



Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers

Phyllis Ferguson, Zone 1
Tom Prater, Zone 2
Mike Schilling, Zone 3
Matthew Simpson, Zone 4

General Councilmembers

Jan Fisk, General A
Craig Hosmer, General B
Andrew Lear, General C
Richard Ollis, General D

Upcoming Council Meeting Agenda February 11, 2019 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.

- 1. ROLL CALL.**
- 2. APPROVAL OF MINUTES. January 28, 2019 City Council Meeting.**

Documents:

[01-28-2019.PDF](#)

- 3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.**
- 4. CEREMONIAL MATTERS.**
- 5. CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETINGS.**
- 6. SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On.**
- 7. Council Bill 2019-018. (Schilling, Ollis, Hosmer, And Simpson)**

A general ordinance amending Chapter 98 of the City Code, Article VII, 'Encroachments on City Property;' and amending Chapter 36 of the City Code, Article III, 'Zoning Regulations,' Division 5, Supplemental District Regulations,' section 36-454; for the purpose of authorizing the placement of bicycle docks on City right-of-way. (The Finance and Administration Committee recommends approval.)

Documents:

[2019-018.PDF](#)

8. Council Bill 2019-019. (Schilling, Ollis, Hosmer, And Simpson)

A general ordinance amending the Fee Schedule for certain City services as provided in the Springfield City Code, by making such adjustments as provided in the attached "Evaluation of Charges for Municipal Services"; and adopting new fees for certain City services. (The Finance and Administration Committee recommends approval.)

Documents:

[2019-019.PDF](#)

9. Council Bill 2019-020. (Schilling, Ollis, Hosmer, And Simpson)

A general ordinance amending the Fee Schedule for certain municipal services as provided in the Springfield City Code, Chapter 2 'Administration,' Article VI 'Finances,' Division 3 'Charges for Various Municipal Services,' Section 2-424, 'Police and fire department records' by amending the fees set for accident/incident reports in order to waive the incident report fee for victims of sexual assault or domestic violence. (The Finance and Administration Committee recommends approval.)

Documents:

[2019-020.PDF](#)

10. Council Bill 2019-021. (Prater)

A special ordinance approving the plans and specifications for the Mt. Vernon Street Bridge over Jordan Creek project, referenced as Plan No. 2015PW0007T; accepting the bid of Hartman & Company, Inc., in the amount of \$1,456,230.00, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Documents:

[2019-021.PDF](#)

11. RESOLUTIONS.

12. EMERGENCY BILLS.

13. PUBLIC IMPROVEMENTS.

14. GRANTS.

15. Council Bill 2019-033. (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to accept a grant from the Missouri Division of Workforce Development in the amount of \$305,975 in Temporary Assistance for Needy Families funds to provide increased services through the SkillUP Program and Summer Jobs League Program; and amending the budget for the Department of Workforce Development for Fiscal Year 2018-2019 in the amount of \$305,975.

Documents:

16. **AMENDED BILLS.**

17. **COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On.**

18. **Council Bill 2019-025. (Ferguson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.59 acres of property, generally located at 529 West Division Street, from R-SF, Single-Family Residential District, to a GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend denial.) (By: Springfield R-12 School District; 529 West Division Street; Z-1-2019.)

Documents:

[2019-025.PDF](#)

19. **Council Bill 2019-026. (Ollis)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 2.27 acres of property, generally located at 3411 South Kansas Avenue, from R-LD, Low Density Multi-Family District, with Conditional Overlay District No. 145, to R-LD, Low Density Multi-Family District and establishing Conditional Overlay District No. 162; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Project Collective, LLC; 3411 South Kansas Avenue; Z-30-2018 w/COD #162.)

Documents:

[2019-026.PDF](#)

20. **Council Bill 2019-027. (Hosmer)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 6.99 acres of property, generally located at 1630 West Republic Street, from a R-SF, Single-family Residential District to GR, General Retail District and establishing Conditional Overlay District No. 165; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Southland Christian Church; 1630 West Republic Road; Z-3-2019 w/COD #165.)

Documents:

[2019-027.PDF](#)

21. **Council Bill 2019-028. (Prater)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.18 acres of property, generally located at 1403, 1405, 1409, 1411, 1415, 1423, 1425, and 1427 East Cherry Street and 527 South Pickwick Avenue, from a R-HD, High Density Multi-Family Residential District and LB, Limited Business District within UCD District No. 2, Areas E and F to Planned Development District No. 366; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Pickwick and Cherry, LLC; 1403, 1405, 1409, 1411, 1415, 1425, & 1427 East Cherry Street and 527 South Pickwick Avenue; Planned Development 366.)

Documents:

22. Council Bill 2019-029. (Schilling)

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' by annexing 9.3 acres of private property and 0.3 acres of Greene County right-of-way into the City of Springfield, Missouri, generally located at 3851 West Farm Road 148/University Street, and generally referenced as Annexation A-1-19; 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 by the County Clerk. (By: A&R Property Developers, LLC; 3851 W. Farm Road 148/University St.; Annexation A-1-19.)

Documents:

[2019-029.PDF](#)

23. Council Bill 2019-030. (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 9.3 acres of property generally located at 3851 West Farm Road 148/University Street from County C-1, Neighborhood Commercial District, to R-MD, Medium Density Multi-Family Residential District and GR, General Retail District; and establishing Conditional Overlay District No. 166; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: A&R Property Developers, LLC; 3851 W. Farm Road 148/University St.; Z-4-2019 w/COD #166.)

Documents:

[2019-030.PDF](#)

24. FIRST READING BILLS. Citizens May Speak. Not Anticipated To Be Voted On.

25. Council Bill 2019-031. (Simpson)

A special ordinance authorizing the City Manager, or his designee, to enter into a Cost Sharing Agreement with Springfield Public Schools for the purpose of constructing a sewer main extension and driveway modifications; and amending the budget for Fiscal Year 2018-2019 in the total amount of \$57,452.40.

Documents:

[2019-031.PDF](#)

26. Council Bill 2019-032. (Simpson)

A special ordinance approving the plans and specifications for the Primrose Street – South Avenue to Kimbrough Avenue Project, referenced as Plan No. 2013PW0042WT; accepting the bid of Hartman & Company, Inc., in the amount of \$2,381,698.00, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Documents:

[2019-032.PDF](#)

27. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

28. NEW BUSINESS.

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.

29. **UNFINISHED BUSINESS.**

30. **MISCELLANEOUS.**

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

32. **Council Bill 2019-034. (Ferguson)**

A special ordinance approving the conveyance of real property generally located at 2332 North Lyon Avenue to Janey Marie Young; and authorizing the Mayor to execute a Quit Claim Deed for said conveyance.

Documents:

[2019-034.PDF](#)

33. **Council Bill 2019-035. (Schilling)**

A special ordinance approving the Final Development Plan of Planned Development District No. 46, on 0.46 acres generally located at the 1400 Block of West Elfindale Street. (Planning and Zoning Commission and Staff recommend approval.)

Documents:

[2019-035.PDF](#)

34. **Council Bill 2019-036. (Schilling)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Opal Sunset Subdivision generally located at 3851 West Farm Road 148/University Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Documents:

[2019-036.PDF](#)

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

36. **Council Bill 2019-037. (Lear)**

A resolution granting a new liquor license to sell liquor by the drink at retail, including Sunday sales, to Route 66 Food Truck Diner for their location at 1530 East Saint Louis Street, Springfield, Missouri, such license to include patios measuring 30 feet by 30 feet located on both the north side and south side of the building.

Documents:

[2019-037.PDF](#)

37. **Council Bill 2019-038. (Fisk)**

A resolution granting a new liquor license to sell liquor by the drink at retail to Dan & Nik, LLC, d/b/a Bigfoot Subs, for their location at 2204 West College Street, Springfield, Missouri.

Documents:

[2019-038.PDF](#)

38. **Council Bill 2019-039. (Lear)**

A resolution electing the Honorable John Appelquist as a substitute judge of the Springfield Municipal Court for a term of four years.

Documents:

[2019-039.PDF](#)

39. **Council Bill 2019-040. (Fisk)**

A resolution electing the Honorable Matt Owen as a substitute judge of the Springfield Municipal Court for a term of four years.

Documents:

[2019-040.PDF](#)

40. **CONSENT AGENDA – SECOND READING BILLS. See Item #3.**

41. **Council Bill 2019-022. (Prater)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Agreement with the Missouri Highways and Transportation Commission and BNSF Railway for the purpose of sharing the costs of a BNSF Crossing project generally located along Sherman Parkway.

Documents:

[2019-022.PDF](#)

42. **END OF CONSENT AGENDA.**

43. **ADJOURN.**

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.

January 28, 2019
Springfield, Missouri

The City Council met in regular session January 28, 2019 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure. A moment of silence was observed.

Roll Call	Present: Andrew Lear, Phyllis Ferguson, Matthew Simpson, Tom Prater, Mike Schilling, Jan Fisk, Craig Hosmer, and Ken McClure. Absent: Richard Ollis.
Minutes	There being no additions, deletions, or corrections, the minutes of the January 14, 2019 City Council Meeting and the January 15, 2019 Special City Council Meeting were approved as presented.
Consent Agenda	The Consent Agenda was approved as presented.

CEREMONIAL MATTERS

Anita Cotter, City Clerk, swore in Maurice Jones, Deputy City Manager. Mr. Jones thanked City Council for the opportunity and stated he looked forward to being a citizen of the community and continuing the good work already accomplished in the City. Mayor Ken McClure offered congratulations to Mr. Jones, and to Jason Gage, City Manager, for successfully filling the Deputy City Management positions. Mr. Gage noted his department was excited and eager for the year ahead.

City Managers Report and responses to questions raised at the previous City Council Meeting.

City Manager's Report	Jason Gage, City Manager, noted Paul Williams, Police Chief, provided City Council the uniform crime report statistics for the month of December 2018, and the year-end for 2018 that showed crime had decreased 18 percent compared to year-end 2017. Mr. Gage noted the Quarterly Public Safety Report, an educational piece providing crime statistics on a quarterly basis, was published and provided to City Council to show a ten percent overall decrease in crime during the last quarter of 2018 when compared with the last quarter of 2017. He added a Police Department staffing update was included with the reports.
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Mr. Gage noted two of the City's most underserved areas would be getting new fire stations and two of the oldest fire stations would be demolished and rebuilt with funds from the renewal of the Level Property Tax in November 2017. He stated the City was currently soliciting letters of interest and qualification statements until 3:00 p.m. on March 1, 2019 from firms interested in providing architectural services for the four fire station projects across the City. Mr. Gage noted the two new fire stations would be Fire Station 13 located at the 1900 block of East College Street and Fire Station 14 on the northwest corner of West Chestnut Expressway and North Duke Avenue. He added Fire Station 4 located at 2423 N. Delaware Avenue, and Fire Station 7 located at 2129 East Sunshine Street would be the two replacement projects.

Mr. Gage noted the City's January sales tax revenues from the Missouri Department of Revenue were up 5.68 percent compared to budget, and year-to-date revenues

were up just over two percent compared to budget. He added on a rolling 12-month average, revenues were 2.79 percent above budget. Mr. Gage stated the check reflected sales processed by the State in December 2018 from transactions made in November 2018 and revenue was up approximately 3.6 percent, or \$153,697 dollars compared to the December 2017 amount. He noted the City heavily relied on sales tax as a main source of revenue to fund vital Police and Fire operation services, and approximately 56 percent of City revenue came from sales and use tax.

Mr. Gage noted the City's SGF Yields pedestrian safety program partnered with Springfield Public Schools to offer education opportunities in 2019, including a classroom presentation opportunity, art project social media challenge, and a public service announcement video competition. He noted the SGF Yields program launched in 2017 was an effort to combat a growing trend in pedestrian involved crashes on City roadways. Mr. Gage added the program was aimed at encouraging motorists to actively watch for pedestrians and yield to them at crosswalks and urged pedestrians to do their part to travel responsibly. He noted more details on education opportunities could be found online at springfieldmo.gov//sgfyields.

Mr. Gage provided a reminder to take the Momentum State of the Workforce Survey, found online at springfieldmo.gov, to assist the City in guidance of initiatives and programs for the year ahead to better serve companies and job seekers. He added Mary Ann Rojas, Director of the Department of Workforce Development, would present the results of the regional survey at the Momentum 2019 State of the Workforce Luncheon at the White River Conference Center on Wednesday, February 20, 2019. Mr. Gage noted the keynote speaker would be Laith Wardi, CECD, President and Founder of ExecutivePulse, Inc. who worked in the economic development profession for over 22 years. He added Rob Dixon, Missouri's Economic Development Director, would also attend to celebrate five years of Momentum.

The following bills appeared on the agenda under Second Reading Bills

Short-Term Stay Rentals operation and location

Sponsor: Fisk, Lear, Ollis, Schilling, Simpson, Ferguson, and McClure. Council Bill 2018-267. Substitute No. 1. A general ordinance amending the Springfield City Code, Chapter 36, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 2, 'Rules of Interpretation and Definitions,' Section 36-321, 'Definitions,' by adding a definition for 'Short-Term Stay Rentals'; amending Division 4, 'District Regulations,' by adding as a permitted use Short-Term Stay Rentals to each district contained therein; amending Division 5, 'Supplemental District Regulations,' Section 36-451, 'Home Occupations'; and adding new section 36-472, 'Short-Term Rentals,' establishing rules and regulations for operation and location of Short-Term Stay Rentals; and designating an effective date for said amendments.

Mayor Ken McClure stated a large amount of work had been allocated to finding a solution for Short-Term Rentals and expressed his opinion the proposed was a good start towards that solution. Mayor McClure thanked all stakeholders involved in the process.

Councilman Schilling asked for clarification on the voting protocol of the proposed. Mayor McClure clarified City Council would vote on Council Bill 2018-267 Substitute No. 1, and in the event it passed, Council Bill 2018-267 would fail due to the passage

of the substitute bill.

Council Bill 2018-267. Substitute No. 1. General Ordinance 6497 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, and McClure. Nays: Hosmer. Abstain: None. Absent: Ollis.

Mayor McClure asked Jason Gage, City Manager, to monitor the ordinance closely and provide an update from City Staff on implementation at a later date. Mr. Gage agreed and noted a report would be brought back to City Council at an appropriate time. Mayor McClure noted Council Bill 2018-267 be considered to have failed.

**Short-Term
Stay Rentals
Rules and
Regulations**

Sponsor: Fisk. Council Bill 2018-267. A general ordinance amending the Springfield City Code, Chapter 36, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 2, 'Rules of Interpretation and Definitions,' Section 36-321, 'Definitions,' by adding a definition for 'Short-Term Stay Rentals'; amending Division 4, 'District Regulations,' by adding as a permitted use Short-Term Stay Rentals to each district contained therein; amending Division 5, 'Supplemental District Regulations,' Section 36-451, 'Home Occupations'; and adding new section 36-472, 'Short-Term Rentals,' establishing rules and regulations for operation and location of Short-Term Stay Rentals; and designating an effective date for said amendments.

Council Bill 2018-267 failed due to the passing of Council Bill 2018-267 Substitute No. 1.

**3315 and 3303
S. Campbell
Avenue re-
zoning**

Sponsor: Schilling. Council Bill 2019-003. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 26.03 acres of property generally located at 3315 and 3303 South Campbell Avenue from Planned Development District No. 14, 4th Amendment to Planned Development District No. 367; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommended approval). (By: Wal-Mart Stores Inc. 8721; 3315 & 3303 South Campbell Avenue; Planned Development 367.)

Council Bill 2019-003. General Ordinance 6498 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

**2200 block of
N. Belcrest
Avenue re-
zoning**

Sponsor: Prater. Council Bill 2019-004. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 33.33 acres of property generally located at the 2200 block of North Belcrest Avenue from HC, Highway Commercial District and HM, Heavy Manufacturing District, to HM, Heavy Manufacturing District; and establishing Conditional Overlay District No. 163. (Staff and Planning and Zoning Commission both recommend approval.) (By: ICT II, LLC; 2200 blk. N. Belcrest Avenue; Z-31-2018 w/Conditional Overlay District No. 163.)

Council Bill 2019-004. General Ordinance 6499 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

**2963 E. Division
Street re-zoning**

Sponsor: Prater. Council Bill 2019-005. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.89 acres of property, generally located at 2963 East Division Street, from a GM, General Manufacturing District to IC, Industrial Commercial District. (Staff and Planning and Zoning Commission recommend approval.) (By: Kum & Go, LC; 2963 East Division Street; Z-32-2018.)

Council Bill 2019-005. General Ordinance 6500 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

**2100 block of
S. Eastgate
Avenue re-
zoning**

Sponsor: Simpson. Council Bill 2019-006. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.45 acres of property generally located at the 2100 block of South Eastgate Avenue from Planned Development District No. 268 to Planned Development District No. 368; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommended approval). (By: Castlebay Real Estate Holdings No. 9 LLC; 2100 block S. Eastgate Avenue; Planned Development No. 368.)

Anita Cotter, City Clerk, noted a protest petition was received and was found to be insufficient at 1.95 percent, therefore a supermajority would not be required for passage, and a copy of the supplemental explanation sheet was provided to City Council at their places.

Council Bill 2019-006. General Ordinance 6501 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, and McClure. Nays: Hosmer. Abstain: None. Absent: Ollis.

**2521 S. Holland
Avenue re-
zoning**

Sponsor: Simpson. Council Bill 2019-007. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 3.58 acres of property, generally located at 2521 South Holland Avenue, from R-SF, Single-Family Residential District to R-LD, Low-Density Multi-Family District; and establishing Conditional Overlay District No. 164. (Staff and Planning and Zoning Commission recommend approval.) (By: Jefferey Ballard; 2521 South Holland Avenue; Z-33-2018 w/Conditional Overlay District No. 164.)

Anita Cotter, City Clerk, noted a protest petition was received and was found to be insufficient at 7.80 percent, therefore a supermajority would not be required for passage, and a copy of the supplemental explanation sheet was provided to City Council at their places.

Councilman Lear noted he had several discussions with multiple stakeholders about concerns with stormwater detention in the area being affected by the proposed, and it had been difficult for him to decide to vote in support of the proposed. Councilman Lear expressed his opinion the area would be well suited to remain greenspace, but the proposed is consistent with usage in the area and leaving it greenspace is not an

option.

Councilman Prater stated he agreed with Councilman Lear's comments. Councilman Prater expressed his opinion leaving it as greenspace would be a good option that does not exist, and allowing several smaller houses to potentially be constructed in the area verses the proposed would not be as well planned, so he would vote in support of the bill.

Mayor McClure noted his support of the proposed and expressed his opinion leaving the area as greenspace would be ideal, but that was not a viable option.

Councilman Simpson expressed his opinion the area would be best suited to remain greenspace, and although it was developable property he would vote in opposition of the proposed. Councilman Simpson expressed concern for increased traffic in the area due to Holland Avenue not connecting to Sunset Street.

Council Bill 2019-007. Failed by the following vote: Ayes: Lear, Prater, Fisk, and McClure. Nays: Ferguson, Simpson, Schilling, and Hosmer. Abstain: None. Absent: Ollis.

**Fiber optic
improvements
along Battlefield
Road and Grant
Avenue**

Sponsor: Hosmer. Council Bill 2019-008. A special ordinance approving the plans and specifications for certain fiber optic interconnection improvements generally located along Battlefield Road and Grant Avenue, generally referred to as Plan No. 2018PW0060T; accepting the bid of Ewing Signal Construction, LLC, in the amount of \$92,478.20, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2019-008. Special Ordinance 27142 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

**Sanitary Sewer
capacity
improvements**

Sponsor: Prater. Council Bill 2019-009. A special ordinance approving the plans and specifications for the Smith Park Sanitary Sewer Capacity Improvements Project being generally located at Division Street and Fremont Avenue and generally referred to as Plan No. 2018PW0032se; accepting the bid of Hamilton and Dad, Inc., in the amount of \$381,428.95, for said Project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Councilwoman Ferguson asked for clarification on the discrepancy between the project bids and engineer's estimate. Ron Petering, Assistant Director of Environmental Services, responded the original estimate by the engineer was done under the conservative assumption of large amounts of rock in the area. Mr. Petering noted following additional investigation, concerns about the amount of rock in the area were relieved. He noted all bids and engineer's estimate were ultimately within approximately six percent of each other once the lessened risk of rock was reflected.

Council Bill 2019-009. Special Ordinance 27143 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer and McClure. Nays: None. Abstain: None. Absent: Ollis.

The following bills appeared on the agenda under Resolutions

Sexual Assault Task Force

Sponsor: Ferguson, Lear, Schilling, and McClure. Council Bill 2019-016. A resolution establishing a Sexual Assault Task Force; setting the charge and scope of duties for said Task Force; and establishing the membership of said Task Force.

Councilwoman Ferguson gave a brief overview of the proposed and stated she brought this forward to allow the Community to see the good things already happening to help prevent, combat, and assist victims of sexual assault. Councilwoman Ferguson expressed her appreciation for a recent update from Paul Williams, Police Chief, on what was being done to lessen the risk of sexual assault and assist victims in the Community. She stated the reason for the proposed was to aid the City in being the best there is at serving victims of assault. Councilwoman Ferguson expressed gratitude for the individuals selected to serve on the Task Force, and asked for City Council support of the proposed.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

Councilman Prater thanked Councilwoman Ferguson and stated he would support the proposed.

Councilman Simpson thanked Councilwoman Ferguson and the Task Force members for their participation and stated he would support the proposed.

Mayor McClure thanked Councilwoman Ferguson and the Task Force members. Mayor McClure noted a recent presentation by Chief Williams about sexual assault in the Community showed how the City can be at the top when it comes to serving victims. He added he was in support of the proposed.

Council Bill 2019-016. Resolution 10424 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

The following bills appeared on the agenda under Public Hearing Bills

Bicycle docks on City right-of-way

Sponsor: Schilling, Ollis, Hosmer, and Simpson. Council Bill 2019-018. A general ordinance amending Chapter 98 of the City Code, Article VII, 'Encroachments on City Property;' and amending Chapter 36 of the City Code, Article III, 'Zoning Regulations,' Division 5, Supplemental District Regulations,' section 36-454; for the purpose of authorizing the placement of bicycle docks on City right-of-way. (The Finance and Administration Committee recommends approval.)

Eric Claussen, Traffic Engineer, gave a brief overview of the proposed. Mr. Claussen

stated the City would be working with Springfield Bike Share, a nonprofit organization which also works with Missouri State University's (MSU) implementation of a Bike Share program. He noted discussions with the organization and MSU led to the recognition of changes necessary in the City Code to implement a successful program. Mr. Claussen stated after review by the Finance and Administration Committee and passage by City Council, bicycle docks would become an allowable encroachment on public rights-of-way and an encroachment agreement between the City and Springfield Bike Share is in place. He added a minimum separation of 800 feet between bicycle docks is required. Mr. Claussen noted an annual licensing fee of \$250 dollars per dock for for-profit entities, and \$50 for non-profit entities was set, and the licensing fee for Springfield Bike Share would be waived by the City for the first year of operation. He added the City and entity licensing and encroachment agreements included insurance for instances of injury or damage, recovery of bikes, and public logo regulation. Mr. Claussen added the proposed provided changes to City Zoning Ordinance to allow signage and striping for the bicycle docks in public rights-of-way.

McClure thanked the Finance and Administration Committee for their work on the proposed and asked for clarification on the number of potential bike share entities and vendors throughout the Community. Mr. Claussen responded he had discussions with MSU representatives and the University was on the same timeline as the City and using the same vendor through Springfield Bike Share. He added it was anticipated there would be a united deployment of the programs between the City and MSU.

An opportunity was given for citizens to express their views.

David Hutchison spoke in favor of the proposed. Mr. Hutchison stated he was on the Board for Springfield Bike Share and supported the proposed.

With no additional speakers, the public hearing was declared closed.

Council bills 2019-019 and 2019-020 were read simultaneously.

Fees for City Services

Sponsor: Schilling, Ollis, Hosmer, and Simpson. Council Bill 2019-019. A general ordinance amending the Fee Schedule for certain City services as provided in the Springfield City Code, by making such adjustments as provided in the attached "Evaluation of Charges for Municipal Services"; and adopting new fees for certain City services. (The Finance and Administration Committee recommends approval.)

The following bills appeared on the agenda under First Reading Bills

Incident Report fees for victims of sexual assault and domestic violence

Sponsor: Schilling, Ollis, Hosmer, and Simpson. Council Bill 2019-020. A general ordinance amending the Fee Schedule for certain municipal services as provided in the Springfield City Code, Chapter 2 'Administration,' Article VI 'Finances,' Division 3 'Charges for Various Municipal Services,' Section 2-424, 'Police and fire department records' by amending the fees set for accident/incident reports in order to waive the incident report fee for victims of sexual assault or domestic violence. (The Finance and Administration Committee recommends approval.)

Teresa Allen, Budget Coordinator, gave a brief overview of Council Bill 2019-019. Ms. Allen stated the annual evaluation ensured review of City fees to determine if

appropriate amounts were being collected. She noted charges for services should recover 100 percent of related costs where appropriate, and noted exceptions were Hazelwood Cemetery fees and Springfield-Greene County Health Department fees. Ms. Allen added all fees were presented to the Development Input Issues Group (DIIG) on November 7, 2018 and received a recommendation of approval by the Finance and Administration Committee on January 9, 2019. She provided a summary of statistics from the review process that showed: 252 fees for services were evaluated, nine new fees were recommended, ten fees were recommended for elimination, 66 were recommended to be decreased, 63 were recommended to have no change, and 114 were recommended to be increased. Ms. Allen noted 244 fees were at 100 percent cost recovery or fell under special circumstance fees. She stated the new fee for cremains at Hazelwood Cemetery was requested to be effective upon passage by the Public Works Department, and all other fees would become effective July 1, 2019.

Councilman Lear asked for clarification on the fees for sexual assault reports. Ms. Allen responded those fees would be effective upon passage and she would go into further detail with an overview of Council Bill 2019-020.

Ms. Allen gave a brief overview of Council Bill 2019-020. She stated Councilman Schilling proposed an amendment to the fee schedule to allow for the elimination of fees for accident and incident reports for victims of sexual assault. Ms. Allen stated fees for all other accident and incident reports would remain in place.

Councilman Schilling asked for clarification on the total revenue collected from City fees. Ms. Allen responded approximately \$10.8 million dollars is collected annually by fees, approximately \$1.4 million dollars of that was in the General Fund, and the majority of fees were collected by the Environmental Services and Springfield-Greene County Health Departments.

Councilwoman Ferguson asked for clarification on fees for cremains in Hazelwood Cemetery. Ms. Allen responded the fee was only applied to citizens requesting cremains burial at the cemetery and it was less than the fee for a burial plot. Ms. Allen added fees for cemetery maintenance and upkeep are incorporated into the cost of plots and burial fees cover only the cost of burial.

An opportunity was given for citizens to express their views. With no speakers, the public hearings were declared closed.

**Mt. Vernon
Street Bridge
over Jordan
Creek project**

Sponsor: Prater. Council Bill 2019-021. A special ordinance approving the plans and specifications for the Mt. Vernon Street Bridge over Jordan Creek project, referenced as Plan No. 2015PW0007T; accepting the bid of Hartman & Company, Inc., in the amount of \$1,456,230.00, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Andrew Flippin, Professional Engineer, gave a brief overview of the proposed. Mr. Flippin stated the proposed had been a work in progress since 2003 and would replace the bridge on Mt. Vernon Street over Jordan Valley Creek. He added there would be upstream and downstream improvements from the bridge as part of the project. Mr. Flippin stated the proposed was advertised in the Daily Events, on Missouri Department of Transportation's website, and a notice to contractors was sent out to approximately 170 contractors. He noted bids opened on January 8, 2019

and two bids were received. Mr. Flippin stated Hartman & Company, Inc. had the low bid of \$1,456,230.00 dollars, and of that \$988,238.60 dollars would come from Federal On System Bridge Program Funds, and \$467.991.40 dollars would be the City's match.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

NEW BUSINESS

Approved

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

The following appeared on the agenda under Consent Agenda First Reading Bills

BNSF Crossing project along Sherman Parkway

Sponsor: Prater. Council Bill 2019-022. A special ordinance authorizing the City Manager, or his designee, to enter into an Agreement with the Missouri Highways and Transportation Commission and BNSF Railway for the purpose of sharing the costs of a BNSF Crossing project generally located along Sherman Parkway.

The following bills appeared on the agenda under Consent Agenda One Reading Bills

3851 W. Farm Road 148 annexation

Sponsor: Lear. Council Bill 2019-023. A resolution declaring the intent of the City of Springfield, to annex 9.3 acres of private property and 0.3 acres of Greene County right-of-way generally located at 3851 West Farm Road 148 into the City of Springfield. (Staff recommends approval.)

Council Bill 2019-023. Resolution 10425 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

2800 block of E. Blaine Street re-zoning

Sponsor: Prater. Council Bill 2019-024. A resolution authorizing the Mayor to sign an application requesting the rezoning of 4.75 acres of property owned by the City of Springfield, generally located in the 2800 block of East Blaine Street, from R-SF, Single Family Residential District to GM, General Manufacturing District. (Staff recommends approval.)

Council Bill 2019-024. Resolution 10426 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

The following appeared on the agenda under Consent Agenda Second Reading Bills

**2710 and 2738
E. Kearney
Street
preliminary plat**

Sponsor: Prater. Council Bill 2019-010. A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of "AFM Pet Corp Subdivision," generally located at 2710 and 2738 East Kearney Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2019-010. Special Ordinance 27144 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

**3200 block of
E. Kearney
Street
preliminary plat**

Sponsor: Lear. Council Bill 2019-011. A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Morris Industrial Park generally located at the 3200 block of East Kearney Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2019-011. Special Ordinance 27145 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

**Replat of lots 28
and 29 of
Woodcliffe 1st
Addition**

Sponsor: Ollis. Council Bill 2019-012. A special ordinance authorizing the City Manager, or his designee, to enter into a developer's agreement with Peterson's Properties, LLC, for the recovery of proportional square foot costs of the construction of a trunk sewer to serve the Replat of Lots 28 and 29 of Woodcliffe 1st Addition, in a sewer basin in the Lake Springfield drainage area and to establish a per square foot connection fee to reimburse the developer for proportional costs of construction of the trunk sewer. (Environmental Services staff recommends approval.)

Council Bill 2019-012. Special Ordinance 27146 was approved by the following vote: Ayes: Lear, Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: Ollis.

END OF CONSENT AGENDA.

ADJOURN.

There being no further business, the meeting adjourned at approximately 7:13 p.m.

Prepared by
Melissa Carman

Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. _____
P. Hrngs. X
Pgs. 16
Filed: 01-22-19

Sponsored by: Schilling, Simpson,
 Hosmer, and Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL: 2019- 018

GENERAL ORDINANCE: _____

AN ORDINANCE

1 AMENDING Chapter 98 of the City Code, Article VII, 'Encroachments on City Property';
2 and amending Chapter 36 of the City Code, Article III, 'Zoning
3 Regulations,' Division 5, Supplemental District Regulations,' section 36-
4 454; for the purpose of authorizing the placement of bicycle docks on City
5 right-of-way.
6 _____
7

8 WHEREAS, City staff has been approached by a group known as Springfield
9 Bike Share with a proposal to bring a bike share program to Springfield, Missouri; and
10

11 WHEREAS, Springfield Bike Share's proposal would require modifications to
12 Chapter 98 of the City Code to allow components of the program to encroach on the
13 City's right-of-way and modifications to Chapter 36 to allow certain signage to be placed
14 on installed bicycle docks; and
15

16 WHEREAS, City Council referred this matter to the Finance and Administration
17 Committee at the April 9, 2018, regular meeting; and
18

19 WHEREAS, the Finance and Administration Committee recommended changes
20 to Chapter 98 and Chapter 36 at their August 8, 2018, and October 16, 2018, meetings;
21 and
22

23 WHEREAS, the Planning and Zoning Commission recommended approval of the
24 proposed changes to Chapter 36 at their January 17, 2019 meeting.
25

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

29 Section 1 – Springfield City Code, Chapter 98, Article VII, 'Encroachments on
30 City Property,' is hereby amended to read as follows:
31

32 (Note: Language to be added is underlined and language being removed is ~~stricken~~.)
33

ARTICLE VII. - ENCROACHMENTS ON CITY PROPERTY

Sec. 98-320. - Policy on encroachments on Ceity property.

It is the policy of the Ceity to prohibit encroachments on, in, over or under any public street, public sidewalk or public right-of-way, unless authorized by the Ceity. The granting of permission to any person to construct, install or place an encroachment on public property is a privilege, not a right, and may be withheld by the Ceity, in its discretion, it being the Ceity's policy to limit the number of authorized encroachments.

Notwithstanding the provisions of this article, awnings, canopies, projecting signs or fixtures attached to structures shall be submitted to the department of building development services for the required review and building code permit.

Sec. 98-321. - Encroachment defined.

An encroachment is any structure, building, fixture, sign or other object belonging to any person which has been constructed, installed or placed on, in, over or under any public street, public sidewalk or public right-of-way, other than encroachments which will remain in place for a temporary period of time not in excess of 30 days that have been approved by the Ceity in connection with an event for which a permit has been issued by the Ceity.

Sec. 98-322. - Unauthorized encroachment unlawful.

It shall be unlawful for any person to construct, install, or place an encroachment on, in, over or under any public street, public sidewalk or public right-of-way unless specifically authorized by this article, or another provision of the City Code or by special ordinance as set forth in section 98-322.1.

Sec. 98-322.1. - Encroachment license pursuant to special ordinance.

2.1.1 Application and review.

(a) Any person who requests an encroachment license under this section shall file an application with the Director of Public Works (Director) which application shall include all of the information set forth in subsections 98-323(1)—(4) of this article.

(b) The application shall include a fee as set forth in subsection 98-323(c). In addition, the Ceity may charge for the use of the right-of-way for any encroachments should Ceity Council deem it necessary or advisable or be required to do so in order to treat all similarly situated users the same.

(c) The Director shall review the application with appropriate departments and agencies of the Ceity and prepare a report for the Ceity Council or the Planning and Zoning Commission if RSMo 89.080 or Section 11.7 of the City Charter

80 applies. If the planning and zoning commission reviews the matter they shall submit
81 their recommendation to the Ceity Council. The Director's report shall include
82 information concerning the following:

- 83
84 (1) If the proposed encroachment is likely to create a dangerous condition upon
85 public or private property;
- 86
87 (2) If the proposed encroachment unduly interferes with the use of public or
88 adjacent private property;
- 89
90 (3) If the proposed encroachment violates any other provision of Ceity, State or
91 Federal law or regulation or Ceity plans or policies;
- 92
93 (4) If there is a reasonable need for the proposed encroachment;
- 94
95 (5) If the proposed encroachment is consistent with the aesthetic character of the
96 adjacent neighborhood;
- 97
98 (6) If the proposed encroachment is likely to create a nuisance or endanger the
99 public health, safety and welfare of the community;
- 100
101 (7) If the encroachment can reasonably be located on private property;

102 103 *2.1.2 Permitted types of encroachments.*

- 104
105 (a) An encroachment license shall not be permitted under this section if the license can
106 be granted by any other provisions of the City Code.
- 107
108 (b) The Ceity Council may issue an encroachment license in an area which is zoned
109 center city, provided the building served by the encroachment is built or will be built
110 with a zero lot line and the encroachment is for grease traps, kitchen exhausts for
111 restaurants, private electric duct banks or vaults, private plumbing, storm water lines,
112 commercial trash receptacles or similar uses and it does not interfere with the
113 primary use of the right-of-way.
- 114
115 (c) The Ceity Council may issue an encroachment license for a sky-walk or
116 underground tunnel over or under Ceity right-of-way in any area of the Ceity when
117 the Ceity Council deems it necessary and determines that the license will serve the
118 public interest by eliminating pedestrian traffic using Ceity streets or alleys provided
119 the Ceity Council finds that the use does not interfere with the public use of the
120 right-of-way.

121 122 *2.1.3 Terms and conditions of an encroachment license.*

- 123
124 (a) An encroachment license agreement to construct and maintain, or retain an
125 encroachment under this section shall be in a form approved by the Ceity Attorney

and shall be signed by the owner of the abutting property and acknowledged by a notary public. The license agreement shall be recorded by the city in the office of the Recorder of Deeds of Greene County, Missouri.

(b) The license shall include provisions requiring:

- (1) That the licensee, and the licensees grantees, successors and assigns, shall defend, indemnify and hold the Ceity harmless from all claims of personal injury or property damage arising from construction, location and maintenance of the encroachment;
- (2) That the licensee and the licensees grantees, successors and assigns, shall carry at all times adequate public liability insurance with limits as required by the Ceity and provide for insurance to continue after the license is revoked or terminated for any reason for a sufficient period of time to protect the Ceity from claims not yet filed;
- (3) That the licensee, and the licensees' grantees, successors and assigns, will maintain the encroachment in a safe and presentable condition;
- (4) That the licensee, the licensees' grantees, successors and assigns, shall be required to remove the encroachment at the end of the term of the license or if the licensee violates any of the terms of the license upon receipt of written notice from the Ceity to do so, within the time specified in the notice and at no cost to the Ceity. Service of notice shall be as in the manner provided for in chapter 26, section 26-66 of this Code;
- (5) That the licensee and the licensees' grantees, successors and assigns, grant an irrevocable license to the Ceity to enter upon the abutting property as may be necessary to remove at the cost of such licensee, at the end of the term of the license or if the licensee violates any of the conditions of the license. Any encroachment which is not removed by the licensee at the end of the term or after notice of violation of the conditions of the license shall be deemed to be public nuisance and may be abated at the cost of the adjoining property owners under the nuisance ordinances of the Ceity;
- (6) Unless otherwise provided in the license the license shall terminate upon transfer of the abutting property to a new owner within 30 days of such transfer unless a new encroachment license has been issued to the new abutting land owner, provided that the obligation to indemnify and insure on behalf of the Ceity shall survive and continue to run with the land until the encroachment and all parts thereof have been removed or a new license with adequate insurance and indemnification guarantees are provided to the Ceity; and
- (7) Such other terms and conditions as adjudged by the Ceity Ceouncil as necessary in the public interest.

Sec. 98-323. – ~~Application and permit required~~ Certain encroachments authorized by the Director of Public Works – procedures related thereto.

(a) The Director of Public Works is hereby authorized to allow, on, in, or over a public street, public sidewalk or public right-of-way, pursuant to this Section, the following types of encroachments: freestanding awnings, freestanding canopies, planters, street furniture, sidewalk cafes, and bicycle docks associated with a bicycle share program.

(b) Any person who desires to construct, install or place an encroachment provided for in section 98-323(a) ~~a freestanding awning, freestanding canopy, planter, street furniture, or sidewalk cafe~~ on, in, or over a public street, public sidewalk or public right-of-way ~~which abuts land owned or leased by such person,~~ shall first make application to the Director of Public Works for an encroachment permit and license, provided that the requested encroachment shall abut land owned or leased by the applicant unless the requested encroachment is a bicycle dock. Applications for a permit and license shall be submitted on forms approved by the Director of Public Works and shall include the following:

(1) The location, nature, size and purpose of the proposed awning, canopy, planter, street furniture or sidewalk cafe encroachment.

(2) Plans, specifications, drawings and other information as required by the Director of Public Works.

(3) Detailed information as to any signage and markings that will be applied to the ~~freestanding awnings, freestanding canopies, planter, street furniture or sidewalk cafes~~ proposed encroachment.

(4) An application fee according to the approved fee schedule filed with the City Clerk.

An encroachment permit or license may be issued pursuant to this Section ~~for any freestanding awnings, freestanding canopies, planters, street furniture, or sidewalk cafes~~ only after demonstrated consideration has been given to any City "Encroachment Design Guidelines" which are on file in the office of the Director of Public Works.

(b~~c~~) If the application is approved, the applicant may be issued an encroachment permit from the Director of Public Works provided the applicant enters into an encroachment license agreement with the City as set forth in section 98-325.

(e~~d~~) The cost of the encroachment permit shall be equal to the minimum building permit fee as found in the fee schedule on file with the office of the City Clerk provided that no permit fee shall be required if the encroachment request is included within

another project that requires a building permit.

Sec. 98-324. - Authority of Director of Public Works to enter into encroachment license agreement with applicant.

(a) *Issuance of licenses for encroachments authorized in section 98-323 ~~new awnings, canopies, planters, street furniture or sidewalk cafes~~.* The Director of Public Works is authorized to enter into an encroachment license agreement with the applicant to install and maintain ~~a freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe~~ on, in or over the public rights-of-way the encroachments authorized by section 98-323 on a form approved by the Ceity Attorney's office subject to the terms and conditions set forth in this article, upon the Director's determination that:

- (1) The proposed ~~freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe~~ encroachment is not likely to create a dangerous condition upon public or private property;
- (2) The proposed ~~freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe~~ encroachment will not materially interfere with the use of public or adjacent private property;
- (3) The proposed ~~freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe~~ encroachment meets all applicable codes and ordinances of the Ceity;
- (4) The applicant has demonstrated a reasonable need for the proposed ~~freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe~~ encroachment;
- (5) The proposed ~~freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe~~ encroachment is consistent with the aesthetic character of the adjacent neighborhood and does not create a nuisance or endanger the public health, safety and welfare of the community;
- (6) The placement or use of the ~~freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe~~ proposed encroachment does not violate any other provision of Ceity, State or Federal law or regulation;
- (7) The proposed ~~freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe~~ encroachment conforms with all applicable Ceity plans and policies of the Ceity;
- (8) The proposed encroachment complies with any ~~Any~~ guidelines for encroachments on file with the Director of Public Works ~~have demonstrably considered with respect to the proposed freestanding awning, freestanding~~

canopy, planter, street furniture or sidewalk cafe;

(9) The Director of Public Works does not object to the freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe proposed encroachment; and

(10) With respect to a sidewalk cafe, the proposed location is within an area approved for sidewalk cafes by the Planning and Zoning Commission.

(11) No bicycle dock shall be placed within 800 feet of another bicycle dock which is authorized to be placed on the right of way pursuant to this section. Such distance shall be measured linearly along street center lines as measured from the nearest points of each bicycle dock and using the most direct route.

(b) No license shall be issued for a bicycle dock under this Article until the applicant has paid a \$250.00 license fee for each bicycle dock to be placed on the right of way for the privilege of utilizing said right of way. If an applicant is a duly registered not for profit entity, then such license fee shall be \$50 for each bicycle dock. No license fee shall be charged for duly registered not for profit entities until a year after the effective date of this Ordinance.

(b)c) License required for pre-existing freestanding awnings, freestanding canopies, planters, street furniture or sidewalk cafes. Any freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe existing on, in, or over any public street, public sidewalk or public right-of-way at the time of the passage of this section shall be removed within 90 days of the effective date of this section if an encroachment license has not been obtained by the abutting property owner in that time. All such existing freestanding awnings, freestanding canopies, planters, street furniture or sidewalk cafes shall meet all requirements of this article before being authorized to remain in place by the issuance of an encroachment license. Failure to obtain an encroachment license may result in the Ceity removing such freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe in the manner set forth in section 98-326, or obtaining an administrative or court order for its removal by the abutting landowner.

Sec. 98-325. - Terms and conditions of an encroachment license agreement.

(a) An encroachment license agreement to construct and maintain, or retain, an encroachment authorized by section 98-323 a freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe shall be in a form approved by the Ceity Attorney and shall be signed by the license applicant and/or building owner if the building owner wants to have an interest in such license. The license agreement may be recorded by the Ceity in the office of the Recorder of Deed of Greene County, Missouri. The license agreement shall include provisions requiring:

(1) That the license to maintain the encroachment is revocable by the Ceity upon

reasonable written notice to the encroaching licensee;

(2) That the licensee, and the licensee's grantees, successors and assigns, shall defend, indemnify and hold the Ccity harmless from all claims of personal injury or property damage arising from construction, location and maintenance of the encroachment;

(3) That the licensee and the licensee's grantees, successors and assigns, shall carry at all times adequate public liability insurance with limits up to or in excess of the limits set forth in RSMo 537.610 and provide for insurance to continue after the license is revoked or terminated for any reason for a sufficient period of time to protect the Ccity from claims not yet filed;

(4) That the licensee, and the licensee's grantees, successors and assigns, will maintain the encroachment in a safe and presentable condition;

(5) That the licensee and the licensee's grantees, successors and assigns, grant an irrevocable license to the Ccity to enter upon the abutting property as may be necessary to remove the ~~awning, canopy, planter, street furniture or sidewalk cafe~~ encroachment at the costs of such licensee;

(6) That the licensee, the licensee's grantees, successors and assigns, shall be required to remove the ~~freestanding awning, freestanding canopy, planter, street furniture or sidewalk cafe~~ encroachment from the public right-of-way upon receipt of written notice from the Ccity to do so, within the time specified in the notice and at no cost to the Ccity; and

(7) That the license terminates upon transfer of the abutting property to a new owner within 30 days, provided that the obligation to indemnify and insure on behalf of the city shall survive and continue to run with the land until the encroachment and all parts thereof have been removed or a new license with adequate insurance and indemnification guarantees are provided to the Ccity;

(8) That the license shall be recordable in the land records of the Greene County Recorder's Office; and

(9) Such other terms and conditions as adjudged by the Director of Public Works or the Ccity Attorney as necessary in the public interest.

(b) In addition to the requirements of section 98-325(a), any proposed bicycle dock encroachment, shall not be permitted or allowed unless the applicant and City are parties to an existing cooperative agreement to regulate the placement and management of any approved bicycle docks. The Director of Public Works is hereby authorized to enter into such cooperative agreements so long as said cooperative agreement is consistent with this Article. Such cooperative agreement shall include, at least the following terms:

- 356
357 (1) That any encroachment permit for the placement of any of the applicant's bicycle
358 docks may be revoked upon breach of any of the terms of the agreement; and
359
360 (2) That the applicant shall be solely responsible for recovering any bicycles
361 abandoned or misplaced and any costs associated therewith; and
362
363 (3) That the applicant shall be solely responsible for any injury or damage caused by
364 any bicycles used in connection with applicant's bicycle docks; and
365
366 (4) That the placement of any logos or sponsorship information, shall comply with all
367 applicable federal, state, and local regulations and shall not be used as a public
368 forum for public debate; and
369
370 (5) That the placement of any logos or sponsorship information may be limited to
371 certain areas of the bicycle dock and that the available area in which a logo or
372 any sponsorship information may be placed may be limited so as to address the
373 public safety concerns inherent with signs, logos, and decals placed near streets
374 and the traveling public; and
375
376 (6) That the term of any cooperative agreement shall be limited to not more than one
377 year; and
378
379 (7) Such other terms and conditions as adjudged by the Director of Public Works
380 as necessary to comply with the intent of this Article.
381

382 Sec. 98-326. - Removal of any unauthorized encroachments.
383

- 384 (a) Unauthorized encroachments, that are not structurally attached to a building, are
385 hereby declared a public nuisance by the Ccity Council, and may be summarily
386 removed by the Ccity without providing notice to the property owner or owner of the
387 encroachment.
388
389 (b) Unauthorized encroachments that are structurally attached to a building are declared
390 to constitute a public nuisance and must be immediately removed by the
391 encroaching property owner, and/or person in control of the property, upon receipt
392 of notice from the Ccity. If the encroachment is not so removed, the encroachment
393 shall be deemed abandoned and the Ccity may compel the removal or abatement of
394 the unlawful encroachment. The property owner shall be liable to the Ccity for the
395 costs of removal, including attorneys fees and related costs, which costs may be
396 assessed by the Ccity as a lien on the property and shall be deemed a personal
397 debt of the property owner.
398
399 (c) In the event that it reasonably appears that there is an immediate danger to the
400 health, safety or welfare of any person from an encroachment that is structurally
401 attached to a building, the director of public works or the director of building

development services is authorized to take emergency measures to remove the encroachment or the dangerous condition thereof, without prior notice to the property owner or the owner of the encroachment. The property owner shall be liable to the Ceity for the costs of the removal or repair, including attorneys fees and related costs, which costs may be assessed by the Ceity as a lien against the property on which the building is located and the property owner shall also be personally liable to the Ceity for such costs.

Sec. 98-327. - Existing encroachments or private structures or improvements in dedicated right-of-way.

The provisions of this article shall not:

- (1) Prohibit the granting of an encroachment license to allow a private structure or improvement to remain in dedicated right-of-way;
- (2) Invalidate previous licenses or consents to have a private structure or improvement as an encroachment in the right-of-way; or
- (3) Render such an encroachment a nuisance subject to removal as such unless it becomes a nuisance, is not allowed under other City Codes, or state or federal law, or is not in compliance with conditions required under sections 98-320—98-329, provided that:
 - a. A written license agreement between an abutting property owner and the Ceity existed and was in effect December 8, 2003, for so long as such agreement shall continue;
 - b. Any encroachments otherwise authorized under this Code through the issuance of a permit or the entering into of a license or franchise agreement provided such encroachments were lawful at the time of installation or construction, and that any required agreements with the Ceity have been obtained; or
 - c. Any private structure or improvement existing within right-of-way at the time such right-of-way is dedicated to the Ceity for any purpose may remain as an encroachment provided that:
 1. The owner of such property submits an application for an encroachment license, provides all required licenses, bonds and assurances of safety and maintenance of such encroachment, and obtains a license in the same manner and under the same conditions as other licensed encroachment owners under this chapter; and
 2. The directors of building development services, public works and planning agree that the private structure or improvement may remain as

an encroachment within the right-of-way without posing an unnecessary risk to the traveling public or other users of the right-of-way.

This consent and license to allow an existing private structure or improvement to remain as an encroachment shall be conditioned upon the absolute right of the Ccity to require the encroachment to be removed at any time in the future at the cost of the licensee for any reason including, but not limited to, the need for public improvements or safety, or modification of such encroachment as the needs of the public or right-of-way users shall require as determined at the discretion of the Ccity Manager.

Sec. 98-328. - Duty to maintain encroachment in good repair and safe condition.

(a) It shall be the duty of any encroaching licensee, including owners of ~~freestanding awnings, freestanding canopies, planters, street furniture, signs or sidewalk cafes~~ encroachments authorized by section 98-323 to maintain the encroachment at all times in good repair and in a safe and presentable condition, in compliance with all applicable city codes and ordinances. It shall be unlawful for any encroaching licensee to allow an encroachment to become or remain in an unsafe or unsightly condition.

(b) If any encroachment or ~~freestanding awning, freestanding canopy, planter, street furniture, sign or sidewalk cafe~~ any encroachment authorized by section 98-323, or otherwise pursuant to city code, is determined to be in an unsafe or unsightly condition by the Director of Public Works or his representative, or is used in such a way as to create a nuisance as defined by the laws of the state or this Code, the encroachment permit shall be revoked and notice shall be given to the abutting property owner, the encroachment owner and/or person in charge of the property, of termination of the encroachment license agreement or such other authorization as may have been given to any such owner or person. The encroachment shall be deemed unauthorized and the Ccity may compel the removal or abatement of the unlawful encroachment.

(c) In all cases where it reasonably appears that an immediate threat to the health, safety or welfare of any person exists, the Director of Public Works or the Director of Building Development Services may take emergency measures to repair, remove or demolish any encroachment in the same manner as provided in subsection 98-326(c).

Sec. 98-329. - Signage and markings.

(a) The identification of the location of a place of business, neighborhood, subdivision, or use of a logo, on an encroachment permitted by this article, which is attached to or immediately adjacent to the place of business, neighborhood or subdivision shall not be deemed to be advertising within the meaning of section 98-7.

(1) Any bicycle dock may contain the logo and name of any sponsors of the bicycle dock even though said bicycle dock may not be attached to or immediately adjacent to the place of business, neighborhood or subdivision who is sponsoring the bicycle dock. The logo or name referenced herein shall comply with the remaining provisions of this section.

(b) Awnings and canopies are permitted to have identifying markings and only the name of the business and/or business logo and the street address are permitted to be applied to the awning or canopy, all in substantial conformance to the City encroachment design guidelines.

(c) In general, all signage and markings, on all encroachments, should be limited to the identification of the business, neighborhood, or subdivision and must be approved by the Director of Building Development Services as part of the application process.

(d) It shall be unlawful for any encroachment to be marked in any manner except as prescribed in this article.

Sec. 98-330. - Appeal of director's decision.

Any person who is aggrieved by a decision or determination of the Director of Public Works under this article shall have the right to appeal the Director's decision to the Planning and Zoning Commission by filing a request for such an appeal with the Director of Building Development Services and with the Secretary of the Planning and Zoning Commission within 30 days of the denial.

Sec. 98-331. - Violations.

Any person who violates the provisions of this article shall be subject to those penalties set forth in section 1-7.

Section 2 – Springfield City Code, Chapter 36, Article III, 'Zoning Regulations,' Division 5, 'Supplemental District Regulations,' section 36-454(3) is hereby amended to read as follows:

(Note: Language to be added is underlined and language being removed is stricken.)

Sec. 36-454. – Signs.

(3) *General sign provisions.* The provisions of this section shall apply to all signs in the city, without regard to their location in a residential or commercial zoning district.

(a) General prohibition. All signs are prohibited except as allowed by this article.

(b) Public areas. No sign other than a government sign or a neighborhood

identification sign reviewed and approved by the director of public works shall be allowed within or over public property or right-of-way. This section shall not be construed to prohibit the placement of signage and markings on encroachments authorized pursuant to Article VII of Chapter 98 of the City Code, provided that said signage and markings must comply with all other applicable provisions of this section. No such signs are allowed in the right-of-way of any thoroughfare designated as a part of the Federal Aid Urban ("FAU") system. When the building is located on or within three feet of the right-of-way line and the Director of Public Works grants consent, signs may project into the right-of-way as follows:

1. A horizontal separation of two feet from the inside curb line to the closest edge of the sign shall be maintained.
2. The sign shall be at least ten feet above the highest level of the ground under the sign's lowest point.
3. A license agreement shall be executed between the sign owner and/or the property owner and the City of Springfield.

Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

Section 4 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

586
587 Approved as to form: Richard T. Widen, Assistant City Attorney

588
589
590 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2019-018

FILED: 01-22-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Amending Chapter 98 of the City Code, Article VII, 'Encroachments on City Property;' and amending Chapter 36 of the City Code, Article III, 'Zoning Regulations,' Division 5, Supplemental District Regulations,' section 36-454; for the purpose of authorizing the placement of bicycle docks on City right-of-way.

BACKGROUND INFORMATION: City staff was approached by Springfield Bike Share ("SBS") who are interested in bringing a bike share program to Springfield. Such program would include the installation of bike share docks within the public right-of-way. City Council referred this item to the Finance & Administration Committee on April 9, 2018. SBS's proposal necessitated modifications to City Code Chapter 98 to allow components of the program to encroach on the City's right-of-way. These modifications were presented to the Finance & Administration Committee on August 8, 2018, and additional questions were answered on October 16, 2018. The changes presented were recommended by the Finance & Administration Committee.

The proposed changes to Chapter 98 are necessary to add bike docks to the allowable list of administratively-approved encroachments on public right-of-way by the Director of Public Works. The administrative process better facilitates any future modification and expansion of the bike share program. In addition to adding bike docks to the list of approved administrative encroachments, these proposed amendments add language that defines the distance between the placement of bike stations as recommended by the Finance and Administration Committee, as well as establishing a license fee and the requirement for a cooperative agreement for the installation of bike docks on public right-of-way.

To address sponsorship information located on the proposed bike share docks in public right-of-way, it is necessary to make modifications to Chapter 36 of the Zoning Code to clarify that signs and markings on encroachments authorized pursuant to City Code are allowed in public right-of-way provided that they comply with the Zoning Code. This modification was recommended by the Planning & Zoning Commission at the meeting on January 17, 2019.

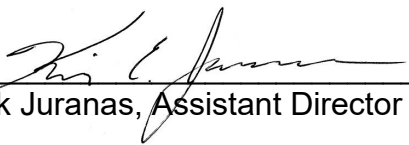
FINANCIAL: Liability insurance will be carried by the applicant for encroachment. SBS is responsible for the installation and maintenance of all bike docks and bikes associated with the bike share program.

Supports the following City Council Priorities:

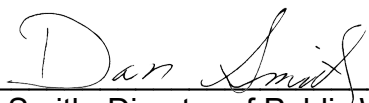
- Public Safety
- Economic Vitality

RECOMMENDATION: Public Works recommends passage of this Council bill.

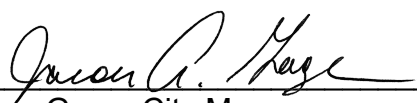
Submitted by:


Kirk Juranas, Assistant Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:


Jason Gage, City Manager

One-rdg. _____
P. Hrngs. X
Pgs. 108
Filed: 01-22-19

Sponsored by: Schilling, Hosmer,
Ollis and Simpson

First reading: _____

Second reading: _____

COUNCIL BILL 2019- 019

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Fee Schedule for certain City services as provided in the Springfield
2 City Code, by making such adjustments as provided in the attached
3 "Evaluation of Charges for Municipal Services"; and adopting new fees for
4 certain City services. (The Finance and Administration Committee
5 recommends approval.)
6 _____
7

8 WHEREAS, City Code Sec. 2-425 authorizes the City to charge various fees in
9 amounts contained on schedules adopted by Ordinance and on file with the City Clerk;
10 and
11

12 WHEREAS, an "Evaluation of Charges for Municipal Services," attached hereto
13 as "Exhibit B" has been compiled by the City's Finance Department; and
14

15 WHEREAS, "Exhibit B" contains the Fee Schedule for various City fees to be
16 charged for certain services; and
17

18 WHEREAS, the "Evaluation of Charges for Municipal Services," and
19 accompanying Fee Schedules were presented to the Finance and Administration
20 Committee which recommended that said Evaluation and Fee Schedules be forwarded
21 to City Council at the Committee's January 9, 2019, meeting; and
22

23 WHEREAS, a public hearing was held on January 28, 2019, concerning the
24 proposed changes to the City's current fee ordinance, and a copy of the notice for said
25 hearing is attached hereto as "Exhibit A;" and
26

27 WHEREAS, a new fee for Open/Close Cremains Niche placement shall be
28 effective upon the passage of this Ordinance; and
29

30 WHEREAS, all other new or revised fees shall be effective July 1, 2019.
31

32 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
33 SPRINGFIELD, MISSOURI, as follows, that:

34
35 Section 1 – City Council hereby adopts the Fee Schedule contained within the
36 “Evaluation of Charges for Municipal Services,” which is attached hereto and
37 incorporated herein by this reference as “Exhibit B,” and the “Building Development
38 Services – Commercial and Residential Fees,” which is attached hereto and
39 incorporated herein by this reference as “Exhibit C,” copies of which shall be maintained
40 on file with the City Clerk pursuant to Sec. 2-425 of the City Code.

41
42 Section 2 – The fees and charges included in “Exhibit B” and “Exhibit C,” are
43 hereby amended and approved and the schedule of fees and charges shown in “Exhibit
44 B” and “Exhibit C” for various departments of the City are hereby adopted.

45
46 Section 3 – City officials are authorized to charge the fees shown on “Exhibit B,”
47 as “Recommended Charges and Cost Recovery,” and the fees shown on “Exhibit C.”

48
49 Section 4 – Any City-imposed fees or charges not specifically included in “Exhibit
50 B” or “Exhibit C” shall remain unchanged.

51
52 Section 5 – This Ordinance shall be in full force and effect from and after
53 passage. The fee for Open/Close creains niche placement shall be effective upon
54 passage of this Ordinance. All other fees shall take effect on July 1, 2019.

55
56 Passed at meeting: _____

57
58 _____
59 Mayor
60

61 Attest: _____, City Clerk
62

63 Filed as an Ordinance: _____
64

65
66 Approved as to form: *Achale T. Wiedner*, Assistant City Attorney
67

68
69 Approved for Council action: *Jason R. Hays*, City Manager

EXPLANATION TO COUNCIL BILL 2019-019

FILED: 01-22-19

ORIGINATING DEPARTMENT: Finance

PURPOSE: Amending the Fee Schedule for certain City services as provided in the Springfield City Code, by making such adjustments as provided in the attached "Evaluation of Charges for Municipal Services"; and adopting new fees for certain City services. (The Finance and Administration Committee recommends approval.)

BACKGROUND INFORMATION: Annually, the Budget and Evaluation Division of the Finance Department reviews fees for municipal services. The fees are reviewed to determine if reasonable and appropriate levels of cost recovery are being maintained. Adjustments to municipal fees are recommended based on the policy statement included in the fee study and the recommendations of the Finance and Administration Committee which met on January 9, 2019.

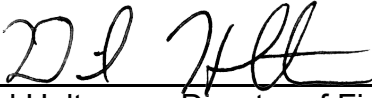
The public hearing notice is attached as "Exhibit A." The schedules of fees and charges are attached as "Exhibits B and C." Any fees or charges not specifically included in "Exhibits B or C" shall remain unchanged.

The average cost recovery of the recommended fees is 98.12 percent. The recommendations for certain permits, plan review and inspection fees were presented to the Development Issues Input Group ("DIIG") November 7, 2018.

The new fee for Open/Close Cremains Niche placement would be effective upon passage. This new burial option will be available before July 1, 2019. All other fees would be effective July 1, 2019.

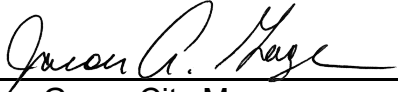
REMARKS: The evaluation report, including the recommended fee adjustments, was presented and approved for Council consideration by the Finance and Administration Committee at its January 9, 2019 meeting.

Submitted by:



David Holtmann, Director of Finance

Approved by:



Jason Gage, City Manager

CITY OF SPRINGFIELD
NOTICE OF PUBLIC HEARING

SUBJECT: Proposed changes to certain charges for city services in order to recover all or part of the cost of providing such services.

DATE AND TIME: January 28, 2019 at 6:30 PM

PLACE: City Council Chambers, City Hall, 830 Boonville Avenue, Springfield, MO 65802

SUPPLEMENTAL INFORMATION: To provide citizens of the City of Springfield, Missouri, the opportunity to submit written and oral comments on the proposed amendments to the ordinance pertaining to fees for services. The proposed changes to the current fee structure are in the Art Museum, Municipal Court, Departments of Building Development Services, Environmental Services, Finance, Fire, Planning and Development, Public Health, Public Works, and Police.

Copies of the proposed amendments are available in the Office of the City Clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, MO 65802.

Address written comments to Anita Cotter, City Clerk, P. O. Box 8368, Springfield, MO 65801-8368. Written comments received before or at the hearing will be in the hearing record.

Anita Cotter
City Clerk
City of Springfield, Missouri

CITY OF SPRINGFIELD, MISSOURI

EVALUATION OF CHARGES FOR MUNICIPAL SERVICES

BASED ON 2018 FISCAL YEAR ACTIVITY

AS RECOMMENDED BY THE
FINANCE AND
ADMINISTRATION
COMMITTEE
JANUARY 9, 2019



DEPARTMENT OF FINANCE
BUDGET AND EVALUATION

MISSION

The people of our community are the only
reason we are here.
Therefore,

We are committed to
WORKING WITH THE COMMUNITY
to provide ethical and responsible local government
so that everyone can enjoy the benefits
of living and working in Springfield.

We will achieve this through:

Integrity and Pride of Service
in everything we say and do, and with dedication to quality.

Cooperating and Communication
with one another and with citizens to ensure open government,
and open management with no surprises.

Continuous Improvement of Services
through cost-effective utilization of,
people, materials, equipment and technology

Leadership and Knowledge
through staff training and development.

Innovation
in how we meet present and future needs of our city.

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Fee Study Overview

Effective Date: July 1, 2019

Subject: Charges for Municipal Services

This policy statement will set guidelines for the evaluation of the City's charges for municipal services as contained within Section 2-425 of the Springfield City Code, including any applicable subcategories.

1. Current charges shall be evaluated by the Finance Department on an annual basis. This evaluation shall utilize information on Service Efforts and Accomplishments (SEAs) for each category of charges as compiled by the various departments.
2. This report shall be forwarded to the City Council Finance and Administration Committee at a meeting to be scheduled in January.
3. A notice of adjustments to the existing structure of charges shall be published in a newspaper. Fifteen days shall be allowed for public comment through the City Clerk's Office, or questions or concerns may be expressed during the public hearing which takes place during the normal council meeting process.
4. If recommended by the Committee, a final report shall be approved by the full council no later than the end of February each year.
5. If approved by City Council, fee changes and new fees are effective on July 1, unless otherwise stated in the proposed ordinance.
6. The following general guidelines shall be used in the annual evaluation:
 - Charges for municipal services, where appropriate, should recover 100 percent of the related cost of providing the service.
 - Recommendation by the Finance and Administration Committee on December 13th, 2017 is to recover 100 percent of the related cost to provide the service except in the instance of Hazelwood Cemetery and Springfield-Greene County Health Department fees.
 - Springfield-Greene County Health Department fees not included in the above recommendation and not intentionally set below cost for public health and welfare purposes, will fall under the guidance listed below:
 - i. Increases in fees and charges are recommended for those services that have an under recovery of cost. Policy guidelines limit such increases to a maximum of 10% above the percentage annual increase in the All Urban Consumer Price Index (CPI). For FY 17-18 the CPI was 2.64%, therefore, fee increases this year were limited to 12.64%.
 - ii. In instances where under-recovery of cost is occurring, an additional maximum of 10 percent above CPI may be phased in until cost recovery percentages reach 100 percent, where appropriate. In cases where cost-recovery is 50 percent or

less, a maximum of 20 percent above CPI may be phased in until cost recovery percentages reach 75 percent.

- iii. In instances where under-recovery of cost is occurring and the fee in question is \$30 or less, an increase to reach 100 percent cost recovery is acceptable, regardless of the percentage change in the fee from the prior year.
- Due to the special nature of ordinance violations, 100 percent cost recovery is maintained each year regardless of the percentage adjustment required, except for the animal control fees set below 100 percent cost recovery intentionally.
- Any efficiency achieved which reduces costs should be accompanied by a corresponding reduction in the related charges for services.

EVALUATION OF CHARGES FOR MUNICIPAL SERVICES

BASED ON 2018 ACTIVITY

CITY OF SPRINGFIELD, MISSOURI

The Budget and Evaluation Section of the Finance Department has completed the annual review of the City's charges for municipal services. These charges are reviewed to determine if reasonable and appropriate levels of cost recovery are being maintained. Recommended fee adjustments from the current evaluation based on FY 17-18 data are presented in this report.

OVERVIEW

Section 2-425 of the Springfield City Code provides that the charge for a municipal service is to be set at a level which does not exceed the cost of providing the service. The term "cost" in relationship to municipal services has been defined as the allocable cost of direct and indirect labor, supplies, charges, and capital outlay used to provide each specific service. Allocations for both departmental and city wide administrative overhead are also included in the cost determination.

Service efforts and accomplishments measures used to review the charges for services include, as appropriate, the following:

Measures of Efforts

- Non-financial resources
 - Number of labor hours, by position, expended to deliver services
- Financial resources
 - Fully burdened labor costs, by position, expended to deliver services
 - Expenditures used to deliver services, including both direct and indirect costs

Measures of Accomplishments

- Output measures
 - Number of service units produced
- Outcome measures
 - Average cost per service unit produced
 - Average revenue generated per service unit produced

Measures of Efficiency

- Percentage of cost recovery
- Percentage increase or decrease of average cost per service unit from prior period
- Percentage increase or decrease of cost recovery from prior period

FINDINGS AND RECOMMENDATIONS

This year's evaluation of charges for municipal services included a detailed analysis of the departmental and financial data that compose service costs. The methodology for deriving the service cost allocations was verified and their accuracy continues to be improved. Recommendations for adjustments to the evaluated charges are based on guidelines established by City Council policies.

A total of two hundred and fifty-two charges for municipal services were evaluated. The recommended adjustments for these charges are summarized as follows:

- Nine new fees are recommended to be established at this time.
- Ten fees are recommended to be eliminated.
- Sixty-six charges are recommended to be reduced.
- Sixty-three charges are recommended to be held constant.
- The remaining one hundred and fourteen charges are recommended to be increased.

Excluding Hazelwood Cemetery and Enterprise Fund charges, which require special consideration as discussed later, the current average cost recovery of the fees evaluated is 94.12%. If the recommended fee adjustments are approved, the average cost recovery would increase to 98.12%, potentially generating an additional \$571,414 in revenue. Of this potential revenue increase, \$115,951 would be in the general fund. Total proposed revenue generated is \$10,796,458; \$1,420,518 of which is general fund revenue, \$9,375,940 is derived from a variety of non-general funds.

The nine new fees are as follows: The Public Works Department is adding a Right of Way Plan/Infrastructure Review fee for large projects, a Permit and Inspections fee for large projects requiring traffic control, a Daily Remobilization fee, and Water Main Break fee. The Public Works Department is also adding an Open/Close Niche fee for cremains at the Hazelwood Cemetery. Environmental Services, Solid Waste Division is updating the fee for two existing products, bagged mulch and compost, and adding two new fees for delivery of bulk mulch and compost.

The ten eliminated fees are as follows: Six are Air Quality Permit fees, which are being removed due to a change in MDNR requirements. Also, four Fire Department fees for the safety inspection fees will no longer be offered due to a change in the compliance process.

The fees and charges evaluated have been grouped into five descriptive categories: Permit, Plan Review, and Inspection Fees; License Fees; Charges for Services; Ordinance Violation Charges; and Enterprise Fund Fees. Each category of charges has distinct characteristics and considerations that impact cost recovery decisions. The following narrative presents a summary of the charges within each category and an explanation of charges of particular interest.



Evaluation Summary by Fee Type

PERMIT, PLAN REVIEW, AND INSPECTION FEES SUMMARY

The permit, plan and inspection fees are the traditional fees charged by the City for the various permits issued and plan reviews and inspections conducted in relation to land development, commercial and residential construction, and specific activities within the City. Individuals and entities desiring to participate in such development or activities are required by City ordinance to apply for various permits and submit to plan reviews and inspections to ensure the public's safety, health, and general welfare.

The City's goal in charging these fees is to recover incurred costs that can be clearly identified as being directly associated with specific consumers of the City's regulatory services. Examples of fees included in this category are final plat reviews, building permits, sign permits, driveway permits, taxicab inspections, and food permits.

There are two new fees introduced in this section, in the Public Works department. The first is a right of way plan and infrastructure review fee for large projects. Large projects require a more detailed plan and coordination effort to manage impacts to City infrastructure. The other fee is for large right of way excavations requiring traffic control. This fee covers the cost of the coordination, approval and inspection of traffic control when work is being done in the street or right of way.

A total of eighty-three charges are identified in this category. The current average cost recovery for these charges is 96.66%. If the recommended fee adjustments are approved, the average cost recovery would be 97.80%.

The technology fee was reviewed for revenue currently being generated and the cost to maintain the electronic plan submission and review system (EPlans). The current rate of 17% is recommended remain the same. Based on the volume of these activities and the revenue generated in FY2018, it is projected 17% will be sufficient to cover the cost of maintaining the system. The technology fee applies to all building permits, sign permits, land disturbance permits, public improvements, and planning and zoning fees.

The fees in this section related to commercial and residential development was presented at the Development Issues Input Group (DIIG) meeting on November 7, 2018. The proposed fees and cost recovery statistics were discussed at this meeting.

LICENSING FEES SUMMARY

The fees evaluated in this section are for liquor license location investigations, after hours establishment investigations, tanning location security and escort services background checks. The recommended fee for issuing catering letters is set according to State Statute Section 311.485. There have not been any changes made to this statute during the current year, so the fee will remain the same.

A total of four charges are identified in this category. The current average cost recovery for these charges is 109.75%. If the recommended fee adjustments are approved, the average cost recovery would decrease to 100%.

CHARGES FOR SERVICES SUMMARY

The City has established charges for some services that are not regulatory in nature, nor imposed by City ordinance. These services provide a tangible product to a relatively small number of individuals and entities, with some services offered as an alternative to what is available in the private sector. The consumers of these City services have the freedom to choose whether or not the products provided have enough value to justify paying the established charge.

Examples of charges within this category include; community room rentals, vaccination administration fees, health testing, traffic signs and Hazelwood Cemetery burial services. As with other fee charges, the City restricts its cost recovery for these services to the actual cost incurred, except for the services offered at Hazelwood Cemetery, which require sensitivity to local market conditions and concerns.

There are three new fees introduced in this section. All three of the new fees are recommended by the Public Works department. The first fee is a Daily Remobilization fee which is designed for projects that span multiple days; the current mobilization fees are structured for a one-day mobilization. The second fee is a water main break fee. This is a salting fee that will be utilized during winter months when a water main breaks and causes ice on the roadway. The last new fee is for Hazelwood Cemetery, that is discussed in the Hazelwood Cemetery section.

A total of one hundred and thirty-eight charges are identified in this category. Thirteen of these charges are Hazelwood Cemetery burial charges, which require special consideration as described below. Excluding the Hazelwood Cemetery charges, the current average cost recovery is 89.91%, if the recommended fee adjustments are approved, the average cost recovery would increase to 96.15%. Excluding the fees intentionally set below cost recovery for public health safety, such as animal vaccinations and vaccinations of food handlers, and fees set to not discourage use such as animal turn ins, the average cost recovery is 99.10%.

Hazelwood Cemetery

There is one new fee recommended for Hazelwood Cemetery. This fee is an open/close cremains niche fee. The cemetery is installing an inground, multiple niche unit for the interment of cremated remains in lieu of the current practice of using full grave spaces in the economy section for the interment of individual cremated remains. In addition to the City's direct cost in providing services, other factors must be considered when establishing the fee levels for burial services and burial lot prices with Hazelwood Cemetery. The impact of the City's fee structure on the local competitive market must be minimized. For all grave open/close services Hazelwood is currently mid-market, except for adult interment charges, which we are the market high. Hazelwood is mid to low market for lot sales and other fees, except for infant lot sales, where we are the market high. It is recommended that the infant interment charges decrease to \$325 and all other fees remain unchanged. Although some Hazelwood fees provide more than 100% cost recovery, the excess provides funding for the perpetual care of the cemetery.

ORDINANCE VIOLATION CHARGES SUMMARY

The charges in the fourth category have been established by City ordinance, as allowed by State statutes, to recover the costs incurred by the City while enforcing certain ordinance violations. Violators

may also be subject to punitive fines and court costs ordered by the Municipal Court. All of these charges relate to DWI offenses, animal impoundment, or weed, health, and tree abatements.

A total of seven charges are identified in this category. Due to the special nature of these charges, full cost recovery is allowed to be maintained each year regardless of the percentage adjustment required. The only fee below the City cost in this section is the animal impoundment fee. The City believes the cost should not be so high that it would discourage citizens from claiming their animal. The current average cost recovery for these charges is 77.71%. If the recommended fee adjustments are approved, the average cost recovery will be 87.14%. Excluding the animal impoundment fees, 100% of cost recovery is achieved.

ENTERPRISE FUND FEES SUMMARY

The sixteen fees in this section are determined differently than the other fees in this study. These fees are established to recover operating costs as well as recover long-term capital investment. These funds are not supported by general tax revenue. They are being included in this document to ensure annual review. The newly included fees establish a fee for bagged mulch and compost product and for delivery of bulk mulch or compost products.

Boards and Agencies

Administrative boards, such as Parks and Airport boards, are allowed by City Ordinance to review and set their own schedule of charges. Accordingly, charges set by these boards are not reviewed as part of this evaluation.

Recommended Charges and Cost Recovery



Permit, Plan Review, and Inspection Fees

These fees are traditional fees charged by the City for the various permits issued and plan reviews and inspections conducted in relation to land development, commercial and residential construction, and specific activities within the City. Individuals and entities desiring to participate in such development or activities are required by City ordinance to apply for various permits and submit to plan reviews and inspections to ensure the public's safety, health, and general welfare.

**Permit, Plan Review, and Inspection Fees
Building Development Services**

Service Description	Current Status Based on FY 17-18 Data				
	Minimum Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Commercial Permits and Plan Review					
Building Permits	\$155	\$157	99%	176	\$27,280
Electrical, Mechanical, Plumbing, Gas Permits	155	157	99%	987	152,985
Other Permits	155	157	99%	75	11,625
Building Plan Review-BDS Only	175	239	73%	66	11,550
Building Plan Review	350	410	85%	22	7,700
Technology Fee	17%	17%	100%	176	66,952
Totals					\$278,092

Service Description	Proposed Fees for FY 19-20				
	Proposed Min Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Commercial Permits and Plan Review					
Building Permits	\$157	1.4%	100%	\$27,650	\$370
Electrical, Mechanical, Plumbing, Gas Permits	157	1.4%	100%	155,061	2,076
Other Permits	157	1.4%	100%	11,783	158
Building Plan Review-BDS Only	239	36.7%	100%	15,793	4,243
Building Plan Review	410	17.1%	100%	9,018	1,318
Technology Fee	17%	0.0%	100%	66,952	0
Totals				\$286,256	\$8,164

Building Permit Building construction requires the issuance of a permit and follow-up inspections to insure adherence to code. Permit fees are based on the building's use group, type of construction, and square footage.

Electrical, Mechanical, Plumbing, Gas Permit Electrical, mechanical, gas fitting, and plumbing work require the issuance of permits and follow-up inspections to insure adherence to code. Permit fees are based on a percentage of the building permit fee.

Other Permits Other permits include: Foundation/Repair Permit for Moved Structures, Towers, Floodplain Development Permit, Parking Lots, Fuel Tanks, Fence Permit, Swimming Pool Installation, Temporary Vendor Site Permit, Temporary Vendor Permit, Lawn Sprinkler System Installation, Fire Sprinkler System Permit, Wrecking Permit, Stormwater Detention Permit, Moving Permit, Commercial Change-Outs, and Day Care Inspections.

Permit, Plan Review, and Inspection Fees
Building Development Services

Building Plan Review

In order to issue a building permit which requires design documents, a review of the design documents must be performed to verify compliance with the adopted building codes. The Plan Review fees are based on the percentage of the building permit fee. Depending on the type of plan, the review is either performed by the Building Development Services department only or by Building Development Services and all other related departments.

Technology Fee

The technology fee is assessed on the Building Permit Fee, minimum of \$50, for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Building Development Services**

Service Description	Current Status Based on FY 17-18 Data				
	Minimum Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Residential Permits					
Building Permits	\$120	\$126	95%	344	\$41,280
Electrical, Mechanical, Plumbing, Gas Permits	95	91	104%	1664	158,080
Other Permits	40	40	100%	105	4,200
Totals					\$203,560

Service Description	Proposed Fees for FY 19-20				
	Proposed Min Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Residential Permits					
Building Permits	\$126	4.8%	100%	\$43,247	\$1,967
Electrical, Mechanical, Plumbing, Gas Permits	91	-4.0%	100%	151,803	-6,277
Other Permits	40	0.0%	100%	4,200	0
Totals				\$199,249	-\$4,311

Building Permit	Building construction requires the issuance of a permit and follow-up inspections to insure adherence to code. Permit fees are based on the building's use group, type of construction, and square footage.
Electrical, Mechanical, Plumbing, Gas Permit	Electrical, mechanical, gas fitting, and plumbing work require the issuance of permits and follow-up inspections to insure adherence to code. Permit fees are based on a percentage of the building permit fee.
Other Permits	Other permits include: Residential mechanical furnace and/or air conditioner change out, plumbing water heater change out, electrical service repair and gas air test only.

**Permit, Plan Review, and Inspection Fees
Building Development Services**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	Current Cost	Cost Recovery	Units of Service	Revenue Generated
Sign Permit - Detached	\$215	\$226	95%	190	\$40,850
Sign Permit - Wall	61	76	80%	233	14,213
Technology Fee	17%	17%	100%	423	10,301
Totals					\$65,364

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Sign Permit - Detached	\$226	5.0%	100%	\$42,889	\$2,039
Sign Permit - Wall	76	25.2%	100%	17,799	3,586
Technology Fee	17%	0.0%	100%	10,301	0
Totals				\$70,989	\$5,624

Sign Permit - Detached A permit is required for any new detached sign or alternation to an existing detached sign.

Sign Permit - Wall A permit is required for any new wall sign or alternation to an existing wall sign.

Technology Fee The technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Environmental Services**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Asbestos Inspection Fee	\$149	\$131	114%	160	\$23,840
Totals					\$23,840

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Asbestos Inspection Fee	\$131	-12.0%	100%	\$20,982	-\$2,858
Totals				\$20,982	-\$2,858

Asbestos Inspection Fee	Any asbestos removal project within the City of Springfield, may be inspected by an asbestos inspector with the Department of Environmental Services. The fee shall be charged to the abatement contractor or the owner of the property.
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**Permit, Plan Review, and Inspection Fees
Environmental Services**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Open Burning Permit	\$144	\$149	96%	12	\$1,728
Totals					\$1,728

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Open Burning Permit	\$149	3.6%	100%	\$1,786	\$58
Totals				\$1,786	\$58

Open Burning Permit	A property owner must obtain a permit to be able to burn brush or trees that originate on the property. The property owner has to meet several requirements in order to obtain a permit.
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**Permit, Plan Review, and Inspection Fees
Environmental Services**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Land Disturbance Permit					
Sites < 1 acre	\$160	\$45	355%	2	\$320
Sites Between 1 and 5 acres	414	467	89%	42	17,388
Sites Between 5 and 20 acres	460	504	91%	6	2,760
Sites > 20 acres	566	622	91%	1	566
Technology Fee	17%	17%	100%	49	4,234
Totals					\$25,268

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Land Disturbance Permit					
Sites < 1 acre	\$45	-71.8%	100%	\$90	-\$230
Sites Between 1 and 5 acres	467	12.8%	100%	19,615	2,227
Sites Between 5 and 20 acres	504	9.5%	100%	3,023	263
Sites > 20 acres	622	9.9%	100%	622	56
Technology Fee	17%	0.0%	100%	4,234	0
Totals				\$27,584	\$2,316

Land Disturbance Permits

The Land Disturbance Permits are a requirement of the City's Municipal Separate Storm Sewer System (MS4) Permit with the Missouri Department of Natural Resources under the federal National Pollutant Discharge Elimination System (NPDES) program. Permit fee is for review and approval of applications and inspections, based on number of acres disturbed.

Sites < 1 Acre

The less than one acre fee is only for sites that are part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project. Permits are required for these sites under federal and state regulations. A permit is not required for sites that disurb less than 1 acre, which is not part of a larger common plan.

Technology Fee

The technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Environmental Services**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Trash Truck Inspections	\$25	\$21	120%	134	\$3,350
Totals					\$3,350

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Trash Truck Inspections	\$21	-17.0%	100%	\$2,782	-\$568
Totals				\$2,782	-\$568

<u>Trash Truck Inspections</u>	Trash trucks are inspected annually for compliance with sanitation requirements.
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Permit, Plan Review, and Inspection Fees
Fire

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Blasting Permit (storage site)	\$162	\$152	106%	0	\$0
Blasting Permit (use site)	190	184	103%	4	760
Fireworks Permit - Ground Display	196	188	104%	3	588
Fireworks Permit - Aerial	261	250	104%	1	261
Fireworks Permit - Proximate Audience	316	299	106%	8	2,528
Fireworks Permit - Additional Display Inspection	182	177	103%	4	728
Totals					\$4,865

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Blasting Permit (storage site)	\$152	-5.9%	100%	\$0	\$0
Blasting Permit (use site)	184	-3.3%	100%	735	-25
Fireworks Permit - Ground Display	188	-4.0%	100%	565	-23
Fireworks Permit - Aerial	250	-4.2%	100%	250	-11
Fireworks Permit - Proximate Audience	299	-5.5%	100%	2,390	-138
Fireworks Permit - Additional Display Inspection	177	-2.6%	100%	709	-19
Totals				\$4,648	-\$217

Blasting Permit (storage site) A permit is required for storage of explosives within the city. Site inspections are performed, as well as checks for a current city business license and certificate of insurance for the contractor.

Blasting Permit (use site) A permit is required to do blasting within the city. Site inspections are performed, as well as checks for a current city business license and certificate of insurance for the contractor.

Fireworks Permit - Ground Display A permit is required for a ground display of fireworks.

