



Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers

Phyllis Ferguson, Zone 1
Abe McGull, Zone 2
Mike Schilling, Zone 3
Matthew Simpson, Zone 4

General Councilmembers

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

Upcoming Council Meeting Agenda May 20, 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. May 6, 2019 City Council Meeting.**

Documents:

[05-06-2019.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. **Council Bill 2019-118. (City Council)**

A resolution recognizing the life of Springfield legend Ralph K. Manley, and his many contributions throughout his 95 years.

Documents:

[2019-118.PDF](#)

6. Council Bill 2019-127. (City Council)

A resolution affirming City Council's commitment to an inclusive culture that can only be achieved in an environment that fosters mutual respect of all people, thereby creating a stronger community.

Documents:

[2019-127.PDF](#)

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

8. SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On. Except Item No. 11. A Request Has Been Made By The Sponsor To Table Council Bill 2019-111 Since She Will Not Be At The May 20, 2019 City Council Meeting; However, A Determination Of Whether It Will Be Tabled Will Be Made By City Council At The Meeting. For Item No. 12, Council Bill 2019-078. Substitute No. 1 Was Amended At The May 6, 2019 City Council Meeting. Public Hearing Being Held Over On Amendment Only. Citizens May Speak To Amendment Only. May Be Voted On. Item Nos. 13 And 14 Were Tabled To The May 20, 2019 City Council Meeting.

9. Council Bill 2019-109. (Simpson)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 2.39 acres of property, generally located at 3250 East Sunshine Street, from Planned Development No. 9 to GR, General Retail District; establishing Conditional Overlay District No. 172; and adopting an updated Official Zoning Map (Staff and Planning and Zoning Commission recommend approval.) (By: Sunshine RE Holdings, LLC; 3250 East Sunshine Street; Z-11-2019 w/Conditional Overlay District No. 172.)

Documents:

[2019-109.PDF](#)

10. Council Bill 2019-110. (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane from GR, General Retail to HC, Highway Commercial. (Staff and Planning and Zoning Commission both recommend approval.) (By: A&A West JSW LLC, Cornelius Datema; 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane (private street); Z-8-2019.)

Documents:

[2019-110.PDF](#)

11. Council Bill 2019-111. (Ferguson) Requested To Be Tabled By The Sponsor Since She Will Not Be At The May 20, 2019 City Council Meeting; However, A Determination Of Whether It Will Be Tabled Will Be Made By City Council At The Meeting.

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 5 acres of property, generally located at 3303 West Division Street from LI, Light Industrial District to CS, Commercial Service District; establishing Conditional Overlay District No. 171; and adopting an updated

Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Jet View, LLC; 3303 W. Division Street; Z-10-2019 w/Conditional Overlay District No. 171.)

Documents:

[2019-111.PDF](#)

12. Amended Council Bill 2019-078. Substitute No. 1. (Ollis And Schilling) Amended At The May 6, 2019 City Council Meeting. Public Hearing Being Held Over On Amendment Only. Citizens May Speak To Amendment Only. May Be Voted On.

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:

[2019-078S1AMENDED.PDF](#)

13. Second Amended Council Bill 2019-078. (Schilling) Tabled To The May 20, 2019 City Council Meeting.

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:

[2019-078AMEND2.PDF](#)

14. Council Bill 2019-086. (Schilling) Tabled To The May 20, 2019 City Council Meeting.

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](#)

15. Council Bill 2019-097. (Fisk)

A special ordinance amending the budget of the Springfield Police Department for Fiscal Year 2018-2019 by appropriating \$1,100,000 in sales and use tax revenue received during the current Fiscal Year, for the purpose of funding the housing of City prisoners pursuant to an agreement with Vernon County, Missouri.

Documents:

[2019-097.PDF](#)

16. Council Bill 2019-112. (Fisk)

A special ordinance authorizing the City Manager, or his designee, to refund \$1,000 in earnest money to Reed Enterprises, LLC; and repealing Special Ordinance 27114.

Documents:

[2019-112.PDF](#)

17. Council Bill 2019-113. (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program-Urban Program Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019, in the amount of \$332,000.00, for the purpose of partially reimbursing the base salaries of up to six City employees who operate and manage the Transportation Management Center.

Documents:

[2019-113.PDF](#)

18. Council Bill 2019-114. (Lear)

A special ordinance amending the budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019 in the amount of \$50,800,000, to appropriate the estimated proceeds of the first five years of the 1/4-Cent Capital Improvements Sales Tax; and authorizing the City Manager to exercise any necessary powers to complete capital projects funded by the 1/4-Cent Capital Improvements Sales Tax for the purpose of funding and completing those projects funded herein.

Documents:

[2019-114.PDF](#)

19. Council Bill 2019-115. (Ferguson)

A special ordinance authorizing the City Manager, or his designee, to enter into an Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019 in the total amount of \$1,045,803 for the purpose of sharing the costs of improvements to the US 160 and MO 744 intersection.

Documents:

[2019-115.PDF](#)

20. Council Bill 2019-116. (Ollis)

A special ordinance authorizing the City Manager, or his designee, to enter into a license agreement with Environmental Works, Inc., for the purpose of installing and maintaining three monitoring wells on public right-of-way to monitor groundwater conditions.

Documents:

[2019-116.PDF](#)

21. RESOLUTIONS.

22. EMERGENCY BILLS.

23. PUBLIC IMPROVEMENTS.

24. GRANTS.

25. AMENDED BILLS.

26. COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To

Be Voted On. Based On Notice Requirements, The Public Hearing For Council Bill 2019-119 Will Take Place At The May 20, 2019 City Council Meeting And Will Be Continued Until The June 3, 2019 City Council Meeting.

27. **Council Bill 2019-119. (Ferguson) Based On Notice Requirements, The Public Hearing On This Bill Will Take Place At The May 20, 2019 City Council Meeting And Will Be Continued Until The June 3, 2019 City Council Meeting.**

A special ordinance approving a Petition to Amend and Restate the Petition to Establish the Commercial Street Community Improvement District and directing the City Clerk to notify the Missouri Department of Economic Development and the Greene County Clerk of the amendments. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

Documents:

[2019-119.PDF](#)

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

29. **Council Bill 2019-120. (McClure)**

A special ordinance adopting a budget for the City of Springfield, Missouri, for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020; appropriating those certain amounts shown in the budget for the various departments and purposes specified in said budget; and declaring an emergency.

Documents:

[2019-120.PDF](#)

30. **Council Bill 2019-121. (Fisk)**

A special ordinance setting a preliminary tax levy on real and personal property for current expenses and debt retirement of the City of Springfield, Missouri, and its boards and agencies for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020; and declaring an emergency.

Documents:

[2019-121.PDF](#)

31. **Council Bill 2019-122. (Simpson)**

A special ordinance declaring the necessity of condemning rights-of-way over, under, and through the following properties generally located near Battlefield and Fremont: 1417 East Woodland Street, 2800 South Fremont Avenue, 2814 South Fremont Avenue, 2900 South Fremont Avenue, and 1415 East Battlefield Road in the City of Springfield, Missouri; authorizing certain officers, or their designees, to do all things necessary to carry out the terms of this Ordinance for the purpose of completing the Battlefield Road and Fremont Avenue Intersection Improvement and Fremont Avenue Widening (Battlefield Road to Sunset Street) Project #2013PW0019T funded through the ¼-Cent Capital Improvement Sales Tax.

Documents:

[2019-122.PDF](#)

32. **Council Bill 2019-123. (Ferguson)**

A special ordinance authorizing the City Manager, or his designee, to enter into a contract for the purchase of land generally located at 1824 West College Street, for the purpose of constructing Fire Station 13, and to execute all necessary documents in support thereof.

(Planning and Zoning Commission approved this Request to Acquire, and staff recommends approval.)

Documents:

[2019-123.PDF](#)

33. **Council Bill 2019-124. (Ferguson)**

A general ordinance amending Springfield City Code Chapter 74- 'Nuisance and Housing Code,' by revising Section 74-31, 'City manager's authority,' subsection (b), Section 74-33, 'Notice requirements,' subsections (d)(4) and (5), Section 74-403, 'Weeds over 12 inches in height declared nuisance,' Section 74-404, 'Permitting growth of weeds over 12 inches in height,' Section 74-405, 'Abatement procedure, subsection (b); for the purpose of accelerating nuisance abatement; and revising Section 74-406, 'Charges for abatement by city,' subsections (b) and (c) for the purpose of enhancing cost recovery.

Documents:

[2019-124.PDF](#)

34. **PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

Ms. Pam Bray wishes to address City Council.

35. **NEW BUSINESS.**

The Public Involvement Committee recommends the following reappointments to the Personnel Board: Perry Epperly, Michael Ramos, and Brent Sweet with terms to expire March 1, 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.

36. **UNFINISHED BUSINESS.**

37. **MISCELLANEOUS.**

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

39. **Council Bill 2019-125. (Schilling)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Encroachment License Agreement with Falstaff's, LLC, for the purpose of constructing and maintaining a sign which will extend over the public right-of-way located at 311 Park Central West.

Documents:

[2019-125.PDF](#)

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

41. **Council Bill 2019-126. (Hosmer)**

A resolution granting a new liquor license to sell retail liquor by the drink, including Sunday sales, to Studio Bar and Ultra Lounge LLC, d/b/a Luna Bar and Terra Lounge, for their location at 300 Park Central East, such license to include a patio measuring 25 feet by 25 feet and located on the northwest side of the building.

Documents:

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

43. **END OF CONSENT AGENDA.**

44. **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.

May 6, 2019
Springfield, Missouri

The City Council met in regular session May 6, 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.

Mayor Ken McClure expressed his condolences for the passing of former Councilman Ralph Manley who served on Springfield City Council from 1999 to 2009. Mayor McClure noted Councilman Manley was a World War II veteran paratrooper well known for his love of Springfield, enthusiasm, and handing out silver dollars to many citizens and visitors he met. Mayor McClure expressed his opinion former Councilman Manley will be greatly missed.

Roll Call

Present: Andrew Lear, Phyllis Ferguson, Abe McGull, Mike Schilling, Jan Fisk, Craig Hosmer, Richard Ollis, and Ken McClure. Absent: Matthew Simpson.*

*Councilman Simpson arrived at approximately 6:35 p.m.

Minutes

There being no additions, deletions, or corrections, the minutes of the April 22, 2019 City Council Meeting and April 30, 2019 Special City Council Meeting were approved as presented.

Consent Agenda

The Consent Agenda was approved as presented.

CEREMONIAL MATTERS.

Drury Lady Panthers

Sponsor. City Council. Council Bill 2019-107. A resolution recognizing the 2018-2019 Drury University Lady Panthers basketball team, under the guidance and leadership of Head Coach Molly Miller, Assistant Coaches Emily Ragsdale and Buck Scheel, and Graduate Assistant Coach Rachel Swartz, upon advancing to the NCAA 2019 Division II Women's Basketball Final Four.

Councilwoman Fisk read the resolution aloud in its entirety.

Jason Gage, City Manager, expressed his opinion the Drury Lady Panthers represented the Community well throughout their season and by reaching the Final Four.

Councilman Simpson stated Molly Miller, Drury University Women's Basketball Head Coach, was a product of Kickapoo High School in Zone 4 where she won several games as a player. Councilman Simpson expressed his opinion those residing in Zone 4 are proud of the Drury Lady Panthers.

Councilwoman Ferguson expressed her opinion those residing in Zone 1, where Drury University is located, are proud of the Lady Panthers and appreciate the trophies they bring home.

Ms. Miller expressed gratitude on behalf of the entire Lady Panther Basketball Program for the humbling honor of being recognized with the resolution. Ms. Miller expressed her opinion it was an exciting time and they felt a lot of Community support during their run to the Final Four. Ms. Miller thanked City Council for recognizing the team's accomplishments this season.

Mayor Ken McClure expressed congratulations to the Lady Panthers and provided Ms. Miller with a copy of the resolution.

Council Bill 2019-107. Resolution 10451 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

**Missouri State
Lady Bears**

Sponsor. City Council. Council Bill 2019-108. A resolution recognizing the 2018-2019 Missouri State University Lady Bears basketball team, under the guidance and leadership of Head Coach Kellie Harper, Assistant Coaches Jon Harper, Jessica Jackson, and Jackie Stiles, and Director of Operations Ashley Houts, upon advancing to the NCAA 2019 Division I Women's Basketball Tournament Sweet Sixteen.

Councilman Ollis read the resolution aloud in its entirety.

Jason Gage, City Manager, expressed his opinion it was exciting to watch the Missouri State Lady Bears basketball team evolve throughout the season and get better with each game.

Casey Hunt, Missouri State University Senior Associate Director of Athletics, expressed gratitude on behalf of the entire Lady Bear Program for the recognition. Ms. Hunt expressed her opinion this was a humbling honor and well deserved by the young women on the team who worked hard this season to accomplish a trip to the Sweet Sixteen.

Mayor Ken McClure expressed congratulations to the Lady Bears and provided Ms. Hunt with a copy of the resolution.

Council Bill 2019-108. Resolution 10452 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

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

**City Manager's
Report**

Jason Gage, City Manager, noted a question was raised about Council Bill 2019-116: entering into a license agreement with Environmental Works, Inc., for the purpose of installing and maintaining three monitoring wells on public right-of-way to monitor groundwater conditions. Mr. Gage stated the monitoring wells are required to check for possible gas seepage from gas tanks because the location was formerly a gas station. He added, four monitoring wells are being placed on the property, and three monitoring wells need to be placed in the right-of-way to monitor groundwater. Additionally, the Missouri Department of Natural Resources has oversight of the environmental investigation and approved it, and Eric Claussen, Traffic Engineer, is at the meeting this evening to present on the bill and answer any additional questions or take note of additional questions that can be answered with further research.

Mr. Gage stated City budget workshops continue, with week three of the workshops beginning May 7, 2019 with the focus being on proposed expenditure for fiscal year 2019. He reminded citizens they can follow along at home or work, as all meetings are live streamed on Facebook and on the City's website, as well as on City cable access television channels. Mr. Gage stated copies of all presentations and a link to the proposed budget are available at springfieldmo.gov/budget.

Mr. Gage noted Mary Ann Rojas, Director of Workforce Development, and her team at the Missouri Job, Center launched a new program called, About Persons with Past Legal Issues in Employment (APPLIE), that helps those who are transitioning from a place of being incarcerated back into productive society. He added it helps employers needing to fill job openings and this is just the latest in a series of programs offered by the Workforce Development Department to help

provide jobs for people, and people for jobs. Additionally, Ms. Rojas provided packets of letters from people who have gone thru the program to City Council at their places.

Mr. Gage provided a Springfield Police update from Paul Williams, Chief of Police, featuring a story about the department's participation in the Police Foundation's Police Data Initiative. The report included an April Staffing Report and Quarterly Public Safety Report showing crime is slightly up compared with the first quarter last year.

Mr. Gage provided a Springfield Fire Department update, including the Quarterly Fire Safety Report with statistics from January through March 2019. He added, 1,361 Project RED Zone home visits, all in the Doling Neighborhood, included the installation of 240 smoke alarms and the testing of 336 existing smoke alarms.

Councilman Ollis thanked Ozark Greenways, Ozarks Transportation Organization, the Park Board, City Staff, and City Council for taking part in the recent Walkability Study Tour to Northwest Arkansas. Councilman Ollis expressed his opinion touring their Community provided ideas and inspiration for incorporating Walkability into our local Community.

Council Bill 2019-078 Substitute 1

Councilman Ollis stated he would have a motion to add Substitute Council Bill 2019-078 to the agenda. Councilman Ollis expressed his opinion recent changes in the State definition of day care facilities triggered the drafting of a substitute bill, and the proposed makes the definition of day care facilities more congruent with the State draft definition. Councilman Ollis stated the proposed substitute bill aligns distance requirements from medical marijuana facilities for day cares and churches at 200 feet and 1,000 feet from elementary and secondary schools. Councilman Ollis thanked Councilman Schilling and City Staff for their work on the proposed.

Councilman Ollis moved to add Council Bill 2019-078 Substitute 1 to the agenda as was posted in the office of the City Clerk as a possible addition to the agenda on Friday, May 3, 2019. Councilman Lear seconded the motion.

Councilman Hosmer stated he would have a motion to table Council Bill 2019-078 Substitute 1 because he did not receive a copy of the proposed at the same time as the rest of the City Council. Councilman Councilman Hosmer expressed his opinion the proposed is not good public policy.

Councilman Hosmer moved to table Council Bill 2019-078 Substitute 1. The motion failed due to lack of a second.

The motion to add Council Bill 2019-078 Substitute 1 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Ollis, McClure. Nays: Hosmer. Abstain: None. Absent: None.

Anita Cotter, City Clerk, noted Council Bill 2019-078 Substitute 1 would become item number 28.25 on the agenda.

Councilman Schilling moved to move Second Amended Council Bill 2019-078 and Council Bill 2019-086 to items number 28.5 and 28.75 respectively on the agenda so they can be considered with Council Bill 2019-078 Substitute 1.

Councilman Ollis seconded the motion and it was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, McClure. Nays: None. Abstain: None. Absent: None.

Ms. Cotter noted Second Amended Council Bill 2019-078 would become item 28.5 and Council Bill 2019-086 would become item 28.75 on the agenda.

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

**International
Association of Fire
Chiefs
International
Fellowship
Program**

Sponsor. Ollis. Council Bill 2019-096. A special ordinance authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding between the International Association of Fire Chiefs and the City of Springfield for the purpose of the Fire Department serving as a host agency for the International Association of Fire Chiefs International Fellowship Program.

Council Bill 2019-096. Special Ordinance 27174 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

**Agreement with
Greene County for
cost share of
Accurint Crime
Analysis software**

Sponsor. Fisk. Council Bill 2019-098. A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with Greene County to share in the costs related to the Accurint Crime Analysis software.

Council Bill 2019-098. Special Ordinance 27175 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

**Weed height
nuisance**

Sponsor. Ferguson. Council Bill 2019-099. A general ordinance amending Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403, ‘Weeds over 12 inches in height declared nuisance,’ and Section 74-404, ‘Permitting growth of weeds over 12 inches in height,’ for the purpose of accelerating nuisance abatement; and, revising Section 74-406, ‘Charges for abatement by city,’ subsections (b) and (c) for the purpose of enhancing cost recovery.

Councilwoman Ferguson stated it was brought to City Council’s attention there was a drafting error in the proposed. Councilwoman Ferguson moved to withdraw Council Bill 2019-099 from the agenda.

Councilman Schilling seconded the motion and it was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

**Budget of
Department of
Planning and
Development**

Sponsor. Simpson. Council Bill 2019-100. A special ordinance authorizing the City Manager, or his designee, to execute a Preliminary Funding Agreement between the City of Springfield, Missouri, and RW Development, LLC; and amending the budget of the Department of Planning and Development for Fiscal Year 2018-2019, in the amount of \$100,000, for the purpose of funding the preparation and review of certain documents related to utilizing public funding mechanisms.

Council Bill 2019-100. Special Ordinance 27176 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

**Downtown
Springfield Special
Business District**

Sponsor. Schilling. A general ordinance authorizing the termination of the Downtown Springfield Special Business District and authorizing staff to complete the necessary steps to finalize termination of said District. (Staff and Planning and Zoning Commission recommend approval.)

Council Bill 2019-101. General Ordinance 6523 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

Salary Ordinance

Sponsor. Fisk. Amended Council Bill 2019-102. A general ordinance amending Chapter 2, Section 2-92 of the Springfield City Code, known as the 'Salary Ordinance,' for the purpose of adding seven new job titles and deleting three job titles from the Professional, Administrative and Technical Salary Schedule.

Council Bill 2019-102. General Ordinance 6524 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

**Police Officers and
Fire Fighters'
Retirement System**

Sponsor. Hosmer. Council Bill 2019-103. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 4, Police Officers' and Fire Fighters' Retirement System, by amending Section 2-455, 'Amount of employee contributions; deductions from salary,' by revising provisions regarding Police participants' Additional Funding Contribution and Additional Three-Tenths Percent Multiplier and by amending Section 2-456, 'Return of participant contributions upon leaving service or death' by revising provisions regarding the return of contributions to certain Police participants.

Mayor Ken McClure thanked City Staff and members of the Police Officers' and Fire Fighters' Retirement System Board of Trustees for their work on the proposed. Mayor McClure expressed his opinion the proposed is a good solution to the issue.

Council Bill 2019-103. General Ordinance 6525 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

Short-Term Loans

Sponsor. Schilling, Hosmer, Ollis, and Simpson. Council Bill 2019-104. A general ordinance adopting Springfield City Code Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article XVIII, 'Short-Term Loan Establishments,' to establish regulations for short-term loan establishments, including a permit requirement and registration fee.

Councilman McGull stated he would have a motion to table Council Bill 2019-104. Councilman McGull expressed his opinion the proposed could benefit from additional time taken by City Council for the study of laws and regulations potentially affecting businesses in the Community, and review by committee to ensure accuracy.

Mayor Ken McClure clarified with Councilman McGull that his proposed motion would include tabling Council Bills 2019-104 and 2019-104 Substitute 1. Councilman McGull confirmed.

Councilman Schilling expressed his support of City Council adopting the proposed. Councilman Schilling expressed his opinion the decision of implementing a registration fee for Short-Term Lending Establishments (STLE) should go to a vote of the people, and if passed, could do good for our Community as it has for other Communities nearby such as Saint Louis, Missouri and Kansas City, Missouri.

Councilman Hosmer expressed his opposition of the proposed motion to table Council Bill 2019-104. Councilman Hosmer expressed his opinion high interest rates charged by STLEs are contributing to the poverty rate in the area and by City Council implementing a fee through

passage of the proposed now, instead of later after further review, could help make a positive difference for citizens sooner.

Councilwoman Ferguson expressed her support of the proposed motion to table Council Bill 2019-104. Councilwoman Ferguson expressed her opinion potentially passing on additional fees to borrowers who cannot afford it by implementing a fee for STLEs via the proposed could exacerbate the issue of borrowers unable to pay back loans. Councilwoman Ferguson encouraged citizens to contact their State Legislators regarding STLE interest rates.

Councilman Lear expressed his support of the proposed motion to table Council Bill 2019-104. Councilman Lear expressed his opinion referring the proposed to the Committee of the Whole to allow City Council time to work on the issue together could be beneficial to developing the best solution possible for borrowers stuck in the STLE loan cycle.

Councilman Ollis expressed his support of the proposed motion to table Council Bill 2019-104. Councilman Ollis expressed his opinion a superior bill could be developed with further review by the Committee of the Whole, and State Legislation is where this issue should be reviewed and ruled upon to make the greatest change affecting the largest amount of people in need of assistance due to STLEs.

Councilman Simpson expressed his support of the proposed motion to table Council Bill 2019-104. Councilman Simpson expressed his opinion the interest rates charged by STLEs are predatory and contributing to a cycle of poverty in our Community. Councilman Simpson expressed his opinion City Council must be diligent but careful in the action it takes in the attempt to assist borrowers in need of protection. Councilman Simpson expressed his opinion State Legislature must do more to affect the interest rates charged by STLEs and encouraged citizens to reach out to State Representatives.

Councilman McGull moved to table Council Bill 2019-104 and 2019-104 Substitute 1 until the June 17, 2019 City Council Meeting and refer the issues to the City Council Committee of the Whole for recommendations.

Councilwoman Ferguson seconded the motion, and it was approved by the following vote: Ayes: Lear, McGull, Simpson, Ferguson, Fisk, Ollis, and McClure. Nays: Schilling and Hosmer. Abstain: None. Absent: None.

RESOLUTIONS

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

GRANTS.

AMENDED BILLS.

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

**3250 E. Sunshine
Street**

Sponsor. Simpson. Council Bill 2019-109. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 2.39 acres of property, generally located at 3250 East Sunshine Street, from Planned Development No. 9 to GR, General Retail District; establishing Conditional Overlay District No. 172; and adopting an updated Official Zoning Map (Staff and Planning and Zoning Commission

recommend approval.) (By: Sunshine RE Holdings, LLC; 3250 East Sunshine Street; Z-11-2019 w/Conditional Overlay District No. 172.)

Brendan Griesemer, Assistant Director of Planning and Development, provided a brief overview of the proposed. Mr. Griesemer stated the proposed would rezone the area from Planned Development #9 to General Retail and Conditional Overlay District (COD) #172 and the Comprehensive Plan lists the area as appropriate for medium intensity retail, office, or housing. He added a Traffic Impact Study would be required at the time of development and a 15-foot bufferyard with plantings would be required. Mr. Griesemer stated a 20-foot bufferyard will be provided along the south property line and a six-foot wooden fence is required for building along Ingram Mill Road. Additionally; access to Washita Street would be prohibited, there would be removal of an existing driveway on Sunshine Street or limited to right-in/right-out only, and Ingram Mill Road access would be retained or aligned with adjacent eastern access if the existing building is demolished.

Mr. Griesemer stated the proposed includes five-foot of Right-of-Way on Sunshine Street, a 30-foot by 30-foot sight triangle at Sunshine Street and Ingram Mill Road, and four-foot of Right-of-Way on Ingram Mill Road if the building along Ingram Mill Road is demolished. He added Staff and the Planning and Zoning Commission recommend approval (7-0).

Councilman Lear asked for clarification on business types that would be considered Highway Commercial. Mr. Griesemer responded larger businesses that need access to highways and large arterial roadways are considered Highway Commercial and the proposed is located at the former Meeks Lumber site. He added large business that rely on visibility such as car lot businesses are considered Highway Commercial.

Councilman McGull asked for clarification on the location of the proposed. Mr. Griesemer referred to the map of the location and noted it was located south of Sunshine Street off Ingram Mill Road.

An opportunity was given for citizens to express their views.

Geoff Butler spoke in favor of the proposed. Mr. Butler stated he represents the applicant and the proposed would allow the property to be marketed, sold, and used as a location for General Retail business. Mr. Butler expressed his opinion new development at that location could be a good source of sales tax revenue for the City, and the existing building would not be re-used, but torn down. He stated a neighborhood meeting was held and area residents were in favor of the proposed development and opposed to any public access to the property via Washita Street.

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

**2745 S. Maple Leaf
Lane and 2700
block of South
Maple Leaf Lane**

Sponsor. Schilling. Council Bill 2019-110. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane from GR, General Retail to HC, Highway Commercial. (Staff and Planning and Zoning Commission both recommend approval.) (By: A&A West JSW LLC, Cornelius Datema; 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane (private street); Z-8-2019.)

Brendan Griesemer, Assistant Director of Planning and Development, provided a brief overview of the proposed. Mr. Griesemer stated the proposed would rezone the property from General Retail to Highway Commercial for the expansion of an existing self-storage facility. He added the Comprehensive Plan lists the property as appropriate for light industrial, office, and office-

warehouse and a Traffic Impact Study at time of development may be required. Additionally; the property is not located in a Federal Emergency Management Agency designated floodplain, there is an existing detention on-site, and Staff and Planning and Zoning Commission (6-1) recommend approval.

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

3303 W. Division Street

Sponsor. Ferguson. Council Bill 2019-111. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 5 acres of property, generally located at 3303 West Division Street from LI, Light Industrial District to CS, Commercial Service District; establishing Conditional Overlay District No. 171; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Jet View, LLC; 3303 W. Division Street; Z-10-2019 w/Conditional Overlay District No. 171.)

Brendan Griesemer, Assistant Director of Planning and Development, provided a brief overview of the proposed. Mr. Griesemer stated the proposed would rezone the property from Light Industrial to Commercial Service with COD #171 for the development of a recreational vehicle park. He added the Comprehensive Plan lists the property as appropriate for Low-Density Housing land uses and it is adjacent to Industrial/Manufacturing districts on three sides. Additionally; on-site stormwater detention would be required, a minimum 20-foot wide bufferyard and 30-degree bulk plane would be required adjacent to Residential-Town House zoned use, and perimeter landscaping would be required if a parking lot is within 50 feet of the right-of-way and there is no intervening building.

Mr. Griesemer stated dedication of additional Right-of-Way would include 24 feet on Division Street, seven feet on O'Hara Street, and a 30-foot by 30-foot sight triangle at Division Street and O'Hara Street. He added the COD would include dedication of a stream buffer easement, construction of a sidewalk along O'Hara street, a Traffic Impact Study at time of development, and City Staff and Planning and Zoning Commission (7-0) recommend approval.

Anita Cotter, City Clerk, noted consistent with City Council policy, citizens wishing to speak would be allotted three minutes due to the number of citizens signed up to speak.

An opportunity was given for citizens to express their views.

Christina March spoke in favor of the proposed. Ms. March stated her mother is a resident of Eden Village after being homeless for five years and expressed her opinion the Eden Village Community has made a positive impact on her mother's life. Ms. March expressed her support of the proposed and hope that it could make a positive impact on many others in the City.

Lee Viorel spoke in opposition of the proposed. Mr. Viorel stated he represents several land owners surrounding the proposed property and expressed his opinion City Council has rushed its review of the proposed and should further review all details and studies of the COD prior to deciding on re-zoning of the property. He expressed his opinion the issue is premature and inconsistent with the surrounding zoning, and the intensity of the proposed 40 units for homeless individuals is too much for the area. Mr. Viorel expressed his opinion flooding in the area does not make it conducive to residential living and the proposed re-zoning is not appropriate for the area.

Michelle Garand spoke in favor of the proposed. Ms. Garand stated she is the Vice President of Affordable Housing and Homeless Prevention at the Community Partnership of the Ozarks, the

regional planning body to fight homelessness in the City and surrounding tri-county area. Ms. Garand expressed her opinion a Housing First model is an important assistance approach to those facing homelessness and for ending chronic homelessness especially. She expressed her opinion our Community cannot rely solely on Federal funding for the improvement of the homeless epidemic in the City, and projects like the proposed Eden Village are crucial to our community in the fight to end homelessness.

Bob Hopkins spoke in opposition of the proposed. Mr. Hopkins provided City Council with pictures showing the area in a flooded state, noted he has owned property in the area since 1973, and flooding has been a problem in the area for several years. Mr. Hopkins expressed his opinion the proposed development is not conducive to residential living due to being prone to flooding and being near commercial businesses.

Aaron Wiley Loyd spoke in favor of the proposed. Mr. Loyd stated he represented the company intending to donate the property for the proposed development and is available for any questions.

Vasily Lifanov spoke in opposition of the proposed. Mr. Lifanov stated he is a business owner of a developing manufacturing business off O'Hara Street. He expressed his opinion the noise and smoke generated through daily production and manufacturing processes would not make the area ideal for residential living. He noted he has halted the development of his business until a zoning decision is made by the City.

Aaron Greer spoke in opposition of the proposed. Mr. Greer provided packets of information to City Council and stated he chose the area for his business because of the current commercial zoning. He expressed his opinion the noise, lights, and hours of his business and other businesses makes the area inappropriate for residential zoning and living. Mr. Greer expressed concern for potential increases in theft and decreases in property value if a homeless Community were to be developed in the area.

Nate Schlueter spoke in favor of the proposed. Mr. Schlueter stated he is the Chief Operating Officer for Eden Village and is representing the Board of Eden Village, Staff of the Gathering Tree, and the Yes in My Backyard Movement. He stated the majority of current Eden Village residents are disabled, pay rent, and consent to criminal background checks prior to being admitted as residents. Mr. Schlueter expressed his opinion several more Eden Village locations are planned throughout the City and surrounding area.

Councilman Lear asked for clarification on concerned citizens having access to tour Eden Village facilities. Mr. Schlueter responded a neighborhood meeting was held for area residents and Community Tours are available several days per week by calling ahead or stopping by, and to his knowledge no surrounding neighbors have visited any Eden Village property.

Adam Dunlap spoke in opposition of the proposed. Mr. Dunlap stated he owns property in the area with intentions to utilize it to develop a construction or manufacturing business, and he chose the property for the current manufacturing zoning. He expressed his opinion the proposed being surrounded by commercial businesses on three sides makes it inappropriate for residential use. He expressed his opinion excluding the recreational vehicle use of the property would eliminate a loop-hole attempting to be utilized by developers on the proposed Eden Village project.

Robert Hopkins Jr. spoke in opposition of the proposed. Mr. Hopkins expressed his opinion the flood-prone area is not appropriate for residential living, and the dust and noise created by

surrounding businesses could pose a health threat for residents located in the area. He asked City Council to re-consider the proposed.

Jim O'Neal spoke in favor of the proposed. Mr. O'Neal expressed his opinion caring for those citizens with least is important for our Community to eliminate the problem of homelessness and decrease the number of people living in homeless camps on the street. He expressed his opinion Eden Village is a beacon of hope for several Communities to look to for how to begin eliminating homelessness and provide shelter for the chronically homeless. Mr. O'Neal appealed to City Council for their support of the proposed.

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

**Medical Marijuana
zoning regulations
substitute**

Sponsor. Ollis and Schilling. Council Bill 2019-078 Substitute No. 1. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land 2 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.)

Councilman Ollis stated he would have a motion to amend Substitute Council Bill 2019-078. Councilman Ollis expressed his opinion the definitions of child day care center, church, elementary school, and secondary school should be amended to be consistent with the draft definitions set forth by the Missouri Department of Health and Senior Services. He added an amendment to the measurement standards in Section 36-474 would also allow for more consistency. Councilman Ollis clarified the proposed amendments would allow for definitions and measurement standards to be consistent with State draft definitions and standards.

Councilman Ollis moved to amend Substitute Council Bill 2019-078 to; strike from Section 36-474(2)(c)1) the text "property line of the facility" and replace it with "external wall of the facility structure closest in proximity to the school, child day center, or church," Strike from Section 36-474(2)(c)3) the text "by public right of way," Add Section 36-474(2)(c)4) which shall read, "for purposes of this section, a "child day care center" means a child-care facility, as defined by Section 210.201 RSMo., that is licensed by the state of Missouri," add Section 36-474(2)(c)5) which shall read, "for purposes of this section, a "church" means a permanent building regularly used as a place of religious worship," add Section 36-474(2)(c)6) which shall read, "for purposes of this section, an elementary or secondary school" means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes," and amend Sections 36-363(10)7.D., E., and F. by striking the word "section" and replacing it with "subsection." Councilman Lear seconded the motion.

Councilman Hosmer asked for clarification on the definitions of a child day care facility and a school in Sections 210.201 RSMo and 160.011 RSMo. Rhonda Lewsader, City Attorney, responded the State statute defines an elementary school as a public-school giving instruction in a grade or grades not higher than the eighth grade. Councilman Hosmer expressed his opinion the proposed was not received by City Council in adequate time for thorough review and further review by the Committee of the Whole could assist City Council in understanding the proposed and allow for improved public policy.

Councilman Simpson asked for clarification on the City's ability to use discretion when determining the definitions of child day care facilities and schools. Ms. Lewsader responded according to State Amendment 2, local government cannot pass a definition in conflict with the

State regulations. She added the current State definitions are in draft status and the proposed substitute bill includes definitions matching the State draft definitions.

Councilman Ollis expressed his opinion the substitute bill would allow for the language of the definitions to be consistent and congruent with the State draft definitions.

Councilman Hosmer asked for clarification on the City receiving draft definition language from the State and if that language was considered finalized. Ms. Lewsader responded City Staff has not received draft language, but the State published it online, and it is not finalized, so if the State amends the language, the City would be required to do so too. Councilman Hosmer expressed his opinion City Council should wait for State definitions to be finalized to avoid potentially having to amend definitions again in the future.

Councilman Ollis expressed his opinion the City should follow State language associated with the proposed, including the State draft definitions currently in place.

Councilwoman Ferguson asked for clarification on the State's timeline for finalizing the language in the definitions. Ms. Lewsader responded there is a June 3, 2019 due date set for when medical marijuana dispensary applicants must submit information to the State, but that she was unaware of a date in place for the finalization of State draft definition language. Councilwoman Ferguson asked for clarification on medical marijuana business applicants utilizing the State draft definitions. Ms. Lewsader confirmed applicants would be able to use the draft definitions for information until they were finalized.

Ms. Lewsader stated 160.011 RSMo. defined a public school as all elementary and high schools operating at public expense. She noted the State's definition of day care is the statutory definition of child-care facility as a house or other place conducted or maintained by any person who advertises their wholesome self out to providing care for more than four children during the day time for compensation or otherwise, except those operated by a school system or in connection with a business establishment which provides child care as a convenience for its customers or its employees for no more than four hours per day. Additionally, a child-care facility shall not include any private or religious organization, elementary or secondary school, academic pre-school, or kindergarten for four and five-year old children, a home school as defined by Section 167.031 RSMo., a weekly Sunday or Sabbath school, vacation Bible school or child care made available while the parents or guardians are attending worship service or other meetings or activities conducted or sponsored by a religious organization.

Councilman Lear expressed his opinion providing clarity to the public by eliminating uncertainty in definitions would be good public policy.

Councilman Hosmer asked for clarification on the State draft definition of day care facility in Section 210-201 RSMo including in-home facilities. Ms. Lewsader responded the statute defines it as a house or other place providing care for more than four children and requires a State license. She added there is a list of exceptions included in the Statute. Councilman Hosmer expressed his opinion it is not good public policy for City Council to vote on the proposed amendments without full understanding of the State statutory definitions.

Councilman Schilling expressed his opinion the separation requirements in the proposed do not put children at risk for entering medical marijuana dispensaries illegally. Councilman Hosmer expressed his opinion if City Council adopts a child day care facility definition to include in-home facilities, it will trigger the separation requirements for those locations. Councilman Schilling expressed his opinion City Council should consider adopting the proposed as is.

Councilman Simpson asked for clarification on day care facilities requiring licensure under the definition, and if there is an accessible list of day care facility locations. Ms. Lewsader responded the State definition includes licensure by the State and the State would also have a list of all State-licensed facilities. Councilman Simpson asked for clarification on if a list of State-licensed child care facilities was available when City Staff was drafting definitions. Ms. Lewsader responded the original Council Bill 2019-078 defined child care facilities licensed by the City or State, but when that definition was removed, there was then no list available.

Councilman McGull asked for clarification on if the proposed amendments relate to definitions and separation requirements. Councilman Ollis responded the proposed addresses the separation requirements as 1,000 feet for schools and 200 feet for churches and day care facilities.

Ms. Lewsader clarified for City Council that a substitute council bill was added to the agenda at the beginning of the meeting and that bill changed the separation requirements to 1,000 feet for schools and 200 feet for churches and day care facilities. She added, it amended the definitions and measuring standards in one portion of the bill. Ms. Lewsader expressed her opinion it should have amended it in two portions of the bill. She stated the motion Councilman Ollis made was to amend the definitions and standards in the portion of the bill that were inadvertently left out of the substitute bill when it was drafted.

The motion to amend Substitute Council Bill 2019-078 was approved by the following vote:
Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Ollis, and McClure. Nays: Hosmer.
Abstain: None. Absent: None.

Councilman Hosmer asked for clarification on jurisdictions that operate 24-hour medical marijuana dispensaries. Paul Williams, Chief of Police, expressed his opinion there were no jurisdictions that currently operate 24-hours or that have expressed interest to operate 24-hours. Councilman Hosmer asked for clarification on a 24-hour operation being at increased risk for criminal activity. Chief Williams expressed his opinion any 24-hour operation has increased potential for adverse activity after the midnight hour.

Councilman Hosmer asked for clarification on City Staff conducting research on medical marijuana dispensary laws. Brendan Griesemer, Assistant Director of Planning and Development, responded Staff conducted research and found the North Kansas City, Missouri jurisdiction implemented a restriction on dispensary hours. Councilman Hosmer asked for clarification on City Staff locating jurisdictions operating 24-hour dispensaries. Mr. Griesemer expressed his opinion Staff did not locate any jurisdictions currently operating 24 hours.

Councilman Hosmer moved to amend Substitute Council Bill 2019-078 to add the following text to the definitions of 'medical marijuana cultivation facility,' 'medical marijuana dispensary facility,' 'medical marijuana-infused products manufacturing facility,' and 'medical marijuana testing facility' in Section 36-321 and as a subsection to Section 36-474; 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. Councilwoman Ferguson seconded the motion.

Councilman Hosmer stated his motion would return definitions and separation requirements back to the original Staff recommended definitions and requirements. Councilman Hosmer expressed his opinion City Council could adopt more lenient hours at a later time if the City first experiences more restrictive hours without potential problems or increased criminal activity surrounding dispensaries. Councilman Hosmer expressed his opinion the City should not be the most lenient jurisdiction in the Nation for medical marijuana or potentially recreational marijuana.

Councilman Ollis asked for clarification on businesses that could potentially have to provide services to a medical marijuana facility during what could be considered non-business hours. Bob Hosmer, Principal Planner, responded contractors or sub-contractors hired by a medical marijuana dispensary business to provide repairs or other services could be excluded from operational hours restrictions if approved by City Council. He added the Planning and Zoning Commission discussed the possibility of amending the bill to account for these types of businesses.

Councilman McGull expressed his opinion employees of dispensary businesses should be excluded from operational hour restrictions.

Councilman Hosmer expressed his opinion the language of the proposed amendment would allow for employees and contractors to be on the premises during non-business hours, however, members of the public would not be allowed on the premises during non-business hours.

Councilwoman Ferguson asked for clarification on contract employees being allowed on medical marijuana business' premises during non-business hours. Ms. Lewsader expressed her opinion if a contractor is hired by the business to perform work they are considered an employee of the business and would be allowed on the premises during non-business hours, and only members of the public would be restricted.

The motion to amend Substitute Council Bill 2019-078 to require medical marijuana facilities to be closed to the public between the hours of 10:00 p.m. and 6:00 a.m. was approved by the following vote: Ayes: Lear, McGull, Simpson, Ferguson, Fisk, Hosmer, and Ollis. Nays: Schilling and McClure. Abstain: None. Absent: None.

Brendan Griesemer, Assistant Director of Planning and Development, provided a brief overview of the proposed. Mr. Griesemer stated the separation requirements in the proposed are 1,000 feet from elementary and secondary schools and 200 feet from churches and child day care centers for medical marijuana dispensaries and Type 2 post-extraction facilities. He displayed a map of the City showing buffer zones that would be required to meet proposed distance requirements.

An opportunity was given for citizens to express their views.

John Price spoke in support of the proposed. Mr. Price expressed his opinion a 1,000-foot separation distance from schools is a reasonable solution his clients can support, and the proposed provides more certainty by adopting State regulations. He expressed his opinion the proposed treats churches and private day care centers similarly, allowing the State database to be utilized for looking up and locating these types of facilities. Mr. Price expressed his opinion the public recreational use of marijuana will not be an issue because it is already outlined as illegal in previously adopted State Amendments. He stated he is in support of dispensaries being open 24 hours and asked City Council to support the proposed.

Councilman Hosmer asked for clarification on a pharmacist being employed by medical marijuana dispensaries. Mr. Price responded there will not be pharmacists located at dispensaries, but employees will be required to be licensed by the State and acquire a certification card to enter the facility. Councilman Hosmer asked for clarification on voters adopting recreational marijuana. Mr. Price expressed his opinion it is unlikely voters in Missouri would approve the sale and use of recreational marijuana anytime soon. Councilman Hosmer asked for clarification on Mr. Price's review of Section 210.201 RSMo. Mr. Price expressed his opinion it will be beneficial to be able to utilize the State database to look-up the locations of State licensed child day care facilities in the City.

Councilwoman Ferguson asked for clarification on the effect of separation requirements in States that have adopted both medical and recreational marijuana, and if the distances were altered when recreational use became legalized. Mr. Griesemer responded Staff would need to conduct research and provide City Council with information on a later date.

With no additional speakers the public hearing on the amendments only was carried over until the May 20, 2019 City Council Meeting.

Medical Marijuana zoning regulations

Sponsor. Schilling. Second Amended Council Bill 2019-078. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land 2 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.)

An opportunity was given for citizens to express their views.

Sterling Mathis spoke in favor of the proposed. Mr. Mathis stated he was in search clarification on distance requirements because he is interested in owning and operating a medical marijuana cultivation and manufacturing facility. He added the building for his potential facility is approximately 70,000 square feet, concrete, and approximately 550 feet from a local church. Mr. Mathis expressed his opinion opening the facility is a good revenue opportunity for himself and the City and he does not want to miss out on the opportunity due to possible confusion about separation distance requirements.

Mayor Ken McClure recommended to Mr. Mathis he contact City Staff to get clarification on separation distance requirements and definitions.

Ann Seigel spoke in favor of the proposed. Ms. Seigel expressed concern for the City's population that lives in poverty and those citizens having accessibility to medical marijuana dispensaries. She expressed her opinion the local poverty rate being so high compared to the National poverty rate will make it difficult for medical marijuana patients to access their medicine if dispensaries are required to be located 1,000 feet from schools, churches, and day care centers.

Councilwoman Ferguson expressed her opinion the majority of citizens living in poverty in the City are accustomed to walking distances longer than 1,000 feet, or approximately a block and a half, to commute places, so the 1,000-foot separation requirement would probably not be a barrier for the majority of medical marijuana patients. Ms. Seigel expressed her opinion her experience working as a home health care professional has convinced her the 1,000-foot distance requirement could be a barrier for the majority of medical marijuana patients.

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

Councilman Lear moved to table Second Amended Council Bill 2019-078 and Council Bill 2019-086 until the May 20, 2019 City Council Meeting. Councilman Simpson seconded the motion and it was discussed.

Councilman McGull expressed his appreciation for the work of City Council and City Staff on the proposed and their research on other communities that have adopted the use of medical marijuana. Councilman McGull expressed his opinion the City's public safety resources could be the most heavily inundated resources due to the recent legalization of medical marijuana, and tax

revenue from the sale of medical marijuana could be utilized by the City to employ additional public safety professionals.

The motion to table Second Amended Council Bill 2019-078 and Council Bill 2019-086 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: None.

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

**Police Department
Fiscal Year 2018-
2019 budget**

Sponsor. Fisk. Council Bill 2019-097. A special ordinance amending the budget of the Springfield Police Department for Fiscal Year 2018-2019 by appropriating \$1,100,000 in sales and use tax revenue received during the current Fiscal Year, for the purpose of funding the housing of City prisoners pursuant to an agreement with Vernon County, Missouri.

Paul Williams, Chief of Police, provided a brief overview of the proposed. Chief Williams stated the estimated cost of housing prisoners was originally budgeted low for Fiscal Year 2018-2019, and the proposed would cover the 300,000-dollar shortage this Fiscal Year and total cost of 800,000 dollars for the following Fiscal Year. He added, the 1.1 million dollars being requested is based on current estimates and would be used to fund the housing of municipal prisoners in Vernon County, Missouri.

Councilman Hosmer asked for clarification on a timeline for City inmates to return to being housed in Greene County facilities. Chief Williams responded housing municipal inmates in Greene County would begin occurring on approximately August 1, 2020 after the expiration of the City's current agreement with Greene County.

Councilman McGull asked for clarification on the cost of healthcare for prisoners affecting this Fiscal Year's shortage in funds. Chief Williams responded health care costs were not a factor, however, the cost of housing inmates for longer periods of time due to not making bond, being charged with multiple offenses, and other factors all contribute to the increase in costs, which caused a shortage in budgeted funds for the year. He expressed his opinion the Police Department does not anticipate a shortage in funds moving forward as the number of municipal inmates levels out and the City gains access to Greene County facilities again.

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

**Reed Enterprises,
LLC.**

Sponsor. Fisk. Council Bill 2019-112. A special ordinance authorizing the City Manager, or his designee, to refund \$1,000 in earnest money to Reed Enterprises, LLC; and repealing Special Ordinance 27114.

Collin Quigley, Deputy City Manager, provided a brief overview of the proposed. Mr. Quigley stated the property involving the proposed was acquired by the City as a Dangerous Building in 2016 and it is surplus property zoned Residential-Town Home. He stated the City bid out the property three times with a lower price each time and located a buyer affiliated with Reed Enterprises, LLC. Mr. Quigley added the City was unable to move forward with the sale because the buyer was unable to attain Title Insurance on the property, therefore, the proposed would allow for the refund of the sale and return of the 1,000 dollars in earnest money to the buyer.

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

Urban Program Agreement with the Missouri Highways and Transportation Commission

Sponsor. Hosmer. Council Bill 2019-113. A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program-Urban Program Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019, in the amount of \$332,000.00, for the purpose of partially reimbursing the base salaries of up to six City employees who operate and manage the Transportation Management Center.

Eric Claussen, Traffic Engineer, provided a brief overview of the proposed. Mr. Claussen stated the proposed would cover approximately 80 percent of the base salary for City Transportation Management Center (TMC) staff and reduce the salary expenses otherwise budgeted through the transportation fund. He added City TMC salaries have been funded with Federal funds since 2008 and the Missouri Department of Transportation and the cities of Kansas City, Missouri and Saint Louis, Missouri also utilize Federal funding for TMC salaries.

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

Proceeds from 1/4-cent Capital Improvements Sales Tax

Sponsor. Lear. Council Bill 2019-114. A special ordinance amending the budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019 in the amount of \$50,800,000, to appropriate the estimated proceeds of the first five years of the 1/4-Cent Capital Improvements Sales Tax; and authorizing the City Manager to exercise any necessary powers to complete capital projects funded by the 1/4-Cent Capital Improvements Sales Tax for the purpose of funding and completing those projects funded herein.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith stated the proposed is a follow-up to the renewal of the 1/4-cent sales tax in April 2019 and would provide the funds necessary to move forward in delivering the promised projects and programs approved by voters. He added the proposed would allow the City Manager or his designee to enter into contracts with design firms and purchase Right-of-Way necessary to complete projects.

Mayor Ken McClure asked for clarification on the number of years the proposed would be appropriating funds for and if additional funds would be available later. Mr. Smith clarified it would be the first five years of the 20-year renewal period and City Staff is hopeful the City will receive additional funds later. Mayor McClure asked for clarification on the timeline for planning and development of projects with the funding. Mr. Smith confirmed it would allow for City Staff to have a longer review period and planning process while utilizing the funding.

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

Department of Public Works Fiscal Year 2018-2019

Sponsor. Ferguson. Council Bill 2019-115. A special ordinance authorizing the City Manager, or his designee, to enter into an Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019 in the total amount of \$1,045,803 for the purpose of sharing the costs of improvements to the US 160 and MO 744 intersection.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith stated the proposed was approved with the 1/4-cent sales tax renewal and would be a 50-50 cost-share agreement with the Missouri Department of Transportation. He added 80 percent of the City's cost would be covered by Federal Surface Transportation Block Grant Program (STBG) funds, and 20 percent of the City's cost would come from the 1/4-cent sales tax renewal fund. Additionally, the proposed would improve capacity, signals, and Americans with Disabilities Act (ADA) upgrades at the intersection of Kearney Street and West By-Pass.

Mayor Ken McClure expressed his opinion it is good for citizens to already be witnessing the positive impact of the 1/4-cent sales tax renewal.

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

**Monitory wells by
Environmental
Works, Inc.**

Sponsor. Ollis. Council Bill 2019-116. A special ordinance authorizing the City Manager, or his designee, to enter into a license agreement with Environmental Works, Inc., for the purpose of installing and maintaining three monitoring wells on public right-of-way to monitor groundwater conditions.

Eric Claussen, Traffic Engineer, provided a brief overview of the proposed. Mr. Claussen stated the proposed encroachment agreement would be for the installation of three monitoring wells, two along Campbell Avenue and one on Central Street, for the collection of soil and groundwater samples to test for potential contamination. Additionally, four more wells would be located on Greene County property on the northeast corner of the intersection of Campbell Avenue and Central Street. He stated Environmental Works, Inc. would manage the project on investigation of potential gasoline release in the area, and the Missouri Department of Natural Resources would have oversight of the project. Mr. Claussen added the wells would be in place approximately two to three years on Public Right-of-Way.

Mayor Ken McClure asked for clarification on the location of the property. Mr. Claussen confirmed the property is located to the west of the City Government Plaza.

Councilwoman Ferguson asked for clarification on the availability of information from existing wells and the reason for the addition of the new wells. Mr. Claussen responded he did not have information pertaining to the existing wells or the reason for the addition of new wells at this time. Councilwoman Ferguson stated she would like to be briefed with information on wells in Zone 1 going forward.

Councilman Hosmer asked for clarification on what the wells would be used for. Mr. Claussen confirmed they would be used to collect information on potential contamination of soil and groundwater from gasoline by-products. Councilman Hosmer asked for clarification on what occurs once the wells are drilled and fulfill their useful life. Mr. Claussen responded a hole is drilled, Polyvinyl chloride (PVC) pipe is placed in the hole, and the well is capped to allow water and soil samples to be taken multiple times throughout the useful life of the well. He added once the wells have reached their useful life they are filled with cement to create a plug that fills up the space. Councilman Hosmer asked for clarification on well plugs creating difficulty for the City during potential future expansion of roads. Mr. Claussen expressed his opinion there would be no issues with future street expansion caused by the wells.

Councilman Ollis asked for clarification on the proposed granting access to City Right-of-Way. Mr. Claussen confirmed the project cost would be the responsibility of the property owner and the proposed is an encroachment agreement for the use of Public Right-of-Way.

