



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 July 1, 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. June 3, 2019 And June 17, 2019 City Council Meetings,
And June 18, 2019 And June 25, 2019 Special City Council Meetings.**

Documents:

[06-03-19.PDF](#)
[06-18-19 SPECIAL CITY COUNCIL MEETING.PDF](#)
[06-25-19 SPECIAL CITY COUNCIL MEETING.PDF](#)

- 3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO
SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT
THIS TIME.**
- 4. CEREMONIAL MATTERS.**
- 5. CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE
PREVIOUS CITY COUNCIL MEETINGS.**
- 6. SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted**

On.

7. Council Bill 2019-142. (Ollis, Hosmer, Lear, And McGull)

A general ordinance amending the Springfield City Code, Chapter 58, 'Health and Sanitation,' by adopting Article XII, 'Tobacco 21 Act,' in order to prohibit the sale of tobacco products, alternative nicotine products, and vapor products to anyone under 21 years of age; and amending Chapter 78, 'Offenses and Miscellaneous Provisions,' by amending Section 78-5, 'Sale of tobacco products to persons under 18 years of age,' Section 78-6, 'Sale of tobacco products through vending machines,' and Section 78-7, 'Packaging of tobacco products; distribution of free samples; manner of display and sale,' and moving said sections to Chapter 58 as part of the Tobacco 21 Act. (Recommended by Plans and Policies Committee.)

Documents:

[2019-142.PDF](#)

8. Council Bill 2019-143. (Ollis, Hosmer, Lear, And McGull)

A general ordinance amending the Springfield City Code, Chapter 78, 'Offenses and Miscellaneous Provisions', by repealing Section 78-8, 'Purchase or possession of tobacco products by persons under 18 years of age.' (Recommended by Plans and Policies Committee.)

Documents:

[2019-143.PDF](#)

9. Council Bill 2019-144. (Simpson)

A special ordinance approving the sale of real property generally located at 1809 East Crestview Street to Lacknothing Homes, LLC, for \$71,500.00; and authorizing the issuance of a deed for same.

Documents:

[2019-144.PDF](#)

10. Council Bill 2019-145. (Simpson)

A special ordinance approving the plans and specifications for Channel Improvements – East Woodgate Avenue; accepting the alternate bid of Hunter Chase & Associates, Inc., in the amount of \$147,774.26, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Documents:

[2019-145.PDF](#)

11. Council Bill 2019-146. (Simpson)

A special ordinance approving the plans and specifications for Stormwater Improvements Ravenwood Phase II; accepting the bid of Hunter Chase & Associates, Inc., in the amount of \$767,712.00, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Documents:

[2019-146.PDF](#)

12. RESOLUTIONS. Citizens May Speak. May Be Voted On. Council Bill 2019-141 Was

Tabled At The June 17, 2019 City Council Meeting To The July 1, 2019 City Council Meeting.

13. Council Bill 2019-141. Substitute No. 1. (McClure)

A resolution initiating amendments to the Springfield Land Development Code for the purpose of considering the procedures regarding the designation of Historic Sites, Historic Landmarks, Interior Landmarks, and Historic Districts and any additional amendments in Sections 36-353 and 36-404 which may be beneficial for City Council's consideration; and directing the City Manager, or his designee, to prepare said amendments.

Documents:

[2019-141S1.PDF](#)

14. Council Bill 2019-141. (McClure) Tabled At The June 17, 2019 City Council Meeting To The July 1, 2019 City Council Meeting.

A resolution initiating amendments to the Springfield Land Development Code to consider adding a requirement for owner consent or involvement on the designation of Historic Sites, Historic Landmarks, Interior Landmarks and Historic Districts.

Documents:

[2019-141.PDF](#)

15. Council Bill 2019-152. (McGull)

A resolution granting a Short-Term Rental Type 2 Permit for the property generally located at 438 South Weller Avenue, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to General Ordinance 6497.

Documents:

[2019-152.PDF](#)

16. Council Bill 2019-153. (McGull)

A resolution granting a Short-Term Rental Type 2 Permit for the property generally located at 725 South Kickapoo Avenue, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to General Ordinance 6497.

Documents:

[2019-153.PDF](#)

17. Council Bill 2019-154. (Hosmer)

A resolution authorizing the City Manager to apply for a Better Utilizing Investments to Leverage Development Transportation Discretionary Grant from the United States Department of Transportation in an amount of up to \$25,000,000, which requires matching funds of 20 percent from non-federal sources.