Fireworks Permit - Aerial A permit is required for an aerial display of fireworks.

Fireworks Permit - Proximate Audience A permit is required for all proximate audience fireworks. The use of proximate audience fireworks must be in accordance with the International Fire Code, NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience and Missouri Revised Statute 320.106 through 320.161, and the Springfield Fire Department policies.

Permit, Plan Review, and Inspection Fees
Fire

Fireworks Permit - Additional Display Inspection

All the fireworks permits include one display inspection. This fee will be assessed for each additional display at the same location.

Permit, Plan Review, and Inspection Fees
Fire

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Tent Permit	\$102	\$101	101%	90	\$9,180
Each Additional Tent	2	14	14%	1	2
Late Fee	109	83	131%	0	0
Re-inspection Fee	60	58	103%	6	360
Totals					\$9,542

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Tent Permit	\$101	-1.1%	100%	\$9,080	-\$100
Each Additional Tent	14	600.2%	100%	14	12
Late Fee	83	-23.4%	100%	0	0
Re-inspection Fee	58	-2.9%	100%	350	-10
Totals				\$9,444	-\$98

Tent Permit The tent permit covers the processing of the application, an initial review of the application by the Fire Marshal's Office, an on-site visit, and the inspection of one tent for fire and life safety requirements.

Each Additional Tent The "Each Additional Tent" fee covers the inspection of each additional tent, located at the same site as on the tent permit, for fire and life safety requirements.

Late Fee The late fee is charged in addition to the Tent Permit when the application is submitted within the 24 hour window prior to the event.

Re-inspection Fee The re-inspection fee covers an on-site visit, and the re-inspection of tent(s) for fire and life safety requirements when the initial inspection failed or in the event that a tent is in place for more than 30 consecutive days.



**Permit, Plan Review, and Inspection Fees
Planning and Development**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Planned Development - Preliminary	\$1,292	\$1,425	91%	7	\$9,044
Planned Development - Final (Administrative)	626	745	84%	2	1,252
Planned Development - Final (Comm/Council)	770	891	86%	0	0
Lot Line Adjustment	39	37	106%	0	0
Lot Combination - Substantial Impact	416	444	94%	0	0
Lot Combination - No Substantial Impact	35	34	103%	40	1,400
Subdivision Variance Independent of Prelim Plat	453	489	93%	0	0
Technology Fee	17%	17%	100%	49	2,180
Totals					\$13,876

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Planned Development - Preliminary	\$1,425	10.3%	100%	\$9,973	\$929
Planned Development - Final (Administrative)	745	19.0%	100%	1,490	238
Planned Development - Final (Comm/Council)	891	15.8%	100%	0	0
Lot Line Adjustment	37	-6.0%	100%	0	0
Lot Combination - Substantial Impact	444	6.8%	100%	0	0
Lot Combination - No Substantial Impact	34	-3.1%	100%	1,357	-43
Subdivision Variance Independent of Prelim Plat	489	8.0%	100%	0	0
Technology Fee	17%	0.0%	100%	2,180	0
Totals				\$14,999	\$1,123

Planned Development - Preliminary The preliminary plan for property development that either cannot be accommodated by the existing zoning laws or that requires additional regulations to protect a neighborhood from the proposed development. A specific ordinance approved by the Planning and Zoning Commission and City Council is produced, which also specifies how the final development plan may be approved.

Planned Development - Final (Administrative) Submitted site plan, which can be administratively approved, that shows specific development and how it complies with the preliminary development plan.

Planned Development - Final (Comm/Council) Submitted site plan, which must be approved by the Planning and Zoning Commission and City Council, that shows specific development and how it complies with the preliminary development plan.

**Permit, Plan Review, and Inspection Fees
Planning and Development**

<u>Lot Line Adjustment</u>	A subdivision of previously platted property with no public improvements that may be administratively approved.
<u>Lot Combination - Substantial Impact</u>	An administrative lot combination that substantially increases the potential for development or substantially increases demands on public infrastructure serving existing and proposed tracts, and parcels or lots.
<u>Lot Combination - No Substantial Impact</u>	An administrative lot combination that does not substantially increase the potential for development or does not substantially increase demands on public infrastructure serving existing and proposed tracts and parcels or lots.
<u>Subdivision Variance Independent of Preliminary Plat</u>	A request for modification of the standard subdivision regulations.
<u>Technology Fee</u>	The technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Planning and Development**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Board of Adjustment	\$649	\$650	100%	5	\$3,245
Conditional Use Permit	1,085	1,226	88%	6	6,510
Relinquishment of Easement	271	290	93%	14	3,794
Vacations	712	738	97%	13	9,256
Zoning Map Amendment	956	981	97%	31	29,636
Technology Fee	17%	17%	100%	69	9,294
Totals					\$61,735

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Board of Adjustment	\$650	0.1%	100%	\$3,248	\$3
Conditional Use Permit	1,226	13.0%	100%	7,359	849
Relinquishment of Easement	290	7.0%	100%	4,058	264
Vacations	738	3.6%	100%	9,590	334
Zoning Map Amendment	981	2.6%	100%	30,402	766
Technology Fee	17%	0.0%	100%	9,294	0
Totals				\$63,951	\$2,216

Board of Adjustment	A property owner request for modification of the standard zoning ordinance regulations because strict enforcement of the regulations creates some type of hardship upon the utilization of the property.
Conditional Use Permit	Allows land to be used for certain specified uses subject to specified conditions.
Relinquishment of Easement	Legal measure where the City gives up its right to cross private property with public utility lines (gas, water, electric, sanitary sewer) because the easement is no longer needed.
Vacations	Changes the ownership of a street or alley from public to private, or voids a platted subdivision.
Zoning Map Amendment	A change in a property's zoning to allow a land use that is not under the existing zoning.
Technology Fee	The technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Planning and Development**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Preliminary Plat	\$1,081	\$1,139	95%	9	\$9,729
Preliminary Plat Renewal	699	771	91%	1	699
Final Plat (Administrative)	813	845	96%	10	8,130
Final Plat (Commission/Council)	551	562	98%	1	551
Final Plat Appeal	521	535	97%	0	0
Technology Fee	17%	17%	100%	21	3,406
Totals					\$22,515

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Preliminary Plat	\$1,139	5.4%	100%	\$10,255	\$526
Preliminary Plat Renewal	771	10.3%	100%	771	72
Final Plat (Administrative)	845	4.0%	100%	8,453	323
Final Plat (Commission/Council)	562	1.9%	100%	562	11
Final Plat Appeal	535	2.7%	100%	0	0
Technology Fee	17%	0.0%	100%	3,406	0
Totals				\$23,447	\$932

Preliminary Plat	The submission of preliminary plans to subdivide private property into sellable lots.
Preliminary Plat Renewal	Required if the final plat is not submitted within one year of City Council approval of the preliminary plat.
Final Plat (Administrative)	Final version of a subdivision that will be recorded, creating sellable lots. City staff may approve administratively if the final plat submittal conforms to the preliminary plat that was approved by City Council.
Final Plat (Commission/Council)	Final version of a subdivision that must be approved by the Planning and Zoning Commission and City Council because it does not meet the adopted criteria for administrative approval.
Final Plat Appeal	An appeal may be made to the Planning and Zoning Commission and City Council for approval of a final plat that was administratively denied.
Technology Fee	The technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Planning and Development**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Annexation	\$1,383	\$1,375	101%	4	\$5,532
Master Sign Plan	669	708	94%	1	669
Request to Extend Security Agreement	186	189	99%	1	186
Street Name Change	774	749	103%	1	774
Subdivision Variance With Prelim Plat	317	481	66%	1	317
Zoning Certificate	38	40	96%	69	2,622
Technology Fee	17%	17%	100%	77	1,526
Totals					\$11,626

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Annexation	\$1,375	-0.6%	100%	\$5,500	-\$32
Master Sign Plan	708	5.9%	100%	708	39
Request to Extend Security Agreement	189	1.5%	100%	189	3
Street Name Change	749	-3.3%	100%	749	-25
Subdivision Variance With Prelim Plat	481	51.8%	100%	481	164
Zoning Certificate	40	4.0%	100%	2,727	105
Technology Fee	17%	0.0%	100%	1,526	0
Totals				\$11,879	\$253

Annexation An applicant would request the city to incorporate their property within the domain of the City of Springfield.

Master Sign Plan An applicant can apply for a master sign plan which would allow multiple on-premise signs as long as the effective area of the signs do not exceed the total allowed sign area for the zoning district.

Request to Extend Security Agreement An applicant may request Section 303(2) of the Subdivision Regulations which states that the Commission "may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security agreement is revised pursuant to a revised estimate by the Department of Public Works."

**Permit, Plan Review, and Inspection Fees
Planning and Development**

<u>Street Name Change</u>	A citizen or the city may request to change a street name if there are any emergency management issues or inconsistencies with the current addressing system. Emergency Communications (E-911) requests many of these and we would not charge 911. We will only charge for private requests.
<u>Subdivision Variance With Prelim Plat</u>	An applicant will often request a subdivision variance at the same time as their preliminary plat. The subdivision variance is a request to vary from the City of Springfield subdivision regulations if certain criteria are met.
<u>Zoning Certificate</u>	An applicant would apply to have staff provide official certification of the zoning district of a particular property on the date the zoning certificate is issued. The zoning certificate also provides notice of any rezoning applications on file for the property in the Planning and Development Department office.
<u>Technology Fee</u>	The technology fee is assessed on the City cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Planning and Development**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Administrative RePlat Commercial	\$454	\$470	97%	4	\$1,816
Administrative RePlat Residential	388	406	96%	1	388
Administrative Condo	526	546	96%	8	4,208
Technology Fee	17%	17%	100%	13	1,131
Totals					\$7,543

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Administrative RePlat Commercial	\$470	3.5%	100%	\$1,880	\$64
Administrative RePlat Residential	406	4.5%	100%	406	18
Administrative Condo	546	3.7%	100%	4,364	156
Technology Fee	17%	0.0%	100%	1,131	0
Totals				\$7,781	\$238

Administrative Re-Plat Commercial and Residential

The subdivision of land shall be classified as an administrative re-plat if an existing lot in a previously recorded subdivision is subdivided into not more than five (5) tracts, parcels or lots, and does not include the dedication of a new street or other public way or change in existing streets or alleys. The only difference between commercial and residential is whether it is a subdivision or commercially or residentially zoned land.

Administrative Condo

The subdivision of an existing structure or structures on a lot of record into units on a common element.

Technology Fee

The technology fee is assessed on the City cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Public Health**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Farmers Market Permit	\$114	\$223	51%	43	\$4,902
Totals					\$4,902

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Farmers Market Permit	\$128	12.3%	57%	\$5,504	\$602
Totals				\$5,504	\$602

Farmers Market Permit Fee	For compliance with City Ordinance, food establishments must possess a valid health permit. A Farmer's Market is a category of food establishment. Farmer's Market Permit Fee covers the cost of application processing and review, inspections, re-inspections, and delivery of the farmers market food safety class.
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**Permit, Plan Review, and Inspection Fees
Public Health**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Food Permit - High Priority Establishment	\$522	\$674	77%	498	\$259,956
Food Permit - Medium Priority Establishment	258	412	63%	376	97,008
Food Permit - Low Priority Establishment	137	265	52%	555	76,035
Totals					\$432,999

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Food Permit - High Priority Establishment	\$587	12.5%	87%	\$292,326	\$32,370
Food Permit - Medium Priority Establishment	290	12.4%	70%	109,040	12,032
Food Permit - Low Priority Establishment	154	12.4%	58%	85,470	9,435
Totals				\$486,836	\$53,837

Food Permit

For compliance with City Ordinance, food establishments must possess a valid health permit. Food establishments are assessed based on risk factors known to cause or contribute to food borne illness; therefore, they are accordingly assessed as a low, medium or high priority. Those food establishments falling into the low priority category will be inspected once annually; those that fall into the medium priority category will be inspected twice annually; and those that fall into the high priority category will be inspected three times annually. The food permit fee covers the cost of annual inspections, re-inspections, compliance checks, and complaints/complaint inspections.

**Permit, Plan Review, and Inspection Fees
Public Health**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Temporary Food Establishment Permit	\$55	\$88	63%	132	\$7,260
Mobile Food Permit - High Priority Establishment	118	167	71%	61	7,198
Mobile Food Permit - Medium Priority Establishment	119	117	101%	0	0
Mobile Food Permit - Low Priority Establishment	73	82	90%	52	3,796
Totals					\$18,254

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Temporary Food Establishment Permit	\$61	10.9%	69%	\$8,052	\$792
Mobile Food Permit - High Priority Establishment	132	11.9%	79%	8,052	854
Mobile Food Permit - Medium Priority Establishment	117	-1.7%	100%	0	0
Mobile Food Permit - Low Priority Establishment	82	12.3%	100%	4,264	468
Totals				\$20,368	\$2,114

Temporary Food Establishment Permit

For compliance with City Ordinance, food establishments must possess a valid health permit. A temporary food establishment is a food establishment that operators for a period of no more than 14 consecutive days. The Temporary Food Establishment Permit fee covers the cost of application review and processing and inspections.

Mobile Food Establishment Permit - Priorities

For compliance with City Ordinance, food establishments must possess a valid health permit. A Mobile is a category of food establishment. Mobile Food establishments are assessed based on risk factors known to cause or contribute to food borne illness; therefore, they are accordingly assessed as a low, medium or high priority. Those mobile food establishments falling into the low priority category will be inspected once; those that fall into the medium priority category will be inspected twice; and those that fall into the high priority category will be inspected three times. The mobile food permit fee covers the cost of inspections, re-inspections, compliance checks, and complaints/complaint inspections.



Permit, Plan Review, and Inspection Fees
Public Health

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
New Construction/Remodel Inspection Fee	\$201	\$167	120%	70	\$14,070
Totals					\$14,070

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
New Construction/Remodel Inspection Fee	\$167	-16.9%	100%	\$11,690	-\$2,380
Totals				\$11,690	-\$2,380

New Construction/Remodel Inspection Fee

For compliance with City Ordinance, food establishments must possess a valid health permit. To obtain such permit, establishments that are new construction or remodeling existing buildings, must complete application and review of plans and/or a walk-thru inspection of new/remodeled structure prior to issuance of a health permit. The New Construction/Remodel Inspection Fee covers the cost of the plan review, application review and processing, on-site pre-inspection and any needed re-inspections prior to opening, and consultation prior to initial opening.

**Permit, Plan Review, and Inspection Fees
Public Works**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Commercial Driveway Permit	\$167	\$120	139%	44	\$7,348
Residential Driveway Permit					
Improved	102	98	104%	83	8,466
Unimproved	114	112	102%	53	6,042
Sidewalk Permit	165	115	144%	10	1,650
Right of Way Excavation Permit	22	23	97%	934	20,548
Right of Way Excavation Inspection	148	146	101%	693	102,564
NEW - Right of Way Plan/Infrastructure Review - Large	0	507	0%	25	0
Right of Way Excavations Requiring Traffic Control					
NEW - Permit and Inspections-Large Project	0	216	0%	250	0
Totals					\$146,618

Service Description	Proposed Fees for 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Commercial Driveway Permit	\$120	-28.1%	100%	\$5,284	-\$2,064
Residential Driveway Permit					
Improved	98	-3.8%	100%	8,147	-319
Unimproved	112	-1.5%	100%	5,951	-91
Sidewalk Permit	115	-30.4%	100%	1,149	-501
Right of Way Excavation Permit	23	2.7%	100%	21,105	557
Right of Way Excavation Inspection	146	-1.0%	100%	101,507	-1,057
NEW - Right of Way Plan/Infrastructure Review - Large	507	100.0%	100%	12,678	12,678
Right of Way Excavations Requiring Traffic Control					
NEW - Permit and Inspections-Large Project	216	100.0%	100%	54,056	54,056
Totals				\$209,877	\$63,259

Driveway Permit Permits must be obtained for all driveway construction and improvements. Improved refers to a driveway which connects to a street with concrete curbs and gutters. Unimproved refers to a driveway which connects to a street without concrete curbs and gutters.

Sidewalk Permit Permits must be obtained for all sidewalk construction and improvements. If sidewalk construction is in conjunction with driveway construction, only the driveway permit fee will apply.

Right of Way Excavation Permit Permits must be obtained to perform excavations in the City's rights-of-way.

Permit, Plan Review, and Inspection Fees
Public Works

Right of Way Excavation Inspection

An inspection fee is charged when an excavation does not involve any City-performed street repair. This typically means that it's an excavation in an alley or on the right-of-way off to the side of the street, as is typical of phone company projects.

Right of Way Plan/Infrastructure Review - Large

Large projects require a more detailed plan and coordination effort to administer plans and impacts to City infrastructure. The Right of Way Plan/Infrastructure Review fee for large projects is a one time fee to cover average costs to review plans and minor infrastructure repairs during construction for "large" projects occurring over multiple weeks on multiple blocks.

Right of Way Excavations Requiring Traffic Control

When an excavation permit requires work in the street or right of way, traffic control is required. The City must pre-approve and check installation of traffic control for quality assurance during construction. The City must also coordinate and provide public notice regarding the work as necessary. Permits are issued for a period of time based on the street classification and scope of work.

**Permit, Plan Review, and Inspection Fees
Public Works/Environmental Services**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Public Improvement Fee	5.00%	5.00%	100%	46	\$179,195
Technology Fee	0.34%	0.34%	100%	46	14,790
Totals					\$193,985

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Public Improvement Fee	5.00%	0.0%	100%	\$179,195	\$0
Technology Fee	0.34%	0.0%	100%	14,790	0
Totals				\$193,985	\$0

Public Improvement Fee Projects completed by private developers for streets, storm sewer and sanitary sewer public improvement are assessed an engineering and inspection fee. The fee is 5% of the project cost. For FY18, there were \$3.6 Million in improvement projects. A "consent to annex" will be required as a condition to extend City sewer to any subdivision outside the city limits of Springfield. The consent to annex shall require an acceptable title search by an acceptable title company. The developer is responsible for providing the title search.

Technology Fee The technology fee for public improvements, based on a percentage of the project cost, is an additional .34%. This percentage will capture the portion of the license and maintenance of the electronic submission and review system for this division.

**Permit, Plan Review, and Inspection Fees
Public Works**

Current Status Based on FY 17-18 Data

Service Description	Current Fee	Current Cost	Cost Recovery	Units of Service	Revenue Generated
Encroachment Permit	\$225	\$243	93%	8	\$1,800
Encroachment Permit-Council Action	495	333	149%	5	2,475
Totals					\$4,275

Proposed Fees for FY 19-20

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Encroachment Permit	\$243	8.1%	100%	\$1,945	\$145
Encroachment Permit-Council Action	333	-32.7%	100%	1,665	-810
Totals				\$3,610	-\$665

Encroachment Permit

A permit is required for an encroachment on public right-of-way. Authority is granted to the Public Works Director to issue a license agreement for new awnings, canopies, planters, street furniture or sidewalk cafes.

Encroachment Permit-Council Action

Encroachments not defined in Section 98-323 of City Code require City Council action. The cost of the permit includes the staff time indicated above as well as Assistant City Attorney's time for council bill preparation.

**Permit, Plan Review, and Inspection Fees
Public Works**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Taxicab and Wrecker Inspection	\$28	\$28	100%	73	\$2,044
Totals					\$2,044

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Taxicab and Wrecker Inspection	\$28	0.0%	100%	\$2,044	\$0
Totals				\$2,044	\$0

<u>Taxicab and Wrecker Inspection</u>	Taxicabs and wreckers are inspected annually for compliance with safety and equipment requirements.
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Licensing Fees

There are five fees identified in this section. They are for issuing letters of approval for catering, determining liquor license location restrictions, and background investigations for after-hours establishments, tanning location security and escort services. The recommended fee for issuing catering letters is set according to State Statute Section 311.485. There have not been any changes made to this statute during the current year, so the fee will remain the same.

Licensing Fees
Finance - Licensing

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
After-Hours Establishment Investigation	\$118	\$158	75%	0	\$0
Totals					\$0

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	%Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
After-Hours Establishment Investigation	\$158	33.7%	100%	\$0	\$0
Totals				\$0	\$0

After-Hours Establishment Investigation	City Code provides for the recovery of the costs incurred by the City to perform background investigation of applicants for permission to operate an after-hours establishment.
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Licensing Fees
Finance - Licensing

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Letters of Approval for Catering	\$15-\$30/day	N/A			
Liquor License Location Investigation	\$197	\$204	97%	78	\$15,366
Totals					\$15,366

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Letters of Approval for Catering	\$15-\$30/day	N/A			
Liquor License Location Investigation	\$204	3.4%	100%	\$15,888	\$522
Totals				\$15,888	\$522

Letters of Approval for Catering Fee to be charged is set by Missouri Statute sections 311.220 and 311.485 of the Liquor Control Law. These letters of approval are for caterers or other persons holding licenses to serve liquor at a particular function, occasion or event at a particular location other than the licensed premises.

Liquor License Location Investigation-Determining Restrictions When a liquor license application is submitted, investigation of the location for licensing restrictions is required. The investigation involves checking restrictions regarding zoning, residential zoned property, church, park, school and other liquor license locations. The investigation also includes a criminal records check preformed by the Police Department.

Licensing Fees
Finance - Licensing

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Tanning Location Security & Background Fee	\$193	\$147	131%	5	\$965
Escort Service License Application Fee	179	131	136%	0	0
Totals					\$965

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Tanning Location Security & Background Fee	\$147	-23.9%	100%	\$734	-\$231
Escort Service License Application Fee	131	-26.6%	100%	0	0
Totals				\$734	-\$231

<u>Tanning Location Security & Background Fee</u>	For compliance with City Ordinance, security and background checks are reviewed by the City on persons engaging in this type of business activity. This fee recovers the costs incurred by the Licensing and Police Departments in performing this task.
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<u>Escort Service License Application Fee</u>	For compliance with City Ordinance, upon the initial application, background checks are reviewed by the City on persons engaging in this type of activity. Escort business owners as well as individual employee escorts must obtain this license. This fee recovers the costs incurred by the Licensing and Police Departments in performing the background investigation and license process.
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Charges for Services

This category of charges is for services that are not regulatory in nature, nor imposed by City ordinance. These services provide a tangible product to a relatively small number of individuals and entities, with some services offered as an alternative to what is available in the private sector. The consumers of these City services have the freedom to choose whether or not the products provided have enough value to justify paying the established charges.

**Charges for Services
Art Museum**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Auditorium Reservation & Event Setup	\$159	\$345	46%	119	\$18,921
Community Room Reservation & Event Setup	\$270	\$344	78%	86	23,220
Lobby Area Reservation & Event Setup	\$270	\$343	79%	5	1,350
Hourly Rental	69	87	79%	141.5	9,764
Security Officer per hour	19	25	77%	76	1,444
Totals					\$54,699

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Auditorium Reservation & Event Setup	\$345	117.3%	100%	\$41,106	\$22,185
Community Room Reservation & Event Setup	344	27.5%	100%	29,609	6,389
Lobby Area Reservation & Event Setup	343	27.2%	100%	1,717	367
Hourly Rental	87	26.5%	100%	12,350	2,587
Security Officer per hour	25	29.1%	100%	1,865	421
Totals				\$86,647	\$31,949

Reservation & Event Setup Designated areas of the Art Museum may be rented to the public for events. The Art Museum has the authority to charge up to full cost recovery for the facility based on size of group and type of rental.

Hourly Rental Art Museum security staffing per event hour.

Security Officer per hour Events over 200 participants will require an additional Security Officer for every additional 50 guests. Outside of normal business hours, personnel cost is calculated at 150% of the standard rate.

Charges for Services
Fire

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Fire Station Room Rental	\$35	\$45	77%	692	\$24,220
Totals					\$24,220

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Fire Station Room Rental	\$45	29.1%	100%	\$31,268	\$7,048
Totals				\$31,268	\$7,048

Community Room Rental

Community Rooms are located at five Springfield Fire Stations and may be rented to the public for meetings and events. This fee is per rental, for up to 8 hours. This fee is waived for other public agencies, registered neighborhood associations and government entities requiring the room(s) for their official business.

**Charges for Services
Fire**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Fire Training Programs for Businesses					
Fire Extinguishers	\$63	\$84	75%	7	\$441
First Aid or CPR without certification	\$63	\$81	78%	4	\$252
Totals					\$693

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Fire Training Programs for Businesses					
Fire Extinguishers	\$84	33.6%	100%	\$589	\$148
First Aid or CPR without certification	\$81	28.7%	100%	\$324	\$72
Totals				\$913	\$220

<u>Fire Extinguisher Training</u>	Provide local businesses with one hour of training for their employees including the use of a fire extinguisher simulator. Fee is per class provided; up to 30 participants per class.
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<u>First Aid or CPR class without certification</u>	Provide local businesses with one hour of training for their employees in either basic First Aid training or adult CPR training without certification. Fee is per class provided; up to 30 participants per class.
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Charges for Services

Fire

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Staff and equipment rates for event activities					
Firefighter per hour	\$32	\$31	103%	15	\$474
Equipment Operator/Rescue Specialist/hour	41	41	101%	15	607
Lieutenant per hour	43	41	105%	0	0
Fire Captain per hour	49	49	100%	15	725
Fire Marshal per hour	53	51	105%	92	4,876
Battalion Chief per hour	58	57	101%	0	0
Division Chief per hour	47	51	93%	0	0
Assistant Fire Chief per hour	73	70	104%	0	0
Fire Chief per hour	112	105	107%	0	0
Fire Truck - Pump per hour	79	79	100%	15	1,169
Fire Truck - No ladder per hour	93	93	99%	0	0
Fire Truck - Ladder 75 ft per hour	117	117	100%	0	0
Fire Truck - Ladder 100 ft per hour	100	100	100%	0	0
Pickup/SUV per hour	19	19	100%	0	0
Mobile Command Post Vehicle (RV) per hour	31	31	100%	0	0
Totals					\$7,851

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Staff and equipment rates for event activities					
Firefighter per hour	\$31	-3.1%	100%	\$459	-\$15
Equip. Operator/Rescue Specialist per hour	41	-1.1%	100%	600	-7
Lieutenant per hour	41	-5.2%	100%	0	0
Fire Captain per hour	49	0.2%	100%	727	1
Fire Marshal per hour	51	-4.3%	100%	4,666	-210
Battalion Chief per hour	57	-1.1%	100%	0	0
Division Chief per hour	51	7.6%	100%	0	0
Assistant Fire Chief per hour	70	-3.5%	100%	0	0
Fire Chief per hour	105	-6.3%	100%	0	0
Fire Truck - Pump per hour	79	-0.1%	100%	1,168	-1
Fire Truck - No ladder per hour	93	0.5%	100%	0	0
Fire Truck - Ladder 75 ft per hour	117	0.1%	100%	0	0
Fire Truck - Ladder 100 ft per hour	100	0.0%	100%	0	0
Pickup/SUV per hour	19	0.0%	100%	0	0
Mobile Command Post Vehicle (RV) per hour	31	0.0%	100%	0	0
Totals				\$7,618	-\$232

Charges for Services

Fire

Event Activities

City code provides for the recovery of the costs incurred by the City when an event requires fire department personnel to be called in off-duty.

Off-duty personnel cost is calculated at 125% of the standard rate. One hour will be added to the cost per position to cover travel to and from the event site.

The department requires a minimum of 4 hours per position, per day for call-in.

Charges for Services
Fire

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Staff and equipment rates for a hazardous substance release					
Firefighter per hour	\$26	\$25	104%	11	\$286
Equipment Operator/Rescue Specialist/hour	32	31	102%	16	502
Lieutenant per hour	35	32	111%	0	0
Fire Captain per hour	39	38	102%	5	207
Fire Marshal per hour	42	39	107%	0	0
Battalion Chief per hour	46	45	103%	5	239
Division Chief per hour	47	49	96%	0	0
Assistant Fire Chief per hour	73	68	107%	0	0
Fire Chief per hour	112	102	110%	0	0
Fire Truck - Pump per hour	79	79	100%	5	413
Hazmat or Fire Truck - No ladder per hour	93	93	99%	0	0
Fire Truck - Ladder 75 ft per hour	117	117	100%	0	0
Fire Truck - Ladder 100 ft per hour	100	100	100%	5	526
Pickup/SUV per hour	19	19	100%	5	99
Mobile Command Post Vehicle (RV) per hour	31	31	100%	0	0
Airvan/Compressor Trailer per hour	11	11	100%	0	5
Totals					\$2,277

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Staff and equipment rates for a hazardous substance release					
Firefighter per hour	\$25	-3.8%	100%	\$275	-\$11
Equipment Operator/Rescue Specialist/hour	31	-1.7%	100%	494	-8
Lieutenant per hour	32	-9.7%	100%	0	0
Fire Captain per hour	38	-2.6%	100%	201	-5
Fire Marshal per hour	39	-7.1%	100%	0	0
Battalion Chief per hour	45	-3.2%	100%	232	-8
Division Chief per hour	49	4.7%	100%	0	0
Assistant Fire Chief per hour	68	-6.4%	100%	0	0
Fire Chief per hour	102	-9.2%	100%	0	0
Fire Truck - Pump per hour	79	-0.1%	100%	413	-1
Hazmat or Fire Truck - No ladder per hour	93	0.5%	100%	0	0
Fire Truck - Ladder 75 ft per hour	117	0.1%	100%	0	0
Fire Truck - Ladder 100 ft per hour	100	0.0%	100%	526	0
Pickup/SUV per hour	19	0.0%	100%	99	0
Mobile Command Post Vehicle (RV) per hour	31	0.0%	100%	0	0
Airvan/Compressor Trailer per hour	11	1.3%	100%	5	0
Totals				\$2,244	-\$33

Charges for Services
Fire

Hazardous Substance Release

City code provides for the recovery of the costs of a hazardous substance release if any of the following circumstances are met: when level A or B protection is used; when the on-scene time exceeds 2 hours; when the loss of equipment/supplies is greater than \$50.00; or is outside the City of Springfield.

Incidents not involving fire, standard rate applies with no charge for the first hour. Incidents involving fire, 50% of the standard rate applies with no charge for the first hour.

Responses outside the City of Springfield; on-duty personnel the standard rate applies; recalled personnel 125% of the standard rate applies.

Cost of supplies and damaged equipment, actual replacement costs apply.

**Charges for Services
Municipal Court**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Access to Conviction Records (Per Name)	\$9	\$9	100%	390	\$3,510
Totals				390	\$3,510

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Access to Conviction Records (Per Name)	\$9	0.0%	100%	\$3,510	\$0
Totals				\$3,510	\$0

Access to Conviction Records — Research court conviction records for individual names as requested. The charge is for each name to be researched.

**Charges for Services
Planning and Development**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Chapter 99 Redevelopment Plan and Blight Report	\$1,765	\$1,630	108%	2	\$3,530
Chapter 99 Redevelopment Plan Only	1,412	1,304	108%	1	1,412
Request for Chapter 99 Property Tax Abatement	312	472	66%	5	1,560
Totals					\$6,502

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Chapter 99 Redevelopment Plan and Blight Report	\$1,630	-7.7%	100%	\$3,260	-\$270
Chapter 99 Redevelopment Plan Only	1,304	-7.7%	100%	1,304	-108
Request for Chapter 99 Property Tax Abatement	472	51.4%	100%	2,362	802
Totals				\$6,925	\$423

Chapter 99 Redevelopment Plan and Blight Report The Planning and Development Department processes and reviews applications containing a blight report and redevelopment plan submitted pursuant to Section 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority Law ("Chapter 99") that request City Council make a determination of blight within a proposed redevelopment area and approve a redevelopment plan to facilitate redevelopment.

Chapter 99 Redevelopment Plan Only The Planning and Development Department process and reviews applications containing a redevelopment plan submitted pursuant to Section 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority Law ("Chapter 99") that request City Council to approve plans for the redevelopment of a proposed redevelopment area. A blight report and determination of blight is not necessary if the proposed redevelopment area is currently blighted pursuant to Chapter 99.

Request for Chapter 99 Property Tax Abatement The Planning and Development Department processes and reviews applications requesting the Land Clearance for Redevelopment Authority to authorize partial real property tax abatement for projects that are consistent with an approved redevelopment plan.

**Charges for Services
Planning and Development**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Chapter 353 Fee	\$2,198	\$2,040	108%	2	\$4,396
Totals					\$4,396

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Chapter 353 Fee	\$2,040	-7.2%	100%	\$4,081	-\$315
Totals				\$4,081	-\$315

Service Description	
	The Planning and Development Department processes and reviews applications filed by urban redevelopment corporations pursuant to Chapter 353, RSMo and Chapter 36, Springfield City Code that request City Council make a determination of blight within a proposed redevelopment area, approve a redevelopment plan, and authorize partial real property tax abatement to facilitate redevelopment.

**Charges for Services
Police**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Accident/Incident Report (except incident reports specified below)	\$2	\$2	100%	24,103	\$48,206
Incident Reports requested by victims of sexual assault or domestic violence	2	2	100%	750	1,500
Totals					\$49,706

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Accident/Incident Report (except incident reports specified below)	\$2	0.0%	100%	\$48,206	\$0
Incident Reports requested by victims of sexual assault or domestic violence	0	100.0%	0%	0	-1,500
Totals				\$48,206	-\$1,500

<u>Accident/Incident Report</u>	Accident and incident reports may be purchased through the Police Department. The charge is for each report requested.
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**Charges for Services
Police**

Current Status Based on FY 17-18 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Police Firing Range Per Hour	\$92	\$83	110%	50	\$4,600
Totals					\$4,600

Proposed Fees for FY 19-20

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Police Firing Range Per Hour	\$83	-9.4%	100%	\$4,166	-\$434
Totals				\$4,166	-\$434

Police Firing Range Per Hour

This facility has 20 shooting stations which allows for 100 yard targets. There is also a 25-yard range available for 16 additional stations. Staff will be on hand for use of facilities. This service is only available to other law enforcement agencies. All agencies must bring their own ammunition and cleaning supplies.

**Charges for Services
Public Health**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Animal Turn-in by Owner	\$20	\$58	34%	168	\$3,360
Totals					\$3,360

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Animal Turn-in by Owner	\$20	0.0%	34%	\$3,360	\$0
Totals				\$3,360	\$0

Animal Turn-in by Owner

This fee will cover expenses incurred from officer time gathering information from owner relinquishing animal, performing a wellness check, taking the animal's photo and loading it onto the database. Also covers the cost of food for the first day and kennel cleaning services. Mother animal brought in with litter will be treated as one animal for charging purposes. The fee has been set at \$20 because the City believes that the cost should not be so high that it would discourage citizens from turning in animals.

**Charges for Services
Public Health**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Animal Vaccination	\$8	\$34	23%	1104	\$8,832
Totals					\$8,832

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Animal Vaccination	\$8	0.0%	23%	\$8,832	\$0
Totals				\$8,832	\$0

Animal Vaccination

The fee will cover the cost of vaccinating shelter animals against disease, preventing kennel cough, deworming those animals with symptoms and all puppies. The fee is not collected at 100% cost recovery because the City believes that the cost should not be so high that it would discourage rescue groups from selecting shelter animals. The fee has been set at \$8 per animal.

**Charges for Services
Public Health**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Hepatitis B testing	\$30	\$58	52%	42	\$1,260
Hepatitis C testing	75	137	0%	73	5,475
Totals					\$6,735

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Hepatitis B testing	\$30	0.0%	52%	\$1,260	\$0
Hepatitis C testing	75	0.0%	55%	5,475	0
Totals				\$6,735	\$0

Hepatitis B testing

The Public Health Department charges for a Hepatitis B surface antigen screening. The screening tool is used to detect acute cases of illness caused by the Hepatitis B virus. Blood is drawn at the Health Department by Laboratory staff and sent to an outside agency for testing. This fee is not collected at 100% cost recovery because the City believes this fee should not be so high it discourages the public from being tested.

Hepatitis C testing

The Public Health Department began performing a Hepatitis C surface antigen screening in addition to a Hepatitis C RNA quantitative test in September 2017. The screening tool is used to detect acute cases of illness caused by the Hepatitis C virus while the RNA quantitative test is a confirmatory test in addition to detecting viral loads in the body. Blood is drawn at the Health Department by Laboratory staff and analyzed internally in the lab. This fee is not collected at 100% cost recovery because the City believes this fee should not be so high it discourages the public from being tested.

Charges for Services
Public Health

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Tuberculosis T Spot Testing	\$88	100	88%	7	\$616
Totals					\$616

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Tuberculosis T Spot Testing	\$100	13.2%	100%	\$697	\$81
Totals				\$697	\$81

<u>Tuberculosis T Spot Testing</u>	The Public Health Department offers T Spot testing. The screening tool is used to detect cases of latent tuberculosis infection or active tuberculosis disease. Blood is drawn by a Health Department employee and sent to an outside laboratory for analysis.
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**Charges for Services
Public Health**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Vaccine Administration Fee	\$46	\$55	84%	1,791	\$82,386
Vaccine Administration Fee - Food Handlers	5	55	9%	341	1,705
Vaccine Administration Fee - Non-Greene County Resident	77	85	91%	147	11,319
Totals					\$95,410

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Vaccine Administration Fee	\$51	10.9%	93%	\$91,341	\$8,955
Vaccine Administration Fee - Food Handlers	5	0.0%	9%	1,705	0
Vaccine Administration Fee - Non-Greene County Resident	85	10.1%	100%	12,457	1,138
Totals				\$105,503	\$10,093

Vaccine Administration Fee

The Public Health Department charges an administration fee for adult vaccinations given to individuals, and work groups as requested for employment. Food handlers are charged a minimal fee for the administration of the Hepatitis A vaccine. The rationale for a reduced administration fee charge for the food handlers is the public health safety issue and to reduce barriers to receiving the vaccine. The cost of the vaccine is not included in this fee, vaccines will be charged at market value.

Non-Greene County Resident Fee

Residents within the City of Springfield pay for public health services through a property mil tax. Greene County pays for these services for Greene County Residents. This fee recovers the vaccine administration for non-Greene County residents. The cost of the vaccine is not included in this fee, vaccines will be charged at market value.

Charges for Services
Public Information Office

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Cityview Studio Reservation and Daily Rental	\$584	\$617	95%	0	\$0
Equipment Operator Per Hour	63	67	94%	0	0
Totals					\$0

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Cityview Studio Reservation and Daily Rental	\$617	5.7%	100%	\$0	\$0
Equipment Operator Per Hour	67	6.5%	100%	0	0
Totals				\$0	\$0

Cityview Studio Reservation and Daily Rental

The Cityview studio may be rented to individuals for video recording purposes. The Public Information Office has the authority to charge up to the full cost for the facility based the length of the rental. A minimum fee of \$250 is required; this includes, reservation, setup and tear down time.

Equipment and Equipment Operator

Audio, visual and studio equipment is available upon request to be rented per day, per event. City staff may be provided or required to operate certain equipment.

**Charges for Services
Public Works**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Escrow Fee	\$324	\$520	62%	9	\$2,916
Totals					\$2,916

Service Description	Proposed Fees for 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Escrow Fee	\$520	60.4%	100%	\$4,678	\$1,762
Totals				\$4,678	\$1,762

Escrow Fee	After approving request for securing public improvements the escrow fee must be paid in order to continue with processing and review of security agreements. Fee covers cost for review, processing, and coordination of securities. Fee is for review and does not constitute reimbursement if escrow is denied.
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**Charges for Services
Public Works**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Hazelwood Cemetery (Burial Services)					
Open/Close - Adult Grave	\$891	\$1,265	70%	100	\$89,100
Open/Close - Infant Grave	543	121	449%	1	543
Open/Close - Cremains (Direct Burial)	428	631	68%	34	14,552
NEW - Open/Close - Cremains (Niche)	0	209	0%	0	0
Open/Close - Infant & Cremains With Family Preparation	378	581	65%	0	0
Additional Fee for Non-Office Hour Services	393	255	154%	14	5,502
Disinterment Charges - Adults	983	2,195	45%	0	0
Disinterment Charges - Infants	532	467	114%	1	532
Disinterment Charges - Cremains	392	178	220%	1	392
Lot Sales	800	69		36	28,800
Lot Sales - Infant	270	69		1	270
Lot Sales - Historical Graves	1,032	110		0	0
Lot Sales - Reinstated Graves	1,246	0		0	0
Totals					\$139,691

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change Cost	New Cost Recovery	Projected Service	Change Generated
Hazelwood Cemetery (Burial Services)					
Open/Close - Adult Grave	\$891	0.0%	70%	\$89,100	\$0
Open/Close - Infant Grave	325	-40.1%	269%	325	-218
Open/Close - Cremains (Direct Burial)	428	0.0%	68%	14,552	0
NEW - Open/Close - Cremains (Niche)	209	100.0%	100%	0	0
Open/Close - Infant & Cremains With Family Preparation	378	0.0%	65%	0	0
Additional Fee for Non-Office Hour Services	393	0.0%	154%	5,502	0
Disinterment Charges - Adults	983	0.0%	45%	0	0
Disinterment Charges - Infants	532	0.0%	114%	532	0
Disinterment Charges - Cremains	392	0.0%	220%	392	0
Lot Sales	800	0.0%		28,800	0
Lot Sales - Infant	270	0.0%		270	0
Lot Sales - Historical Graves	1,032	0.0%		0	0
Lot Sales - Reinstated Graves	1,246	0.0%		0	0
Totals				\$139,473	-\$218

Charges for Services
Public Works

<u>Open/Close - Adult/Infant Grave/Cremains</u>	The charge for preparing the grave site for an adult or infant burial or burial of remains of cremation. The Niche fee is for niche placement, either in-ground or above ground.
<u>Open/Close - Infant & Cremains With Family Preparation</u>	The charge to mark the grave and provide materials for an infant or cremains burial, where the family wishes to prepare the grave. Cemetery staff ensures proper tamp/close of the grave.
<u>Additional Fee for Non-Office Hour Services</u>	The additional charge for services outside of normal business hours (Saturday, Sunday, holiday or evening) is increased due to the cost of overtime for employees performing the service.
<u>Disinterment Charges</u>	The charge for moving the remains from one grave site to another.
<u>Lot Sales</u>	The charge for a lot sale provides funding for the perpetual care of the cemetery and is set at a rate to not undercut the prices charged by the other local cemeteries. The charge for an infant lot is based portionally to the size of an adult grave.
<u>Lot Sales - Historical Graves</u>	The lot sale and the charge for researching and field verifying leftover plots throughout the cemetery.
<u>Lot Sales - Reinstated Graves</u>	State statute allows the City to declare graves abandoned if unused for more than 75 years. The charge recovers the cost of filing the public notices and recording fee, conducting field study of the lot and research by the City Attorney's Office.

**Charges for Services
Public Works**

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Street Sweeping Service Mobilization Fee	\$215	\$196	110%	8	\$1,720
Street Flushing Service Mobilization Fee	128	113	113%	0	0
Street Sweeping Per Square Foot	0.0042	0.0037	113%	5430	23
Street Flushing Per Square Foot	0.0028	0.0025	112%	0	0
Totals					\$1,743

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Street Sweeping Service Mobilization Fee	\$196	-9.8%	100%	\$1,566	-\$154
Street Flushing Service Mobilization Fee	113	-13.5%	100%	0	0
Street Sweeping Per Square Foot	0.0037	-12.5%	100%	20	-3
Street Flushing Per Square Foot	0.0025	-12.3%	100%	0	0
Totals				\$1,586	-\$156

Mobilization Fees

Mobilization fees are the minimum fee required to prepare the equipment and to provide the operator and equipment on site.

Square Foot Fees

The service the equipment operator provides includes, labor and equipment per unit of measure cleaned.



**Charges for Services
Public Works**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Concrete/Excavation Crew Mobilization Fee	\$492	\$493	100%	181	\$89,052
Sidewalk Crew Mobilization Fee	197	228	87%	114	22,458
Saw Cut Crew Mobilization Fee	76	94	81%	250	19,000
Asphalt Crew Mobilization Fee	216	237	91%	51	11,016
Temporary Asphalt Crew Mobilization Fee	178	199	90%	266	47,348
Finish Grading Crew Mobilization Fee	132	131	101%	184	24,288
NEW - Daily ReMobilization Fee	0	217	0%	100	0
Repair Services:					
NEW - Water Main Break	0	280	0%	5	0
Concrete Pavement	3.98/SF	4.12	92%	45,270	172,479
Sidewalk	3.21/SF	3.39	94%	9,963	31,782
Asphalt cap, 2"	2.14/SF	2.15	99%	10,528	22,530
Asphalt cap, temporary	1.98/SF	2.39	83%	28,166	55,769
Asphalt Stamping	6.73/SF	6.74	100%	0	0
Finish Grading	1.00/SF	0.93	107%	6,723	6,723
Concrete Curb	15.00/SF	15.23	98%	409	6,135
Concrete Curb and Gutter	25.26/SF	25.56	99%	391	9,877
Saw Cut	0.93/SF	0.92	101%	12,528	11,651
Bricks	2.84 ea.	2.83	100%	32	91
ADA Ramp	1,235 ea.	1,187	104%	31	38,285
Totals					\$568,483

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Concrete/Excavation Crew Mobilization Fee	\$493	0.2%	100%	\$89,274	\$222
Sidewalk Crew Mobilization Fee	228	15.5%	100%	25,947	3,489
Saw Cut Crew Mobilization Fee	94	23.4%	100%	23,453	4,453
Asphalt Crew Mobilization Fee	237	9.6%	100%	12,070	1,054
Temporary Asphalt Crew Mobilization Fee	199	11.7%	100%	52,870	5,522
Finish Grading Crew Mobilization Fee	131	-0.9%	100%	24,072	-216
NEW - Daily ReMobilization Fee	217	100.0%	100%	21,660	21,660
Repair Services:					
NEW - Water Main Break	280	100.0%	100%	1,401	1,401
Concrete Pavement	4.12	8.2%	100%	186,698	14,219
Sidewalk	3.39	6.4%	100%	33,807	2,025
Asphalt cap, 2"	2.15	0.5%	100%	22,646	116
Asphalt cap, temporary	2.39	20.9%	100%	67,422	11,653
Asphalt Stamping	6.74	0.1%	100%	0	0
Finish Grading	0.93	-6.8%	100%	6,267	-456
Concrete Curb	15.23	1.6%	100%	6,230	95
Concrete Curb and Gutter	25.56	1.2%	100%	9,994	117
Saw Cut	0.92	-1.3%	100%	11,503	-148
Bricks	2.83	-0.2%	100%	91	0
ADA Ramp	1,187	-3.9%	100%	36,784	-1,501
Totals				\$632,188	\$63,705

Charges for Services
Public Works

Mobilization Fees

Mobilization fees are the minimum fee required to provide a crew and equipment on site, prepare the site, setup, and tear down.

Repair Services:

The service the crew provides includes labor, equipment and materials per unit of measure.

**Charges for Services
Public Works**

Current Status Based on FY 17-18 Data					Proposed Charges for FY 19-20		
Service Description	Size	Current Fee	City Cost	Cost Recovery	Proposed Fee	% Change in Fee	New Cost Recovery
Regulatory Signs:							
STOP	30"	\$106	\$107	99%	\$107	0.9%	100%
STOP	36"	114	116	98%	116	1.8%	100%
30" STOP with All Way Plaque	30"	117	118	99%	118	0.9%	100%
36" STOP with All Way Plaque	36"	122	123	99%	123	0.8%	100%
30" STOP with double street names (6 3/4")	-	166	167	99%	167	0.6%	100%
30" STOP with double street names (9")	-	202	203	100%	203	0.5%	100%
30" STOP with double street names and cross traffic does not stop (6 3/4")	-	184	185	99%	185	0.5%	100%
30" STOP with double street names and cross traffic does not stop (9")	-	220	221	100%	221	0.5%	100%
30" STOP with double street names and Street Ends or No Outlet (6 3/4")	-	194	196	99%	196	1.0%	100%
30" STOP with double street names and Street Ends or No Outlet (9")	-	239	241	99%	241	0.8%	100%
30" STOP with double one way arrow	-	132	134	99%	134	1.5%	100%
30" STOP with double one way arrows (back to back)	-	136	137	99%	137	0.7%	100%
30" STOP with double one way arrows and cross traffic does not stop	-	153	154	99%	154	0.7%	100%
YIELD	36"	102	104	98%	104	2.0%	100%
Right Lane Must Turn Right	30 x 30	107	108	99%	108	0.9%	100%
Center Lane Sign	24 x 30	104	106	98%	106	1.9%	100%
One Way	12 x 36	96	98	98%	98	2.1%	100%
One Way (double sided)	12 x 36	103	105	98%	105	1.9%	100%
DO NOT ENTER	30 x 30	107	108	99%	108	0.9%	100%
Speed Limit 20/25/30/35/40	24 x 30	103	104	99%	104	1.0%	100%
Speed Limit 25 with yellow border	32 x 42	119	120	99%	120	0.8%	100%
No Left/Right/U-turn Turn (symbol)	24 x 24	100	101	99%	101	1.0%	100%
Keep Right (symbol) with Stripe Board (8 x 18)	18 x 24	106	107	99%	107	0.9%	100%
Keep Right (symbol) with Stripe Board (12 x 36)	24 x 30	118	120	98%	120	1.7%	100%
2hr Parking, Res Permit Parking	12 x 18	94	95	99%	95	1.1%	100%
No Parking, Handicap Parking	12 x 18	92	93	99%	93	1.1%	100%
No Parking; No Parking, Stopping, Standing; Loading Zone	18 x 24	99	101	98%	101	2.0%	100%
Replace Pole with Existing Sign	-	92	94	98%	94	2.2%	100%
Reset Existing Sign	-	75	76	99%	76	1.3%	100%

Signs in **bold type** are typical signs that would be installed in a new subdivision.

**Charges for Services
Public Works, continued**

Current Status Based on FY 17-18 Data					Proposed Charges for FY 19-20		
Service Description	Size	Current Fee	City Cost	Cost Recovery	Proposed Fee	% Change in Fee	New Cost Recovery
Warning Signs:							
End of Roadway Diamonds	18 x 18	\$94	\$95	99%	\$95	1.1%	100%
Stripe Board	12 X 36	96	98	98%	98	2.1%	100%
Curve Warning / Stop Ahead/ Signal Ahead/ Intersection Ahead	30 x 30	107	108	99%	108	0.9%	100%
Curve Warning with Advisory Speed Plaque	-	120	121	99%	121	0.8%	100%
Direction Arrow (L/R/D) with 2 Stripe Boards	-	141	142	99%	142	0.7%	100%
Chevron	18 x 24	96	98	98%	98	2.1%	100%
Splitter Island Sign; No Trespassing	24 x 24	100	101	99%	101	1.0%	100%
Advance Railroad Warning	30"	105	106	99%	106	1.0%	100%
Cross Traffic Does Not Stop	18 x 30	99	100	99%	100	1.0%	100%
Pedestrian Signs:							
Pedestrian / School Crosswalk with diagonal arrow, AHEAD, or SCHOOL plaque	-	135	136	99%	136	0.7%	100%
Pedestrian / School Crosswalk with diagonal arrow or AHEAD plaque and Sign Post Panel	-	150	151	99%	151	0.7%	100%
Street Name Signs:							
Double Sided Blade	6 3/4 x 30	111	113	98%	113	1.8%	100%
Double Sided Blade/No Outlet/Street Ends	6 3/4 x 36	115	116	99%	116	0.9%	100%
Double Sided Blade	6 3/4 x 42	118	119	99%	119	0.8%	100%
Double Sided Blade/No Outlet/Street Ends	9 x 36	119	120	99%	120	0.8%	100%
Double Sided Blade	9 x 42	123	124	99%	124	0.8%	100%

Traffic Signs

Charges to developers for the City to install the initial set of traffic signs in a new subdivision. Developers have the option to have the signs fabricated by a private contractor and install the signs themselves with no charge paid to the City; however the signs must meet the City sign standards for material and installation hardware. The charges are also used for traffic signs damaged in auto accidents.

Signs in **bold type** are typical signs that would be installed in a new subdivision.



Ordinance Violation Charges

The charges in this category have been established by City ordinance, as allowed by State statutes, to recover the costs incurred by the City while enforcing certain ordinance violations. Violators may also be subject to punitive fines and court costs ordered by the Municipal Court. Due to the special nature of these charges, full cost recovery is maintained each year regardless of the percentage adjustment required. All of these charges relate to DWI offenses, probation, animal impoundment, or weed, health and tree abatements.

**Ordinance Violation Charges
Building Development Services**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Weed Investigation and Processing	\$60	\$63	95%	2113	\$126,780
Nuisance Investigation and Processing	186	270	69%	658	122,388
Abatement Charge	Contract	Contract	100%	292	N/A
Totals					\$249,168

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	%Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Weed Investigation and Processing	\$63	5.7%	100%	\$134,058	\$7,278
Nuisance Investigation and Processing	270	45.0%	100%	177,431	55,043
Abatement Charge	Contract	Contract	100%	N/A	N/A
Totals				\$311,489	\$62,321

<u>Weed and Nuisance Abatement</u>	City Code provides for the recovery of the costs incurred by the City to abate property of weeds, brush, and other rank vegetation, and nuisances when the property owner fails to respond to proper notice of the violation.
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Investigation and Processing Charge recovers the administrative costs to investigate and process a weed or nuisance property abatement. Nuisance property charge includes the City cost incurred for property title search and certified deed cost. **Abatement Charge** is established based on the City's cost to abate the nuisance through an outside service contract, in which case the property owner will be charged the contractor's charge to the City.

**Ordinance Violation Charges
Public Health**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Animal Impoundment					
First Day	\$33	\$86	38%	417	\$13,761
Each Day or Partial Day Thereafter	16	25	64%	412	6,592
Totals					\$20,353

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Animal Impoundment					
First Day	\$33	0.0%	38%	\$13,761	\$0
Each Day or Partial Day Thereafter	18	12.5%	72%	7,416	824
Totals				\$21,177	\$824

Animal Impoundments

A person claiming a dog or cat that has been impounded must pay an impoundment fee for the animal's release. The fees are not at 100% cost recovery because the City believes that the cost should not be so high that it would discourage citizens from claiming their animal.

**Ordinance Violation Charges
Police**

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
DWI Arrest	\$161	\$207	78%	708	\$113,988
Totals					\$113,988

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
DWI Arrest	\$207	28.7%	100%	\$146,673	\$32,685
Totals				\$146,673	\$32,685

DWI Arrest

State Statutes and city ordinances allow the court to order persons convicted of alcohol or drug related traffic offenses to reimburse the city for the costs associated with their arrest. These costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking, and holding the person in custody.

The charge rate shown reflects the basic schedule of arrests costs. The reimbursement cost of a specific arrest may be set higher or lower depending on the actual costs incurred and the consideration involved. The revenue generated depends on the actual arrest costs.

Ordinance Violation Charges
Public Works

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Tree Abatement					
Investigation and Processing Charge	\$227	\$228	100%	0	\$0
Abatement Charge	348	349	100%	0	0
Each Hour or portion thereof by City Crew					
Or Contractor Charge (City Contract)	Contract	Contract	100%	0	N/A
Totals					\$0

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Tree Abatement					
Investigation and Processing Charge	\$228	0.3%	100%	\$0	\$0
Abatement Charge	349	0.3%	100%	0	0
Each Hour or portion thereof by City Crew					
Or Contractor Charge (City Contract)	Contract	Contract	100%	0	N/A
Totals				\$0	\$0

Tree Abatement

City Code provides for the recovery of costs incurred by the City to abate property of trees creating hazards to public ways when the property owner fails to respond to proper notice of the violation.

Investigation and Processing Charge recovers the administrative costs to investigate and process a Tree Abatement. **Abatement Charge** establishes the charge for each hour or portion thereof for the City to physically abate the conditions contained in the Tree Abatement notice, including drive time, setup time, and cleanup time. The property owner is also responsible for the charge of landfill fees for eliminating the debris. Alternatively, the City may choose to abate the nuisance through an outside contract. The contract costs to the City will be charged to the property owner.



Enterprise Fund Fees

Fees in this section are determined differently than the other fees in this study. These fees are established to recover operating costs as well as recover long-term capital investment. They are being included in this document to ensure annual review. These charges relate to Sanitary Landfill and Clean Water Services.

**Enterprise Fund Fees
Sanitary Landfill**

Service Description	Current Status Based on FY 17-18 Data		
	Current Fee	Units of Service	Revenue Generated
One Yard of Wood Mulch	\$7.00	4,391	\$30,737
One Yard of Fine Wood Mulch	16.00	2,209	35,344
One Yard of Finished Compost	24.00	3,463	83,112
Brush Lot Fee Car/SUV/Pickup or Trailer <8'	8.00	24,685	197,480
Brush Lot Fee Trailer 8'-12'	15.00	1,247	18,705
Brush Lot Fee Trailer 12'-16'	20.00	1,247	24,940
Brush Lot Fee Trailer Dump Truck	30.00	831	24,930
Brush Lot Fee Large Volume \$/cubic yard	5.00	0	0
NEW-Fee 1 Bag Mopost	3.00	0	0
NEW-Fee 1 Bag Momulch	2.00	0	0
NEW-YRC Delivery Fee (10 Mile Radius)	0.00	0	0
NEW-YRC Delivery Fee (Per Mile 10-20 Miles)	0.00	0	0
Tipping Fees	30.94	207,225	6,411,542
Totals			\$6,826,790

Service Description	Proposed Fees for FY 19-20			
	Proposed Fee	% Change in Fee	Projected Revenue	Change in Revenue
One Yard of Wood Mulch	\$7.00	0.0%	\$30,737	\$0
One Yard of Fine Wood Mulch	16.00	0.0%	35,344	0
One Yard of Finished Compost	24.00	0.0%	83,112	0
Brush Lot Fee Car/SUV/Pickup or Trailer <8'	8.00	0.0%	197,480	0
Brush Lot Fee Trailer 8'-12'	15.00	0.0%	18,705	0
Brush Lot Fee Trailer 12'-16'	20.00	0.0%	24,940	0
Brush Lot Fee Trailer Dump Truck	30.00	0.0%	24,930	0
Brush Lot Fee Large Volume \$/cubic yard	5.00	0.0%	0	0
NEW-Fee 1 Bag Mopost	4.00	33.3%	0	0
NEW-Fee 1 Bag Momulch	3.00	50.0%	0	0
NEW-YRC Delivery Fee (10 Mile Radius)	40.00	100.0%	0	0
NEW-YRC Delivery Fee (Per Mile 10-20 Miles)	2.00	100.0%	0	0
Tipping Fees	32.18	4.0%	6,668,501	256,959
Totals			\$7,083,749	\$256,959

One Yard of Wood Mulch

An unscreened landscaping mulch of ground, woody materials for use on flower beds, shrubs, trees, and pathways.

Enterprise Fund Fees
Sanitary Landfill

<u>One Yard of Fine Wood Mulch</u>	A fine textured landscaping mulch of ground, woody materials for use on flower beds, shrubs, trees, and
<u>One Yard of Finished Compost</u>	A high quality compost of yard and garden organic materials.
<u>Brush Lot Fees</u>	Gate fee for brush disposal at Yardwaste Recycling Center.
<u>Bagged Product Fees</u>	Fee for bagged compost and mulch products and sold at City recycling sites.
<u>YRC Delivery Fee</u>	Fee for delivery of bulk mulch or compost and mulch products produced and sold at City recycling sites.
<u>Tipping Fees</u>	Minimum fee for disposal of Municipal Solid Waste, Construction & Demolition Waste, and Other Special Waste accepted by prior approval.

**Enterprise Fund Fees
Clean Water Services**

Service Description	Current Status Based on FY 17-18 Data		
	Current Fee	Units of Service	Revenue Generated
Fats, Oils, and Grease (FOG)	125	1,085	135,625
Industrial Pretreatment Fees (IPP)			
Categorical Industrial User (CIU)	3,962	28	110,936
Categorical Industrial User - No Discharge (CIU-ND)	2,640	5	13,200
Significant Industrial User (SIU)	5,280	12	63,360
Industrial User (IU)	845	28	23,660
Surcharge-Industrial User-High Strength			
With Excess BOD/TSS	1,173	19	22,287
Testing Charges	*		92,074
Totals			\$461,142

Service Description	Proposed Fees for FY 19-20			
	Proposed Fee	% Change in Fee	Projected Revenue	Change in Revenue
Fats, Oils, and Grease (FOG)	125	0.0%	135,625	0
Industrial Pretreatment Fees (IPP)				
Categorical Industrial User (CIU)	3,427	-13.5%	95,956	-14,980
Categorical Industrial User - No Discharge (CIU-ND)	2,131	-19.3%	10,655	-2,545
Significant Industrial User (SIU)	5,327	0.9%	63,924	564
Industrial User (IU)	761	-9.9%	21,308	-2,352
Surcharge-Industrial User-High Strength				
With Excess BOD/TSS	1,122	-4.3%	21,318	-969
Testing Charges	*		89,744	-2,330
Totals			\$438,530	-\$22,612

Fats, Oils, and Grease (FOG) As a result of the new EPA/MDNR mandates, all Food Service Establishments (FSEs) must be permitted and inspected regularly to ensure proper FOG removal devices are in place and maintained properly.

Categorical Industrial User (CIU) Any industrial user subject to a regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and © of the act, which applies to industrial users. Includes prohibitive discharge limits established pursuant to section 403.5 of the act, categorical pretreatment standards, restricted discharges and local limits.

**Enterprise Fund Fees
Clean Water Services**

Categorical Industrial User No Discharge (CIUND)

Any industrial user subject to a regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and (c) of the act, which applies to industrial users. Includes prohibitive discharge limits established pursuant to section 403.5 of the act, categorical pretreatment standards, restricted discharges and local limits. Must be permitted and monitored as a no-discharge facility to ensure they do not discharge wastewaters to the Publicly Owned Treatment Works; either by evaporation, off-site treatment, or other means of wastewater disposal.

Categorical Industrial User No Discharge (CIUND)

Any industrial user subject to a regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and (c) of the act, which applies to industrial users. Includes prohibitive discharge limits established pursuant to section 403.5 of the act, categorical pretreatment standards, restricted discharges and local limits. Must be permitted and monitored as a no-discharge facility to ensure they do not discharge wastewaters to the Publicly Owned Treatment Works; either by evaporation, off-site treatment, or other means of wastewater disposal.

Significant Industrial User (SIU)

Industrial user that discharges an average of 25,000 gdp or more of process wastewater to the POTW, contributes a process waste stream which makes up five percent more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, is designated as such by the POTW on the basis that it has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Industrial User (IU)

Any nonresidential user identified in division A, B, D, E, or I of the Standard Industrial Classification Manual or any user which discharges wastewater containing toxic or poisonous substances or any substance which cause interference or pass through in the POTW.

Enterprise Fund Fees
Clean Water Services

Surcharge-Industrial User-High Strength
With Excess BOD/TSS

Some industrial customers have wastewater that is made up of higher concentrations of pollutants that increase the City's cost for treatment. As a result, these customers pay a surcharge for wastewater treatment. Currently, the surcharge is applied to two pollutants; Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). BOD is regulated because of low levels of oxygen in the water causes fish kills and other aquatic life impacts. TSS is regulated because the solids in water block sunlight and make photosynthesis more difficult so plant food sources don't grow for fish and aquatic life.

***Testing Charges**

*Testing charges vary by industry due to number and type of parameter analyses required, pricing based on local private laboratory charges.

City Code Section Reference Guide

City Code Section Reference Guide

Page #	Description	Code Section	Code Section Title	Department
18-19	Commercial Building Permits	36-146	Fees	BDS
20	Residential Permits	36-146	Fees	BDS
21	Sign Permit	36-334	Fees	BDS
22	Asbestos Inspection Fee	2-425	Fees	Environmental Services
23	Open Burning Permit	6-284	Permit for burning of certain materials	Environmental Services
24	Land Disturbance Permit	96-55	Permit application and fees	Environmental Services
25	Trash Truck Inspection	2-425	Fees for City services; license and inspection fees	Environmental Services
26-27	Blasting Permit	54-33	Fees	Fire
26-27	Fireworks Permit	54-33	Fees	Fire
28	Tent Permit	54-33	Fees	Fire
30-31	Planned Development	36-334	Fees	Planning & Development
30-31	Lot Line Adjustment/Combination	36-273	Processing fees	Planning & Development
30-31	Subdivision Variance	36-273	Processing fees	Planning & Development
32	Board of Adjustment	36-334	Fees	Planning & Development
32	Conditional Use Permit	36-334	Fees	Planning & Development
32	Relinquishment of Easement	98-158	Fees	Planning & Development
32	Vacations (street or alley)	98-158	Fees	Planning & Development
32	Change in Zoning	36-334	Fees	Planning & Development
33	Platting	36-273	Processing fees	Planning & Development
34-35	Administrative Tract Certification	36-273	Processing fees	Planning & Development
34-35	Annexation	2-425	Fees	Planning & Development
34-35	Master Sign Plan	36-334	Fees	Planning & Development
34-35	Request to Extend Security Agreement	36-273	Processing fees	Planning & Development
34-35	Street Name Change	2-425	Fees for City services; license and inspection fees	Planning & Development
34-35	Subdivision Variance with Prelim Plat	36-273	Processing fees	Planning & Development
34-35	Zoning Certificate	36-334	Fees	Planning & Development
36	Administrative Re-plat or condo	36-273	Processing fees.	Planning & Development
37	Farmers Market	36-334	Fees	Public Health

City Code Section Reference Guide

Page #	Description	Code Section	Code Section Title	Department
38-39	Food Permit	58-53	Permit required; fees, suspension or revocation	Public Health
40	New Construction/Remodel Inspection Fee	58-53	Permit required; fees, suspension or revocation	Public Health
42-43	Driveway Permit	98-115	Issuance of permit; fee	Public Works
42-43	Sidewalk Permit	2-425(b)	Fees	Public Works
42-43	Right of Way Excavation Permit or Inspection	98-45	Fees	Public Works
44	Public Improvement Fee	98-12	Private construction of streets and other public improvements.	Public Works/ Environmental Services
45	Encroachment Permit - Administrative	98-323	Application and Permit Required	Public Works
45	Encroachment Permit - Council Action	98-322.1	Encroachment license pursuant to special ordinance	Public Works
46	Taxicab and Wrecker Inspection	118-126	Vehicle Inspection Fee	Public Works
48	After-Hours Establishment Investigation	70-353	Registration, license, and fees required.	Finance - Licensing
49	Letters of Approval for Catering	(RSMo 311.20 and 311.485)	NA	Finance - Licensing
49	Liquor License Location Investigation	10-37	Premises near schools, parks or churches	Finance - Licensing
50	Tanning Location Security & Background Fee	70-595	Investigation Fee	Finance - Licensing
50	Escort Service License Application Fee	70-324	Investigation Fee	Finance - Licensing
52	Art Museum Event Rental	2-425	Fees	Art Museum
53	Fire Station Room Rental	2-425	Fees	Fire
54	Fire Training Programs	2-425	Fees	Fire
56-57	Staff and Equip Rates for Event Activities	54-33.5	Cost recovery for Fire Dept activities	Fire
58-59	Staff and Equip Rates for Hazardous Substance Release	54-33.5	Cost recovery for Fire Dept activities	Fire
60	Access to Conviction Records	2-423	Municipal Court records	Municipal Court
61	Chapter 99 Redevelopment Plan/Blight Report	40-35	Redevelopment proposals	Planning & Development
62	Chapter 353	40-35	Redevelopment proposals	Planning & Development
63	Accident/ Incident Report	2-424	Police & Fire Dept. records	Police
64	Police Firing Range	2-425	Fees	Police
65	Animal Turn-in	2-425	Fees	Public Health
66	Animal Vaccination	2-425	Fees	Public Health
67	Hepatitis Testing	2-425	Fees	Public Health
68	Tuberculosis Testing	2-425	Fees	Public Health

City Code Section Reference Guide

Page #	Description	Code Section	Code Section Title	Department
69	Vaccine Administration Fee	58-211	Center for immunization services	Public Health
70	Studio Rental	2-425	Fees	Public Information Office
71	Escrow Fee	98-14	Assurance for completion of improvements	Public Works
72-73	Hazelwood Burial Services	30-33	Fees and charges generally	Public Works
74	Street Sweeping or Flushing	2-425	Fees	Public Works
76-77	Street Repair	98-51	Payment of charges for final repair	Public Works
78-79	Regulatory/ Roadway Signs	2-425	Fees	Public Works
82	Weed Investigation and Abatement	74-406	Charges for abatement by city	BDS
82	Nuisance Investigation and Abatement	74-406	Charges for abatement by city	BDS
83	Animal Impoundment	18-3	Impoundment fees	Public Health
84	DWI Arrest	42-41	Court costs	Police
85	Tree Abatement	114-31	Trees on private property creating hazard to public ways	Public Works
88-89	Sanitary Landfill Mulch	2-425	Fees for City services; license and inspection fees	Sanitary Landfill
90-92	Biosolids	2-425	Fees	Clean Water Services
90-92	Fats, Oils, Grease	2-425	Fees for City services; license and inspection fees	Clean Water Services
90-92	Industrial Pretreatment Fees	120-5	Fees and charges	Clean Water Services

Exhibit C

BUILDING DEVELOPMENT SERVICES

CITY OF SPRINGFIELD

(Effective 07/01/2019)

COMMERCIAL CONSTRUCTION

NEW BUILDINGS AND ADDITIONS:

To calculate the building permit fee you will need the following minimum information:

*Use Group

*Construction Type

Gross Floor Area of Building or Addition (square footage)

Gross Area Modifier = **85**

(*Type of Construction Factor will be from a matrix of numbers based on Use Group and Construction Type as established by the [2009 IBC FEE CALCULATION DATA](#), and as amended by adoption of this Fee Ordinance. Copies are available from Building Development Services.)

Gross area (Sq Ft) of the building or addition x Gross area Modifier (**85**) x Type of Construction Factor = **Construction Factor** used to calculate the building permit fee.

1 st 50,000 of Construction Factor x .005	= Permit Fee	A	+
2 nd 50,000 of Construction Factor x .004	= Permit Fee	B	+
3 rd 50,000 of Construction Factor x .003	= Permit Fee	C	+
Remaining amount x .0015	= Permit Fee	D	
Total of A + B + C + D		= Building Permit Fee (minimum of \$157.00 , whichever is greater)	

INFILLS AND RENOVATIONS:

The **Construction Factor** will be calculated in the same manner as a New Building or Addition, except the Type of Construction Factor is **.30** and then the above formula will be used to calculate the Building Permit Fee.

Gross area (Square Feet) involved in the renovation only x Gross area Modifier (**85**) x **.30** = **Construction Factor** used to calculate the building permit fee.

COMMERCIAL SHELL BUILDINGS:

A "Shell Building" with no defined tenant infill spaces, has been added as a sub-category to the "Business" Use Group, and the "Type of Construction Factor" has been established similar to an S-1, Storage, Moderate Hazard Use. This will reduce the permit fee for the Shell Building to a more comparable complexity of construction.

ASSOCIATED FEES:**(PLEASE NOTE PLAN REVIEW AND TECHNOLOGY FEES ARE NON-REFUNDABLE)****COMMERCIAL PLAN REVIEW FEE**

75% of Building Permit Fee, or minimum of **\$410.00** for Projects which Require Review by Multiple City Departments. Minimum **\$239.00** for Projects which require review by BDS and City Utilities only.
No Plan Review Fee shall be required for work that is minor in nature in accordance with Section 36.1234.

COMMERCIAL PROVISIONAL (PHASE APPROVAL) PERMIT FEE

30% of the calculated Building Permit Fee or minimum of **\$157.00** whichever is greater. This fee is charged in addition to the normal permit fee.

POST-PERMIT FEES (CHANGE ORDERS, ADDENDA, REVISIONS, ETC) FOR EACH OCCURENCE

New Construction, Additions, Infills or Remodels	PLAN REVIEW FEE	\$50.00
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TECHNOLOGY FEE

17% of the calculated Building Permit Fee, or minimum of **\$45.00**, whichever is greater.
(Not applicable if Plan Review is not Applicable).

CERTIFICATE OF OCCUPANCY FOR CHANGE OF USE PERMIT FEE	\$ 30.00
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CERTIFICATE OF OCCUPANCY FOR CHANGE OF OWNERSHIP/TENANT, APPLICABLE TO "A" USE GROUPS	
PERMIT FEE	\$ 30.00

PENALTY FEE FOR STRUCTURE OCCUPIED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY	\$250.00
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CERTIFICATE OF APPROPRIATENESS (FOR WORK AS DESCRIBED, NOT REQUIRING A BUILDING PERMIT) \$ 25.00
(If the scope of work requires a Building Permit, this special permit fee will not be required)

STORMWATER DETENTION PERMIT FEE	\$157.00
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COMMERCIAL MECHANICAL, ELECTRICAL AND PLUMBING PERMIT FEES ASSOCIATED WITH A BUILDING PERMIT:

40% of the Building Permit Fee, or minimum of **\$155.00** whichever is greater.

COMMERCIAL GAS PERMIT FEE	\$157.00
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COMMERCIAL AIR TEST ONLY PERMIT FEE	\$157.00
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COMMERCIAL MECHANICAL, ELECTRICAL AND PLUMBING PERMIT FEES WHICH ARE NOT ASSOCIATED WITH A BUILDING PERMIT:

PERMIT FEE	\$157.00
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MECHANICAL REFRIGERATION (COOLER) PERMIT FEE	\$ 25.00
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COMMERCIAL EXHAUST HOOD PERMIT FEE	\$ 25.00
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COMMERCIAL FIRE SPRINKLER SYSTEM WHEN CALCS ARE REQUIRED BY NFPA 13/13R OR DESIGNER OF RECORD:

NEW OVERHEAD FIRE SPRINKLER SYSTEM FIS PERMIT FEE	\$157.00
MODIFICATIONS TO EXISTING OVERHEAD SYSTEM PERMIT FEE	\$157.00
PLAN REVIEW FEE	\$239.00 (Applicable to Overhead only)
TECHNOLOGY FEE	\$ 50.00 (Applicable to Overhead FIS not associated with Building Permit)
NEW UNDERGROUND SYSTEM FIS PERMIT FEE	\$157.00

COMMERCIAL FIRE SPRINKLER ALTERATIONS/MODIFICATIONS WHEN NO CALCS ARE REQUIRED BY NFPA 13/13R OR DESIGNER OF RECORD. (No Plan Review or Technology Fee will be applied)

MODIFICATIONS TO EXISTING OVERHEAD SYSTEM PERMIT FEE	\$ 25.00
HOOD SUPPRESSION FIS PERMIT FEE	\$ 25.00

COMMERCIAL SIGNS:

PERMIT FEE (DETACHED)	\$226.00 (New installation or alteration of any kind)
PLAN REVIEW FEE (DETACHED)	\$100.00
TECHNOLOGY FEE (DETACHED)	\$ 38.00
PERMIT FEE (WALL)	\$ 76.00
PLAN REVIEW FEE (WALL)	\$ 50.00
TECHNOLOGY FEE (WALL)	\$ 13.00
TEMPORARY SIGN/BANNER PERMIT FEE	\$ 25.00/per 30 day period displayed

COMMUNICATION TOWERS: (Including Antenna upgrades and/or collocates)

PERMIT FEE	\$157.00
PLAN REVIEW FEE	\$239.00
TECHNOLOGY FEE	\$ 50.00

COMMERCIAL FLOODPLAIN DEVELOPMENT:

PERMIT FEE	\$157.00
PLAN REVIEW FEE	\$ 75.00
TECHNOLOGY FEE	\$ 50.00

Technology Fee will not be applied if Floodplain Permit is associated with a Building Permit.

COMMERCIAL PARKING LOT AS STAND ALONE FACILITIES:

PERMIT FEE	\$157.00
PLAN REVIEW FEE	\$239.00
TECHNOLOGY FEE	\$ 50.00

COMMERCIAL WRECKING PERMIT FEE**\$157.00****COMMERCIAL BOARDED UP BUILDING PERMIT FEE****\$200.00/per 180 days****COMMERCIAL FENCE PERMIT FEE**

Fence 6 ft or less in height (Site Plan Review only)

NO COST PERMIT REQUIRED

Fence greater than 6 ft in height (Site and Structural Review)

\$ 50.00**VENDOR SITE PERMIT FEE****\$157.00****MISCELLANEOUS FEES****COMMERCIAL RE-SUBMITTAL PLAN REVIEW FEE (Prior to Permit issuance)**

\$250.00 for 4th submittal. \$500.00 for 5th and each submittal thereafter. If the Re-Submittal of the design documents is due solely to an error or omission by the City no additional fee or penalty will be assessed.

The Penalty Fee for failure to submit Change Orders/Field Directives for review PRIOR to work performed after permit issuance: **\$250.00 for the 1st infraction, \$500.00 for each infraction thereafter.** This penalty fee covers those instances in which changes in the design are made in the field prior to Plan Revisions being submitted to the Department of Building Development Services. This penalty fee is not applicable to aesthetic changes.

RE-INSPECTION FEES:After the 1st Re-Inspection**\$100.00**After the 2nd and 3rd Re-Inspection**\$200.00 /each**After 4th Re-inspection and each additional Re-Inspection**\$500.00/each**

Re-Inspections are defined as:

- 1 – Work not ready for requested inspection, i.e: work not installed or constructed when Inspector arrives on site.
- 2 – Re-Inspecting previously inspected work that has not been corrected.
- 3 – Jobsite not accessible after 2nd attempt when contractor has control of access.
- 4 – Failure to have a set of Approved Plans and Specs on site: 1st time = warning; 2nd time and all future times, Re-Inspection Fee will be assessed.
- 5- Calling for Inspection when work has been done but not in substantial conformance with the adopted codes or approved plans. This penalty fee covers those instances in which changes in the design are made in the field prior to plan revisions being submitted to the Department of Building Development Services. This penalty fee is applicable to aesthetic changes.

AFTER HOURS OR OVERTIME INSPECTION FEES:**\$ 45.00 per hour (minimum 2 hours)****PENALTY FEE FOR WORK DONE WITHOUT A PERMIT:**

The required **Permit Fee x 2 + \$200.00**. This penalty fee does not apply to emergency work performed when City Offices are closed. Contractor must obtain applicable permit next open business day after the work is performed.

BUILDING OR WRECKING PERMIT REQUIRED BY DANGEROUS BUILDING PROCEEDINGS AND AFTER THE ISSUANCE OF A LEGAL NOTICE OF VIOLATION: Required BLD or WRK Permit fee x 2

PERMITS REQUIRED BY ZONING ORDINANCE:

Unless specifically identified elsewhere in this Schedule, all Permits, Plan Reviews, Site Plan Reviews or Approvals provided by the Department of Building Development Services as listed in Chapter 36, Article III, known as the Land Development Code in Article I, the Zoning Ordinance, shall be assessed a fee equal to the minimum Building Permit Fee and/or minimum Plan Review Fee.

REUNDS: Permit fees for Projects that are abandoned before being started or inspected shall be refunded, less a **\$25.00** Processing Fee, provided the request is made within 180 days of the date of issuance of the permit. If in the opinion of the Director of Building Development Services, a situation develops that would warrant a refund beyond these limits, the Director shall be authorized to refund up to 90% of any fee listed in this Schedule of Fees.

BUILDING DEVELOPMENT SERVICES
CITY OF SPRINGFIELD
(Effective 07/01/2019)

NEW RESIDENTIAL BUILDINGS AND ADDITIONS:

To calculate the building permit fee you will need the following minimum information:

***Type of Construction Factor = 1.02 multiplied by 0.38**

Finished Living Area Square Footage (excludes garage and unfinished basement)

Use Group = **R-3 and IRC 2012**

(*Type of Construction Factor will be from a matrix of numbers based on Use Group and Construction Type as established by the JULY 2009 IBC FEE CALCULATION DATA, and as amended by adoption of this Fee Ordinance. A copy is available from Building Development Services.)

Finished Living Area Square Footage x Gross Area Modifier **(85)** x Type of Construction Factor (1.02 x 0.38) =
Construction Factor used to calculate Building Permit Fee:

1 st 50,000 of Construction Factor x 0.004	= Permit Fee	A	+
2 nd 50,000 of Construction Factor x 0.003	= Permit Fee	B	+
3 rd 50,000 of Construction Factor x 0.002	= Permit Fee	C	+
Remaining amount x .001	= Permit Fee	D	
Total of A + B + C + D = Building Permit Fee			
(minimum of \$126.00 , whichever is greater)			

RESIDENTIAL GARAGE ADDITION (ATTACHED OR DETACHED), HOME ADDITION OR ACCESSORY STRUCTURE PERMIT FEE:

Square Feet x **(85)** x **(1.02)** x **(0.38)** = **Construction Factor** used to calculate Building Permit Fee.

RESIDENTIAL MECHANICAL, ELECTRICAL, AND PLUMBING PERMIT FEE

40% of the Building Permit Fee, or minimum of **\$ 95.00**, whichever is greater

RESIDENTIAL GAS PERMIT FEE	\$ 91.00
RESIDENTIAL AIR TEST ONLY GAS PERMIT FEE	\$ 40.00

RESIDENTIAL MECHANICAL, ELECTRICAL, AND PLUMBING PERMIT FEES <u>WHICH ARE NOT</u> ASSOCIATED WITH A BUILDING PERMIT	\$ 91.00
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RESIDENTIAL MECHANICAL FURNACE AND / OR AIR CONDITIONER CHANGE OUTS:	\$ 40.00
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RESIDENTIAL PLUMBING WATER HEATER CHANGE OUTS:	\$ 40.00
(Change outs are like for like replacements only, unless specifically approved by the Director of Building Development Services)	
RESIDENTIAL ELECTRICAL SERVICE REPAIRS PERMIT FEE:	\$ 40.00
CERTIFICATE OF APPROPRIATENESS (FOR WORK AS DESCRIBED, NOT REQUIRING A BUILDING PERMIT)	
(If the scope of work requires a Building Permit, this Special Permit Fee will not be required) \$ 25.00	
RESIDENTIAL LAWN SPRINKLER SYSTEM, BACKFLOW PREVENTER INSTALLATION PLUMBING PERMIT FEE	\$ 91.00
WRECKING PERMIT FEE	\$126.00
BOARDED UP BUILDING PERMIT FEE	\$200.00/per 180 days (6 months)
FENCE PERMIT FEE	
Fence 6 ft or less in height (Site Plan Review only)	NO COST PERMIT
Fence greater than 6 ft in height (Site and Structural Review Required)	\$ 50.00
SWIMMING POOL PERMIT FEE	\$126.00
(Site Plan Approval and Signed Agreement Required)	
FAMILY HOME DAY CARE INSPECTION PERMIT FEE:	\$126.00
RESIDENTIAL WHEEL CHAIR RAMP PERMIT FEE	NO COST PERMIT
(Site Plan and Elevation Slope Approval Required)	
RESIDENTIAL HOUSE MOVING PERMIT FEE	\$126.00
RESIDENTIAL FOUNDATION / REPAIR FOR MOVED STRUCTURE PERMIT FEE	\$126.00
<u>MISCELLANEOUS FEES</u>	
RE-INSPECTION FEES:	
After the 1 st Re-Inspection	\$100.00
After the 2 nd and 3 rd Re-Inspection	\$200.00 /each
After 4 th Re-inspection and each additional Re-Inspection	\$500.00/each
Re-Inspections are defined as:	
1 – Work not ready for requested inspection, i.e: work not installed or constructed when Inspector arrives on site	
2 – Re-Inspecting previously inspected work that has not been corrected	
3 – Jobsite not accessible after 2 nd attempt when contractor has control of access	
4 – Failure to have a set of Approved Plans and Specs on site: 1 st time = warning; 2 nd time and all future times, Re-Inspection Fee will be assessed.	

Penalty for calling for inspection when work has been done but not in substantial conformance with the Adopted Codes or approved plans **\$250.00 for 1st time** per Project, **\$500.00 for each inspection thereafter.**

AFTER HOURS OR OVERTIME INSPECTION FEES:

\$45.00 per hour (minimum 2 hours)

PENALTY FEE FOR WORK DONE WITHOUT A PERMIT:

The required Permit Fee x 2 + \$200.00. This penalty fee does not apply to emergency work performed when City Offices are closed. Contractor must obtain applicable permit next open business day after the work is performed.