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

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

NEW BUSINESS.

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

UNFINISHED BUSINESS.

MISCELLANEOUS.

CONSENT AGENDA FIRST READING BILLS.

CONSENT AGENDA ONE READING BILLS.

Southern Hills CID Sponsor. Simpson. Council Bill 2019-117. A resolution confirming the appointment of Robert Lowe, Jr., to the Southern Hills Community Improvement District Board of Directors. (Staff recommends approval).

Council Bill 2019-117. Resolution 10453 was approved by the following vote: Ayes: Lear, McGull, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: Simpson.*

CONSENT AGENDA SECOND READING BILLS.

LiveScan Station Sponsor. Lear. Council Bill 2019-105. A special ordinance authorizing the City Manager, or his designee, to accept the donation of a LiveScan Station, valued at \$18,125.00, from the Missouri Police Chiefs Charitable Foundation

Council Bill 2019-105. Special Ordinance 27177 was approved by the following vote: Ayes: Lear, McGull, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: Simpson.*

3044 E. Gasconade Street Sponsor. Simpson. Council Bill 2019-106. A special ordinance approving the conveyance of real property generally located at 3044 East Gasconade Street, to the heirs of Velmar M. Hill; and authorizing the issuance of a quit claim deed for same.

Council Bill 2019-106. Special Ordinance 27178 was approved by the following vote: Ayes: Lear, McGull, Schilling, Ferguson, Fisk, Hosmer, Ollis, and McClure. Nays: None. Abstain: None. Absent: Simpson.*

END OF CONSENT AGENDA.

ADJOURN.

There being no further business, the meeting adjourned at approximately 9:05 p.m.

Prepared by
Melissa Carman

Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. X
P. Hmgs.
Pgs. 3
Filed: 05-15-19

Sponsored by: City Council

COUNCIL BILL 2019- 118 RESOLUTION

A RESOLUTION

1 RECOGNIZING the life of Springfield legend Ralph K. Manley, and his many
2 contributions throughout his 95 years.
3
4

5 WHEREAS, Ralph K. Manley was born on October 15, 1923 in Springfield, MO,
6 and lived in our fine city for most of his life; and
7

8 WHEREAS, in 1942, Ralph and his twin brother, Roland, enlisted in the United
9 States Army halfway through their senior year at Springfield High School to participate
10 in World War II; and
11

12 WHEREAS, Ralph and Roland were admitted into airborne divisions of the
13 United States Army, and Ralph distinguished himself through his service and
14 commitment to his country, choosing to stay and fight in Europe even after the death of
15 his beloved brother, Roland; and
16

17 WHEREAS, Ralph went on to participate in several key operations during the
18 war, including D-Day, the Battle of Bastogne, and Operation Market Garden; and
19

20 WHEREAS, Ralph returned to Springfield in 1945, and used the G.I. Bill to enroll
21 in Drury College, where he obtained his undergraduate and MBA degrees; and
22

23 WHEREAS, Ralph became one of Springfield's most influential residential
24 developers, with a 60-year career, and serving as one of the founding members of the
25 Home Builders Association of Greater Springfield; and
26

27 WHEREAS, Ralph came to achieve one of his long-time dreams, serving as a
28 professor at both Drury University and Missouri State University, where he worked
29 diligently to inspire future generations; and
30

31 WHEREAS, Ralph served the Springfield community in a number of roles,
32 including his time as a City Councilmember and Mayor Pro Tempore, and as part of the
33 process that established Springfield's initial building code; he was often described as
34 Springfield's biggest cheerleader, and a true inspiration to the community.

35
36 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
37 SPRINGFIELD, MISSOURI, as follows, that:
38

39 Section 1 – City Council hereby honors the life of Ralph K. Manley, recognizes
40 his achievements, and gives thanks to the many contributions he made to his
41 community.
42

43 Section 2 – This Resolution shall be effective immediately upon adoption.
44

45 Passed at meeting: _____
46
47

48 _____
49 Mayor
50

51 Attest: _____, City Clerk
52
53

54 Filed as Resolution _____
55

56
57 Approved as to form: Rhonda Lewsader, City Attorney
58

59
60 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2019-118

FILED: 05-15-19

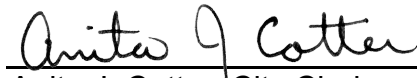
ORIGINATING DEPARTMENT: City Council

PURPOSE: To recognize the life of Ralph K. Manley, and the notable contributions he made to Springfield.

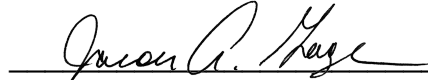
BACKGROUND INFORMATION: Ralph K. Manley was a life-long Springfieldian, a veteran, a businessman, and a public servant. Ralph served in the United States Airborne Division of the Army during World War II with honor and distinction. He became an important postwar developer in Springfield, responsible for over 2,000 residential developments, and served as a founding member of the Home Builders Association of Greater Springfield. Ralph worked to inspire future generations as a professor at Drury University and Missouri State University. Ralph was also a public servant, having been elected to Springfield's City Council, serving as Mayor Pro Tempore, assisting with the establishment of Springfield's initial building code, and representing Springfield abroad. His work reflects a deep commitment and love for his community.

REMARKS: City Council wishes to recognize Ralph K. Manley's many accomplishments and dedicated service to the City of Springfield.

Submitted by:


Anita J. Cotter, City Clerk

Approved by:


Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 2
Filed: 05-14-19

Sponsored by: Council

COUNCIL BILL 2019- 127 RESOLUTION

RESOLUTION

1 AFFIRMING City Council's commitment to an inclusive culture that can only be achieved
2 in an environment that fosters mutual respect of all people, thereby creating
3 a stronger community.
4 _____

5
6 WHEREAS, Springfield strives to be an inclusive community; and

7
8 WHEREAS, recent events have shed light on divisive, unacceptable behavior that
9 cannot be ignored; and

10
11 WHEREAS, this behavior does not reflect the attitude and values of our community; and

12
13 WHEREAS, we acknowledge the pain and fear that racism and bigotry have caused.

14
15 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
16 SPRINGFIELD, MISSOURI, as follows, that:

17
18 Section 1 – City Council hereby affirms its commitment to continue working with
19 community partners to identify action opportunities for ensuring an inclusive culture that can
20 only be achieved in an environment that fosters mutual respect of all people, thereby creating a
21 stronger community.

22
23 Section 2 – This Resolution shall be in effect immediately upon adoption.

24
25 Passed at meeting: _____

26
27
28 _____
29 Mayor

30
31 Attest: _____, City Clerk

32
33
34 Filed as Resolution: _____

35
36
37 Approved as to form: Rhonda Lewsader , City Attorney

38
39
40 Approved for Council action: Antwa J. Cotter , City Manager

EXPLANATION TO COUNCIL BILL 2019 - 127

FILED: 05-14-19

ORIGINATING DEPARTMENT: Public Information & Civic Engagement and Law

PURPOSE: To affirm City Council's commitment to an inclusive culture that can only be achieved in an environment that fosters mutual respect of all people, thereby creating a stronger community.

BACKGROUND INFORMATION: Although Springfield strives to be an inclusive community, recent events in Springfield shed light on divisive, unacceptable behavior. Because this behavior does not reflect the attitude and values of the Springfield community, Council desires to affirm its commitment to continue working with community partners to identify action opportunities for ensuring an inclusive culture that can only be achieved in an environment that fosters mutual respect of all people, thereby creating a stronger community.

Submitted by:

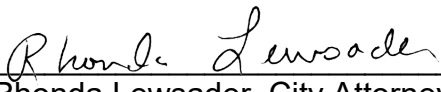


Cora Scott,
Director of Public Information
and Civic Engagement

Approved by:



Jason Gage, City Manager



Rhonda Lewsader, City Attorney

One-rdg. _____
P. Hrngs. X
Pgs. 19
Filed: 04-30-19

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-109

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation, by rezoning 2.39 acres of property,
3 generally located at 3250 East Sunshine Street, from Planned
4 Development No. 9 to GR, General Retail District; establishing Conditional
5 Overlay District No. 172; and adopting an updated Official Zoning Map
6 (Staff and Planning and Zoning Commission recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 3250 East Sunshine Street, and more fully described in "Exhibit B"
11 from Planned Development No. 9 to GR, General Retail District and to establish
12 Conditional Overlay District No. 172; and
13

14 WHEREAS, Conditional Overlay District No. 172 shall modify the requirements
15 of the Springfield Land Development Code Section 36-421, GR, General Retail District,
16 by requiring that the property described in "Exhibit B" comply with the requirements
17 described in "Exhibit A," which is attached hereto and incorporated herein by this
18 reference; and
19

20 WHEREAS, following proper notice, a public hearing was held before the
21 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
22 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
23 and said Commission made its recommendation; and
24

25 WHEREAS, the City has reviewed the applicant's request and prepared a staff
26 report concerning the application which is attached hereto and incorporated herein by
27 this reference as "Exhibit D;" and
28

29 WHEREAS, proper notice was given of a public hearing before City Council, and
30 said hearing was held in accordance with law.
31

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

34
35 Section 1 – The property described in "Exhibit B" of this Ordinance, which is
36 attached hereto and incorporated herein by this reference, is hereby rezoned from
37 Planned Development No. 9, or such zoning districts as are designated on the official
38 zoning map adopted by City Council, to GR, General Retail District and establishing
39 Conditional Overlay District No. 172. The requirements of Conditional Overlay District
40 No. 172, which are described in "Exhibit A," and are hereby incorporated by this
41 reference as if set out verbatim herein, shall apply to the subject property; and the
42 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
43 interpretation,' is hereby amended, changed and modified accordingly.
44

45 Section 2 – City Council hereby directs the City Manager, or his designee, to
46 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
47 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
48 for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps
49 and rules of interpretation.'
50

51 Section 3 – The Official Zoning Map herein adopted shall be maintained and
52 archived in the same digital form in which this Council has approved its adoption.
53

54 Section 4 – This Ordinance shall be in full force and effect from and after
55 passage.
56

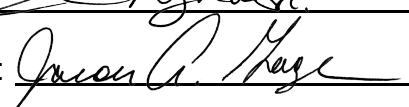
57 Passed at meeting: _____
58

59 _____
60 Mayor
61

62 Attest: _____, City Clerk
63

64 Filed as Ordinance: _____
65

66 Approved as to form: , Assistant City Attorney
67

68 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -109

FILED: 04-30-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 2.39 acres of property, generally located at 3250 East Sunshine Street, from Planned Development No. 9 to GR, General Retail District; establishing Conditional Overlay District No. 172; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-11-2019/ CONDITIONAL OVERLAY DISTRICT NO. 172

The approval of this application will provide for the redevelopment of this property that is consistent with the surrounding zoning and development. The subject property was part of the Meeks lumberyard development. The existing PD zoning only permits wholesale and retail sales of home building supplies and materials including lumber, appliances and tools. If approved, any use permitted in the GR district will be permitted which includes restaurants, banks and offices. Approval of GR zoning will provide more opportunities for the redevelopment and reuse of the subject property in a manner consistent with surrounding properties.

REMARKS:

The Planning and Zoning Commission held a public hearing on April 11, 2019, and recommended approval, by a vote of 7 to 0.

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

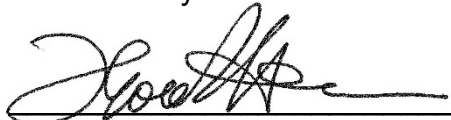
FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting to rezone 2.39 acres of property from Planned Development District No. 9 to a GR, General Retail District with a Conditional Overlay District.
2. Approval of this application will provide for the redevelopment of this property that is consistent with the surrounding zoning and development. The subject property was part of the Meeks lumberyard development. The existing PD zoning only permits wholesale and retail sales of home building supplies and materials including lumber, appliances and tools. If approved, any use permitted in the GR district will be permitted which includes restaurants, banks and offices. Approval

of GR zoning will provide more opportunities for the redevelopment and reuse of the subject property in a manner consistent with surrounding properties.

3. The Conditional Overlay District will provide for the dedication of right-of-way for adjacent streets, additional landscaping, govern access to adjacent streets and require a traffic study at the time of development.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

Submitted by:



Bob Hosmer, AICP Principal Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Conditional Overlay District Provisions

Exhibit B, Legal Description

Exhibit C, Record of Proceedings

Exhibit D, Development Review Staff Report

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-11-2019 & CONDITIONAL OVERLAY DISTRICT NO. 172

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. No access will be allowed to East Washita Street.
2. The existing drive on Sunshine will need to be removed or limited to right-in / right-out only.
3. The current access to Ingram Mill can be retained or shall be relocated across from the existing access from the property to the east.
4. A 20' feet bufferyard shall be provided along the south property line (except where the access to Ingram Mill exists for a distance of 50 feet into the property). The bufferyard shall require a 3' foot tall berm with a 6' feet wooden privacy fence located 10 feet from the property line. The required plantings shall be either a 6' feet Chinese juniper "Spartan" (*Juniperus chinensis* "Spartan") or a 6' feet red cedar "Taylor" (*Juniperus virginiana* "Taylor") or similar 6' feet evergreen columnar trees planted 30' feet on center in the bufferyard on the southside of the fence.
5. A cross access shall be encouraged to provide access to Ingram Mill for the property to the west.
6. A traffic impact study shall be provided at the time of development to determine if public improvements are warranted.
7. It appears approximately 4 feet of additional right-of-way needs to be acquired along Ingram Mill and approximately 5 feet of additional right-of-way along Sunshine. A 30-foot by 30-foot right-of-way sight triangle is required at the corner of Sunshine and Ingram Mill.

Exhibit B

LEGAL DESCRIPTION
ZONING CASE Z-11-2019 & CONDITIONAL OVERLAY DISTRICT NO. 172

Legal Description 3250 East Sunshine

ALL BEGINNING AT A POINT 264 FEET EAST AND 30 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION THIRTY-THREE (33), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21); THENCE EAST 328 FEET; THENCE SOUTH 320 FEET; THENCE WEST 328 FEET; THENCE NORTH 320 FEET TO THE POINT OF BEGINNING, ALL IN GREENE COUNTY, MISSOURI.

Exhibit C

RECORD OF PROCEEDINGS ZONING CASE Z-11-2019 & CONDITIONAL OVERLAY DISTRICT NO. 172 Planning and Zoning Commission April 11, 2019

Z-11-2019 w/COD #172

3250 East Sunshine Street

Applicant: Sunshine RE Holdings LLC

Mr. Hosmer states that this is a request to rezone approximately 2.39 acres of property generally located at 3250 East Sunshine from a Planned Development District No. 9 to a GR, General Retail District and establish Conditional Overlay District No. 172. The Comprehensive Plan identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial, Ingram Mill as a collector and Washita as a local roadway. A Traffic Impact Study shall be prepared at the time of development. A fee in lieu of on-site stormwater detention is not applicable as the site is already built. The property is not located in a stream buffer area. The normal bufferyard between a GR and R-SF with public street (Washita) that is 70 feet or less is a "Type S2" at least fifteen (15) feet wide/ plantings.

The Conditional Overlay District will require:

- A 20' feet bufferyard shall be provided along the south property line (except where the access to Ingram Mill (50 feet into the property). The bufferyard shall require a 3' foot tall berm with a 6' feet wooden privacy fence located 10 feet from the property line and require 6 ft evergreens planted every 30 feet.
- If the building along Ingram Mill is not demolished; 6 feet wooden fence along Washita Street the length of the drive and remainder of south property line shall have the required 20 feet bufferyard/fence/berm/plantings.
- Access to Washita Street will be prohibited and require the existing driveway on Sunshine to be removed or limited to a right-in / right-out only.
- Access to Ingram Mill can be retained or shall be relocated across from the existing access from the property to the east if the building along Ingram Mill is demolished.
- A traffic impact study. Five (5) feet of right-of-way along Sunshine Street and a 30-foot by 30-foot right-of-way sight triangle at the corner of Sunshine and Ingram Mill. Four (4) feet of ROW dedicated on Ingram Mill. The right-of-way will be required if the building along Ingram Mill is demolished and additional building square footage is constructed.

Staff recommends approval.

Mr. Coltrin asked about the extra buffers and berms and if voluntarily or if staff required.

Mr. Hosmer stated they are coming from the neighborhood meeting and what the developer will do.

Mr. Doennig opened the public hearing.

Mr. Geoff Butler, 319 N. Main Avenue representing the applicant. This is a former Meeks Lumberyard and the buyer wants General Retail to do something in the future and the buildings on the property may be demolished and will possibly rebuild later.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to approve consent items Z-11-2019 w/COD #172 (3250 East Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Shuler, Broekhoven, Ogilvy, Cox, and Jobe. Nays: None. Abstain: None. Absent: Rose and Thomas.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', is enclosed in a rectangular box. The signature is fluid and cursive.

Bob Hosmer, AICP
Principal Planner

Exhibit D

APRIL 11, 2019

MAY 6, 2019



SUMMARY OF REQUEST:

To rezone approximately 2.39 acres of property from Planned Development No. 9 to a GR, General Retail District and establish Conditional Overlay District No. 172.

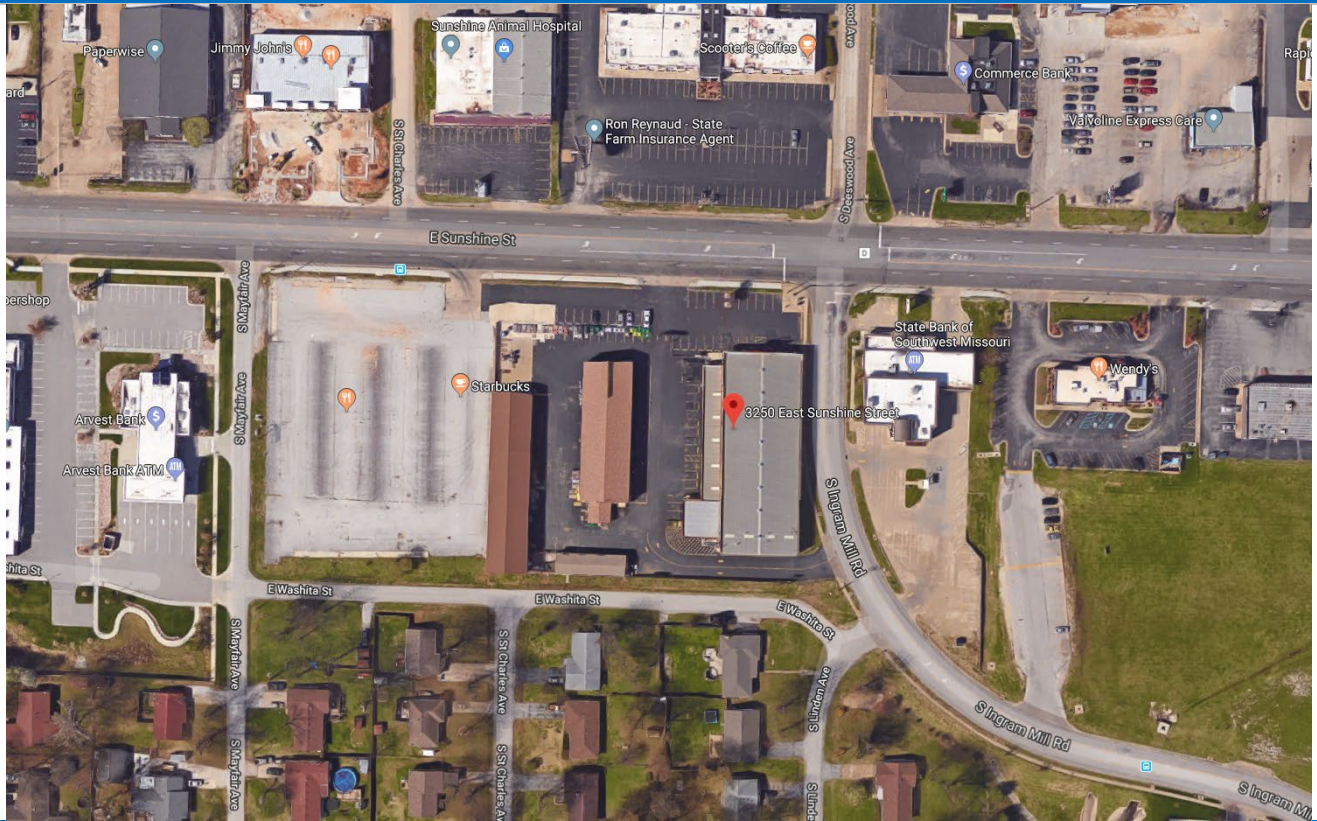
FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. The GR zoning district has been identified as an appropriate zoning for this category. The subject property is located along Sunshine Street which is classified as a primary arterial roadway and Ingram Mill which is classified as a collector roadway in the Major Thoroughfare Plan.
2. Approval of this request will provide for the redevelopment of this property consistent with the surrounding property and will provide for the productive use of this property where investments in public infrastructure and services have already been made.
3. The Conditional Overlay District will provide for the dedication of right-of-way for adjacent streets, additional landscaping, govern access to adjacent streets and require a traffic study at the time of development.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	R-SF	HC	GR
LAND USE	Retail and office use	Single-family residences	Retail and office use	Retail and office use

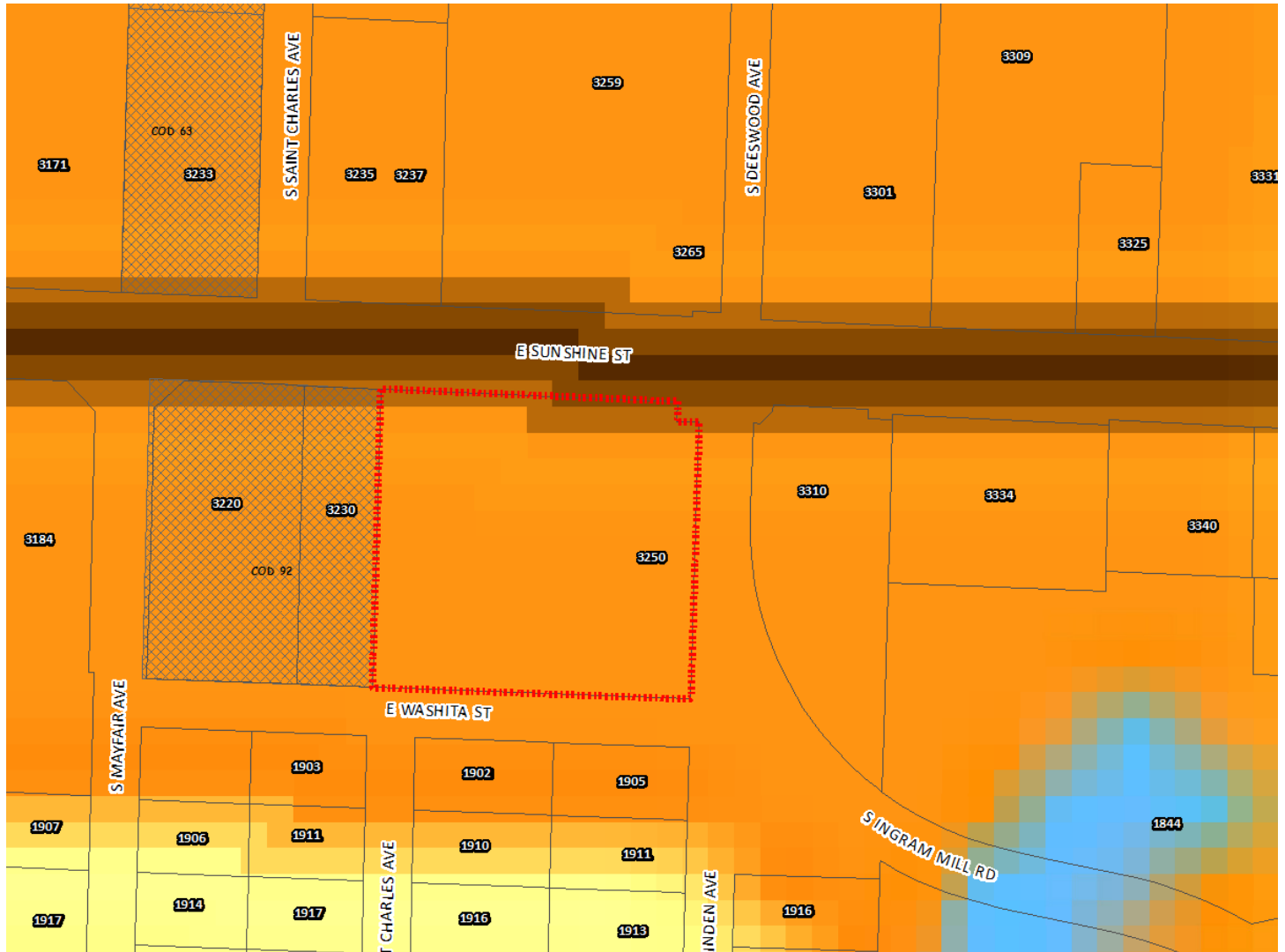
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



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:

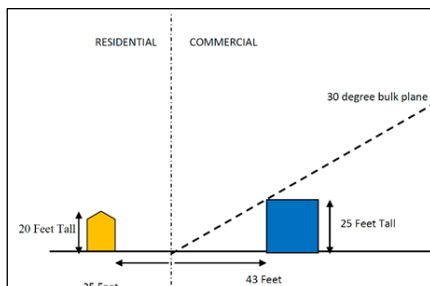
The subject property was rezoned from a C-2, General Retail District to a Planned Development Number 9 on July 27, 1981 and has been zoned a Planned Development No 9 since the Citywide remapping in 1995.

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

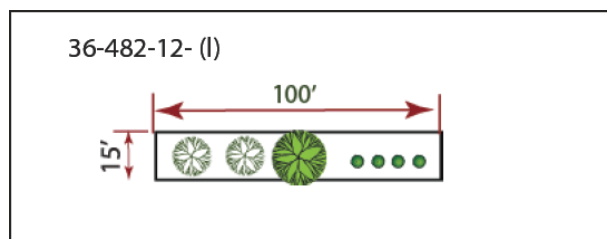
BULK PLANE

30-degree bulk plane is required adjacent to R-SF zoning.



BUFFERYARD AND LANDSCAPING

Bufferyard Type "S2" when across street from 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 Medium Intensity Retail, Office or Housing. The GR zoning district has been identified as an appropriate zoning for this category. The GR district 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 Sunshine Street which is classified as a primary arterial roadway and Ingram Mill is classified as a collector roadway in the Major Thoroughfare Plan.

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 consider 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 requesting to rezone 2.39 acres of property from Planned Development District No. 9 to a GR, General Retail District with a Conditional Overlay District.
2. Approval of this application will provide for the redevelopment of this property that is consistent with the surrounding zoning and development. The subject property was part of the Meeks lumberyard development. The existing PD zoning only permits wholesale and retail sales of home building supplies and materials including lumber, appliances and tools. If approved, any use permitted in the GR district will be permitted which includes restaurants, banks and offices. Approval of GR zoning will provide more opportunities for the redevelopment and reuse of the subject property in a manner consistent with surrounding properties.
3. The Conditional Overlay District that accompanies this request will prohibit access to Washita Street and require the existing driveway on Sunshine to be removed or limited to a right-in / right-out only. The COD will also require the dedication of additional right-of-way along Sunshine and Ingram Mill and require a 30x30 sight triangle at this intersection. The Conditional Overlay District will require the completion of a traffic study at the time of development and may require public improvements based on the proposed development's impact on the street system.
4. The normal bufferyard required between GR and R-SF with public street right-of-way 70 feet or less is a Bufferyard "Type S2" at least fifteen (15) feet wide. A street bufferyard is required along the south property line adjacent to Washita 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.

5. A perimeter landscaping is required if a parking lot is within 50 feet of the right-of-way and there is no intervening building. The width of the perimeter landscaping can vary in size depending on the parking lot layout such as landscaped parking islands within 30 feet of the street and varied widths of landscaping strips along the frontage. This is not in addition to the S2 bufferyard, but rather an overlaying bufferyard. Parking lots or vehicle use areas are required to be screened by a four-foot fence or berm.
6. The applicant is proposing to modify the required Type S2 and perimeter landscaping requirements along Washita in the Conditional Overlay District provisions by requiring a 20 feet bufferyard with a berm and a 6 feet wooden fence. The COD will require evergreen trees that are at least 6 feet in height to be planted every 30 feet along the frontage of Washita on the southside of the fence.
7. 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.
8. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on March 21, 2019, 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: 28	Returned: 0
--	------------	-------------

DEPARTMENT COMMENTS:

ATTACHMENT 1

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to the rezoning.

CITY UTILITIES COMMENTS:

No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning.

FIRE DEPARTMENT COMMENTS:

No objections to the rezoning.

MISSOURI DEPARTMENT OF TRANSPORTATION COMMENTS:

A traffic study may be required when this property develops. The existing drive on Sunshine does not meet access management spacing. This drive on Sunshine will need to be removed or limited to right-in / right-out only.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:**STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION**

City's Transportation Plan classifies E. Sunshine Street as a Primary Arterial roadway and is under MoDOT jurisdiction. MoDOT has not requested additional right of way on E. Sunshine Street. S Ingram Mill Avenue is classified as a Collector roadway which requires 60 feet of right of way, 30 feet from the centerline. It appears approximately 4 feet is needed. E Washita Street is classified as a local street which requires 50 feet of right of way, 25 feet from the centerline. It appears adequate right of way exists. A survey is recommended to determine the exact amount of existing right-of-way on both S Ingram Mill Avenue and E Washita Street. S Ingram Mill and E Washita Street are city-maintained streets. A 30 foot X 30 foot right of way sight triangle is required at the intersection of E Sunshine Street and S Ingram Mill Avenue.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on E Sunshine Street is 15,507 vehicles per day. The most recent traffic count on S Ingram Mill Avenue is 6,968 vehicles per day. E Washita Street is classified as a local street and does not have a traffic count. Traffic counts are done on local streets by request only. On-street parking is not allowed along E Sunshine Street, S Ingram Mill Avenue or E Washita Street.

DRIVEWAY ACCESS

There is currently one driveway access point on E Sunshine Street to the property and one driveway access point to S Ingram Mill Avenue. Per MoDOT comments, the existing driveway approach on E Sunshine Street will need to be removed or become a right in/right out. The existing driveway access point on S Ingram Mill Avenue can remain or be relocated across from the existing driveway approach on the property to the east. No access is allowed to E Washita Street.

SIDEWALK

Sidewalk currently exists along E Sunshine Street and along S Ingram Mill Avenue.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this rezoning. There is one bus stop along E. Sunshine Street and one on S Ingram Mill Avenue in the area pertaining to this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study is required at development based on the highest, most intense use being developed. There are no improvements planned for this portion of E Sunshine Street or S Ingram Mill Avenue.

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	E. Sunshine	Primary Arterial	No	45	50
Street 2	S. Ingram Mill	Collector	No	26	30
Street 3	E. Washita	Local	No	25	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		TBD	TBD	N/A	N/A
*Proposed Trips Generated		TBD	TBD	N/A	N/A

Additional Trips Generated	TBD	TBD	N/A	N/A
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*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 Galloway 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. A fee in lieu of on-site stormwater detention is not applicable as the site is already built out and no additional impervious can be added. The property is not located in a stream buffer area. Since the project will not be disturbing more than one (1) acre there will not 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 if more than one acre is disturbed.

Public Works Stormwater Division	Response
Drainage Basin	Galloway Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	No
Is stormwater fee in lieu an option?	NA – site is already at maximum impervious

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-11-2019 & CONDITIONAL OVERLAY DISTRICT NO. 172

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. No access will be allowed to East Washita Street.
2. The existing drive on Sunshine will need to be removed or limited to right-in / right-out only.
3. The current access to Ingram Mill can be retained or shall be relocated across from the existing access from the property to the east if the building along Ingram Mill is demolished.
4. A 20' feet bufferyard shall be provided along the south property line (except were the access to Ingram Mill exists for a distance of 50 feet into the property). The bufferyard shall require a 3' foot tall berm with a

6' feet wooden privacy fence located 10 feet from the property line. The required plantings shall be either a 6' feet Chinese juniper "Spartan" (*Juniperus chinensis* "Spartan") or a 6' feet red cedar "Taylor" (*Juniperus virginiana* "Taylor") or similar 6' feet evergreen columnar trees planted 30' feet on center in the bufferyard on the southside of the fence. If the building along Ingram Mill is not demolished and there is no additional building square footage added onsite; there shall be a 6' feet wooden privacy fence constructed along the south property line along Washita Street for approximately 160 feet (driveway length) from the Ingram Mill Road right of way. The 20 feet bufferyard, berm, fence and planting requirements as noted above shall be constructed for the remainder of the south property line along Washita.

5. A cross access shall be encouraged to provide access to Ingram Mill for the property to the west.
 6. A traffic impact study shall be provided at the time of development to determine if public improvements are warranted.
 7. Five (5) feet of additional right-of-way is required along Sunshine Street and a 30-foot by 30-foot right-of-way sight triangle is required at the corner of Sunshine and Ingram Mill. Four (4) feet of additional right-of-way is required along Ingram Mill. The additional right-of-way will be required if the building along Ingram Mill is demolished and additional building square footage is constructed.
-

NEIGHBORHOOD MTG
3250 E SUNSHINE
3.21.19 - 400 - 630 PM

NAME	ADDRESS	EMAIL
Sara Appleby	1914 S Mayfair	saraappleby@sagebrush
Mandace Prewitt	2733 E. Battleground Rd #355 ⁰⁴	nanproperties117@qmail.com
LuAnn Creed	1906 S. Mayfair	Creedville@yahoo

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Planned Development 9 to General Retail with Conditional Overlay District
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Thursday March 21, 2019
3. Meeting Location: 3250 East Sunshine
4. Number of invitations that were sent: 108
5. How the mailing list was generated: by City
6. Number of neighbors in attendance (attach a sign-in sheet): three
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.)

All three neighbors were concerned about the traffic conditions out there. Washita which is behind the property has been taking a lot of traffic with the development of the Arvest Bank and the properties west of this tract. Most of the traffic seems to be people who can't access Sunshine to go west and use Washita to get to the signal on Ingram Mill. Others use Washita to get to Ingram Mill to go south.

As a result of the traffic, the road is deteriorating and needs to be improved.

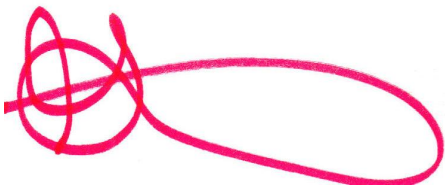
A secondary concern was the trash which blows onto their yards from the commercial properties or from the traffic.

8. No one objected to the zoning and land uses.

We are proposing a COD which has the following added restrictions:

1. No access to Washita will be allowed.
2. One access to Sunshine is allowed
3. The current access to Ingram Mill shall be retained.
4. A 20' bufferyard shall be provided on the south property line (except were the access to Ingram Mill exists) the bufferyard shall have a three foot berm on it with a 6' privacy fence located on the high point 10' from the PL.
5. Cross access with the properties to the west shall be encouraged to provide access to Ingram Mill.

I, Geoffrey Butler (print name), attest that the neighborhood meeting was held on 3/21/19 (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."



Geoffrey H. Butler AIA

One-rdg. _____
P. Hrngs. X
Pgs. 20
Filed: 04-30-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-110

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning approximately 8 acres of
3 property generally located at 2745 South Maple Leaf Lane and the 2700
4 Block of South Maple Leaf Lane from GR, General Retail to HC, Highway
5 Commercial. (Staff and Planning and Zoning Commission both
6 recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 2745 South Maple Leaf Lane and a private street generally located
11 at the 2700 Block of South Maple Leaf Lane, which are more fully described in "Exhibit
12 A," from GR, General Retail to HC, Highway Commercial; and
13

14 WHEREAS, the purpose of this rezoning is to facilitate the expansion of an
15 existing self-service storage facility with outdoor storage; and
16

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

22 WHEREAS, the City has reviewed the applicant's request and prepared a staff
23 report concerning the application which is attached hereto and incorporated herein by
24 this reference as "Exhibit C;" and
25

26 WHEREAS, proper notice was given of a public hearing before City Council, and
27 said hearing was held in accordance with law.
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
30 SPRINGFIELD, MISSOURI, as follows, that:
31

32 Section 1 – The property described in "Exhibit A" of this Ordinance, which is
33 attached hereto and incorporated herein by this reference, is hereby rezoned from GR,

General Retail, or such zoning districts as are designated on the official zoning map adopted by City Council, to HC, Highway Commercial; and the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed and modified accordingly.

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

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

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

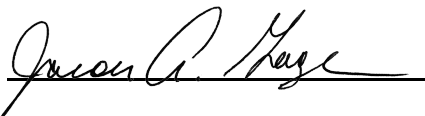
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -110

FILED: 04-30-19

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 8 acres of property generally located at 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane from GR, General Retail to HC, Highway Commercial. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-8-2019

The applicant is proposing to rezone approximately 8.17 acres of property generally located at 2745 South Maple Leaf Lane and 2700 South Maple Leaf Lane (private street) from GR, General Retail to HC, Highway Commercial. The purpose of this rezoning is to facilitate the expansion of an existing self-service storage facility with outdoor storage.

REMARKS:

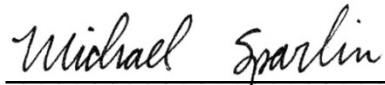
The Planning and Zoning Commission held a public hearing on April 11, 2019, and recommended approval, by a vote of 7 to 1.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this property as appropriate for light industrial, office and office-warehouse. The *West Sunshine/Highway 60 Corridor Study*, completed in 2009, identifies the subject property as part of a Community Activity Center which is recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement store, large specialty shops, service stations, one or more large places of worship, a community park, mid-size offices, low to- mid-rise housing (none within the 700 feet of the Sunshine corridor) and high-to-moderate density housing, and perhaps an elementary or middle school. The proposed HC district is consistent with these recommendations.
2. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

Submitted by:



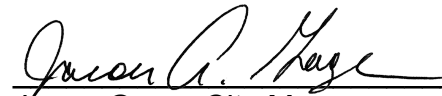
Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

Exhibit A

**LEGAL DESCRIPTION
ZONING CASE Z-8-2019**

A COMBINED PARCEL OF LAND LOCATED IN THE WEST ONE-HALF (W1/4) OF LOTS 1 AND 2 OF THE NORTHEAST FRACTION QUARTER (NE FR1/4) OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING BOAT SPIKE MARKING THE NORTHEAST CORNER OF SAID SECTION 1; THENCE N88°19'36"W. APPROXIMATELY FOLLOWING THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2664.13 FFET (CALCULATED 2661' RECORD) TO THE APPROXIMATE NORTHWEST CORNER OF THE NORTHEAST QUARTER; THENCE S.02°00'25"W., ALONG THE WEST LINE OF SAID NE.FR1/4, A DISTANCE OF 825.31 FEET MEAS. (826' DEED) FOR THE POINT OF BEGINNING:

THENCE S.88°17'59"E., A DISTANCE OF 502.99 FEET MEAS. (502.92' DEED) TO A SET CONCRETE NAIL (AN EXIST. IRON PIN CAPPED 2001-020272D IS 0.55' WEST AND 0.08' SOUTH OF CORNER); THENCE S. 00°21'24"E., A DISTANCE OF 525.85 FEET MEAS. (526'DEED); TO AN EXISTING IRON PIN CAPPED "GORDON"; THENCE S.00°31'32"E., A DISTANCE OF 55.98 FEET MEAS. (56.0' DEED) TO AN EXISTING 5/8" IRON PIN; THENCE S. 88°06'45"W., A DISTANCE OF 302.31 FEET MEAS. (302.49' DEED) TO AN EXISTING IRON PIN CAPPED "LC-280D"; THENCE N.01°19'47"E., A DISTANCE OF 55.76 FEET MEAS. (56.00' DEED) TO AN EXISTING IRON PIN CAPPED "GORDON"; THENCE S. 88°30'30"W., A DISTANCE OF 225.12 FEET MEAS. AND DEED, THROUGH AN EXISTING IRON PIN CAPPED "LC-280D TO AN IRON PIN SET AND CAPPED "PLS-2260" BEING SITUATED ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE N. 01°52'49"E. ALONG SAID WEST LINE, A DISTANCE OF 17.87 FEET MEAS. (18.00' DEED) TO AN EXISTING 5/8" IRON PIN MARKING THE NORTHWEST CORNER OF THE WEST ½ OF LOT 1 OF THE NORTHEAST FRACTIONAL QUARTER (ACCORDING TO SURVEY FOUND IN S.R.B. 45, PG. 107 AND SET FOR S.R.B. 38, PG. 210); THENCE N. 02°02'17"E., ALONG SAID WEST LINE, A DISTANCE OF 527.58 FEET MEAS (527.8' DEED) TO THE POINT OF BEGINNING. ALL BEING IN GREENE COUNTY, MISSOURI AND CONTAINING 6.75 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

NOTE: THIS DESCRIPTION IS A COMBINATION OF TRACTS SEPARATELY DESCRIBED IN BOOK 2356, PAGE 1653; BOOK 2807, PAGE 0675; AND BOOK 2849 AT PAGE 1361 AND AS A WHOLE, RE-SURYVED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM.

AND

A STRIP OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 23 WEST, MORE

PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF SAID QUARTER-QUARTER APPROXIMATELY 900.5 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER-QUARTER; THENCE SOUTH 03°10'10" WEST, A DISTANCE OF 395.35 FEET (395.6' RECORD); THENCE SOUTH 87°13'50" EAST, A DISTANCE OF 53.21 FEET; THENCE SOUTH 00°22'51" WEST, A DISTANCE OF 396.50' TO A POINT BEING 796 FEET SOUTH (BY RECORD) OF THE SAID NORTH LINE FOR THE POINT OF BEGINNING; THENCE NORTH 87°13'50" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 00°22'33" WEST, A DISTANCE OF 34.47 FEET; THENCE SOUTH 87°19'49" EAST, A DISTANCE OF 207.02 FEET; THENCE NORTH 02°37'57" EAST, A DISTANCE OF 34.00 FEET; THENCE NORTH 87°12'28" WEST, A DISTANCE OF 168.38 FEET (169.2' RECORD) TO THE POINT OF BEGINNING. ALL BEING IN GREENE COUNTY, MISSOURI AND CONTAINING 7,110 SQUARE FEET, SUBJECT TO EASEMENTS OF RECORD AND ANY PORTION DEEDED OR USED FOR ROADWAY PURPOSES.

AND

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION ONE (1), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) A DISTANCE OF 1283.7 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 60; THENCE SOUTHWESTERLY ALONG SAID HIGHWAY RIGHT-OF-WAY LINE AND MAKING AN ANGLE OF 55°27' TO THE RIGHT FROM THE LAST DESCRIBED COURSE A DISTANCE OF 953.1 FEET FOR A POINT OF BEGINNING; THENCE IN A NORTHWESTERLY DIRECTION AND MAKING AN ANGLE OF 122°08' TO THE RIGHT FROM THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY A DISTANCE OF 993.90 FEET; THENCE EAST AND MAKING AN ANGLE OF 92°05' TO THE RIGHT FROM THE LAST DESCRIBED COURSE A DISTANCE OF 60.0 FEET; THENCE SOUTHEASTERLY A DISTANCE OF 953.80 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 60, SAID POINT BEING 71.0 FEET NORTHEASTERLY FROM THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 71.0 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) AND A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4), ALL IN SECTION 1, TOWNSHIP 28 NORTH, RANGE 23 WEST, IN GREENE COUNTY, MISSOURI.

Exhibit B

**RECORD OF PROCEEDINGS
ZONING CASE Z-8-2019
Planning and Zoning Commission April 11, 2019**

Z-8-2019

2745 South Maple Leaf Lane and Maple Leaf Lane (private street)

Applicant: A & A West JSW, LLC and Cornelius Datema

Mr. Hosmer states that this a request to rezone approximately 8 acres of property located at 2745 Maple Leaf Lane from a GR, General Retail District to a HC, Highway Commercial District. Applicant is proposing to expand an existing self-storage facility. The Comprehensive Plan identifies this property as light industrial, office and office-warehouse. The 2009 West Sunshine/Highway 60 Corridor Study identifies the property as part of a Community Activity Center. The Major Thoroughfare Plan classifies West Sunshine as an Expressway Maple Leaf Lane is a private street. MoDOT may require a Traffic Impact Study at the time of development depending on the intensity of the development. The property is not located in a FEMA designated floodplain or a stream buffer area. There is an existing detention on-site. Staff recommends approval.

Melissa Cox asked if the site was non-conforming.

Bob Hosmer noted that the property was non-conforming and was annexed by the City in August 2005 from County M-1 to General Retail and is a major activity center.

Ms. Cox asked when the area land was zoned for Highway Commercial and asked about surrounding land uses.

Mr. Hosmer noted that it was zoned Highway Commercial several years ago.

Randall Doennig asked about the property to the north and east and if County zoning.

Mr. Hosmer noted that the properties mentioned are not County zoning.

Mr. Doennig opened the public hearing.

Mr. Dolph Woodman, 314 Cherokee Path, Clever, MO purchased the property one year ago and expanding out-door storage and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to approve consent items Z-8-2019 (2745 South Maple Leaf Lane and Maple Leaf Lane (private street)). Ms. Cox seconded the motion. Ayes: Doennig, Coltrin, Shuler, Broekhoven, Ogilvy, and Jobe. Nays: Cox. Abstain: None. Absent: Rose and Thomas.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', enclosed within a rectangular box.

Bob Hosmer, AICP
Principal Planner

Exhibit C

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

APRIL 11, 2019

CITY COUNCIL PUBLIC HEARING:

MAY 6, 2019



CASE NUMBER:
Z-8-2019

PROJECT LOCATION: 2745 South Maple Leaf Lane and 2700 block South Maple Leaf Lane (private street)

ACRES: 8.17 acres

EXISTING LAND USE: Self-service storage facility and private street

APPLICANT: A&A West JSW LLC, Cornelius Datema

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

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve Z-8-2019 as submitted.

SUMMARY OF REQUEST:

Request to rezone approximately 8.17 acres of property generally located at 2745 South Maple Leaf Lane and 2700 block South Maple Leaf Lane (private street) from GR, General Retail to HC, Highway Commercial.

FINDINGS FOR STAFF RECOMMENDATION:

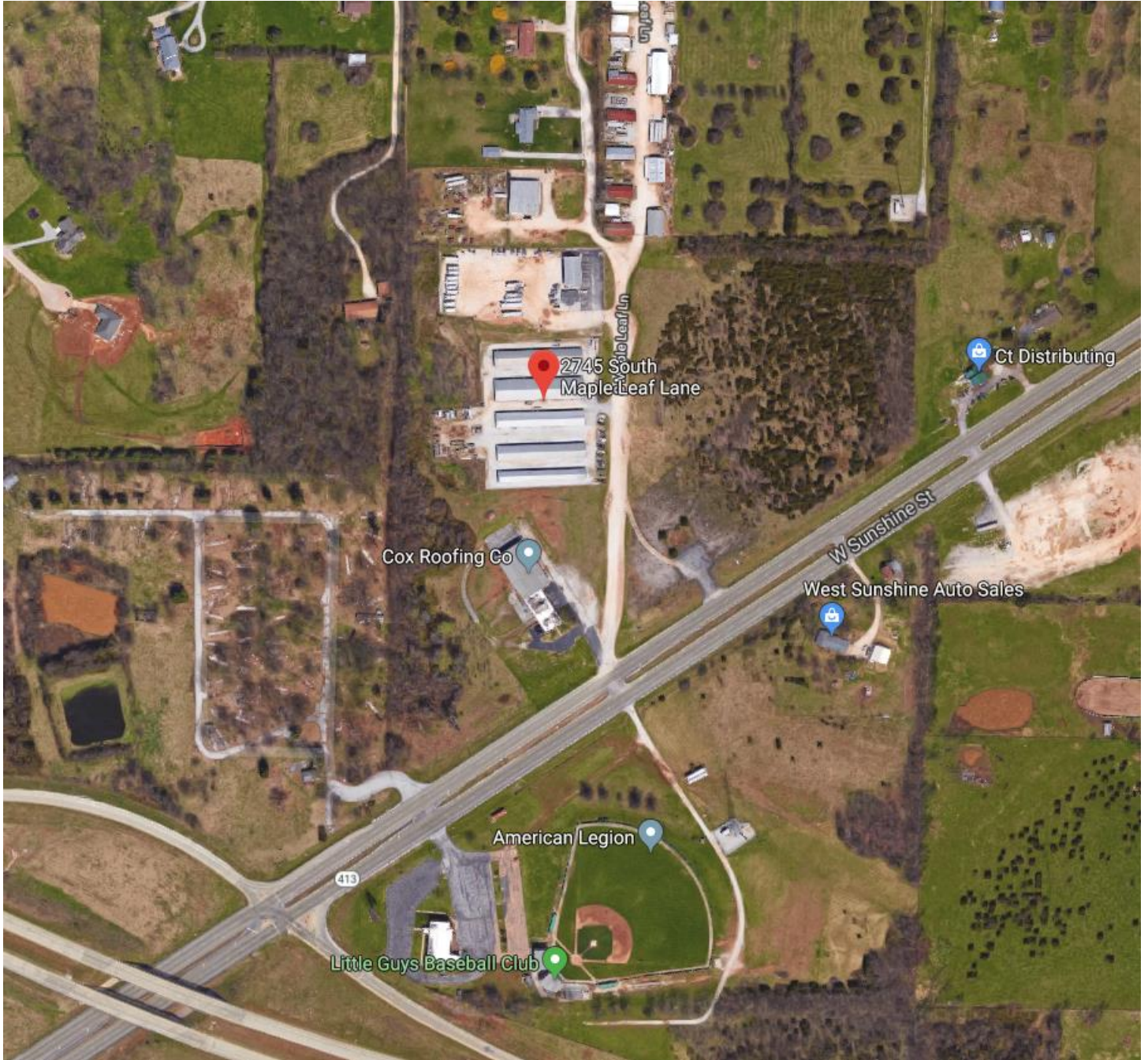
1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this property as appropriate for light industrial, office and office-warehouse. The *West Sunshine/Highway 60 Corridor Study*, completed in 2009, identifies the subject property as part of a Community Activity Center which is recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement store, large specialty shops, service stations, one or more large places of worship, a community park, mid-size offices, low-to-mid-rise housing (none within the 700 feet of the Sunshine corridor) and high-to-moderate density housing, and perhaps an elementary or middle school. The proposed HC district is consistent with these recommendations.
2. 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	County M-1	GR	HC COD 144	City of Republic Agriculture

LAND USE	Warehouse	Roofing company	Undeveloped land	Single-family residence
-----------------	-----------	-----------------	------------------	-------------------------

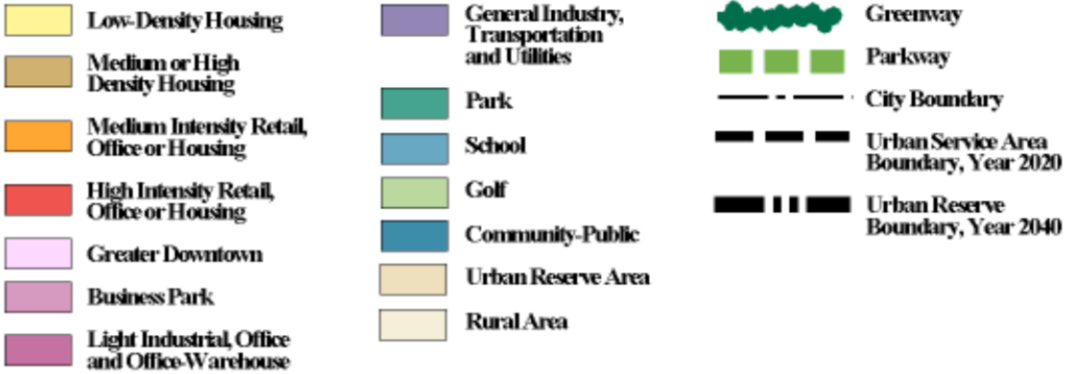
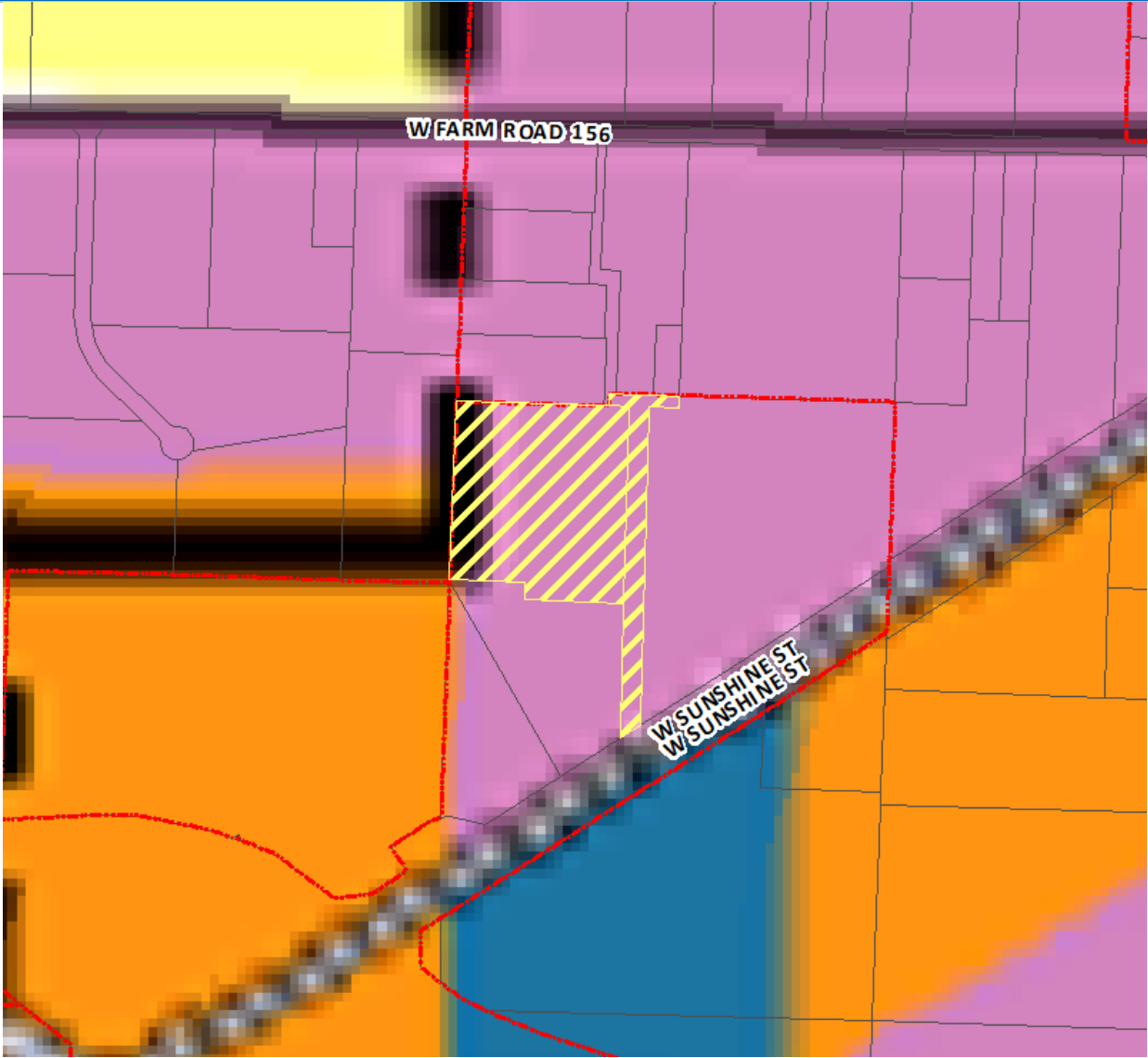
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:

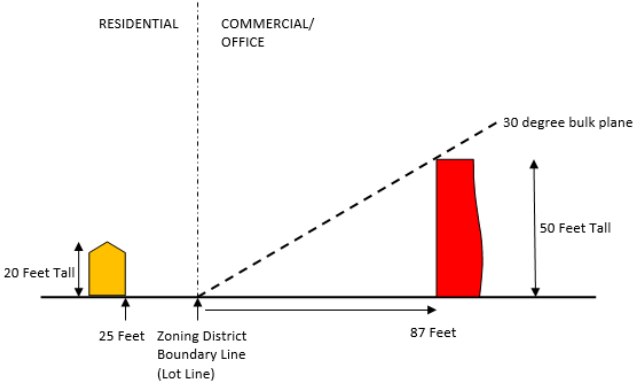


PROPERTY HISTORY:

The subject property was annexed along with other property in this area by a City-initiated annexation. The property was zoned from County M-1 to GR, General Retail in August 2005.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR HC
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts. There are no adjacent R-SF or R-TH districts.
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
BULK PLANE	BUFFERYARD AND LANDSCAPING
All structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts.	NA – this property is surrounded by zoning districts that do not require a bufferyard.



