AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning approximately 3.4 acres of property, generally located at 3745 South Cox Avenue from Planned Development District No. 141, 6th Amendment, to Planned Development District No. 362; 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 generally located at 3745 South Cox Avenue, and more fully described in "Exhibit A," from Planned Development District No. 141, 6th Amendment, to Planned Development District No. 362; and

WHEREAS, Planned Development District No. 362 shall modify the requirements of the Springfield Land Development Code by requiring that the property described in “Exhibit A” comply with the requirements described in "Exhibit 1," 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, and a copy of the Record of Proceedings from said public hearing is attached hereto and incorporated herein by this reference as "Exhibit B;" and

WHEREAS, proper notice was given of a public hearing before City Council, and that 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 A" of this Ordinance shall be, and the same hereby is, rezoned from Planned Development District No. 141, 6th Amendment, or such zoning district as is designated on the official zoning map adopted by City Council, to Planned Development District No. 362; 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 – The property described on “Exhibit A” of this Ordinance shall be subject to the requirements and standards described in “Exhibit 1,” and these requirements, standards, and design shall govern and control the use and development of the land in Planned Development District No. 362.

Section 3 – 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 4 – 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 5 – 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 – 040

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 3.4 acres of property, generally located at 3745 South Cox Avenue from Planned Development District No. 141, 6th Amendment, to Planned Development District No. 362; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval).

PLANNED DEVELOPMENT DISTRICT NO. 362

BACKGROUND INFORMATION: The applicant is proposing to rezone this property from Planned Development No. 141, 6th Amendment, to Planned Development No. 362. The intent is to provide a new office building and a new television commercial studio on Lot 2. The studio building will house office, studio, wood shop and storage uses. The studio building will be a free span warehouse type structure over concrete slab that will resemble the other structures on the farm site. The intent of the current development is to remove the existing 6,000 square foot (two story) barn and replace it with a new office building of similar size. The proposed PD has some similarities to the existing PD; however, a television commercial studio is not currently permitted by the existing PD. The owner is proposing to rezone and administratively subdivide the lot into two lots as shown on the site plan.

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.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for High Intensity Retail, Office or Housing. The requested Planned Development No. 362 is consistent with the recommendation.

2. Approval of this request will result in a similar type of development as what could be achieved under the existing zoning on the northern lot; however, it will allow for a new television commercial studio and office to be constructed on the southern lot which will be designed to fit the character of the existing farmhouse structures.
3. Approval of this application will facilitate development of this property and promote infill development where investments have already been made in public services and infrastructure.

RECOMMENDATIONS:

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 tracts of land described on the attached sheet (see the attached Record of Proceedings).

REMARKS:

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

Submitted by:

Daniel Neal
Senior Planner

Recommended by: Approved by:

Mary Lilly Smith, Director Greg Burris, City Manager

EXHIBITS:

Exhibit A, Legal Description
Exhibit B, Record of Proceedings
Exhibit C, Development Review Staff Report

Attachment 1, Department Comments
Attachment 2, Neighborhood Meeting Summary & Neighborhood Comments

PLANNED DEVELOPMENT 362 EXHIBITS:

Exhibit 1, Planned Development Ordinance Text
Exhibit 2, Preliminary Development Site Plan
LEGAL DESCRIPTION
PLANNED DEVELOPMENT 362

All of Tract “F” of Administrative Subdivision AS-5363, filed for record in the Office of the Greene County Recorder of Deeds at Book 2991 Page 96 and being more particularly described as follows: COMMENCING at the Northeast corner of Lot 21, Chesterfield Village-Brownstone Commons Second Addition, a replat of Chesterfield Village-Brownstone Commons and Chesterfield Village-Brownstone Commons First Addition, a subdivision in the City of Springfield, Greene County, Missouri; thence, South 01°28’47” West along the West right-of-way line of Cox Road, a distance of 2.51 feet for a POINT OF BEGINNING; thence, along said West right-of-way line for the following three (3) described courses:

Thence, continuing S 01°29’36” W, a distance of 66.96 feet to a point of curvature to the left; thence, along said curve to the left, said curve having a radius of 335.00 feet, a central angle of 26°17’46”, an arc distance of 153.75 feet to a point of reverse curvature to the right;