BUILDING OR WRECKING PERMIT REQUIRED BY DANGEROUS BUILDING PROCEEDINGS AND AFTER THE ISSUANCE OF A LEGAL NOTICE OF VIOLATION: **Required BLD or WRK Permit fee x 2**

PERMITS REQUIRED BY ZONING ORDINANCE:

Unless specifically identified elsewhere in this Schedule, all Permits, Plan Reviews, Site Plan Reviews or Approvals provided by the Department of Building Development Services as listed in Chapter 36, Article III, known as the Land Development Code in Article I, the Zoning Ordinance, shall be assessed a fee equal to the minimum Building Permit Fee or minimum Plan Review Fee.

REFUNDS: Permit fees for Projects that are abandoned before being started or inspected shall be refunded, less a **\$25.00** Processing Fee, provided the request is made within 180 days of the date of issuance of the permit. If in the opinion of the Director of Building Development Services, a situation develops that would warrant a refund beyond these limits, the Director shall be authorized to refund up to 90% of any fee listed in this Schedule of Fees.

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 01-22-19

Sponsored by: Schilling, Ollis, Hosmer
and Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 020

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Fee Schedule for certain municipal services as provided in the
2 Springfield City Code, Chapter 2 'Administration,' Article VI 'Finances,'
3 Division 3 'Charges for Various Municipal Services,' Section 2-424,
4 'Police and fire department records' by amending the fees set for
5 accident/incident reports in order to waive the incident report fee for
6 victims of sexual assault or domestic violence. (The Finance and
7 Administration Committee recommends approval.)
8 _____
9

10 WHEREAS, the Fee Schedule adopted by General Ordinance 6427 on January
11 29, 2018, set the fee for police accident and incident reports at \$2.00; and
12

13 WHEREAS, City Council believes it appropriate to and desires to waive the fee
14 for police incident reports for victims of sexual assault or domestic violence; and
15

16 WHEREAS, the Fee Schedule revision described herein shall be effective upon
17 passage.
18

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

22 Section 1 – City Council hereby adopts the schedule of fees for police accident
23 and incident reports listed on "Exhibit A," which is attached hereto and incorporated
24 herein by this reference, and a copy of which shall be maintained on file with the City
25 Clerk, pursuant to Springfield City Code. Fees and charges included in Exhibit A are
26 hereby amended and approved, and City officials are authorized to charge the fees
27 shown on Exhibit A.
28

29 Section 2 – Any City-imposed fees or charges not specifically included in Exhibit
30 A shall remain unchanged.
31

32 Section 3 – This Ordinance shall be in full force and effect from and after
33 passage.

34 Passed at meeting: _____

35

36

37

38

39 Attest: _____, City Clerk

40

41 Filed as Ordinance: _____

42

43

44 Approved as to form: Rhonda Lewsader, City Attorney

45

46

47 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2019-020

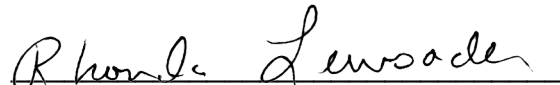
FILED: 01-22-19

ORIGINATING DEPARTMENT: Law

PURPOSE: To amend the Fee Schedule for certain municipal services as provided in the Springfield City Code, Chapter 2 'Administration,' Article VI 'Finances,' Division 3 'Charges for Various Municipal Services,' Section 2-424, 'Police and fire department records' by amending the fees set for accident/incident reports in order to waive the incident report fee for victims of sexual assault or domestic violence. (The Finance and Administration Committee recommends approval.)

BACKGROUND INFORMATION: Councilman Schilling requested that staff draft an ordinance eliminating the fee charged for victims of sexual assault or domestic violence to obtain incident reports from the Springfield Police Department. The report fee is currently \$2. The draft ordinance was presented at the January 9, 2019, Finance and Administration Committee. The Finance and Administration Committee voted to recommend this Ordinance to City Council and stated the purpose of the Ordinance was to waive the fee solely for reports requested directly by a victim and that the fee would not be waived for reports requested by an agent or representative of a victim.

Submitted by:


Rhonda Lewsader, City Attorney

Approved by:


Jason Gage, City Manager

EXHIBIT A

Charges for Services Police

Fees for FY 19-20

<u>Service Description</u>	<u>Fee</u>
Accident/Incident Report (except incident reports specified below)	\$2
Incident Reports requested by victims of sexual assault or domestic violence	\$0
Totals	

<u>Accident/Incident Report</u>	Accident and incident reports may be purchased through the Police Department. The charge is for each report requested.
---------------------------------	--

One-rdg. _____
P. Hmgs. _____
Pgs. 13
Filed: 01-22-19

Sponsored by: Prater

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 021

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the plans and specifications for the Mt. Vernon Street Bridge over
2 Jordan Creek project, referenced as Plan No. 2015PW0007T;
3 accepting the bid of Hartman & Company, Inc., in the amount of
4 \$1,456,230.00, for the project; and authorizing the City Manager, or his
5 designee, to enter into a contract with such bidder.
6 _____
7

8 WHEREAS, the Mt. Vernon Street Bridge over Jordan Creek project ("Project"),
9 referenced as Plan No. 2015PW0007T, primarily entails the removal and replacement
10 of a bridge over Jordan Creek, near the intersection of Kansas Expressway and Mt.
11 Vernon Street; and
12

13 WHEREAS, Hartman & Company, Inc., is the lowest responsive and responsible
14 bidder for the Project; and
15

16 WHEREAS, bids for this Project were solicited by advertisement in *The Daily*
17 *Events* from December 17, 2018, through December 23, 2018, and all bids were
18 opened on January 8, 2019.
19

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

23 Section 1 – City Council hereby approves the plans and specifications for the Mt.
24 Vernon Street Bridge over Jordan Creek project referenced as Plan No. 2015PW0007T,
25 and accepts the bid of Hartman & Company, Inc., for said project, at the price and sum
26 of \$1,456,230.00, except as said sum may be lawfully increased or decreased by the
27 actual quantities of work units involved.
28

29 Section 2 – The City Manager, or his designee, is hereby authorized to enter into
30 a contract with said bidder, said contract to be in substantially similar form to the
31 document attached hereto, and incorporated herein by this reference, as "Exhibit B,"
32 and in accordance with the terms of the bid, the plans, and the specifications.
33

34 Section 3 – All workers performing work under the contract attached hereto as
35 “Exhibit B,” shall be paid a wage of no less than the prevailing hourly rate of wages for
36 work of a similar character in this locality or the public works contracting minimum wage,
37 whichever is applicable. Contractor shall fully comply with the provisions and
38 requirements of the Missouri State Prevailing Wage Law. Contractors and any
39 subcontractor performing work under this contract must provide a 10-hour Occupational
40 Safety and Health Administration (“OSHA”) construction safety training program, or
41 similar program approved by the Department of Labor, for on-site employees, unless
42 employees demonstrate they previously completed the program.
43

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

47 Passed at meeting: _____
48
49

50 _____
51 Mayor
52

53 Attest: _____, City Clerk
54

55 Filed as Ordinance: _____
56

57
58 Approved as to form: *Achale T. Wadwa*, Assistant City Attorney
59

60
61 Approved for Council action: *Jason A. Hage*, City Manager

EXPLANATION TO COUNCIL BILL 2019-021

FILED: 01-22-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Approving the plans and specifications for the Mt. Vernon Street Bridge over Jordan Creek project, referenced as Plan No. 2015PW0007T; accepting the bid of Hartman & Company, Inc., in the amount of \$1,456,230.00, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

BACKGROUND INFORMATION: This project will remove and replace the structurally deficient bridge over Jordan Creek near the intersection of Kansas Expressway and Mt. Vernon Street. This project will also provide bank stabilization and increased flow capacity for Jordan Creek, add ADA compliant sidewalks and connect the existing multi-use trail to Mt. Vernon Street.

Bids were solicited for this project by advertising in *The Daily Events* from December 17, 2018, through December 23, 2018. Bids were opened for the project at 10:30 a.m. on January 8, 2019, with the following bids received:

<u>Contractor</u>	<u>Bid Amount</u>
Hartman & Company, Inc.	\$1,456,230.00
D&E Plumbing & Heating, Inc.	\$1,854,596.00
Engineer's Estimate	\$1,342,307.50

The bid for the project was 8.5% above the Engineer's Estimate. Public Works believes that rebidding the project would not result in a lower cost. Rebidding the project may also result in delaying the project to the next construction season.

The low bid, if accepted, will be partially funded by the federal On-System Bridge Program ("BRM") in the amount of \$988,238.60 that was previously budgeted. The remaining portion (\$467,991.40) will be funded by budgeted reimbursement funds previously received from the Missouri Department of Transportation ("MoDOT") for the City's advanced funding of the National Avenue and James River Freeway Interchange Improvements completed in 2010.

Supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

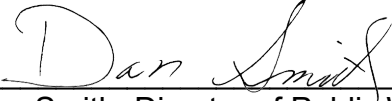
REMARKS: Public Works recommends acceptance of the bid of Hartman & Company, Inc. as the lowest responsible bid and passage of this Ordinance.

Submitted by:



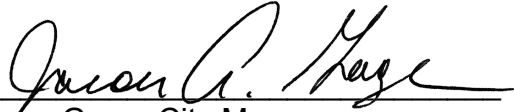
Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

Exhibit A - Location of Project



Exhibit B

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) CONTRACTOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
CITY		CONTRACTOR	
CITY OF SPRINGFIELD 840 BOONVILLE, P.O. BOX 8368 SPRINGFIELD, MO 65802 PHONE: (417) 864- FAX: (417) 864- ATTN: DEPT.: PUBLIC WORKS		NAME: HARTMAN & COMPANY, INC. ADDRESS: 1200 E WOODHURST DRIVE, SUITE J-200 SPRINGFIELD, MO 65804 PHONE: (417) 882-2062 FAX: ATTN: DEAN HARTMAN	

AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by the parties identified above.

WITNESSETH: That whereas, the Contractor has become the lowest responsible bidder for furnishing the supervision, labor, tools, equipment, materials and supplies and for constructing the following City improvements:

MT. VERNON STREET BRIDGE OVER JORDAN CREEK BRM-5901(807)
Plan #2015PW0007T

The City and Contractor agree to the following:

1. Manner and Time for Completion. The Contractor will furnish all supervision, labor, tools, equipment, materials and supplies necessary to perform, and to perform said work at Contractor's own expense in accordance with the contract documents and any applicable City ordinances and state and federal laws within 120 calendar days from the date Contractor is ordered to proceed with construction. Initial Notice to Proceed for ordering material, tree removal and any required Best Management Practices (BMPs) for tree removal shall be issued by the Director of Public Works within 30 days after the date of this contract. Notice to Proceed for construction shall be issued approximately 45 days after the Initial Notice to Proceed.

2. Prevailing Wages. All labor utilized in the construction of the aforementioned improvements shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality or the public works contracting minimum wage, whichever is applicable, as set out in the Wage Order attached to and made part of the specification for work under this Contract, or by the U.S. Secretary of Labor in accordance with the Federal Davis-Bacon Act (Title 40 U.S.C. Chapter 31, subchapter IV), whichever wage is applicable. Contractor shall pay wages not less than once a week. At any time the Contractor is found to not have paid prevailing wages, the Contractor shall forfeit as a penalty to the City one hundred dollars for each underpaid worker employed, for each calendar day, or portion thereof such worker is paid less than the said stipulated rates for any work done under this contract. Notwithstanding the foregoing, if the engineer's estimate of the total project cost or the bid accepted by the City is \$75,000.00 or less, then all labor utilized in the construction of the improvements shall not be required to pay the "prevailing rate of wages" or the public works minimum wage. However, if the project becomes subject to a change order that increases the total project cost to more than \$75,000.00, a "prevailing hourly rate of wages" or the public works contracting minimum wage, whichever is applicable, shall be paid for all labor utilized in the construction of the improvements but only for that portion of the project which exceeds \$75,000.00.

3. Insurance Requirements. Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Springfield, insurance of such types and in such amounts as may be necessary to protect it and the interests of

the City of Springfield against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield. Regardless of such approval, it shall be the responsibility of the contractor to maintain adequate insurance coverage at all times during the term of the Contract. Failure of the Contractor to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general or under the Contract Documents.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City within ten (10) days after the date of the receipt of Notice of Award of the Contract to the Contractor and prior to the start of work. All insurance policies shall require that the insurance company in question provide thirty (30) days written notice prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

City of Springfield - Public Works, P.O. Box 8368, Springfield, MO 65801-8368; and

Such policies shall name the City as an additional insured, with limits of liability not less than the sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(See, <http://insurance.mo.gov/industry/sovimunity.php>)

As of January 1, 2019, the minimum coverage for the insurance referred to herein shall be as set out below:

- a. **Workers' Compensation**....Statutory coverage per RSMo 287.010 et seq
Employer's Liability..... \$1,000,000.00

b. **Commercial General Liability Insurance**, including coverage for Premises, Operations, Products and Completed Operations, Contractual Liability, Broad Form Property Damage, Independent Contractors, Explosion, Collapse, and Underground Property Damage and endorsed for blasting if blasting required. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Two Million Eight Hundred Sixty-Five Three Hundred Thirty and no/100 Dollars (\$2,865,330.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Twenty-Nine Seven Hundred Ninety-Nine and no/100 Dollars (\$429,799.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least \$1,000,000 for all claims to property arising out of a single occurrence and at least \$100,000 to any one owner with respect to damages to property. Contractor agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorneys fees of Contractor, its employees, officers or agents. Contractor agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory. Aggregate Limit must apply on a Per Project basis, and the endorsement must accompany the certificate of insurance. A Waiver of Subrogation endorsement must be provided by contractor in favor of the City.

c. **Automobile Liability Insurance** covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Two Million Eight Hundred Sixty-Five Three Hundred Thirty and no/100 Dollars (\$2,865,330.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Twenty-Nine Seven Hundred Ninety-Nine and no/100 Dollars (\$429,799.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

d. **Builders Risk Insurance** for contracts involving unoccupied structures. The Contractor shall secure All Risk Builder's Risk Insurance. Unless specifically authorized by the City, the amount of such insurance shall not be less than the total contract price. The policy shall name as insured the Contractor and the City of Springfield.

e. **Subcontracts**. In case any or all of this work is sublet, the Contractor shall require the subcontractor to procure and maintain all insurance required in subparagraphs (a), (b) and (c) hereof and in like amounts. Contractor shall require any and all subcontractors with whom it enters into a contract to perform work on this project to protect the City of Springfield through insurance against applicable hazards or risks and shall, upon request of the City, provide evidence of such insurance.

f. **Notice**. The Contractor and/or subcontractor shall furnish the City prior to beginning the work, the policy as specified in subparagraph (d), and satisfactory proof of carriage of all the insurance required by this contract, with the provision that policies shall not be canceled, modified or non-renewed without thirty (30) days written notice to the City of Springfield.

g. Legislative or Judicial Changes. In the event the scope or extent of the City's tort liability as a governmental entity as described in Section 537.600 through 537.650 RSMo is broadened or increased during the term of this agreement by legislative or judicial action, the City may require Contractor, upon 10 days written notice, to execute a contract addendum whereby the Contractor agrees to provide, at a price not exceeding Contractor's actual increased premium cost, additional liability insurance coverage as the City may require to protect the City from increased tort liability exposure as the result of such legislative or judicial action. Any such additional insurance coverage shall be evidenced by an appropriate certificate of insurance and shall take effect within the time set forth in the addendum.

4. Performance, Labor, and Materials Payment Bond: The Contractor shall furnish a Performance Bond and a Labor and Materials Payment Bond with surety approved by the City and on the forms approved by the City, each bond shall be in the amount of \$1,456,230.00 (full amount of contract) conditioned upon the full and faithful performance of all major terms and conditions of this contract and payment of all labor and material suppliers. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond(s) hereto attached for its faithful performance and payment of labor and material suppliers, the City shall deem the surety or sureties upon such bond(s) to be unsatisfactory, or if, for any reason, such bond(s) ceases to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the City to do so, furnish an additional bond or bonds, in such form and amount, and with such surety or sureties as shall be satisfactory to the City. In such event no further payment to the Contractor shall be deemed to be due under this contract until such new or additional security for the faithful performance of the work and the payment of labor and material suppliers shall be furnished in a manner and form satisfactory to the City. The corporate surety on any performance or payment bond must be licensed by the State of Missouri and if the required bond exceeds \$25,000.00 must be listed in United States Treasury Circular 570.

5. Contractor's responsibility for subcontractors. The Contractor shall be as fully responsible to the City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons it directly employs. Contractor shall cause appropriate provisions to be inserted in all subcontracts relating to this work, to bind all subcontractors to Contractor by all the terms herein set forth, and insofar as applicable to the work of subcontractors and to give Contractor the same power regarding termination of any subcontract as the City may exercise over Contractor under any provisions of this contract. Nothing contained in this contract shall create any contractual relation between the subcontractor and the City or between any subcontractors.

6. General Independent Contractor Clause. This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that the Contractor will be an independent contractor and not the City's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Missouri Revenue and Taxation laws, Missouri Workers' Compensation and Unemployment Insurance laws. The Contractor will retain sole and absolute discretion in the judgment of the manner and means of carrying out the Contractor's activities and responsibilities hereunder. The Contractor agrees that it is a separate and independent enterprise from the public employer, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the work. This agreement shall not be construed as creating any joint employment relationship between the Contractor and the City, and the City will not be liable for any obligation incurred by the Contractor, including but not limited to unpaid minimum wages and/or overtime premiums.

7. Liquidated Damages. Time of completion of work by the Contractor is of the essence. Should Contractor, or in the case of default, the surety, fail to substantially complete the work within the time specified in the contract, or within such extra time as may be allowed, Contractor (or surety) shall be liable to the City in the amount of \$1,000.00 per day for each and every calendar day that the contract remains uncompleted after the time allowed for substantial completion, as liquidated damages, and not as a penalty, it being stipulated that actual damages to the City and the public arising from Contractor's failure to timely complete the work would be difficult, if not impossible, to ascertain. The amount assessed as liquidated damages may be withheld from any moneys otherwise due to Contractor from the City. The project is not considered complete until final acceptance by the City. After substantial completion, liquidated damages for failure to complete the remaining work shall be in the amount specified in the General Conditions, unless an amount is provided in the Job Special Provision, in which case, the Job Special Provision amount will apply.

8. Termination for Cause. The City reserves the right to terminate this contract by giving at least five (5) days prior written notice to the Contractor, without prejudice to any other rights or remedies of the City should the Contractor be adjudged a bankrupt, or if Contractor should make a general assignment for the benefit of its creditors, or if a receiver should be appointed for Contractor

or for any of its property, or if Contractor should persistently or repeatedly refuse or fail to supply enough properly skilled workmen or proper material, or if Contractor should refuse or fail to make prompt payment to any person supplying labor or materials for the work under the contract, or persistently disregard instructions of the City or fail to observe or perform any provisions of the contract.

9. City's Right to Proceed. In the event this contract is terminated pursuant to Paragraph 8, then the City may take over the work and prosecute the same to completion, by contract or otherwise, and Contractor and its sureties shall be liable to the City for any costs over the amount of this contract thereby occasioned by the City. In any such case, the City may take possession of, and utilize in completing the work, such materials, appliances and structures as may be on the work site and are necessary for completion of the work. The foregoing provisions are in addition to, and not in limitation of, the rights of the City under any other provisions of the contract, city ordinances, and state and federal laws.

10. Termination for Convenience of City. The City shall have the right at any time by written notice to Contractor to terminate and cancel this contract, without cause, for the convenience of the City, and Contractor shall immediately stop work. In such event City shall not be liable to Contractor except for payment for actual work performed prior to such notice in an amount proportionate to the completed contract price and for the actual costs of preparations made by Contractor for the performance of the cancelled portions of the contract, including a reasonable allowance of profit applicable to the actual work performed and such preparations. Anticipatory profits and consequential damages shall not be recoverable by Contractor.

11. Guards and Lights. The Contractor agrees that during the performance of said work, adequate barricades, guards and warning signs, lights or devices consistent with the requirements contained in the Manual on Uniform Traffic Control Devices shall be provided by Contractor during construction.

12. Liability and Indemnity.

a. In no event shall the City be liable to the Contractor for special, indirect, or consequential damages, except those caused by the City's gross negligence or willful or wanton misconduct arising out of or in any way connected with a breach of this contract. The maximum liability of the City shall be limited to the amount of money to be paid or received by the City under this contract.

b. The Contractor shall defend, indemnify and save harmless the City, its elected or appointed officials, agents and employees from and against any and all liability, suits, damages, costs (including attorney fees), losses, outlays and expenses from claims in any manner caused by, or allegedly caused by, or arising out of, or connected with, this contract, or the work or any subcontract thereunder (the Contractor hereby assuming full responsibility for relations with subcontractors), including, but not limited to, claims for personal injuries, death, property damage, or for damages from the award of this contract to Contractor, notwithstanding any possible negligence, whether sole or concurrent, on the part of the City, its officials, agents and employees.

c. The Contractor shall indemnify and hold the City harmless from all wages or overtime compensation due any employees in rendering services pursuant to this agreement or any subcontract, including payment of reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act, the Missouri Prevailing Wage Law or any other federal or state law.

d. The indemnification obligations of Contractor hereunder shall not be limited by any limitations as to the amount or type of damages, compensation or benefits payable by or for the Contractor, under any federal or state law, to any person asserting the claim against City, its elected or appointed officials, agents and employees, for which indemnification is sought.

e. The indemnification obligations herein shall not negate, abridge or reduce in any way any additional indemnification rights of the City, its elected or appointed officials, agents and employees, which are otherwise available under statute, or in law or equity.

f. Contractor affirms that it has had the opportunity to recover the costs of the liability insurance required in this agreement in its contract price. Contractor's obligation under this agreement to defend, indemnify, and hold harmless any person from that person's own negligence or wrongdoing is limited to the coverage and limits of the applicable insurance required of the Contractor under this agreement.

g. The Contractor shall indemnify and hold the City harmless for any penalties, fines, fees or costs, including costs of defense, which are charged or assessed by any Federal, state or local agency including, but not limited to, Environmental Protection Agency or Department of Natural Resources.

13. Payment for Labor and Materials. The Contractor agrees and binds itself to pay for all labor done, and for all the materials used in the construction of the work to be completed pursuant to this contract.

14. Payment. The City will pay the Contractor in accordance with the rate set forth in the contract documents on file in the Public Works Department and by this reference made a part hereof, which shall constitute full and complete compensation for the Contractor's work provided hereunder. It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Contractor under the terms of this contract exceed the sum of **One Million Four Hundred Fifty-Six Thousand Two Hundred Thirty Dollars and No Cents (\$1,456,230.00)** unless specifically and mutually agreed to in writing by both the City and the Contractor. No partial payment to the Contractor shall operate as approval of acceptance of work done or materials furnished hereunder. Such compensation will be paid in progress payments, as established by the City, subject to receipt of a requisition for payment and a statement of work provided by the Contractor and agreement by both the City and the Contractor that the Contractor has fully performed the work to be paid for in such progress payments in conformance with the contract.

15. Contract Documents. The contract documents shall consist of the following:

- a. This Contract
- b. All Change Orders
- c. Bid Plans and Specifications
- d. City of Springfield Standard General Conditions and Technical Specifications for Public Works Construction (07-01-13 Revised Edition)
- e. Special Conditions & Provisions
- f. Required Federal Contract Provisions
- g. Proposal
- h. Statement of Bidder's Qualifications
- i. Acknowledgment
- j. Performance Bond and Payment and Material Bond
- k. Instructions to Bidders
- l. Anti-collusion Affidavit
- m. Notice to Proceed
- n. Notice to Contractors

This contract, together with the other documents enumerated in this paragraph, forms the contract between the parties. These documents are as fully a part of the contract as if attached hereto or repeated herein.

16. Subsurface Conditions. Contractor agrees that information contained in the published reports and public actions of the Missouri Division of Geology and Land Survey shall be conclusive and binding upon the Contractor as to what subsurface conditions at the job site are reasonably anticipated or reasonably foreseeable.

17. Conflict of Interest. In accepting this contract, Contractor certifies that no member or officer of its firm or corporation is an officer or employee of the City of Springfield, Missouri, or any of its boards or agencies, and further that no officer or employee of the City has any financial interest, direct or indirect, in this contract. All applicable federal regulations and provisions of RSMo. Section 105.450 et seq. shall not be violated.

18. Assignment. The Contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the City thereto, provided, however, that claims for money due or to become due to the Contractor from the City under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of such assignment or transfer shall be furnished in writing promptly to the City and the bond surety. Any such assignment is expressly subject to all rights and remedies of the City under this agreement, including the right to change or delete activities from the Contract or to terminate the same as provided herein, and no such assignment shall require the City to give any notice to any such assignee of any actions which the City may take under this agreement.

19. Nondiscrimination. The Contractor agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Contractor or applicant for employment and shall

include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A, 41 C.F.R. § 60-300.5(a) and 41 C.F.R. § 60-741.5(a), if applicable.

a. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-300.5(a). This regulation prohibits discriminations against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.

b. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

20. Nonresident/Foreign Contractors. The Contractor shall procure and maintain during the life of this contract:

a. If the Contractor is a foreign corporation, a certificate of authority to transact business in the State of Missouri from the Secretary of State, unless exempt pursuant to the provisions of Section 351.570 RSMo.

b. A certificate from the Missouri Director of Revenue evidencing compliance with the transient employer financial assurance law, unless exempt pursuant to the provisions of Section 285.230 RSMo.

21. Notices. All notices required or permitted hereinunder and required to be in writing may be given by FAX or by first class mail addressed to City and Contractor at the addresses shown above. The date of delivery of any notice given by mail shall be the date falling on the second full day after the day of its mailing. The date of delivery of notice by FAX transmission shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

22. Occupational License: The Contractor shall obtain and maintain an occupational license with the City of Springfield, Missouri, if required by city code and any required state or federal license. The cost for this occupational license shall be borne by the Contractor. No contract will be executed by the City until this occupational license has been obtained and that the Contractor is current on any City taxes is verified.

23. Safety Training. Pursuant to Missouri Revised Statute Section 292.675, Contractors and subcontractors who sign a contract to work on public works projects must provide a 10-hour OSHA construction safety program, or similar program approved by the Department of Labor and Industrial Relations, to be completed by their on-site employees, unless such employees hold documentation of prior completion of the program, within sixty (60) days of beginning work on the construction project. The Contractor shall provide an acceptable notarized affidavit stating that Contractor has verified the completion of a 10-hour construction safety program with respect to the employees working in connection with the contracted services. Contractors and subcontractors in violation of this provision will forfeit to the public body \$2,500 plus \$100 a day for each employee who is employed without training. Public bodies and contractors may withhold assess penalties from the payment due to those contractors and subcontractors. The penalties shall not begin to accrue until the time periods in the statute have elapsed (60 days after notice to proceed and 20 days to produce documentation for employee found in violation).

24. Affidavit for Contracts Over \$5,000.00. That pursuant to Missouri Revised Statute Sections 285.525 through 285.550, if this contract exceeds the amount of \$5,000.00 and Contractor is associated with a business entity, Contractor shall provide an acceptable notarized affidavit stating that the associated business entity is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the contracted services, and that said business entity does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Additionally, Contractor must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

25. Compliance with Laws. Contractor agrees to comply with all applicable federal, state and local laws or rules and regulations applicable to the provision of services and products hereunder. Contractor affirmatively states that payment of all local, state, and federal taxes and assessments owed by Contractor is current.

26. Entire Agreement. This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

27. Jurisdiction. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

RECOMMENDED BY:

Director of Public Works or Acting Director

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

Director of Finance or Acting Director

APPROVED AS TO FORM

City Attorney or Assistant City Attorney

CONTRACTOR:

By: _____

Printed Name: _____

Title: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager or his/her designee

One-rdg. X
P. Hrngs.
Pgs. 4
Filed: 02-05-19

Sponsored by: Hosmer

First Reading:

Second Reading:

COUNCIL BILL 2019- 033

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept a grant from the Missouri
2 Division of Workforce Development in the amount of \$305,975 in
3 Temporary Assistance for Needy Families funds to provide increased
4 services through the SkillUP Program and Summer Jobs League
5 Program; and amending the budget for the Department of Workforce
6 Development for Fiscal Year 2018-2019 in the amount of \$305,975.
7
8

9 WHEREAS, the City has the opportunity, through its Department of Workforce
10 Development, to accept Temporary Assistance for Needy Families ("TANF") funds for
11 the purpose of carrying out the SkillUP Program and the Summer Jobs program; and
12

13 WHEREAS, an amendment to the budget of the Department of Workforce
14 Development for Fiscal Year 2018-2019 has been approved and recommended by the
15 City Manager.
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
18 SPRINGFIELD, MISSOURI, as follows, that:
19

20 Section 1 – The City Manager, or his designee, is hereby authorized to accept
21 TANF funds in the amount of \$305,975 from the Missouri Division of Workforce
22 Development, for receipt and use by the City's Department of Workforce Development,
23 and to do all things necessary to accept and to carry out the grant, including the
24 execution of contracts, provided the form of any such contract is approved by the City
25 Attorney.
26

27 Section 2 – The budget of the City's Department of Workforce Development, for
28 Fiscal Year 2018-2019, is hereby amended in the accounts and in the amounts as
29 shown on Budget Adjustment No. 0022, a copy of which is attached hereto and
30 incorporated herein by this reference as "Exhibit A."
31

32 Section 3 – City Council finds that the budget adjustment made above has been
33 recommended by the City Manager.

34
35 Section 4 – The City Manager is directed to cause the appropriate accounting
36 entries to be made in the books and records of the City. In the event additional funding
37 is provided under this grant by the grantor, the Director of Finance is hereby authorized
38 to adjust this appropriation by an amount not to exceed 20 percent.
39

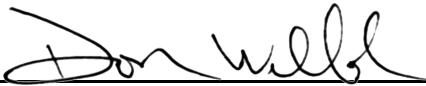
40 Section 5 – City Council hereby finds and declares that this Ordinance authorizes
41 the acceptance of grant funds from the State of Missouri and may be passed as a one-
42 reading Ordinance under City Charter Section 2.16(25) as it relates to a contract for the
43 acceptance of grant funds from a state or federal agency. This Ordinance shall be in
44 full force and effect from and after passage.
45

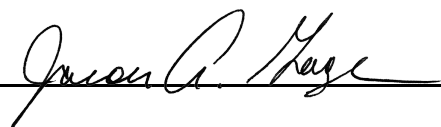
46 Passed at meeting: _____
47
48

49 _____
50 Mayor
51

52 Attest: _____, City Clerk
53

54 Filed as Ordinance: _____
55

56
57 Approved as to form: , Assistant City Attorney
58

59
60 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019- 033

FILED: 02-05-19

ORIGINATING DEPARTMENT: Workforce Development

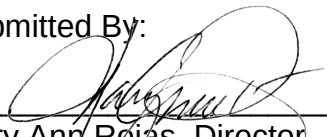
PURPOSE: Authorizing the City Manager, or his designee, to accept a grant from the Missouri Division of Workforce Development in the amount of \$305,975 in Temporary Assistance for Needy Families funds to provide increased services through the SkillUP Program and Summer Jobs League Program; and amending the budget for the Department of Workforce Development for Fiscal Year 2018-2019 in the amount of \$305,975.

BACKGROUND INFORMATION: The Department of Workforce Development completed a request for additional funding to support increased training, supportive services, and work experience opportunities to Temporary Assistance for Needy Families ("TANF") participants qualifying for the current SkillUP Program and Summer Jobs League Program. The requested SkillUP Program funds of \$196,900 from the Missouri Division of Workforce Development ("DWD") will allow for additional participant enrollments, additional participant training funds, and program outreach opportunities through May 31, 2019. The requested Summer Jobs League Program funds of \$109,075 will support higher youth wages, additional supportive services, and staffing costs required to place qualified youth with regional employers through the end of June 30, 2019.

REMARKS: This Ordinance authorizes the acceptance of grant funds from the state or federal government and may be passed as a one-reading ordinance under City Charter Section 2.16(25) as it relates to a contract for acceptance of grant funds from a state or federal agency.

Prepared By: Chad Ray, Accounting Supervisor

Submitted By:



Mary Ann Rojas, Director
Department of Workforce Development

Approved By:



Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

BA Number 0022

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24130	21	28210	416010	102634	00000	196,900.00	FEDERAL GRANT REVENUE - TANF SKILLUP
24130	21	28210	416010	102561	00000	109,075.00	FEDERAL GRANT REVENUE - SUMMER JOBS LEAGUE
Net Revenue Adjustment						305,975.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24130	21	28210	502530	102634	00000	50,310.00	PARTICIPANT WAGES
24130	21	28210	502540	102634	00000	5,590.00	PARTICIPANT FRINGE
24130	21	28210	502645	102634	00000	129,000.00	TUITION ASSISTANCE
24130	21	28110	500110	102634	00000	5,612.40	BASE SALARIES
24130	21	28110	500210	102634	00000	881.15	LAGERS GENERAL EMPLOYEE CONTRIBUTION
24130	21	28110	500250	102634	00000	347.97	FICA CONTRIBUTION
24130	21	28110	500260	102634	00000	582.00	HEALTH INS CONTRIBUTION
24130	21	28110	500280	102634	00000	107.76	WORKMENS COMP CONTRIBUTION
24130	21	28210	502040	102634	00000	290.00	AUTO ALLOWANCE
24130	21	28210	501160	102634	00000	278.72	OFFICE SUPPLIES
24130	21	28210	501330	102634	00000	600.00	SIGNAGE
24130	21	28210	502380	102634	00000	500.00	PRINTING AND BINDING
24130	21	28210	502010	102634	00000	2,800.00	ADVERTISING
24130	21	28110	504580	102561	00000	3,400.00	OTHER PROFESSIONAL SERVICES
24130	21	28210	500110	102561	00000	27,542.67	BASE SALARIES
24130	21	28210	500210	102561	00000	4,461.91	LAGERS GENERAL EMPLOYEE CONTRIBUTION
24130	21	28210	500250	102561	00000	2,107.01	FICA CONTRIBUTION
24130	21	28210	500260	102561	00000	2,910.00	HEALTH INS CONTRIBUTION
24130	21	28210	500280	102561	00000	526.34	WORKMENS COMP CONTRIBUTION
24130	21	28210	502040	102561	00000	400.00	AUTO ALLOWANCE
24130	21	28210	504620	102561	00000	8,127.07	SPECIALTY SERVICES
24130	21	28210	502530	102561	00000	40,700.00	PARTICIPANT WAGES
24130	21	28210	502540	102561	00000	3,900.00	PARTICIPANT FRINGE
24130	21	28210	502580	102561	00000	5,000.00	VOUCHER EMERGENCY TRANSPORTATION
24130	21	28210	502340	102561	00000	10,000.00	PARTICIPANT COSTS
Net Expenditure Adjustment						305,975.00	

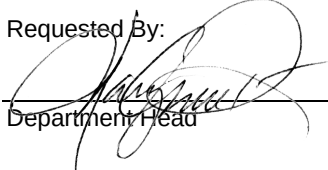
Fund Balance Appropriation:

Fund	Title	Amount

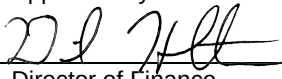
Explanation:

To appropriate federal grant revenue to support the Department of Workforce Development SkillUP Program and Summer Jobs League Program

Requested By:


Department Head
2/6/19
Date

Approved By:


Director of Finance
2/6/19
Date
City Manager
Date

Authorization:

Council Bill No. 2019-033
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. X
Pgs. 22
Filed: 02-05-19

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 025

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning 1.59 acres of property,
3 generally located at 529 West Division Street, from R-SF, Single-Family
4 Residential District, to a GR, General Retail District; and adopting an
5 updated Official Zoning Map. (Staff and Planning and Zoning Commission
6 both recommend denial.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 529 West Division Street, and more fully described in "Exhibit A,"
11 from R-SF, Single-Family Residential District, to a GR, General Retail District; and
12

13 WHEREAS, following proper notice, a public hearing was held before the
14 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
15 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
16 and said Commission made its recommendation; and
17

18 WHEREAS, the City has reviewed the applicant's request and prepared a staff
19 report concerning the application which is attached hereto and incorporated herein by
20 this reference as "Exhibit C;" and
21

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

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

28 Section 1 – The property described in "Exhibit A" of this Ordinance, which is
29 attached hereto and incorporated herein by reference, is hereby rezoned from R-SF,
30 Single-Family Residential District, or such zoning districts as are designated on the
31 official zoning map adopted by City Council, to GR, General Retail District; and the
32 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
33 interpretation,' is hereby amended, changed and modified accordingly.

34
35 Section 2 – City Council hereby directs the City Manager, or his designee, to
36 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
37 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
38 for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps
39 and rules of interpretation.'

40
41 Section 3 – The Official Zoning Map herein adopted shall be maintained and
42 archived in the same digital form in which this Council has approved its adoption.

43
44 Section 4 – This Ordinance shall be in full force and effect from and after
45 passage.

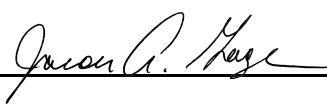
46
47 Passed at meeting: _____

48
49 _____
50 Mayor

51
52 Attest: _____, City Clerk

53
54 Filed as Ordinance: _____

55
56 Approved as to form: , Assistant City Attorney

57
58
59 Approved for Council action: , City Manager
60

EXPLANATION TO COUNCIL BILL 2019 - 025

FILED: 02-05-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.59 acres of property from R-SF, Single-Family Residential District, to a GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend denial).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-1-2019

The applicant is proposing to rezone 1.59 acres of property from R-SF, Single-Family Residential District, to a GR, General Retail District. The applicant is proposing to construct a new retail store at this location.

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing. The applicant is proposing development that is more intense than what is recommended by the *Plan*. The subject property is located along Division Street which is classified as a primary arterial roadway in the Transportation Plan. Due to the spacing requirements this property would not be allowed access to Division Street. Access will be required to be taken from the adjacent residential local street. This would direct commercial traffic from the retail development onto a local street within a residential neighborhood. Commercial traffic is discouraged through a residential district

Staff is recommending denial; however, if Council recommends approval, staff would recommend placing conditions on the rezoning to require a Traffic Impact Study ("TIS") to be submitted and approved as a part of this rezoning. Any improvements required as a part of the TIS must be constructed and approved, or funds escrowed, prior to issuance of a building permit. The change in use/zoning creates an increase in trip generation of more than 1,000 trips during a weekday. Also, it appears approximately 18 feet of additional right-of-way needs to be acquired along the entire length of property frontage on West Division Street. In addition, a 30-foot by 30-foot right-of-way sight triangle is needed at the corner of Division and Main and a 10-foot by 10-foot right-of-way sight triangle is needed at the corner of Main and Locust.

REMARKS:

The Planning and Zoning Commission held a public hearing on January 17, 2019, and recommended denial, by a vote of 5 to 1.

The Planning and Development staff recommends the application be denied (see the attached "Exhibit C," Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing. The applicant is proposing development that is more intense than what is recommended by the Plan.
2. Because no access can be taken from Division Street, commercial traffic from the retail development would be directed into the surrounding residential neighborhood.
3. The proposed GR, General Retail District is inconsistent with the zoning in the surrounding area. The subject property is surrounded by residential zoning and uses.
4. If Council recommends approval, staff would recommend placing conditions on the rezoning to require a Traffic Impact Study and any recommended improvements to be completed at the time of development. Also, it appears approximately 18 feet of additional right-of-way needs to be acquired along the entire length of property frontage on West Division Street. In addition, a 30-foot by 30-foot right-of-way sight triangle is needed at the corner of Division and Main. A 10-foot by 10-foot right-of-way sight triangle is needed at the corner of Main and Locust.

Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

Attachment 3: Neighborhood Correspondence

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-1-2019

All of Lots 25, 30, 31, 36, 37, 42, 43, and 48 of Jenkins Addition in the City of Springfield, Greene County, Missouri.

EXHIBIT B

RECORD OF PROCEEDINGS
ZONING CASE Z-1-2019
Planning and Zoning Commission January 17, 2019

Z-1-2019

529 West Division Street

Applicant: Springfield R-12 School District

Mr. Hosmer stated that this is a request to rezone approximately 1.59 acres of property located at 529 West Division from R-SF, Single-Family Residential District, to a GR, General Retail District. The Comprehensive Plan identifies this as an appropriate area for Low-Density Housing. The applicant is proposing development that is more intense than what is recommended by the Plan. The Plan states it is important to ensure that new land uses are not detrimental to residential areas and to recognize the vulnerability of residential areas to certain adverse impacts. Spacing requirements would not allow access to Division Street thus access would be taken from a residential local street. This would allow commercial traffic from the retail development onto a local street within a residential neighborhood. Commercial traffic is discouraged through a residential district. Staff is recommending denial; however, if Commission recommends approval, staff would recommend placing conditions on the rezoning to require a Traffic Impact Study (TIS) and other improvements be submitted and approved prior to the rezoning becoming effective, not to exceed two years.

Mr. Doennig opened the public hearing.

Mr. Michael White, 222 Old Towne Road, Billings, representing the owner and the developer. We are planning to demolish the building on the property and add a new store, which feels would be a good fit. There five neighbors who attended the meeting and 2 were in favor and 3 were not, citing traffic concerns.

Mr. Jeff Childs, 2808 S. Ingram Mill Road, here on behalf of the seller. We are sensitive to the neighborhood needs and believes that this will bring revitalization to the area.

Ms. Carol Embree, Deputy Superintendent of Springfield Schools, 138 Park Central Square, and support the rezoning. The property was an old maintenance center as well as storage, however it does not have a useful purpose and want it taken out of inventory.

Ms. Lorraine Frazier, 1602 N. Main has concerns for light pollution as well as foot traffic and would like for it to be developed to similar development on Division Street.

Mr. Doennig closed the public hearing.

Ms. Broekhoven asked if a preliminary plat is required before development.

Mr. Hosmer stated that a preliminary plat or site plan is not required.

Mr. Doennig asked what extremes are allowed in GR Districts.

Mr. Hosmer noted convenience stores, gas pumps, and other intense retail uses.

Mr. Jobe commented that he will vote yes and believes that this is an opportunity for development on the northside.

Ms. Broekhoven stated that she will vote no due to being more sensitive to the surrounding uses and feels that blanket GR may cause problems.

Mr. Rose stated that he doesn't believe that this will be R-SF (Residential Single-Family), however would like to see a lower impact zoning.

Mr. Doennig stated that he would like the zoning to be narrower and recognizes that the City encourages development but feels that this is not responsible not to have restricting on the rezoning.

Ms. Ogilvy stated that this area needs development, but not this type of development and feels it is too broad of a zoning.

Ms. Broekhoven motioned to **approve** Z-1-2019 (529 West Division Street). Mr. Rose seconded the motion. Ayes: Jobe. Nays: Doennig, Broekhoven, Shuler, Rose, and Ogilvy. Abstain: None. Absent: Coltrin, Cox, and Thomas.

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

Bob Hosmer, AICP
Principal Planner

Exhibit C

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JANUARY 17, 2019

CITY COUNCIL PUBLIC HEARING:

FEBRUARY 11, 2019



CASE NUMBER:
Z-1-2019

LOCATION:
529 West Division Street

ACRES:
1.59 acres

EXISTING LAND USE:
Springfield R-12 School District storage

APPLICANT:
Springfield R-12 School District

STAFF:
Daniel Neal, 864-1036

STAFF RECOMMENDATION:
Deny

PROPOSED MOTION:
Move to approve the rezoning from R-SF, Single-Family Residential District, to GR, General Retail District, as submitted in the staff report

SUMMARY OF REQUEST:

Request to rezone approximately 1.59 acres of property from R-SF, Single-Family Residential District, to a GR, General Retail District.

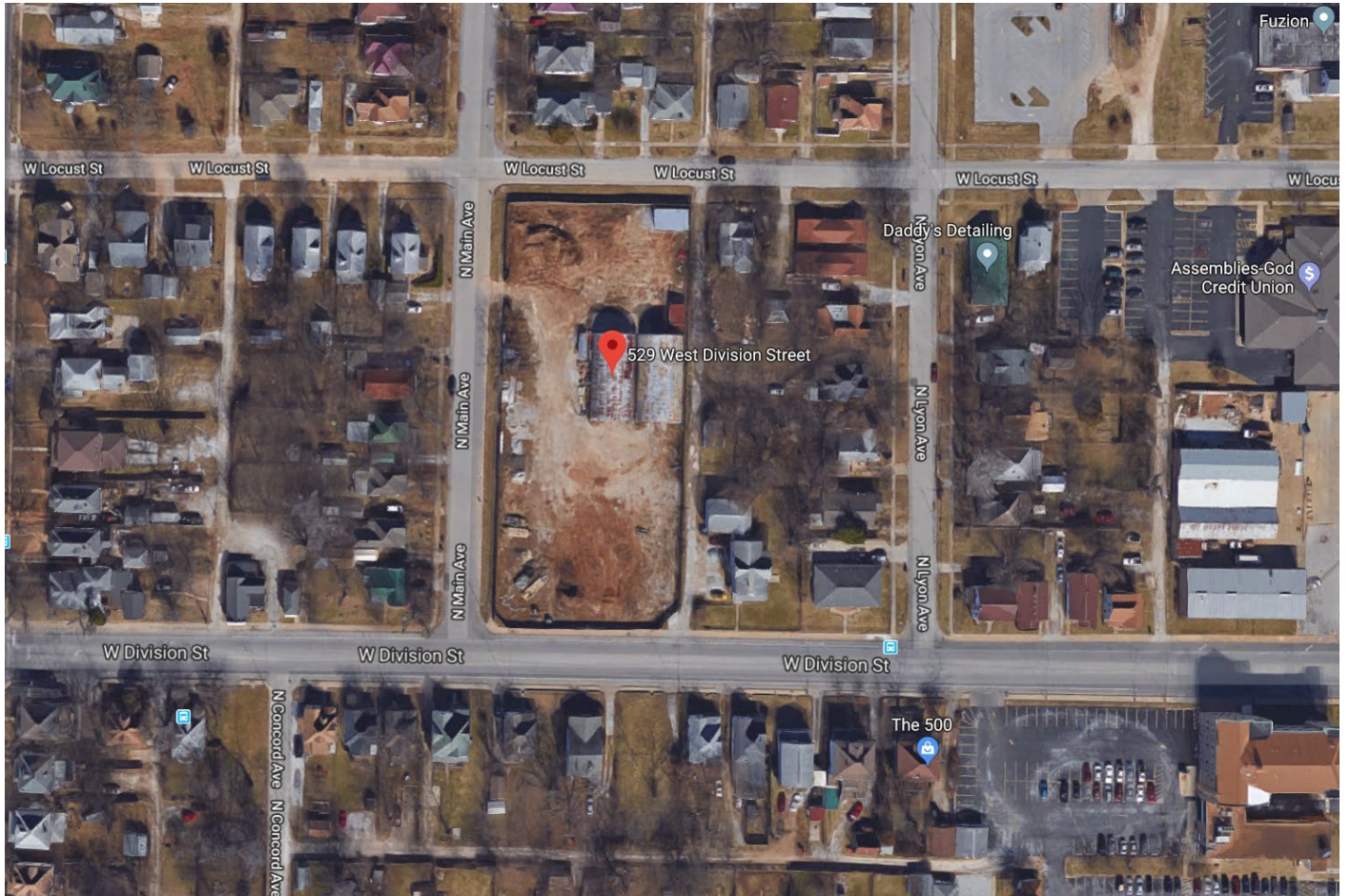
FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing. The applicant is proposing development that is more intense than what is recommended by the *Plan*.
2. Because no access can be taken from Division Street, commercial traffic from the retail development would be directed into the surrounding residential neighborhood.
3. The proposed GR, General Retail District is inconsistent with the zoning in the surrounding area. The subject property is surrounded by residential uses.
4. If Commission recommends approval, staff recommends placing conditions on the rezoning to require a Traffic Impact Study and any recommended improvements to be completed at the time of development. Also, it appears approximately 18 feet of additional right-of-way needs to be acquired along the entire length of property frontage on West Division Street. In addition, a 30-foot by 30-foot right-of-way sight triangle is needed at the corner of Division and Main. A 10-foot by 10-foot right-of-way sight triangle is needed at the corner of Main and Locust.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-LD	R-SF
LAND USE	Single-family residences	Single-family residences	Single-family residences	Single-family residences

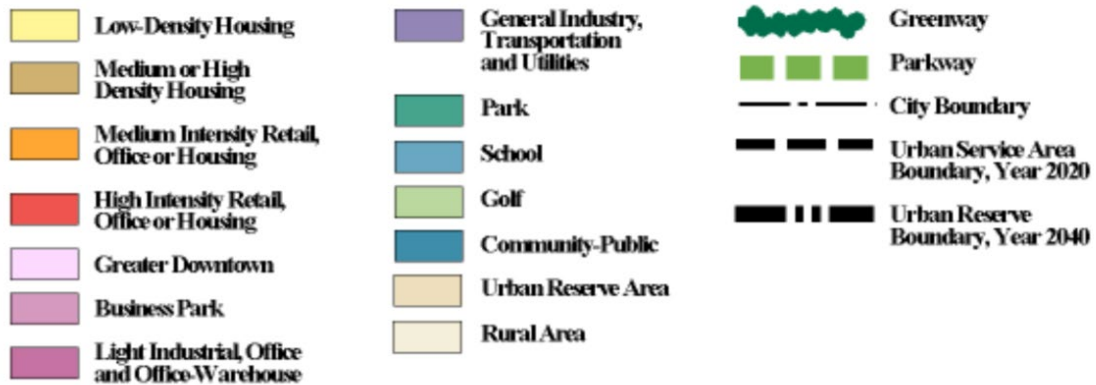
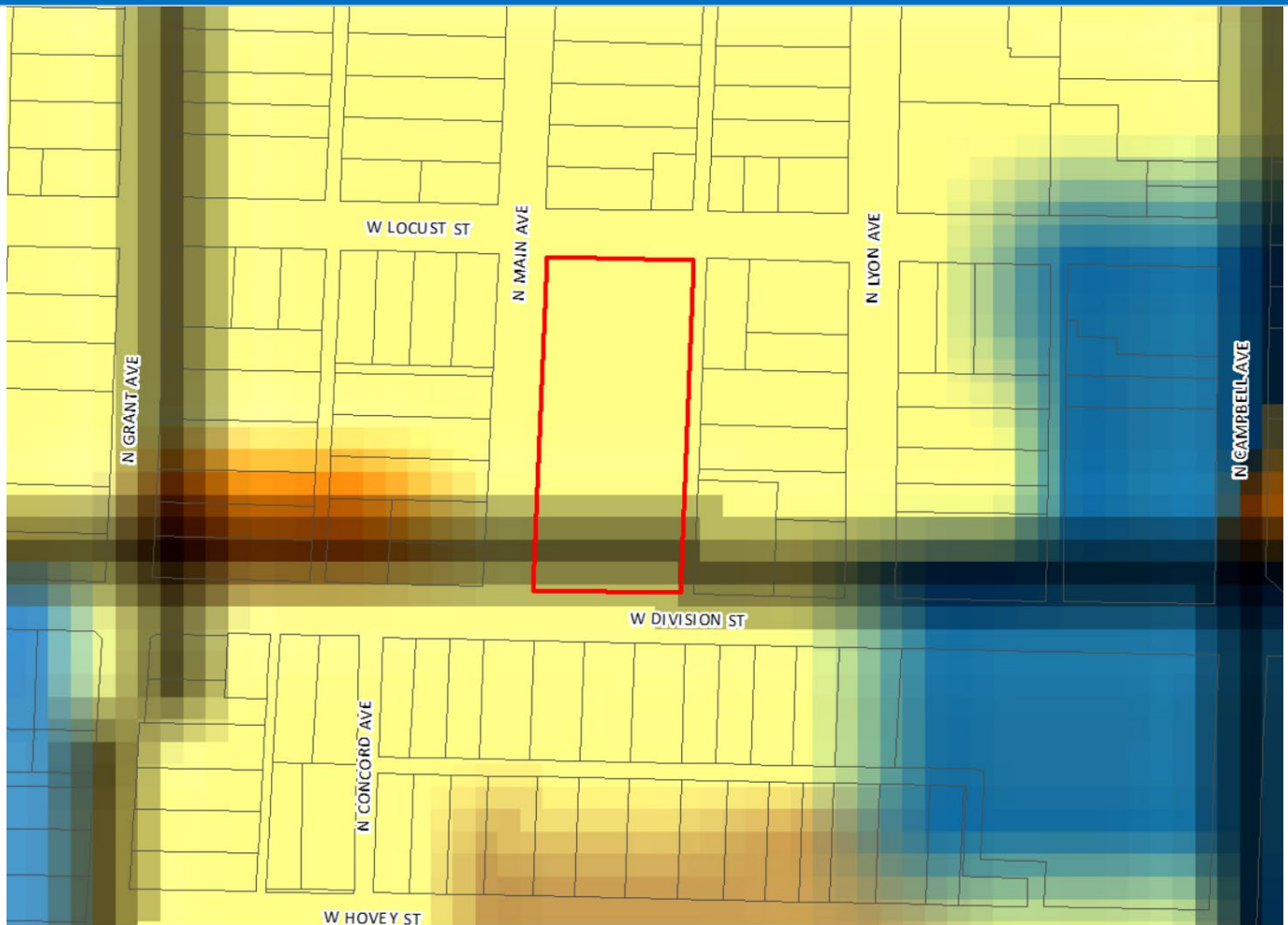
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



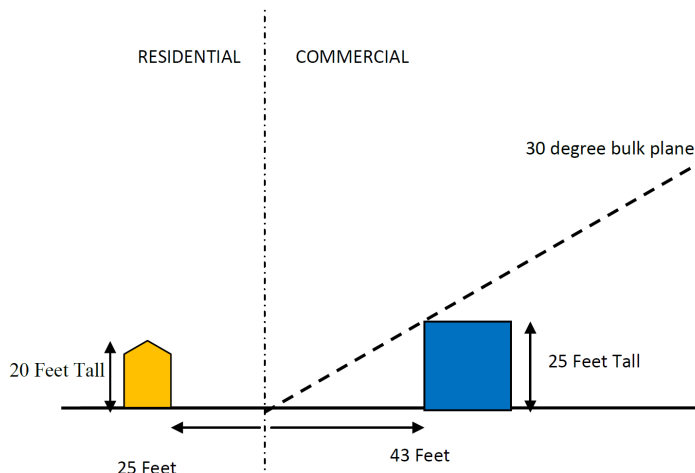
PROPERTY HISTORY:

The subject property is currently zoned R-SF, Single-Family Residential District and has been since the Citywide remapping in 1995.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR GR
Use Limitations	(a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows: 1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to section 36-363, conditional use permits, of this article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. 2. If the premises abut only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.
Maximum Structure Height	None, except that no building shall be higher than a 30-degree bulk plane adjacent to R-SF or R-TH Districts
Front Yard Setback	Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations
Side and Rear Setbacks	None, except as required by the supplemental open space and bufferyard requirements
Open Space Requirement	20%
Design Requirements	Standard per code

BULK PLANE



LANDSCAPING

Bufferyard Type "S2" when across street from R-SF

36-482-12- (I)



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing. The applicant is proposing development that is more intense than what is recommended by the *Plan*. The subject property is located along Division Street which is classified as a primary arterial roadway in the Transportation Plan. Due to the spacing requirements this property would not be allowed access to Division Street. Access will be required to be taken from the adjacent residential local street. This would direct commercial traffic from the retail development onto a local street within a residential neighborhood. Commercial traffic is discouraged through a residential district.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* states that protection of our existing residential neighborhoods is a prime concern. It is important to ensure that new land uses are not detrimental to residential areas and to recognize the vulnerability of residential areas to certain adverse impacts. This objective does not mean that non-residential land uses are automatically inappropriate in residential areas; it means that design and location criteria must take into account the existing residential areas. Mixed land uses, as well as mixed residential densities, will need to be accommodated in the future. These must be accommodated with sensitivity to existing residential neighborhoods. The *Plan* encourages mixed use. However, where commercial areas are concentrated they should be sited and designed to have a minimal effect on adjacent lower-intensity development, and the environment.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* also states that new development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space. Landscaped transitions should be used between sharply differing types of land use. Encourage the effective use of location, design and landscaping of commercial uses to screen and buffer neighborhoods from lights, signs, traffic noise and pollution, and other factors incompatible or conflicting with adjacent land uses. These practices will help ensure the integrity and function of the road system, reduce the length and frequency of auto trips, minimize impact on residential areas and contribute to the overall attractiveness of the community.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 1.59 acres of property from R-SF, Single-Family Residential District, to a GR, General Retail District. The applicant is proposing to construct a new retail store at this location.
2. The proposed GR, General Retail District is inconsistent with the zoning in the surrounding area. The subject property is surrounded by residential zoning and land uses.
3. Staff is recommending denial; however, if Commission recommends approval, staff would recommend placing conditions on the rezoning to require a Traffic Impact Study (TIS) to be submitted and approved as a part of this rezoning. Any improvements required as a part of the TIS must be constructed and approved, or funds escrowed, prior to issuance of a building permit. The change in use/zoning creates an increase in trip generation of more than 1,000 trips during a weekday. Also, it appears approximately 18 feet of additional right-of-way needs to be acquired along the entire length of property frontage on West Division Street. In addition, a 30-foot by 30-foot right-of-way sight triangle is needed at the corner of Division and Main and a 10-foot by 10-foot right-of-way sight triangle is needed at the corner of Main and Locust.
4. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on December 27, 2018, regarding the request for rezoning. A summary of this meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 43 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

Site development shall be reviewed through Pre-Development Review process.

CITY UTILITIES:

City Utilities has no objection to re-zoning property.

CLEAN WATER SERVICES COMMENTS:

No objection to zoning change. Public sewer is available.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Division Street as a Primary Arterial roadway. City's Transportation Plan classifies both N. Main Avenue and W. Locust Street as Local roadways. The standard right-of-way widths for Division, Main, and Locust are 50 feet from centerline, 25 feet from centerline, and 25 feet from centerline, respectively. It appears approximately 18 feet of additional right-of-way needs to be acquired along the entire length of property frontage on W. Division Street. In addition, a 30-foot by 30-foot right-of-way sight triangle is needed at the corner of Division and Main. A 10-foot by 10-foot right-of-way sight triangle is needed at the corner of Main and Locust. A survey is recommended to determine the exact amount of existing right-of-way. Division, Main, and Locust are all City-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Division Street East of N. Grant Avenue is 10,750 vehicles per day. There are no recent traffic counts for either section of Main Avenue or Locust Street. On-street parking is not allowed on W. Division Street but is allowed on both Main Avenue and Locust Street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Division Street that will need to be closed, as it does not meet the minimum spacing requirement from the alleyway. There is also one driveway access point to/from the property on N. Main Avenue. Any new/modified driveway approach to the property must meet minimum spacing requirements both from adjacent driveways and any intersecting streets/alleys. Access to N. Main Avenue must be a minimum of 75 feet from the intersection with Division.

SIDEWALK

There is existing sidewalk along the property frontage of Division, Main, and Locust. The existing infrastructure meets current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area pertaining to this rezoning. There are bus stops along W. Division Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study (TIS) is required to be submitted and approved as a part of this rezoning OR the TIS may be deferred until the time of development but must be written into the zoning with a Conditional Overlay District (COD). Any improvements required as a part of the TIS must be constructed and approved, or funds escrowed, prior to issuance of a building permit. As can be seen below, the change in use/zoning creates an increase in trip generation of more than 1,000 trips during a weekday. The City of Springfield currently has plans to make improvement to the Division/Grant intersection just one block west.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft)	Required Street ROW from Centerline (ft)
Street 1	W. Division Street	Primary Arterial	No	32	50
Street 2	N. Main Avenue	Local	Yes	30	25
Street 3	W. Locust Street	Local	Yes	30	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		6.36	7.95	76.32	N/A
*Proposed Trips Generated		25.44	106.53	1144.8	N/A
Additional Trips Generated		19.08	98.58	1068.48	N/A

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

STORMWATER COMMENTS:

The property is in the Jordan Creek Lower Branch drainage basin. The property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will not be allowed. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required. There are no sinkholes on the proposed property.

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

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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. Water quality will be required if disturbing more than one acre.
4. Detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Jordan Creek Lower Branch
Is property located in Floodplain	No
Is property located on a sinkhole	No
Is stormwater buyout an option	No

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-SF to GR
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: Decemebr 27, 2018, 4:00 pm - 6:30 pm
3. Meeting Location: 529 W. Division Street (Onsite)
4. Number of invitations that were sent: 296
5. How the mailing list was generated: City and County
6. Number of neighbors in attendance (attach a sign-in sheet): 5
7. List the verbal comments and how you plan to address any issues:
 (City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

Of the 5 attendees, 3 are not in favor. Two issues were increased traffic and one thinks the property value will decrease. Those are both issues we can not control.

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

Attached

I, MICHAEL WHITE (*print name*), attest that the neighborhood meeting was held on DECEMBER 27, 2018 (*month/date/year*), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

MICHAEL WHITE

Printed name of person completing affidavit

Neighborhood Meeting Notice

Date of Letter:

November 12, 2018

DEAR PROPERTY OWNER,

You have received a notice of a "Neighborhood Meeting" since all development applications involving an advertised public hearing require that a developer hold a neighborhood meeting and invite the property owners within 500 feet of the property and the officers of any neighborhood associations on file with the City of Springfield.

The applicant or representative below has filed an application with the City of Springfield for a change in land use, zoning or street vacation in your neighborhood.

APPLICANT CONTACT INFORMATION:

Applicant/Representative Name:

Michael White

Address:

222 Old Town Road

City, State and Zip:

Billings, MO 65810

Phone Number:

417-732-0005

E-mail:

info@whitelandsurvey.com

PROJECT LOCATION:

529 W. Division Street

PROPOSED CHANGES:

Provide details of the existing zoning and proposed zoning (planned development, conditional use permit, conditional overlay district or vacation of roadways).

The property is currently zoned Residential - Single Family. We are requesting a zoning change to General Retail.

PUBLIC NEIGHBORHOOD MEETING:

Date of Meeting:

December 27, 2018

Location of Meeting:

529 W. Division Street

Time of Meeting: ☒ 4:00 PM to 6:30 PM

We look forward to seeing you at this meeting! Thank You!

ATTACHMENTS: Notice Letter from City with Comment Card attached to this letter

From: [Lisa League](#)
To: Zoning@springfieldmo.gov
Subject: 529 W. Division Street
Date: Friday, December 28, 2018 1:41:04 PM

I attended the community meeting yesterday for 529 W Division Street.

I would like to voice my opinion and let it be known that I am vehemently AGAINST the rezoning of this property.

I have recently purchased a property with in 500 feet of this address and I am very concerned that rezoning of this property will, in the long run, decrease the value of my property.

Where as, the commercialization of this property would increase foot traffic through my yard, which would be annoying enough, it is not the real concern I have here. My REAL concern is that commercializing the 529 W Division address would be a hole in the dyke. Commercializing THIS property would open the door to commercialize other properties in the vicinity and so on & so on. I am very concerned that in 5-10 years - the property I bought 2 months ago is now going to be sharing an alley with the dumpster of a random business with cars driving up & down my alley all hours of the night and that my property will then be devalued by 20-25%.

There are plenty of commercial properties for sale in the general area that have been sitting vacant for a while. In my mind, there isn't any reason to expand the commercial region in an already devalued neighborhood. All this will do is further devalue properties.

Thank you for your time & attention.
 Have a Happy New Year

Lisa League

417.708.8310

USSunSolar



Lisa League

lleague@ussunsolar.com

Mobile: | Phone: 417.708.8310



www.USSunsolar.com www.SmartEnergy.us [Free Quote](#)

||||

From: [Teresa Emerson](#)
To: Zoning@springfieldmo.gov
Subject: Case number Z-1-2019
Date: Friday, January 11, 2019 4:37:57 PM

Hello. I am contacting you regarding the rezoning request for property located at 529 W. Division St., Springfield, which is being considered under Case number Z-1-2019. My business partner, Debby Nelson, and I own property at 504 W. Division, which is located almost directly across the street from this parcel. We object to the rezoning of the property to a general retail district.

This property is surrounded by residential structures. I realize it is on what might be considered a heavier traffic corridor, but it is right in the middle of an established neighborhood with older homes. A lot of the property owners in this area have made substantial investments, and having a store or convenience store located across the street will draw traffic at all hours of the day and night, essentially disturbing any quiet enjoyment of our properties. It will add a level of constant traffic to an already busy street, as well as excessive exterior lighting, noise and loiterers. It should also be noted that the majority of the "frontage" of this property is on Main Ave, where ingress and egress will be in the middle of a single family home neighborhood, bringing a multitude of safety issues.

A property of this size will change the residential feel of this block forever. If a retail district is needed, it should be located west of Grant or on Boonville in an area that is already mixed use.

Thank you for your consideration.

Teresa Emerson
936 W. Walnut St.
417-343-3348

One-rdg. _____
P. Hrngs. X
Pgs. 24
Filed: 02-05-19

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 026

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning 2.27 acres of property,
3 generally located at 3411 South Kansas Avenue, from R-LD, Low Density
4 Multi-Family District, with Conditional Overlay District No. 145, to R-LD,
5 Low Density Multi-Family District and establishing Conditional Overlay
6 District No. 162; and adopting an updated Official Zoning Map. (Staff and
7 Planning and Zoning Commission recommend approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 3411 South Kansas Avenue, and more fully described in "Exhibit
12 B," from R-LD, Low Density Multi-Family District with Conditional Overlay District No.
13 145, to R-LD, Low Density Multi-Family District with Conditional Overlay District No.
14 162; and
15

16 WHEREAS, following proper notice, a public hearing was held before the
17 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
18 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
19 and said Commission made its recommendation; and
20

21 WHEREAS, the City has reviewed the applicant's request and prepared a staff
22 report concerning the application which is attached hereto and incorporated herein by
23 this reference as "Exhibit D;" and
24

25 WHEREAS, proper notice was given of a public hearing before City Council, and
26 said hearing was held in accordance with law.
27

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

31 Section 1 – The property described in "Exhibit B" of this Ordinance, which is
32 attached hereto and incorporated herein by this reference, is hereby rezoned from R-
33 LD, Low Density Multi-Family District with Conditional Overlay District No. 145, or such

zoning districts as are designated on the official zoning map adopted by City Council, to R-LD, Low Density Multi-Family District with Conditional Overlay District No. 162; that the requirements of Conditional Overlay District No. 162, which are contained in "Exhibit A," are hereby incorporated by reference as if set out verbatim herein, and shall apply to the subject property; and the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed and modified accordingly.

Section 2 – City Council hereby directs the City Manager, or his designee, to update the City's digital zoning map to reflect this rezoning, and City Council adopts the map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps and rules of interpretation.'

Section 3 – The Official Zoning Map herein adopted shall be maintained and archived in the same digital form in which this Council has approved its adoption.

Section 4 – This Ordinance shall be in full force and effect from and after passage.

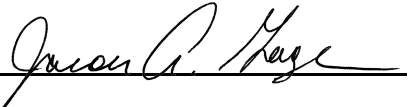
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -026

FILED: 02-05-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 2.27 acres of property, generally located at 3411 South Kansas Avenue, from R-LD, Low Density Multi-Family District, with Conditional Overlay District No. 145, to R-LD, Low Density Multi-Family District and establishing Conditional Overlay District No. 162; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-30-2018 COD No. 162

The applicant is proposing to rezone from a R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 145 to a R-LD, Low-Density Multi-Family Residential District and to establish Conditional Overlay District No. 162. The applicant is only changing the site plan from the original request.

The proposed rezoning will facilitate the development for a multi-family apartment complex. The Conditional Overlay District will limit the density to 18 dwelling units per acre and require the development to conform to the approved site plan.

REMARKS:

The Planning and Zoning Commission held a public hearing on January 17, 2019, and recommended approval, by a vote of 6 to 0, of the proposed zoning on the tract of land described on the attached sheet (see the attached "Exhibit C," Record of Proceedings).

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

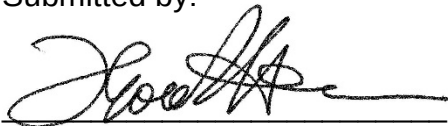
FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Low-Density Housing. The Plan encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents. Appropriate design standards as required by the Multi-Family Location and Design Guidelines can assure compatibility of different housing types and densities within existing neighborhoods. The Plan also states that "the land use plan map should not be

taken too literally but should be used in conjunction with...policies of this plan and good judgement”.

2. City Council approved the rezoning to R-LD with Conditional Overlay District No. 145 on March 26, 2018. The applicant is only changing the site plan from the original request.
3. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.

Submitted by:



Bob Hosmer, AICP Principal Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Conditional Overlay District Provisions
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report

Attachment 1, Department Comments
Attachment 2, Neighborhood Meeting Summary
Attachment 3, Site Plan

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-30-2018 & CONDITIONAL OVERLAY DISTRICT NO. 162

The requirements of Section 36-382 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following.

1. The development shall have a maximum density of 18 dwelling units per acre for a total 40 units.
2. The development shall have no access to Kansas Avenue as shown in the attached site plan (Attachment 5).
3. The development of the subject property shall be in substantial conformance to the Multi-Family Location and Design Guidelines and the attached site plan (Attachment 5).

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-30-2018 & CONDITIONAL OVERLAY DISTRICT NO. 162

ALL THE EAST THREE (3) ACRES OF THE NORTH ONE-FOURTH ($N\frac{1}{4}$) OF THE
NORTHEAST QUARTER ($NE\frac{1}{4}$) OF THE NORTHEAST QUARTER ($NE\frac{1}{4}$) OF
SECTION TEN (10), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-TWO (22),
IN GREENE COUNTY, MISSOURI.

EXHIBIT C

RECORD OF PROCEEDINGS
ZONING CASE Z-30-2018 & CONDITIONAL OVERLAY DISTRICT NO. 162
Planning and Zoning Commission January 17, 2019

Z-30-2018 w/COD #162

3411 South Kansas Avenue

Applicant: Project Collective, LLC

Mr. Hosmer stated that this is a request to rezone approximately 2.27 acres of property generally located at 3411 South Kansas Avenue from a R-LD, Low Density Multi-Family District COD No 145 to a R-LD, Medium-Density Multi-Family Residential District and establishing Conditional Overlay District No. 162. The Comprehensive Plan identifies this as an appropriate area for Low-Density Housing. However, the subject property was rezoned to R-LD, Residential Low-Density Multi-Family District with Conditional Overlay District No. 145 on March 26, 2018. The Major Thoroughfare Plan classifies Walnut Lawn as a secondary arterial roadway and Kansas Avenue is classified as collector roadway. Both support the proposed land use. The applicant is only requesting to change the site plan. Bufferyard along R-SF property. Density same 18 du/ac. No access to Kansas Avenue as shown in the attached site plan. Staff recommends approval.

Mr. Doennig asked about the egress/ingress and the detention area on the site plan.

Mr. Estell noted that it meets the requirements for the driveway and Ms. Hawkins noted that they do not need to show underground detention on the site plan and noted that additional studies had shown no sinkholes.

Mr. Doennig opened the public hearing.

Mr. Brent Stevens, 5039 S. National Avenue, the architect, noted that based on additional studies that there are no sinkholes, and this will be senior (55+) housing and noted that they are working with the natural grade and will have garages on the lower level.

Mr. Jason Finley, 2082 Terrell Valley, Republic, one of the developers. Had a GEO tech study on the property and there are no sinkholes.

Mr. Doennig closed the public hearing.

Mr. Jobe motioned to **approve** Z-30-2018 w/COD #162 (3411 South Kansas Avenue). Mr. Shuler seconded the motion. Ayes: Doennig, Broekhoven, Shuler, Rose, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Coltrin, Cox, and Thomas.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', enclosed within a thin black rectangular border.

Bob Hosmer, AICP
Principal Planner

Exhibit D

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JANUARY 17, 2019

CITY COUNCIL PUBLIC HEARING:

FEBRUARY 11, 2019



CASE NUMBER:

Z-30-2018 with Conditional Overlay No. 162

PROJECT LOCATION: 3411 South Kansas Avenue

ACRES: 2.27 acres

EXISTING LAND USE: Vacant

APPLICANT: Project Collective, LLC

STAFF: Bob Hosmer, AICP Principal Planner 864-1834

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:

Move to approve Z-30-2018 with Conditional Overlay District No. 162 as submitted.

SUMMARY OF REQUEST:

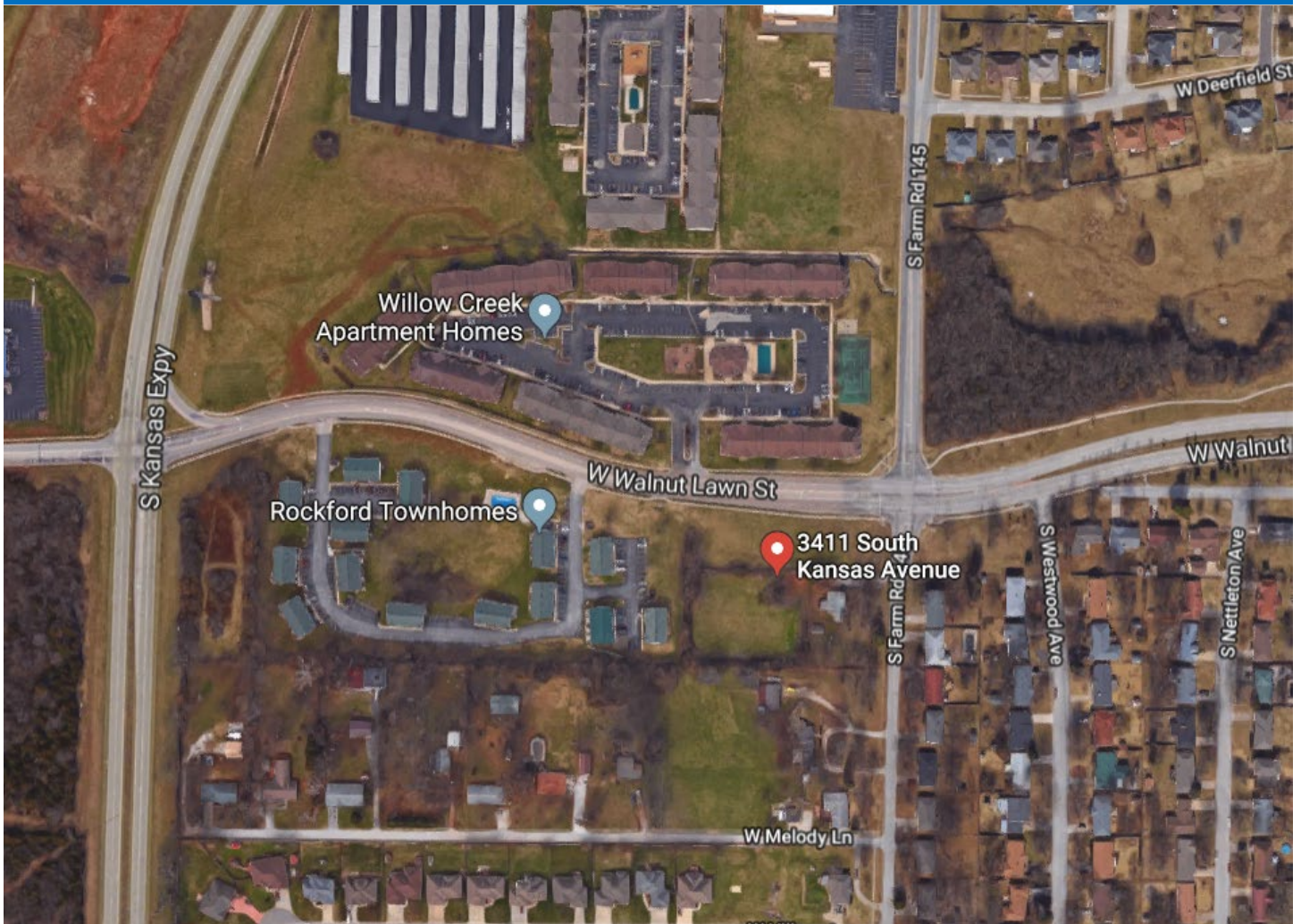
To rezone approximately 2.27 acres of property generally located at 3411 South Kansas Avenue from a R-LD, Low Density Multi-Family District COD No 145 to a R-LD, Medium-Density Multi-Family Residential District and establishing Conditional Overlay District No. 162. The applicant is only requesting to change the site plan.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing. The *Plan* encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents. Appropriate design standards as required by the Multi-Family Location and Design Guidelines can assure compatibility of different housing types and densities within existing neighborhoods. The *Plan* also states that "the land use plan map should not be taken too literally but should be used in conjunction with...policies of this plan and good judgement." The Transportation Plan classifies Walnut Lawn as a secondary arterial roadway and Kansas Avenue is classified as collector roadway. Secondary arterial and collector roadways both support the proposed land use.
2. This application meets the intent of the R-LD district which serves to accommodate multifamily developments at densities up to approximately 18 units per acre and is intended to serve as a transition between lower density and higher density residential districts. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. In response to public comments and concerns during a past rezoning, access to Kansas Avenue will be prohibited. The proposed R-LD district meets this criteria of being a transition between lower density housing to the south and east and higher density housing to the north and west of the subject property.
3. The request is consistent with the recommendations of the *Revised Multi-Family Development Location and Design Guidelines* which will limit the development to 18 dwelling units per acre and requires specific design guidelines.

SURROUNDING ZONING AND LAND USES:				
	NORTH	SOUTH	EAST	WEST
ZONING	PD 157	R-SF	R-SF	R-LD
LAND USE	Multi-family uses	Single-family Residence	Single-family Residence	Multi-family uses

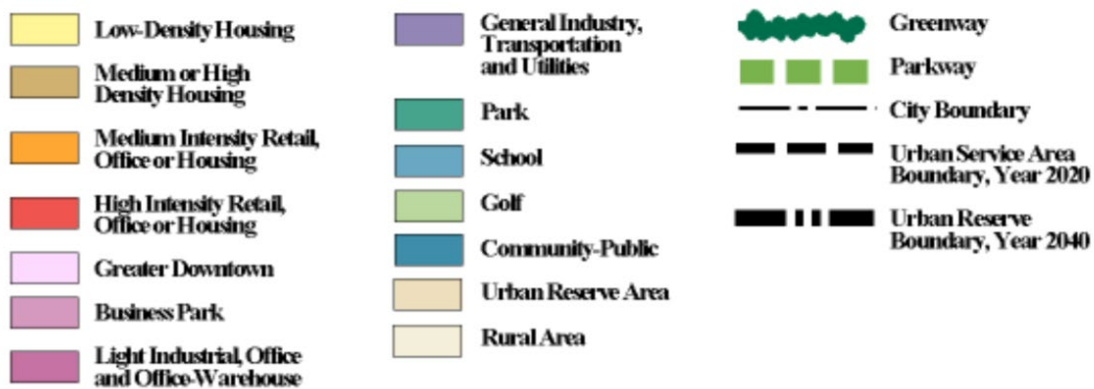
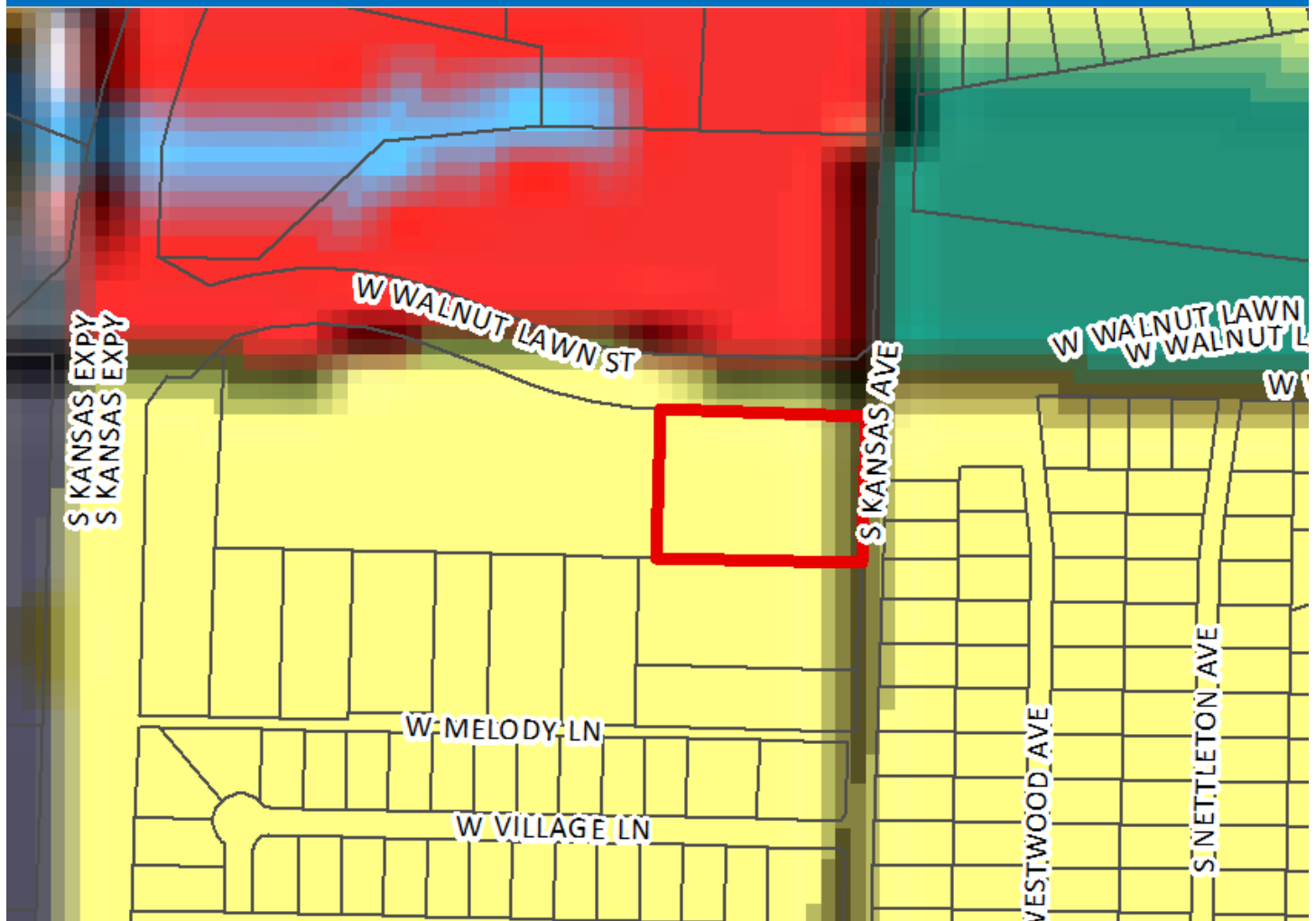
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:

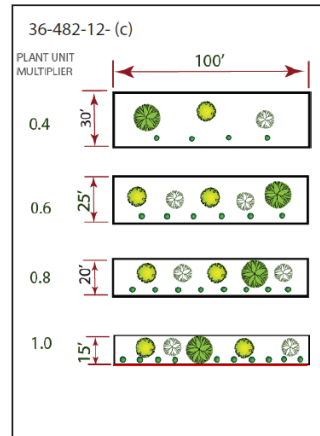
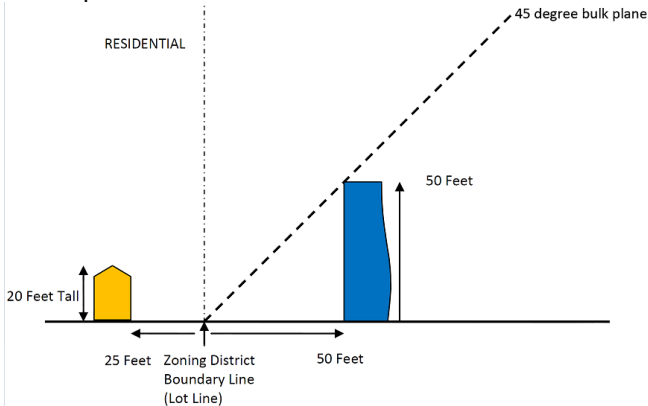


PROPERTY HISTORY:

The subject property was zoned to R-SF in a community-wide rezoning to the current Zoning Ordinance regulations in March 1995 (G.O. 4494). The subject property was rezoned to R-LD, Residential Low Density Multi-Family District with Conditional Overlay District No. 145 on March 26, 2018.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-LD
Maximum Structure Height	Two (2) stories as restricted by Site Plan. Ordinance normally allows 45 feet or three (3) stories.
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
Building Setbacks	25 feet from Kansas Avenue
BULK PLANE	BUFFERYARD AND LANDSCAPING
45 degrees where property adjoins an R-SF district. This bulk plan would be required on the south of the development.	Type "C" bufferyard is required along south property line.