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this property as appropriate for light industrial, office and office-warehouse.

The *West Sunshine/Highway 60 Corridor Study*, completed in 2009, identifies the subject property as part of a Community Activity Center which is recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement store, large specialty shops, service stations, one or more large places of worship, a community park, mid-size offices, low-to-mid-rise housing (none within the 700 feet of the Sunshine corridor) and high-to-moderate density housing, and perhaps an elementary or middle school. The proposed HC district is consistent with these recommendations.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 8.17 acres of property generally located at 2745 South Maple Leaf Lane and 2700 South Maple Leaf Lane (private street) from GR, General Retail to HC, Highway Commercial. The purpose of this rezoning is to facilitate the expansion of an existing self-service storage facility with outdoor storage.

-
3. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this property as appropriate for light industrial, office and office-warehouse. The *West Sunshine/Highway 60 Corridor Study*, completed in 2009, identifies the subject property as part of a Community Activity Center which is recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement store, large specialty shops, service stations, one or more large places of worship, a community park, mid-size offices, low-to-mid-rise housing (none within the 700 feet of the Sunshine corridor) and high-to-moderate density housing, and perhaps an elementary or middle school. The proposed HC district is consistent with these recommendations.
 4. The HC district is intended for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that the district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. This district is also intended for on-site production of handcrafted items in conjunction with retail sales. The subject property is located near Sunshine Street which is classified as an Expressway.
 5. 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.
 6. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on March 20, 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: 11	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 however it needs to be noted that public sewer is not available for these properties. No new subdivision or building activity could occur until public sewer is extended on site.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Sunshine Street as an Expressway. The standard right-of-way width for W. Sunshine Street is 65 feet from centerline. It appears additional right-of-way is not needed along W. Sunshine Street. A survey is recommended to determine the exact amount of existing right-of-way. W. Sunshine Street is under MODOT jurisdiction. S. Maple Leaf Lane is a private street.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Sunshine Street east of James River Freeway is 17,913 vehicles per day. On-street parking is not allowed along W. Sunshine Street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Sunshine Street. Defer to MODOT for comments regarding access to W. Sunshine Street. Private drive access will need to be improved to meet current MODOT standards.

SIDEWALK

There is not currently sidewalk along the property frontage of W. Sunshine Street. Sidewalk is not required along streets classified as Expressways. Defer to MODOT for final comments regarding sidewalk along W. Sunshine Street.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area pertaining to this rezoning. There are not bus stops along this section of W. Sunshine Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. Defer to MODOT for comments regarding any future plans/improvements for this section of W. Sunshine Street. MODOT states that depending on the intensity of future development, a Traffic Impact Study may be required at the time of development.

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. Sunshine Street	Expressway	No	83	65
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		237.76	995.62	10699.2	N/A
*Proposed Trips Generated		237.76	995.62	10699.2	N/A
Additional Trips Generated		0	0	0	N/A

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

MODOT COMMENTS:

A traffic study may be required when this property develops.

STORMWATER COMMENTS:

The property is in the Wilsons Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not 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 is not applicable as there is already existing detention on site that will need to be modified when there is future development. The property is not located in a stream buffer area. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

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

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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 if more than one acre is disturbed.

Public Works Stormwater Division	Response
Drainage Basin	Wilsons Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	No
Is stormwater fee in lieu an option?	NA – existing detention on site

FIRE DEPARTMENT COMMENTS:

No objections to rezoning.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: General Retail to Hwy Commercial
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 3/20/19 4:00pm - 6:30pm
3. Meeting Location: 2745 S. Maple Leaf Lane. Springfield, MO
4. Number of invitations that were sent: 26
5. How the mailing list was generated: City Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 1
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.)

NA

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

NA

I, Todd Wright (print name), attest that the neighborhood meeting was held on 03/20/2019 (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."

Todd Wright
Signature of person completing affidavit

Todd Wright
Printed name of person completing affidavit

One-rdg. _____
P. Hrngs. X
Pgs. 25
Filed: 04-30-19

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-111

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation, by rezoning 5 acres of property, generally
3 located at 3303 West Division Street from LI, Light Industrial District to CS,
4 Commercial Service District; establishing Conditional Overlay District No.
5 171; and adopting an updated Official Zoning Map. (Staff and Planning
6 and Zoning Commission recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 3303 West Division Street, and more fully described in "Exhibit B"
11 from LI, Light Industrial District to CS, Commercial Service District and to establish
12 Conditional Overlay District No. 171; and
13

14 WHEREAS, Conditional Overlay District No. 171 shall modify the requirements
15 of the Springfield Land Development Code Section 36-423, CS, Commercial Service
16 District, by requiring that the property described in "Exhibit B" comply with the
17 requirements described in "Exhibit A;" and
18

19 WHEREAS, following proper notice, a public hearing was held before the
20 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
21 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
22 and said Commission made its recommendation; and
23

24 WHEREAS, the City has reviewed the applicant's request and prepared a staff
25 report concerning the application which is attached hereto and incorporated herein by
26 this reference as "Exhibit D;" and
27

28 WHEREAS, proper notice was given of a public hearing before City Council, and
29 said hearing was held in accordance with law.
30

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

34 Section 1 – The property described in "Exhibit B" of this Ordinance, which is
35 attached hereto and incorporated herein by this reference, is hereby rezoned from LI,
36 Light Industrial District, or such zoning districts as are designated on the official zoning
37 map adopted by City Council, to CS, Commercial Service District and establishing
38 Conditional Overlay District No. 171. The requirements of Conditional Overlay District
39 No. 171, which are described in "Exhibit A," and are hereby incorporated by this
40 reference as if set out verbatim herein, shall apply to the subject property; and the
41 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
42 interpretation,' is hereby amended, changed and modified accordingly.
43

44 Section 2 – City Council hereby directs the City Manager, or his designee, to
45 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
46 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
47 for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps
48 and rules of interpretation.'
49

50 Section 3 – The Official Zoning Map herein adopted shall be maintained and
51 archived in the same digital form in which this Council has approved its adoption.
52

53 Section 4 – This Ordinance shall be in full force and effect from and after
54 passage.
55

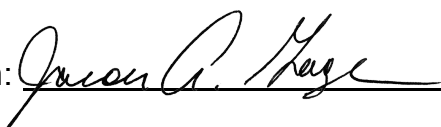
56 Passed at meeting: _____
57

58 _____
59 Mayor
60

61 Attest: _____, City Clerk
62

63 Filed as Ordinance: _____
64

65
66 Approved as to form: , Assistant City Attorney
67

68
69 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 - 111

FILED: 04-30-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 5 acres of property, generally located at 3303 West Division Street from LI, Light Industrial District to CS, Commercial Service District; establishing Conditional Overlay District No. 171; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-10-2019/ CONDITIONAL OVERLAY DISTRICT NO. 171

The applicant is proposing to rezone approximately 5 acres of property from LI, Light Industrial District to CS, Commercial Service District and establishing Conditional Overlay District No. 171. The applicant is proposing to develop the site into a recreational vehicle park.

The subject property is currently zoned LI, Light Industrial District which allows any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products and business and sales offices accessory thereto. All activities and permitted uses in the LI District, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings. By rezoning, the applicant will forgo this permitted use for the CS uses.

The following uses are permitted by right in the proposed CS, Commercial Service District and are not permitted by right in the current LI, Light Industrial District zoning:

1. Ambulance services.
2. Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
3. Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
4. Awning and canvas sales and rental.
5. Bus stations.
6. Campgrounds and recreational vehicle parks.
7. Carpenter and cabinet shops.
8. Catering businesses.
9. Commercial laundry and dry-cleaning establishments.
10. Eating and drinking establishments.

11. Feed stores.
12. Frozen food lockers, for use by the public.
13. General or medical office/retail sales/warehouse combinations, provided however, that if more than 85 percent of the gross building floor area for each establishment is used for warehouse purposes, a use permit shall be required.
14. Glass and mirror sales.
15. Linen, towel, and diaper services.
16. Manufactured housing (mobile home) and trailer sales, leasing, service and storage.
17. Medical office use group.
18. Monument sales.
19. Newspaper and magazine distribution agencies.
20. Nurseries, greenhouses and garden stores.
21. Personal service use group.
22. Private clubs and lodges.
23. Retail sales use group.
24. Repair shops, home appliance.
25. Repair shops, small-engine.
26. Taxi dispatch yards and offices.
27. Temporary vendors as permitted by section 36-452, temporary uses.
28. Truck stops.

REMARKS:

The Planning and Zoning Commission held a public hearing on April 11, 2019, and recommended to approve the proposed Conditional Overlay District No. 171, by a vote of 7 to 0.

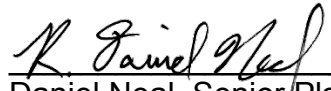
The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low-Density Housing land uses, however, this property is currently zoned LI, Light Industrial District and adjacent to Industrial districts on three sides. This property is also located along Division Street which is classified as a primary arterial roadway in the Major Thoroughfare Plan.
2. The requested CS zoning is appropriate for the area since it is intended for business uses which provide essential commercial services and support activities, but which do not necessarily require high visibility. This district is intended to function as a transition between industrial development and commercial development. 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 West Bypass which are arterial and expressway roadways.

3. The proposed COD will require the dedication of additional right-of-way, the dedication of a stream buffer easement, sidewalk along O'Hara and a Traffic Impact Study if developed beyond specific thresholds.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

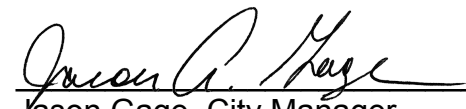
Submitted by:


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 & Correspondence

Exhibit A

CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-10-2019 & CONDITIONAL OVERLAY DISTRICT NO. 171

The requirements of *Section 36-423* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. A Traffic Impact Study is required to be submitted at the time of development or such time that the proposed development exceeds the thresholds of an increase in trip generation of more than 100 trips in the PM peak and more than 1,000 trips daily. If the proposed development does not exceed those thresholds, a TIS can be deferred until such time that further cumulative development *does* exceed those thresholds.
2. Approximately 24 feet of additional right-of-way needs to be dedicated along the property frontage of Division. Approximately 7 feet of additional right-of-way needs to be acquired along O'Hara Avenue. A request for reduction in right-of-way may be submitted through ARC as prescribed in the Subdivision Regulations. In addition, a 30-foot by 30-foot right-of-way sight triangle needs to be acquired at the corner of Division and O'Hara. A survey is recommended to determine the exact amount of existing right-of-way. W. Division Street and N. O'Hara Avenue are both City-maintained streets.
3. Sidewalk is required along the entire length of the property frontage on N. O'Hara Avenue, 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.
4. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. It appears the plan is to preserve the full stream buffer but if any encroachment is proposed, a no feasibility analysis will be required per Chapter 8 Section 4.1.13. A stream buffer easement will be required using the City's stream buffer easement form.

Exhibit B

LEGAL DESCRIPTION
ZONING CASE Z-10-2019 & CONDITIONAL OVERLAY DISTRICT NO. 171

ALL OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE
SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN
SECTION NINE (9), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22), IN
GREENE COUNTY, MISSOURI.

Exhibit C

**RECORD OF PROCEEDINGS
ZONING CASE Z-10-2019 & CONDITIONAL OVERLAY DISTRICT NO. 171
Planning and Zoning Commission April 11, 2019**

Z-10-2019 w/COD #171
3303 West Division Street
Applicant: Jet View, LLC

Mr. Hosmer states that this is a request to rezone approximately 5 acres of property generally located at 3303 West Division Street from a LI, Light Industrial District to a CS, Commercial Service District and establishing Conditional Overlay District No. 171. The applicant is proposing to develop the site into a recreational vehicle park. The Comprehensive Plan identifies the property as appropriate for Low-Density Housing land uses, however, this property is currently zoned LI, Light Industrial District and adjacent to Industrial/Manufacturing districts on three sides. The Major Thoroughfare Plan classifies Division Street as a primary arterial roadway and O'Hara as a Local Roadway. A Traffic Impact Study will be required at the time of development. A fee in lieu of on-site stormwater detention will not be allowed, and detention will be required. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. The normal bufferyard required between CS and R-TH zoning would be a Bufferyard "Type F" at least twenty (20) feet wide. Perimeter landscaping is required if a parking lot is within 50 feet of the right-of-way and there is no intervening building. A 30-degree bulk plane is required adjacent to R-TH zoning.

The Conditional Overlay District will require:

- A traffic impact study at the time of development.
- Dedication of additional right-of-way.
- Dedication of a stream buffer easement.
- A sidewalk along O'Hara Avenue.

Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Aaron Wiley Loyd, 1340 W. Normal Street, representing the agent and this was a donation to the Gathering Tree, a non-profit organization and here to answer any questions.

Mr. Nate Schlueter, 2400 E. Latoka Street, chief operating officer for Eden Village. This property was donated, and its use will be for 100% disabled and chronic homeless. He also acknowledges that people do not want this type of development in their back yard, however there is a need and will have 4 to 5 more developments like the proposed in Springfield over the next several years. He also asked for people who are in favor of this development to please stand (a majority of the full room stood).

Mr. Bryan Smith, 2320 West Deer Trail, Nixa, MO operations/manager of the metal recycling and representing several addresses on West Division. He stated that this type of development is not in the location and read GM and HM ordinances and commented on the noise, dust, and traffic around the businesses.

Mr. Aaron Greer, 3244 W. Division Street, owns a business on W. Division and believes that this type of development will not work for the area due to big trucks, unloading equipment, and the noise and dust, etc. He also stated that this may reduce his property value due to businesses possibly relocating if not staying Heavy Manufacturing and if any legal ramifications on their rights to run their businesses.

Mr. Steve Hodges, 1527 N. Western Avenue, has concerns about the pedestrian traffic and that there is no grocery store located close to the proposed development and believes this may cause more foot traffic on Division Street.

Mr. Bob Hopkins, 3304 W. Division Street, owns the sand-blasting business across from the proposed development and has been there for 45 years. He stated that noise and dust is not a good place for this type of development and voiced his concerns that businesses may leave this location area if problems arise to the noise, dust, etc. He also stated that water drains from his property and has concerns about stormwater runoff and believes this type of development may reduce his property values.

Mr. Coltrin asked about any complaints from the neighbors across the street.

Mr. Hopkins said that there has been no complaints or concerns.

Ms. Dolores Demore, 409 S. York Avenue, owns a business and property in the proposed area and has concerns with the increased traffic and crime/vandalism and noted that grocery stores are not located close by.

Mr. David Doolittle, 1555 N. O'Hara Avenue is concerned about land values and crime problems and stated that it is loud and dusty in the location.

Mr. Doennig asked about living in that area.

Mr. Doolittle said that they have been there their whole life and have had problems with fencing being cut (had cattle on the land).

Mr. Robert Hopkins, Jr., 3304 W. Division Street, stated that it is a non-conforming use for Heavy Manufacturing and has been at this address for 46 years. He stated his concerns were noise, dust, flooding, crime, and homeless people and noted that the property north (N. Nixon Avenue) is trying to rezone area for buffer from Heavy Manufacturing.

Mr. Doennig closed the public hearing.

Ms. Cox asked if the Commission is looking at a (temporary) RV Park and that it is flanked by Highway Commercial and Heavy Manufacturing and believes it is an awkward step-down in zoning.

Mr. Hosmer noted that we are not looking at end uses and is stepping down from Light Industrial to Commercial Services.

Mr. Coltrin asked the law department if there is a rise in the complaints and if there is a safety for current businesses from being forced out.

Mr. Doennig stated that if they are operating within the applicable noise and light standards they should not have concerns regarding any complaints.

Mr. Jobe commented about the jurisdiction of the Planning and Zoning and its limits to the examination of the intended use as proposed to a specific development. He also asked if from Planning's standpoint, is it common to have a Commercial Service zone abut to a Heavy Manufacturing zone.

Mr. Hosmer stated that this is not a perfect situation, but it does act as a stepdown (transition).

Mr. Doennig asked when the R-TH was zoned.

Mr. Hosmer believes it was in 1995.

Mr. Doennig asked about the number of complaints regarding noise, odor, etc. in that area.

Mr. Hosmer said he is not aware of any complaints.

Mr. Doennig also asked about stormwater/detention and noted that the owner is planning on cleaning up the stream buffer.

Ms. Julie Hawkins stated they are required to build a detention and if they disturb more than an acre then they must provide water quality and they will have to have a 50-foot stream buffer on each side of the stream.

Ms. Broekhoven made a statement about Commission making recommendations to City Council and feels that both sides made compelling statements, however as a Commissioner they are to only look at what the property to be zoned and not its end use and Commercial Services is an agreeable step-down and will be voting in favor.

Mr. Coltrin asked if the chief operating office can come back to the podium and asked if he understands the neighborhood he is moving into (industrial area with noise, dust, etc.).

Mr. Nate Schlueter, 2400 E. Latoka Street, chief operating officer for Eden Village said that they do understand what type of neighborhood they are moving into and believes that his residents will be great neighbors. He stated that he believes that people who have been homeless and sleeping under bridges will not have any problems with the neighborhood.

COMMISSION ACTION:

Ms. Cox motioned to approve consent items Z-10-2019 w/COD #171 (3303 West Division Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Shuler, Broekhoven, Ogilvy, Cox, and Jobe. Nays: None. Abstain: None. Absent: Rose and Thomas.



Bob Hosmer, AICP
Principal Planner

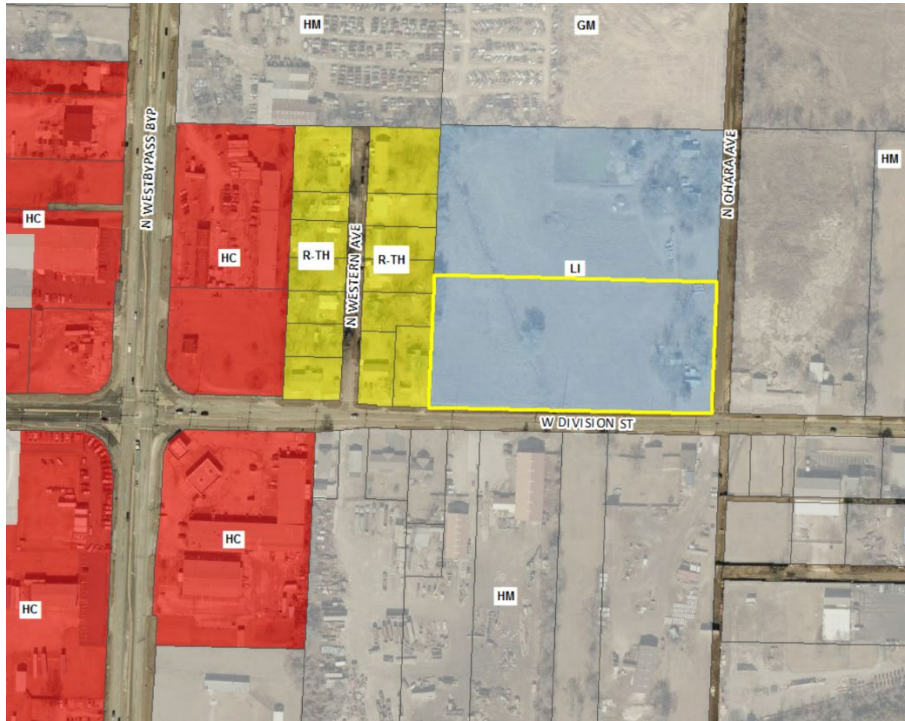
Exhibit D

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

APRIL 11, 2019

CITY COUNCIL PUBLIC HEARING:

MAY 6, 2019



CASE NUMBER:

Z-10-2019 w/ Conditional Overlay District No. 171

LOCATION: 3303 W. Division Street

ACRES: 5 acres

EXISTING LAND USE:
Undeveloped/vacant land

APPLICANT:
Jet View, LLC

STAFF:
Daniel Neal, 417-864-1036

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION:
Move to approve Z-10-2019 w/ COD No. 171 as submitted.

SUMMARY OF REQUEST:

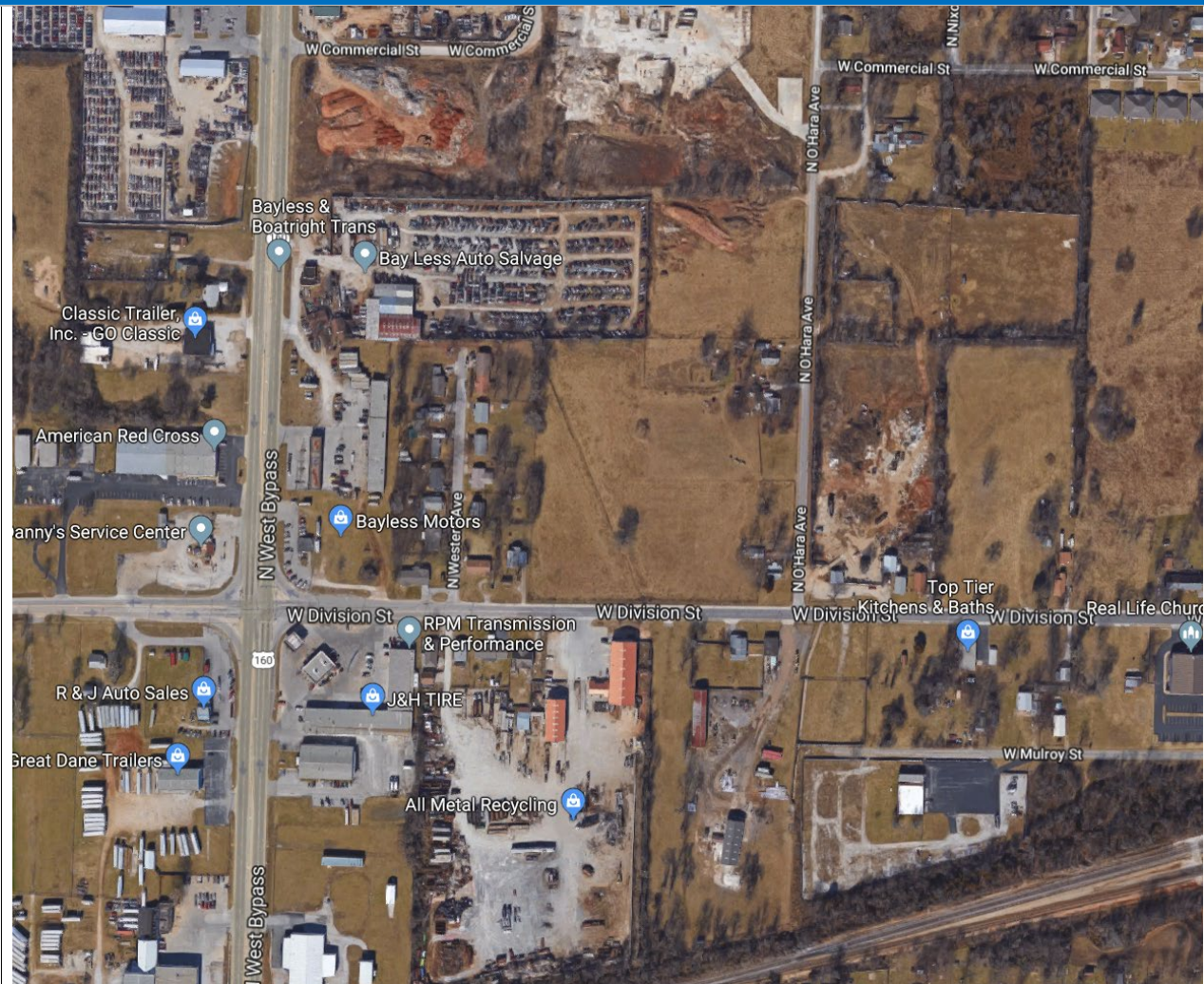
Request to rezone approximately 5 acres of property from LI, Light Industrial District to CS, Commercial Service District and establishing Conditional Overlay District No. 171.

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 currently zoned LI, Light Industrial District and adjacent to Industrial districts on three sides. This property is also located along Division Street which is classified as a primary arterial roadway in the Major Thoroughfare Plan.
2. The requested CS zoning is appropriate for the area since it is intended for business uses which provide essential commercial services and support activities, but which do not necessarily require high visibility. This district is intended to function as a transition between industrial development and commercial development. 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 West Bypass which are arterial and expressway roadways.
3. The proposed COD will require the dedication of additional right-of-way, the dedication of a stream buffer easement, sidewalk along O'Hara and a Traffic Impact Study if developed beyond specific thresholds.
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	LI	HM	HM	R-TH
LAND USE	Single-family residence and vacant/undeveloped land	Heavy Manufacturing uses	Heavy manufacturing uses	Single-family residences

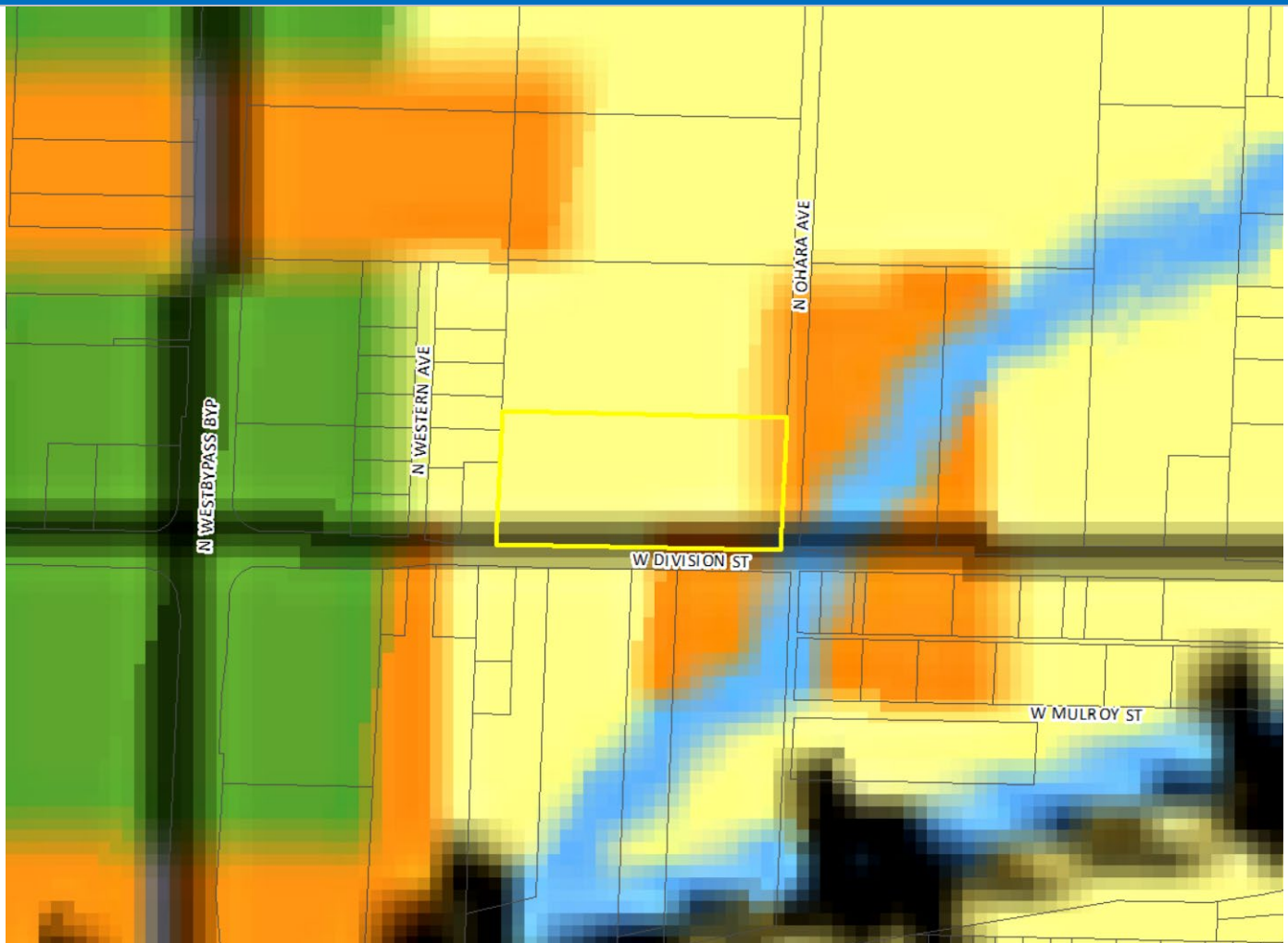
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



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:

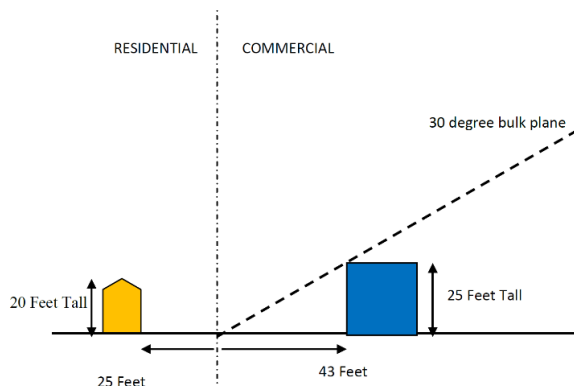
The subject property is currently zoned LI, Light Industrial District and has been since the Citywide remapping in 1995.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GR
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.
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

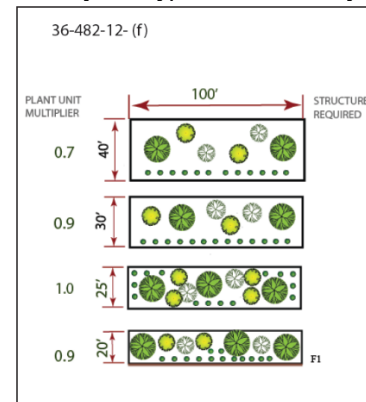
BULK PLANE

30-degree bulk plane is required adjacent to R-TH zoning.



BUFFERYARD AND LANDSCAPING

Bufferyard Type "F" when adjacent to R-TH



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 currently zoned LI, Light Industrial District, adjacent to Industrial districts on three sides and located along Division Street which is classified as a primary arterial on the Major Thoroughfare Plan.

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 5 acres of property from LI, Light Industrial District to CS, Commercial Service District and establishing Conditional Overlay District No. 171. The applicant is proposing to develop the site into a recreational vehicle park.
2. The subject property is appropriate for CS zoning which is intended for business uses which provide essential commercial services and support activities, but which do not necessarily require high visibility. This district is intended to function as a transition between industrial development and commercial development. 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 West Bypass which are arterial and expressway roadways.
3. The subject property is currently zoned LI, Light Industrial District which allows any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products and business and sales offices accessory thereto. All activities and permitted uses in the LI District, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings. By rezoning, the applicant will forgo this permitted use for the CS uses.
4. The following uses are permitted by right in the proposed CS, Commercial Service District and are not permitted by right in the current LI, Light Industrial District zoning:
 - a. Ambulance services.
 - b. Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - c. Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
 - d. Awning and canvas sales and rental.
 - e. Bus stations.
 - f. Campgrounds and recreational vehicle parks.
 - g. Carpenter and cabinet shops.
 - h. Catering businesses.

-
- i. Commercial laundry and dry cleaning establishments.
 - j. Eating and drinking establishments.
 - k. Feed stores.
 - l. Frozen food lockers, for use by the general public.
 - m. General or medical office/retail sales/warehouse combinations, provided however, that if more than 85 percent of the gross building floor area for each establishment is used for warehouse purposes, a use permit shall be required.
 - n. Glass and mirror sales.
 - o. Linen, towel, and diaper services.
 - p. Manufactured housing (mobile home) and trailer sales, leasing, service and storage.
 - q. Medical office use group.
 - r. Monument sales.
 - s. Newspaper and magazine distribution agencies.
 - t. Nurseries, greenhouses and garden stores.
 - u. Personal service use group.
 - v. Private clubs and lodges.
 - w. Retail sales use group.
 - x. Repair shops, home appliance.
 - y. Repair shops, small-engine.
 - z. Taxi dispatch yards and offices.
 - aa. Temporary vendors as permitted by section 36-452, temporary uses.
 - bb. Truck stops.
5. The Conditional Overlay District will require a traffic impact study at the time of development if specific thresholds are surpassed, dedication of additional right-of-way, dedication of a stream buffer easement, and sidewalk along O'Hara. Staff believes the proposed COD requirements will mitigate the negative impacts to the surrounding property owners that a standard CS zoning could cause.
6. Based on the change in zoning from Light Industrial to Commercial Service, an increase in trip generation of more than 100 trips in the PM peak and more than 1,000 trips daily is anticipated to be generated by this property. For this reason, a Traffic Impact Study (TIS) is required as a part of this rezoning. However, this TIS may be deferred until the time of development, or such time that the proposed development exceeds the aforementioned thresholds. If the proposed development does not exceed those thresholds, a TIS can be deferred until such time that further cumulative development *does* exceed those thresholds. The City does not currently have plans to make improvements to this section of Division Street or O'Hara Avenue.
7. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. It appears the plan is to preserve the full stream buffer but if any encroachment is proposed, a no feasibility analysis will be required per Chapter 8 Section 4.1.13. A stream buffer easement will be required using the City's stream buffer easement form.
8. The development of the property will require a bufferyard along the west property line adjacent to the R-TH, Residential Townhouse zoning district. The normal bufferyard required between CS and R-TH 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.
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. Non-residential parking is not permitted on the proposed CS property within 25 feet of Division Street and 100 feet east of the R-TH zoned property.
10. A recreational vehicle or recreational vehicle park is not defined by the Zoning Ordinance. The dictionary definition of a recreational vehicle is a vehicle designed for recreational use (as in camping). City Code Chapter 106 defines a vehicle as every device in, upon, or by which any person or property is or may be transported or

drawn upon a roadway, which requires a valid operator's license and which has a Manufacturer's Certificate of Origin (MSO), except devices moved by human power, devices used exclusively upon stationary rails or tracks, or any motorized play vehicle or motorized skateboard.

11. 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.

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

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on March 19, 2019, 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: 16	Returned: 0
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DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Division Street as a Primary Arterial roadway and N. O'Hara Avenue as a Local roadway. The standard right-of-way widths for W. Division Street and N. O'Hara Avenue are 50 feet from centerline and 25 feet from centerline, respectively. It appears approximately 24 feet of additional right-of-way needs to be acquired along the entire length of the property frontage on W. Division Street and 7 feet of additional right-of-way needs to be acquired along the entire length of the property frontage on N. O'Hara Avenue. In addition, a 30-foot by 30-foot right-of-way sight triangle needs to be acquired at the corner of Division and O'Hara. A survey is recommended to determine the exact amount of existing right-of-way. W. Division Street and N. O'Hara Avenue are both City-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Division Street east of West Bypass is 7,456 vehicles per day. There are no recent traffic counts for this section of N. O'Hara Avenue. On-street parking is not allowed along W. Division Street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from N. O'Hara Avenue. Any new driveway accesses to/from the property on Division or O'Hara must meet the minimum spacing requirements from each other and from nearby intersections (200 feet on Division/150 feet on O'Hara).

SIDEWALK

There is existing sidewalk along the property frontage of W. Division Street. The existing infrastructure meets current City Standards. There is not currently sidewalk along the property frontage of N. O'Hara Avenue. Sidewalk is required to be constructed along the entire length of the property frontage on N. O'Hara Avenue, 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

The Frisco Highline Trail is a few blocks to the northwest of the property 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

Based on the change in zoning from Light Industrial to Commercial Service, an increase in trip generation of more than 100 trips in the PM peak and more than 1,000 trips daily is anticipated to be generated by this property. For this reason, a Traffic Impact Study (TIS) is required as a part of this rezoning. However, this TIS may be deferred until the time of development, or such time that the proposed development exceeds the aforementioned thresholds. If the proposed development does not exceed those thresholds, a TIS can be deferred until such time that further cumulative development *does* exceed those thresholds. The City does not currently have plans to make improvements to this section of Division Street or O'Hara Avenue.

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	26	50
Street 2	O'Hara Avenue	Local	Yes	18	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		35	35	260	N/A
*Proposed Trips Generated		80	335	3600	N/A
Additional Trips Generated		45	300	3340	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 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. A fee in lieu of on-site stormwater detention will not be allowed and detention will be required. The property is located in a stream buffer area which requires 50 feet on each side. 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 if more than one acre is disturbed.
6. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. It appears the plan is to preserve the full stream buffer but if any encroachment is proposed, a no feasibility analysis will be required per Chapter 8 Section 4.1.13. A stream buffer easement will be required using the City's stream buffer easement form. The stream buffer may qualify as a natural area conservation credit for the WQ Requirement if meeting Chapter 10 Section 3.1.1.

-
7. Stormwater discharge points of concentrated flow shall be located upland from Streamside and Outer Zones unless infeasible per Chapter 8 Section 4.1.7.
 8. The area currently disturbed as a fill site and proposed as a landscaped feature may qualify as a natural area restoration credit or for tree planting credits for the WQ Requirement if meeting Chapter 10 Section 3.1.2 or 3.1.3. Consider the use of native species for plantings.

Public Works Stormwater Division	Response
Drainage Basin	Upper Wilsons Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	Yes
Is stormwater fee in lieu an option?	No

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-10-2019 & CONDITIONAL OVERLAY DISTRICT NO. 171

The requirements of *Section 36-423* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. A Traffic Impact Study is required to be submitted at the time of development or such time that the proposed development exceeds the thresholds of an increase in trip generation of more than 100 trips in the PM peak and more than 1,000 trips daily. If the proposed development does not exceed those thresholds, a TIS can be deferred until such time that further cumulative development *does* exceed those thresholds.
 2. Approximately 24 feet of additional right-of-way needs to be dedicated along the property frontage of Division. Approximately 7 feet of additional right-of-way needs to be acquired along O'Hara Avenue. A request for reduction in right-of-way may be submitted through ARC as prescribed in the Subdivision Regulations. In addition, a 30-foot by 30-foot right-of-way sight triangle needs to be acquired at the corner of Division and O'Hara. A survey is recommended to determine the exact amount of existing right-of-way. W. Division Street and N. O'Hara Avenue are both City-maintained streets.
 3. Sidewalk is required along the entire length of the property frontage on N. O'Hara Avenue, 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.
 4. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. It appears the plan is to preserve the full stream buffer but if any encroachment is proposed, a no feasibility analysis will be required per Chapter 8 Section 4.1.13. A stream buffer easement will be required using the City's stream buffer easement form.
-
-

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Light Industrial (LI) to Commercial Services (CS)
(existing zoning) (proposed zoning)
2. Meeting Date & Time: March 19th, 2019 4:00 - 6:30 p.m.
3. Meeting Location: Real Life Church @ 3104 W Division Street
4. Number of invitations that were sent: 69
5. How the mailing list was generated: City of Springfield Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 14

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.)

All verbal comments were related to potential storm water issues upon development. No issues related to re zoning. We agreed to clean out stream and comply with all stormwater issues or requirements upon development of property after rezoning.

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

N/A

I, Aaron Wiley Loyd (print name), attest that the neighborhood meeting was held on 3/19/2019 (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."

Aaron Wiley Loyd
Signature of person completing affidavit

Aaron Wiley Loyd
Printed name of person completing affidavit

Neighborhood Meeting regarding 3303 W. Division Street

March 19th, 2019

[illegible]

417-771-
6823



To Whom It May Concern,

Please approve the rezoning of Z-10-2019 COD #171 (3303 W. Division Street) from Light Industrial (LI) to Commercial Services (CS). Your vote of approval to rezone will allow the property owner, Jet View LLC, to donate the above property to The Gathering Tree, INC, a Missouri 501(c)(3) nonprofit corporation to build a second Eden Village RV Park Community.

Eden Village, at 2801 E. Division, is a first-of-its-kind community that houses 32 disabled people, that were chronically homeless, in a safe gated community in Springfield. Eden Village has revolutionized the fight against homelessness by providing a permanent solution and putting Springfield at the forefront of the battle to end homelessness by creating a simple and cost-effective model that is easily replicated for communities across the country. We believe that Eden Village has been life changing not only for the formerly homeless but also for the volunteers that have contributed their time and resources to partner with this community. It is estimated that 200 people sleep on the streets of our beautiful but broken city every night.

We believe that the Eden Village model effectively ends homelessness for our fellow citizens sleeping on the streets. Rezoning the property identified will have positive impact on the entire city of Springfield by allowing us to create a second community. We look forward to a day when Springfield becomes the first city in America where **No One Sleeps Outside**. Thank you for voting to approve the rezoning for the citizens you represent and the Springfield community at large.

Dr. David and Linda Brown
Founders, The Gathering Tree
& Eden Village

John Cooper
Principal-- Jet View LLC
CEO Harry Cooper Supply
Company

John Moore
Retired President, Drury
University
Board Member, Eden Village

Debra Shantz Hart
Principal-- Housing Plus, LLC

Jim O'Neal

Steve Helms
State Representative 135th
District

Greg Burris
Executive in
Residence Executive Director,
Give 5 United Way of the
Ozarks

Russ Marquart
President/CEO
Central Bank of the Ozarks

Charlie O'Reilly
Retired, O'Reilly Auto Parts

Bishop Edward Rice
Springfield Cape Girardeau
Diocese

CJ Davis
President and CEO
Burrell Behavioral Health

Dr. Kenneth Brown
Missouri State University
Professor and Head, Economics
Department
Board Member, Eden Village

Debora S. Biggs
Executive Director NAMI
Southwest Missouri

Michelle Garand
Vice President
Affordable Housing and
Homeless Prevention

Annie Busch

One-rdg. _____
P. Hrngs. _____
Pgs. 92
Filed: 05-14-19

Sponsored by: Ollis and Schilling

First Reading: _____
AMENDED SUBSTITUTE
COUNCIL BILL 2019-078

Second Reading: _____
GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land
2 Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through
3 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-
4 425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section
5 36-474; for the purpose of allowing the sale of Medical Marijuana as
6 required by Article XIV of the Missouri Constitution. (Planning and Zoning
7 Commission and Staff recommend approval.)
8 _____
9

10 WHEREAS, on November 6, 2018, the voters of the State of Missouri, passed
11 Amendment 2, creating Article XIV of the Missouri Constitution authorizing the
12 controlled sale of Marijuana for medical purposes; and directing the State to adopt
13 regulations to allow for the cultivation, processing, testing, and sale of Medical
14 Marijuana, and;
15

16 WHEREAS, Article XIV and the regulations promulgated pursuant to same place
17 certain limits and restrictions on local governments power to regulate the cultivation,
18 processing, testing, and sale of Medical Marijuana, and;
19

20 WHEREAS, to protect the welfare of the citizens, provide access as required by
21 law, and ensure the safe, efficient and lawful implementation of Article XIV the following
22 amendments to the City Code are proposed, and;
23

24 WHEREAS, a public hearing was held before the Planning and Zoning
25 Commission on March 28, 2019, and Planning and Zoning Commission recommended
26 approval of the proposed changes.
27

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

31 Section 1 – Chapter 36 of the Springfield, Missouri, City Code, known as the
32 'Land Development Code,' Article III – 'Zoning Regulations,' Divisions 1 through 5,
33 Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-

34 431, 36-432, 36-433, and 36-434 are hereby amended and a new section 36-474 is
35 hereby enacted to allow for the sale of Medical Marijuana as required by Article XIV of
36 the Missouri Constitution.

37
38 (Note: Revisions to Chapter 36 of the Springfield, Missouri, City Code, known as
39 the 'Land Development Code,' Article III – 'Zoning Regulations,' Divisions 1 through 5,
40 Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-
41 431, 36-432, 36-433, and 36-434 as well as a new section 36-474, are set forth in
42 "Amended Exhibit 1," which is attached hereto and incorporated herein by this reference
43 as if set forth verbatim. Underlined language is to be added. Language to be removed
44 is ~~stricken~~.)

45
46 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
47 affect any suit or proceeding now pending in any court or any rights acquired, or liability
48 incurred nor any cause or causes of action accrued or existing, under any act or
49 ordinance repealed hereby, or shall any right or remedy of any character be lost,
50 impaired, or affected by this Ordinance.

51
52 Section 3 - Severability Clause. If any section, subsection, sentence, clause, or
53 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
54 affect the validity of the remaining portions of this Ordinance. City Council hereby
55 declares that it would have adopted the Ordinance and each section, subsection,
56 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
57 sections, subsections, sentences, clauses, or phrases be declared invalid.

58
59 Section 4 - This Ordinance shall be in full force and effect from and after
60 passage.

61
62 Passed at meeting: _____

63
64 _____
65 Mayor

66
67 Attest: _____, City Clerk

68
69 Filed as Ordinance: _____

70
71
72 Approved as to form: Rhonda Lewode, City Attorney

73
74
75 Approved for Council action: Jason A. Hays, City Manager

**THIRD SUPPLEMENTAL EXPLANATION TO AMENDED SUBSTITUTE COUNCIL
BILL 2019-078**

ORIGINATING DEPARTMENT: Law

At the May 6, 2019, Council amended Substitute Council Bill 2019-078 Sec. 36-474 to include the Department of Health and Senior Services ("DHSS") draft definitions of "schools," "churches," and "day cares" and the draft DHSS measurement standard. Additionally, Council amended the bill to close medical marijuana facilities to the public from 10:00 p.m. to 6 a.m.

Submitted by:



City Attorney

Approved by:



City Manager

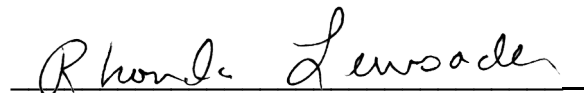
**SECOND SUPPLEMENTAL EXPLANATION TO SUBSTITUTE COUNCIL BILL
2019-078**

ORIGINATING DEPARTMENT: Law

Councilmembers Ollis and Schilling requested a substitute bill that set the separation requirements from medical marijuana dispensaries and Type 2 manufacturing facilities for schools at 1,000 feet and for day cares and churches at 200 feet and which adopted the Department of Health and Senior Services (DHSS) draft definitions of “schools,” “churches,” and “day cares” and the draft DHSS measurement standard. “Exhibit 1” includes those separation distances, draft definitions, and measurement standard.

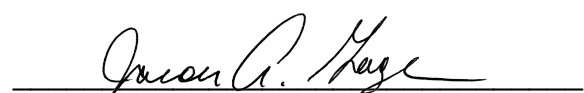
Additionally, Exhibit 1 includes the amendment adopted by City Council at the April 8, 2019, meeting, which removed language from the original bill that set limitations on hours that medical marijuana facilities may be open to the public.

Submitted by:



City Attorney

Approved by:



City Manager

SUPPLEMENTAL EXPLANATION TO SUBSTITUTE COUNCIL BILL 2019-078

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.

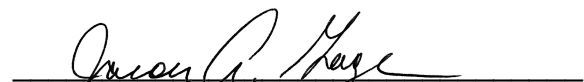
Staff supports passage of the bill with Commission's recommended amendment.

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 -078

FILED: 04-16-19

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:

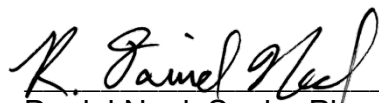
1. The proposed amendments will delineate where medical marijuana facilities are allowed as directed by Article XIV of the Missouri Constitution.

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.

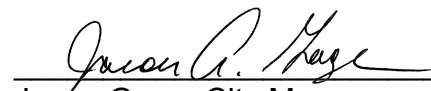
Submitted by:


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

Amended 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. 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 conducting 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 provide 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, child day care center, or church shall be measured from the external wall of the facility structure closest in proximity to the school, child day care center, or church 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, child day care center, 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.

D. For purposes of this subsection, a “child day care center” means a child-care facility, as defined by Section 210.201 RSMo., that is licensed by the state of Missouri.

E. For purposes of this subsection, a “church” means a permanent building regularly used as a place of religious worship.

F. For purposes of this subsection, an “elementary or secondary school” means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes.

(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) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.

(viii) 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.

(ix) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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) Police and fire stations.

(v) Private clubs and lodges.

(w) Public and private parks, playgrounds, and golf courses, including miniature

golf courses and driving ranges.

(~~xv~~) 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.

(~~yw~~) 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.

(~~zx~~) Retail sales use group.

(~~aa~~) Schools or development centers for persons with handicaps or development disabilities.

(~~bbz~~) Schools, business.

(~~caa~~) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.

(~~ddb~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36- 421(2)(b) or (w) if applicable.

(~~eee~~) Taxidermists.

(~~fed~~) Temporary lodging use group.

(~~gee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~hff~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

~~(iig)~~ Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.

~~(jjh)~~ 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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.

~~(hhe)~~ 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~~~~ee~~) 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.

(~~ttqq~~) Swimming pool sales and displays.

(~~uufr~~) Taxi dispatch yards and offices.

(~~vvss~~) 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.

(~~aaax~~) Upholstery shops.

(~~bbby~~) 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.

(~~cccz~~) 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~~) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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) Nurseries, greenhouses and garden stores.

(~~nnkk~~) Personal services use group.