Thence, along said reverse curve to the right, said curve having a radius of 15.00 feet, a central angle of 71°17’46”, an arc distance of 18.67 feet, along a chord bearing S 10°50’43” W; thence S 46°29’36” W, a distance of 21.98 feet; thence, S 43°30’24” E, a distance of 25.00 feet to a point on the North right-of-way line of Butterfield Street; thence, along said North right-of-way line, along a non-tangential curve to the left, said curve having a radius of 133.50 feet, a central angle of 45°59’39”, an arc distance of 107.17 feet, along an chord bearing N 66°30’13” W; thence, N 89°30’03” W, continuing along said North right-of-way line, a distance of 78.96 feet; thence, N 01°29’36” E, a distance of 300.35 feet; thence, N 45°02’05” E, a distance of 91.02 feet; thence, N 00°48’37” E, a distance of 80.29 feet; thence, S 89°11’23” E, a distance of 59.52 feet; thence, N 01°28’47” E, a distance of 6.50 feet; thence, S 89°06’33” E, a distance of 60.17 feet; thence, S 89°31’41” E, a distance of 59.84 feet; thence, S 84°46’04” E, a distance of 12.26 feet to the POINT OF BEGINNING.
Planned Development 362
3745 South Cox Avenue
Applicant: Modern Tractor & Supply Company

Mr. Hosmer stated that this is a request to rezone property generally located at 3745 South Cox Avenue from Planned Development No. 141, 6th Amendment to Planned Development No. 362. The Growth Management and Land Use Plan identifies this area as appropriate for High Intensity Retail, Office or Housing. The intent of the PD is to provide office uses and a television commercial studio however, studio and offices uses are not currently permitted in the PD. The City recognizes Cox Avenue as a public street and Westview and Butterfield as private streets. Cox Avenue is classified as collector roadway in the Transportation Plan. The existing PD allows eating and drinking establishments and antique/gift shops which are typically allowed in the General Retail District, but also allows uses such as day care centers and community centers which are typically allowed in the O-1, Office District. The proposed changes will allow television commercial studios, catering services and office uses as permitted in the O-1, Office District, prohibiting these uses; Cemeteries, Water reservoirs, water standpipes and elevated and ground-level water storage tanks, Substance abuse treatment facilities for 50 or fewer residents, Telecommunication towers, Bowling alleys, Roller skating and ice skating arenas and Miniature golf. A traffic study is not required. Detention and water quality is already provided. Each structure on Lot 1 will be limited to the same foot print as the existing structures. Individual buildings can increase in square footage by adding a maximum of 20% in generally the same foot print. Lot 2 is limited to two new buildings, a 15,000-square foot maximum building area for studio uses and a 7,000-square foot maximum building area for an office building. Design requirements have been added for each lot. Maximum structure heights will remain at two (2) stories. Lot 1 shall have a 10 foot bufferyard installed along the north property line if an existing building is removed and replaced (existing driveway). Lot 2 shall have a 10 foot bufferyard/ landscaping installed along the West property line and south of the office building as shown on the site plan. There shall be a 15 foot bufferyard with at least three canopy trees and 6-foot wood privacy fence installed along the west property line between the office building and swimming pool as shown on the site plan. The Final Development Plan shall conform to the site plan. Staff recommends approval.

Mr. Thomas asked if this is currently two properties and Mr. Hosmer stated that it is not two properties, the applicant is proposing to subdivide the property. The property owner is going to build a studio and is retaining it as part of the existing family farm.

Mr. Doennig noted that Commission received a letter from the neighborhood regarding ingress/egress to the proposed parking lot (west of the new studio) which comes from Westview Street. If the zoning is approved, is the Commission requiring for the
existence point of ingress/egress at Westview Street or can they can access from Cox Road (across the property) to the proposed parking area and not have access off Westview Street and the City will not require access?

Mr. Hosmer noted that they can provide for access easements from Cox Road which is a dedicated street. The City of Springfield recognizes the private streets in Chesterfield Village and there are no problems in getting access from the property to the private street that the City recognizes.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, representing the applicant. It was requested that the access be off Westview because of the two lots being separated. The owners of the farm (historic farm) want to keep it preserved as it is and they wanted the drive to be separate. At the neighborhood meeting, there were several comments, such as screening between the pool and the proposed office building and we will be providing a 6-foot privacy fence and 3 canopy trees, dumpster location and we put in language about signs. Neighbors expressed concern about the large building on lot 2 not being attractive, so we added language that is in the multi-family design guidelines about architectural features and windows. The proposal was originally submitted with General Retail but was changed to limited Office (O-1) uses.

Mr. Gary McCurter, 2304 W. Westview Street, President of the Chesterfield Homeowners Association. Voiced concern over the (Chesterfield Village owns private Westview Street) use of their private street and does not give permission for vehicles/trucks accessing Westview Street from the proposed studio. He noted that he has sent documentation/letter (part of staff report) stating the details of their opposition.

