



# Springfield Planning and Zoning Commission

City Council Chambers (830 Boonville)

Date: February 4th, 2016  
Time: 6:30 p.m.

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Members: Tom Baird, IV (Chairman), vacant (Vice-Chairman), Matt Edwards, Jason Ray, Cameron Rose, Melissa Cox, David Shuler, Randall Doennig, Andrew Cline

## 1. ROLL CALL

## 2. APPROVAL OF MINUTES

### January 7th, 2016

Documents: [PZ MINUTES 1-7-2016.PDF](#)

## 3. COMMUNICATIONS

### City Council Meeting Summary 1-25-2016

Documents: [COUNCIL SUMMARY 1-25-2016.PDF](#)

## 4. CONSENT ITEMS

(All items may be approved with a single motion without a public hearing, unless removed from the consent agenda)

### 5. Relinquishment Of Easement 827

3734 S. South Avenue, Primrose Senior Living, LLC

Documents: [RE 827.PDF](#)

### 6. Relinquishment Of Easement 829

3700 South Farm Road 103, City Utilities

Documents: [RE 829.PDF](#)

### 7. Relinquishment Of Easement 830

4901 West Chestnut Expressway, Pilot Travel Centers, LLC

Documents: [RE 830.PDF](#)

## **8. Relinquishment Of Easement 831**

3736 South Cox Avenue, Lutheran Senior Service

Documents: [RE 831.PDF](#)

## **9. UNFINISHED BUSINESS**

### **10. New Prime Phase 2**

2800 North Cedarbrook Avenue and Packer Avenue, Wolverine Land Holdings, LLC

Documents: [NEWPRIMEPH2.PDF](#)

## **11. PUBLIC HEARINGS**

### **12. Conditional Use Permit 417**

506 West Edgewood St., Mark Hunter, LLC

Documents: [UP 417 TABLE MEMO.PDF](#)

### **13. Conditional Use Permit 419**

1124 East Elm St., Lantz 1124, LLC

Documents: [UP 419.PDF](#)

## **14. OTHER BUSINESS**

### **15. Amend The Transportation Plan**

Citywide, City of Springfield

Documents: [MAJOR THOROUGHFARE PLAN AMENDMENTS 2016 SR.PDF](#)

### **16. East West Arterial Mapping**

City of Springfield

Documents: [MEMO TO TABLE EAST WEST ARTERIAL.PDF](#)

### **17. Initiate Changes To Term Limits For Planning And Zoning Commissioners**

City of Springfield

Documents: [INITIATE PZ COMMISSIONERS TERM LIMITS AMENDMENTS.PDF](#), [PZ TERM LIMITS ORDINANCE NO. 6235.PDF](#)

### **18. Elections 2016 Chair And Vice-Chair**

## **19. ADJOURN**

For items for which the public may speak, the Commission Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. **Please fill out a Speaker Card. When you address Commission, please step to the microphone at the podium and state your name and address.** All

meetings are televised live and tape recorded. Please limit your remarks to five (5) minutes unless Commission allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 417-864-1443 at least three (3) days prior to the scheduled meeting.

**January 7, 2016**  
**MINUTES OF THE PLANNING AND ZONING COMMISSION**  
Springfield, Missouri

The Planning and Zoning Commission met in regular session January 7, 2016 in the City Council Chambers. Chairman Tom Baird called the meeting to order.

Roll Call: Present: Tom Baird (Chair), Andrew Cline, Randy Doennig, Cameron Rose, and Matthew Edwards. Absent: David Shuler, Jason Ray, and Melissa Cox.

Staff in attendance: Bob Hosmer, Principal Planner, Mary Lilly Smith, Director of Planning and Development, Tom Rykowski, Asst. City Attorney, Nicholas Woodman, Asst. City Attorney, Dawne Gardner, Public Works Traffic Division, and Rodney Colson, Public Works Stormwater.

Minutes: The minutes of December 10, 2015 were approved unanimously.

**Communications:**

Mr. Hosmer stated that staff is requesting that agenda item numbers 5 (Relinquishment of Easement 829, 3700 South Farm Road) and 14 be tabled (New Prime Phase 2, 2800 North Cedarbrook Avenue and Packer Avenue). Staff is also requesting that Rules of Procedure be suspended for the elections for the Planning and Zoning Commission members. With 3 members absent and 2 vacancies (correction 3 vacancies), we are asking that we suspend the rules and the elections until we have more members available.

Mr. Doennig motioned to suspend the Rules of Procedure and suspend the vote to the next Planning and Zoning Commission meeting.

Mr. Baird suggested that we may not have to wait until we have 2 others members appointed, but need to wait until we have more members present or a full board of current members.

**COMMISSION ACTION:**

Mr. Edwards seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

**Consent Items:**

Mr. Hosmer stated that the Request to Dispose 515 (4400 West Junction Street - West Wye) has an individual who would like to speak and it will need to be pulled off consent agenda and put to a public hearing.

**COMMISSION ACTION:**

Mr. Edwards motions to table Relinquishment of Easement 829 (3700 South Farm Road) and pull Request to Dispose 515 (4400 West Junction Street - West Wye) for discussion. Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

Ms. Smith stated that the City had acquired the property for the purpose of constructing a railroad Wye. A Wye is a way for a train to change directions. Currently trains are entering the City from the northeast and have to come all the way into town and enter the north yards of Springfield and then a locomotive moves the train and they head back out, heading southeast. In order to do so, the trains cross Westgate Street entering the City, Eldon Avenue entering and leaving the City and Meteor leaving the City which is three streets and four crossings. By constructing the West Wye, we will decrease the crossings by two streets and three train movements. This project was identified in a 2006 rail reconfiguration and grade separation

study that looked at all of the rail crossings in the City. It was funded by congressional appropriations and we received subsequent appropriations and competitive grants to acquire this property and to construct the Wye. This is part of an on-going project that we have had for a number of years. The commission's charge under the Charter is to determine if the disposition of the property is consistent with the Comprehensive Plan. The Transportation Element of the Comprehensive Plan includes the following goal: Provide an appropriate degree of safety between rail traffic and motor vehicle traffic. As noted this will increase safety by decreasing the number of times that cars and trains might interact.

Mr. Baird requests that a map be made available to see the area and the path of trains and how it affects traffic. Currently when trains come into the City, what is the current path.

Ms. Smith showed on the map their current path and stated that locomotives have to turn around and go back out a certain way. One of the primary uses of this is for coal trains that go to John Twitty Energy Center, now they will be able to make the loop on the Wye. This will decrease the number of crossings, but will decrease the amount of noise and pollution as you come into the main yards of the City.

Mr. Baird opened the public hearing.

Mr. Tim Havens, 2156 South Prairie Lane, stated that he is having trouble with the language being used in the report. The City government has to have the goodwill and support of its citizens and we must be clearly understood and consistent in the language and the intent. It must be perceived by the average citizens as start forward and honest. It must show integrity in everything we say and do, such as our City government model. I have included in your information packet an e-mail from the deputy City Manager, Tim Smith. This e-mail states that after you, the commission votes for passage the property is to be sold and that this is just a preliminary step towards its sale. If you read the staff report and the actual resolution, it doesn't say that this land is to be sold, it says that on an attachment that the City will transfer the property, on item 3, it says that the City will convey the property to the railroad, on item 4 it also says that it will convey the property to the railroad, on item 5 it says that it is just disposal, on attachment 2, item 3 it says that it will deed the property to BNSF railroad and item 6 it says who will purchase the property and doesn't answer the question of purchase, it just says that the property will be deeded to be BNSF railway. The six times that it is mentioned, it never says that the property is to be sold, yet in Mr. Smith's memo, he states that the intent of this is to be sold. I am therefore asking you make this language clear and plan and this property is to be sold and our intent is to sell. No one should mind stating in those words, and I would like for you to take out the word, transfer, convey, disposal, and deeded and change it to sold each time it appears so that it is consistent through the process. This is just one step in the production to get this done and I think we need to be clear all the way through and we are intending to sell it. I think you have to be clear in your language and hope that you will table it and have the language changed.

Mr. Baird asked the legal representative if there are different meanings of the word, sell, convey, deed, and transfer.

Mr. Rykowski stated that it in certain content, certainly, but here the situation is an on-going discussion between the City and the railroad. They have not finalized the details on the considerations. There are on-going negotiations and since City Council will review and any final deal, essentially this is just a question if this is consistent with our goals of the plan, not necessarily the details that would be approved by City Council which will approve or disapprove the final contract with the railroad.

Mr. Edwards asked if we are tabling the item or are we considering to vote.

Ms. Smith stated that we would like for the Commission to vote on it tonight.

Mr. Baird closed the public hearing. I presume that the legal department is satisfied with the way the language is written and it will not cause any issues in the future.

Mr. Rykowski stated that the legal department is comfortable with the language written. Once again without the approval of this commission to approve the disposal, this is step number one, we can't even start to talk to BNSF really. This is just the first step and the final step and the final deal will be brought to City Council. We need to get this out of the way to show "good faith" that we are able to move forward in the deal.

Mr. Edwards stated that is one of the first issues that were up many years ago and it was amazing that congressional action that happened to get this going. I would certainly want to see this through.

#### **COMMISSION ACTION:**

Mr. Edwards motions that we move to dispose of 515 (4400 West Junction Street - West Wye). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

#### **UNFINISHED BUSINESS:**

Z-37-2015

2716 & 2736 West Republic St and 4229 South Scenic Ave.

**Applicant:** St. Thomas the Apostle Orthodox Church

Mr. Hosmer stated that this is a request to rezone approximately 1.88 acres of property generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue from a County R-1, Suburban Residence District to a GR, General Retail District. These properties were initiated for annexation by City Council on November 23rd and a public hearing is set for January 11th.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Low-Density Housing; however these properties are located at the intersection of two arterial streets. The property is located along Republic Street which is classified as a primary arterial roadway and Scenic Avenue which is classified as a secondary arterial.

This area is also located near a Community Activity Center at James River Freeway and Kansas Expressway. The Plan recommends these areas be developed with greater intensity. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Geoff Butler, 319 N. Main, there are two applicants, St. Thomas the Apostle Orthodox Church owns the property on the west end and Thomas and Lee Ann Conway own the two houses on the corner. The church does not need this property for their use and would like to sell and recoup what investment they may have in it and the Conway's two houses are not in a great residential area because of the high traffic. We think it would be good application of the zoning process to allow this to be a general retail and continue to the general retail development along the public road.

Mr. Baird closed the public hearing.

Mr. Edwards had a question regarding whether Scenic was a county road beyond Republic.

Mr. Hosmer stated that it goes to the City limits just past . County roads go south of it.

Mr. Edwards asked if there are any plans to improve it in the future and if that would impact this rezoning.

Mr. Hosmer was not sure if the County has any plans and stated that the City has made improvements at the intersection and purchased some right-of-way.

**COMMISSION ACTION:**

Mr. Doennig motions that we approve Z-37-2015 (2716 & 2736 West Republic St and 4229 South Scenic Ave.). Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

Z-39-2015 w/COD #103  
608, 614 & 618 West Mt. Vernon Street  
**Applicant:** Mt. Vernon 608, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.81 acres of property generally located at 608, 614 and 618 West Mount Vernon Street from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 103.

The Growth Management and Land Use Plan of the Comprehensive Plan identify this as an appropriate area for Medium or High Density Housing. The requested R-LD, Low-Density Multi-Family Residential zoning is consistent with this recommendation.

The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.

The history of this property is prior to 1995 these properties were originally zoned as C-3, Commercial District, which allowed for both commercial and all types of residential uses. In 1995 the city wide reclassification rezoned these properties to R-MD, Medium-Density Multi-Family Residential District. In 1998, the West Central Neighborhood Strategic Plan was adopted and identified these properties as appropriate for R-SF, Single Family zoning. In 1998-99, the City rezoned this area to R-SF. In 2001, the City adopted the Growth Management and Land Use Element of the Comprehensive Plan that identified these properties as appropriate for Medium-to High-Density Housing. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Geoff Butler, 319 N. Main, this property was originally zoned C-3, then in 1995 after the reclassification all of the properties in the community had to be remapped because C-3 did not allow residential at all. 618 W. Mt. Vernon is the largest piece and it has a dilapidated single family residence, which is a one bedroom house. All the other rooms that might qualify for a bedroom does not have any windows. It cannot be considered a two or three bedroom home and it has been added onto several times. It needs to be demolished and new construction placed there. Interesting part of the remapping, it was remapped to multi-family and all the property owners in the community had an opportunity to present, but since those properties were multi-family, they were probably fine with it. I do not know what happened to get it rezoned RS-F and if the property owners knew and only the owners can rezone their property and yet it was rezoned to RS-F making two of the properties non-conforming uses, which means if it is destroyed they would have to build a single family home. We are trying to make the two properties conforming and redevelop the third property. We think it is an appropriate use, it is on a collector street and it is a good place for a low density multi-family housing.

Mr. Cline reaffirmed that was being rebuilt, but knocking down the little house and put something there. He asked whether the duplexes are remaining as duplexes.

Mr. Butler said that they are remaining duplexes and have been significantly rehabilitated over the last year since they have been acquired. They haven't been gutted and rebuilt and in the past, they were not that nice and all of the problems that the neighborhood had there were from the prior owners, who did not keep the property up. My client, their organization, has a history of buying properties and significantly investing in their area and improving the properties. These two properties on the east side have been significantly invested and they have been redone and with that come a better and more affluent tenant and they can charge more rent because it is a nicer property. That is the goal that we are going to invest in the community and invest in the area and make that something worth while.

Mr. Doennig, in requesting the change to RL-D with the Conditional Overlay District, are you trying to create something of hybrid between the RL-D district and the R-TH district.

Mr. Butler stated that the R-TH only allows one building, a duplex on one lot.

Mr. Doennig asked because of the two duplexes on one lot.

Mr. Butler stated that they have 2 duplexes and R-TH will not be appropriate, because R-TH only allows 11 units per acre, but the only way to get 11 units per acre would be to sub-divide into multiple lots and can't meet the subdivision regulations to do it. We want to put a four-plex in and there is plenty of room for parking so R-TH would be great if were not tied to one lot per building.

Mr. Doennig asked if they wanted to avoid the minor subdivision and do it the way as mentioned.

Mr. Butler stated that they could not do it with a subdivision because they cannot create enough lots to get 11 units an acre and use the R-TH with conditional overlay district to reduce the density to what is appropriate.

Mr. Gene Beauchamp, 3220 W. Meadowlark Circle, has a rental house that touches this area at 614 West Harrison. Approves for this project to go forward, but two concerns. Parking is a problem, fire trucks cannot go down Main Street if a vehicle is parked on the right and the left, it is totally impossible. Wants to make sure that the rental or lease agreement is enforced, because it will enforce the parking. The second item are the civil war artifacts, Mr. James Cox, who belongs to the Civil War Round Table and other organizations. The area is part of the old battle of Springfield, there should be many bullets and other artifacts buried so whoever is digging, they need to be aware of any artifacts. When Hammon's Tower was built, they had to look for civil war artifacts and it is very important. Please observe for anything of artifacts that may be there.

Mr. Baird stated that he would hope that anyone working on the site that they do pay attention, because it is a historical part of the area and the City. Mr. Baird then asked if Mr. Beauchamp was more concerned with people parking on the street or what the specific concern.

Mr. Beauchamp stated that people may stay longer and can't park on Main Street, so they would need to be very careful and enforce the parking by the landlord.

Ms. Kathleen Cowens, 741 S. Market Avenue, and is the president of West Central Neighborhood Alliance. The West Central board voted in favor of retaining the RS-F zoning. Retaining the present zoning is probably the main West Central priority by stabilizing the neighborhood and community by promoting ownership occupant housing. It has been a consistent goal for the West Central Neighborhood for the past 25 years or more and has found many references or policies promoting owner occupied homes. The West Central board is in full support of the wishes of Alan and Patricia Neff as well as many others. They have been long time residents and have changed their corner of the neighborhood and living in a lovely home. West Central has been really working hard at stabilizing the neighborhood. There has been a lot of focus on decreased home ownership and increased crime. With an apartment dwelling, there is an increase of noise, and people coming and going and believe that college students will be the targeted tenants. She also stated that she is aware that the Planning and Zoning commission is consistent with the Comprehensive Plan, the adopted goals, objectives, and policies related to community development. She also stated concerns regarding the future and what might what happen to the properties and is not aware of anyone in the neighborhood is supportive of the zoning change or the four unit apartment complex.

Mr. Cline asked when the West Central board vote occurred.

Ms. Cowens stated that it was taken this week via e-mail. Six people said yes, one person abstained, one is out of town and two people did not respond.

Mr. Cline asked if the West Central vote was known to the Planning staff.

Ms. Cowens stated that they did not know of the vote.

Mr. Cline asked about a plan for the neighborhood, is it part of the Comprehensive Plan or something that the West Central neighborhood has put together for itself.

Ms. Cowens said that it would be in conjunction with the City.

Mr. Baird stated that it be a good plan if anytime you could get a group of people together and move in one direction.

Ms. Patricia Neff, 632 W. Mt. Vernon, our home was built in 1895 and has been familiar with this neighborhood for 60+ years. In 1995 I came forward requesting the zoning to be changed to RS-F. Our home at that time was commercial and changed our home from a 3-plex to a single family home. We have been working for the 35 years to restore our Victorian home and the house next door and help promote a better neighborhood. In 1999 when the duplexes were built they were rented to low income person and become a consent crime, a consent noise, disturbance, fighting, and the police were consistently being called. I'm asking that the zoning stay as is so we can rebuild the neighborhood. She also stated that she is concerned with the run off water because if there is a lot of rain, the water flows down the street and gathers on the corner.

Mr. Cline asked if the duplexes would be targeted towards students.

Ms. Neff stated that she thought they would be for students.

Mr. Rose asked how the addresses are divided up.

Mr. Hosmer stated that there are three lots, 608, 614, and 618 W. Mt. Vernon. The parcels are ownership and not subdivision parcels.

Ms. Brandy Roberts, 626 W. Mt. Vernon concerned with more density in the neighborhood and another concern was an incident taken place July 25, 2013 at the duplexes was a shooting. This is a very dense neighborhood, it requires two police squads and we have a lot of crime in the neighborhood and want to keep with single family homes.

Ms. Dixie Decker, 1122 E. Walnut, property owner of the addresses in question. We have spent \$100,000 fixing up the properties to make it a better street and neighborhood. We have several properties in this area and provide parking for each of them and have improved the community and the streets.

Mr. Baird asked if they give thought to the neighborhood while designing or do they just have a plan to as to what is being built.

Ms. Decker stated that the interior design typically does not change and there is a standard operating procedure. On the exterior we try to comply with what the neighborhood already looks like. That is the goal when we start planning.

Mr. Baird also asked if they primarily rent to students.

Ms. Decker stated that there are a lot of students in the area, however most of the time the parents are involved because we charge a higher rental price and that typically brings parents and kids together on the leases.

Mr. David Eslick, 3311 S. Elmira, on the Landmarks Board is in favor and has seen the work the Decker's have done. They have done a very good of matching the architecture on Walnut Street with the neighborhood. The properties that I have seen them redo have significantly improved the neighborhoods.

Ms. Phyllis Netzer, 845 S. Missouri Avenue, does not want to speak, however has filled out one of the forms.

Ms. Terry Knapp, 931 W. Monroe Terrace, a member on the West Central Neighborhood and would not to see the neighborhood being turned into what developers whatever they want to do. The goal of West Central neighborhood is to make it single family homes and this defeats the purpose.

Mr. Cline stated that he is familiar with the neighborhood and knows about the crime in the neighborhood. He asked if Ms. Knapp was aware of criminal property problems of the new owners.

Ms. Knapp replied that she is not aware of any of criminal property problems but stated that she does not want the neighborhood denser and wants to keep the single family home.

Mr. Baird closed the public hearing.

Mr. Baird stated that he usually drives by the neighborhood and does a cursory look. The cursory drive in the area looked like a great place for this development and is a difficult one after reading the public comments.

Mr. Edwards stated the Neighborhood Associations are the key to keeping what we have in the community. This case is not cut and dry and the applicants do own the property and have the rights to petition this council for the zoning change. The zoning change is not out of line with the neighborhood and I plan to support this case, but hope that the landlords will do right by the neighborhood and I believe it will be an improvement.

Mr. Rose, stated he has no trouble supporting the rezoning the lots of the duplexes, however hesitates on the single family house that is on a single family zoned lot. I ultimately support this rezoning because I believe it will be the best outcome for the neighborhood.

Mr. Cline stated that he does not believe that it about concepts of density however more with the kinds of neighbors that lower income people make and more to do with landlords that are not paying attention. I will support this and Butler Rosenbury is good company and is impressed with the owners that spoke. I am troubled by what appears to a blanket assumption that density, renters, poor people equal problems. This is good rezoning and I am voting yes.

Mr. Doennig stated that the decision on 608 & 614 is easy, bringing properties that are compatible to a zoning by its current use. The single family residence is more of a problem as I feel that we really need to work very hard in Springfield to preserve the existing house stock. When looking at the surrounding neighborhood we have RL-D and R-TH zoning all around, I believe that the developer with respect to the conditional overlay district is reasonable and hope they will be something to the neighborhood that will add value and plan to vote yes.

#### **COMMISSION ACTION:**

Mr. Edwards motions that we approve Z-39-2015 w/COD #103 (608, 614 & 618 West Mt. Vernon Street). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

## **PUBLIC HEARINGS:**

Vacation 783  
2700 North Mayfair Avenue  
**Applicant:** New Prime, Inc.

Mr. Hosmer stated that this is a request to vacate all of the public right-of-way of Mayfair Avenue, north of the Missouri Department of Conservation (MDC) property.

The applicant, New Prime, Inc., has constructed a turnaround at the end of the proposed Mayfair Avenue vacated right-of-way. Three (3) property owners are within three hundred (300) feet of the subject area and have been notified of this action. Staff has not received any comments. All necessary easements to accommodate existing facilities within the subject rights-of-way will be retained as part of this vacation. The requested vacation meets the approval criteria listed in Exhibit 2. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Derek Lee, 2100 E. Woodhurst, representing the owner.

Mr. Baird closed the public hearing

## **COMMISSION ACTION:**

Mr. Cline motions that we approve Vacation 783 (2700 North Mayfair Avenue). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

Z-1-2016 w/COD #105  
1514 West Lark Street and 4346 South Kansas Avenue  
Applicant: R.H. Montgomery Properties, Inc.

Mr. Hosmer stated that this is a request to rezone approximately 6.83 acres of property generally located at 1514 West Lark Street and 4346 South Kansas Avenue from a Planned Development 88, 2nd Amendment and a R-SF, Single Family Residential District to a O-1, Office District with a Conditional Overlay District No. 105.