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing. The *Plan* encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents. Appropriate design standards as required by the Multi-Family Location and Design Guidelines can assure compatibility of different housing types and densities within existing neighborhoods. The *Plan* also states that "the land use plan map should not be taken too literally but should be used in conjunction with...policies of this plan and good judgement."

The property is located at the intersection of Walnut Lawn Street and Kansas Avenue. The Transportation Plan classifies Walnut Lawn as a secondary arterial roadway and Kansas Avenue is classified as collector roadway. Secondary arterial and collector roadways both support the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to rezone from a R-LD, Low-Density Multi-Family Residential District with Conditional Overlay No. 145 to a R-LD, Low-Density Multi-Family Residential District and establishing Conditional Overlay No. 162. The applicant is only changing the site plan from the original request. The proposed rezoning will facilitate the development for a multi-family apartment complex. The Conditional Overlay District will limit the density to 18 dwelling units per acre and require the development to conform to the approved site plan (Attachment 5). The conditional overlay district restricts the development from accessing Kansas Avenue. The development will have an access only onto Walnut Lawn.
2. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing. The *Plan* encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents. Appropriate design standards as required by the Multi-Family Location and Design Guidelines can assure compatibility of different housing types and densities within existing neighborhoods. The *Plan* also states that “the land use plan map should not be taken too literally but should be used in conjunction with...policies of this plan and good judgement”. City Council approved the rezoning to R-LD with a Conditional Overlay District No 145.
3. The R-LD District is intended to accommodate multi-family developments at densities up to approximately eighteen (18) dwelling units per acre. This density has been determined to be appropriate for this area based on an assessment completed under the *Revised Multi-Family Development Location and Design Guidelines*. That assessment indicated an appropriate density of 20 dwelling units per acre. Further analysis of the proposed development under the *Revised Multi-Family Development Location and Design Guidelines* is attached (Attachment 3). The development must be in substantial conformance to the attached site plan (Attachment 5).
4. The R-LD district is intended to accommodate multifamily developments at densities up to approximately 18 units per acre and is intended to serve as a transition between lower density and higher density residential districts. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. The property is located at the intersection of Walnut Lawn Street and Kansas Avenue. The Transportation Plan classifies Walnut Lawn as a secondary arterial roadway and Kansas Avenue is classified as collector roadway. Secondary arterial and collector roadways both support the proposed land use. The proposed R-LD district meets this criteria of being a transition between lower density housing and higher density housing which are to the north and west of the subject property.
5. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.
6. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on November 7, 2018 regarding the rezoning request. A summary of the meeting is attached (Attachment 4).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 26 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues

CITY UTILITIES COMMENTS:

CU has no objection to amending the COD.

CLEAN WATER SERVICES COMMENTS:

Development has access to public sewer.

FIRE COMMENTS:

Fire has no issues with Zoning Map Amendment.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Walnut Lawn Street as a Secondary Arterial roadway and S. Kansas Avenue as a Collector roadway. The standard right-of-way width for W. Walnut Lawn Street is 35 feet from the centerline. The standard right-of-way width for S. Kansas Avenue is 30 feet from the centerline. It appears additional right-of-way is not needed along W. Walnut Lawn Avenue. It appears approximately 14 feet of additional right-of-way is needed along S. Kansas Avenue. In addition, a 30-foot by 30-foot right-of-way sight triangle is needed at the intersection of W. Walnut Lawn Street and S. Kansas Avenue. A survey is recommended to determine the exact amount of existing right-of-way. W. Walnut Lawn Street and S. Kansas Avenue are both city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Walnut Lawn Street east of S. Kansas Expressway is 10,281 vehicles per day. The most recent traffic count on S. Kansas Avenue south of W. Walnut Lawn Street is 4,312 vehicles per day. On-street parking is not allowed along W. Walnut Lawn Street or S. Kansas Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from S. Kansas Avenue that will need to be closed or moved, as it does not meet the minimum spacing requirements from the intersection of Walnut Lawn and Kansas Avenue. Any new proposed driveway approaches must meet the minimum spacing requirements (150' Approach/100' Exit). Driveway access is limit to W. Walnut Lawn Street only. Only one access is permitted onto W. Walnut Lawn Street. No access is permitted onto S. Kansas Avenue.

SIDEWALK

There is existing sidewalk along the property frontage of W. Walnut Lawn Street. The existing infrastructure meets current City Standards. There is not currently sidewalk along the property frontage of S. Kansas Avenue. Sidewalk is required to be constructed along S. Kansas Avenue to current City Standards as a part of this development/rezoning.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are a few various Greenway Trails in the area surrounding the property pertaining to this zoning. There are bus stops along W. Walnut Lawn Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. The City of Springfield has plans to widen S. Kansas Avenue to at least a three-lane section in the future. There is not currently a timeline for when these street improvements will take place. In addition, at 3581 S. Kansas Avenue, a northbound left-turn lane is being added to S. Kansas Avenue, into the property. The City of Springfield and MODOT also have plans to make improvements to the Kansas Expressway/ Walnut Lawn intersection soon. Timeline for these improvements are still to-be-determined.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft)	Required Street ROW from Centerline (ft)
Street 1	W. Walnut Lawn Street	Secondary Arterial	No	54	35
Street 2	S. Kansas Avenue	Collector	No	16	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		24.48	29.92	326.4	N/A
*Proposed Trips Generated		24.48	29.92	326.4	N/A
Additional Trips Generated		0	0	0	N/A

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

STORMWATER COMMENTS:

The property is in the Inman Creek drainage basin. The part of the property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will not be allowed. Since the project will most likely be disturbing more than one (1) acre there will be a land disturbance permit required. There are no sinkholes on the proposed property.

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

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Water quality will be required if disturbing more than one acre.
3. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.
4. Initial Geotech report shows no sinkhole where proposed driveway will be. Therefore, the driveway location is fine as shown.

Public Works Stormwater Division	Response
Drainage Basin	Inman Creek

Is property located in Floodplain	No
Is property located on a sinkhole	No
Is fee in lieu of detention allowed	No

REQUIREMENTS FOR APPROVAL:

MULTI-FAMILY DEVELOPMENT LOCATION AND DESIGN GUIDELINE ASSESSMENT ZONING CASE Z-30-2018 & CONDITIONAL OVERLAY DISTRICT NO. 162

The applicant is requesting approval of multi-family apartments on 2.27 acres of property. According to the Multi-Family Location and Design Assessment Matrix, the proposed development has attained 11 points, which would allow up to 20 dwelling units per acre. The applicant has requested a density of 18 dwelling units per acre. Below is an analysis of the four categories used to calculate the Matrix score.

- A. Land Use Accessibility (1/3 points)
One point was given for land use accessibility. There is neighborhood retail mix within a ¼ mile and a supermarket located within a ½ mile.
- B. Connectivity Analysis (2/5 points)
Two out of a maximum of five points were given for connectivity. The proposed development received scores for its proximity to transit routes.
- C. Road Network Evaluation (2/2 points)
Two points were given for the road network evaluation.
- D. Design Guidelines (6/6 points)
A maximum of six points were given for design guideline criteria. Below are the design considerations that have been incorporated into the proposed development.
 1. Pedestrian Amenities - Pedestrian amenities shall include benches placed near walkways at appropriate locations throughout the development. Pedestrian-scale lighting shall be provided within the development. Lighting sources or luminaries that have a cutoff shall not exceed a maximum of 30 feet in height. All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through external shields or through optics within the fixture. A site lighting and photometric plan shall be submitted conforming to these requirements for building permits.
 2. Building Scale and Articulation - Street facing walls that are greater than 50 feet in length shall be articulated at least each 25 feet with bays, projections or recesses. Articulation means a difference in the vertical plane of the building at least 18 inches or more. This project shall be in compliance with the attached site plan and elevations.
 3. Building Orientation and Interior Landscaping – All building orientations will address Kansas Avenue and Walnut Lawn Street to receive design points for this element. Landscaping and open spaces shown shall be provided with approved ground cover and/or plantings per required city ordinances and zoning requirements. Landscaping islands with plantings shall be located throughout the parking lot. A landscaping plan shall be submitted conforming to these requirements for building permits.
 4. Avoidance of Blank Walls along pedestrian circulation areas - Facades that face public streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and

proportioned using at least one or more of the following features: windows, entrances, arcades, arbors, awning (over windows or doors), distributed along the façade at least once every 25 feet. This project shall be in conformance with the attached site plan and elevations

5. Internal Connectivity – Internal sidewalks shall connect internally and to the public sidewalk system.
6. Useable Recreational Area/Facility – A minimum of 20% usable open space is required.
7. Amenities – The development will have a resident clubhouse and swimming pool.
8. Preservation of Trees –All existing trees of 6” caliper or greater shall be preserved or replaced with 2-inch caliper trees in accordance with the attached site plan and the city ordinance.

DENSITY: The assessment criteria resulted in a total of 11 points for a maximum density of 20 dwelling units per acre. The applicant has requested a total density of 18 dwelling units per acre.

CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-30-2018 & CONDITIONAL OVERLAY DISTRICT NO. 162

The requirements of *Section 36-383* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. The development shall have a maximum density of 18 dwelling units per acre for a total 40 units.
2. The development shall have no access to Kansas Avenue as shown in the attached site plan (Attachment 5).
3. The development of the subject property shall be in substantial conformance to the Multi-Family Location and Design Guidelines and the attached site plan (Attachment 5).

ATTACHMENT 2
Neighborhood Meeting Summary

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: RMD COD145 to NEW COD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 11/7/18 4-6:30pm
3. Meeting Location: Library Center
4. Number of invitations that were sent: 71
5. How the mailing list was generated: list from the city
6. Number of neighbors in attendance (attach a sign-in sheet): 4
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

No issues

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

I, Jason Finley - Member (print name), attest that the neighborhood meeting was held on 11/7/18 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Jason Finley - Member
Signature of person completing affidavit

Jason Finley - Member
Printed name of person completing affidavit

Sign In Sheet

Neighborhood meeting for 3411 S. Kansas Avenue
11/7/18

	Name	Address / Number
1	Murielle Reed	1141 W. Maplewood St.
2	CARL BOSWELL	1222 W. WESTVIEW ST
3	LINDA BOSWELL	1222 W. WESTVIEW ST 65807
4	JASON HEWNE	3459 S. Kansas Ave 65802
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DEVELOPMENT REVIEW NOTICE/COMMENT CARD

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits an application for a change in land use or zoning, the property will be posted and there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	11-7-2018	Telephone No.	417-844-7002
YOUR NAME:	Murielle Reed		
YOUR ADDRESS:	1141 W. Maplewood St.		
PROJECT ADDRESS:	3411 S. Kansas		
COMMENTS:	The developers were informative and answered my questions. According to their input these apartments should be a nice addition to our neighborhood.		

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Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	11-7-18	Telephone No.	417 881-0121
YOUR NAME:	CARL BOSWELL		
YOUR ADDRESS:	1222 W. WESTVIEW ST		
PROJECT ADDRESS:			
COMMENTS:	NO GREEN		
	JH		

One-rdg. _____
P. Hrngs. X
Pgs. 18
Filed: 02-05-19

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 027

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning 6.99 acres of property,
3 generally located at 1630 West Republic Street, from a R-SF, Single-
4 family Residential District to GR, General Retail District and establishing
5 Conditional Overlay District No. 165; and adopting an updated Official
6 Zoning Map. (Staff and Planning and Zoning Commission recommend
7 approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 1630 West Republic Street, and more fully described in "Exhibit B,"
12 from R-SF, Single-family Residential District to GR, General Retail District with
13 Conditional Overlay District No. 165; and
14

15 WHEREAS, following proper notice, a public hearing was held before the
16 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
17 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
18 and said Commission made its recommendation; and
19

20 WHEREAS, the City has reviewed the applicant's request and prepared a staff
21 report concerning the application which is attached hereto and incorporated herein by
22 this reference as "Exhibit D;" and
23

24 WHEREAS, proper notice was given of a public hearing before City Council, and
25 said hearing was held in accordance with law.
26

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

30 Section 1 – The property described in "Exhibit B" of this Ordinance, which is
31 attached hereto and incorporated herein by this reference, is hereby rezoned from a R-
32 SF, Single-family Residential District, or such zoning districts as are designated on the
33 official zoning map adopted by City Council, to GR, General Retail District and with

34 Conditional Overlay District No. 165; that the requirements of Conditional Overlay
35 District No. 165, which are contained in "Exhibit A," are hereby incorporated by
36 reference as if set out verbatim herein, and shall apply to the subject property; and the
37 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
38 interpretation,' is hereby amended, changed and modified accordingly.
39

40 Section 2 – City Council hereby directs the City Manager, or his designee, to
41 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
42 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
43 for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps
44 and rules of interpretation.'

45
46 Section 3 – The Official Zoning Map herein adopted shall be maintained and
47 archived in the same digital form in which this Council has approved its adoption.
48

49 Section 4 – This Ordinance shall be in full force and effect from and after
50 passage.
51

52 Passed at meeting: _____
53

54 _____
55 Mayor
56

57 Attest: _____, City Clerk
58

59 Filed as Ordinance: _____
60

61
62 Approved as to form: , Assistant City Attorney
63

64
65 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 - 027

FILED: 02-05-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 6.99 acres of property, generally located at 1630 West Republic Street, from a R-SF, Single-family Residential District to GR, General Retail District and establishing Conditional Overlay District No. 165; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-3-2019/ CONDITIONAL OVERLAY DISTRICT NO. 165

The applicant is proposing to rezone 6.99 acres of property generally located at 1630 West Republic Street from R-SF, Single-family Residential District to GR, General Retail District and establish Conditional Overlay District No. 165. The purpose of this rezoning is to eliminate the requirement to provide a bufferyard for the property to the west. This bufferyard would serve no purpose as the subject property is more appropriate being commercially zoned than the current R-SF zoning. The subject property is not suitable for single-family residential development given its location on a primary arterial and the surrounding zoning. There are no immediate plans for redevelopment. The Church intends to remain in place.

REMARKS:

The Planning and Zoning Commission held a public hearing on January 17, 2019, and recommended approval, by a vote of 6 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The purpose of this rezoning is to eliminate the requirement to provide a bufferyard for the property to the west. This bufferyard would serve no purpose as the subject property is more appropriate being commercially zoned than the current R-SF zoning. The subject property is not suitable for single-family residential development given its location on a primary arterial and the surrounding zoning.
2. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Medium or High-Density Housing land uses, however, this property is located at the corner of Republic

Street and Kansas Avenue which are classified as a primary arterial and collector respectively, in the Transportation Plan. The subject property is located adjacent to GR, General Retail zoning to the west, commercial uses to the east and O-1, Office zoning to the south.

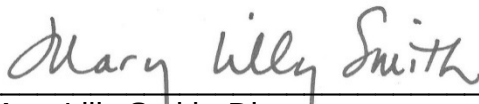
3. The subject property is appropriate for GR zoning which is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops and are recommended to be located along or at the intersection of two or more arterial or higher classification streets. The subject property is located along Republic Street, a primary arterial roadway and within a quarter (1/4) mile of the intersection of Kansas Expressway and Republic Street.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

Submitted by:



Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Conditional Overlay District Provisions

Exhibit B, Legal Description

Exhibit C, Record of Proceedings

Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Conditional Overlay District Provisions

Attachment 3: Neighborhood Meeting Summary

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-3-2019 & CONDITIONAL OVERLAY DISTRICT NO. 165

The requirements of *Section 36-421* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. A traffic impact study shall be prepared at the time of development and if the proposed development generates more than one hundred (100) trip ends than are generated by the current R-SF zoning during the highest peak hour of the generator or if more than one thousand (1,000) daily trip ends are generated. The traffic impact study, if required, must be submitted prior to the issuance of a building permit and any improvements to the public street must be designed and either built or escrowed prior to the issuance of the building permit.
2. If the property is proposed to be subdivided, the property shall be subdivided in accordance with the City of Springfield's Subdivision Regulations.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-3-2019 & CONDITIONAL OVERLAY DISTRICT NO. 165

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 28 NORTH, RANGE 22 WEST, BEING A PART OF LOT 1 OF SOUTHLAND SUBDIVISION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, MISSOURI, RECORDED IN BOOK AAA PAGE 551 GREENE COUNTY RECORDERS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID SOUTHLAND SUBDIVISION;

THENCE SOUTH 88°46'46" EAST, ALONG THE NORTH LINE OF SAID LOT 1, ALSO BEING THE SOUTH RIGHT OF WAY OF REPUBLIC ROAD, A DISTANCE OF 330.68 FEET TO THE PLATTED LOT CORNER;

THENCE SOUTH 44°07'00" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 33.05 FEET TO THE PLATTED LOT CORNER BEING ON THE WEST RIGHT OF WAY OF KANSAS AVENUE;

THENCE SOUTH 03°59'06" EAST, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 60.84 FEET TO THE PLATTED LOT CORNER;

THENCE SOUTH 01°54'00" WEST, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 311.82 FEET;

THENCE NORTH 89°01'17" WEST, A DISTANCE OF 275.00 FEET TO A POINT ON THE WEST LINE OF CONDITIONAL OVERLAY DISTRICT 130;

THENCE NORTH 01°54'00" EAST, ALONG SAID WEST LINE AND ITS EXTENSION, A DISTANCE OF 21.23 FEET;

THENCE NORTH 55°38'59" WEST, A DISTANCE OF 101.70 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID SOUTHLAND SUBDIVISION;

THENCE NORTH 01°55'10" EAST, ALONG THE EAST LINE OF SAID LOT TWO, A DISTANCE OF 320.00 FEET TO THE POINT OF BEGINNING. CONTAINING 138,169 SQUARE FEET

THIS DESCRIPTION WAS PREPARED BY CJW TRANSPORTATION CONSULTANTS, LLC; CORPORATE LAND SURVEY NUMBER 2007008003.

EXHIBIT C

RECORD OF PROCEEDINGS
ZONING CASE Z-3-2019 & CONDITIONAL OVERLAY DISTRICT NO. 165
Planning and Zoning Commission January 17, 2019

Z-3-2019 w/COD #165

1630 West Republic Road

Applicant: Southland Christian Church

Request to rezone approximately 6.99 acres of property generally located at 1630 West Republic Street from R-SF, Single-family Residential to GR, General Retail and establish Conditional Overlay District No. 165. Comprehensive Plan identifies the property as appropriate for Medium or High-Density Housing land uses. The Major Thoroughfare Plan classifies Republic Street as a primary arterial and Kansas Avenue as a collector. The subject property is located adjacent to GR, General Retail zoning to the west, commercial uses to the east and O-1, Office zoning to the south. R-SF, Single Family is not appropriate zoning district at this location. This rezoning would eliminate the requirement of a bufferyard on the property to the west. Churches are allowed in the GR District. The Conditional Overlay District will require a traffic impact study at the time of development. Improvements maybe required. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Geoff Butler, 319 N. Main, representing the applicant. Last year the property to the south and west was rezoned, and the church uses the property to the west for parking. The issue is the bufferyard requirement next to the parking area and the church does not want to lose any shared parking. At the present, the church has no plans to relocate and needs the entire parking area.

Mr. Doennig closed the public hearing.

Mr. Jobe motioned to **approve** Z-3-2019 w/COD #165 (1630 West Republic Road). Mr. Rose seconded the motion. Ayes: Jobe. Nays: Doennig, Broekhoven, Shuler, Rose, and Ogilvy. Abstain: None. Absent: Coltrin, Cox, and Thomas.



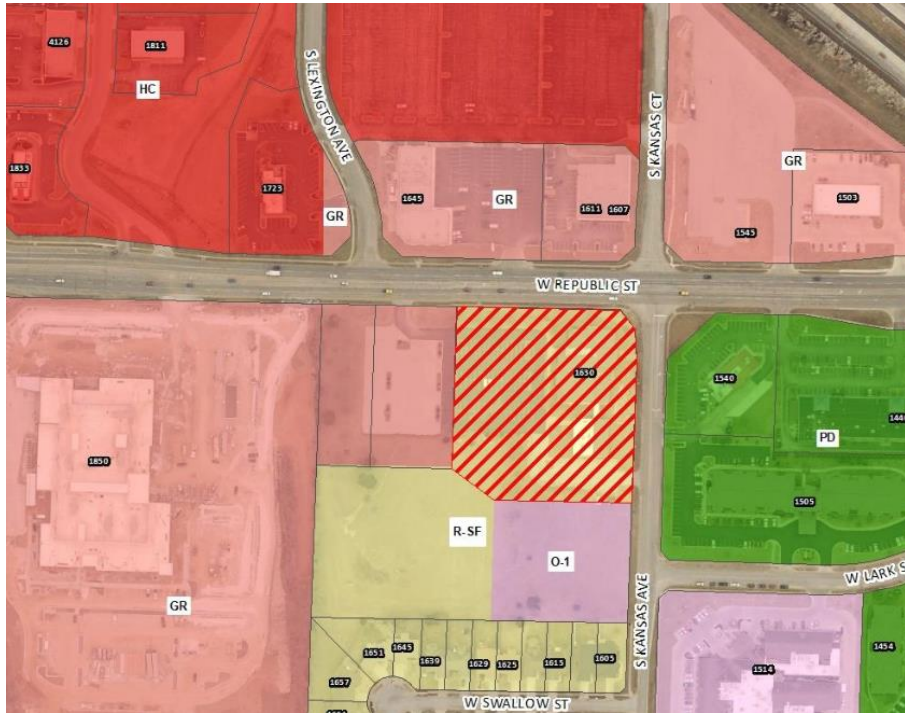
Bob Hosmer, AICP
Principal Planner

Exhibit D

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JANUARY 17, 2019

CITY COUNCIL PUBLIC HEARING:

FEBRUARY 11, 2019



CASE NUMBER:

Z-3-2019 w/ Conditional Overlay District No. 165

PROJECT LOCATION: 1630 West Republic Street

ACRES: 6.99 acres

EXISTING LAND USE: Church

APPLICANT: Southland Christian Church

STAFF:

Michael Sparlin, Senior Planner
417-864-1091

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve Z-3-2019 w/ COD No. 165 as submitted.

SUMMARY OF REQUEST:

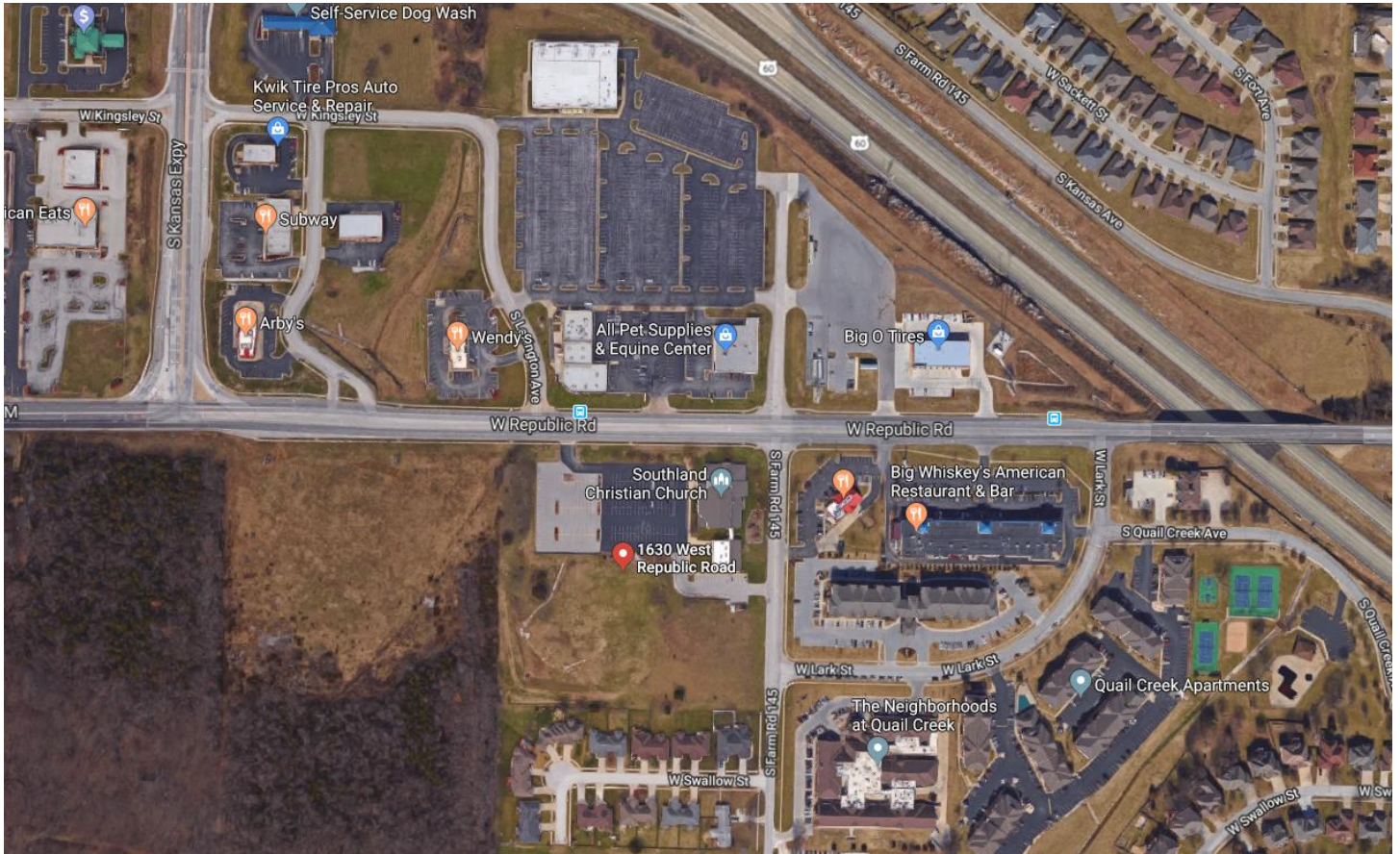
To rezone approximately 6.99 acres of property generally located at 1630 West Republic Street from R-SF, Single-family Residential to GR, General Retail and establish Conditional Overlay District No. 165.

FINDINGS FOR STAFF RECOMMENDATION:

1. The purpose of this rezoning is to eliminate the requirement to provide a bufferyard for the property to the west. This bufferyard would serve no purpose as the subject property is more appropriate for commercial zoning than the current R-SF zoning. The subject property is not suitable for single-family residential development given its location on a primary arterial and the surrounding zoning.
2. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Medium or High-Density Housing land uses, however, this property is located at the corner of Republic Street and Kansas Avenue which are classified as a primary arterial and collector respectively, in the Transportation Plan. The subject property is located adjacent to GR, General Retail zoning to the west, commercial uses to the east and O-1, Office zoning to the south.
3. The subject property is appropriate for GR zoning which is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops and are recommended to be located along or at the intersection of two or more arterial or higher classification streets. The subject property is located along Republic Street, a primary arterial roadway and within a quarter (1/4) mile of the intersection of Kansas Expressway and Republic Street.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:				
	NORTH	SOUTH	EAST	WEST
ZONING	GR	O-1 COD 130	PD 88 Amendment 3	GR COD 129
LAND USE	Retail/Commercial uses	Undeveloped land	Restaurant & multi-family apartments	Parking lot, undeveloped land

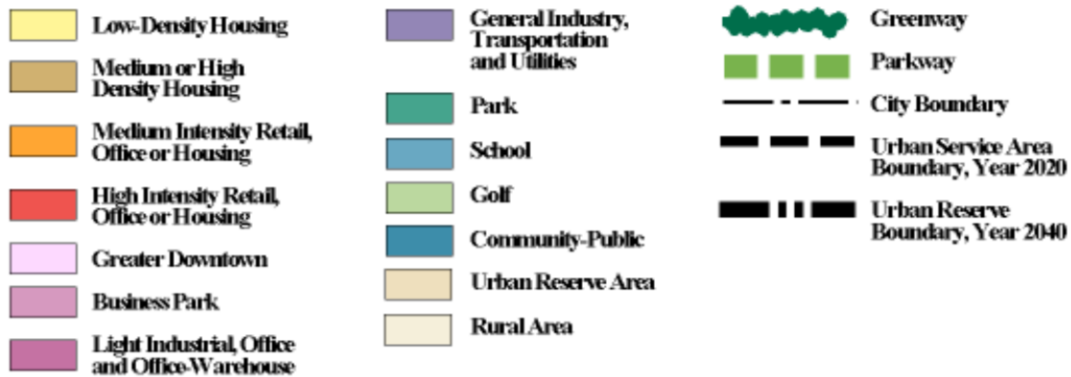
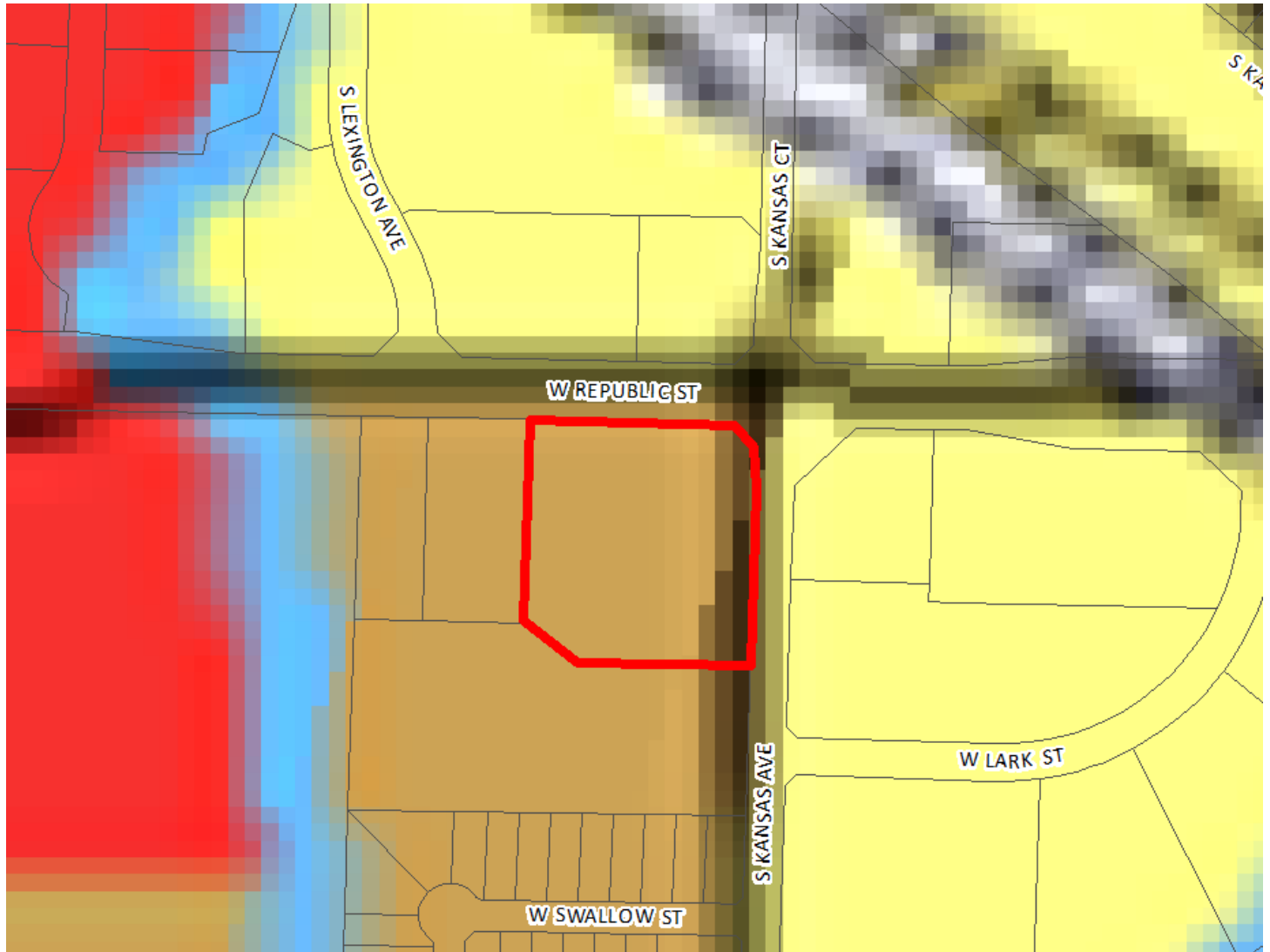
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:

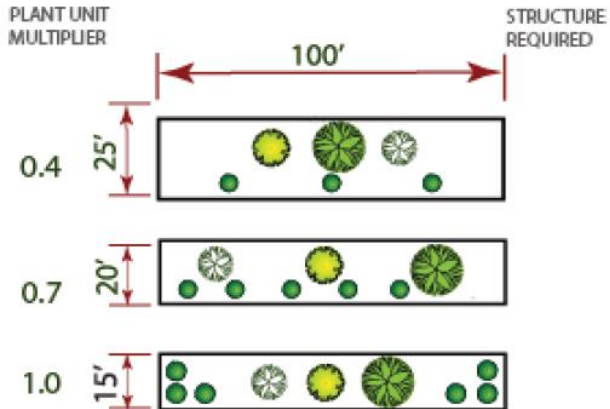
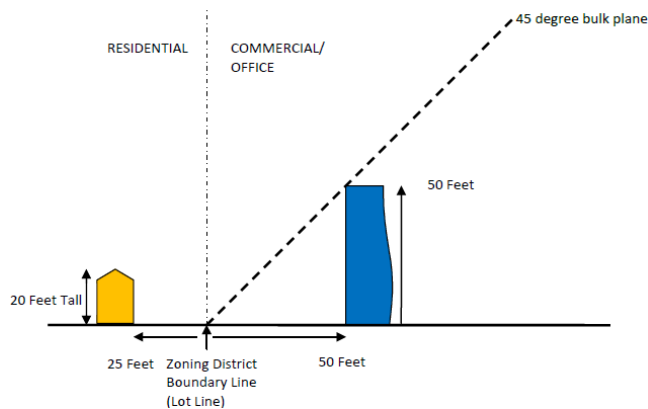


PROPERTY HISTORY:

The subject property was originally zoned R-SF, Single-family Residential in 1995 during the citywide re-mapping.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GR
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
BULK PLANE	BUFFERYARD AND LANDSCAPING
30-degree bulk plane is required adjacent to R-SF zoning.	A bufferyard type B ² is required along the south property line adjacent to O-1. A bufferyard type F required along the southwest corner of property line adjacent to R-SF zoning.



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Medium or High-Density Housing land uses. However, this property is located at the corner of Republic Street, a primary arterial, and Kansas Avenue which is classified as a collector roadway in the *Transportation Plan*. The subject property is also located adjacent to GR, General Retail zoning to the west, PD, Planned Development zoning (commercial uses) to the east and O-1, Office zoning to the south.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 6.99 acres of property generally located at 1630 West Republic Street from R-SF, Single-family Residential to GR, General Retail and establish Conditional Overlay District No. 165. The purpose of this rezoning is to eliminate the requirement to provide a bufferyard for the property to the west. This bufferyard would serve no purpose as the subject property is more appropriate for commercial zoning than the current R-SF zoning. The subject property is not suitable for single-family residential development given its location on a primary arterial and the surrounding zoning. There are no immediate plans for redevelopment. The Church intends to remain in place.
2. The GR district is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. Commercial uses permitted in this district are generally required to conduct

business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets. The subject property is located along Republic Street, a primary arterial roadway and within a quarter (1/4) mile of the intersection of Kansas Expressway and Republic Street.

3. The Conditional Overlay District will require a traffic impact study at the time of development and if the proposed development generates more than one hundred (100) trip ends than are generated by the current R-SF zoning during the highest peak hour of the generator or if more than one thousand (1,000) daily trip ends are generated.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.
5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on December 26, 2018 regarding the rezoning request. A summary of the meeting is attached (Attachment 3)

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 10 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to rezoning.

CITY UTILITIES COMMENTS:

No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning. Public sewer is available for this tract.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Republic Street as a Primary Arterial roadway and S. Kansas Avenue as a Collector roadway. The standard right-of-way width for W. Republic Street and S. Kansas Avenue is 50 feet from the centerline and 30 feet from the centerline, respectively. It appears additional right-of-way is not needed along either street. A survey is recommended to determine the exact amount of existing right-of-way. W. Republic Street and S. Kansas Avenue are both City-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Republic Street east of S. Kansas Expressway is 20,677 vehicles per day. There are no recent traffic counts for this section of S. Kansas Avenue. On-street parking is not allowed along either street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from S. Kansas Avenue and one driveway access point onto the property from W. Republic Street. A cross-access easement is required to extend from the adjacent properties to the west through the property pertaining to this rezoning, so that access is available to both streets from each site. Any new/modified driveway approaches must meet minimum spacing requirements from each other and nearby intersections.

SIDEWALK

There is existing sidewalk along the property frontage of W. Republic Street. The existing infrastructure meets current City Standards. There is not currently sidewalk along the property frontage of S. Kansas Avenue. Sidewalk is required to be constructed along S. Kansas Avenue to current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area pertaining to this rezoning. There are bus stops along W. Republic Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

As can be seen in Table 1 below, the proposed change in zoning creates an increase in trip generation of more than 1,000 trips daily and more than 100 trips in the PM peak hour. Therefore, a Traffic Impact Study (TIS) is required as a part of the rezoning of this property. This TIS may be deferred until the time of (re)development of the site provided a Conditional Overlay District is associated with the rezoning that spells out the requirements of the TIS. This particular property will be

required to submit a TIS if/when the site ever redevelops as anything other than a church, and the proposed increase in trip generation exceeds those thresholds spelled out in Chapter 9 of the Public Works Design Guide. The City of Springfield currently has planned the final phase of improvements to the Republic Street Corridor, where it intersects with Campbell Avenue. Greene County has plans to extend Kansas Expressway south of its current terminus at Republic Street.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	W. Republic Street	Primary Arterial	No	50	50
Street 2	S. Kansas Avenue	Collector	No	30	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		29	36.25	348	N/A
*Proposed Trips Generated		116	485.75	5220	N/A
Additional Trips Generated		87	449.5	4872	N/A

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

STORMWATER COMMENTS:

The property is in the Ward Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. A fee in lieu of stormwater detention is not applicable as detention and water quality is already provided on site. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

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

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.
4. Detention and water quality were built as part of PRJ2011-00270. It was developed for 4.17 acres of impervious. If any new project stays within those parameters, then additional modifications to the existing detention will not be required.

Public Works Stormwater Division	Response
Drainage Basin	Ward Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	N/A

FIRE DEPARTMENT COMMENTS:

No objections to rezoning.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-3-2019 & CONDITIONAL OVERLAY DISTRICT NO. 165

The requirements of *Section 36-421* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. A traffic impact study shall be prepared at the time of development and if the proposed development generates more than one hundred (100) trip ends than are generated by the current R-SF zoning during the highest peak hour of the generator or if more than one thousand (1,000) daily trip ends are generated. The traffic impact study, if required, must be submitted prior to the issuance of a building permit and any improvements to the public street must be designed and either built or escrowed prior to the issuance of the building permit.
 2. If the property is proposed to be subdivided, the property shall be subdivided in accordance with the City of Springfield's Subdivision Regulations.
-

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-SF to GR
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Wednesday December 26, 2018 4 PM - 6:30 PM
3. Meeting Location: Southland Church 1630 West Republic Road
4. Number of invitations that were sent: fifty three
5. How the mailing list was generated: by the City
6. Number of neighbors in attendance (attach a sign-in sheet): none
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

no comments

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

not applicable

I, Geoffrey Butler (print name), attest that the neighborhood meeting was held on 12/26/2018 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Signature of person completing affidavit

Geoffrey H Butler AIA

Printed name of person completing affidavit

One-rdg. _____
P. Hrngs. X
Pgs. 39
Filed: 02-05-19

Sponsored by: Prater

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-028

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning 1.18 acres of property,
3 generally located at 1403, 1405, 1409, 1411, 1415, 1423, 1425, and 1427
4 East Cherry Street and 527 South Pickwick Avenue, from a R-HD, High
5 Density Multi-Family Residential District and LB, Limited Business District
6 within UCD District No. 2, Areas E and F to Planned Development District
7 No. 366; and adopting an updated Official Zoning Map. (Staff and
8 Planning and Zoning Commission recommend approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 1403, 1405, 1409, 1411, 1415, 1423, 1425, and 1427 East Cherry
13 Street and 527 South Pickwick Avenue, and more fully described in "Exhibit A," from a
14 R-HD, High Density Multi-Family Residential District and LB, Limited Business District
15 within UCD No. 2, Areas E and F to Planned Development District No. 366; and
16

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

22 WHEREAS, the City has reviewed the applicant's request and prepared a staff
23 report concerning the application which is attached hereto and incorporated herein by
24 this reference as "Exhibit C;" and
25

26 WHEREAS, proper notice was given of a public hearing before City Council, and
27 said hearing was held in accordance with law.
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
30 SPRINGFIELD, MISSOURI, as follows, that:
31

32 Section 1 – The property described in "Exhibit A" of this Ordinance, which is
33 attached hereto and incorporated herein by this reference, is hereby rezoned from a R-

34 HD, High Density Multi-Family Residential District and LB, Limited Business District
35 within UCD No. 2, Areas E and F, or such zoning districts as are designated on the
36 official zoning map adopted by City Council, to Planned Development District No. 366;
37 and the Springfield Land Development Code, Section 36-306, 'Official zoning map and
38 rules for interpretation,' is hereby amended, changed and modified accordingly.
39

40 Section 2 – The property described in “Exhibit A” of this Ordinance shall be
41 subject to the requirements and standards described in “Exhibit C – Exhibit 1”, which is
42 attached hereto and incorporated by reference, and these requirements, standards and
43 design shall govern and control the use and development of the land in Planned
44 Development District No. 366.
45

46 Section 3 – City Council hereby directs the City Manager, or his designee, to
47 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
48 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
49 for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps
50 and rules of interpretation.'
51

52 Section 4 – The Official Zoning Map herein adopted shall be maintained and
53 archived in the same digital form in which this Council has approved its adoption.
54

55 Section 5 – This Ordinance shall be in full force and effect from and after
56 passage.
57

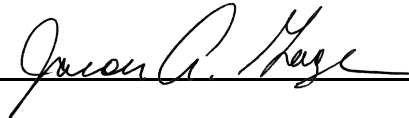
58 Passed at meeting: _____
59

60 _____
61 Mayor
62

63 Attest: _____, City Clerk
64

65 Filed as Ordinance: _____
66

67
68 Approved as to form: , Assistant City Attorney
69

70
71 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 –028

FILED: 02-05-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.18 acres of property, generally located at 1403, 1405, 1409, 1411, 1415, 1423, 1425, and 1427 East Cherry Street and 527 South Pickwick Avenue, from a R-HD, High Density Multi-Family Residential District and LB, Limited Business District within UCD No. 2, Areas E and F to Planned Development No. 366; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

PLANNED DEVELOPMENT DISTRICT NO. 366

BACKGROUND INFORMATION:

The applicant is proposing to rezone 1.18 acres generally located at 1403, 1405, 1409, 1411, 1415, 1423, 1425, and 1427 East Cherry Street and 527 South Pickwick Avenue from a R-HD, High Density Multi-Family Residential District and LB, Limited Business District within UCD No 2, Areas E and F to Planned Development No. 366 for a mixed-use development.

FINDINGS FOR STAFF RECOMMENDATION:

1. The request is consistent with the *Growth Management and Land Use Plan* element of the City's Comprehensive Plan which identifies this property as an appropriate area for Medium-Intensity Retail, Office or Housing on the eastern half and Medium or High-Density Housing on the western half. The requested Planned Development No. 366 is consistent with the *Plan's* recommendation to generally increase the compactness of urban development and housing which may be combined in the same building or closely integrated on the same site with retail or office space.
2. The request for a mixed-use development is consistent with the current Rountree Urban Conservation District No 2 Area E and F requirements and the approved recommendations of the Rountree Neighborhood Plan.
3. Approval of this application will facilitate redevelopment of this property and promote infill development where investments have already been made in public services and infrastructure.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on, January 17, 2019, and recommended approval, by a vote of 5 to 0, (one recusal) of the proposed zoning on the

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

REMARKS:

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

Submitted by:



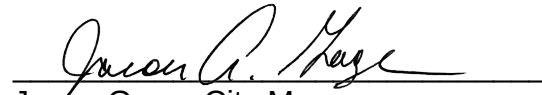
Bob Hosmer, AICP
Principal Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

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

Attachment 1, Department Comments
Attachment 2, Multi-Family Development Location and Design Guideline
Assessment
Attachment 3, Neighborhood Meeting Summary

PLANNED DEVELOPMENT 366 EXHIBITS:

Exhibit 1, Requirements and Standards Applicable to Planned Development
District No. 366
Exhibit 2, Preliminary Development Site Plan

EXHIBIT A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT 366

All of the East 10 feet of Lot Twelve (12), all of Lots Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and all of Lot Seventeen (17), in Block Two (2) in Chamberlain's Addition to the City of Springfield, Greene County, Missouri, according to the recorded plat.

EXHIBIT B

RECORD OF PROCEEDINGS
PLANNED DEVELOPMENT 366
Planning and Zoning Commission January 17, 2019

Planned Development 366
1403, 1405, 1409, 1411, 1415, 1425, & 1427 East Cherry Street and 527 South
Pickwick Avenue

Applicant: Pickwick and Cherry, LLC

Natalie Broekhoven recused herself.

Mr. Hosmer stated that this is a request to rezone approximately 1.18 acres generally located at 1403, 1405, 1409, 1411, 1415, 1423, 1425 & 1427 East Cherry Street and 527 South Pickwick Avenue from a RH-D & LB within UCD No 2, Area E & F to Planned Development No. 366 within UCD No 2, Area E & F.

The Comprehensive Plan identifies this area for Medium-Intensity Retail, Office or Housing on the eastern half and Medium or High-Density Housing on the western half. The request is consistent with the recommendations of the current Urban Conservation District No 2 regulations and the recently adopted Rountree Neighborhood Plan. The Major Thoroughfare Plan classifies Cherry as a secondary arterial and Pickwick as a local roadway. The applicant is proposing a Planned Development with the intent of developing a mixed-use development (multi-family residential, offices and retail uses). The applicant is requesting a maximum residential density of 16 dwelling units per acre which the Multi-Family Guidelines supports. The permitted uses are like the LB, Limited Business District with no single use 7,500 sf; for a total of not more than 20,000 (No outside uses). A required Bufferyard Type B along western property line/ R-HD. Sidewalks and bicycle parking provided. Parking on and off-site, with dedication of right of way along Pickwick Avenue. Limited times garbage and delivery trucks shall not occur between 10:00pm to 7:00am. Materials not allowed vinyl siding, vinyl windows, metal wall panels with exposed fasteners, galvanized metal wall panels, plastic wall cladding, corrugated metal panels, thin stone veneer (commonly referred to as "lick and stick stone", manufactured panelized stone veneer, faux stone, or faux masonry). Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Dane Seiler, 5051 S. National, representing the applicant. The property has been cleaned up and we will be utilizing the other building to the east. We received positive feedback in the neighborhood on the Spanish Mission building type and this will not be student housing, but for multi-family and offices/retail use.

Mr. Andrew Wells, 2338 E. Berkeley Street, representing the applicant, showed concepts to fit into the neighborhood and commented on the original Spanish Mission

style.

Ms. Laurel Bryant, 1014 S. Weller Avenue, on the Neighborhood Plan steering committee, president of the Rountree Neighborhood. Stated that the developers engaged the neighborhood and they like the pedestrian, walkability, and greenspace.

Mr. Paden Chambers, 1643 E. Lombard Street, on the Rountree Neighborhood and Landmarks Board. Stated that this development is appropriate for the historic perspective and would like this to be approved.

Mr. Jeff Barber, 746 S. Weller, stated that this is an important project and noted that the developers were in dialogue with the neighborhood at the beginning and stormwater concerns were addressed. Noted the need for public improvements to the alleyway.

Mr. Mike Brothers, 1016 S. Pickwick, on the Rountree Neighborhood, noting that the project complies with the neighborhood plan and that the neighborhood is excited and has been in contact the developer.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Planned Development 366 (1403, 1405, 1409, 1411, 1415, 1425, & 1427 East Cherry Street and 527 South Pickwick Avenue). Ms. Ogilvy seconded the motion. Ayes: Doennig, Shuler, Rose, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Coltrin, Cox, and Thomas. Natalie Broekhoven recused herself.

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

Bob Hosmer, AICP
Principal Planner

Exhibit C

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

JANUARY 17, 2019

CITY COUNCIL PUBLIC HEARING:

FEBRUARY 11, 2019



CASE NUMBER:

Planned Development No. 366

LOCATION: 1403, 1405, 1409, 1411, 1415, 1423, 1425 & 1427 East Cherry Street and 527 South Pickwick Avenue

ACRES: 1.18 acres

EXISTING LAND USE:

Vacant land and existing structures

APPLICANT: Pickwick and Cherry, LLC

STAFF: Bob Hosmer, AICP
Principal Planner 864-1834

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve rezoning the subject property to Planned Development No. 366

SUMMARY OF REQUEST:

Request to rezone approximately 1.18 acres generally located at 1403, 1405, 1409, 1411, 1415, 1423, 1425 & 1427 East Cherry Street and 527 South Pickwick Avenue from a RH-D & LB within UCD No 2, Areas E & F to Planned Development No. 366 for a mixed-use development.

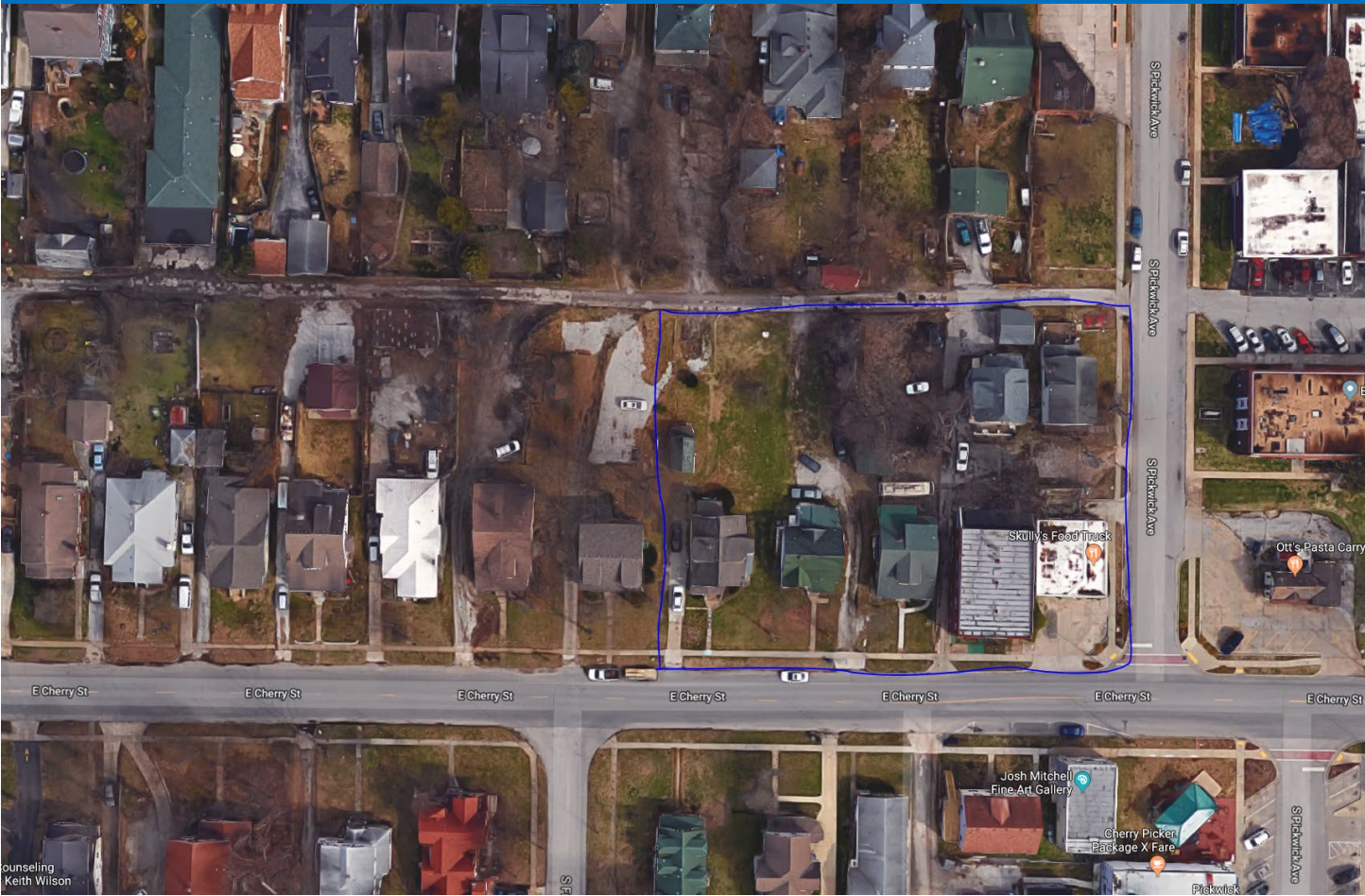
FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* identifies this property as an appropriate area for Medium-Intensity Retail, Office or Housing on the eastern half and Medium or High-Density Housing on the western half. The requested Planned Development No. 366 is consistent with the *Plan's* recommendation to generally increase the compactness of urban development and housing which may be combined in the same building or closely integrated on the same site with retail or office space. The *Plan* promotes the development of well-designed moderate-density housing adjacent to amenities such as shopping, recreational or cultural facilities and employment centers.
2. The request for a mixed-use development is consistent with the of the current Rountree Urban Conservation District No 2 Area E & F requirements and the approved recommendations of the Rountree Neighborhood Plan.
3. The request is consistent with the recommendations of the Revised Multi-Family Development Location and Design Guidelines which will limit the development to 16 dwelling units per acre and requires specific design guidelines.
4. Approval of this application will facilitate redevelopment of this property and promote infill development where investments have already been made in public services and infrastructure.

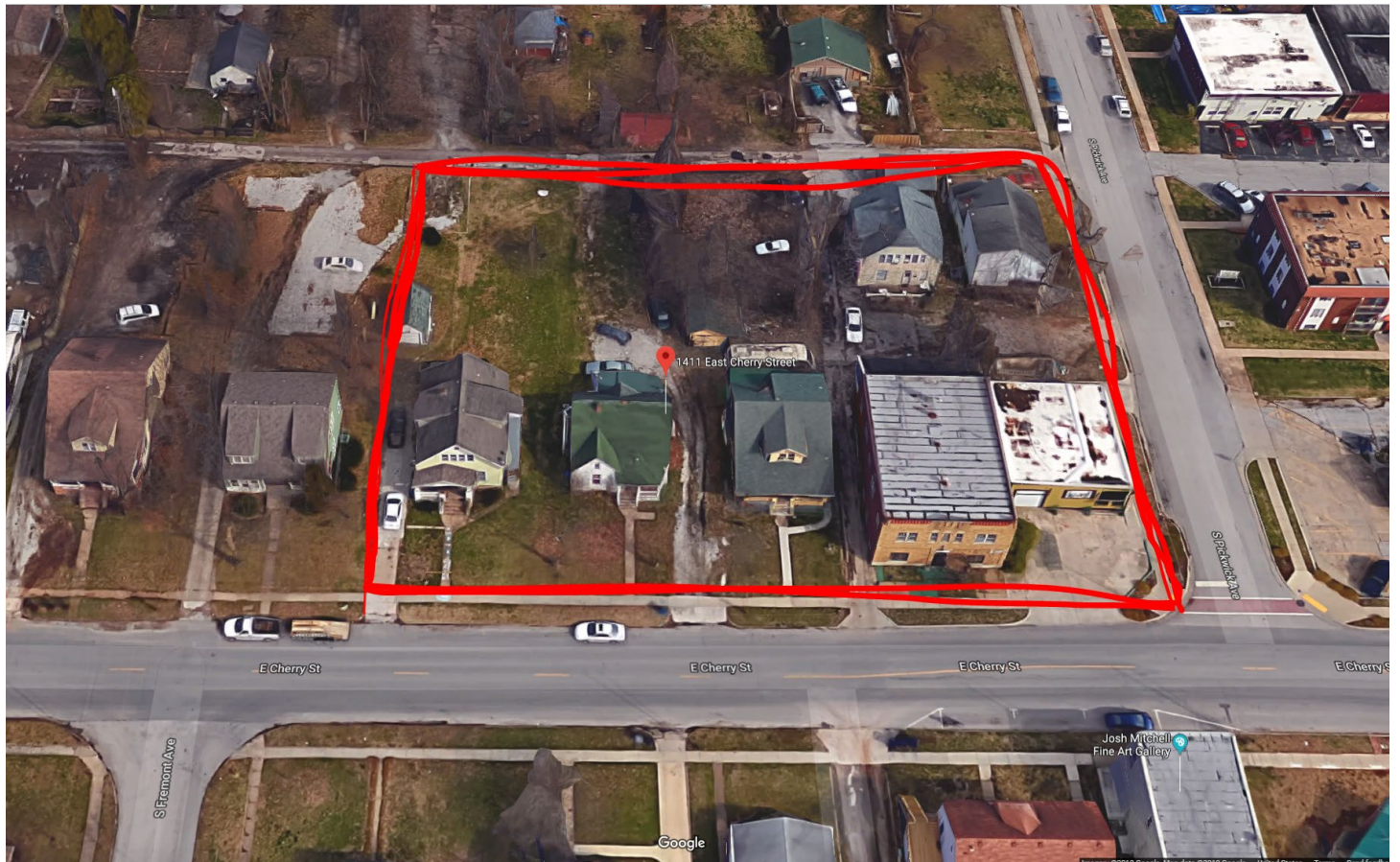
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-HD	R-HD and LB UCD 2, Area E, F	LB UCD 2 Area F	R-HD UCD 2 Area F
LAND USE	Single-Family	Commercial and Single-Family	Multi-Family and Restaurant	Single-Family

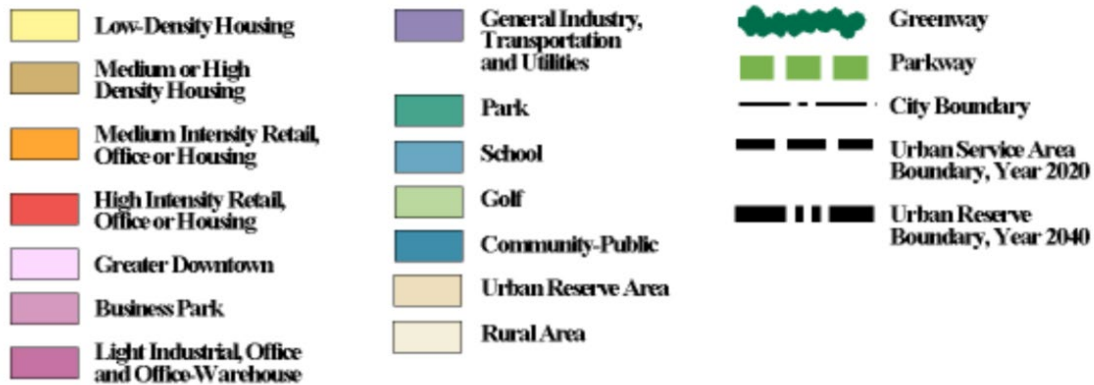
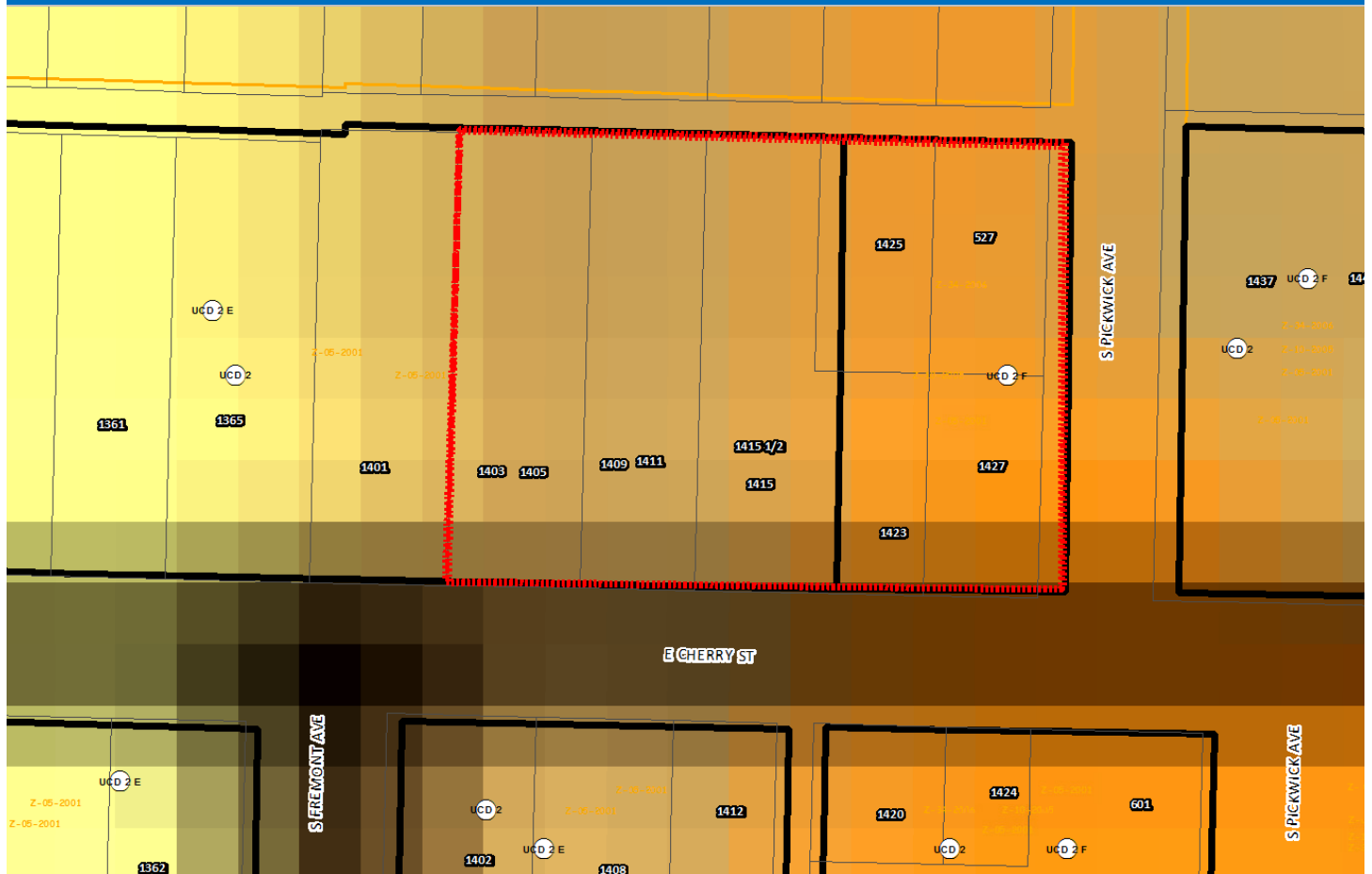
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

This property was originally zoned to R-HD, Residential High Density Multi-Family and LB, Limited Business in the citywide rezoning in 1995.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR PD 366
Use Limitations	Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
Maximum Structure Height	Three stories, 41 feet from finished grade to the bottom of eave or top of roof.
Front Yard Setback	5 feet along Cherry and Pickwick
Side Yard Setbacks	None
Rear Yard Setbacks	20% of the lot depth or ten feet whichever is greater. No more than 20 feet shall be required
Open Space Requirement	20% open space
Design Requirements	See Exhibit 1 for details
BULK PLANE	LANDSCAPING
None since R-HD next to R-HD and LB uses	See Exhibit 2, Site Plan for details

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* identifies these properties as an appropriate area for Medium-Intensity Retail, Office or Housing on the east half and Medium or High-Density Housing on the west half. This mixed-use category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate at major intersections or along certain roadway corridors. The *Plan* also promotes a policy of generally increasing the compactness of urban development and housing which may be combined in the same building or closely integrated on the same site with retail or office space. Further, the *Plan* promotes the development of well-designed moderate-density housing adjacent to amenities such as shopping, recreational or cultural facilities and employment centers.

The request is consistent with the recommendations of the current Urban Conservation District No 2 regulations and the recently adopted Rountree Neighborhood Plan. The overall goal of the Plan is to promote sustainable, mixed-use, pedestrian-oriented development opportunities.

STAFF COMMENTS:

1. The applicant is proposing to rezone this property from R-HD, High Density Multi-Family Residential and LB, Limited Business District within UCD 2, Areas E and F to a Planned Development No. 366. The applicant is proposing the Planned Development with the intent of developing a mixed-use development (multi-family residential, offices and

retail uses). This request is to have a maximum of sixteen (16) dwelling units per acre and a maximum of 20,000 square feet for first-floor offices, retail and restaurant uses.

2. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium Intensity Retail, Office or Housing and Medium or High-Density Housing. This mixed-use category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate at major intersections or along certain roadway corridors. The *Plan* also promotes the policy of generally increasing the compactness of urban development and housing which may be combined in the same building or closely integrated on the same site with retail or office space. Further, the *Plan* promotes the development of well-designed moderate-density housing adjacent to amenities such as shopping, recreational or cultural facilities and employment centers. The proximity of the proposed development to the Missouri State University and Vicinity (Major) Activity Center as designated in the Growth Management and Land Use Plan Element of the Comprehensive Plan will place residents in an area that has many amenities such as shopping, and employment centers. Staff believes that the proposed PD 366 is appropriate for this area.
3. The Rountree Neighborhood Plan was first completed in July of 1985 and was last amended on May 14, 2001. The Rountree Neighborhood Plan Addendum subscribes to the philosophy and goals originally established in 1985. However, the size of the Rountree Study area has been reduced to the area contained within the boundaries of the Rountree Urban Conservation District. The original plan philosophy states that the Rountree Study Area should continue to serve and house a diverse population close to the center city of the city. To do so, it should consist of a mix of land uses which provide a functional, stimulating and livable environment for its residents, including, where appropriate, business, institutional, multi-family and single-family uses. One of the major goals of the supplemental Plan is to maintain the single-family character and integrity of the Rountree study area by focusing special attention on the maintenance of the physical environment and through the elimination of activities which detract from the character and integrity of the neighborhood. Other goals include preserving the street system within the residential portion of the Rountree study area for local use, supporting the harmonious, orderly and efficient use of the National Avenue and Cherry Street corridors and preserving and improving the aesthetic and environmental quality of the Rountree study area.
4. In the Spring of 2015 the Rountree Neighborhood Association Board requested that the Springfield City Council initiate a review and consider amending the Rountree Neighborhood Plan and the Rountree Urban Conservation District regulations. The City Council, in January 2017, directed staff to move forward with an update to the Rountree Neighborhood Plan and to bring forward recommendations for amendments to the Rountree Urban Conservation District regulations.
5. The Rountree Neighborhood Plan was adopted by City Council on November 13, 2018. The overall goal of the Plan is to promote sustainable, mixed-use, pedestrian-oriented development opportunities. The Plan's vision for the Cherry Street Corridor is to re-envision the corridor to function as a gateway and front door to the neighborhood, with improved utility infrastructure, pedestrian and bicycle safety and amenities, and a high-quality streetscape to support a vibrant, complete street, neighborhood commercial node, with its own identity and image that enhances the unique character of Rountree and its neighbors. The Plan's goal for the Cherry/Pickwick subarea is to continue to enhance the Cherry/Pickwick District as the neighborhood's commercial center and central gathering place. The Plan recommendation is to establish UCD regulations that continue to support mixed-use developments and re-investment that focuses more on form and design than land use within the Cherry/Pickwick neighborhood commercial node. The applicant has worked with the Rountree Neighborhood Association as well as the consultant hired to develop the plan to meet the proposed vision for the Chery/Pickwick subarea. Staff reviewed the proposed Planned Development and believes that the recommendations of the Rountree Neighborhood Plan support the rezoning to a Planned Development.
6. The applicant has received a letter from the Rountree Neighborhood Association which generally supports the project as submitted on January 3, 2019 by email as attached.
7. The current Rountree Urban Conservation District Cherry and Pickwick Commercial Area (Sub Area F) was created to provide for a compact, pedestrian-friendly neighborhood commercial node that provides services to the surrounding residential area. The regulations were intended to focus dense mixed-use redevelopment within a

neighborhood activity center while preventing the encroachment of higher intensity uses into the surrounding single-family residential areas. Staff believes the Rountree UCD (Sub Areas E and F) requirements and standards have been met.

8. The Major Thoroughfare Plan classifies Cherry Street as a secondary arterial and Pickwick Avenue is classified as a local roadway.
9. The applicant is requesting a maximum residential density of 16 dwelling units per acre. This density has been determined to be appropriate for this area based on an assessment completed under the Revised Multi-Family Development Location and Design Guidelines. That assessment resulted in a density of 25-28 dwelling units per acre. Further analysis of the proposed development under the Revised Multi-Family Development Location and Design Guidelines is attached (Attachment 2). The development must be in substantial conformance to the attached site plan (Exhibit 2).
10. Approval of this application will facilitate redevelopment of this property and promote infill development where investments have already been made in public services and infrastructure.
11. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 14, 2018. A summary of the meeting and sign-in sheet is attached (Attachment 2).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:	Mailed: 25	Returned: 0
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DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS PLANNED DEVELOPMENT 366

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to planned development

TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Cherry Street as a Secondary Arterial roadway and S. Pickwick Avenue as a Non-Residential Local roadway. The standard right-of-way width for E. Cherry Street is 35 feet from the centerline of the roadway. It appears approximately 7 feet of additional right-of-way needs to be acquired along E. Cherry Street. However, ARC approved a reduction in the amount of right-of-way to be dedicated on 1/10/19. Instead, a 5-foot sidewalk easement is required along the entire length of the property frontage. The standard right-of-way width for S. Pickwick Avenue is 30 feet from the centerline of the roadway. It appears approximately 3 feet of additional right-of-way needs to be acquired along the property frontage of S. Pickwick Avenue. In addition, a 10-foot by 10-foot right-of-way sight triangle is needed at the corner of Cherry and Pickwick. A survey is recommended to determine the exact amount of existing right-of-way. E. Cherry Street and S. Pickwick Avenue are both City-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on E. Cherry Street east of N. National Avenue is 7,604 vehicles per day. The most recent traffic count on S. Pickwick Avenue north of Grand Street is 836 vehicles per day. On-street parking is currently allowed along the south side of Cherry Street and on both sides of S. Pickwick Avenue.

DRIVEWAY ACCESS

There is currently eight driveway access points to/from the property – four to/from E. Cherry Street, two to/from S. Pickwick Avenue, and two to/from the alleyway. It appears that three of the existing driveway approaches to/from E. Cherry Street do not meet the minimum spacing requirements (150') from the intersection with Pickwick and the southern-most driveway approach to/from Pickwick does not meet the minimum spacing requirements (100') from Cherry Street. These four driveways will need to be closed and/or moved as part of this rezoning/development. Any new proposed driveways must meet the minimum spacing requirements.

SIDEWALK

There is existing sidewalk along the property frontage of both E. Cherry Street and S. Pickwick Avenue. The existing infrastructure meets current City Standards. Any new proposed sidewalk along the property frontage must also meet current City Standards must be entirely within right-of-way. No structures may extend into/over the sidewalk without an encroachment agreement in place.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area pertaining to this rezoning. There are no bus stops in the area pertaining to this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

Improvements are required to the alleyway at the rear of the property. This alleyway is required to be widened to accommodate two-way traffic as well as the backing aisle for the proposed parking perpendicular to the alley. These improvements are required due to the increase in trip generation exceeding those thresholds spelled out in Chapter 9 of the Public Works Design Standards. The City of Springfield has planned a traffic calming improvement for the intersection of Cherry and Pickwick which may impact the proposed development. The development and traffic calming improvements will need to be coordinated. The City of Springfield also plans to eventually extend a 10-foot wide multi-use sidepath along Cherry Street. A side has yet to be determined. Both of these improvements are not currently under design and a timeline for construction has not been set.

SITE PLAN

Parking may back into the alleyway, however, the alleyway must meet current City Standard ST-6, unless otherwise approved by the City Traffic Engineer. The proposed angled parking along Pickwick will be permitted, but will require public

improvement plans, along with the improvements to the alleyway. The sidewalk rerouting around the parking must be a minimum of six feet wide and must be within a sidewalk easement in all locations it is on private property. A five-foot wide sidewalk easement is required along the entire length of the property frontage on E. Cherry Street to accommodate a potential future 10-foot wide multi-use sidepath. This sidewalk easement must be clear of any permanent structures. Any non-permanent structures within the sidewalk easement must be (re)moved at any point in time when the new sidepath is constructed. Any structures in, on, over, or under public right-of-way will require an encroachment agreement. All new parking is required to comply with current City Standard ST-6. Any new/modified driveway approaches must meet minimum spacing requirements and comply with current City Standard ST-9.

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT/CONDITIONAL USE PERMIT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	E. Cherry Street	Secondary Arterial	Yes	28	35
Street 2	S. Pickwick Avenue	Local	Yes	27	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		8	9	104	N/A
*Proposed Trips Generated		62	45	611	N/A
Additional Trips Generated		54	36	507	N/A

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

FIRE COMMENTS:

No Objections to planned development

STORMWATER COMMENTS:

The property is in the Jordan Creek South drainage basin. The part of the property is not in the FEMA designated floodplain. Staff is aware of flooding problems in the area. Buyout in lieu of on-site stormwater detention will be not be allowed and detention will be required. Since the project will not be disturbing more than one (1) acre there will not be a land disturbance permit required. There are no sinkholes on the proposed property.

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

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Water quality will be required if disturbing more than one acre.
3. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.
4. Detention will be required at time of development.

Public Works Stormwater Division	Response
Drainage Basin	Jordan Creek South Branch
Is property located in Floodplain	No
Is property located on a sinkhole	No
Is stormwater buyout an option	No

CLEAN WATER SERVICES COMMENTS:

No Objections to planned development

CITY UTILITIES COMMENTS:

No objection to rezoning. All utilities are available to provide service.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 MULTI-FAMILY DEVELOPMENT LOCATION AND DESIGN GUIDELINE ASSESSMENT PLANNED DEVELOPMENT 366

The applicant is requesting approval of multi-family apartments on 1.18 acres of property. According to the Multi-Family Location and Design Assessment Matrix, the proposed development has attained 13 points, which would allow up to 28 dwelling units per acre. The applicant has requested a density of 16 dwelling units per acre. Below is an analysis of the five categories used to calculate the Matrix score.

- A. Land Use Accessibility (2/3 points)
Two points were given for land use accessibility. There is a high employment concentration and medical/dental uses within a ¼ mile and a neighbor retail mixture within a ½ mile.
- B. Connectivity Analysis (3/5 points)
Three out of a maximum of five points were given for connectivity. The proposed development received scores for its proximity to transit routes.
- C. Road Network Evaluation (2/2 points)
Two points were given for the road network evaluation.
- D. Design Guidelines (6/6 points)
A maximum of six points were given for design guideline criteria. Below are the design considerations that have been incorporated into the proposed development.
 - 1. Pedestrian Amenities - Pedestrian amenities shall include benches placed near walkways at appropriate locations throughout the development. Pedestrian-scale lighting shall be provided within the development lighting sources or luminaries that do have a cutoff shall not exceed a maximum of 15 feet in height. All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through external shields or through optics within the fixture. A site lighting and photometric plan shall be submitted conforming to these requirements for building permits.
 - 2. Building Scale and Articulation - Street facing walls that are greater than 50 feet in length shall be articulated at least each 25 feet with bays, projections or recesses. Articulation means a difference in the vertical plane of the building at least 18 inches or more. This project shall be in compliance with the attached site plan.
 - 3. Building Orientation and Interior Landscaping – All building orientations will address public streets to receive design points for this element. Landscaping and open spaces shown shall be provided with approved ground cover and/or plantings per required city ordinances and zoning requirements. Landscaping islands with plantings shall be located throughout the parking lot. A landscaping plan shall be submitted conforming to these requirements for building permits.
 - 4. Avoidance of Blank Walls along pedestrian circulation areas - Facades that face public streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features:

windows, entrances, arcades, arbors, awning (over windows or doors), distributed along the façade at least once every 25 feet. This project shall be in conformance with the attached site plan and PD language.

5. Internal Connectivity – Internal sidewalks shall connect internally and to the public sidewalk system.
6. Useable Recreational Area/Facility – A minimum of 20% usable open space is required.
7. Amenities – The development will have a BBQ area and provide bicycle parking throughout the site as shown on the site plan.
8. Preservation of Trees –All existing trees of 6” caliper or greater shall be preserved or replaced with 2-inch caliper trees in accordance with the attached site plan and the city ordinance with at least 7 trees per acre.

DENSITY: The assessment criteria resulted in a total of a maximum density of 28 dwelling units per acre. The applicant has requested a total density of 16 dwelling units per acre.

- h) General office use group, excluding banks and financial institutions with automatic teller machines and drive-thru facilities.
- i) Personal services use group.
- j) Police and fire stations.
- k) Public and private parks, and playgrounds, excluding golf courses, miniature golf courses and driving ranges.
- l) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- m) Retail sales use group, excluding convenience stores with gas pumps.
- n) Temporary uses, as permitted by section 36-452, temporary uses.
- o) Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- p) Medical office use group
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
 - a) Eating and drinking establishments use group including drive-in, pick-up window, or drive-thru facilities.
 - b) General office use group including banks and financial institutions with automatic teller machines and drive-thru facilities.
 - c) Residential uses on the first-floor frontage of a building on the street with the highest classification.

E. USE LIMITATIONS

- a) All activities and permitted uses except off-street parking and loading facilities, outdoor events, outdoor common area, outdoor patio seating related to the uses, drive-thru facilities, and day care activities shall be conducted entirely within a completely enclosed building.
- b) No individual retail store, personal service establishment or other permitted use shall have a gross floor area greater than 7,500 square feet.
- c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- d) No use shall emit an odor that creates a nuisance as determined by Springfield City Code.

- e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
- f) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
 - 1. Garbage pick-up at refuse storage areas shall not occur between the hours of 10:00 p.m. and 7:00 a.m.
 - 2. There shall be no truck deliveries to or pick-ups from any use located on the property between the hours of 10:00 p.m. and 7:00 a.m., however, deliveries and pick-ups by passenger vehicles within these time frames is not prohibited.
 - 3. There shall be no delivery trucks allowed to remain on the property with their engines idling between the hours of 10:00 p.m. and 7:00 a.m., however, engine idling by passenger vehicles within these time frames is not prohibited.
 - 4. Parking lot maintenance sweeping equipment shall not operate on the property between the hours of 10:00 p.m. and 7:00 a.m.

F. INTENSITY OF DEVELOPMENT

Development shall adhere to the following standards.

- 1. Maximum Residential. The maximum residential use shall be limited to 16 dwelling units per acre.
- 2. Maximum Retail Use and Office Use. The maximum total square footage of retail, office, and restaurant use building space allowed on this site is twenty thousand square feet (20,000 square feet).

G. BULK, AREA AND HEIGHT REQUIREMENTS

Maximum structure height:

Principal building: Three stories and 41 feet from finished grade to the bottom of eave or top of roof. Maximum roof or parapet height shall be 5 feet from bottom of eave or top of roof.

Front yard:

- a. 5 feet minimum from Cherry Street north right of way line and Building face shall align with the existing Spanish mission building (building A) structure that faces Cherry Street.
- b. Five feet minimum along a street classified as a local street
- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional

use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.

Side yard: None.

Rear yard: 20 percent of the lot depth or ten feet whichever is greater. No more than 20 feet shall be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

H. DESIGN STANDARDS

The design requirements shall adhere to the following standards:

Building Materials

1. The following exterior building materials are not permitted: vinyl siding, vinyl windows, metal wall panels with exposed fasteners, galvanized metal wall panels, plastic wall cladding, corrugated metal panels, thin stone veneer (commonly referred to as "lick and stick stone", manufactured panelized stone veneer, faux stone, or faux masonry).
2. The following exterior building materials are allowed, but not limited to: clay brick masonry, natural or cast stone masonry, architectural pre-cast block masonry, split-faced or ground-faced concrete masonry, terracotta, architectural concrete, glass, wood, cement board, stamped metal shingles, copper, standing seam steel or aluminum panels, aluminum windows, steel windows, wood windows, asphalt shingles, slate, synthetic stucco, stucco, wood, glass.
3. Exterior glass shall not be tinted. Opaque spandrel glass is not allowed.
4. Existing materials on existing buildings shall be acceptable.

Design to Encourage Pedestrian Activity

1. Provide pedestrian amenities such as pedestrian scale lighting and non right-of-way street furniture to enhance the pedestrian environment. Lighting sources or luminaries that do not have a cutoff and are used in parking lots and pedestrian ways shall not exceed a maximum of 15 feet in height. Lighting sources or luminaries that do have a cutoff shall not exceed a maximum 30 feet in height. Parking lot lighting and pedestrian lighting should be appropriate to create adequate visibility at night and evenly distributed to increase security. Street furniture may include but is not limited to benches; shelters; and decorative trash bins. There shall be one (1) street/park bench provided within each multi-family development, thereafter, one (1) park/street bench for every 50 dwelling units.
2. The project will blend the building scale and set back with existing developments that are consistent with these guidelines. Street facing walls that are greater than 50 feet in length must be articulated at least each 25 feet with bays, projections, or recesses. Articulation means a difference in the vertical plane of the building of at least 18 inches or more.
3. Buildings adjacent to the street will be situated on the site to provide pedestrian access to the street. Additional interior lot buildings may be oriented toward parking lots or public/common open space. Buildings adjacent to the street shall not have parking lots located between the building and the street. Corner lots may have parking on one street face. Interior areas of parking and vehicular use areas shall contain planting islands every 20 contiguous parking spaces whether double staked or linear. The size of the planting island shall be the equivalent area of one parking space. This shall be used toward satisfying the 5% interior landscaping requirements.
4. Avoid blank walls along pedestrian circulation areas. Facades that face streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features; windows, entrances, arcades, arbors, awnings (over windows or doors), distributed along the façade at least once every 25 feet.
5. Bicycle racks shall be provided throughout the site to promote alternate means of transportation as shown in Exhibit 2.
6. Windows shall be provided facing the public right-of way.

Provide a Good Circulation System

1. The design shall provide connectivity by including direct vehicular or access easements, pedestrian and bicycle connections between abutting or adjacent developments, including retail centers and bus stops, wherever possible by providing the sidewalk connections shown on Exhibit 2.
2. Buildings shall connect building entrances to one another and to sidewalks on adjacent public and/or private streets via a minimum four (4) foot wide sidewalk separated from vehicular traffic by a four-foot wide planting strip (the 4-foot planting strip does not apply to parking lots where the sidewalk is intended to provide access to the parking lot). Public sidewalks may be considered part of the walkway system if they provide convenient movement between structures. Fences, landscaping and other site improvements shall be located so as not to impede safe and convenient pedestrian circulation. On-site sidewalks shall be designed to connect to off-site sidewalks on adjoining properties and public and/or private streets. Sidewalks shall connect parking areas or parking structures that serve the multi-family buildings, community amenities, or common open space.