Documents:

[2019-154.PDF](#)

18. EMERGENCY BILLS.

19. PUBLIC IMPROVEMENTS.

20. GRANTS.

21. **AMENDED BILLS.**

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

23. **Council Bill 2019-155. (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 8.4 acres of property, generally located at 3145 South Campbell Avenue, from Planned Development 25, 4th Amendment to HC, Highway Commercial District; establishing Conditional Overlay District No. 175; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: South Campbell Investments, LLC; 3145 South Campbell Avenue; Z-14-2019 w/Conditional Overlay District No. 175.)

Documents:

[2019-155.PDF](#)

24. **Council Bill 2019-156. (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 6.18 acres of property, generally located at the 4900 block of South Campbell Avenue, from R-MD, Medium-density Multi-family Residential District, with Conditional Overlay District No. 152, to O-2, Office District; establishing Conditional Overlay District No. 176; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: A. Daniel Pinheiro; 4900 Block of South Campbell Avenue; Z-15-2019 w/COD No. 176.)

Documents:

[2019-156.PDF](#)

25. **Council Bill 2019-157. (Simpson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 4.2 acres of property, generally located at 2915 South National Avenue, from Planned Development 26; Planned Development 26, 1st amendment; Planned Development 51; and R-SF, Single-Family Residential District to Planned Development 370. (Staff and Planning and Zoning Commission both recommend approval.) (By: William C. Beall, Jr., Trust; 2915 South National Avenue; Planned Development 370.)

Documents:

[2019-157.PDF](#)

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

27. **Council Bill 2019-158. (Ollis)**

A special ordinance authorizing the City Manager to execute an addendum to the Intergovernmental Agreement between the City and School District of Springfield R-12 for the purpose of sharing the costs of a third-party vendor to operate a school crossing guard program for one additional year.

Documents:

[2019-158.PDF](#)

28. **PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

Mr. Bob Hill wishes to address City Council.

Mr. Andrew Hernandez wishes to address City Council.

Ms. Amy Champlin wishes to address City Council.

29. **NEW BUSINESS.**

The City Manager recommends the following appointments to the Airport Board: Paige Oxendine and Jay Titus with terms to expire June 1, 2022.

30. **UNFINISHED BUSINESS.**

31. **MISCELLANEOUS.**

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

33. **Council Bill 2019-159. (Schilling)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of South Campbell Addition, generally located at 3145 South Campbell Avenue, upon the filing and recording of a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Documents:

[2019-159.PDF](#)

34. **CONSENT AGENDA – ONE READING BILLS.**

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

36. **Council Bill 2019-147. (Ferguson)**

A special ordinance approving the sale of real property at 3140 West Lynn Street to Kelly and Chance Bailey for \$500.00; authorizing the issuance of a deed for same; and approving a budget adjustment to amend the Fiscal Year 2019-2020 budget.

Documents:

[2019-147.PDF](#)

37. **Council Bill 2019-148. (Ferguson)**

A special ordinance approving the sale of real property at 2406 West Elm Street to Panfilo Garcia for \$500.00; and authorizing the issuance of a deed for same.

Documents:

[2019-148.PDF](#)

38. **Council Bill 2019-149. (Ferguson)**

A special ordinance approving the sale of real property at 2444 North Benton Avenue to Trigg, LLC, for \$15,100.00; authorizing the issuance of a deed for same; and approving a budget adjustment to amend the Fiscal Year 2019-2020 budget.

Documents:

[2019-149.PDF](#)

39. **END OF CONSENT AGENDA.**

40. **Possible Addition To City Council Agenda; However, A Determination Of Whether It Will Be Added Will Be Made By City Council At The Meeting.**

CLOSED SESSION.

City Council will hold a closed meeting to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to Section 610.021(1), RSMo.; and this meeting, record, and vote shall be closed and the City Council shall stand adjourned at the end of the closed session.

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.

June 3, 2019
Springfield, Missouri

The City Council met in regular session June 3, 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 McClure asked everyone to remember the victims in the Virginia Beach shooting.

Roll Call Present: Abe McGull, Matthew Simpson, Mike Schilling, Phyllis Ferguson, Jan Fisk, Craig Hosmer, Richard Ollis, Andrew Lear, and Ken McClure. Absent: None.

Minutes The minutes of the May 21, 2019, and the May 28, 2019, Special City Council Meetings were approved as presented.

Consent Agenda The Consent Agenda was approved as presented.

CEREMONIAL MATTERS.

