Agenda
City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers	**General Councilmembers**
Phyllis Ferguson, Zone 1	Jan Fisk, General A
Tom Prater, Zone 2	Craig Hosmer, General B
Mike Schilling, Zone 3	Andrew Lear, General C
Matthew Simpson, Zone 4	Richard Ollis, General D

Upcoming Council Meeting Agenda
April 8, 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. March 25, 2019 City Council Meeting.**

   Documents:

   03-25-2019.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 MEETING.**
6. **SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On.**
7. **Council Bill 2019-067. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, to apply to the United States Department of Housing and Urban Development for the Federal Fiscal Year 2019 Community Development Block Grant and HOME Investment Partnership Program funds under the Consolidated Plan, to accept Community Development Block Grant and HOME Investment Partnership Program funds, to enter into any necessary agreements to carry out the grants, and to exercise any and all powers necessary to implement selected projects; selecting projects for funding for the City of Springfield Fiscal Year 2019-2020; to reaffirm the Community Development Objectives and Priorities; and to declare that this Ordinance qualifies as a one-reading bill pursuant to City Charter Section 2.16(25). (City Council is not expected to vote on this Ordinance after the first reading on March 25, 2019.)

Documents:

2019-067.PDF

8. **Council Bill 2019-068. (Ollis)**

A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article VI, 'Finances,' Division 2, 'Purchasing,' Section 2-401, 'Purchasing Manual adopted,' by adding Section 13-3.312 for the purpose of allowing retired police officers to purchase their service weapons.

Documents:

2019-068.PDF

9. **Council Bill 2019-069. (Fisk)**

A special ordinance amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2019, by appropriating a portion of the 2018 Fiscal Year carryover funds in the amount of $2,800,000.

Documents:

2019-069.PDF

10. **Council Bill 2019-070. (Prater)**

A special ordinance approving the plans and specifications for the "Cherry Street Widening – Barnes Avenue to Oak Grove Avenue" Project; accepting the bid of Hamilton and Dad, Inc., in the amount of $2,051,509.32; and authorizing the City Manager, or his designee, to enter into a contract with such bidder; for the purpose of constructing said Project.

Documents:

2019-070.PDF

11. **RESOLUTIONS. Citizens May Speak. May Be Voted On.**

12. **Council Bill 2019-084. (Fisk)**

A resolution authorizing Mayor Ken McClure to participate in the United States Conference of Mayors and Workforce Board Leaders Meeting on Local Innovations in Preparing a Highly-Skilled Workforce to be held in Houston, Texas, April 23, 2019.

Documents:

2019-084.PDF

13. **Council Bill 2019-085. (McClure)**

A resolution authorizing certain Council members to participate in a one-day mobility study tour

of Northwest Arkansas, hosted by LaneShift, LLC.

Documents:

2019-085.PDF

14. **EMERGENCY BILLS.**

15. **PUBLIC IMPROVEMENTS.**

16. **GRANTS.**

17. **AMENDED BILLS.**

18. **COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On. Except Item No. 19. Council Bill 2019-071 Was Advertised As A Legal Public Hearing; However, Will Be Read As A One-Reading Bill. Citizens May Speak. May Be Voted On.**

19. **Council Bill 2019-071. (Prater) Citizens May Speak. May Be Voted On.**

    A resolution adopting the 2019 Amendments to the Phelps Grove Neighborhood Plan as an element of the City's Comprehensive Plan for the development of the City of Springfield, Missouri. (Planning and Zoning Commission and Staff recommend approval).

    Documents:

    2019-071.PDF

20. **Council Bill 2019-072. (Simpson)**

    A general ordinance amending Urban Conservation District No. 4, generally referred to as the Phelps Grove Urban Conservation District, Section 2 – 'District Regulations,' by creating a new Subsection D, regarding minimum lot width. (Planning and Zoning Commission and Staff recommend approval.)

    Documents:

    2019-072.PDF

21. **Council Bill 2019-073. (Ferguson)**

    A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 40 acres of property generally located at 1777 North Packer Road and the 2800 Block of East Blaine Street from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single Family, to GM, General Manufacturing District; and establishing Conditional Overlay District No. 168; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: Rice & Heer Leasing Company, H&C Partnership and City of Springfield; 1777 North Packer Road and the 2800 Block of East Blaine Street; Z-7-2019 w/Conditional Overlay District No. 168.)

    Documents:

    2019-073.PDF

22. **Council Bill 2019-074. (Ferguson)**

    A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.1 acres of property generally located at 529 West Division Street from R-SF, Single-Family Residential District to GR, General Retail District; and establishing Conditional Overlay District No. 170; and adopting an

updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: Springfield R-12 School District; 529 W. Division Street; Z-1-2019 w/Conditional Overlay District No. 170.)

Documents:

2019-074.PDF

23. **Council Bill 2019-075. (Fisk)**

A general ordinance amending Chapter 36 of the Springfield, Missouri City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-409 – 'West College Street District,' and 'Division 5, Supplemental District Regulations,' Section 36-451, 'Home Occupations,' to remove inconsistencies with existing occupancy requirements. (Planning and Zoning Commission and Staff recommend approval.)

Documents:

2019-075.PDF

24. **Council Bill 2019-076. (Ollis)**

A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-383 'R-MD – Medium-density multifamily residential district,' and 36-384 'R-HD – High-density multifamily residential district,' to reduce the minimum lot area required for development. (Planning and Zoning Commission and Staff recommend approval.)

Documents:

2019-076.PDF

25. **Council Bill 2019-077. (Hosmer)**

A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 3, 'Administration, Enforcement and Review,' Section 36-367 – 'Amendments,' Subsection (3)(a) relating to legal descriptions for rezoning. (Planning and Zoning Commission and Staff recommend approval.)

Documents:

2019-077.PDF

26. **Council Bill 2019-078. (Schilling)**

A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474; for the purpose of allowing the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

Documents:

2019-078.PDF

27. **FIRST READING BILLS. Citizens May Speak. Not Anticipated To Be Voted On. Council Bill 2019-086 Is Being Added As A Possible Addition To The Agenda; However, A Determination Of Whether It Will Be Added Will Be Made By City Council At The Meeting.**

28. **Possible Addition To City Council Agenda; However, A Determination Of Whether**

It Will Be Added Will Be Made By City Council At The Meeting.

Council Bill 2019-086. (Schilling)

A general ordinance adopting a new Fee and amending the Fee Schedule for certain City services as provided in the Springfield City Code, by establishing a fee for a Medical Marijuana Zoning Certificate. (Staff recommends approval.)

Documents:

2019-086.PDF

29. **Council Bill 2019-079. (Lear)**

A special ordinance amending Sections 3103.9.2 and 3103.9.3 of the Fire Code, relating to tents and membrane structures, by adding specific local addendums to the 2018 International Fire Code.

Documents:

2019-079.PDF

30. **PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

31. **NEW BUSINESS.**

The Mayor recommends the following appointment to the Public Housing Authority: Rusty Worley with term to expire April 11, 2020.

The Mayor recommends the following reappointment to the Public Housing Authority: Lisa McIntire with term to expire April 11, 2023.

The Mayor recommends the following appointment to the Springfield Convention and Visitors Bureau, Inc.: Todd Brage with term to expire January 1, 2022.

The Mayor recommends the following reappointment to the Springfield Convention and Visitors Bureau, Inc.: Brent Parker with term to expire January 1, 2022.

The Public Involvement Committee recommends the following appointment to the Board of Equalization: Janet Blair with term to expire April 1, 2022.

The Public Involvement Committee recommends the following reappointment to the Board of Equalization: Lyle Foster with term to expire April 1, 2022.

The Public Involvement Committee recommends the following appointment to the Citizens Advisory Committee for Community Development: Trish Hubbell with term to expire May 1, 2022.

The Public Involvement Committee recommends the following reappointment to the Citizens Advisory Committee for Community Development: Delilah Jackson with term to expire May 1, 2022.

The Public Involvement Committee recommends the following reappointments to the Citizens' Tax Oversight Committee: Daniel Furtak and Ryan Kelly with terms to expire May 1, 2022.

The Public Involvement Committee recommends the following appointment to the Landmarks Board: Richard Crabtree with term to expire November 1, 2021.

The Public Involvement Committee recommends the following appointment to the Police Civilian Review Board: Samantha Spartan with term to expire May 1, 2022.

The Public Involvement Committee recommends the following reappointment to the Police Civilian Review Board: Chris Nease with term to expire May 1, 2022.

The Public Involvement Committee recommends the following reappointments to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Nancy Martin-Hinds and Justin Milam with terms to expire April 30, 2022.

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.

Recognizing Councilman Tom Prater for his dedicated service to the City of Springfield.

32. **UNFINISHED BUSINESS.**

33. **MISCELLANEOUS.**

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

35. **Council Bill 2019-080. (Ferguson)**

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 Stubbs Subdivision generally located at 3308 West Chestnut Expressway, 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:

2019-080.PDF

36. **Council Bill 2019-081. (Ferguson)**

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 Sparkling Heights Subdivision generally located at 1777 North Packer Road, 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:

2019-081.PDF

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

38. **Council Bill 2019-082. (Fisk)**

A resolution granting a new liquor license to sell 5 percent beer and light wine by the drink at retail to Orange Grove Entertainment, LLC, d/b/a The Grove, for their location at 401 North Boonville Avenue, Springfield, Missouri.

Documents:

2019-082.PDF

39. **Council Bill 2019-083. (Ollis)**

A special ordinance authorizing the City Manager, or his designee, to accept a grant from the Missouri Department of Health and Senior Services for the purpose of supporting Public Health

response activities relating to a Hepatitis A outbreak amongst at-risk groups; and amending the budget of the Springfield-Greene County Health Department for Fiscal Year 2018-2019 in the amount of $12,627.00, to appropriate the grant funds.

Documents:

2019-083.PDF

40. **CONSENT AGENDA – SECOND READING BILLS.**

41. **END OF CONSENT AGENDA.**

42. **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.

March 25, 2019
Springfield, Missouri

The City Council met in regular session March 25, 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: Jan Fisk, Craig Hosmer, Richard Ollis, Andrew Lear, Phyllis Ferguson, Matthew Simpson, Tom Prater, Mike Schilling, and Ken McClure. Absent: None

Minutes

There being no additions, deletions, or corrections, the minutes of the March 11, 2019 City Council Meeting and March 12, 2019 Special City Council Meeting were approved as presented.

Consent Agenda

The Consent Agenda was approved as presented.

Anita Cotter, City Clerk, stated recommendations from the Public Involvement Committee for Board Appointments were not provided to City Council for review prior to the meeting tonight, and based on this they will be removed from the agenda to allow for review by City Council unless there is an objection from City Council.

Mayor Ken McClure stated there was no objection and City Council would proceed in that manner.

CEREMONIAL MATTERS.

Greenwood Laboratory School Boys' Basketball Team

Sponsor: McClure. Council Bill 2019-063. A resolution recognizing the achievement of the Greenwood Laboratory School Blue Jays, under the guidance and leadership of coach Darren Taylor and assistant coach Joe Black, upon winning the 2018-2019 Missouri State High School Activities Association Class 2 Boys Basketball State Tournament.

Councilman Prater stated as the City Representative for Zone 2, he is proud to honor Greenwood Laboratory School for their accomplishments and read the resolution in its entirety. Jason Gage, City Manager, noted he was able to watch some of Greenwood's games leading up to their Championship appearance, and offered his congratulations to the team and their coaches.

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

Mayor Ken McClure expressed his opinion the City is pleased to have a rich heritage of high school basketball in the Community, and Greenwood, and soon to be honored later this evening, Springfield Catholic, are both good examples of that heritage.

Council Bill 2019-063. Resolution 10435 was approved by the following vote: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

Mayor Ken McClure presented the resolution to Darren Taylor, Head Coach, and the Greenwood Laboratory School boys' basketball team.

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Springfield Catholic High School Boys' Basketball Team

Sponsor: McClure. Council Bill 2019-064. A resolution recognizing the achievement of the Springfield Catholic High School Fightin' Irish, under the guidance and leadership of coach Dustin Larsen, and assistant coaches Kirk Chaffin, Mike Foley, and Denny Hunt, upon winning second place in the 2018-2019 Missouri State High School Activities Association Class 3 Boys Basketball State Tournament.

Councilman Simpson stated as the Representative for Zone 4, he is proud to honor Springfield Catholic High School for their accomplishments and read the resolution in its entirety.
Jason Gage, City Manager, expressed his opinion Springfield Catholic represented the City well and congratulated the team and their coaches.

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

Council Bill 2019-064. Resolution 10436 was approved by the following vote: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

Mayor Ken McClure offered congratulations to Springfield Catholic and presented the resolution to Dustin Larsen, Head Coach, and the Springfield Catholic High School boys' basketball team.

Mr. Larsen expressed appreciation on behalf of the team and thanked City Council for honoring them tonight. He added they are proud of their program and were proud to represent the City in the Missouri State High School Activities Association Class 3 Boy's Championship Game.

Mayor Ken McClure thanked both teams for attending the meeting and expressed his opinion it is important for the Community to recognize their accomplishments.

Mayor Ken McClure welcomed a news reporting class from Evangel University that was in attendance this evening, thanked them for attending, and asked them to stand to be recognized.

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

City Manager's Report

Jason Gage, City Manager, noted the February 2019 and year-to-date Uniform Crime Report statistics and Sworn Staffing Report were provided to City Council at their places by Paul Williams, Police Chief. Mr. Gage provided an update on the Sexual Assault Task Force's collaboration with the Springfield Police Department and Public Information Office to create two brochures to serve as guides to the domestic assault and sexual assault investigative processes, and noted the information is also available online.

Mr. Gage noted the Spring edition of the SGF Neighborhood News will be mailed next week and is available online at sgfneighborhoodnews.com. He added the special edition contains information about the upcoming ballot initiatives, and a special section by Environmental Services that provides tips and best practices for helpful and environmentally responsible spring-cleaning and yard care.

Mr. Gage provided an update on the first Galloway/Lone Pine Corridor Public Meeting on March 21, 2019. He stated approximately 175 people attended the open-house style meeting which allowed attendees to visit City-run stations providing information about traffic, stormwater, parks, and other items. Mr. Gage added City Staff collected feedback on their thoughts and concerns about the future of the area, and stakeholder input will be used to develop

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a report for City Council with recommendations for the area in late Summer 2019. Additionally, an electronic survey is currently open at Galloway.questionpro.com. He noted details would soon be released about the next public meeting in May where results from the first input session will be used to zero in on focused development options for consideration, and schematic renderings showing alternatives which will be presented for visual preference surveys.

Mr. Gage encouraged citizens to vote on April 2, 2019. He reminded everyone the City's ¼-cent capital improvements sales tax will be on the ballot for renewal. He noted this renewal does not constitute a tax increase. He added the tax has helped pay for high-priority roadway, sidewalk, and other infrastructure projects for 30 years, and the ballot initiative requests to extend the cycle to 20 years. Additionally, citizens can visit sprinfieldmo.gov/election for a list of proposed projects and programs.

Mr. Gage provided an update on the Springfield Fire Department's reaccreditation by the Commission on Fire Accreditation International/Center for Public Safety Excellence (CFAI) for meeting the criteria established through the CFAI's voluntary self-assessment and accreditation program. He added the Fire Department was first accredited in 2009, achieved its first reaccreditation in 2014, and fewer than one percent of fire agencies worldwide are accredited. Additionally, only ten percent of the U.S. population is protected by an accredited fire service agency, and the City is proud our citizens are among those who are. Mr. Gage thanked David Pennington, Fire Chief, for his dedicated service to the Community.

The following bills appeared on the agenda under Second Reading Bills.

3851 W. Farm Rd. 148/ University St. annexation

Sponsor. Schilling. Council Bill 2019-029. 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 Road148/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.)

Council Bill 2019-029. General Ordinance 6511 was approved by the following vote: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

3851 W. Farm Rd. 148/University St. rezoning

Sponsor. Schilling. Amended Council Bill 2019-030. 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.)

Mayor McClure notd the proposed had been amended at the March 11, 2019 meeting. An opportunity was given for citizens to express their views on the amendment only. With no speakers, the public hearing on the amendment only was declared closed.

Anita Cotter, City Clerk, noted a protest petition was received and found to be insufficient at 3.5 percent, therefore a supermajority will not be required for passage. She added a copy of the supplemental explanation sheets was provided to City Council at their places for review.

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Amended Council Bill 2019-030. General Ordinance 6512 was approved by the following vote: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

3851 W. Farm Rd. 148/University St. Preliminary Plat

Sponsor: Schilling. Council Bill 2019-036. 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.)

Council Bill 2019-036. Special Ordinance 24163 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

1116 and 1120 E. Pythian St., 922 to 933 Florence Ave., and 941 N. National Ave.

Sponsor: Ferguson. Council Bill 2019-055. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 3.73 acres of property, generally located at 1116 and 1120 East Pythian Street, 922 to 933 North Florence Avenue, and 941 North National Avenue, from LB, Limited Business District and R-TH, Residential Townhouse District to GI, Government and Institutional Use District. (Staff and Planning and Zoning Commission recommend approval.) (By: Junior College District of Southwest Missouri (OTC); 1116, 1120 East Pythian Street, 922 to 933 North Florence Avenue, and 941 North National Avenue; Z-2-2019.)

Councilman Simpson noted Council Bill 2019-055 involves his employer, Ozarks Technical Community College, and he is recusing himself from consideration of the proposed to avoid any potential conflict of interest.

Councilman Schilling noted Council Bill 2019-055 involves his employer, Ozarks Technical Community College, and he is recusing himself from consideration of the proposed to avoid any potential conflict of interest.

Councilman Simpson and Councilman Schilling left Council Chambers at 6:54 p.m.

Council Bill 2019-055. General Ordinance 6513 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, Ferguson, Prater, and McClure. Nays: None. Abstain: None. Absent: Simpson and Schilling.

Councilman Simpson and Councilman Schilling returned to Council Chambers at approximately 6:56 p.m.

1325 N. Eldon Avenue

Sponsor. Ferguson. Council Bill 2019-056. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 43.5 acres of property, generally located at 1325 North Eldon Avenue, from Planned Development No. 187, 1st Amendment, to GM, General Manufacturing District. (Staff and Planning and Zoning Commission recommend approval.) (By: Positronic Industries Inc.; 1325 North Eldon Avenue; Z-5-2019.)

Council Bill 2019-056. General Ordinance 6514 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

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3040 E. Cherry St.

Sponsor. Prater. Council Bill 2019-057. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.8 acres of property, generally located at 3040 East Cherry Street, from HC, Highway Commercial and R-LD, Low-Density Multi-family Residential District with Conditional Overlay District No. 77 to GM, General Manufacturing District and establishing Conditional Overlay District No. 167. (Staff and Planning and Zoning Commission recommend approval.) (By: Excel Investments LP; 3040 East Cherry Street; Z-6-2019 w/Conditional Overlay District No. 167.)

Council Bill 2019-057. General Ordinance 6515 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

Driveway resurfacing requirements

Sponsor. Simpson. Council Bill 2019-058. A general ordinance amending Chapter 36 of the Springfield City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division VI, 'Design and Development Standards,' Section 36-483, 'Off-Street Parking and Loading Design Standards,' relating to surfacing requirements for driveways, vehicle parking, storage, and maneuvering areas. (Planning and Zoning Commission and Staff recommend approval.)

Councilman Schilling stated he will make a motion to remand Council Bill 2019-058 to the Planning and Zoning Commission for further review after City Staff reviewed City Council's questions from the March 11, 2019 City Council Meeting and found inconsistencies in the Zoning Ordinance pertaining to driveways and parking that they recommended be addressed.

Councilman Schilling moved to remand Council Bill 2019-058 to the Planning and Zoning Commission for further review and possible revisions. Councilman Simpson seconded the motion, and it was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

The Link Washington Avenue Project

Sponsor: Ollis. Amended Council Bill 2019-059. A special ordinance approving the plans and specifications for The Link Washington Avenue Project; accepting the bid of Hamilton and Dad, Inc., in the amount of $233,162.19, for said Project; and authorizing the City Manager to enter into a contract with such bidder.

Council Bill 2019-059. Special Ordinance 24164 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

RESOLUTIONS.

Economic and housing access calamity

Sponsor: Ferguson. Council Bill 2019-065. A resolution extending the declaration of an economic and housing access calamity for the purpose of continuing to allow service providers to provide food and lodging for the working poor and unemployed in the community; and providing a term for same.

Brendan Griesemer, Assistant Director of Planning and Development, provided a brief overview of the proposed. Mr. Griesemer stated the proposed would extend the declaration of an economic and housing access calamity City Council first approved in 2009 during the Great Recession, and has since extended six additional times due to the City's poverty rate being higher than the National average. He noted it would allow churches and other non-for-profit organizations to provide services to the City's under-resourced population, and especially during cold-weather months when there is a spike in the demand for services. Mr. Griesemer stated the

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organizations provide aide on a volunteer basis and are required to meet City Health Codes and Building Codes to continue providing services. Additionally, the proposed would extend the economic and housing access calamity to March 31, 2021 and City Staff recommends approval.

An opportunity was given for citizens to express their views.

Michelle Garand spoke in favor of the proposed. Ms. Garand stated she oversees the Affordable Housing and Homeless Prevention Division of The Community Partnership of the Ozarks and their role is to work closely with the City to facilitate the Ozarks Alliance to End Homelessness, a designated continuum of care for homeless in the area and the regional planning body for the City, and Greene, Christian, and Webster Counties. She noted data and identification of the needs of those without a home are utilized to address the issue of homelessness, and prior to the economic housing and access calamity passed by City Council in 2009, there were approximately 200-300 single adult individuals per night without access to a shelter and on the street during cold-weather months due to many shelters being at capacity.

Ms. Garand noted since 2009 many organizations have volunteered to meet the needs of homeless in the City, and more are still needed to meet the growing demand in the surrounding area. She stated East Sunshine Church of Christ opened their doors this year and offered more than 64 nights of shelter and 4,370 bed nights during cold-weather months to approximately 68 homeless men in the Community. Additionally, Grace United Methodist Church worked collectively with St. Agnes Church to open a network to serve homeless women in the Community and join faith communities. Ms. Garand stated she supports the proposed.

Councilwoman Ferguson asked for clarification on the focus towards the homeless youth crisis in the Community being addressed. Ms. Garand responded the Ozarks Alliance to End Homelessness has a Homeless Youth Task Force that is conducting gap analysis to find solutions to address the challenging needs. She added Federal funding is being prioritized for youth and targeted towards solutions for homeless youth in the Community.

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

Council Bill 2019-065. Resolution 10437 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

The following bills appeared on the agenda under Grants.

Surface Transportation Block Grant funding

Sponsor. Hosmer. Council Bill 2019-066. A special ordinance authorizing the City Manager, or his designee, to enter into several Agreements with the Missouri Highways and Transportation Commission for the purpose of accepting Surface Transportation Block Grant funding for the construction of sidewalks and trails in the City of Springfield; amending the Department of Public Works Fiscal Year 2018-2019 budget in the amount of $598,951.00 to appropriate the grant funds; and declaring that this Council Bill qualifies for approval in one-reading.

Eric Claussen, Traffic Engineer, provided a brief overview of the proposed. Mr. Claussen stated the proposed is a follow-up to what was presented to City Council at the December 10, 2018 City Council Meeting and would allow the City to accept grant funding for several construction

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projects of sidewalks and trails in the Community. He noted the proposed would allow for improvements to the Fassnight Greenway Trail, Brentwood Neighborhood to Galloway Trail connection, Harvard Avenue and Luster Avenue sidewalks, and reconstruction of a portion of the Galloway Trail.

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

Council Bill 2019-066. Special Ordinance 27165 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

AMENDED BILLS.

The following bills appeared on the agenda under Public Hearing Bills.

HOME Investment Partnership Program

Sponsor. Fisk. Council Bill 2019-067. A special ordinance authorizing the City Manager, or his designee, to apply to the United States Department of Housing and Urban Development for the Federal Fiscal Year 2019 Community Development Block Grant and HOME Investment Partnership Program funds under the Consolidated Plan, to accept Community Development Block Grant and HOME Investment Partnership Program funds, to enter into any necessary agreements to carry out the grants, and to exercise any and all powers necessary to implement selected projects; selecting projects for funding for the City of Springfield Fiscal Year 2019-2020; to reaffirm the Community Development Objectives and Priorities; and to declare that this Ordinance qualifies as a one-reading bill pursuant to City Charter Section 2.16(25). (City Council is not expected to vote on this Ordinance after the first reading on March 25, 2019.)

Bob Atchley, Senior City Planner, provided a brief overview of the proposed. Mr. Atchley stated the City's application to the U.S. Department of Housing and Urban Development (HUD) for annual funding consisted of applying for two grants, the Community Development Block Grant funds (CDBG), and HOME Investment Partnership Program funds (HOME). He noted HUD requires the majority of the awarded grants be used to address affordable housing, community development, and economic development activities in the recipient's community. Additionally, based on awards received in 2018, City Staff estimates the City will receive approximately 1.3 million dollars in CDBG funds and 967,000 dollars in HOME funds in 2019.

Mr. Atchley stated HOME funds are for the provision of affordable housing and a small portion of CDBG funds are for discretionary public service projects to benefit low to moderate income persons. He reviewed a graphic of the ten-year history of HUD funding the City has received showing a continued overall downward trend since 2009, and expressed his opinion continued inflation has restricted additional construction of housing. Mr. Atchley provided CDBG funds recommendations for Fiscal Year 2019-2020 and noted HUD places a cap on funding of 15 percent of awards being utilized for public service projects. He added approximately 192,000 dollars is available for public service projects in 2019 and the proposals received exceeded the available funding, with all but two proposals qualifying as public service projects.

Mr. Atchley stated a five-person non-partisan City Staff committee rated and ranked each proposal based on several criteria and Resolution 8720. He noted criteria includes readiness, implementation, leveraging, cost-benefit analysis, targeting, citizen involvement, and staff efficiency. Additionally, they consulted with United Way of the Ozarks and Community Foundation of the Ozarks during the ranking process. Mr. Atchley stated each proposal is given a high, medium, or low ranking with City Council and HUD regulations in consideration, and

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then presented to the Citizens Advisory Committee for Community Development (CACCD). He noted there were two public hearings held with the CACCD, including a joint CACCD and City Council public hearing on January 8, 2019. Additionally, the CACCD met on January 22, 2019 and February 26, 2019 and both sets of minutes are attached to the proposed as Exhibit E. Mr. Atchley stated the CACCD requests City Council re-evaluate the criteria for HUD funding process and allow the Committee to have a greater role in the process. He added City Staff recommends approval of the proposed.

An opportunity was given for citizens to express their views.

Ashley French spoke in opposition of the proposed. Ms. French stated she is the grant writer for Big Brothers Big Sisters of the Ozarks (BBBS) and expressed her concern for the City scoring process of grant awards and future City Council priorities of HUD funding. She stated she did not attend a public hearing session with the CACCD this year, in the past attendance did not affect funding awarded, and apologized to City Council for her absence at those sessions. Ms. French expressed her opinion the scoring system is unclear and serval aspects of it are unmandated, making it challenging for non-profits to prepare their proposals. She added BBBS was penalized on the aspect of capacity and expressed her opinion capacity is not well-defined and the scoring process should be more objective. Ms. French expressed her opinion prioritizing youth mentoring would be good for City Council to do moving forward because it would aide in youth becoming contributing members of our community as adults. She expressed her opinion consistency and objectivity in scoring would also be good for City Council to consider.

Councilman Ollis asked for clarification on City Council considering scoring and funding at a future date. Mr. Atchley verified that would occur and noted City Staff are looking at other communities in the Midwest to provide City Council with additional ideas and options to consider as they review the scoring and funding processes.

Michelle Garand spoke in favor of the proposed. Ms. Garand stated she works for Community Partnership of the Ozarks and CDBG funds are utilized to provide affordable housing and reduce homelessness in the area. She added the organization submits two grant proposals for over 1 million dollars of HUD funding annually from the continuum of care and emergency solution grant funds, and additional funds over the 1 million dollars awarded are critical to meet the growing needs of the Community. Ms. Garand stated she supports the proposed.

Maura Taylor spoke in favor of the proposed. Ms. Taylor stated she works for Catholic Charites of Southern Missouri and they operate LifeHouse Crisis Maternity Home, where in 2018 they had 51 residents and 17 healthy babies born. She added that was significant because approximately 70 percent of women at the home have a drug-related history, and funding is critical to assist those on the streets most in need. Ms. Taylor noted residents receive three meals a day and have access to comprehensive care including the Parents as Teachers Program and mental health care. She stated she supports the proposed.

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

The following bills appeared on the agenda under First Reading Bills.

Purchase of service weapons by retired police officers

Sponsor. Ollis. Council Bill 2019-068. A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article VI, 'Finances,' Division 2, 'Purchasing,' Section 2-401, 'Purchasing Manual adopted,' by adding Section 13-3.312 for the purpose of allowing retired police officers to purchase their service weapons.

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Paul Williams, Police Chief, provided a brief overview of the proposed. Chief Williams stated the proposed would allow Springfield Police Officers the option to purchase their firearm used in the line of duty upon their retirement. He added the current protocol is for the firearms to be sold back to the vendor through a rebate program and eventually resold to the general population. Chief Williams stated providing the retiring officer with a one-time offer of purchasing their firearm would keep those guns out of the hands of the general population and reward the officer for their service to the community. He noted three examples in the State of police officer firearm purchasing programs; Kansas City Missouri allows their officers to keep their firearm because they purchase it themselves; the Missouri State Highway Patrol allows officers to keep their firearms if they purchase a replacement firearm at value; and Columbia Missouri gifts their firearms to their officers. Chief Williams stated the proposed is a combination of these programs in that it would allow retiring officers the option to purchase their firearms at a negotiated cost while saving the City money by not gifting the firearms.

Councilwoman Ferguson asked for clarification on the resale value of the firearms and the cost of new firearms. Chief Williams responded approximately 180-190 dollars is the trade-in value and depending on the age of the firearm it could be as high as 300-400 dollars. He added a new firearm costs approximately 500-600 dollars.

Councilman Ollis asked for clarification on the number of officers retiring annually. Chief Williams responded approximately ten to fifteen officers retire per year.

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

General Fund Budget

Sponsor. Fisk. Council Bill 2019-069. A special ordinance amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2019, by appropriating a portion of the 2018 Fiscal Year carryover funds in the amount of $2,800,000.

David Holtmann, Director of Finance, gave a brief overview of the proposed. Mr. Holtmann stated the proposed was first discussed at the March 5, 2019 City Council Lunch and allocation of General Carryover Funds from Fiscal Years 2017 and 2018 in the amount of 2.8 million dollars is proposed to be used for expenses in three areas of operation. He noted the funds would be allocated across the maintenance of City-owned facilities, public safety, and operations, with 1.5 million dollars for facility repairs to ageing structures, 500,000 dollars for Building Development Services to address chronic nuisance properties, and 500,000 dollars for phase two of a City enterprise software system.

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

Cherry Street widening project

Sponsor. Prater. Council Bill 2019-070. A special ordinance approving the plans and specifications for the "Cherry Street Widening – Barnes Avenue to Oak Grove Avenue" Project; accepting the bid of Hamilton and Dad, Inc., in the amount of $2,051,509.32; and authorizing the City Manager, or his designee, to enter into a contract with such bidder; for the purpose of constructing said Project.

Laree Reese, Professional Engineer, provided a brief overview of the proposed. Ms. Reese stated the proposed would allow for the widening of Cherry Street to three lanes from Barnes Avenue to Oak Grove Avenue and include stormwater improvements, on-street bike lanes, gas and water renewals, intersection improvements at Cherry Street and Patterson Avenue, and intersection improvements at Cherry Street and Oak Grove Avenue. She added the project was advertised in

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the Daily Events, notice to contractors were sent out, four bids were received, bids were opened on March 5, 2019, and the low bid of $2,051,509.32 was received from Hamilton and Dad, Inc. Additionally, $409,155.20 will be reimbursed by City Utilities of Springfield for gas and water improvements, leaving the City's cost at $1,642,354.12.

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

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

Appeared

Bob Mondy addressed City Council. Mr. Mondy discussed a potential opportunity from a National TV production company which had expressed interest to him in doing a weekly one-hour production. Mr. Mondy asked City Council for their support and stated he had ten days to follow up with the parties involved in the proposal.

Appeared

Carl Herd addressed City Council. Mr. Herd expressed concerns pertaining to the administration of the Springfield Public Schools in conjunction of the upcoming bond issue for the school district. Mr. Herd also expressed concern pertaining to inappropriate materials being accessed on the school district Chromebooks.

Councilman Hosmer asked for clarification on the size of the SPS District. Councilman Prater confirmed it is the largest in the State. Councilman Hosmer expressed his opinion support of the school system is necessary for improvement and additional funding is needed for teachers, equipment, buildings, and supplies. Mr. Herd expressed his opinion versus surrounding communities, SPS ranks at the top in the State for dollars spent per student. Councilman Hosmer expressed his opinion that information is inaccurate.

Councilman Simpson asked for clarification on SPS focusing on schools in the district with the greatest need for improvement. Councilman Prater responded the SPS Task Force has worked with limited resources to determine the greatest impact they can have on the areas with the most need. Councilman Prater added most of the need was found to be on the north side of the City because it hosts some of the oldest school buildings not only in the City, but in the State.

Appeared

Dr. Norman Ely addressed City Council. Dr. Ely stated the Missouri Department of Elementary and Secondary Education ranks SPS in the bottom 43 districts out of over 550 districts and expressed his opinion this is a negative for our community when young professionals looking to move to our area see the rankings for education. He expressed his opinion SPS has neglected to keep children safe online and have a poor web-filtering service that Dr. John Jungmann, SPS Superintendent, is responsible for. Dr. Ely expressed his opinion SPS leaders should be held accountable, and City Council and the Community must be aware of the issues.

NEW BUSINESS.

Records Destruction

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.

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Mayor Ken McClure noted he received a request from six City Council members that City Council consider a referral to a hearing examiner referring the following matters regarding Mayor Pro Tem Fisk to a hearing examiner in accordance with the provisions of City Code Section 2-60(o)(1), one possible violation of City Code Section 2.60(d)(1), and two possible violations of City Code Section 2-60(d).

Mayor Pro Tem Fisk provided a statement. She loves the City of Springfield, Missouri, feels a responsibility to give back to the Community through public service, and is passionate about serving. Ms. Fisk expressed her opinion serving involves sacrifice and each member of City Council makes personal, business, and family sacrifices for the good of the City. Ms. Fisk stated 66 years ago the Springfield City Charter was designed in part to help insure public servants keep the City's best interest at heart, she takes that responsibility seriously, and it is part of why she ran for City Council. Ms. Fisk stated she sought guidance from the City Attorney on any potential or perceived conflicts of interest that would affect her ability to serve prior to running for City Council, and has always worked to comply with City Charter, local ordinances, and State statutes as a member of City Council.

Ms. Fisk stated a complaint was filed with the Missouri Ethics Commission on allegations of her not complying with City Charter and expressed her opinion the Charter offers little guidance on what to do in this situation. Ms. Fisk expressed her opinion the City has much work to do on the Charter and there are good people committed to that work. Ms. Fisk stated she wants the allegations brought against her clarified, respond to those attacking her and her family, and stand up to the harassment and bullying she is receiving. Ms. Fisk stated her commitment to public service is steadfast and expressed hope this can be used as an opportunity to review the orientation process for new Councilmembers and asked for a citizen-led effort to review the City Charter and make recommendations to City Council about what steps might bring more clarity to those individuals willing to serve the Community as elected officials in the future. Ms. Fisk asked her colleagues to join her in requesting a full review to properly asses the situation and stated she would fully cooperate with any inquiry. Ms. Fisk expressed hope such a process will provide clarity on this current circumstance and future circumstances, and stated she is proud to serve on City Council and looks forward to the opportunity to address this issue and work to make Springfield the great City that it is.

CONSENT AGENDA FIRST READING BILLS.

CONSENT AGENDA ONE READING BILLS.

CONSENT AGENDA SECOND READING BILLS.

2320 N. Belcrest Avenue

Sponsor. Prater. Council Bill 2019-060. 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 Ozark Motor Lines Subdivision generally located at 2320 North Belcrest Avenue, 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 2019-060. Special Ordinance 27166 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, Ferguson, Simpson, Prater, Schilling, and McClure. Nays: None. Abstain: None. Absent: None.

END OF CONSENT AGENDA.

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ADJOURN.

There being no further business, the meeting adjourned at approximately 7:57 p.m.

Prepared by
Melissa Carman

Anita J. Cotter, CMC/MRCC
City Clerk

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One-rdg. X
P. Hrngs. _____
Pgs. 30
Filed: 03-19-19

Sponsored by: Fisk

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 067 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to apply to the United States Department of Housing and Urban Development for the Federal Fiscal Year 2019 Community Development Block Grant and HOME Investment Partnership Program funds under the Consolidated Plan, to accept Community Development Block Grant and HOME Investment Partnership Program funds, to enter into any necessary agreements to carry out the grants, and to exercise any and all powers necessary to implement selected projects; selecting projects for funding for the City of Springfield Fiscal Year 2019-2020; to reaffirm the Community Development Objectives and Priorities; and to declare that this Ordinance qualifies as a one-reading bill pursuant to City Charter Section 2.16(25). (City Council is not expected to vote on this Ordinance after the first reading on March 25, 2019.)

WHEREAS, it is anticipated that the City of Springfield, Missouri, will receive approximately $1,398,000.00 in Community Development Block Grant ("CDBG") funds and approximately $967,000.00 in HOME Investment Partnership Program ("HOME") funds for the Fiscal Year beginning July 1, 2019; and

WHEREAS, CDBG proposals were received at a joint public hearing of the City Council and the Citizens' Advisory Committee for Community Development ("CACCD") on January 8, 2019; and

WHEREAS, City staff prepared recommendations on discretionary project funding and said recommendations were reviewed by the CACCD at their January 22, 2019, and February 25, 2019, meetings; and

WHEREAS, pursuant to City Resolution 8720, which is attached hereto as "Exhibit D," the CACCD's role is to provide City Council with comments regarding Staff's recommendations, which said recommendations are attached hereto as "Exhibit E." The CACCD did endorse Staff Recommendation B by unanimous vote during their February 26, 2019, meeting, said Recommendations being attached hereto as "Exhibit A"; and

WHEREAS, in order to meet HUD deadlines, and allow for adequate public comment; and an ordinance authorizing the City to make application must be adopted by April 25, 2019,

WHEREAS, pursuant to City Charter Section 2.16(25) this Ordinance qualifies as a one-reading bill because it relates to the acceptance of a grant from a federal agency; and

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

Section 1 – The City Manager, or his designee, is hereby authorized to make application to HUD for grant funding in the amount of $1,398,000.00 in CDBG funds and $976,000.00 in HOME funds, for those projects set out in “Exhibits A and B,” said exhibits being attached hereto and incorporated herein by this reference.

Section 2 – The City Manager, or his designee, is hereby authorized to accept funding and implement those projects set out in “Exhibits A and B,” upon acceptance and approval by HUD of such application and agreement, and to do all things necessary and convenient to carry out any CDBG or HOME grants awarded in connection with said application, including the execution of contracts, provided the form of the contract is approved by the City Attorney.

Section 3 – City Council authorizes the City Manager, or his designee, to file a final statement of Community Development Objectives and a HOME Program Description with HUD as set out in Section 1 and 2 of this Ordinance.

Section 4 – City Council hereby authorizes the City Manager, or his designee, to exercise any and all powers necessary or convenient to obtain Community Development funding and implement those projects set out in “Exhibits A and B,” including the right to execute a sub-grant agreement or agreements for the administration of said projects, provided that the form of the agreement or agreements is approved by the City Attorney.

Section 5 – City Council hereby reaffirms the Community Development Objectives and Priorities, attached hereto as "Exhibit C" and incorporated herein by this reference.

Section 6 – City Council hereby finds and declares that this Ordinance relates to the acceptance of a grant from a federal agency and pursuant to Section 2.16(25) of the City Charter, this Ordinance may be passed in one reading. 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 2019-067

FILED: 03-19-19

ORIGINATING DEPARTMENT: Planning and Development Department

PURPOSE: Authorizing the City Manager, or his designee, to apply to the United States Department of Housing and Urban Development for the Federal Fiscal Year 2019 Community Development Block Grant and HOME Investment Partnership Program funds under the Consolidated Plan, to accept Community Development Block Grant and HOME Investment Partnership Program funds, to enter into any necessary agreements to carry out the grants, and to exercise any and all powers necessary to implement selected projects; selecting projects for funding for the City of Springfield Fiscal Year 2019-2020; to reaffirm the Community Development Objectives and Priorities; and to declare that this Ordinance qualifies as a one-reading bill pursuant to City Charter Section 2.16(25). (City Council is not expected to vote on this Ordinance after the first reading on March 25, 2019.)

BACKGROUND INFORMATION: The City is applying for $1,398,000 in CDBG funds and $967,000 in HOME funds for the next fiscal year beginning July 1, 2019. The CDBG funding recommendations of the Planning and Development Department Staff are described in “Exhibit A,” attached hereto. “Exhibit B” is the HOME Program Description for the use of HOME funds, which are principally dedicated to affordable rental housing rehabilitation and affordable new infill rental housing construction. The Community Development Objectives and Priorities for the program are described in “Exhibit C.”

CDBG proposals were received and a joint public hearing was held on January 8, 2019, before City Council and the Citizens’ Advisory Committee for Community Development (“CACCD”). Following the joint public hearing, the Planning and Development Department Staff rated the projects as high, medium, or low priority activities in meeting objectives and priorities of the City Council and federal CDBG requirements, pursuant to City Council Resolution 8720, attached as “Exhibit D.” The CACCD held two public hearings on January 22, 2019, and February 25, 2019, to review the staff assessment and recommendations in concert with the Staff. During the February 26, 2019, meeting, it was determined that the individual CACCD member comments would be emailed to staff and then provided to City Council. Thus, the CACCD has provided comment upon the staff recommendations in the form of the CACCD meeting minutes for January 22, 2019, the draft minutes for February 25, 2019, and individual CACCD member comments as provided via email and attached as “Exhibit E.” The CACCD endorsed Staff Recommendation B by unanimous vote during their February 26, 2019, meeting. Recommendation B is the set of CDBG funding recommendations forwarded by Staff as described in “Exhibit A,” attached hereto.

In order to meet HUD deadlines, an ordinance authorizing the City to make application must be adopted by April 25, 2019, to allow public comment prior to submission of the application to HUD. This Ordinance qualifies as a one-reading bill pursuant to City

Charter Section 2.16(25) because it relates to the acceptance of a grant from a federal agency.

REMARKS: The Citizens' Advisory Committee for Community Development met on January 22, 2019, and February 26, 2019, to evaluate staff recommendations. During the February 26, 2019, meeting the CACCD endorsed the current Planning and Development Department Staff Recommendations by unanimous vote. The CACCD comments have been provided in the form of their meeting minutes and individual comments provided via email correspondence.

Submitted by:

Bob Atchley, Senior Planner

Recommended by:

Mary Lilly Smith, Director

Approved by:

Jason Gage, City Manager

EXHIBIT A

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PROPOSALS FOR FY 2019-20

All funding categories are estimated contingent on the actual allocation received from the Department of Housing & Urban Development.

PROJECT #	PROJECT NAME	SPONSOR	FY2019 STAFF RECOMMENDED	Staff Recommendation: RE-PROGRAMMED FUNDS	Staff Recommendation: CHAP REVOLVING INCOME OR PY GRANT	Staff Recommendation: COMMERICAL REVOLVING LOAN PROGRAM
PRIORITIES						
*AP-1	CDBG Administration	Dept of Planning and Development	321,545.00			
*AP-2	Planning and Neighborhood Conservation	Dept of Planning and Development	176,320.00			
*/***H-1	Comprehensive Housing Assistance Program (CHAP)	Dept of Planning and Development	585,937.00	0.00	87,518.00	
**ED-1	Commercial Loan Program	Dept of Planning and Development	0.00			1,154,000.00
PS-1	One Door	Community Partnership of the Ozarks, Inc	104,468.00			
***#H-2	Emergency Home Repairs	OACAC Weatherization Program			75,000.00	
***#H-3	Emergency Home Repairs	Habitat for Humanity of Springfield, Missouri, Inc. (HFHS)			75,000.00	
***#H-4	Emergency Home Repairs	Council of Churches of the Ozarks			75,000.00	
***#H-5	Emergency Home Repairs	Catholic Charities of Southern Missouri, Inc. (CCSOMO)			75,000.00	
		Estimated Total Priorities	1,188,270.00	0.00	387,518.00	1,154,000.00
DISCRETIONARY	HOUSING					
H-6	(DLF) / (NWP) "Blue House Project"	Drew Lewis Foundation & Northwest Project	0.00			
*H-7	Cedarbrook Availability	Housing Authority of the City of Springfield	16,185.00			
		Estimated Total Housing	$ 16,185.00	$ -	$ -	$ -
DISCRETIONARY	PUBLIC SERVICES					
*PS-2	Empowering Youth 2019-2020	Great Circle - formerly Boys and Girls Town of Missouri	21,165.00			
*PS-3	Emergency Social Services Program	The Salvation Army	21,165.00			
*PS-4	Forensic Interviewer	The Child Advocacy Center	21,165.00			
*PS-5	Making Sense of Money Financial Literacy Program	Community Partnership of the Ozarks	16,185.00			
*PS-6	McGregor in the Morning	Boys & Girls Clubs of Springfield, MO	18,675.00			
PS-7	Mental Healthcare for Low Income Springfieldians	Betty and Bobby Allison Ozarks Counseling Center	0.00			
*PS-8	Weekend Backpack Program	Ozarks Food Harvest	16,185.00			
*PS-9	Harmony House Emergency Shelter Program - Shelter Meals Program	Harmony House, The Family Violence Center	18,675.00			
*PS-10	LifeHouse Crisis Maternity Home and AfterCare Program	Catholic Charities of Southern MO, Inc	21,165.00			
PS-11	Pest Prevention & Treatment for Low Income Springfieldians	OACAC	0.00			
*PS-12	Strengthening Families in Crisis	Isabel's House, The Crisis Nursery of the Ozarks	21,165.00			
*PS-13	Rare Breed Housing Program	The Kitchen, Inc	18,000.00			
PS-14	Lunch Buddies Program: 1 to 1 Mentoring	Big Brothers Big Sisters of the Ozarks	0.00			
		Estimated Total Discretionary	$ 193,545.00			
		Estimated Grand Total	$ 1,398,000.00			

* All proposed activities will be proportionately increased or decreased from the estimated funding levels to match the actual HUD allocation amounts in these line items.
** Funded by Revolving Loans.
*** Partially or fully funded by Revolving Loans and prior year grants.
# Expenditures may begin upon passage of the Ordinance.

EXHIBIT B

PROGRAM DESCRIPTION FOR USE OF HOME FUNDS
2019-20 FISCAL YEAR

	Original Estimate
LOANS FOR HOUSING REHABILITATION & NEW INFILL CONSTRUCTION	$ 676,900.00
CHDO SET-ASIDE*	$ 145,050.00
CHDO OPERATING EXPENSES*	$ 48,350.00
HOME ADMINISTRATION	$ 96,700.00
TOTAL	$ 967,000.00
HOME PROGRAM INCOME MAY BE USED FOR ELIGIBLE HOME ACTIVITIES (ESTIMATE)	$ 1,150,000.00

*Community Housing Development Organizations (CHDO) are required by statute to receive approximately 15% of the total HUD appropriation. An additional approximate 5% shown above is to be utilized for operating expenses for the CHDO to maintain its development capacity.

All proposed activities will be proportionately increased or decreased from the estimated funding levels to match the actual HUD allocation amounts in these line items.

Exhibit C

COMMUNITY DEVELOPMENT OBJECTIVES

The consolidated Plan subscribes to a program which furthers the following federally initiated objectives:

> The establishment of a viable community by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income through activities designed to meet the specific objectives of:

- the elimination of slum and blight
- the elimination of conditions which are detrimental to health, safety, and public welfare
- principally benefitting persons of low and moderate income

The following local objectives shall be utilized in selecting projects and activities for funding:

Leveraging: Priority is given to the use of community development funds and resources to leverage direct private investment and to stimulate spin-off and ancillary development and activities consistent with established community development objectives and targets. The degree of leveraging will be considered in the evaluation of projects and progress.

Cost-Benefit: All allocations of community funds and resources should produce a benefit level measured in terms of community objectives and targets that justifies the expenditure. Projects and programs should demonstrate a high degree of benefit to cost.

Targeting: The allocation of community development funds and resources is most effective when an array of tools, projects and program is directed toward a specific geographic area or particular sphere of concern consistent with prior planning and systematic needs assessment. Priority is thus given to programs and projects that demonstrate a high degree of benefit to cost.

Citizen Involvement: Community Development efforts are most apt to prove effective where there is active involvement by those citizens affected by and benefiting from such efforts. Such involvement should begin in the earliest stages of program formulation and continue through implementation and organization and commitment for sustained and continuing involvement.

Self-Sufficiency: The establishment of sustained community development program depends at least in part upon reliable and predictable revenue sources. Reduced reliance on outside funding sources is a high priority management objective.

Preference is thus given to revolving programs or programs that produce revenues to the community development program.

General Evaluation Criteria

Project Implementation: A project should provide a clear plan to alleviate community needs and the applicant should be able to provide performance measures for carrying out **the plan.**

Project Readiness: A project should be ready to proceed as defined in the proposal. The ability to start a project and bring to completion is emphasized by HUD.

COMMUNITY DEVELOPMENT PRIORITIES

1. Funding commitments necessary to satisfy goals established in the Comprehensive Housing Assistance Program are given highest priority.

2. Commercial property rehabilitation and assistance to small business in targeted areas shall remain a priority.

3. Priority shall be given to maintenance of a policy planning and management capacity in order to determine needs, establish short and long term goals and objectives, and evaluate progress on programs and activities in accomplishing overall goals and objectives. The focus shall be neighborhood conservation, business revitalization and commercial viability, historic preservation and affordable housing in the older, built environment of the City.

4. Staff funding shall continue to (a) implement specifically assigned community development projects, (b) provided technical assistance in the planning, formulation and implementation of public-private partnerships, particularly in relation to affordable housing and other activities of principal benefit to persons of low and moderate income, (c) pursue funds and resources to further enhance the community development program, and (d) administer the CDBG Program and meet other necessary and unavoidable program requirements.

5. The following target areas shall be priorities for channeling fiscal resources for housing and economic development:
   - Residential Rehabilitation Loan Area:
     Area bounded by Grand, West Bypass, Kearney and (principally) National
   - Commercial Property Rehabilitation and Assistance Areas:
     Citywide

- Legally Designated Redevelopment Areas:
  Silver Springs, Sherman Avenue and Grant Avenue
  Playground Redevelopment Projects

6. Prior funding commitments for the Central Intake Office (now known as One Door) shall continue.

7. Priority consideration shall also be given to projects which contribute to environmental sustainability; housing accessibility; employment and business opportunities for low income and minority residents; support for fair housing; and, emergency home repair.

Pub. Imp. _____
Govt. Grnt. _____
Emer. _____
P. Hrngs. _____
Pgs. 4
Filed: 12-14-99

Sponsored by: Gannaway

AMENDED
COUNCIL BILL NO. 99 - 437 RESOLUTION NO. 8720

A RESOLUTION

ADOPTING three new policies as a part of the City of Springfield, Missouri's Community Development Block Grant procedures which would include (1) a conflict of interest provision, (2) greater staff involvement in evaluation of projects, and (3) establishing a maximum for Community Development Block Grant discretionary projects in Federal fiscal year 2000 with a provision for increasing such amount in the future. (City Council Governmental Relations Committee recommends approval.)

WHEREAS, the application process for Community Development Block Grant funds is competitive among various community organizations; and

WHEREAS, the City Council wishes to avoid any conflict of interest, real or perceived, in the awarding of such funds; and

WHEREAS, such funds are limited in amounts available for discretionary projects; and

WHEREAS, the City Council desires to partially fund various projects rather than a few large projects; and

WHEREAS, the consideration of the granting of such funds should also include Council priorities and community needs which could be assisted by more staff participation in the evaluation of the various projects for consistency with priorities and identified needs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI:

That the City Council hereby adopts three new policies for the application process for the Community Development Block Grant funds which new policies shall read as follows:

Policy 1 - The application process for limited Community Development Block Grant funds is highly competitive. Members of

the Citizens Advisory Committee for community development should exercise special care in order to preserve the integrity of the process and any appearance of impropriety or conflict of interest. Members are encouraged to seek advice from the City Attorney with respect to any questions which they may have concerning conflicts of interests or even the appearance of a conflict. A Committee member shall not be affiliated with any organization at the time an application for a Community Development Block Grant is made, or within a twelve month period preceding application. Affiliation is defined to mean serving as a board, committee or general member, a member of staff or involved in fund raising activities. If such a conflict exists, the Committee member shall no longer serve on the Committee.

Policy 2 - The City staff shall be involved in the evaluation of applications for Community Development Block Grant funds and include in this involvement a collaboration effort with other funding groups such as the United Way, Community Foundation and the Junior League with respect to Council's objectives and priorities for the community. This will permit a broader perspective on the agencies submitting applications and the projects to be considered. This evaluation shall also include a staff evaluation of budgets, financial data and the merits of the proposed activities. Staff should rate the projects as high, medium or low priority activities in meeting objectives and priorities of the City Council and federal CDBG requirements. The Citizens Advisory Committee will review with staff the staff assessment and recommendations and submit comments to the City Council. The City Council shall make the final decision on selection of projects and appropriation of funds. Public hearings shall continue as a part of the process of evaluating applications as outlined in the Citizen Participation Plan.

Policy 3 - No application should be granted for any one project in federal fiscal year 2000 for an amount that exceeds $75,000.00. This amount may be raised in subsequent fiscal years if City Council determines such an increase is justified. In no event shall such an increase exceed three percent in any given year.

Passed at meeting: December 13, 1999

Mayor

Attest: _____, City Clerk

Approved as to form: _____, City Attorney

Approved for Council action: _____, City Manager

N:\SHARE\CBILLS\am-cdbgpolicies.wpd

Aff. Agcy. Noticed Yes
Emergency Required No
P. Hrngs. Required No
Fiscal Note Required No
Board Rec. Required No
Sponsors Carlson, Chancellor, Gibson and Rhodes
Date November 15, 1999

EXPLANATION TO COUNCIL BILL NO. 99-

ORIGINATING DEPARTMENT: Planning & Development

PURPOSE: To adopt a resolution for the Community Development Block Grant (CDBG) Program process to establish policy to 1) avoid the potential for conflict of interest, real or perceived, by the Citizen Advisory Committee for Community Development (CAC), 2) provide for greater staff involvement in evaluating projects based upon City Council's objectives and priorities, and, 3) establish a $75,000 maximum for CDBG discretionary projects in Federal fiscal year 2000 that may be increased in subsequent years with an inflationary factor not to exceed three percent. (The City Council Governmental Relations Committee recommends approval.)

BACKGROUND:

Following the CDBG funding allocation last Spring, the City Council asked staff to survey other cities on the CDBG process, particularly on how other cities involved citizen committees. Staff contacted other communities that were similar in size and geographically linked, namely: Davenport, Iowa; Little Rock, Arkansas; Tulsa, Oklahoma; and, Topeka and Wichita, Kansas. All utilized committees in the process but the composition of those committees was vast. The only similarity between the cities was greater staff involvement. All cities, either had staff committees only in the evaluation and recommendation process, or they had staff composition on the committees. The timing for reporting back to the City Council coincided with completion of our five-year Consolidated Plan and became the topic, along with reaffirmation of City Council's objectives and priorities for the Consolidated Plan, of two recent City Council luncheons. Members of the City Council were in agreement on adoption of objectives and priorities for the Consolidated Plan without change from those previously adopted. There was general consensus among Council members that those objectives and priorities should drive the selection of projects for CDBG funding.

The City Council Committee on Governmental Relations was delegated the task of reviewing the process and recommending policy. Focusing on three primary questions involving CAC conflict of interest, staff evaluation of proposals and the issue of ongoing funding for projects, the Committee met on November 9 and unanimously voted to support the policies contained herein for the full City Council's adoption.

REMARKS:

First, the resolution before the City Council will establish a provision intended to avoid the potential for a conflict of interest to occur as a result of CAC members having any form of affiliation with groups requesting funds. Because of the highly competitive nature of the funding process, this is a far reaching measure designed to avoid even the appearance of a conflict, although such conflict may not exist legally. Any member of the CAC would have to resign from the committee if such an affiliation existed at the time a request for funding was submitted or the twelve months prior to the submission. Current and future CAC members would sign and abide by the language spelled out in the Resolution.

There was a consensus of opinion that greater staff involvement would benefit the process. Staff would collaborate with other funding groups, such as the United Way, Community Foundation and Junior League, to obtain a broader perspective on the agencies submitting requests and the projects being considered. Staff would evaluate budgets, financial data and the merits of the proposed activities. Staff would review the discretionary submissions in context with City Council's objectives and priorities. Based upon the above evaluation system, staff would assess projects and make funding recommendations to the CAC and to the City Council. Staff would detail which projects were judged as high, medium or low priority activities in meeting objectives and priorities. The CAC would then review the staff assessment and recommendations and submit its comments and evaluation to the City Council. The City Council would, as always, make the final decisions on selection of projects and appropriation of funds. To assure public participation in the process, public hearings would continue as outlined in our Citizen Participation Plan.

The Governmental Relations Committee was in agreement that a limitation on the ongoing funding of projects was contrary to allowing objectives and priorities to dictate which of the projects should be selected. The Committee did agree that a maximum amount that any one project could receive had merit. It was decided that $75,000 was large enough to substantially fund the higher dollar requests and leave a sufficient amount to fund other projects that would fall into a high priority category. A small inflationary factor could be added if staff felt it was justified but should be limited to three percent in a given year.

Submitted by:

Director
Planning and Development Department

Approved by:

City Manager

Citizens Advisory Committee for Community Development
Tuesday, January 22, 2019
Busch Building Second Floor West Conference Room

Members Present: Delilah Jackson, Chairwoman; Angela Dowler-Pryor, Christina Dicken, Earle Doman, Erin Gray, David Carr, Brandy McShane, Johnathan Saunders, and Kate Stockton

Members Absent: None.

Staff: Brendan Griesemer, Bob Atchley, Bob Jones, David Fraley, Monica Meador, Glenda Troop, and Renee Crouch, Planning and Development; Tom Rykowski, Law Department, and Melissa Carman, Assistant City Clerk.

Guests: Jason Wert, Ozarks Independent; Jason Pryor, and Linda Simkins

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Delilah Jackson, Chairwoman, called the meeting to order at approximately 6:04 p.m. in the Busch Building Second Floor West Conference Room.

- **Approval of the Minutes**

The Committee reviewed the draft meeting minutes of the following joint meeting of the Citizens Advisory Committee for Community Development and City Council:

January 8, 2019

Earle Doman noted his name was misspelled. Melissa Carman, Assistant City Clerk, noted and corrected the typographical error.

Delilah Jackson, Chairwoman, moved to approve the minutes of the January 8, 2019 meeting. Kate Stockton seconded the motion, and the minutes were approved as corrected by the following vote: Ayes: Dowler-Pryor, Dicken, Doman, Gray, Carr, McShane, Saunders, Stockton, and Jackson. Nays: None. Abstain: None. Absent: None.

- **Rules of Order**

Chairwoman Jackson provided a brief overview of the format and Rules of Order for this meeting. Ms. Jackson stated public comments will be accepted, immediately following staff presentations, and each speaker is limited to five minutes.

- **HUD Annual Action Plan Recommendations**

Bob Atchley, Senior Planner, thanked the City Staff Review Committee and provided a brief recap of the Housing and Urban Development (HUD) Action Plan Recommendations. Mr. Atchley noted City Council Resolution 8720 (*see meeting documents, Attachment A*) provides policies which enumerate roles of City Staff, the CACCD, and City Council during the annual application process for Community Development Block Grant (CDBG) funds, and a memo from Rhonda Lewsader, City Attorney, regarding Resolution 8720 was included (*see meeting documents, Attachment B*). He stated prior to completion of the review process, City Staff met with Bridget Dierks, with Community Foundation of the Ozarks, and

Debbie Meeds, with United Way of the Ozarks, to discuss each proposal and gain knowledge of the sponsors, need for the proposed services, and financial impact on the community.

Mr. Atchley noted proposal numbers from the January 8, 2019 joint CACCD and City Council meeting. He stated the City received proposals totaling $355,700.00 in requested funding, and the United States Department of Housing and Urban Development (HUD) places the cap on public funding at 15 percent of the grant award. Mr. Atchley added the cap for 2019 equates to approximately $192.000.00 in public service funds available. He noted the Housing Authority of Springfield's Cedarbrook Availability Project and the Drew Lewis Foundation & Northwest Project's Blue House Projects are categorized as housing projects versus public service projects, and are not subject to HUD's Public Service cap, leaving a total of 13 service proposals totaling $305,900.00 competing for only $192,000.00 in available funds. Mr. Atchley stated City Staff recommends any increase or decrease in funding be spread across all programs because they do not want to partially fund a program and cripple their ability to carry out their mission, and added their current staffing capacity also impacts the total number of proposals they can administer. He stated Planning and Development Department staff are also charged with administering City Council's Community Development Priorities (*outlined in meeting documents, Attachment E*).

Mr. Atchley stated City Staff is tasked with evaluating proposals based upon evaluation criteria adopted by City Council, Community Development Objectives, and Community Development Priorities (*see meeting documents, Attachment C*). Brandy McShane and Angela Dowler-Pryor asked for clarification on programs that applied but did not attend the January 8, 2019 meeting. Mr. Atchley responded it was not mandatory for programs to attend the meeting. Angela Dowler-Pryor inquired specifically about the Drew Lewis Foundation's application. Mr. Atchley responded they did not attend the January 8, 2019 meeting and submitted a late application last fiscal year.

Mr. Atchley stated given the task of proposal evaluation, the Staff Review Committee completed an independent evaluation based upon the criteria, and he included a copy of the CDBG project evaluation scorecard (*see meeting documents, Attachment D*). He added staff individually rated and ranked each project, a total score was assigned from highest to lowest, and provided a brief overview of the results (*see meeting documents, Attachment E, for full analysis results*). Mr. Atchley noted at the request of the CACCD, an enumeration of the cumulative scores for each of the specific scoring criteria was provided at their places (*see meeting documents, Attachment F*).

Mr. Atchley provided a more in-depth explanation of the cumulative scoring listed on Attachment F for each program, and noted Great Circle, and organizations like it, are a priority because they provide housing, including housing for area youth. He added the programs' accounting departments and their timeliness providing information and documentation factor into the scoring.

Erin Gray and Angela Dowler-Pryor asked for clarification on the numbers provided in Attachment F, and the lower scores for programs that did not attend the January 8th, 2019 meeting. Mr. Atchley responded the programs' timeliness of spending available funds is a factor in their scores, and each program was sent correspondence informing them of the January 8th, 2019 meeting. Earle Doman and Erin Gray expressed concern for the points system and lack of attendance at the prior meeting. Mr. Atchley responded the correspondence each program receives during technical assistance training includes an application date deadline and joint public hearing meeting date.

Erin Gray asked for clarification on Ozarks Area Community Action Corporation (OACAC). Mr. Atchley responded that they did not attend the January 8, 2019 joint meeting. Brandy McShane asked for clarification on scoring for pest control needs for low income housing that OACAC provides, and the format of the forms City Staff hands out to HUD fund applicants. Mr. Atchley responded the program files did not match reporting, and expressed his opinion, with additional training for the programs,

complete and accurate applications could improve. Earle Doman expressed his opinion the CACCD may want to lay out mandates for meeting attendance for programs applying for HUD funds.

Angela Dowler-Pryor expressed concern for the scoring of the Drew Lewis Foundation & Northwest Project's Blue House Project and the process for selecting which programs receive funds. Mr. Atchley responded the Blue House Project program submitted incomplete budgeting information in their application, and re-iterated the scorecard evaluation criteria previously discussed and provided to CACCD members in Attachment D. Ms. Pryor, Ms. McShane, and Mr. Doman expressed concern for scoring being subjective. Mr. Atchley noted the scorecard criteria and application requirements are provided to the programs during the application process.

Christina Dicken asked for clarification on concerns the City has with applications causing low scores. Mr. Atchley expressed his opinion interaction with United Way may be a factor and those interactions are kept confidential. Brendan Griesmer, Assistant Director of Planning and Development expressed his opinion growth within the organization may also be a factor.

Angela Dowler-Pryor asked for clarification on the Blue House Project's properties. Monica Meador, Financial Analyst, provided a brief breakdown of the program's properties.

Angela Dowler Pryor, Brandy McShane, and Erin Gray asked for clarification on the Rare Breed Housing Program's scorecard, and their Safe Space, phone hotline, and youth programs. Mr. Atchley responded the program scored higher in 2019 than in 2018. Kate Stockton expressed her opinion youth Case Manager hours may be affecting the quantity and times youth programs are offered at Rare Breed.

Earle Doman and Brandy McShane ask for clarification of determining priority for program applicants. Mr. Atchley responded by referencing the results of analysis provided to CACCD in Attachment E, including housing versus public services programs and Recommendations A and B (*see meeting documents Attachment E*).

Earle Doman expressed concern for the current United States Federal Government partial shut-down affecting HUD and the timeline for distribution of funds. Mr. Atchley responded City Staff did not anticipate the partial shut-down would affect the timeliness of the funds. Brendan Griesmer, Assistant Director of Planning and Development, stated the May 15, 2019 deadline must be met by City Staff.