Respect the Natural Environment

1. The development shall include at least 15% of the total site or premise as a usable recreational area and/or facility. Usable recreational area/facility is defined as an open recreational area or recreational facility, which are designed and intended to be used for outdoor living and/or recreation, and/or amenity. Usable open recreational areas shall be open to the outdoors and

not include land occupied by streets, or parking areas but may include outdoor recreational facilities such as walkways, and raised patios used solely for recreational purposes. The 5% usable recreational area or facility does not reduce the required 20% open space. All common open recreational areas on the site, including recreational facilities, shall be readily accessible to residence and should, wherever possible.

2. A tree six inches or greater in diameter measured 4 1/2 feet above ground must be preserved or replaced with a tree of at least two inches (2) in diameter—for a maximum total of 7 trees per acre. Trees meeting the landscape requirements in the zoning ordinance may be counted toward this requirement. If this is not possible then the total diameter of trees at the time they are lost shall be replaced with an equal diameter amount of trees with no less than 2 in diameter throughout the project area.

I. OPEN SPACE, LANDSCAPING & SCREENING

- a. *Minimum open space*: Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- b. *Maximum impervious surface*: The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified in accordance with subsection 36-482(15).
- c. Bufferyards. There shall be an 8 feet Type B bufferyard with a 6-foot solid wood fence adjacent to property zoned R-HD and landscaping per Zoning Ordinance.
 1. The bufferyard may be crossed by a cross access and/or shared drive.
- d. Landscaping and Screening of Vehicular use area.
 1. Perimeter Landscaping. The requirements and standards of Section 36-482(9) of the Springfield Zoning Ordinance, in effect at the time of development shall apply.
 2. Interior Landscaping. The requirements and standards of Section 36-482(9) of the Springfield Zoning Ordinance, in effect at the time of development shall apply.

J. EXTERIOR LIGHTING

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

- a. Purpose. The purpose of these requirements is to regulate the spillover of light and glare on operators or motor vehicles, pedestrians and residential uses in the

proximity of the light source. With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public street lighting, signs or seasonal displays.

b. Standards. The following standards are required of all exterior lighting, subject only to the exemptions permitted below.

- 1) The lighting installed in and around the development shall not exceed fifteen (15) feet in height above the finished grade of the parking lot on which the light standard is located. This lighting shall be directed in such a manner that the parking lots will be well illuminated, but is not directed toward the surrounding residential districts. The type and arrangement of the lighting shall have the most minimal impact practical on the nearby residential districts. The Final Development Plan shall include a parking lot photometric study which shows that the lighting at the property lines which abut residential property shall not exceed one (1) foot candle and that the average foot-candle lighting level across the lot shall not exceed two (2) foot candles. The illumination provided at the main entrance to the development described in Paragraph K shall be permitted to be up to four (4) foot candles provided the maximum lighting level at all property lines shall not exceed one (1) foot candle. The height of the lighting poles at the entrance shall be limited to fifteen (15) feet and cut off fixtures which shield the lamps shall be required.
- 2) No flickering or flashing lights shall be permitted on the property.
- 3) Light sources or luminaries shall not be located within bufferyard areas except on pedestrian walkways or as needed for safety.

c. Exemptions.

- 1) Emergency warning lights. Safety signal and warning device lighting shall be exempt from the exterior lighting standards of *Section 36-484* above.

d. Exterior Lighting Plan. At the time any exterior lighting is installed or substantially modified for any use on the property, an exterior lighting plan shall be submitted in order to determine whether the requirements of this section have been met.

K. ACCESS TO PUBLIC THOROUGHFARES

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

M. SIGNS

The requirements and standards of *Section 36-454* of the *Springfield Zoning Ordinance*, in effect at the time of development shall apply except for the following

N. OFF-STREET PARKING

Sections 36-455, 36-456 and 36-483 of the Springfield Zoning Ordinance in effect at the time of development shall apply except as modified below;

Off-street parking shall generally conform to Exhibit 2. The number of spaces and approximate location will be provided as illustrated by Exhibit 2.

N. REQUIRED IMPROVEMENTS

1. Public improvements to be completed. Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. The development may be phased, and with each phase the Administrative Review Committee will make a determination as to the improvements that would be necessary to support the phase.

Prior to building permits being issued, the applicant or subsequent owners shall:

- a. construct the required improvements; or
 - b. provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department shall be provided to the City.
2. Certificate of occupancy. No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:
 - a. the required improvements are completed prior to occupancy of the structures; or
 - b. the Director of Public Works has determined that:
 - (1) any incomplete required improvements have little or no effect on the occupancy of the facility; or
 - (2) conditions beyond the control of the contractor, *i.e.*, strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Building Development Services may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

3. Required improvements. The following improvements are required for full development of the subject property:

- a. Sanitary sewer facilities.

Public sanitary sewer shall be extended onto this property to serve this project. Easements will be created and granted to the City of Springfield for these lines. Once on the property private sewers will be extended from the public main to serve the buildings. If the property is subdivided, public sanitary sewer shall be extended to each lot in accordance with the City's Subdivision Regulations.

- b. Storm water management facilities.

Current detention and water quality requirements must be met prior to development. All runoff from the site must drain to a detention basin or meet the buyout requirement. The detention basins must discharge to a public right-of-way, drainage easement or certified natural channel having sufficient capacity.

- c. Right of Way Improvements.

Alleyway improvements and On Street parking improvements as shown in Exhibit 2 will be constructed by the developer and meet public improvement standards.

4. Improvement Standards.

Improvements shall conform to the following standards.

- a. All utility services lines and utility connections shall be located underground, including, but not limited to, electrical and telephone cables, security and other telecommunication systems and wires, unless utility easements providing for overhead service exist or are obtained in the future.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

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

P. PHASING

Development may be phased provided that all public improvements directly related to each phase are completed at the time of its development and that improvements

serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult. The improvements required to accommodate each phase shall be determined at the final development plan stage.

Q. FINAL DEVELOPMENT PLAN

A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. The final development plan may be submitted in the form of a preliminary plat, provided the plat is prepared in accordance with the requirements, standards, and intent of this Exhibit. Development of this District shall be in accordance with the approved final development plan.

1. The intent of Exhibit 2 is to show in sufficient detail how the subject property is going to develop, so that approval of the Final Development Plan may be given by the ARC committee without returning to Planning and Zoning or City Council for review. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by *section 36-405 of the Springfield Zoning Ordinance*.
2. The final development plan shall be submitted to the Administrative Review Committee for review. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications. Such authority shall not, however, be construed to permit:
 - a. Any uses within the District other than those specifically prescribed by the ordinance.
 - b. Any increase in the intensity of use permitted within the District.

ATTACHMENT 3

From: [Owen, Alana](#)
To: [Hosmer, Bob](#); [Whitman, Randall](#)
Subject: FW: Corrected date-Chaffin Support letter
Date: Monday, January 7, 2019 8:50:08 AM

FYI...Letter of support from the Rountree Board for the Chaffin project.

From: Laurel Bryant <laurelrbryant@gmail.com>
Sent: Friday, January 4, 2019 3:55 PM
To: Smith, Mary Lilly <mlsmith@springfieldmo.gov>; Owen, Alana <aowen@springfieldmo.gov>; Prater, Tom <tprater@springfieldmo.gov>; Cotter, Anita <Acotter@springfieldmo.gov>; Quigley, Collin <Cquigley@springfieldmo.gov>
Subject: Corrected date-Chaffin Support letter

January 3rd, 2019

Ms. Mary Lilly Smith Planning & Development

Ms. Alana Owens Planning & Development

City of Springfield

840 Boonville Avenue

Springfield, MO 65801

RE: Chaffin Project

Dear Ms. Smith and Ms. Alana Owens:

Members of the Rountree Neighborhood Association board (and the Neighborhood Plan Steering Committee) recently had the chance to review the most up-to-date plans for the Chaffin project at Cherry and Pickwick. Having seen the concepts proposed so far, we continue to be strongly in favor of this project.

Our members feel the project is a well-planned and falls within the guidelines of the recently-adopted Neighborhood Plan. It appears that the owners and their architects were sensitive to the size, bulk, and scale guidelines found within the plan.

We think the design is proportionally well-related to the important "Spanish Mission" building that is being highlighted. We believe a contemporary design that compliments yet does not copy the Spanish Mission is highly appropriate. We place great importance on green space and walkability, which this proposed project also supports. Overall, it is a thoughtful vision that we believe will

benefit Rountree and is fully in compliance with the new Neighborhood Plan.

We are always available to meet with staff to answer any specific questions.

Respectfully Submitted,

The Board of Rountree Neighborhood Association:

Laurel Bryant RNA Chair, Jim Lohmeyer Vice, Mike Brothers Secretary, Peggy Wise Treasurer, Jeff Barber Former Chair, Nancy Evans Neighborhood Liaison, John Melton Neighborhood Watchman, Jeff Bentley Member at Large, Paden Chambers Member at Large, Nancy Dornan Member at Large

417.619.4663

laurelbryant@gmail.com

cc: Dr. Thomas Prater – City Council Zone 2
Assistant City Manager-Collin Quigley
City Clerk
file

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: LB & R-HD to PD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: August 14, 2018 from 4:00 pm to 6:30 pm
3. Meeting Location: Spfd Fire Station 1, 720 E. Grand Street, Springfield, Missouri 65807
4. Number of invitations that were sent: 92
5. How the mailing list was generated: By Consultant, then emailed to City staff
6. Number of neighbors in attendance (attach a sign-in sheet): 8
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

The vast majority of neighbors who attended the meeting were in support of the development and as a result, the proposed rezoning. Many were happy to see that two of the existing structures would remain and be refurbished rather than torn down. One neighbor mentioned that they didn't want more traffic, more residential housing or for three stories to be constructed. We believe the limited parking spaces will help control the intensity of the development, that residential loft-type housing is appropriate for the area and that the height of the structures fit with the surrounding properties.

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

No objections to the proposal were identified in the comment cards from neighbors at the meeting. Some mentioned that they were happy to see old structures demolished, excited to see the design or simply that they had no objections to the proposal. One comment mentioned the words, "student housing and stormwater." Based on the comments we heard verbally, we believe they merely wanted to bring those two items to our attention during this process so that stormwater is adequately addressed and that they would prefer not to see student housing.

I, Dane Seiler (print name), attest that the neighborhood meeting was held on August/14/2018 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

DANE SEILER
Printed name of person completing affidavit

Application for Planned Development District
SIGN-IN SHEET - August 14, 2018

	Name	Address or Company	Phone	E-mail
1	ANDREW WELLS	DAKE WELLS ARCHITECTURE	417-831-9909	awells@date-wells.com
2	Bethany Henry	DAKE WELLS ARCHITECTURE	417-831-9909	bhenry@date-wells.com
3	Keith Chaffin	1453 S. Delaware	417-619-8668	
4	Phyllis Fitchie	631 S. Pickwick Ave	918-913-2813	
5	Linda Dolar	443 S. Weller Ave	417-766-4472	ldolar@missouri state.edu
6	Kim Chaffin	1453 S. Delaware	417-661-8053	kim@hogentitle.com
7	Jaime Farquhar	816 S. Fremont	417-861-5162	jaimefarquhar@gmail.com
8	JONATHAN STAATS	CJW TRANSPORTATION	417-889-3400	jstaats@gocjw.com
9	Ross Chaffin	816 S. Fremont	417-773-1046	ross@rsc-law.com
10	Dave Seaton	5051 S. NATIONAL	417-889-3400	dseaton@ccesw.com
11	John Robertson	1422 E. Elm	417-842-8178	john.Robertson@yama
12	Amy Wiley	DAKE WELLS ARCHITECTURE Dake Wells Archite	417-831-9904	awiley@date-wells.com
13	Laurel Bryant	1014 S. Weller Ave	417-619-4663	laurelbryant@gmail.com
14	Martha Christa	691 S. Pickwick	417-773-7435	laurelchrista@gmail.com
15	Laurie Knowlton	1635 S. PICKWICK	417-860-0990	laurie@zen3massage.com
16	Andy & Shelia Wright	1359 E. Elm ^{1303 E. Walnut}	(202) 862-4173	getandy1953@yahoo.com
17	John & Marty Holder	1334 E. Elm St	417-379-9730 417-379-9729	mtwillow@yahoo.com
18				
19				
20				

Name: Phyllis Ritchie
Address: 631 S. Pickwick Ave
Phone: 918-913-2813
Email: _____

"I WAS SO GLAD TO SEE THAT
YELLOW HOUSE COME DOWN. IT WAS
SUCH AN EYESORE."

Name: Laurel Bryant
Address: 1014 S Weller Ave
Springfield, MO 65804
Phone: 417 619 4663
Email: laurelbryant@gmail.com

Good plan! Add elevators to one
building for 55+ plus housing.
Excited to see design.

Name:

MARTIN ODOM

Address:

641 S. PICKWICK

Phone:

Email:

laurachrista@gmail.com

No objections to this plan!

Name: _____

Address: _____

Phone: _____

Email: _____

STUDENT HOUSING

STORMWATER

BETTER THAN
LAST PROPOSAL

Neighborhood Meeting Notice

Date of Letter:

August 3rd, 2018

DEAR PROPERTY OWNER,

You have received a notice of a "Neighborhood Meeting" since all development applications involving an advertised public hearing require that a developer hold a neighborhood meeting and invite the property owners within 500 feet of the property and the officers of any neighborhood associations on file with the City of Springfield.

The applicant or representative below has filed an application with the City of Springfield for a change in land use, zoning or street vacation in your neighborhood.

APPLICANT CONTACT INFORMATION:

Applicant/Representative Name:

Pickwick and Cherry, LLC

Address:

1605 E. Sunshine Street

City, State and Zip:

Springfield, Missouri 65804

Phone Number:

4176198668

E-mail:

kim@hogantitle.com

PROJECT LOCATION:

1427, 1425, 1415, 1411, 1405 E Cherry & 527 S. Pickwick, Spfd, Mo 65802

PROPOSED CHANGES:

Provide details of the existing zoning and proposed zoning (planned development, conditional use permit, conditional overlay district or vacation of roadways).

The existing zoning on the parcels to be rezoned from single family residential and commercial to a planned development district.

PUBLIC NEIGHBORHOOD MEETING:

Date of Meeting:

August 14, 2018

Location of Meeting:

Springfield Fire Station 1, 720 E. Grand Street, Springfield, Missouri 65807

Time of Meeting:

⦿ 4:00 PM to 6:30 PM

We look forward to seeing you at this meeting! Thank You!

ATTACHMENTS: Notice Letter from City with Comment Card attached to this letter

EXHIBIT 1
Requirements and Standards Applicable to
Planned Development District No. 366

A. APPLICATION

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

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

B. INTENT

The intent of this new Planned Development is to allow a Mixed-Use district to be developed.

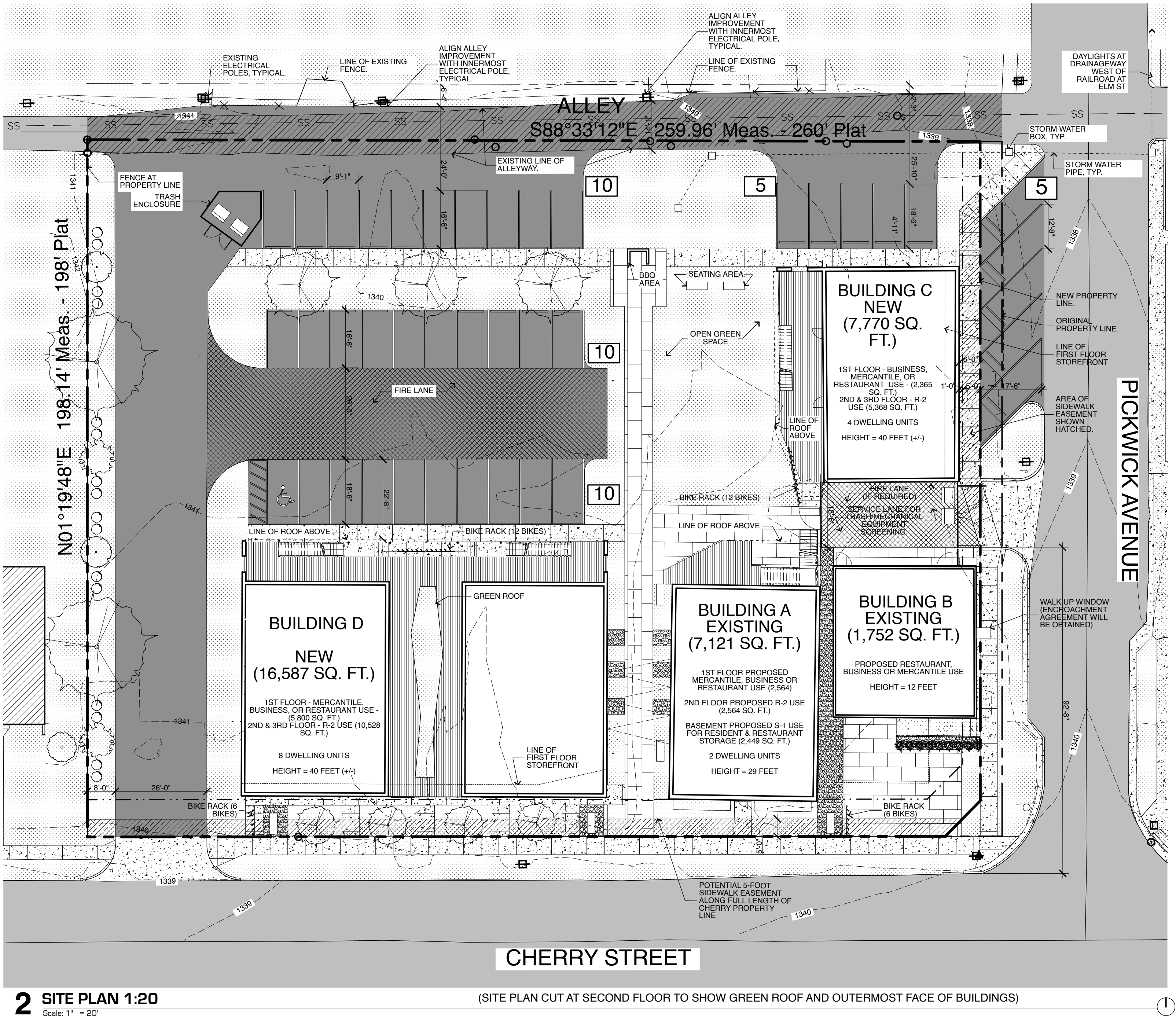
This ordinance will encourage development which does not significantly detract from the natural beauty of the area, provides a reasonable buffer from residential districts, manages traffic impacts and manages the storm water impact.

C. DEFINITIONS

The definitions contained in the *Zoning Ordinance* shall apply to this ordinance.

D. USES PERMITTED

- a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- b) Any residential dwellings at the time the district is mapped and any single-family detached dwelling subject to subsection 36-469(3). As conforming uses, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- c) Churches and other places of worship, including parish houses, Sunday schools but excluding overnight shelters.
- d) Community centers, nonprofit.
- e) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
- f) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- g) Eating and drinking establishments use group, excluding drive-in, pick-up window, or drive-thru facilities.



2 SITE PLAN 1:20
Scale: 1" = 20'

(SITE PLAN CUT AT SECOND FLOOR TO SHOW GREEN ROOF AND OUTERMOST FACE OF BUILDINGS)

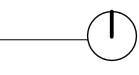
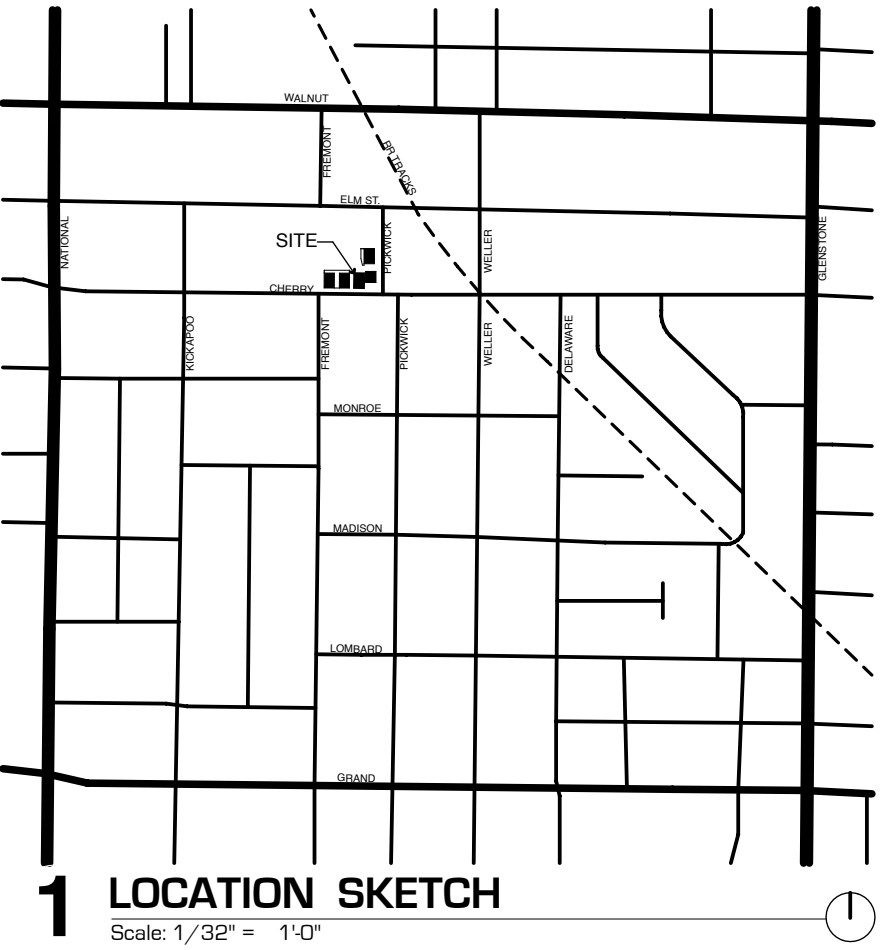


Exhibit 2



1 LOCATION SKETCH
Scale: 1/32" = 1'-0"

OWNER/DEVELOPER:

PICKWICK AND CHERRY LLC
605 E. SUNSHINE, 04
SPRINGFIELD, MO 65807
417-619-8668

PROJECT ADDRESS:

1423 E. CHERRY ST.
SPRINGFIELD, MO 65802

SITE ANALYSIS:

TOTAL DEVELOPMENT AREA = 1.15 ACRES (50,152 SQ. FT.)
EXISTING ZONING = R-HD & LB
PROPOSED ZONING = PD BASED ON LB ZONING WITH MODIFICATIONS PER EXHIBIT 1

GREEN SPACE = 0.24 ACRES (10,645 SQ. FT.) = 21% (20% REQUIRED PER PD LANGUAGE) UP TO 25% OF THIS MAY BE OBTAINED THROUGH THE USE OF PERVIOUS PAVERS OR 2,507 SF OF PERVIOUS PAVERS ALLOWED.

POST-PROJECT IMPERVIOUS AREA = 0.906 ACRES (39,507 SQ. FT.) = 79.0% (80% MAX ALLOWED)

PRE-PROJECT IMPERVIOUS AREA = 0.34 ACRES (14,715 SQ. FT.) = 29%

PARKING:

35 SPACES WITHIN DEVELOPMENT
5 PUBLIC SPACES
36 BIKE PARKING SPACES

SYMBOLS LEGEND:

- EXISTING BUILDING
- GREEN SPACE
- CONCRETE PAVING/SIDEWALKS
- EXISTING ASPHALT PAVING
- DECORATIVE CONCRETE PAVING
- FIRE LANE
- NEW ASPHALT PAVING

1423 E. Cherry

Pickwick and Cherry LLC
1605 E. Sunshine, 04
Springfield, MO

EXHIBIT 2 - SITE SKETCH PLAN

Issued:	07/06/18
Revised:	
Scale:	AS NOTED
Drawn:	AWiley
Checked:	BHenry
Job:	17050

A0.2

Plotted On: 1/11/19

NOT FOR CONSTRUCTION

SEAL

Andrew Harold Wells - Architect MO #A-7197
COPYRIGHT 2017, DAKE IWELLS ARCHITECTURE, INC.

DAKE IWELLS
architecture

134 park central square, suite 300
springfield, mo 65804
p. 417.681.8904

Copyright 2015

One-rdg. _____
P. Hrngs. X
Pgs. 16
Filed: 02-05-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 029

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Section 1-9 of the Springfield City Code, 'City Limits,' by annexing 9.3
2 acres of private property and 0.3 acres of Greene County right-of-way into
3 the City of Springfield, Missouri, generally located at 3851 West Farm
4 Road148/University Street, and generally referenced as Annexation A-1-
5 19; and amending the Springfield City Code, Chapter 46, Section 46-1,
6 'Boundaries of wards, precincts and council zones,' by adding this
7 property to the ward and precinct assigned by the County Clerk.
8
9

10 WHEREAS, a verified petition requesting annexation was filed by the owners of
11 all fee interests of record in all tracts of real property located within the area proposed to
12 be annexed, as described in "Exhibit A;" and
13

14 WHEREAS, said petition was presented to City Council more than fourteen, but
15 less than sixty days prior to the public hearing thereon; and
16

17 WHEREAS, proper notice was published at least seven days prior to the public
18 hearing.
19

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

23 Section 1 – City Council, after holding a public hearing, hereby determines that
24 the annexation of the property described in "Exhibit A," which is attached hereto and
25 incorporated herein by this reference, is reasonable and necessary to the proper
26 development of the City, and the City has the ability to furnish certain municipal services
27 to the area annexed within a reasonable time.
28

29 Section 2 – Pursuant to the provisions of Section 71.012 RSMo., the property
30 described in "Exhibit A," is hereby annexed into the City of Springfield, Missouri.
31

32 Section 3 – Section 1-9, 'City Limits,' is hereby amended by adding thereto the
33 land described in "Exhibit A," generally located at 3851 West Farm Road 148/University
34 Street, such land being found to be contiguous to the city limits.

35
36 Section 4 – Section 46-1, 'Boundaries of wards, precincts and council zones,' is
37 hereby amended by placing the property described on "Exhibit A" into the appropriate
38 ward and precinct as determined by the County Clerk in accordance with the provisions
39 of State law.

40
41 Section 5 – The City Clerk is directed to: (1) file two certified copies of this
42 Annexation Ordinance with the Clerk of Greene County; (2) file one certified copy of this
43 Annexation Ordinance with the Assessor of Greene County; and (3) forward to the
44 Missouri Director of Revenue, by certified mail, a certified copy of this Ordinance, and
45 any other information that the Director of Revenue may require.

46
47 Section 6 – This Ordinance shall be in full force and effect from and after
48 passage.

49
50 Passed at meeting: _____

51
52 _____
53 Mayor
54

55 Attest: _____, City Clerk

56
57 Filed as Ordinance: _____

58
59 Approved as to form: , Assistant City Attorney

60
61
62 Approved for Council action: , City Manager
63

EXPLANATION TO COUNCIL BILL 2019- 029

FILED: 02-05-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Section 1-9 of the Springfield City Code, 'City Limits,' by annexing 9.3 acres of private property and 0.3 acres of Greene County right-of-way into the City of Springfield, Missouri, generally located at 3851 West Farm Road 148/University Street, and generally referenced as Annexation A-1-19; 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 by the County Clerk.

BACKGROUND INFORMATION:

The owner(s) of the private property generally located at 3851 W. Farm Road 148/University Street are requesting annexation into the City of Springfield (see "Exhibit B"). The public right-of-way is currently a Greene County maintained roadway named Farm Road 148; however, when annexed will be named University Street. The owner(s) of the property have signed a petition to request annexation into the City of Springfield. The property is within the City of Springfield's Urban Service Boundary and is immediately adjacent to the City of Springfield. The owner is proposing to annex and rezone the property to allow for commercial and multi-family uses.

City Council is required to hold a public hearing to determine whether the annexation is reasonable and necessary for the proper development of the City and whether the City has the ability to furnish normal city services within a reasonable period of time. If no written objection is filed within fourteen (14) days of the public hearing, the City may annex the property by ordinance without further action.

REMARKS:

The area to be annexed ("Exhibit A") is contiguous to the City of Springfield. See "Exhibit B" for the location of the private property to be annexed.

RECOMMENDATIONS:

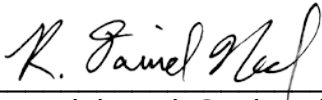
1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous to the City of Springfield and all City services can be provided to the property.
3. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* supports the annexation because it enhances government efficiencies

through rational and simplified city boundaries.

4. The property owner(s) has petitioned the City for annexation.
5. The City will receive sales and property tax revenue upon annexation of this property.

Staff recommends the annexation of this private property.

Submitted by:



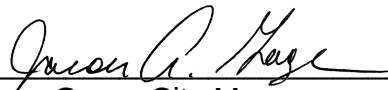
R. Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Annexation Schedule

EXHIBIT A

LEGAL DESCRIPTION
ANNEXATION A-1-19

THE SOUTH NINE (9) ACRES OF THE FOLLOWING DESCRIBED PROPERTY:
ALL COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTH HALF (S1/2)
OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-NINE (29),
RANGE TWENTY-NINE (29), RANGE TWENTY-TWO (22), THENCE WEST ALONG
THE SOUTH LINE OF SAID S1/2 OF THE SW1/4 6 & 133/1000 CHAINS; THENCE
NORTH 120 RODS TO THE CENTER OF A ROAD RUNNING NORTH SIDE OF SAID
LANDS; THENCE EAST 6 & 133/1000 CHAINS; THENCE SOUTH 120 RODS TO THE
POINT OF BEGINNING, IN GREENE COUNTY, MISSOURI, EXCEPT BEGINNING AT
THE NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE EAST
8 FEET; THENCE SOUTHERLY TO A POINT 18 FEET EAST OF THE SOUTHWEST
CORNER OF ABOVE DESCRIBED TRACT; THENCE WEST 18 FEET; THENCE
NORTH TO POINT OF BEGINNING; ALSO EXCEPT ANY PART THEREOF DEEDED,
TAKEN OR USED FOR ROAD, STREET, OR HIGHWAY PURPOSES.

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER
(SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY-NINE
(29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22); THENCE SOUTH
310.52 FEET TO THE SOUTHEAST CORNER OF A TRACT DEEDED IN BOOK 2064
AT PAGE 698 FOR POINT OF BEGINNING; THENCE WEST 391.98 FEET TO THE
SOUTHWEST CORNER OF SAID TRACT; THENCE NORTH 55.57 FEET TO THE
NORTHWEST CORNER OF SAID TRACT; THENCE EAST 392.00 FEET TO THE
EAST LINE OF SAID TRACT; THENCE SOUTH 55.57 FEET TO THE POINT OF
BEGINNING, IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART TAKEN OR
USED FOR ROADS.

and

ALL OF THE SOUTH TWENTY FEET OF THE EAST 386.97' OF THE SOUTHEAST
QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION
TWENTY-NINE (29), TOWNSHIP TWENTY- NINE NORTH (T29N) RANGE TWENTY-
TWO WEST (R22W) OF THE 5TH PRINCIPAL MERIDIAN, GREENE COUNTY
MISSOURI

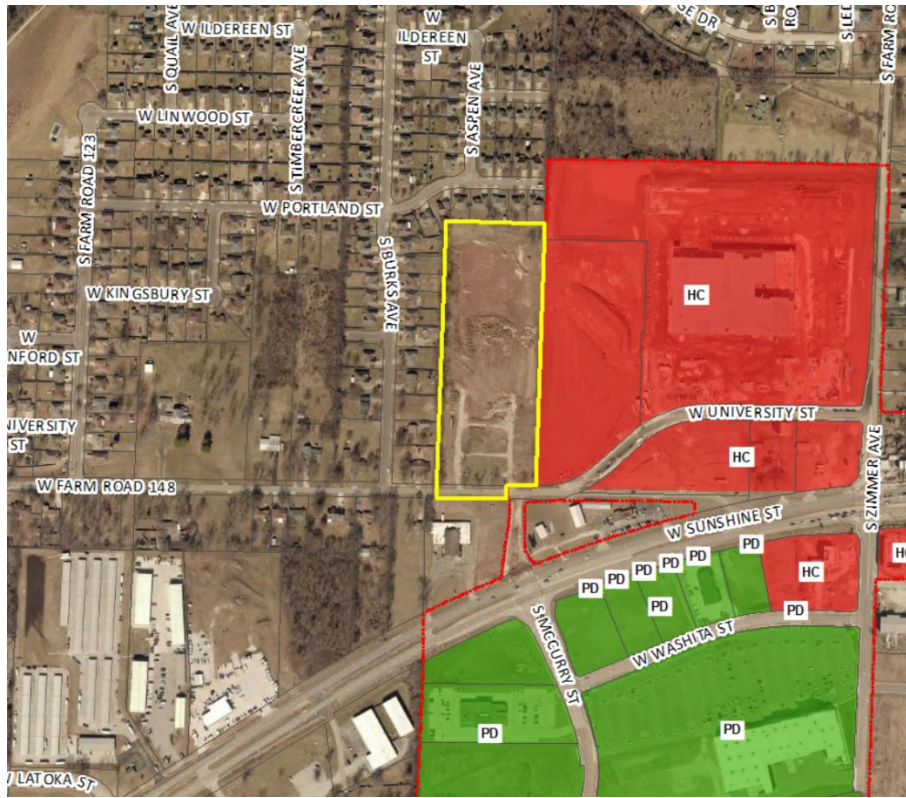
AND

ALL OF THE NORTH TWENTY FEET OF THE EAST 386.97' OF THE NORTHEAST
QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION
THIRTY-TWO (32), OF SAID T29N R22W OF THE 5TH PRINCIPAL MERIDIAN,
GREENE COUNTY MISSOURI CONTAINING 15,478.8 SQUARE FEET (0.355
ACRES) MORE OR LESS SUBJECT TO ALL EASEMENTS OF RECORD.

Exhibit B

CITY COUNCIL PUBLIC HEARING:

FEBRUARY 11, 2019



CASE NUMBER:

Annexation A-1-19

LOCATION:

3851 W. Farm Road 148/University St.

ACRES:

Approximately 9.6 acres

EXISTING LAND USE:

Vacant, previously a manufactured home community

APPLICANT:

A&R Property Developers, LLC

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve the request to annex the subject property into the City of Springfield as submitted in the staff report

SUMMARY OF REQUEST:

Request to annex approximately 9.3 acres of private property and 0.3 acres of Greene County right-of-way into the City of Springfield.

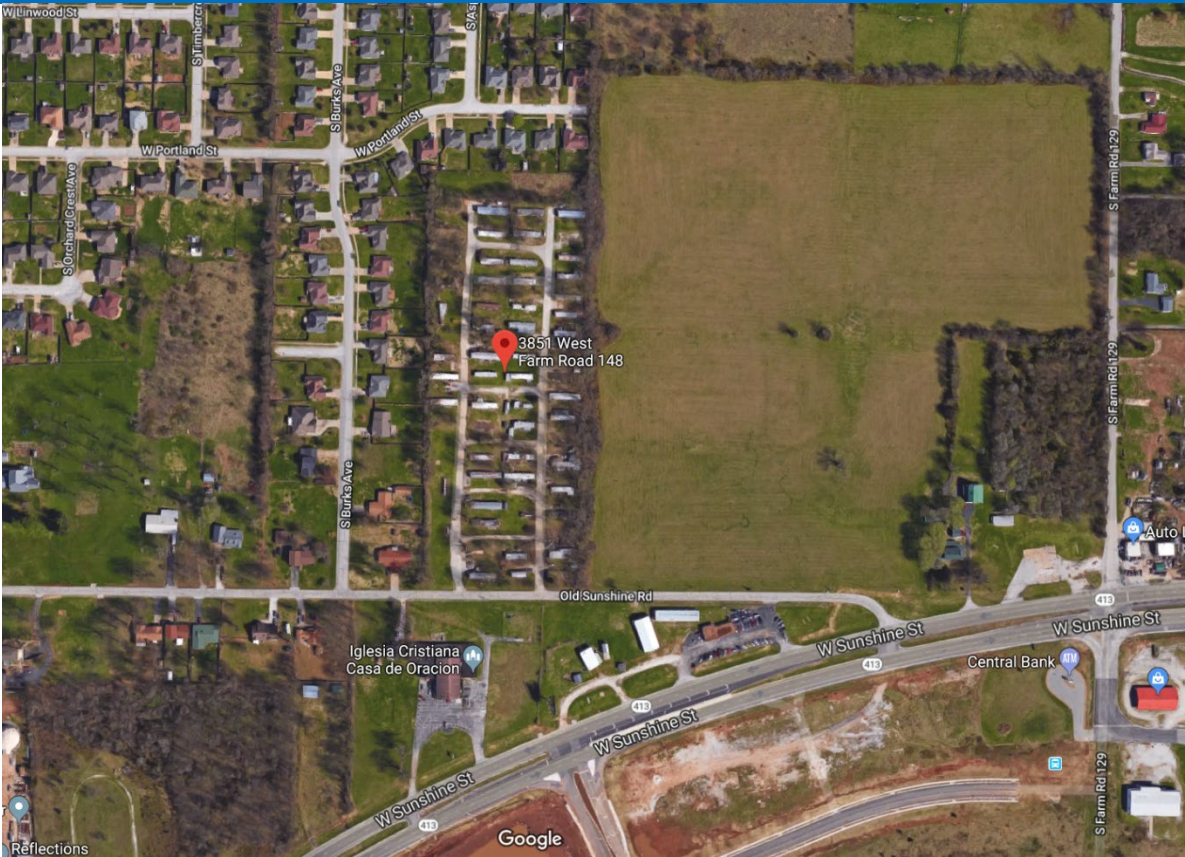
FINDINGS FOR STAFF RECOMMENDATION:

1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous to the City of Springfield and all City services can be provided to the property.
3. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* supports the annexation because this annexation will enhance government efficiencies through a rational and simplified city boundary.
4. The City will receive sales and property tax revenue upon annexation of this property.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	County R-1	HC	County R-1
LAND USE	Single-family residential uses	Church	Retail uses and vacant/undeveloped land	Single-family residential uses

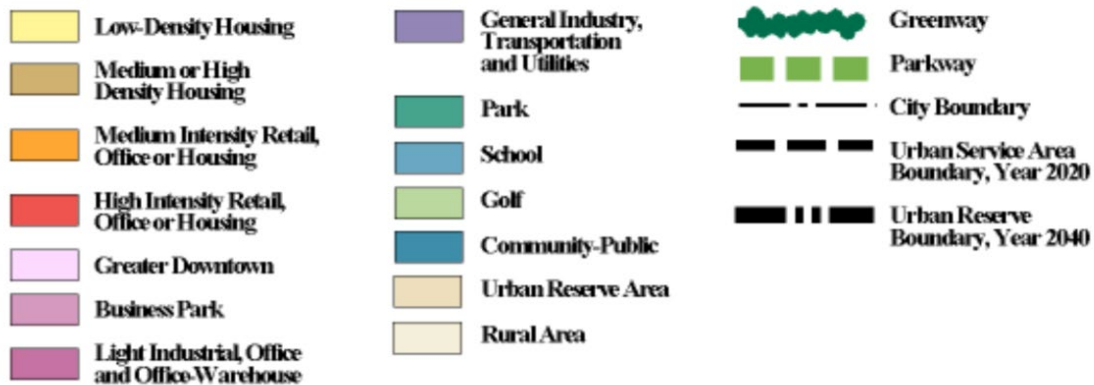
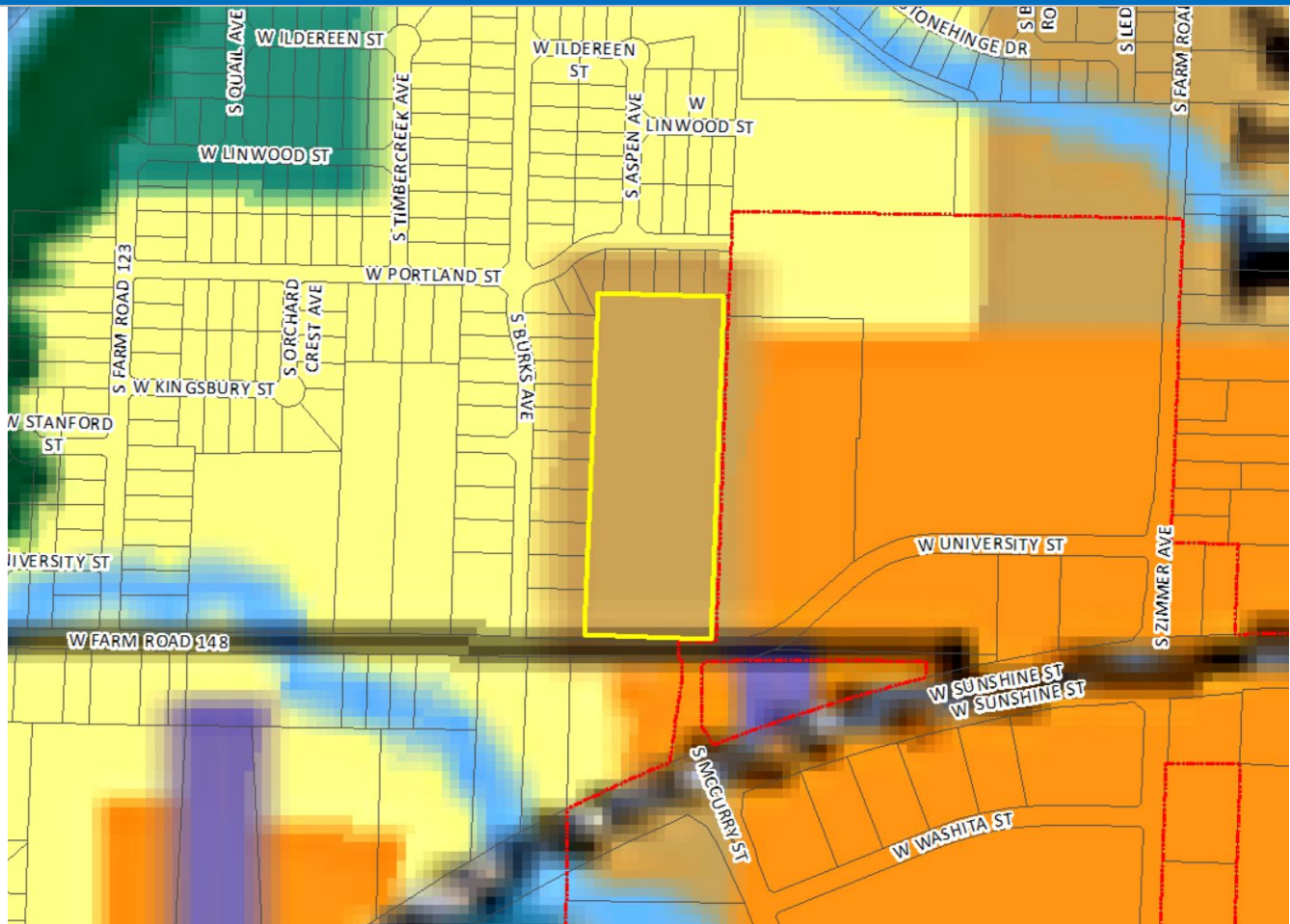
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



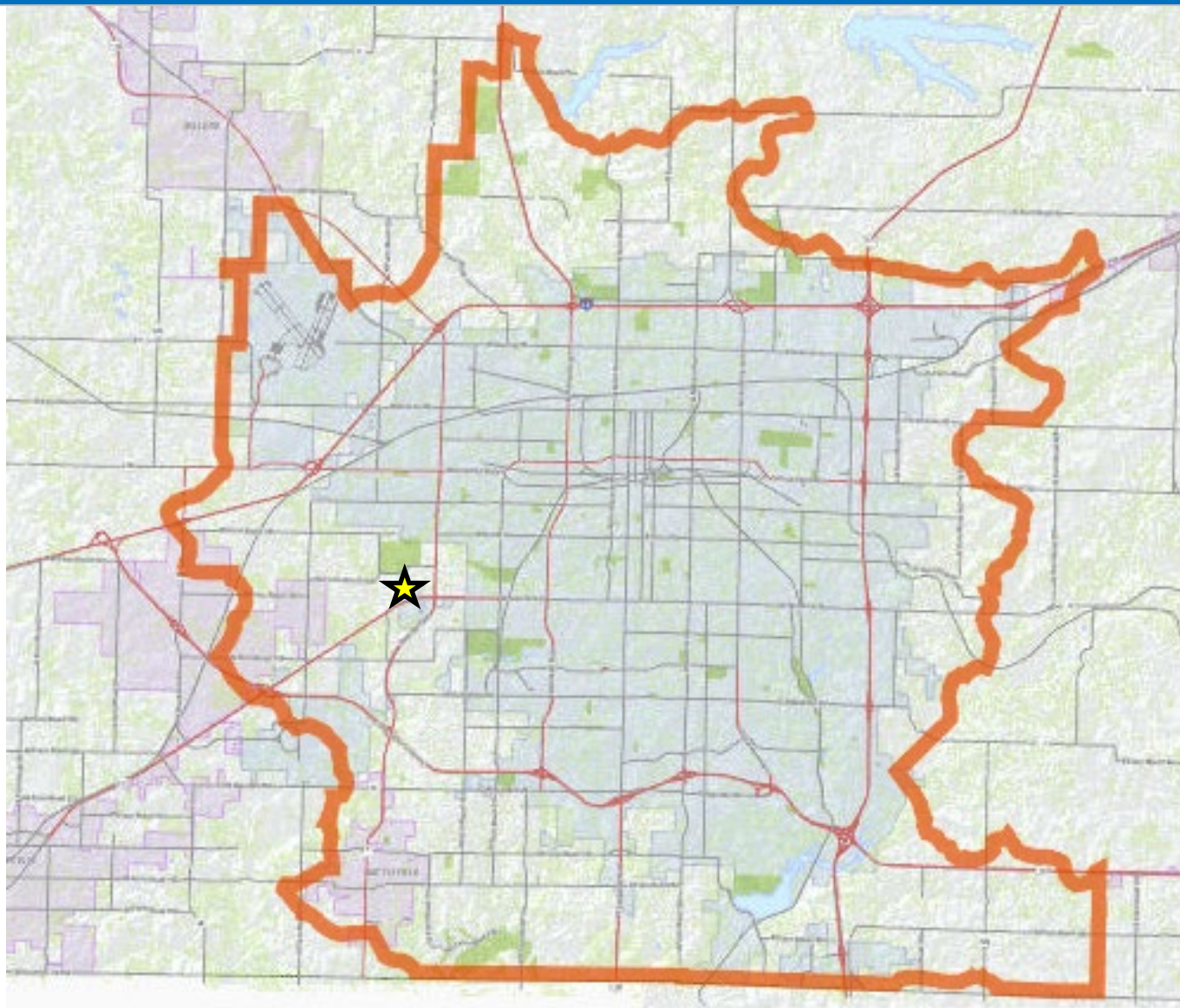
GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



URBAN SERVICE AREA:



PROPERTY HISTORY:

The subject property is currently outside the city limits in unincorporated Greene County. The subject property is currently zoned Greene County C-1, Neighborhood Commercial District and was previously a manufactured home community. The owner is proposing to rezone and preliminarily plat this property concurrently with the proposed annexation.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium or High-Density Housing. Townhouses and all various forms of apartment buildings are included in this category, which has been located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations. The most appropriate districts would be Low, Medium and High-Density Multi-Family Residential Districts. A request for GR, General Retail District at the intersection of Farm Road 148/University and McCurry Street is supported by the *Growth Management and Land Use Plan* because of its proximity to the West Bypass and Sunshine Street Activity Center and the continued commercial development along Zimmer, McCurry and University Streets which has been spurred by Menards and the Springfield Plaza shopping center. The Major Thoroughfare Plan classifies W. Farm Road 148/University Street and McCurry Street as collector roadways which support the proposed land uses. It is also within close-proximity of the Sunshine Street and McCurry Street intersection which is a major intersection of a collector and expressway.

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* states that City annexations should enhance governmental efficiencies through rational and simplified City boundaries and reduce any potential inter-jurisdictional conflict.

STAFF COMMENTS:

1. The applicant is proposing to annex approximately 9.3 acres of private property and 0.3 acres of Greene County right-of-way. The property is also concurrently being processed with a rezoning from County C-1, Neighborhood Commercial District to R-MD, Medium Density Multi-Family Residential District, and GR, General Retail District, and establishing Conditional Overlay District No. 166. The proposed annexation is being processed concurrently with a rezoning and preliminary plat and will have a public hearing at the same City Council meetings. The applicant is proposing to construct a new multi-family development and retail establishment.
2. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
3. The proposed annexation, preliminary plat and rezoning will allow the subject property to be developed similarly to adjacent properties in the City.
4. The proposed Conditional Overlay District will require the developer to subdivide, perform a traffic study and make any necessary improvements, dedicate additional right-of-way and construct sidewalks along Farm Road 148/University Street.
5. The proposed annexation does not contain a floodplain or stream buffer area.
6. The proposed annexation will include public right-of-way and the Greene County Highway Department supports the request to annex it.
7. The private property is currently served by the Brookline Fire Protection District.
8. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1. The legal description of the private property involved in this annexation is attached as Exhibit A.

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 29 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

AT&T COMMENTS:

No comments.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

CU has no objection to annexation. Developer will be responsible to run extensions to serve the development with gas, water, electric as needed.

CLEAN WATER SERVICES COMMENTS:

No objection to annexation of the proposed area. Public sewer is available to the parent tract.

E-911 COMMENTS:

No comments.

ECONOMIC DEVELOPMENT COMMENTS:

No significant economic impact is anticipated with this request; however, additional City sales and property tax will be collected if property is rezoned and redeveloped as proposed.

FIRE DEPARTMENT COMMENTS:

1. **Service** – The primary Fire Station responding to this area would be Station #8 located at 1405 S Scenic, which is approximately 1.8 miles from the southeast corner of the property. Fire Station #6 located at 2620 W Battlefield, is the secondary station responding to this location, which is 3.3 miles from the southeast corner of the property.
2. **ISO area** – The proposed annexation is currently outside the recommended ISO 1.5-mile (ISO diamond) response distance by less than .5 miles for the 1st due unit. ***This will not have a significant impact on our ISO rating.***
3. **Response times/Standards of Cover** – Estimated response time was calculated mathematically with an assumed travel speed of 45 miles per hour by the fire apparatus. The 1st due company has an estimated total response time of 4 minutes. The 2nd due company has an estimated total response time of 6 minutes. It is probable the standard of coverage benchmark could be met for single company responses and likely the benchmark could be met for a full 1st alarm response which requires 3 engines, 2

Trucks, 1 Rescue and 1 Battalion Chief to arrive on scene within 11 minutes and 24 seconds. *The department expects that it will be able to meet the initial unit baseline and benchmark, and probable it will meet the baseline and benchmark for the effective response force. This will not impact our accreditation.*

		Estimated Total Response Time	Benchmark*	Baseline**
1 st Due Company	Station 8	4 – 5 minutes	6 minutes 20 seconds	8 minutes 13 seconds
Total Effective Response Force	Station 1, 6, 8, 9	7 – 11 minutes	10 minutes 20 seconds	13 minutes 18 seconds

4. **Water Supply** – Currently there is adequate water supply to service the proposed area to be annexed. There are currently fire hydrants located adjacent to the site specified. Additional hydrants will be required inside the complex. *The Fire Department does not have any concerns with the water supply for this proposed annexation.*
5. **Impact** - The Fire Department has estimated the residential development will be low impact, in the range of 20-30 responses annually, based off responses to similar complexes. *The Fire Department does not have any concerns with the operational impact to the department or the City of Springfield.*

Fire Department Recommendation: *Based upon all the relevant factors, the Fire Department is supportive of this annexation.*

GREENE COUNTY HIGHWAY DEPARTMENT COMMENTS:

The Greene County Highway Department has no comment regarding the proposed annexation A-1-19.

POLICE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Farm Road 148 as a Collector roadway. The standard right-of-way width for W. Farm Road 148 is 30 feet from the centerline. It appears approximately five feet of additional right-of-way needs to be acquired along the property frontage of W. Farm Road 148. A survey is recommended to determine the exact amount of existing right-of-way. A portion of W. Farm Road 148 is under Greene County jurisdiction. The intersection of University Street and McCurry Street is under City of Springfield jurisdiction.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for this section of W. Farm Road 148/University Street. On-street parking is not allowed along W. Farm Road 148.

DRIVEWAY ACCESS

There is currently two driveway access points to the property from W. Farm Road 148. Any new proposed driveway approaches must meet current minimum spacing requirements. Traffic prefers that only one driveway

access be taken to the site from W. Farm Road 148 that aligns with S. McCurry Street and utilizes a cross-access easement between the two proposed lots.

SIDEWALK

There is not currently sidewalk along the entire length of the property frontage of W. Farm Road 148. Sidewalk is required to be constructed along the entire length of the property frontage (where it is not currently existing) as a part of this development/rezoning.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

The Wilson's Creek Greenway Trail is just to the west of the property pertaining to this rezoning. There are bus stops along W. Washita Street on the south side of Sunshine Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study (TIS) is required to be submitted as a part of this annexation/rezoning/redevelopment of this property. The TIS must be approved before staff will support annexation/rezoning OR the TIS may be deferred until the time of development but must be written into the rezoning as a Conditional Overlay District. Any improvements required as a part of the TIS are required to be constructed and approved or funds escrowed, prior to issuance of a building permit. The requirement of the TIS is due to an increase of more than 1,000 additional trips during a weekday, as can be seen below in Table 1. There are numerous other improvements occurring in the area adjacent to the property pertaining to this annexation/rezoning. These improvements include construction of University Street, a new traffic signal at McCurry and Sunshine, a new traffic signal at Sunshine and Zimmer, Zimmer Avenue widening/sidewalk, to name a few. Any public improvements required as a part of the TIS will need to be coordinated with these recently completed/under construction improvements.

TRAFFIC - TABLE 1: ANNEXATION DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft)	Required Street ROW from Centerline (ft)
Street 1	W. Farm Road 148	Collector	No	25	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated (Mobile Home Park)		12.48	76.44	240	221.3
Existing Trips Generated (Vacant)		0	0	0	0
*Proposed Trips Generated		79.4	156.05	1872	N/A
Additional Trips Generated		66.92	79.61	1632	N/A

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

STORMWATER COMMENTS:

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

The property is in the Wilson's Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not applicable as stormwater improvements are to be provided in that area. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
3. Water quality will be required if disturbing more than one acre.
4. Detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Wilson's Creek
Is property located in Floodplain	No
Is property located on a sinkhole	No
Is stormwater buyout an option	No

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
ANNEXATION SCHEDULE

ANNEXATION:

Initiate annexation.....	January 28, 2019
City Council public hearing	February 11, 2019
City Council second reading and vote	February 25, 2019

One-rdg. _____
P. Hrngs. X
Pgs. 27
Filed: 02-05-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 030

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning 9.3 acres of property
3 generally located at 3851 West Farm Road 148/University Street from
4 County C-1, Neighborhood Commercial District, to R-MD, Medium Density
5 Multi-Family Residential District and GR, General Retail District; and
6 establishing Conditional Overlay District No. 166; and adopting an
7 updated Official Zoning Map. (Staff and Planning and Zoning Commission
8 both recommend approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 3851 West Farm Road 148/University Street, which is more fully
13 described in "Exhibit B," from County C-1, Neighborhood Commercial District, to R-MD,
14 Medium Density Multi-Family Residential District and GR, General Retail District and to
15 establish Conditional Overlay District No. 166; and
16

17 WHEREAS, Conditional Overlay District No. 166 shall modify the requirements of
18 the Springfield Land Development Code Section 36-383, Medium-Density Multi-Family
19 Residential District and Section 36-421, General Retail District, by requiring that the
20 property described in "Exhibit B" comply with the requirements described in "Exhibit A;"
21 and
22

23 WHEREAS, following proper notice, a public hearing was held before the
24 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
25 hearing is attached as "Exhibit C;" and
26

27 WHEREAS, proper notice was given of a public hearing before City Council and
28 said hearing was held in accordance with law.
29

30 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
31 SPRINGFIELD, MISSOURI, as follows, that:
32

33 Section 1 – The property described in "Exhibit B" of this Ordinance, which is

34 attached hereto and incorporated herein by this reference, shall be, and the same
35 hereby is, rezoned from, County C-1, Neighborhood Commercial District, to R-MD,
36 Medium Density Multi-Family Residential District and GR, General Retail District and
37 Conditional Overlay District No. 166 is hereby established. The requirements of
38 Conditional Overlay District No. 166, which are described in "Exhibit A," and are hereby
39 incorporated by this reference as if set out verbatim herein, shall apply to the subject
40 property; and the Springfield Land Development Code, Section 36-306, 'Official zoning
41 map and rules for interpretation' of the Springfield Zoning Ordinance, is hereby
42 amended, changed and modified accordingly.
43

44 Section 2 – City Council hereby directs the City Manager, or his designee, to
45 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
46 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
47 for in the Springfield Land Development Code, Section 36-306, 'Official zoning map and
48 rules for interpretation.'
49

50 Section 3 – The Official Zoning Map herein adopted shall be maintained and
51 archived in the same digital form in which this Council has approved its adoption.
52

53 Section 4 – This Ordinance shall be in full force and effect upon passage.
54

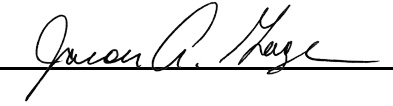
55 Passed at meeting: _____
56

57 _____
58 Mayor
59

60 Attest: _____, City Clerk
61
62

63 Filed as Ordinance: _____
64

65
66 Approved as to form: , Assistant City Attorney
67

68
69 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -030

FILED: 02-05-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 9.3 acres of property generally located at 3851 West Farm Road 148/University Street from County C-1, Neighborhood Commercial District, to R-MD, Medium Density Multi-Family Residential District and GR, General Retail District, and establishing Conditional Overlay District No. 166; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-4-2019/ CONDITIONAL OVERLAY DISTRICT NO. 166

The applicant is proposing to rezone 9.3 acres of property from County C-1, Neighborhood Commercial District to R-MD, Medium Density Multi-Family Residential District, and GR, General Retail District, and establishing Conditional Overlay District No. 166. The applicant is proposing commercial uses in the front along University Street and a multi-family development behind it. The property is being processed concurrently with an annexation and preliminary plat and will have a public hearing at the same City Council meetings.

REMARKS:

The Planning and Zoning Commission held a public hearing on January 17, 2019, and recommended approval, by a vote of 6 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium or High-Density Housing. Townhouses and all various forms of apartment buildings are included in this category, which has been located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations. The most appropriate districts would be Low, Medium and High-Density Multi-Family Residential Districts. A request for GR, General Retail District at the intersection of Farm Road 148/University and McCurry Street is supported by the *Growth Management and Land Use Plan* because of its proximity to the West Bypass and Sunshine Street Activity Center and the

continued commercial development along Zimmer, McCurry and University Streets which has been spurred by Menards and the Springfield Plaza shopping center. The Major Thoroughfare Plan classifies West Farm Road 148/University Street and McCurry Street as collector roadways which support the proposed land uses. It is also within proximity of the Sunshine Street and McCurry Street intersection which is a major intersection of a collector and expressway.

2. This application meets the intent of the R-MD district which is to serve as a transition between major streets or commercial areas and lower density residential areas and for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. The property is located within a ½ mile of a developing commercial corridor and intersection at Sunshine Street and West Bypass.
3. The request is consistent with the recommendations of the *Revised Multi-Family Development Location and Design Guidelines* which will limit the development to 20 dwelling units per acre and requires specific design guidelines.
4. The proposed Conditional Overlay District will require the developer to subdivide, perform a traffic study and make any necessary improvements, dedicate additional right-of-way and construct sidewalks along Farm Road 148/University Street.

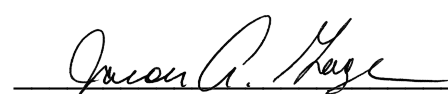
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Conditional Overlay District Provisions
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Multi-Family Development Location and Design Guideline
Assessment
Attachment 3: Neighborhood Meeting Summary
Attachment 4: Conditional Overlay District Provisions
Attachment 5: Site Plan

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-4-2019 & CONDITIONAL OVERLAY DISTRICT NO. 166

The requirements of Section 36-383., Medium-Density Multi-Family Residential District and Section 36-421., General Retail District of the Springfield Zoning Ordinance shall be as modified herein for development within this district.

1. The subject property shall be subdivided along the zoning district boundaries following the current Subdivision Regulations.
2. The maximum density for the R-MD zoned lot is 24 dwelling units per acre for a maximum of 193 dwelling units.
3. The development of the subject property shall be in substantial conformance to the Multi-Family Location and Design Guidelines and the attached site plan (Attachment 3).
4. A traffic study is required if the proposed uses create an increase in trip generation of more than 1,000 trips daily. Any improvements required as a part of the TIS must be constructed and approved or funds escrowed, prior to issuance of a building permit. Depending on the results of the TIS, the single proposed driveway approach to/from W. Farm Road 148 may be required to align with McCurry Street and utilize cross-access between the two proposed lots.
5. Sidewalk is required to be constructed along the entire length of the property frontage on W. Farm Road 148/W. University Street.
6. Approximately five feet of additional right-of-way needs to be dedicated along the property frontage of W. Farm Road 148/University Street.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-4-2019 & CONDITIONAL OVERLAY DISTRICT NO. 166

THE SOUTH NINE (9) ACRES OF THE FOLLOWING DESCRIBED PROPERTY:
ALL COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTH HALF (S1/2)
OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-NINE (29),
RANGE TWENTY-NINE (29), RANGE TWENTY-TWO (22), THENCE WEST ALONG
THE SOUTH LINE OF SAID S1/2 OF THE SW1/4 6 & 133/1000 CHAINS; THENCE
NORTH 120 RODS TO THE CENTER OF A ROAD RUNNING NORTH SIDE OF SAID
LANDS; THENCE EAST 6 & 133/1000 CHAINS; THENCE SOUTH 120 RODS TO THE
POINT OF BEGINNING, IN GREENE COUNTY, MISSOURI, EXCEPT BEGINNING AT
THE NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE EAST
8 FEET; THENCE SOUTHERLY TO A POINT 18 FEET EAST OF THE SOUTHWEST
CORNER OF ABOVE DESCRIBED TRACT; THENCE WEST 18 FEET; THENCE
NORTH TO POINT OF BEGINNING; ALSO EXCEPT ANY PART THEREOF DEEDED,
TAKEN OR USED FOR ROAD, STREET, OR HIGHWAY PURPOSES.

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER
(SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY-NINE
(29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22); THENCE SOUTH
310.52 FEET TO THE SOUTHEAST CORNER OF A TRACT DEEDED IN BOOK 2064
AT PAGE 698 FOR POINT OF BEGINNING; THENCE WEST 391.98 FEET TO THE
SOUTHWEST CORNER OF SAID TRACT; THENCE NORTH 55.57 FEET TO THE
NORTHWEST CORNER OF SAID TRACT; THENCE EAST 392.00 FEET TO THE
EAST LINE OF SAID TRACT; THENCE SOUTH 55.57 FEET TO THE POINT OF
BEGINNING, IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART TAKEN OR
USED FOR ROADS.

EXHIBIT C

RECORD OF PROCEEDINGS
ZONING CASE Z-4-2019 & CONDITIONAL OVERLAY DISTRICT NO. 166
RECORD OF PROCEEDINGS
Planning and Zoning Commission January 17, 2019

Z-4-2019 w/COD #166
3851 West Farm Road 148

Applicant: A&R Property Developers, LLC

Preliminary Plat of Opal Sunset Subdivision
3851 West Farm Road 148

Applicant: A&R Property Developers, LLC

Combined the presentation for zoning and preliminary plat.

Mr. Hosmer stated that this is a request to rezone approximately 9.3 acres of property located at 3851 West Farm Road 148/ University Street from County C-1, Neighborhood Commercial District to R-MD, Medium Density Multi-Family Residential District, and GR, General Retail District, and establishing Conditional Overlay District No. 166.

Comprehensive Plan identifies this as an appropriate area for Medium or High-Density Housing. The application meets the intent of the R-MD district which is to serve as a transition between major streets or commercial areas and lower density residential areas. The Major Thoroughfare Plan classifies West University Street and McCurry Street as collector roadways which both support the proposed land uses. The property is currently zoned C-1, in Greene Co. and is proposed to be annexed as part of the proposed rezoning. The request is consistent with the Multi-Family Design Guidelines which will limit the development to 24 dwelling units per acre. The COD will require the developer to subdivide, perform a traffic study and make any necessary improvements, dedicate additional right-of-way and construct sidewalks along Farm Road 148/University Street. Must substantially conformance to the Multi-Family Guidelines and the site plan. Staff recommends approval.

Mr. Hosmer stated that this is a request for a two-lot subdivision on 9.3 acres located at 3851 West Farm Road 148/ University Street. The Comprehensive Plan identifies this as an appropriate area for Medium or High-Density Housing. The subject property is currently outside the City Limits in unincorporated Greene County and once annexed will be considered a tract of record Lot 1 is proposed to be zoned to GR, General Retail District with COD #166 which requires a bufferyard adjacent to the proposed R-MD. 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. Staff recommends approval.

Mr. Doennig asked about the access between Farm Road 148 and Sunshine Street.

Mr. Hosmer stated that there is no access between Farm Road 148 and Sunshine Street, the access is off McCurry Street and will be connecting to West University.

Mr. Doennig opened the public hearing.

Mr. Rich Kramer, 8932 E. Riverview Drive, Rogersville, purchased the property a few years ago and hoping to improve the area and removed approximately 25 abandoned trailers.

Ms. Teresa Davison, 535 W. Battlefield, representative for the applicant. At the neighborhood meeting there were stormwater quality and retention questions as well as light concerns. The lights will be turned in towards the interior with a bufferyard and we also went with to the low end on medium density.

Mr. Dennis Perry, 3954 W. Portland, stating that this development (northside) backs up to his property and believes there is not enough of a bufferyard and voiced his concerns for privacy and how the apartments will be able to look directly into his backyard.

Mr. Michael Hampton, 1615 S. Delaware, architect of the project, noting that the northside units will be only two stories whereas the interior units are three stories and noted that they are trying to accommodate the neighbors and will keep the existing trees on the property edge.

Mr. Doennig asked about the height of the back buildings.

Mr. Hampton stated that the back buildings will be approximately 20' to 30' tall with 35' to the lot line.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Z-4-2019 w/COD #166 (3851 West Farm Road 148). Ms. Broekhoven seconded the motion. Ayes: Doennig, Broekhoven, Shuler, Rose, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Coltrin, Cox, and Thomas.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Preliminary Plat of Opal Sunset Subdivision (3851 West Farm Road 148). Mr. Rose seconded the motion. Ayes: Doennig, Broekhoven, Shuler, Rose, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Coltrin, Cox, and Thomas.



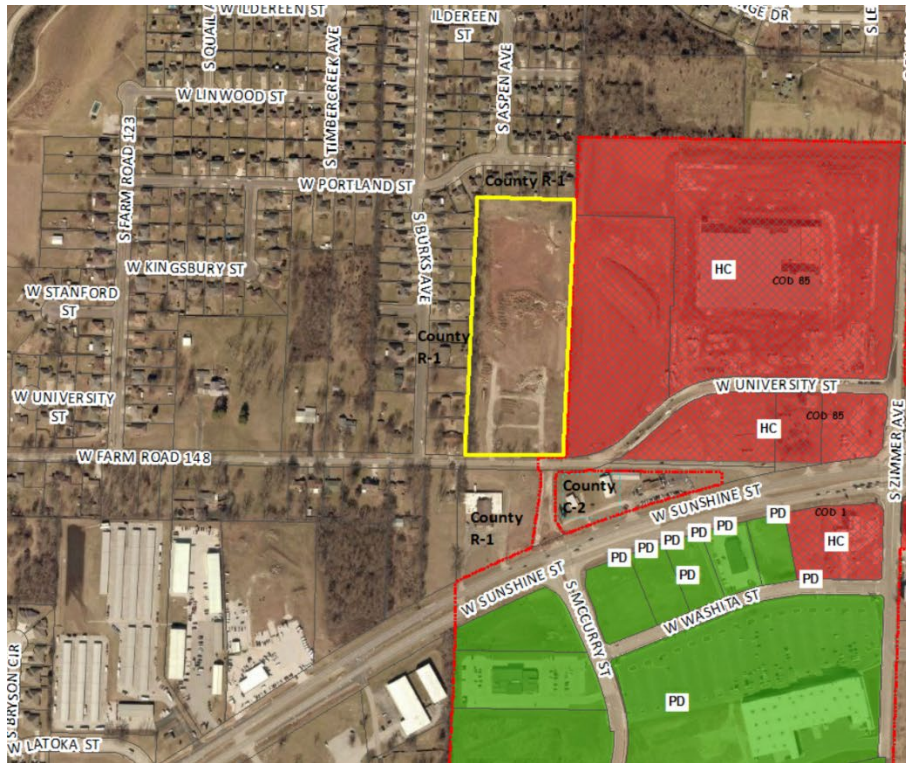
Bob Hosmer, AICP
Principal Planner

Exhibit D

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JANUARY 17, 2019

CITY COUNCIL PUBLIC HEARING:

FEBRUARY 11, 2019



CASE NUMBER:

Z-4-2019 w/Conditional Overlay District No. 166

LOCATION:

3851 W. Farm Road 148/University St.

ACRES:

9.3 acres

EXISTING LAND USE:

Vacant, previously a manufactured home community

APPLICANT:

A&R Property Developers, LLC

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve to rezone from County C-1, Neighborhood Commercial District to R-MD, Medium Density Multi-Family Residential District, and GR, General Retail District, and establishing Conditional Overlay District No. 166 as submitted in the staff report

SUMMARY OF REQUEST:

Request to rezone approximately 9.3 acres of property from County C-1, Neighborhood Commercial District to R-MD, Medium Density Multi-Family Residential District, and GR, General Retail District, and establishing Conditional Overlay District No. 166.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium or High-Density Housing. Townhouses and all various forms of apartment buildings are included in this category, which has been located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations. The most appropriate districts would be Low, Medium and High-Density Multi-Family Residential Districts. A request for GR, General Retail District at the intersection of Farm Road 148/University and McCurry Street is supported by the *Growth Management and Land Use Plan* because of its proximity to the West Bypass and Sunshine Street Activity Center and the continued commercial development along Zimmer, McCurry and University Streets which has been spurred by Menards and the Springfield Plaza shopping center. The Major Thoroughfare Plan classifies W. Farm Road 148/University Street and McCurry Street as collector roadways which support the proposed land uses. It is also within close proximity of the Sunshine Street and McCurry Street intersection which is a major intersection of a collector and expressway.
2. This application meets the intent of the R-MD district which is to serve as a transition between major streets or commercial areas and lower density residential areas and for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. The

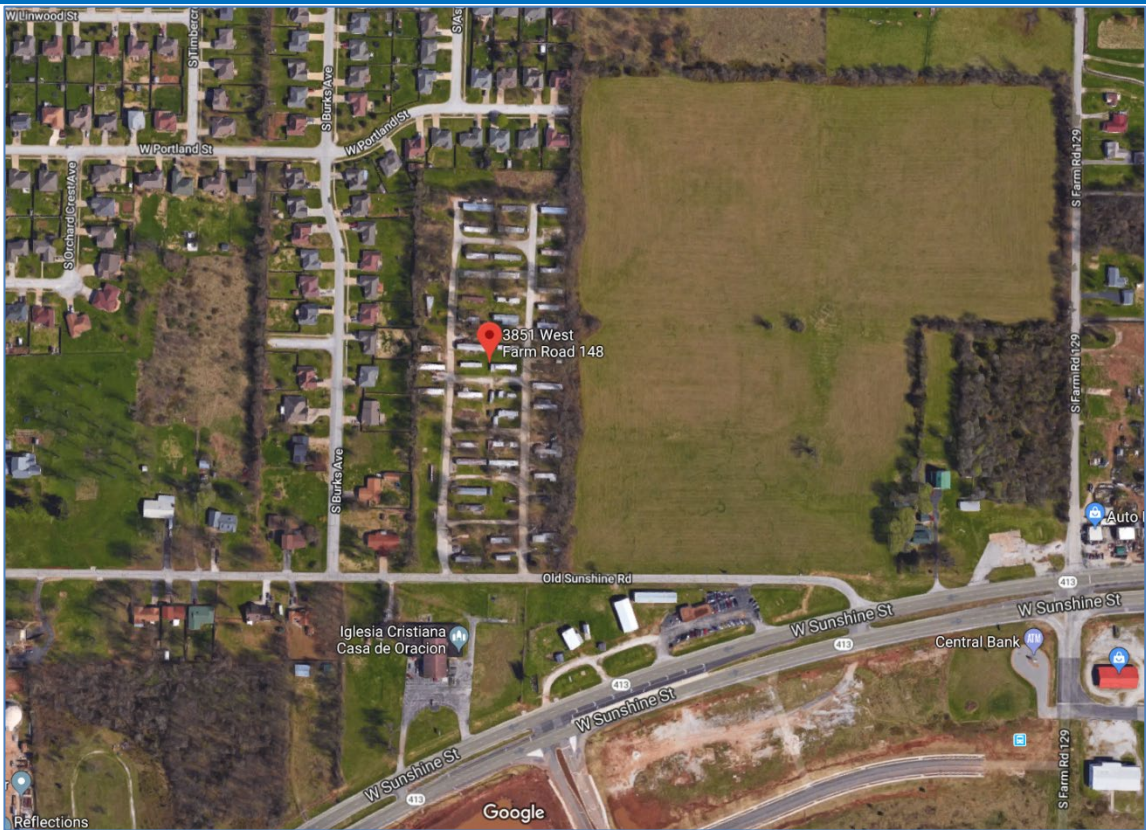
property is located within a ½ mile of a developing commercial corridor and intersection at Sunshine Street and West Bypass.

3. The request is consistent with the recommendations of the *Revised Multi-Family Development Location and Design Guidelines* which will limit the development to 24 dwelling units per acre and requires specific design guidelines.
 4. The proposed Conditional Overlay District will require the developer to subdivide, perform a traffic study and make any necessary improvements, dedicate additional right-of-way and construct sidewalks along Farm Road 148/University Street.
-

SURROUNDING ZONING AND LAND USES:				
	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	County R-1	HC	County R-1
LAND USE	Single-family residential uses	Church	Retail uses and vacant/undeveloped land	Single-family residential uses

	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	County R-1	HC	County R-1
LAND USE	Single-family residential uses	Church	Retail uses and vacant/undeveloped land	Single-family residential uses

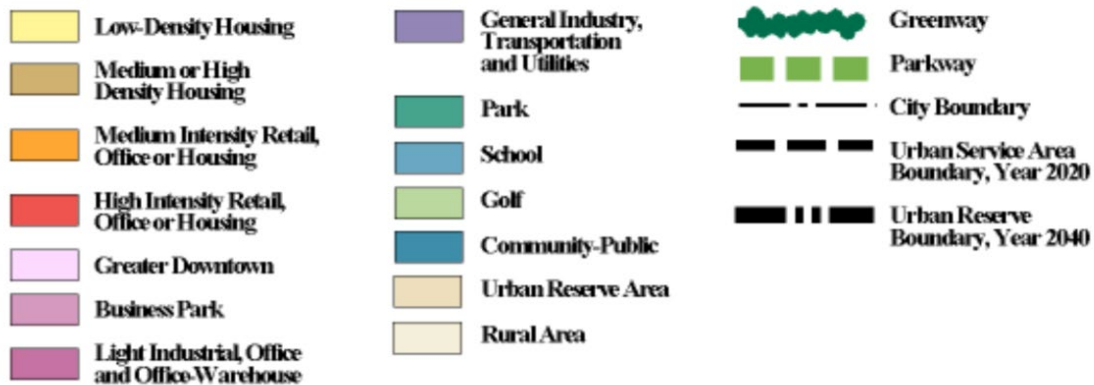
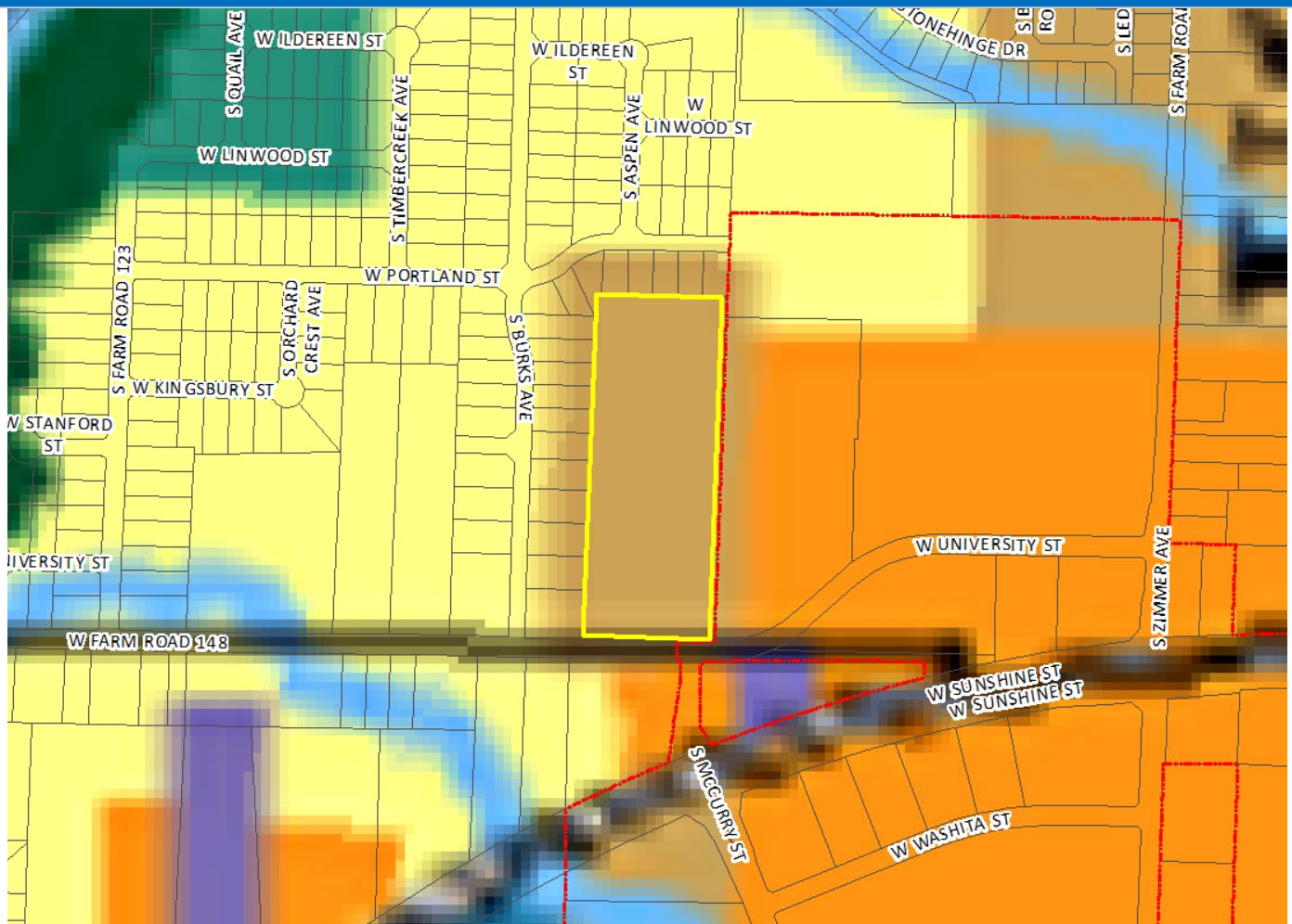
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

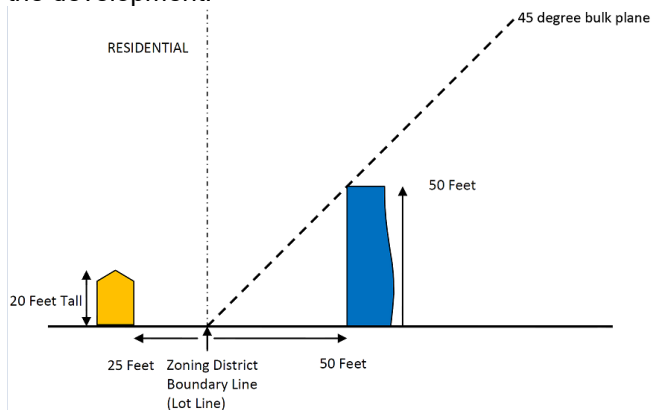
The subject property is currently zoned C-1, Neighborhood Commercial District and located within unincorporated Greene County. The owner is proposing to annex this property as part of the proposed rezoning.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR R-MD
Use Limitations	N/A
Maximum Structure Height	Thirty-five feet plus one additional foot for each additional two feet of setback provided on each side of the structure up to 75 feet. Above 75 feet, no additional setback is required.
Front Yard Setback	25 feet along a collector street
Side and Rear Setbacks	Rear: 12 feet (10% of lot depth) Side yard: 6 feet
Open Space Requirement	Not less than 20 percent
Design Requirements	Standard per code

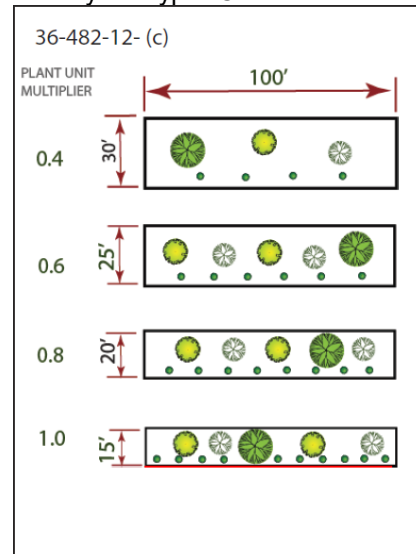
BULK PLANE

45 degree where property adjoins an R-SF district. This bulk plan would be required on the north, south and west of the development.



LANDSCAPING

Bufferyard Type "C"



CODE ITEM

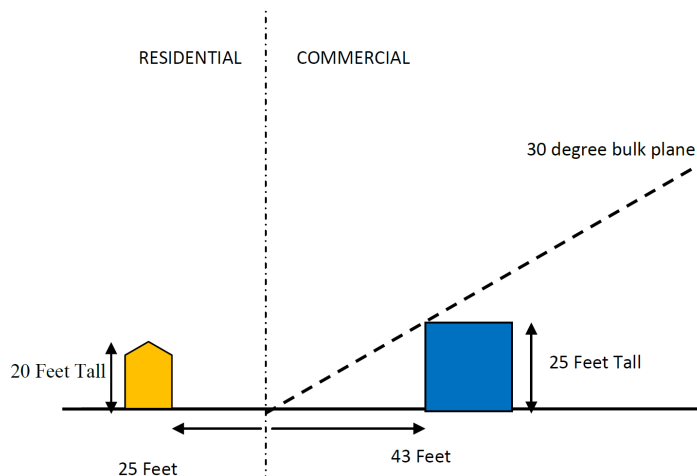
REQUIREMENTS FOR GR

Use Limitations

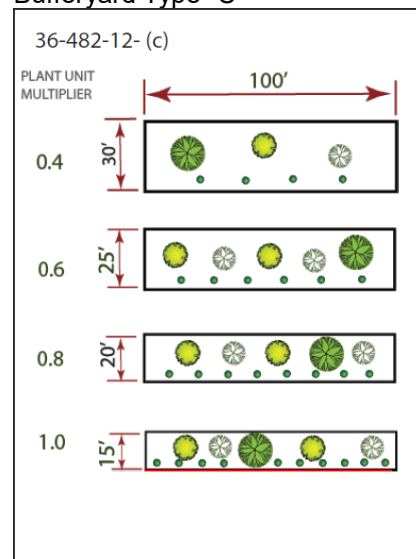
(a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows:

1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted,

	provided they meet the provisions of, and a conditional use permit is issued pursuant to section 36-363, conditional use permits, of this article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. 2. If the premises abuts only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.
Maximum Structure Height	None, except that no building shall be higher than a 30-degree bulk plane adjacent to R-SF or R-TH Districts
Front Yard Setback	Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations
Side and Rear Setbacks	None, except as required by the supplemental open space and bufferyard requirements
Open Space Requirement	20%
Design Requirements	Standard per code
BULK PLANE	LANDSCAPING



Bufferyard Type "C"



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium or High-Density Housing. Townhouses and all various forms of apartment buildings are included in this category, which has been located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations. Further, the *Plan* promotes the development of well-designed moderate-density housing adjacent to amenities such as shopping, recreational or cultural facilities and employment centers. The proximity of the proposed development to the West Bypass and Sunshine Street Activity Center will place residents in an area that

has many amenities such as shopping, and employment centers. The most appropriate districts would be Low, Medium and High-Density Multi-Family Residential Districts.