Ms. Sarah Hitesman, 2308 W. Westview Street. Stated her reason for opposition is the esthetic view from her home, and purchased home for a residential, not an industrial area, concerned with the heavy traffic to the studio and that Westview Street is a private street and any damage is the responsibility of Chesterfield Village. She also noted that there are two other streets with access into the property.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**
Mr. Rose motioned to approve Planned Development 362 (3745 South Cox Avenue). Mr. Coltrin seconded the motion. Ayes: Doennig, Shuler, Thomas, Rose, Broekhoven, and Coltrin. Nays: None. Abstain: None. Absent: Cox and Ogilvy.

Bob Hosmer, AICP
Principal Planner
CASE NUMBER:
Planned Development No. 362

LOCATION:
3745 S. Cox Avenue

ACRES:
3.4 acres

EXISTING LAND USE:
Office uses

APPLICANT:
Modern Tractor and Supply Co.

STAFF:
Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION:
Move to approve rezoning the subject property from Planned Development No. 141, 6th Amendment to Planned Development No. 362

SUMMARY OF REQUEST:
Request to rezone this property from Planned Development No. 141, 6th Amendment to Planned Development No. 362

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* identifies this as an appropriate area for High Intensity Retail, Office or Housing. The requested Planned Development No. 362 is consistent with the recommendation.

2. Approval of this request will result in a similar type of development as what could be achieved under the existing zoning on the northern lot; however, it will allow for a new television commercial studio and office to be constructed on the southern lot which will be designed to fit the character of the existing farmhouse structures.

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

SURROUNDING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th>NORTH</th>
<th>SOUTH</th>
<th>EAST</th>
<th>WEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING</td>
<td>PD 141, 1st Amendment</td>
<td>PD 349 &amp; PD 141, 2nd Am.</td>
<td>PD 141, 1st Am.</td>
</tr>
<tr>
<td>LAND USE</td>
<td>Single family residences</td>
<td>Office/Retail and multi-family residential uses</td>
<td>Multi-family residential uses</td>
</tr>
</tbody>
</table>
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):
PROPERTY HISTORY:

This property was originally zoned from R-1 to Planned Development 141 in 1992. Since the citywide rezoning in 1995, this area has been amended twice. It was amended to Planned Development No. 141, 2nd Amendment in 1997 and the latest amendment occurred in 2001 when it was amended to Planned Development No. 141, 6th Amendment.

COMPATIBILITY WITH THE ZONING ORDINANCE:

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR PD 362</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Limitations</td>
<td>Same as existing.</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Two stories (same as existing)</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>25 feet along Cox Avenue and 25 feet from centerline of private streets (same as existing)</td>
</tr>
<tr>
<td>Side and Rear Setbacks</td>
<td>None, use limitations, design requirements and bufferyards will dictate</td>
</tr>
<tr>
<td>Open Space Requirement</td>
<td>20% (same as existing)</td>
</tr>
<tr>
<td>Design Requirements</td>
<td>See Exhibit 1 for details</td>
</tr>
</tbody>
</table>

BULK PLANE

<table>
<thead>
<tr>
<th>LANDSCAPING</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

Each bufferyard and landscaping area in this district are different and do not follow standard requirements.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for High Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid- or high-density housing may be appropriate at major intersections or along certain roadway corridors.

The Plan further recommends commercial areas of different intensities throughout the community. Commercial areas should be sited in areas that are well served by transportation facilities and sited and designed to have a minimal effect on the adjacent lower-intensity development.

STAFF COMMENTS:

1. The applicant is proposing to rezone this property from Planned Development No. 141, 6th Amendment to Planned Development No. 362. The intent is to provide a new office building and a new television commercial studio on Lot 2. The studio building will house office, studio, wood shop and storage uses. The studio building will be a free span warehouse type structure over concrete slab that will resemble the other structures on the farm site. The intent of the current development is to remove the existing 6,000 SF (two story) barn and replace it with a new office building of similar size. The proposed PD has some similarities to the existing PD; however, a television commercial studio is not currently permitted by the existing PD. The owner is proposing to rezone and administratively subdivide the lot into two lots as shown on the site plan.

2. The existing Planned Development permits a mix of community, office and retail uses. The existing zoning allows Eating and Drinking Establishments and antique/gift shops which are typically allowed in the General Retail District, but also allows Community Service Facilities such as day care centers and community centers which are typically allowed in the O-1, Office District.
3. The *Growth Management and Land Use Plan of the Comprehensive Plan* identifies this as an appropriate area for High Intensity Retail, Office or Housing. The property is surrounded by Planned Development 141 and 349, which allow for a mixture of uses. Staff believes that the proposed PD 362 is appropriate for this area.

