Brittany Place spoke of privacy concerns due to the height of the building and will feel like living in fishbowl.

Mr. Craig Peterson, 1940 S. Brittany Place noted stormwater and traffic concerns, as well as Blackman Road being raised to fix traffic flow problems.

Ms. Jean May, 1927 S. Brittany Place commented on traffic concerns as well as the building height and believes that new development would cause issues with their quality of living as well as privacy.

Mr. Tony Gott, 1958 S. Brittany Place voiced his concerns of the commercial impact on residential areas stating that the value of the homes will be affected and that we live in an automobile culture and that Blackman Road was the buffer between commercial and residential.

Mr. Doennig closed the public hearing.

Ms. Broekhoven asked for the parking requirements for O-1.

Mr. Hosmer stated that it is one space per 350 square feet.

Ms. Broekhoven asked Mr. Lee about the 40-foot buffer along the south and east side (where houses are) and wanted to know what the actual scale of the building would be.

Mr. Lee stated that he has put together several site plans but the general size is 35,000 square feet and the building is in the northwest corner.

Mr. Thomas asked if the City has plans to annex further east.

Mr. Hosmer stated that he is not aware of any plans for annexation.

Ms. Cox questioned about stormwater and the consultant (Mr. Lee) and what is being done for stormwater.
Mr. Lee stated that they are not detaining the water to the north as it is already being detained, but are going to carry the pipe that is going under Blackman and will by-pass the detention basin, but the City will make us look at the entire site, not just the detention basin.

Mr. Doennig stated the purview of the Commission is limited to a certain number of considerations and that City Council has a broader purview. He noted that Commission is strictly looking at land use and the issue is that County uses (R-1 zoning) are more debilitating to the adjacent neighborhood than what is being proposed by this Conditional Overlay District. The issues of privacy are a concern, but under County zoning a building 45 feet tall could be built along the backend of the property line at 15 feet away. Stormwater is another major issue and understands the power of water and what can happen in the Ozarks, however the County uses are worse than the Conditional Overlay District and understand the neighborhood concerns, however will be voting in favor.

Ms. Cox voiced her concerns on the stormwater and how it is being managed, but see that is a lesser of two evils, so I will be voting in favor.

Mr. Thomas asked if the corner lot was part of the County previously when the neighborhood was built and the City annexed the area but left the County zoning at that time.

Mr. Rose noted that stormwater and traffic are a common problem that the Commission hear and there never seems to be a perfect solution. I would have voted against this if a recommendation to lower the bulk plane would have raised because of the topography of the land to help avoid some of the issues, however I will support this.

COMMISSION ACTION:
Development Review Staff Report

LOCATION: 1850 South Blackman Road
CURRENT ZONE: County R-1, Suburban Residence
PROPOSED ZONE: O-1, Office District w/ Conditional Overlay District #141

LOCATION SKETCH
LOCATION: 1850 South Blackman Road  
CURRENT ZONE: County R-1, Suburban Residence  
PROPOSED ZONE: O-1, Office District w/ Conditional Overlay District #141
PURPOSE: To rezone approximately 2.87 acres generally located at 1850 South Blackman Road from a County R-1, Suburban Residence to an O-1, Office District and establishing Conditional Overlay District No. 141

REPORT DATE: November 30, 2017

LOCATION: 1850 South Blackman Road

APPLICANT: Christian Church Disciples of Christ

TRACT SIZE: Approximately 2.87 acres

EXISTING USE: Undeveloped land

PROPOSED USE: Uses permitted in O-1, Office District unless restricted by Conditional Overlay District No. 141

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is an appropriate location for the O-1, Office district which is intended to be designed to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas. The proposed Conditional Overlay District requirements further restricts the property beyond the O-1 district in order to mitigate the adverse effects on adjacent residential areas.

2. Approval of this application is consistent with the Office Land Use Guidelines of the Comprehensive Plan which encourages the use of location, design and landscaping of office uses to screen and buffer the neighborhood from lights, traffic noise and pollution and other factors incompatible or conflicting with adjacent land uses. The proposed Conditional Overlay District addresses these factors by prohibiting potentially objectionable uses, placing limits on the hours of operation for uses including athletic clubs, fitness centers, indoor sports facilities, and medical and dental clinics, limiting hours for trash pick-up and deliveries, requiring a bufferyard that exceeds required standards with at least a forty (40) foot depth with additional screening along the east and south property line, restricting buildings to a maximum of two (2) stories and requiring a higher requirement of open space.

3. The request is consistent with the recommendations of the Growth Management and Land Use Plan and other elements of the Comprehensive Plan which recommend office or medium to high-density multifamily residential as
appropriate uses along major roadways. The Plan encourages the use of office developments as transitions and buffers between commercial and residential areas. The proposed rezoning would be consistent with the existing commercial/office land uses surrounding at the intersection and would serve as a transition between these commercial/office uses and the residential development to the east and south.

4. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

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<th>AREA</th>
<th>ZONING</th>
<th>LAND USE</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>O-2 w/ COD 121</td>
<td>ATM, undeveloped</td>
</tr>
<tr>
<td>East</td>
<td>County R-1</td>
<td>Single-family Residences</td>
</tr>
<tr>
<td>South</td>
<td>County R-1</td>
<td>Single-family Residences</td>
</tr>
<tr>
<td>West</td>
<td>GR &amp; R-SF</td>
<td>Commercial Shopping center &amp; stormwater detention</td>
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HISTORY:

The subject property was annexed in November 2007 (Annexation A-06-2007). The property directly to the north, 3810 E. Sunshine Street, was included in the annexation area.

After modifications to the original rezoning proposal which included both the property to the north and the subject property, the subject property was excluded from the rezoning area and remained zoned County R-1.

COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan and other elements of the Comprehensive Plan recommend office or medium to high-density multifamily residential as appropriate uses along major roadways when not located at major intersections. The Office Land Use Guidelines of the Comprehensive Plan encourages the use of location, design and landscaping of office uses to screen and buffer neighborhoods from lights, traffic noise and pollution and other factors incompatible or conflicting with adjacent land uses.
STAFF COMMENTS:

1. The applicant is proposing to rezone from a County R-1, Suburban Residence to an O-1, Office District and establishing Conditional Overlay District No. 141.

2. The subject property is an appropriate location for the O-1, Office district which is intended to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas. The proposed Conditional Overlay District requirements further restrict the property beyond the O-1 district in order to mitigate the adverse effects on adjacent residential areas.

3. The Office Land Use Guidelines of the Comprehensive Plan encourages the use of locations, design and landscaping of office uses to screen and buffer neighborhoods from lights, traffic noise and pollution and other factors incompatible or conflicting with adjacent land uses.

4. The proposed Conditional Overlay District addresses the above factors by prohibiting potentially objectionable uses that would normally be allowed in the Office District such as cemeteries, substance abuse treatment facilities, police and fire stations, wireless tower facilities, etc. The overlay district places limits on the hours of operation for uses including athletic clubs, fitness centers, indoor sports facilities, and medical and dental clinics. Hour limits for trash pick-up and deliveries are required. Also, this proposal includes a bufferyard that exceeds required standards (normally requires a bufferyard of fifteen (15) feet) with at least a forty (40) foot depth with additional screening along the east and south property line. The O-1 district typically allows a minimum open space requirement of twenty (20) percent of the lot however, the overlay district will require a minimum open space to thirty-five (35) percent. The overlay district will restrict buildings to a maximum of two (2) stories. The O-1 district allows a maximum building height of thirty-five (35) feet and bulk plane of forty-five (45) degree measured from the boundary of the residential districts to the east and south.

5. The request is consistent with the recommendations of the Growth Management and Land Use Plan and other elements of the Comprehensive Plan which recommend office or medium to high-density multifamily residential as appropriate uses along major roadways. Blackman Road is classified as a Secondary Arterial. Additionally, the subject property is located near Sunshine Street which is classified as a Major Arterial. The Plan encourages the use of office developments as transitions and buffers between commercial and residential areas. The proposed rezoning would be consistent with the existing non-residential land uses at the nearby intersection and would serve as a transition between the other commercial/office uses located at the Sunshine Street.
Street and Blackman Road intersection and the residential development to the east and south.

6. Approval of this application will allow for further development of this property and promote infill development where investments have already been made in public services and infrastructure.

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

NEIGHBORHOOD MEETING:

The applicant held neighborhood meetings on November 9, 2017 and November 15, 2017 regarding the rezoning request. A summary of the meetings is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 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 | 14 |
| Notices returned as undeliverable              | 0  |

CITY COUNCIL MEETING:

January 16, 2017

STAFF CONTACT PERSON:

Michael Sparlin
Senior Planner
864-1091
ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-38-2017 & CONDITIONAL OVERLAY DISTRICT NO. 141

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

City's Transportation Plan classifies S. Blackman Road as a Secondary Arterial roadway. The standard right-of-way width for S. Blackman Road is 35 feet from the centerline. It appears additional right-of-way is not needed. A survey is recommended to determine the exact amount of existing right of way. S. Blackman Road is a city maintained street. The most recent traffic count on S. Blackman Road south of E. Sunshine Street is 4,825 vehicles per day. There is one cross-access easement driveway point along S. Blackman Road and one cross-access easement driveway point along E. Sunshine Street pertaining to the property in this zoning. There is sidewalk along the property frontage of S. Blackman Road. The existing infrastructure meets current city standards. On-street parking is not allowed along S. Blackman Road. There is not a Greenway Trail in the area pertaining to this zoning. There are not bus stops along S. Blackman Road. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