(~~ooH~~) Pest control services.

(~~ppmm~~) Police and fire stations.

(~~qqnn~~) Private clubs and lodges.

(~~rrøø~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(~~sspp~~) Public or private vehicle and boat storage garages, yards or lots.

(~~ttqq~~) 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.

(~~uuH~~) Retail sales use group.

(~~vvss~~) Repair shops, home appliance.

(~~wwtt~~) Repair shops, small-engine.

(~~xxuu~~) Schools or development centers for persons with handicaps or development disabilities.

(~~yyvv~~) Schools, business and industrial.

(~~zzww~~) Self-service storage facilities.

(~~aaaax~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(~~bbbyy~~) 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.

(~~ccczz~~) Swimming pool sales and display.

(~~dddaaa~~) Taxi dispatch yards and offices.

(~~eeebbb~~) Taxidermists.

(~~ffffeee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~gggddd~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~hhheee~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(~~iiiff~~) 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.

(~~jjjggg~~) Truck stops.

(~~kkkhhh~~) Upholstery shops.

(~~llljjj~~) 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.

(mmmmjjj) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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) Police and fire stations.
- (gg) Private clubs and lodges.

(~~hhff~~) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.

(~~iigg~~) 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.

(~~jjhh~~) Repair shops, home appliance.

(~~kkii~~) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).

(~~lljj~~) Retail sales use group.

(~~mmkk~~) Schools or development centers for persons with handicaps or development disabilities.

(~~nnH~~) Schools, business.

(~~oomm~~) Schools, elementary and secondary.

(~~ppnn~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.

(~~qqee~~) 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.

(~~rrpp~~) Taxi dispatch yards and offices.

(~~ssqq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~tttr~~) Temporary lodging use group.

(~~uuss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~vytt~~) 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.

(~~wwuu~~) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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.

(~~a~~~~a~~~~w~~) Schools, industrial and business.

(~~b~~~~b~~~~x~~) Self-service storage facilities.

(~~c~~~~c~~~~y~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.

(~~d~~~~d~~~~z~~) Swimming pool sales and display.

(~~e~~~~e~~~~a~~~~a~~) Taxidermists.

(~~f~~~~f~~~~b~~~~b~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~g~~~~g~~~~e~~~~e~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~h~~~~h~~~~d~~~~d~~) 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.

(~~cb~~) Soup kitchens.

(~~de~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(~~ed~~) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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.

(~~xt~~) 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~~) Schools, industrial and business.

(~~zv~~) Self-service storage facilities.

(~~aaw~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.

(~~bbx~~) 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.

(~~ccy~~) Swimming pool sales and display.

(~~ddz~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~eeaa~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~ff~~~~bb~~) Upholstery shops.

(~~gg~~~~ee~~) 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.

(~~cb~~) Motor freight terminals.

(~~de~~) Soup kitchens.

(~~ed~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(~~fe~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(~~gf~~) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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.

(ddy) Recycling centers.

(~~eez~~) 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.

(~~ffaa~~) Schools, industrial and business.

(~~ggbb~~) Self-service storage facilities.

(~~hhcc~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.

(~~jjdd~~) 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.

(~~jjee~~) Swimming pool sales and display.

(~~kkff~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~llgg~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~mmhh~~) Upholstery shops.

(~~nnii~~) Vehicle rental, towing and storage services.

(~~oojj~~) 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.

(~~ppkk~~) Warehouses, storage and distribution centers.

(gg#) 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.
 - (ig) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

- (jH) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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.

(kkff) 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.

(~~llgg~~) Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.

(~~mmhh~~) Recycling centers.

(~~nnii~~) 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.

(~~oojj~~) Schools, industrial and business.

(~~ppkk~~) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(~~qqll~~) Self-service storage facilities.

(~~rrmm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.

(~~ssnn~~) Stockyards or feed lots.

(~~ttoo~~) 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.

(~~aa~~~~vv~~) Warehouses, storage and distribution centers.

(~~bb~~~~ww~~) Wholesale sales.

(~~cc~~~~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.
 - (gf) 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.
 - (hg) Processing, reprocessing and storage of PCB containing oils.
 - (ih) 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.
 - (ji) 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.
 - (kj) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (lk) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (ml) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing 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) Pest control services.

(hh) Police and fire stations.

(ii) Private clubs and lodges.

(jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(kk) Public or private vehicle and boat storage garages, yards, or lots.

(ll) 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) Retail sales use group.

(nn) Schools, professional, commercial, industrial and trade.

(oo) Schools or development centers for persons with handicaps or development disabilities.

(pp) 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.

(~~vvff~~) 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 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 external wall of the facility structure closest in proximity to the school, child day center or church 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.
 - 4) For purposes of this section, a "child day care center" means a child-care facility, as defined by Section 210.201 RSMo., that is licensed by the state of Missouri.
 - 5) For purposes of this section, a "church" means a permanent building regularly used as a place of religious worship.

- 6) For purposes of this section, an “elementary or secondary school” means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes.
- (d) No medical marijuana business shall be located in a building that contains a residence.
- (e) 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.
- (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 conducting 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-foot 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-foot 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.

Type 1 Extraction Facility include:

- 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-foot 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.

Type 2 Post-Extraction Facility include:

- 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-foot 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-foot 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.

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

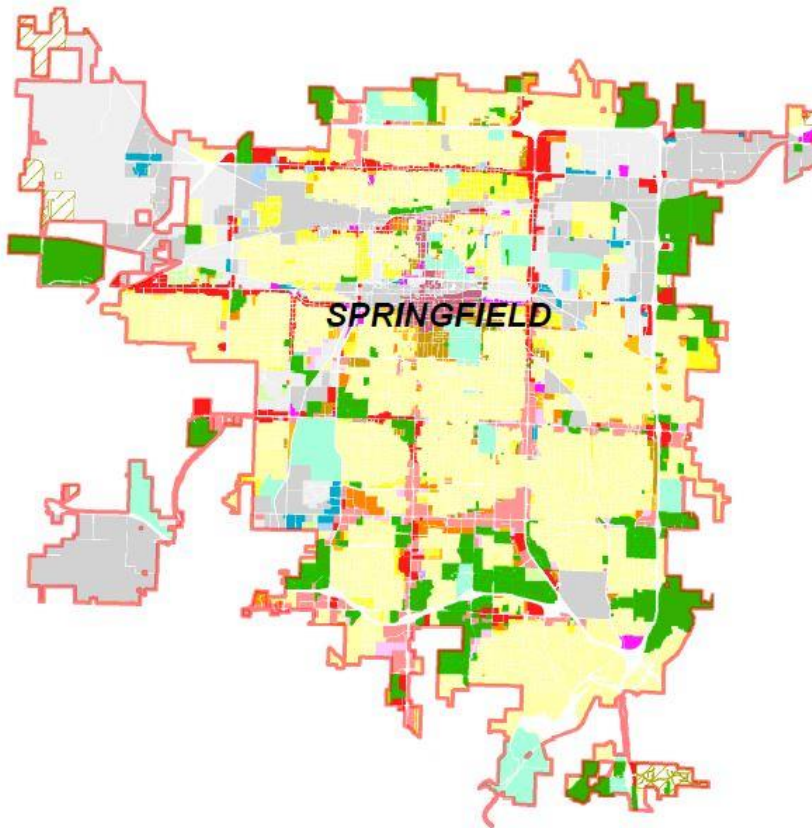
Bob Hosmer, AICP
Principal Planner

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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).

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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

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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.

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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.

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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 conducting 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

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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;

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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

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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.

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- (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.

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- (t) Personal services use group.
- (us) Police and fire stations.
- (vt) Private clubs and lodges.
- (wv) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (xv) 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.
- (yv) 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.
- (zx) Retail sales use group.
- (aay) Schools or development centers for persons with handicaps or development disabilities.
- (bbz) Schools, business.
- (ccaa) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.
- (ddbb) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-421(2)(b) or (w) if applicable.
- (eeee) Taxidermists.
- (ffdd) Temporary lodging use group.
- (ggee) Temporary uses, as permitted by section 36-452, temporary uses.
- (hhff) Temporary vendors as permitted under subsection 36-452(3)(b)2.
- (iigg) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.
- (jjhh) 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.

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- (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.
- (hhee) Personal services use group.
- (iiff) Police and fire stations.
- (jigg) Private clubs and lodges.
- (kkhh) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (liii) Public or private vehicle and boat storage garages, yards or lots.
- (mmjj) 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.
- (nnkk) 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.
- (ooH) Retail sales use group.
- (ppmm) Schools, business.
- (qqhh) Schools or development centers for persons with handicaps or development disabilities.
- (rree) Self-service storage facilities.
- (sspp) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-422(2)(c) or (kk) if applicable.
- (ttqq) Swimming pool sales and displays.
- (uuH) Taxi dispatch yards and offices.
- (vvss) Taxidermists.

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(~~wwt~~) Temporary lodging use group.

(~~xxu~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~yyv~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~zzw~~) 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~~) Upholstery shops.

(~~bbby~~) 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.

(~~ccc~~) 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) Reserved.

(g) Residential uses on the first floor frontage of a building.

(h) Soup kitchens.

(i) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(j) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:

1. The maximum height does not exceed 200 feet;

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2. Only one tower is permitted on a lot; and
 3. All other provisions of subsection 36-363(10)(b)1. are met.
- (k) 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) Nurseries, greenhouses and garden stores.
- (nn) Personal services use group.
- (oo) Pest control services.
- (pp) Police and fire stations.
- (qq) Private clubs and lodges.

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(~~rree~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(~~sspp~~) Public or private vehicle and boat storage garages, yards or lots.

(~~ttqq~~) 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#~~) Retail sales use group.

(~~vvss~~) Repair shops, home appliance.

(~~wwtt~~) Repair shops, small-engine.

(~~xxuu~~) Schools or development centers for persons with handicaps or development disabilities.

(~~yyvv~~) Schools, business and industrial.

(~~zzwww~~) Self-service storage facilities.

(~~aaaxx~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(~~bbbyy~~) 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.

(~~ccczz~~) Swimming pool sales and display.

(~~dddaaa~~) Taxi dispatch yards and offices.

(~~eeebbb~~) Taxidermists.

(~~ffffee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~gggddd~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~hhheee~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(~~iiifff~~) 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.

(~~jjjggg~~) Truck stops.

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(kkkkhh) Upholstery shops.

(lllljj) 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.

(mmmmjj) 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).

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- (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.
- (ffdd) Police and fire stations.
- (ggee) Private clubs and lodges.
- (hhff) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.
- (iigg) 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.
- (jjhh) Repair shops, home appliance.
- (kkii) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).
- (lljj) Retail sales use group.
- (mmkk) Schools or development centers for persons with handicaps or development disabilities.
- (nnll) Schools, business.
- (oomm) Schools, elementary and secondary.
- (ppnn) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.
- (qqee) 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

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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.

- (~~rrpp~~) Taxi dispatch yards and offices.
- (~~ssqq~~) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~ttff~~) Temporary lodging use group.
- (~~uuSS~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (~~vvtt~~) 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.
- (~~wwwu~~) 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.

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- ~~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:

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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.
- (a~~a~~w) Schools, industrial and business.
- (b~~b~~x) Self-service storage facilities.
- (c~~c~~y) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.
- (d~~d~~z) Swimming pool sales and display.
- (e~~e~~a) Taxidermists.
- (f~~f~~b) Temporary uses, as permitted by section 36-452, temporary uses.
- (g~~g~~e) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (h~~h~~d) Upholstery shops.
- (i~~i~~e) Veterinary clinics, animal hospitals, and kennels, with no outside activities.
- (j~~j~~f) Warehouses, storage and distribution centers.
- (k~~k~~g) 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~~e~~) 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.*

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- (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

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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.
 - (~~xt~~) 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.
 - (~~yH~~) Schools, industrial and business.
 - (~~zv~~) Self-service storage facilities.
 - (~~aaw~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.
 - (~~bbx~~) 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.
 - (~~ccy~~) Swimming pool sales and display.
 - (~~ddz~~) Temporary uses, as permitted by section 36-452, temporary uses.
 - (~~eeaa~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (~~ffb~~) Upholstery shops.
 - (~~ggee~~) 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.
 - (~~hhdd~~) Warehouses, storage and distribution centers.
 - (~~iee~~) Wholesale sales and distribution.
 - (~~jiff~~) 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.
 - (~~cb~~) Motor freight terminals.
 - (~~de~~) Soup kitchens.
 - (~~ed~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

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- (fe) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (gf) 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.

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- (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.
- (ddy) Recycling centers.
- (eez) 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.
- (faa) Schools, industrial and business.
- (ggbb) Self-service storage facilities.
- (hhee) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.
- (jide) 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.
- (jee) Swimming pool sales and display.
- (kk#) Temporary uses, as permitted by section 36-452, temporary uses.
- (lgg) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (mmhh) Upholstery shops.
- (nn#) Vehicle rental, towing and storage services.
- (oo#) 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,

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school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

~~(ppkk)~~ Warehouses, storage and distribution centers.

~~(qq#)~~ 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.

~~(ig)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

~~(jh)~~ 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

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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.
- (ii) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kk#) 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.

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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.
 - ~~(llgg)~~ Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.
 - ~~(mmhh)~~ Recycling centers.
 - ~~(nnii)~~ 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.
 - ~~(oojj)~~ Schools, industrial and business.
 - ~~(ppkk)~~ Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - ~~(qqll)~~ Self-service storage facilities.
 - ~~(rrmm)~~ Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.
 - ~~(ssnn)~~ Stockyards or feed lots.
 - ~~(ttpp)~~ 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.
 - ~~(uupp)~~ Swimming pool sales and display.
 - ~~(vvqq)~~ Temporary uses, as permitted by section 36-452, temporary uses.
 - ~~(wwrr)~~ Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - ~~(xxss)~~ Upholstery shops.
 - ~~(yytt)~~ Vehicle rental, towing and storage services.
 - ~~(zzuu)~~ 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:

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- (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)~~ 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)~~ Processing, reprocessing and storage of PCB containing oils.
 - ~~(i)~~ 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)~~ 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)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - ~~(l)~~ Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - ~~(m)~~ 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.

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- (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.
- (ggee) Pest control services.
- (hhdd) Police and fire stations.
- (iiee) Private clubs and lodges.
- (jjff) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kkgg) Public or private vehicle and boat storage garages, yards, or lots.
- (llhh) 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.
- (mmii) Retail sales use group.

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- (~~nnj~~) Schools, professional, commercial, industrial and trade.
 - (~~ookk~~) Schools or development centers for persons with handicaps or development disabilities.
 - (~~pp#~~) 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.
 - (~~ssee~~) Taxi dispatch yards and offices.
 - (~~ttpp~~) Taxidermists.
 - (~~uuqq~~) Temporary lodging use group.
 - (~~vvff~~) 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.
 - (~~xx#~~) 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.
 - (~~aaawww~~) 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.

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- (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.

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- (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. 91
Filed: 04-30-19

Sponsored by: Schilling

First Reading: _____
SECOND AMENDED
COUNCIL BILL 2019- 078

Second Reading: _____
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-

34 431, 36-432, 36-433, and 36-434 are hereby amended and a new section 36-474 is
35 hereby enacted to allow for the sale of Medical Marijuana as required by Article XIV of
36 the Missouri Constitution.

37
38 (Note: Revisions to Chapter 36 of the Springfield, Missouri, City Code, known as
39 the 'Land Development Code,' Article III – 'Zoning Regulations,' Divisions 1 through 5,
40 Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-
41 431, 36-432, 36-433, and 36-434 as well as a new section 36-474, are set forth in
42 "Second Amended Exhibit 1," which is attached hereto and incorporated herein by this
43 reference as if set forth verbatim. Underlined language is to be added. Language to be
44 removed is ~~stricken~~.)

45
46 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
47 affect any suit or proceeding now pending in any court or any rights acquired, or liability
48 incurred nor any cause or causes of action accrued or existing, under any act or
49 ordinance repealed hereby, or shall any right or remedy of any character be lost,
50 impaired, or affected by this Ordinance.

51
52 Section 3 - Severability Clause. If any section, subsection, sentence, clause, or
53 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
54 affect the validity of the remaining portions of this Ordinance. City Council hereby
55 declares that it would have adopted the Ordinance and each section, subsection,
56 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
57 sections, subsections, sentences, clauses, or phrases be declared invalid.

58
59 Section 4 - This Ordinance shall be in full force and effect from and after
60 passage.

61
62 Passed at meeting: _____

63
64
65 _____
66 Mayor

67 Attest: _____, City Clerk

68
69 Filed as Ordinance: _____

70
71
72 Approved as to form: , Assistant City Attorney

73
74
75 Approved for Council action: , City Manager

**SUPPLEMENTAL EXPLANATION TO SECOND AMENDED COUNCIL BILL
2019-078**

ORIGINATING DEPARTMENT: LAW

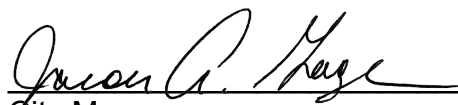
On April 22, 2019, Amended Council Bill 2019-078 was heard by City Council. At the conclusion of the public hearing, Council voted to accept a proposed amendment offered by Councilman Hosmer relating to distances between Medical Marijuana facilities and churches, schools and child day care centers, and removing the definition of Child Day Care. This "Second Amended Bill" and "Second Amended Exhibit 1," sets forth the amended language.

Submitted by:



Assistant City Attorney

Approved by:



City Manager

SUPPLEMENTAL EXPLANATION TO AMENDED COUNCIL BILL 2019-078

ORIGINATING DEPARTMENT: LAW

On April 8, 2019, Council Bill 2019-078 was heard on first reading by the City Council. At the conclusion of the public hearing, Council voted to amend the Bill by substituting "Amended Exhibit 1," for the original, which set forth amended language removing from the original bill the limitations on hours that facilities may be open to the public.

This Amended Bill includes "Amended Exhibit 1."

Submitted by:


Assistant City Attorney

Approved by:


City Manager

SUPPLEMENTAL EXPLANATION TO COUNCIL BILL 2019- 078

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.

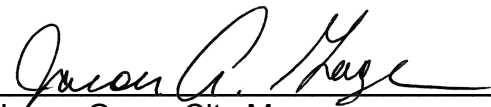
Staff supports passage of the bill with Commission's recommended amendment.

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 -078

FILED: 04-16-19

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:

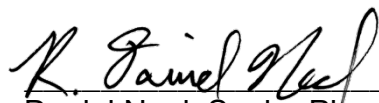
1. The proposed amendments will delineate where medical marijuana facilities are allowed as directed by Article XIV of the Missouri Constitution.

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

Second Amended 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. 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 conducting 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.

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.

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.

- 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.

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.

(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) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (viii) 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.
- (ix) 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 one

thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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.

(us) Police and fire stations.

(vt) Private clubs and lodges.

(wu) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(xv) 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.

(yw) 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.

(~~zx~~) Retail sales use group.

(~~ay~~) Schools or development centers for persons with handicaps or development disabilities.

(~~bz~~) Schools, business.

(~~caa~~) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.

(~~dbb~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36- 421(2)(b) or (w) if applicable.

(~~eee~~) Taxidermists.

(~~fed~~) Temporary lodging use group.

(~~gee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~hff~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~iig~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.

(~~jhh~~) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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.

(~~nnkk~~) 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.

(~~ooH~~) Retail sales use group.

(~~ppmm~~) Schools, business.

(~~qqnn~~) Schools or development centers for persons with handicaps or development disabilities.

(~~rrøø~~) Self-service storage facilities.

(~~sspp~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36- 422(2)(c) or (kk) if applicable.

(~~ttqq~~) Swimming pool sales and displays.

(~~uuH~~) Taxi dispatch yards and offices.

(~~vvss~~) 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.

(~~aaax~~) Upholstery shops.

(~~bbby~~) 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.

(kj) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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) Nurseries, greenhouses and garden stores.

(nn) Personal services use group.

(oo) Pest control services.

(pp) Police and fire stations.

(qq) Private clubs and lodges.

(rr) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(ss) Public or private vehicle and boat storage garages, yards or lots.

(tt) 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~~~~ff~~) 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.

(~~aa~~~~xx~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(~~bb~~~~by~~) 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~~~~zz~~) Swimming pool sales and display.

(~~dd~~~~aaa~~) Taxi dispatch yards and offices.

(~~ee~~~~bbb~~) Taxidermists.

(~~ff~~~~eee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~gg~~~~ddd~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~hh~~~~eee~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(iii) 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.

(iii) Truck stops.

(iii) Upholstery shops.

(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.

(iii) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child

day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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) Police and fire stations.

(gg) Private clubs and lodges.

(hh) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.

(ii) 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) Repair shops, home appliance.

(kk) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).

(ll) Retail sales use group.

(~~mmkk~~) Schools or development centers for persons with handicaps or development disabilities.

(~~nn#~~) Schools, business.

(~~oomm~~) Schools, elementary and secondary.

(~~ppnn~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.

(~~qqee~~) 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.

(~~rrpp~~) Taxi dispatch yards and offices.

(~~ssqq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~tt#~~) Temporary lodging use group.

(~~uuss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~vvtt~~) 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.

(~~wwwu~~) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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) 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) Schools or development centers for persons with handicaps or development disabilities.

(~~aaw~~) Schools, industrial and business.

(~~bbx~~) Self-service storage facilities.

(~~ccy~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.

(~~ddz~~) Swimming pool sales and display.

(~~eeaa~~) Taxidermists.

(~~ffb~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~ggee~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~hhd~~) Upholstery shops.

(~~iiee~~) Veterinary clinics, animal hospitals, and kennels, with no outside activities.

(~~jiff~~) Warehouses, storage and distribution centers.

(~~kkgg~~) 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.

(~~cb~~) Soup kitchens.

(~~de~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(~~ed~~) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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.

(~~xt~~) 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~~) Schools, industrial and business.

(~~z~~) Self-service storage facilities.

(~~aa~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.

(~~bb~~) 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.

(~~ccy~~) Swimming pool sales and display.

(~~ddz~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~eeaa~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~ffb~~) Upholstery shops.

(~~ggce~~) 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.

(~~hhd~~) Warehouses, storage and distribution centers.

(~~iie~~) Wholesale sales and distribution.

(~~jff~~) 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.

(~~cb~~) Motor freight terminals.

(~~d~~e) Soup kitchens.

(~~e~~f) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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.

(~~ddy~~) Recycling centers.

(~~eez~~) 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.

(~~ffaa~~) Schools, industrial and business.

(~~ggbb~~) Self-service storage facilities.

(~~hhee~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.

(~~jjdd~~) 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.

(~~jjee~~) Swimming pool sales and display.

(~~kkff~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~llgg~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~mmhh~~) Upholstery shops.

(~~nnii~~) Vehicle rental, towing and storage services.

(~~oojj~~) 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.

(~~ppkk~~) Warehouses, storage and distribution centers.

(~~qqll~~) 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.
- (ig) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (jh) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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.

(~~kkff~~) 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.

(~~llgg~~) Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.

(~~mmhh~~) Recycling centers.

(~~nnii~~) 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.

(~~oojj~~) Schools, industrial and business.

(~~ppkk~~) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(~~qqll~~) Self-service storage facilities.

(~~rrmm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.

(~~ssnn~~) Stockyards or feed lots.

(~~ttoo~~) 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.

(~~uupp~~) Swimming pool sales and display.

(~~vvqq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~wwrr~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~xxss~~) Upholstery shops.

(~~yytt~~) Vehicle rental, towing and storage services.

(~~zzuu~~) 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.

(~~aaavv~~) Warehouses, storage and distribution centers.

(~~bbbww~~) Wholesale sales.

(~~cccxx~~) 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.
- (gf) 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.
- (hg) Processing, reprocessing and storage of PCB containing oils.
- (ih) 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.
- (ji) 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.

- (kj) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (lk) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (ml) 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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 one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing 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) Pest control services.

(hh) Police and fire stations.

(ii) Private clubs and lodges.

(jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(kk) Public or private vehicle and boat storage garages, yards, or lots.

(ll) 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.

(~~aa~~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) 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.

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 conducting 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-foot 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-foot 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.

Type 1 Extraction Facility include:

- 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-foot 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.

Type 2 Post-Extraction Facility include:

- 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-foot 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-foot 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.

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

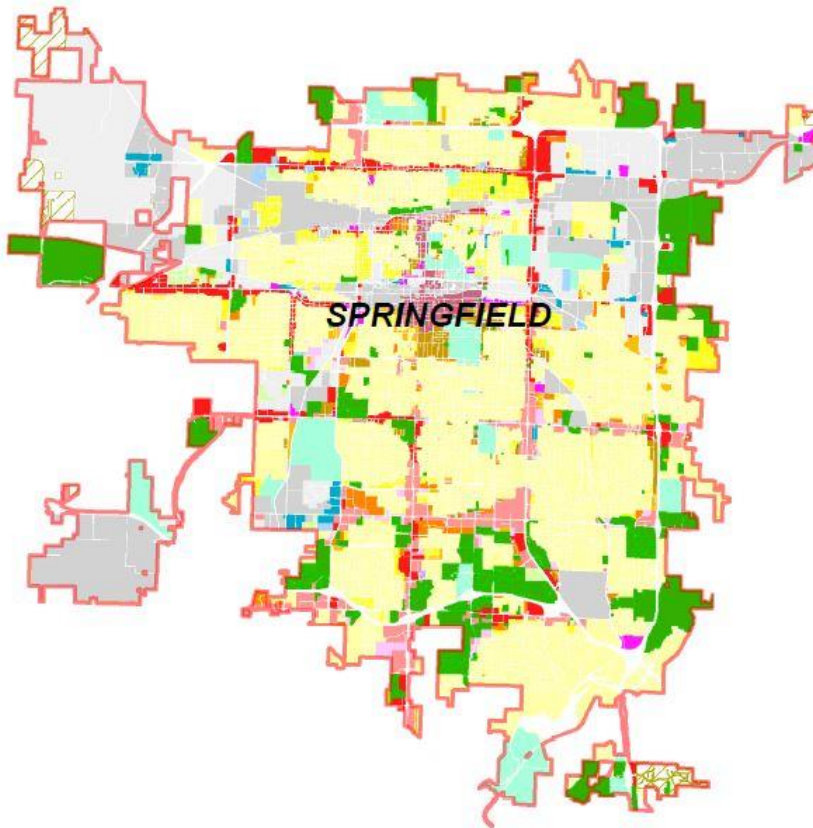
Bob Hosmer, AICP
Principal Planner

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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).

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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

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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.

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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.

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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 conducting 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

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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;

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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

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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.

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- (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.

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- (t) Personal services use group.
- (us) Police and fire stations.
- (vt) Private clubs and lodges.
- (wv) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (xv) 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.
- (yv) 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.
- (zx) Retail sales use group.
- (aay) Schools or development centers for persons with handicaps or development disabilities.
- (bbz) Schools, business.
- (ccaa) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.
- (ddbb) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-421(2)(b) or (w) if applicable.
- (eeee) Taxidermists.
- (ffdd) Temporary lodging use group.
- (ggee) Temporary uses, as permitted by section 36-452, temporary uses.
- (hhff) Temporary vendors as permitted under subsection 36-452(3)(b)2.
- (iigg) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.
- (jjhh) 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.

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- (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.
- (hhee) Personal services use group.
- (iiff) Police and fire stations.
- (jigg) Private clubs and lodges.
- (kkhh) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (liii) Public or private vehicle and boat storage garages, yards or lots.
- (mmjj) 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.
- (nnkk) 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.
- (ooH) Retail sales use group.
- (ppmm) Schools, business.
- (qqhh) Schools or development centers for persons with handicaps or development disabilities.
- (rree) Self-service storage facilities.
- (sspp) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-422(2)(c) or (kk) if applicable.
- (ttqq) Swimming pool sales and displays.
- (uuH) Taxi dispatch yards and offices.
- (vvss) Taxidermists.

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(~~wwt~~) Temporary lodging use group.

(~~xxu~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~yyv~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~zzw~~) 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~~) Upholstery shops.

(~~bbby~~) 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.

(~~ccc~~) 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) Reserved.

(g) Residential uses on the first floor frontage of a building.

(h) Soup kitchens.

(i) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(j) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:

1. The maximum height does not exceed 200 feet;

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2. Only one tower is permitted on a lot; and
 3. All other provisions of subsection 36-363(10)(b)1. are met.
- (k) 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) Nurseries, greenhouses and garden stores.
- (nn) Personal services use group.
- (oo) Pest control services.
- (pp) Police and fire stations.
- (qq) Private clubs and lodges.

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~~(rree)~~ Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

~~(sspp)~~ Public or private vehicle and boat storage garages, yards or lots.

~~(ttqq)~~ 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#)~~ Retail sales use group.

~~(vvss)~~ Repair shops, home appliance.

~~(wwt)~~ Repair shops, small-engine.

~~(xxuu)~~ Schools or development centers for persons with handicaps or development disabilities.

~~(yyvv)~~ Schools, business and industrial.

~~(zzwww)~~ Self-service storage facilities.

~~(aaaxx)~~ Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

~~(bbbyy)~~ 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.

~~(ccczz)~~ Swimming pool sales and display.

~~(dddaaa)~~ Taxi dispatch yards and offices.

~~(eeebbb)~~ Taxidermists.

~~(ffffee)~~ Temporary uses, as permitted by section 36-452, temporary uses.

~~(gggddd)~~ Temporary vendors as permitted under subsection 36-452(3)(b)2.

~~(hhheee)~~ Towers other than wireless facilities, less than 100 feet in height and related facilities.

~~(iiifff)~~ 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.

~~(jjjggg)~~ Truck stops.

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(kkkkhh) Upholstery shops.

(lllljj) 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.

(mmmmjj) 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).

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- (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.
- (ffdd) Police and fire stations.
- (ggee) Private clubs and lodges.
- (hhff) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.
- (iigg) 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.
- (jjhh) Repair shops, home appliance.
- (kkii) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).
- (lljj) Retail sales use group.
- (mmkk) Schools or development centers for persons with handicaps or development disabilities.
- (nnii) Schools, business.
- (oomm) Schools, elementary and secondary.
- (ppnn) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.
- (qqee) 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

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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.

- (~~rrpp~~) Taxi dispatch yards and offices.
- (~~ssqq~~) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~ttff~~) Temporary lodging use group.
- (~~uuSS~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (~~vvtt~~) 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.
- (~~wwwu~~) 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.

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- ~~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:

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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.
- (~~a~~aw) Schools, industrial and business.
- (~~b~~b~~x~~) Self-service storage facilities.
- (~~c~~cy) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.
- (~~d~~d~~z~~) Swimming pool sales and display.
- (~~e~~ea~~a~~) Taxidermists.
- (~~f~~f~~b~~b) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~g~~gee) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (~~h~~h~~d~~d) Upholstery shops.
- (~~i~~ee) Veterinary clinics, animal hospitals, and kennels, with no outside activities.
- (~~j~~ff) Warehouses, storage and distribution centers.
- (~~k~~k~~g~~g) 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~~e) 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.*

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- (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

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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.
 - (~~xt~~) 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.
 - (~~yH~~) Schools, industrial and business.
 - (~~zv~~) Self-service storage facilities.
 - (~~aaw~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.
 - (~~bbx~~) 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.
 - (~~ccy~~) Swimming pool sales and display.
 - (~~ddz~~) Temporary uses, as permitted by section 36-452, temporary uses.
 - (~~eeaa~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (~~ffb~~) Upholstery shops.
 - (~~ggee~~) 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.
 - (~~hhdd~~) Warehouses, storage and distribution centers.
 - (~~iee~~) Wholesale sales and distribution.
 - (~~jiff~~) 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.
 - (~~cb~~) Motor freight terminals.
 - (~~de~~) Soup kitchens.
 - (~~ed~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

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- (fe) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (gf) 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.

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- (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.
- (ddy) Recycling centers.
- (eez) 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.
- (faa) Schools, industrial and business.
- (ggb) Self-service storage facilities.
- (hee) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.
- (jide) 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.
- (jee) Swimming pool sales and display.
- (kk#) Temporary uses, as permitted by section 36-452, temporary uses.
- (lgg) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (mmhh) Upholstery shops.
- (nn#) Vehicle rental, towing and storage services.
- (oo#) 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,

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school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

~~(ppkk)~~ Warehouses, storage and distribution centers.

~~(qq#)~~ 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.

~~(ig)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

~~(jh)~~ 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

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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.
- (ii) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kk#) 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.

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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.
 - ~~(llgg)~~ Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.
 - ~~(mmhh)~~ Recycling centers.
 - ~~(nnii)~~ 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.
 - ~~(oojj)~~ Schools, industrial and business.
 - ~~(ppkk)~~ Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - ~~(qqll)~~ Self-service storage facilities.
 - ~~(rrmm)~~ Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.
 - ~~(ssnn)~~ Stockyards or feed lots.
 - ~~(ttpp)~~ 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.
 - ~~(uupp)~~ Swimming pool sales and display.
 - ~~(vvqq)~~ Temporary uses, as permitted by section 36-452, temporary uses.
 - ~~(wwrr)~~ Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - ~~(xxss)~~ Upholstery shops.
 - ~~(yytt)~~ Vehicle rental, towing and storage services.
 - ~~(zzuu)~~ 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:

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- (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)~~ 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)~~ Processing, reprocessing and storage of PCB containing oils.
 - ~~(i)~~ 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)~~ 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)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - ~~(l)~~ Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - ~~(m)~~ 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.

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- (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.
- (ggee) Pest control services.
- (hhdd) Police and fire stations.
- (iiee) Private clubs and lodges.
- (jjff) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kkgg) Public or private vehicle and boat storage garages, yards, or lots.
- (llhh) 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.
- (mmii) Retail sales use group.

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- (~~nnj~~) Schools, professional, commercial, industrial and trade.
 - (~~ookk~~) Schools or development centers for persons with handicaps or development disabilities.
 - (~~pp#~~) 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.
 - (~~ssee~~) Taxi dispatch yards and offices.
 - (~~ttpp~~) Taxidermists.
 - (~~uuqq~~) Temporary lodging use group.
 - (~~vvff~~) 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.
 - (~~xx#~~) 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.
 - (~~aaawww~~) 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.

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- (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.

Development Review Staff Report



- (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

1 ADOPTING a new Fee and amending the Fee Schedule for certain City services as
2 provided in the Springfield City Code, by establishing a fee for a Medical
3 Marijuana Zoning Certificate. (Staff recommends approval.)
4 _____

5
6 WHEREAS, City Code Sec. 2-425 authorizes the City to charge various fees in
7 amounts contained on schedules adopted by Ordinance and on file with the City Clerk;
8 and

9 WHEREAS, to comply with the requirements of the passage of Amendment 2,
10 now Article XIV of the Missouri Constitution a new zoning certificate is required to
11 establish compliance with separation requirements; and

12
13 WHEREAS, an evaluation of charges for the processing and issuing of a Medical
14 Marijuana Zoning Certificate, attached hereto as "Exhibit A," has been compiled by the
15 City's Finance Department; and

16
17 WHEREAS, a new fee for Medical Marijuana Zoning Certificates shall be
18 effective upon the passage of this Ordinance; and

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

22
23 Section 1 – City Council hereby adopts and approves a new fee for Medical
24 Marijuana Zoning Certificates in the amount of One Hundred Eight and 00/100 dollars
25 (\$108.00) as contained within "Exhibit A," which is attached hereto and incorporated
26 herein by reference, copies of which shall be maintained on file with the City Clerk
27 pursuant to Sec. 2-425 of the City Code. .

28
29 Section 2 – This Ordinance shall be in full force and effect from and after
30 passage.

31
32 Passed at meeting: _____
33

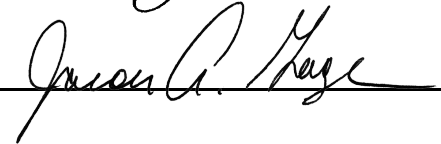
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Mayor

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:

Approved by:



Mary Lilly Smith, Director



Jason Gage, City Manager

Exhibit A

Permit, Plan Review, and Inspection Fees Planning and Development

Service Description	Current Status Based on FY 17-18 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Zoning Certificate-Medical Marijuana	0	92	0%	0	0
Technology Fee	0%	17%	0%	0	0
Totals					\$0

Service Description	Proposed Fees for FY 19-20				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
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: 04-16-19

Sponsored by: Fisk

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 097

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the General Fund budget of the City of Springfield, Missouri, for Fiscal
2 Year 2018-2019, by appropriating \$1,100,000 in additional sales and use
3 tax revenue received in the current fiscal year for the purpose of funding
4 City inmates housed pursuant to a contract with Greene County.
5 _____
6

7 WHEREAS, during the current Fiscal Year 2018-2019, the City has realized
8 sales and use tax revenues in excess of budget totaling more than \$1,100,000; and
9

10 WHEREAS, City Council desires to amend the Fiscal Year 2018- 2019 budget to
11 add \$1,100,000 of said additional sales and use tax revenue for use in connection with
12 a contract for housing City inmates with Greene County; and
13

14 WHEREAS, it is anticipated the additional \$1,100,000 will provide sufficient funds
15 to cover the remaining costs of housing City inmates for the remainder of Fiscal Year
16 2018-2019 and for Fiscal Year 2019-2020.
17

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

21 Section 1 – The budget of the City of Springfield, Missouri, for Fiscal Year 2018-
22 2019 is hereby amended in the accounts and in the amounts as shown on Budget
23 Adjustment No. 0029, a copy of which is attached hereto and incorporated herein by
24 this reference as “Exhibit A.”
25

26 Section 2 – City Council hereby directs the City Manager to cause the
27 appropriate accounting entries to be made in the books and records of the City.
28

29 Section 3 – This Ordinance shall be in full force and effect from and after
30 passage.
31

32 Passed at meeting: _____
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

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

Approved for Council action: *Jason A. Hays*, City Manager

EXPLANATION TO COUNCIL BILL 2019-097

FILED: 04-16-19

ORIGINATING DEPARTMENT: Finance

PURPOSE: Amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019, by appropriating \$1,100,000 in additional sales and use tax revenue received in the current fiscal year for the purpose of funding City inmates housed pursuant to a contract with Greene County.

BACKGROUND INFORMATION: During the current Fiscal Year 2018-2019, the City has realized sales and use tax revenues in excess of budget totaling more than \$1,100,000.

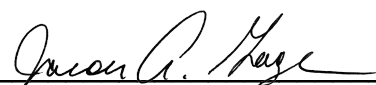
The City wishes to amend the Fiscal Year 2018-2019 budget of the Springfield Police Department by adding \$1,100,000 of additional sales and use tax revenue for use in connection with the contract for housing of municipal inmates. It is anticipated the additional \$1,100,000 will provide sufficient funds to cover the remaining costs of housing City inmates for the remainder of Fiscal Year 2018-2019 and Fiscal year 2019-2020, at which time Greene County will cover the cost of housing City inmates.

Submitted by:



David Holtmann, Director of Finance

Approved by:



Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
0029

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	09	14120	401510	000000	00000	\$ 825,000	Additional Sales Tax Revenue
10110	09	14120	401520	000000	00000	275,000	Additional Use Tax Revenue
Net Revenue Adjustment						1,100,000	

Expenditures:

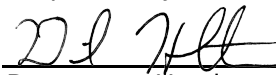
Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	18	90100	504580	000000	00000	\$ 1,100,000	Final funding of prisoner housing (FY19 and FY20)
Net Expenditure Adjustment						\$ 1,100,000	

Fund Balance Appropriation:

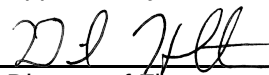
Fund	Title	Amount

Explanation: Amend the FY19 General Fund by appropriating additional FY19 revenues for one-time needs for prisoner housing.

Requested By:

 4/17/19
Department Head Date

Approved By:

 4/17/19
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2019-097
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hmgs. _____
Pgs. 3
Filed 04-30-19

Sponsored by Fisk

First Reading _____

Second Reading _____

COUNCIL BILL 2019-112

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to refund \$1,000 in earnest money
2 to Reed Enterprises, LLC; and repealing Special Ordinance 27114.
3
4

5 WHEREAS, Reed Enterprises, LLC, was the highest bidder to purchase property
6 generally located at 2230 North East Avenue from the City; and
7

8 WHEREAS, to secure such purchase, Reed Enterprises, LLC, deposited \$1,000
9 in earnest money with the City; and
10

11 WHEREAS, in Special Ordinance 27114, City Council approved selling 2230
12 North East Avenue to Reed Enterprises, LLC; and
13

14 WHEREAS, since passing Special Ordinance 27114, Meridian Title Company
15 has refused to insure the title; and
16

17 WHEREAS, the sale has been cancelled; and
18

19 WHEREAS, the City desires to refund the \$1,000 earnest money to Reed
20 Enterprises, LLC.
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
23 SPRINGFIELD, MISSOURI, as follows, that:
24

25 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
26 refund \$1,000 in earnest money to Reed Enterprises, LLC.
27

28 Section 2 – Special Ordinance Number 27114 is hereby repealed in its entirety.
29

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

33 Passed at meeting: _____

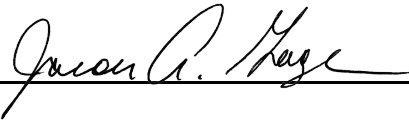
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -112

FILED: 04-19-19

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: Authorizing the City Manager, or his designee, to refund \$1,000 in earnest money to Reed Enterprises, LLC; and repealing Special Ordinance 27114.

BACKGROUND INFORMATION: Reed Enterprises, LLC, was the highest bidder to purchase property generally located at 2230 North East Avenue from the City. To secure the purchase, Reed Enterprises, LLC, deposited \$1,000 in earnest money with the City. In Special Ordinance 27114, City Council approved selling 2230 North East Avenue to Reed Enterprises, LLC.

Since that time, Meridian Title Company has refused to insure title, so the sale must be cancelled and the \$1,000 earnest money refunded to Reed Enterprises.

Submitted by:



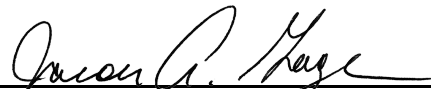
Duke McDonald, Assistant City Attorney

Recommended by:



Collin Quigley, Assistant City Manager

Approved by:



Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 25
Filed: 04-30-19

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-113

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Surface
2 Transportation Program-Urban Program Agreement with the Missouri
3 Highways and Transportation Commission; and amending the budget
4 of the Department of Public Works for Fiscal Year 2018-2019, in the
5 amount of \$332,000.00, for the purpose of partially reimbursing the
6 base salaries of up to six City employees who operate and manage
7 the Transportation Management Center.
8 _____
9

10 WHEREAS, an Agreement has been proposed that would allow the use of
11 Surface Transportation Program ("STP") funds to reimburse the City for a portion of the
12 base salaries of up to six City employees who operate and manage the Transportation
13 Management Center ("TMC"); and
14

15 WHEREAS, the federal Surface Transportation Block Grant funds will reimburse
16 80 percent of the base salaries of said City employees; and
17

18 WHEREAS, the remaining portion of related base salary costs, all benefit costs,
19 and the required grant match will be funded by the existing Transportation Fund budget;
20 and
21

22 WHEREAS, a budget adjustment is required to appropriate a portion of the funds
23 associated with the Agreement.
24

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

28 Section 1 – The City Manager, or their designee, is hereby authorized to enter
29 into an Agreement with the Missouri Highways and Transportation Commission
30 ("MHTC"), said Agreement to be in substantially the same form as that document
31 attached hereto and incorporated herein by this reference as "Exhibit 1."
32

33 Section 2 – The budget of the Department of Public Works for Fiscal Year 2018-

2019, is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 0034, a copy of which is attached hereto and incorporated herein by this reference as "Exhibit 2."

Section 3 – The City Manager is directed 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: Richard T. Widen, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2019-113

FILED: 04-30-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Surface Transportation Program-Urban Program Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019, in the amount of \$332,000.00, for the purpose of partially reimbursing the base salaries of up to six City employees who operate and manage the Transportation Management Center.

BACKGROUND INFORMATION: In collaboration with Missouri Department of Transportation (“MoDOT”) staff, the Transportation Management Center (“TMC”) is operated and managed by six Public Works employees. Base salaries and benefit costs for all six city employees are budgeted in the Transportation Fund. Last year, federal Surface Transportation Block Grant (“STBG”) funds were used to fund 80 percent of the base salaries for City TMC staff. The remaining 20 percent of the base salary costs were funded by the Transportation Fund which has been utilized to meet the matching requirements of the federal STBG funds. Employee benefit costs, also funded by the Transportation Fund, are not eligible for grant reimbursement.

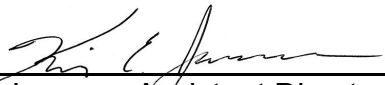
The use of federal STBG funds for another one-year period to reimburse 80 percent of the base salaries of six City TMC employees will reduce base salary expenses that would otherwise be budgeted and funded by the Transportation Fund during Fiscal Year 2019-2020. The estimated annual base salary cost of the six positions is approximately \$415,000. Approval of this ordinance authorizes the City Manager to enter into the Surface Transportation Program (STP)-Urban Program Agreement needed to continue using federal funds for 80 percent of the base salaries (\$332,000) for another one-year period as estimated on the budget adjustment. The grant match requires 20 percent of the base salary costs (\$83,000) to continue to be funded by the Transportation Fund budget. All benefit costs will also continue to be funded by the Transportation Fund.

Supports the following 2019 City Council Priorities:

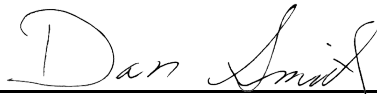
- Public safety
- Economic vitality
- Fiscal sustainability

REMARKS: A Transportation Improvement Program (“TIP”) project has been prepared to allow the use of federal STBG funds for these base salaries. Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:


Kirk Juranas, Assistant Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:

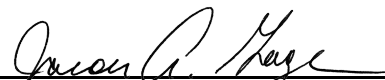

Jason Gage, City Manager

Exhibit 1

CCO Form: FS11
Approved: 07/96 (KMH)
Revised: 02/16 (MWH)
Modified: 02/19 (MWH)

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STBG-5938(807) TIP# MO1804
Award Year: 2019
Federal Agency: Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION STP-URBAN PROGRAM AGREEMENT

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Greene County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, the Fixing America's Surface Transportation Act (FAST) 23 U.S.C. §133, authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be in compliance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STBG-5938(807) involves:

Salaries of the Engineers and Technicians that operate, manage, and provide necessary traffic data for the Transportation Management Center of the Ozarks and Ozarks Traffic Intelligent Transportation System for the City of Springfield. Construction is not contemplated by this agreement.

(2) LOCATION: The contemplated improvement designated as Project STBG-5938(807) by the Commission is within the city limits of Springfield, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as

follows: The Transportation Management Center located at 1107 W. Chestnut Expressway, Springfield, Missouri 65802.

(3) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(4) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit B. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the

contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(5) ACQUISITION OF RIGHT OF WAY: No acquisition of additional right of way is anticipated in connection with Project STBG-5938(807) or contemplated by this Agreement.

(6) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80 percent (**80%**) not to exceed **\$332,000.00**. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(7) WORK ON STATE RIGHT OF WAY: There are no contemplated improvements for Project STBG-5938(807) which will involve work on the state's right of way.

(8) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(9) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(10) AUDIT REQUIREMENT: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(11) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(12) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(13) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(14) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(15) COMMISSION REPRESENTATIVE: The Commission's Southwest District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(16) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
Tom Dancey, P.E.
840 Boonville

Springfield, MO 65802
Facsimile No.:417-864-1983

- (B) To the Commission:
Travis Koestner, P.E., District Engineer
3025 E. Kearney
Springfield, MO 65803
Facsimile No.:417-895-7610

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(17) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this

Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or

2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (17) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(18) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(19) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(20) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this _____ day of _____, 2019.

Executed by the Commission this _____ day of _____, 2019.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

By _____

Title _____

Ordinance No: _____

Exhibit A - Location of Project

TMC Salaries Location Map

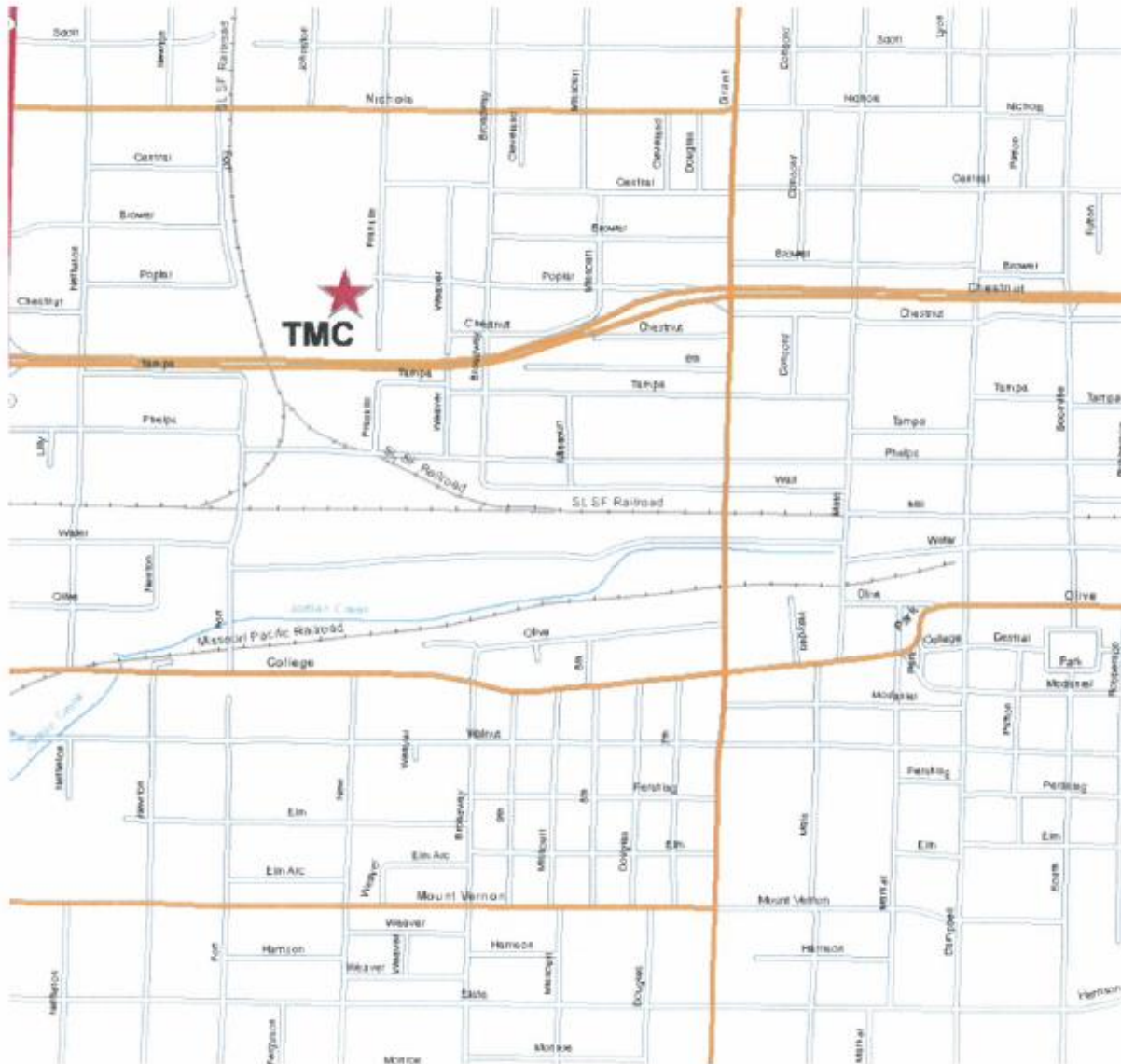


Exhibit B

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

Exhibit B

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

Exhibit B

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

Exhibit B

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

Exhibit B

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

Exhibit B

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

Exhibit B

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

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VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;

(2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

Exhibit B

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

Exhibit B

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

Exhibit B

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

Exhibit B

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
0034

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	332,000	Federal STBG Grant Revenues for TMC Base Salaries
Net Revenue Adjustment						332,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	500110	000000	00000	332,000	TMC Salaries (80% of Base Salaries) Funded By Federal Grant Funds
28010	20	78020	500110	000000	00000	(332,000)	TMC Base Salaries-6 Positions-FY 2019-2020 Savings-12 Months
Net Expenditure Adjustment						-	

Fund Balance Appropriation:

Fund	Title	Amount
46040	PW U.S. Dept of Transportation Grants	-
28010	PW Transportation Fund	332,000

FY 2019-2020 Savings - 12 Months

Explanation: To appropriate Federal STBG Grant Funds for 80% of the base salaries of six (6) staff positions at the Transportation Management Center (TMC) based on the grant agreement. City grant match of 20% will be from the remaining 20% of base salaries and will be funded by the Transportation Fund operating budget. One-year grant award estimated to be effective for 12 months of FY 2020 beginning July 1st.