4. A traffic study is not required. The proposed uses in PD-362 do not produce more than 100 additional trip-ends in the AM or PM peak hours, nor do they exceed 1,000 additional trip-ends daily, compared to the existing uses permitted in PD-141, 6th Amendment.

5. The major difference between the existing Planned Development No. 141, 6th Amendment and the proposed Planned Development No. 362 is that new television commercial studio and office buildings and uses are permitted. The following differences are being proposed:

   a. The proposed PD will allow similar uses to PD 141, 6th amendment on both lots. The proposed PD will add studios as defined in the PD, catering services and office uses as permitted in the O-1, Office District, except the following uses which will be prohibited:

      i. Cemeteries
      ii. Water reservoirs, water standpipes and elevated and ground-level water storage tanks
      iii. Substance abuse treatment facilities for 50 or fewer residents
      iv. Telecommunication towers
      v. Bowling alleys
      vi. Roller skating and ice skating arenas
      vii. Miniature golf

   b. Then intensity of development has been divided into two parts. Each structure on Lot 1 will be limited to the same footprint as the existing structures. Individual buildings can increase in square footage by adding a maximum of 20% additional in roughly the same footprint of the individual building. Lot 2 is limited to two new buildings, a 15,000-square foot maximum building area for studio uses and a 7,000-square foot maximum building area for an office building.

   c. Maximum structure heights will remain at two (2) stories. The maximum impervious surface ratio will remain at 80 percent and minimum open space ratio at 20 percent for each buildable lot.

   d. No building setbacks are proposed except as shown along Cox Avenue on the site plan. The proposed bufferyards, intensity of development and design requirements will provide adequate setbacks.

   e. Design requirements have been added for each lot. Lot 1 uses are permitted provided that the existing farmhouse and farm structures are utilized for these uses. Lot 1 uses are also permitted for new construction to replace existing structures is permitted if the new structures are located in the same location, have roughly the same footprint (can increase footprint by 20%) and the “same appearance” as the existing farm structures. “Same appearance” is defined as sloped roofs with shingles. The shingles and exterior paint shall match the existing farmhouse structures. Building elevations shall be submitted and approved by ARC which shows sloped roofs and exterior paint/shingle colors. The existing gravel drives and parking lots on Lot 1 are allowed to remain as long as the existing farmhouse and farm structures are utilized. As a conforming use, the existing farmhouse and farm structures can be replaced with similar farmhouse or farm structures within 18 months of being destroyed without changes to the gravel drives and parking areas on Lot 1. Otherwise, any new construction to replace the existing structures will require driveways and parking lots to comply with current design requirements.

   f. New construction on either lot will require street facing walls that are greater than 50 ft. in length shall be articulated at least every 25 ft. with bays, projections, or recesses. Articulation means a difference in the vertical plane of the building of at least 18 inches or more. A covered porch with columns facing the street is an acceptable option for the articulation requirements. Facades that face streets that are greater than 25 ft. in length shall be subdivided and proportioned using at least one of the following features: windows, entrances, arcades, arbors, or awnings, distributed along the façade at least once every 25 ft.
g. Bufferyards have been modified from PD 141, 6th amendment which require the landscape and bufferyard provisions of the Zoning Ordinance in effect at the time of development shall apply to specified bufferyards as described in Exhibit 1 (text) and shown on the site plan.

h. Lot 1 shall have a 10 foot bufferyard installed if an existing building is removed and replaced. The bufferyard shall be located on the North property line adjacent to 2210-2250 W Dearborn Street. The bufferyard shall contain 1 canopy tree, 2 understory trees, 2 evergreen trees and 10 shrubs per 100 linear feet. The standard bufferyard is 15 feet between O-1 and R-SF; however, the applicant would like to retain the existing driveway which is located approximately 10 ten feet from the northern property line.

i. Lot 2 shall have a 10 foot bufferyard installed along the West property line and south of the office building as shown on the site plan. The bufferyard shall contain 1 canopy tree, 2 understory trees, 2 evergreen trees and 10 shrubs per 100 linear feet. If optional parking area is developed, then screening will be required per the Zoning Ordinance between the parking spaces and the property line.

j. Lot 2 shall have a 15 foot bufferyard and 6 foot wood privacy fence installed along the west property line between the office building and swimming pool as shown on the site plan.

k. Lot 2 shall have at least three canopy trees installed between the proposed office building and the pool as shown on the site plan. Trees sizes at planting shall comply at minimum with the Zoning Ordinance requirements.

l. Access will be provided as shown on the site plan. One additional driveway is shown accessing Westview Street (private street).

m. The standard off-street parking requirements shall apply with the exception that studio parking is to be based on one space per 350 square foot of office area within the building. Also, woodshop, storage and TV commercial set areas within the building shall not require parking.

n. Signage requirements have been modified to allow one detached sign on each lot. Each sign shall have a maximum effective area of fifty (50) square feet. Each sign shall have a maximum height of ten (10) feet.

o. A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. The Administrative Review Committee is hereby authorized to, acting jointly, approve the final development plan provided such plan substantially conforms to the provisions of this ordinance.