<table>
<thead>
<tr>
<th>Public Works Traffic Division</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street classification</td>
<td>S. Blackman Road – Secondary Arterial</td>
</tr>
<tr>
<td>On-street parking along streets</td>
<td>S. Blackman Road – No</td>
</tr>
<tr>
<td>Trips generated - Peak Hour</td>
<td>15 vehicles (County R-1)</td>
</tr>
<tr>
<td></td>
<td>130 vehicles (O-1 w/ COD 141)</td>
</tr>
<tr>
<td>Additional Trips generated with zoning change - Peak Hour</td>
<td>115 vehicles</td>
</tr>
<tr>
<td>Existing street right of way widths</td>
<td>S. Blackman Road - 35 ft from the centerline</td>
</tr>
<tr>
<td>Standard right of way widths</td>
<td>S. Blackman Road - 35 ft from the centerline</td>
</tr>
<tr>
<td>Traffic study submitted</td>
<td>Traffic Study was submitted and approved prior to rezoning of property</td>
</tr>
<tr>
<td>Proposed street improvements</td>
<td>None required</td>
</tr>
</tbody>
</table>

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

The property is located in the Pierson Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of stormwater detention will not be allowed and detention must be provided. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required. There is a
potential sinkhole shown on our GIS map but after going on site no sinkhole was found on the property.

There is a natural channel running through this property. When it is modified it will need to be done on public improvement plans.

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. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

<table>
<thead>
<tr>
<th>Public Works Stormwater Division</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Basin</td>
<td>Pierson 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 stormwater buyout an option?</td>
<td>No</td>
</tr>
</tbody>
</table>

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning and proposed use however we have the following comments:

1. Public sewer is available in the northeast corner and there is a 6 inch lateral available.
2. Need to pay attention to the finish floor elevation since the south east corner of the property is lower than the sewer.

FIRE DEPARTMENT COMMENTS:

No objection to rezoning.

CITY UTILITIES:

No objection to rezoning. CU has adequate facilities in place to provide service to uses allowed in the zoning district.
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-1 Greene County Zoning (existing zoning) to O-1 (proposed zoning)

2. Meeting Date & Time: November 9, 2017 from 4:00 to 6:30

3. Meeting Location: Fire Station 12 2455 S. Blackman Road

4. Number of invitations that were sent: 59

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

6. Number of neighbors in attendance (attach a sign-in sheet): 8

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.)

   The neighborhood had many comments. We had a follow up meeting with 18+ people in attendance. Please see the attached notes for more detailed comments. In general, the main comment was the neighborhood did not want any office development. They wanted a single family house or no development. Other comments were 1) Did not want a large structure close to the house 2) Storm water issues 3) Property value 4) Privacy 5) Traffic

8. List or attach the written comments and how you plan to address any issues:

   We are proposing many setbacks, impervious area restrictions, use restrictions, time of operation restrictions, buffers. Most of the restrictions are the same as the adjacent office lot to the North. After the first public meeting, we have further restricted the height of the building to only allow a two story building.

I, Derek Lee (print name), attest that the neighborhood meeting was held on November 16, 2017 (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."

Derek Lee

Signature of person completing affidavit

Derek Lee, PE

Printed name of person completing affidavit
The first neighborhood meeting had 8 visitors from the adjoining neighborhood. Three individuals submitted written comments. We held a follow up meeting where 18+ people came to the meeting. During the meetings we asked the adjacent home owners “what type of development would be acceptable”. I communicated on behalf of the developer the desire to provide an upscale office development that would be respectful of the neighborhood. The overwhelming response from the neighborhood was that no development would be acceptable. They wanted it to stay green space or have a single family house constructed. I repeatedly asked for comments as to “how an office could be built” and “what restrictions to an office would be acceptable”. Again the overwhelming response was no development would be acceptable. The comments below were generally why the neighborhood did not want any development. We provided the neighborhood many answers as to how we were addressing specific issues such as height of the building and buffers. Again, the neighborhood indicated that the answers were not addressing their core issue that no office development would be acceptable.

Below are issues that were communicated by the neighborhood at both meetings with our responses in bold italic:

1) The office development would remove green space and construct impervious area. **The Conditional Overlay District (COD) further restricts the office development to 65% impervious. Typical office zoning or a church development would allow 80% impervious. A residential subdivision with 1/8 acre lots would have similar impervious area as the proposed COD restricted 65% impervious area.**

2) The area in the South West corner receives stormwater from across the street and causes the existing ground to not drain well. **Detention will be provided on the site. All new impervious area would be directed to the detention basin. The adjoining residential subdivision has an existing concrete channel that carries stormwater from our site to a pond. The new detention basin would be designed to discharge directly into the existing concrete channel. By concentrating the stormwater into the concrete channel, it would correct some of the issues associated with stormwater going everywhere in their back yards. Currently stormwater bypasses the existing concrete channel and**
spreads out into the adjoining house’s lawn. A residential subdivision with 1/8 acre lots would have the same impervious area and would require a similar detention basin.