A request for GR, General Retail District at the intersection of Farm Road 148/University and McCurry Street is supported by the *Growth Management and Land Use Plan* because of its proximity to the West Bypass and Sunshine Street Activity Center and the continued commercial growth along University and McCurry Streets which has been spurred by Menards and the Springfield Plaza shopping center. The Major Thoroughfare Plan classifies W. Farm Road 148/University Street and McCurry Street as collector roadways which support the proposed land uses. It is also within close proximity of the Sunshine Street and McCurry Street intersection which is a major intersection of a collector and expressway.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 9.3 acres of property from County C-1, Neighborhood Commercial District to R-MD, Medium Density Multi-Family Residential District, and GR, General Retail District, and establishing Conditional Overlay District No. 166. The rezoning is being processed concurrently with an annexation and preliminary plat and will have a public hearing at the same City Council meetings.
2. The site was previously a manufactured home park which was recently cleared. The approval of this request will facilitate the redevelopment of this property and promote infill development where investments have already been made in public services and infrastructure.
3. The applicant is requesting a maximum residential density of 24 dwelling units per acre. This density has been determined to be appropriate for this area based on an assessment completed under the Revised Multi-Family Development Location and Design Guidelines. That assessment resulted in a density of 20 dwelling units per acre. The developer is proposing a multi-family development with a density of 24 dwelling units per acre and will obtain the additional density under the Opportunity and Constraints section. Staff can support an increase in density based on the *Comprehensive Plan* identifying this area appropriate for Medium- to High-Density Housing. Further analysis of the proposed development under the Revised Multi-Family Development Location and Design Guidelines is attached (Attachment 2). The development must be in substantial conformance to the attached site plan (Exhibit 2).
4. A Traffic Impact Study (TIS) is required to be submitted as a part of this annexation/rezoning/redevelopment of this property. The TIS must be approved before staff will support annexation and rezoning OR the TIS may be deferred until the time of development but must be required through a Conditional Overlay District. Any improvements required as a part of the TIS are required to be constructed and approved or funds escrowed, prior to issuance of a building permit. The requirement of the TIS is due to an increase of more than 1,000 additional trips during a weekday, as can be seen below in Table 1. There are numerous other improvements occurring in the area adjacent to the property pertaining to this annexation and rezoning. These improvements include construction of University Street, a new traffic signal at McCurry and Sunshine, a new traffic signal at Sunshine and Zimmer, and Zimmer Avenue widening and sidewalk. Any public improvements required as a part of the TIS will need to be coordinated with these recently completed/under construction improvements.
5. This application meets the intent of the R-MD district which is to serve as a transition between major streets or commercial areas and lower density residential areas and for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. The property is located within a ½ mile of a developing commercial corridor and intersection at Sunshine Street and West Bypass.
6. The proposed Conditional Overlay District will require the developer to subdivide, perform a traffic study and make any necessary improvements, dedicate additional right-of-way and construct sidewalks along Farm Road 148/University Street.
7. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on November 14, 2018, regarding the request for rezoning. A summary of this meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:	Mailed: 29	Returned: 0
--	------------	-------------

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

CU has no objection to rezoning this property.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning. Public sewer is currently available.

We do need to see the proposed peak and average flow rates for the new development as soon as possible to check existing capacity.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Farm Road 148 as a Collector roadway. The standard right-of-way width for W. Farm Road 148 is 30 feet from the centerline. It appears approximately five feet of additional right-of-way needs to be acquired along the property frontage of W. Farm Road 148. A survey is recommended to determine the exact amount of existing right-of-way. A portion of W. Farm Road 148 is under Greene County jurisdiction. The intersection of University Street and McCurry Street is under City of Springfield jurisdiction.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for this section of W. Farm Road 148/University Street. On-street parking is not allowed along W. Farm Road 148.

DRIVEWAY ACCESS

There are currently two driveway access points to the property from W. Farm Road 148. Any new proposed driveway approaches must meet current minimum spacing requirements. Traffic prefers that only one driveway access be taken to the site from W. Farm Road 148 that aligns with S. McCurry Street and utilizes a cross-access easement between the two proposed lots.

SIDEWALK

There is not currently sidewalk along the entire length of the property frontage of W. Farm Road 148. Sidewalk is required to be constructed along the entire length of the property frontage (where it is not currently existing) as a part of this development/rezoning.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

The Wilson's Creek Greenway Trail is just to the west of the property pertaining to this rezoning. There are bus stops along W. Washita Street on the south side of Sunshine Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study (TIS) is required to be submitted as a part of this annexation/rezoning/redevelopment of this property. The TIS must be approved before staff will support annexation and rezoning OR the TIS may be deferred until the time of development but must required through a Conditional Overlay District. Any improvements required as a part of the TIS are required to be constructed and approved or funds escrowed, prior to issuance of a building permit. The requirement of the TIS is due to an increase of more than 1,000 additional trips during a weekday, as can be seen below in Table 1. There are numerous other improvements occurring in the area adjacent to the property pertaining to this annexation and rezoning. These improvements include construction of University Street, a new traffic signal at McCurry and Sunshine, a new traffic signal at Sunshine and Zimmer, and Zimmer Avenue widening/sidewalk, to name a few. Any public improvements required as a part of the TIS will need to be coordinated with these recently completed/under construction improvements.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	W. Farm Road 148	Collector	No	25	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated (Mobile Home Park)		12.48	76.44	240	221.3
Existing Trips Generated (Vacant)		0	0	0	0
*Proposed Trips Generated		79.4	156.05	1872	N/A
Additional Trips Generated		66.92	79.61	1632	N/A

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

STORMWATER COMMENTS:

The property is in the Wilson's Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of any flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not applicable as stormwater improvements are provided in that area. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

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

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement. Drainage easements must be provided for this conveyance.
3. Water quality will be required if disturbing more than one acre.
4. More detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Wilson's Creek
Is property located in Floodplain	No

Is property located on a sinkhole	No
Is stormwater buyout an option	No

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 MULTI-FAMILY DEVELOPMENT LOCATION AND DESIGN GUIDELINE ASSESSMENT

The applicant is requesting approval of multi-family apartments on 8.07 acres of property. According to the Multi-Family Location and Design Assessment Matrix, the proposed development has attained 11 points, which would allow up to 20 dwelling units per acre. The applicant has requested a density of 24 dwelling units per acre. The additional 4 dwelling unit per acre was determined to be allowed under the Opportunity and Constraints sections. Below is an analysis of the five categories used to calculate the Matrix score.

A. Land Use Accessibility (2/3 points)

Two points were given for land use accessibility. There is a high employment concentration and medical/dental uses within a ¼ mile and a neighborhood retail mixture within a ½ mile.

B. Connectivity Analysis (2/5 points)

Two out of a maximum of five points were given for connectivity. The proposed development received scores for its proximity to transit routes.

C. Road Network Evaluation (1/2 points)

One point was given for the road network evaluation.

D. Design Guidelines (6/6 points)

A maximum of six points were given for design guideline criteria. Below are the design considerations that have been incorporated into the proposed development.

1. Pedestrian Amenities - Pedestrian amenities shall include benches placed near walkways at appropriate locations throughout the development. Pedestrian-scale lighting shall be provided within the development lighting sources or luminaries that do have a cutoff shall not exceed a maximum of 30 feet in height. All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through external shields or through optics within the fixture. A site lighting and photometric plan shall be submitted conforming to these requirements for building permits.
2. Building Scale and Articulation - Street facing walls that are greater than 50 feet in length shall be articulated at least each 25 feet with bays, projections or recesses. Articulation means a difference in the vertical plane of the building at least 18 inches or more. This project shall be in compliance with the attached site plan and elevations.
3. Building Orientation and Interior Landscaping – All building orientations will address Farm Road 148/University Street to receive design points for this element. Landscaping and open spaces shown shall be provided with approved ground cover and/or plantings per required city ordinances and zoning requirements. Landscaping islands with plantings shall be located throughout the parking lot. A landscaping plan shall be submitted conforming to these requirements for building permits.
4. Avoidance of Blank Walls along pedestrian circulation areas - Facades that face public streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features:

windows, entrances, arcades, arbors, awning (over windows or doors), distributed along the façade at least once every 25 feet. This project shall be in conformance with the attached site plan and elevations

5. Internal Connectivity – Internal sidewalks shall connect internally and to the public sidewalk system.
6. Useable Recreational Area/Facility – A minimum of 20% usable open space is required. The applicant is providing 39%.
7. Amenities – The development will have a resident park, basketball court and swimming pool.
8. Preservation of Trees –All existing trees of 6” caliper or greater shall be preserved or replaced with 2-inch caliper trees in accordance with the attached site plan and the city ordinance.

E. Opportunities and Constraints

The opportunities and constraints listed in this document must be considered in evaluating a site for higher residential density.

1. How much higher density exists or is planned or approved for the area?

If the Vision 20/20 Comprehensive Plan or other adopted plans or studies recommend a lower or higher density than that determined by the matrix calculation, staff may consider recommendation of a density more consistent with approved plans.

The *Growth Management and Land Use Plan* recommended higher intensity at this location. The *Plan* recommended Medium to High Density Housing. Staff supports the requested additional 4 dwelling unit/acre in this Planned Development for apartments, retail and personal service uses which would complement the surrounding area that has higher intensity retail sales and personal service uses. The proposed development will also be mixed use and within proximity of an activity center which provides a variety of retail or personal service uses to be available to the multi-family residents. This property is currently zoned C-1, Neighborhood Commercial in the County which can be more intense than multi-family and the proposed development will be replacing a manufactured home development that had approximately 50 manufactured homes placed on it.

DENSITY: The assessment criteria resulted in a total of a maximum density of 20 dwelling units per acre. The applicant has requested a total density of 24 dwelling units per acre which the additional density awarded under the Opportunity and Constraints section.



Heithaus Engineering & Associates, Inc.

Consulting Engineering & Land Surveying – Since 1979

535 W. Battlefield St. Springfield, MO 65807
(417) 887-3238 Fax (417) 887-1940

E-mail: HEI@heiweb.com
www.heiweb.com

December 13, 2018

Re: **Neighborhood Meeting Summary**
PLN2018-#
Rezoning Request – 3851 W. Farm Road 148 (University St.)

The neighborhood meeting for this request was held on November 14th, 2018 between 4 pm to 6:30 pm at the Springfield-Greene County Botanical Center located at 2400 S. Scenic Ave, Springfield, MO 65807. From the mailers that were sent to neighbors within a 500-ft. radius, there were 9 neighbors that stopped by to inquire about the proposed zoning and discuss how it may impact them and their neighbors.

Many of the neighbors had previously been involved with the neighborhood meeting for Menards West and felt that the process had been frustrating. In visiting with them further, once the project moved forward with construction and with the store now being open, the neighbors felt better overall about the project. They were glad to have local companies involved in the rezoning process. It seemed their biggest complaint regarding the Menards West site was the lights from the Menards building and parking lot. We discussed that the proposed apartment development would help improve this condition as the buildings would be a barrier to the lights. Lighting for this project would be directed interior to the parking lot, the buildings and walkways.

Most of the neighbors had lived in the area for quite some time and were concerned how the development would impact their property values. We discussed the mobile home park which previously occupied this 9± acre property and housed approximately 50 mobile homes. The neighbors agreed they were pleased the property had been cleaned up. With that in mind, we noted that there was substantial cost involved in “cleaning up” the property for redevelopment including removing the mobile home units and decommissioning septic tanks, utilities, etc. The objective of rezoning to Residential-Medium Density was to be able to provide a nicer apartment development to help recover these costs as well as the costs for new infrastructure including sanitary sewer and water quality detention.

The neighbors noted the concern for the maximum height of the proposed apartment buildings. It was discussed that similar to a residential-single family homes, 2- and 3-story apartments would be appropriate for this development. We noted that the City would require a landscape buffer between this development and their existing single-family residential homes which would include screening. Many of the existing trees along the north and west sides of the property would be maintained to help establish this buffer. One of the neighbors noted that the existing fence along the west side of this property is about 5-ft. west of this property. I noted that the

survey information we have agrees with this and that any bufferyard screening would be required to be wholly within this development's boundaries and would not rely on their existing fences.

A few of the neighbors noted concerns with stormwater drainage as this development would drain thru their neighborhood. We discussed that although there is an existing detention basin in their subdivision that this will drain to, the proposed water quality detention basin will much larger and provide significantly more protection than what they have currently experienced. We compared the existing and proposed basin sizes noting how much larger the proposed basin would be in order to meet current City requirements.

The neighborhood meeting sign-in sheet is included with this summary.

Respectfully,

Teresa A. Davison

Teresa A. Davison, P.E.

Neighborhood Meeting - Sign In

Rezoning Request for 3851 W. Farm Road 148 (University St.)
Wednesday, Nov. 14th, 2018 (4 PM to 6:30 PM)

Name	Company	Address	Phone #	Fax #	E-Mail
Trevi's Liska		1714 S. Burks	(417) 766-3262		
Mary Samsel		4017 W. Farm Rd 148	496-5525		
Klara Helfert		4011 W. Farm Road 148	865-6171		
Jenny Johnson		4103 W. Farm Rd N8			rjkrjjohnston@aol.com
CHRIS CARSON		1770 S BURKS	417-377-8862		
Haren Clayton		4076 W Linwood St	275-7752		
Ben Dalton		3962 W Portland			
Joni & Dennis Hilly		3954 W Portland	417 849 2136		
RICH KRAMER	AKA PROP. DEV.	709 N. MILLER	865-5959		

ATTACHMENT 4
CONDITIONAL OVERLAY DISTRICT PROVISIONS

The requirements of Section 36-383., Medium-density multi-family residential district and Section 36-421., General retail district of the Springfield Zoning Ordinance shall be as modified herein for development within this district.

1. The subject property shall be subdivided along the zoning district boundaries following the current Subdivision Regulations.
2. The maximum density for the R-MD zoned lot is 24 dwelling units per acre for a maximum of 193 dwelling units.
3. The development of the subject property shall be in substantial conformance to the Multi-Family Location and Design Guidelines and the attached site plan (Attachment 3).
4. A traffic study is required if the proposed uses create an increase in trip generation of more than 1,000 trips daily. Any improvements required as a part of the TIS must be constructed and approved or funds escrowed, prior to issuance of a building permit. Depending on the results of the TIS, the single proposed driveway approach to/from W. Farm Road 148 may be required to align with McCurry Street and utilize cross-access between the two proposed lots.
5. Sidewalk is required to be constructed along the entire length of the property frontage on W. Farm Road 148/W. University Street.
6. Approximately five feet of additional right-of-way needs to be dedicated along the property frontage of W. Farm Road 148/University Street.

DESIGN GUIDELINES

- IN ORDER TO OBTAIN 3 POINTS IN THE DESIGN GUIDELINE CATEGORY, AT LEAST 50% OF THE APPLICABLE ITEMS IN EACH CATEGORY SHALL BE OBTAINED. BELOW IS THE SUMMATION:
- DESIGN TO ENCOURAGE PEDESTRIAN ACTIVITY: 100%
1. PEDESTRIAN AMENITIES COMPLIANT
2. BUILDING SCALE & ARTICULATION COMPLIANT
3. BUILDING ORIENTATION & LANDSCAPING COMPLIANT
4. AVOIDANCE OF BLANK WALLS COMPLIANT
5. HISTORIC DECONSTRUCTION NON-APPLICABLE
6. ON-STREET PARALLEL PARKING NON-APPLICABLE
- PROVIDE A GOOD CIRCULATION SYSTEM: 100%
1. EXTERNAL CONNECTIVITY COMPLIANT
2. INTERNAL CONNECTIVITY COMPLIANT
3. TRAIL CONNECTIONS NON-APPLICABLE
4. SHARED DRIVEWAYS NON-APPLICABLE
5. STREET ALIGNMENT NON-APPLICABLE
6. INTERNAL STREETS NON-APPLICABLE
- RESPECT THE NATURAL ENVIRONMENT: 100%
1. USEABLE RECREATIONAL AREA/FACILITY COMPLIANT
2. AMENITY CALCULATION COMPLIANT
3. PRESERVATION OF STEEP SLOPES & TREES COMPLIANT

SITE DATA

1. CURRENT ZONING: (C-1 COUNTY)
2. PROPOSED ZONING: MEDIUM DENSITY RESIDENTIAL (R-MD)
3. MAX UNIT COUNT: 24/ACRE @ 8.1 ACRES = 193
4. MAX ALLOWABLE HEIGHT: 35'-0" PROPOSED HEIGHT DISTRIBUTION: 3 STORY - 32'-0"
5. OPEN SPACE REQUIRED: 20% OPEN SPACE SHOWN: 22%

ELEVATION NOTES

- CONCEPTUAL EXTERIOR ELEVATIONS ARE FOR REFERENCE ONLY. FINAL DESIGN SHALL COMPLY WITH THE THE FOLLOWING PARAMETERS:
1. STREET FACING WALLS THAT ARE GREATER THAN 50' IN LENGTH SHALL BE ARTICULATED AT LEAST EVERY 25' WITH BAYS, PROJECTIONS, OR RECESSES.
2. BUILDINGS ADJACENT TO THE STREET SHALL BE SITUATED ON THE SITE TO PROVIDE PEDESTRIAN ACCESS TO THE STREET, AND SHALL NOT HAVE PARKING LOTS BETWEEN STREETS AND STREET-FACING BUILDINGS.
3. FACADES THAT FACE STREETS/PEDESTRIAN FRONTAGE THAT ARE GREATER THAN 25' IN LENGTH SHALL BE SUBDIVIDED AND PROPORTIONED USING AT LEAST ONE OF THE FOLLOWING FEATURES: WINDOW, ENTRANCES, ARCADES, ARBORS, OR AWNINGS, DISTRIBUTED ALONG THE FACADE AT LEAST ONCE EVERY 25'.

SITE DATA & LEGEND

TOTAL AREA:	8.07 ACRES (351,821 sf)
BUILDING COVERAGE + MISC. PAVING:	101,080 sf (28%)
OPEN SPACE:	130,000 sf (39.0%)
VEHICULAR USE:	92,000 sf (26%)
BIKE RACK	
15' TALL LAMP POST	
PROPOSED VEGETATION (2" DIA MIN @ 54")	
BENCH SEATING	
PROPOSED BUILDING FOOTPRINT	
PROPOSED PAVING	
UNHATCHED AREAS INDICATE LIVING GROUND	

UNIT / PARKING DATA

UNIT MIX	PARKING REQUIRED
1 & 2 BEDROOM UNITS - 193 UNITS TOTAL	193 x 1.5 = 290 REQUIRED 316 PROVIDED



NOTE: PER FIRE CODE SECTION D106 EXCEPTION, PROJECTS HAVING UP TO 200 MULTIFAMILY DWELLING UNITS MAY HAVE A SINGLE APPROVED FIRE APPARATUS ACCESS ROAD WHEN ALL BUILDINGS, INCLUDING NON-RESIDENTIAL OCCUPANCIES, ARE EQUIPPED THROUGHOUT WITH APPROVED AUTOMATIC SPRINKLER SYSTEMS INSTALLED IN ACCORDANCE WITH SECTION 903.3.1



GENERAL - ALL EXISTING TREES SIX INCHES OR GREATER IN DIAMETER MEASURED 4 1/2 FEET ABOVE GROUND WILL BE REPLACED W/ A TREE OF AT LEAST 2" IN DIAMETER FOR MAX OF 7 TREES PER ACRE

SWIMMING POOL / AMENITY 1

BIKE RACK

PARK BENCH

GREEN SPACE / PARK 900 SF

BASKETBALL COURT AMENITY 2

SIDEWALK

WELL HOUSE

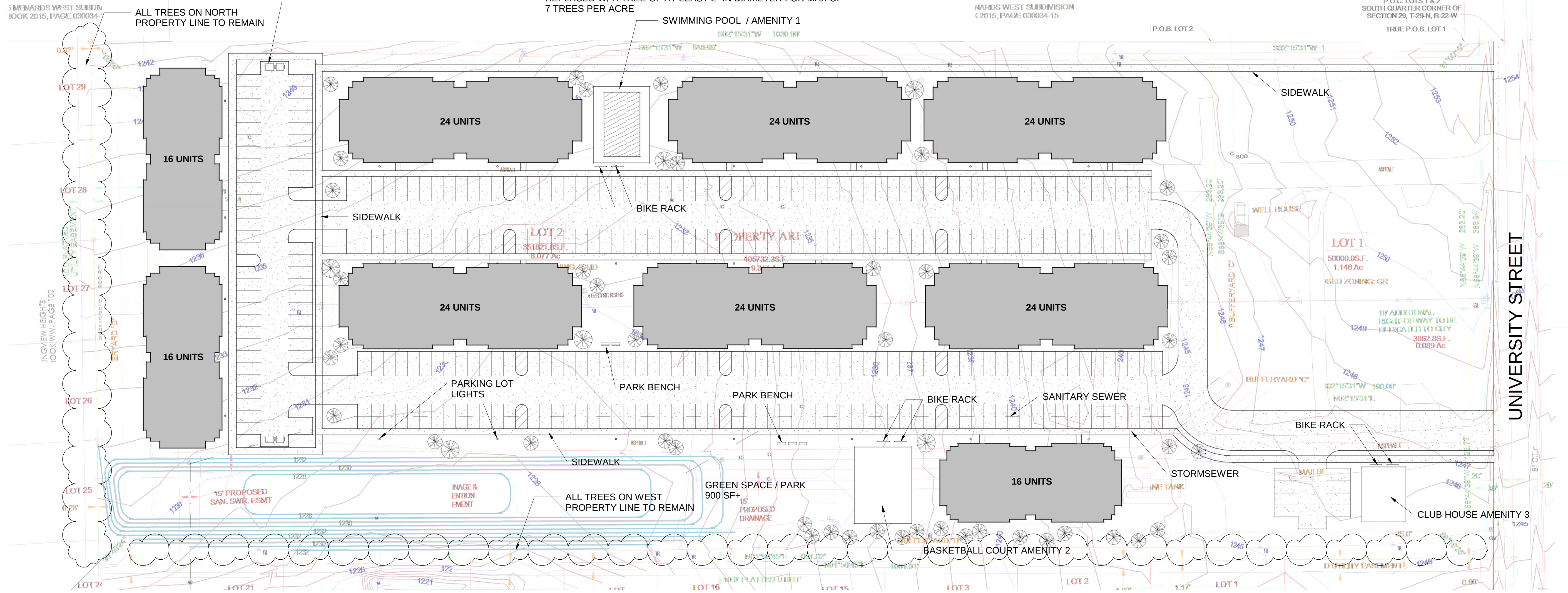
BUTTERYARD

STORMSEWER

LINE TANK

MAILBOX

CLUB HOUSE AMENITY 3



ATTACHMENT 5

1 SITE PLAN
1" = 40'-0"

Architect of Record

PRELIMINARY - NOT FOR CONSTRUCTION

Certificate of Authority: A-2014032536

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Drawings and Specifications as instruments of service are and shall remain the property of the Architects. They are not to be used on other projects or extensions to this project except by agreement in writing with appropriate compensation to the Architect.

Contractor is responsible for construction means methods and techniques, sequences or procedures or for safety precautions and programs in connection with the project.

OPAL SUNSET

ADDRESS TBD



ARKIFEX STUDIOS

P.O. BOX 11242

SPRINGFIELD, MO 65808

project #:

PROJECT NUMBER

date:

DATE

A1.1
SITE PLAN

One-rdg. _____
P. Hrngs. _____
Pgs. 12
Filed: 02-05-19

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 031

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Cost Sharing
2 Agreement with Springfield Public Schools for the purpose of
3 constructing a sewer main extension and driveway modifications; and
4 amending the budget for Fiscal Year 2018-2019 in the total amount of
5 \$57,452.40.
6 _____
7

8 WHEREAS, the City of Springfield is currently engaged in widening Primrose
9 Street from South Avenue to Kimbrough Avenue; and
10

11 WHEREAS, the Primrose widening project is anticipated to begin in the spring of
12 2019, and will widen Primrose to five lanes, update stormwater conveyances, improve
13 sidewalks and ADA facilities, upgrade signals, add bike lanes, and relocate gas and
14 water utilities; and
15

16 WHEREAS, Springfield Public Schools has approached the City with extending a
17 sewer main across Primrose to service their athletic facility and with improving the south
18 driveway access to Kickapoo High School, off Jefferson Avenue; and
19

20 WHEREAS, the Cost Sharing Agreement, attached hereto as "Exhibit A,"
21 obligates Springfield Public Schools to reimburse the City for the sewer extension and
22 driveway improvements; and
23

24 WHEREAS, while the sewer work (\$54,662.40) and driveway work (\$2,790.00) is
25 estimated at \$57,452.40, the actual costs of the improvements will be fully reimbursed
26 by Springfield Public School; and
27

28 WHEREAS, the budget adjustment associated with the Cost Sharing Agreement
29 amends the Fiscal Year 2018-2019 budget for the Department of Public Works in the
30 amount of \$2,790.00 and the budget of the Department of Environmental Services in
31 the amount of \$54,662.40, to appropriate the anticipated reimbursement from
32 Springfield Public Schools.

33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
34 SPRINGFIELD, MISSOURI, as follows, that:
35

36 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
37 a Cost Sharing Agreement with Springfield Public Schools, said agreement to be in
38 substantially the same form as that document attached hereto and incorporated herein
39 by this reference as "Exhibit A."
40

41 Section 2 – The budget for the City of Springfield, Missouri, for Fiscal Year 2018-
42 2019, is hereby amended in the accounts and in the amounts as shown on Budget
43 Adjustment No. 0021, a copy of which is attached hereto and incorporated herein by
44 this reference as "Exhibit B."
45

46 Section 3 – The City Manager is directed to cause the appropriate accounting
47 entries to be made in the books and records of the City, consistent with this Ordinance.
48

49 Section 4 – This Ordinance shall be in full force and effect from and after
50 passage.
51

52 Passed at meeting: _____
53
54

55 _____
56 Mayor
57

58 Attest: _____, City Clerk
59
60

61 Filed as Ordinance: _____
62

63
64 Approved as to form: *Richard T. Widen*, Assistant City Attorney
65

66
67 Approved for Council action: *Jason A. Mage*, City Manager

EXPLANATION TO COUNCIL BILL 2019-031

FILED: 02-05-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Cost Sharing Agreement with Springfield Public Schools for the purpose of constructing a sewer main extension and driveway modifications; and amending the budget for Fiscal Year 2018-2019, in the total amount of \$57,452.40.

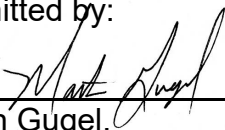
BACKGROUND INFORMATION: The City of Springfield is widening Primrose Street from South Avenue to Kimbrough Avenue. The project is funded by the ¼-Cent Capital Improvements Sales Tax and is already budgeted. The project is expected to begin in the spring of 2019. The overall project will widen Primrose to five lanes, update stormwater conveyances, improve sidewalks and ADA facilities, upgrade signals, add bike lanes to Primrose Street, and relocate gas and water utilities. Kickapoo High School is within the project limits and would like to extend a sewer main across Primrose Street to service their athletic facilities. Additionally, they would like to improve the south driveway access to the high school off Jefferson Avenue. This Cost Sharing Agreement allows the sewer extension and the driveway modifications to be built within the City's Primrose Street – South Avenue to Kimbrough Avenue project by the City's awarded contractor, and Springfield Public Schools ("SPS") agrees to pay the City for these improvements. The sewer work (\$54,662.40) and driveway work (\$2,790.00) is estimated at \$57,452.40 within the agreement, and actual costs will be fully reimbursed by SPS.

Supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

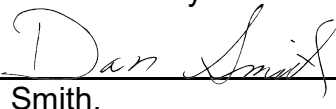
REMARKS: Public Works and Environmental Services recommend approval of this Council bill and budget adjustment.

Submitted by:



Martin Gugel,
Assistant Director of Public Works

Recommended by:



Dan Smith,
Director of Public Works

Recommended by:



Errin Kemper,
Director of Environmental Services

Approved by:



Jason Gage,
City Manager

**COST SHARING AGREEMENT FOR PRIMROSE STREET IMPROVEMENTS
BETWEEN SOUTH AVENUE AND KIMBROUGH AVENUE.**

THIS AGREEMENT made and entered into this ____ day of _____, 2019, by and between Springfield Public Schools (“SPS”) and the City of Springfield, Missouri, a Municipal corporation (“City”).

WITNESSETH:

WHEREAS, City desires to widen Primrose Street from South Avenue to Kimbrough Avenue, which would finish the widening projects on Primrose Street between Campbell Avenue and Glenstone Avenue; and

WHEREAS, SPS desires to include a sewer extension for their new athletic facilities within the City’s Primrose Widening project; and

WHEREAS, City and SPS desire to partner together to accomplish these goals.

THEREFORE, in order to memorialize the terms and conditions of the parties’ agreement for the Primrose Street – South Avenue to Kimbrough Avenue project, the sewer line extension, and the Jefferson Avenue driveway modifications, the parties agree as follows:

1. Rights of way and easements.
 - a. SPS agrees, at its sole cost and expense, to dedicate any required easements needed to construct and maintain the sewer line extension on all properties owned by SPS.
 - b. SPS agrees, at its sole cost and expense, to dedicate any required easement needed to construct and maintain the Jefferson Avenue driveway modification.
2. Financial Responsibilities. SPS agrees to cover all costs associated with the extension of the sewer line and the modifications to the south driveway access to Kickapoo High School on Jefferson Avenue, which the parties hereto anticipate to cost the approximate amounts shown on the cost estimate, attached as Exhibit 1. Costs shall be handled on a unit price basis and include actual cost on completion, overruns and underruns inclusive.
 - a. Sewer line extension. SPS agrees to cover all costs associated with the installation of the sewer line, including any plan review, permits, connection fees, material costs, and labor costs. Location map is attached as Exhibit 2.
 - b. Jefferson Avenue South Driveway. The City agrees to modify the flares in the approach of the south driveway on Jefferson Avenue. SPS agrees to provide any

access easements necessary for the City's contractor to properly perform this work. SPS agrees to cover all costs associated with the driveway modifications. Location map is attached as Exhibit 3.

SPS shall make payment to the City for the items in Exhibit 1 based off the actual bid prices, due within thirty (30) days of the acceptance of the bids for this project. SPS agrees to cover the cost for any item requested by SPS as the final construction plans are developed that is not included in this agreement. Once final actual costs of the completed project are determined, SPS will pay for any additional actual costs over the estimated costs for the items in Exhibit 1, and any other additional items they may request as noted, or the City will make a refund to SPS if the final cost for Exhibit 1, and any other additional items requested by SPS are less than the amount SPS had previously paid.

3. Maintenance and Ownership. SPS agrees to perpetually maintain items located on SPS property, and the south driveway approach on Jefferson Avenue. SPS also agrees to dedicate any necessary easements associated with City requirements for the sewer line extension and the Jefferson Avenue driveway modifications.
4. Construction Plans and Permits. All plans and permits for the sewer extension shall be paid for by SPS, and the construction will be managed by City in accordance with the Public Works General Conditions and Technical Specifications for Public Improvements. Once finally developed, the construction plans will be designated as Exhibit 4 and will be attached hereto and incorporated herein by reference.
5. Start Time. Unless both parties mutually agree, the construction start time is anticipated to start in the summer of 2019.
6. Prevailing Wage. SPS acknowledges that all labor utilized in the construction of the project shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality, as established and amended at any time by the Department of Labor and Industrial Relations of the State of Missouri.
7. Conflict of Interest. In accepting this contract, SPS certifies that no member or officer of its firm or corporation is an officer or employee of the City of Springfield, Missouri, or any of its boards or agencies, and further that no officer or employee of City has any financial interest, direct or indirect, in this contract. All applicable federal regulations and provisions of RSMo Section 105.450 et seq. shall not be violated.
8. Assignment. SPS shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the City thereto.
9. Notices. All notices required or permitted hereinunder and required to be in writing may be given by FAX or by first class mail addressed to City and SPS at the following addresses:

The School District of Springfield R-12
Attn: Bryan Saunders
Address: 1359 E. St. Louis Street
Springfield, MO 65802
Phone: 417-631-7218
Email: @spsmail.org

City of Springfield
Attn: Director of Public Works
840 N. Boonville, PO Box 8368
Springfield, MO 65802
Fax: 417-864-1929

The date of delivery of any notice given by mail shall be the date falling on the second full day after the day of its mailing. The date of delivery of notice by FAX transmission shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

10. Entirety. This agreement, and any Exhibits or Attachments referenced in said agreement, contains the entire understanding between the parties and supersedes any prior understandings and agreements between them respecting the subject matter of this Agreement. All amendments to this Agreement, whether by modification or supplementation, shall be in writing and signed and approved by City and SPS.
11. Jurisdiction. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.
12. Termination. If the City cannot obtain the necessary Right-of-Way and easements to build the Primrose Street – South Avenue to Kimbrough Avenue project, the terms in this contract are void.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed on the date first written above.

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefore.

Director or Acting Director of Finance

APPROVED AS TO FORM

Assistant City Attorney

SPS

Signature: _____

(Print name and title)

Date: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____
Assistant City Manager

Date: _____

COST ESTIMATE

FOR SANITARY SEWER IMPROVEMENTS AND DRIVEWAY IMPROVEMENTS ON JEFFERSON AVENUE AT KICKAPOO HIGH

KICKAPOO SPORTS COMPLEX SANITARY SEWER IMPROVEMENTS

Item No.	Description	Quantity	Units	Unit Price	Extended Price
1	MOBILIZATION	1.00	LS	\$5,500.00	\$5,500.00
2	MISC. DEMOLITION & REMOVALS INCLUDING PAVEMENT REMOVAL	1.00	LS	\$4,000.00	\$4,000.00
3	REMOVAL & REINSTALLATION OF FENCES & SIDEWALK	1.00	LS	\$650.00	\$650.00
4	FINE GRADING, INCLUDES PLACEMENT OF 6" THICK "IMPORTED" TOPSOIL	37.00	CY	\$36.00	\$1,332.00
5	CLEAN-UP, SEEDING AND FERTILIZER	2000.00	SF	\$0.50	\$1,000.00
6	CONSTRUCTION STAKING	1.00	LS	\$800.00	\$800.00
7	TEMPORARY TRAFFIC CONTROL	1.00	LS	\$3,500.00	\$3,500.00
8	6" COMPACTED TYPE 5 AGGREGATE UNDER PAVEMENT ON LINDELL	73.80	SY	\$6.00	\$442.80
9	7" PLANT MIX BITUMINOUS SURFACE ON LINDELL	73.80	SY	\$70.00	\$5,166.00
10	6" COMPACTED TYPE 5 AGGREGATE UNDER PAVEMENT ON PRIMROSE	88.60	SY	\$6.00	\$531.60
11	11" PLANT MIX BITUMINOUS SURFACE ON PRIMROSE	88.60	SY	\$70.00	\$6,202.00
12	8" SDR-35 SANITARY SEWER PIPE WITH FULL GRANULAR BACKFILL	177.38	LF	\$100.00	\$17,738.00
13	4'(ID) PRECAST CONCRETE MANHOLE	2.00	EA	\$3,260.00	\$6,520.00
14	CONNECT TO EXISTING SEWER MANHOLE	1.00	EA	\$800.00	\$800.00
15	6" X 8" PVC TEES	1.00	EA	\$100.00	\$100.00
16	6" PVC SEWER LATERAL	10.00	LF	\$38.00	\$380.00

TOTAL \$54,662.40

DRIVEWAY IMPROVEMENTS

1	MISC. DEMOLITION & REMOVALS INCLUDING PAVEMENT REMOVAL	1.00	LS	\$1,000.00	\$1,000.00
2	8" CONCRETE DRIVEWAY APPROACH PAVEMENT (INCLUDING 4" TYPE 5 AGGREGATE BASE)	16.00	SY	\$65.00	\$1,040.00
3	PORTLAND CEMENT CURB	30.00	LF	\$25.00	\$750.00

TOTAL \$2,790.00

GRAND TOTAL \$57,452.40





CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
0021

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46110	20	73020	414110	102312	00000	2,790.00	Springfield Public School Reimbursement - Jefferson Ave/ Kickapoo High School South Driveway Access Improvement
53020	08	33520	414110	000000	00000	54,662.40	Springfield Public School Reimbursement - Sewer Main Extension Across Primrose To Serve Kickapoo Athletic Facilities
Net Revenue Adjustment						57,452.40	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46110	20	73020	509110	102312	00000	2,790.00	Jefferson Ave/Kickapoo High School South Driveway Access Imp.
53020	08	33520	509110	000000	00000	54,662.40	Sewer Main Ext. Across Primrose To Serve Kickapoo Athletic Facilities
Net Expenditure Adjustment						57,452.40	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To appropriate reimbursement from Springfield Public Schools for a driveway improvement on Jefferson and a sewer main extension across Primrose to serve Kickapoo facilities as part of the Primrose - South Avenue to Kimbrough improvement project based on a Cost Sharing Agreement. The Primrose - South Avenue to Kimbrough improvement project is funded by the 1/4 Cent Capital Improvement Sales Tax and is already budgeted.

Requested By:

Approved By:

Authorization:

Department Head Date

Director of Finance Date

City Manager Date

Council Bill No. _____
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 12
Filed: 02-05-19

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 032

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the plans and specifications for the Primrose Street – South Avenue to
2 Kimbrough Avenue Project, referenced as Plan No. 2013PW0042WT;
3 accepting the bid of Hartman & Company, Inc., in the amount of
4 \$2,381,698.00, for the project; and authorizing the City Manager, or his
5 designee, to enter into a contract with such bidder.
6 _____
7

8 WHEREAS, the Primrose Street – South Avenue to Kimbrough Avenue Project,
9 referenced as Plan No. 2013PW0042WT (“Project”), generally entails the widening of
10 Primrose Street to five lanes between South Avenue and Kimbrough Avenue; and
11

12 WHEREAS, Hartman & Company, Inc., is the lowest responsive and responsible
13 bidder for the Project; and
14

15 WHEREAS, bids for this Project were solicited by advertisement in *The Daily*
16 *Events* from December 27, 2018, through January 2, 2019, and all bids were opened on
17 January 22, 2019.
18

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

22 Section 1 – City Council hereby approves the plans and specifications for the
23 Primrose Street – South Avenue to Kimbrough Avenue Project, referenced as Plan No.
24 2013PW0042WT, and accepts the bid of Hartman & Company, Inc., for said project, at
25 the price and sum of \$2,381,698.00, except as said sum may be lawfully increased or
26 decreased by the actual quantities of work units involved.
27

28 Section 2 – The City Manager, or his designee, is hereby authorized to enter into
29 a contract with said bidder, said contract to be in substantially similar form to the
30 document attached hereto, and incorporated herein by this reference, as “Exhibit B,”
31 and in accordance with the terms of the bid, the plans, and the specifications.
32

33 Section 3 – All workers performing work under the contract attached hereto as
34 “Exhibit B,” shall be paid a wage of no less than the prevailing hourly rate of wages for
35 work of a similar character in this locality or the public works contracting minimum wage,
36 whichever is applicable. Contractor shall fully comply with the provisions and
37 requirements of the Missouri State Prevailing Wage Law. Contractors and any
38 subcontractor performing work under this contract must provide a 10-hour Occupational
39 Safety and Health Administration (“OSHA”) construction safety training program, or
40 similar program approved by the Department of Labor, for on-site employees, unless
41 employees demonstrate they previously completed the program.

42
43 Section 4 – This Ordinance shall be in full force and effect from and after
44 passage.

45
46 Passed at meeting: _____

47
48
49 _____
50 Mayor

51
52 Attest: _____, City Clerk

53
54 Filed as Ordinance: _____

55
56 Approved as to form: Achale T. Weller, City Attorney

57
58
59 Approved for Council action: Jason A. Hays, City Manager
60

EXPLANATION TO COUNCIL BILL 2019-032

FILED: 02-05-19

ORIGINATING DEPARTMENT: Department of Public Works

PURPOSE: Approving the plans and specifications for the Primrose Street – South Avenue to Kimbrough Avenue Project, referenced as Plan No. 2013PW0042WT; accepting the bid of Hartman & Company, Inc., in the amount of \$2,381,698.00, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

BACKGROUND INFORMATION:

This project will widen Primrose Street to five lanes between South Avenue and Kimbrough Avenue (see location map “Exhibit A”). The project includes the addition of bike lanes, sidewalks, storm sewer, curb and gutter, gas and water renewals, traffic signal upgrades at the intersection of Jefferson Avenue and Primrose Street, and extension of a sewer main to serve the Kickapoo High School athletic facilities.

Bids were solicited for this project by advertising in *The Daily Events* from December 27, 2018, through January 2, 2019. Bids were opened for the project at 10:30 a.m. on January 22, 2019. Two bids were received, but one of the bids was not considered responsive due to missing information. The opened bid was as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Hartman & Company, Inc.	\$2,381,698.00
Engineer’s Estimate	\$3,313,706.25

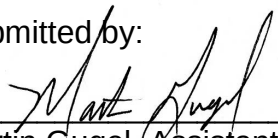
The low bid, if accepted, will be funded from the 1/4-Cent Capital Improvements Sales Tax and is already budgeted. Gas and water utility improvements included in the project total \$447,422.10 and will be reimbursed by City Utilities. The sanitary sewer improvements included in the project total \$48,951.25 and will be reimbursed by Springfield Public Schools. This will reduce the net City cost to \$1,885,324.65.

Supports the following City Council Priorities:

- Public Safety
- Economic vitality
- Fiscal sustainability

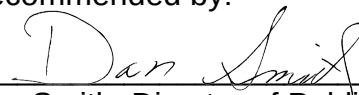
REMARKS: Public Works recommends acceptance of the bid of Hartman & Company, Inc., as the lowest responsible bid and passage of this Ordinance.

Submitted by:



Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

Exhibit A



Exhibit B

ROUTING ORDER	(1) ORIGINATING DEPARTMENT (4) LAW DEPARTMENT	(2) CONTRACTOR (5) CITY MANAGER'S OFFICE	(3) FINANCE DEPARTMENT (6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
CITY		CONTRACTOR	
CITY OF SPRINGFIELD 840 BOONVILLE, P.O. BOX 8368 SPRINGFIELD, MO 65802 PHONE: (417) 864- FAX: (417) 864- ATTN: DEPT.: PUBLIC WORKS		NAME: HARTMAN & COMPANY, INC. ADDRESS: 1200 E. WOODHURST STREET, SUITE J200 SPRINGFIELD, MO 65804 PHONE: 417-882-2062 FAX: 417-882-2702 ATTN: DEAN HARTMAN	

AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by the parties identified above.

WITNESSETH: That whereas, the Contractor has become the lowest responsible bidder for furnishing the supervision, labor, tools, equipment, materials and supplies and for constructing the following City improvements:

Primrose Street – South Avenue to Kimbrough Avenue
Plan No. 2013PW0042WT

The City and Contractor agree to the following:

1. Manner and Time for Completion. The Contractor will furnish all supervision, labor, tools, equipment, materials and supplies necessary to perform, and to perform said work at Contractor's own expense in accordance with the contract documents and any applicable City ordinances and state and federal laws within 180 calendar days from the date Contractor is ordered to proceed, which order shall be issued by the Director of Public Works within 30 days after the date of this contract.

2. Prevailing Wages. All workers performing work under this Contract shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality or the public works contracting minimum wage, whichever is applicable, as set out in the Wage Order attached to and made part of the specification for work under this Contract. If at any time the Contractor is found to not have paid prevailing wages, the Contractor shall forfeit as a penalty to the City one hundred dollars for each calendar day or portion of a calendar day for each worker paid less than the stipulated required rates for any work done under this Contract by the Contractor or by any subcontractor under the Contractor. Notwithstanding the foregoing, if the engineer's estimate of the total project cost or the bid accepted by the City is \$75,000.00 or less, then all labor utilized in the construction of the improvements shall not be required to pay the "prevailing rate of wages" or the public works minimum wage. However, if the project becomes subject to a change order that increases the total project cost to more than \$75,000.00, a "prevailing hourly rate of wages" or the public works contracting minimum wage, whichever is applicable, shall be paid for all labor utilized in the construction of the improvements but only for that portion of the project which exceeds \$75,000.00.

3. Insurance Requirements. Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Springfield, City Utilities of Springfield, and the Board of Utilities, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Springfield, City Utilities of Springfield, and the Board of Utilities, against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield,

City Utilities of Springfield, and the Board of Utilities. Regardless of such approval, it shall be the responsibility of the contractor to maintain adequate insurance coverage at all times during the term of the Contract. Failure of the Contractor to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general or under the Contract Documents.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City within ten (10) days after the date of the receipt of Notice of Award of the Contract to the Contractor and prior to the start of work. All insurance policies shall require that the insurance company in question provide thirty (30) days written notice prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

City of Springfield - Public Works, P.O. Box 8368, Springfield, MO 65801-8368; and

City Utilities of Springfield, P.O. Box 551, Springfield, MO 65801

Such policies shall name the City as an additional insured, with limits of liability not less than the sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(See, <http://insurance.mo.gov/industry/sovimunity.php>)

As of January 1, 2018, the minimum coverage for the insurance referred to herein shall be as set out below:

- a. Workers' Compensation....**Statutory coverage per RSMo 287.010 et seq
Employer's Liability..... \$1,000,000.00

b. Commercial General Liability Insurance, including coverage for Premises, Operations, Products and Completed Operations, Contractual Liability, Broad Form Property Damage, Independent Contractors, Explosion, Collapse, and Underground Property Damage and endorsed for blasting if blasting required. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Two Million Eight Hundred Four Thousand Forty-Six and no/100 Dollars (\$2,804,046.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Twenty Thousand Six Hundred Six and no/100 Dollars (\$420,606.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least \$1,000,000 for all claims to property arising out of a single occurrence and at least \$100,000 to any one owner with respect to damages to property. Contractor agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorneys fees of Contractor, its employees, officers or agents. Contractor agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory. Aggregate Limit must apply on a Per Project basis, and the endorsement must accompany the certificate of insurance. A Waiver of Subrogation endorsement must be provided by contractor in favor of the City.

c. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Two Million Eight Hundred Four Thousand Forty-Six and no/100 Dollars (\$2,804,046.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Twenty Thousand Six Hundred Six and no/100 Dollars (\$420,606.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

d. Subcontracts. In case any or all of this work is sublet, the Contractor shall require the subcontractor to procure and maintain all insurance required in subparagraphs (a), (b) and (c) hereof and in like amounts. Contractor shall require any and all subcontractors with whom it enters into a contract to perform work on this project to protect the City of Springfield, City Utilities of Springfield, Missouri, and the Board of Utilities through insurance against applicable hazards or risks and shall, upon request of the City, provide evidence of such insurance.

e. Notice. The Contractor and/or subcontractor shall furnish the City prior to beginning the work, the policy as specified in subparagraph (d), and satisfactory proof of carriage of all the insurance required by this contract, with the provision that policies shall not be canceled, modified or non-renewed without thirty (30) days written notice to the City of Springfield.

f. Legislative or Judicial Changes. In the event the scope or extent of the City's tort liability as a governmental entity as described in Section 537.600 through 537.650 RSMo is broadened or increased during the term of this agreement by legislative or judicial action, the City may require Contractor, upon 10 days written notice, to execute a contract addendum whereby the Contractor agrees to provide, at a price not exceeding Contractor's actual increased premium cost, additional liability insurance coverage as the City may require to protect the City from increased tort liability exposure as the result of such legislative or judicial action. Any such

additional insurance coverage shall be evidenced by an appropriate certificate of insurance and shall take effect within the time set forth in the addendum.

4. Performance, Labor, and Materials Payment Bond: The Contractor shall furnish a Performance Bond and a Labor and Materials Payment Bond with surety approved by the City and on the forms approved by the City, each bond shall be in the amount of \$2,381,698 (full amount of contract) conditioned upon the full and faithful performance of all major terms and conditions of this contract and payment of all labor and material suppliers. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond(s) hereto attached for its faithful performance and payment of labor and material suppliers, the City shall deem the surety or sureties upon such bond(s) to be unsatisfactory, or if, for any reason, such bond(s) ceases to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the City to do so, furnish an additional bond or bonds, in such form and amount, and with such surety or sureties as shall be satisfactory to the City. In such event no further payment to the Contractor shall be deemed to be due under this contract until such new or additional security for the faithful performance of the work and the payment of labor and material suppliers shall be furnished in a manner and form satisfactory to the City. The corporate surety on any performance or payment bond must be licensed by the State of Missouri and if the required bond exceeds \$25,000.00 must be listed in United States Treasury Circular 570.

5. Contractor's responsibility for subcontractors. The Contractor shall be as fully responsible to the City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons it directly employs. Contractor shall cause appropriate provisions to be inserted in all subcontracts relating to this work, to bind all subcontractors to Contractor by all the terms herein set forth, and insofar as applicable to the work of subcontractors and to give Contractor the same power regarding termination of any subcontract as the City may exercise over Contractor under any provisions of this contract. Nothing contained in this contract shall create any contractual relation between the subcontractor and the City or between any subcontractors.

6. General Independent Contractor Clause. This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that the Contractor will be an independent contractor and not the City's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Missouri Revenue and Taxation laws, Missouri Workers' Compensation and Unemployment Insurance laws. The Contractor will retain sole and absolute discretion in the judgment of the manner and means of carrying out the Contractor's activities and responsibilities hereunder. The Contractor agrees that it is a separate and independent enterprise from the public employer, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the work. This agreement shall not be construed as creating any joint employment relationship between the Contractor and the City, and the City will not be liable for any obligation incurred by the Contractor, including but not limited to unpaid minimum wages and/or overtime premiums.

7. Liquidated Damages. Time of completion of work by the Contractor is of the essence. Should Contractor, or in the case of default, the surety, fail to substantially complete the work within the time specified in the contract, or within such extra time as may be allowed, Contractor (or surety) shall be liable to the City in the amount of \$4,200 per day for each and every calendar day that the contract remains uncompleted after the time allowed for substantial completion, as liquidated damages, and not as a penalty, it being stipulated that actual damages to the City and the public arising from Contractor's failure to timely complete the work would be difficult, if not impossible, to ascertain. The amount assessed as liquidated damages may be withheld from any moneys otherwise due to Contractor from the City. The project is not considered complete until final acceptance by the City. After substantial completion, liquidated damages for failure to complete the remaining work shall be in the amount specified in the General Conditions, unless an amount is provided in the Job Special Provision, in which case, the Job Special Provision amount will apply.

8. Termination for Cause. The City reserves the right to terminate this contract by giving at least five (5) days prior written notice to the Contractor, without prejudice to any other rights or remedies of the City should the Contractor be adjudged a bankrupt, or if Contractor should make a general assignment for the benefit of its creditors, or if a receiver should be appointed for Contractor or for any of its property, or if Contractor should persistently or repeatedly refuse or fail to supply enough properly skilled workmen or proper material, or if Contractor should refuse or fail to make prompt payment to any person supplying labor or materials for the work under the contract, or persistently disregard instructions of the City or fail to observe or perform any provisions of the contract.

9. City's Right to Proceed. In the event this contract is terminated pursuant to Paragraph 8, then the City may take over the work and prosecute the same to completion, by contract or otherwise, and Contractor and its sureties shall be liable to the City for

any costs over the amount of this contract thereby occasioned by the City. In any such case, the City may take possession of, and utilize in completing the work, such materials, appliances and structures as may be on the work site and are necessary for completion of the work. The foregoing provisions are in addition to, and not in limitation of, the rights of the City under any other provisions of the contract, city ordinances, and state and federal laws.

10. Termination for Convenience of City. The City shall have the right at anytime by written notice to Contractor to terminate and cancel this contract, without cause, for the convenience of the City, and Contractor shall immediately stop work. In such event City shall not be liable to Contractor except for payment for actual work performed prior to such notice in an amount proportionate to the completed contract price and for the actual costs of preparations made by Contractor for the performance of the cancelled portions of the contract, including a reasonable allowance of profit applicable to the actual work performed and such preparations. Anticipatory profits and consequential damages shall not be recoverable by Contractor.

11. Guards and Lights. The Contractor agrees that during the performance of said work, adequate barricades, guards and warning signs, lights or devices consistent with the requirements contained in the Manual on Uniform Traffic Control Devices shall be provided by Contractor during construction.

12. Liability and Indemnity.

a. In no event shall the City be liable to the Contractor for special, indirect, or consequential damages, except those caused by the City's gross negligence or willful or wanton misconduct arising out of or in any way connected with a breach of this contract. The maximum liability of the City shall be limited to the amount of money to be paid or received by the City under this contract.

b. The Contractor shall defend, indemnify and save harmless the City, its elected or appointed officials, agents and employees from and against any and all liability, suits, damages, costs (including attorney fees), losses, outlays and expenses from claims in any manner caused by, or allegedly caused by, or arising out of, or connected with, this contract, or the work or any subcontract thereunder (the Contractor hereby assuming full responsibility for relations with subcontractors), including, but not limited to, claims for personal injuries, death, property damage, or for damages from the award of this contract to Contractor, notwithstanding any possible negligence, whether sole or concurrent, on the part of the City, its officials, agents and employees.

c. The Contractor shall indemnify and hold the City harmless from all wages or overtime compensation due any employees in rendering services pursuant to this agreement or any subcontract, including payment of reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act, the Missouri Prevailing Wage Law or any other federal or state law.

d. The indemnification obligations of Contractor hereunder shall not be limited by any limitations as to the amount or type of damages, compensation or benefits payable by or for the Contractor, under any federal or state law, to any person asserting the claim against City, its elected or appointed officials, agents and employees, for which indemnification is sought.

e. The indemnification obligations herein shall not negate, abridge or reduce in any way any additional indemnification rights of the City, its elected or appointed officials, agents and employees, which are otherwise available under statute, or in law or equity.

f. Contractor affirms that it has had the opportunity to recover the costs of the liability insurance required in this agreement in its contract price. Contractor's obligation under this agreement to defend, indemnify, and hold harmless any person from that person's own negligence or wrongdoing is limited to the coverage and limits of the applicable insurance required of the Contractor under this agreement.

g. The Contractor shall indemnify and hold the City harmless for any penalties, fines, fees or costs, including costs of defense, which are charged or assessed by any Federal, state or local agency including, but not limited to, Environmental Protection Agency or Department of Natural Resources.

13. Payment for Labor and Materials. The Contractor agrees and binds itself to pay for all labor done, and for all the materials used in the construction of the work to be completed pursuant to this contract.

14. Payment. The City will pay the Contractor in accordance with the rate set forth in the contract documents on file in the Public Works Department and by this reference made a part hereof, which shall constitute full and complete compensation for the

Contractor's work provided hereunder. It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Contractor under the terms of this contract exceed the sum of **Two Million Three Hundred Eighty-One Thousand Six Hundred Ninety-Eight Dollars and No Cents (\$2,381,698.00)** unless specifically and mutually agreed to in writing by both the City and the Contractor. No partial payment to the Contractor shall operate as approval of acceptance of work done or materials furnished hereunder. Such compensation will be paid in progress payments (less five (5) percent retainage), as established by the City, subject to receipt of a requisition for payment and a statement of work provided by the Contractor and agreement by both the City and the Contractor that the Contractor has fully performed the work to be paid for in such progress payments in conformance with the contract.

15. Contract Documents. The contract documents shall consist of the following:

- a. This Contract
- b. All Change Orders
- c. Bid Plans and Specifications
- d. City of Springfield Standard General Conditions and Technical Specifications for Public Works Construction (07-01-13 Revised Edition)
- e. Special Conditions & Provisions
- f. Proposal
- g. Statement of Bidder's Qualifications
- h. Acknowledgment
- i. Performance Bond
- h. Payment and Material Bond
- k. Instructions to Bidders
- l. Non-collusion Affidavit
- m. Notice to Proceed

This contract, together with the other documents enumerated in this paragraph, forms the contract between the parties. These documents are as fully a part of the contract as if attached hereto or repeated herein.

16. Subsurface Conditions. Contractor agrees that information contained in the published reports and public actions of the Missouri Division of Geology and Land Survey shall be conclusive and binding upon the Contractor as to what subsurface conditions at the job site are reasonably anticipated or reasonably foreseeable.

17. Conflict of Interest. In accepting this contract, Contractor certifies that no member or officer of its firm or corporation is an officer or employee of the City of Springfield, Missouri, or any of its boards or agencies, and further that no officer or employee of the City has any financial interest, direct or indirect, in this contract. All applicable federal regulations and provisions of RSMo Section 105.450 et seq. shall not be violated.

18. Assignment. The Contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the City thereto, provided, however, that claims for money due or to become due to the Contractor from the City under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of such assignment or transfer shall be furnished in writing promptly to the City and the bond surety. Any such assignment is expressly subject to all rights and remedies of the City under this agreement, including the right to change or delete activities from the Contract or to terminate the same as provided herein, and no such assignment shall require the City to give any notice to any such assignee of any actions which the City may take under this agreement.

19. Nondiscrimination. The Contractor agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Contractor or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A, 41 C.F.R. § 60-300.5(a) and 41 C.F.R. § 60-741.5(a), if applicable.

a. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-300.5(a). This regulation prohibits discriminations against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.

b. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

20. Nonresident/Foreign Contractors. The Contractor shall procure and maintain during the life of this contract:

a. If the Contractor is a foreign corporation, a certificate of authority to transact business in the State of Missouri from the Secretary of State, unless exempt pursuant to the provisions of Section 351.570 RSMo.

b. A certificate from the Missouri Director of Revenue evidencing compliance with the transient employer financial assurance law, unless exempt pursuant to the provisions of Section 285.230 RSMo.

21. Notices. All notices required or permitted hereinunder and required to be in writing may be given by FAX or by first class mail addressed to City and Contractor at the addresses shown above. The date of delivery of any notice given by mail shall be the date falling on the second full day after the day of its mailing. The date of delivery of notice by FAX transmission shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

22. Occupational License: The Contractor shall obtain and maintain an occupational license with the City of Springfield, Missouri, if required by city code and any required state or federal license. The cost for this occupational license shall be borne by the Contractor. No contract will be executed by the City until this occupational license has been obtained and that the Contractor is current on any City taxes is verified.

23. Safety Training. Pursuant to Missouri Revised Statute Section 292.675, Contractors and subcontractors who sign a contract to work on public works projects must provide a 10-hour OSHA construction safety program, or similar program approved by the Department of Labor and Industrial Relations, to be completed by their on-site employees, unless such employees hold documentation of prior completion of the program, within sixty (60) days of beginning work on the construction project. The Contractor shall provide an acceptable notarized affidavit stating that Contractor has verified the completion of a 10-hour construction safety program with respect to the employees working in connection with the contracted services. Contractors and subcontractors in violation of this provision will forfeit to the public body \$2,500 plus \$100 a day for each employee who is employed without training. Public bodies and contractors may withhold assess penalties from the payment due to those contractors and subcontractors. The penalties shall not begin to accrue until the time periods in the statute have elapsed (60 days after notice to proceed and 20 days to produce documentation for employee found in violation).

24. Affidavit for Contracts Over \$5,000.00. That pursuant to Missouri Revised Statute Sections 285.525 through 285.550, if this contract exceeds the amount of \$5,000.00 and Contractor is associated with a business entity, Contractor shall provide an acceptable notarized affidavit stating that the associated business entity is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the contracted services, and that said business entity does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Additionally, Contractor must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

25. Compliance with Laws. Contractor agrees to comply with all applicable federal, state and local laws or rules and regulations applicable to the provision of services and products hereunder. Contractor affirmatively states that payment of all local, state, and federal taxes and assessments owed by Contractor is current.

26. Entire Agreement. This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

27. Jurisdiction. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

RECOMMENDED BY:

Director of Public Works or Acting Director

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

Director of Finance or Acting Director

APPROVED AS TO FORM

City Attorney or Assistant City Attorney

CONTRACTOR:

By: _____

Printed Name: _____

Title: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager or his/her designee

One-rdg. _____
P. Hrngs. X
Pgs. 6
Filed 02-05-19

Sponsored by Ferguson

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 034

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the conveyance of real property generally located at 2332 North Lyon
2 Avenue to Janey Marie Young; and authorizing the Mayor to execute a
3 Quit Claim Deed for said conveyance.
4 _____
5

6 WHEREAS, the City acquired the real property generally located at 2332 North
7 Lyon Avenue ("Property") through the dangerous building program; and
8

9 WHEREAS, total acquisition costs, including legal costs, demolition costs, etc.,
10 were \$8,461.42.00; and
11

12 WHEREAS, after declaring the property to be surplus, it was referred to the Land
13 Inventory Committee to be placed on the list for public bid to recover costs; and
14

15 WHEREAS, Janey Marie Young, previous owner, satisfied the City's default
16 judgment in the amount of \$9,104.29 (including interest) on December 27, 2018; and
17

18 WHEREAS, Janey Marie Young should have the option of receiving back title to
19 the Property; and
20

21 WHEREAS, disposition of real property calls for City Council approval.
22

23 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
24 SPRINGFIELD, MISSOURI, as follows, that:
25

26 Section 1 – City Council hereby approves the conveyance of real property
27 generally located at 2332 North Lyon Avenue and depicted on "Exhibit A," which is
28 attached hereto and incorporated herein by this reference, to Janey Marie Young.
29

30 Section 2 – City Council hereby authorizes the Mayor to execute a Quit Claim
31 Deed, said Deed to be in substantially similar form as the document attached hereto
32 and incorporated herein by this reference as "Exhibit B," in order to convey title of the
33 property to Janey Marie Young.

Section 3 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Duke M. Donald, Assistant City Attorney

Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2019 - 034

FILED: 02-05-19

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: Approving the conveyance of real property generally located at 2332 North Lyon Avenue to Janey Marie Young; and authorizing the Mayor to execute a Quit Claim Deed for said conveyance.

BACKGROUND INFORMATION: The City acquired the property generally located at 2332 North Lyon Avenue (the "Property"), through the dangerous building program. Total acquisition costs, including legal costs, demolition costs, etc., were \$8,461.42. No City department needs the Property, and it does not have a public purpose. Therefore, the Property was placed on the City's surplus list for sale to recover costs. During title examination by Preferred Title, the City's default judgment was discovered and paid in the amount of \$9,104.29 (including interest) on December 27, 2018, by the previous owner. Due to the satisfaction of the City's default judgment, the title to the Property shall return to Janey Young, owner of record at the time of demolition. A real-estate conveyance requires City Council's approval.

REMARKS: The above Council Bill originated with the Land Inventory Committee. Pursuant to "Administrative Memorandum #5D," the Committee has declared the above property to be surplus.

Submitted by:



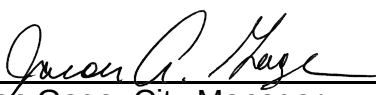
Duke McDonald, Assistant City Attorney

Recommended by:



Collin Quigley, Assistant City Manager

Approved by:



Jason Gage, City Manager



City of Springfield, Missouri

Exhibit A



Printed: Jan 28, 2019

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.

QUIT CLAIM DEED

THIS DEED, effective as of the _____ day of _____, 2019, by and between, **City of Springfield, Missouri**, a municipal corporation, Grantor, and **Janey Marie Young**, a single person, Grantee, at 2002 S. Lone Pine, Springfield, MO 65804.

WITNESSETH, that the Grantor, for valuable consideration, to it paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does by these presents REMISE, RELEASE, and FOREVER QUIT CLAIM unto the Grantee, the following described lots, tracts, or parcels of land lying, being, and situated in the County of Greene and State of Missouri to-wit:

All commencing at a point 18 poles South and 175 feet West of the Northeast corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Eleven (11), Township Twenty-Nine (29), Range Twenty-Two (22), thence South 50 feet, thence West 155 feet, thence North 50 feet, thence East 155 feet to the place of beginning, all in the City of Springfield, Greene County, Missouri, except any part deeded, taken or used for road purposes; addressed as 2332 N. Lyon Ave.

Parcel Number: 88-13-11-101-005

RESERVATION: Grantor reserves unto itself all easements, rights of way, and other such holdings, if any, Grantor held before August 15, 2017. On such date, Grantor acquired the above-described property by "Sheriff's Deed" recorded in Book 2017, Page 033598-17 of the records of the Greene County, Missouri Recorder of Deeds. Grantee may not cause any building or other structure to be erected on such easements, rights of way, and other such holdings herein reserved without the express approval of the Grantor. The easements, rights of way, and other such holdings shall run with the land and are binding upon Grantee and Grantee's heirs, successors, and assigns forever.

SUBJECT TO: (a) easements, restrictions, reservations, and other agreements and matters of record, if any, (b) taxes and assessments, general and special, not now due and payable; and (c) rights of the public in and to the parts thereof in streets, roads or alleys.

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges, and appurtenances thereto belonging, unto the Grantee and unto Grantee's heirs and assigns forever;

so that neither the Grantor nor Grantor’s heirs or assigns, nor any other person or persons, for whom or in whose name or behalf, will hereinafter claim or demand any right or title to the described premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, The Grantor has caused these presents to be signed as of the day and year first above written.

SEAL THE CITY OF SPRINGFIELD, MISSOURI

By: _____
Ken McClure, Mayor

Attest:

Anita J. Cotter, City Clerk

STATE OF MISSOURI)
)
COUNTY OF GREENE) ACKNOWLEDGMENT

On this ____ day of _____, 2019, before me personally appeared _____, to me personally known, in his capacity as Mayor of The City of Springfield, Missouri, a municipal corporation, and acknowledged said instrument with authority and on behalf of said municipality.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri, this ____day of _____, 2019.

Notary Public

My term of office expires: _____

One-rdg. _____
P. Hrngs. _____
Pgs. 40
Filed: 02-05-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 035

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the Final Development Plan of Planned Development District No. 46,
2 on 0.46 acres generally located at the 1400 Block of West Elfindale
3 Street. (Planning and Zoning Commission and Staff recommend
4 approval.)
5 _____
6

7 WHEREAS, the terms of Planned Development District No. 46 require a Final
8 Development Plan to be presented to City Council for approval, after review by the
9 Planning and Zoning Commission; and
10

11 WHEREAS, a Final Development Plan for the above-described tract, more
12 particularly described in "Exhibit A" has been prepared and submitted; and
13

14 WHEREAS, on January 17, 2019, the Planning and Zoning Commission
15 conducted a public hearing and recommended approval of the proposed Final
16 Development Plan.
17

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

21 Section 1 – City Council hereby approves the Final Development Plan as shown
22 in "Exhibit C - Attachment 2," which is attached hereto and all of "Exhibit C" is
23 incorporated herein by this reference, subject to all regulations and standards of
24 Planned Development District No. 46.
25

26 Section 2 – This Ordinance shall be in full force and effect from and after
27 passage.
28

29 Passed at meeting: _____
30

31 _____
32 Mayor
33

34 Attest: _____, City Clerk

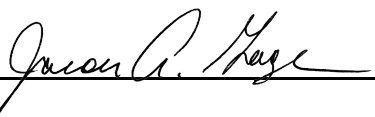
35

36 Filed as Ordinance: _____

37

38 Approved as to form: , Assistant City Attorney

40

41 Approved for Council action: , City Manager

42

EXPLANATION TO COUNCIL BILL 2019- 035

FILED: 02-05-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Approving the Final Development Plan of Planned Development District No. 46, on 0.46 acres generally located at the 1400 Block of West Elfindale Street. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

FINAL DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT NO. 46

A Final Development Plan, per Planned Development District No. 46, requires review by Planning and Zoning Commission with a recommendation to City Council for final action. The applicant is proposing to construct a parking lot on the subject property for the adjacent Guaranty Bank Operations Center to the east. Approval of this application will allow the planned expansion of the parking lot to serve the existing business.

The Administrative Review Committee has reviewed the proposed Final Development Plan ("Exhibit C - Attachment 2") and found that it meets the requirements of Planned Development District 46. The proposed Final Development Plan was reviewed and approved by all relevant City departments.

FINDINGS FOR STAFF RECOMMENDATION:

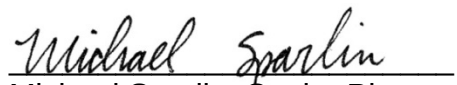
1. The Final Development Plan was determined to be consistent with the intent of the existing Planned Development ordinance.

The Planning and Zoning Commission held a public hearing on, January 17, 2019, and recommended approval, by a vote of 6 to 0.

REMARKS:

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

Submitted by:


Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Planned Development No. 46, District Requirements

Attachment 2, Proposed Final Development Plan

EXHIBIT A

LEGAL DESCRIPTION
FINAL DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT NO. 46

BEGINNING AT AN IRON PIN SET AT THE NORTHEAST CORNER OF THE WEST 55 FEET OF LOT 11 IN ELFINDALE FIRST ADDITION, AMENDED PLAT OF LOTS 1, 3 AND 6 OF ELFINDALE; THENCE EAST, ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 29.19 FEET; THENCE CONTINUING ALONG SAID NORTH LINE AND ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 7°57'43" AND A RADIUS OF 1107.69 FEET. AN ARC DISTANCE OF 153.93 FEET; THENCE EASTERLY AND TANGENT TO SAID CURVE, A DISTANCE OF 12.52 FEET TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF SAID LOT 11; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 11, A DISTANCE OF 106.87 FEET TO AN IRON PIN SET; THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 195.00 FEET TO AN IRON PIN SET ON THE EAST LINE OF THE WEST 55 FEET; THENCE NORTH ALONG THE EAST LINE OF THE WEST 55 FEET, A DISTANCE OF 95.43 FEET TO THE POINT OF BEGINNING. ALL LYING IN SPRINGFIELD, GREENE COUNTY, MISSOURI AND CONTAINING 19,202 SQUARE FEET.

EXHIBIT B

RECORD OF PROCEEDINGS
FINAL DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT NO. 46
Planning and Zoning Commission January 17, 2019

Planned Development 46 Final Development Plan
1400 blk West Elfindale Street

Applicant: Guaranty Bank

Mr. Hosmer stated that this is a request to approve the Final Development Plan for Planned Development 46 on approximately 0.46 acres of property generally located at 1400 block of West Elfindale Street. The Comprehensive Plan identifies this area as appropriate for Medium-intensity Retail, Office or Housing. The Planned Development 46 allows for parking lot construction but requires a final development plan approval by the Planning and Zoning Commission and City Council. The planned expansion of the parking lot will serve the existing Bank. The applicant intends to administratively combine the subject property with the property to the east. The Administrative Review Committee reviewed the proposed Final Development Plan and determined it to be consistent with the intent of the existing Planned Development 46 ordinance. The Final Development Plan requires both PZ and City Council approval by ordinance. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Mike Beaty, engineer for the project and will be replacing the parking with what is being taken away across the street.

Mr. Shawn Burke, 1341 W. Battlefield, applicant, just needing additional parking.

Mr. Doennig closed the public hearing.

Mr. Rose motioned to **approve** Planned Development 46 Final Development Plan (1400 blk West Elfindale Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Broekhoven, Shuler, Rose, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Coltrin, Cox, and Thomas.



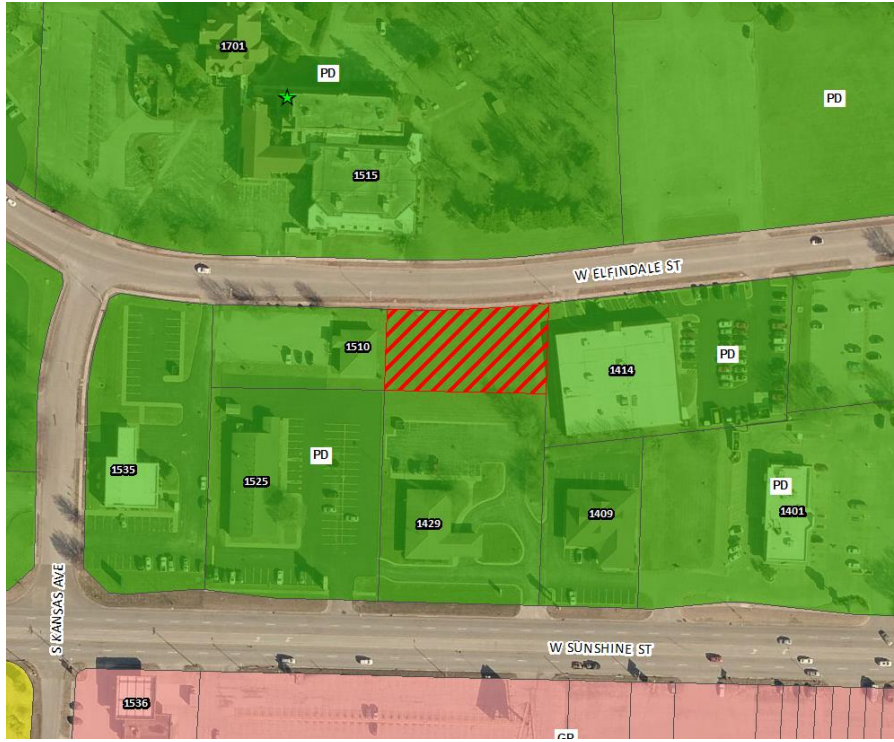
Bob Hosmer, AICP
Principal Planner

Exhibit C

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JANUARY 17, 2019

CITY COUNCIL PUBLIC HEARING:

FEBRUARY 11, 2019



CASE NUMBER:

Final Development Plan PD 46

PROJECT LOCATION: 1400 block West Elfindale Street

ACRES: 0.46 acres

EXISTING LAND USE: Undeveloped Land

APPLICANT: Guaranty Bank

STAFF:

Michael Sparlin, Senior Planner
417-864-1091

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve Final Development Plan as submitted.

SUMMARY OF REQUEST:

To approve the Final Development Plan for Planned Development 46 on approximately 0.46 acres of property generally located at 1400 block of West Elfindale Street.

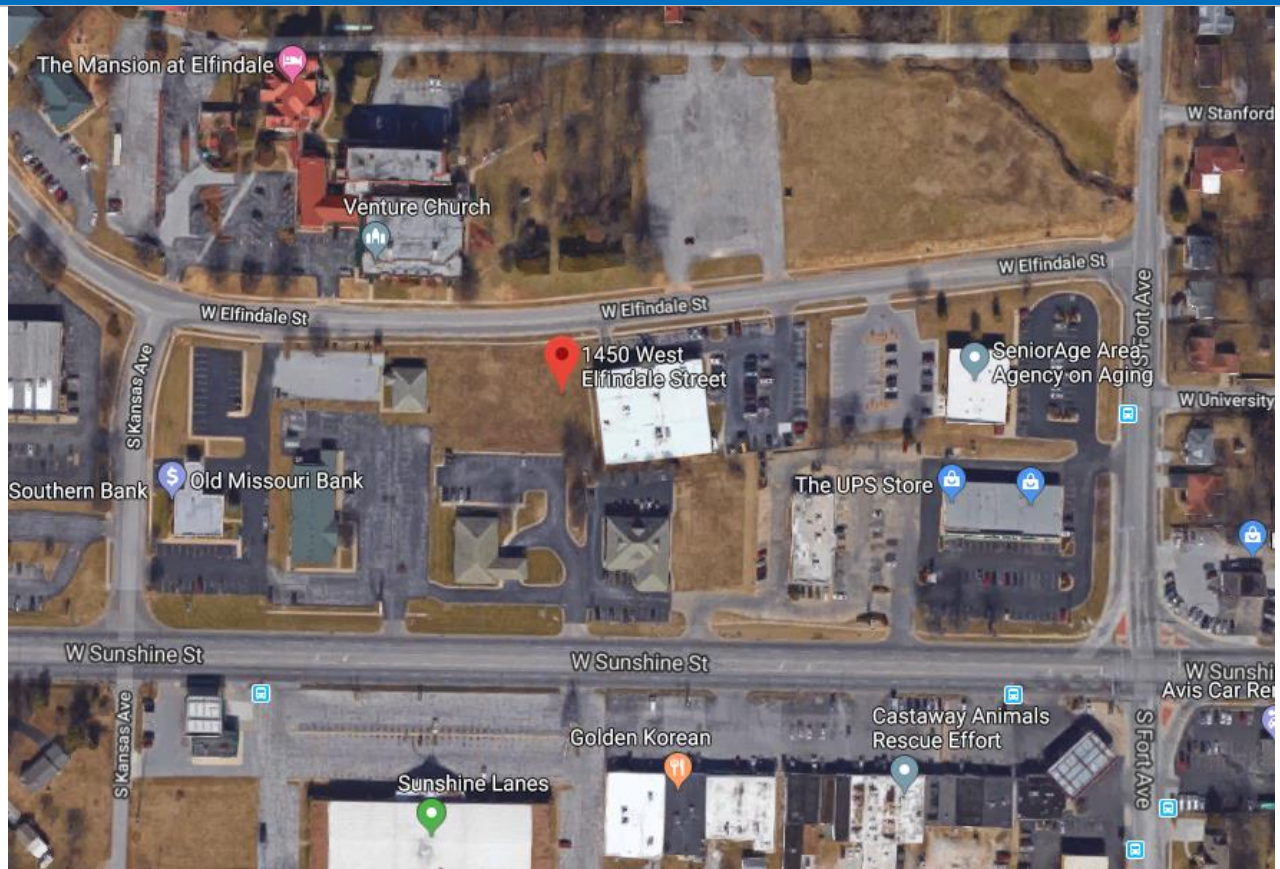
FINDINGS FOR STAFF RECOMMENDATION:

1. The Planned Development 46 allows for parking lot construction but requires a final development plan approval by the Planning and Zoning Commission and City Council.
2. The Administrative Review Committee has reviewed the proposed Final Development Plan (Attachment 2).
3. The Final Development Plan was determined to be consistent with the intent of the existing Planned Development 46 ordinance.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	PD 46 Amendment 2	PD 46	PD 319	PD 46
LAND USE	Church	Medical Office	Bank Operations Center	Office use

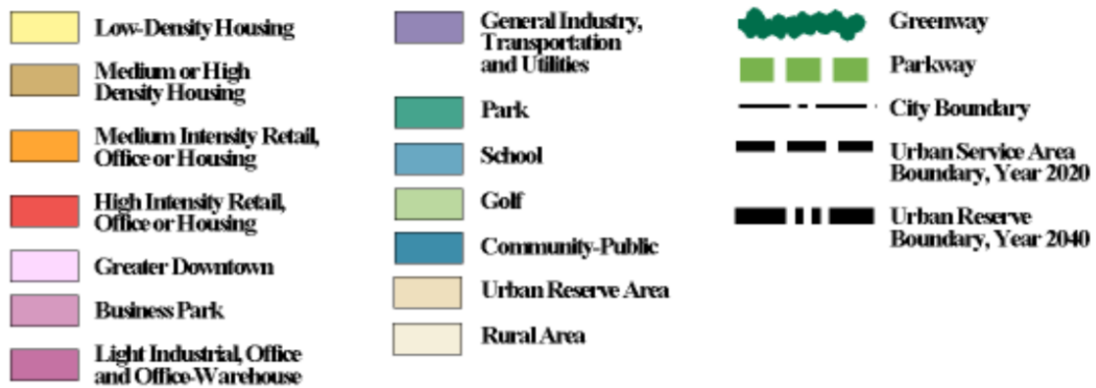
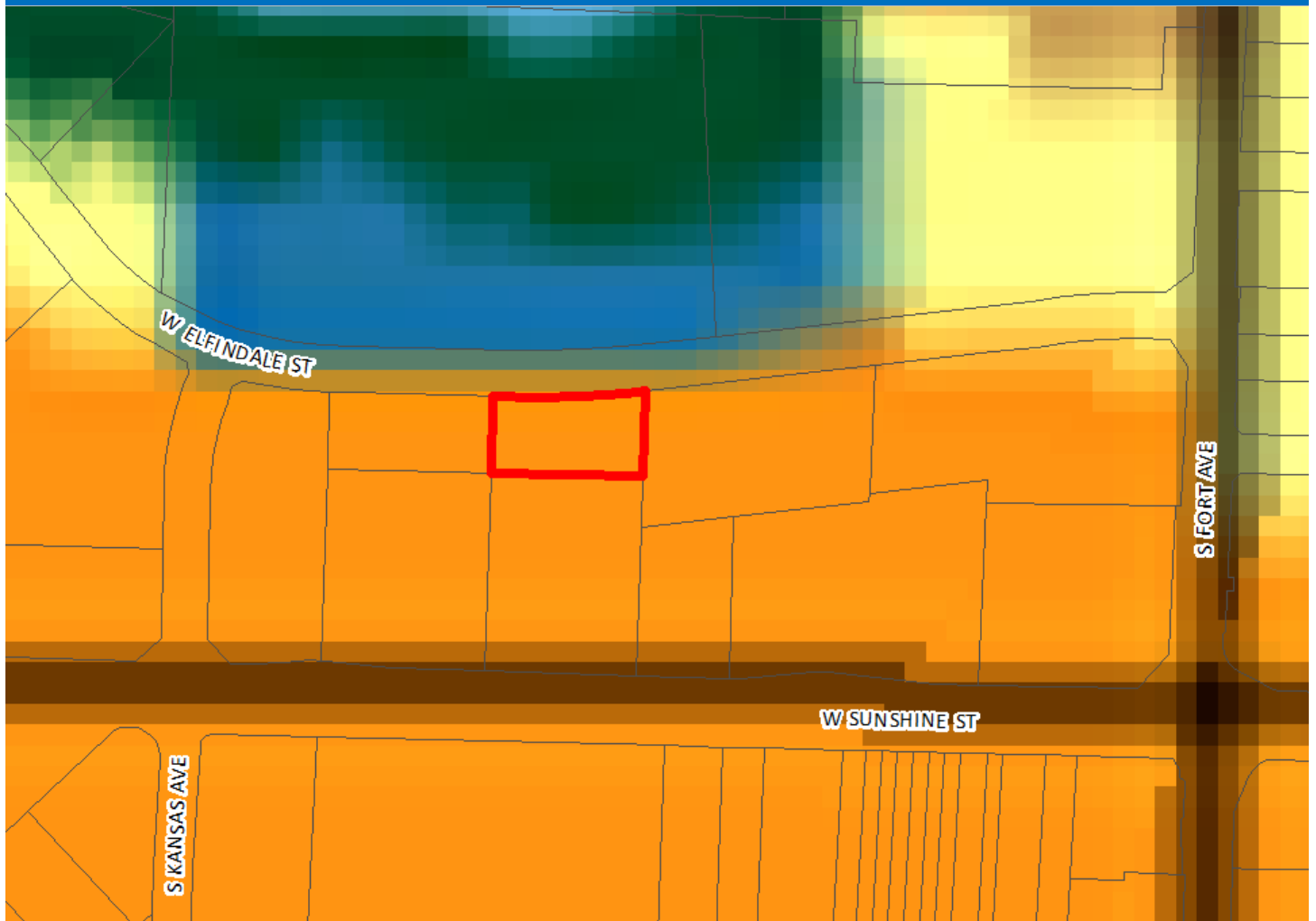
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

The subject property was zoned to Planned Development 46 in 1985 by General Ordinance 3616.