6. The City recognizes the streets in Chesterfield Village as private streets per Special Ordinance No. 22714 on April 17, 1995. In the ordinance, it states that City Council hereby approves the replatting of certain access easements as private streets. The private ownership, control and maintenance of the private street rights-of-way must be integral to the design and function of subdivision. The restrictive covenants, rules and bylaws creating the common ownership must provide for the continuing and adequate maintenance of the private streets and that the property rights, including the rights of access of purchasing land within and adjacent to the subdivision, are safeguarded to the degree they would be protected if the streets were dedicated to the public. While the City is not supportive of taking over these private streets (Westview and Butterfield), the City has no issues with the proposed development accessing them. The access to the private streets is a civil matter between the property owner and the association that controls and maintains them.

7. 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 18, 2017. A summary of the meeting and sign-in sheet is attached (Attachment 2).
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: 32 | Returned: 0 |
DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS
PLANNED DEVELOPMENT 362

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to Planned Development.

TRAFFIC DIVISION COMMENTS:

City's Transportation Plan classifies S. Cox Avenue as a Collector roadway, and W. Butterfield Street and W. Westview Street as Private Streets. The standard right-of-way width for S. Cox Avenue is 30 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. Cox Avenue is a City maintained street. W. Butterfield Street and W. Westview Street are privately maintained streets. The most recent traffic count on S. Cox Avenue north of W. Winchester Street is 1,956 vehicles per day. There is one driveway access point off S. Cox Avenue to Lot 1 and two private streets (W. Butterfield Street and W. Westview Street) that extend from S. Cox Avenue to access both Lot 1 and Lot 2. There is sidewalk along the property frontage of S. Cox Avenue as well as the two private streets. The existing infrastructure meets current city standards. On-street parking is not permitted along S. Cox Avenue along the property frontage pertaining to this PD, but is permitted on various other sections of S. Cox Avenue. The nearest Greenway Trail is on the south side of James River Freeway at Chesterfield Park. There are bus stops along S. Cox Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are no street improvements required as a part of this rezoning. There are no planned improvements to this section of S. Cox Avenue or nearby streets in the near future.

<table>
<thead>
<tr>
<th>Public Works Traffic Division</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street classification</td>
<td>S. Cox Avenue – Collector</td>
</tr>
<tr>
<td></td>
<td>W. Butterfield Street – Private</td>
</tr>
<tr>
<td></td>
<td>W. Westview Street – Private</td>
</tr>
<tr>
<td>On-street parking along streets</td>
<td>S. Cox Avenue – No</td>
</tr>
<tr>
<td>Trips generated - Peak Hour</td>
<td>510 vehicles (PD-141 [6th Amendment])</td>
</tr>
<tr>
<td></td>
<td>523.59 vehicles (PD-362)</td>
</tr>
<tr>
<td>Additional Trips generated with zoning change - Peak Hour</td>
<td>13.59 vehicles</td>
</tr>
<tr>
<td>Existing street right of way widths</td>
<td>S. Cox Avenue - 30 ft. from the centerline</td>
</tr>
<tr>
<td>Standard right of way widths</td>
<td>S. Cox Avenue - 30 ft. from the centerline</td>
</tr>
<tr>
<td>Traffic study submitted</td>
<td>Not required*</td>
</tr>
<tr>
<td>Proposed street improvements</td>
<td>None required</td>
</tr>
</tbody>
</table>

*A traffic study was not required. The proposed uses in PD-362 do not produce more than 100 additional trip-ends in the AM or PM peak hours, nor do they exceed 1,000 additional trip-ends daily, compared to the existing uses permitted in PD-141, 6th Amendment.

FIRE COMMENTS:

Fire has no objection to rezoning

STORMWATER COMMENTS:
The property is in the Inman 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 is not applicable as detention and water quality is already provided. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

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

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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>Inman 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>N/A</td>
</tr>
</tbody>
</table>

CLEAN WATER SERVICES COMMENTS:

No objections to Planned Development. Public sewer is currently available and there are no apparent conflicts with public sewer.