3) The office development would reduce privacy because the office workers could look in the back yards of the neighbors. The COD requires a 40’ buffer to the neighbors to the South and East of the site. Typical office zoning would require a 15’ buffer. The existing zoning would allow a church and would require a 15’ buffer. A residential subdivision with 1/8 acre lots would have a ten to fifteen foot back yard setback with no restriction on a concrete porch. Therefore, the current zoning would allow multiple houses closer to the property line. Offices are generally closed in the evening and on Saturday and Sunday which reduces the privacy concerns. The COD also has restrictions on the times when business can be open. The COD restrictions are provided below.

1. Athletic clubs, fitness centers and indoor sports facilities shall not be open between the hours of 10:00 p.m. and 6:00 a.m.
2. Urgent care centers (medical clinics) shall not be open between the hours of 10:00 p.m. and 6:00 a.m.
3. Medical and dental clinics shall not be open between the hours of 10:00 p.m. and 6:00 a.m.
4. Trash pick-up and business deliveries shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

4) An office building would be too tall. O-1 Zoning restricts the height of an office building to 35’ tall. The COD further restricts the height of the building to two stories. A residential subdivision with 1/8 acre lots would allow houses that are 35’ tall or two and one half stories from finished grade.

5) The neighborhood was concerned about the office uses allowed on site. Many were concerned about retail uses or bars or restaurants. Copies of the uses allowed in O-1 zoning were provided to the neighborhood. O-1 does not allow retail strip centers, restaurants or bars. The COD further restricts the uses as described below:

1. Cemeteries
2. Community centers, nonprofit
3. Substance abuse treatment facilities for 50 or fewer residents
4. Police and fire stations
5. Printshops and photocopying establishments
6. Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
7. Public service and public utility uses, as follows: water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
8. Schools, elementary and secondary
9. Schools or development centers for persons with handicaps or development disabilities
10. Temporary uses as permitted by Section 36-452
11. Any residential dwellings existing at the time the district is mapped
12. Tier III wireless facilities in accordance with Section 36-466

6) The neighborhood was concerned about lighting from the office zoning. *The city of Springfield has lighting ordinances which prevent parking lot and office lights from spilling over into the residential development. These requirements are for all developments. Since this development has larger buffers than a typical development, lighting concerns should be reduced.*

7) The neighbors were concerned that a wall would be allowed next to the property. *The bulk plane requirements would not allow a wall on the property line. Any wall would be set back at a 1:1 slope from the property line.*

8) The neighbors wanted a landscaped buffer between them and development. *The COD provides bufferyards and planting requirements. Since the buffer yards are 40’ wide, some trees along the South property line can likely be saved. A typical office development would require a 15’ bufferyard C with one canopy tree, 2 understory trees, two evergreen trees and 10 shrubs per 100’. A residential subdivision with 1/8 acre lots would not require any buffer yard or plantings. The COD requirements are provided below:*

1. The bufferyards along the east property line of the subject property shall be at least forty (40) feet deep. The plantings within the eastern bufferyard shall consist of evergreen trees, 6 feet to 12 feet in height, (preferably a white pine species) and shall be planted every 12 feet in a “zig-zag” or staggered pattern to allow for maximum growth and to eventually create a screening effect.

2. The bufferyards along the South property line of the subject property shall be at least forty (40) feet deep. The plantings within the southern bufferyard shall consist of evergreen trees, 6 feet to 12 feet in height, (preferably a white pine species) and shall be planted every 12 feet in a “zig-zag” or staggered pattern to allow for maximum growth and to eventually create a screening effect. Any existing tree that is saved over 6” in diameter will count as two newly planted tree.

9) The neighbors were concerned about the building materials and the look of the office building. Some wanted the office to look like the residential houses. Some wanted it to look like the new Ransin-O’Reilly office that was just on the north side of Sunshine. *The COD does not restrict the building materials. Churches and single family developments do not restrict building materials as a part of zoning either.*

10) The neighbors were concerned about the noise from the site. *The zoning ordinance has noise requirements that prevent noisy developments. The COD has larger buffers than*
a typical office development church development or residential development. The additional buffers should reduce noise. Offices are generally closed in the evening and on Saturday and Sunday which reduces the noise issues. We also have restrictions on the times that business can be open in the COD.

11) The neighborhood was concerned about the traffic. A traffic report was submitted that shows no additional improvements are required. The intersection at Blackman and Sunshine has dual left turns which adequately handle the existing traffic and the new traffic from the development. The development shares access locations with the adjoining tract to the North. Therefore, people who want to turn right off of Sunshine can go through the adjoining tract without adding to intersection traffic at the intersection of Blackman and Sunshine.