The Growth Management and Land Use Plan Element of the Comprehensive Plan identify this area as appropriate for Low Density Residential Housing. However, there is an existing nursing and retirement home on the northern portion of the subject property approved by PD 88. The subject property is located along South Kansas Avenue which is classified as a collector roadway and West Lark Street which is classified as a local street roadway. The proposed O-1 zoning will allow for the existing nursing and retirement home on the northern tract to expand into the southern tract as one development. The normal buffer yard required between O-1 and R-SF zoning would be a Buffer yard "Type C" of at least fifteen (15) feet wide (no fence). There will be a sewer trunk line connection fee. There are no stormwater issues. Conditional Overlay District will require: A traffic study shall be provided at the time of development which shall be based on the actual use of the property. Kansas Avenue is classified as a collector roadway which requires 20 feet of right of way from the centerline of the street for a total of 40 feet of right of way. There appears to be an additional 10 feet required. Limit uses to a retirement and nursing home uses. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Neal Slattery, 915 E. Ash Street; Columbia, MO stated the office rezoning is restricted everything and only limiting it to the existing nursing home use. On concerns regarding traffic and storm water this is for elderly people and the overall traffic projections are about 160 cars per days, as far as storm water design it will be in accordance to the City of Springfield's standards. The natural pattern of the drainage is in the southeast corner of the project and we will design and install an extended retention basin, all the stormwater run off from the southern half of the existing building and route as much as possible to the retention basin. The release rate of the water leaving the site will be as if no new development had occurred, it will be designed large enough to handle from the 1 to 100 year storm. There will be additional 85 parking spaces to the south of the facility. With regards to the landscaping, there will be berms along Kansas Avenue.

Mr. Paul McCune, 4615 S. Kansas Avenue, no problems regarding the proposal and our property lies at the junction of the east and west forks of Workman Branch and have seen a huge increase of stormwater runoff. In 2001 we had to raise our house 8' because of the stormwater and wanted to know if there will be additional detention from the present facility that will be held back as result of the new development.

Mr. Edwards thanked Mr. McCune for adding the concern regarding stormwater. There is a problem in this community with regards to stormwater.

Mr. McClune stated that they live in the county, but most of the stormwater is from the city.

Mr. Baird requested Mr. Slattery to discuss further stormwater issues.

Mr. Slattery stated that during the neighborhood meeting that stormwater was a common concern and at the existing building is discharging to the detention basin over at Quail Creek and will look to see if more runoff can be intercepted. On the design of the southern half there should be 80 to 90% coverage of everything coming off of the southern area. The detention structure will be designed to control all of the runoff of the southern 3.2 acres and the owners will maintain it. Maintenance agreements will be established between the owner and the city specifying the responsibilities.

#### **COMMISSION ACTION:**

Mr. Doennig motions that we approve Z-1-2016 w/COD #105 (1514 West Lark Street and 4346 South Kansas Avenue). Mr. Edwards seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

Conditional Use Permit 418  
1100 & 1110 North Grant Avenue  
Applicant: Jimmy Vanzandt

Mr. Hosmer stated that this is a request for a conditional use permit to allow an automobile service garage within a GR, General Retail District generally located at 1100 & 1110 North Grant Avenue.

The Growth Management and Land Use Plan of the Comprehensive Plan identify this property as an appropriate area for medium intensity retail, office or housing. Grant Ave is classified as a primary arterial roadway. Automobile service garages are allowed in GR only with a conditional use permit. The existing automobile service garage at 1100 North Grant is considered a legal conforming use in the GR district because it existed prior to the current Zoning Ordinance. Approval of the Conditional Use Permit will allow the existing business to expand into 1110 North Grant. All redevelopment of the site will be limited to existing structures. No additional structures are being proposed. Conditional Use Permit Requirements: An automobile service garage is permitted in substantial conformance with Attachment 6. All redevelopment will be limited to existing structures. The eastern access to Scott Street shall be closed. The development of the property shall meet all requirements of the Fire Code including Knox access to the

proposed fence. An Administrative Lot Combination shall be approved for the two properties. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to. A change to the site plan should refer to a six foot wooden fence (not chain length fence) along property zoned R-SF on the east side of the lot in accordance to Zoning Ordinance. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Stephanie Ireland, 1908 E. Sunshine representing owner who is wanting to expand his existing automobile repair shop. The current owner is using the property as storage, so there is very little activity and there is an abandoned building, old grocery store across the public alley and an abandoned across North Grant that was a restaurant several times, these abandoned building has let to vandalism and drug activity, so with more regular activity this should be deterred.

Mr. Baird closed the public hearing.

Mr. Doennig asked staff that if we approve the Conditional Use Permit will that take care of the fence or do we need to make a amendment to include the fence.

Mr. Hosmer stated that we should make an amendment to be part of the record to be clear that the wooden fence will come down the alley on the east side of the lot in accordance to the zoning ordinance.

**COMMISSION ACTION:**

Mr. Doennig motions that we approve Conditional Use Permit 417 (1100 & 1110 North Grant Avenue) subject to the addition of a wooden fence along the east property line per city code. Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

Cherry Townhouse Redevelopment Plan  
516 East Cherry Street  
**Applicant:** REthink Capital, LLC

Mr. Schaefer stated that this is to approve the Redevelopment Plan for the Cherry Townhouse Redevelopment Area located along the south side of East Cherry Street between South Thomas Avenue and South Kimbrough Avenue (516 East Cherry Street) presented to the LCRA Law and is an incentive program to encourage development of blighted areas. The purpose of the Redevelopment Plan for the Cherry Townhouse Redevelopment Area is to remove blight and redevelop the area for multi-family residential use. The Redevelopment Area consists of a single 0.184 acre parcel of land. It is occupied by a dilapidated four-unit apartment building that was originally constructed in 1882 as a single-family residential structure. The Plan proposes to demolish the existing structures within the Redevelopment Area in order to facilitate construction of new townhouse style multi-family residential structure that will contain between three and five dwelling units and have a maximum height of three stories. The development will be constructed according to the requirements of the R-HD, High-Density Multi-Family Residential District.

The Growth Management and Land Use Element of the Springfield-Greene County Comprehensive Plan designate the land located in and around the Redevelopment Area for Medium- or High-Density Residential Housing. This land use designation includes all types of multi-family residential housing with densities greater than six dwelling units per acre. The Plan recommends this type of land use be located where there is good traffic access, preferably along arterials and collectors. It also recommends that it be located between low density housing and non-residential land uses, as well as near high-amenity areas. The Redevelopment Plan satisfies these recommendations by proposing new multi-family residential housing along East Cherry Street (secondary arterial) approximately 200 feet west of South Kimbrough Avenue (secondary arterial). Furthermore, the Redevelopment Area is located in a high-amenity area, given its proximity to the Missouri State University Campus; Downtown; and adjacent commercial uses, churches, parks, and transit services.

Mr. Baird opened the public hearing.

Mr. Kelly Burn, 1916 E. Meadowlark, Springfield here to answer any questions.

Mr. Baird closed the public hearing.

Mr. Edwards motions that we approve Cherry Townhouse Redevelopment Plan (516 East Cherry Street). Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

Mr. Baird noted that he had sent out an e-mail to commission and staff earlier requesting a second meeting in January for officer elections and extends the invitation to the Mayor or anyone on City Council.



# Noted Agenda City Council Meeting

City Council Chambers  
Historic City Hall, 830 Boonville

---

Robert Stephens,  
Mayor

#### Zone Councilmembers

Phyllis Ferguson, Zone 1  
Justin Burnett, Zone 2  
Mike Schilling, Zone 3  
Craig Fishel, Zone 4

#### General Councilmembers

Jan Fisk, General A  
Craig Hosmer, General B  
Kristi Fulnecky, General C  
Ken McClure, General D

### Upcoming Council Meeting Agenda January 25, 2016 - 6:30 p.m.

Speakers must sign up with the City Clerk to speak to an issue on the agenda.  
Speakers are to limit their remarks to three to five minutes.

Note: Sponsorship does not denote Council member approval or support.

#### ROLL CALL.

Approved as  
Presented  
Approved as  
Presented

#### APPROVAL OF MINUTES. January 11, 2016

#### FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.

#### CEREMONIAL MATTERS.

#### CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.

#### SECOND READING AND FINAL PASSAGE.

6250

#### Council Bill 2016-002. (Schilling)

A general ordinance amending Section 1-9 of the Springfield City Code, City Limits, by annexing approximately 1.88 acres of private property and 0.27 acres of Greene County right-of-way into the City of Springfield, generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue, generally referenced as Annexation A-8-

*Persons addressing City Council are asked to step to the microphone and clearly state their name and address before speaking.*

*All meetings are recorded.*

*In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864 -1443 at least 3 days prior to the scheduled meeting.*

15; and amending the Springfield City Code, Chapter 46, Section 46-1, Boundaries of wards, precincts and council zones, by adding this property to the ward and precinct assigned them by the County Clerk.

**6251**

**Council Bill 2016-003. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 12 acres of property, generally located at 5904 South Southwood Avenue, from Greene County O-2, Office District to a City GI, Governmental and Institutional Use District; establishing Conditional Overlay District No. 101; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: City of Springfield for Mercy Rehabilitation Hospital; 5904 South Southwood Avenue; Z-35-2015 Conditional Overlay District No. 101.)

**6252**

**Council Bill 2016-004. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 4.05 acres of property, generally located at 1300-1332 East Republic Street, from a Planned Development No. 84 to HC, Highway Commercial District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: John R. Haik Trust & Rosa Lee Haik Trust; 1300-1332 E. Republic St.; Z-43-2015.)

**6253**

**Council Bill 2016-005. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 3.28 acres of property, generally located at 1329 East Lark Street, from a Planned Development No. 84 to a GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: St. Johns Regional Health Center; 1329 E. Lark Street; Z-44-2015.)

**6254**

**Council Bill 2016-006. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 5.52 acres of property, generally located at 1209 East Holiday Street, from O-1, Office District to GR, General Retail District; establishing Conditional Overlay District No. 104; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: BGH South Development Holding, LLC; 1209 East Holiday Street; Z-38-2015 & Conditional Overlay District No. 104.)

**6255**

**Council Bill 2016-007. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 10.63 acres of property, generally located at 3410 South Campbell Avenue and 202 East Walnut Lawn Street, from a Planned Development 261, 1st Amendment and Planned Development 30, 1st Amendment to HC, Highway Commercial District; establishing Conditional Overlay District No. 102; and adopting an updated Official Zoning Map. (Staff and

Planning and Zoning Commission recommend approval.) (By: Westport Management, LLC and St. Johns Regional Health Center; 3410 South Campbell Avenue and 202 East Walnut Lawn Street; Z-40-2015 & Conditional Overlay District No. 102.)

**6256 Council Bill 2016-008. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.88 acres of property, generally located at 216 East Walnut Lawn, from R-TH, Residential Townhouse District to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Mercy Health Springfield Communities; 216 East Walnut Lawn Street; Z-42-2015.)

**6257 Council Bill 2016-009. (Fulnecky)**

A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article V, Building Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Building Code, Section 36-602 by amending certain subsections and enacting new subsections related to the same subject.

**6258 Council Bill 2016-010. (Ferguson)**

A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article XIV, Fuel Gas Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Fuel Gas Code, Section 36-1402 by amending certain subsections and enacting new subsections related to the same subject.

**6259 Council Bill 2016-011. (Hosmer)**

A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article IX, Mechanical Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Mechanical Code, Section 36-632 by amending certain subsections and enacting new subsections related to the same subject.

**6260 Council Bill 2016-012. (Fisk)**

A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article VIII, Plumbing Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Plumbing Code, Section 36-622 by amending certain subsections and enacting new subsections related to the same subject; and amending Section 36-624 – Penalty clause to correct an error.

**6261 Council Bill 2016-013. (McClure)**

A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article XIII, Residential Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Residential Building Code, Section 36-1302 by amending certain subsections and enacting new subsections related to the same subject.

6262

**Council Bill 2016-014. (Fulnecky)**

A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article VI, Electrical Code, Division 2 – Deletions, Modifications, Amendments and Additions to the Electric Code, Section 36-612 by amending certain subsections and enacting a new subsection related to the same subject.

26680

**Council Bill 2016-015. (Ferguson)**

A special ordinance authorizing the City Manager, or his designee, to execute a Preliminary Funding Agreement between the City of Springfield, Missouri (City) and Kraft Heinz Foods Company (Kraft Heinz), authorizing the execution of documents and the taking of actions consistent therewith, and amending the budget provided for the Department of Planning and Development for Fiscal Year 2015-2016, in the amount of \$40,000.

26681

**Council Bill 2016-016. (Ferguson)**

A special ordinance authorizing the City Manager, or his designee, to execute a Preliminary Funding Agreement between the City of Springfield, Missouri (City) and Kraft Heinz Foods Company (Kraft Heinz), authorizing the execution of documents and the taking of actions consistent therewith, and amending the budget provided for the Department of Planning and Development for Fiscal Year 2015-2016, in the amount of \$7,500.

26682

**Council Bill 2016-017. (Burnett)**

A special ordinance authorizing the City Manager, or his designee, to enter into a cost-sharing agreement with Ozarks Technical Community College (OTC) for the purpose of constructing improvements along Central Street and Pythian Street between Clay Avenue and National Avenue (Central/Pythian Project), amending the 2013-2018 Capital Improvements Program to include the Central/Pythian Project, and amending the budget of the Department of Public Works for Fiscal Year 2015-2016 in the amount of \$335,580 to appropriate a contribution from OTC towards the project according to the cost-sharing agreement.

26683

**Council Bill 2016-019. (Fulnecky)**

A special ordinance amending the 2015-2016 budget of the Springfield-Greene County 9-1-1 Emergency Communications Department (9-1-1 ECD) in the amount of \$176,876 to appropriate the 9-1-1 Sales Tax revenue for funding the salaries and benefits of six (6), Telecommunicator positions and one (1), 9-1-1 Manager position. (9-1-1 Advisory Board recommends approval.)

**RESOLUTIONS.**

10257

**Council Bill 2016-028. (Fishe)**

A resolution finding and declaring the Better Homes & Gardens Idea House of the Year, 1900 South Saratoga Avenue, to be a Historic Site within the City of Springfield, Missouri. (Landmarks Board and staff recommend approval.)

10258

**Council Bill 2016-029. (Ferguson)**

A resolution finding and declaring the former KGBX Radio Station, 605 North Boonville Avenue, to be a Historic Site within the City of Springfield, Missouri. (Landmarks Board and staff recommend approval.)

10259

**Council Bill 2016-030. (Ferguson)**

A resolution determining the official intent of the City of Springfield, Missouri, to issue its Industrial Development Revenue Bonds in a principal amount not to exceed \$36,000,000, to finance the costs of a project for Kraft Heinz Foods Company under the provisions of Sections 100.010 to 100.200 RSMo.

**EMERGENCY BILLS.**

26684

**Council Bill 2016-031. (Burnett)**

A special ordinance authorizing the City Manager, or his designee, to enter into a cost share agreement with New Prime, Inc. (Prime) for the purpose of completing Packer Road improvements, and declaring an emergency.

**PUBLIC IMPROVEMENTS.**

**GRANTS.**

**AMENDED BILLS.**

**COUNCIL BILLS FOR PUBLIC HEARING.**

**Council Bill 2016-032. (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 1.88 acres of property, generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue, from Greene County R-1, Suburban Residence District, to a City GR, General Retail District; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Thomas & Lee Ann Conway, Tom's Lawn Maintenance, LLC and St. Thomas the Apostle Orthodox Church; 2716-2736 W. Republic St. and 4229 S. Scenic Ave.; Z-37-2015.)

**Council Bill 2016-033. (Hosmer)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 6.83 acres of property generally located at 1514 West Lark Street and 4346 South Kansas Avenue, from Planned Development No. 88, 2nd Amendment and an R-SF, Single Family Residential District, to an O-1, Office District with a Conditional Overlay District No. 105. (By: R.H. Montgomery Properties, INC.; 1514 West Lark Street and 4346 South Kansas Ave.; Z-1-2016 & Conditional Overlay District No. 105.)

**Council Bill 2016-034. (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.81 acres of property, generally located at 608, 614, and 618 West Mount Vernon Street, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District; establishing Conditional Overlay District No. 103; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Mount Vernon 608, LLC; 608, 614 and 618 West Mount Vernon Street; Z-39-2015 & Conditional Overlay District No. 103.)

**Council Bill 2016-035. (Ferguson)**

A special ordinance authorizing the issuance of Conditional Use Permit No. 418 to allow an automobile service garage within a GR, General Retail District, generally located at 1100 & 1110 North Grant Avenue. (Planning and Zoning Commission and staff recommend approval.)

**Council Bill 2016-036. (McClure)**

A special ordinance adopting the Redevelopment Plan for the Cherry Townhouse Redevelopment Area (CTRA) generally located along the south east side of East Cherry Street between South Thomas Avenue and South Kimbrough Avenue, and declaring its redevelopment necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare. (The Planning and Zoning Commission, The Land Clearance for Redevelopment Authority, and City staff recommend approval.)

**FIRST READING BILLS.**

**PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

**NEW BUSINESS.**

**Recommended**

The City Manager recommends the following appointment to the Building Trades Examination and Certification Board: James “Randy” Scott with term to expire October 1, 2017.

**Recommended**

Mayor Stephens recommends the appointment of Ken McClure to serve as Council’s non-voting liaison to the Police Officer’s and Fire Fighter’s Retirement System Board of Trustees.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk’s office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State’s office.

**UNFINISHED BUSINESS.**

**MISCELLANEOUS**

**CONSENT AGENDA – FIRST READING BILLS. See Item #3.**

**Council Bill 2016-037. (Hosmer)**

A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program (STP) - Urban Program Agreement with the Missouri Highways and Transportation Commission (MHTC) to partially reimburse the base salaries of up to six City employees who work at the Transportation Management Center (TMC) and amending the budget of the Department of Public Works for Fiscal Year 2015-2016, in the amount of \$300,000.

**CONSENT AGENDA – ONE READING BILLS. See Item #3.**

**26685**

**Council Bill 2016-038. (Burnett)**

A special ordinance authorizing the City Manager, or his designee, to accept a federal grant from the Missouri Department of Health and Senior Services (DHSS), to support educational activities to improve nutrition education at the preschool level, and amending the budget of the Springfield-Greene County Health Department (SGCHD) for Fiscal Year 2015-2016 in the amount of \$2,500.00 to appropriate the grant funds.

**CONSENT AGENDA – SECOND READING BILLS.**

**6263**

**Council Bill 2016-018. (Schilling)**

A general ordinance amending the program rules and regulations for the "Comprehensive Housing Assistance Program" (CHAP) as previously adopted by General Ordinance No. 5810 on March 23, 2009 and amended by General Ordinance No. 5930 on May 2, 2011, by amending Chapter 2, Section H and Chapter 11, Section 4 to allow the loan committee to accept reduced payoffs under the "Minor and Emergency Home Repair Loan" program.

**26686**

**Council Bill 2016-020. (McClure)**

A special ordinance authorizing the City Manager, or his designee, to enter into an addendum to the annual agreement with the Springfield Convention and Visitors Bureau, Inc., (SCVB) and amending the budget of the City for Fiscal Year 2015-2016 to reflect current and projected operational changes.

**26687**

**Council Bill 2016-021. (Burnett)**

A special ordinance approving the plans and specifications for the State Highway 744 (Kearney Street) and Mulroy Road Roadway and Signal Improvements Project, Plan No. 2015PW0031T, accepting the bid of Ewing Signal Construction, LLC for that project, and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

**26688**

**Council Bill 2016-022. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, to enter into a Supplemental Master Reimbursable Utility Agreement with the Missouri Highways and Transportation Commission (MHTC) to add Buy America requirements to the existing Master Reimbursable Utility

Agreement for construction projects involving sanitary sewer or storm sewer relocation or adjustments.

**26689**

**Council Bill 2016-025. (Schilling)**

A special ordinance authorizing the City Manager, or his designee, to enter into a cost-share agreement with Greene County, Missouri, to share costs associated with the extension of Kansas Expressway; amending the budget of the Department of Public Works for Fiscal Year 2015-2016 in the amount of \$350,958.78, and to appropriate the transfer of the City's federal Surface Transportation Program -Urban (STP) funds to Greene County through the Ozarks Transportation Organization (OTO) to cover the City's share of costs based on the above-described agreement.

**26690**

**Council Bill 2016-026. (McClure)**

A special ordinance authorizing the City Manager, or his designee, to accept the donation of 500, nine volt batteries from Battery Outfitters to support the Springfield Fire Department's free smoke alarm and battery program.

**Confirmed**

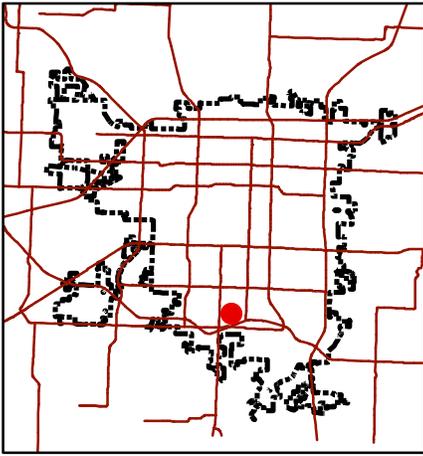
Confirm the following appointment to the Airport Board: Jerry Harmison with term to expire June 1, 2017.