ZONING ORDINANCE REQUIREMENTS:

Section 36-405 Planned Development District

(9) Final Development Plan

- (c) *Substantial conformity defined. A final development plan shall be deemed not to be in substantial conformity with an approved preliminary development plan if it:*
1. *Increases by more than five percent from the maximum density, approved in the preliminary development plan, except that in no event shall the maximum density exceed the density permitted for the underlying district by subsection (4)(b);*
 2. *Increases by more than five percent the maximum floor area to be devoted to any residential or nonresidential use;*
 3. *Increases height by more than five percent;*
 4. *Decreases by more than five percent the area approved for public and private open space or changes the general location of such areas;*
 5. *Relocates approved circulation elements to any extent that would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and circulation elements, or would reduce their effectiveness as buffers or amenities;*
 6. *Significantly alters the arrangement of land uses within the planned development;*
 7. *Violates any provision of the codes and ordinances applicable to the proposed planned development; or*
 8. *Departs from the preliminary development plan in any other manner which the planning and zoning commission or city council shall, based on stated findings and conclusions, find to materially alter the plan or concept for the proposed planned development.*
- (d) **Action by Administrative Review Committee.** *If the Administrative Review Committee shall find that the Final Development Plan lacks substantial conformity to the Preliminary Development Plan, but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the Planning and Zoning Commission together with its recommendation that the Final Development Plan be approved.*
- (e) **Action by Planning and Zoning Commission.** *If the planning and zoning commission finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. Planning and zoning commission action shall constitute final approval of the final development plan.*
- If the planning and zoning commission shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the city council together with its recommendation that the final development plan be approved.*
- In any case, where the planning and zoning commission finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the city council, together with its recommendation that the final development plan*

not be approved. The failure of the commission to act within the aforesaid time period shall be deemed a recommendation to the city council to deny the final development plan as submitted.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for Medium Intensity Retail, Office or Housing.

STAFF COMMENTS:

1. The applicant is proposing to construct a parking lot on the subject property for the adjacent Guaranty Bank Operations Center to the east. Approval of this application will allow the planned expansion of the parking lot to serve the existing business. The applicant intends to administratively combine the subject property with the property to the east.
2. Approval of this application will allow for continued development of this property and promote infill development where investments have already been made in public services and infrastructure.
3. The proposed final development plan was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

Approval of the Final Development Plan does not require a neighborhood meeting.

PUBLIC NOTIFICATION:

The public notice was advertised in the agenda as posted online.

DEPARTMENT COMMENTS:

**ATTACHMENT 1
DEPARTMENT COMMENTS**

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to Final Development Plan.

CITY UTILITIES COMMENTS:

No objections to Final Development Plan.

CLEAN WATER SERVICES COMMENTS:

No objection to the Final Development Plan.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No objections to Final Development Plan.

STORMWATER COMMENTS:

No stormwater issues with this final development plan. This plan should meet the open space requirement dictated by zoning. And there should be adequate space for required detention and water quality. What is shown looks acceptable but can't be verified unless the amount of impervious is calculated and shown. This can be shown and verified on the building plans.

FIRE DEPARTMENT COMMENTS:

No objections

ZONING CASE - PD-46

BY DAVID L. PARIS

LOCATION

N. SIDE 1300-1800 W. SUNSHINE

EXISTING ZONE C-2, R-1

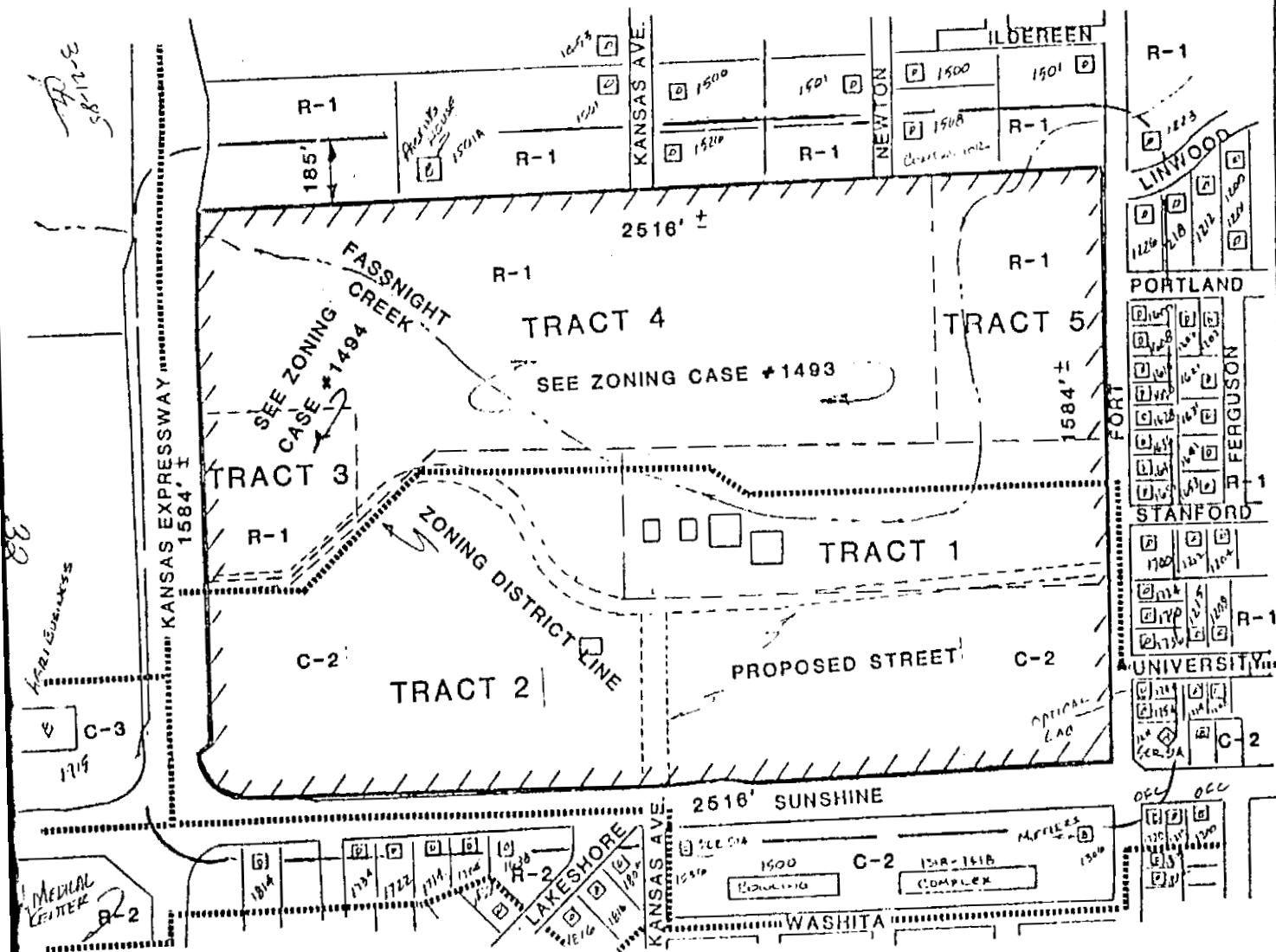
PROPOSED ZONE PD-46

OBJECT AREA

SCALE: 1" = 600' ±

185' RADIUS

D - DWELLING B - BUSINESS M - MANUFACTURING V - VACANT



LOCATION SKETCH

SEE EXHIBIT "A" FOR DETAILS

Pub. Imp. _____
Govt. Grnt. _____
Emer. _____
P. Hrngs. ✓
Pgs. 43
Filed: 5-7-75

Sponsored by: Strawn

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 85-200

GENERAL ORDINANCE NO. 3611

AN ORDINANCE

AMENDING Chapter 36, Article I, Zoning, of the Springfield City Code, Section 80.030, Zoning Maps, by rezoning a certain parcel of land in this ordinance described from an R-1 Single-Family, R-2 Two-Family District, R-4 Multi-Family, and a C-2 General Retail District to Planned Development District No. 46.

WHEREAS, application has been filed for a zoning change of the following described tract of land from R-1 Single-Family, R-2 Two-Family District, R-4 Multi-Family, and a C-2 General Retail District to a "Planned Development District"; and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission and the said Commission has made its recommendation; and

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

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

Section 1 - That the following property, to-wit:

All of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the South 10 acres of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27 and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the South 10 acres of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 29, Range 22, containing 100 acres, except that part used for public roads, all in Greene County, Missouri, Section 26 and 27, Township 29, Range 22.

(Location: North side 1300-1800 blocks West Sunshine)

be and the same hereby is rezoned from R-1 Single-Family, R-2 Two-Family District, R-4 Multi-Family, and a C-2 General Retail District to Planned Development District No. 46, and Chapter 36, Article I, Zoning, of the Springfield City Code, Section 80.030, thereof, Zoning Maps, is hereby amended, changed and modified accordingly; which district shall be subject to regulations set forth in Chapter 36, Division 6A, Planned Development Districts, as attached to this ordinance.

Section 2 - The following regulations shall govern and control the use and development of land in Planned Development District No. 46.

REQUIREMENTS AND STANDARDS APPLICABLE TO
PLANNED DEVELOPMENT DISTRICT NO. 46

DEFINITIONS: For purposes of this ordinance, the following definitions shall apply:

Alteration: Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal, of any feature of the structure.

Condominium: A building, group of buildings, or property in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Degenerated Beyond Feasible Limits for Rehabilitation: When the conditions of the structure are such that the economics of restoration preclude the landowner from making any reasonable economic use of the property if restored, or the restoration is infeasible from a technical or mechanical standpoint.

Density: The number of dwelling units per unit of land normally expressed as dwelling units per acre. Gross density includes all the land within the boundaries of the particular area including land that may eventually be devoted to streets, public lands and common area. Net density excludes streets, public lands and common area and its calculation shall generally be based on a tract(s) of record satisfying the requirements of Chapter 36, Article II: Subdivision Regulations; Code of the City of Springfield.

Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling, Attached: A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached: A dwelling which is not attached to any other dwelling by any means.

Dwelling, Multi-Family: Attached dwellings, involving no horizontal subdivision of land, shall be treated as multi-family dwellings.

Dwelling, Single-Family Detached: A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Two-Family: A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both dwelling units. These units are also referred to as duplexes.

Dwelling, Semi-Detached: A one-family dwelling attached to one other one-family dwelling by a common vertical wall and each dwelling located on a separate lot. These units are also referred to as twinhouses or patio houses.

Dwelling, Patio House: A one-family dwelling on a separate lot with open space setbacks on three sides and a court. Patio homes may be attached to similar houses on adjacent lots and still satisfy this definition. Also known as zero lot line homes.

Dwelling, Townhouse: A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

Economic Hardship: When the landowner cannot economically utilize the property and it is impractical to sell or lease it or no market exists for it at a reasonable price.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including parking or loading spaces for motor vehicles. The gross floor area shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbys or mall areas, whether closed or enclosed and shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area.

$$FAR = \frac{\text{Gross Floor Area}}{\text{Total Site Area}}$$

Ordinary Maintenance and Repair: Where the purpose of the work is stabilization or is normal, customary and routine affecting the exterior of the structure or the outside of the site, except for items specifically requiring a Certificate of Appropriateness.

Rehabilitation: The act or process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use, while preserving those portions or features of the property that are significant historically, architecturally, or culturally.

Rehabilitation Impracticable: Infeasibility of restoration not only because of physical condition but also inability to turn the property to use or account profitably.

Removal: Any relocation of a structure, object or artifact on its site or to another site.

Significant Exterior Architectural Feature: Those features which are important to or expressive of the architectural quality and integrity of the structure and its setting and which include, but are not limited to, building, detail, proportion, rhythm, scale, setting, shape, and workmanship.

Stabilization: The act or process of applying measures to halt deterioration and to establish the structural stability of an unsafe or deteriorated structure while maintaining the essential form as it presently exists without noticeably changing its exterior appearance.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, fences, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae including supporting towers, roads, ruins or remnants, (including foundations) swimming pools, walkways, retaining walls, gates or any similar item.

TRACTS 1 and 2 - The following regulations shall apply to Tracts 1 and 2 as identified by the attached site plan (Exhibit A).

Uses Permitted: The following uses shall be permitted within Tracts 1 and 2:

1. Administrative and Professional Offices: Offices of firms or organizations providing professional, management or administrative services. Typical uses include abstract services, advertising agencies, data processing services, employment agencies, travel agencies, law offices, architectural and engineering offices, general business and administrative offices, corporate offices, and artist and photographic studios.
2. Finance, Insurance and Real Estate Services: Establishments primarily engaged in the provision of financial, insurance, real estate, security brokerage and other similar activities. Drive-thru facilities designed to expedite customer service are permitted. Typical uses include banks, insurance agencies, real estate firms, securities brokerage establishments, savings and loan institutions and other similar uses.
3. Medical Offices and Medical Support Activities such as offices for doctors and dentists and medical laboratories along with incidental administrative activities.
4. Community Service Facilities such as community centers, museums and libraries.
5. Commercial Entertainment and Recreational Facilities: Establishments providing entertainment and/or recreational activities open to the general public on a commercial basis. Such activities shall be entirely conducted within an enclosed structure. Typical uses include movie theaters, bowling alleys, skating rinks, billiard parlors, indoor tennis and racketball facilities, athletic clubs, health spas and other similar activities
6. Retail Uses: For purposes of this ordinance, the following uses shall be classified as retail:
 - a. General Retail Sales: Establishments involved in the on-site retail sales of goods and merchandise for personal or household use. Typical uses include department stores, apparel stores

antique shops, automotive parts stores, bicycle shops, book stores, cosmetic shops, candy stores, confectionery stores, costume rental, dry goods stores, drug stores, florist or flower shops, furniture stores, garden supply shops, hardware stores, hobby shops, jewelry shops, leather goods stores, luggage stores, paint stores, pet stores, photographic supply stores, radio and television sales, shoe stores, sporting goods stores, stationery stores, toy shops, variety stores, wallpaper stores, wig shops, and other similar retail uses.

- b. Convenience Sales and Personal Services: Establishments primarily engaged in the provision of frequently needed goods and services. Such activities are to be conducted within the confines of an enclosed structure with no permanent outdoor sales or storage. Drive-thru facilities designed to expedite customer services are permitted. Typical uses include barber shops, beauty shops, bakeries, delicatessens, pharmacies, self-service laundries, newsstands, repair shops and other similar uses.
- c. Food and Beverage Retail Sales: Establishments primarily engaged in the retail sale of food and beverages for off-site consumption. Such activities are to be conducted within the confines of an enclosed structure with no permanent outdoor sales or storage. Drive-thru facilities designed to expedite customer service are permitted. Typical uses include grocery stores and liquor stores.
- d. Automotive Service Stations and Service Centers: Establishments primarily engaged in on-site sale of petroleum products, tires, batteries and other automotive replacement and accessory items, and in the provision of services and minor repairs such as lubrication, tune-ups and the installation of replacement parts. Typical uses include automobile service stations and service centers but do not include truck stops, truck terminals, automobile sales either new or used, auto storage, or major automotive repair defined as any body repair or painting or major disassembly or dismantling of the engine, transmission or other drive components.
- e. Eating and Drinking Establishments: Establishments or places of business primarily engaged in the sale of prepared foods and/or beverages for on-premise consumption. Drive-thru facilities designed to expedite customer services are permitted. Curb service facilities are prohibited. Typical uses include restaurants, cafeterias, coffee shops, bars and taverns.
- f. Business Support Services: Establishments primarily engaged in the provision of services of a clerical, employment protective or processing nature to firms and individuals and where the storage of goods or equipment other than as samples or as necessary for daily operation is prohibited. Such activities

are to be conducted within the confines of an enclosed structure with no outdoor sales or storage. Typical uses include secretarial services, telephone answering services, copying and blue print services, drafting services, office supply stores, and computer sales and services.

The following uses shall also be permitted in Tract 1:

1. Churches and other places for religious worship including such ancillary uses as: religious schools, convents, parish houses, etc.

Intensity of Development. Development within Tracts 1 and 2 shall adhere to the following standards:

1. The floor area ratio (FAR) shall not exceed 0.35.
2. The impervious surface ratio (ISR) within Tract 1 shall not exceed 0.80.

Bulk, Area and Height Requirements. Development within Tracts 1 and 2 shall adhere to the following standards:

1. A minimum building setback of fifty (50) feet shall be required along Sunshine Street and Kansas Expressway.
2. A minimum building and parking setback of fifty (50) feet shall be required along Fort Avenue.
3. A minimum building setback of twenty-five (25) feet shall be required along the proposed streets as shown on the attached site plan (Exhibit A).
4. Additional bulk, area and height requirements may be imposed at the final development plan stage for any portion of, or all of, Tracts 1 and 2.

Conservation of Historic Significance: Due to the uniqueness of the structures and grounds in Tract 1, the following requirements shall be adhered to:

1. Certificate of Appropriateness--When Required

A person shall be required to secure a Certificate of Appropriateness in the following instances before the commencement of exterior work upon any new or existing structure, or outside work on any site or parcel in Tract 1 of Planned Development District No. 46 except for ordinary maintenance and repair.

- a. Any construction, alteration or removal affecting the exterior of a structure that requires a building, sign or demolition permit from the City of Springfield including but not limited to the construction of new buildings.
- b. A material change to the exterior appearance of existing structures including but not limited to additions, reconstruction,

or alterations, which affects a significant exterior architectural feature of a structure within the tract.

- c. Any action resulting in the application of paint to a previously unpainted brick or masonry exterior surface or the application of stucco or siding.
- d. The construction or enlargement of a driveway or parking area or erection of fencing.

2. Administrative Review:

Applications for Certificates of Appropriateness shall be submitted to the Director of Building Regulations, hereinafter referred to as Director. If the application is for work that will have no effect on exterior architectural details or is one of any number of items that the Historic District Review Board (hereinafter called the Board) has designated for action, then the Director may review the application and issue or deny a Certificate of Appropriateness. Such certificate shall be in addition to all other permits required by the City. If the request is within the Director's jurisdiction and is denied by the Director, the applicant may appeal such decision to the Historic District Review Board. Permits required by the City involving items requiring a Certificate of Appropriateness shall not be issued by the City until the City has issued said Certificate, has issued a Certificate of Economic Hardship, or in the event of demolition being refused, the requisite time period has expired. If the Director determines that the application is for action not designated for administrative review, then the Director shall submit the application to the Board. The Director may require as a condition of processing the application, that the applicant submit information as determined by the Director.

3. Board Review and Action on Certificates of Appropriateness:

The Board shall meet within ten (10) working days of notification that the Director has received an application for a certificate, and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this ordinance. If the certificate is denied, no permit for the work shall be issued and the applicant shall not proceed with the work. The Board shall state the reasons for denial in writing to the applicant and shall also make suggestions in regard to appropriate changes.

4. Review Criteria:

The Board in considering whether or not to issue a Certificate of Appropriateness, shall be guided by the general purpose of this ordinance and the following:

- a. The Secretary of Interior's Standards for Historic Preservation Projects, a copy of which is attached hereto and incorporated herein by reference as Exhibit 2.
- b. For new construction, the Board shall also consider the extent to which the building or structure would be harmonious

with or incongruous to the old and historic aspects of the surroundings including existing buildings and the site itself. It is not the intent of this ordinance to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of materials, scale size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.

In the event the Board concludes that the request, if granted, will have a detrimental effect upon the old and historic aspects of Tract 1 of Planned Development District No. 46, or any adverse effect on an historical or architectural resource on the Tract, then the Board shall deny the request for a certificate.

5. Work Required to Conform with Certificate of Appropriateness:

Work performed pursuant to the issuance of a Certificate shall conform to the requirements of such certificate, if any. The Director shall inspect from time to time any work performed pursuant to a certificate to assure such compliance. In the event that such work is not in compliance, the Director shall issue a stop work order. A certificate shall become void unless construction is commenced within six (6) months of date of issue. All City licenses shall be issued on the condition that the person owning or occupying the premises will comply with conditions, if any, in the certificate.

6. Applicant's Action if Application is Denied: In the event that a certificate is denied, the applicant may:

- a. Produce new evidence supporting his proposal and resubmit the application within ten (10) working days of denial by the Board.
- b. Wait six (6) months and resubmit the application.
- c. Apply for a Certificate of Economic Hardship.
- d. If the request is for a demolition permit, the applicant may also wait 180 days, at which time said demolition permit shall be issued unless the City Council has extended the time for demolition. The Board may request that the demolition be delayed for an additional 120 days by action of the City Council. The City Council may, after receipt of such request, hold a public hearing and delay the demolition for an additional 120 days.

7. Certificate of Economic Hardship--Application Procedure

Application for a Certificate of Economic Hardship shall be made on a form prepared by the Board and submitted to the Director. The Board shall meet within ten (10) working days of notification that

the Director has received a completed application for a Certificate of Economic Hardship.

a. Review Criteria:

The Board will review the application at a public hearing and may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application.

- (1) Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic District Review Board for changes necessary for the issuance of a Certificate of Appropriateness.
- (2) A report from a licensed engineer or architect with experience in rehabilitations as to the structural soundness of any structures on the property and their suitability for rehabilitation.
- (3) Estimated market value of the property in its current condition, after completion of the proposed construction, alteration, demolition or removal, after any changes recommended by the Board and, in the case of a proposed demolition, after renovation of the existing property for continued use.
- (4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (5) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operation and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (6) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
- (7) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
- (8) Assessed value of the property according to the two most recent assessments.
- (9) Real estate taxes for the previous two years.

- (10) Form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture, or other.
- (11) Any other information considered necessary by the Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.

b. Board Review and Action:

A Certificate of Economic Hardship shall be issued when the structure or part thereof has degenerated beyond feasible limits for rehabilitation or rehabilitation is impracticable and there is an economic hardship.

If approved, the Director of the Department of Building Regulations will be instructed to issue a building or demolition permit as requested, for the proposed work. If denied, the applicant shall have the right to appeal the decision to the Board of Adjustment. The Board of Adjustment shall conduct a full and impartial hearing on the matter before rendering a decision. The same standards shall be applied by the Board of Adjustment as established herein. The Board of Adjustment may affirm reverse, or modify the decision of the Board in whole or in part.

8. Enforcement and Penalty

Provisions pertaining to administration of enforcement and penalties as set forth in Chapter 36, Article I and XI, Section 36-1170.04 to 36-1170.10 shall apply to Tract 1 of Planned Development District No. 46.

Landscape Alterations. See the General Provisions section for requirements.

Public Facilities. See the General Provisions section for requirements.

Access to Public Thoroughfares. See the General Provisions section for requirements.

Off-Street Parking. All development within Tracts 1 and 2 shall comply with the City's parking standards and requirements.

Signs. The developer(s) may submit a signage plan, except as required in the Conservation of Historic Significance section for Tract 1, at the final development plan stage. Otherwise, the City's sign codes in effect at the time of submission of final development plans shall apply.

Perimeter Treatment. See the General Provisions section for requirements.

Exterior Lighting. Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and/or a general increase in lighting intensity within the adjoining existing and proposed residential areas. The owner(s) shall submit a lighting plan as part of the final development plan demonstrating compliance with this section.

Maintenance of Common Areas and Facilities. See the General Provisions section for requirements.

Phasing. See the General Provisions section for requirements.

Final Development Plan. The Final Development Plan for Tracts 1 and 2 shall be submitted to the Planning and Zoning Commission for review and recommendation and to City Council for final action. The uses permitted and the intensity of development as prescribed by this ordinance shall not be subject to review during the Final Development Plan stage.

TRACT 3: The following regulations shall apply to Tract 3 as identified by the attached site plan (Exhibit A).

Uses Permitted. The following uses shall be permitted within Tract 3:

1. Administrative and Professional Offices: Offices of firms or organizations providing professional, management or administrative services. Typical uses include abstract services, advertising agencies, data processing services, travel agencies, law offices, architectural and engineering offices, and general business and administrative offices, corporate offices and artist and photographic studios.
2. Finance, Insurance and Real Estate Services: Establishments primarily engaged in the provision of financial, insurance, real estate, security brokerage and other similar activities. Drive-thru facilities designed to expedite customer service are permitted. Typical uses include banks, insurance agencies, real estate firms, securities brokerage establishments, savings and loan institutions and other similar uses.
3. Medical Offices and Medical Support Activities such as offices for doctors and dentists and medical laboratories along with incidental administrative activities.
4. Residential uses:
 - a. Attached dwellings, such as townhouses.
 - b. Residential condominiums.
 - c. Multi-family dwellings.
5. Accessory uses incidental to residential development designed for and available to residents but not open to the public on a commercial basis. Typical uses include administrative offices for project management not exceeding one thousand (1000) square feet, model units, carports, garages, maintenance buildings, and gate houses.
6. Community and recreational facilities incidental to residential development designed for and available to residents but not open to the public on a commercial basis. Typical uses include community centers, swimming pools, tennis and basketball courts,

health clubs, etc.

Intensity of Development. Development within Tract 3 shall adhere to the following standards:

1. A maximum of one hundred twenty (120) dwelling units may be constructed within Tract 3. Net residential density shall not exceed thirty (30) dwelling units per acre.
2. Non-residential structures shall not exceed a floor area ratio (FAR) of 0.35.
3. Development intensity for mixed-use sites, i.e. developments involving combinations of residential and non-residential use, shall be calculated by the following formula:

$$\begin{aligned} \text{Total site area (acres)} = & \frac{\text{Number of dwelling units proposed (du's)}}{\text{Maximum net residential density allowed (du's/acre)}} \\ & + \frac{\text{gross floor area proposed (square ft)}}{\text{FAR} \times 43,560 \text{ sq.ft./acre}} \end{aligned}$$

4. The impervious surface ratio (ISR) shall not exceed 0.80.

Bulk, Area and Height Requirements. Development within Tract 3 shall adhere to the following standards:

1. The following minimum setbacks shall be provided:
 - a. Fifty (50) feet adjacent to Kansas Expressway.
 - b. Twenty-five (25) feet adjacent to the proposed east-west street as shown on the attached site plan (Exhibit A).
2. No structure shall exceed a height greater than its horizontal distance from the northern and eastern boundaries of Tract 3.
3. Additional standards may be set at the final development plan stage.

Landscape Alterations. See the General Provisions section for requirements.

Public Facilities. See the General Provisions section for requirements.

Access to Public Thoroughfares. See the General Provisions section for requirements.

Off-Street Parking. The following standards shall be adhered to:

1. Off-street parking for non-residential structures shall comply with the City's parking standards and requirements.
2. A minimum of two (2) off-street parking spaces shall be required for each dwelling unit.

Signs: The developer(s) may submit a signage plan at the final development plan stage. Otherwise, the City's ^{25 of 46} sign codes, for the appropriate develop-

ment type, in effect at the time of submission of the final development plan, shall apply.

Perimeter Treatment. See the General Provisions section for requirements.

Exterior Lighting. Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and/or a general increase in lighting intensity within the adjoining proposed residential area. The developers shall submit a lighting plan as part of the final development plan demonstrating compliance with this section.

Maintenance and Common Areas and Facilities. See the General Provisions section for requirements.

Phasing. See the General Provisions section for requirements.

Final Development Plan. The final development plan for Tract 3 shall consist of:

1. If any or all of the tract is subdivided, the Planning and Zoning Commission is hereby authorized to accept the preliminary and final plat(s) provided all provisions of the ordinance are satisfied and that all requirements of the ordinance are met. The Planning and Zoning Commission is hereby authorized at their discretion to approve minor adjustments and modifications to the site plans. Such authority shall not, however, be construed to permit:
 - a. Any uses within each tract other than those specifically prescribed by this ordinance.
 - b. Any increase in the intensity of use permitted within each tract.
 - c. Any deviations from provisions specifically prescribed by this ordinance.
2. If any or all of the tract is not subdivided, the Final Development Plan for Tract 3 shall be submitted to the Planning and Zoning Commission for review and recommendation and to the City Council for final action. The uses permitted and the intensity of development as prescribed by this ordinance shall not be subject to review during the Final Development Plan stage.

TRACT 4: The following regulations shall apply to Tract 4 as identified by the attached site plan (Exhibit A).

Uses Permitted. The following uses shall be permitted within Tract 4:

1. Residential uses:
 - a. Single-family detached dwellings;
 - b. Two-family dwellings, such as duplexes;

- c. Semi-detached dwellings, such as patio homes and twin houses;
 - d. Attached dwellings such as townhouses, not to exceed four (4) dwellings per structure;
 - e. Residential condominiums, not to exceed four (4) dwellings per structure.
2. Accessory uses incidental to residential development designed for and available to residents but not open to the public on a commercial basis. Typical uses include model units, carports, garages, maintenance buildings and administrative offices for project management not exceeding one-thousand (1000) square feet in area.
 3. Community and recreational facilities incidental to residential development designed for and available to residents but not open to the public on a commercial basis. Typical uses include community centers, swimming pools, tennis and basketball courts, health clubs, etc., provided that these facilities are located a minimum of one hundred (100) feet from the northern boundary of Tract 4.

Intensity of Development. Development within Tracts 2, 3 and 6 shall adhere to the following standards:

1. A maximum of four hundred fifty-five (455) dwelling units may be constructed in Tract 4.
2. Net residential density shall not exceed twenty (20) dwelling units per acre in Tract 4.
3. Non-residential structures shall not exceed a floor area ratio (FAR) of 0.35.
4. The impervious surface ratio (ISR) within Tract 4 shall not exceed 0.80.

Bulk, Area and Height Requirements. Development within Tract 4 shall adhere to the following standards:

1. The following minimum setbacks shall be provided:
 - a. Twenty-five (25) feet adjacent to the proposed east-west street as shown on the attached site plan (Exhibit A).
 - b. Twenty-five (25) feet adjacent to the northern and eastern boundaries of Tract 4.
 - c. Fifty (50) feet adjacent to Kansas Expressway.
2. No building shall exceed a height greater than its horizontal distance from the northern boundary of Tract 4.

3. No building shall exceed a height of thirty-five (35) feet.
4. Additional bulk, area and height requirements may be set at the final development plan stage.

Landscape Alterations. See the General Provisions section for requirements.

Public Facilities. See the General Provisions section for requirements.

Access to Public Thoroughfares. See the General Provisions section for requirements.

Signs. The developer(s) may submit a signage plan for consideration at the final development plan stage. Otherwise, the City's sign codes in effect at the time of submission of the final development plan, for R-2 districts, shall apply.

Off-Street Parking. A minimum of two (2) off-street parking spaces shall be required for each dwelling unit.

Perimeter Treatment. See the General Provisions section for requirements.

Maintenance of Common Areas and Facilities. See the General Provisions section for requirements.

Phasing. See the General Provisions section for requirements.

Final Development Plan. The final development plan for Tract 4 shall consist of:

1. If any, or a portion of, the tracts are subdivided, the Planning and Zoning Commission is hereby authorized to accept the preliminary and final plat(s) provided all provisions of the ordinance are satisfied and that all requirements of the ordinance are met. The Planning and Zoning Commission is hereby authorized, at their discretion, to approve minor adjustments and modifications to the site plans. Such authority shall not, however, be construed to permit:
 - 1) Any uses within each tract other than those specifically prescribed by this ordinance.
 - 2) Any increase in the intensity of use permitted within each tract.
 - 3) Any deviations from provisions specifically prescribed by this ordinance.
2. If any, or any portion of, the tracts are not subdivided, the Final Development Plan shall be submitted to the Planning and Zoning Commission for review and recommendation to the City Council for final action. The uses permitted and the intensity

of development as prescribed by this ordinance shall not be subject to review during the Final Development Plan stage.

The Planned Development for Tract 4 shall not become effective until the Final Development Plan is approved.

TRACT 5: The following regulations shall apply to Tract 5 as identified by the attached site plan (Exhibit A).

Uses Permitted. The following uses shall be permitted within Tract 5:

Residential care facility including nursing homes, continual residential care facilities and similar uses. Accessory retail uses which are clearly incidental to the principal use, contained within the principle structure, which have no exterior entrances and/or advertising, such as beauty and barber shops, commissary quick shop and similar uses, are also permitted.

Intensity of Development. Development within Tract 5 shall adhere to the following standards:

1. The floor area ratio (FAR) shall not exceed 0.35.
2. The impervious surface ratio (ISR) within Tract 5 shall not exceed 0.80.

Bulk, Area and Height Requirements. Development within Tract 5 shall adhere to the following standards:

1. A minimum building and parking setback of fifty (50) feet shall be required along Fort Avenue.
2. No building shall exceed a height greater than its horizontal distance from all boundaries of Tract 5.
3. Additional bulk, area and height requirements may be imposed at the final development plan stage.

Landscape Alterations. See the General Provisions section for requirements.

Public Facilities. See the General Provisions section for requirements.

Access to Public Thoroughfares. See the General Provisions section for requirements.

Off-Street Parking. All development within Tract 5 shall comply with the City's parking standards and requirements.

Signs. The developer(s) may submit a signage plan at the final development plan stage. Otherwise, the City's sign codes in effect for this type of facility at the time of submission of the final development plan shall apply.

Perimeter Treatment. See the General Provisions section for requirements.

Exterior Lighting. Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and/or a general increase in lighting intensity within the adjoining existing and proposed residential areas. The owner(s) shall submit a lighting plan as part of the final development plan demonstrating compliance with this section.

Maintenance of Common Areas and Facilities. See the General Provisions section for requirements.

Phasing. See the General Provisions section for requirements.

Final Development Plan. The Final Development Plan for Tract 5 shall be submitted to the Planning and Zoning Commission for review and recommendation and to City Council for final action. The uses permitted and the intensity of development as prescribed by this ordinance shall not be subject to review during the Final Development Plan stage.

The Planned Development for Tract 5 shall not become effective until the final development plan is approved.

GENERAL PROVISIONS. The following regulations shall also apply to Tracts 1-5 as identified by the attached site plan (Exhibit A).

Public Facilities. Development within this District shall adhere to the following standards:

1. All required public and private improvements shall be at the expense of the applicant or subsequent owner(s). Assurances satisfactory to the Director of Public Works such as executed contracts, escrows, guarantees or letters of credit guaranteeing that all required public improvements will be constructed in accordance with the standards determined by the Director of Public Works shall be provided to the City prior to building permits being issued to the applicant or subsequent owners. The applicant or subsequent owners shall file with the Director of Public Works a schedule for completion of public improvements and shall provide assurances that improvements will be constructed within the time schedule. No certificate of occupancy shall be issued for any structure within this District unless the required public improvements are completed prior to occupancy of the structures or unless the Director of Public Works has determined that such public improvements, if not completed, have little or no effect on the occupancy of the facility or conditions beyond the control of the contractor, i.e., strikes, weather, etc. have delayed the completion of the improvements in which case the Director of Building Regulations may permit occupancy under conditions satisfactory to the Director of Public Works that the required public improvements will be completed as required by this ordinance within a reasonable time. Public improvements, as used in this paragraph, shall include private, as well as public, improvements required by the Planned Development ordinance.

Such improvements shall include:

- a. All streets, (situated in substantial conformance with attached site plan (Exhibit A) drives, parking areas, and pedestrian circulation facilities;
 - b. Sanitary sewer facilities;
 - c. Stormwater management and drainage improvements; and
 - d. Public street improvements necessary for efficient and safe ingress and egress from the public thoroughfare system, such as widening, signalization and channelization.
2. Thirty (30) foot sight triangles shall be dedicated at the northwest corner of Fort Avenue and Sunshine at the proposed north/south street and Sunshine Street; and at the proposed east/west street and Kansas Expressway and also Fort Avenue.
 3. Four (4) foot sidewalks shall be required adjacent to Sunshine Street, Fort Avenue and on both sides of the proposed internal streets as shown on the attached site plan (Exhibit A).
 4. An additional five (5) feet of right-of-way shall be dedicated on the west side of Fort Avenue.
 5. Fort Avenue must be improved from Sunshine Street to the proposed east/west street with 36 feet of paving to a point two hundred (200) feet north of Sunshine and widened to 42 feet from that point to Sunshine. Appropriate transition will be required north of the proposed east/west street.
 6. The two proposed streets shall have sixty (60) feet of right-of-way, 36 feet of paving and minimum of 400 foot radii on the curves measured at the centerline.
 7. An all-weather bridge or culvert is required to permit access across Fassnight Creek to Tract 4.
 8. A stormwater detention area to serve the entire planned development, to be maintained by the developer(s) or a duly constituted property owners association, shall be required in Tract 4, situated in substantial conformance with the attached site plan (Exhibit A). For these detention areas to be located within the floodplain, the volume of the detention areas shown must be accomplished by the removal of that much soil or rock from the floodplain.

Landscape Alteration. The following standards shall also apply to Tracts 1-5:

1. While it is recognized that some construction must occur within the 100 year floodplain, it is the intent of this section to minimize any disturbance and/or damage to an area that is considered a unique and historic asset to the community.

2. Any landscape alteration within the 100 year floodplain, as identified by the Director of Public Works, shall require a plan for said alteration. A landscape alteration shall be defined as grading, excavating, stripping, filling, removal or other disturbance of the natural ground cover and/or natural vegetation.
3. A landscape alteration plan shall be submitted to the Director of Public Works and shall be reviewed and approved by the Administrative Review Committee prior to the alteration taking place. The plan shall contain the following:
 - a. A scale sufficient to clearly show the Director of Public Works and the Administrative Review Committee the intended alteration.
 - b. The proposed modification clearly indicated and explained with the existing condition also displayed.
 - c. A demonstration of the potential impact the alteration will have on the floodplain, the stormwater detention requirements and the adjoining area in general.
 - d. Name, address and phone number of the preparer.
4. In its review and approval of the landscape alteration plan, the Administrative Review Committee shall attempt to keep the disturbance to the natural and historic nature of the floodplain at a minimum.

Access to Public Thoroughfares. Access from Tracts 1-5 to adjacent public thoroughfares shall adhere to the following requirements:

1. The proposed east/west street (as shown on Exhibit A) shall intersect with Kansas Expressway at the existing median break at mid-way between Stanford and University Streets at Fort Avenue.
2. The intersection of the proposed east/west street with Kansas Expressway shall be the only access permitted to the expressway.
3. The proposed north/south street (as shown on Exhibit A) shall intersect with Sunshine Street directly opposite Kansas Avenue.
4. Access from Tract 1 to Fort Avenue shall be permitted at the existing driveway indicated on the attached site plan (Exhibit A). It is intended that the primary access to this tract be from the proposed east/west street.
5. In addition to the proposed north/south street, six (6) more points of access to Sunshine Street shall be three (3) to the east and three (3) to the west of that street. The location and design of this access shall be at the final development plan stage.
6. One (1) point of access is permitted to Fort Avenue from Tract 2. Its location and design shall be determined at the final development plan stage.

7. All access from Tract 3 shall be from the proposed east/west street. The location and design of this access shall be at the final development plan stage.
8. It is intended that the primary access to Tract 4 be from the proposed east/west street. If either Kansas Avenue or Newton Avenue is used for access to Tract 4, the design must clearly demonstrate that it will be secondary access for the use of emergency vehicles. The location and design of these access points shall be determined at the final development plan stage.
9. Two (2) points of access shall be permitted from Tract 5 to Fort Avenue. They shall either be directly opposite Portland and/or Linwood Streets or located at least 150 feet from them. Their location and design shall be determined at the final development plan stage.

Perimeter Treatment. The following bufferyards shall be required:

1. Bufferyard F (Exhibit B) adjacent to the east boundary of Tract 1.
2. Bufferyard D (Exhibit C) adjacent to the northern boundary of Tract 4.
3. Bufferyard E (Exhibit D) adjacent to the northern and eastern boundaries of Tract 5.

No structures or parking lots shall be constructed within these bufferyards. Landscape plans shall be submitted during the final development plan stage indicating compliance with these requirements. The developer(s) are encouraged to utilize the existing vegetation in meeting these requirements.

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

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

Section 3 - A copy of this ordinance, as well as such documents as the Director of Community Development deems appropriate, may be recorded in the Greene County Land Records.

Section 4 - This ordinance shall be in full force and effect from and after passage.

Passed at meeting: 5-28-85

1st George Schugge
Mayor

Attest: 1st Donald H. Kellogg, City Clerk

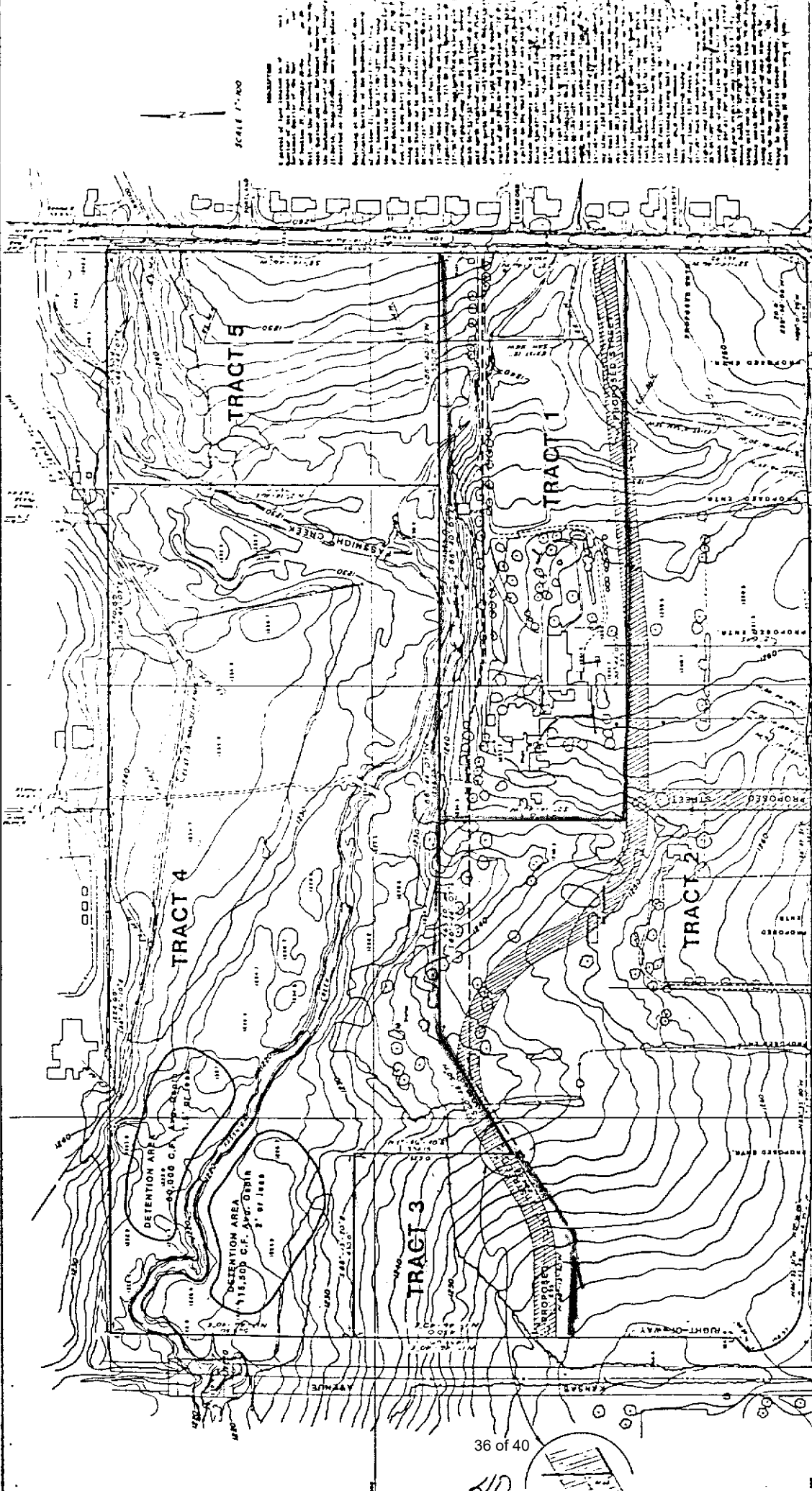
Approved as to form: [Signature], City Attorney

Approved for Council action: [Signature], City Manager

EXHIBIT 2

SECRETARY OF INTERIOR'S STANDARDS FOR HISTORIC PRESERVATION PROJECTS FOR PLANNED DEVELOPMENT DISTRICT NO. 46

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as a product of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.



P.D. NO. 46
EXHIBIT A

NOTE: ANY ADDITIONAL 5.00 OF RIGHT-OF-WAY
WILL BE PROVIDED ON THE WEST SIDE OF
PORT AVE. IN 1900.

HR

HOOD-RICH
ARCHITECTS & CONSULTING ENGINEERS
801 SOUTH BLENHEIM
SPRINGFIELD, MISSOURI 65804

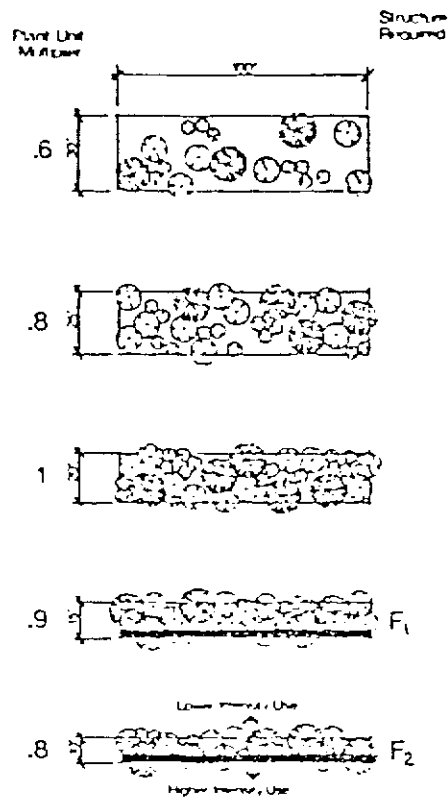
DEVELOPMENT PLAN FOR ELFINCHAM LAND

OWNER: LAND DEVELOPMENT CO. (MISSOURI)
512 S. CHART
512 N. CHART, MISSOURI 65804

ENGINEER: RICHARD
801 SOUTH BLENHEIM
SPRINGFIELD, MISSOURI
65804

STATISTICAL SUMMARY			
TRACT ACRES	USES/TYPES	INTENSITY/DENSITY	REMARKS
1	GENERAL COMMERCIAL, TO BE SPECIFIED IN MASTER PLAN	0.40 F.A.P.	ADJACENT TO DETENTION AREA
2	GENERAL COMMERCIAL, TO BE SPECIFIED IN MASTER PLAN	0.40 F.A.P.	ADJACENT TO DETENTION AREA
3	OFFICE	0.15 F.A.P.	ADJACENT TO DETENTION AREA
4	RETAIL	0.40 F.A.P.	ADJACENT TO DETENTION AREA
5	CONTINUOUS CAMP UNIT FACILITY	0.40 F.A.P.	ADJACENT TO DETENTION AREA

BUFFERYARD F



Required Plantings/100'

5	Canopy Trees	
5	Understory Trees	
5	Evergreen Trees	
15	Shrubs	

Required Structure

- F1 - 6 ft. solid wood fence or
 6 ft. solid masonry/brick wall or
 6 ft. solid evergreen hedge.
- F2 - 8 ft. solid wood fence or
 8 ft. solid masonry/brick wall or
 8 ft. solid evergreen hedge.

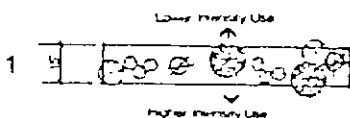
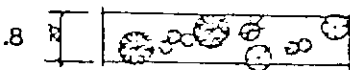
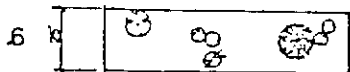
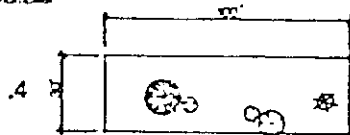
Minimum Plant Sizes

	Abutting Vacant Land	All Other	Mature Height
Canopy Tree	6 ft.	10 ft.	>50 ft.
Understory Tree	4 ft.	6 ft.	<50 ft.
Evergreen Tree	3 ft.	5 ft.	>20 ft.
Shrub			
Deciduous	15 in.	24 in.	<20 ft.
Evergreen	12 in.	18 in.	<20 ft.

Maintenance. The property owner shall be required to maintain the bufferyard and required structure at all times.

BUFFERYARD D

Plant Unit
Multiplier



Required Plantings/100'

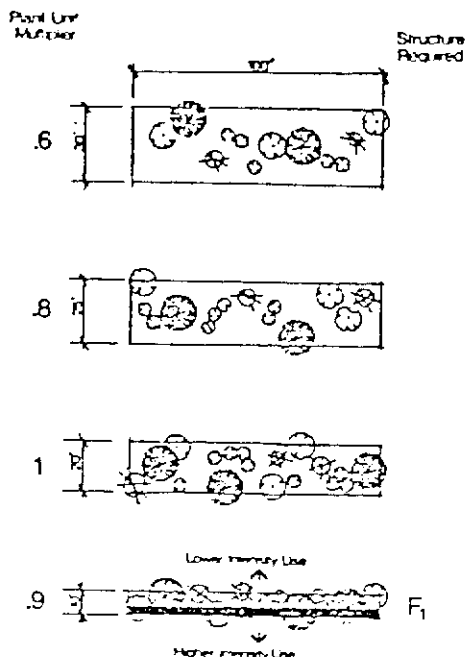
2	Canopy Trees	
2	Understory Trees	
2	Evergreen Trees	
6	Shrubs	

Minimum Plant Sizes

	Abutting <u>Vacant Land</u>	All <u>Other</u>	Mature <u>Height</u>
Canopy Tree	8 ft.	10 ft.	>50 ft.
Understory Tree	4 ft.	6 ft.	<50 ft.
Evergreen Tree	3 ft.	5 ft.	>20 ft.
Shrub			
Deciduous	15 in.	24 in.	<20 ft.
Evergreen	12 in.	18 in.	<20 ft.

Maintenance. The property owner shall be required to maintain the bufferyard and required structure at all times.

BUFFERYARD E



Minimum Required Plantings/100'

3	Canopy Trees	
3	Understory Trees	
3	Evergreen Trees	
9	Shrubs	

Required Structure

- F1 - 6 ft. solid wood fence or
 6 ft. solid masonry/brick wall or
 6 ft. solid evergreen hedge.

Minimum Plant Sizes

	Abutting Vacant Land	All Other	Mature Height
Canopy Tree	6 ft.	10 ft.	>50 ft.
Understory Tree	4 ft.	6 ft.	<50 ft.
Evergreen Tree	3 ft.	5 ft.	>20 ft.
Shrub			
Deciduous	15 in.	24 in.	<20 ft.
Evergreen	12 in.	18 in.	<20 ft.

Maintenance. The property owner shall be required to maintain the bufferyard and required structure at all times.

FINAL DEVELOPMENT PLAN FOR
GUARANTY BANK
SPRINGFIELD, GREENE COUNTY, MISSOURI

ATTCHMENT 2

CURRENT ZONING: PD-46
PROPOSED ZONING: PD-46
PROPOSED LAND USE: COMMERCIAL (CONTINUED USE)

BUFFER YARDS:
TRACT 1 - 25' BUFFER YARD ADJACENT TO EAST BOUNDARY
TRACT 4 - 25' BUFFER YARD ADJACENT TO NORTH BOUNDARY
TRACT 5 - 25' BUFFER YARD ADJACENT TO NORTH AND EAST BOUNDARIES

PLANT LEGEND

- SMALL SHRUB AS SELECTED BY OWNER.
SMALL SHRUBS HAVE A MIN. HEIGHT OF 12" TALL AT TIME OF PLANTING.
- LARGE SHRUB AS SELECTED BY OWNER.
SHRUBS ARE A MINIMUM OF 18" TALL AT TIME OF PLANTING.
- ORNAMENTAL UNDERSTORY TREE AS SELECTED BY OWNER.
UNDERSTORY ARE DECIDUOUS TREES WITH A MAX HEIGHT LESS THAN 30' AT MATURITY. ALL EVERGREEN TREES HAVE A MIN. OUTSIDE CALIPER WIDTH OF 1" AND A MIN. HEIGHT OF 6' AT TIME OF PLANTING.
- EVERGREEN TREE AS SELECTED BY OWNER.
EVERGREEN TREES WITH A MAX HEIGHT LESS THAN 30' AT MATURITY. ALL EVERGREEN TREES HAVE A MIN. OUTSIDE CALIPER WIDTH OF 1" AND A MIN. HEIGHT OF 6' AT TIME OF PLANTING.
- CANOPY TREE AS SELECTED BY OWNER.
CANOPY TREES HAVE A MIN. HEIGHT OF 30' AT MATURITY. ALL CANOPY TREES HAVE A MIN. OUTSIDE CALIPER WIDTH OF 1 1/2" AND A MIN. HEIGHT OF 6' AT TIME OF PLANTING.
- TURF

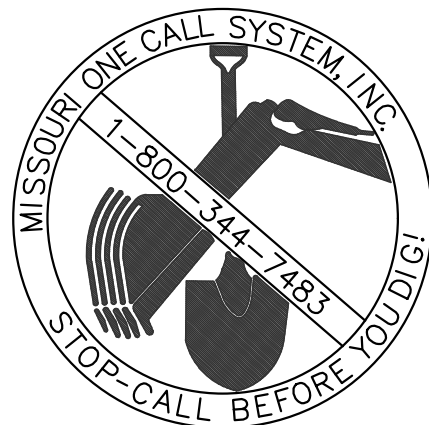
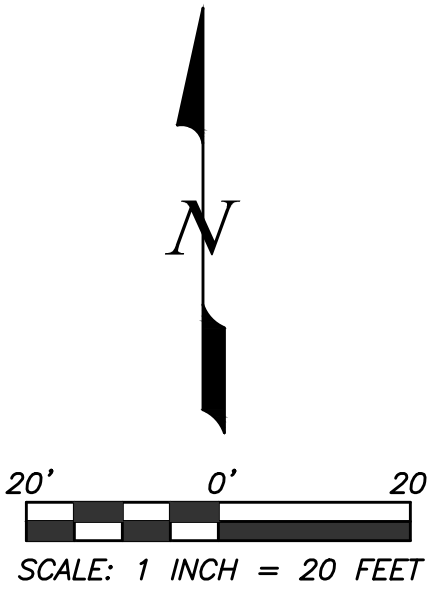
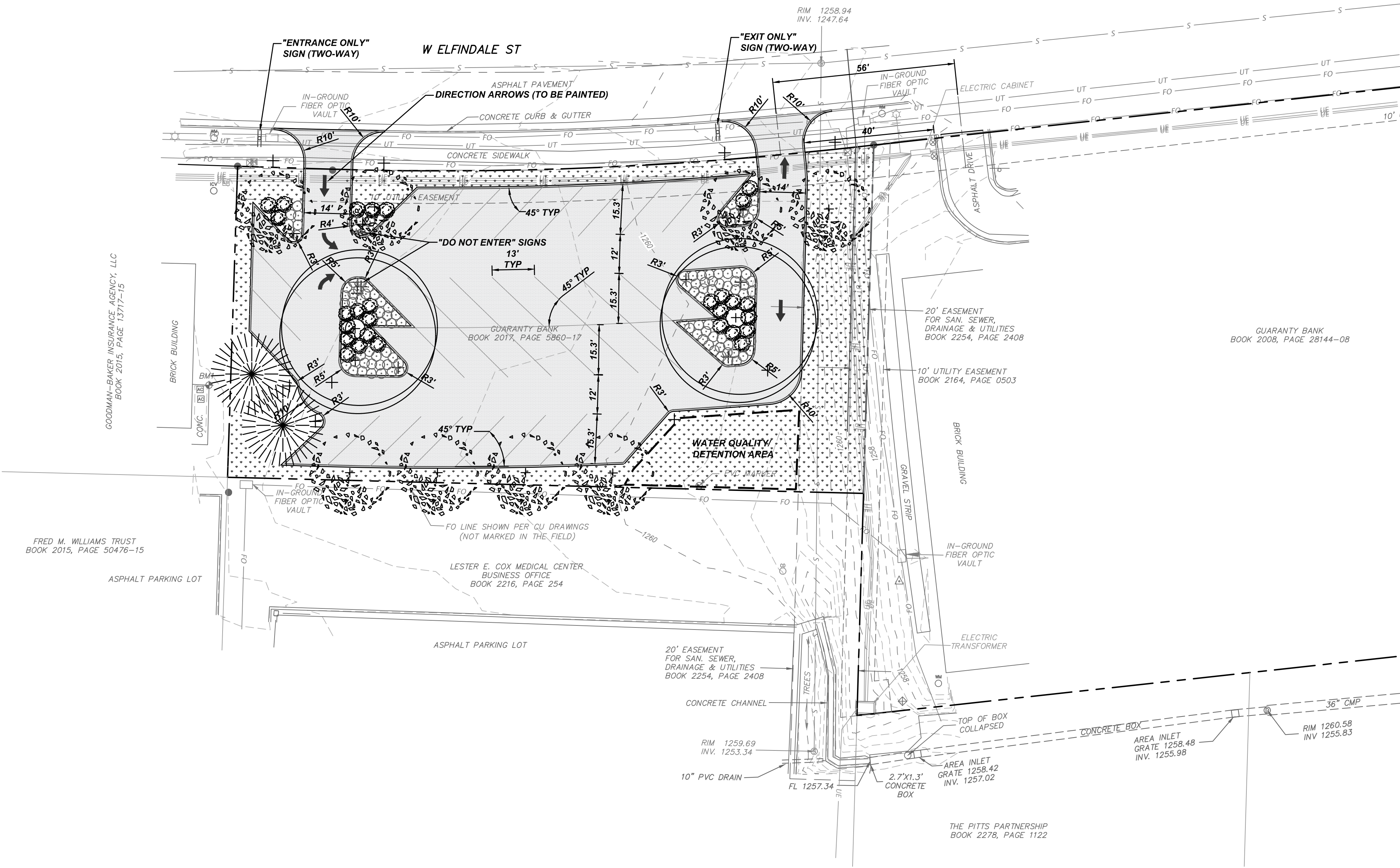
CREDITS = 0 (NO EXISTING TREES OR SHRUBS)
PERIMETER LANDSCAPING LINEAR FEET ≈ 200'
200'/100 (2 TREES PER 100') = 4 TREES

INTERIOR PARKING LANDSCAPING
MIN. OF 5% PARKING OR VEHICULAR USE
AREA: 13072.35 SF, (33 SPACES) X 0.05 = 653.62 SF
TOTAL TREES REQ'D = 2 UNDERSTORY OR 1 CANOPY

LANDSCAPE ARCHITECT: JERANY L. JACKSON, PLA
GREAT RIVER ENGINEERING
2826 S. INGRAM MILL ROAD,
SPRINGFIELD, MO 65804
(417) 886-7171

LAND SURVEYOR: BRIAN VIELE, PLS
GREAT RIVER ENGINEERING
2826 S. INGRAM MILL ROAD,
SPRINGFIELD, MO 65804
(417) 886-7171

OWNER
GUARANTY BANK
2144 E. REPUBLIC ROAD, SUITE F200
SPRINGFIELD, MO 65804
417-520-0232
ATTN: SHAUN BURKE (CORPORATE OFFICIAL)



No.	Revision/Issue	Date



GUARANTY BANK
SPRINGFIELD, MISSOURI
FINAL DEVELOPMENT PLAN

DATE: DEC. 10, 2018
JOB NUMBER: 4034
SHEET
1 OF 1

One-rdg. _____
P. Hrngs. _____
Pgs. 50
Filed: 02-05-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 036

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of
2 public streets and easements to the City of Springfield, as shown on
3 the Preliminary Plat of Opal Sunset Subdivision generally located at
4 3851 West Farm Road 148/University Street, upon the applicant filing
5 and recording a final plat that substantially conforms to the preliminary
6 plat; and authorizing the City Clerk to sign the final plat upon
7 compliance with all the terms of this Ordinance. (Staff recommends
8 that City Council accept the public streets and easements.)
9 _____

10
11 WHEREAS, an original preliminary plat of Opal Sunset Subdivision, dated
12 December 28, 2018, is on file with the City's Department of Planning and Development;
13 and
14

15 WHEREAS, on January 17, 2019, the Planning and Zoning Commission of the
16 City of Springfield, Missouri, approved the Preliminary Plat of Opal Sunset Subdivision
17 which is generally located at 3851 West Farm Road 148/University Street.
18

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

22 Section 1 – City Council hereby authorizes the Director of Planning and
23 Development, on behalf of the City of Springfield, to accept the land, easements, and
24 improvements dedicated to the City as shown on the Preliminary Plat of Opal Sunset
25 Subdivision, which is generally located at 3851 West Farm Road 148/University Street,
26 as approved by the Planning and Zoning Commission. The original plat of Opal Sunset
27 Subdivision is on file in the Department of Planning and Development (“Approved
28 Preliminary Plat”), a reduced version of which is attached hereto for general reference
29 as “Exhibit B - Attachment 4,” and all of “Exhibit B,” including attachments, is
30 incorporated herein by this reference.
31

32 Section 2 – The Director of Planning and Development shall be authorized to
33 accept the land, easements, and improvements dedicated to the City, as shown on said

plat, upon the applicant filing and recording a final plat in accordance with this Ordinance and the Subdivision Regulations of the City, which final plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of the above written conditions.

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby authorized to endorse City Council's approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

Section 5 – This Ordinance shall be in full force and effect from and after its passage and is subject to Section 36-226 of the Land Development Code.

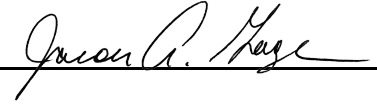
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 - 036

FILED: 02-05-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of the public streets and easements as shown on the Preliminary Plat of Opal Sunset Subdivision generally located at 3851 West Farm Road 148/University Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. An original Preliminary Plat of Opal Sunset Subdivision dated December 28, 2018, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in "Exhibit B - Attachment 4."
- B. The Planning and Zoning Commission held a public hearing on January 17, 2019, and approved the preliminary plat by a vote of 6 to 0, subject to the following conditions:
 - 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.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - 3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
 - 4. 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.

5. 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.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

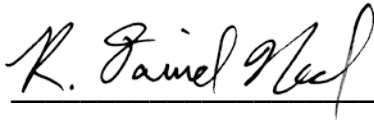
Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium or High-Density Housing. Townhouses and all various forms of apartment buildings are included in this category, which are located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations. Further, the *Plan* promotes the development of well-designed moderate-density housing adjacent to amenities such as shopping, recreational or cultural facilities and employment centers. The proximity of the proposed development to the West Bypass and Sunshine Street Activity Center will place residents in an area that has many amenities such as shopping, and employment centers. The most appropriate districts would be Low, Medium and High-Density Multi-Family Residential Districts.

REMARKS:

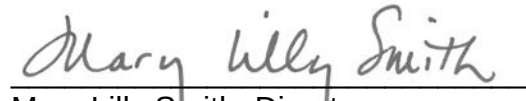
Staff recommends approval.

Submitted by:



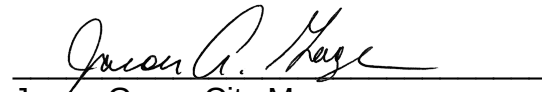
Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Zoning and Subdivision Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Conditions of Plat Approval

Attachment 3, Engineering Report

Attachment 4, Preliminary Plat

EXHIBIT A

RECORD OF PROCEEDINGS
PRELIMINARY PLAT – OPAL SUNSET SUDIVISION
RECORD OF PROCEEDINGS
Planning and Zoning Commission January 17, 2019

Z-4-2019 w/COD #166
3851 West Farm Road 148

Applicant: A&R Property Developers, LLC

Preliminary Plat of Opal Sunset Subdivision
3851 West Farm Road 148

Applicant: A&R Property Developers, LLC

Combined the presentation for zoning and preliminary plat.

Mr. Hosmer stated that this is a request to rezone approximately 9.3 acres of property located at 3851 West Farm Road 148/ University Street from County C-1, Neighborhood Commercial District to R-MD, Medium Density Multi-Family Residential District, and GR, General Retail District, and establishing Conditional Overlay District No. 166. Comprehensive Plan identifies this as an appropriate area for Medium or High-Density Housing. The application meets the intent of the R-MD district which is to serve as a transition between major streets or commercial areas and lower density residential areas. The Major Thoroughfare Plan classifies West University Street and McCurry Street as collector roadways which both support the proposed land uses. The property is currently zoned C-1, in Greene Co. and is proposed to be annexed as part of the proposed rezoning. The request is consistent with the Multi-Family Design Guidelines which will limit the development to 24 dwelling units per acre. The COD will require the developer to subdivide, perform a traffic study and make any necessary improvements, dedicate additional right-of-way and construct sidewalks along Farm Road 148/University Street. Must substantially conformance to the Multi-Family Guidelines and the site plan. Staff recommends approval.

Mr. Hosmer stated that this is a request for a two-lot subdivision on 9.3 acres located at 3851 West Farm Road 148/ University Street. The Comprehensive Plan identifies this as an appropriate area for Medium or High-Density Housing. The subject property is currently outside the City Limits in unincorporated Greene County and once annexed will be considered a tract of record Lot 1 is proposed to be zoned to GR, General Retail District with COD #166 which requires a bufferyard adjacent to the proposed R-MD. 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. Staff recommends approval.

Mr. Doennig asked about the access between Farm Road 148 and Sunshine Street.

Mr. Hosmer stated that there is no access between Farm Road 148 and Sunshine

Street, the access is off McCurry Street and will be connecting to West University.

Mr. Doennig opened the public hearing.

Mr. Rich Kramer, 8932 E. Riverview Drive, Rogersville, purchased the property a few years ago and hoping to improve the area and removed approximately 25 abandoned trailers.

Ms. Teresa Davison, 535 W. Battlefield, representative for the applicant. At the neighborhood meeting there were stormwater quality and retention questions as well as light concerns. The lights will be turned in towards the interior with a bufferyard and we also went with to the low end on medium density.

Mr. Dennis Perry, 3954 W. Portland, stating that this development (northside) backs up to his property and believes there is not enough of a bufferyard and voiced his concerns for privacy and how the apartments will be able to look directly into his backyard.

Mr. Michael Hampton, 1615 S. Delaware, architect of the project, noting that the northside units will be only two stories whereas the interior units are three stories and noted that they are trying to accommodate the neighbors and will keep the existing trees on the property edge.

Mr. Doennig asked about the height of the back buildings.

Mr. Hampton stated that the back buildings will be approximately 20' to 30' tall with 35' to the lot line.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Z-4-2019 w/COD #166 (3851 West Farm Road 148). Ms. Broekhoven seconded the motion. Ayes: Doennig, Broekhoven, Shuler, Rose, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Coltrin, Cox, and Thomas.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Preliminary Plat of Opal Sunset Subdivision (3851 West Farm Road 148). Mr. Rose seconded the motion. Ayes: Doennig, Broekhoven, Shuler, Rose, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Coltrin, Cox, and Thomas.

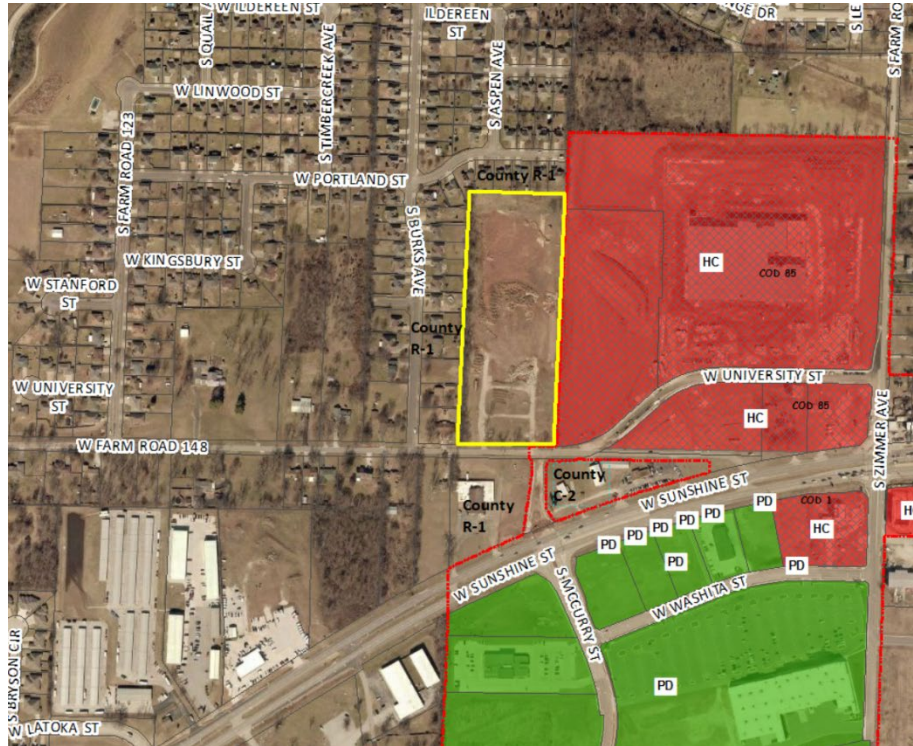


Bob Hosmer, AICP
Principal Planner

Exhibit B

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JANUARY 17, 2019

CITY COUNCIL PUBLIC HEARING: FEBRUARY 11, 2019



CASE NUMBER:

Preliminary Plat of Opal Sunset Subdivision

LOCATION:

3851 W. Farm Road 148/University St.

ACRES:

Approximately 9.3 acres

EXISTING LAND USE:

Vacant land previously a manufactured home community

APPLICANT:

A&R Property Developers, LLC

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve preliminary plat as submitted

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a two-lot subdivision named "Opal Sunset Subdivision".

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant's proposal, with the conditions listed below is consistent with the City's *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	R-SF	HC	County R-1
LAND USE	Single-family residences	Church uses	Vacant commercial land	Single-family residences

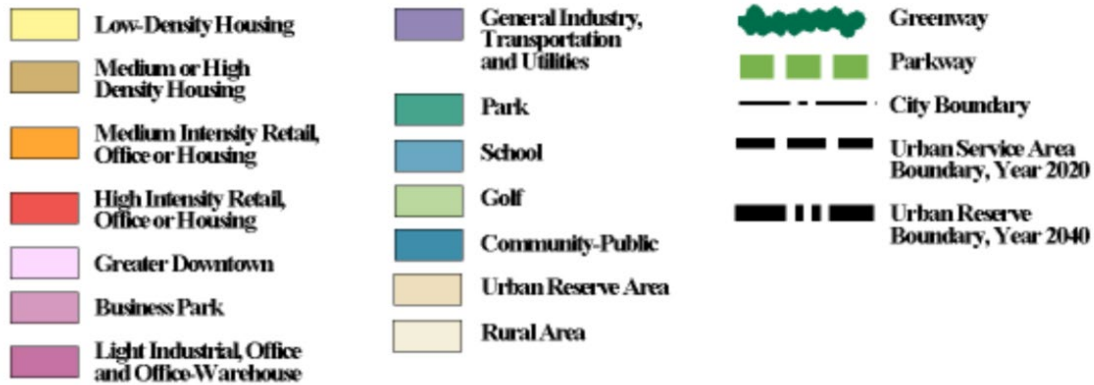
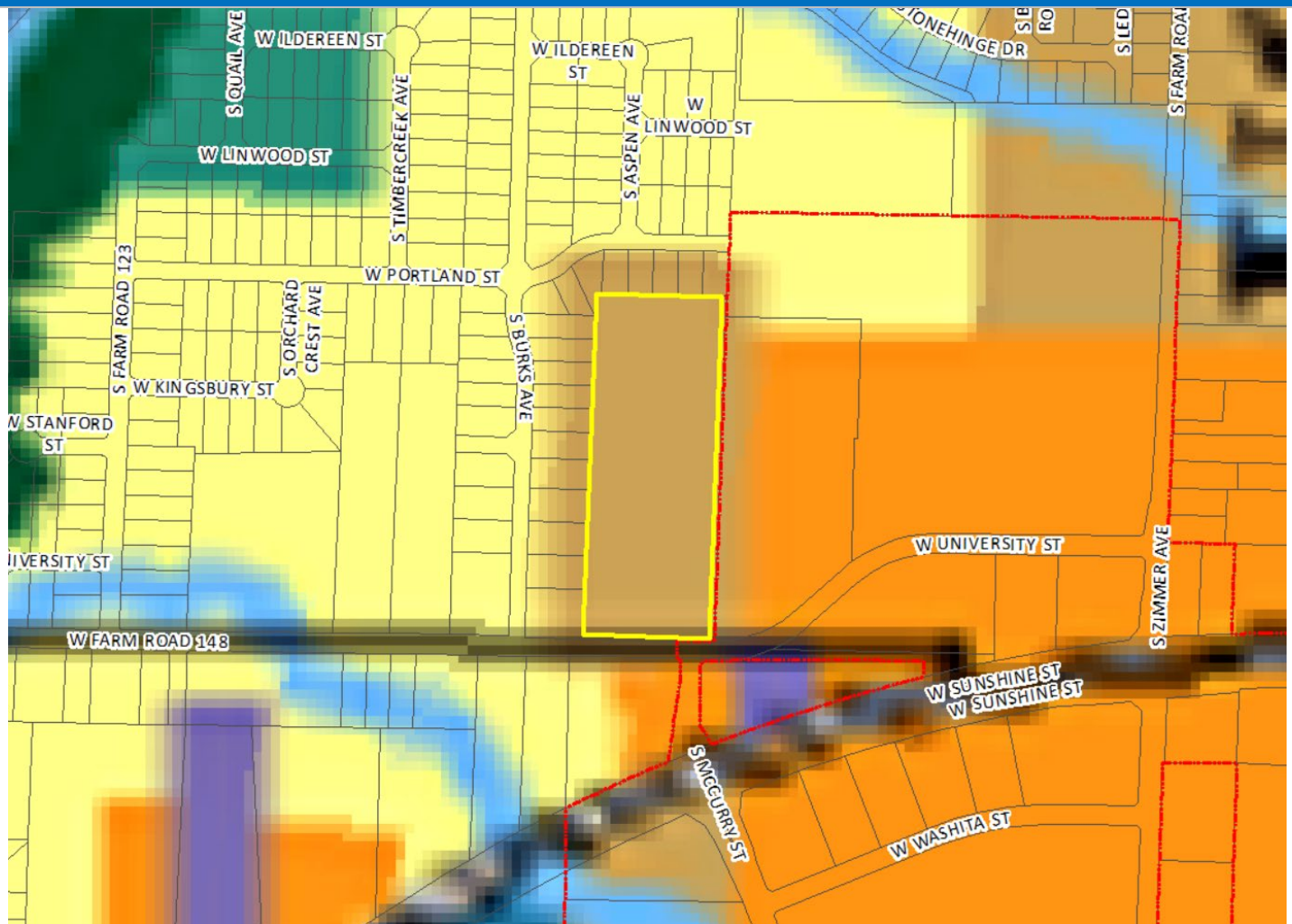
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

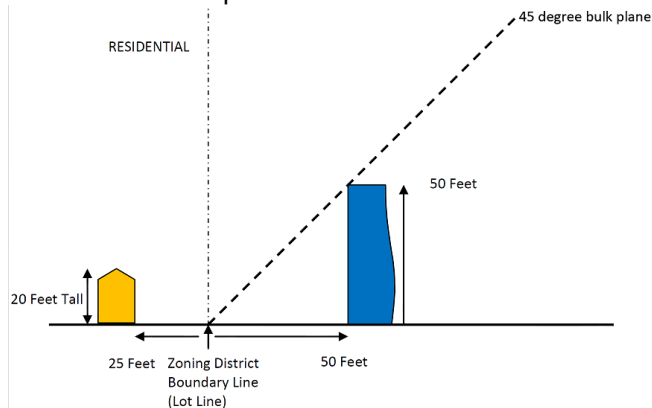
The subject property is currently outside the City Limits in unincorporated Greene County and once annexed will be considered a tract of record.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR R-MD
Use Limitations	N/A
Maximum Structure Height	Thirty-five feet plus one additional foot for each additional two feet of setback provided on each side of the structure up to 75 feet. Above 75 feet, no additional setback is required.
Front Yard Setback	25 feet along a collector street
Side and Rear Setbacks	Rear: 12 feet (10% of lot depth) Side yard: 6 feet
Open Space Requirement	Not less than 20 percent
Design Requirements	Standard per code

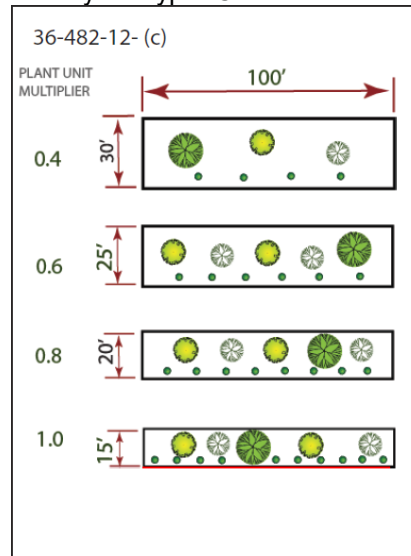
BULK PLANE

45-degree where property adjoins an R-SF district. This bulk plan would be required on the north, south and west of the development.



LANDSCAPING

Bufferyard Type "C"



CODE ITEM

Use Limitations

REQUIREMENTS FOR GR

(a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows:

1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to section 36-363, conditional use permits, of this

	article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. 2. If the premises abuts only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.
Maximum Structure Height	None, except that no building shall be higher than a 30-degree bulk plane adjacent to R-SF or R-TH Districts
Front Yard Setback	Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations
Side and Rear Setbacks	None, except as required by the supplemental open space and bufferyard requirements
Open Space Requirement	20%
Design Requirements	Standard per code

BULK PLANE	LANDSCAPING
RESIDENTIAL COMMERCIAL 30 degree bulk plane 20 Feet Tall 25 Feet 43 Feet 25 Feet Tall	Bufferyard Type "C" 36-482-12- (c) PLANT UNIT MULTIPLIER 0.4 30' 100' 0.6 25' 0.8 20' 1.0 15'

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium or High-Density Housing. Townhouses and all various forms of apartment buildings are included in this category, which are located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations. Further, the *Plan* promotes the development of well-designed moderate-density housing adjacent to amenities such as shopping, recreational or cultural facilities and employment centers. The proximity of the proposed development to the West Bypass and Sunshine Street Activity Center will place residents in an area that has many amenities such as shopping, and employment centers. The most appropriate districts would be Low, Medium and High-Density Multi-Family Residential Districts.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 9.3 acres of property into a two-lot subdivision named "Opal Sunset Subdivision".
2. 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.
3. Lot 1 is proposed for zoning to GR, General Retail District with COD #166 which requires a bufferyard adjacent to the proposed R-MD. Lot 2 is proposed for zoning to R-MD, Medium Density Multi-Family District with COD #166. Conditional Overlay District No. 166 requires a traffic study at the time of development, sidewalk, additional right-of-way and that the property be subdivided along the proposed zoning boundaries in accordance with the City's Subdivision Regulations.
4. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1.

PUBLIC NOTIFICATION:

The property was posted 10 days prior to the Planning and Zoning Commission meeting.

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

AT&T COMMENTS:

No comments.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

No comments.

CLEAN WATER SERVICES COMMENTS:

Approval of the final plat will require public improvement plans to extend public sewer to lot 1. Public improvements must be completed and accepted or escrowed prior to filing of the plat or issuance of building permits. Sewer permits cannot be issued until accepted even if the sewer is escrowed.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Farm Road 148 as a Collector roadway. The standard right-of-way width for W. Farm Road 148 is 30 feet from the centerline. It appears approximately five feet of additional right-of-way needs to be acquired along the property frontage of W. Farm Road 148. A survey is recommended to determine the exact amount of existing right-of-way. A portion of W. Farm Road 148 is under Greene County jurisdiction. The intersection of University Street and McCurry Street is under City of Springfield jurisdiction.

DRIVEWAY ACCESS

There is currently two driveway access points to the property from W. Farm Road 148. Any new proposed driveway approaches must meet current minimum spacing requirements. Traffic prefers that only one driveway access be taken to the site from W. Farm Road 148 that aligns with S. McCurry Street and utilizes a cross-access easement between the two proposed lots.

SIDEWALK

There is not currently sidewalk along the entire length of the property frontage of W. Farm Road 148. Sidewalk is required to be constructed along the entire length of the property frontage (where it is not currently existing) as a part of this development/rezoning.

IMPROVEMENTS

A Traffic Impact Study (TIS) is required to be submitted as a part of the platting of this property. Any improvements required as a part of the TIS are required to be constructed and approved or funds escrowed, prior to approval of the final plat. The requirement of the TIS is due to an increase of more than 1,000 additional trips during a weekday. There are numerous other improvements occurring in the area adjacent to the property pertaining to this annexation/rezoning. These improvements include construction of University Street, a new traffic signal at McCurry and Sunshine, a new traffic signal at Sunshine and Zimmer, Zimmer Avenue

widening/sidewalk, to name a few. Any public improvements required as a part of the TIS will need to be coordinated with these recently completed/under construction improvements.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft)	Required Street ROW from Centerline (ft)
Street 1	W. Farm Road 148	Collector	No	25	30

SEDIMENT EROSION CONTROL COMMENTS:

A City Land Disturbance Permit will be required due to the estimated area of disturbance being >1 acre. You will need to submit a Stormwater Pollution Prevention Plan (SWPPP), including narrative, site plan and attachments. Include any associated PW improvements in the area of disturbance on the SWPPP site plan.

STORMWATER COMMENTS:

The property is in the Wilson's Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing, detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not applicable as stormwater improvements are to be provided in that area. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

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

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement. Drainage easements must be provided for this conveyance.
3. If disturbing more than one-acre water quality will also have to be provided.
4. More detailed stormwater calculations must be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Wilson's Creek
Is property located in Floodplain	No
Is property located on a sinkhole	No
Is stormwater buyout an option	No

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONS OF PLAT APPROVAL

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.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. 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.
5. 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.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

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.

**Engineering Report for
the Preliminary Plat of**

OPAL SUNSET

General Retail and Residential Medium Density with COD Max. 24 DU/Ac.
Springfield, Greene County, Missouri

December 2018

Prepared for:

A&R Developers, LLC
789 N. Miller Ave.
Springfield, MO 65803
Ph: 417-865-5959



Prepared By:



Heithaus Engineering & Associates, Inc.

MO COA #2010021970 (E), #2010018087 (LS)

535 West Battlefield Street

Springfield, Missouri 65807

(417) 887-3238, Fax (417) 887-1940

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B.	SANITARY SEWER.....	3
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D.	WATER, GAS AND ELECTRIC SUPPLY	4
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III.	CONCLUSION.....	4
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OTO MAJOR THOROUGHFARE PLAN MAP
UTILITY MAPS – WATER, GAS, ELECTRIC, SANITARY & STORMSEWER
SCS CURVE NUMBER CALCULATIONS
WATER QUALITY RUNOFF CALCULATION WORKSHEET
FEMA FIRMETTE MAP
USFWS WETLAND MAPPER
USDA/NRCS CUSTOM SOIL RESOURCE REPORT

ENGINEERING REPORT FOR:

OPAL SUNSET

Springfield, Greene County, Missouri

I. INTRODUCTION

The subject property consists of approximately 9.314 acres that previously occupied a mobile home park and is proposed to be subdivided and redeveloped for General Retail (GR) and Residential-Medium Density (R-MD) uses. The property is currently adjacent to the western City limits of Springfield lying north of West Farm Road 148 (University St.) in part of the SE1/4 of the SW1/4 of Section 29, Township 29N, Range 22W in Greene County, Missouri. An annexation petition and rezoning application have been submitted congruent with the preliminary plat application. The rezoning application designates 1.148 $\pm$ for GR use and 8.077 $\pm$ acres for R-MD with a Conditional Overlay District (COD) limiting the maximum density to 24 dwelling units (DU/acre). If annexed and rezoned, the property will be subdivided, designed and constructed to meet current City regulations including dedication of 10-feet of additional right-of-way (0.089 $\pm$ acres) along the property frontage on W. Farm Road 148 (University St.). Neighboring properties to the north and west, while properties to the east are zoned Highway Commercial (HC). The requested zoning is also compatible with the Future Land Use Plan from the City of Springfield Comprehensive Plan which recommended R-MD or R-HD for the subject property.

