

One-rdg. \_\_\_\_\_  
P. Hrngs. 09-22-14  
Pgs. 19-22  
Filed: 09-16-14

Sponsored by: Compton

First Reading: September 22, 2014

Second Reading: October 13, 2014

COUNCIL BILL NO. 2014 - 206

GENERAL ORDINANCE NO. 6144

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 1-1600, Zoning Maps, by  
2 rezoning approximately 0.62 acres of property generally located at 430,  
3 438, and 444 East Elm Street from an R-HD, High-Density Multi-Family  
4 Residential District, to a CC, Center City District, and establishing  
5 Conditional Overlay District No. 80 (Planning and Zoning Commission and  
6 staff recommend approval).  
7  
8

9 WHEREAS, an application has been filed for a zoning change on approximately  
10 0.62 acres of property, generally located at 430, 438, and 444 East Elm Street, from an  
11 R-HD, High-Density Multi-Family Residential District, to a CC, Center City District, and  
12 establishing Conditional Overlay District No. 80; and  
13

14 WHEREAS, the owners of all the properties have petitioned for creation of a  
15 Conditional Overlay District in accordance with the provisions of Section 4-2700 of Article  
16 I of the Land Development Code (Zoning Ordinance); and  
17

18 WHEREAS, following proper notice, a public hearing was held before the Planning  
19 and Zoning Commission, a copy of the Record of Proceedings from said public hearing  
20 being attached hereto as "Exhibit A", and said Commission made its recommendation;  
21 and  
22

23 WHEREAS, proper notice was given of a public hearing before the City Council  
24 and that said hearing was held in accordance with the law.  
25

26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
27 SPRINGFIELD, MISSOURI, as follows, that:  
28

29 Section 1 - The property described on "Exhibit B" of this ordinance be, and the  
30 same hereby is, rezoned from an R-HD, High-Density Multi-Family Residential District, or  
31 such zoning district as is designated on the Official Zoning Map adopted by the City  
32 Council, to an CC, Center City District, and establishing Conditional Overlay District No.  
33 80, and the Springfield Land Development Code, Section 1-1600 thereof, Zoning Maps,  
34 is hereby amended, changed, and modified accordingly.  
35



**SUPPLEMENTAL EXPLANATION TO COUNCIL BILL NO. 2014-206**

ORIGINATING DEPARTMENT: LAW

PURPOSE: Report on Protest to Rezoning

BACKGROUND: Six protest petitions have been timely filed with the City Clerk. A report was prepared by the Public Works Department and filed with the City Attorney's Office on October 9, 2014, indicating that the protest petitions have exceeded the 30 percent threshold requirement of the statute, since 45.7 percent of the property within 185 feet of the property to be rezoned have protested the rezoning.

REMARKS: The protest petitions filed in opposition to the rezoning are sufficient to trigger a 2/3 majority for approval, having reached the 30 percent statutory requirement. Therefore, a vote of six members of City Council is required to approve this Council bill.

Section 2-57 of the Springfield City Code states that a zoning amendment may not be considered until at least two councilmembers more than are required to pass the Council bill are present (in this case, eight members must be present), unless two meetings shall pass at which the amendment would otherwise have been on final passage. After two such meetings, six members of the Council at the third meeting may place the matter on final passage.

Submitted by:

  
Sarah Kerner, Assistant City Attorney

Approved by:

  
Collin Quiqley, Assistant City Manager

October 9, 2014

Sarah Kerner  
City Attorney's Office

RE: Protest Petitions for Z-17-2014

Dear Sarah,

After examining the protest petitions and properties surrounding the subject properties at 430, 438, and 444 East Elm Street, I find the percentage of petitioners land lying within the 185 FT buffer to be 45.7% (86,539SF). The total number of properties choosing to protest within the buffer area is six.

The eligible protesters choosing to sign the petition are:

<u>PROPERTY ADDRESS</u>	<u>OWNER NAME</u>
433 E ELM ST	ONE HUNDRED TWO GLENSTONE, INC
439 E ELM ST	ONE HUNDRED TWO GLENSTONE, INC
501 E ELM ST	ONE HUNDRED TWO GLENSTONE, INC
507 E ELM ST	ONE HUNDRED TWO GLENSTONE, INC
422 E ELM ST	ONE HUNDRED TWO GLENSTONE, INC
437 E CHERRY STREET	CHERRY PROPERTIES, LTD

Please find an attached illustration of the proposed zoning area. Let me know if you have any questions or need additional information.