**END OF CONSENT AGENDA.**

**ADJOURN.**

# Development Review Staff Report

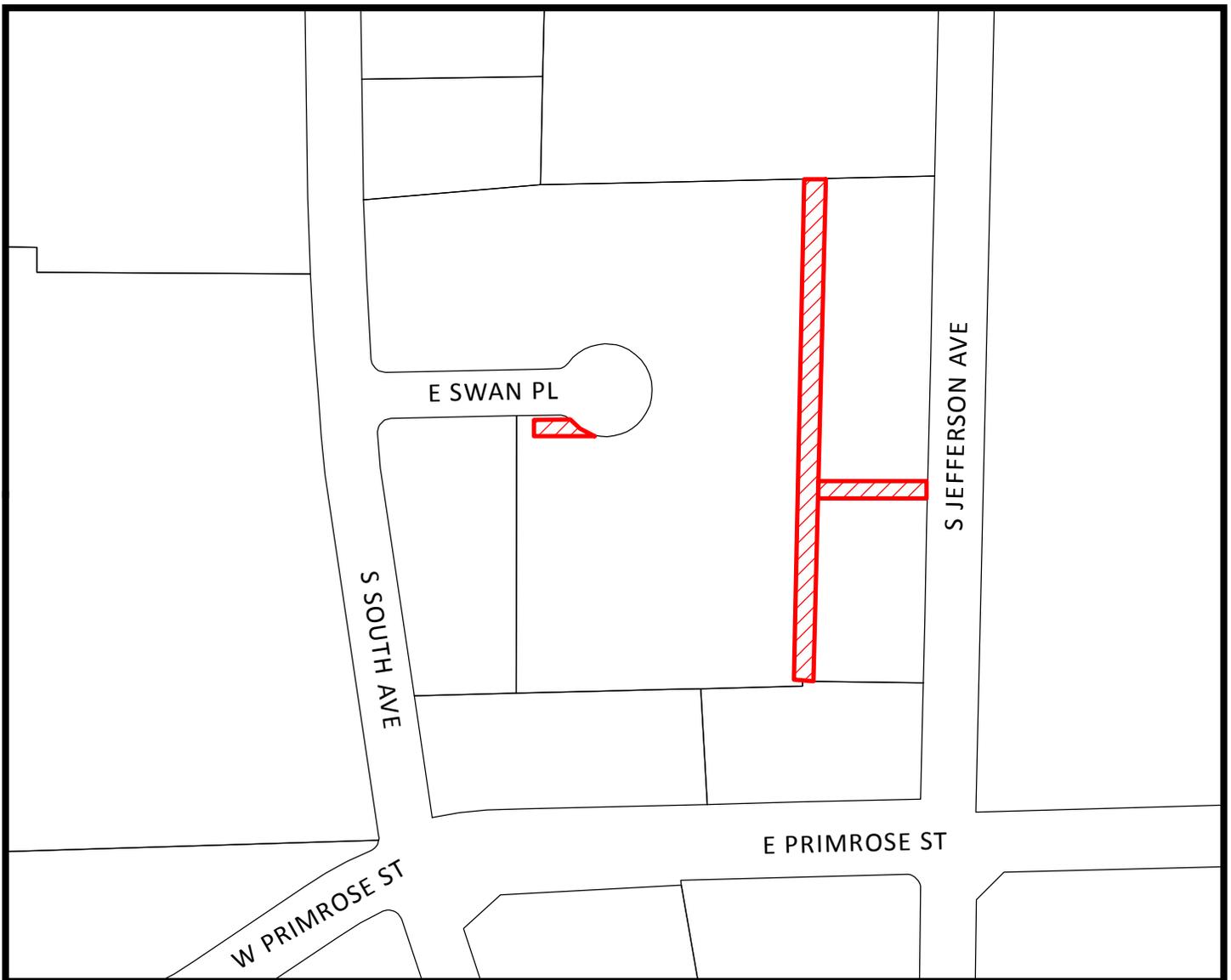
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802



## Relinquish Easement 827

LOCATION: 3736 South Avenue

### LOCATION SKETCH



- Area of Proposal



1 inch = 175 feet

DEVELOPMENT REVIEW STAFF REPORT  
REQUEST TO RELINQUISH EASEMENT NUMBER 827

PURPOSE: To relinquish a sanitary sewer and two utility easements

REPORT DATE: January 22, 2016

LOCATION: 3736 South Avenue

APPLICANT: Primrose Senior Living LLC

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Michael Sparlin  
Senior Planner

Attachment A: Background report  
Attachment B: Approval criteria  
Exhibit 1: Legal description  
Exhibit 2: Drawing

ATTACHMENT A  
RELINQUISH EASEMENT NO. 827  
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting to relinquish a sanitary sewer and two utility easements in order to facilitate development of the property. The applicant is providing a replacement easement and coordinating the replacement of necessary facilities. The existing easements are in conflict with the proposed structures on the property.

CITY UTILITIES COMMENTS:

No objection to relinquishment of utility easement. CU is in the process of removing the overhead electric line within the easement and it will no longer be needed.

CLEAN WATER SERVICES COMMENTS:

1. No objections with relinquishments since a new sewer easement is being recorded to replace the sewer that is not going to be abandoned.
2. The sewer north of manhole 57, at the northwest corner of lot 27, can be abandoned if not needed. The city hereby relinquishes maintenance of it once this vacation has been finalized. The sewer main must be cut outside the manhole and plugged with concrete or grout and a mechanical plug must be placed inside the manhole which also has to be grouted in place.

AT&T COMMENTS:

No objections to relinquishment of easements based on the attached survey showing no phone lines are in conflict.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. The applicant is requesting to relinquish a sanitary sewer and two utility easements in order to facilitate the development of the property. An approved sanitary sewer replacement easement is being provided. The applicant is coordinating with relocation of necessary facilities with City Utilities.
3. No one has objected to this request to date.

ATTACHMENT B  
RELINQUISH EASEMENT NO. 827  
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of this easement.

STAFF RESPONSE:

No one has objected to relinquishing the subject easement to date.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide service.

STAFF RESPONSE:

All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement.

3. That the retention of the easements no longer serves any useful public purpose.

STAFF RESPONSE:

The retention of the subject easement no longer serves a public purpose.

RELINQUISH EASEMENT NO. 827  
EXHIBIT 1

**Sanitary Sewer Easement**

All of that Sanitary Sewer Easement as recorded in Book 2008 at Page 38897-08 in Town Square Addition Amended plat in the City of Springfield, Greene County, Missouri, and as re-platted by Administrative Subdivision 1540 and being more particularly described as follows:

A perpetual sanitary sewer easement being five feet (5') on both sides of the following described centerline: Commencing at a found rebar at the Southeast corner of Lot 28 of Town Square Addition, a subdivision in Springfield, Greene County, MO., according to the recorded plat thereof; thence,  $N02^{\circ}34'14''E$  along the West right-of-way line of Jefferson Avenue, 29.00 feet to the Southeast corner of Lot C of City of Springfield Minor Subdivision No. 1540 recorded in Book 1937, Page 893 in the Greene County Recorder's Office for the POINT OF BEGINNING; thence leaving said right-of-way line,  $N87^{\circ}25'46''W$  along said South line, 129.86 feet to the point of terminus. Containing 1,300 square feet (0.03 acres) more or less.

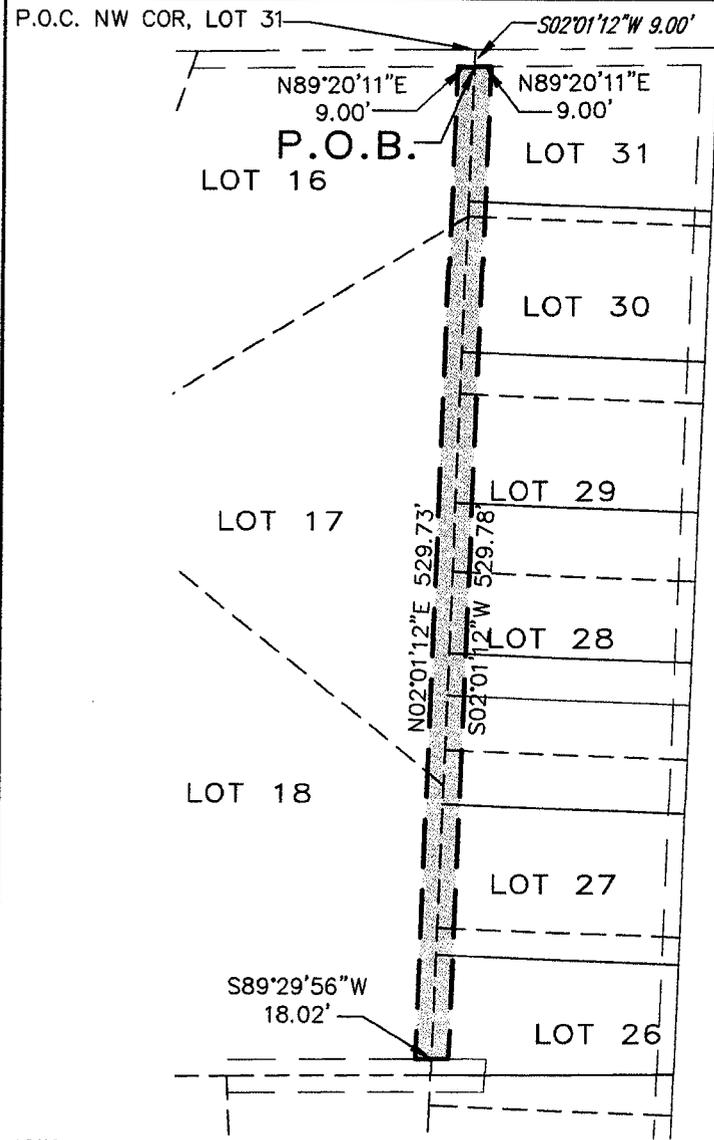
*The intent of this description is to vacate all of the sewer easement recorded in Book 2008 at Page 38897-08.*

**Utility Easement**

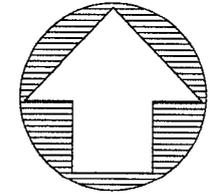
All that part of a platted utility easement as shown in Town Square Addition Amended Plat in the City of Springfield, Greene County, Missouri, as shown in Plat Book "GG" at Page 93 in the Greene County Recorder's Office, and being more particularly described as follows: COMMENCING at the Northwest corner of Lot 31 of Town Square Addition Amended Plat, as recorded in Book "GG" at Page 93 in the Recorder's Office of Greene County, Missouri; thence, South  $02^{\circ}01'12''$  West, along and with the West line of said Lot 31, a distance of 9.00 feet to the intersection of said West line with the South line of a platted nine-foot utility easement and the POINT OF BEGINNING; thence, North  $89^{\circ}20'11''$  East, a distance of 9.00 feet to the East line of a platted utility easement; thence, South  $02^{\circ}01'12''$  West, along and with said East line, a distance of 529.78 feet to the intersection of said East line with the North line of an existing platted utility easement; thence, South  $89^{\circ}29'56''$  West, along and with said North line, a distance of 18.02 feet to the intersection of said North line with the West line of an existing platted utility easement; thence, North  $02^{\circ}01'12''$  East, along and with said West line, a distance of 529.73 feet to the South line of the aforementioned nine-foot platted utility easement; thence, North  $89^{\circ}20'11''$  East, along and with said South line, a distance of 9.00 feet to the POINT OF BEGINNING, containing 9,536 square feet, more or less.

## Utility Easement

All that part of Town Square Addition Amended Plat in the City of Springfield, Greene County, Missouri, being more particularly described as follows: Commencing at the Northwest corner of Lot 19 of said Town Square Addition Amended; thence, South 89°56'48" East along and with the North line of said Lot 19 a distance of 44.20 feet to the POINT OF BEGINNING; thence, continue South 89°56'48" East, along and with said North line and the Easterly extension thereof, a distance of 21.64 feet; thence, Southeasterly, along and with a 40-foot radius curve to the left, having a chord bearing of South 49°29'33" East and chord length of 15.41 feet, an arc distance of 15.51 feet to a point on the Easterly extension of a platted 10-foot utility easement; thence, North 89°56'48" West, along and with said easement line and the Easterly extension thereof, a distance of 33.36 feet; thence, North 00°03'12" East, leaving said easement line, a distance of 10.00 feet to the POINT OF BEGINNING, containing 267 square feet, more or less.



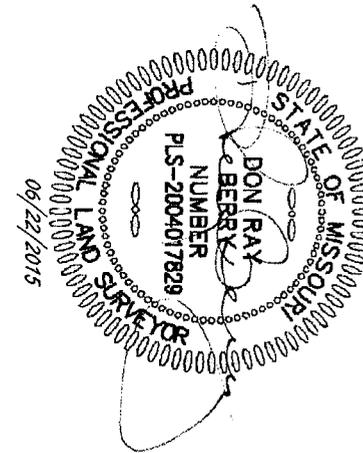
# TOWN SQUARE ADDITION AMENDED PLAT UTILITY EASEMENT RELINQUISHMENT



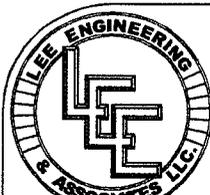
SCALE 1" = 100'

**LEGEND:**

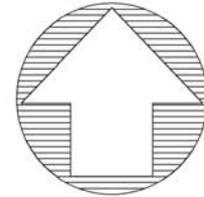
- PLATTED LOT LINE
- LOT LINE PER AS1540 OR AS3006



**NOTE:**  
THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

DATE: 06/22/2015	<b>TOWN SQUARE ADD. AMENDED EASEMENT RELINQUISHMENT EXHIBIT</b>	PROJECT NO.: <b>449</b>	 <p><b>LEE Engineering &amp; Associates, L.L.C.</b> 2101 W. Chesterfield Blvd, Suite C202 Springfield, Missouri 65807 417-886-9100 (phone) 417-886-9336 (fax) dlee@leeengineering.biz <i>"Engineering with Integrity"</i></p> <p><small>Missouri State Certificate of Authority Engineering #2005015504 Land Surveying #2009028050</small></p>
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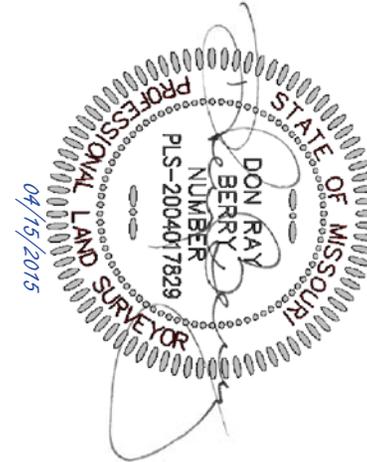
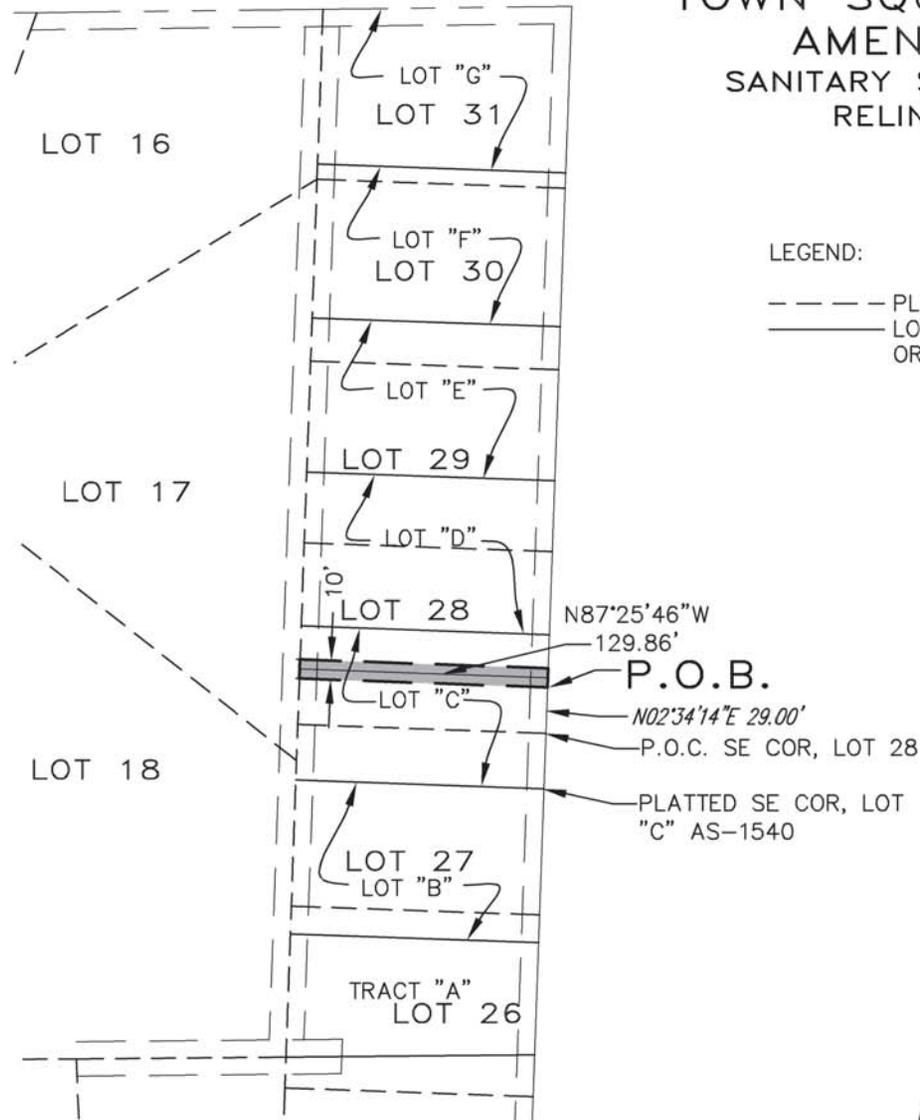
# TOWN SQUARE ADDITION AMENDED PLAT SANITARY SEWER EASEMENT RELINQUISHMENT



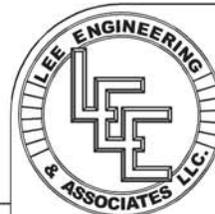
SCALE 1" = 100'

**LEGEND:**

- PLATTED LOT LINE
- LOT LINE PER AS1540 OR AS3006



**NOTE:**  
THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.



**LEE Engineering & Associates, L.L.C.**

2101 W. Chesterfield Blvd, Suite C202  
Springfield, Missouri 65807  
417-886-9100 (phone)  
417-886-9336 (fax)  
dlee@leeengineering.biz

*"Engineering with Integrity"*

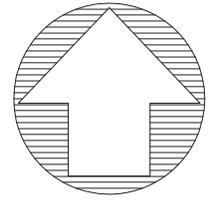
Missouri State Certificate of Authority  
Engineering #2005015504  
Land Surveying #2009028050

DATE: 04/15/2015

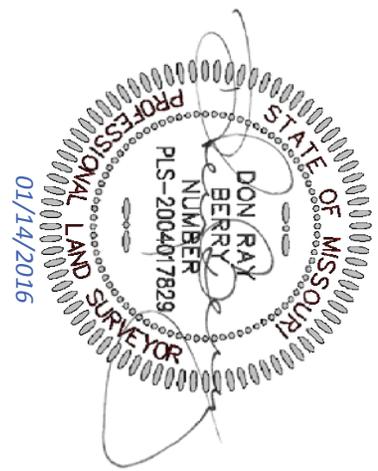
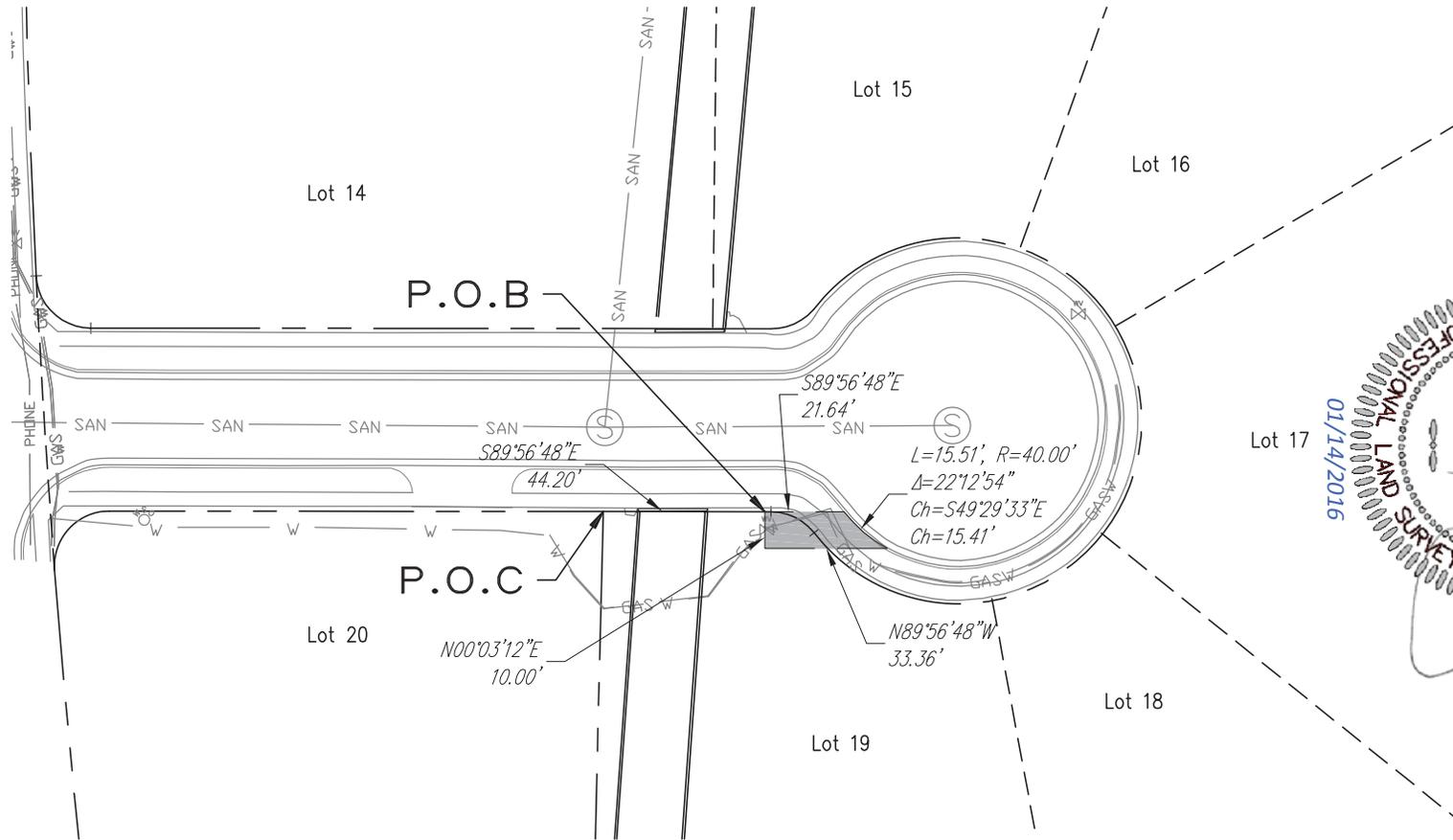
**TOWN SQUARE ADD. AMENDED  
EASEMENT RELINQUISHMENT EXHIBIT**

PROJECT NO.:  
**449**

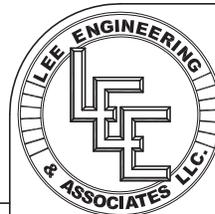
# SWAN PLACE TOWN SQUARE ADDITION AMENDED PLAT UTILITY EASEMENT RELINQUISHMENT



SCALE 1" = 50'



**NOTE:**  
THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.



**LEE Engineering & Associates, L.L.C.**

1200 E. Woodhurst Dr., Suite D200  
Springfield, Missouri 65804  
417-886-9100 (phone)  
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*"Engineering with Integrity"*

DATE: 12/11/2015

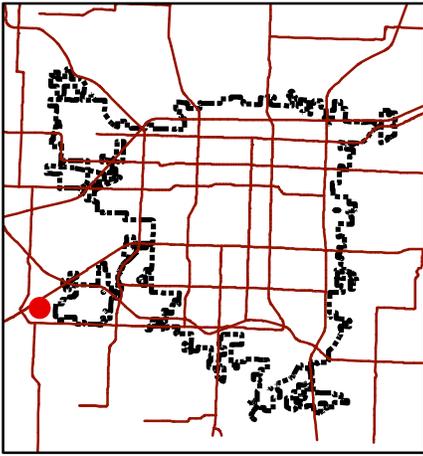
**SWAN PLACE  
EASEMENT RELINQUISHMENT EXHIBIT**

PROJECT NO.:  
**449**

Missouri State Certificate of Authority  
Engineering #2005015504  
Land Surveying #2009028050