CITY UTILITIES COMMENTS:

No objections. All utilities are available.
1. Request change to zoning from: PD 141 Amendment 6 (existing zoning) to New PD (proposed zoning)

2. Meeting Date & Time: December 18, 2017 From 4:00 to 6:30

3. Meeting Location: 2101 W. Chesterfield Blvd Suite C100

4. Number of invitations that were sent: 126

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

6. Number of neighbors in attendance (attach a sign-in sheet): 9

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.)
   
   1) Fence to screen the pool - We added a fence and three canopy trees to screen the pool.
   2) Dumpster Location not shown on plan - We added the dumpster location.
   3) Sign not shown on the plan - We added sign language to the PD language.

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

   1) Blank wall facing street - We added language requiring windows and architectural features for street facing walls.
   2) Too many uses on Farm House Lot - We changed from GR uses to O-1 uses and limited O-1 uses.

I, Derek Lee (print name), attest that the neighborhood meeting was held on December 18, 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 A. Lee

Printed name of person completing affidavit
Neighborhood Meeting
Monday, December 18, 2017
Re: Proposed Rezone from PD 141 2nd Amendment to a new PD
3745 S. Cox Ave.
Springfield, Missouri

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE</th>
</tr>
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<tbody>
<tr>
<td>Kevin jarrett</td>
<td>2329 W. Chesterfield Blvd</td>
<td>417-209-5548</td>
</tr>
<tr>
<td>Don Garrett</td>
<td>2319 W. Chesterfield Blvd</td>
<td>417-209-5548</td>
</tr>
<tr>
<td>Scott Whiteman</td>
<td>2210 W. Dearborn St</td>
<td>417-737-1947</td>
</tr>
<tr>
<td>Shirley Delashmit</td>
<td>2317 W. Evergreen St</td>
<td>417-251-4804</td>
</tr>
<tr>
<td>John Custer</td>
<td>2323 C W. Chesterfield</td>
<td>417-890-9116</td>
</tr>
<tr>
<td>Lucy Fetherhilt</td>
<td>2323 C W. Chesterfield</td>
<td>417-890-9116</td>
</tr>
<tr>
<td>Anne Crane</td>
<td>3656 S. Breech Ave.</td>
<td>417-890-9477</td>
</tr>
<tr>
<td>Clyde</td>
<td>3641 S. Breech Ave.</td>
<td>417-215-5697</td>
</tr>
<tr>
<td>David Nolfi</td>
<td>3646 S. Breech Ave.</td>
<td>417-828-1947</td>
</tr>
</tbody>
</table>
COMMENT SHEET

Neighborhood Meeting

Monday, December 18, 2017

Re: Proposed Rezone from PD 141 2nd Amendment to a new PD
3745 S. Cox Ave.
Springfield, Missouri

<table>
<thead>
<tr>
<th>NAME</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Tom Kuntz</td>
<td>2317 N. Glenstone</td>
<td>351-438</td>
</tr>
</tbody>
</table>

COMMENTS:

1. Site is not appropriate for many uses in GB category either due to activity type or scale. NB should be considered to be more appropriate for this site which is a transitional area between more intensive commercial use and residential uses.

2. Building facades facing Butterfield and Westview should have more windows, residential appearance and windows articulated walls, etc.
January 11, 2018

Planning and Zoning Commission of the City of Springfield
Historic City Hall
830 Boonville Ave.
Springfield, Missouri 65802
zoning@springfieldmo.gov

Re: Planned Development No. 362
3745 S. Cox Avenue

Ladies and Gentlemen:

On behalf of the Village at Chesterfield Owners’ Association, I am writing to you concerning Planned Development No. 362 at 3745 S. Cox Avenue, Springfield, Missouri. After consulting with legal counsel regarding the proposed rezoning and associated modifications to the planned development, we have the following concerns and believe, at a minimum, the matter should be continued from the January 11th public hearing for the Commission’s consideration of the same.

First, the proposed rezoning raises serious issues regarding trespass upon private property. As acknowledged in the redevelopment proposal at Page 7, “[o]ne additional driveway is shown accessing Westview Street.” It is unclear and, in fact, unaddressed, how the landowner, or anyone attempting to travel to the rezoned property, will access the driveway without trespassing upon a private road. There has been no discussion to our knowledge about an easement or other pre-existing right-of-way establishing such access.