II. DEVELOPMENT INFRASTRUCTURE & SERVICES

All improvements are to meet City of Springfield and City Utilities of Springfield regulations including access drives, sidewalk along W. Farm Rd. 148 frontage, stormsewers and water quality detention, sanitary sewers, water lines and private hydrants as necessary, electrical service and natural gas. The following subsections outline related criteria for the development:

A. Stormwater Drainage

1. The site generally drains northwesterly discharging to an existing downstream residential detention basin. A water quality detention basin will be constructed near the northwest side of the development similar to basin shown on the preliminary plat to meet current design guides (reference the appendix for SCS calculations and preliminary WQ volumes). An internal stormsewer system consisting of surface drainage, inlets pipes will convey

stormwater runoff from the development to the detention basin in accordance with City regulations. Design calculations and plans indicating pipe, ditch, inlet and basin sizing will be provided for review by the City's Stormwater Engineer. A post construction stormwater best management plan will be provided in accordance with City WQ Protection Policy Resolution 99-168 (**Reference Preliminary Plat (PP) Checklist Items #22 & 24**)

2. As referenced to FEMA Flood Insurance Rate Map for the City of Springfield, Greene County, Missouri (Community-Panel Number 29077C0336E, Effective Date: December 17, 2010), the subject property lies within Zone Designation "X", "other areas" determined to be outside the 0.2% annual chance floodplain.
3. A land disturbance permit from the Missouri Department of Natural Resources (MDNR) will be required since the proposed development will disturb more than 1 acre of land. Erosion and Sediment Best Management Practices (BMPs) will be outlined in the Stormwater Pollution Prevention Plan (SWPPP) and indicated on the improvements plans to be incorporated with construction.
4. No sinkholes have been identified on or appear to exist on the subject property. (**Ref. PP Chklst Items #20, 21 & 23**)

B. Sanitary Sewer

Wastewater disposal for the development will be provided by City of Springfield connecting to an existing 8-inch diameter gravity sewer main located near the northwest corner of the property in the adjacent residential subdivision (Springview Heights). Based on the proposed zoning R-MD w/COD 24 max. DU/Ac., sewer capacity issues were not identified. (**Ref. PP Chklst Item #26**)

C. Street System & Design

Referencing the Ozarks Transportation Organization (OTO)'s Long Range Transportation Plan 2040, W. Farm Road 148 has been designated a Collector on the Major Thoroughfare Plan. Collectors require 60-ft. minimum right-of-way (30' from centerline), therefore 10' of

additional right-of-way along the north side of W. Farm Rd 148 will be dedicated to provide the required 30' from centerline.

A Traffic Impact Study will be required prior to development of the GR and Residential Lots. Each lot will have its own access to W. Farm Road 148 meeting current spacing and sight distance requirements. The access to the GR tract (Lot 1) is to be installed directly opposed to McCurry Street. No Public Streets, cul-de-sacs or temporary dead-end streets proposed with this subdivision. (Ref. PP Chklst Items #27, 30, 31, 33, 34, 36, 37, 39 & 40)

D. Water, Gas and Electric Supply

Water, Natural Gas and Electric for the development will be supplied by City Utilities of Springfield with existing facilities existing in the project vicinity.

E. Municipal Services

Municipal services for the proposed development will be provided by the City of Springfield including the Springfield Public Schools District, Springfield Fire Protection District and Springfield Police Department.

III. CONCLUSION

As outlined above, the proposed development meets the general requirements of the City of Springfield Comprehensive Plan with adequate utilities and municipal services available to serve the entire development.

APPENDIX A

**OTO MAJOR THOROUGHFARE PLAN MAP
UTILITY MAPS – WATER, GAS, ELECTRIC, SANITARY & STORMSEWER
SCS CURVE NUMBER CALCULATIONS
WATER QUALITY RUNOFF CALCULATION WORKSHEET
FEMA FIRMETTE MAP
USFWS WETLAND MAPPER
USDA/NRCS CUSTOM SOIL RESOURCE REPORT**



Major Thoroughfare Plan

Ozarks Transportation Organization

As approved by the OTO Board of Directors



These image clips have been taken from the City's website
<https://www.springfieldmo.gov/DocumentCenter/View/22236/Major-Thoroughfare-Plan-Graphic-PDF?bidId=>

Amended August 21, 2008
 Amended December 15, 2011

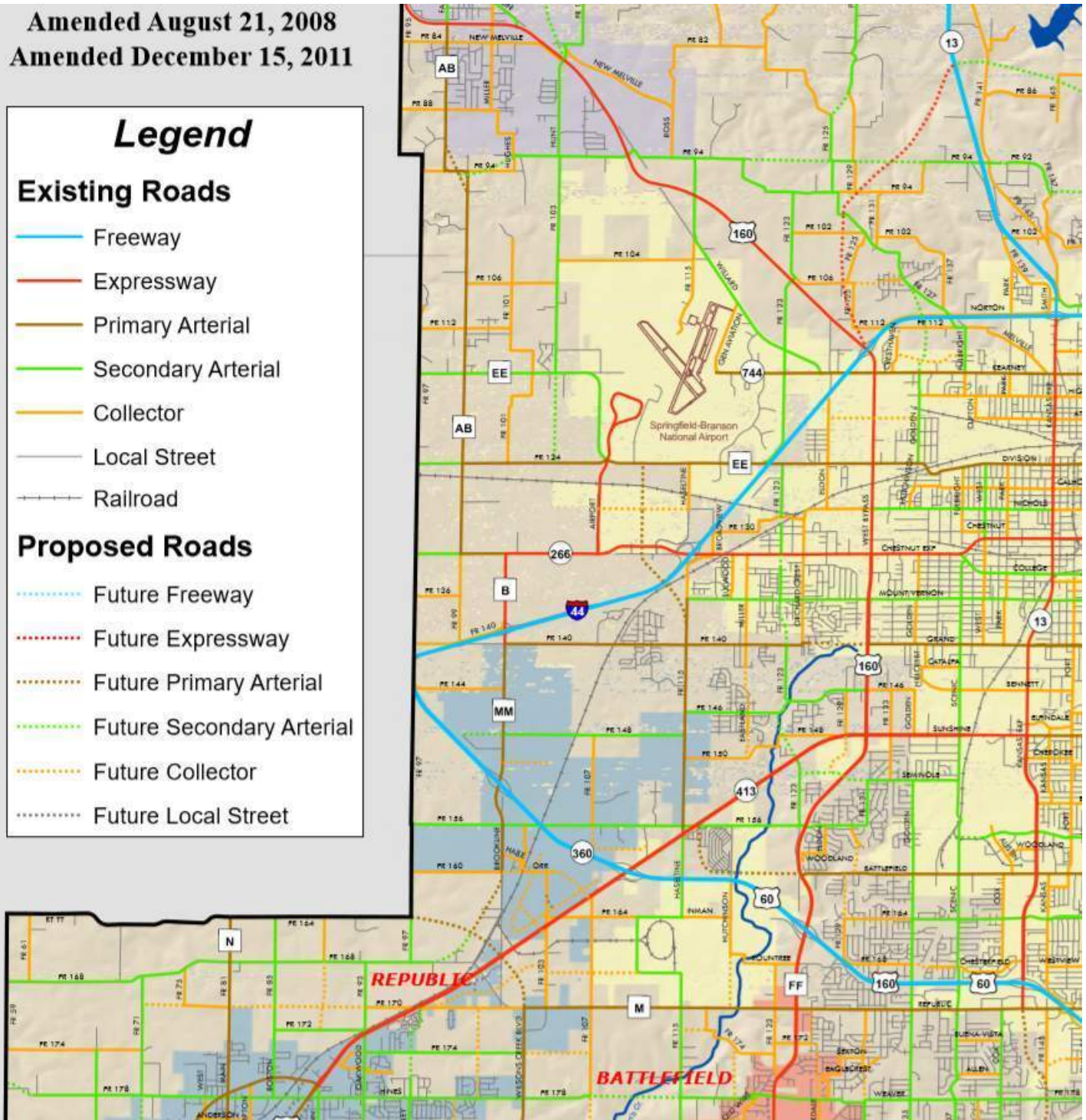
Legend

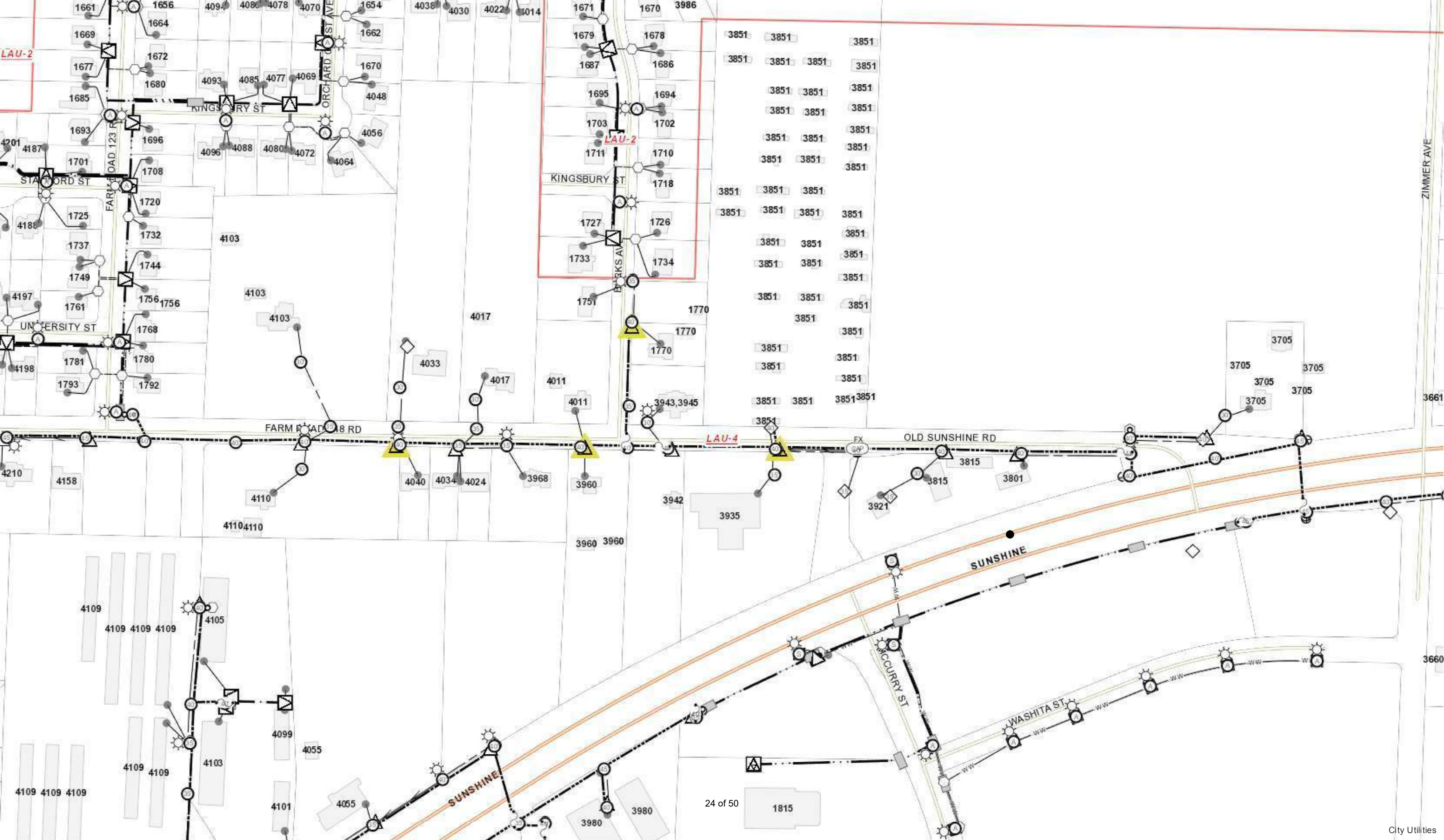
Existing Roads

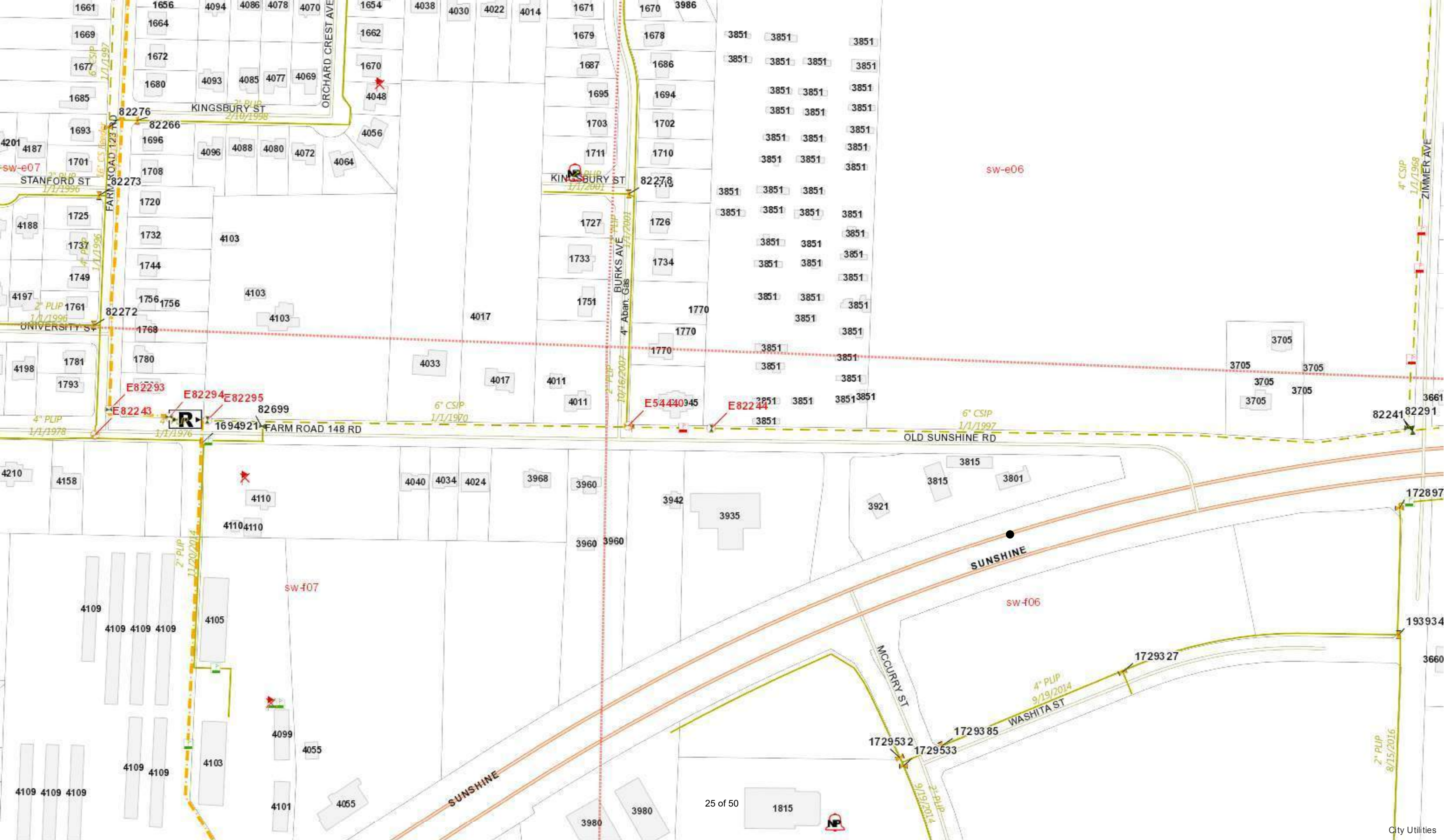
- Freeway
- Expressway
- Primary Arterial
- Secondary Arterial
- Collector
- Local Street
- Railroad

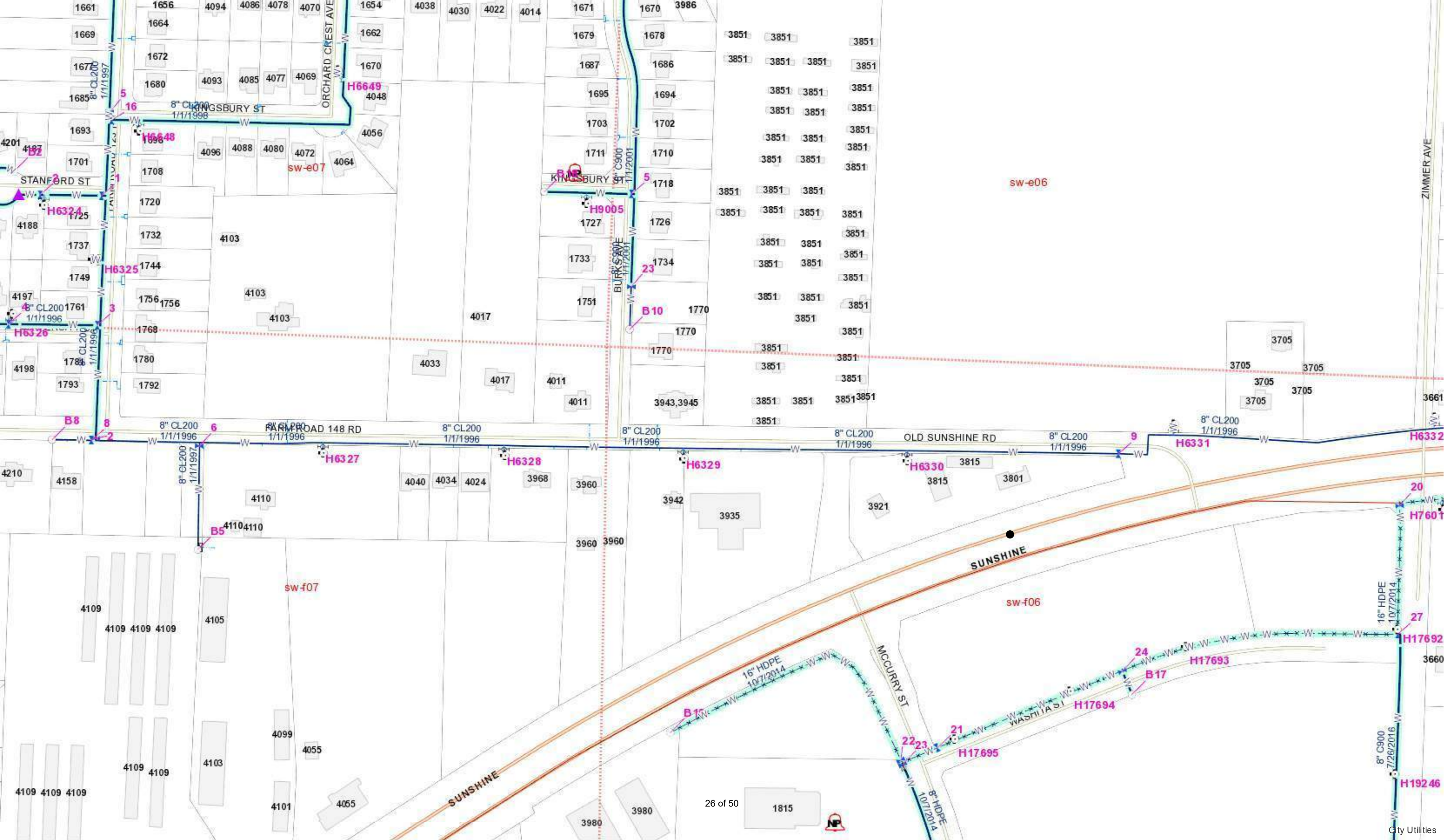
Proposed Roads

- - - Future Freeway
- - - Future Expressway
- - - Future Primary Arterial
- - - Future Secondary Arterial
- - - Future Collector
- - - Future Local Street











City of Springfield, Missouri

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.

Opal Sunset



27 of 50



Printed: Dec 14, 2018

SCS Curve Number Calculations

Project Name: Opal Sunset

Project Number: 216051

Date: 11/10/2016

Basin: Onsite

Conditions: Existing 2016

Area Label	Area Description	Soil Name	Hydrologic Soil Group (A, B, C, D)	SCS Curve Number, CN	Contributing Area (Ac.)	C*A
	Paved parking lots, roofs (35%)		C	98	3.26	318.99
	Open Space: Good Cond. Grass> 75%		C	74	6.05	447.33
Subtotal =					9.30	766.32
Avg. SCS Curve Number "CN" =				82	Existing 2016	

Conditions: Proposed Development

Area Label	Area Description	Soil Name	Hydrologic Soil Group (A, B, C, D)	SCS Curve Number, CN	Contributing Area (Ac.)	C*A
	Paved parking lots, roofs		C	98	7.44	729.12
	Open Space: Good Cond. Grass> 75%		C	80	1.86	148.80
Subtotal =					9.30	877.92
Avg. SCS Curve Number "CN" =				94	Proposed Development	

Water Quality Runoff Calculation Worksheet
SCS Runoff Curve Number Method and 1/2 inch over total impervious area

Project Name: Opal Sunset

First 1/2" runoff from directly connected impervious area

Q (Vol in CF)

Area of impervious surface (Acres.) = ac

$$Q = 0.3100 \text{ ac} \cdot \text{ft}$$
$$\text{WQCV (1.25)} = 0.3875 \text{ ac} \cdot \text{ft} = 16,880 \text{ CF}$$

Runoff from 1-inch in 24 hours Over Entire Site

$$Q = \frac{(P - I_a)^2}{(P - I_a) + S}$$

$$I_a = 0.2S$$

$$Q = \frac{(P - 0.2S)^2}{(P + 0.8S)}$$

$$S = \frac{1000}{CN} - 10$$

Area of development (Acres) = ac

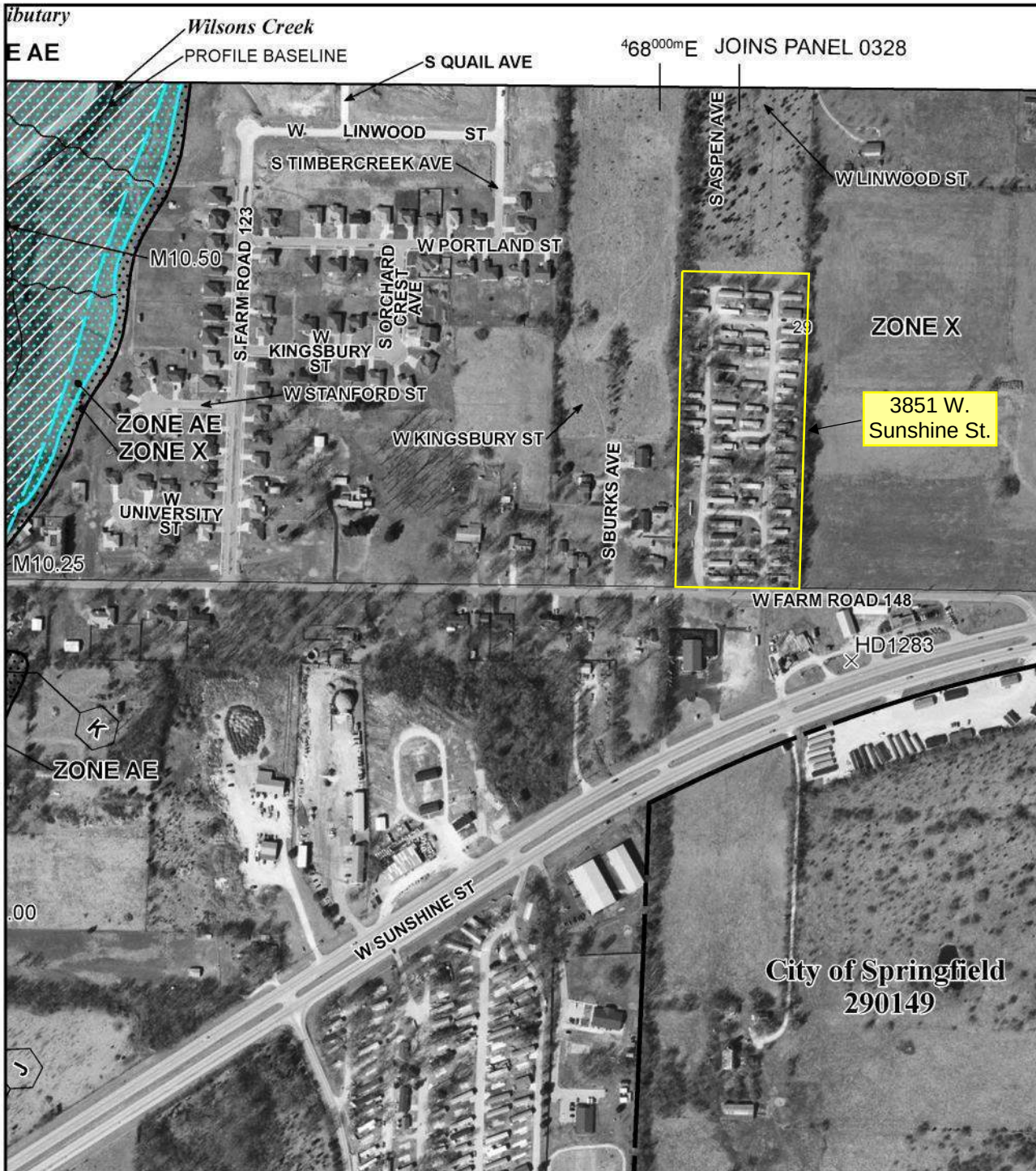
P (rainfall in inches) = in

CN (weighted CN) =

$$S = 0.64$$

$$Q = 0.5037 \text{ inches}$$

$$\text{WQCV(1.25)} = 0.4880 \text{ ac} \cdot \text{ft} = 21,257 \text{ CF}$$



ance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

0 250 500 750 1,000 FEET

NFIP

PANEL 0336E

FIRM

FLOOD INSURANCE RATE MAP

GREENE COUNTY, MISSOURI

AND INCORPORATED AREAS

PANEL 336 OF 505

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
GREENE COUNTY	290782	0336	E
SPRINGFIELD, CITY OF	290149	0336	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
29077C0336E

EFFECTIVE DATE
DECEMBER 17, 2010

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



3851 W. Sunshine St.

1:6,837

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

U.S. Fish and Wildlife Service, National Standards and Support Team,
wetlands_team@fws.gov

Estuarine and Marine Deepwater
 Freshwater Forested/Shrub Wetland
 Other

Estuarine and Marine Wetland
 Freshwater Pond
 Riverine

Freshwater Emergent Wetland
 Lake

31 of 50

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Greene County, Missouri**



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

-  Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Greene County, Missouri
Survey Area Data: Version 23, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 15, 2010—Oct 1, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
70001	Bona gravelly silt loam, 8 to 15 percent slopes	5.2	53.8%
70145	Keeno-Bona complex, 2 to 5 percent slopes	4.5	46.2%
Totals for Area of Interest		9.7	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Greene County, Missouri

70001—Bona gravelly silt loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2qpb9
Elevation: 800 to 1,300 feet
Mean annual precipitation: 41 to 45 inches
Mean annual air temperature: 55 to 57 degrees F
Frost-free period: 194 to 221 days
Farmland classification: Not prime farmland

Map Unit Composition

Bona and similar soils: 90 percent
Minor components: 2 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bona

Setting

Landform: Hillslopes
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Slope alluvium over residuum weathered from limestone over limestone

Typical profile

Ap - 0 to 7 inches: gravelly silt loam
A - 7 to 12 inches: very gravelly silt loam
BA - 12 to 19 inches: very gravelly silt loam
2Bt1 - 19 to 45 inches: very gravelly clay
3Bt2 - 45 to 62 inches: clay
4R - 62 to 80 inches: bedrock

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: 60 to 80 inches to lithic bedrock
Natural drainage class: Well drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: Low (about 5.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: Chert Upland Prairie (R116BY021MO)

Custom Soil Resource Report

Other vegetative classification: Grass/Prairie (Herbaceous Vegetation)

Hydric soil rating: No

Minor Components

Sacville

Percent of map unit: 2 percent

Landform: Hillslopes

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Base slope

Down-slope shape: Concave

Across-slope shape: Concave

Other vegetative classification: Grass/Prairie (Herbaceous Vegetation)

Hydric soil rating: Yes

70145—Keeno-Bona complex, 2 to 5 percent slopes

Map Unit Setting

National map unit symbol: 2qpdn

Elevation: 800 to 1,500 feet

Mean annual precipitation: 41 to 45 inches

Mean annual air temperature: 55 to 57 degrees F

Frost-free period: 194 to 221 days

Farmland classification: Not prime farmland

Map Unit Composition

Keeno and similar soils: 48 percent

Bona and similar soils: 37 percent

Minor components: 2 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Keeno

Setting

Landform: Ridges

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Slope alluvium over pedis sediment over residuum weathered from limestone

Typical profile

A - 0 to 11 inches: gravelly silt loam

Bt - 11 to 28 inches: very gravelly silty clay loam

2Btx - 28 to 39 inches: extremely gravelly silt loam

3Bt - 39 to 80 inches: extremely gravelly clay

Properties and qualities

Slope: 2 to 5 percent

Depth to restrictive feature: 20 to 33 inches to fragipan

Custom Soil Resource Report

Natural drainage class: Moderately well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 18 to 30 inches
Frequency of flooding: None
Frequency of ponding: None
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: Very low (about 2.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4s
Hydrologic Soil Group: C
Ecological site: Chert Upland Prairie (R116BY021MO)
Other vegetative classification: Grass/Prairie (Herbaceous Vegetation)
Hydric soil rating: No

Description of Bona

Setting

Landform: Ridges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loess over residuum weathered from limestone

Typical profile

Ap - 0 to 10 inches: gravelly silt loam
Bt1 - 10 to 19 inches: very gravelly silty clay loam
Bt2 - 19 to 31 inches: extremely gravelly silty clay loam
2Bt3 - 31 to 80 inches: clay

Properties and qualities

Slope: 2 to 5 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: Low (about 5.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: Chert Upland Prairie (R116BY021MO)
Other vegetative classification: Grass/Prairie (Herbaceous Vegetation)
Hydric soil rating: No

Minor Components

Lowassie

Percent of map unit: 2 percent

Landform: Sinkholes

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Base slope

Down-slope shape: Concave

Across-slope shape: Concave

Other vegetative classification: Trees/Timber (Woody Vegetation)

Hydric soil rating: Yes

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- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

DEED DESCRIPTION (Tract IV):

THE SOUTH NINE (9) ACRES OF THE FOLLOWING DESCRIBED PROPERTY:
ALL COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTH HALF (S $\frac{1}{2}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION TWENTY-NINE (29),
RANGE TWENTY-NINE (29), TOWNSHIP TWENTY-TWO (22), THENCE WEST ALONG THE SOUTH LINE OF SAID S $\frac{1}{2}$ OF THE SW $\frac{1}{4}$ 6 & $\frac{1}{16}$ CHAINS; THENCE
NORTH 120 RODS TO THE CENTER OF A ROAD RUNNING NORTH SIDE OF SAID LANDS; THENCE EAST 6 & $\frac{1}{16}$ CHAINS; THENCE SOUTH 120 RODS TO
THE POINT OF BEGINNING, IN GREENE COUNTY, MISSOURI, EXCEPT BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT;
THENCE EAST 8 FEET; THENCE SOUTHERLY TO A POINT 18 FEET EAST OF THE SOUTHWEST CORNER OF ABOVE DESCRIBED TRACT; THENCE WEST
18 FEET; THENCE NORTH TO POINT OF BEGINNING; ALSO EXCEPT ANY PART THEREOF DEEDED, TAKEN OR USED FOR ROAD, STREET, OR
HIGHWAY PURPOSES.

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION TWENTY-NINE
(29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22), THENCE SOUTH 310.52 FEET TO THE SOUTHEAST CORNER OF A TRACT DEEDED IN
BOOK 2064 AT PAGE 698 FOR POINT OF BEGINNING; THENCE WEST 391.98 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE NORTH
55.57 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE EAST 392.00 FEET TO THE EAST LINE OF SAID TRACT; THENCE SOUTH 55.57
FEET TO THE POINT OF BEGINNING, IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART TAKEN OR USED FOR ROADS.

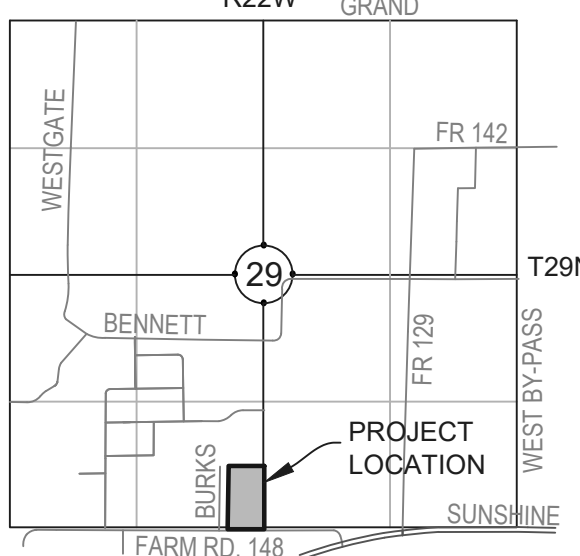
LOT 1 DESCRIPTION:

COMMENCING (P.O.C.) AT AN EXISTING IRON PIN AT THE SOUTH QUARTER CORNER OF SECTION 29
TOWNSHIP 29 NORTH RANGE 22 WEST; THENCE NORTHERLY ALONG THE QUARTER SECTION LINE
N 02°15'31" E A DISTANCE OF 30' TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF MENARDS
WEST SUBDIVISION, RECORDED IN THE GREENE COUNTY RECORDER'S OFFICE PLAT BOOK AAA AT
PAGE 488 (BOOK 2017 PAGE 041424-17);
THENCE N 88°44'39" W A DISTANCE OF 263.20';
THENCE S 02°15'31" E A DISTANCE OF 190.00';
THENCE S 88°44'39" E A DISTANCE OF 263.20' TO THE WESTERLY LINE OF SAID SUBDIVISION;
THENCE ALONG SAID WESTERLY LINE S 02°15'31" W A DISTANCE OF 190.00' TO SAID TRUE P.O.B.,
HAVING AN AREA OF 50,000.00 SQUARE FEET, 1.148 ACRES MORE OR LESS AND SUBJECT TO ALL
EASEMENTS AND/OR OR RIGHTS-OF-WAY, ALL LYING IN THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST SPRINGFIELD, GREENE
COUNTY, MISSOURI.

LOT 2 DESCRIPTION:

COMMENCING (P.O.C.) AT AN EXISTING IRON PIN AT THE SOUTH QUARTER CORNER OF SECTION 29
TOWNSHIP 29 NORTH RANGE 22 WEST; THENCE NORTHERLY ALONG THE QUARTER SECTION LINE
N 02°15'31" E A DISTANCE OF 219.98' TO THE TRUE POINT OF BEGINNING (P.O.B.);
THENCE N 88°44'39" W A DISTANCE OF 263.20';
THENCE S 02°15'31" W A DISTANCE OF 190.00';
THENCE N 88°44'39" W A DISTANCE OF 123.77';
THENCE N 01°56'45" E A DISTANCE OF 1031.02' TO THE SOUTHLINE OF LOT 24 SPRINGVIEW HEIGHTS AS
DESCRIBED IN GREENE COUNTY RECORDER'S OFFICE IN PLAT BOOK WW, PAGE 100;
THENCE ALONG SAID SOUTHLINE S 88°43'39" E A DISTANCE OF 392.60' TO THE SOUTHEAST CORNER OF
SAID SPRINGVIEW HEIGHTS, POINT ALSO BEING ON THE WESTERLY LINE OF MENARDS WEST
SUBDIVISION RECORDED IN THE GREENE COUNTY RECORDER'S OFFICE PLAT BOOK AAA AT PAGE 488
(BOOK 2017 PAGE 041424-17);
THENCE ALONG LAST SAID SUBDIVISION S 02°15'31" W A DISTANCE OF 840.99' TO SAID TRUE POINT OF
BEGINNING HAVING AN AREA OF 351,821.76 SQUARE FEET, 8.077 ACRES MORE OR LESS AND SUBJECT
TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY, ALL LYING IN THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST SPRINGFIELD, GREENE
COUNTY, MISSOURI.

INTERIOR ANGLES	
	89°18'36"
	90°40'24"
	89°00'50"
	91°00'10"
TOTAL = 360°00'00"	
(4 - 2) x 180° = 360°00'00"	



LOCATION MAP
SCALE = 1" = 2000'

PRELIMINARY PLAT OPAL SUNSET SUBDIVISION

SPRINGFIELD, GREENE COUNTY, MISSOURI

SURVEYOR'S ACKNOWLEDGEMENT

THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT
MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS OF THE
MISSOURI DEPARTMENT OF AGRICULTURE, DIVISION OF GEOLOGY AND
LAND SURVEY, AND THE MISSOURI BOARD FOR ARCHITECTS,
PROFESSIONAL ENGINEERS AND LAND SURVEYORS. PHYSICAL EVIDENCE
OF IMPROVEMENTS IS SHOWN FROM INFORMATION TAKEN BY VISUAL
INSPECTION OF THE PREMISES. EASEMENTS SHOWN ARE THOSE
WRITTEN, PROVIDED, OR DISCOVERED AND MAY NOT BE ALL INCLUSIVE.
APPARENT OWNERSHIP AS SHOWN ARE BASED UPON
INFORMATION PROVIDED BY OTHERS AND DO NOT
REPRESENT AN OPINION AS TO TITLE.

Kenneth M. Heithaus
KENNETH M. HEITHAUS P.L.S. 1918

12/28/2018
DATE



ZONING:

COUNTY ZONING: C-1
CHANGING TO GR (GENERAL RETAIL) & R-MD w/COB
(RESIDENTIAL - MEDIUM DENSITY WITH COB)
WITH ANNEXATION INTO THE CITY OF SPRINGFIELD

MINIMUM YARD REQUIREMENTS:

FRONT: 25' ALONG COLLECTOR
REAR: NONE / BEFFERYARD REQUIRED
SIDE: NONE / BUFFERYARD REQUIRED

ATTACHMENT 4

UTILITY SUPPLIERS:

GAS, WATER & ELECTRIC
CITY UTILITIES OF SPRINGFIELD
301 E CENTRAL,
SPRINGFIELD, MO 65802

SANITARY SEWER & STORMWATER:
SPRINGFIELD PUBLIC WORKS
840 BOONVILLE AVE.
SPRINGFIELD, MO 65802

STORMWATER DETENTION:
CITY OF SPRINGFIELD
GREENE COUNTY (DOWNSTREAM)

- EXISTING IRON PIN
- IRON PIN SET LS 1918
- MEASURED
- RECORD
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- POWER POLE
- TELEPHONE RISER
- MAIL BOX
- LAMP POST
- MANHOLE
- GAS

STANDARD LEGEND

- WAT WATER LINE
- OHE OVERHEAD ELECTRIC
- X CHAIN LINK FENCE
- SAN GAS LINE
- R/W RIGHT OF WAY LINE
- UE UNDERGROUND ELECTRIC
- TEL TELEPHONE LINE
- 920 CONTOUR
- INDEX CONTOUR

OWNER / DEVELOPER

A & R PROPERTY DEVELOPERS LLC
a Missouri limited liability company
RICHARD G. KRAMER
9832 E RIVERVIEW DR.
ROGERSVILLE, MO 65742
417-865-5959
richkramer@richkramer.com

SOURCE OF TITLE

SPECIAL WARRANTY DEED:
Book: 2015
Page: 049884-15

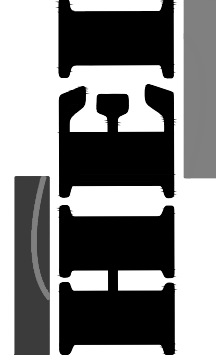
PRELIMINARY PLAT NOTES:

- PROPERTY AREA = 9.314 AC. - 0.089 AC. RIGHT-OF-WAY TO BE DEDICATED.
 - LARGEST LOT LOT 1 = 50,000 SF = 1.148 AC
 - SMALLEST LOT LOT 2 = 351,821 SF 8.077 AC
- SIDEWALK REQUIRED ON ONE SIDE OF W. FARM ROAD 148.
- PUBLIC SEWER WILL BE EXTENDED TO LOT 1.
- DETENTION SHALL BE PROVIDED FOR THIS SUBDIVISION. DETENTION AND WATER QUALITY TO ACCOMMODATE THE INCREASE IN IMPERVIOUSNESS IN ACCORDANCE WITH CITY PUBLIC WORKS REQUIREMENTS PER CITY OF SPRINGFIELD DRAINAGE CRITERIA MANUAL.
- ALL PORTIONS OF A BUILDING SHALL BE WITHIN 400 FEET FROM A FIRE HYDRANT ON AN APPROVED FIRE APPARATUS ACCESS ROAD, AS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR OF THE BUILDING. 600 FEET IF THE BUILDING IS EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM.

FLOODPLAIN NOTE

THIS PROPERTY LIES WITHIN ZONE "X" (OTHER AREAS) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP FOR THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI (COMMUNITY PANEL NUMBER MAP NUMBER 29077C03366, REVISED DECEMBER 17, 2010. NO FIELD SURVEYING WAS PERFORMED TO CONFIRM THIS.

535 W. Battlefield St.
Springfield, MO 65807
(417) 887-3238
FAX (417) 887-1940
http://www.heiweb.com
HEI@heiweb.com



Heithaus Engineering & Assoc., Inc.
MO COA #2010021920 (E), #2010018087 (LS)

A & R PROPERTY DEVELOPERS LLC

OPAL SUNSET SUBDIVISION

SPRINGFIELD, GREENE COUNTY, MISSOURI

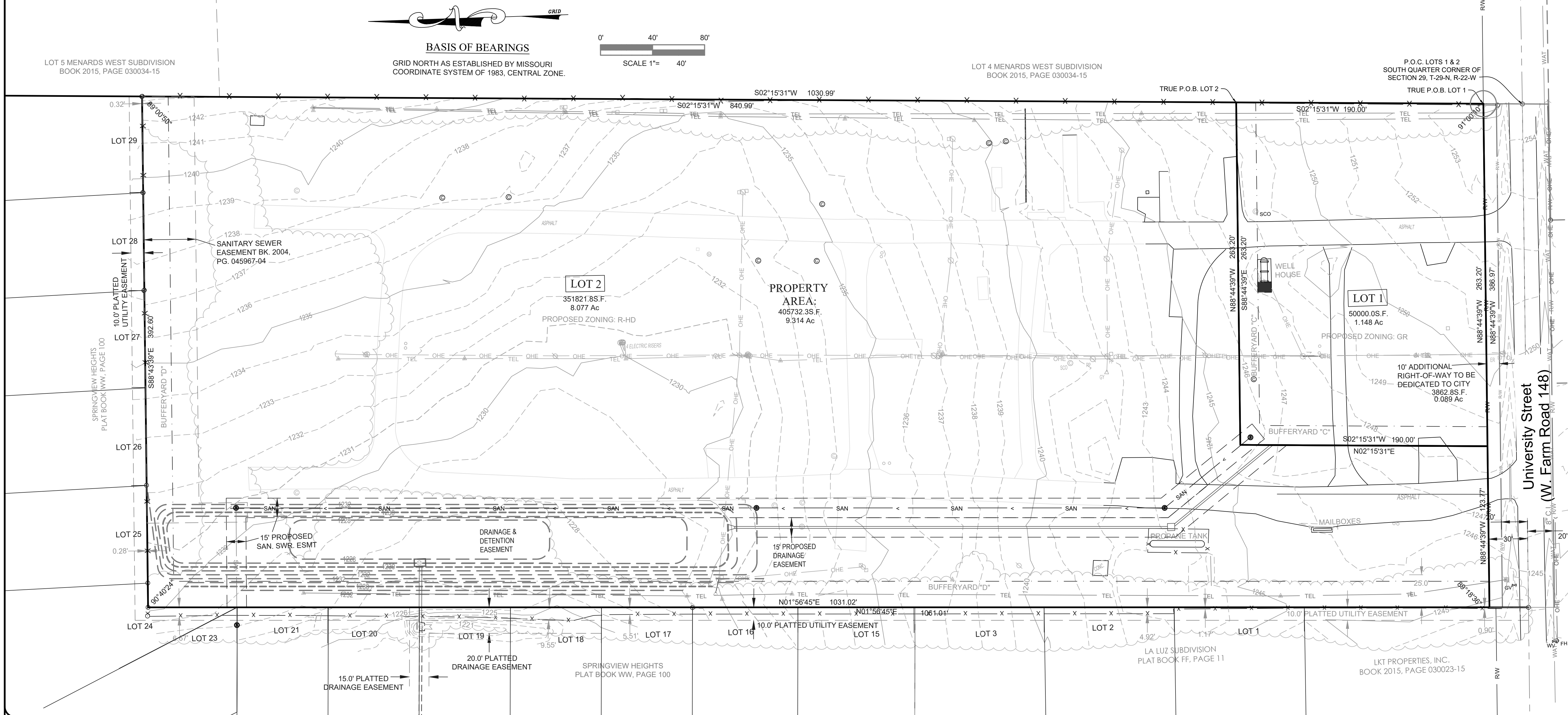
PRELIMINARY PLAT

Drawn: GITAD
Checked: KMH
Date: 12/28/2018
Job No. 216051
Dwg# 216051 PrePlat
Scale: 1" = 40'

SHEET

1

OF 1 SHEETS



One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 02-05-19

Sponsored by: Lear

COUNCIL BILL 2019- 037 RESOLUTION

RESOLUTION

1 GRANTING a new liquor license to sell liquor by the drink at retail, including Sunday
2 sales, to Route 66 Food Truck Diner for their location at 1530 East Saint
3 Louis Street, Springfield, Missouri, such license to include patios
4 measuring 30 feet by 30 feet located on both the north side and south side
5 of the building.
6 _____
7

8 WHEREAS, Route 66 Food Truck Diner, has filed an application for a license to
9 sell liquor by the drink at retail that includes sales on Sunday for their establishment
10 located at 1530 East Saint Louis Street; and
11

12 WHEREAS, pursuant to 10-37(a) of the Springfield City Code, no license shall be
13 granted for the sale of intoxicating liquor within 200 feet of any school, church, park, or
14 building regularly used as a place of worship unless the applicant shall first obtain the
15 consent in writing of City Council; and
16

17 WHEREAS, the Route 66 Food Truck Diner's place of business is located within
18 200 feet of property owned by Faith Christian Fellowship Church located at 1535 East
19 Saint Louis Street, and City Council must determine whether it will issue a liquor license
20 at this business location.
21

22 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
23 SPRINGFIELD, MISSOURI, as follows, that:
24

25 Section 1 – City Council consents to granting Route 66 Food Truck Diner, a
26 license to sell liquor by the drink at retail, including Sunday sales, at its location at 1530
27 East Saint Louis Street, Springfield, Missouri. Said license to also include patios
28 measuring 30 feet by 30 feet located on both the north and south sides of the building.
29

30 Section 2 – This Resolution shall be in effect immediately upon adoption.
31

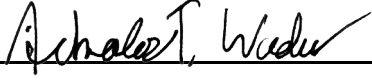
32 Passed at meeting: _____
33
34
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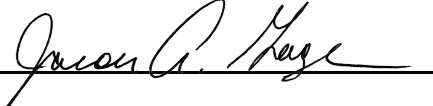
Mayor

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47

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 - 037

FILED: 02-05-19

ORIGINATING DEPARTMENT: Finance

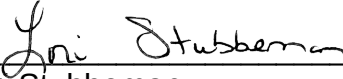
PURPOSE: Granting a new liquor license to sell liquor by the drink at retail, including Sunday sales, to Route 66 Food Truck Diner for their location at 1530 East Saint Louis Street, Springfield, Missouri, such license to include patios measuring 30 feet by 30 feet located on both the north side and south side of the building.

BACKGROUND INFORMATION: Applicant, Kirk Wheeler, owner of Route 66 Food Truck Diner, applied for a license to sell liquor by the drink at retail, including Sunday sales, at its location at 1530 East Saint Louis Street, such license to include patios measuring 30 feet by 30 feet on both the north and south sides of the building. The applicant's business is located within 200 feet of property owned by Faith Christian Fellowship Church located at 1535 East Saint Louis Street. Faith Christian Fellowship Church did not submit an objection to City Staff.

Pursuant to Section 10-37(a) of the Springfield City Code, no license shall be granted for the sale of intoxicating liquor within 200 feet of any church, school, park, or building regularly used as a place of worship unless the applicant shall first obtain the consent in writing of City Council. As a result, City Council must determine whether it will issue a license to this business location. Pursuant to Section 10-3.A, minors will be allowed on the premises when alcohol is being consumed, because Applicant is a restaurant that has more than 40 percent of its sales from food prepared on the premises.

Submitted by:

Approved by:



Lori Stubbeman
Business License Supervisor



Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 02-05-19

Sponsored by: Fisk

COUNCIL BILL 2019- 038 RESOLUTION

RESOLUTION

1 GRANTING a new liquor license to sell liquor by the drink at retail to Dan & Nik, LLC,
2 d/b/a Bigfoot Subs, for their location at 2204 West College Street,
3 Springfield, Missouri.
4 _____
5

6 WHEREAS, Dan & Nik, LLC, d/b/a Bigfoot Subs, has filed an application for a
7 license to sell liquor by the drink at retail for their establishment located at 2204 West
8 College Street; and
9

10 WHEREAS, pursuant to 10-37(a) of the Springfield City Code, no license shall be
11 granted for the sale of intoxicating liquor within 200 feet of any school, church, park, or
12 building regularly used as a place of worship unless the applicant shall first obtain the
13 consent of City Council; and
14

15 WHEREAS, Dan & Nik, LLC, d/b/a Bigfoot Subs place of business is located
16 within 200 feet of a church, and City Council must determine whether it will consent to
17 the issuance of a liquor license at this business location.
18

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

22 Section 1 – City Council consents to granting Dan & Nik, LLC, d/b/a Bigfoot
23 Subs, a license to sell liquor by the drink at retail, at its location at 2204 West College
24 Street, Springfield, Missouri.
25

26 Section 2 – This Resolution shall be in effect immediately upon adoption.
27

28 Passed at meeting: _____
29
30

31 _____
32 Mayor

33 Attest: _____, City Clerk
34

35

36 Filed as Resolution: _____

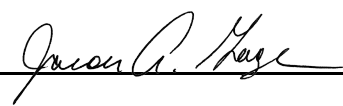
37

38

39 Approved as to form: , Assistant City Attorney

40

41

42 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 - 038

FILED: 02-05-19

ORIGINATING DEPARTMENT: Finance

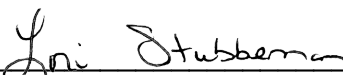
PURPOSE: Granting a new liquor license to sell liquor by the drink at retail to Dan & Nik, LLC, d/b/a Bigfoot Subs, for their location at 2204 West College Street, Springfield, Missouri.

BACKGROUND INFORMATION: Applicant, Dan & Nik, LLC, d/b/a Bigfoot Subs, applied for a license to sell liquor by the drink at retail at its location at 2204 West College Street. The applicant's business is located within 200 feet of property owned and/or operated by Walnut Street Christ located at 2201 West Walnut Street, and College Street Baptist and Hope & Anchor both located within the same building at 2216 West College Street. Objections were not submitted to City staff.

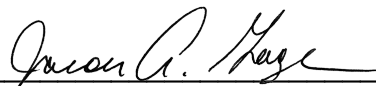
Pursuant to Section 10-37(a) of the Springfield City Code, no license shall be granted for the sale of intoxicating liquor within 200 feet of any church, school, park, or building regularly used as a place of worship unless the applicant shall first obtain the consent in writing of City Council. As a result, City Council must determine whether it will issue a license to this business location. Pursuant to Section 10-3.A, minors will be allowed on the premises when alcohol is being consumed, because Applicant is a restaurant that has more than 40 percent of its sales from food prepared on the premises.

Submitted by:

Approved by:



Lori Stubbeman
Business License Supervisor



Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 2
Filed: 02-05-19

Sponsored by: Lear

COUNCIL BILL 2019- 039 RESOLUTION

RESOLUTION

1 ELECTING the Honorable John Appelquist as a substitute judge of the Springfield
2 Municipal Court for a term of four years.
3
4

5 WHEREAS, Springfield City Charter Section 12.2 states that the municipal court
6 shall be presided over by a judge elected by City Council on nomination by the City
7 Manager; and
8

9 WHEREAS, substitute judges may be appointed pursuant to City Charter Section
10 12.2 to act during the absence or disability of a municipal judge; and
11

12 WHEREAS, the City Manager nominates the Honorable John Appelquist to be a
13 substitute judge of the Springfield Municipal Court.
14

15 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
16 SPRINGFIELD, MISSOURI, as follows, that:
17

18 Section 1 – City Council elects the Honorable John Appelquist to serve as a
19 substitute judge of the Springfield Municipal Court upon nomination by the City Manager
20 for a term of four years.
21

22 Section 2 – This Resolution shall be in effect immediately upon adoption.
23

24 Passed at meeting:
25

26
27
28 Mayor

29 Attest: , City Clerk
30

31 Filed as Resolution:
32

33 Approved as to form: Rhonda Lewaden , City Attorney
34

35 Approved for Council action: Jason A. Hays , City Manager

EXPLANATION TO COUNCIL BILL 2019- 039

FILED: 02-05-19

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To elect the Honorable John Appelquist as a substitute judge of the Springfield Municipal Court for a term of four years.

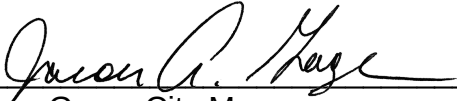
BACKGROUND INFORMATION: City Charter Section 12.2 states that the Springfield Municipal Court shall be presided over by a municipal judge elected by City Council on nomination by the City Manager. Per the Charter, substitute judges may also be appointed to act during absence or disability of the municipal judge. The City Manager nominates the Honorable John Appelquist to serve as a substitute judge of the Springfield Municipal Court.

Recommended by:



Collin Quigley, Deputy City Manager

Approved by:



Jason Gage, City Manager

EXPLANATION TO COUNCIL BILL 2019-040

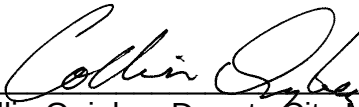
FILED: 02-05-19

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To elect the Honorable Matt Owen as a substitute judge of the Springfield Municipal Court for a term of four years.

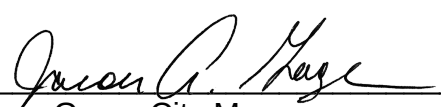
BACKGROUND INFORMATION: City Charter Section 12.2 states that the Springfield Municipal Court shall be presided over by a municipal judge elected by City Council on nomination by the City Manager. Per the Charter, substitute judges may also be appointed to act during absence or disability of the municipal judge. The City Manager nominates the Honorable Matt Owen to serve as a substitute judge of the Springfield Municipal Court.

Recommended by:



Collin Quigley, Deputy City Manager

Approved by:



Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 21
Filed: 01-22-19

Sponsored by: Prater

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 022

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Agreement with the
2 Missouri Highways and Transportation Commission and BNSF Railway
3 for the purpose of sharing the costs of a BNSF Crossing project
4 generally located along Sherman Parkway.
5 _____
6

7 WHEREAS, the proposed Agreement, attached hereto as "Exhibit A," will
8 coordinate the installation and cost of the placement of certain improvements at the
9 Sherman Parkway Grade Crossing, which is depicted on "Exhibit B;" and
10

11 WHEREAS, the total estimated cost of these improvements is \$262,591, with the
12 City being responsible for \$5,000 of the overall cost; and
13

14 WHEREAS, the City's contribution for said project is to be funded by the 1/8-cent
15 Transportation Sales Tax Intermodal Program, which has already been budgeted.
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
18 SPRINGFIELD, MISSOURI, as follows, that:
19

20 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
21 an Agreement with the Missouri Highways and Transportation Commission and BNSF
22 Railway, said Agreement to be in substantially the same form as that document
23 attached hereto and incorporated herein by reference as "Exhibit A."
24

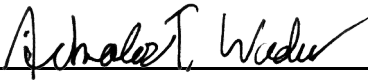
25 Section 2 – This Ordinance shall be in full force and effect from and after
26 passage.
27

28 Passed at meeting: _____
29
30

31 _____
32 Mayor
33 Attest: _____, City Clerk

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Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019-022

FILED: 01-22-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into an Agreement with the Missouri Highways and Transportation Commission and BNSF Railway for the purpose of sharing the costs of a BNSF Crossing project, generally located along Sherman Parkway.

BACKGROUND INFORMATION: This proposed supplemental agreement will coordinate the installation and cost of additional warning devices and other improvements at the Sherman Parkway Grade Crossing between the City, Missouri Highways and Transportation Commission ("MHTC"), and BNSF ("Exhibit B"). The total estimated cost of this improvement is \$262,591. Cost of work in section 2A is \$257,591 split 80/20 between BNSF and MHTC. Cost of work in section 2B is \$5,000, funded 100% by the City. The work is being performed by City internal forces and will be funded by the 1/8-cent Transportation Sales Tax Intermodal Program. Funds have already been budgeted.

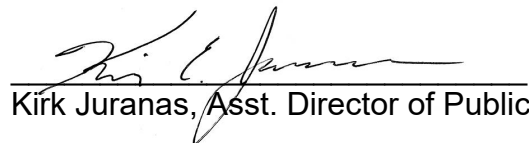
This agreement will allow the BNSF to administer the project.

Supports the following City Council Priorities:

- Public Safety

REMARKS: Public Works recommends passage of this Council bill.

Submitted by:


Kirk Juranas, Asst. Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:


Jason Gage, City Manager

CCO Form: MO43
Approved: 04/04 (BDG)
Revised: 03/17 (MWH)
Modified:

Sherman Parkway
Springfield
Greene County
Crossing No. 664 118Y
Job No. RRP-000S(589)

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION SUPPLEMENTAL
AGREEMENT FOR HIGHWAY/RAIL CROSSING IMPROVEMENTS**

THIS SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission"), BNSF Railway Company (hereinafter, "Railroad"), and the City of Springfield (hereinafter, "Agency"), pursuant to the terms of a Master Signal Agreement between the Railroad and Commission executed by the Railroad on August 20, 1980, and by the Commission on September 11, 1980.

WITNESSETH:

WHEREAS, the installation of various safety improvements appears to be warranted at an existing grade crossing in Springfield, Missouri, where Sherman Parkway intersects Railroad's tracks at a point known as DOT #664 118Y (hereinafter the "Sherman Parkway Grade Crossing"); and

WHEREAS, the parties agree that this installation shall be in substantial compliance with the *Manual on Uniform Traffic Control Devices* (MUTCD), and will enhance safety to both highway and railroad traffic at said grade crossing; and

WHEREAS, representatives of the parties participated in a diagnostic review and field inspection of this grade crossing on March 20, 2018 during which they considered and tentatively agreed on the specific safety improvements that should be implemented to enhance safety for both highway and railroad traffic at this crossing; and

NOW, THEREFORE, in consideration of these premises and of the mutual covenants herein contained, the parties agree as follows:

(1) PURPOSE: The purpose of this Supplemental Agreement is to provide for funding, installation, and maintenance of improvements at the Sherman Parkway Grade Crossing (hereinafter the "Project").

(2) SCOPE OF WORK:

(A) The scope of work includes the Railroad's installation of new flashing light signals with overhead cantilevers and two pairs of sidelights, new mast mounted flashing light signals installed on the eastern side of Sherman Parkway to face eastbound highway traffic on Phelps Street – all of the new signals to have LED lights.

The Railroad shall also install 3 audible bells-one on each signal mast and a new signal bungalow with motion sensor train detection circuitry at the Sherman Parkway Grade Crossing (US DOT#664 118Y).

(B) The Agency shall install a sign prohibiting right turns from Phelps Street south onto Sherman Parkway over the Railroad's track when the flashing light signals are activated at the Sherman Parkway Grade Crossing.

(3) FUNDING AND APPORTIONMENT: The Commission will reimburse the Railroad for twenty percent (20%) of the eligible costs of the work described in Subsection 2(A) of this Supplemental Agreement. The Railroad shall assume responsibility for the remaining eighty percent (80%) of the eligible costs, at its own expense. The Agency shall assume responsibility for one hundred percent (100%) of the costs of the work described in Subsection 2(B) of this Supplemental Agreement.

(4) COST OF PROJECT: The cost of the Project shall be the total monies expended by the Railroad to complete the work described in Subsection 2(A) above, all in accordance with the plan and cost estimate developed by the Railroad for this specific Project and attached to this Supplemental Agreement, and the costs incurred by the Agency in performing the additional work described in Subsection 2(B).

(5) PRELIMINARY WORK: The Railroad shall prepare and submit to the Commission a detailed plan and cost estimate for the work as described in Subsection 2(A) "Scope of Work" of this Supplemental Agreement, in accordance with the work recommended pursuant to the diagnostic review of the Sherman Parkway Grade Crossing and in accordance with the provisions of the Master Agreement.

The Detailed Plan shall be attached to this Supplemental Agreement as Exhibit 1; the Detailed Cost Estimate shall be attached as Exhibit 2; and both Exhibits 1 and 2 shall be incorporated by reference in this Supplemental Agreement.

(6) CHANGE ORDERS: If any material change is made in the original plan and extent of the work, reimbursement to the Railroad shall be limited to costs covered by a change order having approval of the Commission PRIOR to the performance of the work.

(7) INSTALLATION:

(A) The Railroad, upon receipt of notification from the Commission and in accordance with the Ordered Due Date of the Commission's Administrative Order pursuant to Section 389.610, RSMo, approving this Project, shall furnish all labor and material and complete the work described in Subsection 2(A) in accordance with the Master Agreements, and in accordance with the plan and estimate attached hereto, and the rules and regulations contained in the Federal-Aid Program Guide.

(B) The Agency shall complete its performance of the work described

in Subsection 2(B) of this Supplemental Agreement in accordance with the Ordered Due Date of the Commission's Administrative Order pursuant to Section 389.610, RSMo, approving and authorizing the Project described in this Supplemental Agreement.

(8) FORCE ACCOUNT AND NON-FORCE ACCOUNT WORK: The Railroad will furnish all of the material and do all of the work described in Subsection 2(A) and in Section (5) of this Supplemental Agreement, and the Agency will furnish all the material and do the work described in Subsection 2(B), each with its respective own forces, or either party may perform the work using a contractor paid under a contract let by the Railroad in compliance with provisions of 23 C.F.R. Chapter I, Subchapter B, Part 140, Subpart I and Chapter 34 RSMo. Relevant provisions of 23 C.F.R. and Chapter 34 RSMo are by reference made part of this Supplemental Agreement.

(9) MAINTENANCE AND OPERATION: The Railroad shall operate and maintain the warning devices described in Subsection 2(A) at the Railroad's expense as long as it operates trains through the crossing; or until the Commission orders that signals are no longer necessary at the crossing; or until the crossing is abandoned, closed, or for any reason the operation and maintenance of the signals becomes unnecessary.

The Agency shall maintain the no right turn sign that it installs in accordance with Subsection 2(B) of this Supplemental Agreement, using the Agency's own funds.

(10) RELOCATION OF SIGNALS: In the event the warning devices become unnecessary for any of the above reasons, the Railroad shall remove and install the devices at another crossing mutually acceptable to the Commission and the Railroad.

(11) PAYMENT PROVISIONS: Upon receipt of the Railroad's final statement of costs and after a review of the statement in relation to the work performed, the Commission will reimburse the Railroad with State and Federal funds pursuant to 23 USC 130, for twenty percent (20%) of the costs incurred by the Railroad for its work as described in Subsection 2(A) of this Supplemental Agreement. If audit reveals that the Railroad has been overpaid, the Railroad will immediately refund to the Commission such overpayment. If audit reveals that the Railroad has been underpaid, the Commission will reimburse the Railroad for such underpayment.

(12) AGENCY OBLIGATION: In addition to performing the work described in Subsection 2(B) of this Supplemental Agreement, the Agency hereby agrees to provide traffic control during all of the work described in Section 2.

(13) INDEMNIFICATION BY THE AGENCY:

(A) To the extent allowed or imposed by law, the Agency shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Agency's

wrongful or negligent performance of its obligations under this Supplemental Agreement.

(B) The Agency will require any contractor procured by the Agency to work under this Supplemental Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insured's in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Supplemental Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(14) NON-EMPLOYMENT OF UNAUTHORIZED ALIENS: Pursuant to Section 285.530, RSMo, no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri. As a condition for the award of any contract or grant in excess of five thousand dollars by the State or by any political subdivision of the State to a business entity, or for any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state, the business entity shall:

(A) By sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. E-Verify is an example of a federal work authorization program. The business entity must affirm its enrollment and participation in the E-Verify federal work authorization program with respect to the employees proposed to work in connection with the services requested herein by providing acceptable enrollment and participation documentation consisting of **completed** copy of the E-Verify Memorandum of Understanding (MOU). For business entities that are not already enrolled and participating in a federal work authorization program, E-Verify is available at http://www.dhs.gov/xprevprot/programs/gc_1185221678150.shtm.

(B) By sworn affidavit, affirm that it does not knowingly employ any

person who is an unauthorized alien in connection with the contracted services. A copy of the affidavit referenced herein is provided within this document, attached as Exhibit 3.

(15) WAIVER OF HEARING ON ISSUANCE OF ADMINISTRATIVE ORDERS:

This Supplemental Agreement is made subject to approval of the proposed Project by a final administrative order issued by the Missouri Highways and Transportation Commission, or by the Missouri Administrative Hearing Commission (hereinafter "AHC"), in accordance with Section 389.610, RSMo Supp. 2004. With reference to the issuance of that administrative order, the Railroad, the Agency and the Commission stipulate that the construction of the Project as described in this Supplemental Agreement will promote public safety, and will not adversely affect public necessity. The Railroad and the Agency each consents that the Commission or the AHC, or both, may issue administrative orders approving and authorizing the construction of this Project in conformity with the provisions of this Supplemental Agreement, and the Railroad and the Agency each waives its right to notice and an opportunity for hearing before the issuance of these administrative orders provided no other party requests a hearing.

(16) NONDISCRIMINATION ASSURANCE: If work under this Supplemental Agreement is funded in whole or in part with any Federal funds administered by the United States Department of Transportation, the following provisions apply:

(A) Civil Rights Statutes: The Railroad and the Agency shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d and 2000e, *et seq.*), as well as any applicable titles of the Americans with Disabilities Act. In addition, if the Railroad and the Agency is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the Americans with Disabilities Act.

(B) Administrative Rules: The Railroad and the Agency shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 CFR Subtitle A, Part 21) which are herein incorporated by reference and made part of this Supplemental Agreement.

(C) Nondiscrimination: The Railroad and the Agency shall not discriminate on grounds of the race, color, religion, creed, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Railroad and the Agency shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the Railroad and the Agency. These apply to all

solicitations either by competitive bidding or negotiation made by the Railroad and the Agency for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the Railroad and the Agency of the requirements of this Supplemental Agreement relative to nondiscrimination on grounds of the race, color, religion, creed, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The Railroad and the Agency shall provide all information and reports required by this Supplemental Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the Railroad and the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Railroad and the Agency shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the Railroad and the Agency fails to comply with the nondiscrimination provisions of this Supplemental Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Supplemental Agreement until the Railroad and the Agency complies; and/or

2. Cancellation, termination or suspension of this Supplemental Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The Railroad and the Agency shall include the provisions of paragraph 16 of this Supplemental Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The Railroad and the Agency will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the Railroad and the Agency becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Railroad and the Agency may request the United States to enter into such litigation to protect the interests of the United States.

(17) COMPLIANCE WITH LAWS: The Railroad shall comply with all applicable Federal, State and local laws and regulations in the performance of this Supplemental Agreement.

(18) BUY AMERICA REQUIREMENTS: If the requirements of 23 U.S.C. § 313 and 23 C.F.R. 635.410 apply to the Project and as a result of final engineering for the Project, Railroad determines that by exercising commercially reasonable efforts, it cannot comply with such requirements, representatives of the parties shall meet to discuss acceptable resolution, which may be achieved by any one of the following means:

(A) Pursuing a waiver of regulatory requirements with the Federal funding agency;

(B) Altering the funding sources of the Project (i.e., removing Federal funding) and amending this Supplemental Agreement accordingly; or

(C) Terminating this Supplemental Agreement.

(19) AMENDMENTS: Any change in this Supplemental Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the parties.

(20) COMMISSION REPRESENTATIVE: The Multimodal Operations Director is designated as the Commission's representative for the purpose of administering the provisions of this Supplemental Agreement.

(21) ASSIGNMENT: The Railroad shall not assign, transfer, or delegate any interest in this Supplemental Agreement without the prior written consent of the Commission.

(22) LAW OF MISSOURI TO GOVERN: This Supplemental Agreement shall be construed according to the laws of the State of Missouri. The Agency shall comply with all local, state and federal laws and regulations relating to the performance of this Supplemental Agreement.

(23) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Supplemental Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(24) CANCELLATION: The Commission may cancel this Supplemental Agreement at any time for a material breach of contractual obligations by providing the Railroad with written notice of cancellation. Should the Commission exercise its right to cancel the Supplemental Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Railroad.

(25) AUDIT OF RECORDS: The Railroad shall maintain all records relating to this Supplemental Agreement, including but not limited to invoices and payrolls. These

records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Supplemental Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Supplemental Agreement.

(26) RAILROAD NOTIFICATION: At least five (5) days prior to the commencement of work described in Subsection 2(A) or Section 5, the Railroad shall notify the Commission of the date it plans to commence said work. If the Commission does not receive said notification from the Railroad, the Commission may withhold an amount of five percent (5%) of the final payment to the Railroad. Such five percent (5%) payment will not be provided to the Railroad until after a final audit has been performed by the Commission.

(27) AUTHORITY TO EXECUTE: The signers of this Supplemental Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Supplemental Agreement.

(28) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Master Agreement and all previous Supplemental Agreements between the parties shall remain in full force and effect.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this Supplemental Agreement on the last date written below. The Agency executed same pursuant to Ordinance No. _____, of said Agency, approved on the ____ day of _____, 20__.

Executed by Railroad this 3rd day of December, 2018.

Executed by Agency this _____ day of _____, 20__.

Executed by Commission this _____ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

Michelle Teel
Multimodal Operations Division Director

ATTEST:

Commission Secretary

APPROVED AS TO FORM:

Senior Administrative Counsel

RAILROAD

By 

Name John Caulfield

Title Manager Public Projects

CITY OF SPRINGFIELD, MISSOURI

By _____

Title _____

By _____

Title _____

APPROVED AS TO FORM:

By _____

City Ordinance # _____

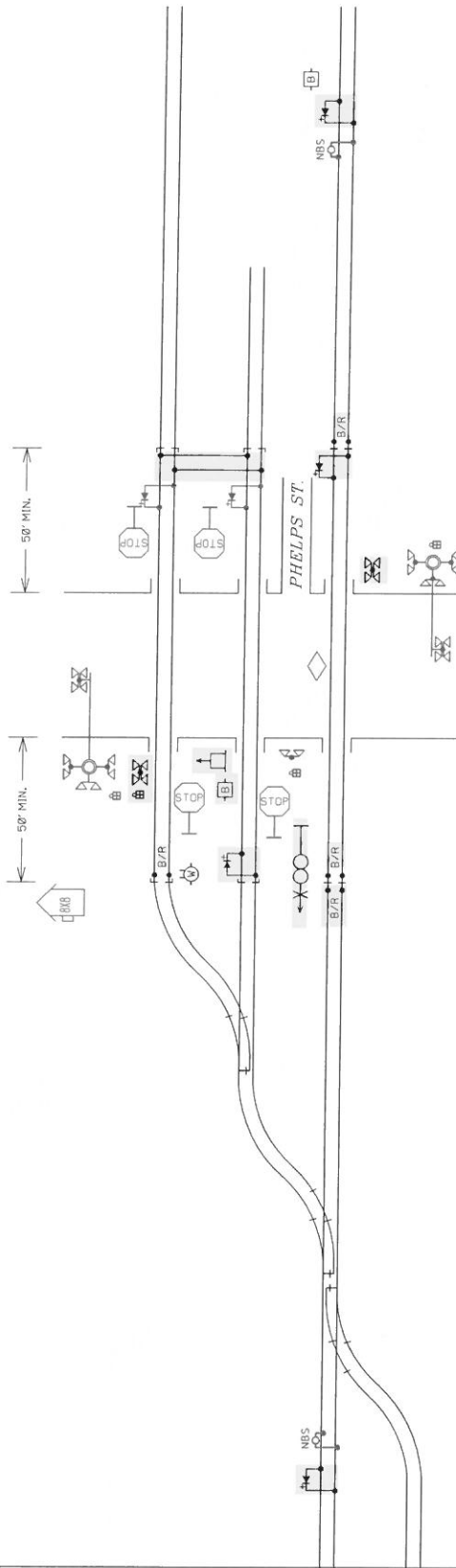
The Burlington Northern & Santa Fe Railway Company

TO KISSICK

TO SPRINGFIELD YARD

EASTWARD APPR. 645'
10 MPH

WESTWARD APPR. 645'
10 MPH



M.P. 238.92

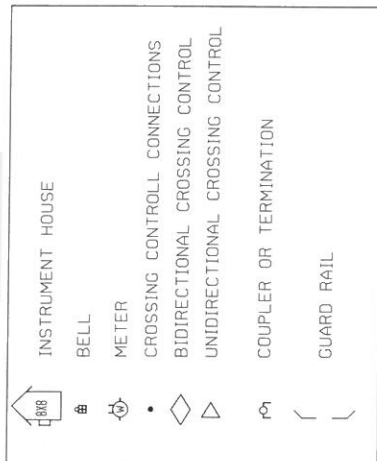
SHERMAN STREET

DOT # 664 118 Y

PROJECT# 69046

REPLACE: FLASHERS, GATES & BUNGALOW
CONTROL DEVICES: CONSTANT WARNING
SALVAGE: NONE

RED = IN YELLOW = OUT



BNSF RAILWAY CO.

LOCATION: SPRINGFIELD, MO

STREET: SHERMAN

LS: 1011

M.P. 238.92

DOT # 664 118 Y

DIVISION: HEARTLAND

SUBDIVISION: CUBA

KANSAS CITY

NO SCALE

DATE: 12/12/2018

FILE: 69046-STATE SKETCH-.dgn

AMW

Warning device placement:
Clearance to C.L. Track = Min. 12'
Edge of Road to C.L. Foundation:
Min. 4'3" with curb,
Min. 8'3" without curb,
Max. 12'
House Clearance:
25' Min. to Near Rail
30' Min. to Edge of Road

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

BNSF RAILWAY COMPANY
FHPM ESTIMATE FOR
MODOT

LOCATION SPRINGFIELD	DETAILS OF ESTIMATE	PLAN ITEM: 000294779	VERSION: 1
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PURPOSE, JUSTIFICATION AND DESCRIPTION

SHERMAN STREET - SPRINGFIELD - MO; REPLACE DX-13; HEARTLAND DIV; CUBA SUBDIV; LS 1011; MP 238.924; DOT# 664118Y; SEQ# 69046.

MONTHLY POWER UTILITY COST CENTER : 61697.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSES ONLY.

THIS ESTIMATE IS GOOD FOR 180 DAYS. THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

***** SIGNAL WORK ONLY *****

BNSF IS FUNDING 80% OF THIS PROJECT. THE STATE OF MISSOURI IS FUNDING 20%.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

PRIMARY FUNDING SOURCE IS FHWA

** BUY AMERICA(N) APPLIES **

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

ELECTRICAL LABOR F/SIGNAL EQUIPMENT	54.0	MH	1,669	
PLACE FIELD WELDS - CAP	151.81	MH	5,196	
REMOVE RETIRED INSULATED JOINT	76.16	MH	2,461	
SIGNAL FIELD - REPLACE	728.0	MH	22,445	
SIGNAL SHOP LABOR - CAP	0.01	MH	1	
PAYROLL ASSOCIATED COSTS			20,275	
DA OVERHEADS			32,834	
EQUIPMENT EXPENSES			6,512	
INSURANCE EXPENSES			5,335	
TOTAL LABOR COST			96,728	96,728

MATERIAL				

PLUG RAIL-40 FT-GENERIC-FOR SIGNAL PROJECTS	8.0	EA	6,696	
WELDKIT, GENERIC FOR ALL RAIL WEIGHTS	16.0	KT	1,085	
ARRESTOR, MDSA-2 XS	1.0	EA N	697	
BATTERY, 10 VGL-255, 9 VGL-350	1.0	LS N	4,659	
BELLS	2.0	EA N	412	
BUNGALOW 8X8 W/ AC	1.0	LS N	9,377	
BUNGALOW MATERIAL	1.0	LS N	7,564	
CABLE, 2C/6 TW	1500.0	FT N	1,770	
CABLE, 3C/2	250.0	FT N	1,410	
CABLE, 5C/10	350.0	FT N	641	
CABLE, 5C/6	500.0	FT N	2,000	
CABLE, 7C/14	500.0	FT N	840	
CANTILEVER (NO QUOTE)	2.0	EA N	31,650	
CHARGERS, 12/80 (20/40/60)	2.0	EA N	2,073	
CONSTANT WARNING, XP4, 1TK	1.0	EA N	16,252	
ELECTRICAL MATERIAL	1.0	LS N	1,500	
EVENT RECORDER	1.0	EA N	3,250	
FIELD MATERIAL	1.0	LS N	7,372	
FILL DIRT	20.0	CY N	500	
FLASHER COMPLETE (W/ LED LIGHTS)	1.0	LS N	3,476	
FOUNDATION, CANT	2.0	EA N	6,636	
LAMP RESISTOR PANEL	1.0	EA N	818	
LED LIGHT	20.0	EA N	3,651	
LIGHT OUT DETECTOR	1.0	EA N	913	
RELAY	2.0	EA N	1,500	

RING-10	2.0 EA N	208	
SHUNT, NBS	2.0 EA N	1,998	
SIDELIGHT, 1-WAY	2.0 EA N	1,547	
SIGN, STOP AND WAIT	4.0 EA N	229	
SURFACE ROCK	10.0 CY N	500	
TRACK DRIVER, TD4	1.0 EA N	677	
MATERIAL HANDLING		388	
USE TAX		9,585	
OFFLINE TRANSPORTATION		1,520	
TOTAL MATERIAL COST		133,394	133,394

OTHER			

AC POWER SERVICE	1.0 EA N	5,000	
BUNGALOW, WIRE AND TEST	1.0 LS N	4,418	
CONTRACT ENGINEERING	1.0 LS N	8,000	
DIRECTIONAL BORING	150.0 FT N	7,500	
TOTAL OTHER ITEMS COST		24,918	24,918
PROJECT SUBTOTAL			255,040
CONTINGENCIES			0
BILL PREPARATION FEE			2,551
GROSS PROJECT COST			257,591
LESS COST PAID BY BNSF			206,074
TOTAL BILLABLE COST			51,517

ANNUAL WORKER ELIGIBILITY VERIFICATION AFFIDAVIT
(for joint ventures, a separate affidavit is required for each business entity)

STATE OF KANSAS)
) ss
COUNTY OF Wyandotte)

On the 1 day of November, 20 18, before me appeared John Caufield,
Affiant name
personally known to me or proved to me on the basis of satisfactory evidence to be a person whose name is subscribed to this affidavit, who being by me duly sworn, stated as follows:

• I, the Affiant, am of sound mind, capable of making this affidavit, and personally certify the facts herein stated, as required by Section 285.530, RSMo, to enter into any contract agreement with the state to perform any job, task, employment, labor, personal services, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities.

• I, the Affiant, am the Manager Public Projects BNSF Railway, and I am duly
title business name
authorized, directed, and/or empowered to act officially and properly on behalf of this business entity.

• I, the Affiant, hereby affirm and warrant that the aforementioned business entity is enrolled in a federal work authorization program operated by the United States Department of Homeland Security, and the aforementioned business entity shall participate in said program to verify the employment eligibility of newly hired employees working in connection with any services contracted by the Missouri Highways and Transportation Commission (MHTC). I have attached documentation to this affidavit to evidence enrollment/participation by the aforementioned business entity in a federal work authorization program, as required by Section 285.530, RSMo.

• I, the Affiant, also hereby affirm and warrant that the aforementioned business entity does not and shall not knowingly employ, in connection with any services contracted by MHTC, any alien who does not have the legal right or authorization under federal law to work in the United States, as defined in 8 U.S.C. § 1324a(h)(3).

• I, the Affiant, am aware and recognize that, unless certain contract and affidavit conditions are satisfied pursuant to Section 285.530, RSMo, the aforementioned business entity may be held liable under Sections 285.525 through 285.550, RSMo, for subcontractors that knowingly employ or continue to employ any unauthorized alien to work within the state of Missouri.

• I, the Affiant, acknowledge that I am signing this affidavit as a free act and deed of the aforementioned business entity and not under duress.

John Caufield
Affiant Signature

Subscribed and sworn to before me in Wyandotte County, KS, the day and year first above-written.
city (or county) state

Bonnie Jameson
Notary Public

My commission expires: BONNIE JAMESON
My Appointment Expires
8-30-2021

[documentation of enrollment/participation in a federal work authorization program attached]

Company ID Number: 11815
Client Company ID Number: 183852

THE E-VERIFY PROGRAM FOR EMPLOYMENT VERIFICATION MEMORANDUM OF UNDERSTANDING FOR EMPLOYERS USING A DESIGNATED AGENT

ARTICLE I

PURPOSE AND AUTHORITY

This Memorandum of Understanding (MOU) sets forth the points of agreement between the Department of Homeland Security (DHS), **BNSF Railway** (Employer), and **Form I-9 Compliance, LLC** (Designated Agent) regarding the Employer's and Designated Agent's participation in the Employment Eligibility Verification Program (E-Verify). This MOU explains certain features of the E-Verify program and enumerates specific responsibilities of DHS, the Social Security Administration (SSA), the Employer, and the Designated Agent. References to the Employer include the Designated Agent when acting on behalf of the Employer. E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of the Employment Eligibility Verification Form (Form I-9). For covered government contractors, E-Verify is used to verify the employment eligibility of all newly hired employees and all existing employees assigned to Federal contracts.

Authority for the E-Verify program is found in Title IV, Subtitle A, of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, 110 Stat. 3009, as amended (8 U.S.C. § 1324a note). Authority for use of the E-Verify program by Federal contractors and subcontractors covered by the terms of Subpart 22.18, "Employment Eligibility Verification", of the Federal Acquisition Regulation (FAR) (hereinafter referred to in this MOU as a "Federal contractor") to verify the employment eligibility of certain employees working on Federal contracts is also found in Subpart 22.18 and in Executive Order 12989, as amended.

ARTICLE II

FUNCTIONS TO BE PERFORMED

A. RESPONSIBILITIES OF SSA

1. SSA agrees to provide the Employer (through the Designated Agent) with available information that will allow the Employer to confirm the accuracy of Social Security Numbers provided by all employees verified under this MOU and the employment authorization of U.S. citizens.
2. SSA agrees to provide the Employer and Designated Agent appropriate assistance with operational problems that may arise during the Employer's participation in E-Verify. SSA agrees to provide the Designated Agent with names, titles, addresses, and telephone numbers of SSA representatives to be contacted during the E-Verify process.



E-VERIFY IS A SERVICE OF DHS

Company ID Number: 11815
Client Company ID Number: 183852

Approved by:

Employer **BNSF Railway**

Name (Please Type or Print)

Title

Signature

Date

Designated Agent **Form I-9 Compliance, LLC**

Suzannah L Weaver

Name (Please Type or Print)

Title

Electronically Signed

Signature

01/23/2009

Date

Department of Homeland Security – Verification Division

USCIS Verification Division

Name (Please Type or Print)

Title

Electronically Signed

Signature

01/27/2009

Date



Company ID Number: 11815
Client Company ID Number: 183852

**Information Required
For the E-Verify Designated Agent Program**

Information relating to your Company:

Company Name: BNSF Railway

Company Facility Address: 2500 Lou Menke Drive

Fort Worth, TX 76131

County or Parish: TARRANT

Employer Identification

Number: 416034000

North American Industry
Classification Systems

Code: 482

Parent Company: _____

Number of Employees: 10,000 and over



**PLACEHOLDER FOR
CITY ORDINANCE
AUTHORIZING EXECUTION OF THIS AGREEMENT
BY SPECIFIC PUBLIC OFFICERS**

*[DRAFTER'S NOTE: PLEASE INSERT ACTUAL EXHIBIT
IN LIEU OF THIS PLACEHOLDER PAGE, AND
THEN DELETE THIS PAGE]*

Exhibit B

Sherman Parkway Signal Improvement



City of Springfield, Missouri



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