

One-rdg. _____
P. Hrngs. X
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Filed: 07-03-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-177

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 471 for the purpose of permitting a
2 development project greater than 10,000 square feet of total building
3 floor area and a building greater than three stories in height as a
4 conditional use within the COM-1 – Commercial Street District,
5 generally located at 411 West Commercial Street. (Planning and
6 Zoning Commission recommends denial; staff recommends approval.)
7
8

9 WHEREAS, pursuant to Section 36-363 of the Land Development Code, City
10 Council may grant permits authorizing certain enumerated conditional uses as provided
11 in the various zoning districts; and
12

13 WHEREAS, following proper notice, the Planning and Zoning Commission held a
14 public hearing on June 8, 2023, a copy of the Record of Proceedings from said public
15 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
16 and recommended denial of Conditional Use Permit No. 471 for the property generally
17 located at 411 West Commercial Street and zoned COM-1 – Commercial Street District;
18 and
19

20 WHEREAS, City Council nonetheless finds that sufficient evidence has been
21 presented to satisfy all applicable standards of the Land Development Code for
22 issuance of Conditional Use Permit No. 471; and
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24 WHEREAS, the granting of such permit is deemed proper, and it is not found to
25 harm the community or injure the value, lawful use, and reasonable enjoyment of
26 properties in the vicinity of 411 West Commercial Street.
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
29 SPRINGFIELD, MISSOURI, as follows, that:
30

31 Section 1 – City Council adopts the City staff’s specific findings of fact on the
32 proposed conditional use as set forth in “Exhibit D – Attachment 2.” “Exhibit D” is
33 attached hereto and incorporated herein by this reference in its entirety. Conditional Use
34 Permit No. 471 is hereby granted in accordance with and subject to the provisions of

35 Section 36-363 of the Land Development Code. Conditional Use Permit No. 471 is
36 granted for the purpose of permitting a development project greater than 10,000 square
37 feet of total building floor area and a building greater than three stories in height as a
38 conditional use within the COM-1 – Commercial Street District, located at the property
39 described in “Exhibit B,” which is attached hereto and incorporated herein by this
40 reference, and which is generally located at 411 West Commercial Street.

41
42 Section 2 – Building permits, certificates of occupancy, and any other required
43 permits or approvals may be issued by the duly authorized officials of the City provided
44 that such issuance is consistent with Section 36-363 of the Land Development Code,
45 any other applicable City regulation or ordinance, and the “Requirements for Conditional
46 Use Permit 471” described in “Exhibit D – Attachment 1” and “Exhibit A,” which is
47 attached hereto and incorporated herein by this reference. Additionally, the provisions
48 contained in “Exhibit D – Attachment 1” and “Exhibit A” shall govern and control the use
49 and development of the land described in “Exhibit B,” in a manner consistent with the
50 attached site plan depicted on “Exhibit D – Attachment 4.”

51
52 Section 3 – Any violation of the provisions of this Ordinance shall be grounds for
53 the revocation of the Conditional Use Permit granted by the adoption of this Ordinance.

54
55 Section 4 – This Ordinance shall be in full force and effect from and after
56 passage only so long as the Property and any improvements thereon conform to the
57 conditions and requirements described in Section 36-363 of the Land Development
58 Code, other applicable City regulations or Ordinances, and this Ordinance.

59
60 Passed at meeting: _____

61
62 _____
63 Mayor

64
65 Attest: _____, City Clerk

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67 Filed as Ordinance: _____

68
69 Approved as to form: Jill Burris, Assistant City Attorney

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71
72 Approved for Council action: Jason A. Hage, City Manager
73