Sincerely,



Brandon Braun  
Public Works Transportation Engineering

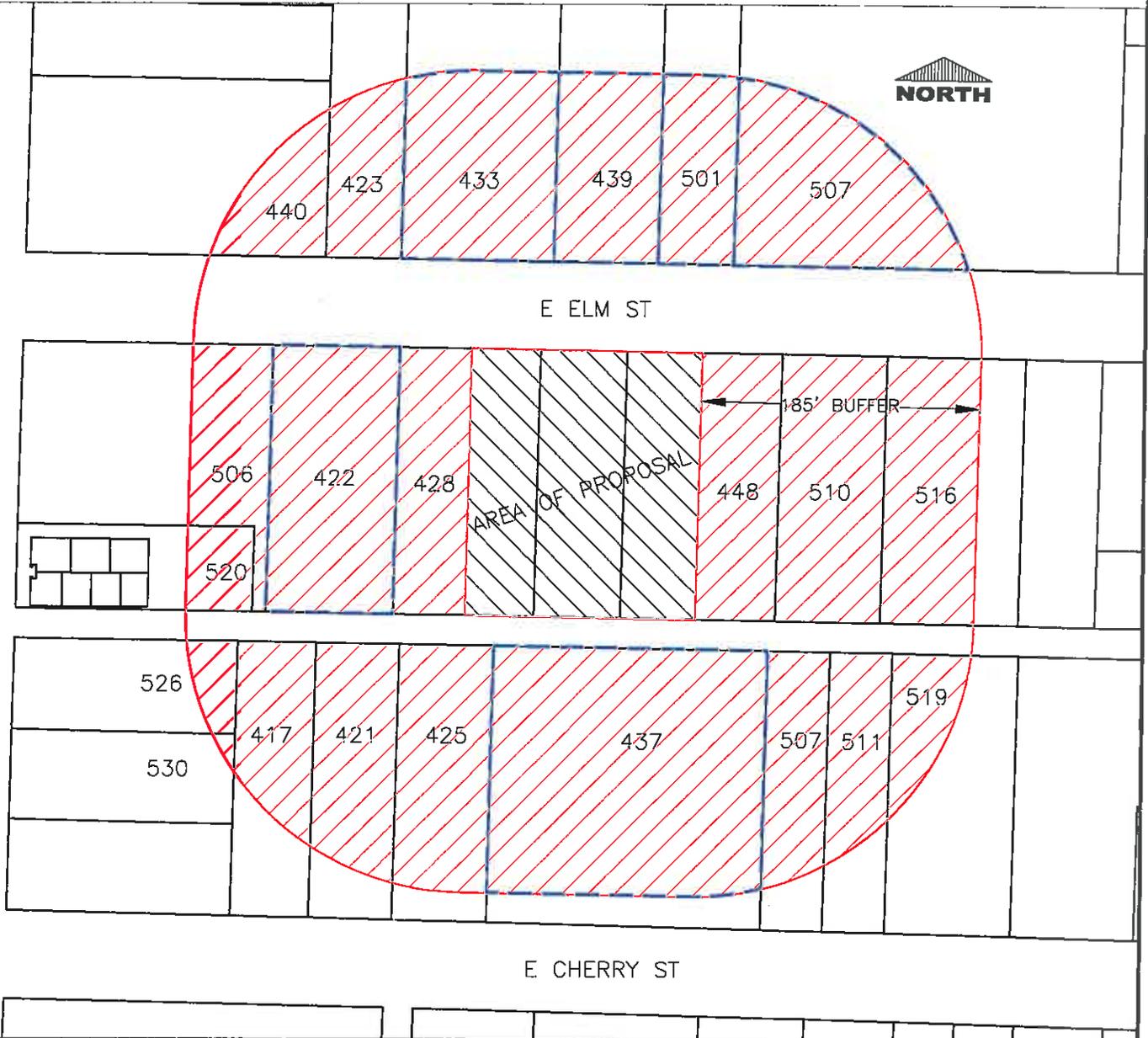
Department of Public Works  
Busch Municipal Building • 840 Boonville Avenue, P.O. Box 8368  
Springfield, Missouri 65801 • 417-864-1901 • springfieldmo.gov