The redevelopment proposal forecasts a looming conflict between the landowner and, presumably, the property association that owns Westview Street. According to Page 7, Paragraph 6 of the redevelopment proposal, the restrictive covenants, rules, and bylaws that created the common ownership are required to “safeguard” the rights of adjacent property owners as though the streets “were dedicated to the public.” But in the same breath, the redevelopment proposal acknowledges the burden it would unilaterally place on private property and suggests that “access to the private streets is a civil matter between the property owner and the association that controls and maintains them.” Surely there is a better way to resolve this issue than passing the rezoning proposal and simply referring the matter to the civil courts system. Both the landowner and the homeowners in the association deserve better.

Second, the proposed rezoning exposes the City of Springfield to a real risk of litigation. The redevelopment proposal itself contains a caveat bracing for litigation between the developer and the owners of the private roadway (Westview Street). However, the City would likely be named as a party in any such litigation in a count for inverse condemnation. This is so because the rezoning proposes a substantial interference with a private property right without just compensation. To be sure, as revealed in the redevelopment proposal, not even a traffic study was conducted to measure the significance of the interference, underlining the prematurity of this action.
In consideration of the above, the homeowners who own the private Westview Street that will be rededicated to public use by virtue of this redevelopment proposal (the Village at Chesterfield Homeowners’ Association) respectfully request that Planned Development No. 362 either be rejected or the motion to approve the same be continued so that the Planning and Zoning Commission can have a full and fair opportunity to investigate the issues raised in this letter.

Sincerely,

Gary McCurter
A. APPLICATION

Building or other permits may not be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan has been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

B. INTENT

The intent is to provide a new office building and a new studio on Lot 2. The studio building will house office, studio, wood shop and storage uses. The studio building will be a free span warehouse type structure over concrete slab that will resemble the other structures on the farm site. The intent of the current development is to remove the existing 6,000 SF (two story) barn and replace it with a new office building of similar size.

The PD will also cover the remainder of the parent tract which is designated as Lot 1. The PD will update the language for the PD to current standards. The PD will limit new construction to the same footprint and location as existing structures in the same manner as the existing PD141 amendment 6.

C. DEFINITIONS

The definitions contained in the *Zoning Ordinance* shall apply to this ordinance. For purposes of this ordinance, the following definitions shall also apply.

1. Studio: The studio use consists of TV sets and filming equipment to shoot actors in TV commercials. The intent of the studio is to provide advertising thru TV commercials for national and local businesses. The studio will contain storage areas for set backgrounds and equipment. The studio will also contain a wood working shop to construct the TV sets.

2. Set: The background area and props as arranged for shooting a TV commercial.

D. USES PERMITTED

1. The following uses are permitted on Lot 1:
   i) Eating and Drinking Establishments excluding drive-in, pick-up window or drive-thru facilities
   ii) Catering Services
   iii) Studio
   iv) Antique Shops
v) Commercial gardens and/or Farmers Market with retail and/or wholesale sales on-site
vi) Flea markets entirely within enclosed buildings
vii) Uses allowed in the Office (O-1) District are permitted except for:
   (1) Cemeteries
   (2) Water reservoirs, water standpipes and elevated and ground-level water storage tanks
   (3) Substance abuse treatment facilities for 50 or fewer residents
   (4) Telecommunication towers
   (5) Bowling alleys
   (6) Roller skating and ice skating arenas
   (7) Miniature golf

2. The following uses are permitted on Lot 2:
   i) Studio
   ii) Commercial gardens and/or Farmers Market with retail and/or wholesale sales on-site
   iii) Flea markets entirely within enclosed buildings
   iv) Uses allowed in the Office (O-1) District are permitted except for:
       (1) Cemeteries
       (2) Water reservoirs, water standpipes and elevated and ground-level water storage tanks
       (3) Substance abuse treatment facilities for 50 or fewer residents
       (4) Telecommunication towers
       (5) Bowling alleys
       (6) Roller skating and ice skating arenas
       (7) Miniature golf

E. USE LIMITATIONS

1. All uses shall operate in accordance with the noise standards contained in Section 36-485 of the Springfield Zoning Ordinance.
2. No use shall emit an odor that creates a nuisance as determined by Chapter 2A, Article X, Springfield City Code.
3. No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.

F. INTENSITY OF DEVELOPMENT

Development shall adhere to the following standards.

1. Lot 1: Each structure will be limited to the roughly the same footprint as the existing structures. Individual buildings can increase in square footage by adding a maximum of 20% additional in roughly the same footprint of the individual building.
2. Lot 2: Limited to two buildings: 15,000 SF maximum building area for studio uses and 7,000 SF maximum building area for office building uses.

G. BULK, AREA AND HEIGHT REQUIREMENTS

Development shall adhere to the following standards.
1. No structure shall exceed a height of two (2) stories.
2. The maximum impervious surface ratio shall on each buildable lot shall not exceed 0.80.
3. The minimum open space ratio on each buildable lot shall be at least 0.20.