Erin Gray expressed her opinion the Drew Lewis Foundation & Northwest Project's Blue House Project is good for citizen involvement. Bob Jones, Community Development Loan Officer, provided a brief overview on how citizen involvement is factored on the scorecards. Ms. Dowler-Pryor expressed concern for LifeHouse Crisis Maternity Program. Mr. Jones responded by re-iterating the scorecard criteria.

Angela Dowler-Pryor, Brandy McShane, and Erin Gray expressed concern for distribution of funds to programs in need, including Harmony House Emergency Shelter and Rare Breed Housing Program, education on pest control in Low-Income Housing, and funding for OACAC.

Christina Dicken and Earle Doman expressed their opinion meeting attendance for applicants should not be mandatory.

Delilah Jackson, Chairwoman, stated CACCD concerns can be taken to City Council. Angela Dowler-Pryor asked for clarification on a vote by the committee to take issues to City Council. Mr. Atchley expressed his opinion meeting minutes could be submitted to City Council for review.

Brandy McShane and Angela Dowler-Pryor asked for clarification on the funding cycle timeline. Monica Meador, Financial Analyst, responded it is 12 months, but quicker would be ideal.

Earle Doman expressed his opinion program funding evaluation must be criteria based. Delilah Jackson, Chairwoman, asked for clarification on scorecard criteria updates. Mr. Atchley responded City Council sets the criteria. Johnathan Saunders expressed his opinion the CACCD meeting prior to a City Council Meeting to determine proposed updates could be beneficial.

- **Committee Discussion**

The Committee discussed options for expressing their thoughts, concerns, and comments regarding the current scorecard criteria to City Council utilizing City email versus submitting a Sunshine Request. Tom Rykowski, Assistant City Attorney, stated email correspondence could be archived for Sunshine Law purposes.

Chairwoman Jackson moved the Committee to document their concerns and comments on the current CDBG Project Evaluation Criteria (scorecard) and email them to City Council for review. Angela Dower-Pryor seconded the motion, and it was approved by the following vote: Ayes: Dowler-Pryor, Dicken, Doman, Gray, Carr, McShane, Saunders, Stockton, and Jackson. Nays: None. Abstain: None. Absent: None.

Brendan Griesmer, Assistant Director of Planning and Development, noted the current criteria was put in place by City Council. David Carr asked for clarification on the frequency of criteria review by City Staff. Mr. Griesmer responded the last review occurred approximately six years prior. Bob Atchley, Senior City Planner, stated the review process and number of applicants served is limited due to limited staffing. Mr. Carr expressed his opinion streamlining Committee concerns and comments would be the most beneficial approach to City Council.

- **Public Comments**

Chairwoman Jackson gave citizens the opportunity to express their views or provide comments to the Committee.

Linda Simkins addressed the Committee and expressed her opinion the Committee should review the resolution passed in 1999 before submitting their suggestions to City Council. Ms. Simkins asked for clarification on Community Development Priorities provided in Attachment C. Brendan Griesmer, Assistant Director of Planning and Development, responded City Council adopts the priorities. Bob Atchley, Senior City Planner, added priorities are adopted every five years. Mr. Griesmer stated City Council will adopt the next plan for priorities in Spring of 2020, and there are public meetings held throughout the year where public comment is heard.

There were no additional appearances, the public hearing was closed at 7:18 p.m.

- **Committee Discussion**

Earl Doman expressed his opinion additional training on scorecard criteria would increase commitment by CACCD members. Christina Dicken expressed her opinion CACCD meetings could be more effective with additional training implementation, and that group dialogue is imperative.

The Committee discussed their concerns for the lack of marketing and advertising of public meetings. Brendan Griesmer, Assistant Director of Planning and Development, expressed his opinion staffing levels only allow for a certain level of consultation.

- **Adjournment**

Chairwoman Jackson thanked everyone for attending the meeting and announced the next CACCD meeting would be held February 26, 2019.

There being no further business, the meeting was adjourned at approximately 7:38 p.m.

The meeting minutes of the January 22, 2019 meeting of the Citizens' Advisory Committee for Community Development were approved at the February 26, 2019 meeting of the Citizens' Advisory Committee for Community Development.

Citizens Advisory Committee for Community Development
Tuesday, February 26, 2019
Busch Building – 2 West Conference Room
6:00 P.M.

Members Present Delilah Jackson, Chair; Earle Doman; Angela Dowler-Pryor; Kate Stockton*; David Carr and Brandy McShane

*Kate Stockton arrived at approximately 6:02 pm

Absent Erin Gray, Johnathan Saunders and Christina Dicken

Staff Bob Atchley, Senior Planner, Planning and Development; Brendan Griesemer, Assistant Director, Planning and Development; Glenda Troop, Accounting Technician, Planning and Development and Lisa Gateley, Administrative Assistant, Planning and Development

Others Present David Pryor and Marlee Yant

Attendance Delilah Jackson, Chair called the meeting to order at approximately 6:00 p.m. in the 2nd Floor West Conference Room of the Busch Municipal Building. Attendance was taken.

Welcome and Introductions Welcome by Ms. Jackson, Chair.

Approval of Minutes The Committee reviewed the following draft meeting minutes:
November 27, 2018 – CACCD Meeting
January 22, 2019 – CACCD Meeting

Angela Dowler-Pryor expressed concern that in the second paragraph on page three in the sentence "Ms. Pryor, Ms. McShane, and Mr. Doman expressed concern for scoring not being subjective." that the "not" should be redacted, they expressed concern for scoring being subjective.

Angela Dowler-Pryor moved to approve the minutes with the word not being redacted from the above sentence, and it was approved by the following vote: Ayes: David Carr, Angela Dowler-Pryor, Brandy McShane, Delilah Jackson, Kate Stockton and Earle Doman. Nays: None. Abstain: None. Absent: Erin Gray, Johnathan Saunders and Christina Dicken

CACCD Comments on the Staff's Annual Action Plan Recommendations Chair Jackson advised that several members have concerns on the current CDBG Project Evaluation Criteria scoring and that at the last meeting it was voted on to have the members document their concerns and comments and send them to Chair Jackson and Ms. Dowler-Pryor to put together into one document for review. Feedback was received from Ms. Dowler-Pryor, Mr. Carr, Mr. Doman and Ms. Gray.

Chair Jackson provided a review of the concerns that were received. The initial plan was to have all comments submitted for compilation by February 15, 2019; however, they are going to extend that date to provide members some additional time. In order to include a formal letter to be included in the Explanation that will go to City Council the members will compile and provide the formal letter to Mr. Atchley by Tuesday, March 5, 2019. The formal letter will

DRAFT

provide the committee's comments and concerns that they wish to have City Council review.

Discussion that the concern from the Committee is that their comments were buried in the minutes last year and that their comments were not extracted previously. Ms. McShane asked if they should include in their email comments their preference for A or B. Ms. Dowler-Pryor expressed that it can be included, and they can vote on A and B as that's always what has been done in the past. Ms. Dowler-Pryor made a motion to vote to approve A or B, Mr. Doman seconded the motion. All in favor of A: Ayes: None. Nays: Angela Dowler-Pryor, Brandy McShane, Delilah Jackson, Kate Stockton and Earle Doman. Abstain: David Carr. Absent: Erin Gray, Johnathan Saunders and Christina Dicken. All in favor of B: Ayes: Angela Dowler-Pryor, Brandy McShane, Delilah Jackson, Kate Stockton and Earle Doman. Nays: None. Abstain: David Carr. Absent: Erin Gray, Johnathan Saunders and Christina Dicken. Motion to support B passed.

New Business None.

Public Comments Ms. Dowler-Pryor introduced her friend Marlee Yant and advised that she lives in Woodland Heights and has lived in the area for decades. Ms. Yant has requested for the City to help with landlord control and slumlords as well as the large homeless community. She expressed concern for the way the homes are not taken care of in the neighborhood and offered to provide a tour of rundown homes in the area.

Next Meeting CACCD Meeting – March 26, 2019, 6:00 p.m. Busch Municipal Building – 2nd Floor West Conference Room

Adjournment Chair Jackson thanked everyone for their meeting attendance.

There being no further business, the meeting adjourned at approximately 6:37 p.m.

Prepared by Lisa Gateley

Delilah Jackson, Chair

DRAFT

From:	Erin Gray
To:	Delilah Jackson
Cc:	christina.dicken@yahoo.com; Earle Doman (earledoman@missouristate.edu); Johnathan Saunders; Angela Dowler Pryor (angndavid@gmail.com); Atchley, Bob; dbcarrphotos@gmail.com; stockton@sdaarchitects.com
Subject:	Re: CDBG scoring process
Date:	Saturday, February 9, 2019 12:48:32 PM

Delilah and Angela,

I'm late in responding but here is my small list of thoughts / concerns / suggestions:

1. Either the applicants are required to attend the public hearing or they are not required to attend the hearing. Points should not be deducted from any applicant this year or in the future - for not attending unless it is expressly stated as a part of the application process.
2. Any applicant that meets the highest priority set by council - i.e. housing - should automatically receive the maximum number of points in that category from each juror.
3. Integrated Pest Management is one of the highest priorities of HUD and under housing - the highest priority of council. It is still confusing to me that OACAC's Pest treatment application did not merit the points to get funding. OACAC has a very strong reputation for a variety of needed services and good track record for leveraging.
4. Housing in Zone 1 is a priority from council and a priority for our entire community. If funding cannot be set for the Blue House / Northwestern Project applicant in this program then there must be some other way that it can be supported and grown through other city resources or programs.
5. As stated in previous meetings by CACCD concensus, criteria and scoring for the process can and should be evaluated again. It would be best to look at this directly with city council. I would like see our Chair - Delilah Jackson and one or two other CACCD members have the opportunity to meet with some of our city council persons to examine those and communicate ideas for adjustments.
6. It's important for our city to continue to support avenues for community engagement with every service, program and process. The efforts of Brendan, Bob, Lisa and others on staff to strengthen the community engagement side of this process should be commended. We hope that these efforts will continue. We very much appreciate their openness to finding ways to reach citizens for engagement.

Erin Gray

On Tue, Jan 29, 2019 at 1:47 PM Delilah Jackson <delilah.jackson@sbcglobal.net> wrote:

> Good Afternoon All,
>
> I wanted to follow up with everyone regarding our last meeting. There were several concerns regarding the CDBG scoring system. We all agreed to provide a list of those concerns via group email. Myself and Angela agreed to go over all concerns and compile them into a formal letter to present to Bob Atchley to review. He will then present the letter to City Council in April.
>
> th

> If everyone could please submit your concerns by February 15 . This will give myself and Angela a small window to meet and put together a draft to present to Bob in our next meeting. Should there need to be additional info added that might have been left out we can do so before April.
>
> Thank you for your cooperation. Alone we can't make much happen but together with a mustard seed of faith we can do much! Have a great week!
>
> Delilah Jackson
>
> Chairwoman
>
> Sent from Mail for Windows 10

--
Erin Gray
(417) 459 - 9020
erineileneengray@gmail.com

President, Missouri Library Association
President, Brentwood Neighborhood Association

From:	Angela Pryor
To:	Delilah Jackson
Cc:	christina.dicken@yahoo.com; Earle Doman (earledoman@missouristate.edu); Johnathan Saunders; Erin Gray (erineileengray@gmail.com); Atchley, Bob; dbcarrphotos@gmail.com; stockton@sdaarchitects.com
Subject:	Re: CDBG scoring process
Date:	Wednesday, February 13, 2019 2:22:16 PM

I would like to ask City Council to review the procedure, process, and citizen involvement of the CDBG funds.

In light of our high poverty level in Springfield, dilapidated housing, and failing neighborhoods, I would like to see the recipients of these funds be the actual neighborhoods that need improvement. Seeing improvements in our neighborhoods each year would be the most measurable use of these funds. It would also help in streamlining the process of using the funds and make it easier for staff to determine who would receive the funds.

Finding a way to lower the administrative cost of the distribution of funds would also be beneficial.

We continue to see organizations awarded the funds with little to no measurable results when adhering to our current rules and guidelines. We haven't revisited these processes since 1999.

I will also include the need to reevaluate our religious organizations that receive funds. I am told the Charter says they can't have funds if they proselytize, there is no method of which to measure this. We currently have a religious organization receiving these funds to help pregnant homeless women. Yet, this is a patriarchal religion. We do not need to give money to organizations that customarily repress the people they say they are trying to help.

Thanks everyone,
Angela Pryor
(816) 206-2496

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Thank you for your cooperation. Alone we can't make much happen but together with a mustard seed of faith we can do much! Have a great week!

Delilah Jackson
Chairwoman

Sent from Mail for Windows 10

From:	Doman, Earle F
To:	Delilah Jackson
Cc:	christina.dicken@yahoo.com; Johnathan Saunders; Angela Dowler Pryor (angndavid@gmail.com); Erin Gray (erineileengray@gmail.com); Atchley, Bob; dbcarrphotos@gmail.com; stockton@sdaarchitects.com
Subject:	Re: CDBG scoring process
Date:	Friday, February 15, 2019 1:19:09 PM

In regards to the Planning and Development Staff analysis of projects and the scoring of proposals for FY 2019 - 2020 Public Service Discretionary funding———
I have no reason to not believe that staff independently rated proposals in accordance to the objectives and priorities established by CDBG policy and City Council priorities. I have confidence in staff that fair, ethical and legal analysis and scoring did occur. Staff has done an excellent job in communicating and responding to questions.
It is my opinion that Staff Recommendation B provides the "best" distribution of funds with the understanding that actual funding be spread across all recommended funded agencies if any increase or decrease occurs.

There was discussion concerning "no-shows" at the January 8 Public Hearing and whether or not non-attendance should impact evaluation criteria scoring. It is my opinion that not attending the public hearing should be considered and impact the scoring of the relevant evaluation criteria. I do support, however, that in future years we recommend that presentation at the public hearing be mandatory by policy.

There has been discussion of additional or more direct involvement of Committee members in the decision of funding recommendations to City Council. I sincerely agree that such discussion should continue. However, I find a caution embedded in past resolutions and Council actions that need serious consideration. That caution is that any input needs special care to ensure no personal bias or conflict of interest. Any evaluation for competitive funding must be based upon established, shared criteria only. Yes my often mentioned issue that if changes are desired in evaluation criteria careful consideration must occur and recommended to City Council.

There also has been some discussion of recommendations to change or not have Public Service Discretionary funds; all funding directly to housing. I'm am certainly open to such discussion as we work with staff. I do, however, believe the importance of the appropriate public service funding that has been provided over the years and firmly believe the funding has had needed and meaningful impact.

Respectfully submitted,
Earle Doman
February 15, 2019

Sent from my iPhone

On Jan 29, 2019, at 1:47 PM, Delilah Jackson <delilah.jackson@sbcglobal.net> wrote:

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If everyone could please submit your concerns by February 15th. This will give myself and Angela a small window to meet and put together a draft to present to Bob in our next meeting. Should there need to be additional info added that might have been left out we can do so before April.

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Delilah Jackson
Chairwoman

Sent from Mail for Windows 10

From:	Kate Stockton
To:	Delilah Jackson
Cc:	christina.dicken@yahoo.com; Earle Doman (earledoman@missouristate.edu); Johnathan Saunders; Angela Dowler Pryor (angndavid@gmail.com); Erin Gray (erineileengray@gmail.com); Atchley, Bob; dbcarrphotos@gmail.com
Subject:	Re: CDBG scoring process
Date:	Friday, March 1, 2019 11:46:03 AM

Regarding the CDBG Scoring Process, I would like to reinforce several of the comments already made and a few suggestions:

1. I agree that although in future years attendance at the Public Hearing should be a mandatory requirement, but this year's applicants should not be punished for their absence (since we did not state it as mandatory to the grantees). I also agree with the idea of "scoring the grants after our January meeting" -- this would give the CACCD an opportunity to give our advice in response to the presentations at the Public Hearing to the City Staff.

2. I think that the current "CDBG Project Evaluation Criteria" sets an adequate guideline, but could be analyzed/revised producing a more objective evaluation of each applicant. For example, some have indicated that we need to gauge the degree of administrative costs incurred by each applicant -- this is could possibly fall under the "Cost-Benefit" category of the "City Council's Objectives" section, as a subcategory. As a committee we have voiced in the past a need to allow "Start-Up Programs" a way to gain CDBG funding -- the categories of "Leveraging" and "Self-Sufficiency" often work against these programs. Avenues to allow new, promising programs to get a foot-hold still needs to be paved under the Criteria. In summary, I think by adding subcategories of tangible objectives and measures of impact by each of these programs could better inform each overall "Scoring Criteria Category" more accurately. I think this would actually prevent unintended personal bias to a greater degree -- both from the City Staff and the CACCD.

3. I also agree that we need to gauge funding allocations based on "Community Importance". I realize that some of this is covered in the "Community Development Priorities"; however, I think it would be beneficial for our committee to analyze the overall effectiveness and redundancy of efforts being made across our community. "Drury's Center for Non-Profit Communication Report" had been mentioned -- the Community Foundation of the Ozarks has a similar list. For example, if we analyze the breadth of reach and impact to a greater degree we might find that "youth programs" are being serviced by a large quantity of non-profits in our region, but there are no "pest control" organizations. This could inform priorities and need for effectively in our community.

4. Lastly, I would like to also thank the City Staff for all their hard work, analysis and outreach to the community. Having the opportunity to tour and interact with several of these non-profits has proved incredibly valuable. Dispersal of the CDBG Funding and positively impacting blight & poverty are challenging tasks, but they have handled the work at hand with the professionalism and dedication that any community would be lucky to have.

Thank you for your consideration.

Sincerely,

Kate Stockton, AAIA, LEED Green Associate

photo

3750 S. Fremont Springfield, Mo 65804

417.877.9600 | stockton@sdaarchitects.com | Confidentiality

On Tue, Jan 29, 2019 at 1:47 PM Delilah Jackson <delilah.jackson@sbcglobal.net> wrote:

> Good Afternoon All,
>
> I wanted to follow up with everyone regarding our last meeting. There were several concerns regarding the CDBG scoring system. We all agreed to provide a list of those concerns via group email. Myself and Angela agreed to go over all concerns and compile them into a formal letter to present to Bob Atchley to review. He will then present the letter to City Council in April.
>
> If everyone could please submit your concerns by February 15th. This will give myself and Angela a small window to meet and put together a draft to present to Bob in our next meeting. Should there need to be additional info added that might have been left out we can do so before April.
>
> Thank you for your cooperation. Alone we can’t make much happen but together with a mustard seed of faith we can do much! Have a great week!
>
> Delilah Jackson
>
> Chairwoman
>
> Sent from Mail for Windows 10

From:	delilah.jackson
To:	Atchley, Bob
Cc:	Angela Dowler Pryor (angndavid@gmail.com)
Subject:	Fwd: Comments for council
Date:	Monday, March 4, 2019 9:12:15 AM

Good morning Bob,

My only two concerns would be to change the scoring system to where new applicants are given a chance to score high enough to be selected versus automatically denying them if its their first time applying. I just couldn't wrap my head around someone taking their time and paying staff to fill out the application if they know their app would be denied just because they are a new applicant.

My other concern is to make sure all applicants are aware that they will be docked points for not having someone show up to represent their organization and present. Its either made mandatory to show up or at least make them aware of losing points for no shows even if its not mandatory to show up.

Bob, let me know if forwarding emails are acceptable.

Thank you,

Delilah

Sent via the Samsung Galaxy S8 Active, an AT&T 5G Evolution smartphone

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 03-19-19

Sponsored by: Ollis

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019 - 068 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield City Code, Chapter 2, 'Administration,' Article VI, 'Finances,' Division 2, 'Purchasing,' Section 2-401, 'Purchasing Manual adopted,' by adding Section 13-3.312 for the purpose of allowing retired police officers to purchase their service weapons.

WHEREAS, the Police Department issues service weapons to its sworn personnel for use in their official capacity as Springfield Police Officers; and

WHEREAS, a police officer's service weapon typically remains assigned to that officer for the duration of their employment with the Springfield Police Department; and

WHEREAS, service weapons of retired officers are collected by the Police Department and typically not reassigned, but sold for wholesale value to a firearms vendor, where they are made available for purchase on the open market; and

WHEREAS, a number of retired officers have expressed interest in purchasing the weapon they were assigned for the duration of their careers.

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

NOTE: Underlined language is to be added. Language to be removed is stricken.

Section 1 – City Council hereby amends the Springfield City Code, Chapter 2, 'Administration,' Article VI, 'Finances,' Division 2, 'Purchasing,' Section 2-401, 'Purchasing Manual adopted,' by adding to Chapter 3, 'Exceptions to Normal Purchasing Procedures,' Section 13-3.312, which section and subsections shall read as follows:

13-3.312 DISPOSAL OF SERVICE WEAPONS OF RETIRED POLICE OFFICERS

1. Following completion of employment, a sworn law enforcement officer who retired in good standing from the Police Department shall be given the option to purchase from the City the service weapon issued to them for use during their period of employment.

2. Any sale of a service weapon pursuant to this section shall be for actual cash value considering the age and condition of the service weapon.

3. The Chief of Police shall have the sole authority to declare whether an officer retired in good standing for the purposes of this section.

4. The Chief of Police shall further have the authority to adopt policies and procedures as necessary to implement this section and to assess the actual cash value of property disposed of pursuant to this section.

5. Any service weapon which has become obsolete, scrap, or surplus to the needs of the Police Department and is not disposed of in accordance with Subsections 1-4 of this Section shall be disposed of in accordance with Sections 13-3.308 and Sections 13.310 of this Chapter.

Section 2 – 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. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 – 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. City 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 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 - 068

FILED: 03-19-19

ORIGINATING DEPARTMENT: Police

PURPOSE: Amending the Springfield City Code, Chapter 2, 'Administration,' Article VI, 'Finances,' Division 2, 'Purchasing,' Section 2-401, 'Purchasing Manual adopted,' by adding Section 13-3.312 for the purpose of allowing retired police officers to purchase their service weapons.

BACKGROUND INFORMATION: Sworn law enforcement officers are issued a service weapon to use in their capacity as Springfield Police Officers. An individual officer's service weapon typically remains assigned to them for the duration of their employment. When an officer retires, that officer's service weapon is collected by the police department. That weapon is not reassigned to another officer and instead is sold or traded for wholesale value to a firearms vendor. A number of retired officers have expressed an interest in purchasing the specific weapon that they were assigned for the duration of their careers. The police department wishes to adopt a policy to facilitate those requests. Many Police Departments around the country offer a similar opportunity to their retired officers.

REMARKS: As the Police Department currently only receives wholesale value for weapons taken out of service, the proposed ordinance would not create any additional cost for the Police Department.

Submitted by:

Paul F. Williams, Chief of Police

Approved by:

Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 03-19-19

Sponsored by: Fisk

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 069 SPECIAL ORDINANCE _____

AN ORDINANCE

AMENDING the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2019, by appropriating a portion of the 2018 Fiscal Year carryover funds in the amount of $2,800,000.

WHEREAS, at the close of Fiscal Year 2018, the City had $4,873,501 in carryover funds in the fund balance of the General Fund; and

WHEREAS, carryover funds occur when actual revenue exceeds the City's budget estimates or actual expenses are lower than the City's budget estimates; and

WHEREAS, City Council desires to amend the budget to provide one-time funding for certain activities from carryover funds; and

WHEREAS, this Council Bill appropriates $2,800,000 of the City's current $4,873,501 carryover balance.

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

Section 1 – The budget of the City of Springfield, Missouri, for Fiscal Year 2019 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 0027, a copy of which is attached hereto and incorporated herein by this reference as "Exhibit A."

Section 2 – City Council finds the budget adjustment made above has been recommended by the City Manager and that the budget adjustment made herein is necessary to reconcile differences between budgeted revenues and expenditures and actual revenues and expenditures.

Section 3 – City Council hereby directs the City Manager to cause the appropriate accounting entries to be made in the books and records of the City.

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- 069

FILED: 03-19-19

ORIGINATING DEPARTMENT: Finance

PURPOSE: Amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2019, by appropriating a portion of the 2018 Fiscal Year carryover funds in the amount of $2,800,000.

BACKGROUND INFORMATION: At the close of Fiscal Year 2018, the City had $4,873,501 in carryover funds in the General Fund. These carryover funds are the result of actual revenue that exceeded the budget estimate and expenses that were lower than budget during the last two fiscal years. The City wishes to amend the budget to provide additional one-time funds for one-time expenses indicated on Budget Adjustment No. 0027, which is attached for reference as “Exhibit A.”

Submitted by:

David Holtmann, Director of Finance

Approved by:

Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
0027

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
23240	03	10030	417010	000000	00000	100,000	Transfer from General Fund - Nuisance Abatement Fund
27020	11	57510	417010	000000	00000	65,500	Transfer from General Fund to Health Department
20110	16	80020	417010	000000	00000	566,000	Transfer from General Fund to Parks
24250	21	28210	417010	000000	00000	30,000	Transfer from General Fund to Workforce
Net Revenue Adjustment						761,500	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	03	10010	508120	000000	00000	$ 123,000	BDS-Vehicles for land use & dangerous building staff
10110	03	10010	501290	000000	00000	8,500	BDS-Staff safety equipment & identification apparel
10110	03	10020	502720	000000	00000	51,000	Demolition of dangerous buildings (FY2019)
10110	03	10020	502720	000000	00000	250,000	Demolition of dangerous buildings (FY2020)
10110	03	10010	509910	000000	00000	100,000	Nuisance Abatements (FY2020)
10110	10	15020	508170	000000	00000	70,000	Fire-Replace turnout gear extractors
10110	10	15020	501190	000000	00000	8,000	Fire-Replace ventilation fans and saws
10110	09	14120	509910	000000	00000	55,500	Health-Interior animal shelter surface rehab
10110	09	14120	509910	000000	00000	10,000	Health-Animal shelter roadway repairs
10110	12	16010	504530	000000	00000	100,000	HR-Compensation study
10110	13	17010	501230	000000	00000	500,000	IS-Additional stage of Infor Software implementation
10110	15	19020	508220	000000	00000	41,000	Muni Court-Replace vestibule doors
10110	09	14120	509910	000000	00000	495,000	Parks-Ice Park Cooling Tower
10110	09	14120	509910	000000	00000	60,000	Parks-Founders Park redesign
10110	09	14120	509910	000000	00000	11,000	Parks-Jordan Valley Park fountain safety item
10110	18	90130	501190	000000	00000	25,000	Police-Replace/upgrade gas masks for SRT
10110	20	73020	509110	000000	00000	512,000	PW-Waterproof and repair College Station
10110	20	73020	509110	000000	00000	350,000	PW-Busch Bldg East façade exterior envelope improv.
10110	09	14120	509910	000000	00000	30,000	WFD-April-June building lease and cost share assistant
23240	03	10030	504580	000000	00000	100,000	Nuisance abatement fund support
27020	11	57510	508220	000000	00000	65,500	Animal Control funded projects
20110	16	80020	508170	000000	10248	495,000	Parks-Ice Park Cooling Tower
20110	16	80020	508340	000000	10123	60,000	Parks-Founders Park redesign
20110	16	82570	502750	000000	10192	11,000	Parks-Jordan Valley Park fountain safety item
24250	21	28210	505820	000000	00000	30,000	WFD fund support
Net Expenditure Adjustment						$ 3,561,500	

Fund Balance Appropriation:

Fund		Title	Amount
10110		Fund Balance Appropriation	$ 2,800,000

Explanation: Amend the FY19 General Fund by appropriating FY18 carryover for one-time needs.

Requested By:

3/19/19

Department Head Date

Approved By:

3/19/19

Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2019-069
Ordinance No.
1st Reading
2nd Reading
Journal Imp No.

One-rdg. _____
P. Hrngs. _____
Pgs. 12
Filed: 03-19-19

Sponsored by: Prater

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 070 SPECIAL ORDINANCE _____

AN ORDINANCE

APPROVING the plans and specifications for the "Cherry Street Widening – Barnes Avenue to Oak Grove Avenue" Project; accepting the bid of Hamilton and Dad, Inc., in the amount of $2,051,509.32; and authorizing the City Manager, or his designee, to enter into a contract with such bidder; for the purpose of constructing said Project.

_____

WHEREAS, the "Cherry Street Widening – Barnes Avenue to Oak Grove Avenue" Project ("Project,") generally referred to as Plan No. 2016PW0041T, includes the widening of Cherry Street to three lanes between Barnes Avenue and Oak Grove Avenue; and

WHEREAS, Hamilton and Dad, Inc., is the lowest responsive and responsible bidder for the Project; and

WHEREAS, bids for this Project were solicited by advertisement in *The Daily Events* from February 8, 2019, through February 12, 2019, and all bids were opened on March 5, 2019.

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

Section 1 – City Council hereby approves the plans and specifications for the "Cherry Street Widening – Barnes Avenue to Oak Grove Avenue" Project, generally referred to as Plan No. 2016PW0041T, and accepts the bid of Hamilton and Dad, Inc., for said project, at the price and sum of $2,051,509.32, except as said sum may be lawfully increased or decreased by the actual quantities of work units involved.

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

Section 3 – All workers performing work under the contract attached hereto as "Exhibit B," 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. Contractor shall fully comply with the provisions and requirements of the Missouri State Prevailing Wage Law. Contractors and any subcontractor performing work under this contract must provide a 10-hour OSHA construction safety training program, or similar program approved by the Department of Labor, for on-site employees, unless employees demonstrate they previously completed the program.

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 2019-070

FILED: 03-19-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Approving the plans and specifications for the "Cherry Street Widening – Barnes Avenue to Oak Grove Avenue" Project; accepting the bid of Hamilton and Dad, Inc., in the amount of $2,051,509.32; and authorizing the City Manager, or his designee, to enter into a contract with such bidder; for the purpose of constructing said Project.

BACKGROUND INFORMATION: This project will widen Cherry Street to three lanes between Barnes Avenue and Oak Grove Avenue. The project includes an upgraded storm system, on-street bike lanes, sidewalk on both sides of Cherry, gas and water renewals, traffic signal upgrades at the intersection of Oak Grove and Cherry and turn lane improvements at Patterson.

Bids were solicited for this project by advertising in *The Daily Events* from February 8, 2019, through February 12, 2019. Bids were opened for the project at 10:30 a.m. on March 5, 2019, with the following bids received:

Contractor	Bid Amount
Hamilton and Dad	$2,051,509.32
Hartman & Company, Inc.	$2,131,470.70
D&E Plumbing & Heating, Inc.	$2,135,613.89
Lehman Construction Company	$2,506,494.10
Engineer's Estimate	$2,444,663.00

The low bid, if accepted, will be funded from the 1/8-Cent Transportation Sales Tax and is already budgeted. Gas and water utility improvements included in the project total $409,155.20 and will be reimbursed by City Utilities. This will reduce the net City cost to $1,642,354.12.

This Ordinance supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

REMARKS: Public Works recommends acceptance of the bid of Hamilton and Dad, 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

CITY OF Springfield

Plan# 2016PW0041T

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.

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	**NAME: HAMILTON AND DAD, INC.**
840 BOONVILLE, P.O. BOX 8368	**ADDRESS: 9240 W. MOON SHADOW LANE**
SPRINGFIELD, MO 65802	**SPRINGFIELD, MO 65802**
PHONE: (417) 864-2069 FAX: (417) 864-1983	**PHONE: (417) 844-1025**
ATTN: LEREE REESE	**FAX:**
DEPT.: PUBLIC WORKS	**ATTN: JERRY HAMILTON**

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:

Cherry Street Widening – Barnes Ave to Oak Grove Ave

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/sovimmunity.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 $2,051,509.32 (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 $2,800 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 Fifty One Thousand Five Hundred Nine Dollars and Thirty Two Cents ($2,051,509.32)** 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.

REVIEWED BY:

_____
Assistant Director of Public Works or Acting Assistant

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

By: _____

Printed Name: _____

Title: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager or his/her designee

CONTRACTOR:

One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 04-02-19

Sponsored by: Fisk

COUNCIL BILL 2019- 084 RESOLUTION

RESOLUTION

AUTHORIZING Mayor Ken McClure to participate in the United States Conference of Mayors and Workforce Board Leaders Meeting on Local Innovations in Preparing a Highly-Skilled Workforce to be held in Houston, Texas, April 23, 2019.

WHEREAS, the United States Conference of Mayors ("USCM") has extended an invitation for Mayor Ken McClure to participate in the USCM and Workforce Board Leaders Meeting on Local Innovations in Preparing a Highly-Skilled Workforce to be held in Houston, Texas on April 23, 2019; and

WHEREAS, the Mayor will participate in a roundtable discussion regarding workforce issues; and

WHEREAS, the Mayor has been asked to conduct a presentation on the Give 5 Program; and

WHEREAS, participation in this meeting will be beneficial to the City of Springfield; and

WHEREAS, Pursuant to section 2.3(1) of the City Charter this Resolution authorizes Mayor McClure to be reimbursed for expenses associated with participation in this conference.

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

Section 1 – City Council authorizes Mayor Ken McClure to participate in the United States Conference of Mayors and Workforce Board Leaders Meeting on Local Innovations in Preparing a Highly-Skilled Workforce and hereby further authorizes payment of all necessary and incidental expenses incurred by attending said Conference.

Section 2 – Section 2.3(1) of the City Charter authorizes City Council, by adopting this Resolution to allow for Mayor McClure to be reimbursed for expenses

associated with participation in this conference, said reimbursement to be pursuant to Sec. 2-62 of the City Code and established travel expense policies of the City.

Section 3 – This Resolution shall be in effect immediately upon adoption.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2019 -___

FILED: 04-02-19

ORIGINATING DEPARTMENT: City Clerk's Office

PURPOSE: Authorizing Mayor Ken McClure to participate in the United States Conference of Mayors and Workforce Board Leaders Meeting on Local Innovations in Preparing a Highly-Skilled Workforce to be held in Houston, Texas, April 23, 2019.

BACKGROUND INFORMATION: The United States Conference of Mayors ("USCM") has extended an invitation for Mayor Ken McClure to participate in the USCM Mayors and Workforce Board Leaders Meeting on Local Innovations in Preparing a Highly-Skilled Workforce on April 23, 2019. Approximately 50 mayors, USCM Workforce Development Council members and other workforce professionals from major cities across the country will attend this meeting.

As Section 2.3(1) of the City Charter dictates, this Resolution if adopted by City Council, will allow for Mayor McClure to be reimbursed for expenses associated with participation in this conference.

Submitted by:

Anita Cotter, City Clerk

Approved by:

Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 04-02-19

Sponsored by: McClure

COUNCIL BILL 2019- 085 RESOLUTION

RESOLUTION

AUTHORIZING Certain Council members to participate in a one-day mobility study tour of Northwest Arkansas, hosted by LaneShift, LLC.

WHEREAS, the City and the Ozark Greenways are desirous of exploring the growing power of active mobility and the benefits such mobility can bring to a community; and

WHEREAS, Ozark Greenways has established a relationship with LaneShift, LLC, a planning and consulting agency that exists to create bicycle and pedestrian networks that move people safely and comfortably; and

WHEREAS, certain City Council members, City and Ozark Greenways staff would like to participate in a one-day mobility study tour of Northwest Arkansas, hosted by LaneShift, LLC.

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

Section 1 – City Council authorizes Mayor Ken McClure, Councilman Richard Ollis, and Councilman Andrew Lear to participate in the one-day mobility study tour of Northwest Arkansas and hereby further authorizes payment of all necessary and incidental expenses incurred by attending said tour.

Section 2 – Section 2.3(1) of the City Charter authorizes City Council, by adopting this Resolution to allow for council members to be reimbursed for expenses associated with participation in this tour, said reimbursement to be pursuant to Sec 2-62 of the City Code and established travel expense policies of the City.

Section 3 – This Resolution shall be in effect immediately upon adoption.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2019 -085

FILED: 04-02-19

ORIGINATING DEPARTMENT: City Clerk's Office

PURPOSE: Authorizing certain Council members and to participate in a one-day mobility study tour of Northwest Arkansas, hosted by LaneShift, LLC.

BACKGROUND INFORMATION: The City and Ozark Greenways are eager to explore the growing power of active mobility and the benefits such mobility can bring to a community. Ozark Greenways has established a relationship with LaneShift, LLC, a planning and consulting agency that exists to create bicycle and pedestrian networks that encourage people to move safely and comfortably. LaneShift, LLC, is hosting a one-day mobility study tour of Northwest Arkansas that members of City Council would like to participate in. Participation in this tour will allow the members of Council to see successful practices set in a community similar to Springfield.

Pursuant to Springfield City Code Chapter Sec. 2-62,' participating Council members shall be entitled to reimbursement of their travel expenses.

Submitted by:

Anita Cotter, City Clerk

Approved by:

Jason Gage, City Manager

One-rdg. X
P. Hrngs. X
Pgs. 65
Filed: 04-02-19

Sponsored by: Prater

COUNCIL BILL 2019 - 071 RESOLUTION

A RESOLUTION

ADOPTING the 2019 Amendments to the Phelps Grove Neighborhood Plan as an element of the City's Comprehensive Plan for the development of the City of Springfield, Missouri. (Planning and Zoning Commission and Staff recommend approval).

WHEREAS, in 1997 City Council passed Resolution 8445 establishing the Phelps Grove Neighborhood Plan as an element of its Comprehensive Plan; and

WHEREAS, the Plan has never been amended; and

WHEREAS, in 2019 City Council initiated a review of the Plan by Resolution 10420 to address changes in the area and development issues; and

WHEREAS, public meetings and neighborhood surveys were completed to provide public input and comment; and

WHEREAS, following proper notice a public hearing was held before the Planning and Zoning Commission on March 28, 2019, and said Commission gave its favorable 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 RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – That the 2019 Phelps Grove Neighborhood Plan attached hereto as "Exhibit 1" and incorporated by reference is hereby adopted and replaces in its entirety the existing Rountree Neighborhood Plan and any amendments thereto as an element of the Comprehensive Plan for the development of the City of Springfield, Missouri, which is on file with the City Clerk.

Section 2 – That the Director of Planning and Development and the City Clerk

are directed to maintain official copies of this Plan in their offices.

Section 3 – This Resolution shall be effective immediately upon adoption.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2019- 071

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Adopting the 2019 Amendments to the Phelps Grove Neighborhood Plan as an element of the City's Comprehensive Plan for the development of the City of Springfield, Missouri. (Planning and Zoning Commission and Staff recommend approval).

BACKGROUND INFORMATION: PHELPS GROVE NEIGHBORHOOD PLAN

This Resolution adopts the *Phelps Grove Neighborhood Plan* ("*Plan*") and replaces the formerly adopted 1997 *Phelps Grove Neighborhood Plan*. This *Plan* represents the culmination of a process of collecting and gathering historical and current data, demographics and input from stakeholders, residents and property owners. As with the original 1997 neighborhood, this updated Plan outlines the key topics and areas of concern identified during the planning process and serves as the primary resource and point of guidance for neighborhood residents and leaders, property owners, investors, and public officials to make informed decisions. Each *Plan* represents a point in time review of the neighborhood health and memorializes issues of concern and value, in addition to strategies for targeted improvement.

Due primarily to MSU, the Phelps Grove Neighborhood has experienced the conversion of single-family homes for student housing including the demolition of homes and replacement with structures that are not in character with the neighborhood. The student housing in conjunction with an area of narrowly platted lots are the primary focuses of this *Plan* and recommended modifications to the Phelps Grove UCD.

Several issues were identified as the priority problems when the original plan was in 1997 including the expansion of SMSU (now MSU) into the neighborhood, deteriorated housing, and conflicts between renters and permanent residents.

Many of the same priorities that were identified in the original plan are still applicable today as the neighborhood residents describe the neighborhood as a "teeter-totter" with declining owner-occupancy rates and on-going concerns with code enforcement relating to overcrowding and preservation of the single-family homes and character of the neighborhood. This Plan identifies Goals and Actions aimed at advancing the preservation and enhancement of the neighborhood.

The process to update the Phelps Grove *Neighborhood Plan* began with a neighborhood wide public planning workshop in October 2018 and was followed by a neighborhood wide survey and two open houses held in January and February 2019.

The public engagement, along with a study of the neighborhood's historical and current data and demographics provides the framework for development of this *Plan*.

REMARKS:

The *Phelps Grove Neighborhood Plan*, attached as "Exhibit 1," sets forth the goals and recommended actions the Phelps Grove Neighborhood will work toward in the coming years. Each goal has a recommended action or action(s) associated with the goal to outline the steps needed to move in the direction of realizing that goal. Responsibility for the implementation of the recommended actions contained in this plan are the shared responsibility of the City or other agency and the neighborhood. While the primary responsibility for administering programs to address and impact policy and regulatory guidelines rests with City staff to take forward to Planning and Zoning Commission and City Council, other actions will rely on the neighborhood to initiate and carry forward with support from residents and owners.

Some of the key Recommended Actions contained in the *Plan* are:

- Establish a forty (40) foot minimum lot width requirement for development or redevelopment of existing non-conforming (grandfathered) lots within the Phelps Grove Urban Conservation District through an amendment to the UCD
- Establish infill and rehabilitation regulations for all new construction, exterior remodel and rehabilitation of residential properties in the Phelps Grove Urban Conservation District through an amendment to the UCD
- The City and Missouri State University should review the 1996 Cooperative Agreement in cooperation with MSU's Long-Range Plan 2016-2021 Visioning Guide and pursue completion of the identified actions and improvements
- The City should discourage redevelopment proposals for commercial, mixed-uses, and higher density housing projects within the neighborhood and on the neighborhood fringes and defer recommendations and guidance until the City's Comprehensive Plan has been updated
- The residents of the Phelps Grove Neighborhood should investigate and determine if there is interest and support for designation of a local neighborhood historic district for properties and places in the neighborhood

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on March 28, 2019 and recommended approval, by a vote of 9 to 0, of the *Phelps Grove Neighborhood Plan*.

The Planning and Development staff recommends approval.

Submitted by:

Alana D. Owen

_____
Alana D. Owen, AICP Senior Planner

Recommended by:

Mary Lilly Smith

_____
Mary Lilly Smith, Director

Jason A. Gage

_____
Jason Gage, City Manager

Exhibits:

Exhibit 1, Phelps Grove Neighborhood Plan
Exhibit 2, Development Review Staff Report

Exhibit 1

PHELPS GROVE
NEIGHBORHOOD PLAN

DRAFT
MARCH 2019

PHELPS GROVE NEIGHBORHOOD

CITY OF Springfield

Acknowledgements

Special Thanks to…

Trinity Lutheran Church and the Springfield Art Museum for hosting and planning events and to the Phelps Grove Neighborhood Association, residents, property owners and other stakeholders for participating in this planning process.

Project Team

Mary Lilly Smith, Director
Brendan Griesemer, AICP, Assistant Director
Randall Whitman, Principal Planner
Alana Owen, AICP, Senior Planner
Simon Nogin, Associate Planner
Wanda Young, Graphic Production Assistant
Lisa Gateley, Administrative Assistant

Vision Statement - The Phelps Grove Neighborhood will continue to be a vibrant, historic and quaint neighborhood in the heart of the city with a focus on protecting and enhancing the single-family character and architectural charm of the neighborhood.

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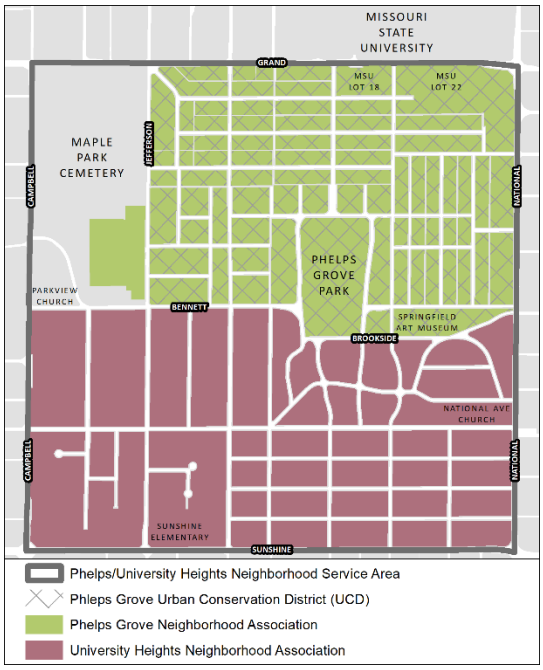
Introduction

Developed in the early 1900's, the Phelps Grove neighborhood is home to one of Springfield's largest collections of bungalow architecture. The streets are lined with large trees and many properties proudly display plantings nourished over many decades. The neighborhood's proximity to Missouri State University (MSU) makes it an attractive home for University faculty, staff and students. Others choose the neighborhood for its central location, moderately priced housing, and the ambience found in a well-cared-for older neighborhood. Phelps Grove is home to Phelps Grove Park and the Springfield Art Museum, making cultural and recreational activities within easy walking distance for residents.

Boundaries for the Phelps Grove Neighborhood are Grand Street on the north, National Avenue on the east, Bennett Street/Brookside Drive on the south and Jefferson Avenue on the west



Neighborhood Planning

Southwest Missouri State University (now MSU) purchased property for parking lots on the south side of Grand Street during the 1970's and continued to expand the lots over the next several decades. The neighborhood began to experience the

impacts as student rentals increased and overcrowding became a problem in the 1980's. Conflicts between permanent residents and renters intensified due to overcrowding, noise, trash and maintenance of homes and yards. The neighborhood also saw a decline in housing condition during that same time due to the uncertainty of the University's expansion plans. The Phelps Grove Neighborhood Association was formed in 1989 to become an advocate, guardian and spokesperson for the neighborhood.

In 1990, a parking study was initiated in response to numerous inquiries and complaints regarding on-street parking of commuters within the neighborhood leaving residents and visitors without adequate parking. To assist with the parking problem and the accompanying concerns of trash, noise and vandalism, a residential parking permit district was created. The two-tiered residential parking district is still in existence today.

In 1993 the City began working with a group of neighborhood residents to prepare a neighborhood and Urban Conservation District (UCD) plan to address the transition the neighborhood was experiencing due primarily to overcrowding and to protect and maintain the residential character and viability of the neighborhood. The planning efforts were put on hold for the next several years while the City and MSU developed an agreement about the University's southern boundary as well as several other considerations relating to the growth and expansion of the University. The cooperative agreement between the City and MSU was approved in 1996.

Following the completion of the cooperative agreement, the *Phelps Grove Neighborhood Plan* was finalized and adopted in February, 1997. The Phelps Grove UCD was established shortly after in March, 1997 and has been amended one time in May, 2001. The following issues were identified as the priority

problems when the original plan was adopted in 1997:

- Expansion of SMSU (now MSU) into the neighborhood
- Deteriorated housing
- Stormwater flooding
- Conflicts between renters and permanent residents
- Cut-through traffic and traffic accessing the SMSU (now MSU) commuter parking lots
- Enforcement of existing ordinances
- Communications between renters and permanent residents and between property owners, residents, the City, and SMSU (now MSU)

The *Phelps Grove Neighborhood Plan* and accompanying UCD were the driving forces to begin to stabilize the neighborhood and discourage activities that were leading to the negative impacts the neighborhood was experiencing nearly 20 years ago. Each plan, including this addition, represents a point in time review of the neighborhood health and memorializes issues of concern and value in addition to identifying strategies for targeted improvement within the neighborhood. Many of the same priorities that were identified in the original plan are still applicable today as the neighborhood residents describe the neighborhood as a "teeter-totter" with declining owner-occupancy rates and on-going concerns with code enforcement relating to overcrowding and preservation of the single-family homes and character of the neighborhood. This Plan identifies goals and actions aimed at advancing the preservation and enhancement of the neighborhood.

The Role of a Neighborhood Plan

The *Phelps Grove Neighborhood Plan* provides guidance and direction to the neighborhood and City in several ways. The Plan (1) identifies opportunities for the City, property owners, and residents of Phelps Grove to proactively improve the neighborhood through increased social interaction and neighborhood betterment projects; (2) provides guidance for the designation and amendment of the Phelps Grove UCD; (3) is a component of the City's Comprehensive Plan providing guidance in the implementation of City policies at the neighborhood level as well as recommending land use amendments within the boundaries of the neighborhood; and (4) as a historical reference.

(1) The *Phelps Grove Neighborhood Plan* was developed in 1997 to target improvement of numerous issues facing the neighborhood however, the Plan should also serve as a resource to unite residents and property owners around common goals and desired outcomes. Initial study and input from neighborhood residents and participants reiterate the strong desire to preserve the character of the neighborhood through a variety of proactive efforts. While actions necessary to impact some of the issues are ultimately best addressed by the City, many can be initiated by property owners and residents within the neighborhood. Community activism is critical to secure sufficient neighborhood support prior to the adoption of the Plan and is the preferable path to the formal engagement by City staff, Planning and Zoning Commission and City Council. Some recommended actions identified in the Plan can target a wide range of outcomes, but many don't need to formerly involve the City, such as actions to target increasing neighborhood solidarity, social outreach, and implementation of neighborhood betterment projects.

(2) Following initiation by City Council, the *Phelps Grove Neighborhood Plan* can also be used as an "urban conservation district plan" which establishes the justification for the designation as a UCD and for the adoption of the UCD regulations. The Plan outlines objectives and their relationship to impacted land use, traffic, utilities, etc., as well as recommended actions to be taken to arrest the conditions outlined.

(3) The Phelps Grove Plan should be used to support and provide more specific guidance on a variety of land use issues identified in the Comprehensive Plan. The *Phelps Grove Neighborhood Plan* is, by extension, an element of the City's Comprehensive Plan. As such, the preparation of the neighborhood plan should be developed with caution to be supportive and not contradict the comprehensive plan. The goals and actions in the neighborhood plan should be developed for the benefit of the whole city, not just the neighborhood. Some recommendations illustrate this air of

caution and reflect the ultimate authority and guidance be directed to the comprehensive plan rather than the neighborhood plan. Developers and investors should consult both plans when contemplating a land purchase or formulating a development proposal. It is important that the context of the entire plan be considered even when developing individual properties and the guidance of the plan be paired with consultation from City staff, as well. Likewise, development proposals and rezoning applications impacting land within the neighborhood should be reviewed by City staff against the recommendations included in the neighborhood plan, as well as the Comprehensive Plan.

(4) Lastly, the neighborhood plan should also be used as a historical document, which accounts for changing demographics and opinions of those whose input was used to develop it. Neighborhood residents can and should reference the policies, strategies and recommendations when addressing situations and proposals that threaten the quality of life or their enjoyment of private property and use of public property.

Neighborhood Context – Comprehensive Plan

Currently neighborhood planning efforts operate primarily under the guidance of the Vision 20/20 - Growth Management and Land Use (GMLU) Plan and Neighborhoods Element.

While the comprehensive plan targets slightly larger policy issues and a wider scope of perspective, neighborhood plans provide a narrower focus, dialing-down on targeted methods and strategies for specific issues in targeted geographic areas. As the comprehensive plan states, when giving guidance for the development of specific neighborhood plans, "In some cases, strategies and actions identified in the Neighborhoods Element can be used to address specific issues." The GMLU Plan also recommends "The City should prepare specific plans for a neighborhood or district in which a need for additional guidance beyond Vison 20/20 is identified.".

There are four significant citations from the Comprehensive Plan that relate back to established neighborhoods like Phelps Grove; **(1) Residential land use guidelines; (2) Appropriate housing form and redevelopment; (3) Neighborhood assessment; (4) Urban conservation district; (5) Neighborhood organization;** and **(4) Encroachment of institutional uses**.

(1) **Residential land use guidelines** - The GMLU Plan provides residential land use guidance throughout the urbanized area to ensure a wide range of choice in housing options. These recommendations are applicable to

established neighborhoods, like Phelps Grove, as well as growing neighborhoods on undeveloped land. The residential land use guidelines recognize that new development must be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space to help protect neighborhoods. The GMLU also recommends that steps be taken to divert and prevent excessive amounts of traffic from passing through residential areas. While these guidelines identify specific actions that need to be considered to protect established neighborhoods from new development, it does not mean that mixed land uses, or mixed residential densities are automatically inappropriate, rather they must be accommodated with sensitivity to residential neighborhoods.

The guidelines reiterate the recommendation to adopt design standards, to ensure proper placement and compatibility of different housing types and densities. In addition, locations for attached housing at greater densities are appropriate only on sites "very near arterial or collector streets to prevent the disruption of significantly lower density or intensity areas from excessive traffic". The guidelines go on to provide further guidance to allow access onto interior streets, if steps are taken to ensure that cut-through traffic and congestion do not disrupt the peace and harmony in the neighborhood.

(2) **Appropriate housing form and redevelopment** - The following references from Vision 20/20 Growth Management and Land Use Plan (GMLU) provide guidance on strategies to keep all existing and growing neighborhoods healthy, diverse, and comprehensively planned. While the GMLU Plan supports preservation of existing housing stock and that infill housing be compatible with the existing, it also strives for diversity in housing types. These objectives shouldn't compete to ensure that each is met, the City's Comprehensive Plan recommends the development of resources to guide and support the development of infill attached and detached housing, as well as guidance on where each is appropriate.

The GMLU recommends established neighborhoods continue to provide zoning districts that allow and encourage infill or replacement housing that is compatible with neighboring structures in height, setback, lot width, front door orientation, and general architecture, particularly in older neighborhoods, as well as areas where no clear architectural pattern exists. In addition, the City should encourage the rehabilitation of older, historic housing, rather than demolishing such housing.

(3) **Neighborhood Assessment** - The Neighborhoods Element identifies three stages of a neighborhood's general condition. Indicators of the neighborhood's health are outlined later in this *Plan*, but generally represent the condition of a "transitional neighborhood" in that there is instability in certain areas of the neighborhood, particularly on the east and northern portions. There are patterns of low owner-occupancy, excessive service complaints, and overcrowding. These areas of the neighborhood are being threatened by infill housing that is not compatible and does not reflect the same setbacks, orientation, rhythm, width, height and scale of the surrounding homes. The Neighborhoods Element recommends concentrated revitalization efforts including carefully applied code enforcement and gradual land use changes, in addition to designation of an Urban Conservation District.

"The City and the County should work to create neighborhoods that are comprehensively planned, include all needed public facilities, provided for bicyclist and pedestrian movement, accommodate a variety of housing types and exhibit as sense of identity." Vision 20/20 - Growth Management and Land Use Plan

(4) **Urban Conservation District** - As mentioned earlier, the *Phelps Grove Neighborhood Plan* can serve as the UCD Plan. Many of the regulations included in the Phelps Grove UCD were based on the guidance of the *Plan* and the designation that the area is not yet "blighted" or insanitary but is or may become detrimental to the public safety, health, morals or welfare. Many conditions and trends that were present in 1997 continue to persist in the neighborhood now including overcrowding of structures, demolition of homes, and the excessive coverage of land by structures that do not conform to the neighborhood fabric. The City's Zoning Ordinance as well as the Neighborhoods Element, outline the process and purpose of the district. The *Phelps Grove Neighborhood Plan* outlines additional guidance and recommended amendments to the UCD that should be adopted to mitigate these conditions.

(5) **Neighborhood Organization** - Numerous goals, actions and outcomes identified during the planning workshop and input portions of this plan's development can be initiated and implemented by the neighborhood, with help from a variety of partners, including the City. The Neighborhoods Element supports this approach, as well as the City's Great Neighborhoods Program. Specifically, the first principle of the Great Neighborhoods Program which establishes that "Residents must lead the process". In addition, "Engaging Activities" and collaboration of neighborhood-initiated improvements, is yet another fundamental principle of the Great Neighborhoods Program. The strategy of resident ownership in implementation of the plan is fundamental to the success of the plan, to build consensus and resiliency, and is supported by the Neighborhoods Element. Multiple neighborhood goals and recommendations included later in this plan rely on the neighborhood to generate support from within before approaching the City to get involved.

"Encouraging community involvement in developing self-help solutions to housing and neighborhood problems." Vision 20/20 - Neighborhoods Element

The **Great Neighborhoods philosophy is a guiding force to ensure the public participation and planning process meet as high a level of collaboration and transparency as possible. Just as the desire to revisit the plan was initiated by the neighborhood, it is up to the residents and the neighborhood to have an active role in the development of the plan and ultimately, in its implementation. The planning process included many opportunities for participation and was designed to involve and include property owners, residents and business owners within the neighborhood in the process, ensuring it was inclusive of anyone who wanted to participate.**

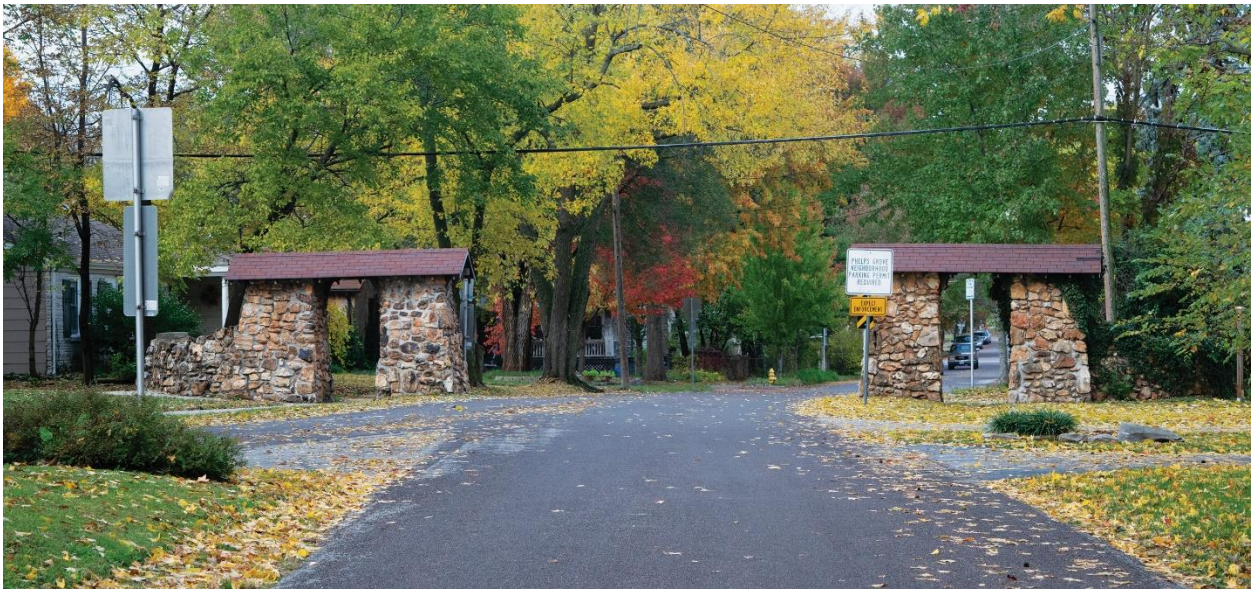
(6) **Encroachment of Institutional Land Uses** - The location and influence of the MSU campus has had a major impact and continues to shape the neighborhood today. While the proximity of the University to the neighborhood creates tension between some neighborhood residents, it is also a major benefit to the city and is a major source of the neighborhood's popularity among long and short-term residents. The GMLU Plan identifies the University as a "Major Activity Center" because the campus is a significant location of employment, housing, business and entertainment. Efforts to curtail campus generated traffic, parking

congestion, and the proliferation of student housing continue to be some of the most important topics at the center of this planning effort.

The Phelps Grove Neighborhood is no stranger to the conversion of traditional resident housing to that of student housing. Early neighborhood planning efforts focused on strategies to discourage investors from buying owner-occupied homes and converting them to student rentals, as well as efforts to keep undesired student behavior at bay. The adoption of an early rental registration ordinance for the Rountree and Phelps Grove Neighborhoods targeted efforts to discourage overcrowding of too many students into too few homes by requiring the registration of all rental units, including the submission of the names of the tenants. While these efforts have likely helped control the problem, it continues to persist.

In addition to efforts to address the impact of student housing expansion, the City and MSU entered into a lengthy cooperative agreement in 1996 to establish a clear line of separation between the campus and the neighborhood, as well as strategies to reduce cut-through traffic and parking congestion. A regional detention basin was constructed at the southwest corner of National Avenue and Grand Street as part of the agreement. The construction of the landscape buffer south of Normal Street was completed by MSU and access from Kings Street to Grand Street was eliminated, however the rights of way have not been vacated and access from the parking lots on Grand Street still dump traffic directly onto Dollison Avenue. In addition, the conversion of parking lot 18 to greenspace has not been achieved.

The Neighborhoods Element provides a clear understanding of the conflicts that are created when institutions like MSU encroach into neighborhoods. All the recommendations included in the GMLU Plan have been implemented in some degree. MSU issues a campus "Visioning Guide" annually. Although the "Visioning Guide" is not an official master plan, it does depict their long-range plans and intentions for a 5-year period. The construction of parking decks to reduce surface parking lots and installation of the agreed-upon buffer yard, south of Normal Street, to separate campus uses and minimize encroachment of student parking into the neighborhood are all recognized as positive attempts to be a good neighbor. And lastly, a clear line of communication between the City, University and Neighborhood is maintained with routine meetings to discuss issues that cause stress and how to improve them.



The Planning Process

Phelps Grove Neighborhood Association Board

In January 2017 City Council directed planning staff to move forward with updates to four neighborhood plans, beginning with the oldest adopted plans first. The *Phelps Grove Neighborhood Plan* is the second oldest plan in the series to be updated.

At the onset of the planning process, planning staff met with the Phelps Grove Neighborhood Association Board on June 5, 2018 to discuss an outline of the planning process for the neighborhood plan.

Neighborhood Public Planning Workshop

A neighborhood wide planning workshop was held on October 29, 2018 at Trinity Lutheran Church with approximately 60 people in attendance. Attendees broke up into 11 different "Table Teams" and participated in a hands-on charette to provide feedback on seven topic areas for consideration in the planning process. The seven standardized topics from the City's Blueprint for Neighborhood Betterment model are; **(1) Locations of significant interest; (2) Locations of stress or needed improvement; (3) Neighborhood redevelopment opportunities; (4) Transition and friction points; (5) Neighborhood visioning; (6) Capital Improvement priorities;** and **(7) Other, neighborhood specific topics of interest.**

In addition to the workshop and charrette, an online platform was made available with an interactive neighborhood map, where comments from the seven topics could be posted, as well as questions, survey and demographic links and information about upcoming events.

Neighborhood Survey

As part of the Planning process for the Phelps Grove Neighborhood, staff conducted a neighborhood-wide survey in November/December 2018 to get feedback on a variety of topics. Over 170 surveys were completed online or in paper form. Approximately 84 percent of the respondents to the survey own property within the Phelps Grove Neighborhood, with the remaining 16 percent renting. Respondents to the survey identified the single-family nature, historic architecture and character of the neighborhood as the top things they like most about Phelps Grove. When asked what neighborhood residents and owners envisioned for the neighborhood in the next ten years, respondents indicated preservation of the single-family character with an emphasis on home ownership, well maintained homes which preserve the historic architecture of the area and a safe and walkable neighborhood.

City Engagement

Meeting with Phelps Grove Neighborhood Board
June 5, 2018

Neighborhood Plan Public Workshop
October 29, 2018

Neighborhood Survey
November/December 2018

Open House #1
January 22, 2019

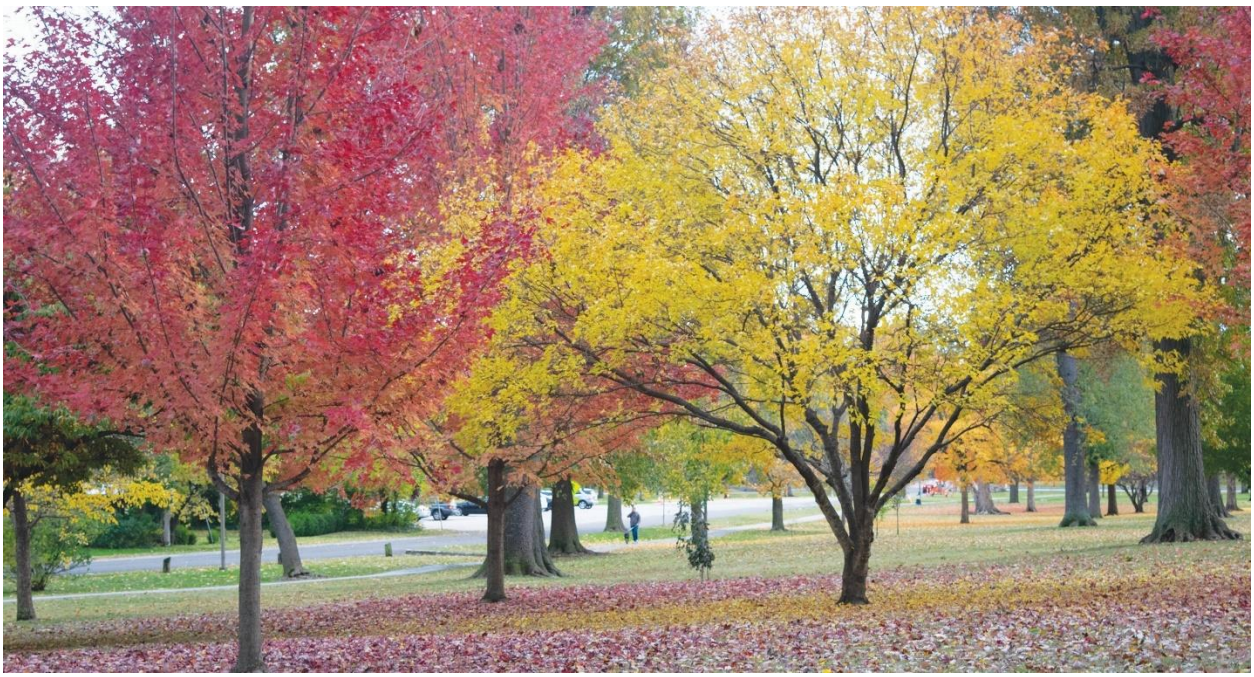
Open House #2
February 27, 2019

Open House #1

A neighborhood wide open house was held on January 22, 2019 at the Springfield Art Museum with approximately 90 people in attendance. Presentation boards with preliminary staff recommendations that were generated from feedback from the October 29th workshop were displayed at the open house. Attendees were given the opportunity to provide feedback on the preliminary recommendations and help City staff with the goals and recommendations that have been incorporated into this *Plan*.