# Z-17-2014



S JEFFERSON AVE



TOTAL AREA FOR PROTESTERS & NON PROTESTERS: 189,360 SF



TOTAL AREA FOR PROTESTERS: 86,539 SF; 45.7% OF TOTAL AREA

**EXPLANATION TO COUNCIL BILL NO: 2014- 206**

FILED: 09-16-14

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.62 acres of property generally located at 430, 438, and 444 East Elm Street from an R-HD, High-Density Multi-Family Residential District, to a CC, Center City District, and establishing Conditional Overlay District No. 80.

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-17-2014 COD No. 80

The applicant is requesting to rezone the subject property from an R-HD, High-Density Multi-Family Residential District, to a CC, Center City District, with a Conditional Overlay District (COD). The applicant intends a mixed-use development with businesses and residential uses. The accompanying COD will provide for parking requirements for the residential uses, however the number of off-street parking spaces can be reduced up to 20 percent of the required parking by providing bicycle parking spaces at a rate of two bicycle spaces for each required off-street automobile space.

The Planning and Zoning Commission held a public hearing on September 4, 2014, and recommended approval, by a vote of 8 to 0, of the proposed zoning on the tract of land described on the attached Record of Proceedings (Exhibit A).

The Planning and Development staff recommends the application be approved (see the attached Zoning and Subdivision Report):

FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan recommends more density and intensity in the greater downtown area similar to the land uses within the Center City District.
2. The requested CC, Center City, zoning is consistent with the existing CC zoning to the north of the subject property.
3. The accompanying Conditional Overlay District will provide parking requirements for residential uses.
4. The proposed zoning will accommodate mixed-use buildings with strong pedestrian orientation at this location which is recommended and encouraged within the greater downtown area.

Supports the following Field Guide 2030 goal(s): Chapter 6, Major Goal 4: Develop the community in a sustainable manner. Objectives 4a and 4b

Recommended by:

  
\_\_\_\_\_  
Bob Hosmer, AICP, Principal Planner

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

**EXHIBITS:**

- Exhibit A, Record of Proceedings
- Exhibit B, Legal Description
- Exhibit C, Conditional Overlay District Provisions
- Exhibit D, Zoning and Subdivisions Report

**ATTACHMENTS:**

- Attachment 1, Background Report
- Attachment 2, Neighborhood Meeting Summary

EXHIBIT A  
RECORD OF PROCEEDINGS  
ZONING CASE Z-17-2014 CONDITIONAL OVERLAY DISTRICT NO. 80

**GENERAL INFORMATION:** Z-17-2014 w/ Conditional Overlay District No. 80

This is a request to rezone approximately 0.62 acres of property generally located at 430, 438 and 444 East Elm Street from an R-HD, High Density Multi-Family Residential District to a CC, Center City District and establishing Conditional Overlay District No. 80.

**COMMISSION HEARING:** September 4, 2014

Mr. Hosmer stated this is a request to rezone approximately 0.62 acres of property generally located at 430, 438 and 444 East Elm Street from an R-HD, High Density Multi-Family Residential District to a CC, Center City District and establishing Conditional Overlay District No. 80. The applicant intends a mixed-use development with businesses and residential uses. The accompanying Conditional Overlay District will provide for parking requirements for the residential uses, however the number of off-street parking spaces can be reduced up to 20% of the required parking by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each required off-street automobile space. This proposal did not require a Multi-Family Location and Design Guidelines assessment per CC, Center City District regulations. The adjacent alley will have to be constructed to 20 feet of pavement where 20 feet does not currently exist along the property frontage east to Kimbrough and a Traffic Study will have to be completed and approved by Public Works Traffic Division prior to any development on the subject property. Adjacent property owners were notified and a neighborhood meeting was held on August 7, 2014 with no objections. Staff recommends approval.

Mr. Edwards opened the public hearing.