City Managers Report Jason Gage, City Manager, noted the flags in Government Plaza are flying at half-staff in honor of the victims of the tragedy in Virginia Beach, Virginia. He noted the City is joining our colleagues at all government offices across the country to share in their sadness this evening. Mr. Gage praised the first responders, including other municipal employees, who took quick action, risking their own lives, in order to help save others.

Mr. Gage noted the Network for Young Professionals will be hosting its first ever “SGForum” event on Friday, June 7 at Veridian Events, 309 South Ave. He noted the City is the presenting sponsor and the keynote is at noon featuring author and community development expert Peter Kageyama.

Mr. Gage noted the June 6 edition of Good Morning, Springfield!, the Chamber of Commerce’s monthly breakfast and networking program, will feature a “state of” style update from Springfield Mayor Ken McClure at Evangel University cafeteria, 7:30 am – 8:30 am. Mr. Gage noted the City will offer the following options for viewing the State of the City address: 1) Streaming live on the City’s website: springfieldmo.gov; 2) Streaming live on the City’s Facebook page: City of SGF; 3) Mediacom cable subscribers can tune in to channels 15.1 and 80 ; AT&T U-Verse subscribers can tune in to Channel 99. In addition, the City provides a transcript online and additional live coverage on the City’s Twitter feed.

Mr. Gage noted Parks Director Bob Belote has provided the monthly update for May. He added tickets are now on sale for the Springfield Laser pro tennis team home season, July 14-31 at Cooper Tennis Complex. The Lasers take the court as the defending champions of the World Team Tennis league, having brought home the King Trophy last summer for the first time in the team’s 23-year history.

Mr. Gage noted Police Chief Paul Williams has provided the monthly staffing update for May. He added two Springfield Police Department commanders were honored as part of the graduating class of the Missouri Police Chiefs Charitable Foundation Command

College and Lieutenant Charleston was given the David Steward Academic Award to represent the top academic honor of the class.

Mr. Gage noted Fire Chief David Pennington has provided a copy of the Fire Department's Annual Report. He added in 2018, the department was able to purchase a new first fire apparatus funded through the Level Property Tax and start preparation for the building of new Fire Station 13 on West College Street.

Mr. Gage noted the Missouri Job Center is seeking applicants for the Green for Greene program, a free training in which participants earn certifications for environmental-related careers. Green for Greene is funded by a \$200,000 grant from the Environmental Protection Agency. Classes begin July 5, 2019, and are held daily from 8 am to 5 pm.

Mr. Gage noted the City of Springfield is accepting comments on the [U.S. Department of Housing and Urban Development \(HUD\) Annual Action Plan](#) for the fiscal year 2019-2020, available for public review and comment for 15 days from May 29 through 5 p.m., June 13, 2019. The Annual Action Plan is a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified and designed to help states and local jurisdictions to assess their affordable housing and community development needs.

The following bills appeared on the agenda under Second Reading Bills

Rezoning 3303 West 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.)

Ms. Cotter noted a protest petition was received and was found to be sufficient at 72.8%. A copy of the supplemental explanation has been provided and a supermajority or 6 votes will be required for passage of the proposed.

Mayor Pro Tem Ferguson asked for clarification pertaining to the ability for "tiny homes" to be placed in the proposed property. Mary Lilly Smith, Director of Planning and Development responded the rezoning would not allow the placement of "tiny homes" and noted this has been discussed with the applicant.

Councilman Hosmer asked for clarification that the purpose of the proposed was only for rezoning to step down zoning and the ability for the applicant to use the property for a particular purpose was not relevant to the proposed. Ms. Smith responded in the affirmative. Mr. Hosmer stated he would be supporting the proposed based on only the zoning which he believes is consistent with what is best for the area and not taking in to consideration potential uses in the future.

Councilman Ollis asked for clarification of the impact of the potential referral to the Plans and Policies Committee pertaining to tiny house, under new business, would impact the proposed. Rhonda Lewsader, City Attorney, stated if the proposed passed the Committee decision would not retroactively affect the proposed.

Councilman Simpson asked for clarification of the intent for Eden Village to continue with their plans based on the restrictions of the proposed zoning. Ms. Smith noted they has been notified and stated they would comply with the zoning.

Councilman McGull expressed concern with placing the proposed in a light industrial area.

Councilman Lear noted there are already townhomes in the area and expressed his opinion the step-down zoning is appropriate. Additionally, Mr. Lear noted he intends to support the proposed.