Open House #2

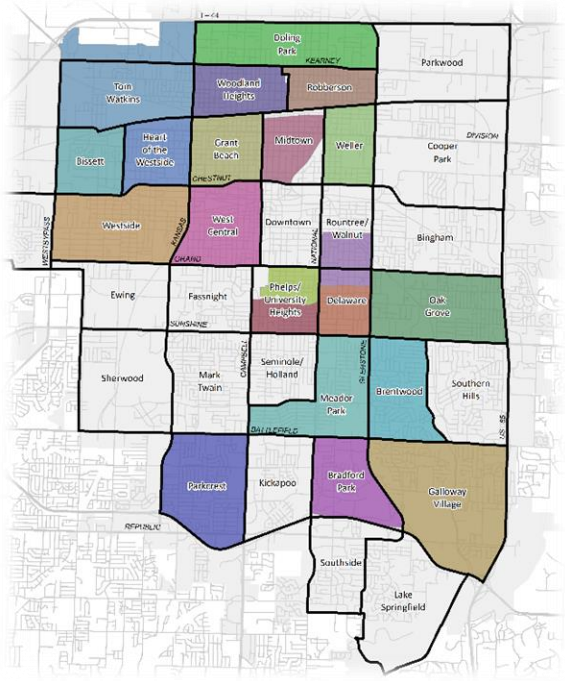
A second neighborhood wide open house was held on February 27, 2019 at the Springfield Art Museum with approximately 64 people in attendance. The final plan recommendations were presented. Some of the recommendations presented at the first open house were revised or removed based on feedback received from the January 22nd open house event. Written and verbal feedback was collected from the second open house and used to refine the *Plan* and develop the Final *Plan* and Recommendations contained in this *Plan*.



Neighborhood Analysis

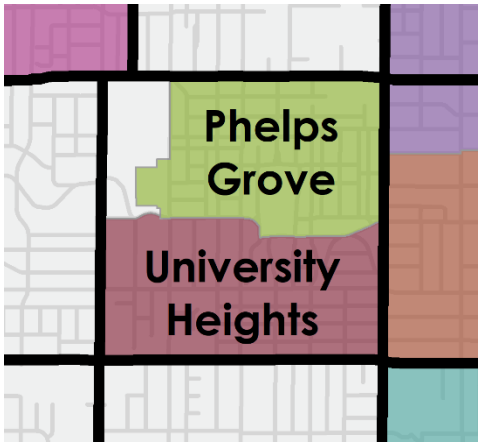
Neighborhood Service Area (NSA)

In 2006, to better plan for the city's neighborhoods, 34 Neighborhood Service Areas were organized based on guidance provided by the Vision 20/20 Neighborhoods Element. The City's practice has been to align neighborhood services and planning studies with Neighborhood Service Area boundaries. Almost all the City's organized and recognized neighborhood associations align with the Neighborhood Service Areas, as well. The Phelps Grove Neighborhood Association and Phelps/University Heights Neighborhood Service Area represents one of two exceptions to that practice; the Rountree/Walnut Neighborhood Service Area, being the second.



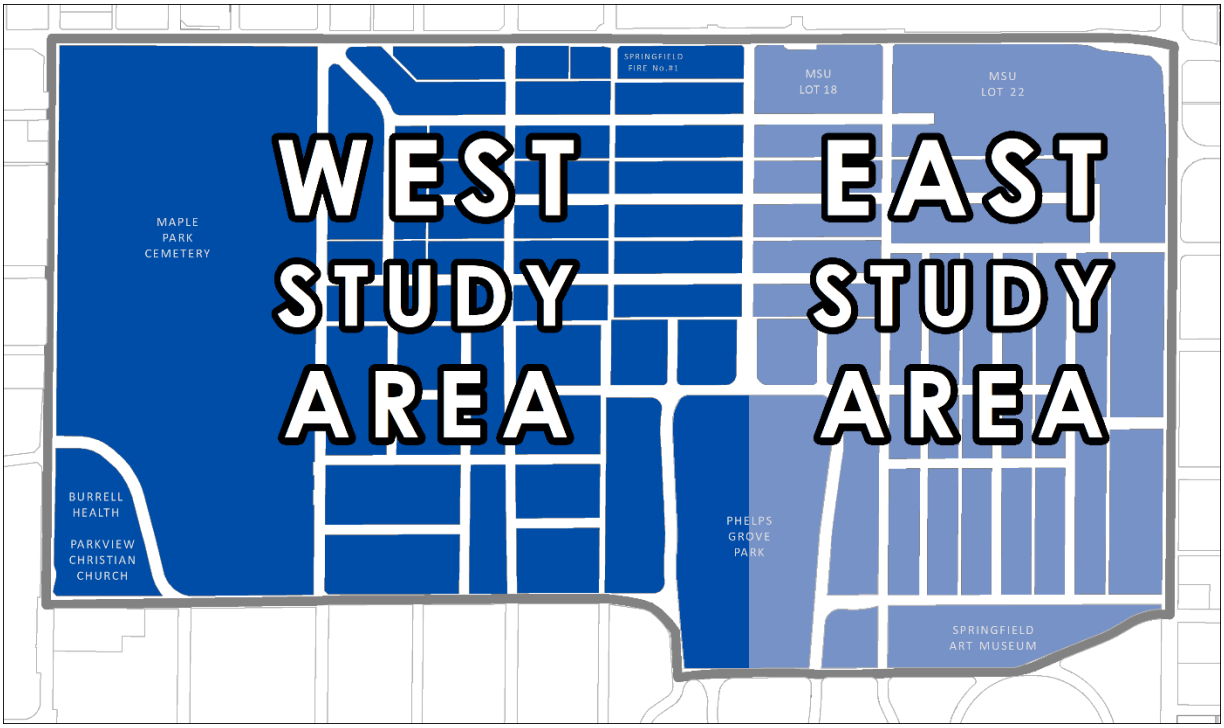
Phelps Grove / University Heights Neighborhood Service Area

The Phelps/University Heights Neighborhood Service Area extends from Grand Street (north) to Sunshine Street (south) and from National Avenue (east) to Campbell Avenue (west). The area on the west side of the Phelps Grove Neighborhood is not included in a registered association boundary. The City's goal is to have all areas of the city included and represented by registered neighborhood associations, regardless of land use.

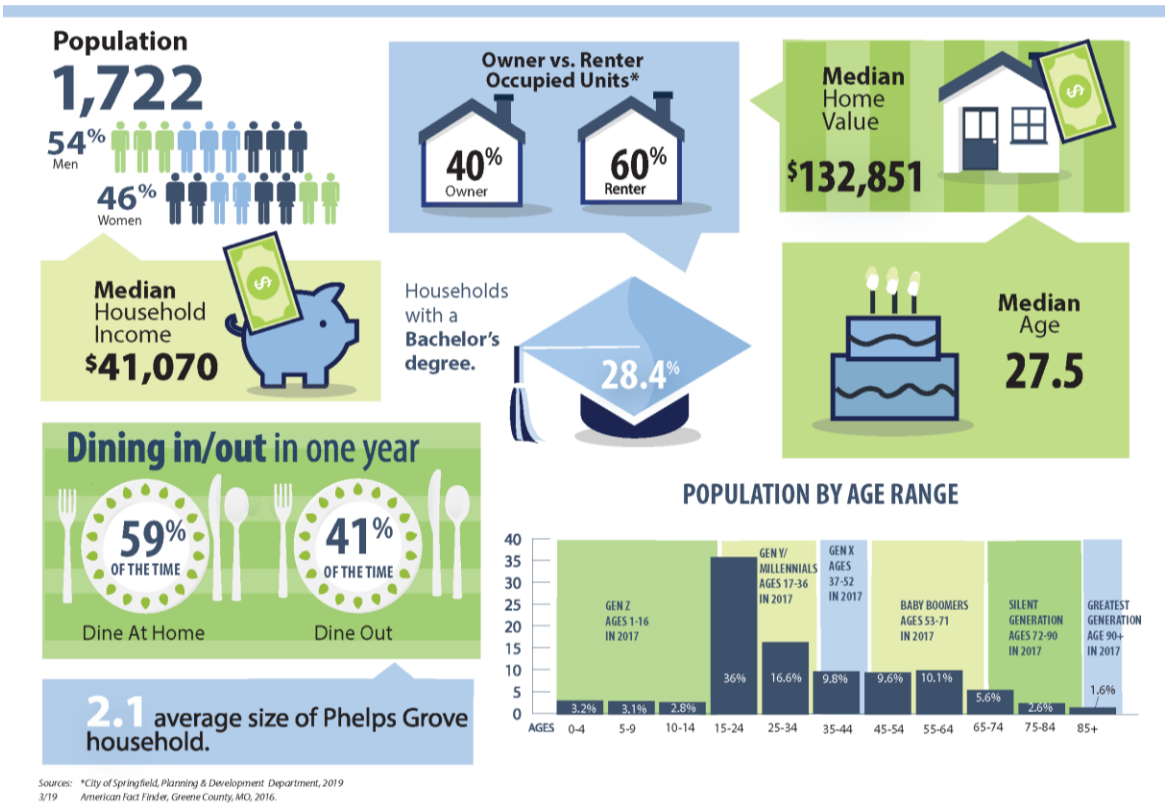


Phelps Grove Neighborhood Study Area

A neighborhood's study area represents the geographic area in which properties, infrastructure and all related neighborhood demographics and dynamics are considered and studied when developing a neighborhood plan. As cited above, the study area should ideally be the same as the service area. The Phelps Grove study area is significantly different from the service area. This inconsistency is due to an effort to be consistent with the original *Phelps Grove Neighborhood Plan* and with the boundaries for the Phelps Grove and University Heights Neighborhood Associations.



Neighborhood Profile



Phelps Grove is demographically diverse with the largest group being the Gen Y/Millennials (ages 17-36). Of the 1,722 residents that call Phelps Grove home, 53 percent are millennials. The proximity of the Phelps Grove Neighborhood to MSU likely plays a role in the high percentage of millennials residing in the neighborhood. Gen X and Baby Boomers are the second and third largest cohorts represented in the neighborhood at 19 percent and 16 percent, respectively.

The higher education level is higher than the city-wide total of 18 percent with 28.4 percent of the neighborhood residents holding a bachelor's degree.

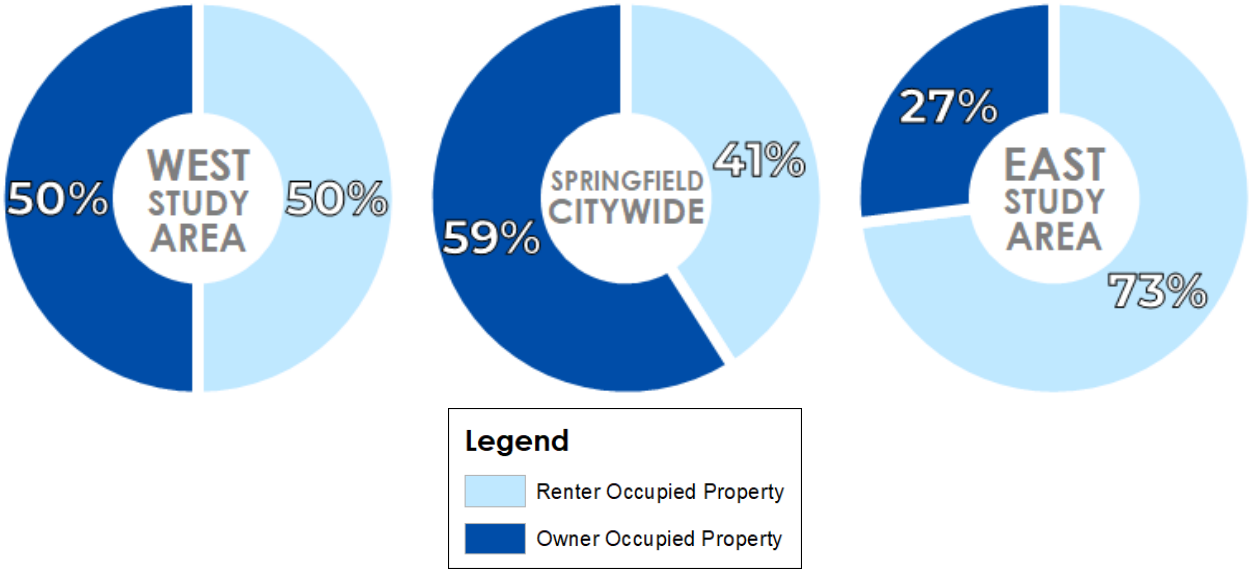
The neighborhood's adjacency to MSU is reflected in these demographics including the rental market (60 percent rental occupied compared to 40 percent owner-occupied), which is largely geared toward students. The significant number of college-aged students (Gen Y and Millennials) living in the neighborhood, and the high percentage of residents holding a bachelor's degree (28.4 percent) and those holding a graduate or professional degree (24.2 percent) can be associated with professors living in the neighborhood as well as graduate students.

The average household size within the Phelps Grove Neighborhood is 2.1 with only 14.6 percent of the total number of households having children under 18. The largest percentage of household type is non-family households making up 28.9 percent of the total households within the neighborhood.

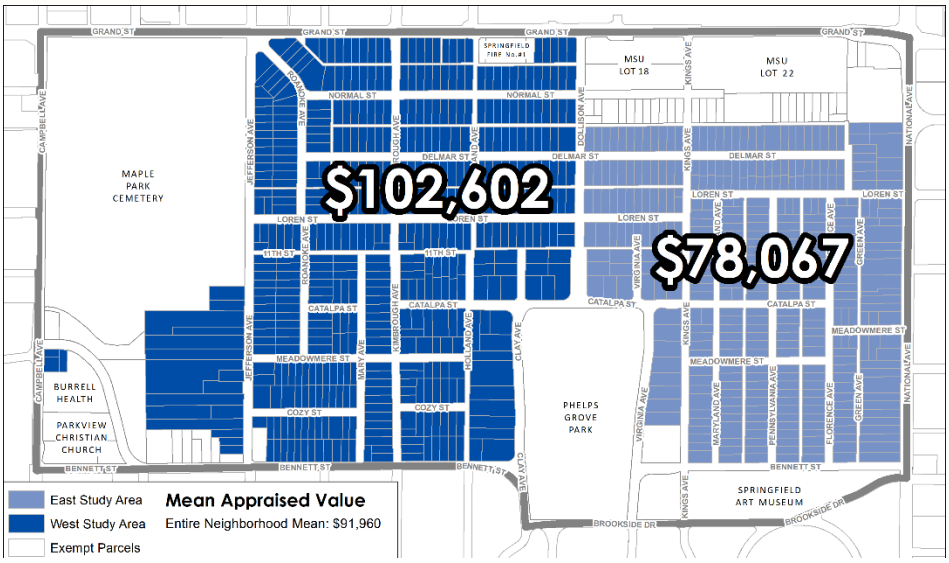
Neighborhood Indicators

The City tracks neighborhood indicators on a regular basis for all neighborhood service areas in the city. Because the Phelps Grove Neighborhood Service Area includes the University Heights Neighborhood as well, more targeted study specific to the Phelps Grove Neighborhood was required. Three areas of concern were evaluated within the neighborhood, based on west and east study areas; **(1) owner-occupancy; (2) appraised property values;** and **(3) common neighborhood nuisance complaints**.

(1) Owner occupancy – Often reflected in terms of a homeownership rate, owner occupancy is simply represented as the percentage of properties where the owner of the property resides at the property, versus a property where the owner resides elsewhere and rents the home to a tenant. Owner-occupancy rates are established by comparing the property address against the owner information, including mailing address, which is maintained for tax purposes by the Greene County Assessor. The overall owner-occupancy rate in the Phelps Grove Neighborhood is 40 percent (60 percent rental). The west side of the neighborhood has a considerably higher owner-occupancy rate at 50 percent and 50 percent renter occupied, compared to the east side of the neighborhood at 27 percent owner occupied and 73 percent renter occupied. (Appendix A.1)



(2) Appraised property values – Appraised property values represent the value of each home or property as established by the Greene County Assessor for tax purposes. The appraised property values from the west side of the neighborhood were compared to those of the east side of the neighborhood. The average appraised property value on the west side of the neighborhood is $102,602 compared to that of the east side, which averages $78,067; a difference of $24,535 per property or 24 percent below that of the west side of the neighborhood. The average property value neighborhood-wide is $91,960. (Appendix A.2)



2017 Appraised values

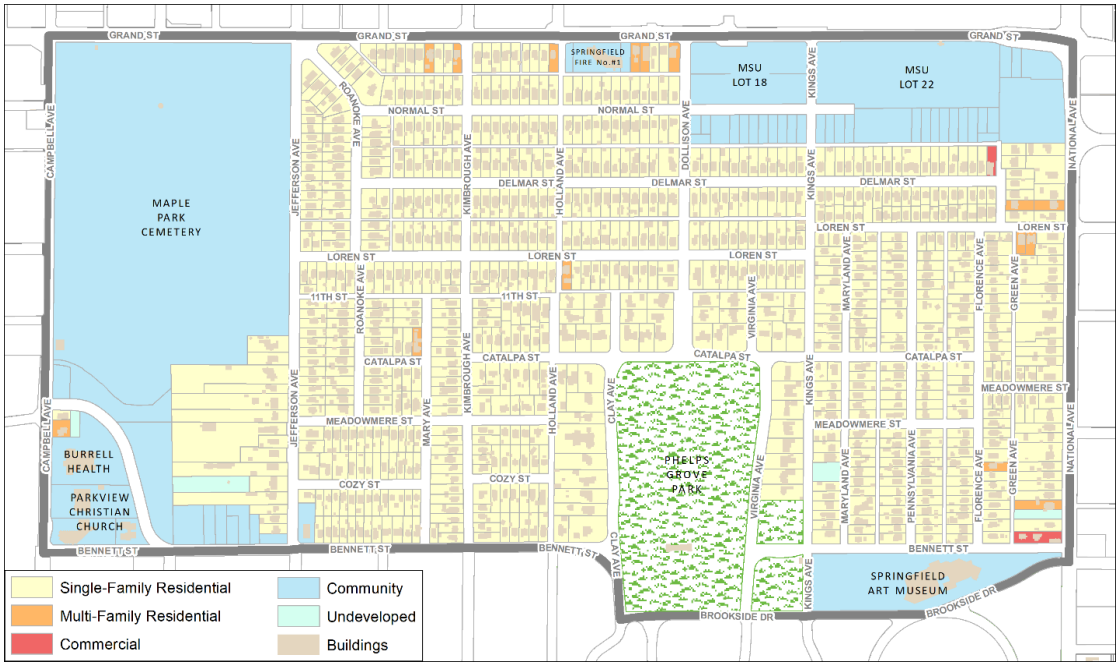
(3) Common neighborhood nuisance complaints – Neighborhood health has been tracked in the City of Springfield by several indicators; neighborhood service requests for neighborhood scale nuisances are one of those common indicators of neighborhood health. While the increased frequency of complaints received in a neighborhood can be an indication of neighborhood pride or lack of pride, it can also be an indication of social ownership. Nuisance complaints in the city of Springfield are not proactively identified or enforced. Individuals or neighborhood groups must submit a request to the City to investigate the nuisance complaint. In the Phelps Grove Neighborhood, independent residents as well as the Phelps Grove Neighborhood *Team* are vigilant about reporting a variety of violations to the City. This strong participation

and volunteer time suggest tremendous pride and social ownership in the neighborhood. The Phelps Grove Neighborhood is very active and routinely submits reports, which include (1) dangerous building violations; (2) overcrowding; and (3) trash, among others. There are a lot of complaints submitted each year to the City in each of these categories and others, but in each there are unique trends and patterns common to all.

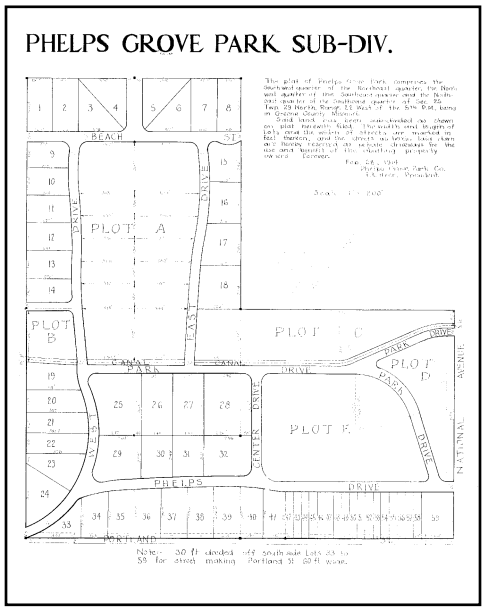
Even though the occurrence of complaints for each category overwhelming occurred on rental properties, there were more dangerous building complaints submitted for the west side of neighborhood than the east. However, there were more complaints received on the east side of the neighborhood for overcrowding and trash, which is where there is a higher occurrence of rental properties and student housing. (Appendix A.3-5)

Land Use

The Phelps Grove Neighborhood Study Area is comprised of approximately 344 acres, including Maple Park Cemetery, Phelps Grove Park, Springfield Art Museum, and the MSU Parking lots, located south of Grand Street. The neighborhood is traditional in form with streets radiating west, north and east away from the park. Residential land uses predominately occupy roughly 66 percent of the neighborhood with City-owned public park space, art museum campus, and a fire station comprising 10 percent of the land area. The 50-acre Maple Park Cemetery represents 15 percent and parking, greenspace, and detention for the MSU campus on the south side of Grand Street represent 7 percent. The remaining 2 percent is used by a church and a group home on Campbell Avenue, as well as two individual commercial properties that do not conform to the zoning but have been established long enough to allow their continued use; Bambino's at the corner of Delmar Street and Florence Avenue; and a beauty shop at the corner of Bennett Street and National Avenue.



The Phelps Grove Neighborhood has a greater population density per acre than the City at 6.4 people per acre compared to the 3.2 persons per acre city-wide. The neighborhood is typical of lower density Springfield neighborhoods with detached single-family houses on a variety of lot sizes, many are narrow and deep, while many are an accumulation of multiple lots. The location of the neighborhood, adjacent to MSU, generates a large demand for affordable off-campus student housing, which likely accounts for the higher density of people per acre.

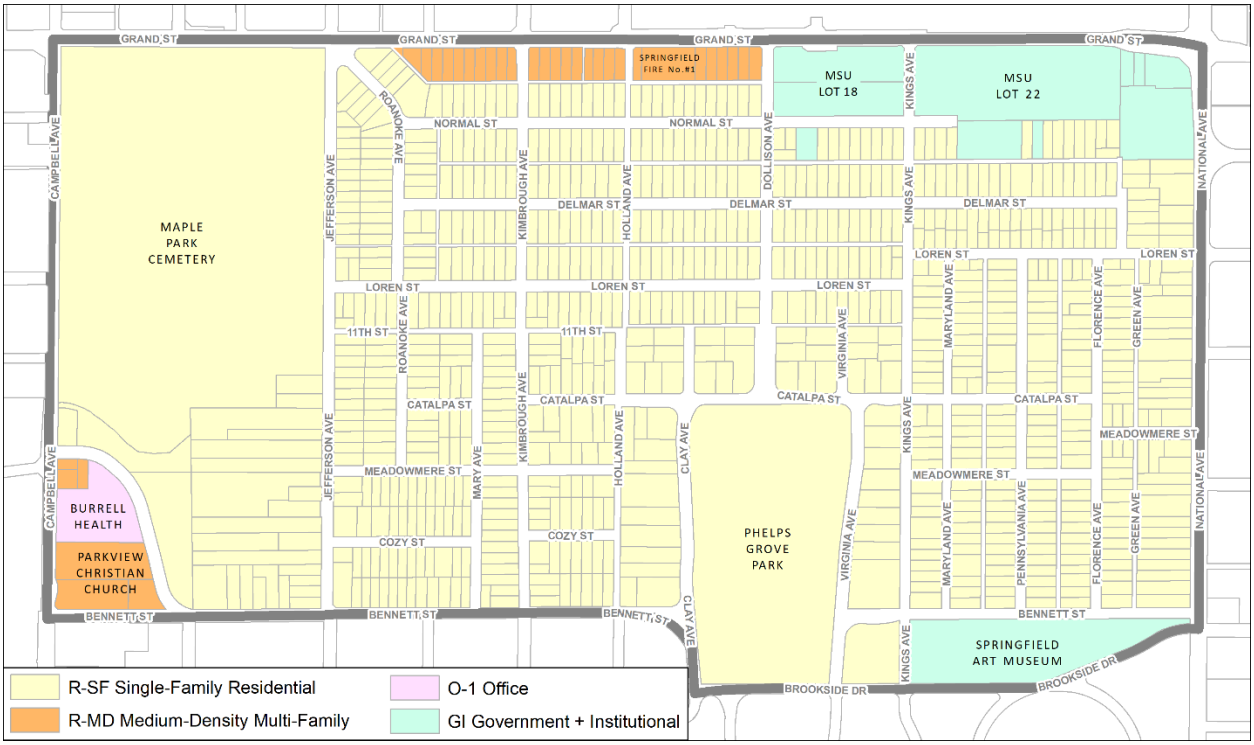


The Phelps Grove Neighborhood and the creation of the subdivisions and park date back to the early 1900s. Phelps Grove Park was originally platted in 1914 and the lots immediately surrounding the park were re-platted in 1946. The eastern half of the neighborhood was platted between 1907 and 1909 and the western portion of the neighborhood was platted between 1913 and 1923. Most lots in the neighborhood are 40 – 50 feet in width, except for the Colonial Place Subdivision platted in 1909. This subdivision, bounded by Kings Avenue on the west, National Avenue on the east, Loren Street on the north and Bennett Street on the south, was platted as 429 lots that are 25 feet wide, most with a lot depth of 140-145 feet, except those fronting on National Avenue

which have a lot depth of 250 feet. The accumulation of lots over time by individual homeowners has resulted in 213 properties, most with alley access or double frontage.

Zoning

Land use in the neighborhood is regulated by three (3) zoning classifications; with Single-Family Residential (R-SF) making-up 85 percent of the neighborhood, Government and Institutional Use (GI) making-up 11 percent, Medium-Density Multi-Family Residential (R-MD) making-up 3 percent, and one property zoned Office (O-1), representing less than 1 percent.

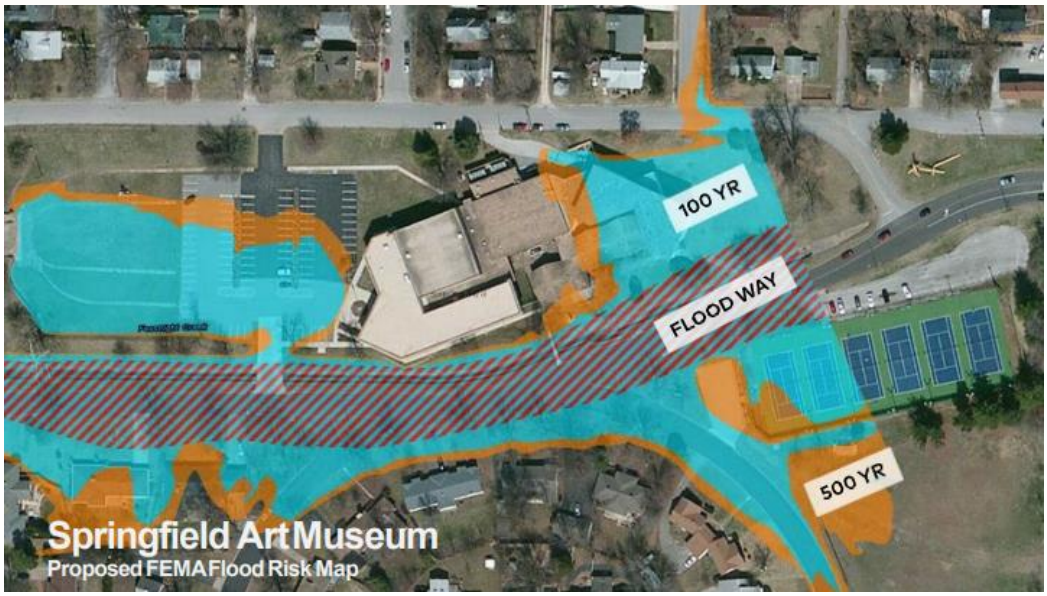


The Urban Conservation District (UCD) was created to regulate the proliferation of student housing and overcrowding. This overlay district provides supplemental regulations that establish a rental registration program and prohibits trash containers being left at the curb after 24 hours following pick-up.

Springfield Art Museum – 30-year Master Plan

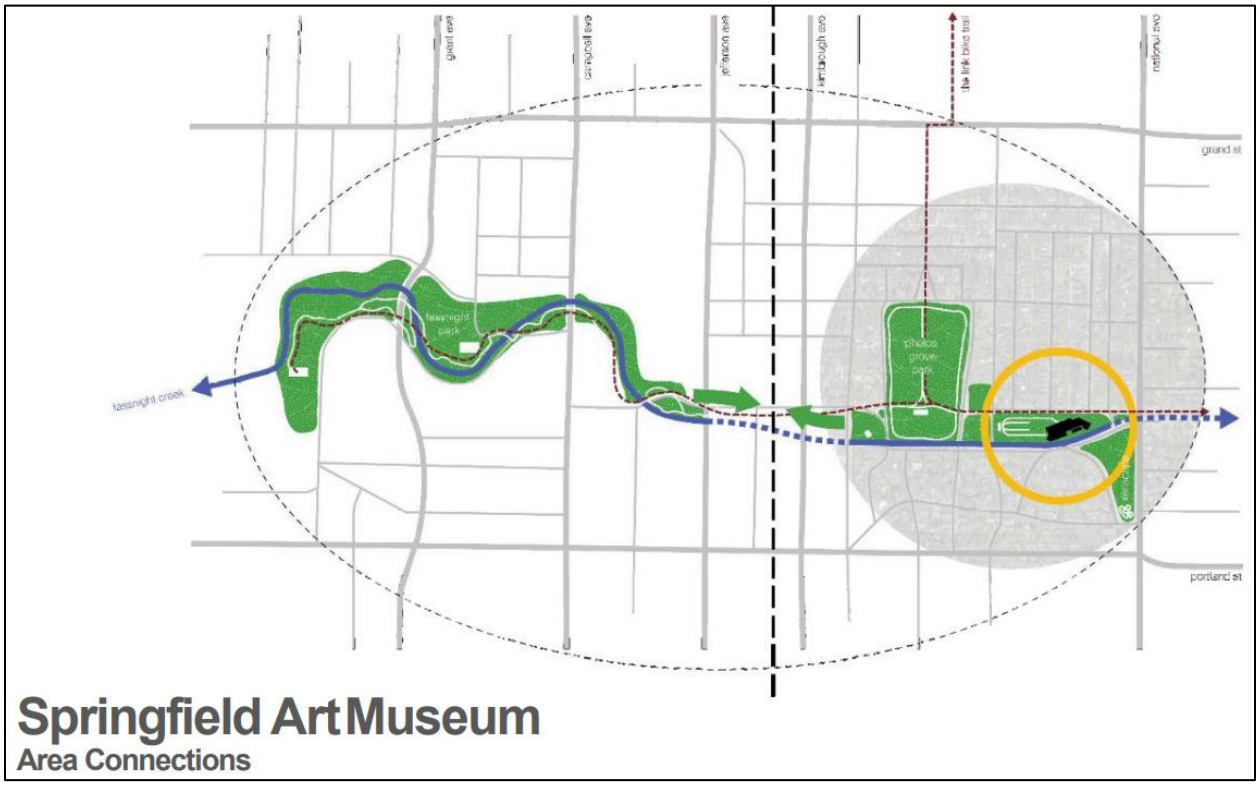
In the fall of 2018, the Springfield Art Museum unveiled a new 30-year Master Plan. The Museum's Master Plan focuses on the creation of a new Family Learning Center, new educational spaces, expansion and improvement to the facility including public and community spaces, improved circulation throughout the building, parking improvements, and a renewed purpose for the Museum's grounds and greenspace. The Museum's grounds will undergo a dramatic transformation including greater pedestrian and bicycle access through trails, expanded and improved greenspace, and needed stormwater improvements including the naturalization of sections of Fassnight Creek.

Naturalization alleviates flood risk while creating an outdoor amenity on the Museum grounds. In addition to flood mitigation, changes to the grounds will improve connections between the museum site and the surrounding area including Phelps Grove Park and the Water Wise Garden. The Master Plan provides additional opportunities to connect the Museum and Phelps Grove Park to other sites via the Fassnight Creek Greenway Trail located immediately west of the Phelps Grove area.



Proposed in three phases, the Master Plan creates a museum campus like those encountered at the Nelson-Atkins Museum of Art in Kansas City or the St. Louis Art Museum located in Forest Park. Conceptual drawings shared with City Council emphasize the incorporation of mid-Century Modern design elements present in the original 1958 Museum structure, the residential scale of the surrounding Phelps Grove and University Heights neighborhoods, and the connection of the Museum building to outdoor experiences including its WPA-era Amphitheater, outdoor sculptures, and trails.

From a planning perspective, the museum's plan represents a major change in the way the museum, the park and the greenway will be accessed and used by area residents and visitors. The Phelps Grove Park is already recognized as a historic park, landmark, and neighborhood asset that is utilized and enjoyed by thousands each year. The addition of improvements to the Fassnight Creek



Greenway link the park to destinations further west and are already having an impact on the use of the park, as well as opportunities for increased access to the museum for non-motorized means of travel. The Museum Master Plan proposes significant changes to the site and parking that will open-up the area between the museum and park to create a seamless linear open space mall expanding the use and access to both facilities. In addition to opening and increasing more public use of the space on the west side of the site, the site plan will accommodate channel improvements to Fassnight Creek and incorporate

the creek into the landscape of the museum grounds. Not only will these stream improvements create an attractive natural space, it will reduce potential flooding to the Museum and nearby properties by adding much needed channel improvements in the watershed.

The impact to the Phelps Grove Neighborhood could be significant in that there would be increased use of the park and museum for more flexible program and activity space inside and outside of the museum. The concept of the museum changing its focus from a one-stop destination to one of many stops along the greenway support opportunities for pedestrian-friendly, walkable neighborhood commercial to evolve near the museum.

Transportation

Street classification system - From a transportation perspective the Phelps Grove Neighborhood is centrally located and highly accessible from all directions via a network of arterial and collector streets on all four sides. The traditional grid-pattern street system provides for good circulation around the neighborhood. Grand Street, Campbell Avenue, and National Avenue are all primary arterials, which flank the east, north, and west boundaries of the neighborhood. In addition, Jefferson Avenue and Kimbrough Avenue, both secondary arterials, bisect the neighborhood north to south. Bennett Street and Brookside Drive, located on the southern boundary of the neighborhood, represents the only route that does not provide free flowing traffic east to west.

30% of the respondents to the Phelps Grove Neighborhood survey ranked an **expanded sidewalk network** and **trail connections** as their top factor that would increase their desire to walk/bicycle in the neighborhood.

Sidewalks, greenways, and trails – The Phelps Grove Neighborhood is very pedestrian-friendly and walkable from the perspective of available pedestrian and bicycle infrastructure. Approximately 77 percent of the neighborhood has sidewalk coverage. Most streets in the neighborhood with sidewalks have them installed on both sides of the street. The neighborhood was platted with several alleys that have evolved into narrow city streets over the years, however they do not have sidewalks.

The Link – The Link is a route along streets with low traffic volume and slow speed through Springfield's core that includes an accessible walking path and a low-stress route for people to bicycle linking existing and planned greenway trails and activity centers. The Link is routed directly through the Phelps Grove Neighborhood connecting MSU to the Fassnight Creek Greenway and Phelps Grove Park and continues south. The Link follows the alignment of John Q. Hammons Parkway, Dollison Avenue, Catalpa Street and Holland Avenue into the University Heights Neighborhood.

Fassnight Creek Greenway – The Fassnight Creek trail and greenway are located on the southern boundary of the neighborhood and generally extend from the west along Bennett Street east to Phelps Grove Park. Currently the greenway terminates at Jefferson Avenue, but pedestrians and bicyclists can continue east via Brookside Drive. Long-term plans include the extension of the greenway to the Art Museum, where the greenway will be a feature and a trail-head will be established.

Public Transportation – The Bus, operated by City Utilities of Springfield, is available to the Phelps Grove Neighborhood on National and Campbell Avenues on a frequent basis on weekdays and evenings with stops every 30 minutes. National Avenue provides the best opportunity to promote the evolution of a **Transit Oriented District (TOD)** and a single route for increased or fast and frequent transit service in the city. Recommendations to promote a greater density of development along this corridor would pair well with several high employment centers, such as MSU, Cox and Mercy hospitals. This traffic corridor generally extends from Chestnut Expressway to James River Freeway. The development of a TOD with fast and frequent bus transit service along this corridor could have significant impacts on the Phelps Grove Neighborhood.

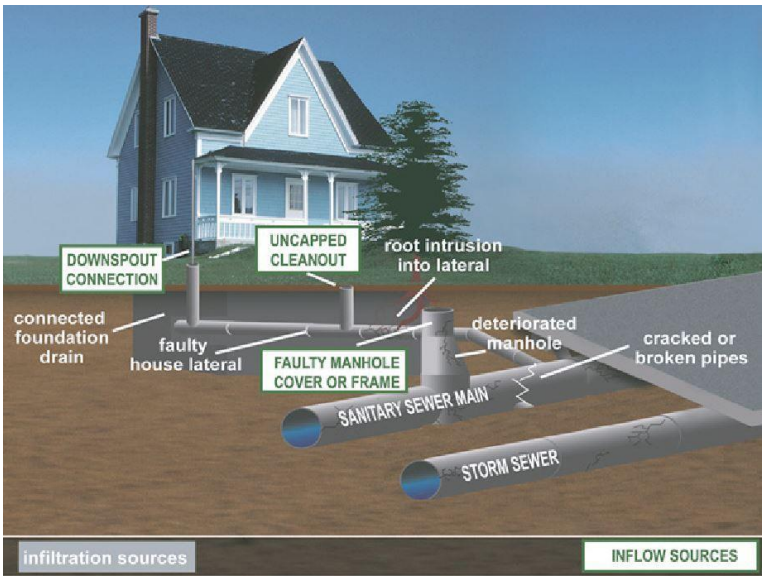
A transit-oriented development (TOD) is a residential, commercial, or mixed-use development project, made up of one or more buildings, that has been designed to take advantage of nearby transit and includes features that encourage walking, biking, and transit ridership.

Sanitary Sewer Improvements

The Phelps Grove neighborhood is served by a publicly provided sanitary sewer system, some of which is vastly undersized and well-over 100-years old. Portions of the system have been rehabilitated yet other sections continue to be prone to infill and infiltration during large rain events causing back-up issues for residents. Plans to increase rehabilitation of problem areas is hampered by the absence of easements and decades of added obstacles such as trees, landscaping and structures.

Infiltration occurs when ground water enters the sewer system through cracks, holes, faulty connections, or other openings.

The City's Environmental Services Department has made strides in improving sanitary sewer systems in recent years. The City has plans to install backflow prevention in private lines where problems are chronic, as well as replace antiquated and undersized mains for numerous areas in the neighborhood. While the City recognizes the importance of these improvements, they continue to compete with problem areas in other neighborhoods to receive funding.



Inflow and Infiltration Sources

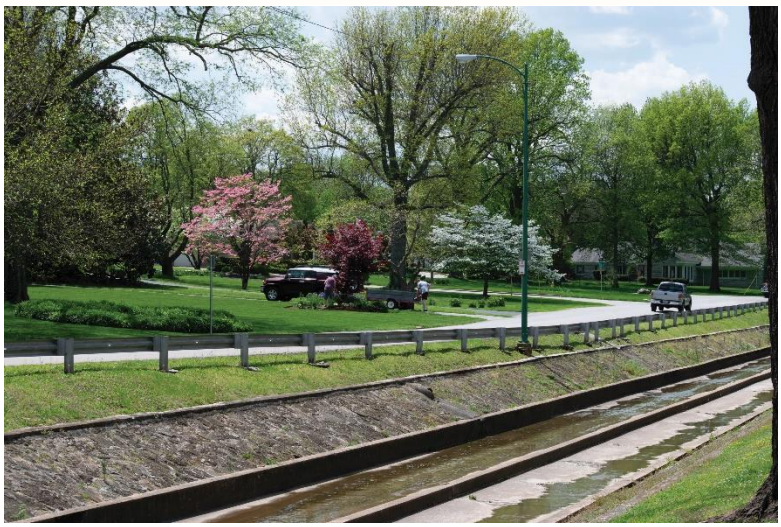
Within the neighborhood are some properties that do not have direct access to public sewer. Properties on the south side of the 1000 block of East Loren Street were originally platted with full 185 feet depth, but were further subdivided splitting each lot in half, creating a tier of lots with frontage on Loren Street and a tier with frontage on Delmar Street, as well. While both tiers of lots have frontage and are recognized as lots of record, most of the lots on Delmar Street do not have direct access to public sewer. Each house in this section of Delmar Street has a private lateral that crosses private property or has a septic tank.

Stormwater Improvements

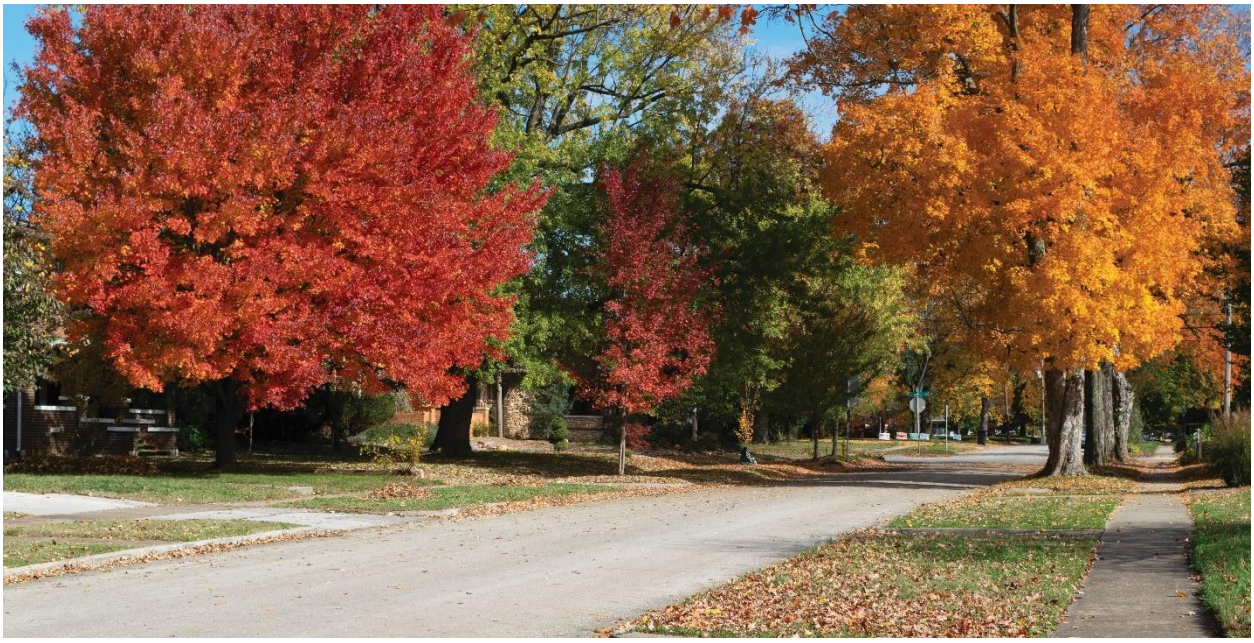
As in older developed areas, the sanitary sewer problems are compounded by the absence of a dedicated stormwater collection system. There are three major stormwater collection and conveyance branches in the Phelps Grove Neighborhood that collect and drain stormwater from the north-northeast to the south. Fassnight Creek is the receiving stream located on the southern boundary of the neighborhood. As part of the 1996 Agreement between the City and MSU, a regional stormwater detention basin was constructed at the southwest corner of National Avenue and Grand Street to help alleviate the flooding residents within Phelps Grove were experiencing.

The City of Springfield Stormwater Services Division of Public Works prioritizes stormwater improvements for the entire city. Several storm water projects have been identified in the Phelps Grove Neighborhood. These projects would involve installation of new inlets and underground pipes to address flooding in the streets and on private property.

Fassnight Creek Floodplain



While Fassnight Creek is an important part of the area stormwater management system, it is also a federally regulated floodplain. Up until recent studies, the Fassnight Creek Floodplain terminated at South Campbell Avenue. The Federal Emergency Management Agency (FEMA) released preliminary revised floodplain panels for the entire city of Springfield. One of the areas that has been remapped, following years of study, is the extension of the Fassnight Creek Floodplain east to National Avenue. The expansion of the special flood hazard area further east has impacts to numerous properties including the Springfield Art Museum. Given the timing of the release of the preliminary revised floodplain panels, the Art Museum accounted for the proposed change and has accommodated it through design and preservation, incorporating the floodway and floodplain as a natural area and amenity to the site.



Phelps Grove - Urban Conservation District Plan

Some of the recommended goals and actions in this *Plan* require an amendment to the Urban Conservation District for implementation. The following is a historic timeline and summary of the existing UCD and actions necessary to amend the UCD.

1997 Phelps Grove Urban Conservation District Plan

- Initiation of the Phelps Grove UCD, August 16, 1993

- Adoption of the Phelps Grove UCD, March 3, 1997

- Issues identified in 1997 that warranted the creation of the UCD:

    - Expansion of MSU into the neighborhood
    - Deteriorated housing
    - Stormwater flooding
    - Conflicts between renters and permanent residents
    - Cut-through traffic and traffic accessing the SMSU commuter parking lots
    - Enforcement of existing ordinances
    - Communication between renters and permanent residents and between property owners, residents, the City, and SMSU

2019 Phelps Grove Urban Conservation District Plan

- Adoption of Resolution initiating an amendment to the Phelps Grove UCD, January 14, 2019

- Issues identified that warrant evaluation and expansion of the regulations included in the UCD, 2019

    - Enforcement of existing ordinances
    - Overcrowding of structures
    - Demolition of homes
    - Excessive coverage of land by structures that do not conform to the neighborhood fabric

The Zoning Ordinance establishes criteria which must be met before an area is considered for UCD designation. In this case, the following criteria that should be considered to amend and expand the UCD regulations:

> *"The area is not yet blighted or insanitary but is or may become detrimental to the public safety, health, morals or welfare because of a combination of any of the following factors: Dilapidation, obsolescence, deterioration, illegal use of structures; illegal conversion of residential structures; presence of structures below minimum code standards; abandonment, excessive vacancies, overcrowding of structures; overcrowding or excessive burdens on community facilities, lack of ventilation, light or sanitary facilities in structures, particularly residential structures, inadequate utilities, excessive land coverage, deleterious land use or layout, and depreciation of physical maintenance. Such an area shall be a conservation area." (Section 36-403(6)(d)3)*

The Phelps Grove neighborhood meets this criteria in the following ways:

1. The Zoning Ordinance allows up to three unrelated individuals to occupy a dwelling unit. Overcrowding of single-family structures by more than 3 unrelated people has been an on-going concern in the Phelps Grove Neighborhood, where there were 16 complaints for suspected overcrowding filed with the City during 2008, 2013 and 2018, the three years studied. While the burden of proof is difficult to verify, the side-affects are evident in that excessive parking congestion, increased traffic, speeding, and peace disturbances have affected the stability of this historic established neighborhood. Anecdotal feedback from neighborhood residents, via polls and surveys, is supported by significant rates of decline of owner-occupancy, as well as property values, when compared to portions of the neighborhood further west with similar size homes of comparable architecture. The conditions that have evolved in

the neighborhood over the course of the last 20 plus years creates an environment that is unfavorable to non-student tenants and families.

2. Increased demand for rental property in the eastern portion of the neighborhood have created a frenzy of investors to target homes situated on multiple, narrow, 25-foot wide lots, and demolish them to construct multiple homes on these narrow lots. Homes constructed and proposed in this fashion are incompatible with neighboring structures in height, setback, width, and general architecture.

The City's Zoning Ordinance indicates the purpose of an urban conservation plan, which this *Plan* serves as, and district are:

- To maintain neighborhood character and integrity by focusing special attention on the maintenance of the physical environment; the enhancement of physical, social and economic resources and the accommodation of desirable change
- To promote the efficient use of urban lands, including the encouragement of compatible infill development on vacant and passed-over parcels
- To foster harmonious, orderly and efficient growth, development and redevelopment
- To aid in the prevention or elimination of slums or blight

This Neighborhood Plan and Urban Conservation District Plan are in conformance with the City's *Growth Management and Land Use Plan* which provides guidance for the preservation of established neighborhoods in the city and offers the following recommended action "*continue to provide zoning districts that allow and encourage infill housing that is compatible with neighboring structures in height, setback, lot width, front door orientation, and general architecture, particularly in older neighborhoods.*"

This *Plan* contains the following Goals and Actions, discussed further in the *Plan*, specifically aimed at addressing the issues that warrant modification of the Neighborhood Plan and UCD:

- Maintain and improve the single-family character of the Phelps Grove Neighborhood
    - Pilot projects aimed at encouraging proper maintenance of homes
- Preserve the existing housing stock
    - Minimum lot width for development/redevelopment of non-conforming lots
    - Residential infill and rehabilitation guidelines

Vision, Goals and Actions

The Vision, Goals and Actions for the Phelps Grove Neighborhood set forth the aspirations of the neighborhood and its residents. Throughout the process, the City worked closely with the neighborhood residents, property owners and stakeholders to articulate the neighborhoods' long-term vision for on-going and future neighborhood stabilization and preservation. In this section, a series of goals are presented, which identify the key development, programming and policy priorities for the neighborhood. The goals contained in the original neighborhood plan, except for two, are carried forward in this document creating a common thread between the original plan and this plan document. Each goal is accompanied by an action or action(s) which outline the strategies for implementation of the stated goals. The goals and actions work together to help the neighborhood achieve its vision. The actions should be viewed as a guide for implementation of the *Plan* goals should new opportunities arise or funding realities change.

Vision Statement: *The Phelps Grove Neighborhood will continue to be a vibrant, historic and quaint neighborhood in the heart of the city with a focus on protecting and enhancing the single-family character and architectural charm of the neighborhood.*

Goal 1: Maintain and improve the single-family character of the Phelps Grove Neighborhood

Intent: One of the fundamental tenants of the *Plan* and the UCD is to preserve the single-family housing and neighborhood character. The desire to maintain the character of the neighborhood was voiced at the neighborhood public planning workshop and was re-affirmed in the neighborhood survey where the single-family nature of the neighborhood and the historic architecture and/or character were rated as the top two things respondents liked most about the Phelps Grove Neighborhood.

The Phelps Grove Neighborhood Association participates in the City's Neighborhood Teams Program targeting enforcement on code violations in the neighborhood. Participation in this program helps the City to identify where the problems are within the neighborhood and targets enforcement and resources in those areas. The Neighborhood Association should continue to participate in the Teams Program and be proactive in participating in other programs/efforts aimed at discouraging overcrowding and other nuisances.

Rental Registration was recently adopted city-wide; however, it has been required in the Phelps Grove Neighborhood since 1993 when the City Code was amended to require the registration of rental properties within specially designated neighborhood areas including the Phelps Grove and Rountree neighborhoods. The requirements within these two neighborhoods exceed those city-wide. The neighborhood and City should be proactive in reporting concerns and enforcement of these regulations.

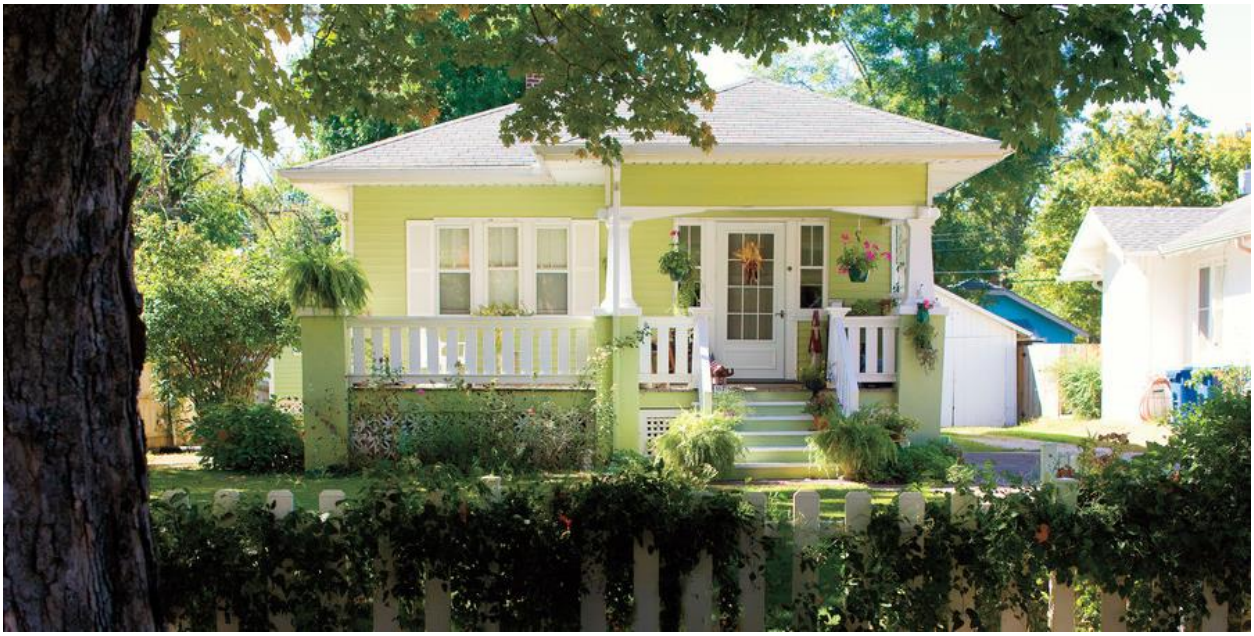


Photo Credit: Charles Walton IV for Southern Living

There are several homes in the Phelps Grove Neighborhood study area that may have historical or architectural significance to Springfield. Several Phelps Grove residents have voiced interest in creating a historic district within the Phelps Grove Neighborhood. The neighborhood would need to serve as a catalyst to initiate the process for designation.

Action 1.1 The residents of the Phelps Grove Neighborhood should continue to actively participate in the Neighborhood Teams Program and be proactive in a variety of programs and efforts aimed at discouraging overcrowding and nuisance violations.

Action 1.2 The residents of the Phelps Grove Neighborhood should work with the City to participate in pilot projects aimed at encouraging proper maintenance of homes and property and to discourage activities and behavior detrimental to the peace and harmony of the Phelps Grove Neighborhood.

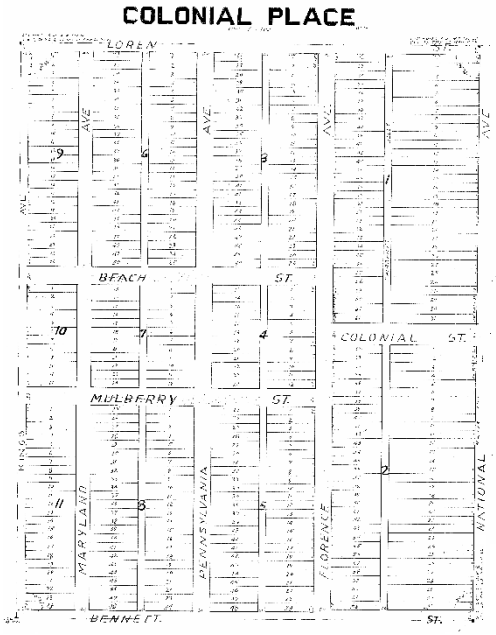
Action 1.3 The residents of the Phelps Grove Neighborhood should investigate and determine if there is interest and support for designation of a local historic district for properties and places in the neighborhood, not already designated.

Goal 2: Preserve the existing housing stock

Intent: As with the original *Phelps Grove Neighborhood Plan*, a primary focus of this *Plan* is to preserve the existing housing stock and the character of the neighborhood. This can best be accomplished by establishing a process to guide residential infill and rehabilitation. The desire to maintain the character of the neighborhood was voiced at the neighborhood public planning workshop and was re-affirmed in the neighborhood survey where the single-family nature of the neighborhood and the historic architecture and/or character were rated as the top two things respondents liked most about the Phelps Grove Neighborhood. The recommendation for residential infill and rehabilitation development regulations was also strongly supported by attendees at the two neighborhood open houses. The neighborhood has expressed interest in tree preservation on public and private property.

Development regulations can include a tree preservation component so that when a property is developed or redeveloped there is a requirement to preserve existing trees on the site or replace existing trees with a certain size caliper planting if preservation is not possible.

The Colonial Place Subdivision, bounded by Loren Street on the north, National Avenue on the east, Bennett Street on the south and Kings Avenue on the west, was platted in 1909 with twenty-five (25) foot wide lots. Over the years, homes were constructed on two or more lots resulting in a development pattern characteristic of the rest of the neighborhood. Because the lots were platted as twenty-five (25) foot wide lots and most of the lots have not been formally combined even though they are under joint ownership with adjacent lots, the City still recognizes the lots as individual lots for development under the non-conforming (grandfathered) lot of record provision. In the past several years, three homes have been constructed on these lots along Florence Avenue and additional developments have been proposed which would result in narrow homes on individual 25-foot wide lots. Development such as this results in density levels nearly twice what is generally permitted in the R-SF, Single-Family Residential District and homes that are out of scale with the rest of the neighborhood. The *Growth Management and Land Use Plan* element of the City's *Comprehensive Plan* states that to maintain and strengthen the character of residential areas within the city, we must ensure that infill development standards reflect the setbacks, orientation, rhythm, height and scale of surrounding homes. An amendment to the UCD to establish a minimum lot width for non-conforming (grandfathered) lots will ensure that owners are able to utilize their properties while ensuring that further development reflects the scale and character of the neighborhood.



Action 2.1 Establish a forty (40) foot minimum lot width requirement for development or redevelopment of existing non-conforming (grandfathered) lots of record within the Phelps Grove UCD.

Action 2.2 Establish infill and rehabilitation regulations for all new construction, exterior remodel and rehabilitation of residential properties in the Phelps Grove UCD.

Goal 3: Provide for the review and completion of the Cooperative Agreement between the City and Missouri State University

Intent: The growth of the MSU campus over the years has generated pressures for change in the neighborhoods surrounding the campus including Phelps Grove. MSU has over 24,000 students enrolled in the Springfield campus and enrollment has increased by over 4,000 students over the last decade. This *Plan* contains goals and actions aimed at mitigating the impact of student housing within the neighborhood. The Phelps Grove Neighborhood Association does not support any expansion of the campus for MSU south into the neighborhood beyond the existing MSU owned property on the south side of Grand Street and MSU does not have plans for further expansion into the neighborhood. Despite the sometimes-tenuous relationship the neighborhood has with MSU, the proximity of the campus has some positive impacts on the neighborhood as well. The 1996 Cooperative Agreement between the City and MSU contained several improvements that MSU and/or the City were tasked with completing. Most of the improvements in the agreement have been completed, however there are a few that are still outstanding. Given the Cooperative Agreement is over 20 years old, it is recommended that the City and MSU review the agreement in cooperation with MSU's Long-Range Plan 2016-2021 Visioning Guide to pursue completion of the identified actions and improvements.

48% of respondents to the neighborhood survey agreed or strongly agreed that the proximity of MSU and related activities have a positive effect on the quality of life in the Phelps Grove Neighborhood.

Action 3.1 The City and MSU should review the 1996 Cooperative Agreement in cooperation with MSU's Long-Range Plan 2016-2021 Visioning Guide and pursue completion of the identified actions and improvements.

Goal 4: Provide for appropriate public improvements in the Phelps Grove Neighborhood

Intent: Adequate public infrastructure is important to the vitality of any neighborhood and continues to be a priority for Phelps Grove as it was in the original Neighborhood Plan adopted in 1997. Sidewalks within a neighborhood are important to connect people and places and are a critical component of creating neighborhood character and improving the quality of life. The importance of filling in sidewalk gaps and maintaining existing sidewalks is important to the walkability of the Phelps Grove Neighborhood which is one of the characteristics most loved about the area. Respondents to the neighborhood-wide survey indicated that an expanded sidewalk network and trail connections were their top choice in factors that would increase their desire to walk/bicycle in the neighborhood followed by improved lighting and traffic calming measures.

Stormwater improvements were mentioned as the top capital improvement project neighborhood residents would most like to see in the neighborhood-wide survey, followed by burying overhead utilities and traffic calming and other measures to reduce cut-through traffic in the neighborhood.

The neighborhood has identified the need for increased or more effective street lighting in the neighborhood, especially along alleys where certain areas of the neighborhood are rather dark creating concerns for safety and security. If there are gaps in the existing street lighting system a service request can be submitted, and additional lighting may be installed if the spacing meets City Utilities standards.

Many of the capital improvements identified by the neighborhood, such as buried utilities and traffic calming, likely cannot be met with the current funding demands throughout the city. An option to fund some of these improvements that are important to the neighborhood could be accomplished through the creation of a special taxing district called a Community Improvement District (CID). The creation of this type of district should be pursued at the neighborhood level with support from the City and other agencies that would be impacted.

Action 4.1 The Phelps Grove Neighborhood Association should apply for small-scale funding opportunities through the Public Works Department for key sidewalk connections and traffic calming improvements.

Action 4.2 The residents of the Phelps Grove Neighborhood should be vigilant about monitoring and reporting street light outages and pursuing installation of new street lights in dark areas in the neighborhood and around the park via the City's Citizen Resource Center.

Action 4.3 The residents of the Phelps Grove Neighborhood should be vigilant about reporting flood activities and infiltration of public sewer with stormwater to the City's Environmental Services Department via the City's Citizen Resource Center.

Action 4.4 The residents of the Phelps Grove Neighborhood should investigate and determine if there is interest and support to initiate the creation of a community improvement district (CID) to fund public improvements beyond those routinely made by the City or City Utilities.

Goal 5: Minimize the impact of commuter traffic within the Phelps Grove Neighborhood

Intent: While commuter parking is not allowed on the streets within the Phelps Grove Neighborhood, the commuter parking lots on the south side of Grand Street can be accessed through the neighborhood. In addition, speeding and cut-through traffic was identified as a concern in the neighborhood. When asked if the Phelps Grove Parking District is effective as it exists today and if it needed to be expanded further into the neighborhood, respondents to the neighborhood-wide survey were primarily neutral. Attendees at the first

neighborhood open house indicated by a small margin that they believed the Parking District needed to be modified and a larger percentage indicated that better enforcement of the existing regulations were needed.

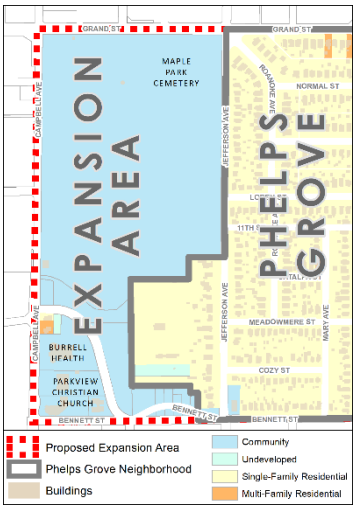
Action 5.1 The residents of the Phelps Grove Neighborhood should continue to be vigilant about reporting violations of the Phelps Grove Parking Districts to the City's Police Department via the City's Citizen Resource Center

Action 5.2 The residents of the Phelps Grove Neighborhood should investigate and determine if there is interest and support to initiate amendments to the Phelps Grove Parking Districts.

Goal 6: Encourage open communication between all residents and property owners in the Phelps Grove neighborhood and between the City, Missouri State University and the Neighborhood

Intent: Communication within the neighborhood between residents and property owners is key to a strong and vibrant neighborhood. In addition, the relationship between the Phelps Grove Neighborhood and MSU necessitates on-going and open communication. Representatives of the Phelps Grove Neighborhood Association, MSU and the City meet quarterly to discuss on-going issues and concerns, but also to be proactive in sharing information about upcoming activities or events.

The City identifies the Phelps Grove/University Heights Neighborhood Service Area as the area bounded by Grand Street on the north, Sunshine Street on the South, National Avenue on the east and Campbell Avenue on the west. The City uses the Neighborhood Service Areas for neighborhood planning as well as the identified area to receive benefit of the City's funding and resources. The current boundaries of the Phelps Grove Neighborhood Association are just west of Jefferson Avenue and do not include the cemetery or additional property to the south of the cemetery west to Campbell Avenue. The University Heights Neighborhood Association recently became active again and expanded their boundaries west to Campbell Avenue. Staff recommends the boundaries for the Phelps Grove Neighborhood Association be expanded to include the area to the west to Campbell Avenue to match the boundaries of the Neighborhood Service Area and to be consistent with the boundaries for the University Heights Neighborhood Association.