Mr. Derek Lee, Lee Engineering, 2101 W. Chesterfield Blvd., commented he is representing the owner. Mr. Lee stated at the neighborhood meeting one of the comments that came up is the parking issue. The intent is for this to be a residential development and staff has approved in the past the 80% parking adjacent to Center City areas and they provided that in response in working with the neighborhood and staff.

Mr. Edwards closed the public hearing.

**COMMISSION ACTION:**

Mr. Lawhon motioned to **approve** Z-17-2014 w/ Conditional Overlay District No. 80. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Hansen, Young, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Ray.

A handwritten signature in black ink, appearing to read "Bob Hosmer", written over a horizontal line.

Bob Hosmer  
Principal Planner

EXHIBIT B  
LEGAL DESCRIPTION  
ZONING CASE Z-17-2014 CONDITIONAL OVERLAY DISTRICT NO. 80

ALL OF THE EAST THIRTY-SIX (36) FEET OF LOT SEVEN (7) AND THE WEST TEN (10) FEET OF LOT NINE (9) IN JOHN LAIR'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

AND ALSO

ALL OF LOT NINE (9), EXCEPT THE EAST SIXTEEN (16) FEET AND EXCEPT THE WEST TEN (10) FEET THEREOF, IN JOHN LAIR'S ADDITION, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF,

AND ALSO

THE EAST SIXTEEN (16) FEET OF LOT NINE (9) AND THE WEST THIRTY-FOUR (34) FEET OF LOT ELEVEN (11) IN JOHN LAIR'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT C  
CONDITIONAL OVERLAY DISTRICT PROVISIONS  
ZONING CASE Z-17-2014 & CONDITIONAL OVERLAY DISTRICT NO. 80

The requirements of *Section 4-3400* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

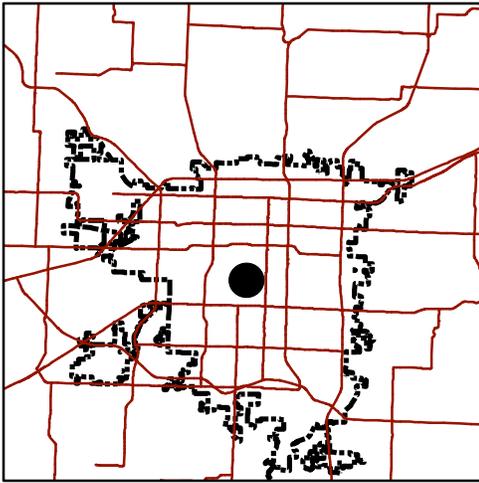
1. The subject property will have to meet the off-street parking requirements for residential uses, however the number of parking spaces can be reduced by 20% by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each required off-street automobile parking space.
2. The adjacent alley to the south will have to be constructed to 20 feet of pavement where 20 feet does not currently exist along the property frontage east to Kimbrough.
3. A Traffic Study will have to be completed and approved by Public Works Traffic Division prior to any development on the property.