Prepared by:

Derek A. Lee, PE
# SIGN IN SHEET

**Neighborhood Meeting**

**Thursday, November 09, 2017**

Re: Proposed Rezone from Greene County R-SF to O-1 (office)
1850 S. Blackmon Road
Springfield, Missouri

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenn Stambaugh</td>
<td>1926 S. Brittany Pl.</td>
<td>(417) 886-7425</td>
</tr>
<tr>
<td>Brent Ewing</td>
<td>3906 E. Erskin St. 65809</td>
<td>(417) 827-9902</td>
</tr>
<tr>
<td>Imogene May</td>
<td>1927 S. Brittany Pl.</td>
<td>(417) 334-6938</td>
</tr>
<tr>
<td>Matthew Phillips</td>
<td>1927 S. Brittany Pl.</td>
<td>(812) 473-455</td>
</tr>
<tr>
<td>Tony Gott</td>
<td>1958 S. Brittany Pl.</td>
<td>(417) 988-0178</td>
</tr>
<tr>
<td>Bob Greene</td>
<td>3873 E. Eastmore       65809</td>
<td>(417) 893-7703</td>
</tr>
<tr>
<td>John Garner</td>
<td>1885 S. Camber          65809</td>
<td>(417) 639-4633</td>
</tr>
<tr>
<td>Bryan Jansen</td>
<td>1937 S. Brittany Pl.    65809</td>
<td>573-855-1294</td>
</tr>
</tbody>
</table>
# COMMENT SHEET

**Neighborhood Meeting**

**Thursday, November 09, 2017**

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1850 S. Blackmon Road
Springfield, Missouri

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<thead>
<tr>
<th>NAME</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Elaine Hamburg</td>
<td>1926 S. Brittany Pl.</td>
<td>(417) 881-4425</td>
</tr>
</tbody>
</table>

**COMMENTS:**

I'm concerned about grading issues. Would not want to have a 100' wall next to my property. Would like a visual block between this property and my property on Brittany Place. Also I'm concerned about intrusive lighting, and having an unattractive parking lot next to me. I would prefer a residential look with a residential roof line, such as the Darrco Bldg across Sunshine.

I would really prefer that the zoning not be changed. Our houses were built knowing that property was residential, and at the time we approved the zoning changes for Empire Bank at the corner of Sunshine and Blackman, we were told this property would not be rezoned.
COMMENT SHEET

Neighborhood Meeting

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</thead>
<tbody>
<tr>
<td>Imogene May</td>
<td>1927 S. Brittany Place</td>
<td>(417) 343-6938</td>
</tr>
</tbody>
</table>

COMMENTS:
1. Privacy of my home will be greatly impacted with anything except single family residential.
2. Noise factor and additional traffic will effect my quality of life with commercial zoning to put businesses so close to my home of 25 years.
3. Please do not rezone for the sake of my personal property value and the quality of my life in my home - specifically, my own back yard.
4. Since my back yard joins this property on the South side, there is no "buffer" high enough or wide enough to protect me from noise, lights, or additional traffic.
5. The piece of property being considered is too small, too close to residential, and not appropriate for any business (single level or multi-level).

Imogene May
COMMENT SHEET

Neighborhood Meeting

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COMMENTS:

Building will lower water flow to my home. I think it would affect my property. It is against building a building on this lot. Water an issue.
**SIGN IN SHEET**

**Neighborhood Meeting**

**Thursday, November 15, 2017**

**Re:** Proposed Rezone from Greene County R-SF to O-1 (office)
1850 S. Blackmon Road
Springfield, Missouri

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Darrell Reed</td>
<td>3889 E. Eastmoor</td>
<td>883-5474</td>
</tr>
<tr>
<td>Britt Newton</td>
<td>1888 S. Brandon Pkwy</td>
<td>883-1222</td>
</tr>
<tr>
<td>Rose Newton</td>
<td>3939 E. Eastmoor</td>
<td>883-1222</td>
</tr>
<tr>
<td>Ruth Warren</td>
<td>3939 E. Eastmoor</td>
<td>883-1222</td>
</tr>
<tr>
<td>Robert Warren</td>
<td>3939 E. Eastmoor</td>
<td>883-1222</td>
</tr>
<tr>
<td>Jean May</td>
<td>1927 S. Brittany Pl</td>
<td>841-258-1111</td>
</tr>
<tr>
<td>Debbie Peterson</td>
<td>1940 S. Brittany Pl</td>
<td>841-258-1111</td>
</tr>
<tr>
<td>Craig Peterson</td>
<td>3889 E. Washita St</td>
<td></td>
</tr>
<tr>
<td>Sue Wilson</td>
<td>3889 E. Washita St</td>
<td>840-9353</td>
</tr>
<tr>
<td>George Wilson</td>
<td>3889 E. Washita St</td>
<td>883-6804</td>
</tr>
<tr>
<td>Margaret Smith</td>
<td>3954 E. Eastmoor</td>
<td>883-6804</td>
</tr>
<tr>
<td>John Smith</td>
<td>3954 E. Eastmoor</td>
<td>883-6804</td>
</tr>
<tr>
<td>Martha Phillips</td>
<td>1920 S. Brittany Place</td>
<td>417-989-9898</td>
</tr>
<tr>
<td>John Ginter</td>
<td>1885 S. Camber</td>
<td>839-6633</td>
</tr>
<tr>
<td>Barbara Dyer</td>
<td>3923 WASHITA ST. 065090</td>
<td>392-5445</td>
</tr>
<tr>
<td>Stan Dyer</td>
<td>3923 WASHITA ST. 065809</td>
<td>392-5445</td>
</tr>
<tr>
<td>James Godt</td>
<td>1958 S. Brittany 065809</td>
<td>417-988-1778</td>
</tr>
<tr>
<td>Doug Faerar</td>
<td>3875 E. Eastmoor St 065809</td>
<td>417-833-7037</td>
</tr>
</tbody>
</table>
COMMENT SHEET