H. DESIGN REQUIREMENTS

1. Lot 1 uses are permitted provided that the existing farmhouse and farm structures are utilized for these uses. Lot 1 uses are also permitted for new construction to replace existing structures is permitted if the new structures are located in the same location, have roughly the same footprint (can increase footprint by 20%) and the “same appearance” as the existing farm structures. “Same appearance” is defined as sloped roofs with shingles. The shingles and exterior paint shall match the existing farmhouse structures.
2. Building elevations shall be submitted and approved by ARC which shows sloped roofs and exterior paint/shingle colors.
3. The existing gravel drives and parking lots on Lot 1 are allowed to remain as long as the existing farmhouse and farm structures are utilized. As a conforming use, the existing farmhouse and farm structures can be replaced with similar farmhouse or farm structures within 18 months of being destroyed without changes to the gravel drives and parking areas on Lot 1. Otherwise, any new construction to replace the existing structures will require driveways and parking lots to comply with current design requirements.
4. Street facing walls that are greater than 50’ in length shall be articulated at least every 25’ with bays, projections, or recesses. Articulation means a difference in the vertical plane of the building of at least 18 inches or more. A covered porch with columns facing the street is an acceptable option for the articulation requirements.
5. Facades that face streets that are greater than 25’ in length shall be subdivided and proportioned using at least one of the following features: windows, entrances, arcades, arbors, or awnings, distributed along the façade at least once every 25’.

I. OPEN SPACE, LANDSCAPING & SCREENING

1. Bufferyards.
   a. Lot 1 shall have a 10’ bufferyard installed if an existing building is removed and replaced. The bufferyard shall be located on the North property line adjacent to 2210-2250 W Dearborn Street. The bufferyard shall contain 1 canopy trees, 2 understory trees, 2 evergreen trees and 10 shrubs per 100 linear feet.
   b. Lot 2 shall have a 10’ bufferyard installed along the West property line and south of the office building as shown on the site plan. The bufferyard shall contain 1 canopy trees, 2 understory trees, 2 evergreen trees and 10 shrubs per 100 linear feet. If optional parking area is developed, then screening will be required per the Zoning Ordinance between the parking spaces and the property line.
   c. Lot 2 shall have a 15’ bufferyard and 6’ wood privacy fence installed along the west property line between the office building and swimming pool as shown on the site plan.
   d. Lot 2 shall have at least three canopy trees installed between the proposed office building and the pool as shown on the site plan. Trees sizes at planting shall comply at minimum with the Zoning Ordinance requirements.

J. EXTERIOR LIGHTING

The requirements and standards of Section 36-484 of the Springfield Zoning Ordinance, in effect at the time of development shall apply.

K. ACCESS TO PUBLIC THOROUGHFARES
Access to the public street system shown on Exhibit 2 shall be governed by the existing standards of the City of Springfield for the applicable street classification.

**L. OFF-STREET PARKING**

Sections 36-455, 36-456 and 36-483 of the Springfield Zoning Ordinance in effect at the time of development shall apply except for studio parking.

1. Studio Parking.
   a. Studio parking shall be based on one space per 350 square foot of office area within the building. Woodshop, storage and TV commercial set areas within the building shall not require parking.

**M. SIGNS**

The requirements and standards of Section 36-454 of the Springfield Zoning Ordinance, in effect at the time of development shall apply with the restrictions provided below:

1. One detached sign is permitted on each lot.
2. Each sign shall have a maximum effective area of fifty (50) square feet.
3. Each sign shall have a maximum height of ten (10) feet.

**N. REQUIRED IMPROVEMENTS**

No public improvements are required. All utilities and utility connections shall be located underground, including, but not limited to, electrical and telephone cables, security and other telecommunication systems and wires. Transformers, meters of any type (including electric, gas or other meters), or other apparatus shall be adequately screened and landscaped.

**O. MAINTENANCE OF COMMON AREAS AND FACILITIES**

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a duly constituted property owners association meeting all legal requirements prescribed by the City Attorney.

**P. PHASING**

Development may be phased provided that all public improvements directly related to each phase are completed at the time of its development and that improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

**Q. FINAL DEVELOPMENT PLAN**

A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit.
The Administrative Review Committee is hereby authorized to, acting jointly, approve the final development plan(s) for all permitted uses. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:

a) Any uses within the district other than those specifically prescribed by the ordinance.
b) Any increase in the intensity of the use permitted within the district.
c) Any deviation from the height and setback standards prescribed by the ordinance.
d) Any reduction in the required parking prescribed by the ordinance.