# Development Review Staff Report

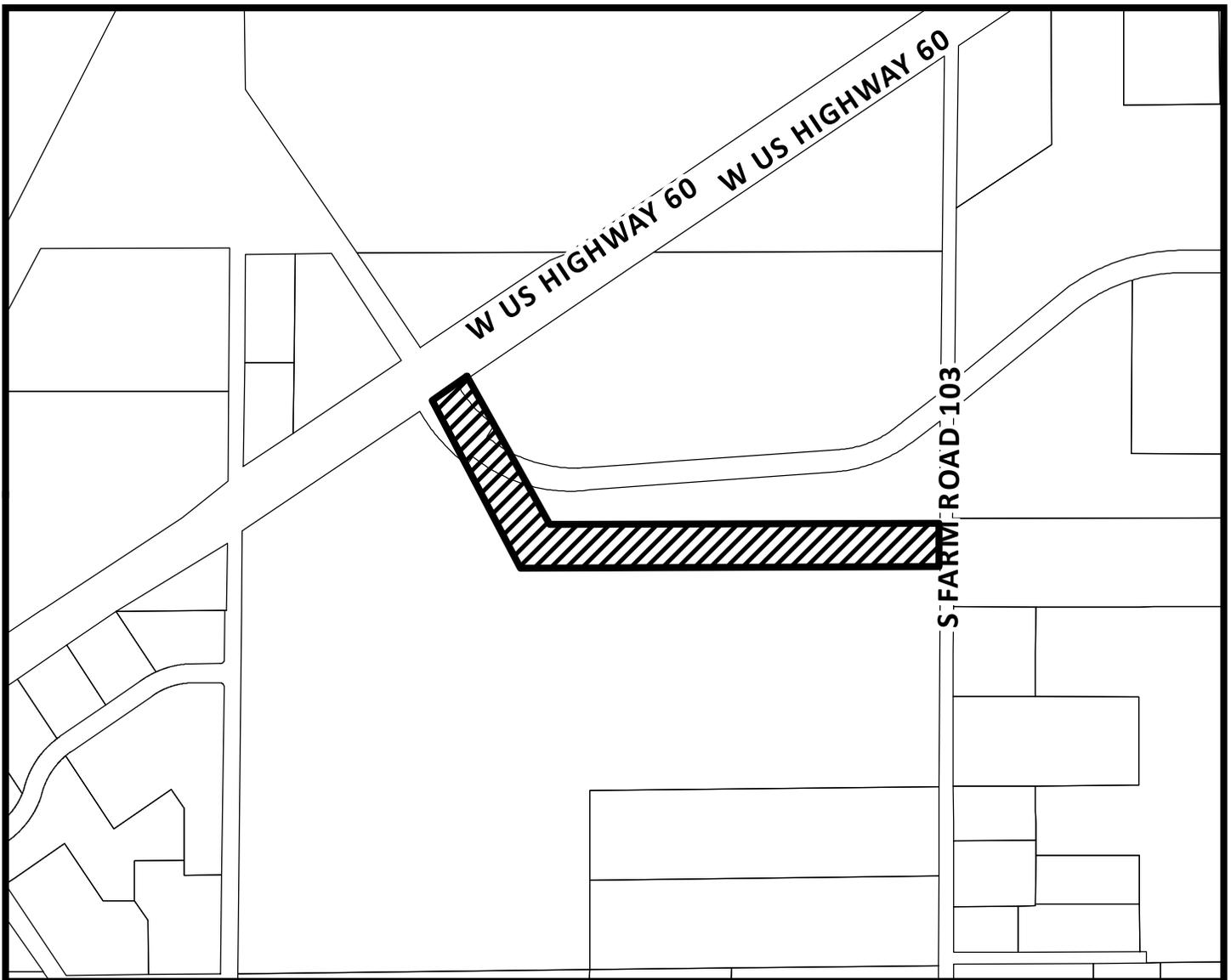
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802



## **Relinquish Easement 829**

LOCATION: 3700 block S. Farm Road 103, westside

### LOCATION SKETCH



- Area of Proposal



1 inch = 600 feet

DEVELOPMENT REVIEW STAFF REPORT  
REQUEST TO RELINQUISH EASEMENT NUMBER 829

PURPOSE: To relinquish an electric line easement

REPORT DATE: December 21, 2015

LOCATION: 3700 block of South Farm Road 103, west side

APPLICANT: City Utilities

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Michael G. Sparlin  
Senior Planner

Attachment A: Background report  
Attachment B: Approval criteria  
Exhibit 1: Legal description  
Exhibit 2: Drawing

ATTACHMENT A  
RELINQUISH EASEMENT NO. 829  
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

City Utilities is requesting to relinquish an electric line easement to facilitate electric line improvements. The existing easement will be replaced by a new easement that will allow adequate area for a new 161kV power line to be added to the existing power line facilities.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. City Utilities is requesting to relinquish an electric line easement to facilitate electric line improvements. A replacement easement is being provided.
3. City Utilities is the only agency using the existing easement.
4. No one has objected to this request to date.

ATTACHMENT B  
RELINQUISH EASEMENT NO. 829  
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of this easement.

STAFF RESPONSE:

No one has objected to relinquishing the subject easement to date.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide service.

STAFF RESPONSE:

All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement.

3. That the retention of the easements no longer serves any useful public purpose.

STAFF RESPONSE:

The retention of the subject easement no longer serves a public purpose.

RELINQUISH EASEMENT NO. 829  
EXHIBIT 1

ALL OF THE NORTH HALF OF THE SOUTHWEST QUARTER EXCEPT THE S 1/2 OF THE NE 1/4 OF THE SW 1/4, AND THE SOUTH HALF OF THE NORTHWEST QUARTER, ALL IN SECTION ELEVEN (11), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23) IN GREENE COUNTY, MISSOURI, EXCEPT THAT PART LYING NORTH AND WEST OF U.S. HWY. 60, ALSO EXCEPT ANY PART USED FOR ROAD AND RAILROAD RIGHT-OF-WAY, SUBJECT TO EASEMENTS OF RECORD, CONTAINING 117.3 AC±.

THE EASEMENT GRANTED WILL BE 150 FEET WIDE AND LIE ALONG AND 75 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHERE SAID CENTERLINE RUNS ACROSS, ADJOINS, OR TOUCHES THE AFOREMENTIONED TRACT. COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 28 NORTH, RANGE 23 WEST; THENCE SOUTH 07°35'33" EAST, 805.10 FEET TO CENTERLINE STATION 549 + 24.46 FOR A POINT OF BEGINNING; THENCE SOUTH 34° 20' 55" EAST, 2097.24 FEET; THENCE NORTH 89°52'38" EAST, 6313.19 FEET; THENCE NORTH 10°53'49" EAST, 2223.57 FEET; THENCE NORTH 70°31'57" EAST, 1052.09 FEET TO CENTERLINE STATION 671 + 10.55; THENCE FROM AFORESAID CENTERLINE NORTH 89°53'32" EAST, 1084.67 FEET TO THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 28 NORTH, RANGE 23 WEST, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE.

ALSO ADJACENT TO AND CONTIGUOUS WITH THE AFOREDESCRIBED EASEMENT, BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF ABOVE DESCRIBED EASEMENT, SAID POINT LYING SOUTH 34°20'55" EAST, 2097.24 FEET; THENCE SOUTH 31°05'12" EAST, 87.46 FEET FROM THE ABOVE POINT OF BEGINNING; THENCE SOUTH 00°07'22" EAST, 35.00 FEET; THENCE SOUTH 89°52'38" WEST, 45.00 FEET; THENCE NORTH 00°07'22" WEST, 35.00 FEET; THENCE SOUTH 89°52'38" WEST, 40.00 FEET; THENCE NORTH 34°20'55" WEST, 40.00 FEET; THENCE SOUTH 55°39'05" WEST, 35.00 FEET; THENCE NORTH 34°20'55" WEST, 45.00 FEET; THENCE NORTH 55°39'05" EAST, 35.00 FEET; THENCE SOUTH 34°20'55" EAST, 85.00 FEET; THENCE NORTH 89°52'38" EAST, 85.00 FEET, TO THE POINT OF BEGINNING.

TIMOTHY D. WALKER  
BOOK 2014,  
PAGE 028404-14  
**TRACT 7**

**TRACT 6**

PIG FARM LLC  
BOOK 2003, PAGE 085636-03

NEW 150' 345kV ROW  
150' ELECTRIC LINE ESMT.  
BOOK 1992, PAGE 1509

NEW 50' 161kV ROW

Relinquished  
9-21-88

150' ELECTRIC LINE ESMT.  
BOOK 2009, PAGE 910

150' ELECTRIC LINE ESMT.  
BOOK 1992, PAGE 1509

SE 1/4, NW 1/4, SEC. 11, T28N, R23W

150' ELECTRIC LINE ESMT.  
BOOK 2016, PAGE 1687

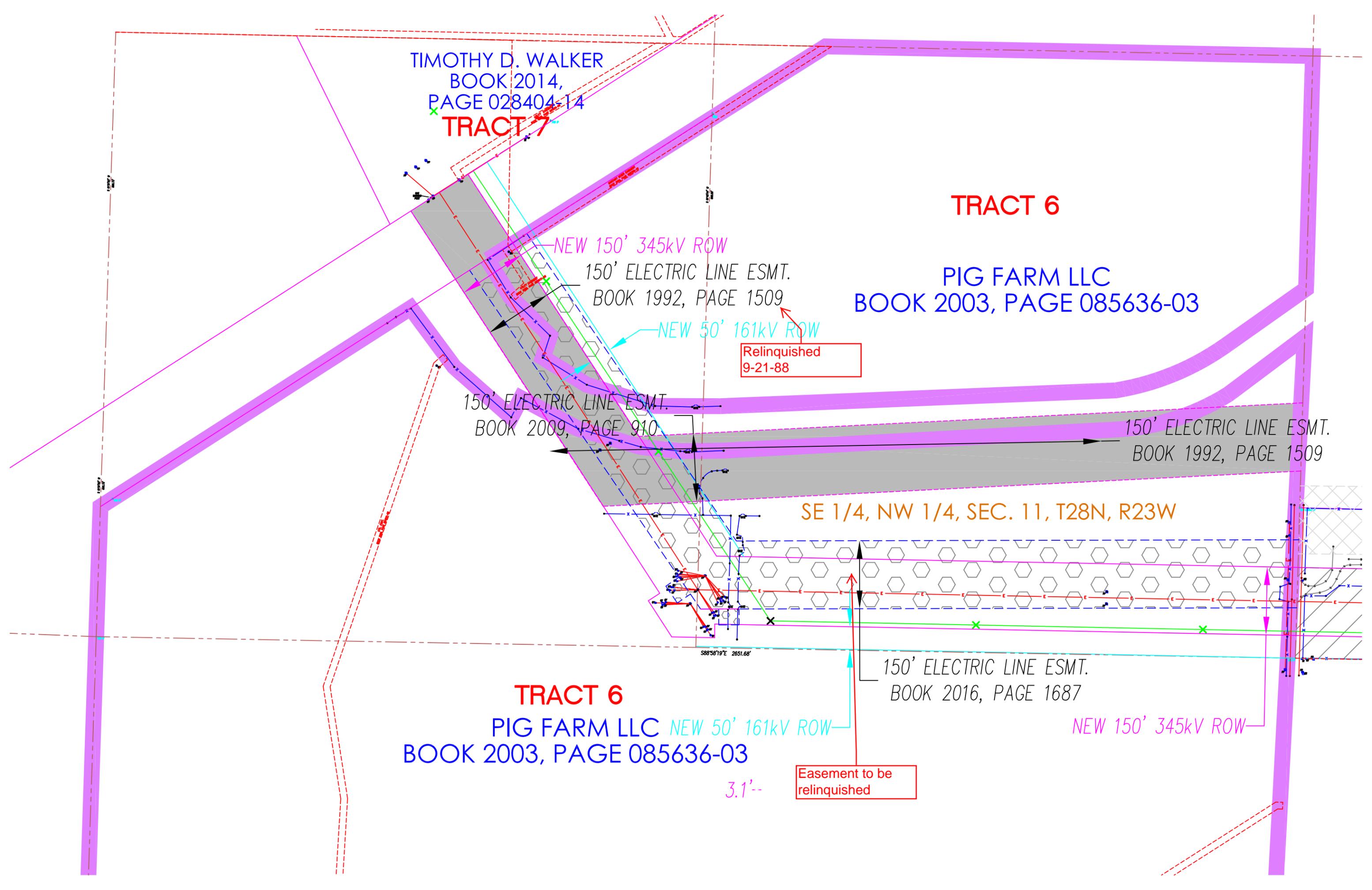
**TRACT 6**  
PIG FARM LLC  
BOOK 2003, PAGE 085636-03

NEW 50' 161kV ROW

NEW 150' 345kV ROW

3.1'-

Easement to be  
relinquished

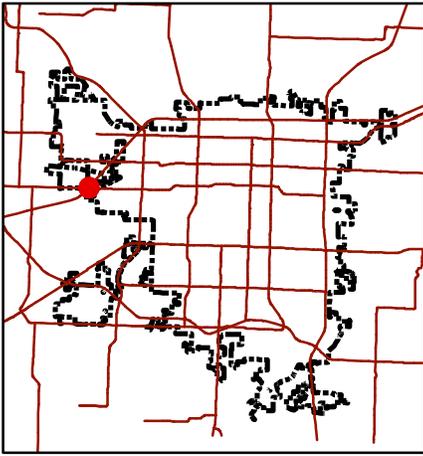


# Development Review Staff Report

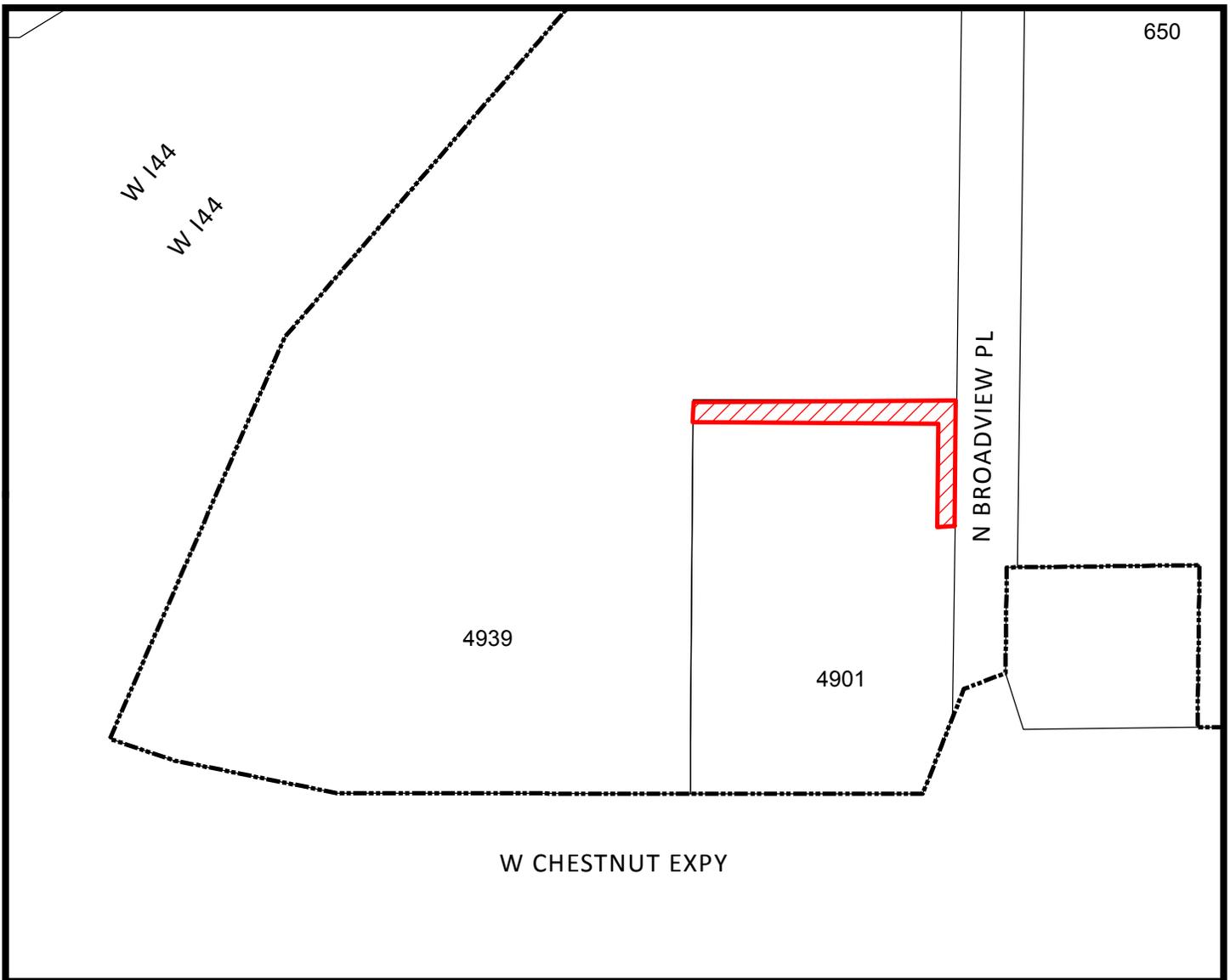
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802

## Relinquish Easement 830

LOCATION: 4901 West Chesnut Expressway



### LOCATION SKETCH



- Area of Proposal



1 inch = 150 feet

DEVELOPMENT REVIEW STAFF REPORT  
REQUEST TO RELINQUISH EASEMENT NUMBER 830

PURPOSE: To relinquish a drainage easement

REPORT DATE: January 22, 2016

LOCATION: 4901 West Chestnut Expressway

APPLICANT: Pilot Travel Centers LLC

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Michael Sparlin  
Senior Planner

Attachment A: Background report  
Attachment B: Approval criteria  
Exhibit 1: Legal description  
Exhibit 2: Drawing

ATTACHMENT A  
RELINQUISH EASEMENT NO. 830  
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting to relinquish a drainage easement to facilitate development of the property. The applicant is providing a replacement easement.

STORMWATER ENGINEERING COMMENTS:

No stormwater issues with relinquishing the existing drainage easement. Stormwater Engineering is currently reviewing new public improvement project with the replacement drainage easement.

PUBLIC WORK - RIGHT OF WAY COMMENTS:

No objections based on replacement drainage easement being provided.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. The applicant is requesting to relinquish a drainage easement to facilitate the development of the property. An approved replacement easement will be provided.
3. No one has objected to this request to date.

ATTACHMENT B  
RELINQUISH EASEMENT NO. 830  
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of this easement.

STAFF RESPONSE:

No one has objected to relinquishing the subject easement to date.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide service.

STAFF RESPONSE:

All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement.

3. That the retention of the easements no longer serves any useful public purpose.

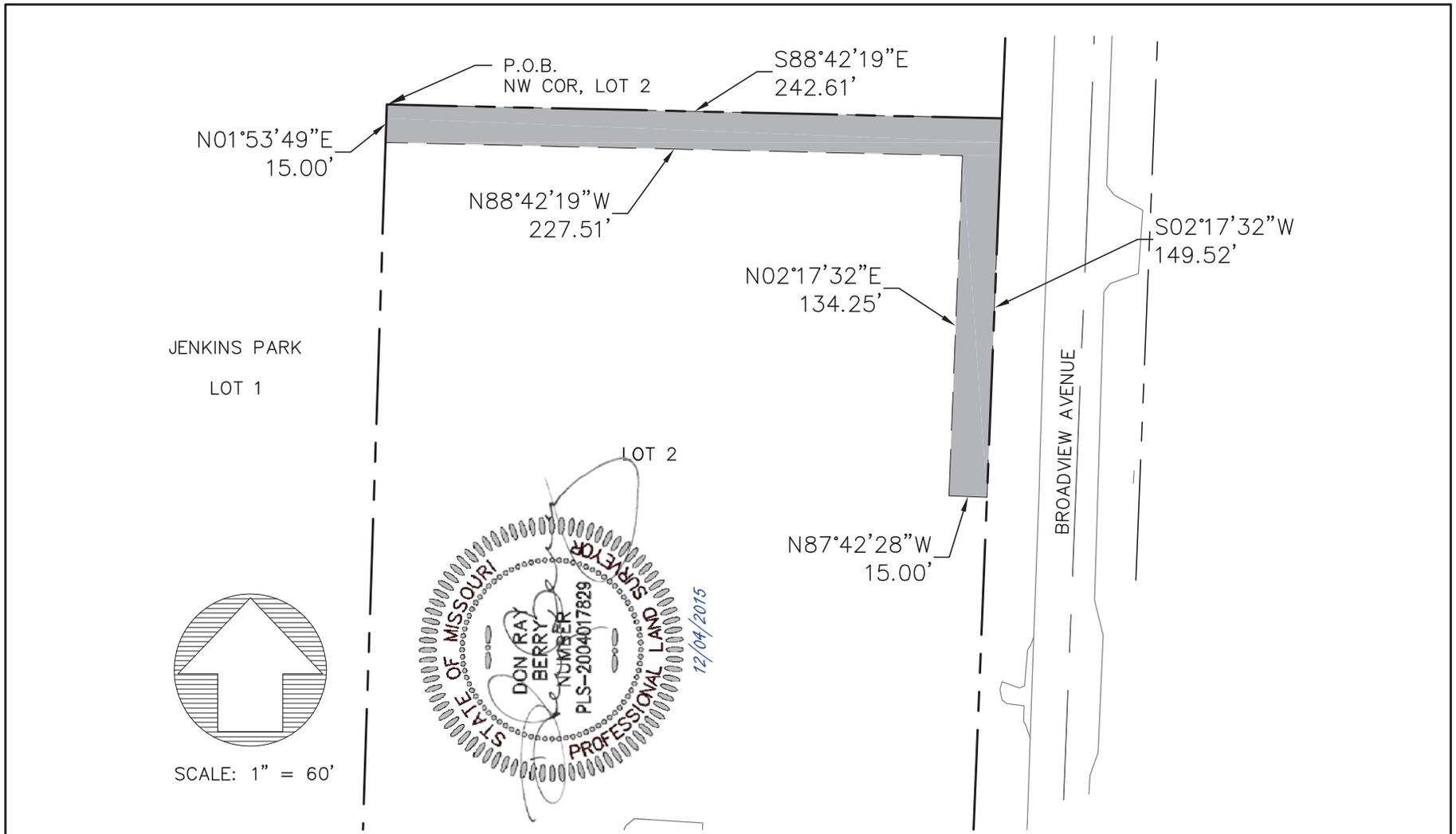
STAFF RESPONSE:

The retention of the subject easement no longer serves a public purpose.

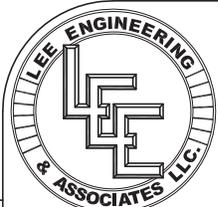
RELINQUISH EASEMENT NO. 830  
EXHIBIT 1

Jenkins Park Lot 2 Drainage Easement Relinquishment Description

BEGINNING at the Northwest corner of Lot 2 of Jenkins Park, a Subdivision in Greene County, Missouri; Thence South 88°42'19" East, along and with the North line of said Lot 2, a distance of 242.61 feet, to the Northeast corner of said Lot 2; thence South 02°17'32" West, along the West right-of-way line of Broadview Avenue as it now exists, also being the East line of said Lot 2, a distance of 149.52 feet; Thence North 87°42'28" West, leaving said West right-of-way line, a distance of 15.00 feet; thence North 02°17'32" East, a distance of 134.25 feet; thence North 88°42'19" West, a distance of 227.51 feet, to a point on the West line of said Lot 2; thence North 01°53'49" East, along said West line of Lot 2, a distance of 15.00 feet to the POINT OF BEGINNING, containing 5,656 square feet, more or less.