Requested By:

Dan Smith 05-01-19
Department Head Date

Approved By:

DL Holt 05-01-19
Director of Finance or Acting Director Date
Jason A. Hays 05-01-19
City Manager Date

Authorization:

Council Bill No. 2019-113
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hmgs. _____
Pgs. 5
Filed: 04-30-19

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-114

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019
2 in the amount of \$50,800,000, to appropriate the estimated proceeds of
3 the first five years of the 1/4-Cent Capital Improvements Sales Tax; and
4 authorizing the City Manager to exercise any necessary powers to
5 complete capital projects funded by the 1/4-Cent Capital Improvements
6 Sales Tax for the purpose of funding and completing those projects
7 funded herein.
8 _____
9

10 WHEREAS, the 1/4-Cent Capital Improvement Sales Tax was originally
11 approved by the qualified voters of the City in 1989; and
12

13 WHEREAS, said tax has been renewed on a continual basis since that time with
14 its most recent iteration being approved by the qualified voters of the City on April 2,
15 2019; and
16

17 WHEREAS, the most recent iteration of said tax extended the tax's term from
18 three years to 20 years; and
19

20 WHEREAS, to facilitate the City's efforts to design and begin contract
21 negotiations for projects to be funded by said tax, City Council desires to appropriate
22 the estimated revenues to be generated by the tax for the next five years; and
23

24 WHEREAS, the estimated generated revenues of said tax is \$50,800,000; and
25

26 WHEREAS, City Council desires to authorize the City Manager to exercise any
27 powers necessary, including the power to enter into contracts on behalf of the City to
28 acquire any needed rights-of-way or real property, to ensure that projects funded by the
29 1/4-Cent Capital Improvements Sales Tax are completed in an efficient and timely
30 manner.
31

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

34
35 Section 1 – The budget of the City of Springfield, Missouri for Fiscal Year 2018-
36 2019 is hereby amended in the accounts and in the amounts as shown on “Budget
37 Adjustment No. 0033,” which is attached hereto as “Exhibit A,” and is incorporated
38 herein by this reference.
39

40 Section 2 – The City Manager is directed to cause the appropriate accounting
41 entries to be made in the books and records of the City.
42

43 Section 3 – The City Manager, or his designee, is hereby authorized to exercise
44 any and all powers necessary to implement the high priority transportation projects
45 funded by the 1/4-Cent Capital Improvements Sales Tax, including, without limitation,
46 the execution of any agreements or contracts for the purchase of any rights-of-way or
47 real property interests which are required to complete said projects and the hiring of any
48 consultants or design professionals whose services are necessary for the completion of
49 said projects.
50

51 Section 4 – This Ordinance shall be in full force and effect from and after passage.
52
53

54 Passed at meeting: _____
55

56 _____
57 Mayor
58
59

60 Attest: _____, City Clerk
61
62

63 Filed as Ordinance _____
64

65 Approved as to form: *Richard T. Weller*, Assistant City Attorney
66
67

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

EXPLANATION TO COUNCIL BILL 2019-114

FILED: 04-30-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Amending the budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019 in the amount of \$50,800,000, to appropriate the estimated proceeds of the first five years of the 1/4-Cent Capital Improvements Sales Tax; and authorizing the City Manager, to exercise any necessary powers to complete capital projects funded by the 1/4-Cent Capital Improvements Sales Tax; for the purpose of funding and completing those projects funded herein.

BACKGROUND: The 1/4-Cent Capital Improvement Sales Tax was originally approved by Springfield voters in 1989 and renewed in 1992, 1995, 1998, 2001, 2004, 2007, 2010, 2013, and 2016 with a three-year “sunset” provision. The 2019 renewal extended the “sunset” provision to twenty years. These projects have typically included street improvements/resurfacing, sidewalks, traffic signals/traffic calming, storm water projects, neighborhood programs, safety signs/markings, reforestation/landscaping, economic development and quality of life enhancement projects through shared funding, and other high-priority capital improvements. Twenty-two (22) projects and programs are approved for the 1/4-Cent Capital Improvements Sales Tax Program for 2019-2024.

The proceeds from the 1/4-Cent Capital Improvement Sales Tax have been designated for high-priority capital improvement projects in the amount of \$50,800,000. To facilitate efforts to design and begin contract negotiations for these projects, it is necessary to appropriate the estimated proceeds to be generated by the tax. A budget adjustment in the amount of \$50,800,000 is included for this purpose. The 2019-2024 1/4-Cent Capital Improvement Sales Tax is projected to generate \$59,250,000, providing an estimated contingency reserve of \$8,450,000 that is not being budgeted with this Council bill.

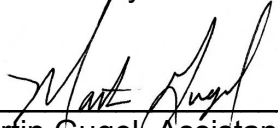
This Council bill will also authorize the City Manager to enter into contracts with consultants and design professionals for services related to 1/4-Cent Capital Improvements Sales Tax projects and to acquire the right-of-way and real property needed to complete the projects funded by the 1/4-Cent Capital Improvements Sales Tax.

Supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

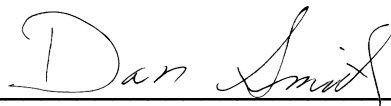
REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:



Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
0033

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
41100	20	73020	401510	000000	00000	50,800,000	Estimated 2019-2024 1/4-Cent Capital Improvement Sales Tax Revenues for voter approved projects (Years 1 through 5 of twenty (20) year sales tax)
Net Revenue Adjustment						50,800,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
41100	20	73020	509110	000000	00000	50,800,000	2019-2024 1/4-Cent Capital Improvement Sales Tax Projects (Projects/Programs for Years 1 through 5 of twenty (20) year sales tax)
Net Expenditure Adjustment						50,800,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To appropriate the estimated revenues of years 1 through 5 (2019-2024) of the twenty (20) year 1/4-Cent Capital Improvement Sales Tax, approved by the Springfield voters on April 2, 2019, to be used to fund the 1/4-Cent Sales Tax Capital Improvement Program for 2019-2024.

Requested By:

Dan Smith 05-01-19
Department Head Date

Approved By:

DL Hill 05-01-19
Director of Finance Date
Jason A. Hays 05-01-19
City Manager Date

Authorization:

Council Bill No. 2019-114
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 04-30-19

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-115

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Agreement with the
2 Missouri Highways and Transportation Commission; and amending the
3 budget of the Department of Public Works for Fiscal Year 2018-2019 in
4 the total amount of \$1,045,803 for the purpose of sharing the costs of
5 improvements to the US 160 and MO 744 intersection.
6 _____
7

8 WHEREAS, the City and the Missouri Highways and Transportation Commission
9 desire to share the costs of certain improvements to the intersection of US 160 ("West
10 Bypass") and MO 744 ("Kearney Street"); and
11

12 WHEREAS, said improvements are estimated to cost \$2,614,508 which include
13 preliminary engineering, right-of-way acquisition, utility relocation, project construction,
14 and work inspection; and
15

16 WHEREAS, the City will contribute \$1,307,254 towards the cost of the project
17 with 80 percent of this contribution funded from Surface Transportation Block Grant
18 ("STBG") funds (\$1,045,803) and 20 percent funded from the 1/4-Cent Capital
19 Improvements Sales Tax (\$261,451); and
20

21 WHEREAS, the budget adjustment authorized by this Council Bill will budget the
22 portion of the City's contribution derived from STBG funds; and the portion of the City's
23 contribution derived from 1/4-Cent Capital Improvements Sales Tax funds.
24

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

28 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
29 a "Municipal and Cost Apportionment Agreement" with the Missouri Highways and
30 Transportation Commission, said agreement to be in substantially the same form as that
31 document attached hereto and incorporated herein by reference as "Exhibit 1."
32

33 Section 2 – The budget for the City of Springfield, Missouri for Fiscal Year 2018-
34 2019 is hereby amended in the accounts and in the amounts as shown on Budget
35 Adjustment No. 0035, a copy of which is attached hereto and incorporated herein by
36 this reference as "Exhibit 2."

37
38 Section 3 – The City Manager is directed to cause the appropriate accounting
39 entries to be made in the books and records of the City, consistent with this Ordinance.

40
41 Section 4 – This Ordinance shall be in full force and effect from and after
42 passage.

43
44 Passed at meeting: _____

45
46
47 _____
48 Mayor

49
50 Attest: _____, City Clerk

51
52 Filed as Ordinance: _____

53
54
55 Approved as to form: *Richard T. Wuder*, Assistant City Attorney

56
57
58 Approved for Council action: *Jason A. Hays*, City Manager

EXPLANATION TO COUNCIL BILL 2019-115

FILED: 04-30-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into an Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019 in the total amount of \$1,045,803, for the purpose of sharing the costs of improvements to the US 160 and MO 744 intersection.

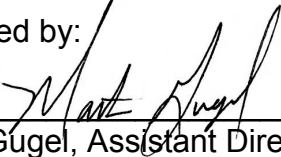
BACKGROUND INFORMATION: This Municipal and Cost Apportionment Agreement shares the estimated \$2,614,508 cost for preliminary engineering, right-of-way acquisition and incidentals, utility relocation, project construction, and work inspection associated with the intersection improvements. The City will contribute \$1,307,254 (50%) of this cost. The City's contribution will be funded 80% from Surface Transportation Block Grant ("STBG")-Urban funds (\$1,045,803) being budgeted with this Council bill and 20% from the renewed 1/4-Cent Capital Improvements Sales Tax (\$261,451) that is being budgeted through a separate Council bill.

Supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

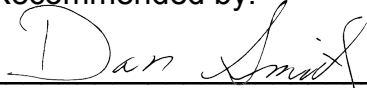
REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:



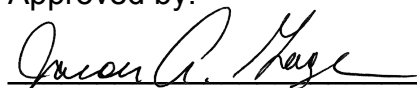
Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

Exhibit 1

CCO Form: DE63
Approved: 12/17 (BDG)
Revised: 12/18 (BDG)
Modified:

Municipal and Cost Apportionment Agreement
Route: US 160 & MO 744
County: Greene
Job No.: 8P3087D

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION MUNICIPAL AND COST APPORTIONMENT AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Missouri, a municipal corporation (hereinafter, "Entity").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) IMPROVEMENT DESIGNATION: The public improvement designated as Route 160 and Route 744, Greene County, Job No. 8P3087D, shall consist of turn lane and signal improvements.

(2) IMPROVEMENT WITHIN CITY: The improvement within the Entity is located as follows:

At the intersection of US 160 (West Bypass) and MO 744 (Kearney Street) in the City of Springfield, Greene County.

(3) EXTENT OF AGREEMENT: This Agreement shall apply only to the portion of the improvement lying within the city limits as they exist on the date this Agreement is executed by the Entity.

(4) LOCATION: The general location of the public improvement is shown on an attached sketch marked "Exhibit A" and made a part of this Agreement. The detailed location of the improvement is shown on the plans prepared by the Commission for the above-designated route and project.

(5) PURPOSE: It is the intent of this Agreement to outline the parties' responsibilities with respect to the construction and maintenance of those improvements to the State Highway System located within the Entity limits described in paragraphs (1) and (2) above and designated as Commission Job No. 8P3087D. The parties' responsibilities with respect to the funding of said improvements are outlined further herein.

(6) PROJECT RESPONSIBILITIES: With regard to project responsibilities under this Agreement, the parties agree to contribute as follows:

(A) The Commission will be responsible for the preparation of detailed right-of-way and construction plans and project specifications. This includes design, letting of project, and inspection of project. The plans shall be prepared in accordance with and conform to Commission requirements.

(B) The Commission will acquire right-of-way as needed for the project in accordance with Commission requirements.

(C) The Commission will be responsible for letting the work for the herein improvement, which includes advertising the project for bids and awarding the construction contract. The Commission will solicit bids for the herein improvement in accordance with plans developed by the Commission, or as the plans may from time to time be modified in order to carry out the work as contemplated.

(D) The Commission will be responsible for construction of the herein improvements, which includes administration of the construction contract and inspection of the project work. The project shall be constructed in accordance with and conform to Commission requirements.

(7) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to as follows:

(A) The total project cost is estimated to be two million six hundred fourteen thousand five hundred eight dollars (\$2,614,508). The total project cost will include preliminary engineering, right of way, incidentals, utilities, construction and inspection. The details of the estimated cost breakdown are listed in "Exhibit B", which is attached hereto and made part hereof.

(B) The Entity will be responsible for fifty percent (50%) of the total project cost. The current estimate of the Entity's responsibilities is one million three hundred seven thousand two hundred fifty-four dollars (\$1,307,254). The Entity agrees that the Commission may program eighty percent (80%) of the Entity's share of its responsibilities, currently estimated to be one million forty-five thousand eight hundred three dollars (\$1,045,803) from Surface Transportation Block Grant (STBG) funds allocated by the Ozarks Transportation Organization in partial fulfillment of the Entity's obligation for payment for the project. The remainder of the Entity's contribution shall consist of the twenty percent (20%) match for the Entity's STBG funds, for which the Entity shall remit a check in the amount of two hundred sixty-one thousand four hundred fifty-one dollars (\$261,451) no later than five (5) days prior to the Commission's advertisement of the project for bids. This check should be made payable to the *Missouri Highway and Transportation Commission – Local Fund*. If the Entity fails to make the required deposit, the Commission is under no obligation to continue with the project.

(C) The Commission will pay for fifty percent (50%) of the total project

cost, currently estimated at one million three hundred seven thousand two hundred fifty-four dollars (\$1,307,254).

(D) The Entity and Commission shall share responsibility for the balance of the project in excess of two million six hundred fourteen thousand five hundred eight dollars (\$2,614,508) equally. The Commission may program additional STBG funds for 80% of the Entity's share of overruns. The Entity will pay local funds for the twenty percent (20%) match of its share of overruns. The Commission and Entity will share cost underruns equally, with the Entity's share of underruns split proportionally between eighty percent (80%) STBG funds and twenty percent (20%) local funds.

(8) COMMINGLING OF FUNDS: The Entity agrees that all funds deposited by the Entity, pursuant to this Agreement with the Commission, may be commingled by the Commission with other similar monies deposited from other sources. Any deposit may be invested at the discretion of the Commission in such investments allowed by its Investment Policy. All interest monies shall be payable to the *Local Fund* and credited to the project. If the amount deposited plus any applicable credited interest with the Commission shall be less than the actual obligation of the Entity for this project, the Entity, upon written notification by the Commission, shall tender the necessary monies to the Commission to completely satisfy its obligation. Upon completion of the project, any excess funds or interest credited to the Entity shall be refunded to the Entity based on its pro rata share of the investment.

(9) RIGHT-OF-WAY USE: The Entity grants the right to use the right-of-way of public roads, streets, alleys and any other property owned by the Entity as necessary for construction and maintenance of said public improvement.

(10) CLOSE AND VACATE: The Entity shall temporarily close and vacate all streets or roads, or parts thereof, which may be necessary to permit the construction of the project in accordance with the detailed plans.

(11) RIGHT-OF-WAY ACQUISITION: Upon approval of all agreements, plans and specifications by the Commission and the Federal Highway Administration (FHWA), the Commission will file copies of the plans with the city clerk of the Entity and the county clerk of the county and proceed to acquire any necessary right-of-way required for the construction of the improvement. The Entity shall reimburse the Commission for the actual costs incurred in the right-of-way acquisition in accordance with Section (7) of this agreement.

(12) UTILITY RELOCATION:

(A) The Commission and the Entity shall cooperate to secure the temporary or permanent removal, relocation, or adjustment of public utilities or private lines, poles, wires, conduits, and pipes located on the right-of-way of existing public ways as necessary for construction of the improvement and the cost shall be borne by

such public utilities or the owners of the facilities except where the Entity is by existing franchise or agreement obligated to pay all or a portion of such cost, in which case the Entity will pay its obligated portion of the cost.

(B) The Commission shall secure the removal, relocation, or adjustment of any public or private utilities located upon private easements and shall pay any costs incurred therein.

(C) It is understood and agreed by the parties to this Agreement that no city-owned utility facilities will require relocation or adjustment in connection with this improvement, but that should utility facilities be discovered at any time during development or construction of this improvement, relocation or adjustment of the same will be done and performed under a supplemental agreement covering the subject, and in accordance with Commission policy then in effect on division of costs for adjustment of utility facilities.

(D) In cases of public utilities owned by the Entity which must be moved, adjusted, or altered to accommodate construction of this improvement, and such city-owned utilities, poles, wires, conduits, and pipes are located within the present city limits and located on an existing city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the Entity will perform the necessary removal, adjustment, alterations and relocation, and the Commission will reimburse the Entity except as otherwise provided. The Entity shall perform the removal, adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the Entity in accordance with Federal Aid Policy Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's district engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. Upon the completion of any such work and on receipt by the Commission of the original and four copies of a bill for the actual costs incurred by the Entity in making any such removal, adjustment, alteration and relocation, the Commission shall reimburse the Entity for the actual cost necessitated by construction of this public improvement. The Commission's obligation toward the cost of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(E) Should it be necessary to alter, relocate or adjust any city-owned utility facilities outside the present city limits on public right-of-way or on state highway right-of-way within or outside the city limits or within the right-of-way of a public way other than a city street or alley, the alteration, relocation, or adjustment shall be made by the Entity at its cost.

(F) The Entity agrees that any installation, removal, relocation, maintenance, or repair of public or private utilities involving work within highway right-of-way included in this project shall be done only in accordance with the general rules and

regulations of the Commission and after a permit for the particular work has been obtained from the Commission's district engineer or his authorized representative. Similarly, the Entity will allow no work on the highway right-of-way involving excavation or alteration in any manner of the highway as constructed, including but not limited to driveway connections, except in accordance with the rules and regulations of the Commission and only after a permit for the specific work has been obtained from the Commission's district engineer or his authorized representative. The Entity shall take whatever actions that are necessary to assure compliance with this Subsection.

(13) LIGHTING

(A) The installation, operation, and maintenance by the Commission of any lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect at the time of any such installation and only to the extent the Commission then deems warranted. No street lighting system shall be installed or maintained by or for the Entity on the improvement without approval of the Commission.

(B) The Commission will, at its cost and expense, install, operate, and maintain basic highway intersection or interchange lighting at warranted locations on the improvement. The construction, installation, and maintenance of any other or further lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect, and to the extent deemed warranted by the Commission, at the time of any such installation. No lighting system shall be installed or maintained by the Entity on the improvement without approval of the Commission.

(14) TRAFFIC CONTROL DEVICES: The installation, operation and maintenance of all traffic signals, pavement markings, signs, and devices on the improvement, including those between the highway and intersecting streets shall be under the exclusive jurisdiction and at the cost of the Commission. The Entity shall not install, operate, or maintain any traffic signals, signs or other traffic control devices on the highway or on streets and highways at any point where they intersect this highway without approval of the Commission.

(15) DRAINAGE: The Commission will construct drainage facilities along the improvement and may use any existing storm and surface water drainage facilities now in existence in the area. The Entity shall be responsible for receiving and disposing of storm and surface water discharged from those drainage facilities which the Commission constructs within the limits of highway right-of-way to the extent of the Entity's authority and control of the storm sewer facilities or natural drainage involved.

(16) PERMITS: The Commission shall secure any necessary approvals or permits from the Surface Transportation Board, the Public Service Commission of Missouri, or any other state or federal regulating authority required to permit the construction and maintenance of the highway.

(17) COMMENCEMENT OF WORK: After acquisition of the necessary right-of-way, the Commission shall construct the highway in accordance with final detailed plans approved by the Federal Highway Administration (or as they may be changed from time to time by the Commission with the approval of the FHWA) at such time as federal and state funds are allocated to the public improvement in an amount sufficient to pay for the federal and state government's proportionate share of construction and right-of-way costs. The obligation of the Commission toward the actual construction of the public improvement shall be dependent upon the completion of plans in time to obligate federal funds for such construction, upon approval of the plans by the FHWA, upon the award by the Commission of the contract for the construction, and upon the approval of the award by the FHWA.

(18) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of sidewalks whether new or used in place, water supply lines, sanitary or storm sewers (except those storm sewers constructed by the Commission to drain the highway), city-owned utilities within the right-of-way or the removal of snow other than the machine or chemical removal from the traveled portion of the highway.

(B) When it is necessary to revise or adjust city streets, the right-of-way acquired for these adjustments and connections will be deeded to the Entity.

(19) POLICE POWERS: It is the intent of the parties to this Agreement that the Entity shall retain its police powers with respect to the regulation of traffic upon the improvement contemplated. However, the Entity will enact, keep in force, and enforce only such ordinances relating to traffic movement and parking restrictions as may be approved by the Commission and as are not in conflict with any regulations for federal aid. The Commission shall not arbitrarily withhold approval of reasonable traffic regulations, signs, and markings which will permit the movement of traffic in accordance with accepted traffic regulation practices.

(20) RESTRICTION OF PARKING: Since the improvement is being designed and constructed to accommodate a maximum amount of traffic with a minimum amount of right-of-way, the Entity shall take whatever actions that are necessary to prevent parking upon the highway or any part of the area of the highway right-of-way within the limits of the improvement.

(21) OUTDOOR ADVERTISING: No billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way limits of the project and the Entity shall take whatever actions that are necessary to enforce this Section.

(22) WITHHOLDING OF FUNDS: In the event that the Entity fails, neglects, or refuses to enact, keep in force or enforce ordinances specified or enacts ordinances contrary to the provisions in this Agreement, or in any other manner fails, neglects or refuses to perform any of the obligations assumed by it under this Agreement, the Commission may, after serving written request upon the Entity for compliance and the Entity's failure to comply, withhold the expenditure of further funds for maintenance, improvement, construction, or reconstruction of the state highway system in the Entity.

(23) FEDERAL HIGHWAY ADMINISTRATION: This Agreement is entered into subject to approval by the Federal Highway Administration, and is further subject to the availability of federal and state funds for this construction.

(24) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Entity shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Entity's wrongful or negligent performance of its obligations under this Agreement.

(B) The Entity will require any contractor procured by the Entity to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(25) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment approved and signed by representatives of the Entity and Commission, respectively, each of

whom being duly authorized to execute the contract amendment on behalf of the Entity and Commission, respectively.

(26) COMMISSION REPRESENTATIVE: The Commission's Southwest District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(27) ENTITY REPRESENTATIVE: The Entity's City Manager is designated as the Entity's representative for the purpose of administering the provisions of this Agreement. The Entity's representative may designate by written notice other persons having the authority to act on behalf of the Entity in furtherance of the performance of this Agreement.

(28) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the Entity:
City Manager
Jason Gage
840 Boonville Ave.
4th Floor
Springfield, MO 65802
417-864-1006
- (B) To the Commission:
Southwest District Engineer
Travis Koestner,
3025 E. Kearney St.
Springfield, MO 65803
417-895-7610

or to such other place as the parties may designate in accordance with this Agreement.

(29) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(30) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Entity shall comply with all local, state and federal laws and regulations relating to the performance of the contract.

(31) VENUE: It is agreed by the parties that any action at law, suit in equity, or

other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(32) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Entity.

(33) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(34) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(35) AUDIT OF RECORDS: The Entity must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(36) COMMISSION RIGHT OF WAY: All improvements made within the state-owned right-of-way shall become the Commission's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Commission, except as otherwise provided by this Agreement or a separate written agreement.

(37) NO INTEREST: By contributing to the cost of this project or improvement, the Entity gains no interest in the constructed roadway or improvements on Commission right of way whatsoever. The Commission shall not be obligated to keep the constructed improvements or roadway in place if the Commission, in its sole discretion, determines removal or modification of the roadway or improvements, is in the best interests of the state highway system. In the event the Commission decides to remove the landscaping, roadway, or improvements, the Entity shall not be entitled to a refund of the funds contributed by the Entity pursuant to this Agreement.

(38) ADDITIONAL FUNDING: In the event the Commission obtains additional federal, state, local, private or other funds to construct the improvement being constructed pursuant to this Agreement that are not obligated at the time of execution of this Agreement, the Commission, in its sole discretion, may consider any request by the Entity for an off-set for the deposited funds, a reduction in obligation, or a return of, a refund of, or a release of any funds deposited by the Entity with the Commission pursuant to this Agreement. In the event the Commission agrees to grant the Entity's request for a refund, the Commission, in its sole discretion, shall determine the amount and the timing of the refund. Any and all changes in the parties' financial responsibilities resulting from the Commission's determination of the Entity's request for a refund

pursuant to this provision must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Entity and the Commission.

(39) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(40) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(41) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(42) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Entity this ____ day of _____, 20__.

Executed by the Commission this ____ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By: _____

Title: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Commission Counsel

By: _____

Title: _____

Ordinance Number _____

EXHIBIT A

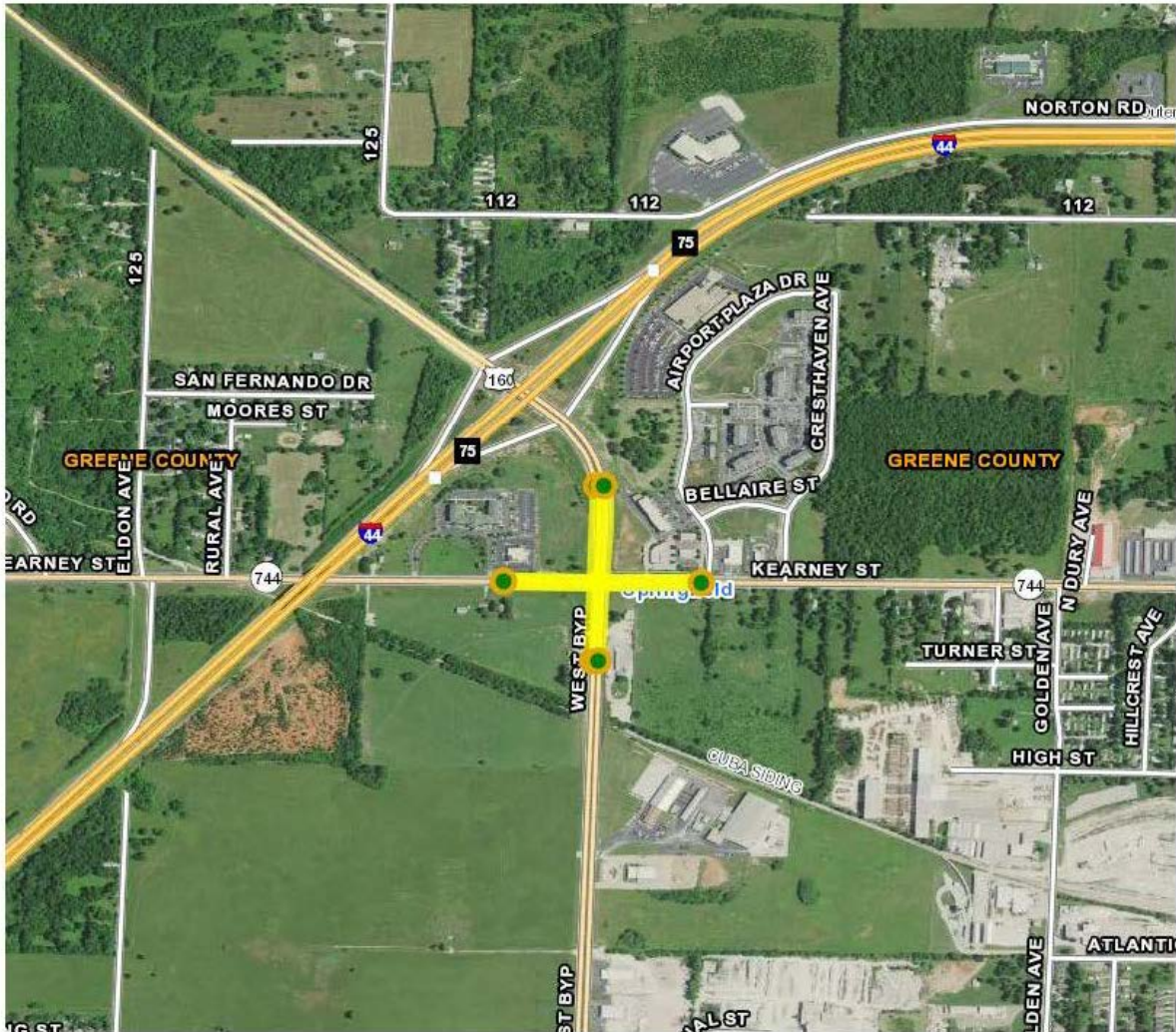


Exhibit B

Project Name: Kearney & West Bypass Intersection
MoDOT Job Number: J8P3087D

Description: Turn lane and signal improvements at the intersection of Kearney Street (Rte. 744) and West Bypass (Rte. 160)

Project Estimate

	Current Estimate and Inflation	Cost Apportionment Eligible
Preliminary Engineering	\$ 275,000	\$ 275,000
Right-of-way	\$ 200,000	\$ 200,000
Right-of-way Incidentals	\$ 30,000	\$ 30,000
Utilities	\$ 254,000	\$ 254,000
Construction w/ Contingency	\$ 1,611,508	\$ 1,611,508
Non-contractuals	\$ -	\$ -
Inspection and Letting	\$ 244,000	\$ 244,000
Total	\$ 2,614,508	\$ 2,614,508

Project Responsibilities

Preliminary Engineering	MoDOT
ROW Acquisition	MoDOT
Letting	MoDOT
Inspection	MoDOT

Financial Responsibilities

City of Springfield Local Funds	\$ 261,451	Total Local Share
City of Springfield STBG-U	\$ 1,045,803	\$ 1,307,254
City of Springfield Share		50.0%
MoDOT SW in-kind	\$ 549,000	Total MoDOT Share
MoDOT Flexible Funds	\$ 758,254	\$ 1,307,254
MoDOT Share		50.0%

How are overruns and underruns handled?

The Entity of Springfield and the Commission will share cost overruns equally. For its share of cost overrun expenses, the Entity agrees that the Commission may program up to 80% STBG-Urban funds allocated to the Entity by the Ozarks Transportation Organization, with the remainder being Entity local funds. The Entity and the Commission will share cost underrun savings equally.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
0035

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	1,045,803	Federal STBG Grant Revenues - West Bypass/Kearney Intersection Imp
Net Revenue Adjustment						1,045,803	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	000000	00000	1,045,803	West Bypass/Kearney Intersection Improvements - Funded By Federal STBG Funds
Net Expenditure Adjustment						1,045,803	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To appropriate federal STBG grant funds of \$1,045,803 towards the City's share of the estimated costs of the West Bypass/Kearney Intersection Improvements based on the proposed Municipal and Cost Apportionment Agreement. The remaining City share of costs estimated at \$261,451 for this project will be funded by the renewed 1/4-Cent Capital Improvement Sales Tax that is being budgeted through a separate council bill.

Requested By:

Dan Smith 05-01-19
Department Head Date

Approved By:

D. J. Hill 05-01-19
Director of Finance Date
Jason A. Hays 05-01-19
City Manager Date

Authorization:

Council Bill No. 2019-115
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 9
Filed: 04-30-19

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-116

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a license agreement
2 with Environmental Works, Inc., for the purpose of installing and
3 maintaining three monitoring wells on public right-of-way to monitor
4 groundwater conditions.
5 _____
6

7 WHEREAS, an environmental investigation is being conducted at a former
8 fueling station at 900 North Campbell Avenue; and
9

10 WHEREAS, this investigation is being conducted with oversight from the Missouri
11 Department of Natural Resources; and
12

13 WHEREAS, part of said environmental investigation is the installation of three
14 monitoring wells at said location; and
15

16 WHEREAS, Environmental Works, Inc., requires the permission of the City to
17 install monitoring wells in the City right-of-way.
18

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

22 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
23 a license agreement with Environmental Works, Inc., said agreement to be in
24 substantially the same form as that document attached hereto and incorporated herein
25 by this reference as "Exhibit 1."
26

27 Section 2 – This Ordinance shall be in full force and effect from and after
28 passage.
29

30 Passed at meeting: _____

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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Richard T. Wiedner*, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2019- 116

FILED: 04-30-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To authorize the City Manager, or his designee, to enter into an agreement with Environmental Works, Inc., for the purpose of installing and maintaining three monitoring wells on public right-of-way to monitor groundwater conditions.

BACKGROUND INFORMATION: The proposed monitoring wells will be part of an environmental investigation that is taking place at a former fueling station at 900 North Campbell Avenue. This investigation is conducted with the oversight and approval of the Missouri Department of Natural Resources. The proposed monitoring wells will be completed to an approximate depth of 20 feet, depending on field conditions. The wells are to be installed flush with the ground and in or near the sidewalk along the east side of Campbell Avenue and north side of Central Street within the public right-of-way.

The license agreement ("Exhibit 1") permits the consultant, Environmental Works, Inc., to install and maintain three monitoring wells in the public right-of-way, in a location and manner approved by a designated representative of the Director of Public Works. The City has previously granted permission to install similar wells in other locations. Proof of insurance has been submitted.

Supports the following City Council Priorities:

- Public Safety

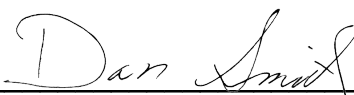
FINANCIAL: The cost of installation and maintenance falls to Environmental Works, Inc.

RECOMMENDATION: Public Works recommends passage of this Ordinance.

Submitted by:


Kirk Juranas, Assistant Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:


Jason Gage, City Manager

Exhibit 1

ROUTING	(1) ORIGINATING DEPARTMENT	(2) LICENSEE	(3) FINANCE DEPARTMENT
ORDER	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
() NEW CONTRACT		() RENEWAL OF CONTRACT No. _____	
CITY		LICENSEE	
CITY OF SPRINGFIELD 840 BOONVILLE, PO Box 8368 SPRINGFIELD, MO 65802 PHONE: 417- 864-1801 FAX: 417-864-1983 ATTN: MANDY BUETTGEN-QUINN DEPT: PUBLIC WORKS, TRAFFIC OPERATIONS		ENVIRONMENTAL WORKS, INC. 1455 E. CHESTNUT EXPRESSWAY SPRINGFIELD, MO 65802 PHONE: 417-890-9500 FAX: 417-823-9659 ATTN: GREG BISCHOF 	

LICENSE AGREEMENT FOR MONITORING WELLS

This License Agreement, made and entered into this ____ day of _____, 20____, by and between Environmental Works, Inc., a Missouri corporation (hereinafter "Licensee") and the City of Springfield, Missouri, a municipal corporation, (hereinafter "City").

WITNESSETH:

Whereas, the City of Springfield, Missouri, is the owner of certain street right-of-way located near 900 N Campbell Avenue, on Campbell Avenue and Central Street in Springfield, Missouri, and

Whereas, Licensee is a Missouri corporation is good standing, with its principal offices at 1455 E. Chestnut Expressway, Springfield, Missouri, 65802, and

Whereas, Licensee is an environmental consulting firm which provides sampling and analysis services in connection with hazardous releases from underground storage tanks and other sources, and

Whereas, Licensee has been retained for the purpose of performing site characterization studies, and

Whereas, the Missouri Department of Natural Resources has requested a system of monitoring wells be installed in an area which includes the City property,

NOW, THEREFORE, for and in consideration of the mutual promises and agreements herein contained, it is agreed by the City and Licensee, as follows:

1. License to Install and Maintain Groundwater Monitor Wells: City hereby grants to Licensee, its subcontractors, employees and agents, a license to enter upon City property for the purpose of installing, testing, repair and maintenance of three groundwater monitor wells in connection with its environmental site characterization study, said monitoring wells to be installed as near as feasible to the location shown on **Exhibit A**, which is attached hereto and incorporated by reference. This license shall commence on the date

of the execution of this agreement and shall continue until terminated by either party. Upon termination, all well equipment shall be removed, the wells properly capped and covered by Licensee and the right-of-way premises restored to the satisfaction of City upon termination of this license.

2. Location of Monitoring Wells: The monitoring wells location selected by Licensee shall be approved by of the Director Public Works, or their authorized designee, prior to installation, who may regulate the time of the work and may require the work to be stopped at any time, in their discretion. Licensee, however, shall have full responsibility for the location of the monitoring wells installed. Installation and removal of the wells shall be undertaken pursuant to an excavation permit from the Director of Public Works, subject to the requirements of applicable City Ordinances. Licensee shall conduct its activities so as to minimize any damage to City property and interference with the movement of motor vehicles in the areas where the monitoring wells are installed. Adequate guards and warning signs or devices consistent with the requirements contained in the Manual on Uniform Traffic Control Devices will be provided by Licensee during construction. The monitoring wells shall not be installed below a depth of thirty (30) feet without express approval of the City and compliance with applicable City Ordinances. The monitoring wells shall be protected by metal covers flush with grade and the wells shall be constructed below ground level upon completion. Casings shall contain a locking device to prevent unauthorized access to the wells. No subsurface water drawn from the wells shall be stored on City premises. Well equipment shall conform to the description in **Exhibit B** attached hereto.

3. Indemnity: Licensee, in consideration for the grant of this license, agrees to defend and indemnify, and save the City and its duly elected officials, employees and agents, harmless from any and all claims, demands, causes of action, damages, judgments, costs, attorney fees or expenses, of any sort or kind whatsoever, including all damages for any injuries to person or persons, including death, or to property, arising out of or in connection with the activities on the property by Licensee, its subcontractors, agents and employees, notwithstanding any possible negligence on the part of the City, its duly elected officials, agents or employees, whether sole, concurrent or otherwise.

4. Insurance: Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Springfield, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Springfield against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield. Regardless of such approval, it shall be the responsibility of the contractor to maintain adequate insurance coverage at all times during the term of the Contract. Failure of the Contractor to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general or under the Contract Documents.

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

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

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

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

As of January 1, 2015, 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 Contractual Liability and Independent Contractors Liability. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Two Million Seven Hundred Twenty-Seven Thousand Four Hundred Eighty-Nine and no/100 Dollars (\$2,727,489.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Nine Thousand One Hundred Twenty-Three and no/100 Dollars (\$409,123.00) 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.

c. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Two Million Seven Hundred Twenty-Seven Thousand Four Hundred Eighty-Nine and no/100 Dollars (\$2,727,489.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Nine Thousand One Hundred Twenty-Three and no/100 Dollars (\$409,123.00) 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 through insurance against applicable hazards or risks and shall, upon request of the City, provide evidence of such insurance.

5. Conformity with Environmental Regulations: Licensee shall not cause or create any environmental hazards on the property, nor violate any other governmental laws or regulations which may be applicable to its activities on the premises and shall obtain any and all licenses, permits or consents which may be required for its activities on the premises. Licensee shall insure that its activities do not interfere, directly or indirectly, with any City operations. Licensee shall insure that any subcontractor shall comply with the requirements of this paragraph.

6. Restoration of Premises: Licensee will, at its own expense, promptly upon completion of the work, restore the premises to their pre-existing condition and to the satisfaction of the Director of Public Works.

7. Change in Grade: If the City changes the grade of the right-of-way, or changes the location of the street surface, improvements, structures or appurtenances located thereon during the term of the license, or any extensions thereof, thereby necessitating work on or relocation of the well, such work or relocation shall be at Licensee's sole cost and expense.

8. Compensation: No compensation will be payable from the City to Licensee, nor will Licensee be required to pay to City any rent or other fee for entry upon City premises, in accordance with this agreement.

9. Conflict of Interest: Licensee certifies that no member or officer of its corporation is an officer or employee of the City, 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, nor is there any conflict of interest under state law.

10. Discrimination: The Licensee agrees not to discriminate on the basis of or because of the race, creed, color, national origin or ancestry, sex, religion, handicap, age, or political opinion or affiliation, against any person in connection with its activities under the license.

11. Assignment: This License may not be assigned to any other party. City must approve any subcontractor performing work under this license.

12. Notices: Any notices given under this agreement shall be in writing and may be delivered in person or by facsimile transmission, to City, addressed to City Attorney, City of Springfield, 840 Boonville, Springfield, Missouri 65802, FAX: (417) 864-1551, or to Licensee, addressed to Environmental Works, Inc., 1455 East Chestnut Expressway, Springfield, Missouri 65802, FAX: 417-823-9659.

13. Entire Agreement: This document and the Exhibits attached hereto contains the entire agreement between 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.

14. Applicable Law: This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri and in litigation pertaining hereto venue shall be proper only in the Circuit Court of Greene County, Missouri.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on the day and year first written above.

APPROVED AS TO FORM

City Attorney, or designee

Environmental Works, Inc.

By: _____

Printed Name: _____

Title: _____

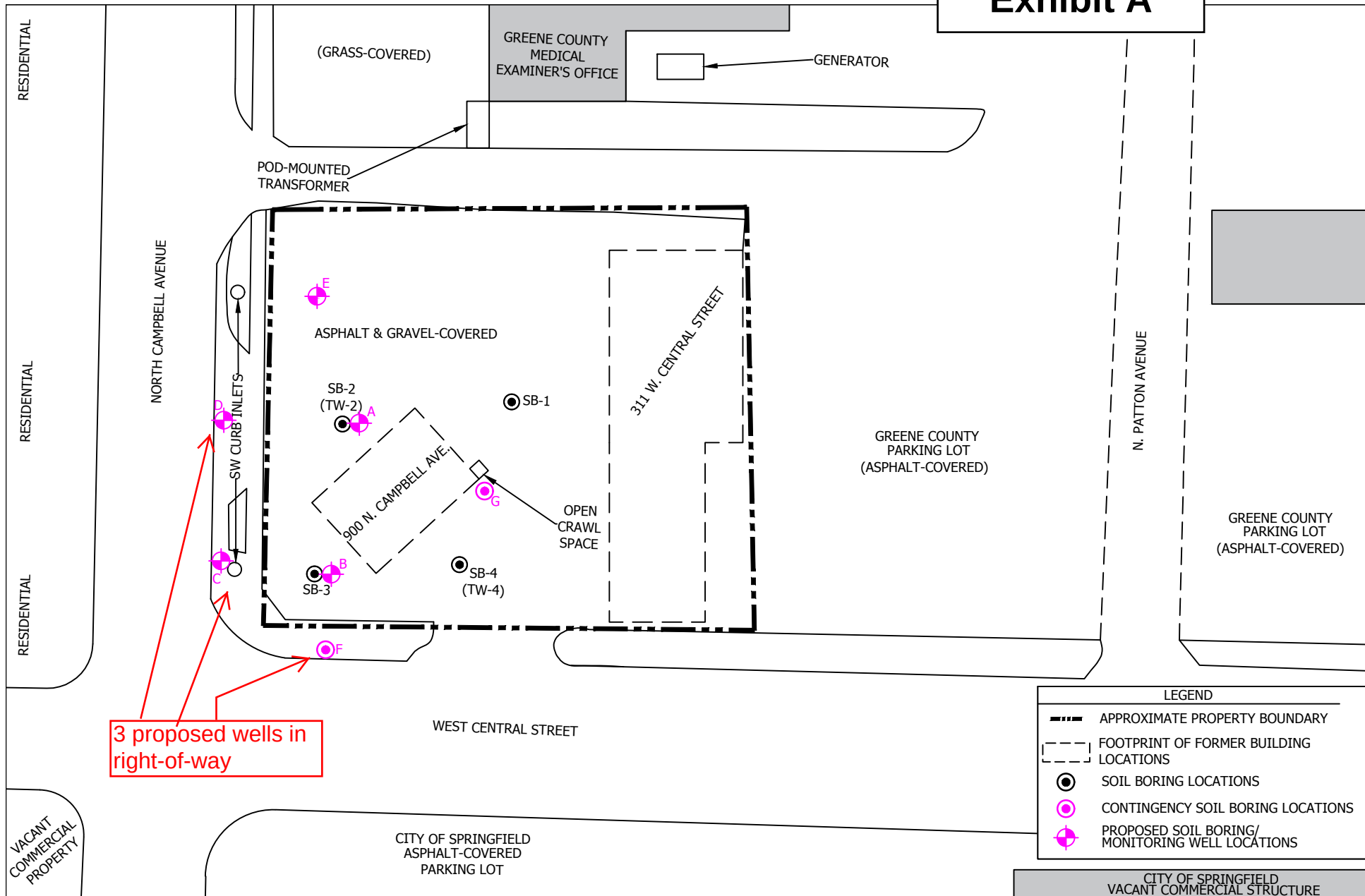
Date: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager, or designee

Date: _____

Exhibit A



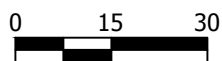
NORTH



CHECKED BY:
G. BISCHOF

E.W.I. # 190100
DRAWN BY: MLH
Mar. 20, 2019

SCALE IN FEET



APPROXIMATE



Springfield Office Location:
1455 E. Chestnut Expressway
Springfield, MO 65802
Phone: (417) 890-9500

PROPOSED SOIL BORING/
MONITORING WELL LOCATIONS

PHASE II- FORMER BOOKSTORE
900 N. CAMPBELL AVE. & 311 W. CENTRAL STREET
SPRINGFIELD, GREENE COUNTY, MISSOURI

FIGURE

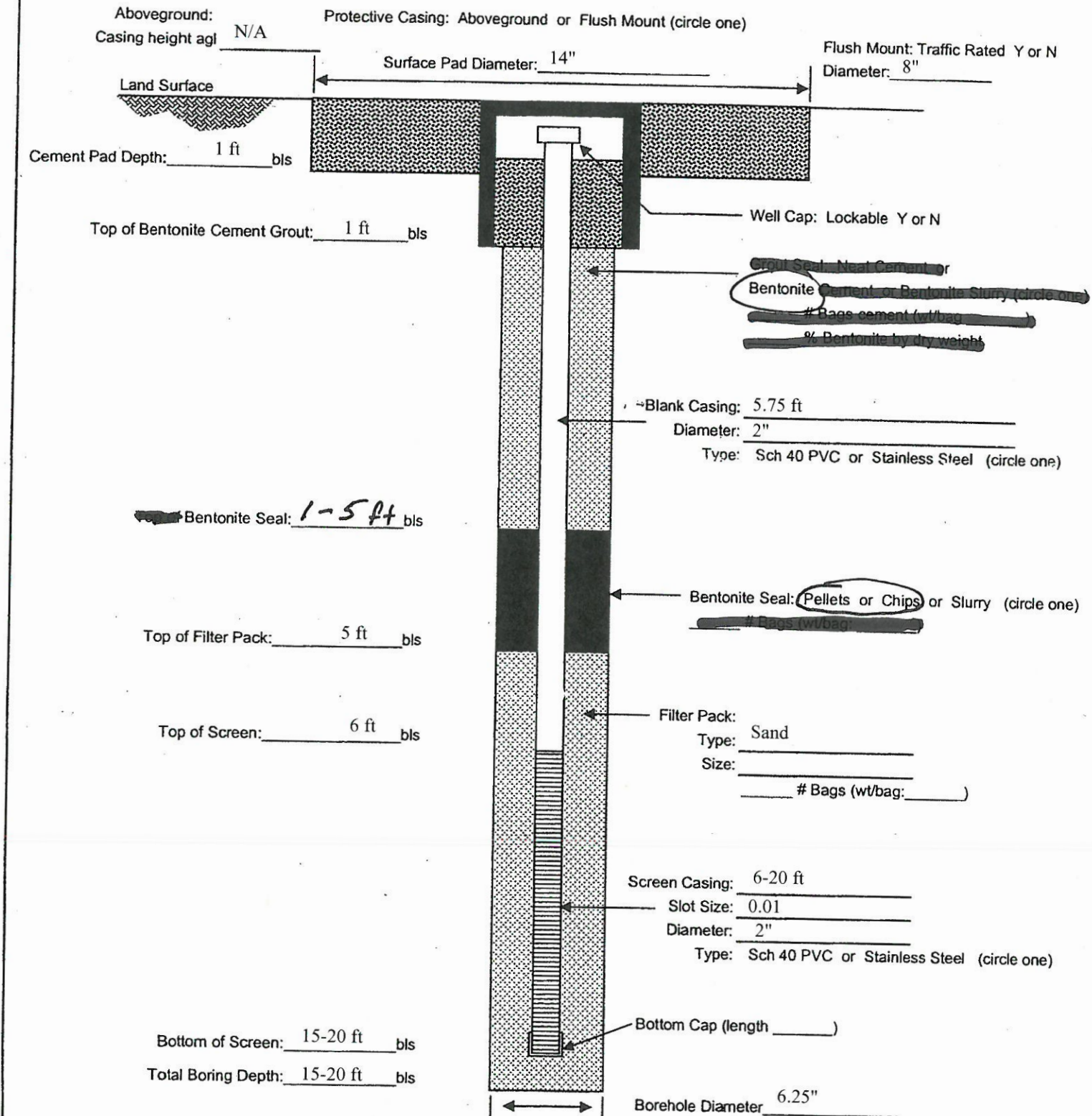
7.0

PROPOSED MONITORING WELL CONSTRUCTION SCHEMATIC

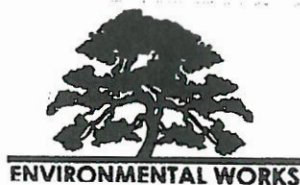
Boring ID: locations C,D,F

Logged By: _____

Drilled By: Environmental Works, Inc. (EWI)



NOT TO SCALE



Well Construction Details Form

DRAWN <u>Bischof</u>	CHECKED _____	APPROVED _____	DATE <u>3/29/19</u>
FILENAME <u>900 N. Campbell Avenue at Central Street, Springfield, MO</u>			

Page 9 of 9

Exhibit B

One-rdg. _____
P. Hrngs. X
Pgs. 24
Filed: 05-14-19

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 119

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING a Petition to Amend and Restate the Petition to Establish the
2 Commercial Street Community Improvement District and directing the
3 City Clerk to notify the Missouri Department of Economic
4 Development and the Greene County Clerk of the amendments.
5 (Staff and the Commercial Street Community Improvement District
6 Board of Directors recommend approval.)
7 _____
8

9 WHEREAS, Sections 67.1401 to 67.1571 RSMo. (the "Community Improvement
10 District Act") authorize the governing body of any municipal corporation, upon a proper
11 petition requesting the formation or amendment of an existing Community Improvement
12 District's petition, and after a public hearing, to adopt an ordinance establishing or
13 amending the petition creating a community improvement district; and
14

15 WHEREAS, the Commercial Street Community Improvement District ("CSCID")
16 was established by Special Ordinance 25611 on June 15, 2009, for a period of 10
17 years; and
18

19 WHEREAS, the CSCID is set to expire on June 15, 2019, unless reestablished
20 prior to June 15, 2019; and
21

22 WHEREAS, certain property owners within the district have submitted a Petition
23 to Amend and Restate the Petition to Establish the CSCID, which proposes to extend
24 the term of the Community Improvement District ("CID") for 15 years, allow a one
25 percent (1%) sales and use tax, and to add additional property to the CID area, which is
26 attached hereto as "Exhibit 1;" and
27

28 WHEREAS, said District's legal description and map of its current boundaries
29 and proposed boundaries are attached hereto in "Exhibit 1" as "Exhibit A" and "Exhibit
30 B" respectfully; and
31

32 WHEREAS, on April 29, 2019, a petition for the amendment and restatement of
33 the CSCID was filed with the City Clerk of the City of Springfield, Missouri (the "City"),

34 including signatures for the existing and additional land areas in support of said petition;
35 and
36

37 WHEREAS, the City Clerk verified that the petition complied with the Community
38 Improvement District Act and set a public hearing with all proper notice being given in
39 accordance with the Community Improvement District Act or other applicable law; and
40

41 WHEREAS, all mailed and published notices of the required public hearing for
42 the Amended Petition and addition of Property to the District have been provided in
43 accordance with the Act; and
44

45 WHEREAS, City Council held a public hearing on May 20, 2019, at which time all
46 persons interested in the amendment and restatement of the petition, its duration,
47 powers and boundaries were allowed an opportunity to speak and at which time City
48 Council heard all protests and received all endorsements; and
49

50 WHEREAS, City Council further finds that the amended petition to create the
51 CSCID is proper and meets all the requirements of the Community Improvement District
52 Act.
53

54 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
55 SPRINGFIELD, MISSOURI, as follows, that:
56

57 Section 1 – There is hereby approved a petition to amend and restate the petition
58 that created the CSCID, with said amendments altering provisions and restrictions of
59 the petition including the expanding of the CSCID's boundaries, extending the life of the
60 CSCID by 15 years, and allowing a sales and use tax (subject to approval by the
61 qualified voters of the CSCID), and that the CSCID shall remain within the City as a
62 political subdivision of the State of Missouri having the powers and purposes set forth in
63 the amended petition, the original of which is on file with the City Clerk and is
64 incorporated herein by this reference as if copied verbatim as "Exhibit 1." The CSCID
65 shall include the contiguous tracts of real estate described in "Exhibit 1 – Exhibit A."
66

67 Section 2 – The term of existence of the CSCID shall be set out in the amended
68 petition approved herein.
69

70 Section 3 – The City Clerk is hereby directed to prepare and file with the Missouri
71 Department of Economic Development the report specified in Subsection 6 of Section
72 67.1421 of the Community Improvement District Act, and to further notify the Office of
73 the Greene County Clerk of the CSCID's amended petition and continued existence to
74 its new termination date of June 15, 2034.
75

76 Section 4 – This Ordinance shall be in full force and effect from and after its
77 passage.
78

79 Passed at meeting: _____

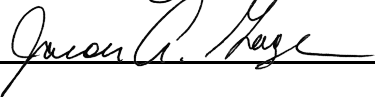
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019-119

FILED: 05-14-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Approving a Petition to Amend and Restate the Petition to Establish the Commercial Street Community Improvement District and directing the City Clerk to notify the Missouri Department of Economic Development and the Greene County Clerk of the amendments. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

BACKGROUND INFORMATION: The Commercial Street Community Improvement District (the "CSCID") was established on June 15, 2009, with City Council adoption of Special Ordinance 25611, which approved the Petition to Establish the CSCID (the "Original Petition"). The Original Petition authorized the District to impose up to a one-cent (1.0%) sales and use tax to fund various marketing and image enhancements for the benefit of the businesses, residents, and visitors in the District. The qualified voters in the District ultimately approved a three-eighths cent (0.375%) sales and use tax to fund such initiatives, which included but was not limited to installation and maintenance of street landscaping and furniture, trash and snow removal, district signage and banners, holiday lighting, visitors' guides, and advertising. Since its establishment, the CSCID has helped improve the cleanliness and vibrancy of Commercial Street, which supports the substantial public and private investments that have occurred in the area.