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<tbody>
<tr>
<td>George Wilson</td>
<td>3889 E. Wachita St.</td>
<td>(417) 840-9353</td>
</tr>
</tbody>
</table>

and

Sue Wilson

COMMENTS: Leave it residential single family and keep some green space no more concrete... flooding issues
COMMENT SHEET

Neighborhood Meeting

Thursday, November 15, 2017

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</thead>
<tbody>
<tr>
<td>STAH DYER</td>
<td>3923 E. WASHITA</td>
<td>631-5147</td>
</tr>
</tbody>
</table>

BARB DYER

COMMENTS: Keep Louring Single Development.
COMMENT SHEET

Neighborhood Meeting
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1850 S. Blackmon Road
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<th>NAME</th>
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</thead>
<tbody>
<tr>
<td>Jean May</td>
<td>1927 S. Brittany Place</td>
<td>(417) 343-6938</td>
</tr>
</tbody>
</table>

COMMENTS:

Leave as single family zoning!
COMMENT SHEET

Neighborhood Meeting

Thursday, November 15, 2017

Re: Proposed Rezone from Greene County R-SF to O-1 (office)
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Springfield, Missouri

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<thead>
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<th>NAME</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Peterson</td>
<td>1940 S. Brittany Pk.</td>
<td>(417) 840-1134</td>
</tr>
</tbody>
</table>

COMMENTS:

Please leave zoning as is

R-1

Thank you.
COMMENT SHEET

Neighborhood Meeting

Thursday, November 15, 2017

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<tr>
<th>NAME</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Martha Phillips</td>
<td>1920 S Brittany Place</td>
<td>(417) 425-0998</td>
</tr>
</tbody>
</table>

COMMENTS:

Want the property to remain zoned for single family dwelling due to concerns including but not limited to: privacy, height, land build-up/water issues, landscape, limited buffer zone, and lack of planned dev. issue (adamantly opposed to athletic/fitness/spt. center, med/dent office, res. fac., day care, etc.).
COMMENT SHEET

Neighborhood Meeting

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<tbody>
<tr>
<td>VERTZ</td>
<td>3954 E Eastmoor</td>
<td>883-0604</td>
</tr>
</tbody>
</table>

COMMENTS:

Prefer retaining residential zoning.
Purchased our property depending on current zoning.
Drainage thru area lake from parking would be a major problem.
COMMENT SHEET

Neighborhood Meeting

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</thead>
<tbody>
<tr>
<td>Bob Warren</td>
<td>3939 E. Eastmoor, Springfield</td>
<td>501-258-1111</td>
</tr>
</tbody>
</table>

COMMENTS:

Leave single residential zoning - no commercial buildings of any kind.
COMMENT SHEET

Neighborhood Meeting

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</thead>
<tbody>
<tr>
<td>Darrell Ford</td>
<td>3889 E. EASTMOOR</td>
<td>883-5474</td>
</tr>
</tbody>
</table>

COMMENTS:

Would prefer that this parcel remain R1 Residential. We have problems with water/ noise already from the advent of Sims, Walmart Mkt, Central Bank Lot. This land all slopes to the East all the way to 65 Hwy.
COMMENT SHEET

Neighborhood Meeting

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</tr>
</thead>
<tbody>
<tr>
<td>East Newton</td>
<td>1888 S. Brander Ave, Springfield</td>
<td>417.522.9226</td>
</tr>
</tbody>
</table>

COMMENTS: Leave as single family zoning
          No development
Brian & Shelley Jungen  
1937 S Brittany Place, Springfield, MO 65809  
Phone: 573-855-1794 / 636-667-9590

Please allow this email to serve as our formal objection to the proposed rezoning of the lot located at 1850 S Blackmon Rd. We object to any type of building or development of that lot due to concerns of elevation, erosion, changing the aesthetics of our private neighborhood by removing the buffer of trees and vegetation between the private lots of our subdivision and the public zoning of the lots adjacent to the neighborhood. We have grave concerns that such a development would negatively impact our property values as well as the quality of our lives.

Brian and Shelley Jungen

Sent from my iPhone
I am commenting in opposition to rezoning 1850 S. Blackman Road.

The City of Springfield is being asked to rezone 1850 S. Blackman Road from Greene County R-SF to Springfield O-1. At the November 9, 2017 public meeting, Derek Lee, P.E., stated that the owner had been trying to sell the property for 10 years and has not been successful. Therefore, the owner wants the land rezoned to office space so that they can sell it.