# Zoning & Subdivision Report

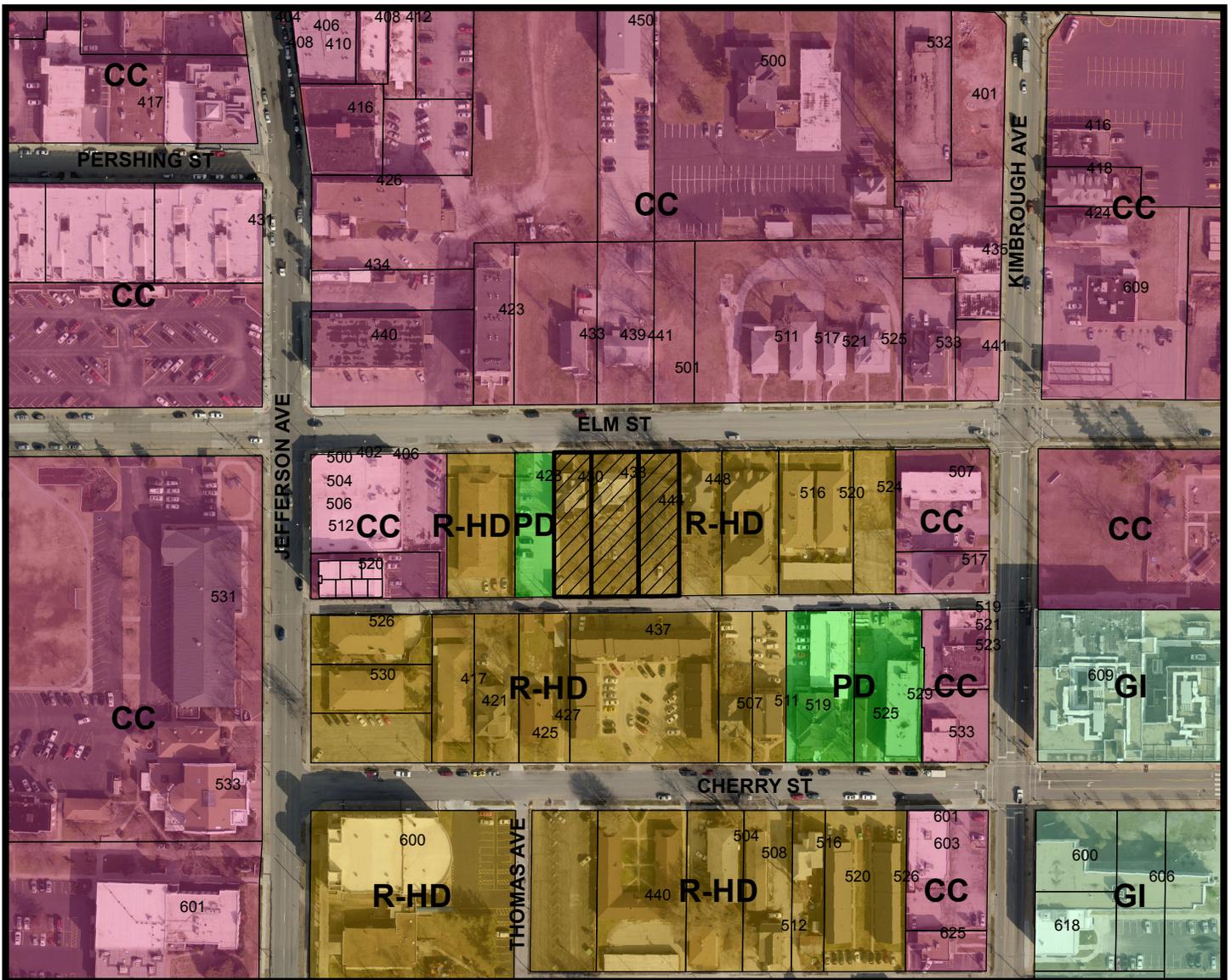
Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

## Z-17-2014

Location: 430, 438 and 444 East Elm Street  
Current Zoning: R-HD, High Density Multi-Family Residential District  
Proposed Zoning: CC, Center City with COD#80



### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

ATTACHMENT 1  
 BACKGROUND REPORT  
 ZONING CASE Z-17-2014 CONDITIONAL OVERLAY DISTRICT NO. 80

DATE: August 21, 2014

LOCATION: 430, 438 and 444 East Elm Street

APPLICANT: So EL District, LLC

TRACT SIZE: Approximately 0.62 acres

EXISTING USE: Multi-family uses

PROPOSED USE: Uses permitted in the CC, Center City District (mixed uses)

SURROUNDING LAND USES:

AREA	ZONING	LAND USES
North	CC	Multi-family residential uses
East	R-HD	Multi-family residential uses
South	R-HD	Multi-family residential uses
West	PD/ R-HD	Parking and multi-family residential uses

**BUILDING DEVELOPMENT SERVICES COMMENTS:**

Building Development Services does not have any issues with rezoning the subject property to CC, Center City District.

**PUBLIC WORKS TRAFFIC DIVISION COMMENTS:**

1. The alley will have to constructed to 20 feet of pavement where 20 feet does not currently exist along the property frontage east to Kimbrough.
2. Rezoning to CC automatically triggers a Traffic Study. This can be done prior to development based on what is being developed.
3. Right of way on Elm Street is adequate.
4. Sidewalk already exists along the property frontage on Elm Street.

