AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning approximately 12.72 acres of property, generally located at 5389 West Sunshine Street, from a County M-1, Light manufacturing district, to HC, Highway commercial district, and establishing Conditional Overlay District No. 144. (Staff and Planning and Zoning Commission recommend approval).

WHEREAS, an application has been filed for a zoning change of the property generally located at 5389 West Sunshine Street, and more fully described in "Exhibit B," from County M-1, Light manufacturing district, to HC, Highway commercial district, and to establish Conditional Overlay District No. 144; and

WHEREAS, Conditional Overlay District No. 144 shall modify the requirements of Section 66-422, ‘Highway commercial district,’ of the Springfield Land Development Code by requiring that the property described in “Exhibit B” comply with the requirements contained in “Exhibit A,” the foregoing exhibits being attached hereto and incorporated herein by this reference in their entirety; 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 reference as "Exhibit C"; 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 SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The property described in "Exhibit B" of this Ordinance shall be, and the same hereby is, rezoned from County M-1, Light manufacturing or such zoning district which applies to the subject property, to HC, Highway commercial district with Conditional Overlay District No. 144; that the requirements of Conditional Overlay
District No. 144, which are described in “Exhibit A,” are hereby incorporated by reference as if set out verbatim herein, and shall apply to the subject property; and the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation’ of the Springfield Zoning Ordinance, 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 this rezoning, 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 map and rules for 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 upon 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 2018-036

FILED: 01-23-18

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 12.72 acres of property, generally located at 5389 West Sunshine Street, from a County M-1, Light manufacturing district, to HC, Highway commercial district, and establishing Conditional Overlay District No. 144. (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-1-2018 / CONDITIONAL OVERLAY DISTRICT NO. 144

The applicant is proposing to rezone approximately 12.72 acres of property generally located at 5389 West Sunshine Street from County M-1, Light manufacturing to HC, Highway commercial district and establishing Conditional Overlay District No. 144.

The West Sunshine/Highway 60 Corridor Study identifies the subject property as a Community Activity Center. Community Activity Centers are recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community.

The subject property meets the intent of the HC, Highway Commercial District to be used for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. Sunshine Street is classified as an Expressway.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. This application is consistent with the West Sunshine/Highway 60 Corridor Study which identifies the subject property as in a Community Activity Center. These areas are recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community.
2. The subject property meets the intent of the HC, Highway Commercial District to be for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. Sunshine Street is classified as an Expressway.

REMARKS:

The Planning and Zoning Commission held a public hearing on, January 11, 2018, and recommended approval, by a vote of 6 to 0, 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.

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: Conditional Overlay District Provisions
Attachment 3: Neighborhood Meeting Summary
The requirements of Section 36-422 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following.

1. A traffic study shall be required at the time of development.
LEGAL DESCRIPTION
ZONING CASE Z-1-2018 & CONDITIONAL OVERLAY DISTRICT NO. 144

BEGINNING AT A POINT 792 FEET SOUTH OF THE NORTHEAST CORNER OF THENORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION ONE (1), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY- THREE (23), GREENE COUNTY, MISSOURI; THENCE SOUTH A DISTANCE OF 491.7 FEET TO A POINT ON TBE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 60; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY A DISTANCE OF 953.1 FEET; THENSE IN A NORTHWESTERLY DIRECTION AND MAKING AN ANGLE OF 122°08’ TO THE RIGHT WITH THE LAST DESCRIBED COURSE A DISTANCE OP 993.9 FEET TO A POINT 826 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION ONE (1), THENCE EAST A DISTANCE OF 168 FEET; THENCE NORTH A DISTANCE OF 34 FEET; THENCE EAST A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING, EXCEPT THE FOLLOWING: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION ONE (1), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23), THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) A DISTANCE OF 1283.7 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 60; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND MAKING AN ANGLE OF 55°27’ TO THE RIGHT FROM THE LAST DESCRIBED COURSE A DISTANCE OF 953.1 FEET FOR A POINT OF BEGINNING, THENSE IN A NORTHWESTERLY DIRECTION AND MAKING AN ANGLE OF 122°08’ TO THE RIGHT FROM THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY A DISTANCE OF 993.90 FEET; THENCE EAST AND MAKING AN ANGLE OF 92°05’ TO THE RIGHT FROM THE LAST DESCRIBED COURSE A DISTANCE OF 60.0 FEET; THENCE SOUTHEASTERLY A DISTANCE OF 953.80 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 60, SAID POINT BEING 71.0 FEET NORTHEASTERLY FROM THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 71.0 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) AND A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4), ALL IN SECTION ONE (1), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23), AND EXCEPT ANY PART THEREOF DEEDED, TAKEN OR USED FOR ROAD OR HIGHWAY PURPOSES, ALL IN GREENE COUNTY, MISSOURI.
RECORD OF PROCEEDINGS
Planning and Zoning Commission January 11, 2018

Z-1-2018
5389 West Sunshine Street
Applicant: CMH Homes, Inc.