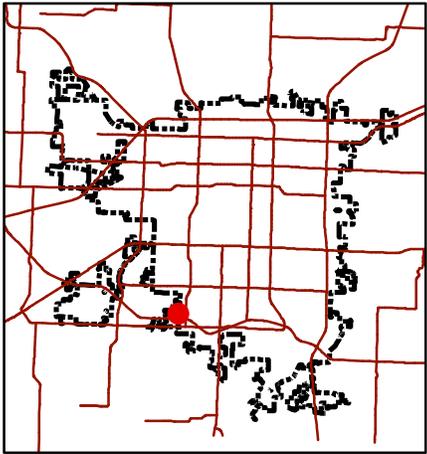


**NOTE:**  
 THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE  
 NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS  
 NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

DATE: 11/17/2015	<b>Drainage Easement Relinquishment          Exhibit for Flying J</b>	PROJECT NO.: <b>936</b>	 <p> <b>LEE Engineering &amp; Associates, L.L.C.</b>          2101 W. Chesterfield Blvd, Suite C202          Springfield, Missouri 65807          417-886-9100 (phone)          417-886-9336 (fax)          dlee@leeengineering.biz  <i>"Engineering with Integrity"</i> </p> <p> <small>Missouri State Certificate of Authority          Engineering #2005015504          Land Surveying #2009028050</small> </p>
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# Development Review Staff Report

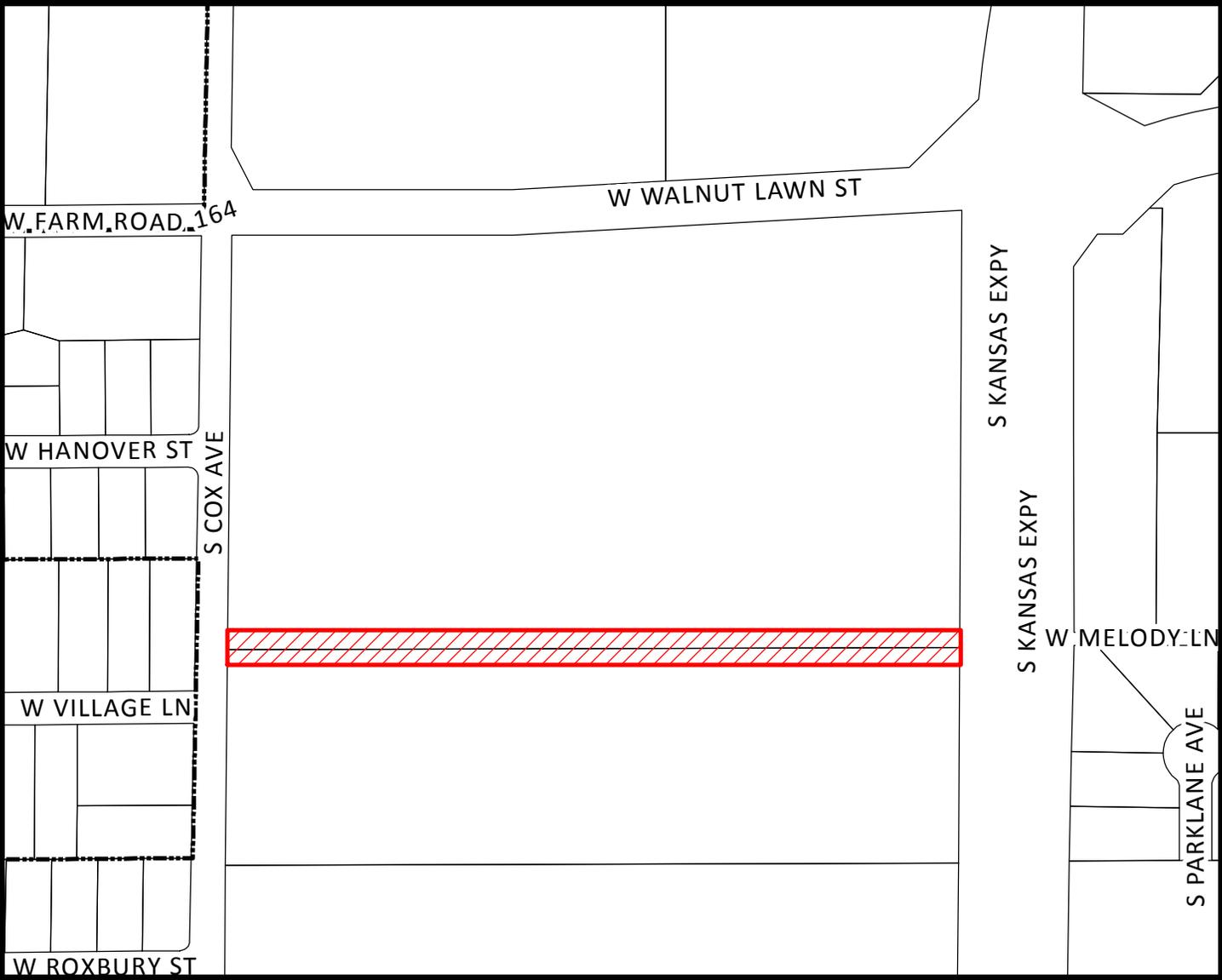
Department of Planning & Development - 417-864-1031  
840 Boonville - Springfield, Missouri 65802



## **Relinquish Easement 831**

LOCATION: 3736 South Cox Avenue

### LOCATION SKETCH



 - Area of Proposal



1 inch = 250 feet

DEVELOPMENT REVIEW STAFF REPORT  
REQUEST TO RELINQUISH EASEMENT NUMBER 831

PURPOSE: To relinquish a utility easement

REPORT DATE: January 22, 2016

LOCATION: 3736 South Cox Avenue

APPLICANT: Lutheran Senior Services

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Michael G. Sparlin  
Senior Planner

Attachment A: Background report  
Attachment B: Approval criteria  
Exhibit 1: Legal description  
Exhibit 2: Drawing

ATTACHMENT A  
RELINQUISH EASEMENT NO. 831  
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting to relinquish a utility easement in order to facilitate development of the property.

CITY UTILITY COMMENTS:

No objection to relinquishment of the easement. The water main in easement has been retired and easement is no longer needed.

CLEAN WATER SERVICES COMMENTS:

No objection to relinquishment of the easement.

AT&T COMMENTS:

No objection to relinquishment of the easement.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. The applicant is requesting to relinquish a utility easement in order to facilitate development of the property. The utility easement will be in conflict with the proposed structures on the property.
3. No one has objected to this request to date.

ATTACHMENT B  
RELINQUISH EASEMENT NO. 831  
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of this easement.

STAFF RESPONSE:

No one has objected to relinquishing the subject easement to date.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide service.

STAFF RESPONSE:

All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement.

3. That the retention of the easements no longer serves any useful public purpose.

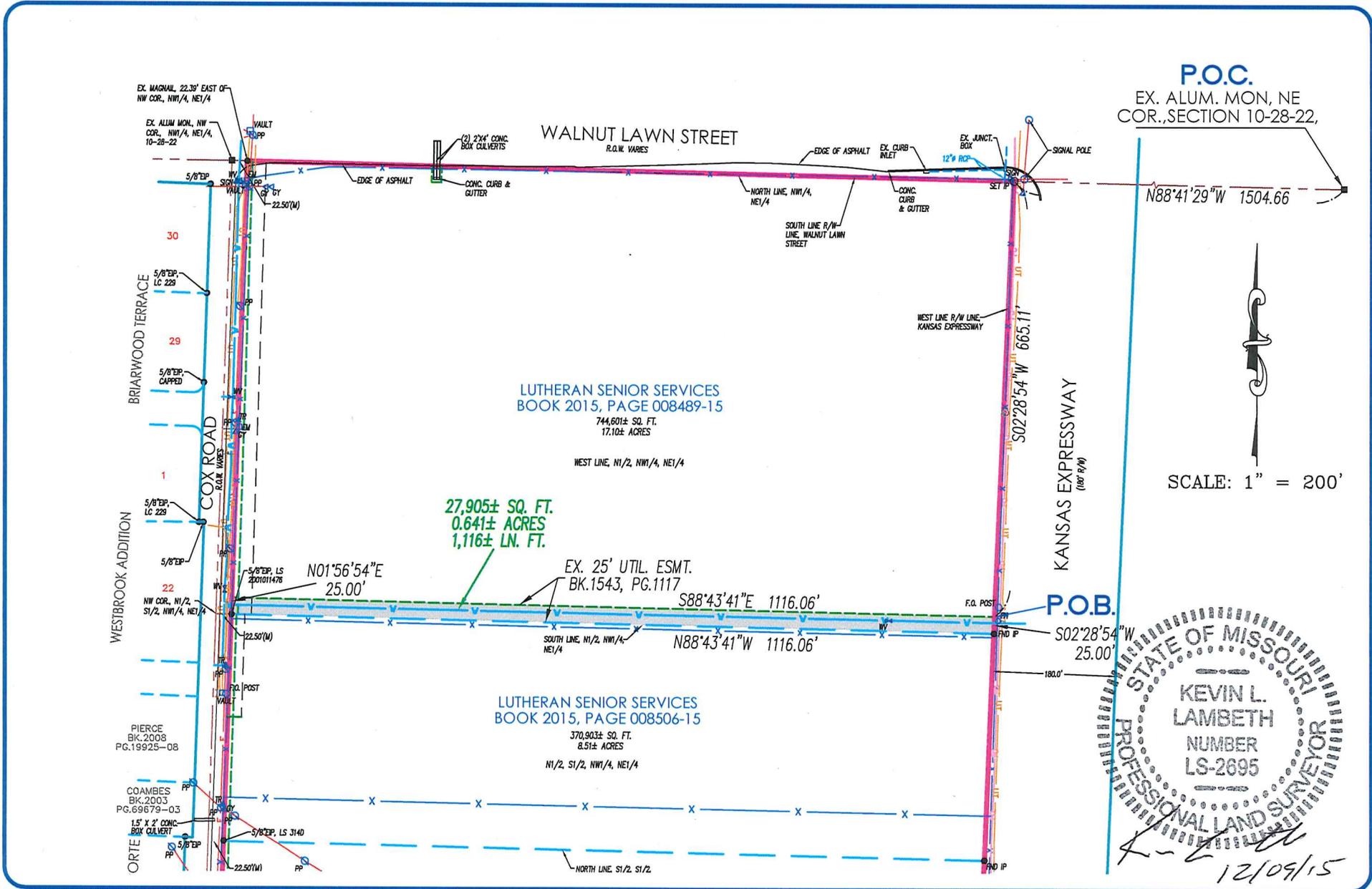
STAFF RESPONSE:

The retention of the subject easement no longer serves a public purpose.

RELINQUISH EASEMENT NO. 831  
EXHIBIT 1

A 25.00 FOOT WIDE EXISTING UTILITY EASEMENT BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 22 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 1543, PAGE 1117 AND SAID UTILITY EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 28, NORTH, RANGE 22 WEST; THENCE ALONG THE NORTH LINE OF SAID SECTION 10, NORTH 88°41'29" WEST, 1504.66 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF KANSAS EXPRESSWAY; THENCE LEAVING SAID NORTH LINE AND ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 02°28'54" WEST, 640.11 FEET; THENCE CONTINUING SOUTH 02°28'54" WEST, 25.00 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY, NORTH 88°43'41" WEST, 1116.06 FEET TO A POINT LYING EASTERLY RIGHT OF WAY OF COX ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 01°56'54" EAST, 25.00 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY, SOUTH 88°43'41" EAST, 1116.06 FEET TO THE POINT OF BEGINNING. CONTAINING 27,905 SQUARE FEET OR 0.641 ACRES AND 1,116 LINEAR FEET, MORE OR LESS. ALL LYING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

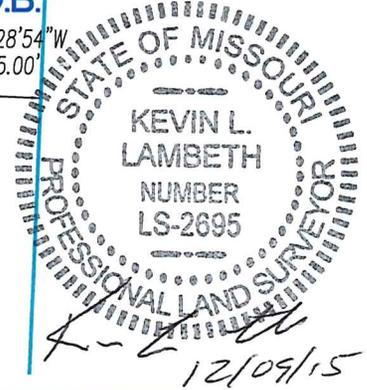


**P.O.C.**  
 EX. ALUM. MON, NE  
 COR., SECTION 10-28-22,  
 N88°41'29"W 1504.66'



SCALE: 1" = 200'

**P.O.B.**



**ANDERSON ENGINEERING, INC**

ENGINEERS • SURVEYORS • LABORATORIES • DRILLING  
 2045 W. WOODLAND • SPRINGFIELD, MISSOURI 65807 • PHONE (417) 866-2741

LUTHERAN SENIOR SERVICES  
**UTILITY EASEMENT  
 RELINQUISHMENT SKETCH**  
 WALNUT LAWN & KANSAS EXPRESSWAY, SPRINGFIELD, MO.

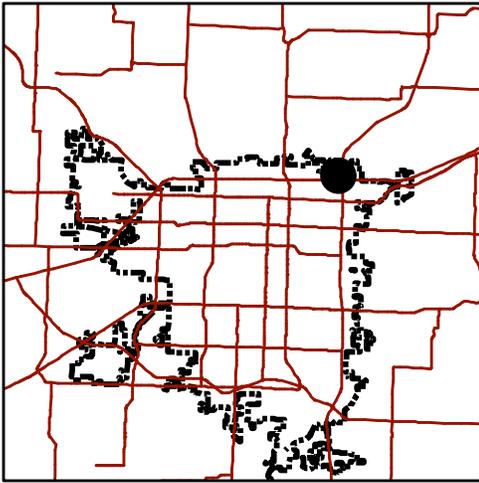
DRAWN BY: BAC	FIELD BY: KP
DATE: 10-19-2015	FIELD BK: -
CLIENT NO: 30476	DRAWING NO: 110363.DWG

# Development Review Staff Report

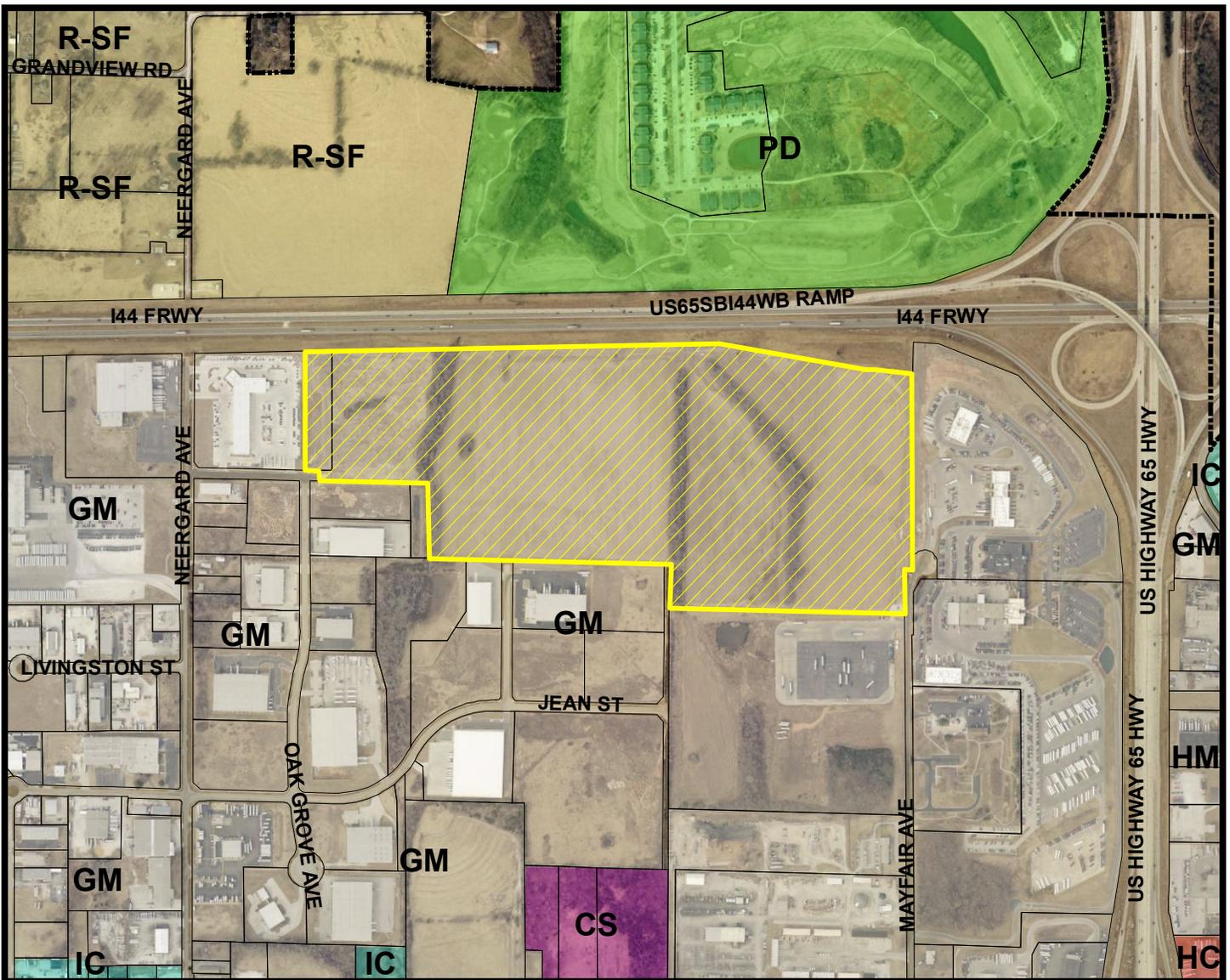
Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

## Preliminary Plat - New Prime Phase Two

Location: 2800 block N. Cedarbrook Avenue  
Current Zoning: GM, General Manufacturing



### LOCATION SKETCH



- Area of Proposal



1 inch = 900 feet

DEVELOPMENT REVIEW STAFF REPORT  
PRELIMINARY PLAT – NEW PRIME PHASE TWO

PURPOSE: To approve a preliminary plat to subdivide approximately 92.77 acres into a two (2) lot manufacturing subdivision

REPORT DATE: January 26, 2016

LOCATION: 2800 block North Cedarbrook and Packer Avenues

APPLICANT: Wolverine Land Holdings, LLC

TRACT SIZE: Approximately 92.77 acres

EXISTING USE: Vacant/undeveloped land

PROPOSED USE: Uses permitted in the GM, General Manufacturing District

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant's proposal, with the conditions listed below and approval of the subdivision variance, is consistent with the City's *Subdivision Regulations*.

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission **approve** the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
  - a. Public improvement plans for the street and cul-de-sac on Cedarbrook and Packer Avenues will need to be approved and improvements constructed or escrowed prior to approval of final plat. The improvements can be escrowed with any form of security as specified by the Subdivision Regulations.
  - b. There is a \$.0227/s.f. trunkline connection fee for this property. This will be based on the square footage of the property connecting to public sewer. If there are sewer improvements, this trunkline fee will be required when the engineering and inspection fees are paid. If there are not sewer plans, these fees will be required when each lot connects.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
  - a. No access is allowed to Interstate Highway 44.
  - b. The dedication of right-of-way for Cedarbrook and Packer Avenues are required as shown. Cedarbrook Ave. was previously dedicated by deed.
7. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
8. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
9. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
10. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.
  - a. Add the following note to the plat: The existing billboards along Interstate 44 are separated by 490 feet to 690 feet. Section 36-454(3)(j) of the Zoning Ordinance requires a minimum of 2,500 feet of separation. These billboards are non-conforming and will be treated as such in accordance with the Zoning Ordinance.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

## SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	PD	I-44 and golf course community
East	GM	General Manufacturing uses
South	GM	General Manufacturing uses
West	GM	General Manufacturing uses

## HISTORY:

The original Preliminary Plat for New Prime Subdivision was approved by City Council on March 9, 2012. A final plat was administratively approved and recorded on July 3, 2012 which extended the preliminary plat for another two years. The preliminary plat of New Prime Subdivision expired on July 3, 2014. The right-of-way deed for the Cedarbrook Avenue cul-de-sac and a drainage easement were dedicated to the City on November 18, 2015.

## COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Light Industrial, Office and Office-Warehouse uses. This category includes industry that involves manufacturing, assembly, office and warehousing activities. The most appropriate zoning includes Restricted Industry, Light Industry and General Manufacturing. This area is also located within the I-44 – U.S. 65 Emerging Activity Center. This area has the potential to be a significant regional Activity Center with its existing business and manufacturing activity, including Partnership Industrial Center. This area is currently a major employment center.

## STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 92.77 acres into a two (2) lot commercial subdivision named "NEW PRIME PHASE TWO". The property is currently zoned GM, General Manufacturing and is vacant/undeveloped land.
2. The applicant is also requesting a subdivision variance from extending Diamond Street, a stub street (see ATTACHMENT 2).
3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
4. A cost share agreement between the applicant and the City for the construction of Packer Road north of Kearney to this subdivision has been approved and will act as a security agreement to insure to the City that the improvements along Packer

Ave. will be completed by the subdivider. Cedarbrook Avenue right-of-way was dedicated by deed on November 18, 2015 and is being re-dedicated as shown on the preliminary plat. Public Improvements for Cedarbrook Avenue must be completed or escrowed prior to the final plat being recorded.

5. The common area that was dedicated on the final plat of New Prime Phase One is being replatted and incorporated into Lot 1 of New Prime Phase Two as a detention/drainage easement.

CITY COUNCIL: February 22, 2016

STAFF CONTACT:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
BACKGROUND REPORT  
PRELIMINARY PLAT – NEW PRIME PHASE TWO

AT&T COMMENTS:

Please, note that the development of this property will need additional utility easements for AT&T to place facilities to feed within that development. Also, the site development may require existing facilities to be relocated at the developers' expense. Request utility easements around perimeter of lots to enable the placement of AT&T facilities to this development. Please, note that if the development of this property will need additional AT&T facilities placed, contact Engineer Steven Beier, 180 days prior to construction. Also the site development may require existing facilities to be relocated at the developer's expense.

BUILDING DEVELOPMENT SERVICES COMMENTS:

Add the following note to the plat: The existing billboards along Interstate 44 are separated by 490 feet to 690 feet. Section 36-454(3)(j) of the Zoning Ordinance requires a minimum of 2,500 feet of separation. These billboards are non-conforming and will be treated as such in accordance with the Zoning Ordinance.

CITY UTILITIES COMMENTS:

No objection to the concept. CU has an interest in a tie-in of the water mains to the west and the mains near Mayfair. CU will work with property owner to preserve a corridor for a possible future connection.