Action 6.1 The residents of the Phelps Grove Neighborhood should continue to meet routinely with the City and MSU to discuss on-going neighborhood/campus issues and to be proactive in sharing information about upcoming events or activities in the neighborhood and on campus.

Action 6.2 The Phelps Grove Neighborhood Association should enact an amendment to their bylaws to expand their neighborhood boundaries west to Campbell Avenue to better align with the City's neighborhood service area boundaries.

Goal 7: Development along the edges of the Phelps Grove Neighborhood should be sensitive to the single-family residential character of the neighborhood

Intent: Three of the Phelps Grove Neighborhood edges are primary arterial roadways; National and Jefferson Avenues and Grand Street. In addition, Kimbrough Avenue, a secondary arterial roadway, divides the western third of the neighborhood from the rest providing great access to downtown Springfield, the neighborhood, and area amenities.

Thriving neighborhoods are a collection of different housing types, parks, personal service and retail stores, churches and pedestrian-friendly infrastructure that are well connected via an interconnected street network of local and arterial roadways. Neighborhoods that offer small, walkable, neighborhood-scale businesses are growing in popularity. The demand for a variety of housing types with greater densities is also increasing. Smaller households for students and campus faculty makes the Phelps Grove Neighborhood an ideal location for redevelopment and investment. During the neighborhood workshop conducted on October 29, 2018, several residents expressed support for neighborhood commercial development along Grand Street and at the corner of Bennett Street and National Avenue, as well as other locations in the neighborhood. When asked where redevelopment should be targeted, neighborhood participants were reluctant to support higher density projects; not internally or around the neighborhood's periphery. While it isn't surprising that there is not any real support for redevelopment, redevelopment pressure is occurring in the Phelps Grove Neighborhood, accelerated by the neighborhood's adjacency to MSU, Phelps Grove Park, and other regional destinations. Extension and development of the Fassnight Creek Greenway and the improvements planned for the Springfield Art Museum will also have a major impact on the Phelps Grove Neighborhood, the park, and those properties and areas adjacent to the Museum and greenway. It is likely that demand for new and diverse housing opportunities will increase, and not just for student housing given the popularity of the area and the changing demographics of the neighborhood.

Given the increased demand and pressure on existing home-owners to sell, the already low owner-occupancy rates on the neighborhood's periphery, as well as the city-wide dependency on both Grand Street and National Avenue as major transit routes, makes these areas the logical choice for more intense land uses beyond single-family. Identifying the right mix, density and design will require further study of these corridors before land use recommendations can be made to support more intense land uses. The development of the City's new *Comprehensive Plan* will study and provide more targeted recommendations on redevelopment opportunities like this, as well as the need for traffic improvements to support them.

National Avenue is classified as a primary arterial – connecting commercial, residential, and major employers across the city, and has been identified as a significant public transit corridor. The creation of a transit-oriented district (TOD) will likely be a topic of consideration as the City updates the *Comprehensive Plan*. City Planning staff anticipates redevelopment pressure along this portion of National Avenue to occur in the coming years. As requests for redevelopment occur, the City will continue to support limited driveway access to National Avenue, require street and sidewalk improvements to be made to internal streets, like Green Avenue, and will evaluate the need for targeted traffic calming measures to discourage cut-through traffic. Given the far-reaching implications and city-wide dependency on National Avenue as a significant public transit corridor, further study of this area and the entire National Avenue corridor will be undertaken during the development of the City's *Comprehensive Plan*, in the interim, redevelopment proposals for more intense land uses and higher densities will not be supported.

Action 7.1 The City should discourage redevelopment proposals for commercial, mixed uses, and higher density housing projects within the neighborhood and on the neighborhood fringes and defer recommendations and guidance until the City's *Comprehensive Plan* has been updated.

PHELPS GROVE

58% of respondents to the Open House poll, did not support neighborhood-scale commercial development along the fringes of the

Goal 8: Promote the natural and cultural assets of the Phelps Grove neighborhood

Intent: Both Phelps Grove Park and the Springfield Art Museum are positive influences in the neighborhood. The Phelps Grove Neighborhood Association has established a good relationship with both, partnering with the Springfield Art Museum on neighborhood events and with the Springfield-Greene County Parks Board on improvements to Phelps Grove Park through the Neighborhood Works program, and with MSU during student move-in/move-out events, as well as neighborhood clean-up events and game days.

During the public planning process, residents within Phelps Grove identified the Springfield Art Museum and Phelps Grove Park as locations of significant interest in the neighborhood. These amenities are loved by the property owners and residents within the neighborhood and as such there is a shared interest in the continued success of both.

With the Springfield Art Museum's recent Master Planning process, the Neighborhood can be a strong advocate for the implementation of the plan and continue to partner with them on events and activities within the neighborhood.

During this planning process, participants noted things they would like to improve within the Park ranging from the provision of additional trash/pet waste receptacles to expanded community activities such as a farmer's market or food trucks. The residents of the Phelps Grove Neighborhood should work with the Park Board to determine if additional facilities and/or programming within the Park is feasible.

One of the characteristics Phelps Grove owners and residents cherish about their neighborhood is the existing tree canopy. The recent clearing of large, mature trees on lots for development has highlighted the neighborhood's desire to preserve and protect the existing trees and provide for replacement when trees must be removed. The residential infill and rehabilitation regulations recommended in Action 2.2 could include a tree preservation component so that when property is developed or redeveloped there is a requirement to preserve existing trees on the site or replace existing trees with a certain size caliper planting if preservation is not possible. The neighborhood could also work with the City through the NeighborWoods Program to maintain and grow the neighborhood's public street tree canopy. MSU should be vigilant about maintaining and replacing the landscaped buffer area between the parking lots on Grand Street and the neighborhood.

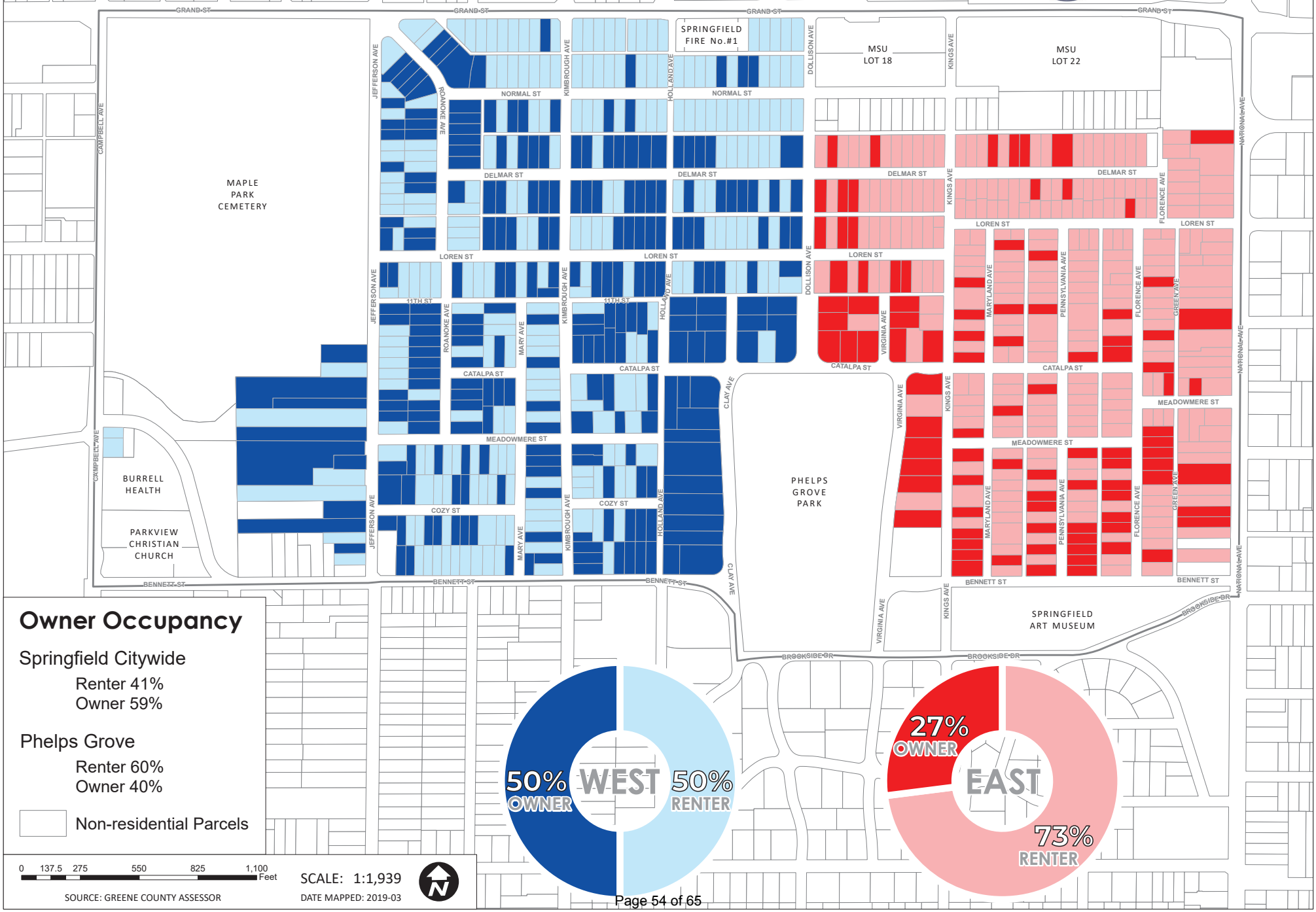
Action 8.1 The Phelps Grove Neighborhood Association should continue to support activities and advocate for the Art Museum's Master Plan implementation and encourage museum / neighborhood relations.

Action 8.2 The Phelps Grove Neighborhood Association should continue to maintain open lines of communication and good relations with the Springfield Greene County Park Board to ensure the park is sufficiently maintained.

Action 8.3 The residents of the Phelps Grove Neighborhood should pursue efforts to preserve trees in the neighborhood on public and private property.

Appendices

Owner Occupancy *in* Phelps Grove



Owner Occupancy

Springfield Citywide

Renter 41%
Owner 59%

Phelps Grove

Renter 60%
Owner 40%

Non-residential Parcels

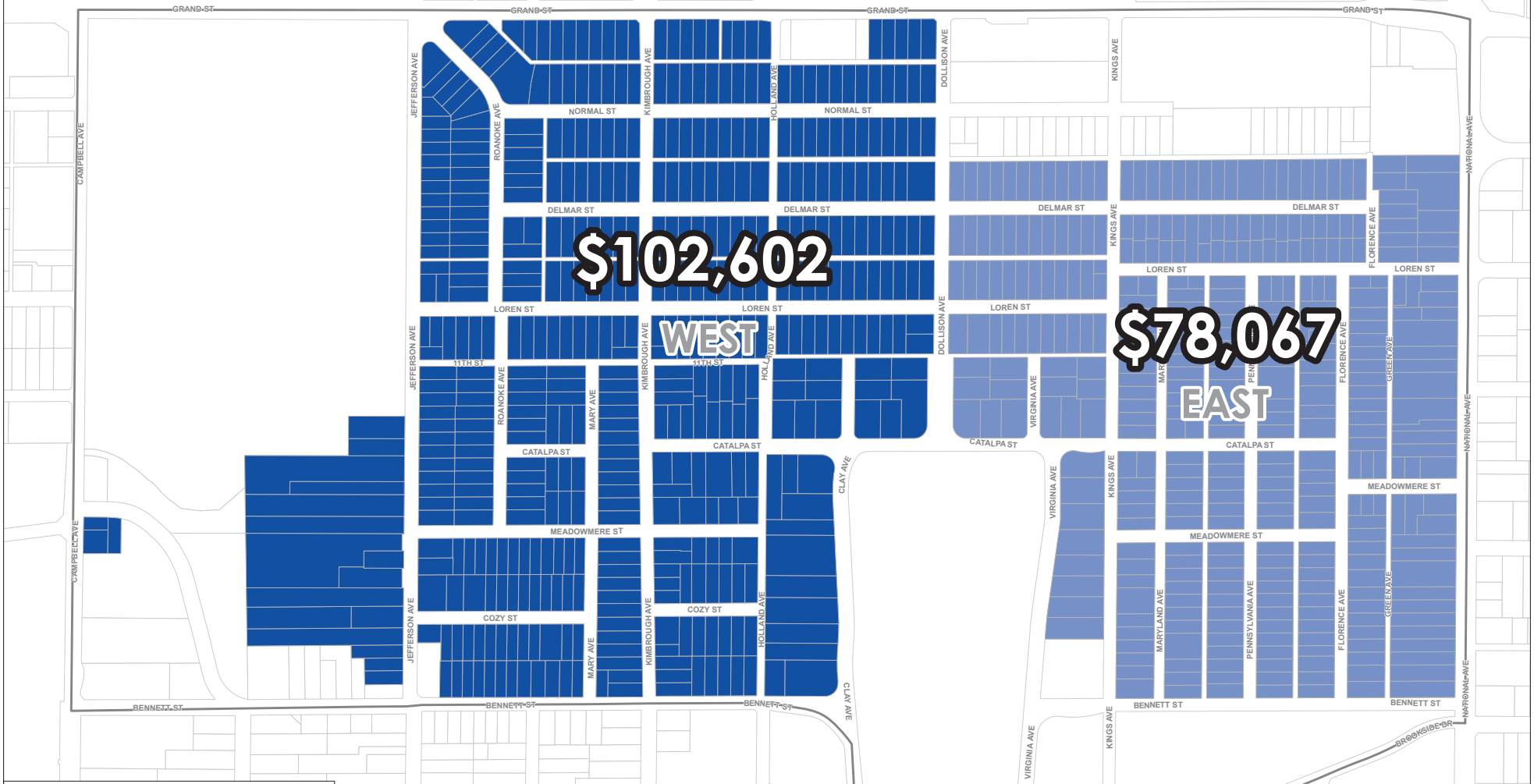
0 137.5 275 550 825 1,100 Feet

SCALE: 1:1,939

SOURCE: GREENE COUNTY ASSESSOR

DATE MAPPED: 2019-03

Appraised Property Values *in* Phelps Grove



Mean Appraised Value

Entire Neighborhood Mean: $91,960

- East Study Area
- West Study Area
- Exempt Parcels

0 100 200 400 600 800 Feet

SCALE: 1:1,900

SOURCE: GREENE COUNTY ASSESSOR

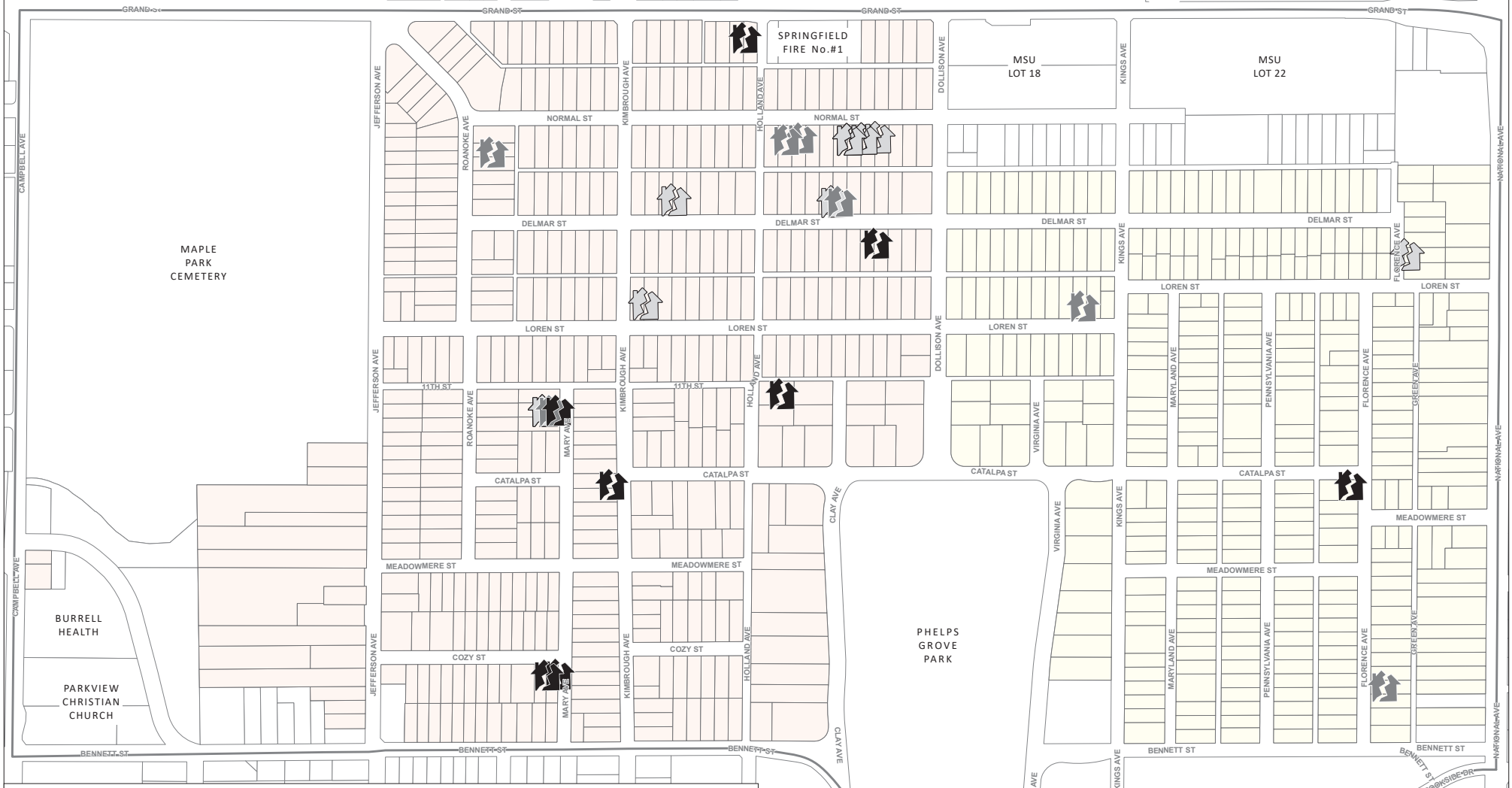
DATE MAPPED: 2019-03

The office of the Greene County Assessor appraises all tangible personal and business property. These appraisals include all taxable land and buildings. The Assessor's office uses these property appraisals to determine an assessed taxable value. The total property assessed value is 19% of the total property appraised value. This map compares the total appraised property values, as averaged across the two neighborhood study areas.

PHELPS GROVE NEIGHBORHOOD

CITY OF Springfield PLANNING & DEVELOPMENT

Dangerous Building Complaints *in* Phelps Grove



Dangerous Building Complaints (32 Total)

- 2018 (11 Complaints)
- 2013 (8 Complaints)
- 2008 (13 Complaints)
- Non-residential Parcels
- East Study Area (4 Complaints)
- West Study Area (28 Complaints)
- Renter Occupied (26 Complaints)
- Owner Occupied (6 Complaints)

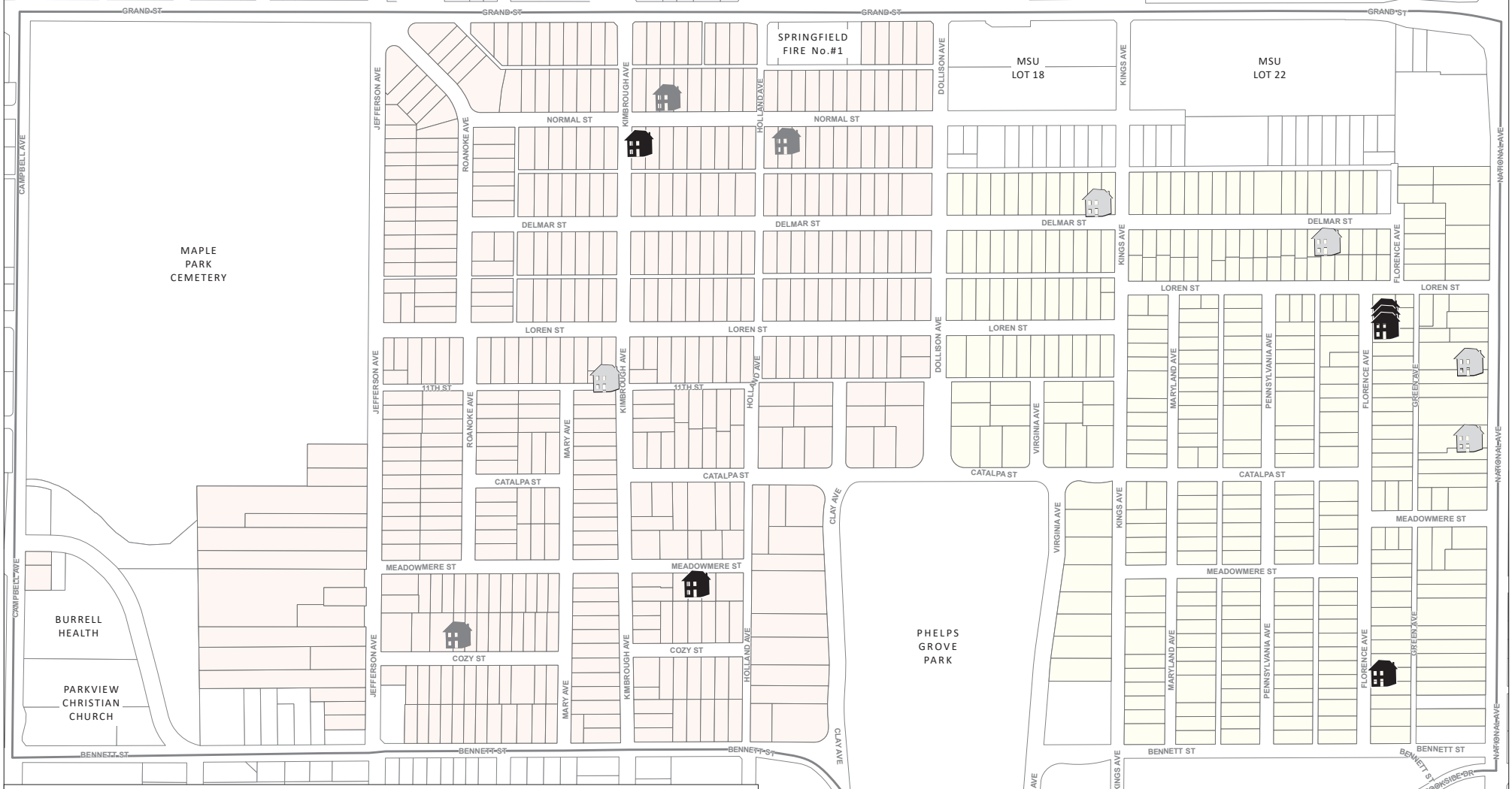
SOURCE: CITY OF SPRINGFIELD
CITIZEN RESOURCE CENTER

SCALE: 1:1,720
DATE MAPPED: 2019-03

Dangerous Buildings are identified as those that are open to the elements. This can include missing doors or windows, openings in the foundation or the attic, and structural degradation issues such as a roof with missing shingles.

CITY OF Springfield PLANNING & DEVELOPMENT

Overcrowding Complaints *in* Phelps Grove



Overcrowding Complaints (16 Total)

- 2018 (6 Complaints)
- 2013 (4 Complaints)
- 2008 (6 Complaints)
- Non-residential Parcels
- East Study Area (9 Complaints)
- West Study Area (7 Complaints)
- Renter Occupied (15 Complaints)
- Owner Occupied (1 Complaints)

SOURCE: CITY OF SPRINGFIELD
CITIZEN RESOURCE CENTER

SCALE: 1:1,720
DATE MAPPED: 2019-03

Overcrowding occurs when a property has more than three unrelated persons living as a single housekeeping unit. In R-LD, R-MD, R-HD, and non-residential districts, overcrowding occurs when there are more than four unrelated persons.

CITY OF Springfield PLANNING & DEVELOPMENT

Trash Complaints *in* Phelps Grove

Trash Complaints (173 Total)

- 2018 (58 Complaints)
- 2013 (33 Complaints)
- 2008 (82 Complaints)
- Non-residential Parcels
- East Study Area (92 Complaints)
- West Study Area (81 Complaints)
- Renter Occupied (154 Complaints)
- Owner Occupied (19 Complaints)

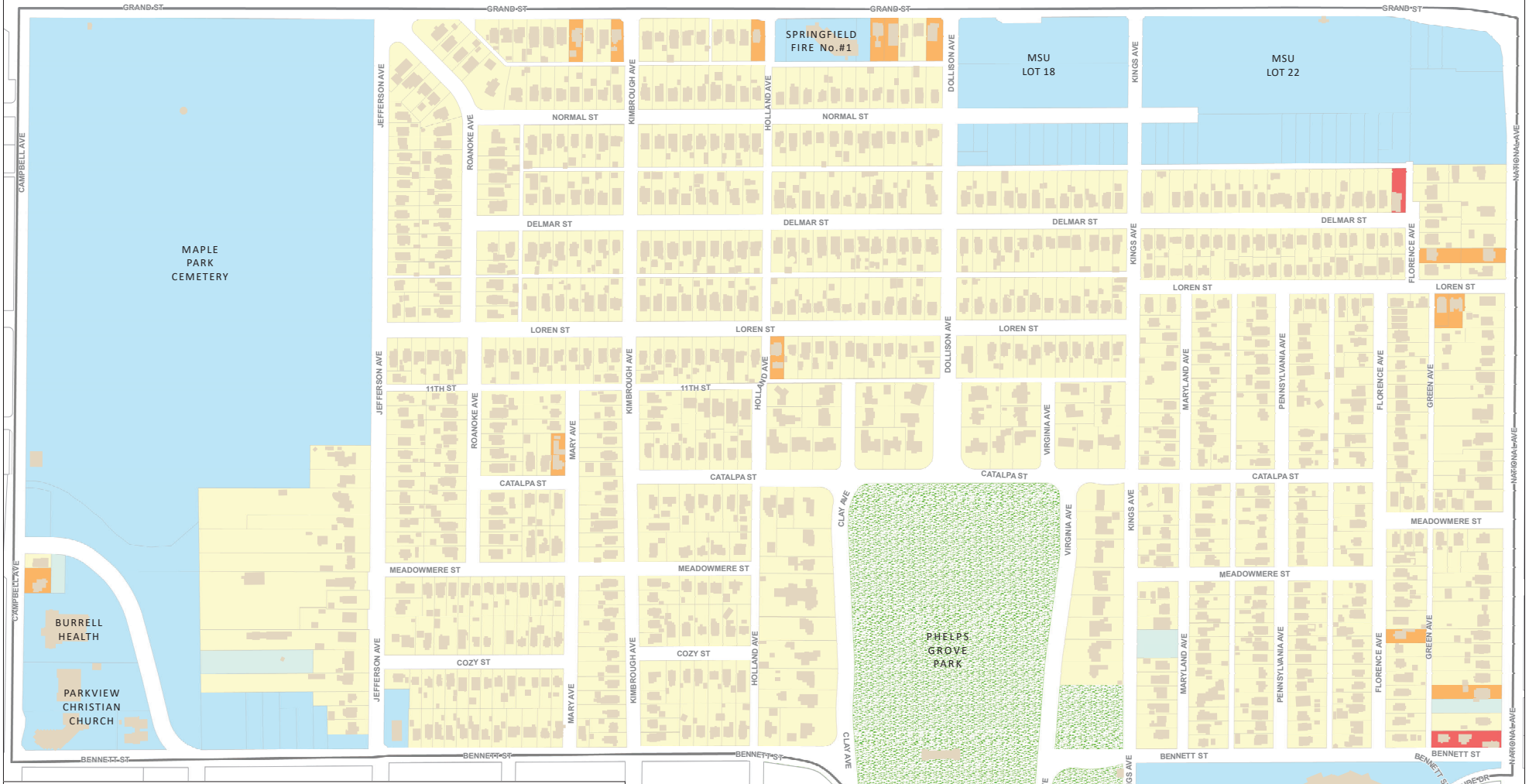
SOURCE: CITY OF SPRINGFIELD
CITIZEN RESOURCE CENTER

SCALE: 1:1,720
DATE MAPPED: 2019-03

Trash complaints include properties where trash bins are left in front of the front-facing façade of the home, as well as properties where any accumulation of trash is visible anywhere on the property from the public right of way.

CITY OF Springfield PLANNING & DEVELOPMENT

Land Use in Phelps Grove



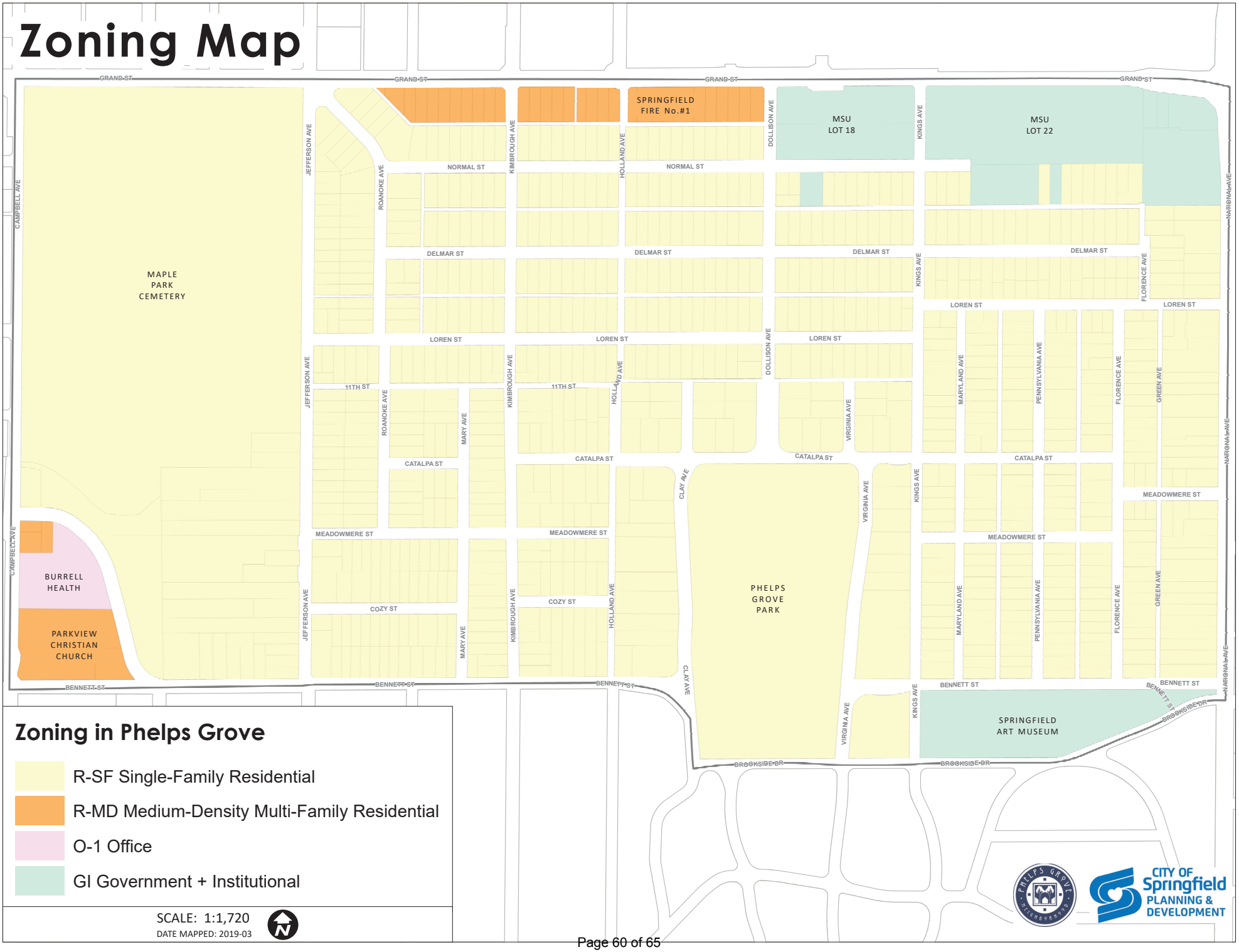
Land Use in Phelps Grove

- Single-Family Residential
- Multi-Family Residential
- Commercial
- Community
- Undeveloped
- Buildings
- Parks

SOURCE: CITY OF SPRINGFIELD
SCALE: 1:1,720
DATE MAPPED: 2019-03

CITY OF Springfield PLANNING & DEVELOPMENT

Zoning Map



Zoning in Phelps Grove

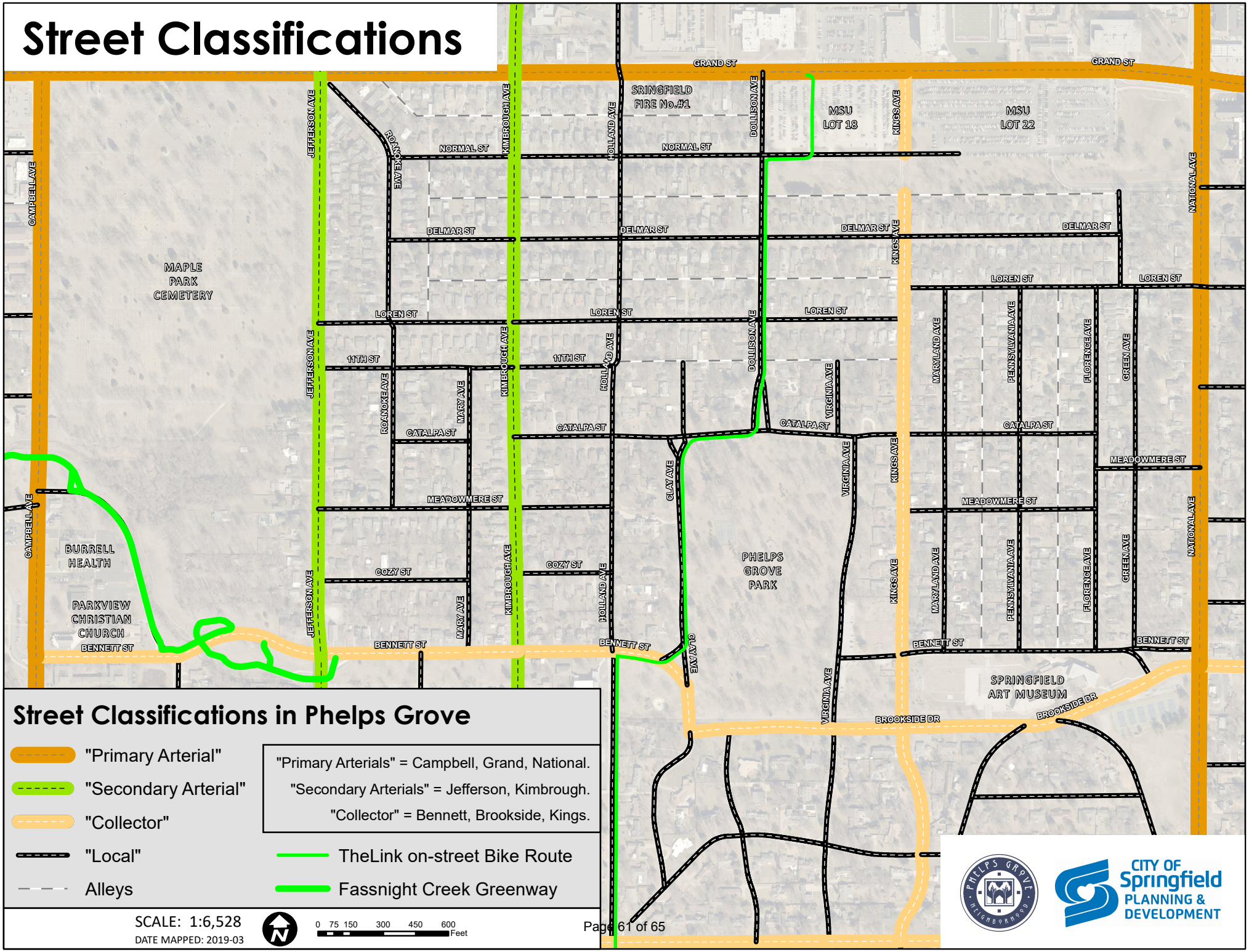
- R-SF Single-Family Residential
- R-MD Medium-Density Multi-Family Residential
- O-1 Office
- GI Government + Institutional

SCALE: 1:1,720

DATE MAPPED: 2019-03

CITY OF Springfield PLANNING & DEVELOPMENT

Street Classifications



Street Classifications in Phelps Grove

- "Primary Arterial"
- "Secondary Arterial"
- "Collector"
- "Local"
- Alleys
- TheLink on-street Bike Route
- Fassnight Creek Greenway

"Primary Arterials" = Campbell, Grand, National.
"Secondary Arterials" = Jefferson, Kimbrough.
"Collector" = Bennett, Brookside, Kings.

Floodplains: FEMA 2019

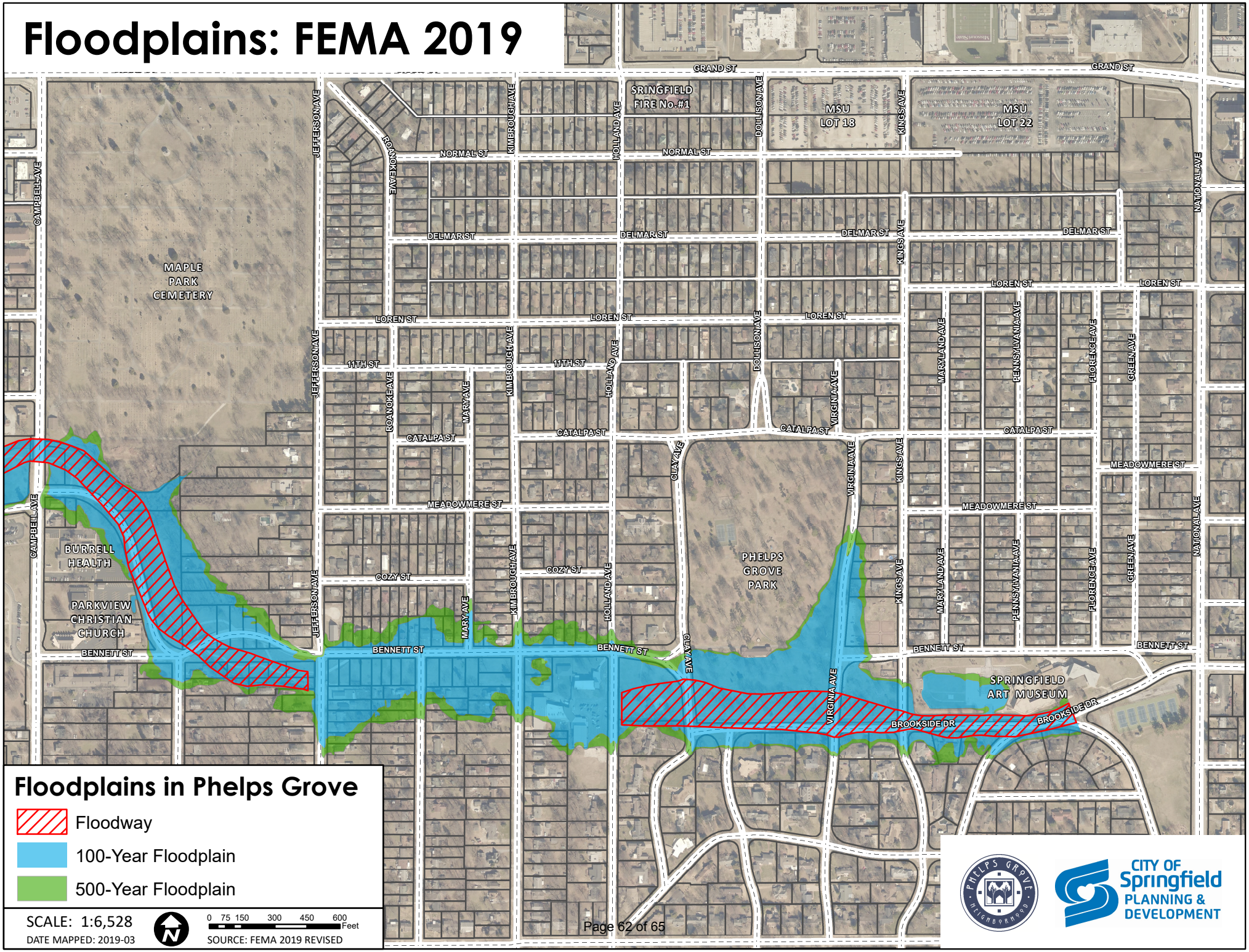
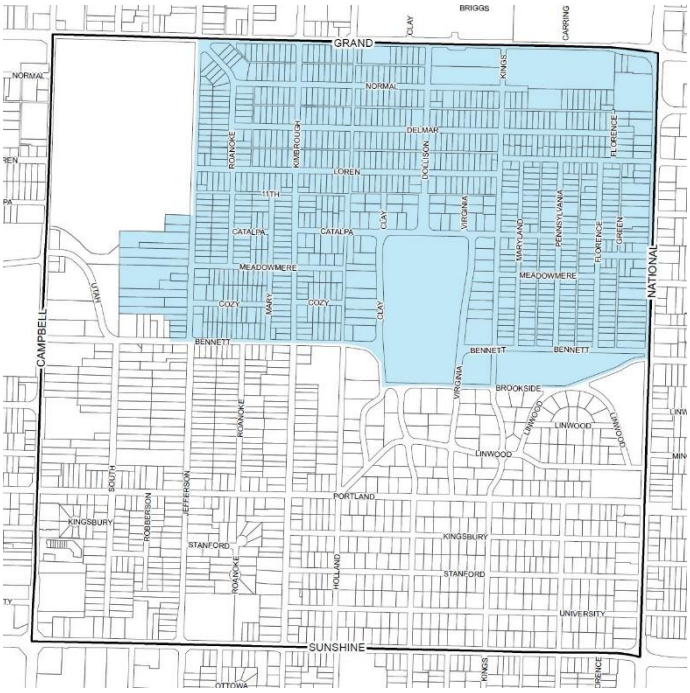


Exhibit 2

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 28, 2019
CITY COUNCIL PUBLIC HEARING:	APRIL 8, 2019



CASE:
Phelps Grove Neighborhood Plan

STAFF:
Alana Owen, 864-1831

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
To adopt the Phelps Grove Neighborhood Plan as an element of the City's Comprehensive Plan

BACKGROUND

The Phelps Grove Neighborhood is located in central Springfield just south of the Missouri State University (MSU) campus and within minutes of downtown. Phelps Grove is bounded by Grand Street on the north, National Avenue on the east, Bennett Street/Brookside Drive on the south and Jefferson Avenue on the west.

The original *Phelps Grove Neighborhood Plan* was adopted by City Council in 1997. The Phelps Grove Urban Conservation District (UCD) was also adopted in 1997 and has been amended one time in 2001. The *Plan* and UCD have not been the subject of a comprehensive analysis since their adoption.

Due primarily to its proximity to MSU, the Phelps Grove Neighborhood has experienced the conversion of single-family homes for student housing including the demolition of homes and replacement with structures that are not in character with the neighborhood. The student housing in conjunction with an area of narrowly platted lots are the primary focuses of this *Plan* and recommended modifications to the Phelps Grove UCD.

The following issues were identified as the priority problems when the original plan was adopted in 1997:

- Expansion of Southwest Missouri State University (now MSU) into the neighborhood

- Deteriorated housing
- Stormwater flooding
- Conflicts between renters and permanent residents
- Cut-through traffic and traffic accessing the SMSU commuter parking lots
- Enforcement of existing ordinances
- Communications between renters and permanent residents and between property owners, residents, the City, and SMSU (now MSU)

The *Phelps Grove Neighborhood Plan* and accompanying Urban Conservation District were the driving forces to begin to stabilize the neighborhood and discourage activities that were leading to the negative impacts the neighborhood was experiencing over 20 years ago. Many of the same priorities that were identified in the original *Plan* are still applicable today as the neighborhood residents describe the neighborhood as a "teeter-totter" with declining owner-occupancy rates and on-going concerns with code enforcement relating to overcrowding and preservation of the single-family homes and character of the neighborhood. This *Plan* identifies Goals and Actions aimed at advancing the preservation and enhancement of the neighborhood.

The process to update the *Phelps Grove Neighborhood Plan* began with a neighborhood-wide public planning workshop in October 2018 and was followed by a neighborhood-wide survey and two open houses held in January and February 2019. The public engagement, along with a study of the neighborhood's historical and current data and demographics provides the framework for development of this *Plan*.

ANALYSIS

As with the original 1997 neighborhood plan, this updated *Plan* outlines the key topics and areas of concern identified during the planning process and serves as the primary resource and point of guidance for neighborhood residents and leaders, property owners, investors, and public officials to make informed decisions. The *Phelps Grove Neighborhood Plan* sets forth the goals and recommended actions the Phelps Grove Neighborhood will work toward in the coming years. Each goal has a recommended action or action(s) associated with the goal to outline the steps needed to move in the direction of realizing that goal. Responsibility for the implementation of the recommended actions contained in this plan are the shared responsibility of the City or other agency and the neighborhood. While the primary responsibility for administering programs to address and impact policy and regulatory guidelines rests with City staff to take forward to Planning and Zoning Commission and City Council, other actions will rely on the neighborhood to initiate and carry forward with support from residents and owners.

Some of the key recommendations in the *Phelps Grove Neighborhood Plan* are:

- Establish a forty (40) foot minimum lot width requirement for development or redevelopment of existing non-conforming (grandfathered) lots within the Phelps Grove Urban Conservation District through an amendment to the UCD
- Establish infill and rehabilitation regulations for all new construction, exterior remodel and rehabilitation of residential properties in the Phelps Grove Urban Conservation District through an amendment to the UCD
- The City and Missouri State University should review the 1996 Cooperative Agreement in cooperation with MSU's Long-Range Plan 2016-2021 Visioning Guide and pursue completion of the identified actions and improvements
- The City should discourage redevelopment proposals for commercial, mixed-uses, and higher density housing projects within the neighborhood and on the neighborhood fringes and defer recommendations and guidance until the City's Comprehensive Plan has been updated
- The residents of the Phelps Grove Neighborhood should investigate and determine if there is interest and support for designation of a local neighborhood historic district for properties and places in the neighborhood

If the updated *Phelps Grove Neighborhood Plan* is adopted, staff will begin the implementation of the plan immediately. Staff, along with a committee(s) of stakeholders and neighborhood representatives, will draft and bring forward recommended changes to the Phelps Grove UCD as the first step in the implementation process.

STAFF RECOMMENDATION

Staff recommends adoption of the *Phelps Grove Neighborhood Plan* as an element of the City's Comprehensive Plan.

One-rdg. _____
P. Hrngs. X
Pgs. 17
Filed: 04-02-19

Sponsored by: Simpson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 072 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING Urban Conservation District No. 4, generally referred to as the Phelps Grove Urban Conservation District, Section 2 – 'District Regulations,' by creating a new Subsection D, regarding minimum lot width. (Planning and Zoning Commission and Staff recommend approval.)

_____

WHEREAS, City Council created Urban Conservation District No. 4, more commonly referred to as the Phelps Grove Urban Conservation District, ("UCD") and enacted rules and regulations pertaining thereto by passage of General Ordinance 4679 on March 3, 1997; and

WHEREAS, City Council adopted new rules and regulations governing the Phelps Grove UCD by passage of General Ordinance 5082 on May 29, 2001; and

WHEREAS, on November 5, 2018, City Council passed Resolution 10410 imposing an administrative delay to allow time for the review, comment and proposing of regulations relating to land use, parking, design standards and density and to initiate said amendments; and

WHEREAS, on January 14, 2019, City Council passed Resolution 10420 declaring its intent to amend the UCD and to hold public hearings; and

WHEREAS, public meetings have been held, input has been received from stake holders, resulting in a proposed change in lot width; and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission (the "Commission") and the Commission made its recommendation with respect to the proposed amendments contained in this bill; and

WHEREAS, proper notice has been given of a public hearing before City Council and said hearing was held in accordance with the law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – General Ordinance 5082 is hereby amended, by adding a new subsection “D” to Section 2 as more fully set forth in “Exhibit 1,” which is attached hereto and incorporated herein as thoroughly set forth.

Section 2 – 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 accrued or existing, under any act or ordinance repealed hereby, or shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 - 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. City 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 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- 072

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Urban Conservation District No. 4, generally referred to as the Phelps Grove Urban Conservation District, Section 2 – 'District Regulations,' by creating a new Subsection D, regarding minimum lot width. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

Z-09-2019/ZONING TEXT AMENDMENT PHELPS GROVE UCD NO. 4, MINIMUM LOT WIDTH FOR NON-CONFORMING LOTS F RECORD

In 1997, City Council adopted the *Phelps Grove Neighborhood Plan* and established the Phelps Grove Urban Conservation District ("UCD"). The UCD is an overlay district designed to protect the unique characteristics of a specific neighborhood or area. Due primarily to its proximity to Missouri State University, the Phelps Grove Neighborhood has experienced the conversion of single-family homes for student housing including the demolition of homes and replacement with structures that are not in character with the neighborhood. Recent proposed developments have brought forth issues relating to the impact of student housing on the neighborhood and the applicability of the current Phelps Grove UCD to address parking, land use, design standards, density and other development standards. Of concern is an area of narrowly platted lots and the impact development of these as individual lots would have on the character of the neighborhood.

The Colonial Place subdivision, platted in 1909, contains 429 lots that were platted at twenty-five (25) feet wide in the area generally bounded by Loren Street on the north, National Avenue on the east, Bennett Street on the south and Kings Avenue on the west. The City recognizes many of the original lots as individual lots for development even though all the lots are owned jointly with an adjacent lot or lots, or portion thereof, and most are developed as such. Development of the twenty-five (25) feet wide lots as individual lots is not consistent with the existing development patterns in the neighborhood and results in a higher density (12 du/acre), nearly twice the density, than normally permitted in the R-SF, Single-Family Residential District (7 du/acre).

This amendment, if approved, would establish a forty (40) foot minimum lot width requirement for existing non-conforming lots of record (grandfathered) within the Phelps Grove UCD. Currently, an existing non-conforming lot within the UCD may be developed or redeveloped, regardless of the lot width, if the other requirements for development of non-conforming lots can be met. This same provision is applicable city-wide. This proposed change only applies to existing non-conforming lots within the UCD as newly created lots must conform to the requirements of the R-SF, Single-Family Residential District (50 feet minimum lot width).

City records show that all lots within the area in question are owned jointly with an adjacent lot or lots, or portion thereof, resulting in properties with a lot width of at least forty (40) feet, with the exception of three (3) existing homes on three (3) individual 25-foot wide lots on Florence Avenue. Therefore, approval of this requirement is not anticipated to render any property owner within the Phelps Grove UCD unable to develop their property.

This proposed amendment was shared at both neighborhood-wide open houses held during the planning process and was supported by those in attendance.

RESULTS:

The Planning and Zoning Commission held a public hearing on March 28, 2019 and recommended approval, by a vote of 8 to 0, (with one recusal), of *Z-09-2019 / ZONING TEXT AMENDMENT UCD NO. 4, MINIMUM LOT WIDTH FOR NON-CONFORMING LOTS OF RECORD*.

The Planning and Development staff recommends the request be approved.

Submitted by:

Alana D. Owen

Alana D. Owen, AICP Senior Planner

Recommended by:

Mary Lilly Smith

Mary Lilly Smith, Director

Jason A. Gage

Jason Gage, City Manager

EXHIBITS:
Exhibit 1, Text Amendments
Exhibit A, Legal Description
Exhibit B, Record of Proceedings
Exhibit C, Staff Report

Exhibit 1

SECTION 1 - The following described property, is designated as Urban Conservation District Number 4, to be known as the Phelps Grove Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

PHELPS GROVE URBAN CONSERVATION DISTRICT LEGAL DESCRIPTION

Part of Section 25, Township 29 North, Range 22 West, in the City of Springfield, Greene County, Missouri described as follows:

All of Waverly Place Addition except Block A and Lots 8, 10, 11, 12, 13, 14, and 15 of Block B; All of Normal Park Addition except Block 1, and Lots 9 and 1o of Block 4; All of Roanoke Subdivision; All of Morningside Subdivision; All of Marlborough Subdivision; All of Amended Plat of Jefferson Place Subdivision; All of Blocks A, B, C, D, and E of Phelps Park Terraces; All of Plot A, all of Plot C, and all of Lots 9 through 14 and Lot 18 of Phelps Grove Park Subdivision; And all of Colonial Place Addition. AND ALSO, Beginning 562 feet South of the Northeast Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 25, Township 29, Range 22; thence South 132 feet to the Northeast corner of Lot 1 in Block "D" of Waverly Place Addition, thence West 330 feet along the north line of said Block "D" to a point 23-feet west of the Northwest corner of Lot 10 of said Block "D", thence North 132 feet, thence East 330 feet to the. point of beginning.

SECTION 2 - DISTRICT REGULATIONS

Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urban Conservation District No. 4, known as the Phelps Grove Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance and any other provision of the Springfield City Code shall be applicable to all properties within "the Phelps Grove Urban Conservation District.

A. RENTING SLEEPING ROOMS AND SERVING MEALS.

Renting sleeping rooms and serving meals to not more than two (2) persons not members of the family owning and occupying the dwelling unit, provided one (1) off street parking space is provided for each person, is a permitted home occupation.

B. ACCESSORY APARTMENTS.

Accessory apartments are prohibited.

C. SOLID WASTE CONTAINERS.

1. Solid Waste Containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within twenty-four (24) hours after being placed at the curb. The person placing the Solid Waste Container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection.

2. Solid waste containers; unless placed at the curb for collection in accordance with Subsection 2.C.1; are prohibited from the front yard (Figure 1).

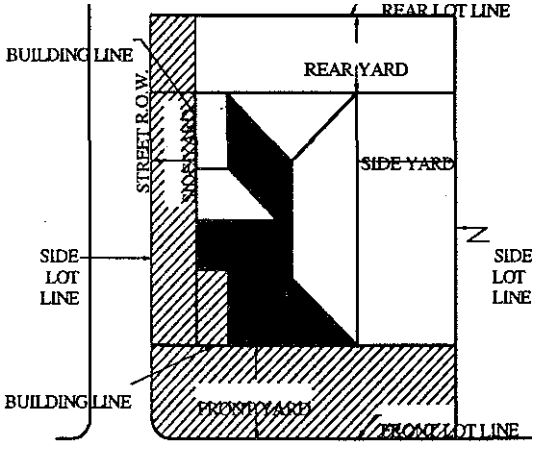
3. Solid waste containers; unless placed at the curb for collection in accordance with Subsection 2.C.1, or visually screened by a solid fence or wall, not less than the height of the solid waste container; are prohibited from the following additional portions of a lot or tract of land (Figure 1):

   a. Any portion of a lot between the street and a side building line; and extending from the front yard to the rear lot line.

   b. Any portion of a lot located between a front yard, a side yard adjacent to a street, and a recessed portion of a building facade.

Figure 1

SOLID WASIE CONTAINER NOT PERMITIED=·



STREET ROW

D. Non-Conforming Lots of Record

In the R-SF, Single-Family Residential District

1. In the R-SF district, notwithstanding the regulations imposed by any other provision of this article, a single-family detached dwelling which complies with the restriction on subsection 36-457 (2)(b) of the Springfield Zoning Ordinance may be erected on a lot that:

   a. Is shown by a recorded plat or deed to have been created prior to December 5, 1956, when the creation of a lot of such dimension at such location would not have been prohibited by this article; and

   b. fronts on a local or collector street or can be provided with vehicular access via an alley or an access easement; and

   c. is not less than forty (40) feet in width and that consists entirely of a tract of land; or an existing single-family dwelling sited on a tract of land less than forty feet in width, may be replaced per the non-conforming Section 36-457. Off-street parking shall not be required when on-street parking is available within 300 feet of the subject property on a street with a minimum pavement width of 24 feet.

E. ENFORCEMENT.

Responsibility. Any person who shall occupy a premises as lessee or licensed operator, shall be jointly and severally responsible for compliance with the provisions of this ordinance in the same manner as the owner.

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-09-2019

Part of Section 25, Township 29 North, Range 22 West, in the City of Springfield, Greene County, Missouri described as follows:

All of Waverly Place Addition except Block A and Lots 8, 10, 11, 12, 13, 14, and 15 of Block B; All of Normal Park Addition except Block 1, and Lots 9 and 10 of Block 4; All of Roanoke Subdivision; All of Morningside Subdivision; All of Marlborough Subdivision; All of Amended Plat of Jefferson Place Subdivision; All of Blocks A, B, C, D, and E of Phelps Park Terraces; All of Plot A, all of Plot C, and all of Lots 9 through 14 and Lot 18 of Phelps Grove Park Subdivision; And all of Colonial Place Addition. AND ALSO, Beginning 562 feet South of the Northeast Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 25, Township 29, Range 22; thence South 132 feet to the Northeast corner of Lot 1 in Block "D" of Waverly Place Addition, thence West 330 feet along the north line of said Block "D" to a point 23 feet west of the Northwest corner of Lot 10 of said Block "D", thence North 132 feet, thence East 330 feet to the point of beginning.

EXHIBIT B

RECORD OF PROCEEDINGS
ZONING CASE Z-09-2019
Planning and Zoning Commission March 28, 2019

Z-9-2019
Bounded by Grand Street on north, National Avenue on the east, Bennett/Brookside Street on the south and Jefferson Avenue on the west. (Phelps Grove UCD)
Applicant: City of Springfield

Melissa Cox recused herself.

Alana Owen stated that this is a request to establish a 40-foot minimum lot width for development of non-conforming (grandfathered) lots. Applies only to existing non-conforming lots of record and there is no minimum lot width requirement for development of non-conforming lots. The Colonial Place subdivision platted in 1909 with 25-foot wide lots and the area has developed almost exclusively on a multiple-lot basis.

Development of narrowly platted lots results in density of 12 du/acre (single-family – 7 du/acre) and the 40-foot minimum lot width will not render anyone unable to develop or redevelop existing non-conforming property. Existing homes completely on individual 25-foot wide lot can be replaced and there is significant neighborhood support for recommendation based on feedback at open house – 88% of respondents support. Staff and committee will draft additional UCD amendments and staff recommends approval.

Mr. Jobe asked about the properties on the 25-foot lots.

Ms. Owen stated that language was written into the ordinance that they will be allowed remain as 25-foot lots if they are rebuilt, etc.

Mr. Doennig opened the public hearing.

Mr. Steve Hargis, 1160 S. Clay Avenue, is on the Phelps Grove Neighborhood board and gave a brief overview of history and believes this plan will preserve the nature of the neighborhood.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** Z-9-2019 (Bounded by Grand Street on north, National Avenue on the east, Bennett/Brookside Street on the south and Jefferson Avenue on the west - Phelps Grove UCD). Ms. Broekhoven seconded the motion. Ayes: Doennig, Ogilvy, Coltrin, Rose, Broekhoven, Thomas, Shuler, and Jobe. Nays: None. Abstain: None. Absent: None. Melissa Cox recused herself.

Bob Hosmer, AICP
Principal Planner

Exhibit C

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 28, 2019
CITY COUNCIL PUBLIC HEARING:	APRIL 8, 2019

CASE:
Z-09-2019 / Amendment to Phelps Grove UCD for minimum lot width for non-conforming lots

APPLICANT:
City of Springfield

STAFF:
Alana Owen, 864-1831

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve the proposed amendments to the Phelps Grove Urban Conservation District to establish a forty (40) foot minimum lot width for the development or redevelopment of non-conforming (grandfathered) lots within the Phelps Grove UCD.

SUMMARY OF REQUEST:

This is a request to amend the Phelps Grove Urban Conservation District to establish a forty (40) foot minimum lot width requirement for the development or redevelopment of existing non-conforming (grandfathered) lots within the Phelps Grove UCD.

FINDINGS FOR STAFF RECOMMENDATION:

1. Currently, development of non-conforming lots within the Phelps Grove UCD must conform to the City's requirements for non-conforming lots as contained in the Springfield Zoning Ordinance which does not establish a minimum lot width if all other requirements for development can be met.

2. The Colonial Place subdivision, platted in 1909, contains 429 lots that were platted at twenty-five (25) feet wide in the area generally bounded by Loren Street on the north, National Avenue on the east, Bennett Street on the south and Kings Avenue on the west. The City recognizes many of the original lots as individual lots for development even though all the lots are owned jointly with an adjacent lot or

lots, or portion thereof, and most are developed as such. Development of the twenty-five (25) foot wide lots as individual lots is not consistent with the existing development patterns in the neighborhood and results in a higher density (12 du/acre), nearly twice the density, than normally permitted in the R-SF, Single Family Residential District (7 du/acre).

3. Establishing a minimum lot width requirement of forty (40) feet will not render anyone unable to develop or redevelop their existing non-conforming property as all property owners have property with at least forty (40) feet of lot width.

4. The city-wide minimum lot width requirement for development of existing non-conforming lots was forty (40) feet from 2004 to 2010 when it was changed to the current requirement. This requirement is consistent with this previous city-wide requirement.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Neighborhoods Element of the City's Comprehensive Plan recommends the following:

- Preserve the unique character of existing neighborhoods.
- Recognize and maintain the original residential character of neighborhoods while encouraging a diversity of land uses where appropriate.
- Continue to encourage the rehabilitation of older and historic housing rather than demolishing such housing.
- Ensure that infill development standards reflect the setbacks, orientation, rhythm, height and scale of surrounding one-and two-family dwellings.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. This amendment, if approved, would establish a forty (40) foot minimum lot width requirement for existing non-conforming lots of record (grandfathered) within the Phelps Grove Urban Conservation District. Currently, an existing non-conforming (grandfathered) lot within the Phelps Grove UCD may be developed or redeveloped, regardless of the width of the lot, if the other requirements can be met. This proposed change only applies to existing non-conforming lots as any newly created lots must conform to the requirements of the R-SF, Single Family Residential District (50 foot minimum lot width).

2. The area of narrowly platted lots has developed almost exclusively on a multiple-lot basis. Virtually all the original houses in the neighborhood were built on two or more lots with ample side yards. Permitting the construction of homes on individual, narrowly platted lots is inconsistent with the character and integrity of the Phelps Grove neighborhood.

3. Most of the neighborhood is zoned R-SF, Single-Family Residential. The Springfield Zoning Ordinance identifies the purpose of the R-SF zoning district as “intended primarily for single-family detached dwellings at low residential densities of approximately seven units per acre.” Construction of homes on individual twenty-five foot wide lots results in a density of approximately 12 units per acre. This is a higher density than the 11 units per acre permitted in the Residential Townhouse District.

4. City Council approved a Resolution initiating an Administrative Delay on the acceptance of all applications for demolition, new construction, re-platting of property, including lot combinations, and rezoning of property within the Phelps Grove UCD to allow City staff to seek input from the neighborhood on an update to their neighborhood Plan and proposed changes to the UCD to address the concerns regarding the conversion of single-family homes for student housing including the demolition of homes and replacement with structures that are not in character with the neighborhood. Staff began working with the neighborhood in October 2018 and recently held two open houses where staff’s recommendation to establish the minimum lot width was shared with the neighborhood. Of the 74 attendees that provided feedback, 88% were in support of this recommendation.

5. The preservation of single-family homes within the Phelps Grove neighborhood has been a priority for several decades since the creation of the Phelps Grove Neighborhood Association in 1989 and the adoption of the original Phelps Grove Neighborhood Plan and Phelps Grove UCD in 1997.

6. City records show that all lots within the area in question are owned jointly with an adjacent lot or lots, or portion thereof, resulting in properties with a lot width of at least forty (40) feet. Therefore, approval of this requirement is not anticipated to render any property owner within the Phelps Grove UCD unable to develop or redevelop their property.

7. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission’s recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

Staff requests that Commission approve this amendment to the Phelps Grove Urban Conservation District as specified.

PUBLIC COMMENTS:

This proposed amendment was shared at both neighborhood-wide public open houses during the planning process.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be added is underlined or ~~stricken~~

Section 2 – District Regulations

Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urban Conservation District No. 4, known as the Phelps Grove Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance and any other
provision of the Springfield City Code shall be applicable to all properties within the Phelps Grove Urban Conservation District.

A. RENTING SLEEPING ROOMS AND SERVING MEALS

Renting sleeping rooms and serving meals to not more than two (2) persons not members of the family owning and occupying the dwelling unit, provided one (1) off street parking space is provided for each person, is a permitted home occupation.

B. ACCESSORY APARTMENTS

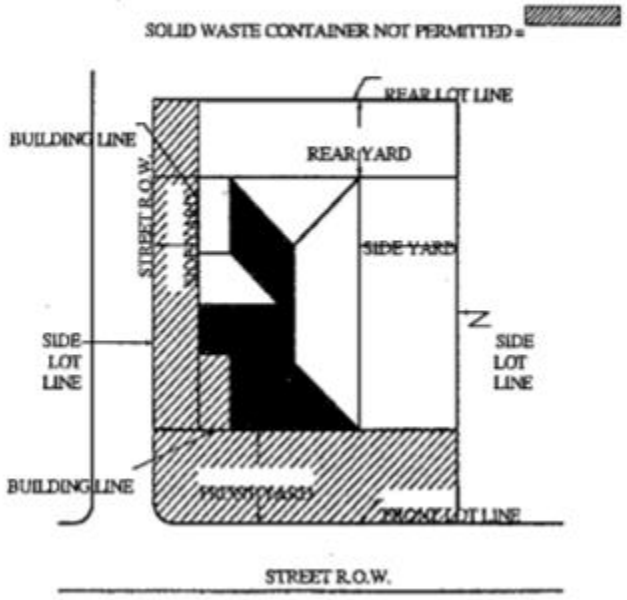
Accessory apartments are prohibited.

