AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning approximately 5.01 acres of a portion of property, generally located at 3040 East Cherry Street, from R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 77 to GR, General Retail District and establishing Conditional Overlay District No. 158; and adopting an updated ‘Official Zoning Map.’ (Staff and Planning and Zoning Commission both recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 3040 East Cherry Street, which is more fully described in "Exhibit B," from R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 77 to GR, General Retail District and establishing Conditional Overlay District No. 158; and

WHEREAS, Conditional Overlay District No. 158 shall modify the requirements of the Springfield Land Development Code Section 36-421, GR, General Retail District, by requiring that the property described in "Exhibit B" comply with the requirements described in "Exhibit A;" 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 as "Exhibit C;" and

WHEREAS, proper notice was given of a public hearing before City Council and said hearing was held in accordance with 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, which is attached hereto and incorporated herein by this reference, shall be, and the same
hereby is, rezoned from, R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 77, or such zoning district as is designated on the Official Zoning Map adopted by City Council, to GR, General Retail District with Conditional Overlay District No. 158; the requirements of Conditional Overlay District No. 158, which are described in “Exhibit A,” and are hereby incorporated by this reference as if set out verbatim herein, 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 -266

FILED: 10-30-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning approximately 5.01 acres of a portion of property, generally located at 3040 East Cherry Street, from R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 77 to GR, General Retail District and establishing Conditional Overlay District No. 158; and adopting an updated 'Official Zoning Map.' (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:
ZONING CASE NUMBER Z-23-2018/ CONDITIONAL OVERLAY DISTRICT NO. 158

The applicant is proposing to rezone approximately 5.01 acres of a portion of property generally located at 3040 East Cherry Street from R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 77 to GR, General Retail District and establish Conditional Overlay District No. 158. The subject property is a portion of a 36-acre property that is planned to be subdivided in the future following the Subdivision Regulations. The proposed location of the GR district is on the far east and north side of the 36-acre property which is the appropriate location for the GR district.

REMARKS:

The Planning and Zoning Commission held a public hearing on October 11, 2018, and recommended approval, by a vote of 8 to 0, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings).

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for low-density housing. However, the properties adjacent to the subject property on the north and the east is zoned for general industrial uses. The GR district is less intense than those uses in this area. The R-LD zoned property south and west of the subject property is owned by the applicant. A majority of that property is located in a sinkhole boundary and sinkhole 100-year flood elevation.

2. The standard development requirements in the GR district are adequate for mitigating potential impacts of the adjoining R-LD zoned property which is
currently undeveloped. The applicant is also proposing a Conditional Overlay District that will limit potentially objectionable uses.

3. Approval of this application will allow for continued 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 Jason Gage, 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 & Neighborhood Comments
The requirements of Section 36-421 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following.

1. **Uses** – All uses in the GR, General Retail District as per Section 36-421 of the Springfield Zoning Ordinance, are prohibited except the following:

   (a) Accessory uses permitted by section 36-450

   (f) Churches and other places of worship, including parish houses and Sunday schools but excluding overnight shelters

   (h) Commercial off-street parking lots and structures.

   (k) Eating and drinking establishments use group

   (u) Public and private parks

   (x) Retail sales use group

   (gg) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

2. **Use Limitation** – The total indoor building square footage shall not exceed 6,000 square feet.
LEGAL DESCRIPTION
ZONING CASE Z-23-2018 & CONDITIONAL OVERLAY DISTRICT NO. 158

BEING A PART OF A TRACT OF LAND AS LYING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 29 NORTH, RANGE 21 WEST, AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER’S OFFICE IN BOOK 2018, PAGE 012098-18 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 29 NORTH, RANGE 21 WEST; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, SOUTH 87°10’14” EAST, 935.27 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 01°08’09” WEST 63.20 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO LYING ON THE SOUTH RIGHT-OF-WAY OF CHERRY STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, SOUTH 84°39’40” EAST, 299.81 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY, SOUTH 01°08’09” WEST, 726.27 FEET; THENCE NORTH 85°29’59” WEST, 299.52 FEET; THENCE NORTH 01°08’09” EAST, 730.66 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. CONTAINING 5.00 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.
Mr. Hosmer stated that this is a request to rezone approximately 5.01 acres of a portion of property generally located at 3040 East Cherry Street from R-LD, Low-density Multi-Family Residential District w/ Conditional Overlay District No. 77 to GR, General Retail District and establish Conditional Overlay District No. 158. The Growth Management and Land Use Plan identifies this area for low-density housing. However, the adjacent properties adjacent to the north and east are zoned for general industrial uses. The R-LD is owned by the applicant. Cherry is classified as a secondary arterial roadway and no traffic study. Need 10-feet of ROW and sidewalks along Cherry. A fee in lieu of on-site stormwater detention will be not be allowed. A land disturbance permit is required. A bufferyard type C, a minimum of (20) feet/ plantings will be required along the west and south property line. Staff recommends approval. A fee in lieu of on-site stormwater detention will be not be allowed. A land disturbance permit is required. A bufferyard type C, a minimum of (20) feet/ plantings will be required along the west and south property line. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Andrew Schaub, 2900 S. Brentwood; Brentwood, MO, representing the owners. This will be a members-only style dog park with daycare and kenneling available and will be adjacent to administrative offices on the property.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**
Mr. Jobe motioned to approve Z-23-2018 w/COD #158 (3040 East Cherry Street). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Bob Hosmer, AICP
Principal Planner
SUMMARY OF REQUEST:

To rezone approximately 5.01 acres of a portion of property generally located at 3040 East Cherry Street from R-LD, Low-density Multi-family Residential District w/ Conditional Overlay District No. 77 to GR, General Retail District and establish Conditional Overlay District No. 158.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for low-density housing. However, the properties adjacent to the subject property on the north and the east are zoned for general industrial uses. The GR district is less intense than those uses in this area. The R-LD zoned property south and west of the subject property is owned by the applicant. A majority of that property is located in a sinkhole boundary and sinkhole 100-year flood elevation.

2. The standard development requirements in the GR district are adequate for mitigating potential impacts of the adjoining R-LD zoned property which is currently undeveloped. The applicant is also proposing a Conditional Overlay District that will limit potentially objectionable uses.

3. Approval of this application will allow for continued 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>GM</td>
<td>R-LD w/ COD No.77</td>
<td>GM</td>
</tr>
<tr>
<td>LAND USE</td>
<td>Stormwater detention &amp; Industrial warehouse</td>
<td>Undeveloped Land</td>
<td>Railroad and Industrial and storage use.</td>
</tr>
</tbody>
</table>
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

GOOGLE MAPS STREET VIEW:
GROWTH MANAGEMENT AND LAND USE PLAN:
PROPERTY HISTORY:

The subject property was a portion of a larger property and was rezoned R-LD with COD No. 77 in October 2014. The other areas included rezoning to GM and HC with No. 77.

ZONING ORDINANCE REQUIREMENTS:

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR GR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Limitations</td>
<td>Those identified in the proposed Conditional Overlay District (attachment 2).</td>
</tr>
<tr>
<td></td>
<td>No outdoor storage except as provided in subsection 36-421(2), permitted uses, and</td>
</tr>
<tr>
<td></td>
<td>subsection 36-421(3), conditional uses.</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>None.</td>
</tr>
<tr>
<td>Minimum open space</td>
<td>Not less than 20 percent</td>
</tr>
<tr>
<td>Maximum impervious area</td>
<td>Shall not exceed 80 percent of total lot area</td>
</tr>
</tbody>
</table>

BULK PLANE

BUFFERYARD AND LANDSCAPING

Bulk plane is not required.

A Bufferyard type C is required along the west and south property line adjacent to R-LD zoning.

36-482-12- (c)

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for low-density housing. However, the properties adjacent to the subject property on the north and the east are zoned for general industrial uses. The GR district is less intense than those uses in this area. The R-LD zoned property south and west of the subject property is owned by the applicant. A majority of that property is located in a sinkhole boundary and sinkhole 100-year flood elevation.

STAFF COMMENTS:
1. The applicant is proposing to rezone approximately 5.01 acres of a portion of property generally located at 3040 East Cherry Street from R-LD, Low-density Multi-family Residential District w/ Conditional Overlay District No. 77 to GR, General Retail District and establish Conditional Overlay District No. 158.

2. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for low-density housing. However, the properties adjacent to the subject property on the north and the east are zoned for general industrial uses. The GR district is less intense than those uses in this area. The R-LD zoned property south and west of the subject property is owned by the applicant. A majority of that property is located in a sinkhole boundary and sinkhole 100-year flood elevation.

3. The subject property is a portion of a 36-acre property that is planned to be subdivided in the future following the Subdivision Regulations. The proposed location of the GR district is on the far east and north side of the 36-acre property which is the appropriate location for the GR district.

4. The standard development requirements in the GR district are adequate for mitigating potential impacts on the adjoining R-LD zoned property which is currently undeveloped. A traffic impact study will not be required because the applicant has prohibited many of the intense uses normally allowed in the GR district. The applicant has prohibited potentially objectionable uses as well.

5. A bufferyard type C which is a minimum of twenty (20) feet with required plantings will be required along the west and south property line.

6. The GR district is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. This district is also intended for on-site production of handcrafted items in conjunction with retail sales. Commercial uses permitted in this district are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets. Cherry Street is classified as a secondary arterial roadway.

7. This request is consistent with the City’s policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

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

**NEIGHBORHOOD MEETING:**

The applicant held a neighborhood meeting on August 17, 2018 regarding the rezoning request. A summary of the meeting is attached (Attachment 4).

**PUBLIC NOTIFICATION:**

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet: Mailed: 5  Returned: 0
BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to rezoning.