FIRE DEPARTMENT COMMENTS:

No issues.

TRAFFIC DIVISION COMMENTS:

1. Public improvement plans for the cul-de-sac on Cedarbrook and the extension of Packer Road will need to be approved and improvements constructed, funds escrowed or other security approved by the Director of Public Works provided prior to approval of final plat.
2. A subdivision variance is required to not extend Diamond Street.

MISSOURI DEPARTMENT OF TRANSPORTATION (MoDOT) COMMENTS:

No comments.

## STORMWATER COMMENTS:

All stormwater comments have been addressed.

## CLEAN WATER SERVICES COMMENTS:

1. Lot 1 has sewer available along the south property line. If sewer is needed to the north side of the tract, a sewer extension may be necessary.
2. Lot 2 has sewer available along the west and north side of the lot. If sewer is needed on the east side, a sewer extension may be necessary.
3. There is a \$.0227/s.f. trunkline connection fee for this property. This will be based on the square footage of the property connecting to public sewer. If there are sewer improvements, this trunkline fee will be required when the engineering and inspection fees are paid. If there are not sewer plans, these fees will be required when each lot connects.

ATTACHMENT 2  
SUBDIVISION VARIANCE APPROVAL CRITERIA  
PRELIMINARY PLAT – NEW PRIME PHASE TWO

The applicant is requesting a subdivision variance from Section 36-243(2) of the Subdivision Regulations which requires the arrangement of streets in new subdivisions to make provision for the continuation of the existing streets in adjoining areas. Diamond Street, a commercial local, is stubbed into Lot 1 and was originally platted to be connected to Mayfair Avenue. Since Mayfair Avenue has been vacated as part of an agreement to construct Packer Ave. north of Kearney St., there is no need to connect Diamond Avenue to the east. Both Cedarbrook and Packer Avenues will be terminated with turnarounds near the property lines. Staff supports the request because Diamond Street was only platted as a local street and would only serve lots in the immediate vicinity.

Section 106 of the Subdivision Regulations states in part:

Conditions of Variance Approval. No variance shall be granted unless it is found that:

- (a) There are special and unusual circumstances affecting said property such that the strict application of the provisions of this Article would deprive the owner of the reasonable use of his land and is not the mere granting of a privilege, and

APPLICANT'S RESPONSE:

There are special and unusual circumstances associated with extending Diamond Street through the property. The property is owned by Prime Inc. which is a trucking company. The owner's intent is to provide large lots with internal circulation. Extending Diamond Street through the interior of the property will not allow Prime to construct the internal layout needed to load, park, store and maintain their semi-truck fleet.

- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the owner, and

APPLICANT'S RESPONSE:

Prime requires areas for truck loading, parking, storage and maintenance. Providing an internal public road system will break up the large areas needed for Prime's internal circulation system. Prime trucks carry valuable merchandise through the internal facility. They have security fencing and 24 hour guard surveillance of the property. Providing public roads throughout the property will limit Prime's ability to secure their facility.

- (c) The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.

#### APPLICANT'S RESPONSE:

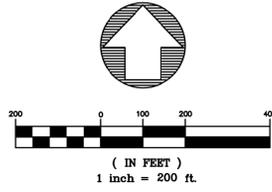
The public will not be affected by the variance. The adjoining property owners have full access to public roads. The site is bounded to the North by I-44 which cannot be accessed by this property. The variance would only affect Prime's interior connectivity. The public has no need for access to the interior of Prime's facilities. This variance will not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.

The Planning and Zoning Commission must first decide if all of these conditions are met before this variance can be approved.

**PRELIMINARY PLAT**  
**NEW PRIME SUBDIVISION PHASE TWO**  
**WOLVERINE LAND HOLDINGS, LLC**  
**SPRINGFIELD, GREENE COUNTY, MISSOURI**

OWNER/DEVELOPER  
 WOLVERINE LAND HOLDINGS, LLC  
 2740 N MAYFAIR  
 SPRINGFIELD, MO 65803

ALL UTILITIES TO BE PROVIDED BY:  
 CITY UTILITIES OF SPRINGFIELD  
 301 E. CENTRAL  
 SPRINGFIELD, MO 65802  
 (417)863-9000



**BASIS OF BEARINGS:**

BEARINGS ARE GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, PER TIES TO MO DNR MONUMENT "TRUCK"

**BUILDING SETBACKS:**

Current Zoning GM - General Manufacturing  
 Proposed Zoning GM - General Manufacturing

Athletic Club, Fitness Center, Indoor Sports Facility or Recording, TV or Radio Studio

Front 25' (Collector or Higher)  
 15' (Local)  
 Side, Rear 10'

**All other uses**

Front, Side, Rear 0'

**LOT INFORMATION:**

Total Acreage - 92.77 Acres  
 Total Lots - 2  
 Largest Lot - 2 - 80.50 Acres  
 Smallest Lot - 1 - 12.27 Acres

**FLOOD NOTE:**

This property lies in Flood Zone "X" (areas determined to be outside the 0.2% annual chance floodplain) according to Flood Insurance Rate Map Community Panel 29077C 0351 E, effective December 17, 2010.

**BENCHMARK NOTE:**

City of Springfield Benchmark #113  
 North Side of Kearney Street 24 feet East of MODOT West Entrance.  
 ELEV = 1395.40

**STORMWATER NOTE:**

All of Lot 1 is a drainage and detention easement.

Stormwater will be provided on each lot at the time of development.



**DECLARATION BY SURVEYOR:**

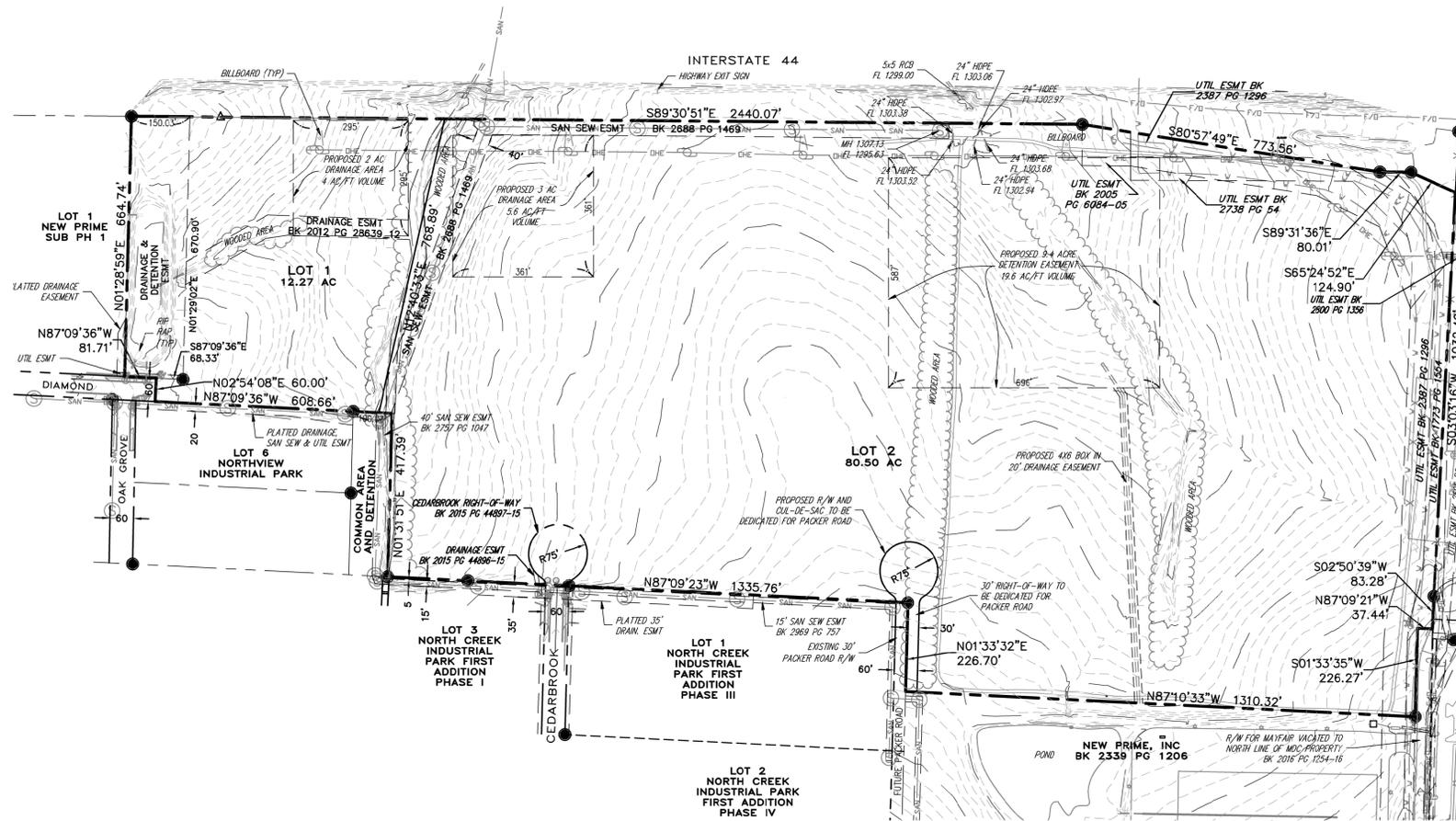
I hereby declare to Wolverine Land Holdings, LLC that the information contained herein is based upon an actual survey of the land described herein, according to the current Missouri Minimum Standards for Property Boundary Surveys, 4CSR30-16, URBAN class properties, that the results are correctly represented hereon to the best of my knowledge and belief and that monuments and pins set were placed under my personal supervision.

Physical evidence of improvements is shown from information taken by visual inspection of the premises. Easements shown are those written, provided or evident from surface features and may not be all inclusive. Apparent ownerships as shown are based on information provided by others and do not represent an opinion as to Title.

This plat of survey is an instrument of service and is protected under U.S. Copyright Law. It is not to be used by anyone other than the party or parties named on this plat unless it has been updated and recertified by Lee Engineering & Associates, L.L.C.

BY:   
 DON RAY BERRY, PROFESSIONAL LAND SURVEYOR  
 STATE OF MISSOURI LICENSE NO. 2004017829

DATE: 01/26/2016



**LEGEND**

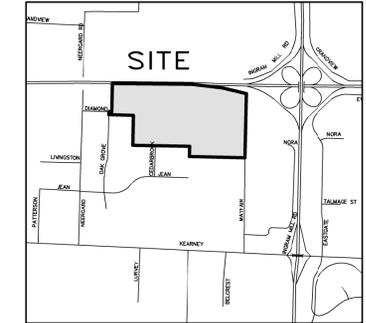
- FOUND IRON PIN (5/8" IP UNLESS NOTED)
- SET 5/8" IRON PIN "LSC 2009028050"
- ▲ R/W MARKER
- BOUNDARY LINE
- - - R/W LINE
- · - · EASEMENT LINE
- SETBACK LINE
- (M) MEASURED
- (P) PLAT
- (D) DEED
- (R) RECORD
- ☆ LIGHT POLE
- ⊙ SANITARY SEWER MANHOLE
- ⊕ SANITARY SEWER CLEANOUT
- SANITARY SEWER LINE
- ⊕ UTILITY POLE
- ⊕ ELECTRIC METER
- ⊕ OVERHEAD ELECTRIC
- ⊕ UNDERGROUND ELECTRIC
- ⊕ GUY WIRE
- ⊕ TELEPHONE/COMMUNICATION MANHOLE
- ⊕ TELEPHONE PEDESTAL
- ⊕ CABLE TV RISER
- ⊕ CABLE TV LINE
- ⊕ PHONE/COMMUNICATION LINE
- ⊕ FIBER OPTIC LINE
- ⊕ WATER VALVE
- ⊕ WATER METER
- ⊕ WATER LINE
- ⊕ FIRE HYDRANT
- ⊕ GAS VALVE
- ⊕ GAS METER
- ⊕ GAS LINE
- ⊕ FENCE LINE (AS NOTED)
- ⊕ ROAD SIGN (STOP, SPEED LIMIT, ETC)

**ABBREVIATIONS:**

- XFMR TRANSFORMER
- ICV IRRIGATION CONTROL VALVE
- CI STORMWATER CURB INLET

**SIGN NOTES:**

The existing bill boards along Interstate 44 are separated by 490' to 690'. Section 36-454 (3) (j) of the zoning ordinance requires a minimum of 2,500 feet of separation. These bill boards are non-conforming and will be treated as such in accordance with the zoning ordinance.



**VICINITY MAP**  
 NOT TO SCALE

**PROPERTY DESCRIPTION:**

A tract of land being part of Lot 1 of the Northeast Fractional Quarter of the Northwest Fractional Quarter and a part of the Northwest Quarter of the Southeast Quarter of Section 4, Township 29 North, Range 21 West, City of Springfield, Greene County, Missouri, and being more particularly described as follows: Beginning at the Center of said Section 4, also being the Northwest corner of the Northwest Quarter of the Southeast Quarter of said Section and being the Northeast corner of North Creek Industrial Park First Addition Phase One; thence, North 87°09'23" West, along the South line of said Lot 1 of the Northwest Fractional Quarter, said line being the North line of North Creek Industrial Park First Addition Phase One, a distance of 1335.76 feet to an existing iron pin, said point being the Southeast corner of Northview Industrial Park; thence, North 01°31'51" East along the East line of said Northview Industrial Park a distance of 417.39 feet to an existing iron pin at the Northeast corner of said Northview Industrial Park; thence, North 87°09'36" West along the North line of said Northview Industrial Park a distance of 608.66 feet to a point on the Easterly line of New Prime Subdivision Phase One; thence North 02°54'08" East a distance of 60.00 feet to the South line of the Common Area of said Subdivision; thence, North 87°09'36" West, along and with said South line, a distance of 81.71 feet to the Southeast corner of Lot One of said subdivision; thence, North 01°28'59" East, along and with the East line of said Lot One, a distance of 664.74 feet to the Northeast corner of said Lot One, said point lying on the South right-of-way line of Interstate 44; thence, South 89°30'51" East, along and with said South line, a distance of 2440.07 feet to an iron pin, said pin being 150 feet right of Interstate 44 Station 1301+75; thence, South 80°57'49" E, continuing along and with said South line, a distance of 773.56 feet to an iron pin 265 feet right of Station 1309+40; thence, South 89°31'36" East, along and with said South line, a distance of 80.01 feet to an iron pin 265 feet right of Station 1310+20; thence, South 65°24'52" East, along and with said South line, a distance of 124.90 feet to a point lying 316 feet right of Station 1311+34; thence, South 03°03'16" West, leaving said South line, a distance of 1032.49 feet to an existing iron pin on the West right-of-way line of Mayfair Avenue; thence, South 02°50'39" West, along and with said West line, a distance of 83.28 feet; thence, North 87°09'21" West, along and with said West line, a distance of 37.44 feet; thence, South 01°33'35" West, along and with said West line, a distance of 226.27 feet to an existing iron pin; thence, North 87°10'33" West, a distance of 1310.32 feet to the East line of the Northwest Quarter of the Southeast Quarter of said Section 4; said line also being the East line of North Creek Industrial Park First Addition Phase One; thence, North 01°33'32" East, along and with said East line, a distance of 226.70 feet to the POINT OF BEGINNING, containing 92.77 acres, more or less and being subject to easements, restrictions or rights-of-way, if any.

**NOTES:**

Accuracy Standard: TYPE Urban Property

Source of Title: Book 2012, Page 28620-12  
 New Prime Subdivision Phase One

The utilities shown were compiled from existing mapping from City Services, field locates, and from other mapping/plans such as highway plans. The utilities shown are only to the extent of the available mapping and may not represent all utilities on site. Any particular areas that become of concern during design/planning should be researched further. All buried utilities shown are approximate only.

**LEE Engineering & Associates, L.L.C.**  
 1200 E. Woodhurst, Suite D200  
 Springfield, MO 65804  
 417-886-9100 (phone)  
 417-886-9336 (fax)

Missouri State Certificate of Authority  
 Engineering #2009015504  
 Land Surveying #2009028050

dlee@leeengineering.biz  
 "Engineering with Integrity"

DWG: New Prime Preliminary Plat.dwg  
 DATE: 01/18/2016

<b>PRELIMINARY PLAT</b> <b>NEW PRIME SUBDIVISION PHASE TWO</b>			
<b>Section 4, T29N, R21W</b> <b>Springfield, Greene County, Missouri</b>			
SURVEY BY TSJS	DESIGN LEE	SCALES HOR. 1"=200'	SHEET 1
FIELD BK	DRAWN DRB	VERT. N/A	OF 1 SHEETS
LEVEL BK	CHECKED DRB		FILE NO.

PROJECT NO.: 204

PLANNING AND ZONING DEPARTMENT  
INTEROFFICE MEMORANDUM

DATE: January 29, 2016  
TO: Planning and Zoning Commission Members  
FROM: Alana D. Owen, AICP, Senior Planner  
Planning and Development  
SUBJECT: Conditional Use Permit #417

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This is a request for approval of a Conditional Use Permit for a self-service storage facility within a GR, General Retail District at 506 West Edgewood Street. The applicant has requested to table this case to the March 3, 2016 meeting.

Please contact me at (417)864-1831 if you have any questions or need any additional information.

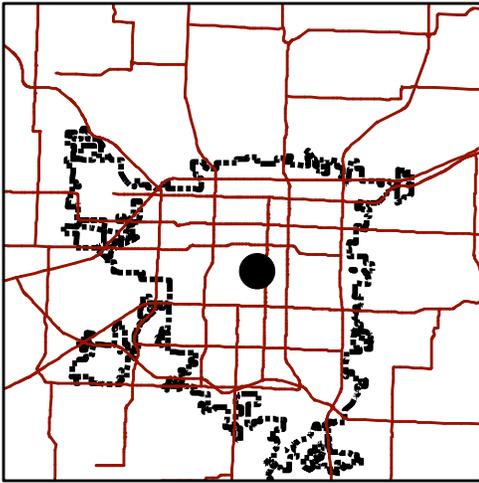
# Development Review Staff Report

Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

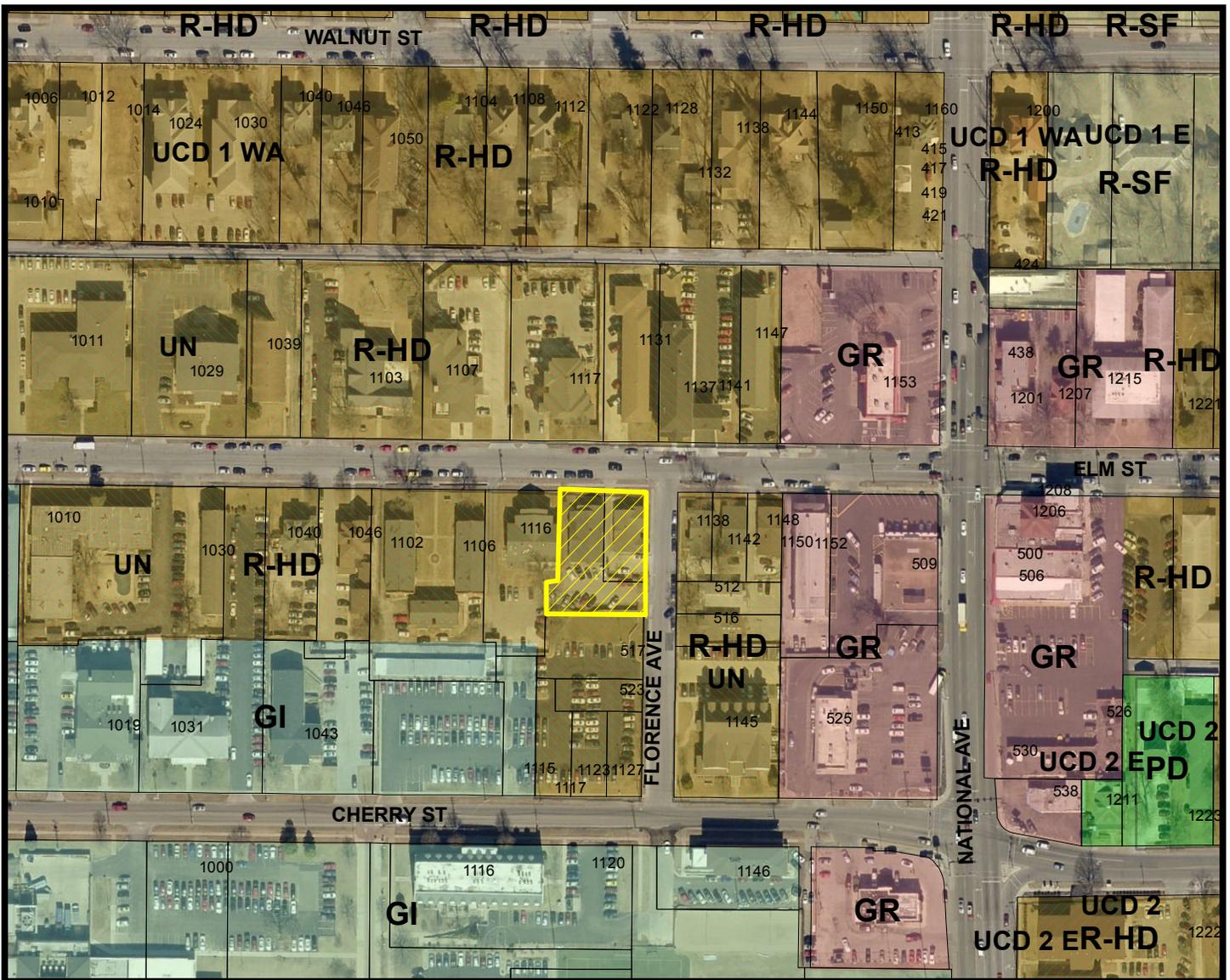
## Use Permit 419

Location: 1124 and 1130 E. Elm St.

Current Zoning: R-HD, High-Density Multi-Family Residential with UN Overlay District



### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT  
CONDITIONAL USE PERMIT 419

PURPOSE: To allow a reduction of the front yard setback along Elm Street within an R-HD, High-Density Multi-Family Residential District and UN, University Combining Overlay District generally located at 1124 and 1130 East Elm Street

REPORT DATE: January 26, 2016

LOCATION: 1124 & 1130 E. Elm St.

APPLICANT: Lantz 1124, LLC

TRACT SIZE: Approximately 0.38 acres

EXISTING USE: Vacant lot

PROPOSED USE: Fraternity

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for medium- or high-density housing. This land use category would accommodate townhouses and various forms of apartment buildings.
2. Approval of this request will provide for the productive use of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

RECOMMENDATION:

Staff recommends approval of this request with the following conditions:

1. The regulations and standards listed on Attachment 3 shall govern and control the use and development of the land in Use Permit Number 419 in a manner consistent with the attached site plan (Attachment 5).
2. The front yard setback along Elm Street may be reduced to eighteen (18) feet and the proposed fraternity building shall be located and constructed in substantial conformance to the attached site plan.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-HD w/ UN	Fraternity
East	R-HD w/ UN	Residence
South	R-UN w/ UN	Off-street parking
West	R-HD w/ UN	Fraternity

ZONING ORDINANCE REQUIREMENTS:

1. The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. In granting a conditional use, the Planning and Zoning Commission may recommend, and the City Council may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in the Zoning Ordinance to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood. The general standards for conditional use permits are listed in Attachment 3.
2. No conditional use permit shall be valid for a period longer than 18 months from the date City Council grants the conditional use permit, unless within this 18 months:
  - a. A building permit is obtained and the erection or alteration of a structure is started; or
  - b. An occupancy permit is obtained and the conditional use is begun.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for medium- or high-density housing. This category promotes townhouses and various forms of apartment buildings which have been located where there is good traffic access between Low-Density Housing and non-residential land uses and at high-amenity locations.