C. SOLID WASTE CONTAINERS.

1. Solid Waste Containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within twenty-four (24) hours after being placed at the curb. The person placing the Solid Waste Container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection.
2. Solid waste containers; unless placed at the curb for collection in accordance with Subsection 2.C.1; are prohibited from the front yard (Figure 1).
3. Solid waste containers; unless placed at the curb for collection in accordance with Subsection 2.C.1, or visually screened by a solid fence or wall, not less than the height of the solid waste container; are prohibited from the following additional portions of a lot or tract of land (Figure 1):

a. Any portion of a lot between the street and a side building line; and extending from the front yard to the rear lot line.
b. Any portion of a lot located between a front yard, a side yard adjacent to a street, and a recessed portion of a building facade.

Figure 1



D. Non-Conforming Lots of Record

In the R-SF, Single-Family Residential District

1. In the R-SF district, notwithstanding the regulations imposed by any other provision of this article, a single-family detached dwelling which complies with the restrictions on subsection 36-457 (2)(b) of the Springfield Zoning Ordinance may be erected on a lot that:

   a. Is shown by a recorded plat or deed to have been created prior to December 5, 1956, when the creation of a lot of such dimension at such location would not have been prohibited by this article; and
   b. Fronts on a local or collector street or can be provided with vehicular access via an alley or an access easement; and
   c. is not less than forty (40) feet in width and that consists entirely of a tract of land; or an existing single-family dwelling sited on a tract of land less than forty feet in width, may be replaced per the non-conforming Section 36-457.

Off-street parking shall not be required when on-street parking is available within 300 feet of the subject property on a street with a minimum pavement width of 24 feet.

One-rdg. _____
P. Hrngs. X
Pgs. 25
Filed: 04-02-19

Sponsored by: Ferguson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 073 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 40 acres of property generally located at 1777 North Packer Road and the 2800 Block of East Blaine Street from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single Family, to GM, General Manufacturing District; and establishing Conditional Overlay District No. 168; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 1777 North Packer Road and the 2800 Block of East Blaine Street, which is more fully described in "Exhibit B," from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single Family, to GM, General Manufacturing District; and establishing Conditional Overlay District No. 168; and

WHEREAS, Conditional Overlay District No. 168 shall modify the requirements of the Springfield Land Development Code Section 36-432, General Manufacturing, by requiring that the property described in "Exhibit B" comply with the requirements described in "Exhibit A;" and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission, a copy of the Record of Proceedings from said public hearing is attached as "Exhibit C;" and

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

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

Section 1 – The property described in "Exhibit B" of this Ordinance, which is attached hereto and incorporated herein by this reference, shall be, and the same

hereby is, rezoned from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single Family, to GM, General Manufacturing District; and Conditional Overlay District No. 168 is hereby established. The requirements of Conditional Overlay District No. 168, which are described in “Exhibit A,” and are hereby incorporated by this reference as if set out verbatim herein, shall apply to the subject property; and the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation’ of the Springfield Zoning Ordinance, is hereby amended, changed and modified accordingly.

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

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

Section 4 – This Ordinance shall be in full force and effect upon passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2019 -073

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 40 acres of property generally located at 1777 North Packer Road and the 2800 block of East Blaine Street from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single-family to GM, General Manufacturing District; and establishing Conditional Overlay District No. 168; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-7-2019/CONDITIONAL OVERLAY DISTRICT NO. 168

Ozarks Coca-Cola is in the process of expanding their operations at 1777 North Packer Road to the west onto the adjacent property, currently zoned Planned Development 128. Ozarks Coca-Cola's proposed expansion will be adjacent to a City-owned regional detention basin that is zoned R-SF, Single-Family Residential District. The zoning ordinance requires a minimum bufferyard of 35 feet with landscaping between the GM and R-SF District. Regional detention facilities are allowed in all zoning districts. The rezoning of the City-owned regional detention facility to a GM, General Manufacturing District will remove the bufferyard requirement.

The City intends to own and maintain the existing regional detention facility is its current location. This application will prohibit all uses other than the regional detention facility.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 14, 2019, and recommended to the proposed Conditional Overlay District No. 168, by a vote of 8 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. Ozarks Coca-Cola is in the process of expanding their operations at 1777 North Packer Road to the west onto the adjacent property, currently zoned Planned Development 128. Ozarks Coca-Cola's proposed expansion will be adjacent to a City-owned regional detention basin that is zoned R-SF, Single-Family Residential District. The zoning ordinance requires a minimum bufferyard of 35 feet with landscaping between the GM and R-SF District. Regional detention facilities are allowed in all zoning districts. The rezoning of the City-owned

regional detention facility to a GM, General Manufacturing District will remove the bufferyard requirement.

2. The proposed zoning district is consistent with past City Council action in this area. The area that is proposed for the Ozarks Coca-Cola facility is zoned Planned Development 128 which allows Industrial operations, warehouses and wholesale activities. This application will consolidate the zoning for Coca-Cola operations into one consistent zoning district.

3. The rezoning of the City-owned regional detention basin is not expected to adversely affect adjacent neighborhoods. The proposed COD requires that the regional detention basin be maintained in its current location. All other uses in the GM district are prohibited in this detention basin location. Additionally, the bufferyard that would otherwise be required adjacent to the R-SF zoned detention basin would not serve a public purpose as the detention basin serves as a significant buffer from the property across Blaine Street to the south. The detention basin is approximately three hundred (300) feet in depth from Blaine 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.

REMARKS:

Staff recommends approval

Submitted by:

Michael Sparlin

Michael Sparlin, Senior Planner

Recommended by:

Mary Lilly Smith

Mary Lilly Smith, Director

Approved by:

Jason A. Gage

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Conditional Overlay District Provisions
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report

ATTACHMENTS:
Attachment 1: Department Comments
Attachment 2: Conditional Overlay District Provisions
Attachment 3: Neighborhood Meeting Summary & Neighborhood Comments

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-7-2019 & CONDITIONAL OVERLAY DISTRICT NO. 168

The requirements of *Section 36-432* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

Bulk & height requirements: Development shall adhere to the following:

1. The following minimum setbacks shall be required:
    a. One hundred twenty (120) feet setback for structures and fifty (50) feet for parking lots both measured from the western district boundary line.
    b. Fifty (50) feet setback for structures and parking lots from Packer Avenue.
2. 45-degree bulk-plane is required from the western district boundary.

Perimeter treatment: Development shall adhere to the following:

1. Bufferyard H, at least fifty (50) feet deep, is required adjacent to the western district boundary.
2. No structures, parking lots or drives (except those required to provide access to adjoining public thoroughfares) are permitted within these bufferyards. The surface of these bufferyards, or other required landscaped areas shall be maintained with a living ground cover.

Traffic Improvements:
A Traffic Impact Study (TIS) shall be prepared at the time of development OR the developer may agree to the widening of Packer Road to accommodate southbound/northbound turning movements into the northern-most entrance to the property (truck access). Plans for these improvements must be approved and constructed, or funds escrowed, prior to approval of the final plat/issuance of a building permit. Any future development beyond the proposed initial development may require additional improvements or a TIS/updated TIS.

Use limitations:
All uses in the GM, General Manufacturing District as per section 36-432 of the *Springfield Zoning Ordinance*, on the City-owned property, are prohibited except for a regional detention facility.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-7-2019 & CONDITIONAL OVERLAY DISTRICT NO. 168

RICE & HEER LEASING COMPANY

ALL OF THE NORTH HALF (N-1/2) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION NINE (9), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21);
ALSO, ALL OF THE SOUTH HALF (S-1/2) OF THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION NINE (9), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE.

H & C PATNERSHIP

A TRACT OF LAND AS LYING IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDR'S OFFICE IN BOOK 2125, PAGE 1783 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST, SAID POINT ALSO LYING ON THE EAST LINE OF BLOCK "O" OF THE FIRST ADDITION TO WEBSTER PARK SUBDIVISION; THENCE ALONG SAID WEST LINE, NORTH 01°45'42" EAST, 368.12 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF ST. LOUIS-SAN FRANCISCO RAILROAD; THENCE LEAVING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, 1406.22 FEET ALONG A 3019.55 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 66°49'04" EAST FOR A DISTANCE OF 1393.54 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY OF PACKER ROAD; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY AND ALONG SAID WEST RIGHT-OF-WAY, SOUTH 01°40'17" WEST, 209.30 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY, NORTH 87°27'11" WEST, 627.39 FEET; THENCE SOUTH 01°48'18" WEST, 972.31 FEET TO A POINT LYING ON THE NORTH RIGHT-OF-WAY OF BLAINE STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY, NORTH 87°26'27" WEST, 40.00 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY, NORTH 01°49'53" EAST, 295.00 FEET; THENCE NORTH 87°26'29" WEST, 629.96 FEET TO A POINT LYING ON THE AFOREMENTIONED EAST LINE OF BLOCK "O" OF THE FIRST ADDITION TO WEBSTER PARK SUBDIVISION; THENCE ALONG SAID EAST LINE, NORTH 01°45'42" EAST, 1009.51 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE, COUNTY, MISSOURI. CONTAINING 25.978 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

CITY OF SPRINGFIELD DETENTION FACILITY

A TRACT OR PARCEL OF LAND LYING, BEING AND SITUATE IN THE S1/2 SW 1/4 NE 1/4 SW1/4 OF SECTION 9, T29N, R21W OF THE 5TH P.M., GREENE COUNTY, MISSOURI, IN THE CITY OF SPRINGFIELD, SAID TRACT OR PARCEL OF LAND BEING MORE FULLY DESCRIBED AS FOLLOWS TO-WIT:
BEGINNING AT THE SOUTHEAST CORNER LOT 5, BLOCK O OF THE FIRST ADDITION TO WEBSTER PARK SUB-DIVISION TO THE CITY OF SPRINGFIELD, MISSOURI, THENCE NORTH ALONG SAID EAST LINE OF BLOCK O OF SAID ADDITION A DISTANCE OF 300 FEET, THENCE EASTERLY, PARALLEL WITH AND DISTANT 300 FEET NORTHERLY OF THE NORTH RIGHT-OF-

WAY LINE OF BLAINE STREET, AS NOW LOCATED AND CONSTRUCTED, TO A POINT LYING 40 FEET WESTERLY OF THE EAST LINE OF THE W1/2 NE1/2 SW1/4 OF SAID SECTION 9, THENCE SOUTHERLY PARALLEL WITH AND DISTANT 40 FEET WSTERLY OF, MEASURED AT RIGHT ANGLES TO SAID EAST LINE OF SAID W1/2 NE1/4 SW1/4 OF SECTION 9 A DISTANCE OF 300 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF BLAINE STREET, THENCE WESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE OF SAID BLAINE STREET TO THE POINT OF BEGINNING.

EXHIBIT C

RECORD OF PROCEEDINGS
ZONING CASE Z-7-2019 & CONDITIONAL OVERLAY DISTRICT NO. 168
Planning and Zoning Commission March 14, 2019

Z-7-2019 w/COD #168 1777 North Packer Road and 2800 East Blaine Street **Applicant:** Rice & Heer Leasing Company, H&C Partnership, and City of Springfield	Preliminary Plat of Sparkling Heights 1777 North Packer Road **Applicant:** Rice & Heer Leasing Company and H&C Partnership

Zoning and preliminary plat are combined.

Mr. Hosmer stated that this is a request to rezone approximately 40.22 acres of property generally located at 1777 North Packer Road and the 2800 block of East Blaine Street from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single-family to GM, General Manufacturing and establish Conditional Overlay District No. 168. Ozarks Coca-Cola is in the process of expanding their operations to the west onto the adjacent property, currently zoned Planned Development No. 128. The Comprehensive Plan identifies this area as appropriate for Low-Density Housing. However, the subject property is in an area that has already been zoned industrial and manufacturing. City's Transportation Plan classifies N. Packer Road as a Secondary Arterial roadway and E. Blaine Street as a Collector roadway. Stormwater detention is already provided by the City-owned regional detention facility which will be maintained in its current location and will prohibit all other GM uses. The proposed Conditional Overlay District maintains the same setbacks in the PD of 120 feet for structures and 50 feet for parking lots from the west property line. The COD also maintains the 50 feet setback for structures and parking lots from Packer Road. A 45-degree bulk-plane is required from the western district boundary. A Type H bufferyard adjacent to R-SF will be required however, at 50 ft in depth and not 35 ft. Traffic Impact Study (TIS) shall be prepared at the time of development or improvements made. Staff recommends approval.

Mr. Hosmer also states that this is a request for a one-lot subdivision on 35.4 acres of property located at 1777 North Packer Road. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for low-density housing. However, the subject property is in an area that has industrial and manufacturing uses/zoning. City's Transportation Plan classifies Packer Road as a Secondary Arterial roadway and Blaine Street as a Collector roadway which supports the proposed land use. At the time of development, sidewalk will be required to be constructed along the entire length of the property frontage. Stormwater detention is provided by regional detention area. Stream buffer will be provided. A Traffic Impact Study will be required or public improvements to Packer and Blaine. 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.

Ms. Cox asked about the drainage way.

Ms. Hawkins stated that some of the stream has been engineered and where it is natural they are required to have a 50 feet stream buffer on each side.

Mr. Doennig opened the public hearing.

Sally Hargis, 1470 E. Meadowmere, representing the family ownership of Coca-Cola. They are expanding their franchise after outgrowing their previous warehouses and adjusting to current use. There will not be any dock operation and lighting on the westside and in the process of cleaning up parts of Jordan Creek and will maintain/protect its portion of the creek.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Z-7-2019 w/COD #168 (1777 North Packer Road and 2800 East Blaine Street). Mr. Coltrin seconded the motion. Ayes: Doennig, Coltrin, Cox, Rose, Ogilvy, Broekhoven, Thomas, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

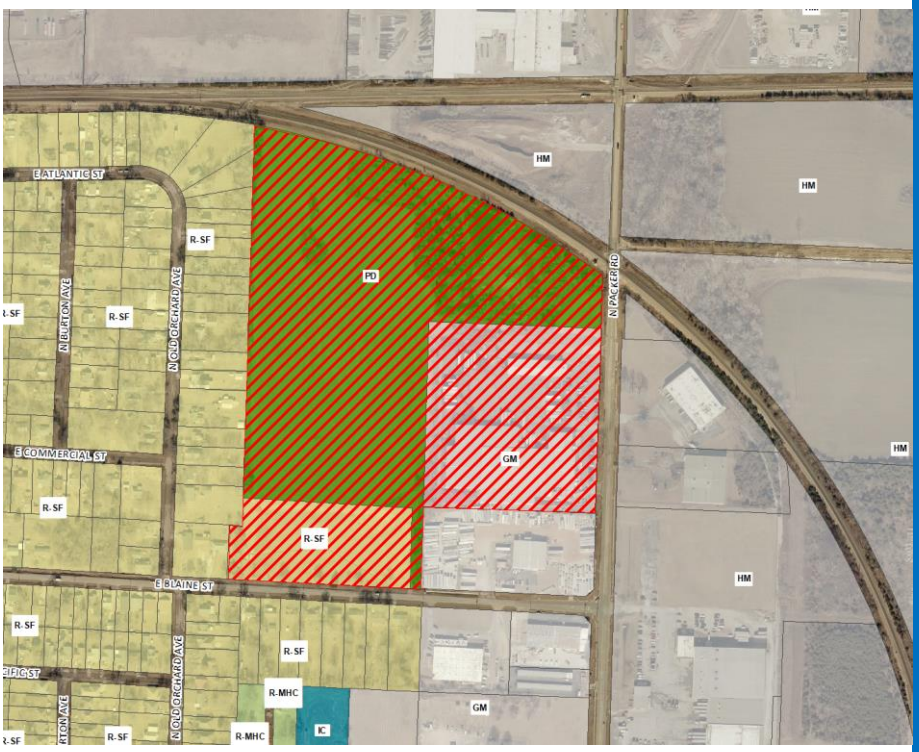
COMMISSION ACTION:
Ms. Cox motioned to **approve** Preliminary Plat of Sparkling Heights (1777 North Packer Road). Mr. Coltrin seconded the motion. Ayes: Doennig, Coltrin, Cox, Rose, Ogilvy, Broekhoven, Thomas, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Bob Hosmer, AICP
Principal Planner

Exhibit D

PLANNING AND ZONING COMMISSION PUBLIC HEARING: MARCH 14, 2019

CITY COUNCIL PUBLIC HEARING: APRIL 8, 2019



CASE NUMBER:
Z-7-2019 w/ Conditional Overlay District No. 168

PROJECT LOCATION: 1777 North Packer Road and the 2800 block of East Blaine Street

ACRES: 40.22 acres

EXISTING LAND USE: Food & drink processing plant and storage, regional detention facility and undeveloped land.

APPLICANT: Rice & Heer Leasing Company, H&C Partnership and City of Springfield

STAFF:
Michael Sparlin, Senior Planner
417-864-1091

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve Z-7-2019 w/ COD No. 168 as submitted.

SUMMARY OF REQUEST:

To rezone approximately 40.22 acres of property generally located at 1777 North Packer Road and the 2800 block of East Blaine Street from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single-family to GM, General Manufacturing and establish Conditional Overlay District No. 168.

FINDINGS FOR STAFF RECOMMENDATION:

1. Ozarks Coca-Cola is in the process of expanding their operations at 1777 North Packer Road to the west onto the adjacent property, currently zoned Planned Development No. 128. Ozarks Coca-Cola's proposed expansion will be adjacent to a City-owned regional detention facility that is zoned R-SF, Single-Family Residential District. The zoning ordinance requires a minimum bufferyard of 35 feet with landscaping between the GM and R-SF District. Regional detention facilities are allowed in all zoning districts. The rezoning of the City-owned regional detention facility to a GM, General Manufacturing District will remove the bufferyard requirement.

2. The proposed zoning district is consistent with past City Council action in this area. The area that is proposed for the Ozarks Coca-Cola facility is zoned Planned Development No. 128 which allows Industrial operations, warehouses and wholesale activities. This application will consolidate the zoning for Coca-Cola operations into one consistent zoning district.

3. The rezoning of the City-owned regional detention facility is not expected to adversely affect adjacent neighborhoods. The proposed COD requires that the regional detention facility be maintained in its current

location. All other uses in the GM district are prohibited in this detention facility location. Additionally, the bufferyard that would otherwise be required adjacent to the R-SF zoned detention facility would not serve a public purpose as the detention facility serves as a significant buffer from the property across Blaine Street to the south. The detention facility is approximately three hundred (300) feet in depth from Blaine Street.

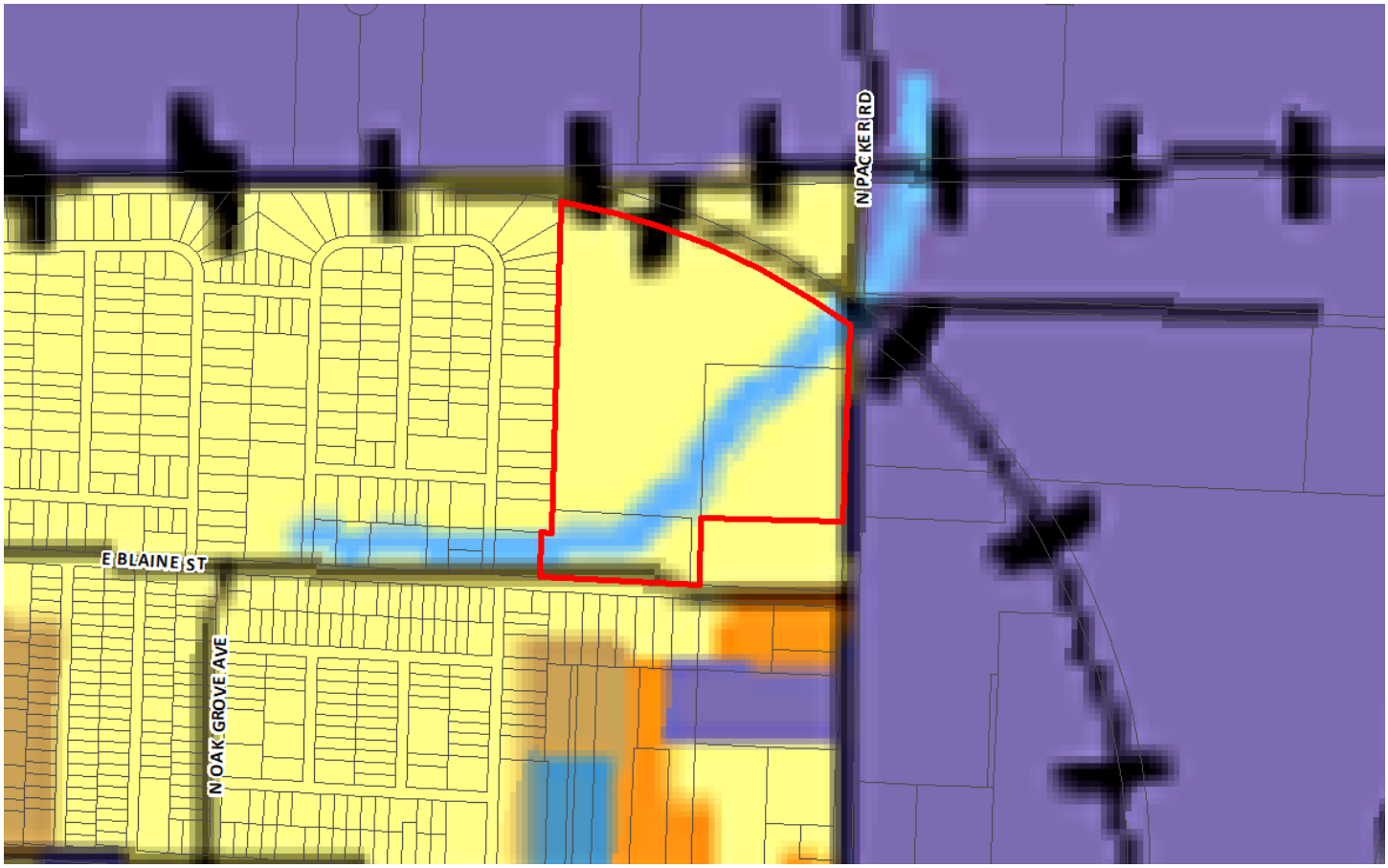
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:				
	NORTH	**SOUTH**	**EAST**	**WEST**
ZONING	HM	GM, R-SF	HM	R-SF
LAND USE	Undeveloped land, manufacturing uses	Industrial Warehouse, Single-family residence	Industrial Warehouses	Single-family residence

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

GOOGLE MAPS STREET VIEW:

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

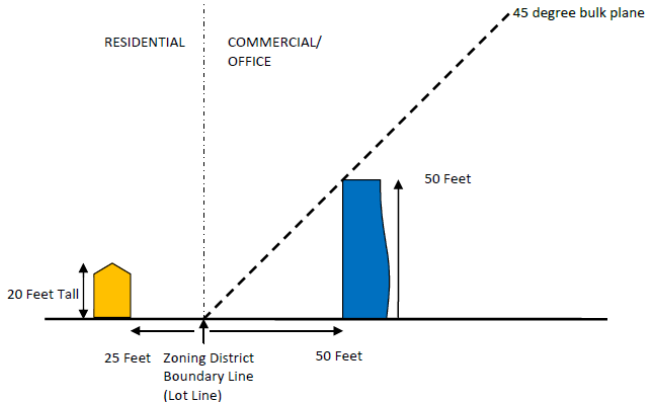
The subject properties were originally zoned GM, General Manufacturing and R-SF, Residential Single-family in 1995 during the citywide re-mapping.

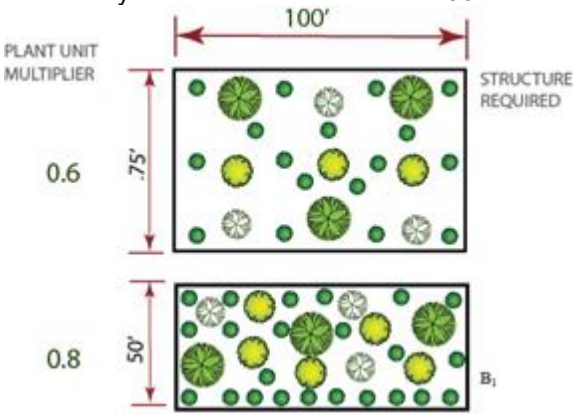
The subject property zoned Planned Development 128 was rezoned from M-1, Light Manufacturing in December 1990.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GM
Use Limitations	1. Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an LI, GM, or HM district. 2. All outdoor storage shall be at least 100 feet from any residential district boundary. 3. No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district. 4. For more, refer to *Section 36-432 (4)* of the *Springfield Zoning Ordinance*
Maximum Structure Height	None, except that all structures shall remain below a 45-degree bulk plane as measured from the western district boundary
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
Additional Setbacks per proposed COD No. 168	The following minimum setbacks shall be required: 1. One hundred twenty (120) feet for structures and fifty (50) feet for parking lots both measured from the western district boundary line. 2. Fifty (50) feet for structures and parking lots from Packer Avenue.

BULK PLANE	BUFFERYARD AND LANDSCAPING
45-degree bulk plane is required adjacent to R-SF zoning.	A bufferyard type H is required adjacent to R-SF property along the western district boundary. The proposed COD requires that the bufferyard must be a minimum of 50 feet in depth.





COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for low-density housing. However, the subject property is located in an area that has industrial and manufacturing uses/zoning. The proposed zoning district is consistent with City Council action in this area. The property zoned Planned Development No. 128 allows industrial operations, warehouses and wholesale activities. PD No. 128was rezoned in 1990. The Ozarks Coca-Cola plant was rezoned to GM in 1995.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 40.22 acres of property generally located at 1777 North Packer Road and the 2800 block of East Blaine Street from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single-family to GM, General Manufacturing and establish Conditional Overlay District No. 168. The purpose of this rezoning is to consolidate different zoning districts in order to facilitate the expansion of an existing industrial use and eliminate a bufferyard adjacent to reginal detention facility.

2. Ozarks Coca-Cola is in the process of expanding their operations at 1777 North Packer Road to the west onto the adjacent property which is currently zoned Planned Development No. 128. Ozarks Coca-Cola's proposed expansion will be adjacent to a City-owned regional detention facility to the south that is zoned R-SF, Single-Family Residential District. The zoning ordinance requires a minimum bufferyard of 35 feet with landscaping between GM and R-SF Districts. Regional detention facilities are allowed in all zoning districts. The rezoning of the City-owned regional detention facility to a GM, General Manufacturing District will remove the bufferyard requirement.

3. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for low-density housing. However, the subject property is located in an area that has industrial and manufacturing uses and zoning. The proposed zoning district is consistent with past Council action in this area. The area that is proposed for the Ozarks Coca-Cola facility is zoned Planned Development No. 128 which allows Industrial operations, warehouses and wholesale activities. This application will consolidate the zoning for Coca-Cola operations into one consistent zoning district.

4. The rezoning of the City-owned regional detention facility is not expected to adversely impact adjacent property. The proposed COD requires that the regional detention facility be maintained in its current location. All other uses in the GM district are prohibited in this detention facility location. Additionally, the bufferyard that would otherwise be required adjacent to the R-SF zoned detention facility would not serve a public purpose as the detention facility serves as a significant buffer from the property across Blaine Street to the south. The detention facility is approximately three hundred (300) feet in depth from Blaine Street.

5. The proposed Conditional Overlay District maintains the same setback requirement from the adjacent R-SF zoned property to the west per the Planned Development No. 128 requirements. The COD requires a minimum setback of one hundred twenty (120) feet for structures and fifty (50) feet for parking lots from the west property line. The COD also maintains the fifty (50) feet setback for structures and parking lots from Packer Avenue.

6. The standard type H bufferyard adjacent to R-SF zoned property to the west will be required however, the proposed COD requires that the bufferyard be at least fifty (50) in depth. This is an additional requirement. The typical type H bufferyard allows a minimum of thirty-five (35) feet in depth. The bufferyard will include plantings as described in Sec. 36-482 (12)(h).

7. The COD also requires a traffic impact study at the time of development or the developer may agree to the widening of Packer Road to accommodate southbound/northbound turning movements into the northern-most entrance to the property (truck access).

8. 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.

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

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on February 19, 2019 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: 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 WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies N. Packer Road as a Secondary Arterial roadway and E. Blaine Street as a Collector roadway. The standard right-of-way widths for N. Packer Road and E. Blaine Street are 35 feet from centerline and 30 feet from centerline, respectively. Based on each street classification, it does not appear additional right-of-way is needed. N. Packer Road and E. Blaine Street are both City-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on N. Packer Road north of E. Division Street is 3,939 vehicles per day. There are not recent traffic counts for this section of E. Blaine Street. On-street parking is not allowed along either street.

DRIVEWAY ACCESS

There are currently four driveway access points to the property – three from N. Packer Road, one from E. Blaine Street. These existing driveway approaches appear to meet current minimum spacing requirements but will need to be modified in order to accommodate the subsequent agreed upon improvements. Any new/modified driveway approaches must comply with current City Standard ST-9.

SIDEWALK

There is not currently sidewalk along the property frontage of N. Packer Road or E. Blaine Street. Sidewalk is required to be constructed at the time of development, or a fee paid in-lieu-of sidewalk construction, which must first be approved by ARC, and fees paid, prior to issuance of a building permit.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

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

IMPROVEMENTS

The proposed change in zoning/use creates an increase in trip generation of more than 100 trips in the AM/PM peaks, and more than 1,000 trips daily. Therefore, a Traffic Impact Study (TIS) shall be prepared at the time of development OR the developer may agree to the widening of Packer Road to accommodate southbound/northbound turning movements into the northern-most entrance to the property (truck access). Plans for these improvements must be approved and constructed, or funds escrowed, prior to approval of the final plat/issuance of a building permit. Any future development

beyond the proposed initial development may require additional improvements or a TIS or updated TIS. The City of Springfield does not currently have plans to make improvements to this section of N. Packer Road nor E. Blaine 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	N. Packer Road	Secondary Arterial	No	40	35
Street 2	E. Blaine Street	Collector	No	30	30

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	97	95	472	N/A
***Proposed Trips Generated**	421	411	2044	N/A
Additional Trips Generated	324	316	1572	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 North drainage facility. 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 on-site stormwater detention not applicable as detention is already provided. 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. If disturbing more than one acre water quality will also have to be provided.
3. Drainage easements must be provided for this conveyance.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Facility	Jordan Creek North
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater fee in lieu an option?	No

Additional Storwmater Comments

Water quality will still need to be provided and this site has a stream buffer requirement of 50 ft on each side.

FIRE DEPARTMENT COMMENTS:

No objections to rezoning.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-7-2019 & CONDITIONAL OVERLAY DISTRICT NO. 168

The requirements of *Section 36-432* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

Bulk & height requirements: Development shall adhere to the following:

1. The following minimum setbacks shall be required:
    A. One hundred twenty (120) feet setback for structures and fifty (50) feet for parking lots both measured from the western district boundary line.
    B. Fifty (50) feet setback for structures and parking lots from Packer Avenue.
2. A 45-degree bulk-plane is required from the western district boundary.

Perimeter treatment: Development shall adhere to the following:

3. Bufferyard H, at least fifty (50) feet deep, is required adjacent to the western district boundary.
4. No structures, parking lots or drives (except those required to provide access to adjoining public thoroughfares) are permitted within these bufferyards. The surface of these bufferyards, or other required landscaped areas shall be maintained with a living ground cover.

Traffic Improvements:
A Traffic Impact Study (TIS) shall be prepared at the time of development OR the developer may agree to the widening of Packer Road to accommodate southbound/northbound turning movements into the northern-most entrance to the property (truck access). Plans for these improvements must be approved and constructed, or funds escrowed, prior to approval of the final plat/issuance of a building permit. Any future development beyond the proposed initial development may require additional improvements or a TIS/updated TIS.

Use limitations:
All uses in the GM, General Manufacturing District as per section 36-432 of the *Springfield Zoning Ordinance*, on the City-owned property, are prohibited except for a regional detention facility.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: GM,PD 128, R-SF to GM w/COD 168
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: February 19th, 4:00-6:30
3. Meeting Location: Ozarks Coca-Cola/Dr. Pepper Bottling Company
4. Number of invitations that were sent: 124
5. How the mailing list was generated: City Staff
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.)

   See attached for a list of comments/conerns.
   Noise and stormwater drainage were the two main concerns. The building operations will be from the east side and the building itself should act as a noise barrier to neighbors. Stormwater will be disigned per City code.

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

   N/A

I, Jared Davis *(print name)*, attest that the neighborhood meeting was held on 02/19/2019 *(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

Jared Davis, PE, LEED AP BD+C

Printed name of person completing affidavit

ANDERSON ENGINEERING
EMPLOYEE OWNED

AndersonEngineeringInc.com
2045 W Woodland
Springfield, MO 65807
417-866-2741

Neighborhood Meeting Comment Summary
PLN2019-00017-Request to Rezone GM w/COD 168

Name: Bill Duncan

Comment: What is the anticipated start date? Summer 2019
Concerned about the value of his home.
Access to the back of his property will be blocked. No easement in place.

Name: Scott Arey

Comment: Concerned about noise. Informed that dock operations will be on the east side of the building only. Only emergency vehicles on the west side.

Name: Dawn Smith/Calvin Dyche

Comment: Noise concerns, stormwater drainage, flooding, deep ditch on Blaine St. needs improvement, intersection needs to be cleaned, homeless camps cleaned up?. Pavement condition of Blaine St.
→ Informed Dawn we would address drainage per city code & no improvements to Blaine St. were anticipated from this development.

Name:

Comment:

Name:

Comment:

Name:

Comment:

CIVIL ENGINEERING • GEOTECHNICAL ENGINEERING • STRUCTUAL ENGINEERING • LAND SURVEYING
GEOGRAPHIC INFORMATION SYSTEMS (GIS) • CONSTRUCTION MATERIALS TESTING • COMMERCIAL DRONE SERVICES • LANDSCAPE ARCHITECTURE

ANDERSON ENGINEERING
EMPLOYEE OWNED

1777 N Packer Road

PLN2019-000017 Neighborhood Meeting

4 PM - 6:30 PM; February 19, 2019

1777 N Packer Road, Springfield, MO

---Please Print Your Name---

1. Bill Duncan	22.
2. Scott Avey	23.
3. Dawn Smith	24.
4. Calvin Dyche	25.
5.	26.
6.	27.
7.	28.
8.	29.
9.	30.
10.	31.
11.	32.
12.	33.
13.	34.
14.	35.
15.	36.
16.	37.
17.	38.
18.	39.
19.	40.
20.	41.
21.	42.

Page __ of __

One-rdg. _____
P. Hrngs. X
Pgs. 26
Filed: 04-02-19

Sponsored by: Ferguson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 074 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.1 acres of property generally located at 529 West Division Street from R-SF, Single-Family Residential District to GR, General Retail District; and establishing Conditional Overlay District No. 170; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.)

_____

WHEREAS, an application has been filed for a zoning change of the property generally located at 529 West Division Street, which is more fully described in "Exhibit B," from R-SF, Single-Family Residential District to GR, General Retail District and to establish Conditional Overlay District No. 170; and

WHEREAS, Conditional Overlay District No. 170 shall modify the requirements of the Springfield Land Development Code Section 36-421, General Retail District, by requiring that the property described in "Exhibit B" comply with the requirements described in "Exhibit A;" and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission, a copy of the Record of Proceedings from said public hearing is attached as "Exhibit C;" and

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

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

Section 1 – The property described in "Exhibit B" of this Ordinance, which is attached hereto and incorporated herein by this reference, shall be, and the same hereby is, rezoned from, from R-SF, Single-Family Residential District to GR, General Retail District and Conditional Overlay District No. 170 is hereby established. The

requirements of Conditional Overlay District No. 170, which are described in “Exhibit A,” and are hereby incorporated by this reference as if set out verbatim herein, shall apply to the subject property; and the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation’ of the Springfield Zoning Ordinance, is hereby amended, changed and modified accordingly.

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

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

Section 4 – This Ordinance shall be in full force and effect upon passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2019 -074

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.1 acres of property generally located at 529 West Division Street from R-SF, Single-Family Residential District to GR, General Retail District; and establishing Conditional Overlay District No. 170; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-1-2019/ CONDITIONAL OVERLAY DISTRICT NO. 170

The request to rezone to GR, Genral Retail District without a Conditional Overlay District was recommended for denial by Planning and Zoning Commission on January 17, 2019. On, February 11, 2019, City Council remanded the rezoning case back to Planning and Zoning Commission at the request of the applicant.

The applicant is proposing to rezone 1.1 acres of property from R-SF, Single-family Residential to GR, General Retail and establish Conditional Overlay District No. 170. The applicant is proposing to construct a new retail store at the southern portion of this location. The applicant was originally proposing to rezone the entire property but has now reduced that area to only accommodate the proposed retail development. The remaining northern portion will remain R-SF, Single-Family Residential District.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 14, 2019, and recommended approval, by a vote of 6 to 2.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low-Density Housing land uses, however, this property is located along Division Street which is classified as a primary arterial on the Major Thoroughfare Plan. The proposed COD will prohibit many uses that could be considered objectionable to the residential area.

2. 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 Division Street, a primary arterial roadway and is less than 500 feet from the intersection of Division Street and Grant Avenue which are both primary arterial roadways.

3. 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:

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: Conditional Overlay District Provisions
Attachment 3: Neighborhood Meeting Summary

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-1-2019 & CONDITIONAL OVERLAY DISTRICT NO. 170

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. The subject property shall be administratively re-platted between the differing zoning districts following the current Subdivision Regulations.

2. A Traffic Impact Study is required to be submitted at the time of development.

3. Approximately 18 feet of additional right-of-way needs to be dedicated along the property frontage of Division as well as a 30-foot by 30-foot right-of-way sight triangle at the corner of Division and Main and a 10-foot by 10-foot right-of-way sight triangle at the corner of Main and Locust. A request for reduction in right-of-way may be submitted through ARC as prescribed in the Subdivision Regulations. A survey is recommended to determine the exact amount of existing right-of-way. Division, Main, and Locust are all City-maintained streets.

4. Driveway access to/from North Main Avenue must be a minimum of 75 feet from the intersection with Division Street.

5. The existing driveway access to/from Division must be closed, as it does not meet the minimum spacing requirements.

6. A new north-south walkway from the south face of the proposed structure must be connected to the existing sidewalk along Division Street and additional landscaping (S2) must be provided between proposed structure and public right-of-way.

7. The following uses shall be prohibited:

    a. Art galleries, libraries, and museums
    b. Automobile service garages
    c. Automobile service stations
    d. Automobile washing business
    e. Bed and breakfast
    f. Catering business
    g. Convenience stores with gas pumps
    h. Churches and other places of worship, including parish homes and Sunday schools

i. Overnight shelters
j. Commercial gardens and/or farmers markets
k. Commercial off-street parking lots and structures
l. Community gardens
m. Day care centers
n. Eating and drinking establishments
o. Entertainment-oriented uses
p. Flea markets
q. Funeral homes, mortuaries, and crematoriums
r. Household resource recovery collection centers
s. Medical office use group
t. Personal services use group
u. Police and fire stations
v. Private clubs and lodges
w. Public and private park, playground, and gold courses, including miniature golf courses and driving ranges
x. Self-service storage facilities
y. Taxidermists
z. Temporary lodging use group
aa. Temporary vendors
bb. Veterinary clinics, hospitals, pet day care services, pet grooming facilities and kennels
cc. Wireless telecommunication towers

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-1-2019 & CONDITIONAL OVERLAY DISTRICT NO. 170

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PORTION OF LOT 31, ALL OF LOT 36, ALL OF LOT 37, ALL OF LOT 42, ALL OF LOT 43 AND ALL OF LOT 48 OF JENKINS ADDITION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 48;
THENCE, N02°02'25"E, ALONG THE WEST LINE OF THE AFORESAID LOTS, SAID LINE ALSO BEING EAST RIGHT-OF-WAY LINE MAIN AVENUE, A DISTANCE OF 276.69 FEET;
THENCE, S88°42'21"E, A DISTANCE OF 174.95 FEET TO A POINT ON THE EAST LINE OF THE AFORESAID LOTS;
THENCE, S02°02'44"W, ALONG SAID EAST LINE, A DISTANCE OF 276.69 FEET TO THE SOUTHEAST CORNER OF AFORESAID LOT 48, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF DIVISION STREET;
THENCE, N88°42'21"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 174.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 48,398.1 SQUARE FEET (1.1 ACRES), MORE OR LESS.

EXHIBIT C

RECORD OF PROCEEDINGS
ZONING CASE Z-1-2019 & CONDITIONAL OVERLAY DISTRICT NO. 170
Planning and Zoning Commission March 14, 2019

Z-1-2019 w/COD #170
529 West Division Street
Applicant: Springfield R-12 School District

Mr. Hosmer stated that this is a request to rezone approximately 1.1 acres of property located at 529 W. Division Street from a R-SF, Single-family Residential to a GR, General Retail and establish Conditional Overlay District No. 170. The original request to rezone to a GR, District without a COD was denied by P&Z on January 17, 2019. City Council, on February 11, 2019 remanded this request back to P&Z at the request of the applicant. The Comprehensive Plan identifies the property as appropriate for Low Density Housing. However, the property is located along Division Street which is classified as a primary arterial in the Major Thoroughfare Plan and less than 500 feet from Grant Avenue which is also classified as a primary arterial roadway. A Traffic Impact Study is required at the time of development. No access to Division Street. Access will be required to be taken from Main Avenue. 18 feet of additional right-of-way along Division Street. Fee in lieu of on-site stormwater detention is not allowed. The Conditional Overlay District will require a traffic impact study at the time of development, an administrative re-plat, dedication of additional right-of-way, driveway closures, access restrictions, walkway design requirements, additional landscaping and prohibit certain uses. The list of prohibited uses includes automobile service garages, stations and washing businesses. It also prohibits convenience stores with gas pumps. Require a bufferyard adjacent to the R-SF (20') and R-LD (15') property. Staff recommends approval.

Ms. Cox asked about allowed retail sales.

Mr. Hosmer noted that it allows small shops, convenience stores, beauty salons, etc.

Mr. Doennig asked about access from Division Street and the alley.

Mr. Hosmer noted the developer would have to improve the alley if they are to access it and all traffic will be from Main Avenue.

Mr. Doennig opened the public hearing.

Michael White, 222 Old Town Road, Billings, MO here on behalf of the property owner and developer and the developer/owner will not be using the alley. We have turned the project 90 degrees to face Main Avenue and believes this type of retail sales fits the area.

Mr. Doennig closed the public hearing.

Ms. Cox asked for the required entrance distance from Main Avenue.

Derrick Estell noted that the spacing is 75 feet.

Mr. Thomas asked about access off Division Street.

Mr. Hosmer noted that access off Division Street is prohibited as part of the COD.

Mr. Doennig asked about the hours of operation.

Mr. Hosmer noted that there are no restrictions on hours of operation.

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

Bob Hosmer, AICP
Principal Planner

Exhibit D

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 14, 2019
CITY COUNCIL PUBLIC HEARING:	APRIL 8, 2019

CASE NUMBER:
Z-1-2019 w/ Conditional Overlay District No. 170

LOCATION: 529 W. Division Street

ACRES: 1.1 acres

EXISTING LAND USE:
School district storage and warehousing

APPLICANT:
Springfield R-12 School District

STAFF:
Daniel Neal, 417-864-1036

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION:
Move to approve Z-1-2019 w/ COD No. 170 as submitted.

SUMMARY OF REQUEST:

To rezone approximately 1.1 acres of property from R-SF, Single-family Residential to GR, General Retail and establish Conditional Overlay District No. 170.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low-Density Housing land uses, however, this property is located along Division Street which is classified as a primary arterial on the Major Thoroughfare Plan. The proposed COD will prohibit many uses that could be considered objectionable to the residential area.

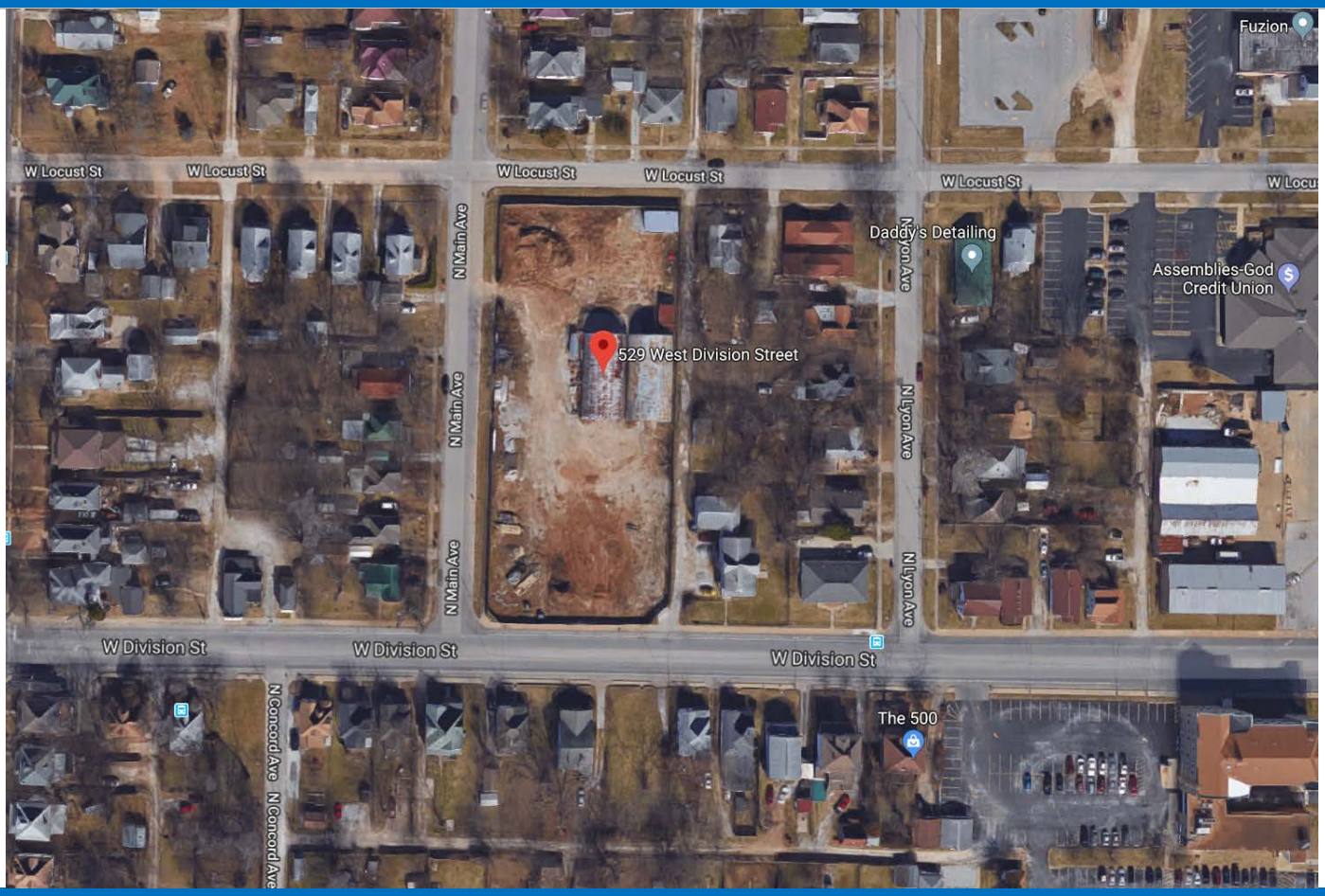
2. The subject property is appropriate for GR zoning which is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops and are recommended to be located along or at the intersection of two or more arterial or higher classification streets. The subject property is located along Division Street, a primary arterial roadway and is less than 500 feet from the intersection of Division Street and Grant Avenue which are both primary arterial roadways.

3. 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:

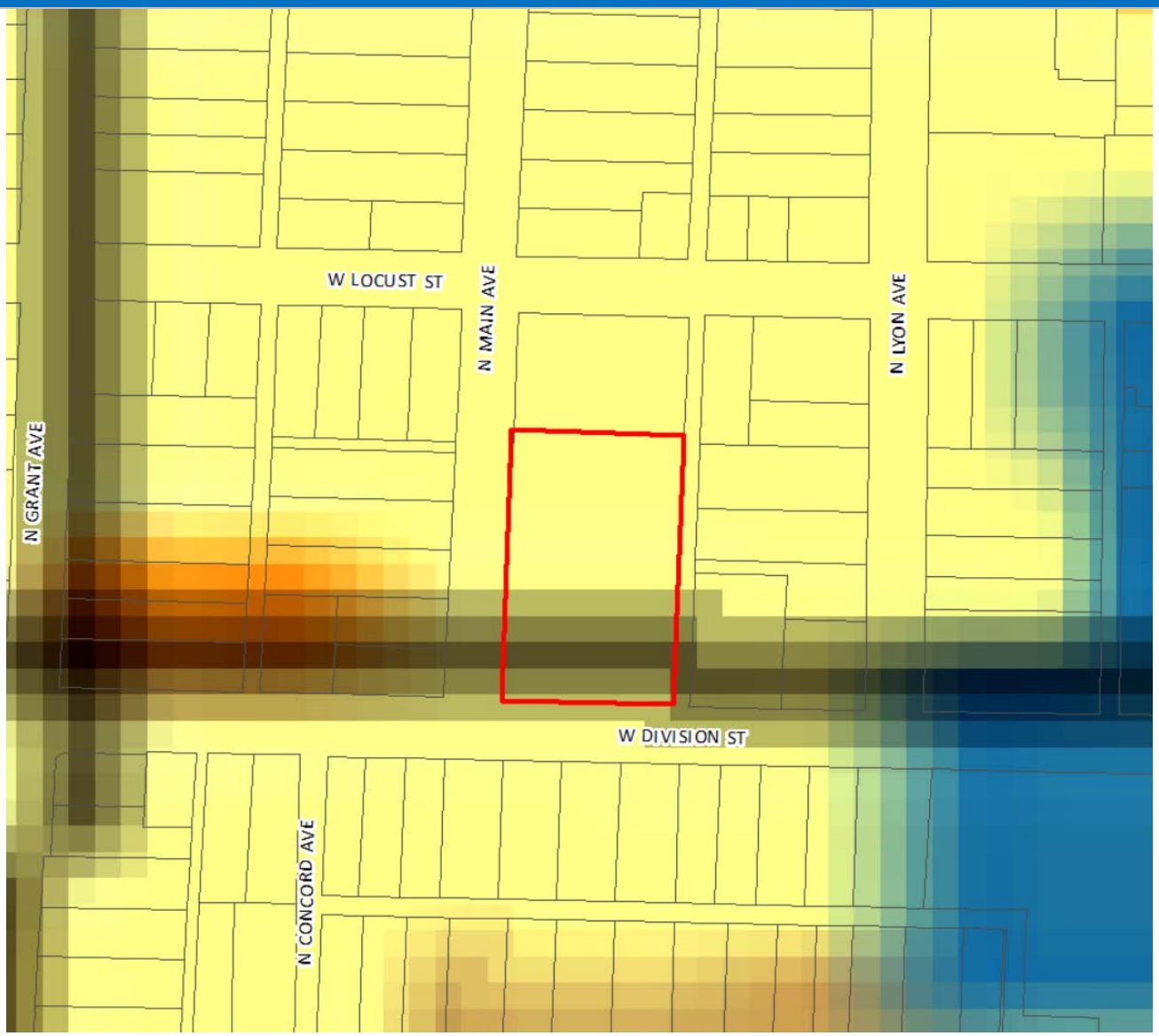
	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-LD	R-SF
LAND USE	Vacant/undeveloped land	Single-family residences	Single-family residences	Single-family residences

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:

GROWTH MANAGEMENT AND LAND USE PLAN:

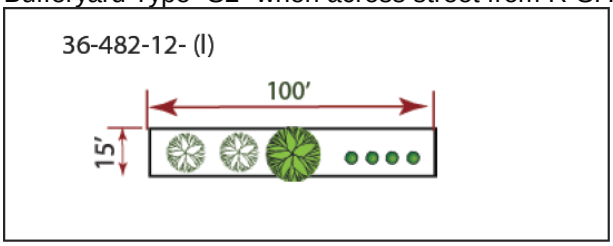


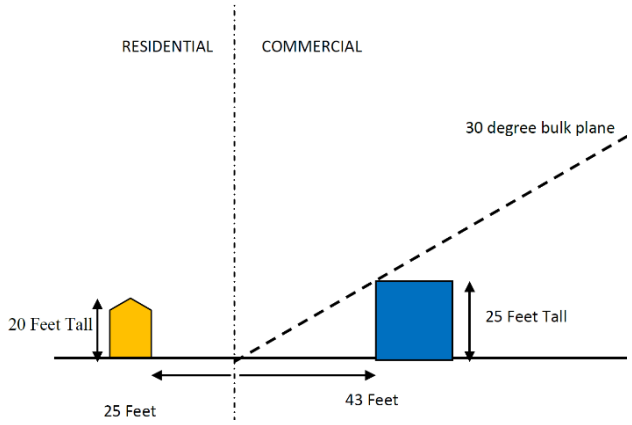
- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

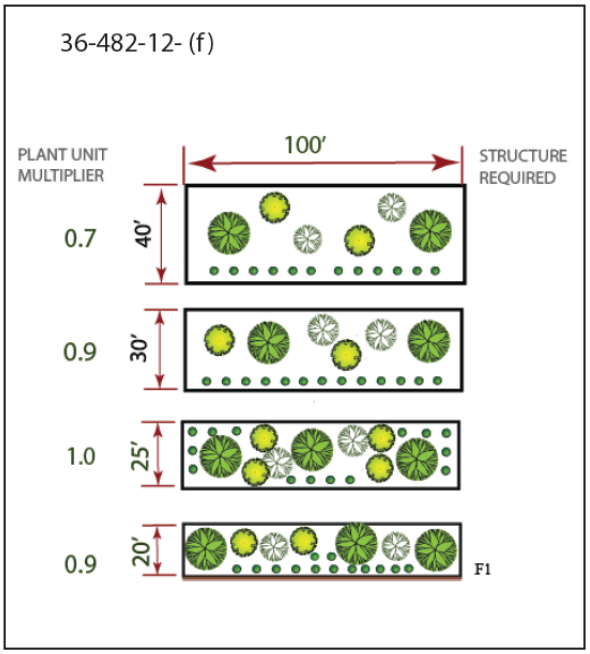
The subject property is currently zoned R-SF, Single-Family Residential District and has been since the Citywide remapping in 1995. The request to rezone to GR, General Retail District without a Conditional Overlay District was recommended for denial by Planning and Zoning Commission on January 17, 2019. On, February 11, 2019, City Council remanded the rezoning case back to Planning and Zoning Commission at the request of the applicant.

ZONING ORDINANCE REQUIREMENTS:

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	**BUFFERYARD AND LANDSCAPING**
30-degree bulk plane is required adjacent to R-SF zoning.	Bufferyard Type “S2” when across street from R-SF. 



Bufferyard Type “F” when adjacent to R-SF



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low-Density Housing land uses, however, this property is located along Division Street which is classified as a primary arterial on the Major Thoroughfare Plan. The proposed COD will prohibit many uses that could be considered objectionable to the residential area.

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 1.1 acres of property from R-SF, Single-family Residential to GR, General Retail and establish Conditional Overlay District No. 170. The applicant is proposing to construct a new retail store at the southern portion of this location. The applicant was originally proposing to rezone the entire property but has now reduced that area to only accommodate the proposed retail development. The remaining northern portion will remain R-SF, Single-Family Residential District.

2. 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 Division Street, a primary arterial roadway and is less than 500 feet from the intersection of Division Street and Grant Avenue, both primary arterials.

3. The Conditional Overlay District will require a traffic impact study at the time of development, an administrative re-plat, dedication of additional right-of-way, driveway closures, access restrictions, walkway design requirements, additional landscaping and prohibited uses. Staff believes the proposed COD requirements will mitigate the negative impacts to the residential neighborhood that a standard GR zoning could cause. 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.

4. 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, Main Avenue. The driveway access to Main Avenue must be a minimum of 75 feet from the intersection with Division Street to meet Public Works access standards for safety purposes. This would allow commercial traffic from the retail development onto a local street within a residential neighborhood. While commercial traffic is discouraged through a residential district, staff believes the proposed COD will mitigate those potentially offensive uses. The proposed retail use will allow for products and services in close proximity to the residential neighborhood where they are not currently available.

5. The list of prohibited uses includes automobile service garages, stations and washing businesses. It also prohibits convenience stores with gas pumps. These are a few of the more objectionable uses when adjacent to residential districts.

6. The development of the property will require a bufferyard along the north property line adjacent to the R-SF, Single Family zoning district. The normal bufferyard required between GR and single-family zoning would be a Bufferyard "Type F" at least twenty (20) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be three (3) canopy trees, three (3) understory trees, four (4) evergreen trees and twenty (20) shrubs with a six-foot solid wood fence or solid masonry/brick wall, or six-foot solid evergreen hedge.

7. The development of the property will require a bufferyard along the east property line adjacent to the R-LD, Low-Density Multifamily Residential zoning district. The normal bufferyard required between GR and multi-family zoning would be a Bufferyard "Type C" at least a fifteen (15) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be one (1) canopy trees, two (2) understory trees, two (2) evergreen trees and ten (10) shrubs. No structures are required as part of this bufferyard.

8. The normal bufferyard required between GR and R-SF with public street right-of-way 70 feet or less would be a Bufferyard "Type S2" at least fifteen (15) feet wide. A street bufferyard would be required along the south and west property line adjacent to Main Avenue and on the south along Division Street across from the R-SF zoning districts. Plantings required for a Type S2 bufferyard are for each one-hundred (100) linear feet, there must be at least one (1) canopy tree, two (2) understory trees and four (4) shrubs. No structures are required as part of this bufferyard.

9. Perimeter landscaping is required if a parking lot is within 50 feet of the right-of-way and there is no intervening building. This can vary in size according to the parking lot layout such as landscaped parking island being within 30 feet of the street and varied widths of landscaping strips. This is not in addition to the S2 bufferyard, but rather overlaying bufferyard. Parking lots or vehicle use areas are required to be screened by a four-foot fence or berm. No parking is permitted within 25 feet of the right-of-way for 100 feet from the residential property to the south.

10. 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.

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 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:

No review or approval of preliminary plans at this time.

CITY UTILITIES COMMENTS:

No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning.

FIRE DEPARTMENT COMMENTS:

No objections to rezoning.

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 West 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. Please keep in mind that more 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

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-1-2019 & CONDITIONAL OVERLAY DISTRICT NO. 170

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. The subject property shall be administratively re-platted between the differing zoning districts following the current Subdivision Regulations.

2. A Traffic Impact Study is required to be submitted at the time of development.

3. Approximately 18 feet of additional right-of-way needs to be dedicated along the property frontage of Division as well as a 30-foot by 30-foot right-of-way sight triangle at the corner of Division and Main and a 10-foot by 10-foot right-of-way sight triangle at the corner of Main and Locust. A request for reduction in right-of-way may be submitted through ARC as prescribed in the Subdivision Regulations. A survey is recommended to determine the exact amount of existing right-of-way. Division, Main, and Locust are all City-maintained streets.

4. Driveway access to/from North Main Avenue must be a minimum of 75 feet from the intersection with Division Street.

5. The existing driveway access to/from Division must be closed, as it does not meet the minimum spacing requirements.

6. A new north-south walkway from the south face of the proposed structure must be connected to the existing sidewalk along Division Street and additional landscaping (S2) must be provided between proposed structure and public right-of-way.

7. The following uses shall be prohibited:

    A. Art galleries, libraries, and museums
    B. Automobile service garages
    C. Automobile service stations
    D. Automobile washing business
    E. Bed and breakfast
    F. Catering business
    G. Convenience stores with gas pumps
    H. Churches and other places of worship, including parish homes and Sunday schools
    I. Overnight shelters
    J. Commercial gardens and/or farmers markets
    K. Commercial off-street parking lots and structures
    L. Community gardens
    M. Day care centers
    N. Eating and drinking establishments
    O. Entertainment-oriented uses
    P. Flea markets
    Q. Funeral homes, mortuaries, and crematoriums
    R. Household resource recovery collection centers

S. Medical office use group
T. Personal services use group
U. Police and fire stations
V. Private clubs and lodges
W. Public and private park, playground, and gold courses, including miniature golf courses and driving ranges
X. Self-service storage facilities
Y. Taxidermists
Z. Temporary lodging use group
AA. Temporary vendors
BB. Veterinary clinics, hospitals, pet day care services, pet grooming facilities and kennels
CC. Wireless telecommunication towers

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-SF *(existing zoning)* to GR *(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

DATE: 12/27/18			
NAME	ADDRESS	COMMENTS	SIGNATURE
Katrina York	1611 N. Lyon Ave #B	love the idea, in favor	Katrina York
GARY WILSON	1515 N. LYON - APT M	IN FAVOR	
Lisa League	1615 W Hovey	Not in FAVOR	
John Hughes	603 W Division	Not in Favor	
J. Scott Brown	1307 N. Main	Not in favor	

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

| | | |

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One-rdg. _____
P. Hrngs. X
Pgs. 10
Filed: 4-02-19

Sponsored by: Fisk

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 075 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING Chapter 36 of the Springfield, Missouri City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-409 – 'West College Street District,' and 'Division 5, Supplemental District Regulations,' Section 36-451, 'Home Occupations,' to remove inconsistencies with existing occupancy requirements. (Planning and Zoning Commission and Staff recommend approval.)

WHEREAS, certain amendments to the current Springfield City Code Chapter 36 are needed to address inconsistencies in the Code relating to unrelated persons occupying a dwelling; and

WHEREAS, Planning and Zoning Commission initiated these amendments on February 14, 2019; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on March 14, 2019, and recommended approval of the proposed changes.

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

Section 1 – Chapter 36 of the Springfield, Missouri City Code, 'Land Development Code', Article III, 'Zoning Regulations', Division 4, 'District Regulations' Section 36-409 – 'West College Street District' and "Division 5, Supplemental District Regulations', Section 36-451, 'Home Occupations' are hereby amended as follows:

Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

Sec. 36-409. - WC - West College Street district.

(3) *WC - 2, live/work sub-area.* Purpose. A live/work is a business conducted within a dwelling unit by occupants of the dwelling unit. A live/work is distinguished from a home occupation primarily in that a live/work use can include employees who are not residents of the home and involve a greater number of customers.

(b) *Permitted uses.*

10. Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

Sec. 36-451. - Home occupations.

(3) *Home occupations permitted.* Home occupations include, but are not limited to, the following occupations:

(i) Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

Section 2 – 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 accrued or existing, under any act or ordinance repealed hereby, or shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 – 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. City 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 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 - 075

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 36 of the Springfield, Missouri City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-409 – 'West College Street District,' and 'Division 5, 'Supplemental District Regulations,' Section 36-451, 'Home Occupations,' to remove inconsistencies with existing occupancy requirements. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – HOME OCCUPATION AMENDMENTS

Planning and Zoning Commission initiated amendments to Sections 36-409 and 36-451 of the Zoning Ordinance on February 14, 2019.

The current ordinance states "Renting sleeping rooms and serving meals to not more than two persons (and not exceeding three unrelated) not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person." Staff believes this language is confusing and could be misinterpreted to allow more persons in a dwelling unit. Staff is recommending removing the "not exceeding three unrelated" persons language.

Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

The Development Issues Input Group ("DIIG"), Downtown Springfield Association ("DSA"), Commercial Club and all Registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will correct language that was recently added to the West College Street District and home occupation requirements that is inconsistent with the existing requirements.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 14, 2019, and recommended approval, by a vote of 8 to 0, of the proposed changes to the Zoning Ordinance.

Planning and Development Staff recommends approval of the proposed amendments.

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, Development Review Staff Report
ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Proposed Amendments

EXHIBIT A

RECORD OF PROCEEDINGS
HOME OCCUPATION AMENDMENTS
Planning and Zoning Commission March 14, 2019

Home Occupation Amendments
Citywide
Applicant: City of Springfield

Mr. Hosmer stated that this is a request to amend Home Occupation Amendments. Planning and Zoning Commission initiated amendments to Sections 36-409. and 36-451 of the Zoning Ordinance on February 14, 2019. Staff is proposing amendments to the Home Occupation section of the Zoning Ordinance to remove a discrepancy regarding the renting of sleeping rooms. The current ordinance states that…Renting sleeping rooms and serving meals to not more than two persons (and not exceeding three unrelated) not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person. Staff believes this language is confusing and could be misinterpreted to allow more persons in a dwelling.

Note: Language to be added is <u>underlined</u> or ~~stricken~~.

Sec. 36-409. – WC – West College Street district.

(3) WC – 2, live/work sub-area. Purpose. A live/work is a business conducted within a dwelling unit by occupants of the dwelling unit. A live/work is distinguished from a home occupation primarily in that a live/work use can include employees who are not residents of the home and involve a greater number of customers.

(b) Permitted uses.

10. Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

Sec. 36-451. – Home occupations.

(3) Home occupations permitted. Home occupations include, but are not limited to, the following occupations:

(i) Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

Mr. Jobe asked about the current interpretation of the “not exceeding three unrelated persons.”

Mr. Hosmer said that the changes would not allow more than 2 unrelated persons in a

sleeping room.

Mr. Doennig opened the public hearing.

No speakers.