Per the Original Petition, the CSCID is set to expire on June 15, 2019. To ensure that the CSCID will remain in existence and continue to support Commercial Street, the CSCID Board of Directors have prepared and filed the Petition to Amend and Restate the Petition to Establish the CSCID (the "Amended and Restated Petition") with the Springfield City Clerk. The Amended and Restated Petition will extend the life of the District for an additional 15 years, thus allowing it to continue providing the various public improvements and services specified in the Original Petition. It will also expand the District boundaries to include Frisco Lane and a City-owned parking lot at the southwest corner of North Robberson Avenue and East Pacific Street, as well as authorize the District to impose up to a one cent (1.0%) sales and use tax that shall be subject to approval by the qualified voters in the District.

State law requires the Amended and Restated Petition to be signed by property owners collectively owning more than 50 percent of real property by assessed value and by more than 50 percent per capita of all owners of real property inside both the existing District boundaries and the proposed expansion areas. The City Clerk has verified that the Amended and Restated Petition meets these requirements. The Amended and Restated Petition has been signed by 52.83% percent (56 out of 106) of the real property owners within the existing CSCID boundaries, whom collectively own 60.51% percent of the total assessed value of real property inside said area. Within the expansion areas, 100 percent (1 out of 1) of the property owners, whom own 100

percent of the total assessed value of property have also signed the Amended and Restated Petition

REMARKS: The City of Springfield owns real property within the CSCID. On July 30, 2018, City Council adopted Resolution 10389, which authorized the Mayor to sign the Amended and Restated Petition on behalf of the City. The Mayor has since signed said Petition.

Staff and the CSCID Board of Directors recommend approval.

Submitted by:



Matt D. Schaefer, AICP, Senior Planner

Recommended by:



Brendan K. Griesemer, AICP,
Assistant Director


Jason Gage, City Manager

Exhibit 1

PETITION TO THE CITY OF SPRINGFIELD, MISSOURI

TO AMEND AND RESTATE THE COMMERCIAL STREET COMMUNITY

IMPROVEMENT DISTRICT

Submitted _____ 2018

PETITION TO AMEND AND RESTATE THE COMMERCIAL STREET COMMUNITY IMPROVEMENT DISTRICT

To: The City Council of the City of Springfield, Greene County, Missouri (the “*City*”):

The undersigned, being the owners of record owning more than fifty percent (50%) by assessed value of real property within the proposed boundaries of the **COMMERCIAL STREET COMMUNITY IMPROVEMENT DISTRICT** (the “*District*”) and being more than fifty percent (50%) per capita of all owners of real property within the boundaries of the District, do hereby petition and request that the City establish the Commercial Street Community Improvement District, as described herein, to fund all or part of the cost of services and improvements provided and made within the District under the authority of Sections 67.1401 to 67.1571, R.S.Mo. (the “*Community Improvement District Act*” or the “*Act*.”)

1. Description of the District.

A. Legal Description; Property Areas.

The legal description of the District is attached hereto as **Exhibit A**.

B. Map of District Boundaries.

A map illustrating the District boundaries is attached hereto as **Exhibit B**. The boundaries of the District are contiguous. **Exhibit B** also identifies the ownership within the proposed District.

2. Name of District.

The name of the district will be the Commercial Street Community Improvement District.

3. Signatures may not be withdrawn later than seven days after submittal.

Notice has been provided to all Petition signers that their signatures may not be withdrawn later than seven (7) days after the filing of this Petition with the City Clerk. This notice is included on each signature page attached to this Petition.

4. Five-Year Plan.

A five-year plan stating a description of the purposes of the District, the services it will provide, the improvements it will make, and an estimate of costs of these improvements to be incurred is attached hereto as **Exhibit C and Exhibit C-2**.

5. Type of District.

The District will be a political subdivision of the State of Missouri.

6. Board of Directors.

A. The District will be governed by a board of directors (the “*Board*”), whose members shall be appointed by the Mayor of the City of Springfield (the “*Mayor*”) with the consent of the City Council of Springfield (the “*City Council*”) in accordance with the qualifications as established by law and as set forth below.

B. Number.

There shall be 7 director positions on the District’s board of directors.

C. Qualifications.

Each director must meet the following requirements:

1. Be at least 18 years of age;
2. Be either an “owner” of real estate within the District as defined in the Act, (“Property Owner”), the legally authorized representative of an owner of real property (“Property Owner Representative”), an owner of a business operating within the district (“Business Owner”), the legally authorized representative of an owner of a business (“Business Owner Representative”), the legally authorized representative of a non-profit organization operating within the District, or a registered voter residing in the District (“Registered Voter”), and
3. Be nominated pursuant to a slate submitted by the board of directors to the City Council pursuant to the nominating procedures set forth below.

D. Representation.

1. A minimum of 3 directors must be Property Owners or Property Owner Representatives
2. A minimum of 2 directors must be Business Owners or Business Owner Representatives
3. A minimum of 1 director must be a registered voter living within the District, so long as there are registered voters living in the District

Each director may represent more than one of the foregoing categories. Upon the appointment of each director following the date of this Petition, the Board minutes nominating such proposed board member shall specify the types of representation of such director under this Section 6. D.

The failure of the board of directors to meet the representation requirements set forth in this **Section 6.D.** shall not affect the board of directors’ authority to hold meetings, exercise any of the District’s powers or take any action otherwise lawful.

E. Nominating Committee

The board of directors may serve as a committee of the whole or appoint a nominating committee with a minimum of three (3) persons, with: (i) at least one (1) owner of real property within the District (ii) one (1) registered voter living within the District, if any; and (iii) one (1) business owner owning a business in the District. All such persons must meet the qualifications of **Sections 6.C.1. and 2.** above. Each member of the nominating committee may represent more than one of the foregoing categories.

F. Nominating Process.

The nominating committee may submit a slate to the board of directors for its approval. In preparing each slate the nominating committee shall follow the following criteria:

1. Each person nominated must meet the qualifications specified in **Section 6.C.** of this Petition.
2. The slate must ensure that the board of directors will have the representation as set forth in **Section 6.D.** of this Petition.
3. Once a slate has been approved by the board, the slate shall be submitted to the City Clerk by the Board. The City Clerk shall immediately deliver the slate to the Mayor. The Mayor may appoint the successor Directors according to the slate submitted, and the City Council shall consent by resolution to the appointment; or the Mayor or the City Council may reject the slate submitted and request in writing, reasons for rejection of the slate, that the board submit an alternate slate.

3. If an alternate slate is requested, the Board shall submit an alternate slate to the City Clerk. The City Clerk shall immediately deliver the alternate slate to the Mayor. The Mayor may appoint the successor Directors according to the alternate slate submitted and the City Council shall consent by resolution to the appointment, or, the Mayor of the City Council may reject the alternate slate submitted and request that its Board submit another alternate slate.

4. The procedure described above shall continue until the successor Directors are appointed by the Mayor with the consent of the City Council.

G. Successor Directors.

The successor board of directors shall meet the qualifications set forth in **Section 6.C** and be nominated and appointed as provided herein. All successor board members shall serve a four-year term.

H. Removal.

Any director may be removed by a two-thirds affirmative vote of the directors of the board for cause or to ensure the representation requirements set forth in **Section 6.C and 6.D**. Written notice of the proposed removal shall be given to all directors prior to action thereon, pursuant to the provisions of the Act.

Three consecutive absences of any director without notice to the board (written or electronic) constitutes an automatic resignation from the board of directors.

7. Total Assessed Value.

The total assessed value of all real property located within the District is \$6,421,970.

8. Determination of Blight. The District does not seek a determination of blight.

9. Life of District.

The life of the District will be for a period of fifteen (15) years following the effective date of the ordinance approval, or until June 30, 2019, whichever last occurs.

10. Maximum Rates of Business License Tax, Real Property Tax and Sales Tax.

A. License and Real Estate Taxes

The district will not impose business license taxes or real estate taxes..

B. Sales Taxes.

The District may impose a sales and use tax at a maximum of one (1) cent, on all retail sales made in the district that are subject to taxation pursuant to sections 144.010 to 144.525. The District may impose a sales and use tax, at a maximum rate of one (1) cent, on all retail sales made in the District that are subject to taxation pursuant to Sections 144.010 to 144.525, R.S.Mo., except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services (the "CID Sales Tax"). The CID Sales Tax shall be approved by a majority of the qualified voters in the District by mail-in ballot as required by Section 67.1545, R.S.Mo.; provided the District shall follow the mail-in ballot election procedure as prescribed for imposing real estate taxes per Section 67.1551, RSMo.

11. Maximum Rates of Special Assessments and the Method of Assessment.

The District will not impose a special assessment.

12. Limitations on Borrowing Capacity.

The District shall have the authority to incur debt and to issue notes, bonds and other financial obligations subject to the provisions of the Act.

13. Limitations on Revenue Generation.

There shall be no limitation on the revenues generated by the district, except as set forth in this Petition.

14. Other Limitations on District Powers.

The District shall have the powers authorized by this Petition and consistent with the Act.

15. Annual Reports and Meetings.

The District shall comply with the reporting and meeting requirements described in R.S.Mo. § 67.1471, and acknowledges that such meetings shall be open to the public.

16. Severability.

If any provision of this Petition shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case, or in all cases, because it conflicts with any other provision or provisions of this Petition or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision contained in this Petition invalid, inoperative or unenforceable to any extent whatsoever.

17. Signatures of all Petitioners.

Following are the signature pages for each property owner that joins in this Petition.

CLERK'S RECEIPT OF PETITION

This Petition was filed in the office of the City Clerk of Springfield, Missouri
on the _____ day of _____, 2018.

City Clerk

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION

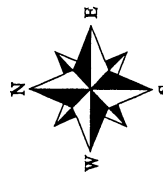
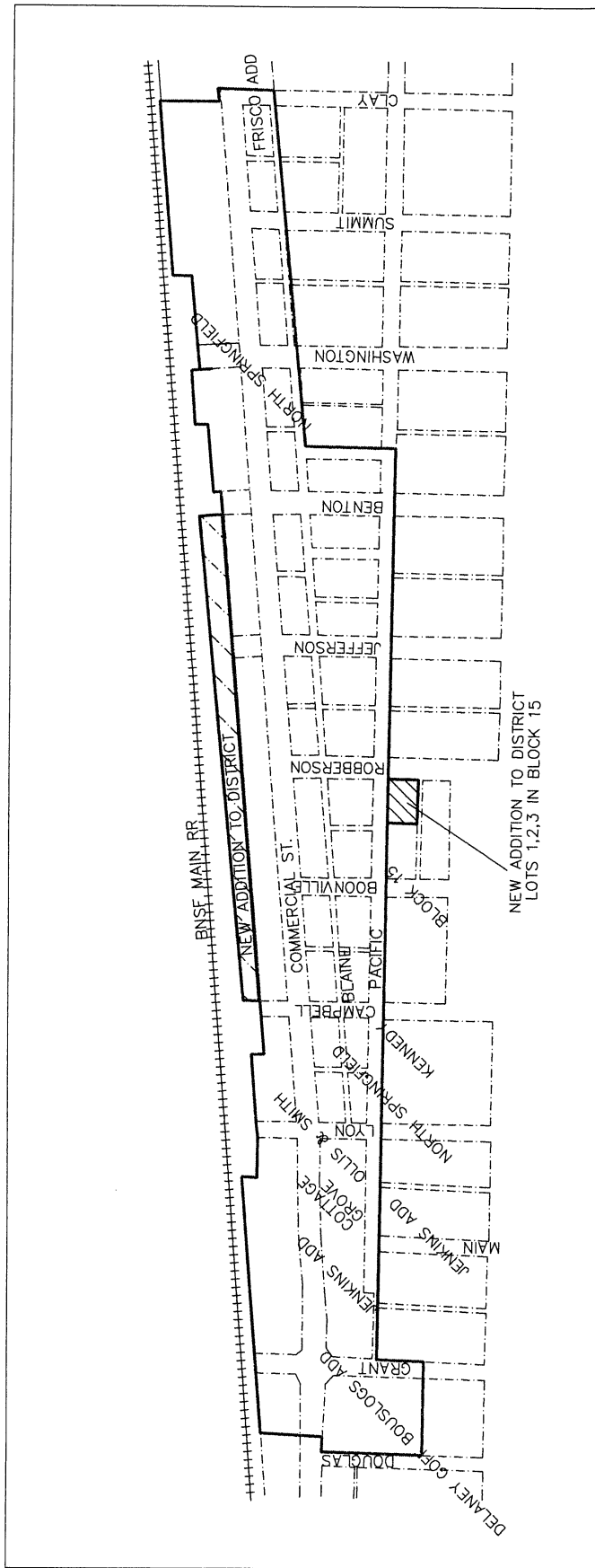
A PART OF SECTIONS 11 AND 12, IN TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 5 OF DELANEY, GOFF'S, AND BOUSLOG'S ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, SAID CORNER BEING AT THE SOUTHEAST CORNER OF THE INTERSECTION OF DOUGLAS AVENUE AND COMMERCIAL STREET; THENCE EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF COMMERCIAL STREET, TO THE POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST 5.00 FEET OF LOT 3 OF COMMERCIAL STREET ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE NORTH ALONG SAID WEST LINE, TO THE NORTH LINE OF SAID LOT 3, BEING ON THE SOUTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN-SANTA FE RAILROAD; THENCE NORTHEASTERLY, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE RAILROAD, TO A POINT 587.89 FEET EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12; THENCE SOUTH TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COMMERCIAL STREET, 597.86 FEET EAST OF SAID WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF CLAY AVENUE; THENCE SOUTH, ALONG SAID EAST RIGHT-OF-WAY LINE, TO THE NORTHWEST CORNER OF LOT 36 OF FRISCO ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE SOUTHWEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF A 20 FEET WIDE ALLEY AS SHOWN ON THE FINAL PLAT OF SAID FRISCO ADDITION, TO THE NORTHWEST CORNER OF LOT 9 OF SAID FRISCO ADDITION; THENCE CONTINUING SOUTHWEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF AN ALLEY AS SHOWN ON THE FINAL PLAT OF NORTH SPRINGFIELD, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, TO A POINT 20 FEET WEST OF THE NORTHWEST CORNER OF LOT 56 OF BLOCK 27 OF SAID NORTH SPRINGFIELD; THENCE SOUTH, ALONG A LINE 20 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LOTS 45 THROUGH 56 OF SAID BLOCK 27, AND ALONG ITS SOUTHERLY EXTENSION, TO THE SOUTH RIGHT-OF-WAY LINE OF PACIFIC STREET; THENCE WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, TO THE NORTHEAST CORNER OF LOT 2 OF JENKINS ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE CONTINUING WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF A 16 FEET WIDE ALLEY AS SHOWN ON THE FINAL PLAT OF SAID JENKIN'S ADDITION, TO THE NORTHWEST CORNER OF LOT 3 OF SAID JENKIN'S ADDITION, BEING ON THE EAST RIGHT-OF-WAY LINE OF GRANT AVENUE; THENCE SOUTH, ALONG SAID EAST RIGHT-OF-WAY LINE, TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF LOTS 33 AND 34 OF DELANEY, GOFF'S, AND BOUSLOG'S ADDITION; THENCE WEST, ALONG SAID NORTH LINE, TO THE EAST RIGHT-OF-WAY LINE OF DOUGLAS AVENUE; THENCE NORTH, ALONG SAID EAST RIGHT-OF-WAY LINE, TO THE POINT OF BEGINNING.

EXHIBIT B

EXHIBIT B-1 CID BOUNDARY AND OWNERSHIP MAP

Please see map on following page.

EXHIBIT B



GRID
SKETCH IS NOT TO SCALE

NOTE: HATCHED AREAS DEPICT ADDITION TO COMMUNITY
IMPROVEMENT DISTRICT. THE HATCHED AREA TO
THE NORTH REPRESENTS OLD RR RIGHT OF WAY
AND THE AREA TO THE SOUTH IS A PART OF
BLOCK 15 OF NORTH SPRINGFIELD.

G&A GRAY & ASSOCIATES, LLC
PROFESSIONAL SURVEYORS
PO BOX 336 102 W. BOONE
ASH GROVE, MO. 65604
PH 417-323-1021

- BOUNDARY
- CONSTRUCTION STAKING
- TOPOGRAPHIC
- ALTA TITLE SURVEYS

COMMUNITY IMPROVEMENT DISTRICT
UPDATED DESCRIPTION SKETCH
SPRINGFIELD, MO.

DRAWN BY: MDG2
DATE: 5/28/18
CLIENT NO:
FIELD BY:
FIELD BK:
SHEET NO: 1

**EXHIBIT B-2 IDENTIFICATION OF PROPERTY OWNERS WITHIN
COMMERCIAL STREET COMMUNITY IMPROVEMENT DISTRICT**

Please see spreadsheet on following pages.

Parcel No.	Property Address	Name	Address	City/State/Zip	Assessed Value
881312309001	233 E COMMERCIAL ST	233E COMMERCIAL LLC	1605 E SUNSHINE ST	SPRINGFIELD MO 65804	\$ 70,270
881312327010	1700 N BENTON AVE	233E COMMERCIAL LLC	1605 E SUNSHINE ST	SPRINGFIELD MO 65804	\$ 59,040
881312309032	305 W COMMERCIAL ST	305 W COMMERCIAL LLC	305 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 87,070
881312310007	312 W COMMERCIAL ST	312 W COMMERCIAL LLC	312 W COMMERCIAL ST	SPRINGFIELD MO 65803-2666	\$ 42,660
881312407024	720 E COMMERCIAL ST	417 RENTALS LLC	5759 W US HIGHWAY 60	BROOKLINE MO 65619-9438	\$ 9,310
881311411020	505 W COMMERCIAL ST	505 WEST C ST LLC	330 SPICE RD	OZARK MO 65721-7943	\$ 104,740
881312319029	328 E COMMERCIAL ST	ALLEN, JAMES E	2663 E CHAROLAIS ST	SPRINGFIELD MO 65803	\$ -
881312332004	606 E COMMERCIAL ST	ASHFORD, HENRY A	707 N ROGERS AVE	SPRINGFIELD MO 65802	\$ 2,020
881312332005	600 E COMMERCIAL ST	ASHFORD, JAMES	707 N ROGERS AVE	SPRINGFIELD MO 65802	\$ 11,230
881312327005	514 E COMMERCIAL ST	ASKINOSIE PROP LLC	514 E COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 73,210
881312327024	500 E COMMERCIAL ST	ASKINOSIE PROP LLC	514 E COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 30,340
881312408011	739 E COMMERCIAL ST	BARRETTEWOOD, USA INC	583 GRAND BERNIER NORD	ST JEAN SUR RICHLIEU, QUEBEC, CANADA J3B-8K1	\$ 143,390
881311412021	511 W PACIFIC ST	BARRY, JAMES A ETAL TR	622 W LOCUST ST	SPRINGFIELD MO 65803-2710	\$ 7,130
881311412022	1701 N LYON AVE	BARRY, JAMES A ETAL TR	622 W LOCUST ST	SPRINGFIELD MO 65803-2710	\$ 25,310
881311428019	435 W PACIFIC ST	BARRY, JAMES A ETAL TR	622 W LOCUST ST	SPRINGFIELD MO 65803	\$ 36,450
881312310005	216 W COMMERCIAL ST	BILYEU, STACIE RENAE CALHOUN	841 S WELLER AVE	SPRINGFIELD MO 65802-3346	\$ 67,260
881312324017	1703 N BENTON AVE	BLANKENSHIP, HILLARD F ETAL TR	1601 VISTA	BARTLESVILLE OK 74006	\$ 14,400
889850500138	543 E COMMERCIAL ST	BNSF RAILWAY COMPANY	PO BOX 961089	FORT WORTH TX 76161-0089	\$ -
889850500006	COMMERCIAL & WASHINGTON	BURLINGTON NORTHERN & SANTA FE RAILWAY	PO BOX 961089	FORT WORTH TX 76161-0089	\$ -
881312326010	505 E COMMERCIAL ST	BREAK PLAINS INV LLC	1429 S RANCH DR	SPRINGFIELD MO 65809-2235	\$ 19,360
881311412019	522 W COMMERCIAL ST	BROYLES, DAVID & TERRY TRUST	PO BOX 65	HUMBOLDT KS 66748	\$ 82,520
881311428007	422 W COMMERCIAL ST	BUILDING CONSERVATION LLC	422 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 38,080
881311428005	416 W COMMERCIAL ST	C STREET BUSINESS DEV CO LLC	2279 S MEADOWVIEW AVE	SPRINGFIELD MO 65804	\$ 28,030
881312317001	234 E COMMERCIAL ST	CAFE CUSCO LLC	1650 S ROANOKE AVE	SPRINGFIELD MO 65807	\$ 68,000
881312310003	210 W COMMERCIAL ST	CANADA PROP LLC	210 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 50,940
881312309024	203 W COMMERCIAL ST	CJ FAMOUS ENT LLC	2311 W WINCHESTER ST	SPRINGFIELD MO 65807	\$ 105,730
881312319025	1708 N ROBERSON AVE	CLOUD INV LLC	9025 N FARM ROAD 21	ASH GROVE MO 65604-8830	\$ 84,540
881312317013	200 E COMMERCIAL ST	COLLETTE, MARY	1539 N WASHINGTON AVE	SPRINGFIELD MO 65803-2848	\$ 50,630
881312317014	1710 N BOONVILLE AVE	KIDCARE AMERICA INC	PO BOX 14617	SPRINGFIELD MO 65814-617	\$ 4,450
881312309003	225 E COMMERCIAL ST	CONCORD INV GROUP INC	313 S GLENSTONE AVE	SPRINGFIELD MO 65802-3104	\$ 73,760
881312319011	306 E COMMERCIAL ST	COOPER LLC	306 E COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 44,850
881311428022	404 W COMMERCIAL ST	CURTIS INV LLC	2632 E SHADY GLEN ST	SPRINGFIELD MO 65804	\$ 63,800
881311428009	426 W COMMERCIAL ST	DAN JOHNSON & ASSOC LLC	1551 S JEFFERSON AVE	SPRINGFIELD MO 65807	\$ 76,060
881311429006	411 W COMMERCIAL ST	DAN JOHNSON & ASSOC LLC	305 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 7,620
881312309012	209 W COMMERCIAL ST	DAN JOHNSON & ASSOC LLC	1551 S JEFFERSON AVE	SPRINGFIELD MO 65807	\$ 20,770

Parcel No.	Property Address	Name	Address	Property Owner	City/State/Zip	Assessed Value
881312309020	315 W COMMERCIAL ST	DAN JOHNSON & ASSOC LLC	305 W COMMERCIAL ST		SPRINGFIELD MO 65803	\$ 109,700
881312317012	202 E COMMERCIAL ST	DAN JOHNSON & ASSOC LLC	1551 S JEFFERSON AVE		SPRINGFIELD MO 65807	\$ 26,340
881312319001	338 E COMMERCIAL	DAN JOHNSON & ASSOC LLC	1551 S JEFFERSON AVE		SPRINGFIELD MO 65807	\$ 32,000
881312325011	401 E COMMERCIAL ST	DAVIS, JANET ANNETTE TR	1522 S BRIAR AVE		SPRINGFIELD MO 65809	\$ 51,290
881312309015	217 W COMMERCIAL ST	DECKER K PROP LLC	5726 S PINEHURST AVE		SPRINGFIELD MO 65810-2562	\$ 31,860
881312319015	1700 N ROBBERSON AVE	DEWAR FAMILY 1 LTD PART	827 S ROGERS AVE		SPRINGFIELD MO 65804-0126	\$ 36,770
881311428004	410 W COMMERCIAL ST	DUNVILLE, CHARLES	PO BOX 11302		SPRINGFIELD MO 65808-1302	\$ 39,510
881312317028	E COMMERCIAL ST	DWM PROPERTIES LLC	1320 E KINGSLEY ST		SPRINGFIELD MO 65804-7228	\$ 4,160
881312317026	224 E COMMERCIAL ST	DWM PROPERTIES LLC	224 E COMMERCIAL ST		SPRINGFIELD MO 65803	\$ 183,670
881312317008	208 E COMMERCIAL ST	EBRITE, RANDALL D	656 S PICKWICK AVE		SPRINGFIELD MO 65802-3339	\$ 46,790
881312332003	612 E COMMERCIAL ST	EUTSLER, AVA	612 E COMMERCIAL ST		SPRINGFIELD MO 65803-3245	\$ 6,350
881312309016	219 W COMMERCIAL ST	FREAKING BLDG LLC	PO BOX 2062		SPRINGFIELD MO 65801-2062	\$ 78,760
881312309005	219 E COMMERCIAL ST	FRONT RANGE REAL PROP LLC	1065 S AMES ST		LAKEWOOD CO 80226	\$ 81,220
881312407005	714 E COMMERCIAL ST	FULLER, RUSSELL	15120 TEXAS RD		SAINT ROBERT MO 65584-3234	\$ 5,470
881312317025	1700 N BOONVILLE AVE	GATE OF THE TEMPLE LODGE MASONIC ASSOC	1700 N BOONVILLE AVE		SPRINGFIELD MO 65803	\$ -
881312327004	518 E COMMERCIAL ST	GAY & LESBIAN COMMUNITY CTR	PO BOX 225		SPRINGFIELD MO 65801-0225	\$ -
881312327030	520 E COMMERCIAL ST	GAY & LESBIAN COMMUNITY CTR	PO BOX 225		SPRINGFIELD MO 65801	\$ -
881312309030	213 W COMMERCIAL ST	GORHAM, MARY	213 W COMMERCIAL ST		SPRINGFIELD MO 65803	\$ 46,400
881311428003	406 W COMMERCIAL ST	GRACE, GREGORY	833 W TURNER ST		SPRINGFIELD MO 65803	\$ 55,580
881312319006	318 E COMMERCIAL ST	HALL, PAUL W	318 E COMMERCIAL ST		SPRINGFIELD MO 65803-2942	\$ 38,530
881311412018	504 W COMMERCIAL ST	HARRIS, DANIEL D	5425 E BENNETT ST		SPRINGFIELD MO 65809-2603	\$ 38,340
881312327029	530 E COMMERCIAL ST	HARRIS, DAVID K	301 E COMMERCIAL ST		SPRINGFIELD MO 65803-2941	\$ 4,220
881311412004	520 W COMMERCIAL ST	HARRIS, DAVID K	5425 E BENNETT ST		SPRINGFIELD MO 65809	\$ 7,360
881312317030	204 E COMMERCIAL ST	HATCH, JERRY L ETAL TR	5713 E DIVISION ST		SPRINGFIELD MO 65802	\$ 30,030
881312407001	734 E COMMERCIAL ST	HERD, CARL E TR	PO BOX 2764		SPRINGFIELD MO 65801-2764	\$ 2,530
881312324026	1720 N JEFFERSON AVE	HISTORIC COMMERCIAL DEVELOPMENT LLC	1414 E PRIMROSE ST		SPRINGFIELD MO 65804	\$ -
881312324005	420 E COMMERCIAL ST	HISTORIC COMMERCIAL DEVELOPMENT LLC	1414 E PRIMROSE ST		SPRINGFIELD MO 65804	\$ -
881312324024	424 E COMMERCIAL ST	HISTORIC COMMERCIAL DEVELOPMENT LLC	1414 E PRIMROSE ST		SPRINGFIELD MO 65804	\$ -
881312324022	1706 N JEFFERSON AVE	HISTORIC COMMERCIAL DEVELOPMENT LLC	1414 E PRIMROSE ST		SPRINGFIELD MO 65804	\$ -
881312324001	438 E COMMERCIAL ST	HISTORIC COMMERCIAL DEVELOPMENT LLC	1414 E PRIMROSE ST		SPRINGFIELD MO 65804	\$ 38,080
881312324002	434 E COMMERCIAL ST	HISTORIC COMMERCIAL DEVELOPMENT LLC	1414 E PRIMROSE ST		SPRINGFIELD MO 65804	\$ 14,910
881312324023	410 E COMMERCIAL ST	HISTORIC, COMMERCIAL DEV LLC	1414 E PRIMROSE ST		SPRINGFIELD MO 65804	\$ -
881312309002	229 E COMMERCIAL ST	HISTORIC DEV LLC	229 E COMMERCIAL ST		SPRINGFIELD MO 65803-2939	\$ 97,060
881311428020	1705 N CAMPBELL AVE	HOLDER, KERRY L	719 E WESTCHESTER CT		SPRINGFIELD MO 65810	\$ 44,000
881311411016	611 W COMMERCIAL ST	HS, INVESTMENTS LLC	611 W COMMERCIAL ST		SPRINGFIELD MO 65803-2633	\$ 86,460

Parcel No.	Property Address	Name	Address	City/State/Zip	Assessed Value
881311414005	624 W COMMERCIAL ST	HS INVESTMENTS LLC	611 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 14,110
881311414028	624 W COMMERCIAL ST	HS INVESTMENTS LLC	634 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 45,150
881311411018	601 W COMMERCIAL ST	IVEY, HAROLD D	PO BOX 5113	SPRINGFIELD MO 65801-5113	\$ 36,960
881311411019	600 W COMMERCIAL ST	IVEY, HAROLD D	PO BOX 5113	SPRINGFIELD MO 65801-5113	\$ 8,960
881312327001	540 E COMMERCIAL ST	JAMES FAMILY PROP MGT LLC	4205 SMYRNA RD	ROGERSVILLE MO 65742-8129	\$ 68,730
881312333003	629 E COMMERCIAL ST	JANSS LUMBER CO LLC	629 E COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 101,150
881312332002	614 E COMMERCIAL ST	JDP PARTNERS LLC	644 S SCENIC AVE	SPRINGFIELD MO 65802	\$ 6,310
881312317007	214 E COMMERCIAL ST	JGP 214 LLC	2403 W DEARBORN ST	SPRINGFIELD MO 65807	\$ 63,850
881312317029	206 E COMMERCIAL ST	JOHNSON DAN & ASSOC LLC	1551 S JEFFERSON AVE	SPRINGFIELD MO 65807	\$ 73,460
881312319004	326 E COMMERCIAL ST	JOHNSON, DAN ETAL	1551 S JEFFERSON AVE	SPRINGFIELD MO 65807	\$ 35,120
881312319005	320 E COMMERCIAL ST	KIM COMMERCE LLC	7328 FARM ROAD 1182	VERONA MO 65769	\$ 29,000
881312324019	420 E BLAINE ST	KLINGNER MORTUARY INC	PO BOX 130548	HOUSTON TX 77219-0548	\$ 52,160
881312327027	536 E COMMERCIAL ST	KRAMER, DAVID A	826 BARWICK PL	WILLARD MO 65781	\$ 3,520
881311412001	500 W COMMERCIAL ST	LADD, AL	500 W COMMERCIAL ST	SPRINGFIELD MO 65803-2632	\$ 25,670
881312325015	413 E COMMERCIAL ST	LANE, J DAVID ETAL TR	423 E COMMERCIAL ST	SPRINGFIELD MO 65803-2943	\$ 181,660
881311415012	1619 N GRANT AVE	LORENZ, FRANK INC	3182 W KNOB HILL ST	SPRINGFIELD MO 65810-2055	\$ 5,550
881312319012	302 E COMMERCIAL ST	LUCE, JOHN	1868 S BRISTOL AVE	SPRINGFIELD MO 65809-3203	\$ 28,230
881311415004	1620 N DOUGLAS AVE	MARTIN, GARY	1620 N DOUGLAS AVE	SPRINGFIELD MO 65803-1740	\$ 6,800
881311428010	430 W COMMERCIAL ST	MEDLEY, JEREMY W	1137 E OAK TREE LN	SPRINGFIELD MO 65810	\$ 38,590
881312332001	618 E COMMERCIAL ST	MENDEZ, SAMUEL D	618 E COMMERCIAL ST	SPRINGFIELD MO 65803-3245	\$ 6,960
881312309007	211 E COMMERCIAL ST	MERLYN PROPERTIES LLC	211 E COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 96,190
881312317020	1711 N ROBBERSON AVE	MERLYN PROPERTIES LLC	211 E COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 8,800
881312409016	628 E COMMERCIAL ST	MID WEST HEARING AID INC	628 E COMMERCIAL ST	SPRINGFIELD MO 65803-3245	\$ 42,750
881312409001	640 E COMMERCIAL ST	MID-WEST HEARING AID SER INC	628 E COMMERCIAL ST	SPRINGFIELD MO 65803-3245	\$ 5,920
881311428006	420 W COMMERCIAL ST	MOON CITY PUB LLC	420 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 24,100
881312310009	318 W COMMERCIAL ST	NEW COAT PAINT LLC	318 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 71,650
881312319013	300 E COMMERCIAL ST	NORTHBRIDGE 300 LLC	313 S GLENSTONE	SPRINGFIELD MO 65802	\$ 59,490
881312324008	400 E COMMERCIAL ST	NORTHBRIDGE 400 LLC	1041 E STANFORD ST	SPRINGFIELD MO 65807	\$ 44,260
881312319002	334 E COMMERCIAL ST	NORTHBRIDGE LLC	313 S GLENSTONE	SPRINGFIELD MO 65802	\$ 64,960
881311417016	701 W COMMERCIAL ST	NOUVELLE REALTY LLC	2023 S GLENSTONE AVE	SPRINGFIELD MO 65804-2427	\$ 61,210
881311428008	424 W COMMERCIAL ST	OZARK MODEL RR ASSOC	424 W COMMERCIAL ST	SPRINGFIELD MO 65803-2650	\$ 26,300
881312309028	101 E COMMERCIAL ST	PARKER, PAUL DAVID	1539 N WASHINGTON AVE	SPRINGFIELD MO 65803-2848	\$ 96,740
881312309008	209 E COMMERCIAL ST	PARKER, PAUL	1539 N WASHINGTON AVE	SPRINGFIELD MO 65803	\$ 37,610
881312317031	N BOONVILLE AVE	PARKER, PAUL ETAL	1539 N WASHINGTON AVE	SPRINGFIELD MO 65803	\$ 8,540
881312407006	706 E COMMERCIAL ST	PICKENS, MICHAEL	706 E COMMERCIAL ST	SPRINGFIELD MO 65803-3247	\$ 25,400

Parcel No.	Property Address	Name	Address	City/State/Zip	Assessed Value
881312407007	702 E COMMERCIAL ST	PICKENS, MICHAEL ETAL	1330 W FLORIDA ST	SPRINGFIELD MO 65803-1810	\$ 7,230
881312317019	225 E PACIFIC ST	POWERED HOLDINGS LLC	2361 S CELEBRATION AVE	SPRINGFIELD MO 65809	\$ 40,990
881312318009	301 E COMMERCIAL ST	PRIMARY PROPERTIES LLC	2565 S SHERIDAN BLVD	SPRINGFIELD MO 65804	\$ 60,510
881311415003	712 W COMMERCIAL ST	RAINIER SUNWEST 2012 LLC	13760 NOEL RD	DALLAS TX 75240-1307	\$ 206,140
881312327006	508 E COMMERCIAL ST	RATHBONE & FUSON	508 E COMMERCIAL ST	SPRINGFIELD MO 65803-2946	\$ 70,340
881311415013	704 W COMMERCIAL ST	ROSIL INC	7811 MONTROSE RD	POTOMAC MD 20854	\$ 14,620
881312319028	332 E COMMERCIAL ST	SAMAR VENTURES LLC	2755 E IMPERIAL CIR	SPRINGFIELD MO 65804	\$ 32,280
881312318023	305 E COMMERCIAL ST	SCHILLING, CHRISTINE	307 E COMMERCIAL ST	SPRINGFIELD MO 65803-2941	\$ 53,080
881312325016	445 E COMMERCIAL ST	SL MISSOURI LLC	1175 MANHEIM PIKE	LANCASTER PA 17601	\$ 193,560
881312310020	1701 N BOONVILLE AVE	SPFD VICTORY MISSION INC	1610 N BROADWAY AVE	SPRINGFIELD MO 65803-1704	\$ -
881312327023	1718 N BENTON AVE	SPFD YELLOW CAB CO INC	1718 N BENTON AVE	SPRINGFIELD MO 65803-2806	\$ 41,720
881311428023	400 W COMMERCIAL ST	SPIRIT GROUP LLC	5926 S KIMBROUGH AVE	SPRINGFIELD MO 65810-3230	\$ 60,680
881312324018	1717 N BENTON AVE	SPRINGFIELD COCA COLA BOTTLING CO	1777 N PACKER RD	SPRINGFIELD MO 65802	\$ 80,220
881311429005	425 W COMMERCIAL ST	SPRINGFIELD ENGINE SUPPLY INC	425 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 79,650
881312310017	1715 N BOONVILLE AVE	SPRINGFIELD VICTORY MISSION INC	PO BOX 2884	SPRINGFIELD MO 65801	\$ -
881312310019	1709 N BOONVILLE AVE	SPRINGFIELD VICTORY MISSION INC	PO BOX 2884	SPRINGFIELD MO 65801	\$ -
881312319019	1705 N JEFFERSON AVE	STEWART CREEK INV LLC	1705 N JEFFERSON AVE	SPRINGFIELD MO 65803-2820	\$ 79,360
881312326009	521 E COMMERCIAL ST	STEWART, RUSSEL NORMAN	521 E COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 54,200
881312310008	314 W COMMERCIAL ST	STOCKER, FAITH	2525 N CLIFTON AVE	SPRINGFIELD MO 65803-2147	\$ 35,490
881311411013	635 W COMMERCIAL ST	STORE MASTER FUNDING VII LLC	5250 US HWY 60	PADUCAH KY 42003	\$ 113,120
881311429007	935 W COMMERCIAL ST	STRONG CAPITAL V LP	5910 N CENTRAL EXPY	DALLAS TX 75206	\$ 3,460
881312319026	308 E COMMERCIAL ST	SWM REAL EST LLC	1227 S MARYLAND AVE	SPRINGFIELD MO 65807	\$ 28,390
881312319027	310 E COMMERCIAL ST	SWM REAL EST LLC	936 S WELLER AVE	SPRINGFIELD MO 65802	\$ 25,570
881312309029	215 W COMMERCIAL ST	TABOR, THEODORE	2465 E VALLEY WATER MILL RD	SPRINGFIELD MO 65803	\$ 43,840
881312317033	N ROBBERSON AVE	TABOR, THEODORE	2465 E VALLEY WATER MILL RD	SPRINGFIELD MO 65803	\$ 16,480
881312317034	220 E COMMERCIAL ST	TABOR, THEODORE	2465 E VALLEY WATER MILL RD	SPRINGFIELD MO 65803	\$ 91,360
881311414027	608 W COMMERCIAL ST	THE CITY OF SPRINGFIELD	840 N BOONVILLE AVE	SPRINGFIELD MO 65802-3832	\$ -
881312310010	1710 N CAMPBELL AVE	THE CITY OF SPRINGFIELD	840 N BOONVILLE AVE	SPRINGFIELD MO 65802-3832	\$ -
881312316001	1645 N ROBBERSON AVE	THE CITY OF SPRINGFIELD	840 N BOONVILLE AVE	SPRINGFIELD MO 65802-3832	\$ -
881312318001	321 E COMMERCIAL ST	THE CITY OF SPRINGFIELD	840 N BOONVILLE AVE	SPRINGFIELD MO 65802-3832	\$ -
881312318008	299 E COMMERCIAL ST	THE CITY OF SPRINGFIELD	840 N BOONVILLE AVE	SPRINGFIELD MO 65802-3832	\$ -
881312319020	1725 N JEFFERSON AVE	THE CITY OF SPRINGFIELD	840 N BOONVILLE AVE	SPRINGFIELD MO 65802-3832	\$ -
881312310004	214 W COMMERCIAL ST	TINSON, PETER M	214 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 36,770
881312319030	312 E COMMERCIAL ST	UPTOWN PIZZA HOUSE LLC	312 E COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 101,250
881312309006	217 E COMMERCIAL ST	VISION GROUP PART LLC	217 E COMMERCIAL ST	SPRINGFIELD MO 65803-2939	\$ 90,270

Parcel No.	Property Address	Name	Address	City/State/Zip	Assessed Value
881312310023	300 W COMMERCIAL ST	VISION GROUP PART LLC	2036 E CLOVELLY LN	SAINT AUGUSTINE FL 32092	\$ 200,100
881312309004	221 E COMMERCIAL ST	WAGONER, CRAIG E ETAL TR	1010 E ELM ST	SPRINGFIELD MO 65806-2656	\$ 93,120
881312309031	311 W COMMERCIAL ST	WELCOMED PROPERTIES LLC	311 W COMMERCIAL ST	SPRINGFIELD MO 65803	\$ 73,410
881312327007	504 E COMMERCIAL ST	WINGED FOOT INVESTMENTS LLC	936 W WALNUT ST	SPRINGFIELD MO 65806	\$ 47,630

EXHIBIT C

FIVE-YEAR PLAN

A. Purposes of the District.

The District will generally provide for:

1. The creation of information and image enhancement, such as maintaining a website, publishing visitor guides and maps, as well as additional marketing services approved by the Board.
2. The recruitment of new businesses to the District and the support in the retention of existing businesses in the District and activities that support the District and the mission of the District.
3. Installation and maintenance of public fixtures such as street furniture, supplemental signage and lighting.
4. The installation and maintenance of temporary holiday or special event lighting, decorations and signage.
5. Maintenance of District landscaping.
6. Snow removal as needed from public sidewalks and pedestrian alleyways.
7. Trash and litter removal from public areas.
8. The provision for District security as necessary to enhance safety and security of the district.
9. The provision of administrative services and personnel (contracted and/or hired employees) necessary to manage the District as approved by the Board of Directors.

B. 5-Year Budget. The estimated 5-year budget for the District is attached to and made a part of this Petition as **Exhibit C-2.**

C-STREET CID

Profit & Loss Budget Overview - TOTALS ONLY
5 - YR PERIOD - JULY 2018 - JUNE 2023

	Jul 2018 - Jun 2019	Jul 2019 - Jun 2020	Jul 2020 - Jun 2021	Jul 2021 - Jun 2022	Jul 2022 - Jun 2023
Income					
43400 · Direct Public Support	45,200.00	47,460.00	49,833.00	52,324.65	54,940.88
43410 · Sales Tax Receipts	45,200.00	47,460.00	49,833.00	52,324.65	54,940.88
Total 43400 · Direct Public Support	45,200.00	47,460.00	49,833.00	52,324.65	54,940.88
Total Income					
Expense					
62800 · District Maintenance					
62801 · Weed, Snow & Trash Removal	4,200.00	4,410.00	4,630.50	4,862.03	5,105.13
62803 · Landscaping	9,000.00	9,450.00	9,922.50	10,418.63	10,939.56
62870 · Maintenance Supplies	1,200.00	1,260.00	1,323.00	1,389.15	1,458.61
Total 62800 · District Maintenance	14,400.00	15,120.00	15,876.00	16,669.80	17,503.29
64000 · District Promotion					
64100 · District Advertising					
64110 · CVB Advertising	3,000.00	3,150.00	3,307.50	3,472.88	3,646.52
64120 · Consultant Fees	2,400.00	2,520.00	2,646.00	2,778.30	2,917.22
64190 · Other Advertising	9,600.00	10,080.00	10,584.00	11,113.20	11,668.86
Total 64100 · District Advertising	15,000.00	15,750.00	16,537.50	17,364.38	18,232.59
64500 · Event Support					
64515 · Pets & Pumpkins	1,000.00	1,050.00	1,102.50	1,157.63	1,215.51
64520 · Thriller on C-Street	1,000.00	1,050.00	1,102.50	1,157.63	1,215.51
64590 · Other Events	2,400.00	2,520.00	2,646.00	2,778.30	2,917.22
Total 64500 · Event Support	4,400.00	4,620.00	4,851.00	5,093.55	5,348.23
64610 · Holiday Decorations	600.00	630.00	661.50	694.58	729.30
64810 · Signage	4,200.00	4,410.00	4,630.50	4,862.03	5,105.13
64910 · Website	1,200.00	1,260.00	1,323.00	1,389.15	1,458.61
Total 64000 · District Promotion	25,400.00	26,670.00	28,003.50	29,403.68	30,873.86
65000 · Operations					
65005 · Accounting Fees	3,000.00	3,150.00	3,307.50	3,472.88	3,646.52
65015 · Dues & Subscriptions	800.00	840.00	882.00	926.10	972.41
65025 · Licenses & Fees	100.00	105.00	110.25	115.76	121.55
65040 · Office Expense	100.00	105.00	110.25	115.76	121.55
Total 65000 · Operations	4,000.00	4,200.00	4,410.00	4,630.50	4,862.03
65100 · Other Expenses					
65120 · Insurance - Liability, D and O	1,400.00	1,470.00	1,543.50	1,620.68	1,701.71
Total 65100 · Other Expenses	1,400.00	1,470.00	1,543.50	1,620.68	1,701.71
Total Expense	45,200.00	47,460.00	49,833.00	52,324.65	54,940.88
Net Income	0.00	0.00	0.00	0.00	0.00

CLERK'S RECEIPT OF PETITION

This Petition to amend and restate the Commercial Street Community Improvement District was filed in the office of the City Clerk of Springfield, Missouri on the 29th day of April 2019.

[SEAL]



Anita J. Cotter, CMC/MRCC
City Clerk

City Clerk Verification

Pursuant to Section 67.1401 to 67.1571 of the Revised Statues of Missouri (the "CID Act"), I, Anita J. Cotter, City Clerk of Springfield, Missouri, state the following:

1. A petition to amend and restate the Commercial Street Community Improvement District was filed in the office of the City Clerk of Springfield, Missouri on the 29th day of April 2019.
2. I have reviewed the petition and have determined on May 3, 2019, which does not exceed ninety days after receipt of the petition, that the petition substantially complies with the requirements of Section 67.1421.2 of the CID Act.

Date: 5/3/19

Anita J. Cotter
Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 05-14-19

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 120

SPECIAL ORDINANCE _____

AN ORDINANCE

1 ADOPTING a budget for the City of Springfield, Missouri, for the Fiscal Year beginning
2 July 1, 2019, and ending June 30, 2020; appropriating those certain
3 amounts shown in the budget for the various departments and purposes
4 specified in said budget; and declaring an emergency.
5 _____
6

7 WHEREAS, the City Manager has submitted a budget to City Council for the
8 Fiscal Year beginning July 1, 2019, and ending June 30, 2020, generally referred to as
9 "Fiscal Year 2019-2020;" and
10

11 WHEREAS, a public hearing was held on the budget on May 20, 2019.
12

13 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
14 SPRINGFIELD, MISSOURI, as follows, that:
15

16 Section 1 – A budget for "Fiscal Year 2019-2020" for the City of Springfield,
17 Missouri, is hereby adopted entitled "CITY OF SPRINGFIELD PROPOSED ANNUAL
18 BUDGET, Fiscal Year 2019–2020," said document is on file in the office of the City
19 Clerk and available for public inspection. Budgeted revenues and appropriations are
20 detailed and attached hereto and incorporated herein by this reference as "Exhibit A."
21 The budget for "Fiscal Year 2019-2020" provides total revenues of \$380,899,110 and
22 appropriations for all funds of \$380,899,110.
23

24 Section 2 – The lease obligations under various agreements between the City
25 and the Public Building Corporation of the City of Springfield, Missouri, as well as all
26 other similar lease obligations subject to annual appropriations, are hereby authorized
27 for renewal for "Fiscal Year 2019-2020," and the funds for such payments, as set forth
28 in the budget, are hereby appropriated.
29

30 Section 3 – From the effective date of this Ordinance, the several amounts
31 shown in the budget as adopted are hereby appropriated for the various departments,
32 offices, and agencies specified therein. All expenditures of the City shall be limited to

the appropriations provided for the departments, offices, and agencies, as detailed in said budget.

Section 4 – The City Manager is directed to cause the proper accounting entries to be made in the books and records of the City so as to reflect the revenues and appropriations for the aforesaid fiscal year, and he is further directed to file a certified copy of the adopted budget for said fiscal year with the City Clerk.

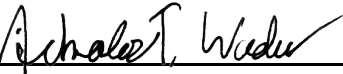
Section 5 – City Council hereby finds and declares that an emergency exists in that this Ordinance relates to the adoption of a budget for the City for the Fiscal Year beginning July 1, 2019, and continuing through June 30, 2020, providing revenues and appropriations for the various functions and activities of City government; therefore, this Ordinance shall be in full force and effect from and after passage.

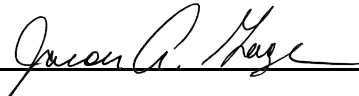
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019-120

FILED: 05-14-19

ORIGINATING DEPARTMENT: Finance

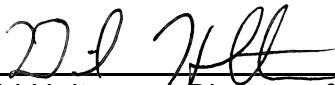
PURPOSE: Adopting a budget for the City of Springfield, Missouri, for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020; appropriating those certain amounts shown in the budget for the various departments and purposes specified in said budget; and declaring an emergency.

REMARKS: The Finance Department recommends the adoption of a Proposed Budget totaling \$380,899,110 as submitted by the City Manager, which is on file with the City Clerk's office, entitled "CITY OF SPRINGFIELD PROPOSED ANNUAL BUDGET, Fiscal Year 2019–2020." The proposed budget was reviewed and discussed by City Council on April 23, 2019, April 30, 2019, May 7, 2019 and May 14, 2019. There was opportunity for public input at a public hearing held on May 20, 2019.

The proposed budget revenues and appropriations are detailed in "Exhibit A" of the Ordinance.

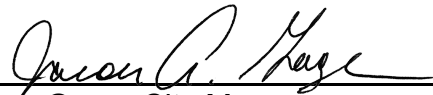
This Ordinance is presented as an emergency as it relates to and meets the requirements of adopting a budget for the City. City Council is not expected to vote on this Ordinance after the first reading. The Ordinance is presented as an emergency to allow changes to the Ordinance after the first reading and prior to final approval by City Council.