STAFF COMMENTS:

1. The applicant is requesting to reduce the front yard setback along Elm Street, a collector roadway, from twenty-five (25) feet to eighteen (18) feet. The reduced setback will allow the proposed fraternity building to be placed closer to Elm

Street which will permit more of the land to be used for the proposed development. In 2010, City Council passed General Ordinance 5861 to allow a reduction in the front yard setback along collector and higher classification roadways with the approval of a Conditional Use Permit. The proposed setback brings activity to the street and an edge along the sidewalk that promotes pedestrian activity and safety. The proposed setback does not create any sight or safety issues for travelers on adjacent roadways.

2. City Council has approved other similar requests for reduced front yard setbacks near the MSU campus specifically along Kimbrough Avenue and Bear Boulevard. The existing building at 1150 E. Elm St., which is also on the south side of Elm Street, is located approximately 17 feet from the front property line. This would be consistent with the proposed setback reduction on the subject property.
3. The properties at 1124 and 1130 E. Elm Street were recently combined following the administrative subdivision process. Development of this site will comply with all of the requirements of the Zoning Ordinance for the R-HD, High-Density Multi-Family Residential and UN, University Combining District other than the change to the setback being requested with this application. All requirements for parking, open space, bufferyards and height will be met with the development of this property.
4. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363(10) of the Zoning Ordinance. Any development of this property must also follow the R-HD and UN District requirements.
5. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on January 13, 2016, regarding the request for a conditional use permit. A summary of the meeting is attached (Attachment 4).

#### PUBLIC COMMENTS:

The property was posted by the applicant on January 19, 2016 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Thirteen (13) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL PUBLIC HEARING:

February 22, 2016

STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
DEPARTMENT COMMENTS  
CONDITIONAL USE PERMIT 419

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with the Conditional Use Permit.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No traffic issues with the reduced setback.

STORMWATER COMMENTS:

No stormwater issues with reduced setback.

CLEAN WATER SERVICES COMMENTS:

No impact on public sewer.

CITY UTILITIES:

No objections with Conditional Use Permit.

FIRE DEPARTMENT:

No comments.

ATTACHMENT 2  
REQUIREMENTS FOR CONDITIONAL USE PERMIT 419

1. The front yard setback along Elm Street may be reduced to eighteen (18) feet and the proposed fraternity building shall be located and constructed in substantial conformance with Attachment 5.
2. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.



304-B West Erie St. : Springfield, MO 65807  
417.501.8820 phone : 417.865.3033 fax  
[www.pinnaclecd.com](http://www.pinnaclecd.com)

## ATTACHMENT A

**36-363 (10) Standards – An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:**

With respect to all proposed conditional *uses*, to the extent applicable:

1. The proposed conditional use will be consistent with the adopted policies in the *Springfield Comprehensive Plan*; *The proposed conditional use is consistent with the adopted policies in the Springfield Comprehensive Plan.*
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site; *The safety of the motoring public and of pedestrians is not compromised by the conditional use.*
3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control; *The proposed conditional use will adequately provide for safety from fire measures and have effective measures of fire control as required by the current IFC.*
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage; *NA*
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district; *The proposed conditional use will not have noise characteristics that exceed sound levels that are typical of uses permitted as a matter of right in the district.*
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed; *Lighting from the proposed conditional use will not bleed off of the property.*
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site; *The characteristics of the proposed fraternity signage is appropriate for the site and will be similar to neighboring properties.*
8. Such signs will not have an adverse effect on any adjacent properties; *No adverse effects noted.*
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use; *No notable adverse effects to the existing street right-of-way.*

10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare; *The proposed conditional use does not have any notable adverse effect on neighboring properties and will be compatible with the nature of neighboring properties.*
11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
  - a. The location, nature and height of buildings, structures, walls and fences on the site; and *NA – see proposed site plan*
  - b. The nature and extent of landscaping and screening on the site; *NA – see proposed site plan.*
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site; *NA*
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance; *NA*
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards; *The conditional use otherwise complies with the items indicated above.*
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public; *NA*
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect; *Offstreet parking requirements are met per the submitted plans.*
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys; *NA*
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel; *NA*
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way; *Confirmed.*
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield; and *NA*
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the

establishment of the proposed use will provide adequately for such services. [NA](#)

## ATTACHMENT B

The design, arrangement, and operation of the requested conditional use will not affect the development and or use of neighboring property or properties, and is similar to other existing facilities in the neighborhood.

## ATTACHMENT C

There are no identifiable adverse effects that are associated with the proposed conditional use.

NEIGHBORHOOD MEETING SUMMARY

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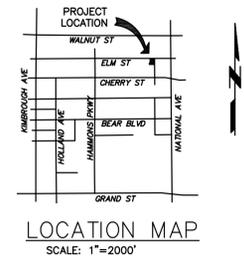
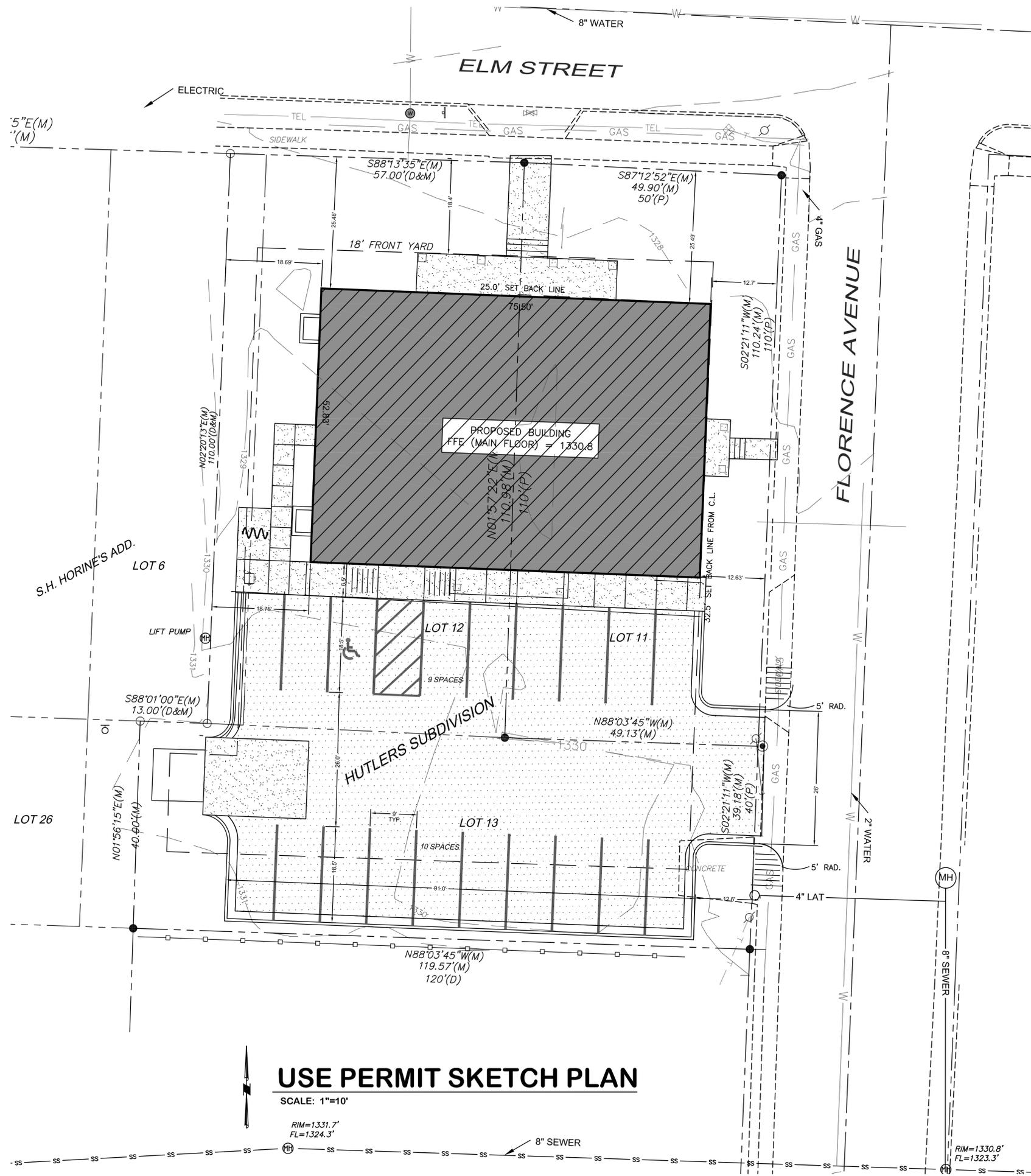
- 1. Conditional Use Permit for: 1124 E Elm
- 2. Meeting Date & Time: 1-13-16 4:00-6:00
- 3. Meeting Location: 1141 E. Elm
- 4. Number of invitations that were sent: ± 50
- 5. How was the mailing list generated: By City
- 6. Number of neighbors in attendance (attach a sign-in sheet): 0

7. List the verbal comments and how you plan to address any issues:  
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

NA

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

NA



**USE PERMIT INFORMATION:**

PREPARED BY:  
 PINNACLE DESIGN CONSULTANTS, LLC  
 ATTN: DAVID BODEEN, PE  
 304-B W. ERIE ST.  
 SPRINGFIELD, MO 65807

ZONING: R-HD w/ UNIVERSITY OVERLAY

USE REQUESTED:  
 FRONT YARD ENCROACHMENT FOR A PORCH /  
 BALCONY COVERED WITH A ROOF.

LOT SIZE: 16,540 S.F. = 0.38 AC.

**DESCRIPTION OF PROPERTY**  
 THAT CERTAIN PARCEL OR TRACT OF LAND COMPRISING OF LOTS 11, 12 AND A PORTION OF LOT 13 OF HUTLER'S SUBDIVISION, A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND A PORTION OF LOT 6 OF HORINE'S ADDITION, A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 11; THENCE S02°21'11\"/>

**USE PERMIT SKETCH PLAN**

SCALE: 1"=10'

RIM=1,331.7'  
 FL=1,324.3'

RIM=1,330.8'  
 FL=1,323.3'



**PINNACLE**  
 DESIGN CONSULTANTS  
 Civil, Structural, Engineering  
 304-B West Erie St. Springfield, Mo 65807  
 417.501.0522 Fax: 417.501.0533  
 www.pinnaclecd.com  
 © 2014 - PINNACLE DESIGN CONSULTANTS, L.L.C.

**Fraternity House**  
**1124 East Elm St.**  
**Springfield, MO**

**Larry D. Nelson, Architect**  
 3424 S. Rogers Ave. Springfield, MO 65804  
 Phone: 417.882.8122 Fax 417.882.8152  
 email: larrynelsonarchitect@mchsi.com

Date: 10-30-15

Sheet No.  
**C-1**



DEVELOPMENT REVIEW STAFF REPORT  
MAJOR THOROUGHFARE PLAN MAP AMENDMENT

DATE: January 25, 2016

PURPOSE: To amend Figure 20-2 and 20-9 in the City of Springfield Transportation Plan by adopting updates to the Major Thoroughfare Plan.

LOCATION: Various locations throughout the City of Springfield

APPLICANT: City of Springfield

FINDINGS FOR STAFF RECOMMENDATION:

1. The Springfield-Greene County Comprehensive Plan Transportation Plan Element was adopted by City Council on June 11, 2001. A portion of this document identifies the Major Thoroughfares within the City.
2. The Major Thoroughfare Plan represents future roadway functions. It is intended to provide an overall framework for making decisions on thoroughfare improvements and extensions. It identifies locations of future major transportation corridors and serves as a general guide for securing rights-of-ways. Future roads are shown in general locations, the actual location may vary.
3. The Major Thoroughfare Plan map currently exists as Figure 20-2 and Figure 20-9 in the Transportation Plan.
4. The proposed amendments are in compliance with the goals set forth in the Transportation Plan which are:
  - i. Identify and establish future thoroughfare systems that integrates land uses with transportation system needs.
  - ii. Recognize a distinct hierarchy of street classification as thoroughfare improvements and development definitions are made.
  - iii. Work with Ozarks Transportation Organization to review and update the plan every 5 years in conjunction with their Long Range Transportation Plan review/update.
5. Missouri State Statute Chapter 89.400.1 requires a municipality to file a certified copy of any adopted major street plan in the office of the county recorder. The city will file a copy of the Major Thoroughfare Plan with the Greene County Recorder's office upon adoption by the Planning & Zoning Commission and the Springfield City Council.

**RECOMMENDATION:**

Staff recommends adoption of the amended Major Thoroughfare Plan and subsequently amending Figure 20-2 and 20-9 in the Transportation Plan.

**PUBLIC COMMENTS:**

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing.

**CITY COUNCIL PUBLIC HEARING:**

February 22, 2016

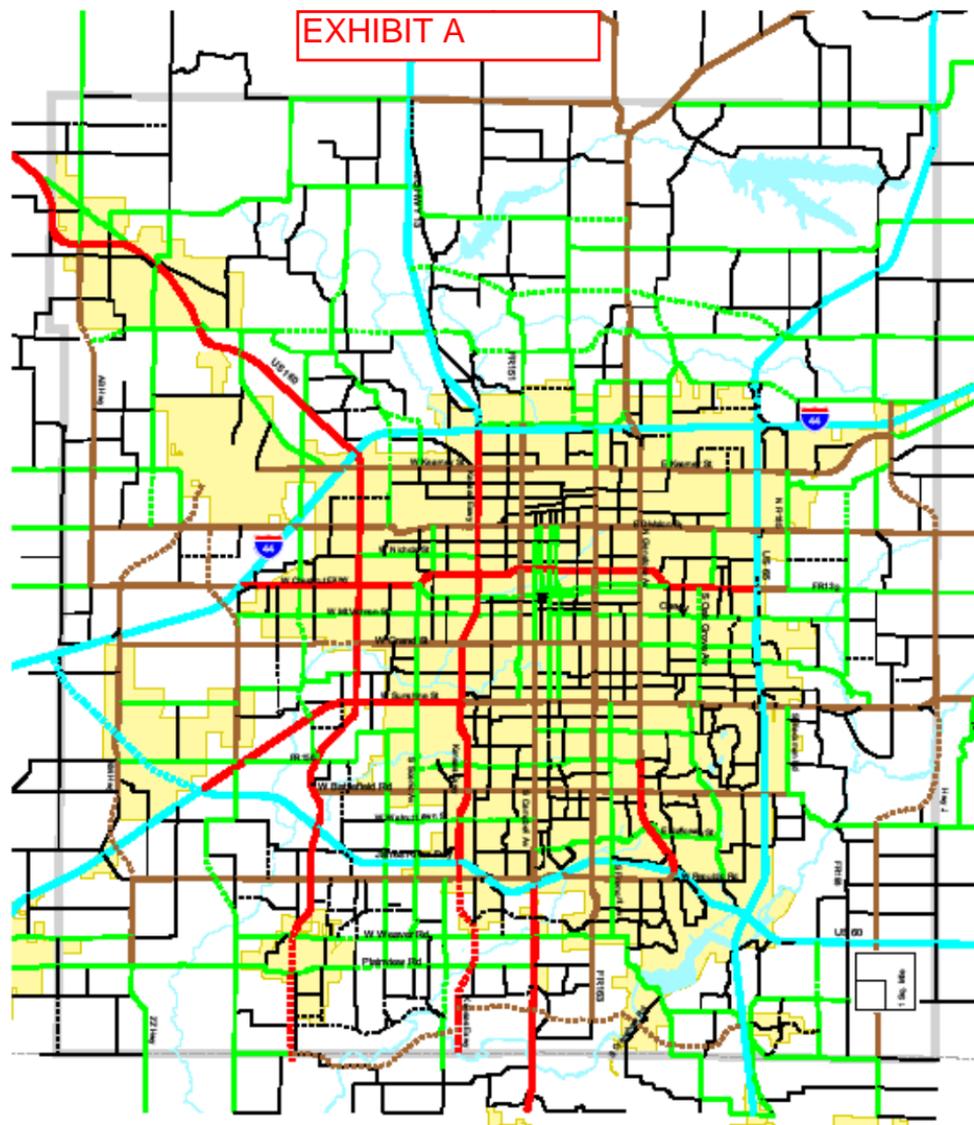
**STAFF CONTACT:**

Dawne Gardner, AICP  
Transportation Planner  
417-864-1863

**EXHIBITS:**

Exhibit A: Existing Major Thoroughfare Plan Map  
Exhibit B: Major Thoroughfare Plan Map with proposed amendments  
Exhibit C: Description of each change to the map

EXHIBIT A



- |   |                    |   |                   |
|---|--------------------|---|-------------------|
|  | COLLECTOR          |  | EXPRESSWAY        |
|  | FUTURE COLLECTOR   |  | FUTURE EXPRESSWAY |
|  | SECONDARY ARTERIAL |  | FREEWAY           |
|  | FUTURE SECONDARY   |  | FUTURE FREEWAY    |
|  | PRIMARY ARTERIAL   |  | MPO Boundary      |
|  | FUTURE ARTERIAL    |   |                   |

Figure 20-2  
Major Thoroughfare Plan

Recommended 6-lane facilities:

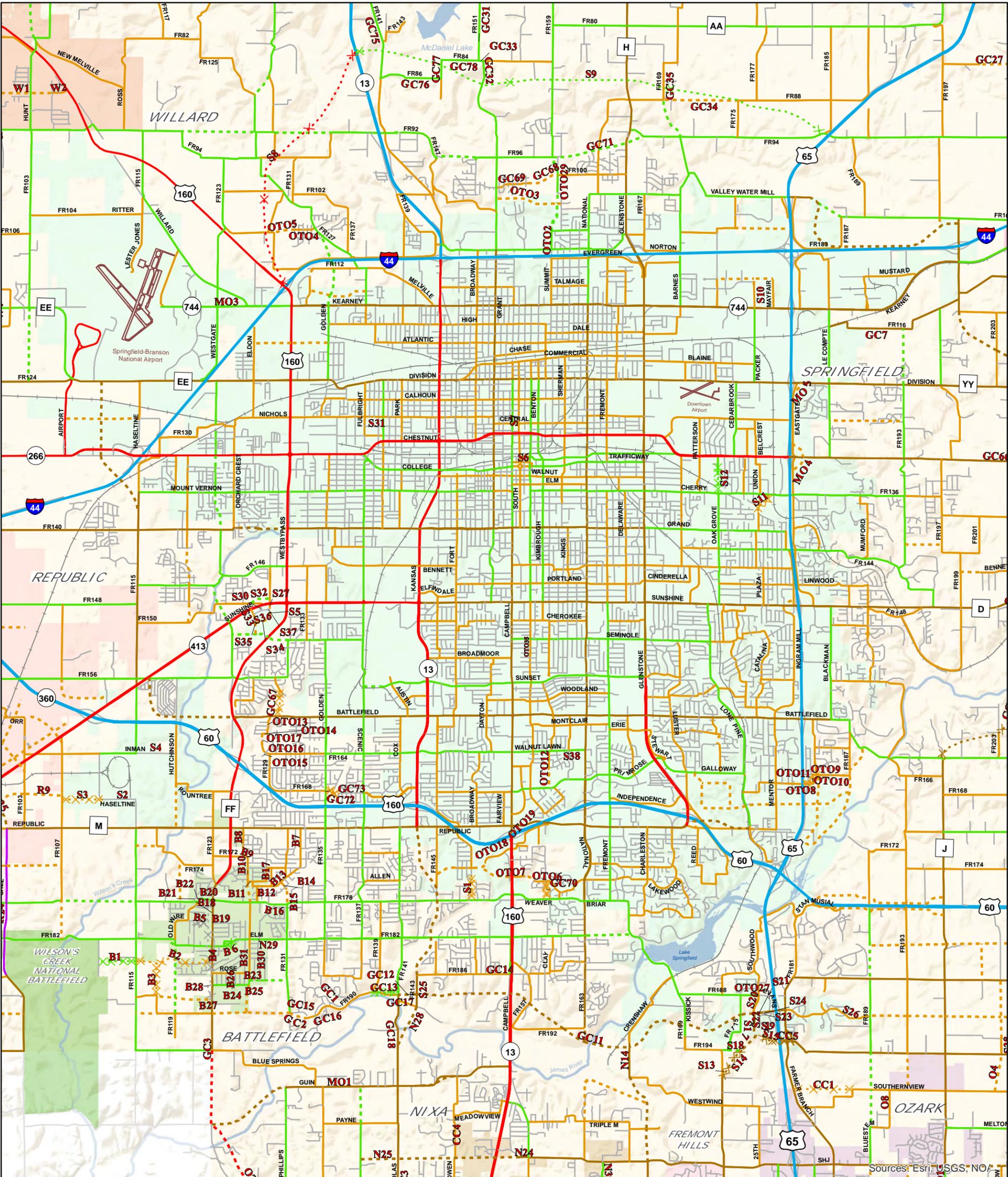
- Campbell from JRP to Christian County line
- US 65 from I-44 to Christian County line
- Kansas Expressway connection from I-44 to Christian County line



Springfield-Groene County  
Comprehensive Plan

# Springfield Major Thoroughfare Plan Jurisdictional Changes

Ozarks Transportation Organization



Sources: Esri, USGS, NOAA

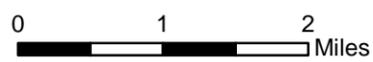
Existing Roads	Proposed Roads	Removals
Freeway	Future Expressway	Future Expressway
Expressway	Future Primary Arterial	Future Primary Arterial
Primary Arterial	Future Secondary Arterial	Future Secondary Arterial
Secondary Arterial	Future Collector	Future Collector
Collector	Future Local Street	Future Local Street
Boulevard		Collector
Local Street		Collector
Railroad		Collector
		<b>Other Boundaries</b>
		OTO Area

### DISCLAIMER

The Ozarks Transportation Organization is responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Missouri Department of Transportation (MoDOT), or the Ozarks Transportation Organization. This map does not constitute a standard, specification, or regulation.

The FHWA, FTA, OR MoDOT acceptance of this map does not constitute endorsement or approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

As each of the projects in the Major Thoroughfare Plan (MTP) is implemented, coordination, agreement, and independent approval of the participating local jurisdiction is required. No part of this MTP is to be interpreted as to diminish the authority of local jurisdictions in the area of land use and transportation.