CITY UTILITIES COMMENTS:

No objection to rezoning. All utilities are in place to extend and provide service.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning. Note that a water main extension will be required to provide service.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City’s Transportation Plan classifies E. Cherry Street as a Secondary Arterial roadway. The standard right-of-way width for E. Cherry Street is 35 feet from the centerline. It appears approximately 10 feet of additional right-of-way needs to be acquired along the entire length of the property frontage on E. Cherry Street. A survey is recommended to determine the exact amount of existing right-of-way. E. Cherry Street is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING
The most recent traffic count on E. Cherry Street west of S. Eastgate Avenue is 4,485 vehicles per day. On-street parking is not allowed along this section of E. Cherry Street.

DRIVEWAY ACCESS
There is currently three driveway access points to the property from E. Cherry Street. All existing driveway approaches appear to meet minimum spacing requirements for a Secondary Arterial roadway. Any new/modified driveway approaches will also need to meet them minimum spacing requirements from each other (150 feet).

SIDEWALK
There is not currently sidewalk along the property frontage of E. Cherry Street. Sidewalk is required to be constructed along the entire length of E. Cherry Street at the time of development, unless other public improvements are constructed, in which case, the sidewalk should be included in the public improvement plans.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area surrounding the property pertaining to this rezoning. There are no bus stops along E. Cherry Street in the area pertaining to this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS
A Traffic Impact Study is not required as a part of this rezoning. The proposed use within the Conditional Overlay District for the proposed zoning does not produce an increase in trip generation of more than 100 trips in the AM/PM Peaks, and not more than 1,000 trips daily. However, if the site ever redevelops as something other than the uses permitted in the Conditional Overlay District, the site will need to either submit a Traffic Impact Study, rezone the property, or construct
necessary improvements. The City does not currently have plans to make improvements to this section of E. Cherry Street in the near future.

**TRAFFIC - TABLE 1: REZONING DETAILS**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Street Classification</th>
<th>On-Street Parking</th>
<th>Existing Street ROW From Centerline (ft)</th>
<th>Required Street ROW From Centerline (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street 1</td>
<td>E. Cherry Street</td>
<td>Secondary Arterial</td>
<td>25</td>
<td>35</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing Trips Generated</th>
<th>AM Peak</th>
<th>PM Peak</th>
<th>Weekday</th>
<th>Weekend</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Proposed Trips Generated</td>
<td>84</td>
<td>115</td>
<td>564</td>
<td>375</td>
</tr>
<tr>
<td>Additional Trips Generated</td>
<td>N/A</td>
<td>93</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
<td>-22</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit.

**STORMWATER COMMENTS:**

The property is in the Jordan Creek South Branch drainage basin. This part of the property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. A fee in lieu of on-site stormwater detention will be not be allowed and detention will be required. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required. There are sinkholes on the proposed property.

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. Water quality will be required if disturbing more than one acre.
3. Please keep in mind that more detailed stormwater calculations must 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>Jordan Creek South Branch</td>
</tr>
<tr>
<td>Is property located in Floodplain?</td>
<td>No</td>
</tr>
<tr>
<td>Is property located on a sinkhole?</td>
<td>Yes</td>
</tr>
<tr>
<td>Is stormwater fee in lieu an option?</td>
<td>No</td>
</tr>
</tbody>
</table>

**FIRE DEPARTMENT COMMENTS:**

No objections to rezoning.
The requirements of Section 36-421 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following.

1. **Uses** – All uses in the GR, General Retail District as per Section 36-421 of the Springfield Zoning Ordinance, are prohibited except the following:
   
   (a) Accessory uses permitted by section 36-450
   
   (f) Churches and other places of worship, including parish houses and Sunday schools but excluding overnight shelters
   
   (h) Commercial off-street parking lots and structures.
   
   (k) Eating and drinking establishments use group
   
   (u) Public and private parks
   
   (x) Retail sales use group
   
   (gg) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

2. **Use Limitation** – The total indoor building square footage shall not exceed 6,000 square feet.
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Residential-Low Density (existing zoning) to General Retail-Conditional Overlay (proposed zoning)

2. Meeting Date & Time: August 17th, 2018 4:00 PM - 6:30 PM

3. Meeting Location: 3040 E. Cherry St. Springfield, MO 65082

4. Number of invitations that were sent: 8

5. How the mailing list was generated: City of Springfield Interactive Maps/Tools

6. Number of neighbors in attendance (attach a sign-in sheet): 1

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.)
   No concerns were discussed verbally. The sole attendee only verbalized support for the project as currently designed.

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

1. Thomas Buterbaugh (print name), attest that the neighborhood meeting was held on 8/17/2018 (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

__________________________

Thomas Buterbaugh

Printed name of person completing affidavit
1) Gary P. Spicer  general partner
P.O. Box 708
Hollister, Mo. 65673
representing The Spicer LLP
P.O. Box 338
Neosho, Mo.

417-389-1713
qspicer79@yahoo.com