**STORMWATER COMMENTS:**

1. There are no Stormwater issues with rezoning this property; however, please note that development (or re-development) of the property will be subject to the following conditions at the time of development:
  - a. Any increase in impervious area from 1985 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1985 and currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are only eligible for 50% credit.
  - b. Payment in lieu of construction of detention facilities may be approved on a case by case basis, depending on downstream and other conditions. A Buyout Application must be submitted for full consideration. Cost of downstream improvements may be credited towards the payment in lieu of constructing detention. While a buyout is an option the City prefers a low impact development.
  - c. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports. If site is located within a Planned Development District, stormwater requirements in PD language must be met.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
3. Based upon City contour and sinkhole information, no sinkholes exist on the site and the site is not within a sinkhole watershed.
4. Based upon City data, no significant offsite concentrated stormwater flow exists upstream of the subject property.

#### CLEAN WATER SERVICES COMMENTS:

No objections to rezoning

#### CITY UTILITIES:

No objection to the rezoning request. There will not be an impact on City Utilities. Keep in mind that adequate room needs to be available to provide utility service even if there is not a required setback.

#### ADJACENT PROPERTY OWNER COMMENTS:

Eighteen (18) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. No one has objected to date.

## NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 7, 2014. A summary of the meeting is attached (Attachment 2).

## STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from an R-HD, High Density Multi-Family Residential District to a CC, Center City District to allow for mixed use development at this location. The subject property is within the Center City Activity Center as shown in the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*. Activity Centers are identified as areas of significant business and high-density housing. It is intended that additional development be concentrated in and around these activity centers to optimize transportation investments, citizen convenience, investor confidence and a compact growth pattern. Properties within Activity Centers are to be intensively and efficiently used. The subject property would fit within these criteria.
2. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* also designates this area within the Greater Downtown land use district. This district, which pertains to the downtown and University Plaza portions of Center City, promotes high-intensity office, retail and housing, preferably in mixed-use buildings with a strong pedestrian orientation. It suggests that the most appropriate zoning district for this location would be the Center City District.
3. This proposal did not require a Multi-Family Location and Design Guidelines assessment per CC, Center City District regulations.
4. The CC, Center City District does not require off-street parking. The applicant is requesting a conditional overlay district that will meet the required parking for residential uses. The total required parking can be reduced by 20% of the total number of parking spaces required by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each required off-street automobile space.
5. The adjacent alley will have to be constructed to 20 feet of pavement where 20 feet does not currently exist along the property frontage east to Kimbrough and a Traffic Study will have to be completed and approved by Public Works Traffic Division prior to any development on the subject property.
6. The subject property is within walking and bicycling distance of the MSU campus, the downtown area and bus stops. In addition there is a good sidewalk system and marked bike routes in the area.

## FINDINGS FOR STAFF RECOMMENDATION:

1. The requested CC, Center City zoning is consistent with the existing CC zoning to the north.
2. The Comprehensive Plan recommends more density and intensity in the greater downtown area similar to the land uses within the Center City District.

3. The proposed zoning will accommodate mixed-use buildings with strong pedestrian orientation at this location which is recommended and encouraged within the greater downtown area.

RECOMMENDATION:

Staff recommends **approval** of this request.