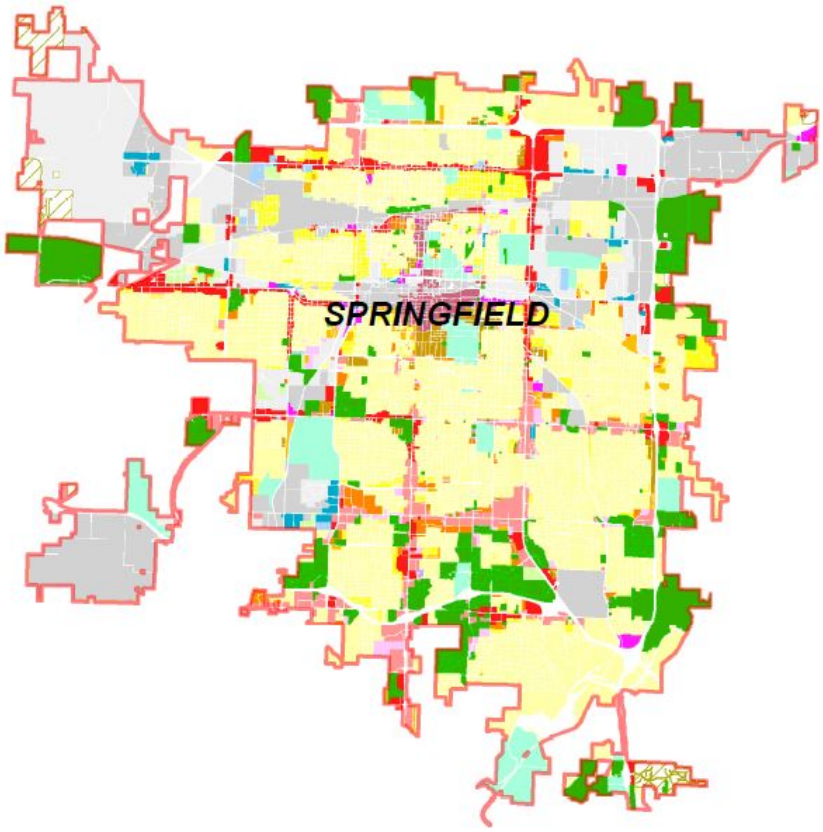
Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** Home Occupation Amendments (Citywide). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Rose, Ogilvy, Broekhoven, Thomas, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Bob Hosmer, AICP
Principal Planner

Exhibit B

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 14, 2019
CITY COUNCIL PUBLIC HEARING:	APRIL 8, 2019



CASE:
Home Occupation Amendments

STAFF:
Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

1. Staff is requesting an amendment to Sections 36-409(3)(b), 'Permitted uses,' and 36-451(3), 'Home occupations permitted' of the Zoning Ordinance to consider removing language that is inconsistent with existing requirements.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will correct language that was recently added to the West College Street District and home occupation requirements that is inconsistent with the existing requirements.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

SUMMARY OF PROPOSED TEXT AMENDMENT:

1. Planning and Zoning Commission initiated amendments to Sections 36-409. and 36-451 of the Zoning Ordinance on February 14, 2019.

2. The current ordinance states that…Renting sleeping rooms and serving meals to not more than two persons (and not exceeding three unrelated) not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person. Staff believes this language is confusing and could be misinterpreted to allow more persons in a dwelling unit. Staff is recommending removing the "not exceeding three unrelated" persons language.

3. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No comments.

CLEAN WATER SERVICES DIVISION COMMENTS:

No objections to proposed language.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

There is no issue with stormwater for zoning amendment.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the proposed zoning text amendment.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be removed is ~~stricken~~.

Sec. 36-409. - WC - West College Street district.

(3) *WC - 2, live/work sub-area.* Purpose. A live/work is a business conducted within a dwelling unit by occupants of the dwelling unit. A live/work is distinguished from a home occupation primarily in that a live/work use can include employees who are not residents of the home and involve a greater number of customers.

(b) *Permitted uses.*

10. Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

Sec. 36-451. - Home occupations.

(3) *Home occupations permitted.* Home occupations include, but are not limited to, the following occupations:

(i) Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

One-rdg. _____
P. Hrngs. X
Pgs. 13
Filed: 04-02-19

Sponsored by: Ollis

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 076 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING Chapter 36 of the Springfield, Missouri, City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-383 'R-MD – Medium-density multifamily residential district,' and 36-384 'R-HD – High-density multifamily residential district,' to reduce the minimum lot area required for development. (Planning and Zoning Commission and Staff recommend approval.)

WHEREAS, the City Code provides that text amendments to the Zoning Code may be initiated by either City Council, Planning and Zoning Commission or by a person owning or having an interest in the property; and

WHEREAS, an applicant has requested a text change reducing the minimum lot area for development in certain zoning districts from 15,000 square feet to 8,250 square feet; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on March 14, 2019, and they recommended approval of the proposed changes.

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

Section 1 – Chapter 36 of the Springfield, Missouri City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-383 'R-MD – Medium-density multifamily residential district,' and 36-384 'R-HD – High-density multifamily residential district,' are hereby amended as follows:

Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

Sec. 36-383. - R-MD - Medium-density multifamily residential district.

(5) *Lot size requirements.*

(a) *Minimum lot area:*

1. Each townhouse on a separate platted lot: 2,000 square feet.

2. Existing single-family detached dwellings: 5,000 square feet.

3. Duplexes: 5,500 square feet.

4. Existing single-family semi-detached dwellings: 3,750 square feet.

5. All other uses: 8,250~~15,000~~ square feet.

Sec. 36-384. - R-HD - High-density multifamily residential district.

(5) *Lot size requirements.*

(a) *Minimum lot area:*

1. Each townhouse on a separate platted lot: 2,000 square feet.

2. Existing single-family detached dwellings: 5,000 square feet.

3. Duplexes: 4,500 square feet.

4. Existing single-family semi-detached dwellings: 3,750 square feet.

5. All other uses: 8,250~~15,000~~ square feet.

Section 2 – 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 accrued or existing, under any act or ordinance repealed hereby, or shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 - 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. City 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 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 -076

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: AMENDING Chapter 36 of the Springfield, Missouri, City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-383 'R-MD – Medium-density multifamily residential district,' and 36-384 'R-HD – High-density multifamily residential district,' to reduce the minimum lot area required for development. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – R-MD & R-HD MINIMUM LOT AREA AMENDMENTS

A private property owner has applied for this text amendment. The applicant, Robert Shattuck, explains the reason for changing this Ordinance is to allow development on property currently zoned R-MD and R-HD but which is currently being underutilized because of the current square footage restriction particularly in the Missouri State University area where development is needed. Mr. Shattuck owns property at 634 East Harrison Street.

He also states, currently, all higher-density zoned properties around Springfield are prevented from utilizing their properties to the fullest extent because of the current restriction and there is no reason to have the restriction if development can provide their own parking. The applicant believes that the proposed changes to the ordinance will promote good growth for the City of Springfield.

The current zoning regulations for property zoned R-MD and R-HD requires that a lot is comprised of at least 15,000 square feet before multi-family uses are allowed. The R-LD, Low Density Multi-Family Residential District only requires 8,250 square feet of property for multi-family uses.

Staff is supportive of these amendments because this would allow small lots that are at least 8,250 square feet to be developed as multi-family uses similar to the R-LD, Low-Density multifamily residential district. This is not increasing the density, but only allowing multi-family zoned property to be developed with multi-family uses. Staff does not see a difference between a multi-family use developing on 15,000 square feet compared to 8,250 square feet. They both have to provide for the required off-street parking, meet the open space requirements and the building setbacks or bufferyards; if required. The proposed amendment will bring all three of our multi-family zoning districts into one consistent minimum lot size requirement.

The Development Issues Input Group ("DIIG"), Downtown Springfield Association ("DSA"), Commercial Club and all Registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will reduce the minimum lot size for a multi-family building to be constructed on which will promote infill development and increased intensity where investments have already been made in public services and infrastructure.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 14, 2019, and recommended approval, by a vote of 8 to 0, of the proposed changes to the Zoning Ordinance.

The Planning and Development Staff recommends approval of the proposed amendments.

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, Development Review Staff Report
ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Proposed Amendments
Attachment 3, Comments Requested

EXHIBIT A

RECORD OF PROCEEDINGS
R-MD & R-HD MINIMUM LOT AREA AMENDMENTS
Planning and Zoning Commission March 14, 2019

R-MD & R-HD Minimum Lot Area Amendments
Citywide
Applicant: Robert Shattuck

Mr. Hosmer stated that this is a request to amend R-MD & R-HD Minimum Lot Area Amendments. The applicant is requesting amendments to Sections 36-383 and 36-384., 'R-MD - Medium-density multifamily residential district, and R-HD - High-density multifamily residential district' of the Zoning Ordinance to consider reducing the minimum lot area for multi-family uses. The current zoning regulations for property zoned R-MD and R-HD requires a minimum lot size of at least 15,000 square feet before multi-family uses are allowed. The R-LD, Low Density Multi-Family Residential District only requires 8,250 square feet of property for multi-family uses. This is not increasing the density, but only allowing multi-family zoned property to be developed with multi-family uses. Staff does not see a difference between a multi-family use developing on 15,000 square feet compared to 8,250 square feet. They both have to provide for the required off-street parking, meet the open space requirements and the building setbacks or bufferyards; if required. The proposed amendment will bring all three of our multifamily zoning districts into one consistent minimum lot size requirement, 8,250 sf as a minimum lot size. Staff is supportive of these amendments because this would allow small lots that are at least 8,250 square feet to be developed as multi-family uses similar to the R-LD, Low-Density multifamily residential district.

Note: Language to be added is <u>underlined</u> or ~~stricken~~.

Sec. 36-383. – R-MD – Medium-density multifamily residential district.
(5) Lot size requirements
a. Minimum lot area:
1. Each townhouse on a separate platted lot: 2,000 square feet.
2. Existing single-family detached dwellings: 5,000 square feet.
3. Duplexes: 5,500 square feet.
4. Existing single-family semi-detached dwellings: 3,750 square feet.
5. All other uses: <u>8,250</u> ~~15,000~~ square feet.

Sec. 36-384. – R-HD – High-density multifamily residential district.
(6) Lot size requirements
a. Minimum lot area:
1. Each townhouse on a separate platted lot: 2,000 square feet.
2. Existing single-family detached dwellings: 5,000 square feet.
3. Duplexes: 4,500 square feet.

4. Existing single-family semi-detached dwellings: 3,750 square feet.
5. All other uses: 8,250 ~~15,000~~ square feet.

Mr. Doennig opened the public hearing.

Robert Shattuck, 2117 State Hwy W, Ozark, MO and believes that this change will promote growth by being able to build larger structures and more units per lot.

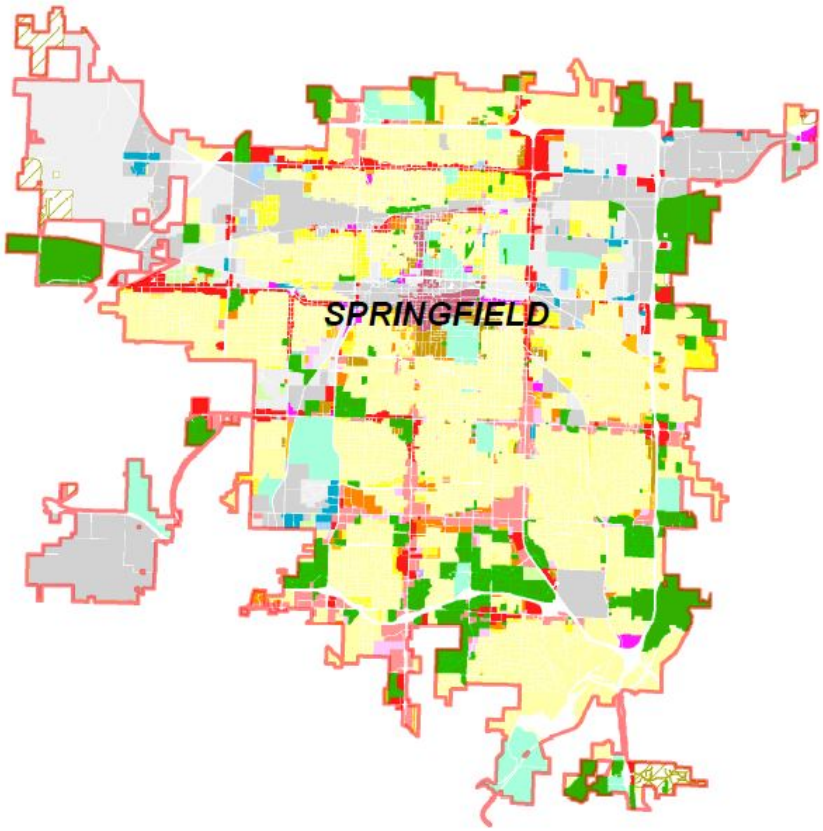
Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** R-MD & R-HD Minimum Lot Area Amendments (Citywide). Mr. Coltrin seconded the motion. Ayes: Doennig, Coltrin, Cox, Rose, Ogilvy, Broekhoven, Thomas, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Bob Hosmer, AICP
Principal Planner

Exhibit B

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 14, 2019
CITY COUNCIL PUBLIC HEARING:	APRIL 8, 2019



CASE:
R-MD & R-HD Minimum Lot Area Amendments

APPLICANT:
Robert Shattuck

STAFF:
Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

The applicant is requesting amendments to Sections 36-383 and 36-384., 'R-MD - Medium-density multifamily residential district, and R-HD - High-density multifamily residential district' of the Zoning Ordinance to consider reducing the minimum lot area for multi-family and non-residential uses.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will reduce the minimum lot size for a multi-family building to be constructed on which will promote infill development and increased intensity where investments have already been made in public services and infrastructure.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

SUMMARY OF PROPOSED TEXT AMENDMENT:

1. A private property owner has applied for this text amendment.

2. The applicant, Robert Shattuck, explains the reason for changing this ordinance is to allow development on property currently zoned R-MD and R-HD but is currently being underutilized because of the current square footage restriction particularly in the Missouri State University area where development is needed. Mr. Shattuck owns property at 634 East Harrison Street.

3. He also states, currently, all higher-density zoned properties around Springfield are prevented from utilizing their properties to the fullest extent because of the current restriction and there is no reason to have the restriction if development can provide their own parking. The applicant believes that the proposed changes to the ordinance will promote good growth for the City of Springfield.

4. The current zoning regulations for property zoned R-MD and R-HD requires that a lot is comprised of at least 15,000 square feet before multi-family uses are allowed. The R-LD, Low Density Multi-Family Residential District only requires 8,250 square feet of property for multi-family uses.

5. Staff is supportive of these amendments because this would allow small lots that are at least 8,250 square feet to be developed as multi-family uses similar to the R-LD, Low-Density multifamily residential district. This is not increasing the density, but only allowing multi-family zoned property to be developed with multi-family uses.

6. Staff does not see a difference between a multi-family use developing on 15,000 square feet compared to 8,250 square feet. They both have to provide for the required off-street parking, meet the open space requirements and the building setbacks or bufferyards; if required. The proposed amendment will bring all three of our multi-family zoning districts into one consistent minimum lot size requirement.

7. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No issues.

CLEAN WATER SERVICES DIVISION COMMENTS:

After discussing the issue, Environmental Services does not oppose the amendment but points out that we have sewer capacity issues in the older parts of Springfield. Currently, developers must fund capacity improvements at the time of development. A program needs to be developed that will spread the costs of capacity improvements across new and future developments. We anticipate that this issue will be addressed in the upcoming comprehensive plan.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

No issues.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No issues.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be added is underlined or ~~stricken~~.

Sec. 36-383. - R-MD - Medium-density multifamily residential district.

(5) *Lot size requirements.*

(a) *Minimum lot area:*

1. Each townhouse on a separate platted lot: 2,000 square feet.
2. Existing single-family detached dwellings: 5,000 square feet.
3. Duplexes: 5,500 square feet.
4. Existing single-family semi-detached dwellings: 3,750 square feet.
5. All other uses: 8,250~~15,000~~ square feet.

Sec. 36-384. - R-HD - High-density multifamily residential district.

(5) *Lot size requirements.*

(a) *Minimum lot area:*

1. Each townhouse on a separate platted lot: 2,000 square feet.
2. Existing single-family detached dwellings: 5,000 square feet.
3. Duplexes: 4,500 square feet.
4. Existing single-family semi-detached dwellings: 3,750 square feet.
5. All other uses: 8,250~~15,000~~ square feet.

Neal, Daniel

Subject: COMMENTS REQUESTED - Proposed Text Amendments to P&Z and CC

Daniel,

Thank you for the opportunity to provide feedback on the proposed amendments noted below. Our Board recently met to review these changes and would offer the following feedback for the Public Hearing on March 14:

1. R-MD and R-HD Minimum Lot Area Amendments: The Galloway Village Neighborhood Association is opposed to this amendment. We believe the current restrictions with regard to square footage in R-MD and R-HD are adequate for the continued protection of our residential neighborhoods. If higher density use is desired or necessitated by a developer, there should be a process in place for considering a *genuine* hardship or rezoning to an appropriate use. Changing the zoning ordinance would potentially negatively impact our particular neighborhood, which is already overwhelmed by new high density developments. This issue and its impact on our residential neighborhoods is much larger than the parking issue noted below. We do not feel this would enhance good growth for the neighbors who must live in and near these zones and deal with over-development on a daily basis.
2. Neutral; no strong opinion either way.
3. Neutral; no strong opinion either way.

Please let me know if you have any questions or if we can provide more information.

Marcie

From: Neal, Daniel [mailto:dneal@springfieldmo.gov]
Sent: Friday, March 1, 2019 4:51 PM
Subject: COMMENTS REQUESTED - Proposed Text Amendments to P&Z and CC

Staff and an applicant are proposing the following text amendments to the Zoning Ordinance at the Planning and Zoning Commission meeting on March 14, 2019 and City Council meeting on April 8, 2019:

R-MD and R-HD Minimum Lot Area Amendments: This a formal request from a citizen, Robert Shattuck, with the following explanation and amendments (proposed amendments attached). Proposed amendments to the minimum lot area for other uses in the R-MD, Medium Density Multi-Family Residential District and R-HD, High-Density Multi-Family District. Currently, reads 15,000 sq. ft. change to 8,250 sq. ft. The reason for changing this ordnance is to allow development of higher density land that is currently being under utilized because of the current square footage restriction in particular, the Missouri State University area which is needed. Location: 634 East Harrison Street. Currently, all higher density zoned properties around Springfield are stopped from utilizing their properties to the fullest extent because of the current restriction and there is no reason to have the restriction if development can provide their own parking. With the proposed changes, this new ordinance would enhance good growth for the City of Springfield.

Home Occupation Amendments: Amendments to the Zoning Ordinance Sections 36-409 and 36-451, Home Occupations. Staff is proposing amendments to the Home Occupation section of the Zoning Ordinance to remove a discrepancy regarding the renting of sleeping rooms. The current ordinance states that…Renting sleeping rooms and serving meals to <u>not more than two persons</u> <u>(and not exceeding three unrelated)</u> not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person. Staff believes this language is confusing and could be misinterpreted to allow more persons in a dwelling. Staff is recommending removing the three unrelated language ~~(and not exceeding three unrelated)~~.

Legal Description Amendments (proposed amendments attached): Staff in the past has had ongoing issues with the accuracy of legal descriptions being submitted for zoning changes. Staff estimates that at least one-third of all legal descriptions submitted for review are inaccurate. This has required staff to correct or require corrections for legal descriptions that do not close, do not describe contiguous tracts and even legal descriptions of property in another jurisdiction. To address this situation, staff is requesting amendments to the Zoning Ordinance to require that legal descriptions be sealed by a registered land surveyor with an attached sketch of the legal description. Zoning cases that involve only full lots and blocks in an approved subdivision will be exempt from this requirement.

If you have any additional questions or concerns, please, feel free to contact me or our department. I would also appreciate it if you don't reply to all since I have a wide range of boards and citizens that have been notified and they may not want to participate in an e-mail chain discussion.

R. Daniel Neal
Senior Planner
City of Springfield, Missouri
Planning and Development Department
Office: 417-864-1611
Direct: 417-864-1036
dneal@springfieldmo.gov

One-rdg. _____
P. Hrngs. X
Pgs. 14
Filed: 04-02-19

Sponsored by: Hosmer

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 077 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING Chapter 36 of the Springfield, Missouri, City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 3, 'Administration, Enforcement and Review,' Section 36-367 – 'Amendments,' Subsection (3)(a) relating to legal descriptions for rezoning. (Planning and Zoning Commission and Staff recommend approval.)

_____

WHEREAS, certain amendments to the current Springfield City Code Chapter 36 are needed to address the requirement for legal descriptions in rezoning cases; and

WHEREAS, Planning and Zoning Commission initiated these amendments on February 14, 2019; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on March 14, 2019, and recommended approval of the proposed changes.

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

Section 1 – Chapter 36 of the Springfield, Missouri City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 3, 'Administration, Enforcement and Review,' Section 36-367 – 'Amendments,' Subsection (3)(a) is hereby amended as follows:

Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

Sec. 36-367. - Amendments.

(3) *Application for amendment.* Any person owning or having an interest in property or the planning and zoning commission may file an application for a text amendment or a change in zoning district classification with the secretary of the planning and zoning commission upon such forms as the commission may specify by rule. The application for amendment shall contain the following information depending on the

type of application:

(a) For changes in the zoning district classification (rezoning):

1. Applicant's name and address and his interest in the subject property.

2. The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf.

3. The street address (or common description). ~~and a copy of the deed of record or legal description of the property as prepared by and certified by a land surveyor or attorney.~~

4. Boundary description of the property to be re-zoned, and supporting documents as follows:

   a. If rezoning a complete existing lot(s) in a recorded subdivision, provide a copy of the platted subdivision indicating the lot(s) to be rezoned; or

   b. In all other cases, a sketch created or approved by a Professional Land Surveyor shall be submitted. The sketch need not be a boundary survey and may include a note to the surveyor's satisfaction stating that it: is not to be considered a boundary survey; is intentionally not in compliance with Missouri Standards; and should not be used to determine land boundaries on the ground. The sketch should graphically represent the boundary in relation to the criteria described below:

      i. If in a subdivision the sketch shall show, at a minimum, the name of the subdivision, the lots and portions of lots involved, the book and page of the current deed of record, the description of the area to be rezoned, the name of adjacent streets and alleys, north arrow, and proposed zoning change.

      ii. If the property is unplatted it shall show, at a minimum, the smallest aliquot part encompassing the parcel (typically, Quarter Section or Quarter-Quarter Section or smaller), Section Township and Range, the book and page of the current deed of record, the description of the area to be rezoned, the name(s) of adjacent streets and alleys, north arrow, and proposed zoning change.

   c. When providing sketches as specified in 4.b.i. and 4.b.ii. above, the Professional Land Surveyor shall also submit a letter stating the

following:

i. I have reviewed the attached description and sketch provided for rezoning. In my professional opinion, the description properly represents the boundary of the area to be rezoned and the sketch substantially conforms to the description.

~~4~~5. The zoning classification and present use of the subject property.

~~5~~6. A description of the proposed use if any.

~~6~~7. The names and addresses, provided on legal-size envelopes and on a list, for all owners of real property, as shown on the records of the county assessor, adjacent or, or within 185 feet of the subject property. (The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law). These names shall be used for a letter as well as other mailings.

~~7~~8. A traffic impact analysis, prepared to standards as established by the director of public works.

~~8~~9. Such additional other information as the commission may, by rule, require.

Section 2 – 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 accrued or existing, under any act or ordinance repealed hereby, or shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 - 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. City 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 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 -077

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 36 of the Springfield, Missouri, City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 3, 'Administration, Enforcement and Review,' Section 36-367 – 'Amendments,' relating to legal descriptions for rezoning. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – LEGAL DESCRIPTION AMENDMENTS

Planning and Zoning Commission initiated amendments to Section 36-367 of the Zoning Ordinance on February 14, 2019.

For several years now, staff has had ongoing issues with accuracy in legal descriptions submitted for zoning changes. Staff estimates that one-third of all legal descriptions submitted are inaccurate. These range from legal descriptions that do not close; properties that are pieced-together with legal descriptions that do not describe contiguous tracts and even legal descriptions that describe property in the wrong jurisdictions i.e. Greene County or other cities.

To address this situation, staff recommends amending the Zoning Ordinance to require legal descriptions to be approved by a Professional Land Surveyor and shall state that in their professional opinion, the description and the sketch of the property properly represents the boundary of the area to be rezoned and the sketch substantially conforms to the description. Zoning cases that involve only full lots and blocks in an approved subdivision will be exempt from this requirement since these are recorded documents on file with the City of Springfield.

Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

The Development Issues Input Group ("DIIG"), Downtown Springfield Association ("DSA"), Commercial Club and all Registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will modify the current requirements to require a sketch to be created or approved by a Professional Land Surveyor with any boundary description as part of a rezoning that is not in a complete existing lot(s) in a recorded subdivision.
2. Approval of this amendment will result in more accurate descriptions of property to be rezoned and will facilitate development.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 14, 2019, and recommended approval, by a vote of 7 to 1, of the proposed changes to the Zoning Ordinance.

Planning and Development Staff recommends approval of the proposed amendments.

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, Development Review Staff Report
ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Proposed Amendments

EXHIBIT A

RECORD OF PROCEEDINGS
LEGAL DESCRIPTION AMENDMENTS
Planning and Zoning Commission March 14, 2019

Legal Description Amendments
Citywide
Applicant: City of Springfield

Mr. Hosmer stated that this is a request to amend Legal Description Amendments. Planning and Zoning Commission initiated amendments to Section 36-367 of the Zoning Ordinance on February 14, 2019. Staff in the past has had ongoing issues with the accuracy of legal descriptions being submitted for zoning changes. Staff estimates that at least one-third of all legal descriptions submitted for review are inaccurate. This has required staff to correct or require corrections for legal descriptions that do not close, do not describe contiguous tracts and even legal descriptions of property in another jurisdiction. To address this situation, staff is requesting amendments to the Zoning Ordinance to require that legal descriptions be sealed by a registered land surveyor with an attached sketch of the legal description. Zoning cases that involve only full lots and blocks in an approved subdivision will be exempt from this requirement. Staff requests that Commission approve the amendments to the Zoning Ordinance as specified.

Note: Language to be added is <u>underlined</u> or ~~stricken~~.

Sec. 36-367. - Amendments.

(1) Authority. The city council may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the districts or regulations herein or subsequently established.

(2) Initiation of amendment. Amendments may be proposed by the council, the planning and zoning commission, or by a person owning or having an interest in property in the City of Springfield. If the council initiates an amendment, its proposal shall be transmitted to the planning and zoning commission for the commission's report and recommendation.

(3) Application for amendment. Any person owning or having an interest in property or the planning and zoning commission may file an application for a text amendment or a change in zoning district classification with the secretary of the planning and zoning commission upon such forms as the commission may specify by rule. The application for amendment shall contain the following information depending on the type of application:

(a) For changes in the zoning district classification (rezoning):

1. Applicant's name and address and his interest in the subject property.
2. The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf.

3. The street address (or common description) ~~and~~
4. Boundary description of the property to be re-zoned, and supporting documents as follows:
   a. If rezoning a complete existing lot(s) in a recorded subdivision, provide a copy of the platted subdivision indicating the lot(s) to be rezoned; or ~~A copy of the deed of record or legal description of the property as prepared by and certified by a land surveyor or attorney.~~
   b. In all other cases, a sketch created or approved by a Professional Land Surveyor shall be submitted. The sketch need not be a boundary survey and may include a note to the surveyor's satisfaction stating that it: is not to be considered a boundary survey; is intentionally not in compliance with Missouri Standards; and should not be used to determine land boundaries on the ground. The sketch should graphically represent the boundary in relation to the criteria described below:
      I. If in a subdivision the sketch shall show, at a minimum, the name of the subdivision, the lots and portions of lots involved, the book and page of the current deed of record, the description of the area to be rezoned, the name of adjacent streets and alleys, north arrow, and proposed zoning change.
      II. If the property is unplatted it shall show, at a minimum, the smallest aliquot part encompassing the parcel (typically, Quarter Section or Quarter Section or smaller), Section Township and Range, the book and page of the current deed of record, the description of the area to be rezoned, the name(s) of adjacent streets and alleys, north arrow, and proposed zoning change.
   c. When providing sketches as specified in 4.b.i. and 4.b.ii. above, the Professional Land Surveyor shall also submit a letter stating the following:
      I. I have reviewed the attached description and sketch provided for rezoning. In my professional opinion, the description properly represents the boundary of the area to be rezoned and the sketch substantially conforms to the description.
5. The zoning classification and present use of the subject property.
6. A description of the proposed use if any.

Ms. Cox asked if staff was having to do additional work.

Mr. Hosmer noted that staff had to spend a lot of time getting the correct legal description and getting a sketch with the legal description will assist the staff in time.

Mr. Doennig ask about the process for minor subdivisions.

Mr. Hosmer stated that the developer would have to have the legal description in that process.

Mr. Doennig opened the public hearing.

Don Berry, 1200 E. Woodhurst, Lee Engineering, asking if staff is requiring a surveyor to review major subdivision plats.

Mr. Hosmer stated that staff is requiring that a shall state that in their professional opinion, that the description and sketch of the property represents the boundary.

Mr. Doennig closed the public hearing.

Mr. Coltrin commented on the upfront cost and believes that it does not guarantee to be any better or improve the situation and does not want the amendment change and will be voting no.

Mr. Hosmer stated that he does not believe it will add additional costs and this won't be perfect, but with the sketch provided as well as the description believes that it will help.

Mr. Doennig asked where the legal description problems/errors are coming from.

Mr. Hosmer stated that it comes from varied individuals, companies, etc., and approximately 30% are inaccurate.

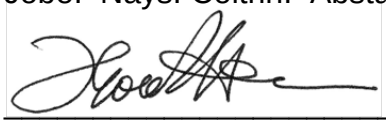
Ms. Broekhoven asked how long into the process is the staff is finding the errors and if it would be better for this requirement be at the end of the rezoning process (before it is officially zoned to make sure the property could be rezoned).

Mr. Hosmer noted that Development Review has had several staff changes and recently had a staff member who checked the legals extensively but has retired and we have seen it occur during all phases of the project and by putting the process towards the end, it may delay the project by stringing out the process. Mr. Hosmer noted that staff is spending time in getting the information accurate and gave out an example to keep it simple.

Mr. Thomas asked if the legal process is outdated for the rezoning process and asked about checks and balances prior to the final rezone.

Mr. Hosmer noted that this new process/amendment is similar with another city that requires a sketch.

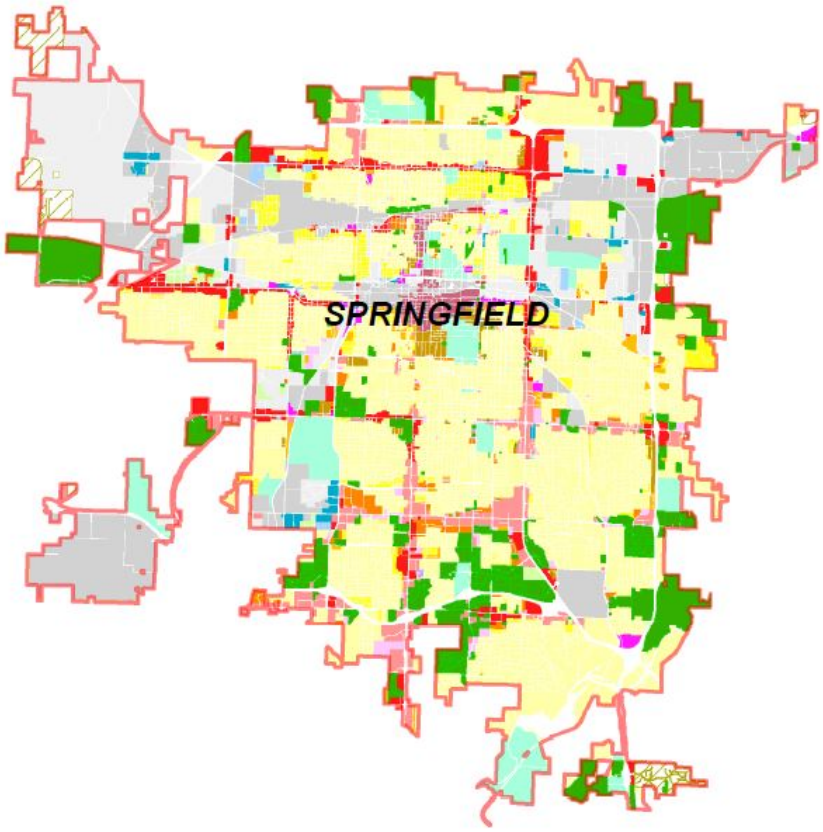
COMMISSION ACTION:
Ms. Cox motioned to **approve** Legal Description Amendments (Citywide). Mr. Jobe seconded the motion. Ayes: Doennig, Cox, Rose, Ogilvy, Broekhoven, Thomas, and Jobe. Nays: Coltrin. Abstain: None. Absent: Shuler.



Bob Hosmer, AICP
Principal Planner

Exhibit B

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 14, 2019
CITY COUNCIL PUBLIC HEARING:	APRIL 8, 2019



CASE:
Legal Description Amendments

STAFF:
Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

1. Staff is requesting an amendment to Section 36-367, 'Amendments,' of the Zoning Ordinance to consider modifying the requirements for zoning district classification (rezoning) legal descriptions.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will modify the current requirements to require a sketch to be created or approved by a Professional Land Surveyor with any boundary description as part of a rezoning that is not in a complete existing lot(s) in a recorded subdivision.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

SUMMARY OF PROPOSED TEXT AMENDMENT:

1. Planning and Zoning Commission initiated amendments to Section 36-367 of the Zoning Ordinance on February 14, 2019.

2. For several years now, staff has had ongoing issues with accuracy in legal descriptions submitted for zoning changes. Staff estimates that one-third of all legal descriptions submitted are inaccurate. These range from legal descriptions that do not close; properties that are pieced-together with legal descriptions that do not describe contiguous tracts and even legal descriptions that describe property in the wrong jurisdictions i.e. Greene County or other cities.

3. To address this situation, staff is initiating amendments to the Zoning Ordinance to require legal descriptions to be approved by a Professional Land Surveyor and shall state that in their professional opinion, the description and the sketch of the property properly represents the boundary of the area to be rezoned and the sketch substantially conforms to the description. Zoning cases that involve only full lots and blocks in an approved subdivision will be exempt from this requirement since these are recorded documents on file with the City of Springfield.

4. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that the Planning and Zoning Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No comments.

CLEAN WATER SERVICES DIVISION COMMENTS:

No objections to proposed language.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

There is no issue with stormwater for zoning amendment.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the proposed zoning text amendment.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be added is underlined or ~~stricken~~.

Sec. 36-367. - Amendments.

(1) *Authority.* The city council may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the districts or regulations herein or subsequently established.

(2) *Initiation of amendment.* Amendments may be proposed by the council, the planning and zoning commission, or by a person owning or having an interest in property in the City of Springfield. If the council initiates an amendment, its proposal shall be transmitted to the planning and zoning commission for the commission's report and recommendation.

(3) *Application for amendment.* Any person owning or having an interest in property or the planning and zoning commission may file an application for a text amendment or a change in zoning district classification with the secretary of the planning and zoning commission upon such forms as the commission may specify by rule. The application for amendment shall contain the following information depending on the type of application:

(a) For changes in the zoning district classification (rezoning):

1. Applicant's name and address and his interest in the subject property.

2. The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf.

3. The street address (or common description)~~ and~~

4. Boundary description of the property to be re-zoned, and supporting documents as follows:

a. If rezoning a complete existing lot(s) in a recorded subdivision, provide a copy of the platted subdivision indicating the lot(s) to be rezoned; or ~~A copy of the deed of record or legal description of the property as prepared by and certified by a land surveyor or attorney.~~

b. In all other cases, a sketch created or approved by a Professional Land Surveyor shall be submitted. The sketch need not be a boundary survey and may include a note to the surveyor's satisfaction stating that it: is not to be considered a boundary survey; is intentionally not in compliance with Missouri Standards; and should not be used to determine land boundaries on the ground. The sketch should graphically represent the boundary in relation to the criteria described below:

i. If in a subdivision the sketch shall show, at a minimum, the name of the subdivision, the lots and portions of lots involved, the book and page of the current deed of record, the description of the area to be rezoned, the name of adjacent streets and alleys, north arrow, and proposed zoning change.

ii. If the property is unplatted it shall show, at a minimum, the smallest aliquot part encompassing the parcel (typically, Quarter Section or Quarter Quarter Section or smaller), Section Township and Range, the book and

page of the current deed of record, the description of the area to be rezoned, the name(s) of adjacent streets and alleys, north arrow, and proposed zoning change.

c. When providing sketches as specified in 4.b.i. and 4.b.ii. above, the Professional Land Surveyor shall also submit a letter stating the following:

i. I have reviewed the attached description and sketch provided for rezoning. In my professional opinion, the description properly represents the boundary of the area to be rezoned and the sketch substantially conforms to the description.

5. The zoning classification and present use of the subject property.

6. A description of the proposed use if any.

One-rdg. _____
P. Hrngs. _____
Pgs. 89
Filed: 04-02-19

Sponsored by: Schilling

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 078 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474; for the purpose of allowing the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

WHEREAS, on November 6, 2018, the voters of the State of Missouri, passed Amendment 2, creating Article XIV of the Missouri Constitution authorizing the controlled sale of Marijuana for medical purposes; and directing the State to adopt regulations to allow for the cultivation, processing, testing, and sale of Medical Marijuana, and;

WHEREAS, Article XIV and the regulations promulgated pursuant to same place certain limits and restrictions on local governments power to regulate the cultivation, processing, testing, and sale of Medical Marijuana, and;

WHEREAS, to protect the welfare of the citizens, provide access as required by law, and ensure the safe, efficient and lawful implementation of Article XIV the following amendments to the City Code are proposed, and;

WHEREAS, a public hearing was held before the Planning and Zoning Commission on March 28, 2019, and Planning and Zoning Commission recommended approval of the proposed changes.

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

Section 1 – Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III – 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-

431, 36-432, 36-433, and 36-434 are hereby amended and a new section 36-474 is hereby enacted to allow for the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution.

(Note: Revisions to Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III – 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, and 36-434 as well as a new section 36-474, are set forth in "Exhibit 1," which is attached hereto and incorporated herein by this reference as if set forth verbatim. Underlined language is to be added. Language to be removed is ~~stricken~~.)

Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in an court or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby, or shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 - 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. City 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 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

SUPPLEMENTAL EXPLANATION TO COUNCIL BILL 2019-____

FILED: 04-02-19

ORIGINATING DEPARTMENT: LAW

PURPOSE: Report on Planning and Zoning Proceedings and Recommendation for Amendment.

BACKGROUND: On March 28, 2019, the Planning and Zoning Commission ("Commission") heard staff's presentation on the proposed Medical Marijuana Ordinance. After much discussion the Commission recommended that the proposed ordinance be amended to remove the limitation on the hours medical marijuana facilities may be open to the public as found in 36-421(7)(b)(vii) and 36-474(2)(e).

The Commission responded to testimony that limiting off hours access to some of the cultivation and processing facilities only to employees would prohibit a service call during off hours from HVAC, electrical or plumbing trades to deal with emergency situations. They also felt that the hours for dispensary operations should follow those for pharmacies, some of which operate 24 hours. This would allow the market to set the hours for dispensary operations.

The Commission voted unanimously to "amend" the bill by striking the limitations on public sale. While the Commission voted specifically to do this to the language cited above in 36-421, the identical language appears also in 36-321 and 36-474.

With this "amendment" the Commission voted to approve the amended Medical Marijuana amendments 9-0.

Staff supports passage of the bill with Commission's recommended amendment.

The City Council may accept the recommendation of the Commission and make such changes, make other changes, or pass the bill as filed and presented.

Submitted by:

Assistant City Attorney

Approved by:

Jason Gage, City Manager

EXPLANATION TO COUNCIL BILL 2019 -___

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474 to allow for the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – MEDICAL MARIJUANA AMENDMENTS

City Council initiated amendments to the Zoning Ordinance in regard to medical marijuana facilities on February 25, 2019.

Missouri voters approved Amendment 2 to the Missouri Constitution ("Article XIV") on November 6, 2018. Article XIV allows the regulated use of medical marijuana including cultivation, testing, manufacture, and sale. The amendment establishes a schedule for implementation which includes August 3, 2019, as the first date to make application for a state license to operate a medical marijuana facility. Applicants for a state license will need to include a specific location in their application. Because of that, the City of Springfield needs to identify those zoning districts where the specific uses will be permitted.

Article XIV states that no local government shall prohibit medical marijuana facilities or entities with a transportation certification "either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome." It also states that local governments "may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place and manner of operation of such facilities in the locality."

Article XIV also places limitations that unless allowed by the local government, no new medical marijuana facility "shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, child day-care center, or church."

Staff is proposing these medical marijuana uses in districts that permit similar non-medical marijuana uses. Staff has also evaluated what impacts these facilities might have on surrounding land uses. Staff has reviewed other Missouri communities who have already proposed or approved ordinance changes i.e. North Kansas City, Maryland Heights, Warrensburg, etc.

Article XIV lists four types of medical marijuana facilities: cultivation, testing, marijuana-infused manufacturing and dispensaries. Staff has used similar definitions as recommended by the State.

1. A medical marijuana cultivation facility is a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused product manufacturing facility. Staff believes this is similar to a nursery/greenhouse operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is proposing that this use also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV. Staff is concerned about the effects of odor from these types of facilities and recommends a Conditional Use Permit if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council.

2. A medical marijuana testing facility is a facility certified by the State to acquire, test, certify, and transport marijuana. Staff believes this is similar to a medical testing laboratory which is allowed as a medical office use; however, the Missouri Medical Cannabis Trade Association recommends they be permitted in “light industrial zoning or its equivalent.” Staff is taking this recommendation and proposing medical marijuana testing facilities to be permitted in all Industrial Districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is also recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV.

3. A medical marijuana-infused manufacturing facility is a facility licensed by the State to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility. Staff is proposing two types of marijuana-infused manufacturing facilities. The first is a Type 1 extraction facility which is a facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process. This would be permitted in the GM, General Manufacturing and HM, Heavy Manufacturing districts. Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV for Type 1 extraction facilities. Staff is concerned about the effects of hazardous substances and odor from these types of facilities and recommends a Conditional Use Permit be required if located adjacent to or across the street

from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council. The second type of medical marijuana-infused manufacturing facility is a Type 2 post-extraction facility which is a facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, General Retail, HC, Highway Commercial, CS, Commercial Services, CC, Center City, COM, Commercial Street, RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale). Staff is recommending a reduced separation of two hundred (200) feet between Type 2 infused-products manufacturing facilities and school, child day care center and church uses. The State will require both an infused-products manufacturing license and dispensary license which will be subject to dispensary restrictions if retail sales are part of the business operation.

4. A medical marijuana dispensary is a facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused product manufacturing facility. Staff believes this is similar to a retail sales use like pharmaceuticals which are allowed in the office and all commercial districts. Staff does not believe this use is appropriate in the Limited Business or Office Districts because these districts are typically within or adjacent to single-family residential neighborhoods. Staff is recommending these be allowed in the GR, General Retail, HC, Highway Commercial, CS, Commercial Services, CC, Center City, and COM, Commercial Street Districts. Staff is proposing that these uses also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending a reduced separation of two hundred (200) feet between dispensaries and school, child day care center and church uses so as to allow medical access to patients without being overly burdensome. Staff has found that few or no dispensaries would be allowed in the downtown area if the separation requirement was set at Article XIV's one thousand (1,000) feet default.

Separation measurements between facilities and then-existing elementary or secondary school, child day care center, or church uses shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest

point of the property line of the school, child day care center, or church. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church. For purposes of these amendments, a "child day care center" is a facility licensed by the City or State.

The following general standards shall apply to all medical marijuana facilities:

a. A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

b. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

c. No medical marijuana business shall be located in a building that contains a residence.

d. All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M.; no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

e. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.

f. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

g. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

h. All other City Codes shall apply.

Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and

Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

The Development Issues Input Group ("DIIG"), Downtown Springfield Association ("DSA"), Commercial Club and all Registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will delineate where medical marijuana facilities are allowed as directed by Article XIV of the Missouri Constitution.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 28, 2019 and recommended approval, by a vote of 9 to 0, of the proposed changes to the Zoning Ordinance.

The Planning and Development Staff recommends approval of the proposed amendments.

Submitted by:

Daniel Neal, Senior Planner

Recommended by:

Mary Lilly Smith, Director

Approved by:

Jason Gage, City Manager

EXHIBITS:
Exhibit 1, Text Amendments
Exhibit A, Record of Proceedings
Exhibit B, Development Review Staff Report
ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Proposed Amendments

Exhibit 1

Sec. 36-303. - General provisions.

(31) *Agricultural uses.* Agricultural uses, as defined in this article, shall be permitted in any district provided:

(a) The uses are located on at least 20 acres of land; and

(b) No structure, other than a residence, that is accessory to or used in connection with an agricultural use, is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision; and

(c) No agricultural use other than growing crops in the open is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision.

(d) Exemptions. The following uses are exempt from this subsection provided such use is in compliance with other city codes and state and federal laws:

1. The keeping or raising of six or less chicken hens as an accessory use.
2. Beekeeping (domestic honey bees, Apis Mellifera) as an accessory use in any district provided:

   a. No more than two hives, with only one colony in each hive, are allowed on lots of 5,000 square feet or larger. One additional hive is permitted on each additional 5,000 square feet.

   b. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.

   c. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.

   d. Hives that are located within 20 feet of a property line shall be screened at the property line by a six-foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least 20 feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive.

3. <u>Medical marijuana facilities as defined in this Article.</u>

Sec. 36-321. - Definitions.

Words in the text or tables of this article shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Agricultural use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding: feed lots, stockyards, and animal slaughter houses. Not to include medical marijuana facilities.

Church: A building or structure, or groups of buildings or structures~~, which by design and construction are~~ primarily intended for the conduct~~ing~~ of organized religious services and accessory uses associated therewith.

Clinic, medical or dental: An establishment where human patients are admitted for examination and/or treatment by one or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one night for minor surgery. Not to include medical marijuana facilities.

Commercial garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public. Commercial gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Community garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription or shares, but not for on-site distribution or sale to the general public. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Farmers' market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on-site. A farmers market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic

basis as a seasonal, temporary use. Not to include medical marijuana facilities.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Not to include medical marijuana facilities.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Not to include medical marijuana facilities.

Marijuana or marihuana: Cannabis indica, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Medical marijuana: Marijuana allowed for the limited legal production, distribution, sale and purchase for medical use as governed by Article XIV of the Missouri State Constitution.

Medical marijuana cultivation facility: A facility licensed by the State to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana dispensary facility: A facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana-infused products: Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

Medical marijuana-infused products manufacturing facility: A facility licensed by the State to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

a) Type 1 extraction facility: A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.

b) Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Medical marijuana testing facility: A facility certified by the State to acquire, test, certify, and transport marijuana. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Nursery: A place where trees, shrubs, or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated. Not to include medical marijuana facilities.

Office, medical: An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or out-patient surgery facilities normally associated with medical clinics or hospitals. Not to include medical marijuana facilities.

Sec. 36-363. - Conditional use permits.

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

(a) With respect to all proposed conditional uses, to the extent applicable:

1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;

2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area

immediately surrounding the site;

3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;

4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;

5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;

6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;

7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;

8. Such signs will not have an adverse effect on any adjacent properties;

9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;

10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;

11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:

    a. The location, nature and height of buildings, structures, walls and fences on the site; and

    b. The nature and extent of landscaping and screening on the site.

12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and

function of any significant natural topographic or physical features of the site;

13. The proposed conditional use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;

14. The proposed conditional use otherwise complies with all applicable regulations of this article, including lot size requirements, bulk regulations, use limitations and performance standards;

15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;

16. Off-street parking and loading areas will be provided in accordance with the standards set out in sections 36-455, 36-456, and 36-483 of this article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;

17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;

18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;

19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;

20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield;

21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

(b) With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with the restrictions following each use.

7. *Medical marijuana facilities.*

a. *Purpose.* The purpose of these regulations is to:

(i) Permit legal sale of medical marijuana as set forth therein and provides detailed obligations for establishing rules and regulation for the manufacture, processing, infusing and sale, including tracking, testing, security and background checks;

(ii) Avoid locating such facilities in close proximity to elementary and secondary schools, churches and child day care center uses;

(iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.

b. *Approval standards.* All applications for a conditional use permit for medical marijuana facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:

(i) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.

A. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.

B. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.

C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.

D. For purposes of this section, a “child day care center” is a facility licensed by the City or State.

(ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.

(iii) The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(iv) No medical marijuana facilities shall be located in a building that contains a residence.

(v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

(vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:

A. The functional classification of the street on which the site is located; and

B. The surrounding residential districts and uses; and

C. The location, nature and height of buildings, structures, walls and fences on site; and

D. The amount of parking needed for the proposed use and the amount of parking provided on site; and

E. The nature and extent of landscaping and screening on the site; and

F. The number of trips anticipated each day to the site.

(vii) All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

(viii) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.

(ix) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

(x) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

Sec. 36-421. - GR - General retail district.

(2) *Permitted uses.*

(q) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(s) Medical office use group.

(t) Personal services use group.

(u~~s~~) Police and fire stations.

(v~~t~~) Private clubs and lodges.

(w~~u~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(x~~v~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers;

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities;

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater; and

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(y~~w~~) 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.

(z~~x~~) Retail sales use group.

(aa~~y~~) Schools or development centers for persons with handicaps or development disabilities.

(bb~~z~~) Schools, business.

(cc~~aa~~) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.

(dd~~bb~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36- 421(2)(b) or (w) if applicable.

(ee~~cc~~) Taxidermists.

(ff~~dd~~) Temporary lodging use group.

(gg~~ee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(hh~~ff~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(ii~~gg~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.

(jj~~hh~~) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels.

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

Sec. 36-422. - HC - Highway commercial district.

(2) *Permitted uses.*

(bb) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ee)Medical office use group.

(ff) Nurseries, greenhouses, and garden stores.

(gg)Other towers other than wireless facilities, less than 100 feet in height, and related facilities.

(hh~~ee~~) Personal services use group.

(ii~~ff~~) Police and fire stations.

(jj~~gg~~) Private clubs and lodges.

(kk~~hh~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(ll~~ii~~) Public or private vehicle and boat storage garages, yards or lots.

(mm~~jj~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two (additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(nn~~kk~~) 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.

(oo~~ll~~) Retail sales use group.

(pp~~mm~~) Schools, business.

(qq~~nn~~) Schools or development centers for persons with handicaps or development disabilities.

(rr~~oo~~) Self-service storage facilities.

(ss~~pp~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36- 422(2)(c) or (kk) if applicable.

(tt~~qq~~) Swimming pool sales and displays.

(uu~~rr~~) Taxi dispatch yards and offices.

(vv~~ss~~) Taxidermists.

(ww~~tt~~) Temporary lodging use group.

(xx~~uu~~) Temporary uses, as permitted by section 36-452, temporary uses.

(yy~~vv~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(zz~~ww~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(aaa~~xx~~) Upholstery shops.

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

(ccczz) Wholesale sales.

(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) Body and fender repair and paint shops.

(b) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Go-cart tracks.

(d) Medical marijuana cultivation facility when located adjacent to or across the

street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(e) Pest control services with a retail component provided that at least 50 percent of the floor area of the business is devoted to retail sales and related support areas and that all service vehicles associated with the business are located behind the front building line.

(f~~e~~) Reserved.

(g~~f~~) Residential uses on the first floor frontage of a building.

(h~~g~~) Soup kitchens.

(i~~h~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(j~~i~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:

1. The maximum height does not exceed 200 feet;

2. Only one tower is permitted on a lot; and

3. All other provisions of subsection 36-363(10)(b)1. are met.

(k~~j~~) Truck stops.

(4) *Use limitations.*

(a) 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.

(b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.

(c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.

(d) All uses shall operate in accordance with the noise standards contained in

section 36-485, noise standards.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-423. - CS - Commercial service district.

(2) *Permitted uses.*

(gg) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(hh) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ii) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(jj) Medical office use group.

(kk) Monument sales.

(ll) Newspaper and magazine distribution agencies.

(mm~~jj~~) Nurseries, greenhouses and garden stores.

(nn~~kk~~) Personal services use group.

(oo~~ll~~) Pest control services.

(pp~~mm~~) Police and fire stations.

(qq~~nn~~) Private clubs and lodges.

(rr~~oo~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(ss~~pp~~) Public or private vehicle and boat storage garages, yards or lots.

(tt~~qq~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(uu~~rr~~) Retail sales use group.

(vv~~ss~~) Repair shops, home appliance.

(ww~~tt~~) Repair shops, small-engine.

(xx~~uu~~) Schools or development centers for persons with handicaps or development disabilities.

(yy~~vv~~) Schools, business and industrial.

(zz~~ww~~) Self-service storage facilities.

(aaa~~xx~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(bbb~~yy~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(ccc~~zz~~) Swimming pool sales and display.

(ddd~~aaa~~) Taxi dispatch yards and offices.

(eee~~bbb~~) Taxidermists.

(ffff~~ccc~~) Temporary uses, as permitted by section 36-452, temporary uses.

(ggg~~ddd~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(hhh~~eee~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(iii~~fff~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(jjj~~ggg~~) Truck stops.

(kkk~~hhh~~) Upholstery shops.

(lll~~iii~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(mmm~~jjj~~) Wholesale sales 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) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(b) Go-cart tracks.

(c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district ~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(d) Soup kitchens.

(e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(h) Warehouses, storage and distribution centers.

(4) *Use limitations.*

(a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.

(b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.

(c) No vibration, glare, or heat shall be detectable at the district boundary line.

(d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(g) 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.

Sec. 36-424. - CC - Center city district.

(2) *Permitted uses.*

(bb) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(dd)Medical office use group.

(ee)Personal services use group.

(ff~~dd~~) Police and fire stations.

(gg~~ee~~) Private clubs and lodges.

(hh~~ff~~) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.

(ii~~gg~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in

height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(jj~~hh~~) Repair shops, home appliance.

(kk~~ii~~) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).

(ll~~jj~~) Retail sales use group.

(mm~~kk~~) Schools or development centers for persons with handicaps or development disabilities.

(nn~~ll~~) Schools, business.

(oo~~mm~~) Schools, elementary and secondary.

(pp~~nn~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.

(qq~~oo~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(rr~~pp~~) Taxi dispatch yards and offices.

(ss~~qq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(tt~~rr~~) Temporary lodging use group.

(uu~~ss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

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

(ww~~uu~~) Wholesale sales.

Sec. 36-425. - COM - Commercial street district.

(1) *Purpose.* This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.
Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

(2) *Permitted uses.*

(a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.

13. Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

14. Medical marijuana-infused products manufacturing type 2 post-extraction

facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

15. Offices, administrative, business, finance, and professional.

16. Offices, medical and dental.

17.~~15.~~ Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.

18.~~16.~~ Pet stores and pet grooming.

19.~~17.~~ Police and fire stations.

20.~~18.~~ Recording studios.

21.~~19.~~ Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.

22.~~20.~~ Retail sales use group excluding convenience stores with gas pumps.

23.~~21.~~ Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.

24.~~22.~~ Schools, business.

25.~~23.~~ Taverns and cocktail lounges.

26.~~24.~~ Temporary uses, as permitted by section 36-452, temporary uses.

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

28.~~26.~~ Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

Sec. 36-430. - RI - Restricted industrial district.

(2) *Permitted uses.*

(q) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(r) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(s) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(t) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(u) Pest control services.

(v) Police and fire stations.

(w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(x) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two

additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(y~~u~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(z~~v~~) Schools or development centers for persons with handicaps or development disabilities.

(aa~~w~~) Schools, industrial and business.

(bb~~x~~) Self-service storage facilities.

(cc~~y~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.

(dd~~z~~) Swimming pool sales and display.

(ee~~aa~~) Taxidermists.

(ff~~bb~~) Temporary uses, as permitted by section 36-452, temporary uses.

(gg~~cc~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(hh~~dd~~) Upholstery shops.

(ii~~ee~~) Veterinary clinics, animal hospitals, and kennels, with no outside activities.
(jj~~ff~~) Warehouses, storage and distribution centers.

(kk~~gg~~) Wholesale sales.

(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) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other

requirements in section 36-474., medical marijuana facilities.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.

(c~~b~~) Soup kitchens.

(d~~c~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(e~~d~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(4) *Use limitations.*

(a) All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building.

(b) No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted.

(c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-431. - LI - Light industrial district.

(2) *Permitted uses.*

(p) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other

requirements in section 36-474., medical marijuana facilities.

(q) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(s) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(t) Pest control services.

(u) Police and fire stations.

(v) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(w) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(x~~t~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or

10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(y~~u~~) Schools, industrial and business.

(z~~v~~) Self-service storage facilities.

(aa~~w~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.

(bb~~x~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(cc~~y~~) Swimming pool sales and display.

(dd~~z~~) Temporary uses, as permitted by section 36-452, temporary uses.

(ee~~aa~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(ff~~bb~~) Upholstery shops.

(gg~~cc~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(hh~~dd~~) Warehouses, storage and distribution centers.

(ii~~ee~~) Wholesale sales and distribution.

(jj~~ff~~) Wholesale sales 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) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.

(c~~b~~) Motor freight terminals.

(d~~c~~) Soup kitchens.

(e~~d~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(f~~e~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(g~~f~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(b) All activities and permitted uses, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.

(c) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in a LI, GM, or HM district.

(d) All outdoor storage shall be at least 100 feet from any residential district boundary.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-432. - GM - General manufacturing district.

(2) *Permitted uses.*

(t) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(u) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(v) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(w) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(x) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(y) Motor freight terminals.

(z) Pest control services.

(aa)Police and fire stations.

(bb)Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(cc) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(dd~~y~~) Recycling centers.

(ee~~z~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(ff~~aa~~) Schools, industrial and business.

(gg~~bb~~) Self-service storage facilities.

(hh~~cc~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.

(jj~~dd~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

2. A plan of operation, including but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(jj~~ee~~) Swimming pool sales and display.

(kk~~ff~~) Temporary uses, as permitted by section 36-452, temporary uses.

(ll~~gg~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(mm~~hh~~) Upholstery shops.

(nn~~ii~~) Vehicle rental, towing and storage services.

(oo~~jj~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(pp~~kk~~) Warehouses, storage and distribution centers.

(qq~~ll~~) Wholesale sales 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) Bulk storage of flammable liquids for wholesale, subject to the provisions of the City and State Fire Codes.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Increase permitted floor area ratio to 1.5 for all permitted and conditional uses in the GM district.

(d) Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(e) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(f) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(g) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(h) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(i~~g~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(j~~h~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an LI, GM, or HM district.

(b) All outdoor storage shall be at least 100 feet from any residential district boundary.

(c) No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.

(d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(e) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-433. - HM - Heavy manufacturing district.

(2) *Permitted uses.*

(aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(bb) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical

marijuana facilities.

(ee) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ff) Motor freight terminals.

(gg)Pest control services.

(hh)Police and fire stations.

(ii) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.

(jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(kk~~ff~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(ll~~gg~~) Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.

(mm~~hh~~) Recycling centers.

(nn~~ii~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use

include products produced, distributed or sold wholesale on-site by the principal use.

(oo~~jj~~) Schools, industrial and business.

(pp~~kk~~) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(qq~~ll~~) Self-service storage facilities.

(rr~~mm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.

(ss~~nn~~) Stockyards or feed lots.

(tt~~oo~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(uu~~pp~~) Swimming pool sales and display.

(vv~~qq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(ww~~rr~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(xx~~ss~~) Upholstery shops.

(yy~~tt~~) Vehicle rental, towing and storage services.

(zz~~uu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(aaa~~vv~~) Warehouses, storage and distribution centers.

(bbb~~ww~~) Wholesale sales.

(ccc~~xx~~) Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.

(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) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.

(b) Community corrections facilities in accordance with subsection 36-363(10)(b)6.

(c) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(e) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(f) Jails, prisons or detention facilities in accordance with subsection 36-363(10)(b)3.

(g~~f~~) Permanent storage or disposal of hazardous substances, (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges.

(h~~g~~) Processing, reprocessing and storage of PCB containing oils.

(i~~h~~) Quarries and mining operations. Quarries existing at the effective date of this article shall only be required to apply for a use permit if the property is enlarged and the use is expanded onto the new property.

(j~~i~~) Solid waste transfer station as defined in this article provided the city council shall make a determination that the issuance of a use permit is consistent with the integrated solid waste management system plan of the city as defined in said plan.

(k~~j~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(l~~k~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(m~~l~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(b) No junk, scrap, salvage, or automobile wrecking yard shall be located within 500 feet of any residential district.

(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 chapter 2A, article X, Springfield City Code.

(e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-434. - IC - Industrial commercial district.

(2) *Permitted uses.*

(y) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(z) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(aa) Medical marijuana-infused products manufacturing type 2 post-extraction facility. . No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(bb) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical office use group.

(dd) Nurseries, greenhouses and garden stores.

(ee) Upholstery shops.

(ff) Personal services use group.

(gg~~cc~~) Pest control services.

(hh~~dd~~) Police and fire stations.

(ii~~ee~~) Private clubs and lodges.

(jj~~ff~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(kk~~gg~~) Public or private vehicle and boat storage garages, yards, or lots.

(ll~~hh~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(mm~~ii~~) Retail sales use group.

(nn~~jj~~) Schools, professional, commercial, industrial and trade.

(oo~~kk~~) Schools or development centers for persons with handicaps or development disabilities.

(pp~~ll~~) Self-service storage facilities.

(qq~~mm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.

(rr~~nn~~) Swimming pool sales and display.

(ss~~oo~~) Taxi dispatch yards and offices.

(tt~~pp~~) Taxidermists.

(uu~~qq~~) Temporary lodging use group.

(vv~~rr~~) Temporary uses, as permitted by section 36-452, temporary uses.

(ww~~ss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(xx~~tt~~) Upholstery shops.

(yy~~uu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a

300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(zz~~vv~~) Warehouses, storage and distribution centers.

(aaa~~ww~~) Wholesale sales 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) Overnight shelters and transitional service shelters for 50 or fewer residents, in accordance with subsection 36-363(10)(b)5.

(b) Go-cart tracks.

(c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(d) Motor freight terminals.

(e) Soup kitchens.

(f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(g) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(h) Truck stops.

(i) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.

(b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.

(d) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.

(e) All outdoor storage shall be at least 100 feet from any residential district boundary.

(f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.

(h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-474. – Medical marijuana facilities.

(1) *Purpose.* The purpose of these requirements is to allow medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

(2) *Medical marijuana facility standards.* Medical marijuana facilities as defined shall follow the regulations of this article.

(a) A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

(c) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-

existing elementary or secondary school, child day care center, or church.

1) In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.

2) In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.

3) Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.

4) For purposes of this section, a "child day care center" is a facility licensed by the City or State.

(d) No medical marijuana business shall be located in a building that contains a residence.

(e) All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

(f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.

(g) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

(h) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

(i) All other City Codes shall apply.

EXHIBIT A

RECORD OF PROCEEDINGS
MEDICAL MARIJUANA AMENDMENTS
Planning and Zoning Commission March 28, 2019

Medical Marijuana Amendments
Citywide
Applicant: City of Springfield

Mary Lilly Smith stated that Article XIV, of the Missouri Constitution provides that no new medical marijuana facility, unless allowed by the local government, ""shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, child day-care center, or church." No local government shall prohibit medical marijuana facilities or entities with a transportation certification "either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome." Local governments "may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place and manner of operation of such facilities in the locality."

Facility types include, medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused manufacturing facility, and medical marijuana dispensary facility.

The proposed amendment establishes specific definitions for marijuana, medical marijuana and medical marijuana facilities. Clarifies that similar uses defined in the Zoning Ordinance do not include medical marijuana facilities, states general standards for medical marijuana facilities, creates which districts permit uses by right and which require conditional use permits, and determines separation standards.

The general standards are that an annual business license is required, and a State medical marijuana license displayed in open and conspicuous place. No medical marijuana business shall be in a building that contains a residence and all medical marijuana businesses shall be closed to the public between the hours of 10 p.m. and 6:00 a.m. (no persons not employed by the business shall be on the premises and no sales or distribution of marijuana shall occur upon the premises during that time).

Further regulations state that no marijuana may be smoked, ingested or otherwise consumed on the premises of a medical marijuana establishment, and facilities must develop, implement and maintain an odor control plan which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code as well as no outdoor operations or storage and if multiple licenses are issued for one location, then restrictions for the highest intensity shall apply. All other City Codes apply.

General standards for separation are Elementary and secondary schools – public and private; Child day care centers – licensed by the City or State. Churches – Ordinance modifies the definition of Church (a building or structure, or groups of buildings or structures, ~~which by design and construction are~~ primarily intended for the conduct~~ing~~ of organized religious services and accessory uses associated therewith). Measurements made along shortest path between the demarcation points that can be traveled by foot by public right-of-way.

Certain medical marijuana uses will require a Conditional Use Permit if adjacent to or across street from residential zoning districts and the twenty-one (21) Conditions in Zoning Ordinance apply to all CUP's. Additional CUP conditions such as uses shall not be operated to dominate immediate vicinity or to interfere with development and use of neighboring property.