Submitted by:



David Holtmann, Director of Finance

Approved by:



Jason Gage, City Manager

Exhibit A

Revenues

Schedule of Actual and Projected Revenues (All Fund Types):

	General Fund	Special Revenue Funds	Grant Funds	Capital Projects Funds	Debt Service Funds
TAXES					
Sales (General)	\$ 47,207,000	\$ -	\$ -	\$ -	\$ -
Sales (Capital Improvement)	-	-	-	11,400,000	-
Sales (Law Enforcement)	-	8,255,000	-	-	-
Sales (Transportation)	-	-	-	5,700,000	-
Sales (Parks)	-	11,250,000	-	-	-
Sales (911)	-	6,094,124	-	-	-
Sales (Public Safety Pension)	-	34,933,000	-	-	-
Use	5,186,000	3,800,000	-	-	-
Property	-	13,098,740	-	-	9,011,006
Payment In Lieu of Taxes	15,966,000	-	-	-	-
Gross Receipts	5,200,000	515,000	-	-	-
Cigarette	680,000	-	-	-	-
Room	157,000	3,124,000	-	-	-
Tourism	-	2,963,000	-	-	-
	74,396,000	84,032,864	-	17,100,000	9,011,006
LICENSES AND FINES					
Occupational Licenses	4,336,000	-	-	-	-
Permits	1,664,000	440,000	-	-	-
Fines and Forfeitures	771,000	-	-	-	-
Court Costs	236,000	-	-	-	-
	7,007,000	440,000	-	-	-
CHARGES AND FEES					
Charges for Services	529,000	3,907,409	-	272,500	-
User Fees	-	8,848,263	-	-	230,200
Aviation Fuel Sales	-	-	-	-	-
Sale of Goods	75,000	461,250	-	-	-
Rentals	-	154,600	-	-	-
	604,000	13,371,522	-	272,500	230,200
INTERGOVERNMENTAL					
Gasoline Taxes	-	4,450,000	-	-	-
State of Missouri	-	2,244,495	-	-	-
Greene County	-	5,413,233	-	-	-
Grants -	-	-	-	-	-
Airport	-	-	-	-	-
Community Development	-	-	3,287,460	-	-
Workforce Development	-	-	5,474,518	-	-
WIC Program	-	-	1,597,159	-	-
Police	-	-	631,511	-	-
Other	-	299,818	4,055,436	-	-
	-	12,407,546	15,046,084	-	-
Interest on Investments	202,000	188,650	-	7,500	100,000
Special Assessment Tax Bills	-	-	-	-	1,947,289
Interest on Tax Bills	-	-	-	-	-
Bond and Loan Proceeds	-	-	-	-	-
Reserve	-	2,403,631	28,822	9,990	-
Other Miscellaneous Revenues	548,931	7,566,314	-	3,125,000	209,374
	750,931	10,158,596	28,822	3,142,490	2,256,663
REVENUES BEFORE TRANSFERS	82,757,931	120,410,528	15,074,906	20,514,990	11,497,869
TRANSFERS	3,369,000	6,649,816	256,687	-	8,304,800
LESS ELIMINATIONS	-	(428,608)	-	-	(3,039,500)
TRANSFERS FROM OTHER FUNDS	3,369,000	6,221,208	256,687	-	5,265,300
TOTAL REVENUES	\$ 86,126,931	\$ 126,631,736	\$ 15,331,593	\$ 20,514,990	\$ 16,763,169

Revenues

Schedule of Actual and Projected Revenues (All Fund Types):

	Enterprise Funds	Internal Service Funds	Proposed 2019-20 Total	Adopted 2018-19 Total	Actual 2017-18 Total
TAXES					
Sales (General)	\$ -	\$ -	\$ 47,207,000	\$ 45,700,000	\$ 45,701,408
Sales (Capital Improvement)	-	-	11,400,000	11,250,000	11,080,726
Sales (Law Enforcement)	-	-	8,255,000	8,033,000	7,935,148
Sales (Transportation)	-	-	5,700,000	5,625,000	5,534,335
Sales (Parks)	-	-	11,250,000	10,790,000	10,942,204
Sales (911)	-	-	6,094,124	5,578,271	5,167,301
Sales (Public Safety Pension)	-	-	34,933,000	34,416,500	33,237,629
Use	-	-	8,986,000	6,890,000	7,857,419
Property	-	-	22,109,747	21,336,846	21,454,048
Payment In Lieu of Taxes	-	-	15,966,000	15,006,000	15,346,219
Gross Receipts	-	-	5,715,000	5,385,000	5,852,424
Cigarette	-	-	680,000	725,000	721,444
Room	-	-	3,281,000	4,597,550	3,557,575
Tourism	-	-	2,963,000	2,679,600	2,822,908
	-	-	184,539,871	178,012,767	177,210,789
LICENSES AND FINES					
Occupational Licenses	-	2,500	4,338,500	4,172,500	4,088,434
Permits	73,500	-	2,177,500	2,398,000	2,223,534
Fines and Forfeitures	-	-	771,000	713,000	732,417
Court Costs	-	-	236,000	242,000	392,514
	73,500	2,500	7,523,000	7,525,500	7,436,899
CHARGES AND FEES					
Charges for Services	58,015,500	4,337,588	67,061,997	64,693,586	72,138,779
User Fees	13,173,000	-	22,251,463	21,535,794	22,174,179
Aviation Fuel Sales	4,735,000	-	4,735,000	4,635,000	3,973,743
Sale of Goods	232,000	40,000	808,250	804,750	1,350,573
Rentals	6,313,000	-	6,467,600	6,122,600	5,866,015
	82,468,500	4,377,588	101,324,310	97,791,730	105,503,288
INTERGOVERNMENTAL					
Gasoline Taxes	-	-	4,450,000	4,550,000	4,269,440
State of Missouri	-	-	2,244,495	2,263,552	2,192,196
Greene County	-	-	5,413,233	3,489,202	2,224,427
Grants -					
Airport	3,200,000	-	3,200,000	3,200,000	3,363,310
Community Development	-	-	3,287,460	3,205,504	3,800,649
Workforce Development	-	-	5,474,518	7,262,615	6,056,476
WIC Program	-	-	1,597,159	1,657,615	1,513,926
Police	-	-	631,511	1,276,952	1,269,756
Other	20,000	-	4,375,254	5,802,978	2,687,534
	3,220,000	-	30,673,630	32,708,418	27,377,715
Interest on Investments	1,822,500	-	2,320,650	2,002,450	2,382,157
Special Assessment Tax Bills	-	-	1,947,289	1,772,406	618,645
Interest on Tax Bills	-	-	-	-	66,929
Bond and Loan Proceeds	-	-	-	-	-
Reserve	3,693,000	170,969	6,306,413	12,041,031	-
Other Miscellaneous Revenues	312,200	8,000	11,769,820	10,568,018	7,371,112
	5,827,700	178,969	22,344,172	26,383,905	10,438,844
REVENUES BEFORE TRANSFERS	91,589,700	4,559,057	346,404,982	342,422,321	327,967,534
TRANSFERS	26,063,300	18,920,633	63,564,236	55,179,173	-
LESS ELIMINATIONS	(25,602,000)	-	(29,070,108)	(31,809,367)	-
TRANSFERS FROM OTHER FUNDS	461,300	18,920,633	34,494,128	23,369,806	37,030,878
TOTAL REVENUES	\$ 92,051,000	\$ 23,479,690	\$ 380,899,110	\$ 365,792,127	\$ 364,998,412

Appropriations

Summary of Expenditures and Appropriations (All Fund Types):

	2017-18 <u>Actual</u>	2018-19 <u>Adopted</u>	2019-20 <u>Proposed</u>
<u>GENERAL FUND</u>			
Building Development Services	\$ 2,895,320	\$ 3,594,943	\$ 3,231,981
City Attorney	2,229,821	2,056,156	2,200,366
City Clerk	542,084	557,938	534,555
City Manager	2,066,517	3,556,080	4,615,161
Finance	5,975,231	6,223,233	6,083,907
Fire	21,151,106	20,111,082	20,314,655
Human Resources	1,511,946	1,752,479	1,871,181
Information Systems	4,533,391	4,338,483	3,939,854
Mayor and City Council	252,564	219,528	219,528
Municipal Court	1,533,620	1,770,092	1,724,013
Planning and Development	1,905,192	1,996,118	2,153,128
Police	28,821,417	28,310,713	29,619,068
Public Information Department	677,294	804,737	582,869
Public Works	7,954,166	8,544,163	9,036,664
TOTAL GENERAL FUND	82,049,669	83,835,745	86,126,931
<u>SPECIAL REVENUE FUNDS</u>			
Art Museum	1,750,656	1,837,800	1,651,644
Community Improvement Districts	1,708,571	1,825,694	1,848,750
Convention and Visitors Bureau	3,544,287	3,567,400	3,755,400
Emergency Communications	5,195,953	5,578,271	6,094,124
Hotel/Motel Tax	2,328,820	2,679,600	2,963,000
Law Enforcement Sales Tax	7,858,617	8,301,545	8,315,574
Level Property Tax	83,046	5,303,381	4,883,105
Miscellaneous Special Revenue	1,091,653	3,961,000	5,233,500
Police Special Revenue	997,690	2,219,958	2,471,509
Public Health Services	7,318,524	7,894,644	10,044,337
Public Parks	11,583,141	11,650,160	11,809,240
Public Parks City/County Wide Sales Tax	14,397,795	16,562,893	17,025,586
Public Safety Pension Sales Tax	33,237,629	34,416,500	34,933,000
Public Works - Transportation	10,892,725	12,550,000	12,900,000
Road and Bridge Maintenance	667,886	2,030,000	2,045,000
Video Service Provider	807,572	657,967	657,967
TOTAL SPECIAL REVENUE FUNDS	103,464,566	121,036,813	126,631,736

Appropriations

Summary of Expenditures and Appropriations (All Fund Types):

	2017-18 <u>Actual</u>	2018-19 <u>Adopted</u>	2019-20 <u>Proposed</u>
<u>GRANT REVENUE FUNDS</u>			
Community Development	5,967,081	7,577,352	6,567,893
Fire Grants	238,560	366,892	383,524
Police Grants	1,604,774	1,369,100	631,511
Public Health Grants	743,993	936,098	665,640
WIC Program	1,453,822	1,668,963	1,608,507
Workforce Development	6,423,284	7,312,615	5,474,518
TOTAL GRANT REVENUE FUNDS	<u>16,431,514</u>	<u>19,231,021</u>	<u>15,331,593</u>
<u>CAPITAL PROJECTS FUNDS</u>			
Capital Improvements Sales Tax	8,686,620	16,875,000	17,100,000
Public Works/Other Improvements	3,166,272	3,405,000	3,414,990
TOTAL CAPITAL PROJECTS FUNDS	<u>11,852,892</u>	<u>20,280,000</u>	<u>20,514,990</u>
<u>DEBT SERVICE FUNDS</u>			
General Obligation Bonds	1,803,656	1,772,406	1,947,289
Leasehold Revenue Bonds	4,490,855	8,228,956	7,727,880
Special Obligation Bonds	23,917,591	9,701,243	7,088,000
TOTAL DEBT SERVICE FUNDS	<u>30,212,102</u>	<u>19,702,605</u>	<u>16,763,169</u>
<u>ENTERPRISE FUNDS</u>			
Airport	20,100,021	27,401,835	30,851,000
Clean Water Services	50,030,478	49,900,000	50,000,000
Golf	3,604,823	2,975,000	3,075,000
Solid Waste	8,973,756	9,100,000	8,125,000
TOTAL ENTERPRISE FUNDS	<u>82,709,080</u>	<u>89,376,835</u>	<u>92,051,000</u>
<u>INTERNAL SERVICE FUNDS</u>			
Print Shop	206,789	254,528	238,088
Self-Insurance	16,044,977	7,954,580	19,091,602
Service Center	3,029,466	4,120,000	4,150,000
TOTAL INTERNAL SERVICE FUNDS	<u>19,281,232</u>	<u>12,329,108</u>	<u>23,479,690</u>
TOTAL ALL FUND TYPES	<u><u>\$ 346,001,054</u></u>	<u><u>\$ 365,792,127</u></u>	<u><u>\$ 380,899,110</u></u>

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 05-14-19

Sponsored by: Fisk

First Reading: _____

Second reading: _____

COUNCIL BILL 2019- 121

SPECIAL ORDINANCE _____

AN ORDINANCE

1 SETTING a preliminary tax levy on real and personal property for current expenses
2 and debt retirement of the City of Springfield, Missouri, and its boards and
3 agencies for the Fiscal Year beginning July 1, 2019, and ending June 30,
4 2020; and declaring an emergency.
5 _____
6

7 WHEREAS, with the adoption of the budget for the Fiscal Year beginning July 1,
8 2019, and ending June 30, 2020, generally referred to as "Fiscal Year 2019-2020," it is
9 necessary for City Council to set the preliminary tax levy on real and personal property;
10 and
11

12 WHEREAS, said tax levies are assessed on all property on the tax rolls as of
13 January 1, 2019; and
14

15 WHEREAS, the projected levy for "Fiscal Year 2019-2020 is anticipated to be
16 \$0.6218 per \$100 of assessed valuation, although this levy may be adjusted in August of
17 2019; and
18

19 WHEREAS, notice of a public hearing to be held by City Council regarding the
20 levies herein has been published, a copy of said notice is attached hereto as "Exhibit A."
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
23 SPRINGFIELD, MISSOURI, as follows, that:
24

25 Section 1 – There is hereby levied for "Fiscal Year 2019- 2020," a tax upon the
26 \$100.00 valuation of all real and personal property within or having its taxable status
27 within the corporation limits of the City subject to taxation, and upon the \$100.00
28 valuation of all property in the City, subject to taxation and assessed to any railroad,
29 telegraph, telephone, street, railway or bridge company, according to the last assessed
30 valuation of the said properties of such companies fixed by the following purposes:
31

32 (a) For municipal purposes as authorized by Article X Section 1 of the Constitution
33 of the State of Missouri and approved by the voters of the City, a rate of \$0.2674;

(b) For the establishment and maintenance of public parks in the City, for the aforesaid fiscal year, a rate of \$0.1874;

(c) For maintenance and operation of public health service in the City, for the aforesaid fiscal year, a rate of \$0.1277;

(d) For the establishment and maintenance of an art museum in the City, for the aforesaid fiscal year, a rate of \$0.0393.

These levies are subject to revision based on the levies certified by the Greene County Clerk.

Section 2 – The City Council finds that the Director of Finance of the City has presented to the City Council the following information:

(1) The assessed valuations by category of real, personal and other tangible property for the preceding year and this year are as follows:

SOURCE	2018 FINAL VALUATION	2019 ESTIMATED VALUATION
Real Estate	\$2,437,431,679	\$2,461,805,996
State Assessed Utilities	22,686,661	22,913,528
Personal Property	<u>569,646,373</u>	<u>575,342,837</u>
Total	<u>\$3,029,764,713</u>	<u>\$3,060,062,361</u>

(2) The amount of revenue required to be produced from the property tax as set forth in the annual budget is \$20,836,604.

(3) The tax rates proposed to generate this revenue and their estimated yield are as follows:

PURPOSE	PROPOSED TAX LEVY	TOTAL YIELD
Art Museum	\$ 0.0393	\$ 1,316,828
Public Parks	0.1874	6,279,905
Public Health	0.1277	4,279,368
Municipal Purposes	<u>0.2674</u>	<u>8,960,503</u>
Total	<u>\$ 0.6218</u>	<u>\$ 20,836,604</u>

78 Section 3 – City Council finds that proper notice was published containing the
79 information set forth in Section 2 above, and a public hearing has been held regarding
80 the proposed rates of taxes.
81

82 Section 4 – Within such time so as to permit the aforesaid taxes to be extended
83 upon the assessment books, the levy so established herein shall be certified by the City
84 Clerk to the Director of Finance and to the County Collector of Greene County, Missouri,
85 who shall proceed to extend the aforesaid taxes for the year upon the assessment
86 books, in the appropriate columns. Furthermore, City Council expressly authorizes the
87 City Manager and City Clerk to take any and all actions necessary to ensure that the
88 intent and purpose of this Ordinance is accomplished.
89

90 Section 5 – City Council hereby finds and declares that an emergency exists in
91 that this Ordinance relates to the fixing of the preliminary tax rates for the Fiscal Year
92 beginning July 1, 2019. Therefore, this Ordinance shall be in full force and effect from
93 and after passage.
94

95 Passed at meeting: _____
96
97

98 _____
99 Mayor
100

101
102 Attest: _____, City Clerk
103
104

105 Filed as Ordinance: _____
106

107
108 Approved as to form: Richard T. Wiedner, Assistant City Attorney
109

110
111 Approved for Council action: Jason R. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2019-121

FILED: 05-14-19

ORIGINATING DEPARTMENT: Finance

PURPOSE: Setting a preliminary tax levy on real and personal property for current expenses and debt retirement of the City of Springfield, Missouri, and its boards and agencies for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020; and declaring an emergency.

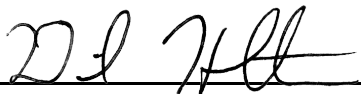
REMARKS: This Ordinance is a companion bill to the adoption of the annual City operating budget and sets the preliminary tax levy on real and personal property. The tax levy is assessed on all property on the tax rolls as of January 1, 2019. Notices have been published calling a public hearing for the purpose of setting the tax levy for the City of Springfield budget for 2019-2020. A copy of the notice is attached hereto setting forth the estimate of the assessed valuations and the tax revenues for 2019.

The tax levies established by this Ordinance are based upon State law. The State Auditor is required to review and approve all levies and determine that they meet the statutory test and the Constitutional Test or Hancock Amendment. These tests factor in growth in assessed value and the Consumer Price Index. After checking all relevant information, the State Auditor provides the City of Springfield with a statement showing the tax rate ceiling, which is an amount that the levies cannot exceed without a vote of the people.

The projected levy for Fiscal Year 2019-2020 will be \$0.6218 per \$100 assessed valuation in the Proposed Budget. The actual levy may be adjusted in August, 2019, based on the tax levies provided by the State Auditor.

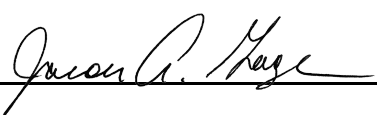
This bill is presented as an emergency. City Council is not expected to vote on this bill after the first reading. The bill is presented as an emergency to allow changes to the Ordinance after the first reading and prior to final approval by City Council.

Recommended by:

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

David Holtmann, Director of Finance

Approved by:

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

Jason Gage, City Manager

Exhibit A

**CITY OF SPRINGFIELD
PUBLIC HEARING NOTICE**

SUBJECT: Setting tax levy for the City of Springfield budget for 2019-2020

DATE AND TIME: May 20, 2019 at 6:30 P.M.

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

SUPPLEMENTAL INFORMATION: To provide citizens of the City of Springfield, Missouri, the opportunity to submit written and oral comments on the City's tax levy. Estimated assessed valuations for 2019 are:

<u>SOURCE</u>	<u>VALUATION</u>
Real Property	\$2,461,805,996
State Assessed Utilities	22,913,528
Personal Property	<u>575,342,837</u>
Total	<u>\$3,060,062,361</u>

The proposed City budget for 2019-2020 reflects the following yield on this estimated valuation:

<u>FUND</u>	<u>TAX LEVY</u>	<u>YIELD</u>	<u>SURTAX</u>	<u>TOTAL</u>
Art Museum	\$.0393	\$ 1,202,604	\$ 114,224	\$ 1,316,828
Public Parks	.1874	5,734,557	545,348	6,279,905
Public Health	.1277	3,907,700	371,668	4,279,368
Municipal Purposes	<u>.2674</u>	<u>8,182,607</u>	<u>777,896</u>	<u>8,960,503</u>
Total	<u>\$.6218</u>	<u>\$19,027,468</u>	<u>\$1,809,136</u>	<u>\$20,836,604</u>

The City of Springfield tax levies will be finalized in August 2019 when the Greene County Clerk provides the City with the certified levy amounts.

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

Anita Cotter, City Clerk
City of Springfield, Missouri

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed 05-14-19

Sponsored by Simpson

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 122

SPECIAL ORDINANCE _____

AN ORDINANCE

1 DECLARING the necessity of condemning rights-of-way over, under, and through the
2 following properties generally located near Battlefield and Fremont: 1417
3 East Woodland Street, 2800 South Fremont Avenue, 2814 South
4 Fremont Avenue, 2900 South Fremont Avenue, and 1415 East
5 Battlefield Road in the City of Springfield, Missouri; authorizing certain
6 officers, or their designees, to do all things necessary to carry out the
7 terms of this Ordinance for the purpose of completing the Battlefield
8 Road and Fremont Avenue Intersection Improvement and Fremont
9 Avenue Widening (Battlefield Road to Sunset Street) Project
10 #2013PW0019T funded through the ¼-Cent Capital Improvement Sales
11 Tax.
12 _____
13

14 WHEREAS, Public Works is attempting to complete the Battlefield Road and
15 Fremont Avenue Intersection Improvement and Fremont Avenue widening (Battlefield
16 Road to Sunset Street) Project, identified as project #2013PW0019T, which consists of
17 upgraded traffic signals at the intersections of Battlefield Road and Fremont Avenue;
18 and Fremont Avenue and the west mall entrance; additional turn-lanes on Battlefield
19 Road, and an additional north bound lane on Fremont Avenue (the "Project"); and
20

21 WHEREAS, the Project also includes Americans with Disabilities Act ("ADA")
22 compliant sidewalks, a multi-use trail and storm water improvements; and
23

24 WHEREAS, City staff have successfully negotiated with seven (7) out of twelve
25 (12) property owners within the Project area and now must proceed with condemnation
26 in order to ensure timely completion of the Project.
27

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

31 Section 1 – City Council hereby declares it necessary to condemn the following
32 described property, for the purpose of constructing and maintaining a public street, and
33 for the relocation, construction, maintenance, and operation of gas, water, electric,

telephone, fiber optic, and communications utilities, including necessary fixtures and appurtenances, for the Battlefield Road and Fremont Avenue Intersection Improvement and Fremont Avenue Widening (Battlefield Road to Sunset Street) Project, identified as project #2013PW0019T, to-wit:

Owner of Tract 1 (1417 East Woodland) is Hamiltonian Apartments Partnership, a Missouri General Partnership. Also claiming an interest is Leah Betts Greene County Collector of Revenue, to the extent of any unpaid taxes.

Tract #1: (Hamiltonian Apartments Partnership):

PERPETUAL STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 1949 AT PAGE 825, BEING A PART OF LOT 8 OF MEADOR PARK PLAZA SUBDIVISION, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE AND LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID MEADOR PARK PLAZA SUBDIVISION; **THENCE** SOUTH 88°26'27" EAST, ALONG THE NORTH LINE OF SAID MEADOR PARK PLAZA SUBDIVISION, 4.13 FEET; **THENCE** SOUTH 01°12'31" WEST, LEAVING SAID NORTH LINE, 96.89 FEET; **THENCE** SOUTH 41°18'45" EAST, 15.96 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WOODLAND STREET; **THENCE** NORTHWESTERLY 23.33 FEET ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF NORTH 43°25'26" WEST, 21.05 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE; **THENCE** NORTH 01°08'05" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 93.70 FEET TO THE **POINT OF BEGINNING** . CONTAINING 456 SQUARE FEET.

ALSO,

TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 1949 AT PAGE 825, BEING A PART OF LOT 8 OF MEADOR PARK PLAZA SUBDIVISION, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE AND LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID MEADOR PARK PLAZA SUBDIVISION; **THENCE** SOUTH 88°26'27" EAST, ALONG THE NORTH LINE OF SAID MEADOR PARK PLAZA SUBDIVISION, 4.13 FEET TO THE **POINT OF**

BEGINNING; THENCE CONTINUING SOUTH 88°26'27" EAST, ALONG SAID NORTH LINE, 10.00 FEET; **THENCE** SOUTH 01°12'31" WEST, LEAVING SAID NORTH LINE, 92.94 FEET; **THENCE** SOUTH 41°18'45" EAST, 21.50 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WOODLAND STREET; **THENCE** NORTH 87°58'58" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 13.75 FEET; **THENCE** NORTH 41°18'45" WEST, LEAVING SAID NORTH RIGHT OF WAY LINE, 15.96 FEET; **THENCE** NORTH 01°12'31" EAST, 96.89 FEET TO THE **POINT OF BEGINNING** . CONTAINING 1136 SQUARE FEET.

Note: The above described temporary construction easement shall terminate one year from the date a notice to proceed is issued by the City of Springfield for construction to begin, or upon the expiration of six months after completion and acceptance of the construction project by City of Springfield, whichever shall occur last.

Owner of Tract 2 (2800 South Fremont) is Culpepper Housing, LLC. Also, Leah Betts, Greene County Collector of Revenue, to the extent of any unpaid taxes.

Tract #2: (Culpepper Housing, LLC):

PERPETUAL STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2015 AT PAGE 004106-15, BEING A PART OF LOT 9 OF MEADOR PARK PLAZA SUBDIVISION, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE AND LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 9 SAID MEADOR PARK PLAZA SUBDIVISION; **THENCE** NORTH 01°08'05" EAST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE, 98.84 FEET; **THENCE** NORTHEASTERLY 24.02 FEET ALONG SAID RIGHT OF WAY LINE AND A 15.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF NORTH 46°59'55" EAST, 21.53 FEET TO THE SOUTH RIGHT OF WAY LINE OF WOODLAND STREET; **THENCE** SOUTH 87°54'36" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 5.04 FEET; **THENCE** SOUTH 30°51'11" WEST, LEAVING SAID SOUTH RIGHT OF WAY LINE, 36.44 FEET; **THENCE** SOUTH 01°20'09" WEST, 71.27 FEET; **THENCE** SOUTH 19°49'25" EAST, 11.64 FEET TO THE SOUTH LINE OF SAID LOT 9; **THENCE** NORTH 88°31'06" WEST, ALONG SAID SOUTH LINE, 6.34 FEET TO THE **POINT OF BEGINNING** . CONTAINING 527 SQUARE FEET.

PERPETUAL SIDEWALK EASEMENT DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2015 AT PAGE 004106-15, BEING A PART OF LOT 9 OF MEADOR PARK PLAZA SUBDIVISION,

RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE AND LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 SAID MEADOR PARK PLAZA SUBDIVISION; **THENCE** SOUTH 88°31'06" EAST, ALONG THE SOUTH LINE OF SAID LOT 9, 6.34 FEET; **THENCE** NORTH 19°49'25" WEST, LEAVING SAID SOUTH LINE, 1.19 FEET TO THE **POINT OF BEGINNING**; **THENCE** NORTH 19°49'25" WEST, 10.45 FEET; **THENCE** NORTH 01°20'09" EAST, 71.27 FEET; **THENCE** NORTH 30°51'11" EAST, 7.10 FEET; **THENCE** SOUTH 01°09'24" WEST, 87.19 FEET TO THE **POINT OF BEGINNING**. CONTAINING 288 SQUARE FEET.

ALSO,

TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2015 AT PAGE 004106-15, BEING A PART OF LOT 9 OF MEADOR PARK PLAZA SUBDIVISION, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE AND LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 SAID MEADOR PARK PLAZA SUBDIVISION; **THENCE** SOUTH 88°31'06" EAST, ALONG THE SOUTH LINE OF SAID LOT 9, 6.34 FEET TO THE **POINT OF BEGINNING**; **THENCE** NORTH 19°49'25" WEST, LEAVING SAID SOUTH LINE, 1.19 FEET; **THENCE** NORTH 01°09'24" EAST, 87.19 FEET; **THENCE** NORTH 30°51'11" EAST, 29.34 FEET TO THE SOUTH RIGHT OF WAY LINE OF WOODLAND STREET; **THENCE** SOUTH 87°54'36" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 11.41 FEET; **THENCE** SOUTH 30°51'11" WEST, LEAVING SAID SOUTH RIGHT OF WAY LINE, 39.29 FEET; **THENCE** SOUTH 01°20'09" WEST, 66.77 FEET; **THENCE** SOUTH 19°49'25" EAST, 13.67 FEET TO THE SOUTH LINE OF SAID LOT 9; **THENCE** NORTH 88°31'06" WEST, ALONG SAID SOUTH LINE, 10.73 FEET TO THE **POINT OF BEGINNING**. CONTAINING 907 SQUARE FEET.

Note: The above described temporary construction easement shall terminate one year from the date a notice to proceed is issued by the City of Springfield for construction to begin, or upon the expiration of six months after completion and acceptance of the construction project by City of Springfield, whichever shall occur last.

Owner of Tract 3 (2814 South Fremont) is F.M. Stores, LLC. Also, Leah Betts, Greene County Collector of Revenue, to the extent of any unpaid taxes.

Tract #3: (F.M. Stores, LLC):

PERPETUAL STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2011 AT PAGE 012285-11, LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 9 OF MEADOR PARK PLAZA SUBDIVISION, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE ; **THENCE** SOUTH 88°31'06" EAST, ALONG THE SOUTH LINE OF SAID LOT 9, 6.34 FEET; **THENCE** SOUTH 19°49'25" EAST, LEAVING SAID SOUTH LINE, 10.00 FEET; **THENCE** SOUTH 01°10'33" WEST, 45.51 FEET; **THENCE** NORTH 88°50'36" WEST, 4.00 FEET; **THENCE** SOUTH 00°18'14" EAST, 167.84 FEET; **THENCE** SOUTH 20°05'10" EAST, 29.37 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT RECORDED IN BOOK 2011 AT PAGE 012285-11; **THENCE** NORTH 88°30'40" WEST, ALONG SAID SOUTH LINE, 22.01 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE; **THENCE** NORTH 01°05'03" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 249.92 FEET; **THENCE** SOUTH 88°31'06" EAST, 1.49 FEET TO THE **POINT OF BEGINNING** . CONTAINING 2637 SQUARE FEET.

PERPETUAL TRAFFIC CONTROL EASEMENT DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2011 AT PAGE 012285-11, LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 OF MEADOR PARK PLAZA SUBDIVISION, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE ; **THENCE** SOUTH 88°31'06" EAST, ALONG THE SOUTH LINE OF SAID LOT 9, 6.34 FEET; **THENCE** SOUTH 19°49'25" EAST, 10.00 FEET; **THENCE** SOUTH 01°10'00" WEST, LEAVING SAID SOUTH LINE, 45.51 FEET; **THENCE** NORTH 88°50'36" WEST, 4.00 FEET; **THENCE** SOUTH 00°18'14" EAST, 167.84 FEET FOR A **POINT OF BEGINNING**; **THENCE** SOUTH 53°48'18" EAST, 29.45 FEET; **THENCE** SOUTH 04°24'54" EAST, 18.69 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT RECORDED IN BOOK 2011 AT PAGE 012285-11; **THENCE** NORTH 88°30'40" WEST, ALONG SAID SOUTH LINE, 15.08 FEET; **THENCE** NORTH 20°05'10" WEST, 29.37 FEET; **THENCE** NORTH 00°18'14" WEST, 8.05 FEET TO THE **POINT OF BEGINNING** . CONTAINING 516 SQUARE FEET.

217
218 ALSO,

219
220 **TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:**

221 ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2011 AT PAGE
222 012285-11, LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 6,
223 TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY
224 OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE
225 PARTICULARLY DESCRIBED AS FOLLOWS:
226

227 **COMMENCING** AT THE SOUTHWEST CORNER OF LOT 9 OF MEADOR PARK
228 PLAZA SUBDIVISION, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE
229 COUNTY RECORDER'S OFFICE ; **THENCE** SOUTH 88°31'06" EAST, ALONG THE
230 SOUTH LINE OF SAID LOT 9, 6.34 FEET TO THE **POINT OF BEGINNING**; **THENCE**
231 CONTINUING SOUTH 88°31'06" EAST, ALONG SAID SOUTH LINE, 33.58 FEET;
232 **THENCE** SOUTH 01°10'00" WEST, LEAVING SAID SOUTH LINE, 54.65 FEET;
233 **THENCE** NORTH 88°50'36" WEST, 27.62 FEET; **THENCE** SOUTH 01°18'56" WEST,
234 161.04 FEET; **THENCE** NORTH 53°48'18" WEST, 2.27 FEET; **THENCE** NORTH
235 00°18'14" WEST, 159.79 FEET; **THENCE** SOUTH 88°50'36" EAST, 4.00 FEET;
236 **THENCE** NORTH 01°10'00" EAST, 45.51 FEET; **THENCE** NORTH 19°49'25" WEST,
237 10.00 FEET TO THE **POINT OF BEGINNING**.
238 CONTAINING 2318 SQUARE FEET.
239

240 Note: The above described temporary construction easement shall terminate one year
241 from the date a notice to proceed is issued by the City of Springfield for construction to
242 begin, or upon the expiration of six months after completion and acceptance of the
243 construction project by City of Springfield, whichever shall occur last.
244

245
246 Owner of Tract 4 (2900 South Fremont) is Debco Properties, LLC. Also, Leah Betts,
247 Greene County Collector of Revenue, to the extent of any unpaid taxes.
248

249 Tract #4: (Debco Properties, LLC):
250

251 **PERPETUAL STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:**

252 ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2009 AT PAGE
253 037530-09 AND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 6,
254 TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY
255 OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE
256 PARTICULARLY DESCRIBED AS FOLLOWS:
257

258 **COMMENCING** AT THE SOUTHWEST CORNER OF LOT 9 OF MEADOR PARK
259 PLAZA, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY
260 RECORDER'S OFFICE; **THENCE** NORTH 88°31'06" WEST, ALONG THE EAST
261 RIGHT OF WAY LINE OF FREMONT AVENUE, 1.49 FEET; **THENCE** SOUTH
262 01°05'03" WEST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE,

628.77 FEET TO THE **POINT OF BEGINNING**; **THENCE** SOUTH 88°34'05" EAST, LEAVING SAID EAST RIGHT OF WAY LINE, 14.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 69.37 FEET; **THENCE** SOUTH 88°54'57" EAST, 6.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 44.88 FEET; **THENCE** NORTH 88°54'57" WEST, 6.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 105.02 FEET; **THENCE** NORTH 88°23'17" WEST, 14.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE; **THENCE** NORTH 01°05'03" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 219.23 FEET TO THE **POINT OF BEGINNING**. CONTAINING 3339 SQUARE FEET.

ALSO,

TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2009 AT PAGE 037530-09 AND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 OF MEADOR PARK PLAZA, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE; **THENCE** NORTH 88°31'06" WEST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE, 1.49 FEET; **THENCE** SOUTH 01°05'03" WEST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE, 628.77 FEET; **THENCE** SOUTH 88°34'05" EAST, LEAVING SAID EAST RIGHT OF WAY LINE, 14.00 FEET TO THE **POINT OF BEGINNING**; **THENCE** CONTINUING SOUTH 88°34'05" EAST, 10.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 59.31 FEET; **THENCE** SOUTH 88°54'57" EAST, 6.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 64.88 FEET; **THENCE** NORTH 88°54'57" WEST, 6.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 95.01 FEET; **THENCE** NORTH 88°58'52" WEST, 10.00 FEET; **THENCE** NORTH 01°05'03" EAST, 105.02 FEET; **THENCE** SOUTH 88°54'57" EAST, 6.00 FEET; **THENCE** NORTH 01°05'03" EAST, 44.88 FEET; **THENCE** NORTH 88°54'57" WEST, 6.00 FEET; **THENCE** NORTH 01°05'03" EAST, 69.37 TO THE **POINT OF BEGINNING**. CONTAINING 2312 SQUARE FEET.

Note: The above described temporary construction easement shall terminate one year from the date a notice to proceed is issued by the City of Springfield for construction to begin, or upon the expiration of six months after completion and acceptance of the construction project by City of Springfield, whichever shall occur last.

Owner of Tract 5 (1415 East Battlefield) is Morris Corners, LLC. Also, Leah Betts, Greene County Collector of Revenue, to the extent of any unpaid taxes.

Tract #5: (Morris Corners, LLC):

PERPETUAL STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2003 AT PAGE 085618-03 AND LYING IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 OF MEADOR PARK PLAZA, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE; **THENCE** NORTH 88°31'06" WEST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE, 1.49 FEET; **THENCE** SOUTH 01°05'03" WEST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE, 848.01 FEET TO THE **POINT OF BEGINNING (A)**; **THENCE** SOUTH 88°23'17" EAST, LEAVING SAID EAST RIGHT OF WAY LINE, 14.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 82.77 FEET; **THENCE** SOUTH 88°54'57" EAST, 6.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 51.35 FEET; **THENCE** NORTH 88°54'57" WEST, 6.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 310.97 FEET; **THENCE** SOUTH 06°30'12"EAST, 15.64 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF FREMONT AVENUE; **THENCE** NORTH 43°40'05" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, 15.69 FEET; **THENCE** NORTH 88°54'57" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, 5.02 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE; **THENCE** NORTH 01°05'03" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 449.58 FEET TO THE **POINT OF BEGINNING (A)**.

ALSO,

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 OF MEADOR PARK PLAZA, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE; **THENCE** NORTH 88°31'06" WEST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE, 1.49 FEET; **THENCE** SOUTH 01°05'03" WEST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE, 1297.59 FEET; **THENCE** SOUTH 88°54'57" EAST, ALONG SAID EAST RIGHT OF WAY, 5.02 FEET; **THENCE** SOUTH 43°40'05" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 108.10 FEET TO THE **POINT OF BEGINNING (B)**; **THENCE** SOUTH 71°10'14" EAST, 73.94 FEET; **THENCE** SOUTH 88°14'43" EAST, 129.40 FEET; **THENCE** SOUTH 86°14'04" EAST, 39.04 FEET; **THENCE** SOUTH 88°10'30" EAST, 59.67 FEET; **THENCE** SOUTH 01°03'08" WEST, 1.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BATTLEFIELD ROAD; **THENCE** NORTH 88°10'30" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 274.61 FEET; **THENCE** NORTH 43°40'05" WEST, 33.93 FEET TO THE **POINT OF BEGINNING (B)**. CONTAINING 7700 SQUARE FEET.

ALSO,

TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:

ALL THAT PART OF A TRACT OF LAND RECORDED IN BOOK 2003 AT PAGE 085618-03 AND LYING IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 OF MEADOR PARK PLAZA, RECORDED IN PLAT BOOK DD AT PAGE 85, GREENE COUNTY RECORDER'S OFFICE; **THENCE** NORTH 88°31'06" WEST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE, 1.49 FEET; **THENCE** SOUTH 01°05'03" WEST, ALONG THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE, 848.01 FEET; **THENCE** SOUTH 88°23'17" EAST, LEAVING SAID EAST RIGHT OF WAY LINE, 14.00 FEET TO THE **POINT OF BEGINNING**; **THENCE** CONTINUING SOUTH 88°23'17" EAST, 5.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 62.72 FEET; **THENCE** SOUTH 88°54'57" EAST, 21.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 91.35 FEET; **THENCE** NORTH 88°54'57" WEST, 21.00 FEET; **THENCE** SOUTH 01°05'03" WEST, 172.43 FEET; **THENCE** SOUTH 88°54'57" EAST, 26.89 FEET; **THENCE** SOUTH 01°05'03" WEST, 125.64 FEET; **THENCE** SOUTH 48°07'06" EAST, 140.03 FEET; **THENCE** SOUTH 88°14'43" EAST, 128.74 FEET; **THENCE** SOUTH 86°14'04" EAST, 30.87 FEET; **THENCE** NORTH 01°49'30" EAST, 20.52 FEET; **THENCE** SOUTH 88°10'30" EAST, 67.41 FEET; **THENCE** SOUTH 01°03'08" WEST, 25.80 FEET; **THENCE** NORTH 88°10'30" WEST, 59.67 FEET; **THENCE** NORTH 86°14'04" WEST, 39.04 FEET; **THENCE** NORTH 88°14'43" WEST, 129.40 FEET; **THENCE** NORTH 71°10'14" WEST, 73.94 FEET; **THENCE** NORTH 43°40'05" WEST, 92.41 FEET; **THENCE** NORTH 06°30'12" WEST, 15.64 FEET; **THENCE** NORTH 01°05'03" EAST, 310.97 FEET; **THENCE** SOUTH 88°54'57" EAST, 6.00 FEET; **THENCE** NORTH 01°05'03" EAST, 51.35 FEET; **THENCE** NORTH 88°54'57" WEST, 6.00 FEET; **THENCE** NORTH 01°05'03" EAST, 82.77 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 13,667 SQUARE FEET.

Note: The above described temporary construction easement shall terminate one year from the date a notice to proceed is issued by the City of Springfield for construction to begin, or upon the expiration of six months after completion and acceptance of the construction project by City of Springfield, whichever shall occur last.

Section 2 – City Council hereby finds and declares that the Battlefield Road and Fremont Avenue Intersection Improvement and Fremont Avenue Widening (Battlefield Road to Sunset Street) Project, identified as project #2013PW0019T, serves a legitimate public purpose as it includes needed improvements to the City's transportation infrastructure.

Section 3 – The City Attorney, or her designee, is hereby authorized to proceed immediately with condemnation proceedings against the above described properties as

399 authorized by Article II, Sections 2.16(3), (7) and (10), and Article XIX, Section 19.18 of
400 the City Charter; and the officers of the City are further authorized to exercise any and
401 all powers necessary to carry out the terms of this Ordinance.

402
403 Section 4 – This Ordinance shall be in full force and effect from and after
404 passage.

405
406 Passed at meeting: _____

407
408 _____
409 Mayor

410
411 Attest: _____, City Clerk

412
413
414 Filed as Ordinance: _____

415
416 Approved as to form: A. Chabot, Widen, Assistant City Attorney

417
418
419 Approved for Council action: Jason A. Hays, City Manager
420

EXPLANATION TO COUNCIL BILL 2019-122

FILED: 05-14-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Declaring the necessity of condemning rights-of-way over, under, and through the following properties generally located near Battlefield and Fremont: 1417 East Woodland Street, 2800 South Fremont Avenue, 2814 South Fremont Avenue, 2900 South Fremont Avenue, and 1415 East Battlefield Road in the City of Springfield, Missouri; authorizing certain officers, or their designees, to do all things necessary to carry out the terms of this Ordinance for the purpose of completing the Battlefield Road and Fremont Avenue Intersection Improvement and Fremont Avenue Widening (Battlefield Road to Sunset Street) Project #2013PW0019T funded through the ¼-Cent Capital Improvement Sales Tax.

BACKGROUND INFORMATION: The right(s)-of-way are necessary for constructing and maintaining a public street, and for the relocation, construction, maintenance, and operation of gas, water, electric, telephone, fiber optic, and communications utilities, including necessary fixtures and appurtenances for the Battlefield Road and Fremont Avenue Intersection Improvement and Fremont Avenue Widening (Battlefield Road to Sunset Street) Project #2013PW0019T. The project is funded through the ¼-Cent Capital Improvement Sales Tax.

This project will provide improvements to upgrade the traffic signals at the intersections of Battlefield Road and Fremont Avenue and of Fremont Avenue and the west mall entrance; additional turn-lanes on Battlefield Road, an additional north bound lane on Fremont Avenue, Americans with Disabilities Act (“ADA”) compliant sidewalks, a multi-use trail and storm water improvements.

City right-of-way staff have been able to reach agreements regarding the necessary rights-of-way from seven (7) out of twelve (12) properties. This Ordinance allows the Law Department to begin condemnation proceedings regarding the remaining properties shown in “Exhibits A, B, C, D, and E.”

Negotiations are continuing with the remaining property owners to obtain the necessary right(s)-of-way, and we are hopeful to reach agreements soon. To keep this project on schedule for a January 2020 bidding, it is necessary to gain this approval now. Should settlements be reached with the remaining property owners, condemnation will not be pursued.

Supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

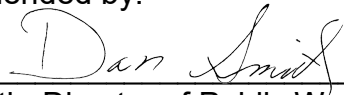
REMARKS: The Public Works Department recommends passage of this Council bill.

Submitted by:



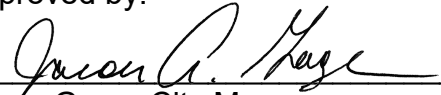
Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

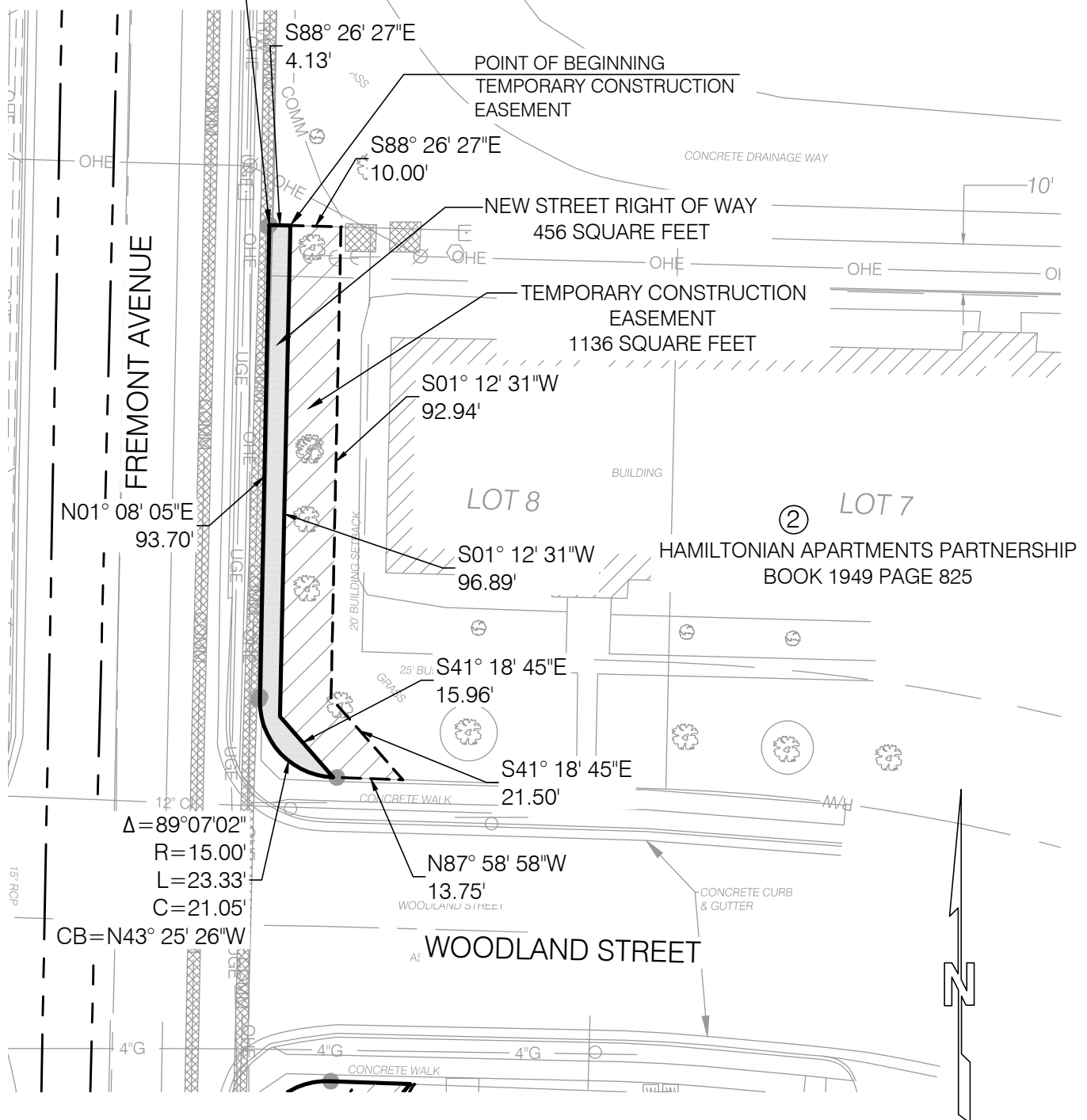
Approved by:



Jason Gage, City Manager

Exhibit A

POINT OF BEGINNING - NEW STREET R/W
NW CORNER
MEADOR PARK PLAZA



THIS SKETCH IS NOT A BOUNDARY SURVEY. IT IS INTENDED TO SHOW THE CONFIGURATION OF NEW STREET RIGHT OF WAY AND A TEMPORARY CONSTRUCTION EASEMENT IT SHOULD NOT BE USED TO LOCATE PROPERTY LINES AND DOES NOT MEET THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

GRID NORTH
MISSOURI COORDINATE SYSTEM
1983 CENTRAL ZONE
SCALE 1"=30'
7-18-18 REVISION

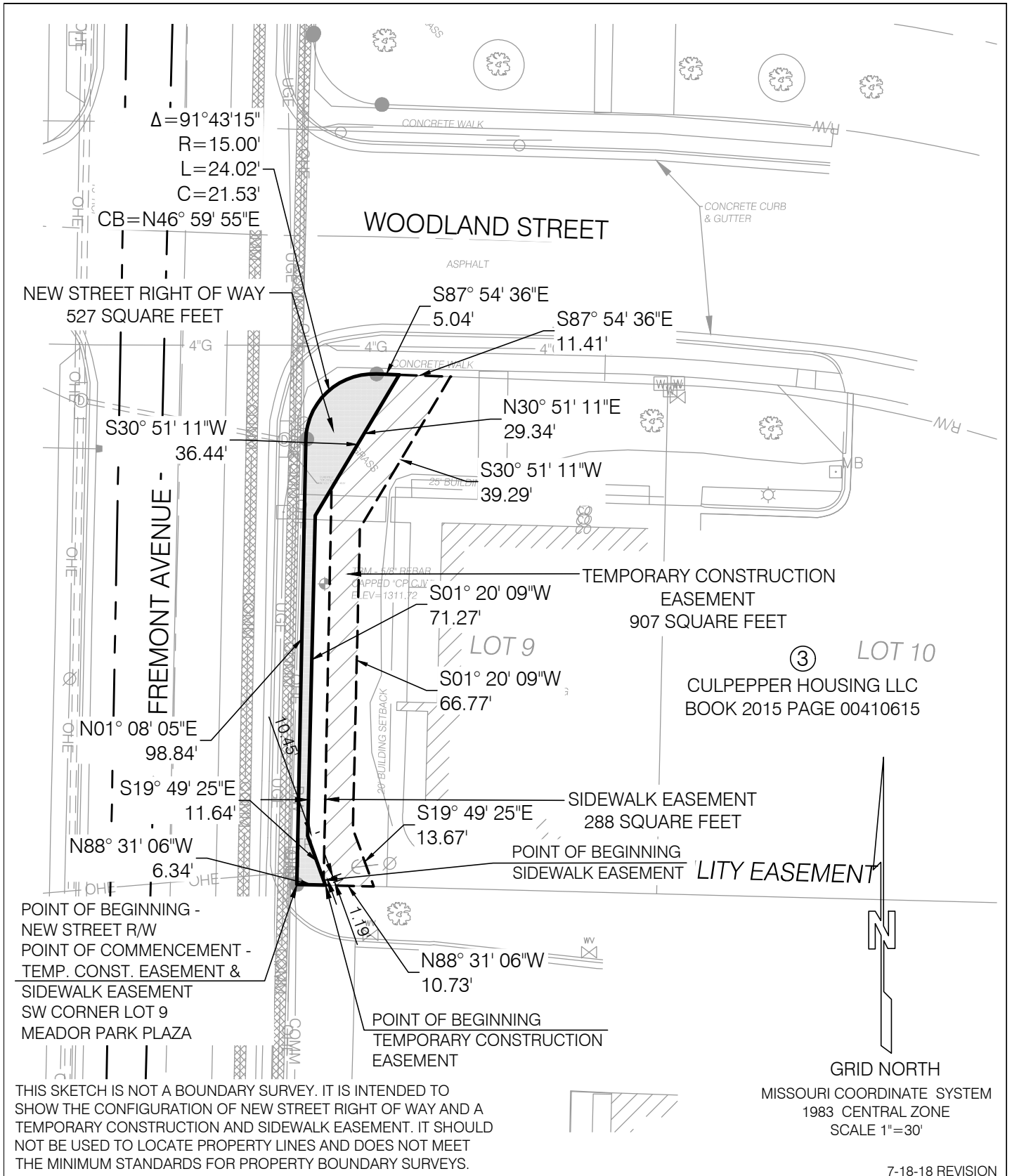
5051 S. National Avenue
Springfield, MO 65810
Tel: 417.889.3400
Fax: 417.889.3402

HAMILTONIAN APARTMENTS PARTNERSHIP
NEW STREET RIGHT OF WAY/TEMPORARY CONSTRUCTION EASEMENT
FREMONT AVENUE
& PART OF THE NW 1/4 OF S 6, T 28 N, R 21 W
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

CJW Transportation Consultants, L.L.C.
www.GoCJW.com

CJW PROJECT No. 1273

Exhibit B



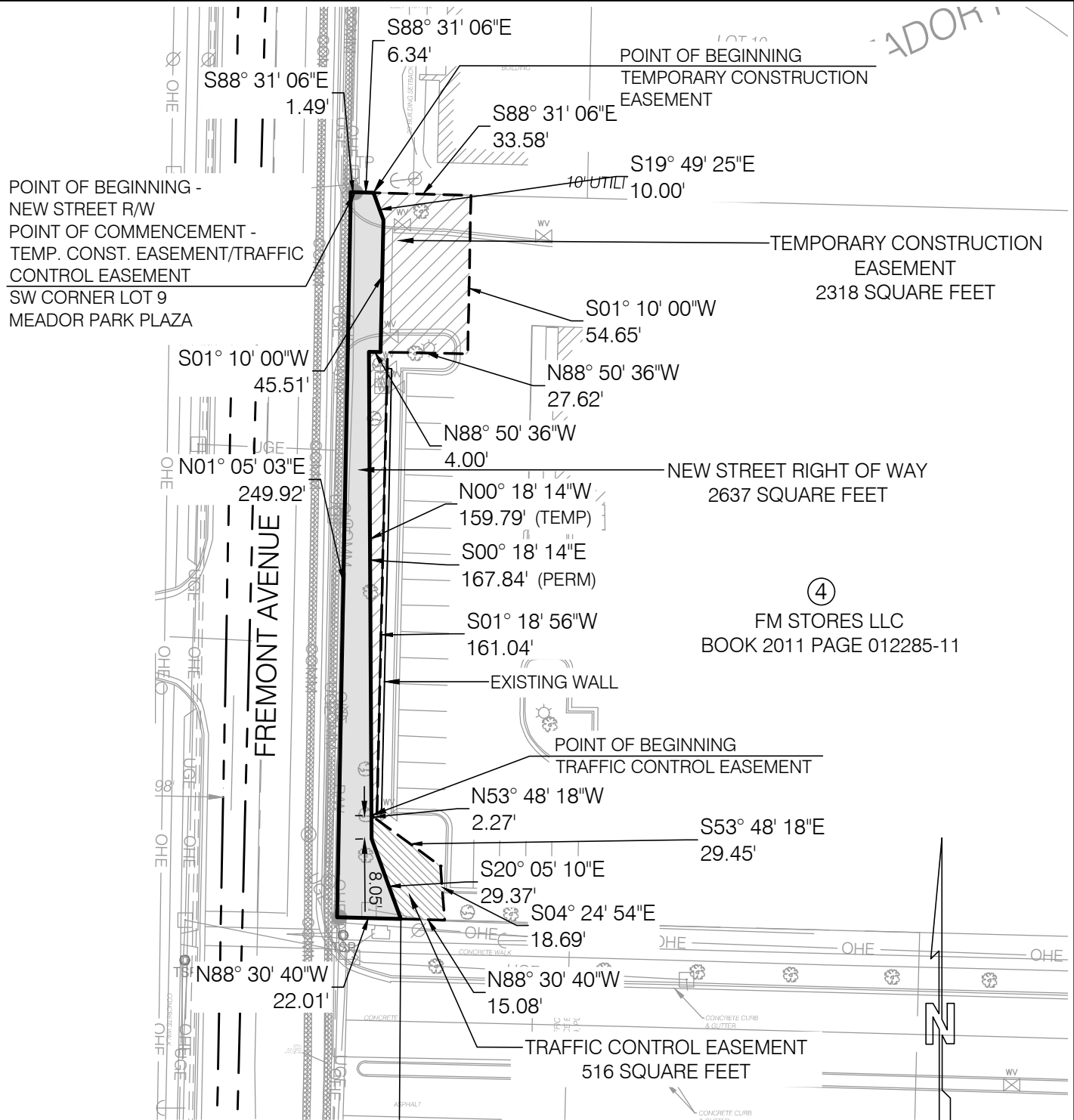
5051 S. National Avenue
Suite 7A
Springfield, MO 65810
Tel: 417.889.3400
Fax: 417.889.3402