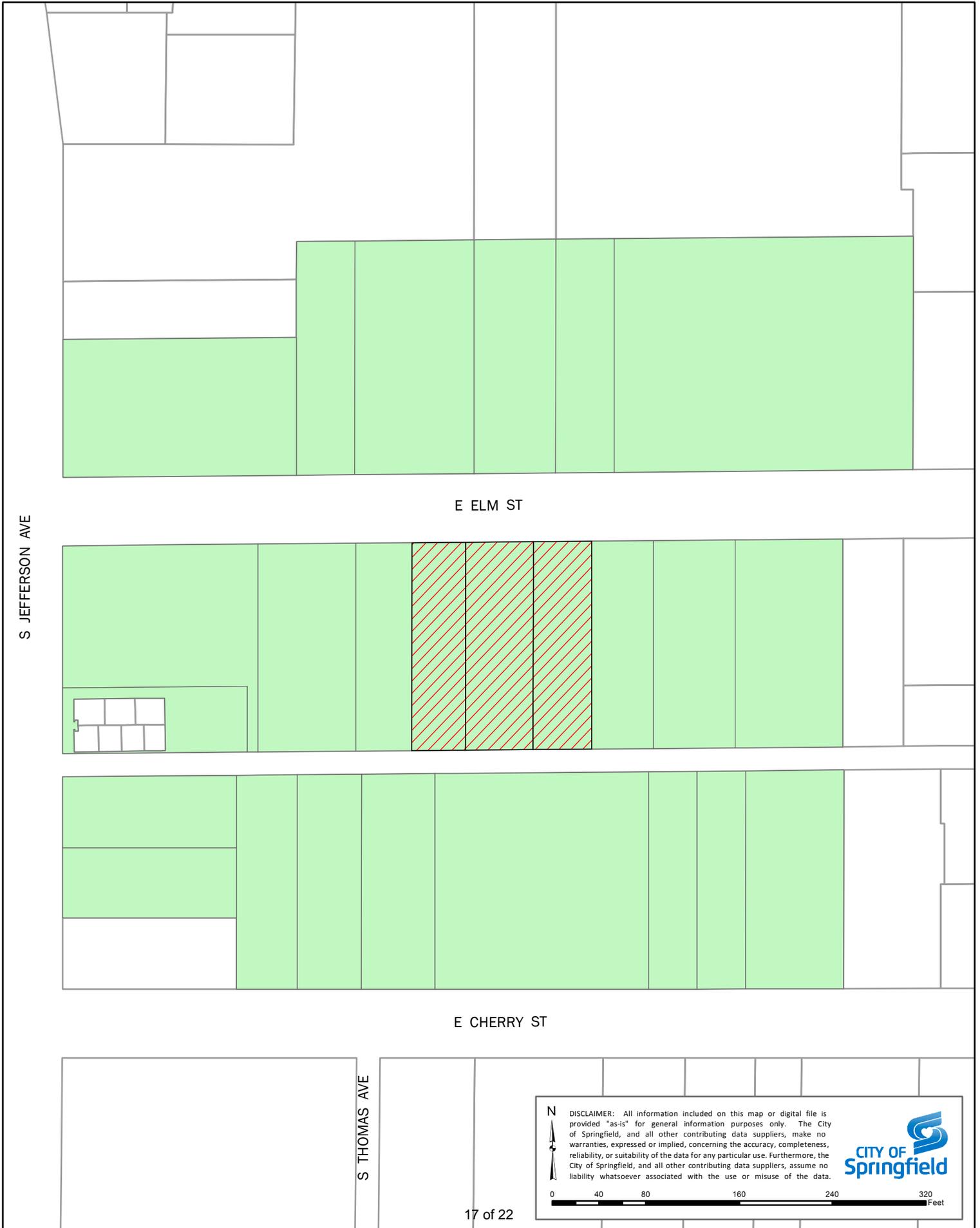
CITY COUNCIL:

September 22, 2014

STAFF CONTACT PERSON:

Bob Hosmer, AICP  
Principal Planner  
864-1834

# 430 E Elm - 185 foot mailing list



S JEFFERSON AVE

E ELM ST

E CHERRY ST

S THOMAS AVE

**N**

DISCLAIMER: All information included on this map or digital file is provided "as-is" for general information purposes only. The City of Springfield, and all other contributing data suppliers, make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the data for any particular use. Furthermore, the City of Springfield, and all other contributing data suppliers, assume no liability whatsoever associated with the use or misuse of the data.