The Greene County Assessor’s website shows the owner of the property to be Christian Church Disciple Christ, 475 E LOCKWOOD AVE, SAINT LOUIS MO 63119. If the Church has been trying to sell the property for 10 years and has been unsuccessful, the issue could be that it’s overpriced. The land is currently listed for roughly $800,000. The Assessor appraised the land at $80,000. An item is only worth what someone is willing to give. If they lower the price enough, someone, would eventually buy it.

The land is currently zoned as residential, single dwelling. So, the Church could in fact build a house on the property and then sell it. There is nothing that is stopping them from building a house and selling it. I would think that a Church in St. Louis could do such. A reason for not doing that is that building a house there is not desirable because the property to the north is owned by Empire Bank and zoned Commercial and that property being zoned Commercial negatively impacts the value of the Church’s property for residential. If this is true, then it would be equally true that rezoning the land to Commercial would negatively impact the residential property adjoining the Church’s property.

Note that the residential properties in the area are not apartments nor multi-unit dwellings. The properties adjoining the Church property have single dwelling homes with values much higher than the median Springfield home price of $115,200. Those properties are estimated to be worth between $266,000 and $548,000 (according to Zillow.com). So, the question has to be answered, is it in society’s best interest to harm the area residents so that the Church can perhaps more easily sell its property or not? Should many be harmed so that one can benefit? I would answer No.

Lastly, it should also be pointed out that the area has plenty of commercial property available south on Blackman as well as on Sunshine Street. If this was New York City where every square inch of property was used, I would be more willing to be in favor of the rezoning. However, this is not the case. There are several commercial lots available in the area.

The Zoning Board is being asked to harm local residents needlessly so that people in St. Louis can benefit. I appreciate the opportunity to comment and hope that after careful consideration of the issues, the Zoning Board will deny the request to rezone the property at 1850 S. Blackman Road.

Sincerely,
James A. Gott, P.E.
1958 S. Brittany Place
Springfield, MO 65809
417-988-0178
December 14, 2017

City of Springfield
Planning and Zoning Commission
840 Boonville, 2nd Floor
Springfield, MO 65802

Re: Z-38-2017 – 1850 S. Blackman Road

Dear Planning and Zoning Commission:

Please be advised that I have been retained by neighbors opposed to the above-referenced rezoning request of the property at 1850 S. Blackman Road. Attached hereto as Exhibit 1 please find a petition signed by neighbors who object to the rezoning of this property.

There is significant opposition to this rezoning for a number of reasons. First, as you know, rezoning the property from R-1 to O-1 would allow much more intensive uses of this property which adjoins single-family residences. Notwithstanding the proposed conditional overlay district, an O-1 property use can include overnight shelters, soup kitchens, colleges, universities, athletic clubs and fitness centers and urgent care centers. These types of uses are incompatible with the adjoining single-family residences.

Second, many neighbors oppose the rezoning to O-1 because a large, imposing structure can be built on the property. Although the conditional overlay district would restrict the construction to not exceed two stories, this still creates a significant problem for the adjoining property owners based on the topography of the land. Construction on the property may require a significant buildup of the lower parts of the property resulting in the first floor of the building to be far above the ground level of the neighbors’ property. If the ground floor of the building was to be constructed level with Blackman Road, then that ground level floor would begin at or near the roof lines of the neighboring residences. Attached hereto as Exhibit 2 please find a picture which provides an approximation of the size of a possible building from the neighbors’ perspective.

This height differential between the building and the residences would result in the windows in this building to face down into the backyards and windows of these residences, which will create an invasion of privacy. This problem would also be exacerbated by the fact that there would be parking lot and building lights shining down into these residences. Even
with louvres and light shields, it will be difficult to prevent the intrusive effect of these lights based on the topography of the subject property and the adjoining residences. Attached hereto as Exhibit 3 and Exhibit 4 are pictures from a drone replicating the possible height of the office building and how it could overlook the neighbors’ property from a height of 35 feet and a setback from the property line of 40 feet.

Perhaps the most significant problem created by the rezoning of this property will be an increase in the already serious water problem in the area. In the Public Works Stormwater Division comments, staff acknowledges that the property is located in the Pearson Creek Drainage Basin and that staff is aware of flooding problems in the area. The staff also recognizes there is a natural water channel running through this property. The current state of water retention in the area is unacceptable. Problems with runoff, drainage and retention are increasing in severity and frequency every year. There is no current solution to the ongoing flooding problem in the area. This issue alone should be justification enough to deny the rezoning at this time so that these retention and drainage problems can be resolved before contributing more water to an already insufficient drainage system.

As you may know, there is a long history of attempts to rezone this property. There were attempts to rezone this property in 2007 and 2008. At the time, the subject property was part of a larger tract and tied to the property directly to the north at the corner of Sunshine and Blackman. During this attempt to rezone the entire tract, there were negotiations between the applicant and the adjoining neighbors. Many in the neighborhood agreed not to oppose the rezoning of the north property, because the property now being discussed was separated and not rezoned. This solution allowed the property to the north to be rezoned while keeping the subject property as a buffer. That solution is now in jeopardy.