## Exhibit C

### Springfield MTP Changes:

- S1. Remove the Future Collector between Weaver Road and Quail Creek Avenue
- S2. Reclassify South Farm Road 115/ South Haseltine Road from West Farm Road 164 to West State Highway M: Secondary Arterial to Local Street.
- S3. Remove the Future Collector between South Haseltine Road/South Farm Road 115 and S Farm Road 107.
- S4. Reclassify West Inman Road from South Hutchinson Road to South Haseltine Road: Collector to Local Street.
- S5. Realign the Future Collector from Zimmer Avenue to the Future Collector connecting to the Future Collector that will be McCurry Avenue.
- S6. Reclassify East Olive Street between East Saint Louis Street and North Campbell Avenue: Secondary Arterial to Collector.
- S7. Reclassify North Boonville Avenue between Park Central North and West Division Street: Secondary Arterial to Collector.
- S8. Remove the Future Expressway between I44/US160 intersection and North State Highway 13.
- S9. Remove the Future Secondary Arterial between North State Highway 13 and East Farm Road 94.
- S10. Reclassify the Future Collector between East Kearney Street and approximately 1/10 of a mile South of East Jean Street: Future Collector to Existing Collector.
- S11. Remove the Future Collector between East Cherry Street and South Devonshire Dr.
- S12. Remove the Future Secondary Arterial between East Cherry Street and the intersection of North Oak Grove Avenue/East Saint Louis Street.
- S13. Remove the Future Collector at a point on North Fremont approximately 530 feet north of East Sun Valley.
- S14. Remove the Future Primary Arterial between the intersection of North Fremont/East Sun Valley and the Future Secondary Arterial that extends east from South Farm Road 175.
- S15. Remove the Future Primary Arterial intersecting US Highway 65 at a point approximately 0.41 miles south of East Evans Road.
- S16. *Placeholder*
- S17. Realign the future Primary Arterial between South Southwood Road and the future Secondary Arterial that intersects South Farm Road 175 (S18).
- S18. Realign the future Secondary Arterial intersecting South Farm Road 175 at a point approximately 511 feet east of North Fremont to avoid a body of water.

- S19. Realign East Farm Road 188 to connect to South Southwood Road.
- S20. Add South Southwood Road between East Evans Road and the roundabout at East Riverbluff Boulevard: Collector. Remove the future Collector in the along the same roadway.
- S21. Add East Riverbluff Boulevard between East Evans Road and the roundabout at South Southwood Road: Primary Arterial. Remove the future Primary Arterial along the same roadway.
- S22. Add South Southwood Road South of the roundabout at South Southwood Road and East Riverbluff Boulevard: Primary Arterial. Remove portion of future Primary Arterial over the same portion of the roadway.
- S23. Add Local Street between points approximately 0.08 miles east and 0.23 miles east of South Southwood Road along East Farm Road 188.
- S24. Add Local Street between East Riverbluff Boulevard and Local Street surrounding the Mercy Medical Center.
- S25. Reclassify South Farm Road 143 between West Twin Bridges Lane and East Farm Road 186: Collector to Primary Arterial.
- S26. Reclassify East Millwood Drive between South Farm Road 189 and South Lookout Ridge Drive: Local Street to Collector.
- S27. Reclassify South Walmart Access road at the intersection of East Sunshine Street and South Farm Road 129: Local Street to Collector.
- S28. Reclassify South Farm Road 203 between East County Line Road and East Farm Road 192: Local Street to Collector.
- S29. *Placeholder*
- S30. Add a Future Local Street connecting Washita Street to West Sunshine Street.
- S31. Reclassify West Nichols Street between South West By Pass and North Kansas Expressway: Secondary Arterial to Collector.
- S32. Add a future Secondary Arterial between South Farm Road 129 and West Farm Road 148.
- S33. Add McCurry Avenue as a completed Collector between West Sunshine Street and Washita St.
- S34. Add a Future Collector connecting the future extension of Zimmer Avenue to the future extension of McCurry Avenue.
- S35. Add a Future Collector extending McCurry Avenue south to the Future Secondary Arterial that connects West Seminole Street to South Farm Road 123.
- S36. Add an existing Local Street named Washita Street between McCurry Avenue and approximately 164 feet west of Zimmer Avenue.
- S37. Add a Future Local Street extending Washita Street east to Zimmer Ave.

- S38. Reclassify West Walnut Lawn Street between South Campbell Avenue and South National Avenue: Collector to Secondary Arterial.

**Other Changes near Springfield:**

**OTO Staff changes:**

- OTO2. Reclassify North Summit Avenue between North Norton Road and East Smith Street: Local Street to Secondary Arterial. Remove portion of future Secondary Arterial to end at the intersection of North Summit Avenue/East Smith Street.
- OTO3. Realign the future Collector running east located approximately 0.18 miles north of West Farm Road 102 along North Farm Road 151.
- OTO4. Reclassify West Smith Street between North Ohara Avenue and a point approximately 126 feet west of North Western Avenue: Local Street to Collector.
- OTO5. Realign the future Collector between West Smith Street and the intersection of West Farm Road 106/North Farm Road 125.
- OTO6. Reclassify East Lakewood Street between South Roanoke Avenue and a point approximately 170 feet east of South Holland Ave: Local Street to Collector. Realign the future Collector to line up with East Lakewood Street.
- OTO7. Reclassify the portion of West 160 Outer Road the spans approximately 233 feet west of West Lakewood Street: Local Street to Collector. Realign future Collector to line up with this intersection.
- OTO8. Reclassify East Gasconade Street between South U.S. Highway 65 and South Bedford Avenue: Local Street to Collector.
- OTO9. Reclassify East El Dorado Street between South Bedford Avenue and a point approximately 38 feet east of South Woodstock Drive: Local Street to Collector.
- OTO10. Add a Collector named South Bedford Avenue between East Gasconade Street and East El Dorado Street.
- OTO11. Remove the future Collector runs between South U.S. Highway 65 and East El Dorado Street.
- OTO12. Add an extension segment to South Kimbrough Avenue heading south approximately 126 feet from East Powell Street.
- OTO13. Reclassify South Anabranh Boulevard between West Battlefield Road and West Rockwood Street: Local Street to Collector.
- OTO14. Reclassify West Rockwood Street between South Anabranh Boulevard and South Barrington Avenue: Local Street to Collector.
- OTO15. Reclassify South Barrington Avenue between South Farm Road 129 and a point approximately 643 feet northwest of West Greenway Drive: Local Street to Collector.

- OTO16. Realign future Collector to complete South Barrington Avenue.
- OTO17. Add portion of South Barrington Avenue to connect future Collector (OTO18) and West Rockwood Street.
- OTO18. Reclassify West El Camino Alto Drive between East Monastery Street and a point approximately 0.38 miles west of South Lyon Avenue: Local Street to Collector.
- OTO19. Reclassify East Monastery Street between West El Camino Alto Drive and South Roanoke Avenue: Local Street to Collector.
- OTO27. Reclassify East Evans Road between South Southwood Road and East Riverbluff Boulevard: Secondary Arterial to Local Street.
- OTO29. Reclassify North Farm Road 159 between points approximately 0.05 miles north of East Farm Road 100 and 0.24 miles south of East Farm Road 100: Local Street to Secondary Arterial.

**MoDOT:**

- MO1. Reclassify State Highway AA between Shoemaker and Phillips: Collector to Primary Arterial.
- MO3. Reclassify West Kearney Street between Springfield Branson National Airport and U.S. Highway 160: Primary Arterial to Secondary Arterial.
- MO4. Add a future Collector for the realignment of North Eastgate Avenue at the intersection with West Chestnut Expressway.
- MO5. Add a future Collector for the realignment of North Eastgate Avenue at the intersection with East Division Street.

**PLANNING AND DEVELOPMENT DEPARTMENT  
DEVELOPMENT REVIEW OFFICE  
MEMORANDUM**

DATE: January 28, 2016  
TO: Planning and Zoning Commission  
FROM: Bob Hosmer, AICP Principal Planner  
SUBJECT: East West Arterial Mapping

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This is a request for the East West Arterial Mapping between US Highway 65 and Riverbluff Boulevard to Kissick Avenue (Farm Road 169). Staff is requesting that this agenda item (number 16) be tabled until the March 3, 2016 Planning and Zoning Commission meeting.

Please contact us if you have any questions or need more information on this request.

**PLANNING AND DEVELOPMENT DEPARTMENT  
DEVELOPMENT REVIEW SERVICES  
MEMORANDUM**

DATE: January 28, 2016

TO: Planning and Zoning Commission

FROM: Bob Hosmer, AICP  
Principal Planner

SUBJECT: Initiate changes to term limits for Planning and Zoning Commissioners

---

Currently, the Planning and Zoning Commission members may be reappointed for a maximum of two, four year terms (see attached Zoning Ordinance language).

Staff is proposing removing the maximum two term limits but still require that members be subject to the reappointment process after every two, four year term. Currently there are no term limits on the number of terms citizens may serve on other City boards and commission. This amendment will increase continuity and provide for more experienced Commission membership.

Staff believes that amendments to the Zoning Ordinance, to remove the term limits, should be initiated and brought back to the Planning and Zoning Commission for discussion and consideration of these changes.

One-rdg. \_\_\_\_\_  
P. Hrngs.   X    
Pgs.   8    
Filed:   09-22-15  

Sponsored by:   Burnett  

First Reading:   September 28, 2015  

Second Reading:   October 12, 2015  

AMENDED  
COUNCIL BILL NO.   2015 - 266  

GENERAL ORDINANCE NO.   6235  

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 36, Land Development Code; Article I,  
2 Zoning Ordinance; Subsection 3-2001, Composition of the Commission, to  
3 extend the term limits of the Planning and Zoning Commissioners to four  
4 years in concert with state law. (Both Planning and Zoning Commission  
5 and staff recommend approval.)  
6  
7

8 WHEREAS, the Planning and Zoning Commission initiated an amendment to the  
9 term limits for Planning and Zoning Commissioners at its meeting on August 6, 2015;  
10 and  
11

12 WHEREAS, the amendment will bring the Zoning Ordinance into conformance  
13 with state law, which requires that Planning Commission members serve for terms of  
14 four years; and  
15

16 WHEREAS, following proper notice, a public hearing was held before the  
17 Planning and Zoning Commission on September 10, 2015; and the Commission  
18 recommended the amendment with a vote of 7 in favor and 0 against.  
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
21 SPRINGFIELD, MISSOURI, as follows, that:  
22

23 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.  
24

25 Section 1 – The Springfield City Code, Chapter 36, Land Development Code;  
26 Article I, Zoning Ordinance; Subsection 3-2001, Composition of the Commission, is  
27 hereby amended by as set forth in “Exhibit A-1,” incorporated herein by reference as  
28 though fully set forth. This section shall be numbered in accordance with “Exhibit A-1”  
29 unless the codifier of such Zoning Ordinance shall assign to it a different section  
30 number.  
31

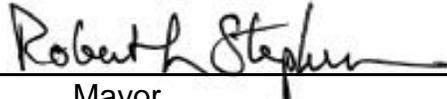
32 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to  
33 affect any suit or proceeding now pending in any court or any rights acquired or liability

34 incurred nor any cause or causes of action occurred or existing, under any act or  
35 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,  
36 impaired, or affected by this ordinance.

37  
38 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or  
39 phrase of this ordinance is for any reason held to be invalid, such decision shall not  
40 affect the validity of the remaining portions of this ordinance. The Council hereby  
41 declares that it would have adopted the ordinance and each section, subsection,  
42 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
43 sections, subsections, sentences, clauses, or phrases be declared invalid.

44  
45 Section 4 – This ordinance shall be in full force and effect from and after  
46 passage.

47  
48 Passed at meeting: October 12, 2015

49  
50   
51 \_\_\_\_\_  
52 Mayor

53  
54 Attest: , City Clerk

55  
56  
57 Filed as Ordinance: October 12, 2015

58  
59 Approved as to form: , Assistant City Attorney

60  
61 Approved for Council Action: , City Manager

64

**EXPLANATION TO COUNCIL BILL NO: 2015- 266**

FILED: 09-22-15

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Subsection 3-2001, Composition of the Commission, of the Zoning Ordinance to extend the term limits of Planning and Zoning Commissioners to four years to be consistent with state law. (Staff recommends approval.)

**BACKGROUND INFORMATION:**

The Planning and Zoning Commission initiated amendments to the Planning and Zoning Commissioners' term limits at its meeting on August 6, 2015.

Missouri State Law, City Charter and Zoning Ordinance are in conflict as to the term limits of Planning and Zoning Commissioners. Currently our City Charter and Zoning Ordinance state that the term of a Planning and Zoning Commissioner is three years, while state statutes require four years.

Staff is proposing a zoning text amendment to change the zoning ordinance language for term limits of Planning and Zoning Commissioners from three years to four years.

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments.

**REMARKS:**

The Planning and Zoning Commission held a public hearing on September 10, 2015, and recommended **approval**, by a vote of 7 to 0, of the proposed changes to the Zoning Ordinance described in Exhibit A-1.

The Planning and Development Staff recommends approval of the proposed amendments on Exhibit A-1.

**FINDINGS FOR STAFF RECOMMENDATION:**

1. The proposed amendments will align the state and local requirements for the Planning and Zoning Commission.
2. The Growth Management and Land Use Element of the Comprehensive Plan states that the regulation of land use and design through Zoning Ordinances is granted to the City of Springfield by the State of Missouri.

3. 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.

Submitted by:



Daniel Neal, Senior Planner

Reviewed by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

- Exhibit A-1, Proposed P&Z Term Limit Amendments Redlined Version
- Exhibit A-2, Proposed P&Z Term Limit Amendments Clean Version
- Exhibit A-3, Proposed P&Z Term Limit Amendments Current Text

## RECORD OF PROCEEDINGS

**GENERAL INFORMATION:** Planning & Zoning Commissioner Term Limits Amendments  
(City-wide)

This is a request to extend the Planning and Zoning Commissioners term limit to four to be consistent with state law.

**COMMISSION HEARING:** September 10, 2015

Mr. Hosmer explained this request is to amend Subsection 3-2001, Composition of the Commission, of the Zoning Ordinance to extend the Planning and Zoning Commissioners term limit to four to be consistent with state law. Planning and Zoning Commission initiated amendments to the Planning and Zoning Commission term limits at their meeting on August 6, 2015. The Missouri State Law, City Charter, and Zoning Ordinance are in conflict as to the term limits of Planning and Zoning Commissioners. Currently our City Charter and Zoning Ordinance state that the terms of a Planning and Zoning Commissioner are three years, while the state requires four years. Staff is proposing a zoning text amendment to change the zoning ordinance language for term limits of Planning and Zoning Commissioners from three years to four years. Staff recommends approval.

Mr. Baird opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

### COMMISSION ACTION:

Ms. Cox motioned to **approve** Planning & Zoning Commissioner Term Limits Amendments. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: White and Edwards.



---

Bob Hosmer  
Principal Planner

EXHIBIT A-1  
P&Z TERM LIMIT AMENDMENTS  
PROPOSED CHANGES TO ZONING ORDINANCE

Note: Language to be added is underlined and language to be removed is ~~strikethrough~~

**Section 3-2000. Planning and Zoning Commission.**

3-2001. **Composition of Commission.** The Planning and Zoning Commission shall be constituted in accordance with *Section 11.1, Article XI, Springfield City Charter*. Members shall be appointed by the City Council and shall serve without compensation. Members appointed on or after October 12, 2015, shall hold office for a term of four~~three~~ years. Members may be reappointed for a maximum of two (2) ~~four~~three-year terms. The Commission shall elect a chairman from its appointed members.

EXHIBIT A-2  
PLANNING AND ZONING COMMISSION TERM LIMIT AMENDMENTS  
FINAL LANGUAGE AFTER PROPOSED CHANGES

**Section 3-2000. Planning and Zoning Commission.**

- 3-2001.       **Composition of Commission.** The Planning and Zoning Commission shall be constituted in accordance with *Section 11.1, Article XI, Springfield City Charter*. Members shall be appointed by the City Council and shall serve without compensation. Members shall hold office for a term of four (4) years. Members may be reappointed for a maximum of two (2) four-year terms. The Commission shall elect a chairman from its appointed members.

One-rdg. \_\_\_\_\_  
P. Hrngs.   X    
Pgs.   8    
Filed:   09-22-15  

Sponsored by:   Burnett  

First Reading:   September 28, 2015  

Second Reading:   October 12, 2015  

AMENDED  
COUNCIL BILL NO.   2015 - 266  

GENERAL ORDINANCE NO.   6235  

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 36, Land Development Code; Article I,  
2 Zoning Ordinance; Subsection 3-2001, Composition of the Commission, to  
3 extend the term limits of the Planning and Zoning Commissioners to four  
4 years in concert with state law. (Both Planning and Zoning Commission  
5 and staff recommend approval.)  
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8 WHEREAS, the Planning and Zoning Commission initiated an amendment to the  
9 term limits for Planning and Zoning Commissioners at its meeting on August 6, 2015;  
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11

12 WHEREAS, the amendment will bring the Zoning Ordinance into conformance  
13 with state law, which requires that Planning Commission members serve for terms of  
14 four years; and  
15

16 WHEREAS, following proper notice, a public hearing was held before the  
17 Planning and Zoning Commission on September 10, 2015; and the Commission  
18 recommended the amendment with a vote of 7 in favor and 0 against.  
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21 SPRINGFIELD, MISSOURI, as follows, that:  
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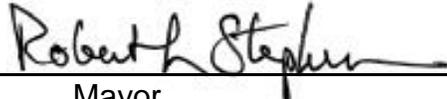
32 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to  
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35 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,  
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37  
38 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or  
39 phrase of this ordinance is for any reason held to be invalid, such decision shall not  
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41 declares that it would have adopted the ordinance and each section, subsection,  
42 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
43 sections, subsections, sentences, clauses, or phrases be declared invalid.

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45 Section 4 – This ordinance shall be in full force and effect from and after  
46 passage.

47  
48 Passed at meeting: October 12, 2015

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50   
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52 Mayor

53  
54 Attest: , City Clerk

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56 Filed as Ordinance: October 12, 2015

57  
58  
59 Approved as to form: , Assistant City Attorney

60  
61 Approved for Council Action: , City Manager

62  
63  
64

**EXPLANATION TO COUNCIL BILL NO: 2015- 266**

FILED: 09-22-15

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Subsection 3-2001, Composition of the Commission, of the Zoning Ordinance to extend the term limits of Planning and Zoning Commissioners to four years to be consistent with state law. (Staff recommends approval.)

**BACKGROUND INFORMATION:**

The Planning and Zoning Commission initiated amendments to the Planning and Zoning Commissioners' term limits at its meeting on August 6, 2015.

Missouri State Law, City Charter and Zoning Ordinance are in conflict as to the term limits of Planning and Zoning Commissioners. Currently our City Charter and Zoning Ordinance state that the term of a Planning and Zoning Commissioner is three years, while state statutes require four years.

Staff is proposing a zoning text amendment to change the zoning ordinance language for term limits of Planning and Zoning Commissioners from three years to four years.

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments.

**REMARKS:**

The Planning and Zoning Commission held a public hearing on September 10, 2015, and recommended **approval**, by a vote of 7 to 0, of the proposed changes to the Zoning Ordinance described in Exhibit A-1.

The Planning and Development Staff recommends approval of the proposed amendments on Exhibit A-1.

**FINDINGS FOR STAFF RECOMMENDATION:**

1. The proposed amendments will align the state and local requirements for the Planning and Zoning Commission.
2. The Growth Management and Land Use Element of the Comprehensive Plan states that the regulation of land use and design through Zoning Ordinances is granted to the City of Springfield by the State of Missouri.

3. 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.

Submitted by:



Daniel Neal, Senior Planner

Reviewed by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

#### EXHIBITS:

- Exhibit A-1, Proposed P&Z Term Limit Amendments Redlined Version
- Exhibit A-2, Proposed P&Z Term Limit Amendments Clean Version
- Exhibit A-3, Proposed P&Z Term Limit Amendments Current Text

## RECORD OF PROCEEDINGS

**GENERAL INFORMATION:** Planning & Zoning Commissioner Term Limits Amendments  
(City-wide)

This is a request to extend the Planning and Zoning Commissioners term limit to four to be consistent with state law.

**COMMISSION HEARING:** September 10, 2015

Mr. Hosmer explained this request is to amend Subsection 3-2001, Composition of the Commission, of the Zoning Ordinance to extend the Planning and Zoning Commissioners term limit to four to be consistent with state law. Planning and Zoning Commission initiated amendments to the Planning and Zoning Commission term limits at their meeting on August 6, 2015. The Missouri State Law, City Charter, and Zoning Ordinance are in conflict as to the term limits of Planning and Zoning Commissioners. Currently our City Charter and Zoning Ordinance state that the terms of a Planning and Zoning Commissioner are three years, while the state requires four years. Staff is proposing a zoning text amendment to change the zoning ordinance language for term limits of Planning and Zoning Commissioners from three years to four years. Staff recommends approval.

Mr. Baird opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

### COMMISSION ACTION:

Ms. Cox motioned to **approve** Planning & Zoning Commissioner Term Limits Amendments. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: White and Edwards.



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Bob Hosmer  
Principal Planner

EXHIBIT A-1  
P&Z TERM LIMIT AMENDMENTS  
PROPOSED CHANGES TO ZONING ORDINANCE

Note: Language to be added is underlined and language to be removed is ~~strikethrough~~

**Section 3-2000. Planning and Zoning Commission.**

3-2001. **Composition of Commission.** The Planning and Zoning Commission shall be constituted in accordance with *Section 11.1, Article XI, Springfield City Charter*. Members shall be appointed by the City Council and shall serve without compensation. Members appointed on or after October 12, 2015, shall hold office for a term of four~~three~~ (~~4~~3) years. Members may be reappointed for a maximum of two (2) ~~four~~three-year terms. The Commission shall elect a chairman from its appointed members.

EXHIBIT A-2  
PLANNING AND ZONING COMMISSION TERM LIMIT AMENDMENTS  
FINAL LANGUAGE AFTER PROPOSED CHANGES

**Section 3-2000. Planning and Zoning Commission.**

- 3-2001.       **Composition of Commission.** The Planning and Zoning Commission shall be constituted in accordance with *Section 11.1, Article XI, Springfield City Charter*. Members shall be appointed by the City Council and shall serve without compensation. Members shall hold office for a term of four (4) years. Members may be reappointed for a maximum of two (2) four-year terms. The Commission shall elect a chairman from its appointed members.

EXHIBIT A-3  
PLANNING AND ZONING COMMISSION TERM LIMIT AMENDMENTS  
EXISTING LANGUAGE IN ZONING ORDINANCE

**Section 3-2000. Planning and Zoning Commission.**

- 3-2001.       **Composition of Commission.** The Planning and Zoning Commission shall be constituted in accordance with *Section 11.1, Article XI, Springfield City Charter*. Members shall be appointed by the City Council and shall serve without compensation. Members shall hold office for a term of three (3) years. Members may be reappointed for a maximum of two (2) three-year terms. The Commission shall elect a chairman from its appointed members.