Mr. Hosmer stated that this is a request to rezone approximately 12.72 acres of property generally located at 5389 West Sunshine Street from County M-1, Light Manufacturing to HC, Highway Commercial District and establishing Conditional Overlay District No 144. The Growth Management and Land Use Plan designates this area as appropriate for light industrial, office and office-warehouse, however, the request is also consistent with the West Sunshine/Highway 60 Corridor Study which identifies the subject property within a Community Activity Center (shopping, recreation and employment). Since this is a MoDOT roadway, a traffic study will be required depending on development. Improvements may be required at the existing crossover (turn lanes) and/or drives. All accesses will need to come from Maple Leaf Lane. Existing drive to the east of Maple Leaf will need to be removed. Water and sanitary sewer mains will need to be extended to the property. Stormwater detention will be required onsite. The property was annexed into the City 2005. GR zoning was proposed however, the property was removed from the rezoning by the applicant and the property remained zoned County M-1, Light Manufacturing. The Transportation Plan classifies West Sunshine Street as a primary arterial roadway. The Conditional Overlay District will require a traffic study at the time of development. Staff recommends approval.

Mr. Doennig opened the public meeting.

Mr. Geoff Butler, 319 N. Main, representing the owner and gave a short history of the property. Noted that the owners want the property zoned to sell it and the neighborhood was in favor of the rezoning due to the possible enhancement of their property values.

Mr. Doennig closed the public meeting.

COMMISSION ACTION:

Bob Hosmer, AICP
Principal Planner
SUMMARY OF REQUEST:

To rezone approximately 12.72 acres of property generally located at 5389 West Sunshine Street from County M-1, Light Manufacturing to HC, Highway Commercial District and establishing Conditional Overlay District No. 144

FINDINGS FOR STAFF RECOMMENDATION:

1. This application is consistent with the West Sunshine/Highway 60 Corridor Study which identifies the subject property as in a Community Activity Center. These areas are recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community.

2. The subject property meets the intent of the HC, Highway Commercial District to be for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. Sunshine Street is classified as an Expressway.

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>County M-1</td>
<td>County M-1</td>
<td>County M-1</td>
<td>GR</td>
</tr>
<tr>
<td>LAND USE</td>
<td>Industrial/Manufacturing</td>
<td>Commercial Uses</td>
<td>Car Sales</td>
<td>Radio Station &amp; Self-Service Storage</td>
</tr>
</tbody>
</table>
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

GOOGLE MAPS STREET VIEW:
PROPERTY HISTORY:

The subject property was annexed along with other property in this area by a City-initiated annexation. During the rezoning process of the newly annexed area, the owner of the subject property objected to the proposed GR, General Retail district. The subject property was removed from the rezoning and the property remained zoned County M-1, Light Manufacturing.

ZONING ORDINANCE REQUIREMENTS:

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR HC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Structure Height</td>
<td>None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts. There are no adjacent R-SF or R-TH districts</td>
</tr>
<tr>
<td>Minimum open space</td>
<td>20 percent</td>
</tr>
<tr>
<td>Maximum impervious area</td>
<td>80 percent</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>Front: 25 feet Rear: None, except as required by the bufferyard requirements Side: None, supplemental open space and yard regulations, and the bufferyard requirements</td>
</tr>
</tbody>
</table>

BULK PLANE

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR HC</th>
</tr>
</thead>
<tbody>
<tr>
<td>None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts. There are no adjacent R-SF or R-TH districts</td>
<td>No bufferyards are required due to the subject property being surrounded by commercial and manufacturing districts. The development will comply with the supplemental open space and yard regulations.</td>
</tr>
</tbody>
</table>

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this property as appropriate for light industrial, office and office-warehouse.

The West Sunshine/Highway 60 Corridor Study, completed in 2009, identifies the subject property as in a Community Activity Center. Community Activity Centers are recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement, large specialty shops, service stations, one or more large places of worship, a community park, mid-size offices, low-to-mid rise housing (none within 700 feet of the corridor) and high-to-moderate density housing, and perhaps an elementary or middle school.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 12.72 acres of property generally located at 5389 West Sunshine Street from County M-1, Light Manufacturing to HC, Highway Commercial District and establishing Conditional Overlay District No. 144.

2. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this property as appropriate for light industrial, office and office-warehouse. However, the West Sunshine/Highway 60 Corridor Study, completed in 2009, identifies the subject property in a Community Activity Center. Community Activity Centers are recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement, large specialty shops, service stations, one or more large places of worship, a community
park, mid-size offices, low-to-mid rise housing (none within 700 feet of the corridor) and high-to-moderate density housing, and perhaps an elementary or middle school.

3. The HC district is intended for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. This district is also intended for on-site production of handcrafted items in conjunction with retail sales. Sunshine Street is classified as an Expressway. This property meets this criteria.

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

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on December 19, 2017 regarding the rezoning request. A summary of the meeting is attached (Attachment 3).

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: 12 Returned: 0
DEPARTMENT COMMENTS:

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to rezoning.