Considerations for determining if proposed use will dominate the immediate neighborhood:

- Functional street classification.
- Surrounding residential districts and uses.
- Location, nature and height of buildings, structures, walls and fences on site.
- Amount of needed parking and amount provided.
- Nature and extent of landscaping and screening.
- Number of visitor trips anticipated each day to the site.

Medical Marijuana Cultivation Facility is defined as:

- A facility licensed by the State to acquire, cultivate, process, store, transport and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.
- Similar to greenhouse operation.

Permitted Districts:

- Highway Commercial, Commercial Services, Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing and Industrial Commercial.
- 1,000-feet separation from elementary and secondary schools, child day care centers and churches.
- Conditional Use Permit required if adjacent to or across street from residential zoning district.

Medical Marijuana Testing Facility is defined as:

- A facility certified by the State to acquire, test, certify and transport marijuana.
- Similar to medical testing labs permitted as part of Office Use Group, however, Missouri Medical Cannabis Trade Association recommends they be permitted in "light industrial zoning or its equivalent."

Permitted Districts:

- Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing and Industrial Commercial.
- 1,000-feet separation from elementary and secondary schools, child daycare centers and churches.

Medical Marijuana-Infused Projects Manufacturing Facility is defined as:

- A facility licensed by the State to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.
- Medical Marijuana-Infused Products are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.
- Includes both the extraction process and production of edibles, ointments, etc.

<u>Type 1 Extraction Facility include:</u>

- A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.

Permitted Districts:

- General Manufacturing and Heavy Manufacturing.
- 1,000-feet separation from elementary and secondary schools, child day care centers and churches.
- Conditional Use Permit required if adjacent to or across street from residential zoning district.

<u>Type 2 Post-Extraction Facility include:</u>

- A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO2 or other hazardous substances. Permitted as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).
- Bakeries, confectionaries and producers of ointments, etc. which use extracts, oils or butters produced by Extraction Facilities to create infused products intended for consumption including edible or topical products.
- Staff evaluates as if non-marijuana use to determine if Retail Sales Use Group* or industrial/wholesale activity. (*Requires State-issued dispensary license and subject to dispensary zoning restrictions if retail sales).

Permitted Districts:

- General Retail, Highway Commercial, Commercial Services, Center City, Commercial Street, Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing, and Industrial Commercial.
- 200-feet separation from elementary and secondary schools, child day care centers and churches.

Medical Marijuana Dispensary Facility is defined as:

- A facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.
- Similar to a pharmacy as part of the Retail Sales Use Group.
- Not permitted in Limited Business or Office Districts because these districts are sometimes embedded in residential neighborhoods.

Permitted Districts:

- General Retail, Highway Commercial, Commercial Services, Center City and Commercial Street.
- Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing and Industrial Commercial.
- 200-feet separation from elementary and secondary schools, child day care centers and churches.

Mr. Joel Thomas asked if a church wanted to move in if there was already an existing dispensary.

Ms. Smith noted that they could stay as the church moved in after the dispensary.

Mr. Jobe asked about the closest door to a dispensary, used Battlefield Mall as an example.

Ms. Smith said it would be the main entrance to the mall would be considered the closest.

Mr. Coltrin asked about the distance restrictions, pharmacies and CUP's.

Ms. Smith stated that the State Constitutional amendment is, "unless otherwise permitted by local government, the distance will be 1000 feet." She also clarified the distance restriction for a pharmacy is none.

Ms. Smith stated there are a lot of properties that would allow, however if adjacent to a residential zone then you would be required to apply for a CUP.

Ms. Cox asked questions regarding liquor stores, alcohol by the drink, and adult entertainment and what are distance requirements.

Ms. Smith noted that alcohol by the drink is 200 feet distance (schools and churches), there are no distance restrictions for liquor stores (packaged liquor) and there is a 2000 feet separation requirement for adult entertainment. There are some additional individual restrictions that may apply.

Ms. Cox questioned the age requirements and separation distance and questioned the "time of operation" restrictions.

General discussion on the "time of operation" questions and restrictions.

Mr. Doennig opened the public hearing.

Mr. Sterling Mathis, 334 N. Main, wants to be able to cultivate and manufacture, however there is a church within the distance restriction and wants clarification on what is considered a church because they do not conduct services, but they did previously feed the homeless.

Ms. Smith noted that they would need to call and ask for clarification because it is considered a church when primarily intended for the conduct of organized religious

services.

Mr. David Brodsky, 1920 Bridge Lane, Steamboat Springs, CO, would like to make one clarification on the distance restrictions. In Colorado, we currently have 1000-foot restrictions, but it is getting ready to be lowered to 500 feet. Also mentioned about the testing procedure and would like to see less distance restrictions.

Mr. Coltrin asked about state ownership and if out of state ownership is allowed.

Mr. Bordsky said that state ownership has to be 51%.

Mr. Chip Sheppard, 28056 S. Ingram Mill Road, is on the Board of Directors for New Approach Missouri (campaign committee). Would like to see less restrictions on who can be at the facility after hours, and noted that contractors need to be able to work on refrigerators, electricity, etc. He also noted that there will be 330 licenses state-wide.

Mr. David Schlum, 1258 E. Battlefield, noted that he likes that this give him personal freedoms and told a personal story about his wife who has chronic migraines and is happy to be able to access medical marijuana. He also would like the Commission to address the issue on hours of operation.

Mr. Desmond Morris, II, 1043 E. Caravan Street, has been developing a business plan to dispense high quality cannabis in Springfield. Has concerns on the constraints of hours of operation as well as the distance separations. Noted that the City will see a lot of revenue through jobs and taxes.

Mr. Doennig closed the public hearing.

Mr. Coltrin asked if the state law is written that Springfield can say “no” to Medical Marijuana?

Mr. Rykowski stated that the City of Springfield cannot “expressly prohibit” Medical Marijuana Amendments.

Ms. Cox expressed appreciation on the presentation, however has concerns on the hours of operation and wants to move forward without any further delay and will vote in favor.

Mr. Rose voiced his concerns on the hours of operation and that it seems to limit access to after hour contractors, i.e., electricians, plumbers, etc., and would like to see an amendment to remove the hours of operation and will be voting yes.

Ms. Broekhoven asked similar questions and stated that she would like to see an amendment to remove the hours.

Ms. Smith noted that the “hours of operations” are not in the State Regulations and therefore can be amended.

Mr. Coltrin believes that this will not make a better Springfield and does not feel like there is a choice but to vote in favor.

Mr. Jobe comments about the hours of operation are problematic both with respect to the narrow aspect of employees outside of hours, not including contractors, etc., however the proposed amendments have been highly covered and will be in support of this amendment.

Ms. Ogilvy also voiced concern on the hours of operation and the narrow aspect of employees outside of hours and will be voting yes.

Ms. Smith stated that the Commission may make an amendment to clarify the hours and contractors/employees.

COMMISSION ACTION:
Mr. Doennig motioned to strike the following requirement: "All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises at that time." Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Broekhoven, Thomas, Shuler, and Jobe. Nays: None. Abstain: None. Absent: None.

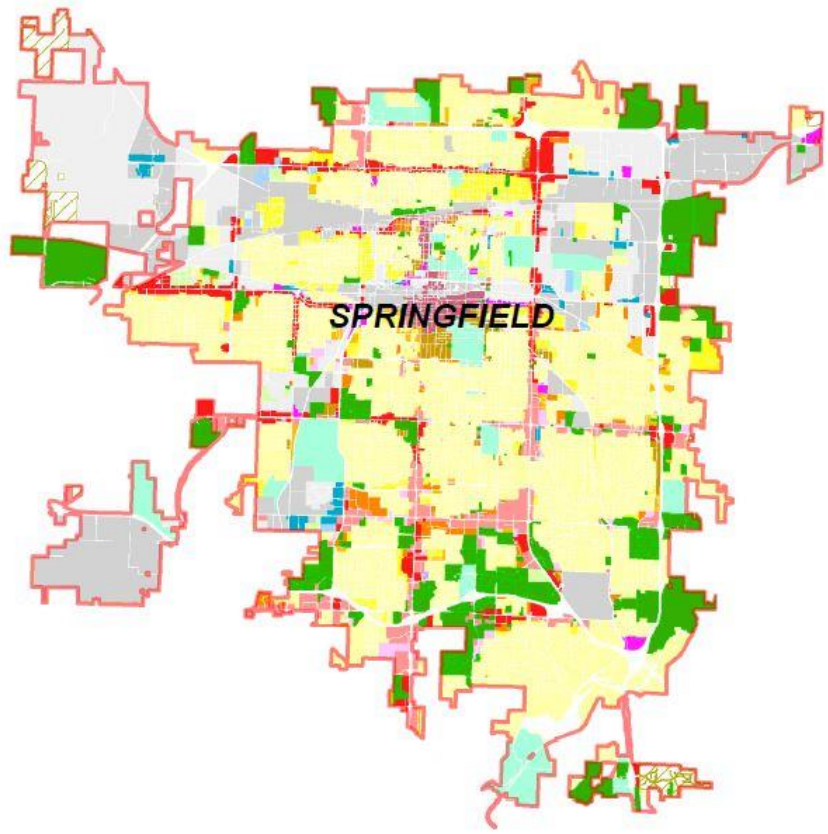
COMMISSION ACTION:
Ms. Cox motioned to **approve** Medical Marijuana Amendments as Amended (Citywide). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Broekhoven, Thomas, Shuler, and Jobe. Nays: None. Abstain: None. Absent: None.

Bob Hosmer, AICP
Principal Planner

Exhibit B

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 28, 2019
CITY COUNCIL PUBLIC HEARING:	APRIL 8, 2019



CASE:
Medical Marijuana Amendments

STAFF:
Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

1. In response to voter approval of Constitutional Amendment 2, staff is requesting amendments to Sections 36-303, 36-321, 36-363, commercial and industrial districts and adding a new supplemental Section 36-474, Medical Marijuana Facilities, of the Zoning Ordinance to allow medical marijuana facilities.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will delineate where medical marijuana facilities are allowed as directed by Article XIV of the Missouri Constitution (hereinafter Article XIV).

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. City Council initiated amendments to the Zoning Ordinance in regards to medical marijuana facilities on February 25, 2019.

2. Missouri voters approved Amendment 2 to the Missouri Constitution (Article XIV) on November 6, 2018. Article XIV allows the regulated use of medical marijuana including cultivation, testing, manufacture and sale. The amendment establishes a schedule for implementation which includes August 3, 2019, as the first date to make application for a state license to operate a medical marijuana facility. Applicants for a state license will need to include a specific location in their application. Because of that, the City of Springfield needs to identify those zoning districts where the specific uses will be permitted.

3. Article XIV states that no local government shall prohibit medical marijuana facilities or entities with a transportation certification "either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome." It also states that local governments "may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place and manner of operation of such facilities in the locality."

4. Article XIV also places limitations that unless allowed by the local government, no new medical marijuana facility "shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, child day-care center, or church."

5. Staff is proposing these medical marijuana uses in districts that permit similar non-medical marijuana uses. Staff has also evaluated what impacts these facilities might have on surrounding land uses. Staff has reviewed other Missouri communities who have already proposed or approved ordinance changes i.e. North Kansas City, Maryland Heights, Warrensburg, etc.

6. Article XIV lists four types of medical marijuana facilities: cultivation, testing, marijuana-infused manufacturing and dispensaries. Staff has used similar definitions contained in Article XIV.

7. A medical marijuana cultivation facility is a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility. Staff believes this is similar to a nursery/greenhouse operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is proposing that this use also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV. Staff is concerned about the effects of odor from these types of facilities and recommends a Conditional Use Permit if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council.

8. A medical marijuana testing facility is a facility certified by the State to acquire, test, certify, and transport marijuana. Staff believes this is similar to a medical testing laboratory which is allowed as a medical office use; however, the Missouri Medical Cannabis Trade Association recommends they be permitted in "light industrial zoning or its equivalent." Staff is taking this recommendation and proposing medical marijuana testing facilities to be permitted in all Industrial Districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is also recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV.

9. A medical marijuana-infused manufacturing facility is a facility licensed by the State to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility. Staff is proposing two types of marijuana-infused manufacturing facilities. The first is a Type 1 extraction facility which is a facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process. This would be permitted in the GM and HM districts. Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV for Type 1 extraction facilities. Staff is concerned about the effects of hazardous substances and odor from these types of facilities and recommends a Conditional Use Permit be required if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council. The second type of medical marijuana-infused manufacturing facility is a Type 2 post-extraction facility which is a facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale). Staff is recommending a reduced separation of two hundred (200) feet between Type 2 infused-products manufacturing facilities and school, child day care center and church uses. The State will require both an infused-products manufacturing license and dispensary license which will be subject to dispensary restrictions if retail sales are part of the business operation.

10. A medical marijuana dispensary is a facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility. Staff believes this is similar to a retail sales use like pharmaceuticals which are allowed in the office and all commercial districts. Staff does not believe this use is appropriate in the Limited Business or Office Districts because these districts are typically within or adjacent to single-family residential neighborhoods. Staff is recommending these be allowed in the GR, HC, CS, CC and COM Districts. Staff is proposing that these uses also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending a reduced separation of two hundred (200) feet between dispensaries and school, child day care center and church uses so as to allow medical access to patients without being overly burdensome. Staff has found that few or no dispensaries would be allowed in the downtown area if the separation requirement was set at Article XIV's one thousand (1,000) feet default.

11. Separation measurements between facilities and then-existing elementary or secondary school, child day care center, or church uses shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or

exit closest in proximity to the school, child day care center, or church. For purposes of these amendments, a "child day care center" is a facility licensed by the City or State.

12. The following general standards shall apply to all medical marijuana facilities:

    a. A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
    b. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
    c. No medical marijuana business shall be located in a building that contains a residence.
    d. All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M.; no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
    e. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
    f. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
    g. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
    h. All other City Codes shall apply.

13. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be added is underlined or ~~stricken~~.

Sec. 36-303. - General provisions.

(31) *Agricultural uses.* Agricultural uses, as defined in this article, shall be permitted in any district provided:

(a) The uses are located on at least 20 acres of land; and

(b) No structure, other than a residence, that is accessory to or used in connection with an agricultural use, is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision; and

(c) No agricultural use other than growing crops in the open is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision.

(d) Exemptions. The following uses are exempt from this subsection provided such use is in compliance with other city codes and state and federal laws:

1. The keeping or raising of six or less chicken hens as an accessory use.

2. Beekeeping (domestic honey bees, Apis Mellifera) as an accessory use in any district provided:

a. No more than two hives, with only one colony in each hive, are allowed on lots of 5,000 square feet or larger. One additional hive is permitted on each additional 5,000 square feet.

b. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.

c. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.

d. Hives that are located within 20 feet of a property line shall be screened at the property line by a six-foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least 20 feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive.

3. Medical marijuana facilities as defined in this Article.

Sec. 36-321. - Definitions.

Words in the text or tables of this article shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Agricultural use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding: feed lots, stockyards, and animal slaughter houses. Not to include medical marijuana facilities.

Church: A building or structure, or groups of buildings or structures~~, which by design and construction are~~ primarily intended for the conduct~~ing~~ of organized religious services and accessory uses associated therewith.

Clinic, medical or dental: An establishment where human patients are admitted for examination and/or treatment by one or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one night for minor surgery. Not to include medical marijuana facilities.

Commercial garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public. Commercial gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Community garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription or shares, but not for on-site distribution or sale to the general public. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Farmers' market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on-site. A farmers market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic basis as a seasonal, temporary use. Not to include medical marijuana facilities.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Not to include medical marijuana facilities.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Not to include medical marijuana facilities.

Marijuana or marihuana: Cannabis indica, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Medical marijuana: Marijuana allowed for the limited legal production, distribution, sale and purchase for medical use as governed by Article XIV of the Missouri State Constitution.

Medical marijuana cultivation facility: A facility licensed by the State to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility. All medical marijuana facilities

shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana dispensary facility: A facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana-infused products: Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

Medical marijuana-infused products manufacturing facility: A facility licensed by the State to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

a) Type 1 extraction facility: A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.
b) Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Medical marijuana testing facility: A facility certified by the State to acquire, test, certify, and transport marijuana. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Nursery: A place where trees, shrubs, or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated. Not to include medical marijuana facilities.

Office, medical: An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or out-patient surgery facilities normally associated with medical clinics or hospitals. Not to include medical marijuana facilities.

Sec. 36-363. - Conditional use permits.

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

(a) With respect to all proposed conditional uses, to the extent applicable:

1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;

2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;

3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
    a. The location, nature and height of buildings, structures, walls and fences on the site; and
    b. The nature and extent of landscaping and screening on the site.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of this article, including lot size requirements, bulk regulations, use limitations and performance standards;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
16. Off-street parking and loading areas will be provided in accordance with the standards set out in sections 36-455, 36-456, and 36-483 of this article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or

pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;

19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;

20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield;

21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

(b) With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with the restrictions following each use.

7. *Medical marijuana facilities.*

a. *Purpose.* The purpose of these regulations is to:

(i) Permit legal sale of medical marijuana as set forth therein and provides detailed obligations for establishing rules and regulation for the manufacture, processing, infusing and sale, including tracking, testing, security and background checks;

(ii) Avoid locating such facilities in close proximity to elementary and secondary schools, churches and child day care center uses;

(iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.

b. *Approval standards.* All applications for a conditional use permit for medical marijuana facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:

(i) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.

A. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.

B. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.

C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.

D. For purposes of this section, a "child day care center" is a facility licensed by the City or State.

(ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.

(iii) The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(iv) No medical marijuana facilities shall be located in a building that contains a residence.

(v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

(vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:

A. The functional classification of the street on which the site is located; and

B. The surrounding residential districts and uses; and

C. The location, nature and height of buildings, structures, walls and fences on site; and

D. The amount of parking needed for the proposed use and the amount of parking provided on site; and

E. The nature and extent of landscaping and screening on the site; and

F. The number of trips anticipated each day to the site.

(vii) All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

(viii) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.

(ix) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

(x) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

Sec. 36-421. - GR - General retail district.

(2) *Permitted uses.*

(q) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(s) Medical office use group.

(t) Personal services use group.

(u~~s~~) Police and fire stations.

(v~~t~~) Private clubs and lodges.

(w~~u~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(x~~v~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers;
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities;
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater; and
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(y~~w~~) 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.

(z~~x~~) Retail sales use group.

(aa~~y~~) Schools or development centers for persons with handicaps or development disabilities.

(bb~~z~~) Schools, business.

(cc~~aa~~) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.

(dd~~bb~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-421(2)(b) or (w) if applicable.

(ee~~cc~~) Taxidermists.

(ff~~dd~~) Temporary lodging use group.

(gg~~ee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(hh~~ff~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(ii~~gg~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.

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

Sec. 36-422. - HC - Highway commercial district.

(2) *Permitted uses.*

(bb) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ee) Medical office use group.

(ff) Nurseries, greenhouses, and garden stores.

(gg) Other towers other than wireless facilities, less than 100 feet in height, and related facilities.

(hh~~ee~~) Personal services use group.

(ii~~ff~~) Police and fire stations.

(jj~~gg~~) Private clubs and lodges.

(kk~~hh~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(ll~~ii~~) Public or private vehicle and boat storage garages, yards or lots.

(mm~~jj~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two (additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(nn~~kk~~) 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.

(oo~~ll~~) Retail sales use group.

(pp~~mm~~) Schools, business.

(qq~~nn~~) Schools or development centers for persons with handicaps or development disabilities.

(rr~~oo~~) Self-service storage facilities.

(ss~~pp~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-422(2)(c) or (kk) if applicable.

(tt~~qq~~) Swimming pool sales and displays.

(uu~~rr~~) Taxi dispatch yards and offices.

(vv~~ss~~) Taxidermists.

(wwtt) Temporary lodging use group.

(xxuu) Temporary uses, as permitted by section 36-452, temporary uses.

(yyvv) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(zzww) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(aaaxx) Upholstery shops.

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

(ccczz) Wholesale sales.

(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) Body and fender repair and paint shops.

(b) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Go-cart tracks.

(d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(e) Pest control services with a retail component provided that at least 50 percent of the floor area of the business is devoted to retail sales and related support areas and that all service vehicles associated with the business are located behind the front building line.

(fe) Reserved.

(gf) Residential uses on the first floor frontage of a building.

(hg) Soup kitchens.

(ih) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(ji) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:

1. The maximum height does not exceed 200 feet;

2. Only one tower is permitted on a lot; and

3. All other provisions of subsection 36-363(10)(b)1. are met.

(k~~j~~) Truck stops.

(4) *Use limitations.*

(a) 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.

(b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.

(c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.

(d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-423. - CS - Commercial service district.

(2) *Permitted uses.*

(gg) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(hh) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ii) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(jj) Medical office use group.

(kk) Monument sales.

(ll) Newspaper and magazine distribution agencies.

(mm~~jj~~) Nurseries, greenhouses and garden stores.

(nn~~kk~~) Personal services use group.

(oo~~ll~~) Pest control services.

(pp~~mm~~) Police and fire stations.

(qq~~nn~~) Private clubs and lodges.

(rr~~oo~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(ss~~pp~~) Public or private vehicle and boat storage garages, yards or lots.

(tt~~qq~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(uu~~rr~~) Retail sales use group.

(vv~~ss~~) Repair shops, home appliance.

(ww~~tt~~) Repair shops, small-engine.

(xx~~uu~~) Schools or development centers for persons with handicaps or development disabilities.

(yy~~vv~~) Schools, business and industrial.

(zz~~ww~~) Self-service storage facilities.

(aaa~~xx~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(bbb~~yy~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(ccc~~zz~~) Swimming pool sales and display.

(ddd~~aaa~~) Taxi dispatch yards and offices.

(eee~~bbb~~) Taxidermists.

(fffff~~ccc~~) Temporary uses, as permitted by section 36-452, temporary uses.

(ggg~~ddd~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(hhh~~eee~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(iii~~fff~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(jjj~~ggg~~) Truck stops.

(kkk~~hhh~~) Upholstery shops.

(lll~~iii~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(mmm~~jjj~~) Wholesale sales 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) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(b) Go-cart tracks.

(c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district ~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(d) Soup kitchens.

(e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(h) Warehouses, storage and distribution centers.

(4) *Use limitations.*

(a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.

(b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.

(c) No vibration, glare, or heat shall be detectable at the district boundary line.

(d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(g) 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.

Sec. 36-424. - CC - Center city district.

(2) *Permitted uses.*

(bb) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(dd) Medical office use group.

(ee) Personal services use group.

(ff~~dd~~) Police and fire stations.

(gg~~ee~~) Private clubs and lodges.

(hh~~ff~~) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.

(ii~~gg~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(jj~~hh~~) Repair shops, home appliance.

(kk~~ii~~) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).

(ll~~jj~~) Retail sales use group.

(mm~~kk~~) Schools or development centers for persons with handicaps or development disabilities.

(nn~~ll~~) Schools, business.

(oo~~mm~~) Schools, elementary and secondary.

(pp~~nn~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.

(qq~~oo~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(rr~~pp~~) Taxi dispatch yards and offices.

(ss~~qq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(tt~~rr~~) Temporary lodging use group.

(uu~~ss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

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

(ww~~uu~~) Wholesale sales.

Sec. 36-425. - COM - Commercial street district.

(1) *Purpose.* This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

(2) *Permitted uses.*

(a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.

13. Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

14. Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

15. Offices, administrative, business, finance, and professional.

16. Offices, medical and dental.

17.~~15.~~ Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.

18.~~16.~~ Pet stores and pet grooming.

19.~~17.~~ Police and fire stations.

20.~~18.~~ Recording studios.

21.~~19.~~ Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.

22.~~20.~~ Retail sales use group excluding convenience stores with gas pumps.

23.~~21.~~ Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.

24.~~22.~~ Schools, business.

25.~~23.~~ Taverns and cocktail lounges.

26.~~24.~~ Temporary uses, as permitted by section 36-452, temporary uses.

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

28.~~26.~~ Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

Sec. 36-430. - RI - Restricted industrial district.

(2) *Permitted uses.*

(q) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(r) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(s) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(t) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(u) Pest control services.

(v) Police and fire stations.

(w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(x) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(y~~u~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(z~~v~~) Schools or development centers for persons with handicaps or development disabilities.

(aa~~w~~) Schools, industrial and business.

(bb~~x~~) Self-service storage facilities.

(cc~~y~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.

(dd~~z~~) Swimming pool sales and display.

(ee~~aa~~) Taxidermists.

(ff~~bb~~) Temporary uses, as permitted by section 36-452, temporary uses.

(gg~~cc~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(hh~~dd~~) Upholstery shops.

(ii~~ee~~) Veterinary clinics, animal hospitals, and kennels, with no outside activities.

(jj~~ff~~) Warehouses, storage and distribution centers.

(kk~~gg~~) Wholesale sales.

(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) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.

(c~~b~~) Soup kitchens.

(d~~c~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(e~~d~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(4) *Use limitations.*

(a) All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building.

(b) No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted.

(c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-431. - LI - Light industrial district.

(2) *Permitted uses.*

(p) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(q) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(s) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(t) Pest control services.

(u) Police and fire stations.

(v) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(w) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every

one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(x~~t~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(y~~u~~) Schools, industrial and business.

(z~~v~~) Self-service storage facilities.

(aa~~w~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.

(bb~~x~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(cc~~y~~) Swimming pool sales and display.

(dd~~z~~) Temporary uses, as permitted by section 36-452, temporary uses.

(ee~~aa~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(ff~~bb~~) Upholstery shops.

(gg~~cc~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(hh~~dd~~) Warehouses, storage and distribution centers.

(ii~~ee~~) Wholesale sales and distribution.

(jj~~ff~~) Wholesale sales 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) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.

(c~~b~~) Motor freight terminals.

(d~~c~~) Soup kitchens.

(e~~d~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(f~~e~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(g~~f~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(b) All activities and permitted uses, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.

(c) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in a LI, GM, or HM district.

(d) All outdoor storage shall be at least 100 feet from any residential district boundary.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-432. - GM - General manufacturing district.

(2) *Permitted uses.*

(t) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(u) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(v) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(w) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(x) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(y) Motor freight terminals.

(z) Pest control services.

(aa) Police and fire stations.

(bb) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(cc) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(dd~~y~~) Recycling centers.

(ee~~z~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(ff~~aa~~) Schools, industrial and business.

(gg~~bb~~) Self-service storage facilities.

(hh~~cc~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.

(jj~~dd~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(jj~~ee~~) Swimming pool sales and display.

(kk~~ff~~) Temporary uses, as permitted by section 36-452, temporary uses.

(ll~~gg~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(mm~~hh~~) Upholstery shops.

(nn~~ii~~) Vehicle rental, towing and storage services.

(oo~~jj~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church,

school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(pp~~kk~~) Warehouses, storage and distribution centers.

(qq~~ll~~) Wholesale sales 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) Bulk storage of flammable liquids for wholesale, subject to the provisions of the City and State Fire Codes.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Increase permitted floor area ratio to 1.5 for all permitted and conditional uses in the GM district.

(d) Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(e) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(f) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(g) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(h) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(i~~g~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(j~~h~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an LI, GM, or HM district.

(b) All outdoor storage shall be at least 100 feet from any residential district boundary.

(c) No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.

(d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance

with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(e) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-433. - HM - Heavy manufacturing district.

(2) *Permitted uses.*

(aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(bb) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ee) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ff) Motor freight terminals.

(gg) Pest control services.

(hh) Police and fire stations.

(ii) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.

(jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(kk~~ff~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(ll~~gg~~) Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.

(mm~~hh~~) Recycling centers.

(nn~~ii~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(oo~~jj~~) Schools, industrial and business.

(pp~~kk~~) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(qq~~ll~~) Self-service storage facilities.

(rr~~mm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.

(ss~~nn~~) Stockyards or feed lots.

(tt~~oo~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(uu~~pp~~) Swimming pool sales and display.

(vv~~qq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(ww~~rr~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(xx~~ss~~) Upholstery shops.

(yy~~tt~~) Vehicle rental, towing and storage services.

(zz~~uu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(aaa~~vv~~) Warehouses, storage and distribution centers.

(bbb~~ww~~) Wholesale sales.

(ccc~~xx~~) Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.

(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) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.

(b) Community corrections facilities in accordance with subsection 36-363(10)(b)6.

(c) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(e) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(f) Jails, prisons or detention facilities in accordance with subsection 36-363(10)(b)3.

(g~~f~~) Permanent storage or disposal of hazardous substances, (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges.

(h~~g~~) Processing, reprocessing and storage of PCB containing oils.

(i~~h~~) Quarries and mining operations. Quarries existing at the effective date of this article shall only be required to apply for a use permit if the property is enlarged and the use is expanded onto the new property.

(j~~i~~) Solid waste transfer station as defined in this article provided the city council shall make a determination that the issuance of a use permit is consistent with the integrated solid waste management system plan of the city as defined in said plan.

(k~~j~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(l~~k~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(m~~l~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(b) No junk, scrap, salvage, or automobile wrecking yard shall be located within 500 feet of any residential district.

(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 chapter 2A, article X, Springfield City Code.

(e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-434. - IC - Industrial commercial district.

(2) *Permitted uses.*

(y) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(z) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(aa) Medical marijuana-infused products manufacturing type 2 post-extraction facility. . No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(bb) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical office use group.

(dd) Nurseries, greenhouses and garden stores.

(ee) Upholstery shops.

(ff) Personal services use group.

(gg~~cc~~) Pest control services.

(hh~~dd~~) Police and fire stations.

(ii~~ee~~) Private clubs and lodges.

(jj~~ff~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(kk~~gg~~) Public or private vehicle and boat storage garages, yards, or lots.

(ll~~hh~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(mm~~ii~~) Retail sales use group.

(nnjj) Schools, professional, commercial, industrial and trade.

(ookk) Schools or development centers for persons with handicaps or development disabilities.

(ppll) Self-service storage facilities.

(qqmm) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.

(rrnn) Swimming pool sales and display.

(ssoo) Taxi dispatch yards and offices.

(ttpp) Taxidermists.

(uuqq) Temporary lodging use group.

(vvrr) Temporary uses, as permitted by section 36-452, temporary uses.

(wwss) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(xxtt) Upholstery shops.

(yyuu) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(zzvv) Warehouses, storage and distribution centers.

(aaaww) Wholesale sales 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) Overnight shelters and transitional service shelters for 50 or fewer residents, in accordance with subsection 36-363(10)(b)5.

(b) Go-cart tracks.

(c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential districtReserved. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(d) Motor freight terminals.

(e) Soup kitchens.

(f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(g) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(h) Truck stops.

(i) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.

(b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.

(d) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.

(e) All outdoor storage shall be at least 100 feet from any residential district boundary.

(f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.

(h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-474. – Medical marijuana facilities.

(1) *Purpose.* The purpose of these requirements is to allow medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

(2) *Medical marijuana facility standards.* Medical marijuana facilities as defined shall follow the regulations of this article.

(a) A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

(c) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.

1) In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.
2) In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.
3) Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.
4) For purposes of this section, a "child day care center" is a facility licensed by the City or State.

(d) No medical marijuana business shall be located in a building that contains a residence.

(e) All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

(f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.

(g) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

(h) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

(i) All other City Codes shall apply.

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 04-02-19

Sponsored by: Schilling

First reading: _____ Second reading: _____

COUNCIL BILL 2019- 086 GENERAL ORDINANCE _____

AN ORDINANCE

ADOPTING a new Fee and amending the Fee Schedule for certain City services as provided in the Springfield City Code, by establishing a fee for a Medical Marijuana Zoning Certificate. (Staff recommends approval.)

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

WHEREAS, to comply with the requirements of the passage of Amendment 2, now Article XIV of the Missouri Constitution a new zoning certificate is required to establish compliance with separation requirements; and

WHEREAS, an evaluation of charges for the processing and issuing of a Medical Marijuana Zoning Certificate, attached hereto as “Exhibit A,” has been compiled by the City’s Finance Department; and

WHEREAS, a new fee for Medical Marijuana Zoning Certificates shall be effective upon the passage of this Ordinance; and

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

Section 1 – City Council hereby adopts and approves a new fee for Medical Marijuana Zoning Certificates in the amount of One Hundred Eight and 00/100 dollars ($108.00) as contained within “Exhibit A,” which is attached hereto and incorporated herein by reference, copies of which shall be maintained on file with the City Clerk pursuant to Sec. 2-425 of the City Code. .

Section 2 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as an Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2019-___

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Adopting a new Fee and amending the Fee Schedule for certain City services as provided in the Springfield City Code, by establishing a fee for a Medical Marijuana Zoning Certificate. (Staff recommends approval.)

BACKGROUND INFORMATION: The City currently charges $44, for zoning certification – a "certificate" noting the zoning district of a specific property, the regulations and whether it's subject to pending land development cases. According to the proposed State of Missouri rules for medical marijuana facilities, applicants will have to provide the State with evidence indicating that the proposed location is compliant with local zoning laws. Part of our proposed local regulations is a separation from elementary and secondary schools, child day care facilities and churches. We will have to physically visit each site and assess it as to compliance with the separation requirements. This will result in about one hour of additional staff time above the typical zoning certification (we don't do field visits for zoning certification) as well as mileage expenses. This work will be completed by various staff but primarily will be completed by an associate (PAT 8) or senior (PAT 10) planner.

Based on the anticipated additional time spent on site assessment, staff recommends that a new fee be implemented for medical marijuana zoning certificates. A preliminary fee study based on the time currently spent on zoning certificates plus one hour of additional staff time indicates a total fee of $92 (see "Exhibit A"). An additional 17% technology fee is assessed on the City cost for the license and maintenance of the electronic plan submission and review system, for a total fee of $108 for medical marijuana zoning certificates.

REMARKS: Staff recommends approval of this new fee.

Submitted and Recommended by:

Mary Lilly Smith, Director

Approved by:

Jason Gage, City Manager

Exhibit A

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**
Zoning Certificate-Medical Marijuana	0	92	0%	0	0
Technology Fee	0%	17%	0%	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**
Zoning Certificate-Medical Marijuana*	92	100.0%	100%	4,605	4,605
Technology Fee	17%	100.0%	100%	783	783
Totals				$5,388	$5,388

Zoning Certificate-Medical Marijuana

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. Medical marijuana facilities require physical site visit to assess separation requirements. The zoning certificate also provides notice of any rezoning applications on file for the property in the Planning and Development Department office.

Technology Fee

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

*Fee would be effective upon passage; anticipate 50 applications over the next few months.

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 04-02-19

Sponsored by: Lear

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019 - 079 SPECIAL ORDINANCE _____

AN ORDINANCE

AMENDING Sections 3103.9.2 and 3103.9.3 of the Fire Code, relating to tents and membrane structures, by adding specific local addendums to the 2018 International Fire Code.

WHEREAS, on July 2, 2018, City Council adopted the 2018 Edition of the International Fire Code (hereinafter the "Fire Code") by General Ordinance 6463; and

WHEREAS, Section 3103.9.2 of the Fire Code imposes restrictions on tents and membrane structures greater than 7,500 square feet; and

WHEREAS, Section 3103.9.3 of the Fire Code imposes restrictions on tents and membrane structures with an occupant load greater than 1,000 persons; and

WHEREAS, the Fire Department regularly identifies opportunities for improved safety and has determined that certain alterations to Sections 3019.9.2 and 3013.9.3 are appropriate to meet the needs of the community.

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

(NOTE: Revisions to Section 54-32 of the City Code, containing proposed amendments to the International Fire Code, 2018 Edition, are set forth in "Exhibit A." Underlined language is to be added. Language to be removed is ~~stricken~~.)

Section 1 – The City Council hereby amends the Springfield City Code, Chapter 31, 'Tents, Temporary Special Even Structures and Other Membrane Structures,' Section 3109.9.2, 'Tents and membrane structures greater than 7,500 square feet;' which Sections and Subsections shall read as set forth in "Exhibit A," which is attached hereto and incorporated herein as if copied verbatim.

Section 2 – City Council hereby amends the Springfield City Code, Chapter 31, 'Tents, Temporary Special Event Structures and Other Membrane Structures,' Section

3109.9.3, ‘Tents and membrane structures with an occupant load greater than 1,000;’ which Sections and Subsections shall read as set forth in “Exhibit A,” which is attached hereto and incorporated herein as if copied verbatim.

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. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

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. City 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: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2019- 079

FILED 04-02-19

ORIGINATING DEPARTMENT: Fire

PURPOSE: Amending Sections 3103.9.2 and 3103.9.3 of the Fire Code, relating to tents and membrane structures, by adding specific local addendums to the 2018 International Fire Code.

BACKGROUND INFORMATION: With the adoption of the 2018 International Fire Code ("IFC"), tents larger than 7,500 square feet and tents having an occupancy load of greater than 1,000 persons were noted as requiring additional safety protections related to design and installation. The Fire Department seeks to amend Section 3103 of the IFC, granting exceptions to Section 3103.9.2 and 3103.9.3. The exceptions allow for tent installations larger than 7,500 square feet or with occupancy loads greater than 1,000 persons provided specific conditions related to wind speeds, conditions of occupancy, inspections and user safety consultation are met.

REMARKS: The Fire Department has presented and received feedback for the proposed changes from local tent installers, in consultation with local design professionals and in coordination with Building Development Services.

Submitted by:

David Pennington, Fire Chief

Approved by:

Jason Gage, City Manager

Exhibit A

Chapter 31 Tents, Special Event Structures and other Membrane Structures

3103.9.2 Tents and membrane structures greater than 7,500 square feet. Tents and membrane structures greater than 7,500 square feet (697 M2) shall be designed and constructed to comply with Sections 1606 through 1609 of the *International Building Code.*

> **Exception:** Tents and membrane structures greater than 7,500 square feet which are erected, anchored and braced as required by Appendix T of this code may be permitted, subject to approval of the *fire code official*, where all of the following conditions are met:
>
> 1. The tent or membrane structure is erected, anchored and braced to withstand 45 mph sustained winds at a minimum; and
> 2. The tent or membrane structure shall be evacuated when 30 mph sustained winds are reached; and
> 3. The tent or membrane structure shall not be occupied during periods when ice and/or snow accumulation is predicted or exists; and
> 4. The installer shall inspect the tent at least once per 7-day period erected and/or after rains, high winds, snow/ice or severe weather conditions have occurred at the tent's location and take corrective actions as needed; and
> 5. The enhanced requirements must be relayed to the event manager/end user during the consumer safety awareness consultation. The consultation document shall be posted within the tent.
> 6. The permit may be revoked by the *fire code official* with cause.

3103.9.3 Tents and membrane structures with an occupant load greater than 1,000. Tents and membrane structures with an occupant load greater than 1,000 persons shall be designed and constructed to comply with Sections 1606 through 1609 of the *International Building Code.*

> **Exception:** Tents and membrane structures with an occupant load of greater than 1,000 persons which are erected, anchored and braced as required by Appendix T of this code may be permitted, subject to approval of the *fire code official*, where all of the following conditions are met:
>
> 1. The tent or membrane structure is erected, anchored and braced to withstand 45 mph sustained winds at a minimum; and
> 2. The tent or membrane structure shall be evacuated when 30 mph sustained winds are reached; and
> 3. The tent or membrane structure shall not be occupied during periods when ice and/or snow accumulation is predicted or exists; and
> 4. The installer shall inspect the tent at least once per 7-day period erected and/or after rains, high winds, snow/ice or severe weather conditions have occurred at the tent's location and take corrective actions as needed; and
> 5. The enhanced requirements must be relayed to the event manager/end user during the consumer safety awareness consultation. The consultation document shall be posted within the tent.
> 6. The permit may be revoked by the *fire code official* with cause.

One-rdg. _____
P. Hrngs. _____
Pgs. 18
Filed: 04-02-19

Sponsored by: Ferguson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 080 SPECIAL ORDINANCE _____

AN 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 Stubbs Subdivision generally located at 3308 West Chestnut Expressway, 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.)

WHEREAS, an original preliminary plat of Stubbs Subdivision, dated February 26, 2019, is on file with the City's Department of Planning and Development; and

WHEREAS, on March 14, 2019, the Planning and Zoning Commission of the City of Springfield, Missouri, approved the Preliminary Plat of Stubbs Subdivision which is generally located at 3308 West Chestnut Expressway.

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

Section 1 – City Council hereby authorizes the Director of Planning and Development, on behalf of the City of Springfield, to accept the land, easements, and improvements dedicated to the City, as shown on the Preliminary Plat of Stubbs Subdivision, which is generally located at 3308 West Chestnut Expressway, as approved by the Planning and Zoning Commission. The original plat of Stubbs Subdivision is on file in the Department of Planning and Development ("Approved Preliminary Plat"), a reduced version of which is attached hereto for general reference as "Exhibit B - Attachment 4," and all of "Exhibit B," including attachments, is incorporated herein by this reference.

Section 2 – The Director of Planning and Development shall be authorized to 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 - 080

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Stubbs Subdivision, generally located at 3308 West Chestnut Expressway, 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 Stubbs Subdivision dated February 26, 2019, 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 March 14, 2019, and approved both the preliminary plat by a vote of 8 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 Intensity Retail, Office or Housing. Highway Commercial is an appropriate district for this classification. The Major Thoroughfare Plan classifies Chestnut Expressway as an expressway and Nolting Avenue as a commercial local roadway which support the proposed land use.

REMARKS:

Staff recommends approval.

Submitted by:

R. Daniel Neal

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 – STUBBS SUBDIVISION
Planning and Zoning Commission March 14, 2019

Preliminary Plat of Stubbs Subdivision
3308 West Chestnut Expressway
Applicant: Pendleton Family, LLC

Mr. Hosmer stated that this is a request for a three-lot subdivision on 4.47 acres of property located at 3308 West Chestnut Expressway. The Growth Management Land Use Plan identifies this as an appropriate area for Medium Intensity Retail, Office or Housing. City's Transportation Plan classifies W. Chestnut Expressway as an Expressway and N. Nolting Avenue as a non-residential local roadway. Fifteen (15) feet of additional right of way needs to be dedicated along the entire length of the property frontage on West Chestnut Expressway. Fee in lieu of on-site stormwater detention will be not be allowed and detention will be required. 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 opened the public hearing.

Don Berry, 1200 E. Woodhurst, Lee Engineering, applicant's representative and here to answer any questions.

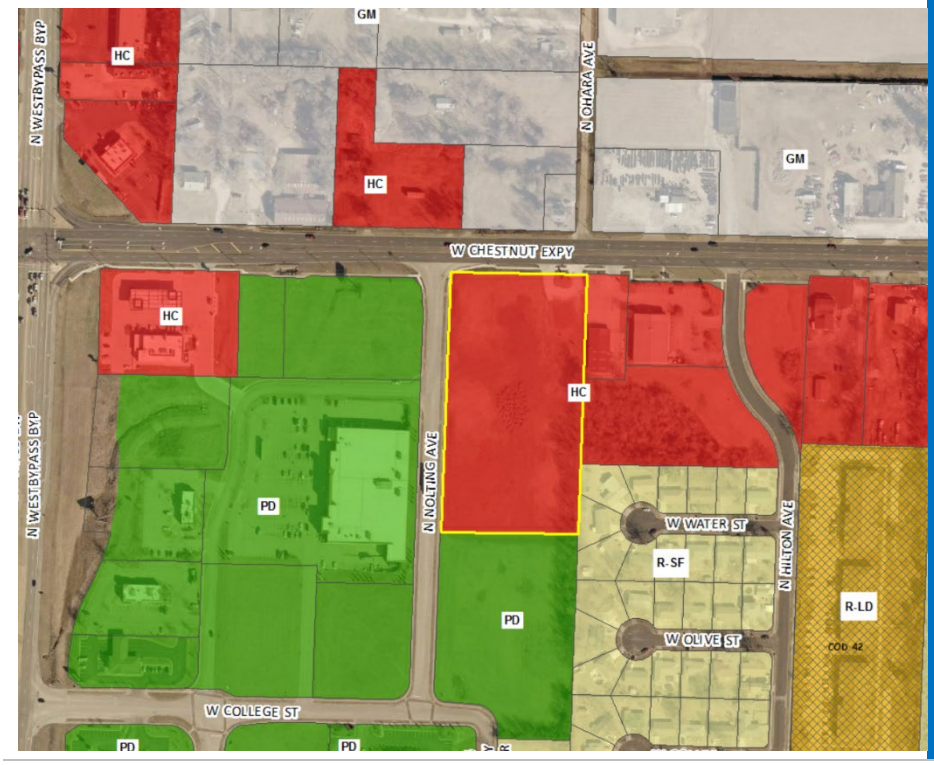
Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** Preliminary Plat of Stubbs Subdivision (3308 West Chestnut Expressway). Ms. Cox seconded the motion. Ayes: Doennig, Coltrin, Cox, Rose, Ogilvy, Broekhoven, Thomas, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Bob Hosmer, AICP
Principal Planner

Exhibit B

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 14, 2019
CITY COUNCIL PUBLIC HEARING:	APRIL 8, 2019



CASE NUMBER:
Preliminary Plat of Stubbs Subdivision

LOCATION:
3308 W. Chestnut Expressway

ACRES:
4.47 acres

EXISTING LAND USE:
Vacant/undeveloped land

APPLICANT:
Pendleton Family, 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 three-lot subdivision named “Stubbs Subdivision”.

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant’s proposal, with the conditions listed below, is consistent with the City’s *Subdivision Regulations*.

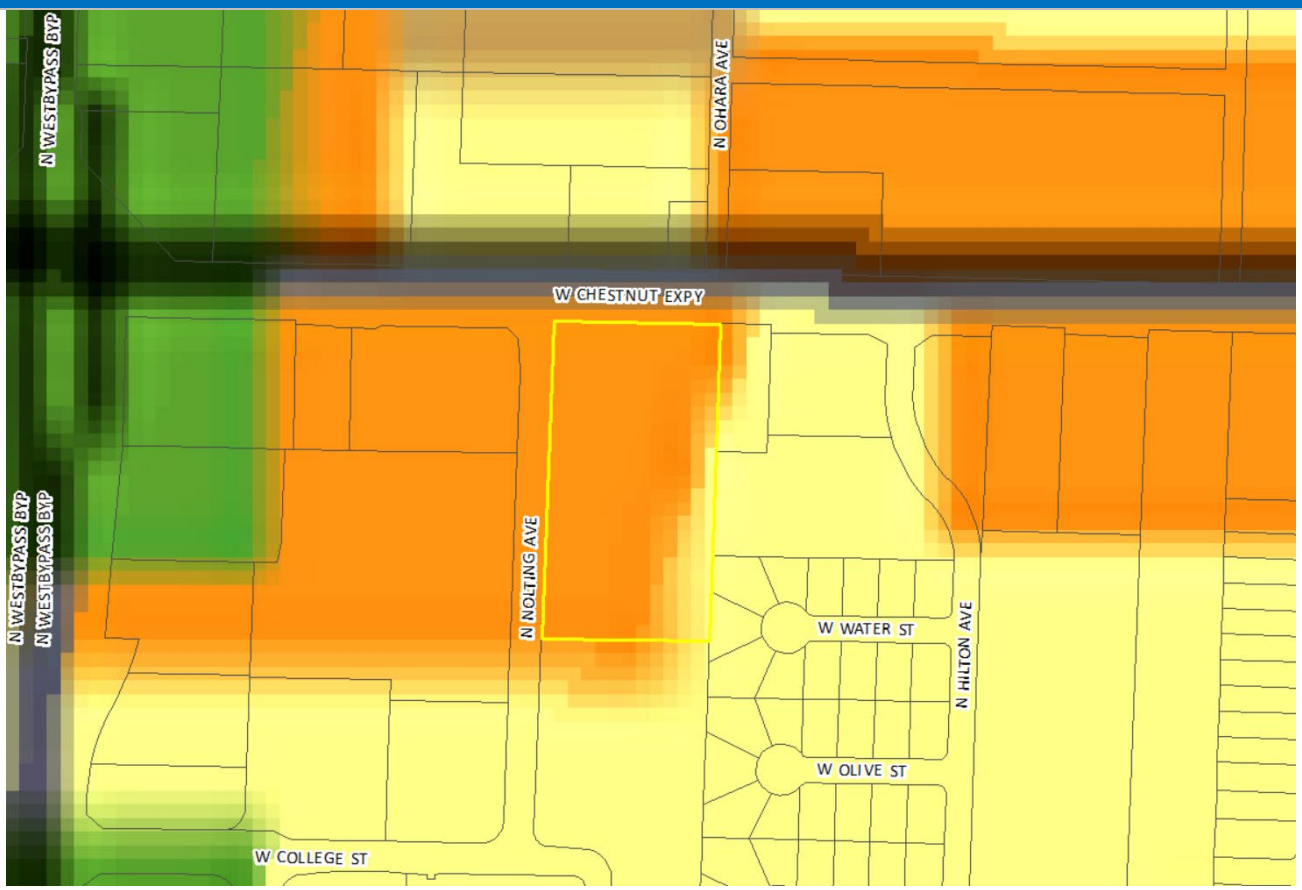
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM	PD 310	HC & R-SF	PD 211, 3rd Am.
LAND USE	Single-family residence and vacant/undeveloped	Vacant/undeveloped	Retail establishment, Single-family residences and vacant/undeveloped	Grocery store and vacant/undeveloped

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

GOOGLE MAPS STREET VIEW:

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

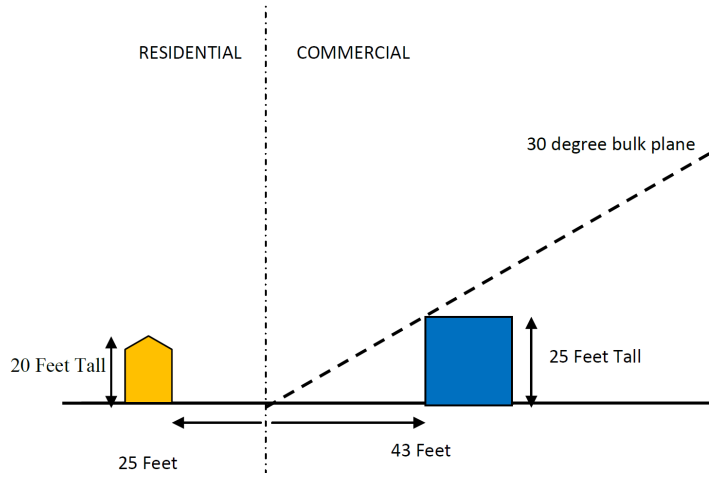
PROPERTY HISTORY:

The subject property was rezoned to HC, Highway Commercial District in 1995 during the Citywide re-mapping.

COMPATIBILITY WITH THE ZONING ORDINANCE:

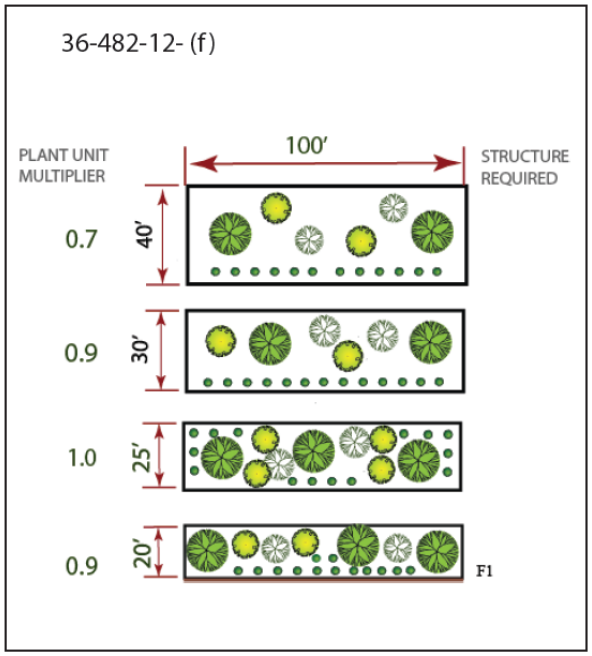
CODE ITEM	REQUIREMENTS FOR HC
Use Limitations	N/A
Maximum Structure Height	None, except that no structures shall be higher than a 30-degree bulk plane adjacent to R-SF or R-TH Districts
Front Yard Setback	25 feet along an arterial street
Side and Rear Setbacks	None, except as required by the supplemental open space and bufferyard requirements
Open Space Requirement	20%
Design Requirements	Standard per code

BULK PLANE



LANDSCAPING

Bufferyard Type "F"



COMPATIBILITY WITH COMPREHENSIVE PLAN:

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. Highway Commercial is an appropriate district for this classification. The Major Thoroughfare Plan classifies Chestnut Expressway as an expressway and Nolting Avenue as a commercial local roadway which support the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 4.47 acres into a three-lot subdivision named "Stubbs 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. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1. Conditions of Approval are provided in Attachment 2. An engineering report was provided by the engineer of record in Attachment 3.

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:

Add general utility easement along Nolting Ave. and Chestnut Expressway.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

Plat is acceptable to City Utilities.

CLEAN WATER SERVICES COMMENTS:

Note that the sewer easement on lot 1 is shown correctly but that the sewer main is not shown in the revised location. The easement is adequate for the revised location though, so I will go ahead and approve.

FIRE DEPARTMENT COMMENTS:

No comments.

MODOT COMMENTS:

The new additional r/w will need to be deeded to MoDOT. We will need a legal description and exhibit.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies W. Chestnut Expressway as an Expressway and N. Nolting Avenue as a Non-Residential Local roadway. The standard right-of-way width for W. Chestnut Expressway and N. Nolting Avenue are 65 feet and 30 feet from centerline, respectively. It appears approximately 15 feet of additional right-of-way needs to be acquired along the entire length of the property frontage on W. Chestnut Expressway. A 30-foot by 30-foot right-of-way sight triangle is also needed at the corner of Chestnut and Nolting. It does not appear that any additional right-of-way is needed along N. Nolting Avenue. A survey is recommended to determine the exact amount of existing right-of-way. W. Chestnut Expressway is under MODOT jurisdiction, while N. Nolting Avenue is under City of Springfield jurisdiction.

DRIVEWAY ACCESS
There are currently two driveway access points from the property to W. Chestnut Expressway. Per MODOT, both of these driveway approaches will need to be removed. One driveway access point will be permitted to this property from W. Chestnut Expressway – at a midpoint location between the two proposed lots, sharing a driveway access with a cross-access easement. Driveway access will be permitted to/from N. Nolting Avenue, that meets minimum spacing requirements from adjacent intersections/driveway approaches.

SIDEWALK
There is existing sidewalk along the property frontage of both W. Chestnut Expressway and N. Nolting Avenue. The existing infrastructure meets current City Standards.

IMPROVEMENTS
None required. Traffic Impact Studies (TISs) are not required as part of the platting process.

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. Chestnut Expressway	Expressway	No	50	65
Street 2	N. Nolting Avenue	Local	Yes	30	30

STORMWATER COMMENTS:

The property is in the Upper Wilsons 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 will not be allowed, and detention will be required. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

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. More detailed stormwater calculations must be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Upper 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

Stubbs Subdivision

Springfield, Missouri

Submitted to:

City of Springfield

January 22, 2019

Lee Engineering and Associates, LLC
1200 E. Woodhurst, Suite D200
Springfield MO, 65807
Phone: 417-886-9100
Fax: 417-886-9336
Missouri State Certificate of Authority
Engineering #2005015504

Project Number: 1833

Engineering Report for

Stubbs Subdivision

City of Springfield, Missouri

Title	Page Number
Summary	1
Sinkholes	1
Sanitary Sewer	1
Street System	1
Traffic Impact Statement	1
Utilities	1
Stormwater Calculations	1

A. Summary

The subject property is located on an approximately 5.0 acre tract at the southeast corner of W. Chestnut Expy and Nolting Avenue. The subdivision will divide the tract into three lots varying in size from 1.0 to 2.3 acres each. Two of the lots will front Chestnut Expy. and one lot will have direct access to Nolting Avenue.

B. Sinkholes:

There are no known sinkholes on the development site.

C. Sanitary Sewer:

The property is currently not served by public sanitary sewer. Public sanitary sewer extensions will be provided prior to platting. The closest public services are located approximately 220 feet to the west along Chestnut and approximately 100 feet to the east of the property through public easement. Sanitary sewer improvements will meet all city requirements.

D. Street System:

The property is bounded on two sides with existing streets. W. Chestnut Expy is on the north and is under MoDOT jurisdiction as this Expressway is also known as Business Loop I-44. Nolting Avenue along the western property line is classified as a local street. Both streets appear to meet city standards therefore public improvement to these facilities are not anticipated.

E. Traffic Impact Statement:

A traffic impact statement is not required. The subdivision of land will not generate any new traffic. Predevelopment review statements mentioned the existing driveway approaches on Chestnut do not meet the minimum spacing requirements. Plat notes will limit access of the two proposed lots along this street to share one driveway with a common access easement.

F. Utilities:

Gas, water and electric will be provided by City Utilities. Existing Mains are available on Chestnut and Nolting.

G. Stormwater:

The existing topography of the site drains to the northwest. Due to the nature of the proposed development, each individual lot will be responsible for constructing and maintaining detention and/or water quality requirements of the city. These improvements will be completed at time of development. These systems will discharge directly into existing public storm drains.

ATTACHMENT 4

PRELIMINARY PLAT
STUBBS SUBDIVISION

40 0 20 40 80
(IN FEET)
1 inch = 40 ft.

BASIS OF BEARINGS:

BEARINGS ARE GRID NORTH BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE VIA GPS TIES TO MONUMENT GR-42

N: 152541.176m
E: 424463.245m
ELEV: 376.7m
SCALE FACTOR 0.99994651
DISTANCES SHOWN ARE GROUND DISTANCES

BUILDING SETBACKS:

Current Zoning: HC - Highway Commercial

Proposed Zoning: Lots 1-3 - HC

Current Zoning Setbacks

	HM
Front	25' - Primary Arterial
	15' - Local
Side	0'
Rear	0'

LOT INFORMATION:
Total Acreage - 4.71
Largest Lot: Lot 3 - 2.49 Acres
Smallest Lot: Lot 2 - 0.87 Acres

GENERAL NOTES:

1. Detention for each lot to be provided at the time of development.

FLOOD NOTE:
This property lies in Flood Zone "X" (areas determined to be outside of the 0.2% annual chance floodplain) according to Flood Insurance Rate Map Community Panel 29077C 0328 E, effective December 17, 2010.

SURVEY NOTES:
Accuracy Standard: Type Urban Property

SOURCE OF TITLE: Book 2016 Page 50915-16

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

SEWER NOTE:
Public sewer will be provided as shown on Public Improvement Plan 2019PW0004.

DECLARATION BY SURVEYOR:

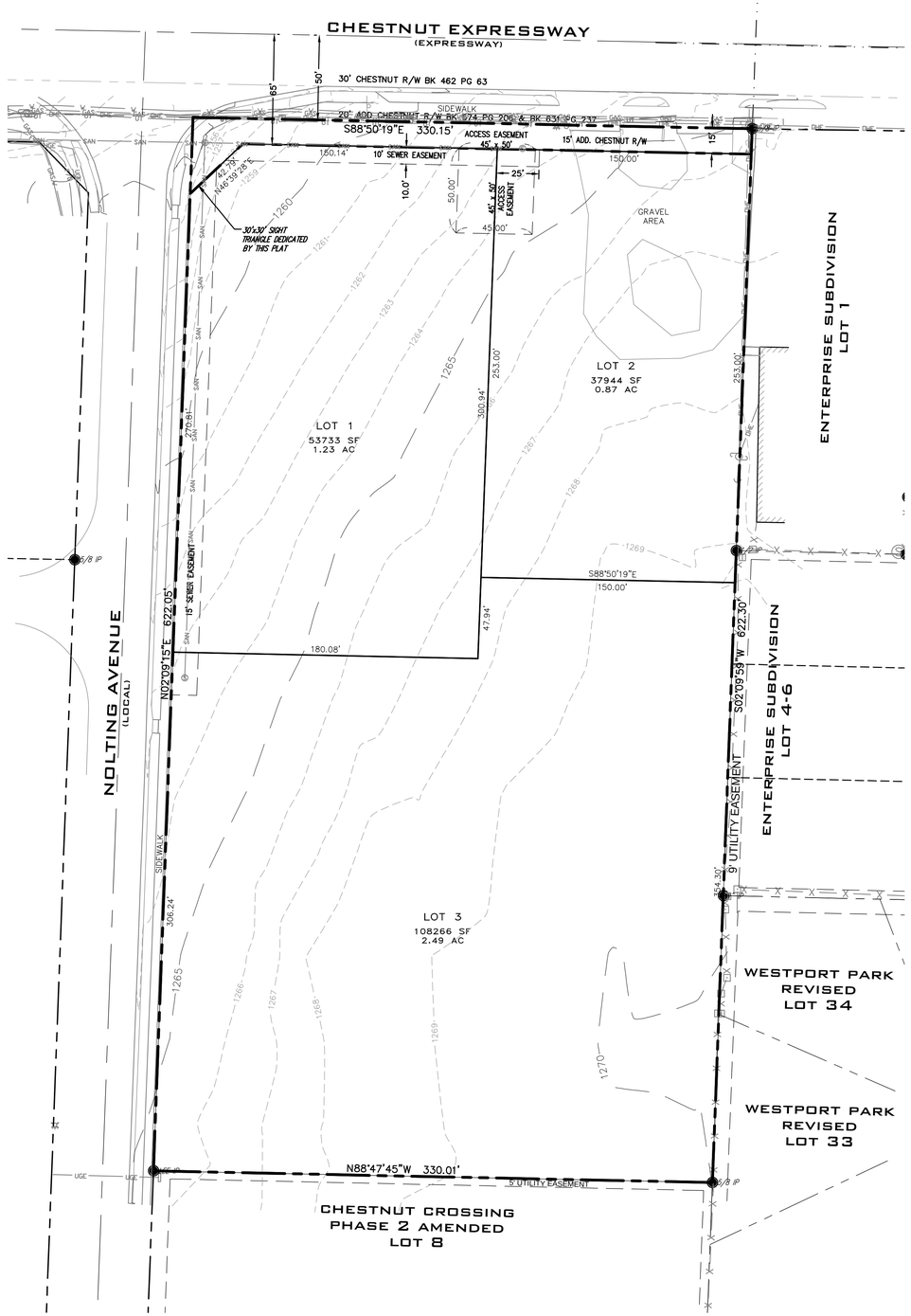
I hereby declare to Pendleton Family, LLC that the information contained hereon is based upon an actual survey of the land described herein, according to the current Missouri Survey Standards for Property Boundary Surveys, 4CSR30-16, URBAN class properties, that the results are correctly represented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

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

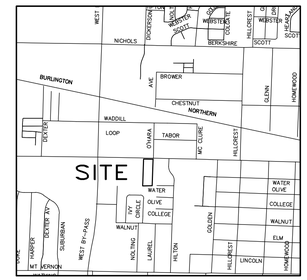
This plat of survey is an instrument of service and is protected under U.S. Copyright Law. It is not to be used by anyone other than the party or parties named on this plat unless it has been updated and recertified by Lee Engineering & Associates, L.L.C.

BY: _____ DATE: 02/26/2019

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



OWNER/DEVELOPER
Pendleton Family, LLC
1525 E Republic Road
Suite B155
Springfield, MO 65804



VICINITY MAP
NOT TO SCALE

LEGEND

- FOUND IRON PIN
- SET IRON PIN OR MARKER AS NOTED
- R/W MARKER
- BOUNDARY LINE
- R/W LINE
- EASEMENT LINE
- SETBACK LINE
- (M) MEASURED
- (P) PLAT
- (D) DEED
- (R) RECORD
- LIGHT POLE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SAN — SANITARY SEWER LINE
- UTILITY POLE
- ELECTRIC METER
- OHE — OVERHEAD ELECTRIC
- UGE — UNDERGROUND ELECTRIC
- GUY WIRE
- PHONE/COMMUNICATION MANHOLE
- PHONE PEDESTAL
- CABLE TV RISER
- CATV — CABLE TV LINE
- UT — UNDERGROUND PHONE
- OT — OVERHEAD PHONE
- F/O — FIBER OPTIC LINE
- WV — WATER VALVE
- WM — WATER METER
- W — WATER LINE
- FIRE HYDRANT
- GV — GAS VALVE
- GM — GAS METER
- GAS — GAS LINE
- FENCE LINE (AS NOTED)
- ROAD SIGN (STOP, SPEED LIMIT, ETC)

ABBREVIATIONS:

XFMR	TRANSFORMER
ICV	IRRIGATION CONTROL VALVE
CI	STORMWATER CURB INLET

DESCRIPTION -
All that part of the Northwest Quarter of the Northwest Quarter of Section 21, Township 29 North, Range 22 West of the Fifth Principal Meridian, City of Springfield, Greene County, Missouri, being more particularly described as follows: BEGINNING at the Northwest corner of Lot One of Enterprise Subdivision, a subdivision in the City of Springfield, Greene County, Missouri; thence, South 02°09'59" West, along and with the West line of said subdivision, a distance of 622.30 feet to an existing iron pin at the Northeast corner of Lot 3 of Chestnut Crossing Phase 2 Amended, a subdivision in the City of Springfield, Greene County, Missouri; thence, North 88°47'45" West, along and with the North line of said Lot, a distance of 330.01 feet to the Northwest corner of said Lot, said point also being on the East right-of-way line of Nolting Avenue; thence, North 02°09'15" East, along and with said East line, a distance of 622.05 feet to the South right-of-way line of Chestnut Expressway; thence, South 88°50'19" East, a distance of 330.15 feet to the POINT OF BEGINNING, containing 4.71 acres and being subject to easements, restrictions or rights-of-way, if any.