0 40 80 160 240 320 Feet

ASSEMBLIES OF GOD EVANGEL  
1111 N GLENSTONE AVE  
SPRINGFIELD MO 65802

BENSON, JERALD D  
5912 S FARM ROAD 183  
ROGERSVILLE MO 65742

CHERRY PROPERTIES LTD  
1010 E ELM ST  
SPRINGFIELD MO 65806

CLIFTON, STEVEN  
18915 EMBER TRAILS DR  
HOUSTON TX 77094

CLIFTON, STEVEN  
18915 EMBER TRAILS DR  
HOUSTON TX 77094

CLIFTON, STEVEN  
18915 EMBER TRAILS DR  
HOUSTON TX 77094

EN VESTMENTS LLC  
4946 S ELDON AVE  
SPRINGFIELD MO 65810

FAMILY VIOLENCE CENTER INC  
PO BOX 5972  
SPRINGFIELD MO 65801

HOOVER, JAMES BRIAN  
440 S JEFFERSON AVE  
SPRINGFIELD MO 65806

INFUSINO, MELISSA ANN  
2661 FARM ROAD 81  
LONG BEACH CA 90815

ONE HUNDRED TWO GLENSTONE INC  
453 S PATTON AVE  
SPRINGFIELD MO 65806

ONE HUNDRED TWO GLENSTONE INC  
453 S PATTON AVE  
SPRINGFIELD MO 65806

ONE HUNDRED TWO GLENSTONE INC  
453 S PATTON AVE  
SPRINGFIELD MO 65806

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453 S PATTON AVE  
SPRINGFIELD MO 65806

ONE HUNDRED TWO GLENSTONE INC  
453 S PATTON AVE  
SPRINGFIELD MO 65806

PEN REAL II LLC  
447 SOUTH AVE  
SPRINGFIELD MO 65806

PICKWICK PLACE LLC  
205 E PARK CENTRAL SQ  
SPRINGFIELD MO 65806

RODGERS, EDDIE L ETAL TR  
1890 W MOUNT VERNON ST  
SPRINGFIELD MO 65802

SO EL DIST LLC  
431 S JEFFERSON AVE  
SPRINGFIELD MO 65806

SO EL DIST LLC  
431 S JEFFERSON ST  
SPRINGFIELD MO 65806

SPFD COMMONS LP  
205 W WALNUT ST  
SPRINGFIELD MO 65806

SPFD COMMONS LP  
205 W WALNUT ST  
SPRINGFIELD MO 65806

STAT PROP LLC  
1414 S CAMPBELL AVE  
SPRINGFIELD MO 65807

TUCK INV LLC  
4466 S DELAWARE AVE  
SPRINGFIELD MO 65804

WHEELER, TRACY W  
1012 E WALNUT ST  
SPRINGFIELD MO 65806

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: R-UD to CC  
(existing zoning) (proposed zoning)
2. Meeting Date & Time: August 7, 2014 4-6:30pm
3. Meeting Location: Midtown Carnegie Branch Library, 397 E. Central
4. Number of invitations that were sent: 39
5. How was the mailing list generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 2

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.)

2 verbal comments same as written comments below. (See Attached)

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

Written Comments Attached:  
① Water Pressure not affected by this rezoning  
We are not putting the building on property line. Setting building back 15 feet.

② Providing parking w/conditional overlay.



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN  
2101 W. CHESTERFIELD BLVD.  
SUITE C202  
SPRINGFIELD, MO 65807  
dlee@leeengineering.biz

TELEPHONE: (417) 886-9100

FACSIMILE: (417) 886-9336

①

COMMENT SHEET

Neighborhood Meeting

Thursday, August 7, 2014

Re: Proposed Rezone  
430-444 E. Elm  
Springfield, Missouri

NAME	ADDRESS	PHONE
J.D. BENSON	516 E 520 E. ELM	886-1177

COMMENTS:

- OUR WATER PRESSURE IS LOW AT TIMES, How will this addition effect our water pressure?
- ALL THE BUILDINGS ON THIS BLOCK ARE SET BACK.  
What was the requirement for the set back and why would it NOT BE the SAME NOW!

LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN  
2101 W. CHESTERFIELD BLVD.  
SUITE C202  
SPRINGFIELD, MO 65807  
dlee@leeengineering.biz

TELEPHONE: (417) 886-9100

FACSIMILE: (417) 886-9336

COMMENT SHEET

2

Neighborhood Meeting

Thursday, August 7, 2014

Re: Proposed Rezone  
430-444 E. Elm  
Springfield, Missouri

NAME	ADDRESS	PHONE
C. Arch Bay Co.	422 Elm 433 - 525 Elm	417-869-3112

COMMENTS:

To whom it may concern. Our company has property at 422 E. Elm and all of the property between 433 East Elm and 525 E. Elm.

We welcome a good redevelopment project on this block. Our one concern is with parking. It is our understanding that Center City zoning has no parking requirement or very little. What is being proposed is still in development & subject to change. What we would not want to see is for a developer to maximize the amount of apartments (or business) on this site and not provide parking. Thank You

Dan Gray, C. Arch Bay Co.