MODOT COMMENTS:

Depending on development, a traffic study may be required. Improvements may be required at the existing crossover (turn lanes) and/or drive. All access will need to come from Maple Leaf Ln. Existing drive to the east of Maple Leaf will need to be removed.

CITY UTILITIES COMMENTS:

No objection to rezoning. The closest water main is appx. 1,700 feet to the east. A developer installed extension will be required. A cost recovery agreement is available as the extension will provide service to multiple properties.

The property is currently served by Ozark Electric Coop. By law, they are not allowed to expand service in cities of more than 1,500 population. CU electric is nearby and can be extended.

CLEAN WATER SERVICES COMMENTS:

No objection to the rezoning however we have the following comments;
1. Public sewer not currently available for the proposed site. Any use that requires public sewer will require a public sewer extension unless Building Development is willing to issue a septic permit.
2. Public improvements must be approved and completed before any building permits or plats could be issued or filed.
3. Offsite sewer would not be able to be escrowed.

FIRE DEPARTMENT COMMENTS:

Fire has no objection.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

City's Transportation Plan classifies W. Sunshine Street as an Expressway. The standard right-of-way width for W. Sunshine Street is 65 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. W. Sunshine Street is a MODOT maintained street and is under MODOT jurisdiction. The most recent traffic count on W. Sunshine Street east of James River Freeway is 17,913 vehicles per day. There is currently one access point onto W. Sunshine Street that may need to be closed, but is under the ruling of MODOT. Access can be taken off of the private S. Maple Leaf Lane. There is not currently sidewalk along the property frontage of W. Sunshine Street. Requirement of sidewalk construction is determined by MODOT. On-street parking is not allowed along W. Sunshine Street. There is a Greenway Trail just east of the property pertaining to this rezoning. There are not bus stops along this portion of W. Sunshine Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. Defer to MODOT for any comments regarding future planned improvements to W. Sunshine Street. Improvements to W. Sunshine Street may be required of the developer as a part of a Traffic Study required by the rezoning of this property.

<table>
<thead>
<tr>
<th>Public Works Traffic Division</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street classification</td>
<td>W. Sunshine Street – Expressway</td>
</tr>
</tbody>
</table>
On-street parking along streets W. Sunshine Street – No

Trips generated - Peak Hour 127.20 vehicles (County M-1)  
852.24 vehicles (HC)

Additional Trips generated with zoning change - Peak Hour 725.04 vehicles

Existing street right of way widths W. Sunshine Street - 83 ft from the centerline

Standard right of way widths W. Sunshine Street - 65 ft from the centerline

Traffic study submitted Required*

Proposed street improvements To be determined by traffic study

*Based on the change in zoning from County M-1 to HC, the increase in trip ends produced by this property exceeds the 100-additional trip-ends in the PM peak and more than 1,000 daily trips. This triggers the requirement of a Traffic Study – however, W. Sunshine Street is under MODOT jurisdiction, therefore the Traffic Study and any required improvements to W. Sunshine Street are deferred to MODOT.

STORMWATER COMMENTS:

The property is located in the Wilson’s Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of flooding problems in the area. If the project increases the amount of impervious surfacing, detention and water quality is required according to Chapter 96. 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.

This site drains southeast and because there is not a lot of existing infrastructure in the area detention will be required.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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>Wilson’s 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>
The requirements of Section 36-422 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following.

1. A traffic study shall be required at the time of development.
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: County M-1 (existing zoning) to Highway Commercial (proposed zoning)

2. Meeting Date & Time: Tuesday December 19th, 2017 4:00 pm - 6:30 PM

3. Meeting Location: Barnthouse Event Center - 5484 West Sunshine

4. Number of invitations that were sent: 25

5. How the mailing list was generated: City

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

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.)

   WE discussed the rezoning and the history of the annexation and lack of zoning. I explained that Clayton Homes wanted to rezone it in order to make it suitable for sale. It is surplus property. There are no plans to develop it. No one had any objections to the rezoning and wanted something to develop there that would increase the value of their respective properties. I did have a phone call from Shirley Biermann, the neighbor to the north, as she could not come to the meeting. She was not opposed to the rezoning.

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

   no written comments were received

I, Geoffrey Butler (print name), attest that the neighborhood meeting was held on 12/19/17 (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.”

Signature of person completing affidavit

Geoffrey Butler

Printed name of person completing affidavit
Neighborhood Meeting  Zoning case PLN2017-00484

December 19, 2017  4:00 - 6:30 PM
Barnhouse Meeting Center  5484 West Sunshine St.

Attendees:

Richard J. Viles
5218 W Farm Rd 156
Springfield, MO  65802
417-862-3160

Karen Hoppatt
5194 W Sunshine St
Brookline, MO  65619
417-631-7936

Mary Jenkins
5185 S 5187 W Sunshine St
Brookline, MO  65619

Kenny Okuma
5110 W BR 156
849-4696

Mark Nelson
2745 S Maple Leaf Lane
SPFI  MO  65802
839-8209