The neighbors surrounding this property have legitimate and reasonable concerns about the rezoning of this property. The neighbors appreciate your time and consideration regarding their objections.

Sincerely,

Aaron P. Lyons

APL/ac
Attachments
Petition Against Rezoning

We the undersigned are opposed to the Proposed Zoning request change for the property located at 1850 S. Blackman Road. We are not in favor of the proposed change from R-1 Residential to O-1.

<table>
<thead>
<tr>
<th>Name</th>
<th>Signature</th>
<th>Address</th>
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<tbody>
<tr>
<td>Debra Peterson</td>
<td></td>
<td>1940 S. Brittany Pl</td>
<td>417-840-1133</td>
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<td>Craig Peterson</td>
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<td>1940 S. Brittany Pl</td>
<td>417-840-1134</td>
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<td>Linda Lewis</td>
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<td>1982 S. Brandon</td>
<td>417-234-8276</td>
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<td>John S. Verre</td>
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<td>3954 E. Brandon</td>
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<td>Weasel Animal</td>
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<td>Richard Hacker</td>
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<td>Terry Frost</td>
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<td>Will Cox</td>
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<td>Shellie Thompson</td>
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<td>Elaine Hendra</td>
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<tr>
<td>John Craft</td>
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EXHIBIT 1
40’ FROM PROPERTY LINE 35’ HIGH
EAST-SOUTHEAST FROM PROPERTY LINE 35’ HIGH
LOOKING EAST FROM 35’ HIGH ELEVATION
SECONDARY EAST WATER RETENTION
A. **Uses** - The following uses, normally allowed in the O-1, Office District as per Section 36-400 of the *Springfield Zoning Ordinance*, are prohibited in this district:

1. Cemeteries
2. Community centers, nonprofit
3. Substance abuse treatment facilities for 50 or fewer residents
4. Police and fire stations
5. Print shops and photocopying establishments
6. Public and private parks, playgrounds, and golf courses
7. Public service and public utility uses, as follows: water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
8. Schools, elementary and secondary
9. Schools or development centers for persons with handicaps or development disabilities
10. Temporary uses as permitted by Section 36-452
11. Any residential dwellings existing at the time the district is mapped
12. Tier III wireless facilities in accordance with Section 36-466

In addition, the following conditional uses, as normally permitted in the O-1, Office District as per Section 36-400, are prohibited within this district

1. Crematoriums
2. Heliports
3. Tier III wireless facilities
4. Tier IV wireless facilities
5. Other towers

B. **Use Limitations** - Development within this district shall adhere to the following:

1. Athletic clubs, fitness centers and indoor sports facilities shall not be open between the hours of 10:00 p.m. and 6:00 a.m.
2. Urgent care centers (medical clinics) shall not be open between the hours of 10:00 p.m. and 6:00 a.m.
3. Medical and dental clinics shall not be open between the hours of 10:00 p.m. and 6:00 a.m.
4. Trash pick-up and business deliveries shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

C. **Bulk and Intensity of Use** - The provisions (Section 36-400) of the
**Springfield Zoning Ordinance** pertaining to the O-1, Office District is modified as follows:

1. No building shall be constructed within forty (40) feet of the east property line of the subject property.
2. No building shall be constructed within forty (40) feet of the South property line of the subject property.
3. No Structure shall exceed two (2) stories.

**D. Open Space Requirements** - The provisions (Section 36-400) of the Springfield Ordinance pertaining to the O-1, Office District shall be modified as follows:

1. Minimum open space shall be thirty-five (35) percent.
2. Maximum impervious surface area shall not exceed sixty-five (65) percent.

**E. Bufferyard Requirements** - Section 36-482 of the **Springfield Zoning Ordinance** regarding bufferyards shall be amended as follows:

1. The bufferyards along the east property line of the subject property shall be at least forty (40) feet deep. The plantings within the eastern bufferyard shall consist of evergreen trees, 6 feet to 12 feet in height, (preferably a white pine species) and shall be planted every 12 feet in a “zig-zag” or staggered pattern to allow for maximum growth and to eventually create a screening effect.

2. The bufferyards along the South property line of the subject property shall be at least forty (40) feet deep. The plantings within the southern bufferyard shall consist of evergreen trees, 6 feet to 12 feet in height, (preferably a white pine species) and shall be planted every 12 feet in a “zig-zag” or staggered pattern to allow for maximum growth and to eventually create a screening effect. Any existing tree that is saved over 6" in diameter will count as two newly planted trees.
ATTACHMENT 4
EXAMPLE OF BULK PLANE WITH ELEVATION CHANGE
ZONING CASE Z-38-2017 & CONDITIONAL OVERLAY DISTRICT NO. 141

RESIDENTIAL

COMMERCIAL

45 degree bulk plane

50 feet

35' tall building

15 feet elevation

50 Feet