CULPEPPER HOUSING LLC
NEW ST. R.O.W/TEMP CONSTRUCTION AND SIDEWALK EASEMENT
FREMONT AVENUE
& PART OF THE NW 1/4 OF S 6, T 28 N, R 21 W
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

CJW Transportation Consultants, L.L.C.
www.GoCJW.com

CJW PROJECT No. 1273

Exhibit C



THIS SKETCH IS NOT A BOUNDARY SURVEY. IT IS INTENDED TO SHOW THE CONFIGURATION OF NEW STREET RIGHT, TEMPORARY CONSTRUCTION EASEMENT AND A TRAFFIC CONTROL EASEMENT. OF WAY IT SHOULD NOT BE USED TO LOCATE PROPERTY LINES AND DOES NOT MEET THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

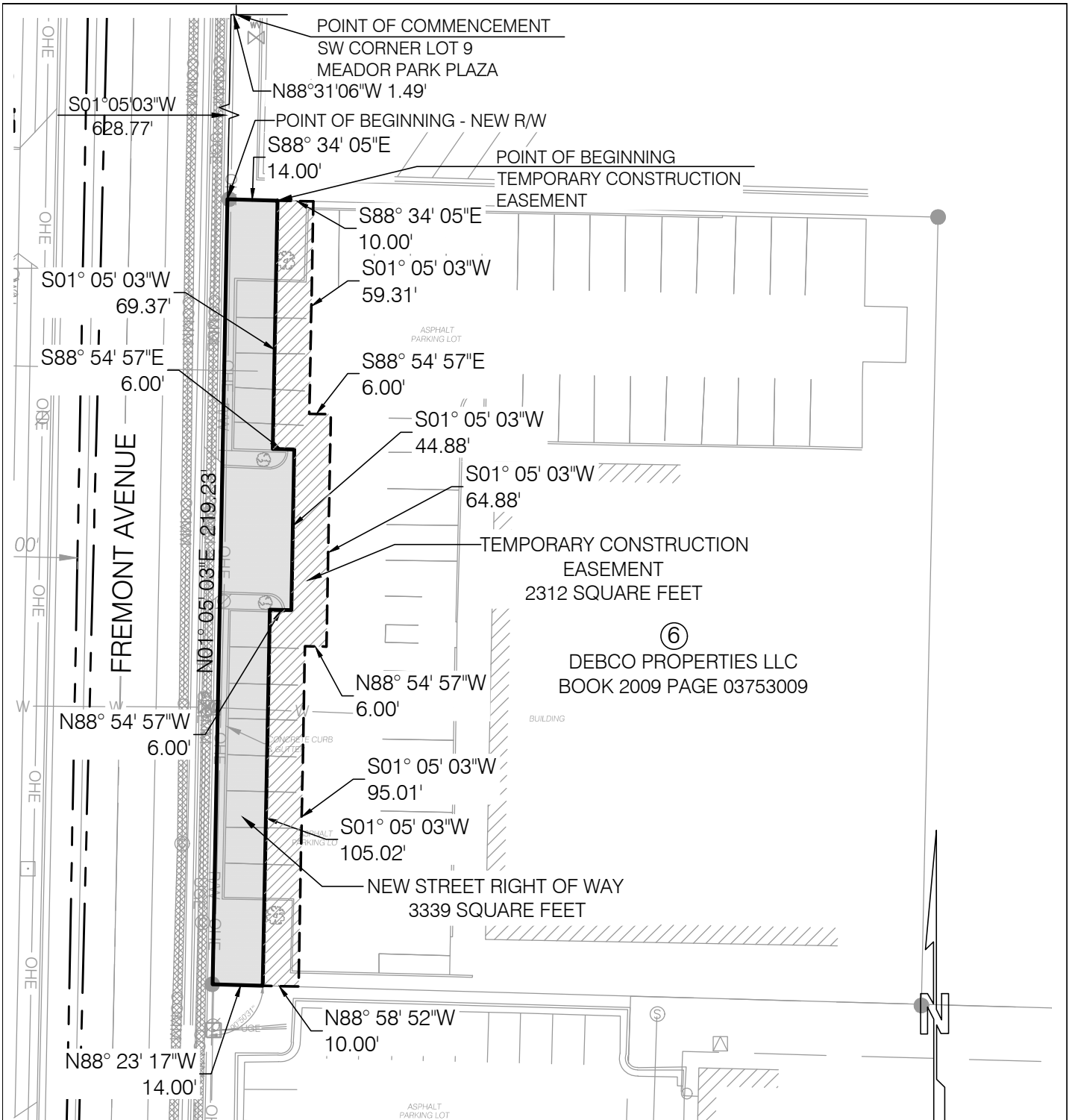
5051 S. National Avenue
Springfield, MO 65810
Tel: 417.889.3400
Fax: 417.889.3402

F.M STORES LLC
NEW STREET RIGHT OF WAY/
TEMPORARY CONSTRUCTION EASEMENT/TRAFFIC CONTROL EASEMENT
FREMONT AVENUE
& PART OF THE NW 1/4 OF S 6, T 28 N, R 21 W
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

CJW Transportation Consultants, L.L.C.
www.GoCJW.com

CJW PROJECT No. 1273

Exhibit D



THIS SKETCH IS NOT A BOUNDARY SURVEY. IT IS INTENDED TO SHOW THE CONFIGURATION OF NEW STREET RIGHT OF WAY IT SHOULD NOT BE USED TO LOCATE PROPERTY LINES AND DOES NOT MEET THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

GRID NORTH
MISSOURI COORDINATE SYSTEM
1983 CENTRAL ZONE
SCALE 1"=40'
7-18-18 REVISION

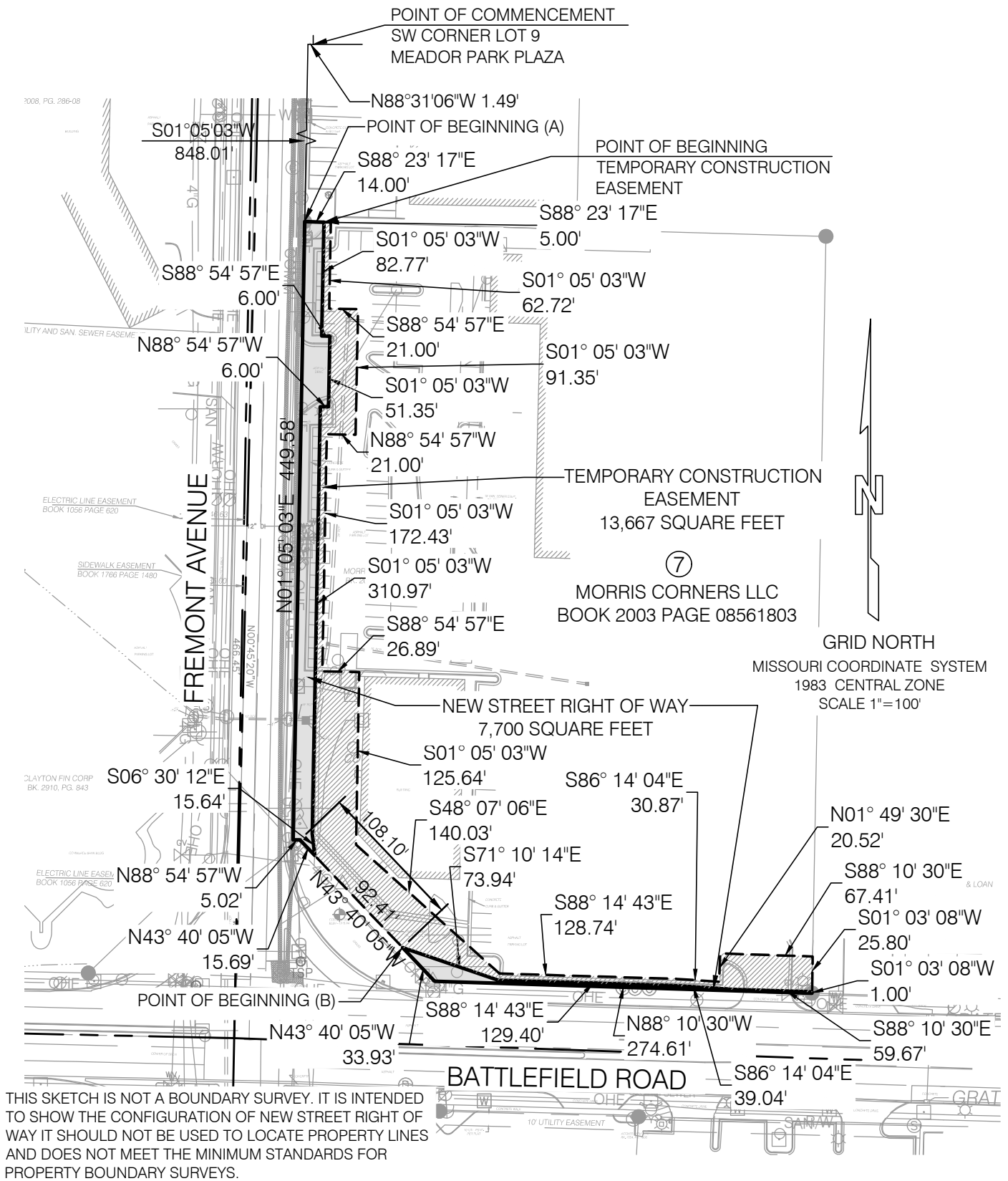
5051 S. National Avenue
Springfield, MO 65810
Tel: 417.889.3400
Fax: 417.889.3402

DEBCO PROPERTIES, LLC
NEW STREET RIGHT OF WAY/ TEMPORARY CONSTRUCTION EASEMENT
FREMONT AVENUE
& PART OF THE NW 1/4 OF S 6, T 28 N, R 21 W
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

CJW Transportation Consultants, L.L.C.
www.GoCJW.com

CJW PROJECT No. 1273

Exhibit E



5051 S. National Avenue
Springfield, MO 65810
Tel: 417.889.3400
Fax: 417.889.3402

MORRIS CORNERS, LLC
NEW STREET RIGHT OF WAY/TEMPORARY CONSTRUCTION EASEMENT
FREMONT AVENUE-BATTLEFIELD ROAD
& PART OF THE NW 1/4 OF S 6, T 28 N, R 21 W
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

CJW Transportation Consultants, L.L.C.
www.GoCJW.com

CJW PROJECT No. 1273

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed 05-14-19

Sponsored by Ferguson

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 123

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a contract for the
2 purchase of land generally located at 1824 West College Street, for the
3 purpose of constructing Fire Station 13, and to execute all necessary
4 documents in support thereof. (Planning and Zoning Commission
5 approved this Request to Acquire, and staff recommends approval.)
6 _____
7

8 WHEREAS, the City has identified a need to improve fire safety and response
9 times in the "West-Central" area of the City; and
10

11 WHEREAS, the City has authorized funds for this acquisition by passage of
12 Special Ordinance 26985 on December 19, 2017, and amended the City's budget at
13 that time; and
14

15 WHEREAS, the Planning and Zoning Commission reviewed this matter and
16 approved proceeding on December 6, 2018.
17

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

21 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
22 a contract, said contract to be substantially in the form and content as that document
23 attached hereto and incorporated herein by this reference as "Exhibit 1," to purchase
24 the properties generally located at 1824 West College Street for the purpose of
25 constructing Fire Station 13, and to do all things necessary to carry out the terms of the
26 contract, including executing all necessary documents, provided the form of the
27 documents are approved by the City Attorney.
28

29 Section 2 – This Ordinance shall be in full force and effect from and after
30 passage.
31

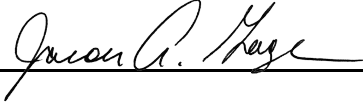
32 Passed at meeting: _____
33

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 - 123

FILED: 05-14-19

ORIGINATING DEPARTMENT: Fire

PURPOSE: Authorizing the City Manager, or his designee, to enter into a contract for the purchase of land generally located at 1824 West College Street, for the purpose of constructing Fire Station 13, and to execute all necessary documents in support thereof. (Planning and Zoning Commission approved this Request to Acquire, and staff recommends approval.)

BACKGROUND INFORMATION: The Fire Department has a need for the addition of a fire station in the "west-central" area of the City, as has been documented through the analysis of the standards of cover of the Insurance Services Office ("ISO") and the Center for Public Safety Excellence.

In November 2018, an offer to acquire the property located at 1824 West College Street was made for the purposes of the addition of a new Fire Station 13. An application for a request to acquire was referred to the Planning and Zoning Commission in November, receiving unanimous approval by the Commission on December 6, 2018 ("Exhibit 2).

The price for acquisition of the property is \$67,500 and is being funded by the Level Property Tax.

REMARKS: The budget required for the addition of Fire Station 13 was approved by voters as a component of the Level Property Tax on the ballot in November 2017. The construction of the station is scheduled to begin in 2020. Acquisition of the property will allow for the architectural design and site improvements to begin in advance of this project. A lot combination for the properties located at 1824, 1900 and 1904 West College will take place once acquisition is complete.

Submitted by:



David Pennington, Fire Chief

Approved by:



Jason Gage, City Manager

Exhibit 1**CONTRACT FOR SALE OF REAL ESTATE**

This contract ("Agreement") is made by and between Gale Stanley and James Stanley, wife and husband ("Sellers"); and the City of Springfield, Missouri, a municipal corporation, ("Buyer"), effective as of the date of the last party to sign the Agreement, hereinafter referred to as "Effective Date."

1. PURCHASE AND PRICE. The price for the sale of the property is amount of Sixty-Seven Thousand Five Hundred and 00/100 Dollars (\$67,500.00) and other valuable consideration as set forth in this Agreement.

2. PROPERTY. Buyer has offered to buy and the Seller is willing to sell, on the terms and conditions set forth herein, the real estate, improvements, and fixtures generally located at 1824 West College Street, in Springfield, Greene County, Missouri more particularly identified on Exhibit A, (hereinafter described as the "Property") by general warranty deed, free and clear from any liens and encumbrances created by Seller, subject to recorded setback lines and easements, and subject to the terms and conditions set forth herein.

3. CONTINGENCIES. This Agreement and obligation to purchase the Property is subject to the following contingencies, and Buyer may elect to declare this Agreement null and void prior to the closing without any obligation or liability to Seller in the event that:

- a. the Planning and Zoning Commission of the City of Springfield, Missouri, does not approve the Buyer's purchase of the Property pursuant to requirements of the City of Springfield City Charter;
- b. a survey or inspection of the Property by Buyer discloses encroachments, violations of subdivision rules or covenants, or other restrictions, boundary line disputes, or rights or claims of third parties in possession, on any portion of the premises, which are unacceptable to Buyer;
- c. the title insurance commitment referred to in paragraph 8 of this Agreement shall fail to show merchantable title in Seller, or shall contain exceptions unacceptable to Buyer;
- d. the purchase of the Property is not approved by the Springfield City Council, in their sole discretion.
- e. Completion of Phase I, and if needed any additional environmental

assessments are conducted on the Property and such assessments are not acceptable to Buyer.

- f. Acceptable findings (at the sole discretion of the Buyer) upon completion of a Phase II Environmental Survey and additional cost estimate; If the findings indicate contamination the Buyer shall have the option to declare this agreement null and void without obligation to the Seller except as to expenses assumed by the Buyer, or accept the findings without change to the agreement and proceed to conclusion, or reduce the offer herein to reflect the cost of cleanup. Should the Buyer elect to reduce the offer based on the cost assessment the Seller has the option either electing to perform the clean-up or may declare this contract null and void with no further obligations or damages between the parties.
- g. Buyers acceptance of Title Commitment Requirements and Exceptions provided by Meridian Title and subject to issuance of ALTA Owner Title Policy to include survey.
- h. Seller has removed all personal property from the premise.

4. DEFINITION OF HAZARDOUS SUBSTANCE. As used herein, "Hazardous Substance" shall mean any substance: (1) the presence of which requires investigation or remediation under any federal, state, or local statute, regulation, ordinance, order, action, policy, or common law; (2) which is hereafter defined as a "hazardous waste," "hazardous substance," "hazardous material," "pollutant," or "contaminant" (whether harmful or not) under any federal, state, or local statute, regulation, rule or ordinance, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Sections 9601 et seq.) and/or the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901 et seq.); (3) which is toxic, explosive, corrosive, flammable, radioactive, carcinogenic, mutagenic, or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department or instrumentality of the United States, the State of Missouri, or any political subdivision thereof; and (4) without limitation, which consists of or contains petroleum, natural gas, and/or their components and distillates. For the purposes of this definition, asbestos and Lead Based Paint are not included as they are treated separately hereunder.

5. SELLER'S REPRESENTATIONS. Seller represents to Buyer, as follows:

- a. Seller has not placed any underground tanks, hazardous substances, or dumpsites on the Property during their ownership of the Property. Seller shall make available to Buyer all environmental assessments and reports concerning the Property in their possession.

- b. If the Property is subject to any real estate listing agreement or other agreement providing for a real estate commission, the Seller is responsible for the cost and payment of all such commissions in connection with this Agreement.
- c. There have been no unpaid improvements or other work performed in connection with the Property by Seller that would give rise to the filing of any mechanics' liens against the Property.
- d. The Seller has full authority to enter into this Agreement; and the Property is not subject to any options, contracts of sale, leases, or Deeds of Trust except one held by James Fossard, trustee for Ned Donald Wilcox and Rebecca Susan Wilcox recorded Book 2005, Page 36830-05, dated 4-29-2005 and assigned to the Wilcox or other rights in favor of third parties.
- e. There are no legal proceedings pending which involve the Property to the knowledge of Seller.
- f. These representations are continuing and will be true at closing unless Seller has given the Buyer notice of the contrary in writing prior to the closing.

6. ADDITIONAL TERMS AND CONDITIONS.

- a. Seller and Buyer acknowledge and agree that Buyer's acquisition of the Property is being made in a voluntary, arms' length manner and that the consideration paid by buyer to Seller set forth in Paragraph I represents the fair market value for the Property.
- b. Seller acknowledges that the Property of 1824 West College is being voluntarily sold, under no compulsion and should not be eligible for any relocation benefits under Federal, State or local law.
- c. A Phase I and Phase II Environmental Assessment conducted on the Property will be at Buyer's expense.
- d. The Buyer will arrange for and pay for an appraisal of the Property to be completed before closing.
- e. The Buyer will arrange for and pay for a survey of the Property to be completed before closing.
- f. Buyer has not engaged the services of a licensed real estate agent and will not pay any commission.

7. CLOSING AND POSSESSION.

- a. The "Closing" is the recording of the Seller's general warranty deed and the payment of the purchase price by the Buyer, which shall occur no later than thirty (30) days from the date that all contingencies have been

satisfied at the location specified below, or if such day falls upon a Saturday, Sunday or legal holiday, on the next immediate following day not such a weekend day or holiday, or on another date and at a time mutually agreeable to the parties; provided that all contingencies and conditions herein have been satisfied or waived in writing and there is a title insurance commitment showing merchantable title in the Seller, unless otherwise mutually agreed to by the Seller and Buyer. The Seller acknowledges that proceeds will not be disbursed until the deed has been recorded.

- b. Buyer shall take possession of the Property at the closing.
- c. Closing shall take place at Meridian Title Company, once Buyer has satisfied itself that all contingencies or conditions contained in this Agreement have been satisfied or waived by Buyer in writing.
- d. Buyer shall pay all closing costs, other than those identified in this Agreement to be paid by the Seller.

8. CLOSING PROCEDURES. Necessary title information will be ordered by the Buyer within ten (10) days of the Effective Date. The Buyer, at its cost, shall obtain a commitment to insure title in the amount of the purchase price through a title insurance company acceptable to the Buyer, which is authorized to insure titles in the State of Missouri.

The commitment shall show merchantable title in the Seller in accordance with the Title Examination Standards of the Missouri Bar, subject only to any deed of trust, lien or other encumbrances which can be satisfied from the proceeds of the sale; setback lines, standard utility easements of record as of the Effective Date, and the lien of current year's taxes. The Buyer may obtain a survey of the Property, the cost of which shall be paid by the Buyer.

The Buyer may, at Buyer's expense, have the title commitment examined; and, if applicable, the Buyer shall provide to the Seller in writing any valid objections to title and survey prior to the Closing Date, and the Seller, at its sole option, shall make reasonable efforts to correct the valid objections within thirty (30) days of receipt of request to cure, unless otherwise agreed to in writing; and if not corrected, the Buyer may waive any objections and close, or elect to terminate the Agreement. At the Closing, the Seller shall deliver the general warranty deed, *(if not already deposited in Escrow)* along with all other documents reasonably necessary to complete the close and which the title company requires in order to issue the title insurance policy; and the Buyer shall deliver its check sufficient to satisfy the Buyer's payment obligations *(if not already deposited in Escrow)* and all other documents necessary to complete the Closing. All closing

costs will be paid by the Buyer. The Sellers will warrant at Closing there are no unpaid bills for improvements within twelve (12) months prior to Closing and that the Seller has no knowledge of proposed improvements to be paid for by special assessment or fee.

9. ESCROW. The parties may choose to open Escrow for the deposit of documents, deeds, conveyances and purchase funds. If so the parties will execute a separate escrow agreement, subject to all conditions, terms and contingencies set forth herein.

10. TAXES AND UTILITIES. Seller shall be responsible for all taxes prior to and including 2018. Seller shall not be responsible for any portion of 2019 property taxes and shall be the sole responsibility of the Buyer. All utilities to the Property shall be read at the Closing Date and transferred to Buyer. Buyer shall not be responsible for any utility costs incurred prior to closing.

11. VERIFICATION OF CONDITION. The Buyer shall have the right to make a final inspection of the Property prior to Closing, as a contingency of the sale, to confirm that:

- a. the Seller has complied with Seller's obligations; and
- b. any contingency or defect of title has been resolved.

12. REMEDIES UPON DEFAULT.

- a. The Sellers or the Buyer shall be in default under this contract if either fails to comply with any material provision within the time limits required by the contract. If either party defaults, the party claiming a default shall notify the other party in writing of the nature of the default and may, as set forth in said notice, either terminate this contract or extend the time for performance by providing the defaulting party a deadline for curing the default.
- b. In addition to all other remedies available to Sellers or Buyer, the parties specifically acknowledge that the remedy of Specific Performance is a remedy that can be pursued by either party in the Circuit Court of Greene County, Missouri.

13. PROVISIONS NOT MERGED WITH DEED. No provision of this contract is intended to or shall be merged by reason of any deed transferring title to the Property from the Sellers to the Buyer, or any successor in interest; and any such deed shall not be deemed to affect or impair the warranties, obligation and covenants of this contract, which shall survive the closing.

14. NOTICE. All notices required or permitted hereunder and required to be in writing may be given by facsimile or by first class mail addressed to the Buyer and the Seller by one of three different means: Facsimile Transmission ("FAX") if both parties have a FAX number; United States Postal Service Mails; hand-delivering a copy of the same to the receiving party; or notice may be given by any combination of the above methods.

a. The date of notice shall be whichever of the following first occurs:

- (1) The date upon which notice is hand-delivered to the receiving party;
- (2) The date of delivery of notice by FAX transmission, which 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;
- (3) The third day following mailing of the notice.

b. Notices to the Seller shall be addressed to:

Mrs. Gale Stanley and Mr. James Stanley
7100 East Generations Lane
Springfield, Missouri 65809

c. It shall be sufficient if notices sent to the Buyer are addressed to:

City Manager
City of Springfield, MO
840 Boonville
P.O. Box 8368
Springfield, MO 65801

With a copy to:

City Attorney
City of Springfield, Missouri
840 Boonville
P.O. Box 8368
Springfield, MO 65801

15. HEADINGS. The headings or captions of this Agreement are for convenience and reference only and in no way, define, limit or describe the scope or intent of this Agreement or any provision hereof.

16. VENUE AND 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.

17. TIME. Time is of the essence in the performance of the obligations of the parties under this Agreement.

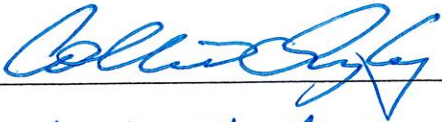
18. ENTIRE CONTRACT. This Agreement and any Escrow agreement executed by the parties in furtherance of this contract contains the entire contract of the parties. No modification, amendment, or waiver of any of the provisions of this Agreement shall be effective unless in writing specifically referencing hereto and signed by both parties.

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

BUYER:

CITY OF SPRINGFIELD, MISSOURI

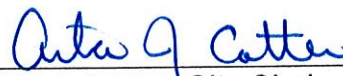
By: 

Title: Deputy City Manager



Date: 1/15/19

ATTEST:


Anita J. Cotter, City Clerk

APPROVED AS TO FORM:


City Attorney or Assistant City Attorney

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

SELLER:

Gale Stanley and James Stanley, wife and husband



Date: 12-18-18



Date: 12-18-19

Exhibit A

Property Description

ALL OF LOT NINETY-FIVE (95), IN WALNUT STREET ADDITION TO THE CITY
OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

Exhibit 2

RECORD OF PROCEEDINGS
Planning and Zoning Commission December 6, 2018

Acquire 529
1824 West College Street
Applicant: City of Springfield

COMMISSION ACTION:

Ms. Cox motioned to **approve** consent item, Acquire 529 (1824 West College Street). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

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

Bob Hosmer, AICP
Principal Planner

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 05-14-19

Sponsor: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 124

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by
2 revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section
3 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403,
4 ‘Weeds over 12 inches in height declared nuisance,’ Section 74-404,
5 ‘Permitting growth of weeds over 12 inches in height,’ Section 74-405,
6 ‘Abatement procedure, subsection (b); for the purpose of accelerating
7 nuisance abatement; and revising Section 74-406, ‘Charges for
8 abatement by city,’ subsections (b) and (c) for the purpose of enhancing
9 cost recovery.

10 _____
11
12 WHEREAS, nuisance conditions on private property within city limits continue to
13 be an issue; and

14
15 WHEREAS, expeditious nuisance abatement of such conditions is necessary.

16
17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
18 SPRINGFIELD, MISSOURI, as follows, that:

19
20 Section 1 – Chapter 74 – ‘NUISANCE AND HOUSING CODE’ of the Springfield
21 City Code is hereby amended as follows:

22
23 (NOTE: Language to be added is underlined and language to be deleted is ~~stricken~~.)

24
25 Sec. 74-31. - City manager's authority.

26
27 (b) When a property owner does not respond to an "abatement notice" as set forth
28 in section 74-33 by hearing request or nuisance removal or abatement, the city
29 manager may remove or abate the nuisance 105-business days after the notice
30 is delivered according to subsection 74-33(b).

31
32 Sec. 74-33. – Notice Requirements.

(d) The "abatement notice" must be in writing and:

- (4) Order the owner to remove or abate nuisance conditions within ~~105~~ 10 business-days of receiving the notice;
- (5) Warn the property owner that if nuisance removal or abatement does not begin within ~~105~~ 10 business-days and continue to completion without unnecessary delay, city personnel may cause nuisance removal or abatement and include all attendant costs like title reports, administrative fees, certified deeds, and contractor charges in:

Sec. 74-403. - Weeds over ~~42~~ 7 inches in height declared nuisance.

The growth of weeds, brush, or other rank vegetation more than ~~42~~ 7 inches in height is declared to be a public nuisance per se, and detrimental to the health, safety, and welfare of the public.

Sec. 74-404. - Permitting growth of weeds over ~~42~~ 7 inches in height.

It shall be unlawful for the owner, lessee or agent in control of any lot or piece of land within the city to allow weeds, brush or rank vegetation to attain a height greater than ~~42~~ 7 inches on such land or lot. Any person violating this section shall be punished as provided by section 1-7.

Sec. 74-405. - Abatement procedure.

- (b) In the event that the owner of the property notified under subsection (a) of this section seeks an opportunity to be heard concerning an alleged nuisance, the director of building development services shall afford such owner such opportunity ~~42~~ 7 days from the date of the notice under said subsection (a). If, at the hearing, the owner is able to demonstrate that an alleged nuisance never existed, or no longer exists on said owner's property, the director of building development services shall so find and shall terminate the hearing. If the owner does not seek such opportunity, or is unable to make such demonstration, the director of building development services is authorized to abate the nuisance.

Sec. 74-406. - Charges for abatement by city.

- (b) In weed abatement cases under 74-405, the director of building development services shall certify the costs of abatement of weeds and other rank vegetation to the director of finance. The director of finance may include such costs in a special tax bill or seek to have them added ~~add them~~ to the annual real estate taxes for the tract of land.

(c) If a special tax bill is issued, the owner of the property at the time the nuisance was abated shall be personally liable to the city for the cost of the abatement, which shall be a lien upon the tract of land where the nuisance was abated until paid in full. Any special tax bill issued shall be ~~for a duration of five years~~ enforceable until paid, shall bear interest until paid at the legal rate, and may be foreclosed upon by the city through appropriate proceedings in the circuit court. Costs of collection, including attorney fees, shall be added thereto, in the event a lawsuit is required to enforce the tax bill.

Section 2 – This Ordinance will be in full force and effect from and after passage.

Passed at Meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to Form: Duke M. Donald, Assistant City Attorney

Approved for Council Action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2019- 124

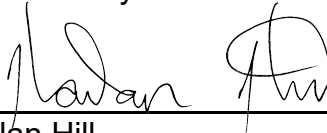
FILED: 05-14-19

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: Amending Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403, ‘Weeds over 12 inches in height declared nuisance,’ Section 74-404, ‘Permitting growth of weeds over 12 inches in height,’ Section 74-405, ‘Abatement procedure, subsection (b); for the purpose of accelerating nuisance abatement; and revising Section 74-406, ‘Charges for abatement by city,’ subsections (b) and (c) for the purpose of enhancing cost recovery.

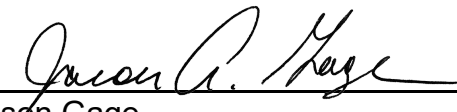
BACKGROUND AND REMARKS: This Ordinance allows expedited enforcement of City Code by reducing the number of days allowed to abate nuisance conditions from 15 business days to 10 calendar days. The amendments also reduce the height of grass and weeds constituting a violation from 12 inches to 7 inches and decrease the time for requesting an Administrative Hearing from 12 days to 7 days. These changes will assist in giving notice of conditions before neglected growth becomes excessive. An additional change regarding the charges for abatement will render them enforceable until paid instead of the current five-year duration. These amendments are consistent with state statutes.

Submitted by:



Harlan Hill,
Director, Building Development Services

Approved by:



Jason Gage,
City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 11
Filed: 05-14-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 125

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Encroachment
2 License Agreement with Falstaff's, LLC, for the purpose of constructing
3 and maintaining a sign which will extend over the public right-of-way
4 located at 311 Park Central West.
5 _____
6

7 WHEREAS, certain encroachments on City rights-of-way require the approval of
8 City Council; and
9

10 WHEREAS, Falstaff's, LLC, has requested permission to construct and maintain
11 a sign generally located over the public right of way at 311 Park Central West, as
12 depicted in "Exhibit 3;" and
13

14 WHEREAS, the City wishes to enter into an Encroachment License Agreement
15 with Falstaff's, LLC, to allow this encroachment.
16

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

20 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
21 an Encroachment License Agreement with Falstaff's, LLC, for the purpose of
22 constructing and maintaining a sign which will extend over the public right-of-way
23 generally located at 311 Park Central West; said agreement to be in substantially similar
24 form as that document attached hereto and incorporated herein by reference as "Exhibit
25 1."
26

27 Section 2 – The encroachment authorized by this Ordinance shall comply with all
28 applicable provisions of City Code.
29

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

33 Passed at meeting: _____

34
35
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Achale T. Wiedu*, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2019-125

FILED: 05-14-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into an Encroachment License Agreement with Falstaff's, LLC, for the purpose of constructing and maintaining a sign which will extend over the public right-of-way located at 311 Park Central West.

BACKGROUND INFORMATION: The site is an existing commercial property and the owners have requested a sign secured to the building that will overhang the public right-of-way. The sign will extend approximately 3 feet over the sidewalk and 14 feet above sidewalk grade. Since the sign will be encroaching into public right-of-way, a license agreement is required to bring the encroachment into compliance with current City Code. "Exhibit 2" is a location map.

REMARKS: The license agreement permits the property owner to construct and maintain a sign as part of a commercial renovation in the location shown in Exhibit 2 over public right-of-way.

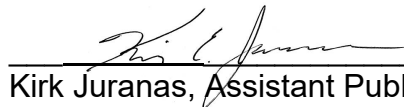
Supports the 2019 Council Priorities:

- Public Safety
- Economic Vitality

FINANCIAL: Proof of insurance has been received by the Department of Public Works, to protect the interests of the City of Springfield in connection with this project. There is no cost to the City, therefore, no budget adjustment is needed.

RECOMMENDATION: Public Works recommends passage of this Council bill.

Submitted by:


Kirk Juranas, Assistant Public Works Director

Recommended by:


Dan Smith, Director of Public Works

Approved by:

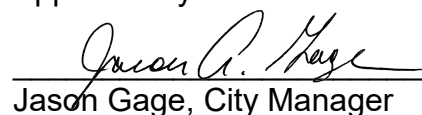

Jason Gage, City Manager

Exhibit 1

ROUTING ORDER	(1) Licensee	(2) Public Works Traffic Engineering	(3) Finance Department
	(4) Public Works	(5) Law Department	(6) City Clerk's Office
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
() RENEWAL OF CONTRACT NO. (X) NEW CONTRACT			
GRANTOR	OWNER	LICENSEE	
City of Springfield 840 Boonville, P.O. BOX 8368 Springfield, MO 65802 Phone: 417-864-1950 FAX: 417-864-1929 ATTN: Dan Smith DEPT: Public Works	SWM Real Estate, LLC 936 S. Weller Springfield, MO 65802 Phone: 417-763-9172 ATTN: SCOTT MORRIS	Falstaff's, LLC 311 Park Central West Springfield, MO 65806 Phone: 417-763-9172 ATTN: SCOTT MORRIS Email: smorris@murney.com	

LICENSE AGREEMENT TO USE PUBLIC RIGHT-OF-WAY

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by the Encroachment Licensee identified above, hereinafter "Licensee," and the City of Springfield, Missouri, a municipal corporation, Grantor, hereinafter "City."

1. The City, in consideration of the covenants and agreements hereinafter contained, to be kept and performed by Licensee, hereby grants permission to Licensee to erect, install, and maintain the encroachment, a projecting sign on City right-of-way at 311 Park Central West, legally described as shown below and on **Exhibit A**. Licensee shall erect, install, and maintain in good repair said encroachment in strict accordance with the terms and conditions of the permit issued by the City Public Works Department; Chapter 98, Article VII, of the Springfield City Code and all other applicable codes of the City; and State and Federal laws and regulations. Licensee may use the right-of-way abutting the real property at said address, except the last six feet to the curb face.

PROPERTY DESCRIPTION: SEE EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

2. The Licensee is the owner of the encroachment and shall be bound by the duties and obligations assigned herein to the Licensee during Licensee's possession and after, until the encroachment is removed and any and all claims are settled or adjudicated.

3. All signs and markings on the encroachment shall conform to the approved permit and shall not be altered. Licensee grants to City a cross-easement to the property identified on **Exhibit A** as may be necessary to allow City to enter said property to remove the encroachment in the event Licensee fails to comply with the provisions of Chapter 98, Article VII of the Springfield City Code or fails to remove the encroachment on termination of this license. Licensee (if Licensee is a tenant, Licensee's landlord) consents that in such event that a lien may be placed by the City on the property for the reasonable cost of removal of the encroachment. Licensee (if Licensee is a tenant, Licensee's Landlord) also agrees that City, its agents and employees, shall be immune from any damage to the structures at 311 Park Central East occasioned by the removal of such encroachment under this paragraph in addition to the rights of the City, its agents and employees under paragraphs 3 and 5.

4. Licensee shall at all times during the term of this agreement carry a premises-liability-insurance policy on the property. Such policy 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/soimmunity.php>). This year, such insurance shall be in an amount of not less than \$2,804,046.00 (Two Million Eight Hundred Four Thousand Forty-Six and no/100 Dollars) combined, single-limits coverage with an insurance company qualified to transact business in Missouri and acceptable to City. Licensee agrees to furnish the City with a certificate of insurance evidencing that Licensee will have at all times during the terms of this agreement the above-required insurance. The certificate of insurance shall be filed with the City within ten (10) days after the date of effectiveness of this agreement. All insurance policies shall provide at least thirty (30) days' written notice to be given to the City prior to modification or cancellation of such insurance. Such notice shall be mailed to the City Attorney, City of Springfield, P.O. Box 8368, Springfield, MO 65801. Licensee further agrees that the proceeds of such insurance policy shall first be used to pay any damages, costs, attorney's fees incurred by or assessed against City, its employees, officers and agents, and second any damages, costs, or attorney's fees incurred by or assessed against Owner, its employees, officers and agents, and before any award or costs of Licensee, its employees, officers or agents is/are paid. Failure of the Contractor to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general hereunder.

5. City shall have the absolute right at its discretion to terminate this license or refuse to allow the Licensee to continue to have the encroachment over, under, or across City's property or right-of-way if City determines that City property is being substantially damaged by the encroachment, or that the Licensee has failed to maintain the required insurance on file with City, or that the encroachment constitutes a hazard to the traveling public or other persons. City shall furnish Licensee with notice requiring removal as is reasonable under the circumstances. After receipt of notice, Licensee shall thereafter immediately remove the encroachment and restore City property or right-of-way to the same or better condition as existed prior to the installation of the encroachment. In the event Licensee fails to promptly remove the encroachment and restore the right-of-way within the time required by the notice, City may cause the same to be done at the cost of Licensee and a lien to be placed upon the abutting real property for the cost of removal, to which Licensee and Licensee's Landlord agree.

6. This license terminates upon transfer of either the abutting property owner's property interest or the encroachment property owner's property interest within thirty (30) days of such transfer unless a new encroachment license has been issued, provided that the obligation to indemnify and insure on behalf of City shall survive and continue to run with the land until the encroachment and all parts thereof have been removed or a new license with adequate insurance and indemnification guarantees are provided to City. This license shall be recordable in the land records of the Greene County recorder's office.

7. Licensee, as a further consideration for the aforesaid license, hereby agrees to defend, indemnify, and save harmless City from any and all claims, demands, causes of action, damages, judgments, costs, attorney's fees, and expenses that City may sustain, incur, or become liable for because of loss, destruction, or damage to property, and because of injury or death to any persons resulting from any act, failure to act, or negligence of Licensee, or its contractors or agents in the installation, erection, construction, repair, maintenance, or removal of the encroachment, or by any reason of any defects in the design or installation of the encroachment, the location of the

encroachment or its placement, collapse, failure, or combustion of the encroachment, in whole or in part. Licensee agrees to be responsible for all losses, destruction, or damage to any property of City, including said right-of-way, growing out of the erection, installation, construction, maintenance, repair, or removal of said encroachment, or the failure of Licensee to comply fully with the obligations of Licensee hereunder. Licensee further agrees to reimburse City for any fines, costs, damages, or attorney's fees resulting from the presence of the encroachment on the right-of-way.

8. In no event, shall City be liable to Licensee or any third person for damage or injury to Licensee's (if Licensee is a tenant, to Licensee's Landlord's) facilities and property placed on the right-of-way pursuant to this license or to Licensee's (if Licensee is a tenant, to Licensee's Landlord's) real property if City is required to remove the encroachment. The obligation of Licensee to indemnify City shall survive the termination of the license as to occurrences taking place prior to removal of the encroachment.

9. Additional terms: Licensee shall abide by the terms and conditions of the permit to be issued by the Department of Public Works to construct said encroachment. Signs or banners on the sidewalk café fence or barrier shall not violate the current sign ordinance adopted by the City of Springfield.

10. The obligations of this license shall run with the land identified in **Exhibit A** and shall be binding upon Licensee's respective grantees, heirs, personal representatives, successors and assigns, as long as the encroachment shall remain upon City property or right-of-way.

11. Signing this agreement does not grant a right or interest in this license.

12. All notices required or permitted herein under and required to be in writing may be given by first class mail addressed to City and Licensee at the addresses shown above or by facsimile transmission to the numbers shown. The date of delivery of any notice by mail shall be the date falling on the second full day after the day of its mailing.

13. This agreement shall contain 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 all parties.

14. 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.

15. Attorney Fees. In the event of any litigation arising from breach of this Agreement the City shall be entitled to recover from the Contractor all reasonable costs incurred for such litigation, including staff time, court costs, attorney fees, and all other related expenses incurred in such litigation.

[Remainder of page intentionally blank.]

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

Approved by:

Traffic Engineer

CITY OF SPRINGFIELD, MISSOURI

By: _____
Director of Public Works or Acting Director

Approved as to Form:

City Attorney or Assistant City Attorney

ACKNOWLEDGMENT OF CITY

STATE OF MISSOURI)
) ss
COUNTY OF GREENE)

On this ____ day of _____, 20__, before me personally appeared _____, to me personally known, who, being by me duly sworn did say that he is Director/Acting Director of Public Works of the City of Springfield, Missouri, a municipal corporation of the State of Missouri, and that the seal affixed to foregoing instrument is the corporate seal of said municipal corporation, and that said instrument was signed and sealed in behalf of said municipal corporation by authority of its City Council and said _____ acknowledged said instrument to be the free act and deed of said municipal corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield the day and year first above written.

Notary Public

My Commission expires:

EXHIBIT "A"

LEGAL DESCRIPTION

Commencing at the Southeast corner of Lot Twenty-Two (22) Block Four (4) in ORIGINAL TOWN OF SPRINGFIELD, Missouri; being the Northwest corner of Patton Alley and College Street; thence West 103 feet and 4 inches for a beginning point, said beginning point being the Southwest corner of a brick building now on this lot herein described; thence from said beginning point North 150 feet; thence East 32 feet and 11 inches to the Northwest corner of Lot heretofore sold to Paul & Routh to J.M. Kirby; thence South 60 feet to an East and West private alley; thence West 11 feet and 5 inches to the Northwest corner of said private alley; thence South 90 feet to College Street; thence West 21 feet 6 inches to beginning, all in Greene County, Missouri; except that part heretofore conveyed to Heerandres Investment Company by deed recorded in Book 769 at Page 63, deed records of Greene County, Missouri and except any part deeded, taken or used for road, street or highway purposes.

AND

Beginning 63 feet East of the Southwest corner of Lot Twenty-Two (22) in Block Four (4) in the Original Survey of the City of Springfield, Missouri, thence North 100 feet; thence East 20½ feet; thence South 100 feet to the North line of College Street; thence West 20½ feet to the place of beginning, all in Greene County, Missouri.

Exhibit 2



City of Springfield, Missouri



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

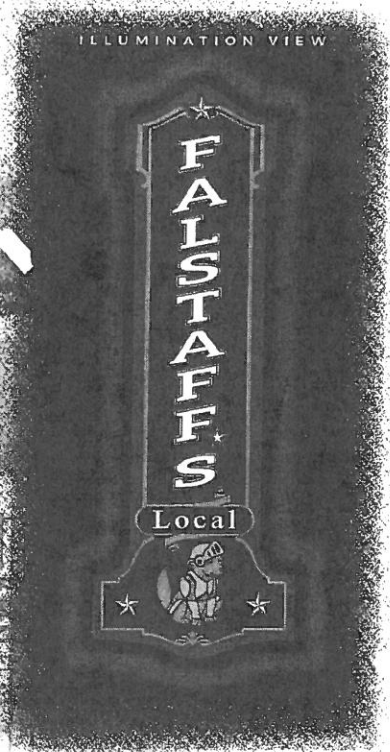
Exhibit 3

FALSTAFF LOCAL 311 PARK CENTRAL, SPRINGFIELD MISSOURI



SIGN DETAIL VIEW
SCALE: 3/4" = 1'-0"

Sign depth 18"

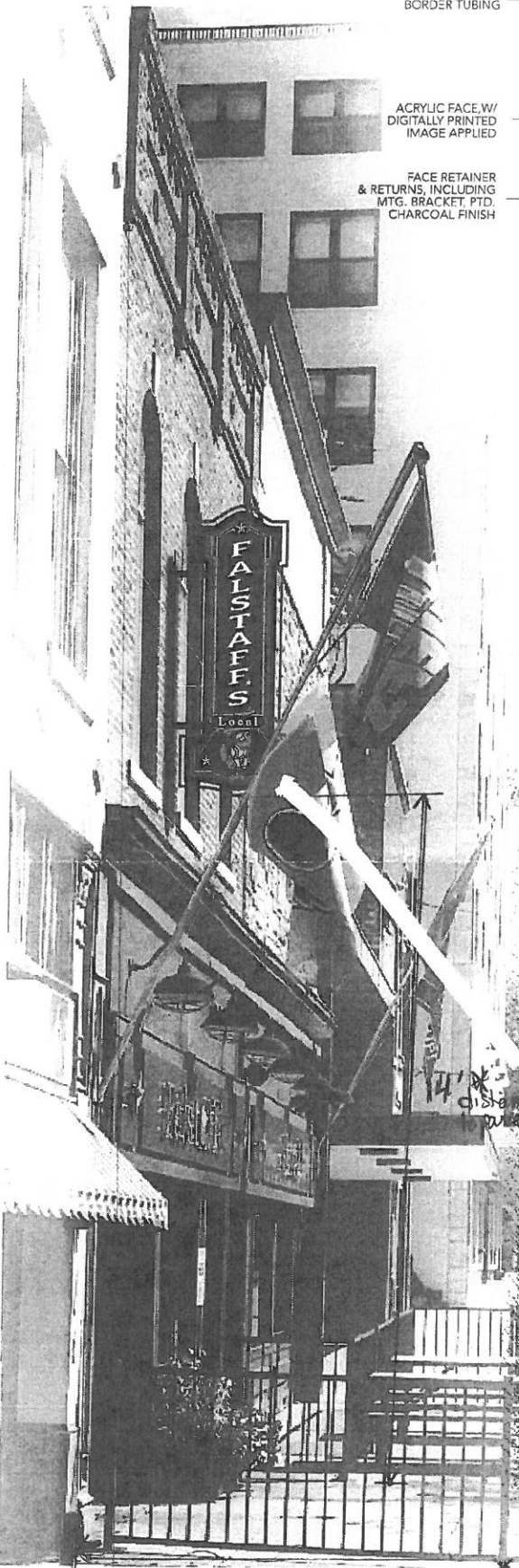


ILLUMINATION VIEW

PR 52019-00062 S.100

Faces Park Central Street

South Elevation



from leading edge of sign to street curb 22'



MISSOURI NEON COMPANY
"The Neon Experts"
3160 W. KENNEDY
SPRINGFIELD, MO 65803
(417) 862-1778
1.800.788.1778
FAX (417) 865-9237

Customer Approved:

Client Signature: [Signature]
Name: CARL SCHUBERT
Title: Salesperson

DATE: 10-02-18
SCALE: NOTED

Revision: A
DATE: 01-08-18
MOVE PLACEMENT BETWEEN FIRST AND SECOND WINDOWS (L SIDE)

SIGNLINK PRODUCT APPLIES



Approved Manufacturer



One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 05-14-19

Sponsored by: Hosmer

COUNCIL BILL 2019- 126 RESOLUTION

RESOLUTION

1 GRANTING a new liquor license to sell retail liquor by the drink, including Sunday
2 sales, to Studio Bar and Ultra Lounge LLC, d/b/a Luna Bar and Terra
3 Lounge, for their location at 300 Park Central East, such license to include
4 a patio measuring 25 feet by 25 feet and located on the northwest side of
5 the building.
6
7

8 WHEREAS, Studio Bar and Ultra Lounge, LLC, d/b/a Luna Bar and Terra
9 Lounge, has filed an application for a license to sell liquor by the drink at retail, including
10 Sunday sales, at its location at 300 Park Central East; and
11

12 WHEREAS, said application also includes a patio measuring 25 feet by 25 feet
13 which is to be located on the northwest side of the premises; and
14

15 WHEREAS, pursuant to Sec. 10-37(a) of the Springfield City Code, no license
16 shall be granted for the sale of intoxicating liquor within 200 feet of any school, church,
17 park, or building regularly used as a place of worship unless the applicant shall first
18 obtain the consent of City Council; and
19

20 WHEREAS, Sec. 10-37(c) provides an exception to the 200-feet distance down
21 to a distance of 100 feet for establishments within the Downtown area; and
22

23 WHEREAS, Studio Bar and Ultra Lounge LLC, d/b/a Luna Bar and Terra Lounge,
24 place of business is located within 100 feet of property owned or operated by a school,
25 therefore City Council must determine whether it will consent to the issuance of a liquor
26 license at this location.
27

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

31 Section 1 – City Council consents to granting Studio Bar and Ultra Lounge LLC,
32 d/b/a Luna Bar and Terra Lounge, a license to sell retail liquor by the drink, including
33 Sunday sales, at its location at 300 Park Central East, Springfield, Missouri, such
34 license to include a patio measuring 25 feet by 25 feet and located on the northwest
35 side of the building.

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: Achale T. Wudu, Assistant City Attorney

Approved for Council action: Juan C. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2019 -126

FILED: 05-14-19

ORIGINATING DEPARTMENT: Finance

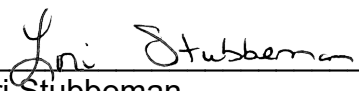
PURPOSE: Granting a new liquor license to sell retail liquor by the drink, including Sunday sales, to Studio Bar and Ultra Lounge LLC, d/b/a Luna Bar and Terra Lounge, for their location at 300 Park Central East, such license to include a patio measuring 25 feet by 25 feet and located on the northwest side of the building.

BACKGROUND INFORMATION: Applicant, Studio Bar and Ultra Lounge, LLC, d/b/a Luna Bar and Terra Lounge, applied for a license to sell liquor by the drink at retail, including Sunday sales at its location at 300 Park Central East, such license to include a patio measuring 25 feet by 25 feet and located on the northwest side of the building. The applicant's business is located within the Downtown Springfield Community Improvement District ("Downtown CID") and is located within 100 feet of property owned and/or operated by Missouri State University located at 110 Park Central Square, and 117 Park Central Square. Objections were not submitted to City staff.

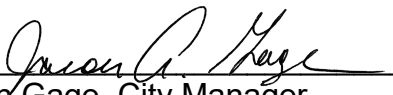
Pursuant to Section 10-37(a) of the Springfield City Code, no license shall be granted for the sale of intoxicating liquor within 200 feet of any church, school, park, or building regularly used as a place of worship unless the applicant shall first obtain the consent in writing of City Council. Section 10-37(c) establishes an exception to the 200-foot distance down to a distance of 100 feet for establishments within the Downtown CID if the Director of Finance reviews criteria, including prior police calls to or violations of laws by establishments owned by the applicant and a feasible plan for parking and security, and determines a license will not adversely impact the Downtown CID. In this case, the applicant's property is within 100 feet of a school, so the Director of Finance is not authorized by the exception in Section 10-37(c) to issue the license. As a result, City Council must determine whether it will issue a license to this business location.

Submitted by:

Approved by:



Lori Stubbeman
Business License Supervisor



Jason Gage, City Manager