DATE:	
REVISIONS:	
BY:	

SCALE: 1" = 40'
FIELD BY: TS, JS
DRAWN BY: DRB
CHECKED BY: DRB

Preliminary Plat
PENDLETON FAMILY, LLC
3308 W Chestnut Expy
Springfield, Greene County, Missouri

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

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65807
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz

"Engineering with Integrity"

DATE: 2019-01-24
SHEET: 1 OF 1
PROJECT: 1833
FILE: 1833 - Stubbs Sub Prelim Plat.dwg

One-rdg. _____
P. Hrngs. _____
Pgs. 16
Filed: 04-02-19

Sponsored by: Ferguson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 081 SPECIAL ORDINANCE _____

AN 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 Sparkling Heights Subdivision generally located at 1777 North Packer Road, 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.)

WHEREAS, an original preliminary plat of Sparkling Heights Subdivision, dated January 22, 2019, is on file with the City's Department of Planning and Development; and

WHEREAS, on March 14, 2019, the Planning and Zoning Commission of the City of Springfield, Missouri, approved the Preliminary Plat of Sparkling Heights Subdivision which is generally located at 1777 North Packer Road.

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

Section 1 – City Council hereby authorizes the Director of Planning and Development, on behalf of the City of Springfield, to accept the land, easements, and improvements dedicated to the City, as shown on the Preliminary Plat of Sparkling Heights Subdivision, which is generally located at 1777 North Packer Road, as approved by the Planning and Zoning Commission. The original plat of Sparkling Heights Subdivision is on file in the Department of Planning and Development ("Approved Preliminary Plat"), a reduced version of which is attached hereto for general reference as "Exhibit B - Attachment 3," including all attachments, is incorporated herein by this reference.

Section 2 – The Director of Planning and Development shall be authorized to 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.

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 - 081

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: 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 Sparkling Heights Subdivision generally located at 1777 North Packer Road, 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 Sparkling Heights dated January 22, 2019, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in "Exhibit B - Attachment 3."

B. The Planning and Zoning Commission held a public hearing on March 14, 2019, and approved the preliminary plat by a vote of 8 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 the subject property as appropriate for low-density housing. However, the subject property is located in an area that has industrial and manufacturing uses and zoning. The proposed zoning district is consistent with City Council action in this area. The property zoned Planned Development No. 128 allows industrial operations, warehouses and wholesale activities.

REMARKS:

Staff recommends approval.

Submitted by:

Michael Sparlin

Michael Sparlin, Senior Planner

Recommended by:

Mary Lilly Smith, Director

Approved by:

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Record of Proceedings
Exhibit B, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Conditions of Plat Approval
Attachment 3, Preliminary Plat

EXHIBIT A

RECORD OF PROCEEDINGS
PRELIMINARY PLAT – SPARKLING HEIGHTS
Planning and Zoning Commission March 14, 2019

Z-7-2019 w/COD #168 1777 North Packer Road and 2800 East Blaine Street **Applicant:** Rice & Heer Leasing Company, H&C Partnership, and City of Springfield	Preliminary Plat of Sparkling Heights 1777 North Packer Road **Applicant:** Rice & Heer Leasing Company and H&C Partnership

Zoning and preliminary plat are combined.

Mr. Hosmer stated that this is a request to rezone approximately 40.22 acres of property generally located at 1777 North Packer Road and the 2800 block of East Blaine Street from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single-family to GM, General Manufacturing and establish Conditional Overlay District No. 168. Ozarks Coca-Cola is in the process of expanding their operations to the west onto the adjacent property, currently zoned Planned Development No. 128. The Comprehensive Plan identifies this area as appropriate for Low-Density Housing. However, the subject property is in an area that has already been zoned industrial and manufacturing. City's Transportation Plan classifies N. Packer Road as a Secondary Arterial roadway and E. Blaine Street as a Collector roadway. Stormwater detention is already provided by the City-owned regional detention facility which will be maintained in its current location and will prohibit all other GM uses. The proposed Conditional Overlay District maintains the same setbacks in the PD of 120 feet for structures and 50 feet for parking lots from the west property line. The COD also maintains the 50 feet setback for structures and parking lots from Packer Road. A 45-degree bulk-plane is required from the western district boundary. A Type H bufferyard adjacent to R-SF will be required however, at 50 ft in depth and not 35 ft. Traffic Impact Study (TIS) shall be prepared at the time of development or improvements made. Staff recommends approval.

Mr. Hosmer also states that this is a request for a one-lot subdivision on 35.4 acres of property located at 1777 North Packer Road. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for low-density housing. However, the subject property is in an area that has industrial and manufacturing uses/zoning. City's Transportation Plan classifies Packer Road as a Secondary Arterial roadway and Blaine Street as a Collector roadway which supports the proposed land use. At the time of development, sidewalk will be required to be constructed along the entire length of the property frontage. Stormwater detention is provided by regional detention area. Stream buffer will be provided. A Traffic Impact Study will be required or public improvements to Packer and Blaine. 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.

Ms. Cox asked about the drainage way.

Ms. Hawkins stated that some of the stream has been engineered and where it is natural they are required to have a 50 feet stream buffer on each side.

Mr. Doennig opened the public hearing.

Sally Hargis, 1470 E. Meadowmere, representing the family ownership of Coca-Cola. They are expanding their franchise after outgrowing their previous warehouses and adjusting to current use. There will not be any dock operation and lighting on the westside and in the process of cleaning up parts of Jordan Creek and will maintain/protect its portion of the creek.

Mr. Doennig closed the public hearing.

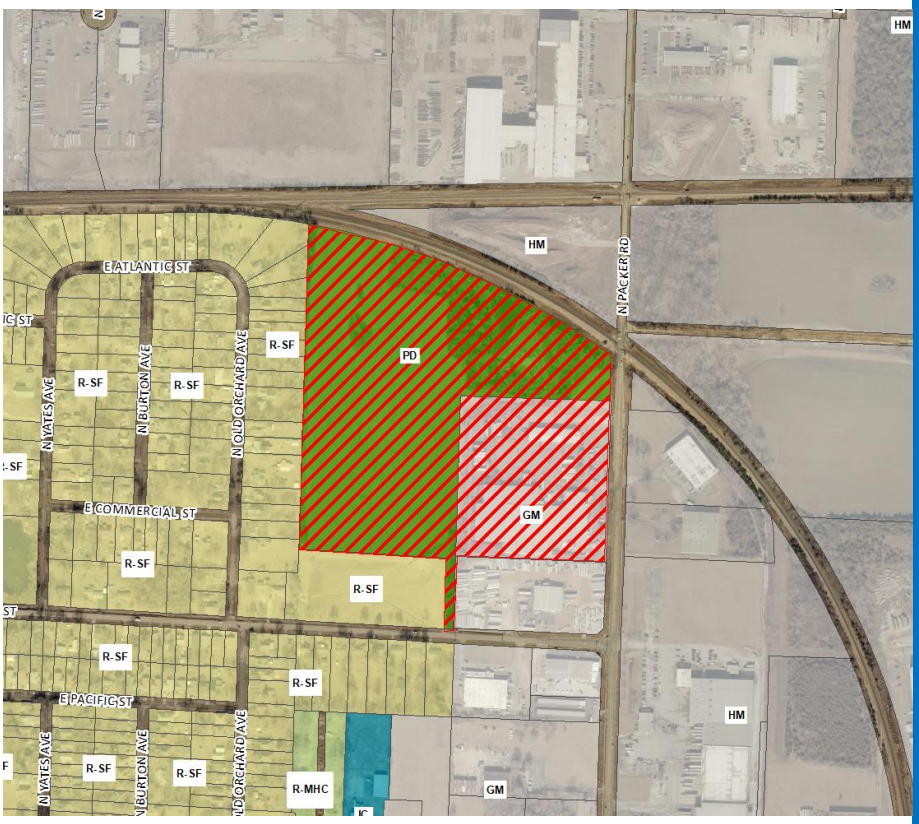
COMMISSION ACTION:
Ms. Cox motioned to **approve** Z-7-2019 w/COD #168 (1777 North Packer Road and 2800 East Blaine Street). Mr. Coltrin seconded the motion. Ayes: Doennig, Coltrin, Cox, Rose, Ogilvy, Broekhoven, Thomas, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Preliminary Plat of Sparkling Heights (1777 North Packer Road). Mr. Coltrin seconded the motion. Ayes: Doennig, Coltrin, Cox, Rose, Ogilvy, Broekhoven, Thomas, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Bob Hosmer, AICP
Principal Planner

Exhibit B

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 14, 2019
CITY COUNCIL PUBLIC HEARING:	APRIL 8, 2019



CASE NUMBER:
Preliminary Plat of Sparkling Heights

LOCATION:
1777 N. Packer Road

ACRES:
35.4 acres

EXISTING LAND USE:
Food & drink processing plant and storage, and undeveloped land.

APPLICANT:
Rice & Heer Leasing Company, H&C Partnership

STAFF:
Michael Sparlin, 417-864-1091

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 one-lot subdivision named “Sparkling Heights”.

FINDINGS FOR STAFF RECOMMENDATION:

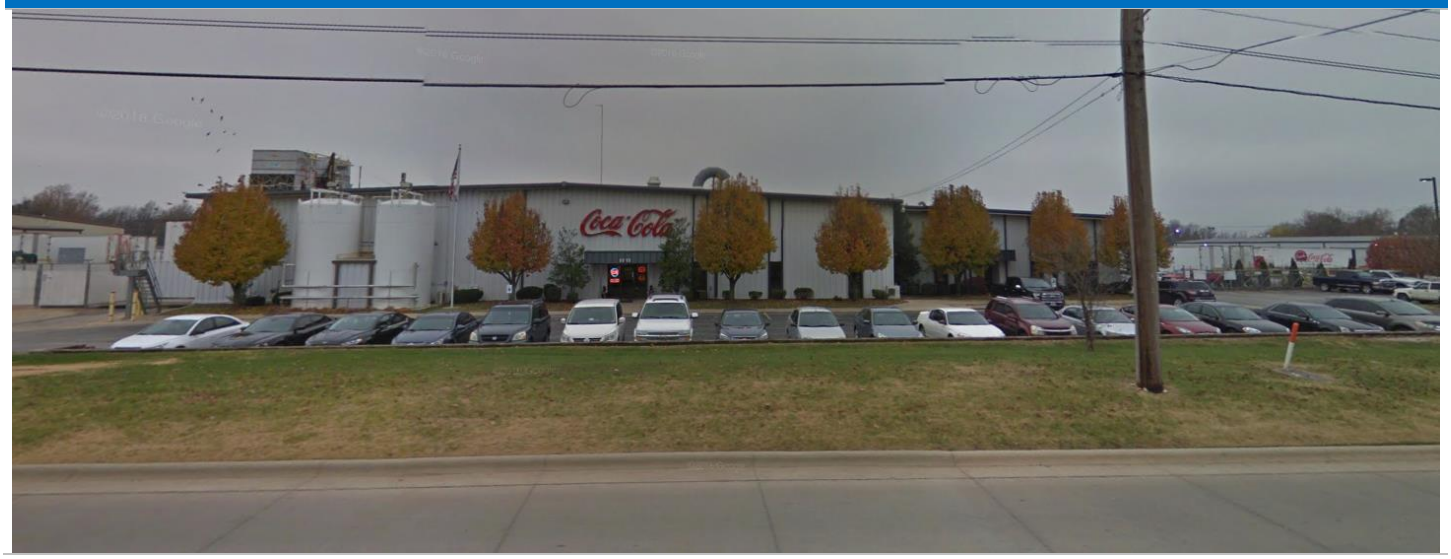
1. The applicant’s proposal, with the conditions listed below, is consistent with the City’s *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

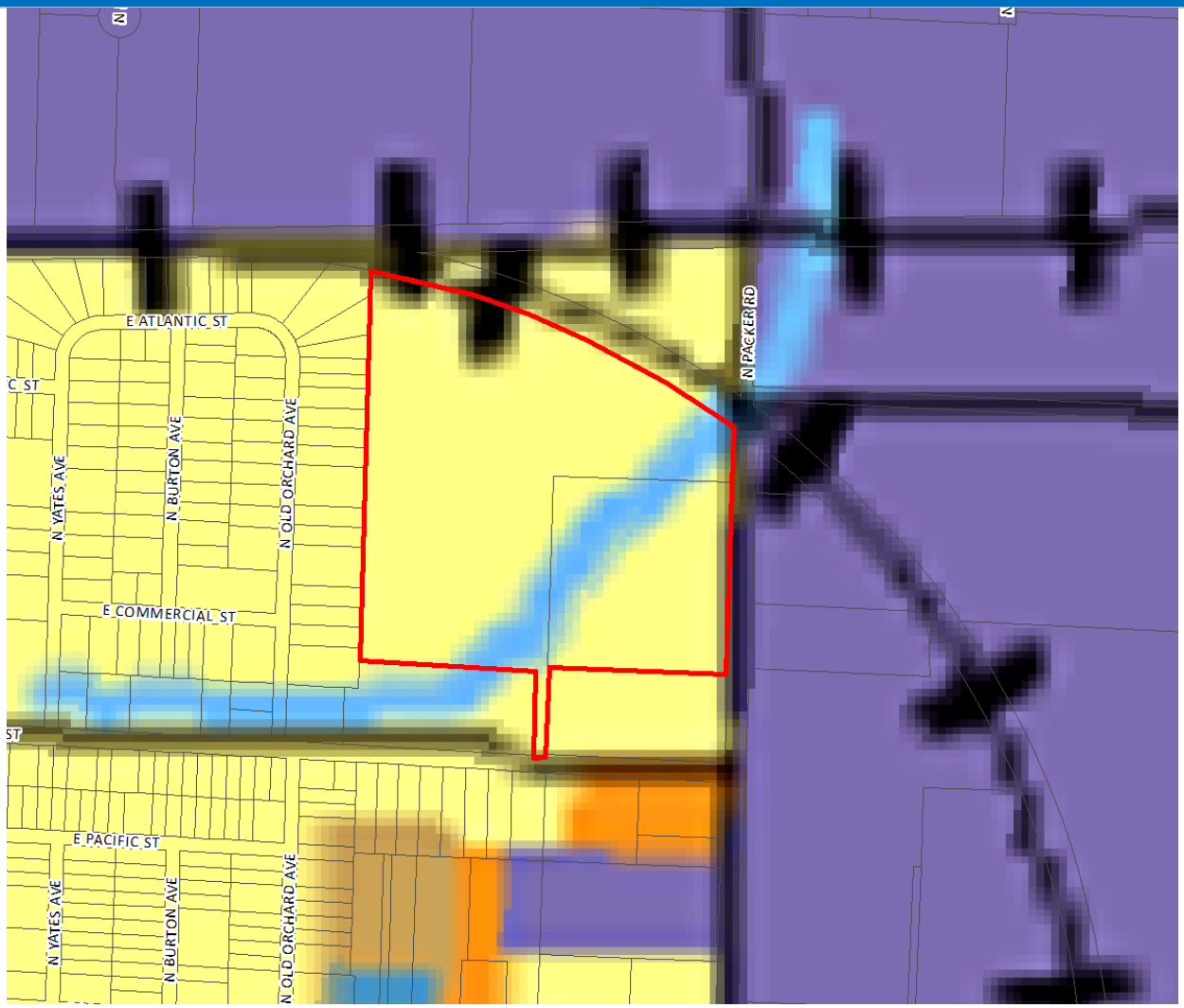
	NORTH	SOUTH	EAST	WEST
ZONING	HM	GM, R-SF	HM	R-SF
LAND USE	Undeveloped land, manufacturing uses	Industrial Warehouse, Single-family residence	Industrial Warehouses	Single-family residence

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:

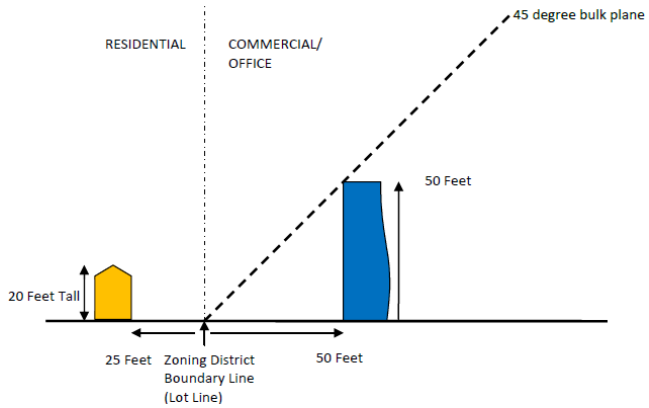
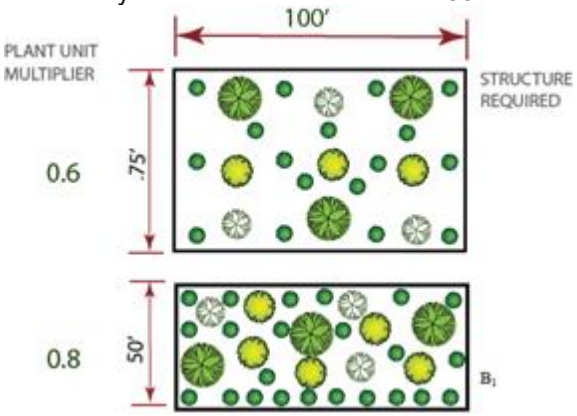


- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

The subject property at 1777 North Packer was originally zoned GM, General Manufacturing 1995 during the citywide re-mapping. The subject property zoned Planned Development 128 was rezoned from M-1, Light Manufacturing in December 1990.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR PROPOSED GM w/ COD 168
Use limitations	1. Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an LI, GM, or HM district. 2. All outdoor storage shall be at least 100 feet from any residential district boundary. 3. No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district. 4. For more, refer to *section 36-432 (4)* of the *Springfield Zoning Ordinance*
Maximum Structure Height	None, except that all structures shall remain below a 45-degree bulk plane as measured from the western district boundary
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
Additional Setbacks per proposed COD No. 168	The following minimum setbacks shall be required: 1. One hundred twenty (120) feet for structures and fifty (50) feet for parking lots both measured from the western district boundary line. 2. Fifty (50) feet for structures and parking lots from Packer Avenue.
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
45-degree bulk plane is required adjacent to R-SF zoning.  	A bufferyard type H is required adjacent to R-SF property along the western district boundary. The proposed COD requires that the bufferyard must be a minimum of 50 feet in depth. 

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for low-density housing. However, the subject property is located in an area that has industrial and manufacturing uses and zoning. The proposed zoning district is consistent with City Council action in this area. The property zoned Planned Development No. 128 allows industrial operations, warehouses and wholesale activities.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 35.4 acres into a one-lot subdivision named “Sparkling Heights”. A rezoning is currently being processed on the subject property and adjacent property to rezone from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single-family to GM, General Manufacturing and establish Conditional Overlay District No. 168.

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. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1. Conditions of Approval are provided in Attachment 2.

PUBLIC NOTIFICATION:

The property was posted 10 days prior to the Planning and Zoning Commission meeting.

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to plat.

CITY UTILITIES:

Plat is approved by City Utilities

CLEAN WATER SERVICES COMMENTS:

No objections to plat.

FIRE DEPARTMENT COMMENTS:

Fire has no objections to the plat.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies N. Packer Road as a Secondary Arterial roadway and E. Blaine Street as a Collector roadway. The standard right-of-way widths for N. Packer Road and E. Blaine Street are 35 feet from centerline and 30 feet from centerline, respectively. Based on each street classification, it does not appear additional right-of-way is needed. The extents of the improvements based on the results of the Traffic Impact Study (TIS) are still to be determined. The TIS and/or improvements must be constructed and approved, or funds escrowed, prior to approval of the final plat. N. Packer Road and E. Blaine Street are both City-maintained streets.

DRIVEWAY ACCESS

There are currently four driveway access points to the property – three from N. Packer Road, one from E. Blaine Street. These existing driveway approaches appear to meet current minimum spacing requirements, but may need to be modified, based on improvements described by the TIS. Any new/modified driveway approaches must comply with current City Standard ST-9.

SIDEWALK

There is not currently sidewalk along the property frontage of N. Packer Road or E. Blaine Street. Sidewalk is required to be constructed at the time of development, or a fee paid in-lieu-of sidewalk construction, which must first be approved by Administrative Review Committee, and fees paid, prior to issuance of a building permit.

IMPROVEMENTS

A Traffic Impact Study was required as a part of the rezoning/development of this property, as the change/increase in use creates an increase in trip generation of more than 100 trips in the AM/PM peaks and/or more than 1,000 trips daily. Improvements that are anticipated include the widening of N. Packer Road to accommodate southbound right-turning traffic into the property and northbound left-turning traffic into the property. The extent of these improvements are still to be determined. These improvements must be constructed and approved, or funds escrowed, prior to approval of the final plat. The City of Springfield does not currently have plans to make improvements to this section of N. Packer Road, nor E. Blaine Street.

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	N. Packer Road	Secondary Arterial	No	40	35
Street 2	E. Blaine Street	Collector	No	30	30

STORMWATER COMMENTS:

The property is in the Jordan Creek North 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 on-site stormwater detention not applicable as detention is already provided. 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. If disturbing more than one acre water quality will also have to be provided.
3. Drainage easements must be provided for this conveyance.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.
5. Water quality will still need to be provided and this site has a stream buffer requirement of 50 feet on each side.

Public Works Stormwater Division	Response
Drainage Basin	Jordan Creek North
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater fee in lieu 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.

RECORDER'S SPACE

SPARKLING HEIGHTS

ATTACHMENT 3

BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

PRELIMINARY PLAT

LOCATION SKETCH
SEC. 9, T29N, R21W
NOT TO SCALE

MISSOURI ONE CALL SYSTEM, INC. 1-800-344-7483 STOP. CALL BEFORE YOU DIG!

STATE PLANE COORDINATE TIE MISSOURI COORDINATE SYSTEM 1983		
CONTROL STATIONS:		
GR-16	NORTHING – 152116.639 (M)	
	EASTING – 436349.709 (M)	
	GRID FACTOR – 0.9999227	
GR-09	NORTHING – 154589.622 (M)	
	EASTING – 435860.635 (M)	
	GRID FACTOR – 0.9999208	

COORDINATES EXPRESSED IN METERS, 2000 ADJUSTMENT.

LEGEND

CP	CONTROL POINT	PROPERTY LINE	
IP	FOUND IRON PIN	SANITARY SEWER	SS
IP	SET IRON PIN	STORM SEWER	SW
RWM	RIGHT-OF-WAY MARKER	TELEPHONE LINE	T
PP GY	POWER POLE W/ GUY	UNDERGROUND TELEPHONE	UT
MH	MANHOLE	GAS LINE	G
SCO	SEWER CLEANOUT	WATER LINE	W
GM	GAS METER	ELECTRIC LINE	E
LP	LIGHT POLE	UNDERGROUND ELECTRIC	UE
	SIGN	FENCE LINE	x x
WM	WATER METER	RETAINING WALL	
WV	WATER VALVE	LINE LABELS	MEASURED 100' M / DEED 100' D
GV	GAS VALVE	TREELINE	
FH	FIRE HYDRANT	BUSH	
TR	TELEPHONE RISER	ER ELECTRICAL RISER	
	BUMPER POST	TS TRAFFIC SIGNAL BOX	
	GRATE INLET	MB MAIL BOX	
	FRENCH DRAIN		

STORMWATER DETENTION/WATER QUALITY

WATER QUALITY WILL BE PROVIDED PER CITY OF SPRINGFIELD DESIGN REGULATIONS.
A FINAL DETENTION DESIGN WILL BE COMPLETED ONCE BUILDING PLANS ARE SUBMITTED TO THE CITY OF SPRINGFIELD.
LOT 2
LOT 2 DETENTION WILL BE ANALYZED AT THE TIME OF DEVELOPMENT.

ZONING DATA

SUBJECT PROPERTY IS ZONED GC (GENERAL MANUFACTURING DISTRICT),
GM WITH CONDITION:

MINIMUM YARD REQUIREMENTS:
FRONT YARD: NO ACCESSORY STRUCTURE SHALL BE PERMITTED IN ANY FRONT YARD UNLESS IT IS PERMITTED BY SECTION 36-450.

SIDE YARD: NONE, EXCEPT AS REQUIRED BY SECTION 36-453.

REAR YARD: NONE

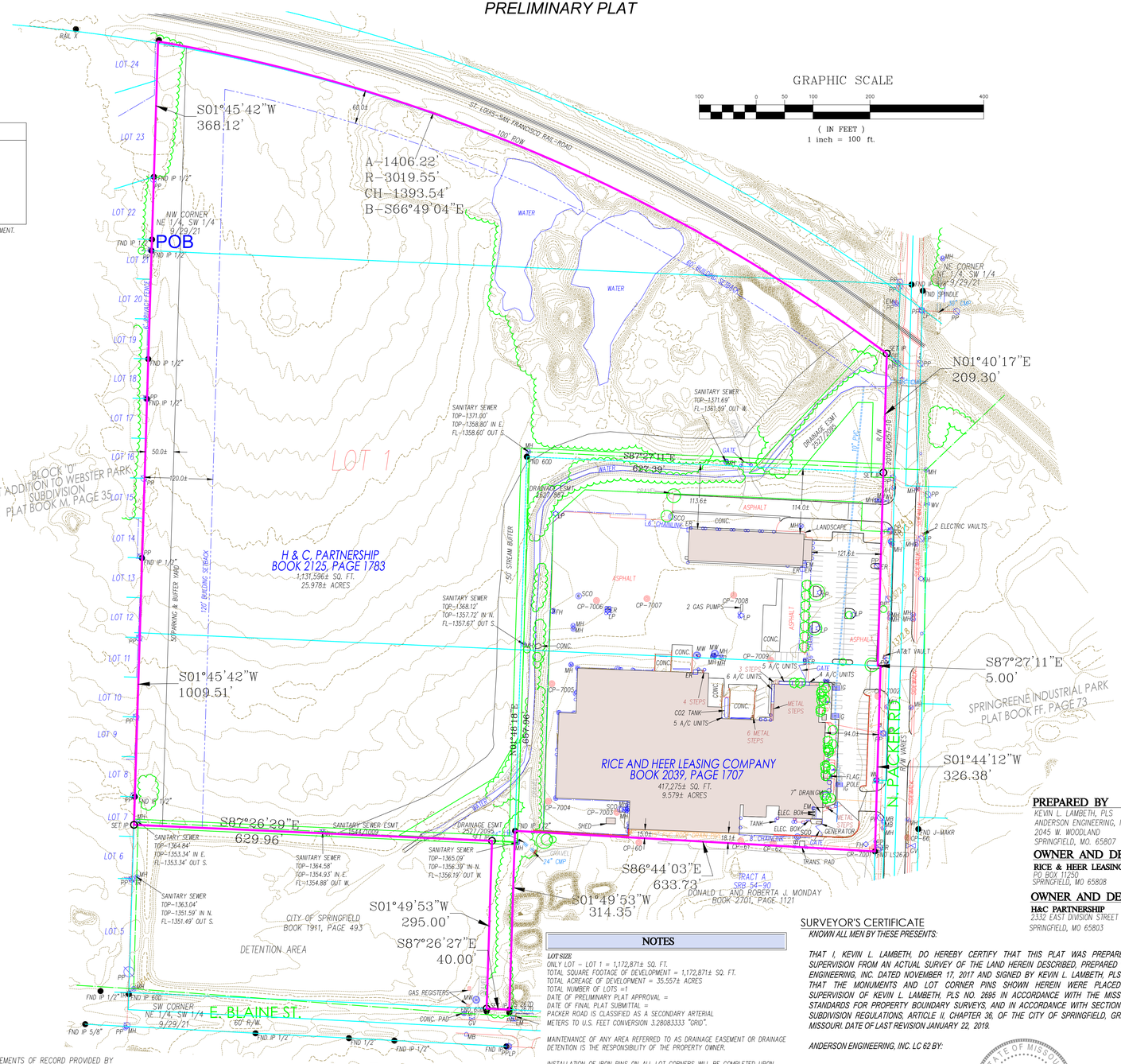
HOWEVER, IN NO EVENT MAY A STRUCTURE BE ERECTED CLOSER TO THE CENTERLINE OF AN EXISTING OR PLANNED STREET THAN AS PRESCRIBED BELOW.

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTER LINE
SECONDARY ARTERIAL	(PACKER ROAD) 35 FEET PLUS REQUIRED YARD SETBACK

PERIMETER DESCRIPTION

A TRACT OF LAND AS LYING IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDR'S OFFICE IN BOOK 2125, PAGE 1783 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST, SAID POINT ALSO LYING ON THE EAST LINE OF BLOCK "O" OF THE FIRST ADDITION TO WEBSTER PARK SUBDIVISION; THENCE ALONG SAID WEST LINE, NORTH 01°45'42" EAST, 368.12 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF ST. LOUIS-SAN FRANCISCO RAILROAD; THENCE LEAVING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, 1406.22 FEET ALONG A 3019.55 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 66°49'04" EAST FOR A DISTANCE OF 1393.54 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY OF PACKER ROAD; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY AND ALONG SAID WEST RIGHT-OF-WAY THE FOLLOWING COURSES, SOUTH 01°40'17" WEST, 335.94 FEET; THENCE SOUTH 87°27'11" EAST, 5.00 FEET; THENCE SOUTH 01°44'12" EAST, 326.38 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY, NORTH 86°44'03" WEST, 633.73 FEET; THENCE SOUTH 01°48'18" WEST, 314.35 FEET TO A POINT LYING ON THE NORTH RIGHT-OF-WAY OF BLAINE STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY, NORTH 87°26'27" WEST, 40.00 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY, NORTH 01°49'53" EAST, 295.00 FEET; THENCE NORTH 87°26'29" WEST, 629.96 FEET TO A POINT LYING ON THE AFOREMENTIONED EAST LINE OF BLOCK "O" OF THE FIRST ADDITION TO WEBSTER PARK SUBDIVISION; THENCE ALONG SAID EAST LINE, NORTH 01°45'42" EAST, 1009.51 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE, COUNTY, MISSOURI. CONTAINING 35.557 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.



NOTES

LOT SIZE
ONLY LOT – LOT 1 = 1,172,871± SQ. FT.
TOTAL SQUARE FOOTAGE OF DEVELOPMENT = 1,172,871± SQ. FT.
TOTAL ACREAGE OF DEVELOPMENT = 35.557± ACRES
TOTAL NUMBER OF LOTS =1
DATE OF PRELIMINARY PLAT APPROVAL =
DATE OF FINAL PLAT SUBMITTAL =
PACKER ROAD IS CLASSIFIED AS A SECONDARY ARTERIAL
METERS TO U.S. FEET CONVERSION 3.28083333 "GRID".

MAINTENANCE OF ANY AREA REFERRED TO AS DRAINAGE EASEMENT OR DRAINAGE DETENTION IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

INSTALLATION OF IRON PINS ON ALL LOT CORNERS WILL BE COMPLETED UPON COMPLETION OF UTILITIES INSTALLATIONS.

THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDING IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE WATER RUN-OFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUN-OFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.

UTILITY NOTE:

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANTY THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. TICKET:18333034

SURVEYORS NOTE:

WITH THIS SURVEY WE DO NOT GUARANTEE THAT OWNERSHIP IS TO THE SURVEY LINES DEPICTED HEREON. THIS SURVEY IS A GRAPHIC REPRESENTATION OF THE OPINION OF THE SURVEYOR AS TO THE LOCATION OF THE RECORD DESCRIPTION. NO OPINION AS TO THE VALIDITY OF TITLE IS GIVEN OR IMPLIED.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 29077C0351E, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 17, 2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS.

EXECUTION AND DEDICATION OF PLAT

SAID LAND HAS BEEN SUBDIVIDED AS SHOWN, RIGHTS-OF-WAY, LIMITS OF NO ACCESS AND UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC AS SHOWN HEREON. IN WITNESS WHEREOF, _____ _____, AUTHORIZED REPRESENTATIVE OF _____ _____, WE ARE THE SOLE OWNERS OF THE PROPERTY SHOWN HEREON HAVE HEREUNTO SET MY HAND, THIS___DAY OF _____ 20___.

_____ _____
DATE OF EXECUTION

_____ _____
_____ _____
DATE OF EXECUTION

ACKNOWLEDGMENT

STATE OF MISSOURI)
) SS
COUNTY OF GREENE)

ON THIS _____ DAY OF _____, IN THE YEAR 20___, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED_____, TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT HE/SHE IS THE _____ OF _____ , A LIMITED LIABILITY COMPANY OF THE STATE OF _____, AND THAT SAID DOCUMENT WAS SIGNED IN BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS _____, AND SAID _____ ACKNOWLEDGED SAID DOCUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

"NOTARY SEAL"
NOTARY PUBLIC: _____

PRINT NAME: _____

EXECUTION AND DEDICATION OF PLAT

SAID LAND HAS BEEN SUBDIVIDED AS SHOWN, RIGHTS-OF-WAY, LIMITS OF NO ACCESS AND UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC AS SHOWN HEREON. IN WITNESS WHEREOF, _____ _____, AUTHORIZED REPRESENTATIVE OF _____ _____, WE ARE THE SOLE OWNERS OF THE PROPERTY SHOWN HEREON HAVE HEREUNTO SET MY HAND, THIS___DAY OF _____ 20___.

_____ _____
DATE OF EXECUTION

_____ _____
_____ _____
DATE OF EXECUTION

ACKNOWLEDGMENT

STATE OF MISSOURI)
) SS
COUNTY OF GREENE)

ON THIS _____ DAY OF _____, IN THE YEAR 20___, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED_____, TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT HE/SHE IS _____ OF _____ , A GENERAL PARTNERSHIP OF THE STATE OF _____, AND THAT SAID DOCUMENT WAS SIGNED IN BEHALF OF SAID GENERAL PARTNERSHIP BY AUTHORITY OF ITS _____ AND SAID _____ ACKNOWLEDGED SAID DOCUMENT TO BE THE FREE ACT AND DEED OF SAID GENERAL PARTNERSHIP AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

"NOTARY SEAL"
NOTARY PUBLIC: _____

PRINT NAME: _____

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL

I, ANITA COTTER, CITY CLERK OF SPRINGFIELD, GREENE COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THIS PLAT OF HICKORY HILLS PHASE 2 WAS PRESENTED TO, ACCEPTED AND APPROVED BY THE CITY COUNCIL OF SAID CITY OF SPRINGFIELD, MISSOURI BY ORDINANCE NO. _____ ON THE _____ DAY OF _____, 20___.

_____
CITY CLERK, ANITA COTTER

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF PLANNING AND DEVELOPMENT

I, MARY LILY SMITH, DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IN ACCORDANCE WITH THE AUTHORITY GRANTED TO ME BY SECTION 203 OF ARTICLE II OF THE LAND DEVELOPMENT CODE, CHAPTER 36, SPRINGFIELD CITY CODE, DO HEREBY APPROVE THE PLAT OF HICKORY HILLS PHASE 2 A SUBDIVISION OF SAID CITY OF SPRINGFIELD OF THIS _____ DAY OF _____, 20___.

_____
MARY LILY SMITH
DIRECTOR OF PLANNING AND DEVELOPMENT

PREPARED BY

KEVIN L. LAMBETH, PLS
ANDERSON ENGINEERING, INC.
2045 W. WOODLAND
SPRINGFIELD, MO. 65807

OWNER AND DEVELOPER

RICE & HEER LEASING CO.
PO BOX 11290
SPRINGFIELD, MO 65808

OWNER AND DEVELOPER

H&C PARTNERSHIP
2332 EAST DIVISION STREET
SPRINGFIELD, MO 65803

SURVEYOR'S CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, KEVIN L. LAMBETH, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY ANDERSON ENGINEERING, INC. DATED NOVEMBER 17, 2017 AND SIGNED BY KEVIN L. LAMBETH, PLS NO. 2695 AND THAT THE MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE SUPERVISION OF KEVIN L. LAMBETH, PLS NO. 2695 IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AND IN ACCORDANCE WITH SECTION 410.5 OF THE SUBDIVISION REGULATIONS, ARTICLE II, CHAPTER 36, OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. DATE OF LAST REVISION JANUARY 22, 2019.

ANDERSON ENGINEERING, INC. LC 62 BY:

STATE OF MISSOURI KEVIN L. LAMBETH NUMBER LS-2695 PROFESSIONAL LAND SURVEYOR

KEVIN L. LAMBETH, PLS NO. 2695
PREPARED

01-22-2019
DATE

ANDERSON ENGINEERING, INC
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING

COA #000062
2045 W. WOODLAND
SPRINGFIELD, MISSOURI 65807
PHONE (417) 866-2741
FAX (417) 866-2778

FIELD: BH CB	DATE: 1-22-2019	WB 111-325
DRAWN: ACS	FIELD BK: 579	
CHECKED: KLL	JOB NO: 18SP20145	SHT. 1 OF 1 REV. __

One-rdg. X
P. Hrngs. _____
Pgs. 3
Filed: 04-02-19

Sponsored by: Fisk

COUNCIL BILL 2019- 082 RESOLUTION _____

RESOLUTION

GRANTING a new liquor license to sell 5 percent beer and light wine by the drink at retail to Orange Grove Entertainment, LLC, d/b/a The Grove, for their location at 401 North Boonville Avenue, Springfield, Missouri.

WHEREAS, Orange Grove Entertainment, LLC, d/b/a The Grove, has filed an application for a license to sell 5 percent beer and light wine by the drink at retail for their establishment located at 401 North Boonville Avenue; and

WHEREAS, pursuant to 10-37(a) of the Springfield City Code, no license shall be granted for the sale of intoxicating liquor within 200 feet of any school, church, park, or building regularly used as a place of worship unless the applicant shall first obtain the consent of City Council; and

WHEREAS, Orange Grove Entertainment, LLC, d/b/a The Grove place of business is located within 100 feet of property owned and/or operated by Missouri State University, and City Council must determine whether it will consent to the issuance of a liquor license at this business location.

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

Section 1 – City Council consents to granting Orange Grove Entertainment, LLC, d/b/a The Grove, a license to sell 5 percent beer and light wine by the drink at retail, at its location at 401 North Boonville Avenue, Springfield, Missouri.

Section 2 – This Resolution shall be in effect immediately upon adoption.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: Nicholas T. Wieder, Assistant City Attorney

Approved for Council action: Jason A. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2019 -082

FILED: 04-02-19

ORIGINATING DEPARTMENT: Finance

PURPOSE: Granting a new liquor license to sell 5 percent beer and light wine by the drink at retail to Orange Grove Entertainment, LLC, d/b/a The Grove, for their location at 401 North Boonville Avenue, Springfield, Missouri.

BACKGROUND INFORMATION: Applicant, Orange Grove Entertainment, LLC, d/b/a The Grove, applied for a license to sell 5 percent beer and light wine by the drink at retail at its location at 401 North Boonville Avenue. The applicant's business is located within 100 feet of property owned and/or operated by Missouri State University located at 215 Mill Street and at 327 Mill 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 100 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:

Lori Stubbeman
Business License Supervisor

Approved by:

Jason Gage, City Manager

One-rdg. X
P. Hrngs. _____
Pgs. 19
Filed: 04-02-19

Sponsored by: Ollis

First Reading: _____ Second Reading: _____

COUNCIL BILL 2019- 083 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to accept a grant from the Missouri Department of Health and Senior Services for the purpose of supporting Public Health response activities relating to a Hepatitis A outbreak amongst at-risk groups; and amending the budget of the Springfield-Greene County Health Department for Fiscal Year 2018-2019 in the amount of $12,627.00, to appropriate the grant funds.

WHEREAS, the City has the opportunity, through the Springfield-Greene County Health Department ("SGCHD"), to accept grant funding from the Missouri Department of Health and Senior Services ("DHSS") supporting Public Health response activities relating to Missouri's growing Hepatitis A outbreak amongst at-risk groups; and

WHEREAS, an amendment to the budget provided for the SGCHD for Fiscal Year 2018-2019 has been approved and recommended by the City Manager and the Director of Health.

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

Section 1 – The City Manager, or his designee, is hereby authorized to accept grant funding in the amount of $12,627.00 from DHSS as referenced in "Exhibit A," which is attached hereto and incorporated herein by this reference, for the receipt and use by the SGCHD, and to do all things necessary to carry out the grant, including the execution of contracts, provided the form of the contract is approved by the City Attorney.

Section 2 – The budget of the SGCHD for Fiscal Year 2018-2019 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 0030, a copy of which is attached hereto and incorporated herein by reference as "Exhibit B."

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

Section 4 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City. In the event additional funding is provided under this grant by the grantor, the Finance Director of the City is hereby authorized to adjust this appropriation by an amount not to exceed 20 percent of the total grant sum of $12,627.00.

Section 5 – City Council hereby finds and declares this Ordinance relates to the acceptance of grant funds from a state or federal agency and may be passed as a one-reading ordinance pursuant to Section 2.16 (25) of the City Charter. Therefore, 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- 083

ORIGINATING DEPARTMENT: Health

FILED: 04-02-19

PURPOSE: Authorizing the City Manager, or his designee, to accept a grant from the Missouri Department of Health and Senior Services for the purpose of supporting Public Health response activities relating to a Hepatitis A outbreak amongst at-risk groups; and amending the budget of the Springfield-Greene County Health Department for Fiscal Year 2018-2019 in the amount of $12,627.00, to appropriate the grant funds.

BACKGROUND: This funding from the Missouri Department of Health and Senior Services ("DHSS") will be used to conduct public health operations to administer Hepatitis A vaccine to at-risk populations in Greene County.

This budget adjustment accepts the increase in funds for Springfield Greene County Health Department ("SGCHD") and earmarks the same for the SGCHD Fiscal Year 2018-2019 budget.

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 the acceptance of grand funds from a state or federal agency.

Submitted by:

W. C. Goddard

Clay Goddard, Director of Health

Approved by:

Jason A. Gage

Jason Gage, City Manager

Exhibit A

Missouri Department of Health and Senior Services
P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-751-6400 FAX: 573-751-6010
RELAY MISSOURI for Hearing and Speech Impaired and Voice dial: 711

Randall W. Williams, MD, FACOG
Director

Michael L. Parson
Governor

March 7, 2019

Dear Local Public Health Agency Administrator:

Thank you for your commitment to respond to Missouri's growing hepatitis A outbreak amongst at-risk groups. Attached you will find several documents which are required in order to allow the Missouri Department of Health and Senior Services to enter into a contract with your agency. Please review, sign, and return these documents to:

Missouri Department of Health and Senior Services
Division of Administration, Procurement
P.O. Box 570
920 Wildwood Drive
Jefferson City, Missouri 65102-0570

Please also review the additional information below:

1.1 The amount of funding has been reduced as the outbreak is expanding and other jurisdictions are now affected. Any further redirection of funds from one LPHA to another will require 30 days' notice on the part of DHSS, covered in 6.2.

4.4 The contract now requires DHSS to approve clinics at least 24 hours before they occur. DHSS staff understand that you may need to quickly vaccinate in the case of exposure to active hepatitis A cases. Such situations are rare, would be considered part of the case contact investigations covered in 4.2.1 of the contract, and would not require prior approval by DHSS. Instructions for the clinic approval process are attached. Obtaining approval from DHSS will ensure the activities are directed to only those in the at-risk group and to ensure the funds are used before the budget period ends on July 31, 2019. DHSS staff are preparing a new grant application to continue the outbreak response beyond July 31, 2019.

5.1 Please document all vaccinations inside ShowMeVax or through your electronic health record interface with ShowMeVax and provide a summary of vaccination activities on the attached form. It is recommended you setup a special hepatitis A outbreak inventory inside ShowMeVax if you are reporting directly through ShowMeVax.

6.1 The rates of pay have been increased to use median wage for the entire state of Missouri for the specified health care professionals. Medical assistants have now been added.

We will continue to hold weekly update calls on Thursdays 11:00 am-11:30 am (650-479-3207, access code: 283 237 336). Minutes from meetings and other helpful information will also be available on the Box.com site. Please let me know if you or your staff need access to Box.com. Please note that these

contracts will allow your agency to be reimbursed for assisting neighboring LPHAs but will be charged to your maximum award amount.

Thank you,

Jennifer Miinch

Jennifer Miinch, MPH, MA
Chief, Bureau of Immunizations

JM:ks

Hepatitis A Outbreak

1. GENERAL

1.1 The contract amount shall not exceed **$12,627.00** for the period of March 1, 2019 through July 31, 2019.

1.2 The Department has determined this contract is subrecipient in nature as defined in 2 CFR § 200.330. To the extent that this contract involves the use, in whole or in part, of federal funds, the Contractor shall comply with the special conditions contained in Attachment B, which is attached hereto and is incorporated by reference as if fully set forth herein.

1.3 The Contractor must be in compliance with the laws regarding conducting business in the State of Missouri. The Contractor shall provide documentation of compliance upon request by the Department. The compliance to conduct business in the state shall include, but not necessarily be limited to:

1.3.1 Registration of business name (if applicable) with the Secretary of State at http://sos.mo.gov/business/startBusiness.asp

1.3.2 Certificate of authority to transact business/certificate of good standing (if applicable)

1.3.3 Taxes (e.g., city/county/state/federal)

1.3.4 State and local certifications (e.g., professions/occupations/activities)

1.3.5 Licenses and permits (e.g., city/county license, sales permits)

1.3.6 Insurance (e.g., worker's compensation/unemployment compensation)

1.4 Unless otherwise stated in this contract, the Contractor shall use the below information for any correspondence regarding this contract:

Bureau of Immunizations
Jennifer Miinch, Chief
930 Wildwood Drive
P.O. Box 570
Jefferson City, MO 65102-0570
573-751-6124
Jennifer.Miinch@health.mo.gov

Hepatitis A Off-site and Afterhours Clinic Approval

Some local public health agencies (LPHAs) have entered into contract with DHSS to provide hepatitis A vaccination to at-risk populations in their communities at a time or place which differs from normal vaccination clinics. Potential settings would include jails, homeless shelter and substance abuse disorder treatment locations.

The contract requires the LPHA obtain prior approval from DHSS a minimum of 24 hours before any proposed vaccination clinic. This is to ensure that very limited funding is only used on the at-risk populations and can be monitored in case a redirection of resources is required from one LPHA to another. This also helps ensure that an adequate inventory of vaccine is available to LPHAs and the state immunization program. LPHAs will contact the Emergency Response Center at 800-392-0272, the duty officer will collect the information below, and send the information to the Section for Disease Prevention (SDP) staff (Damon.Ferlazzo@health.mo.gov; Jennifer.Miinch@health.mo.gov; Rachel.Hahn@health.mo.gov; John.Bos@health.mo.gov) in an email. The duty officer with then contact the SDP staff by phone in the listed order below. Once the duty officer is able to reach one of the staff below they do not need to contact subsequent staff members.

Damon Ferlazzo – 573-616-8429

Jennifer Miinch – 573-395-6951

Rachel Hahn – 573-298-1159

John Bos – 417-234-0698

The SDP staff member who is first reached will review the request and contact the requestor within 1 hour.

The following LPHAs have contracts in place:

Cape Girardeau County Public Health Center

Carter County Health Center

City of St. Louis Department of Health

Dunklin County Health Department

Franklin County Department of Health

Howell County Health Department

Madison County Health Department

Mississippi County Health Department

New Madrid County Health Department

Pemiscot County Health Center

Reynolds County Health Center

Ripley County Public Health Center

Scott County Health Department

Springfield/Greene County Health Department

St. Louis County Department of Public Health

Stoddard County Public Health Center

Wayne County Health Center

The duty officer will obtain the following information from the requestor:

1. LPHA/contractor providing services
2. Contact information – name, phone and email of the requestor
3. Proposed clinic location
    a. Name
    b. Type (jail, homeless shelter, drug rehab, library, etc.)
    c. LPHA Jurisdiction
    d. Address, City, Zip
4. Targeted population (note all that apply):
    a. Use drugs or a close contact to someone who uses drugs
    b. Are experiencing homelessness or a close contact to someone who is experiencing homelessness
    c. A man who has sex with men or a close contact to a man who has sex with men
    d. In treatment or counseling for substance abuse
    e. Is receiving substance abuse treatment and/or drug court
    f. A person who works or has been detained in jail or a detention center
    g. A person who has close contact with a confirmed hepatitis A case /Post exposure prophylaxis
    h. Other, specify:
5. Estimated number of clients to be vaccinated (reasonable, consider refusals)
6. Current adult vaccine doses on hand
7. Will more doses be needed?
    a. If so how many?
8. Clinic schedule (include all proposed dates and times)
9. Number of staff assigned to clinic
    a. RNs
    b. LPNs
    c. MAs
    d. Administrative
10. Will children under 19 be vaccinated?
    a. Will VFC vaccine be used?
    b. How will VFC eligibility screening occur?
11. Will IG be used?
    a. Is IG on hand?
    b. Rational for IG provision
    c. Estimated IG needed

Hepatitis A Outbreak

2. PURPOSE

2.1 The Immunizations and Vaccines for Children Cooperative Agreement funding is designed to support efforts to plan, develop and maintain a public health workforce that helps assure high immunization coverage levels, low incidence of vaccine-preventable diseases, and maintain or improve the ability to respond to public health threats.

2.2 The Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) Cooperative Agreement Section H Outbreak Control's primary purpose is to support administering hepatitis A vaccine in at-risk groups limited to those in the definitions portion of this contract.

2.3 The purpose of the Hepatitis A Outbreak Project is to provide reimbursement of administrative fees associated with immunizing through mass vaccination clinics as well as time spent conducting case contact investigations and outreach to potential clinic locations to the **Springfield/Greene County Health Department** (hereinafter the Contractor).

3. DEFINITIONS

3.1 At-risk population –

- Uses drugs or a close contact to someone who uses drugs
- Are homeless or a close contact to someone who is homeless
- A man who has sex with men or a close contact to a man who has sex with men
- In treatment or counseling for substance abuse
- Is receiving drug substitution and/or drug court
- A person who works or has been detained in jail or a detention center
- A person who has close contact with a confirmed hepatitis A case

3.2 Consumable medical supplies - bandages, alcohol, wipes, syringes, needles, gloves, sharp disposal containers etc.

4. DELIVERABLES AND OUTCOMES

4.1 The Contractor shall hold hepatitis A off-site and/or afterhour's vaccination clinics to administer hepatitis A vaccine to individuals in the at-risk population at a time and/or place which differs from their routine immunization services.

4.2 The Contractor shall conduct outreach activities to schedule clinics and to conduct contact investigations.

4.2.1 The number of hours for scheduling clinics and conducting contact investigations shall not exceed twenty percent (20%) of one month's total hours invoiced.

4.3 The Contractor shall submit its current immunization clinic hours and places of operation as to distinguish its efforts related to this contract from routine immunization services

4.4 The Contractor shall obtain prior approval by DHSS a minimum of 24 hours in advance before any proposed hepatitis A vaccine clinic. The approval request must include the date, time, location and targeted at-risk group.

5. REPORTS

5.1 The Contractor shall use ShowMeVax, a DHSS approved electronic health record interface, or paper forms to be emailed, to report doses administered within 7 days. Detailed instructions for reporting will be provided to the contractor within 7 days of the execution of this contract.

5.2 Submit with invoice a summary of case contact investigations and outreach activities accompanied by the time spent.

5.3 The Contractor shall submit a Subrecipient Annual Financial Report (Attachment C, which is attached hereto and is incorporated by reference as if fully set forth herein). For a contract period of twelve months or less, the Contractor shall submit this report at the time the final invoice is due. For a contract period over twelve months, the Contractor shall submit this report annually and at the time the final invoice is due.

5.4 The Contractor at a minimum of twice per calendar year during the effective dates of this contract, agrees to verify which of its employees are still employed and still require access to the Department's ShowMeVax system. The Contractor shall perform verification and updates with the ShowMeVax Program Security Officer at Division of Community & Public Health, Bureau of Immunizations.

6. BUDGET AND ALLOWABLE COSTS

6.1 The Department will pay the Contractor a firm, fixed price of $29.21 per hour for each registered nurse or $19.76 per hour for each licensed practical nurse or $15.08 per hour for each medical assistant and $3.00 for consumable medical supplies per at-risk person upon satisfactory completion of the deliverables and submission and approval of all required reports and invoices.

6.1.1 Within 30 days after the end of the contract period, the Contractor shall certify in writing to the Department that the Contractor completed the project or activity or that the Contractor expended the required level of effort. The certification must contain the signature of the Contractor's authorized representative and may be in the form of a letter or a statement on the final invoice.

6.2 The Department reserves the right to reallocate or reduce contract funds at any time during the contract period due to underutilization of contract funds or changes in the availability of program funds. The Department will provide the Contractor with thirty (30) days prior written notification of any reallocation.

6.3 The Contractor shall forgo seeking financial reimbursements of any kind from another source such as third party payers and/or individuals receiving hepatitis A vaccine first and/or second dose through this effort.

6.4 No travel expenses will be reimbursed.

6.5 The Contractor shall follow competitive procurement practices.

7. INVOICING AND PAYMENT

7.1 If the Contractor has not already submitted a properly completed Vendor Input/Automated Clearing House Electronic Funds Transfer (ACH-EFT) Application, the Contractor shall complete and submit this Application. The Department will make payments electronically to the Contractor's bank account. The Department may delay payment until the Vendor Input/ACH-EFT Application is received from the Contractor and validated by the Department.

7.1.1 A copy of Vendor Input/ACH-EFT Application and completion instructions may be obtained from the Internet at: https://www.vendorservices.mo.gov/vendorservices/Portal/Default.aspx

7.1.2 The Contractor must fax the Vendor Input/ACH-EFT Application to: Office of Administration, Division of Accounting at 573-526-9813.

7.2 The Contractor shall invoice the Department on the Contractor's original descriptive business invoice form. The Contractor shall use uniquely identifiable invoice numbers to distinguish an invoice from a previously submitted invoice.

7.3 The Contractor shall submit invoices monthly. Invoices shall be due by the last day of the month following the month in which the Contractor provided services under the contract. The Contractor shall perform the services prior to invoicing the Department.

7.4 The Department will pay the Contractor monthly upon the receipt and approval of an invoice and report(s) prepared according to the terms of this contract.

7.5 The Contractor shall submit invoices to:

Missouri Department of Health and Senior Services
Division of Community and Public Health
Bureau of Immunizations
Tanya McMillan
P.O. Box 570
Jefferson City, MO 65102-0570

7.6 The Contractor shall submit the final invoice within thirty (30) calendar days after the contract ending date. The Department shall have no obligation to pay any invoice submitted after the due date.

7.7 If the Department denies a request by the Contractor for payment or reimbursement, the Department will provide the Contractor with written notice of the reason(s) for denial.

7.8 The Contractor agrees that any audit exception noted by governmental auditors shall not be paid by the Department and shall be the sole responsibility of the Contractor. However, the Contractor may contest any such exception and the Department will pay the Contractor all amounts which the Contractor may ultimately be held entitled to receive as a result of any such legal action.

7.9 Notwithstanding any other payment provision of this contract, if the Contractor fails to perform required work or services, fails to submit reports when due, or is indebted to the United States government, the Department may withhold payment or reject invoices under this contract.

7.10 If the Contractor is overpaid by the Department, the Contractor shall provide the Department (1) with a check payable as instructed by the Department or (2) deduct the overpayment from an invoice as requested by the Department.

7.10.1 For payment by check, the Contractor shall issue a check made payable to "DHSS-DA-Fee Receipts" and mail the check to:

Missouri Department of Health and Senior Services
Division of Administration, Fee Receipts
P.O. Box 570
920 Wildwood Drive
Jefferson City, Missouri 65102-0570

7.11 If the Department used a federal grant to pay the Contractor, the Catalog of Federal Domestic Assistance (CFDA) number assigned to the grant and the dollar amount paid from the grant is available on the State of Missouri Vendor Services Portal under the Vendor Payment section at https://www.vendorservices.mo.gov/vendorservices/Portal/Default.aspx. The CFDA name is available at https://beta.sam.gov/.

7.12 Other than the payments and reimbursements specified above, no other payments or reimbursements shall be made to the Contractor.

8. AMENDMENTS

8.1 Any changes to this contract shall be made only through execution of a written amendment signed and approved by an authorized signatory of each party.

9. MONITORING

9.1 The Department reserves the right to monitor the Contractor during the contract period to ensure financial and contractual compliance.

9.2 If the Department deems a Contractor to be high-risk, the Department may impose special conditions or restrictions on the Contractor, including but not limited to the following: withholding authority to proceed to the next phase of the project until the Department receives evidence of acceptable performance within a given contract period; requiring additional, more detailed financial reports or other documentation; additional project monitoring; requiring the Contractor to obtain technical or management assistance; or establishing additional prior approvals from the Department. The Department may impose special conditions or restrictions at the time of the contract award or at any time after the contract award. The Department will provide written notification to the Contractor prior to the effective date of the high-risk status.

10. DOCUMENT RETENTION

10.1 The Contractor shall retain all books, records, and other documents relevant to this contract for a period of three (3) years after final payment or the completion of an audit,

whichever is later, or as otherwise designated by the federal funding agency and stated in the contract.

10.2 The Contractor shall allow authorized representatives of the Department, State, and Federal Government to inspect these records upon request.

10.3 If the Contractor is subject to any litigation, claim, negotiation, audit or other action involving the records before the expiration of the three (3) year period, the Contractor shall retain the records until completion of the action and resolution of all issues which arise from it, or until the end of the regular three (3) year period, whichever is later.

10.4 If the Department is subject to any litigation, claim, negotiation, audit or other action involving the records, the Department will notify the Contractor in writing to extend the Contractor's retention period.

10.5 The Department may recover any payment it has made to the Contractor if the Contractor fails to retain adequate documentation.

11. CONFIDENTIALITY

11.1 The Contractor shall safeguard Protected Personally Identifiable Information (PII) as defined in 2 CFR § 200.82. The Contractor agrees it will assume liability for all disclosures of Protected PII and breaches by the Contractor and/or the Contractor's subcontractors and employees.

11.2 The Contractor shall comply with provisions of Attachment D, as attached hereto and incorporated by reference as if fully set forth herein, in regards to the Health Insurance Portability and Accountability Act of 1996, as amended.

12. LIABILITY

12.1 The Contractor shall understand and agree that the Department cannot save and hold harmless and/or indemnify the Contractor or employees against any liability incurred or arising as a result of any activity of the Contractor or any activity of the Contractor's employees related to the Contractor's performance under the contract.

12.2 The relationship of the Contractor to the Department shall be that of an independent contractor. The Contractor shall have no authority to represent itself as an agent of the Department. Nothing in this contract is intended to, nor shall be construed in any manner as creating or establishing an agency relationship or the relationship of

employer/employee between the parties. Therefore, the Contractor shall assume all legal and financial responsibility for taxes, FICA, employee fringe benefits, workers compensation, employee insurance, minimum wage requirements, overtime, or any other applicable employee related obligation or expense, and shall assume all costs, attorney fees, losses, judgments, and legal or equitable imposed remedies associated with the matters outlined in this paragraph in regards to the Contractor's subcontractors, employees and agents. The Contractor shall have no authority to bind the Department for any obligation or expense not specifically stated in this contract. This provision is not intended to waive any claim of sovereign immunity to which a public entity would otherwise be entitled to under Missouri law.

12.3 The Contractor shall be responsible for all claims, actions, liability, and loss (including court costs and attorney's fees) for any and all injury or damage (including death) occurring as a result of the Contractor's performance or the performance of any subcontractor, involving any equipment used or service provided, under the terms and conditions of this contract or any subcontract, or any condition created thereby, or based upon any violation of any state or federal statute, ordinance, building code, or regulation by Contractor. However, the Contractor shall not be responsible for any injury or damage occurring as a result of any negligent act or omission committed by the Department, including its officers, employees, and assigns. This provision is not intended to waive any claim of sovereign immunity to which a public entity would otherwise be entitled to under Missouri law.

13. PUBLICATIONS, COPYRIGHTS, AND RIGHTS IN DATA AND REPORTS

13.1 If the Contractor issues any press releases mentioning contract activities, the Contractor shall reference in the release both the contract number and the Department. If the Contractor creates any publications, including audiovisual items, produced with contract funds, the Contractor shall give credit to both the contract and the Department in the publication. The Contractor shall obtain approval from the Department prior to the release of such press releases or publications.

13.2 In accordance with the "Steven's Amendment" in the Department of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, the Contractor shall not issue any statements, press release, request for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money unless it clearly states the following:

13.2.1 The percentage of the total costs of the program or project which will be financed with Federal money; and

13.2.2 The percentage of the total costs of the program or project which will be financed by nongovernmental sources.

13.3 If the Contractor develops any copyrighted material as a result of this contract, the Department shall have a royalty-free, nonexclusive and irrevocable right to publish or use, and to authorize others to use, the work for Department purposes or the purpose of the State of Missouri.

14. AUTHORIZED PERSONNEL

14.1 The Contractor shall be responsible for assuring that all personnel are appropriately qualified and licensed or certified, as required by state, federal or local law, statute or regulation, respective to the services to be provided through this contract; and documentation of such licensure or certification shall be made available upon request.

14.2 The Contractor shall only utilize personnel authorized to work in the United States in accordance with applicable federal and state laws. This includes but is not limited to the Immigration Reform and Control Act of 1986 as codified at 8 U.S.C. § 1324a, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and Section 274A of the Immigration and Nationality Act. If the Contractor is found to be in violation of these requirements or the applicable laws of the state, federal and local laws and regulations, and if the State of Missouri has reasonable cause to believe that the contractor has knowingly employed individuals who are not eligible to work in the United States, the state shall have the right to cancel the contract immediately without penalty or recourse and suspend or debar the contractor from doing business with the state. The state may also withhold up to twenty-five percent of the total amount due to the Contractor. The Contractor agrees to fully cooperate with any audit or investigation from federal, state or local law enforcement agencies.

14.3 Affidavit of Work Authorization and Documentation: Pursuant to section 285.530, RSMo, if the Contractor meets the section 285.525, RSMo definition of a "business entity" ((http://www.moga.mo.gov/mostatutes/stathtml/28500005301.html?&me=285.530), the Contractor must affirm the Contractor's enrollment and participation in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services requested herein. The Contractor should complete applicable portions of Exhibit 1, Business Entity Certification, Enrollment Documentation, and Affidavit of Work Authorization as

attached hereto and incorporated by reference as if fully set forth herein. The applicable portions of Exhibit 1 must be submitted prior to an award of a contract.

14.4 If the Contractor meets the definition of a business entity as defined in section 285.525, RSMo pertaining to section 285.530, RSMo the Contractor shall maintain enrollment and participation in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the contracted services included herein. If the Contractor's business status changes during the life of the contract to become a business entity as defined in section 285.525, RSMo pertaining to section 285.530, RSMo then the Contractor shall, prior to the performance of any services as a business entity under the contract:

14.4.1 Enroll and participate in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services required herein; AND

14.4.2 Provide to the Missouri Department of Health and Senior Services the documentation required in the exhibit titled, Business Entity Certification, Enrollment Documentation, and Affidavit of Work Authorization affirming said company's/individual's enrollment and participation in the E-Verify federal work authorization program; AND

14.4.3 Submit to the Missouri Department of Health and Senior Services a completed, notarized Affidavit of Work Authorization provided in the exhibit titled, Business Entity Certification, Enrollment Documentation, and Affidavit of Work Authorization.

14.5 In accordance with subsection 2 of section 285.530 RSMo, the contractor should renew their Affidavit of Work Authorization annually. A valid Affidavit of Work Authorization is necessary to award any new contracts.

15. TERMINATION

15.1 The Department, in its sole discretion, may terminate the obligations of each party under this contract, in whole or in part, effective immediately upon providing written notification to the Contractor if:

15.1.1 State and/or federal funds are not appropriated, continued, or available at a sufficient level to fund this contract; or

15.1.2 A change in federal or state law relevant to this contract occurs; or

15.1.3 A material change of the parties to the contract occurs; or

15.1.4 By request of the Contractor.

15.2 Each party under this contract may terminate the contract, in whole or in part, at any time, for its convenience without penalty or recourse by providing the following written notice:

15.2.1 The Department will provide written notice to the Contractor at least thirty (30) calendar days prior to the effective date of such termination.

15.2.2 The Contractor shall provide written notice to the Department at least sixty (60) calendar days prior to the effective date of such termination.

15.3 In the event of termination, the Department may exercise the rights set forth in 2 CFR § 200.315(b) to reproduce, publish, or otherwise use copyrighted material prepared, furnished or completed by the Contractor pursuant to the terms of the contract, and may authorize others to do the same. The Department may also exercise the rights set forth in 2 CFR § 200.315(d) to obtain, reproduce, or otherwise use the data prepared, furnished, or produced by the Contractor pursuant to the terms of the contract, and may authorize others to do the same. The Contractor shall be entitled to receive compensation for services and/or supplies performed in accordance with the contract prior to the effective date of the termination and for all non-cancelable obligations incurred pursuant to the contract prior to the effective date of the termination.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
0030

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
27010	11	50010	416010	TBD		12,627	Hepatitis A Response
Net Revenue Adjustment						12,627	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
27010	11	50010	501260	TBD		600	Operating Supplies
27010	11	50010	504580	TBD		12,027	Other Professional Services
Net Expenditure Adjustment						12,627	

Fund Balance Appropriation:

Fund		Title	Amount

Explanation: To appropriate Federal Grant funds for Hepatitis A vaccination response FY 2018/2019.

Requested By:

W.C. Gaddard 4/3/19
Department Head Date

Approved By:

4/3/19
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2019-083
Ordinance No.
1st Reading
2nd Reading
Journal Imp No.