Mayor Pro Tem Ferguson expressed concern with reducing the amount of industrial zoning and mixing incompatible zoning districts. She also expressed her opinion the issues surrounding this rezoning are going to be considered by a Council Committee and would like to wait for a recommendation before proceeding.

Mayor Pro Tem Ferguson moved to table Council Bill 2019-111. Councilman McGull seconded the motion. Rhonda Lewsader, City Attorney noted it would be appropriate to table the proposed until a date certain and based on concerns for the amount of time it would be appropriate to table a zoning issue suggested tabling until the next regularly scheduled City Council Meeting.

Mayor Pro Tem Ferguson withdrew her motion and Councilman McGull withdrew his second.

Mayor Pro Tem Ferguson moved to table Council Bill 2019-111 until the June 17, 2019, City Council meeting. Councilman McGull seconded the motion, and it was approved by the following vote: Ayes: McGull, Simpson, Ferguson, Fisk, and McClure. Nays: Schilling, Hosmer, Ollis, and Lear. Absent: None. Abstain: None.

**Commercial Street
Community
Improvement
District**

Sponsor: Ferguson. Council Bill 2019-119. 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.)

Mayor McClure noted based on notice requirements the public hearing on the proposed was continued until tonight's meeting.

An opportunity was given for citizens to express their views.

Mary Collette spoke in support of the proposed. She thanked City Council for their support of the Community Improvement District (CID) and the endeavors pertaining to the Jefferson Avenue Foot Bridge. Ms. Collette asked City Council for their support of the renewal of the CID.

With no further appearances, the public hearing was closed.

Councilman Hosmer recused himself and left City Council Chambers.

Council Bill 2019-119. Special Ordinance 27185 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Ollis, Lear, and McClure. Nays:
None. Absent: Hosmer. Abstain: None.

**2019-2020 Fiscal
Year Budget**

Sponsor: McClure. Council Bill 2019-120. 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.

Council Bill 2019-120. Special Ordinance 27186 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure.
Nays: None. Absent: None. Abstain: None.

**Preliminary Tax
Levy**

Sponsor: Fisk. Council Bill 2019-121. 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.

Council Bill 2019-121. Special Ordinance 27187 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure.
Nays: None. Absent: None. Abstain: None.

**Condemnation for
the Completion of
Battlefield and
Fremont
Intersection
Improvements**

Sponsor: Simpson. Council Bill 2019-122. 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.

Council Bill 2019-122. Special Ordinance 27188 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure.
Nays: None. Absent: None. Abstain: None.

**Land Purchase for
Fire Station 13**

Sponsor: Ferguson. Council Bill 2019-123. 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.)

Council Bill 2019-123. Special Ordinance 27189 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure.
Nays: None. Absent: None. Abstain: None.

**Code Chapter 74
Weed Abatement -
Code Change**

Sponsor: Ferguson. Council Bill 2019-124. 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.

Mayor Pro Tem Ferguson thanked staff for their work on the proposed.

Council Bill 2019-124. General Ordinance 6531 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure.
Nays: None. Absent: None. Abstain: None.

The following bills appeared on the agenda Resolutions.

Walkability Guide

Sponsor: McGull. Council Bill 2019-128. A resolution adopting the Springfield, Missouri, Walkability Guide, which identifies guidelines and fundamental elements of a walkable environment that can be used to increase walkability in the City of Springfield.

Randall Whitman, Principal City Planner, and Derrick Estell, Public Works Engineer, provided a brief overview of the proposed. They provided a history of the project and a review of the items learned in Decatur Georgia.

An opportunity was given for citizens to express their views.

Susie Turner, President of Ozark Greenways, spoke in support of the proposed. She expressed this measure integrates with the numerous trails in the City of Springfield to ensure trails in our community are connected, maintained, utilized, and enhanced. She discussed the benefits of trails in the community and asked for City Council support on behalf of Ozarks Greenways.

Ryan Mooney, Senior Vice President of Economic Development with the Springfield Area Chamber of Commerce spoke in support of the proposed. Mr. Mooney noted the proposed align with the Chamber's mission to bring quality jobs to the area. He noted bringing people to the community is one of the biggest challenges and this measure helps with place making in our community.

Addison Jones spoke in support of the proposed. Mr. Jones noted the ability to live in a walkable neighborhood is one of the factors that prompted them to stay in Springfield. He discussed the positive impact walking has on the community and requested City Council vote in support of the proposed.

Amy Blansit, Founder of the Drew Lewis Foundation, spoke in support of the proposed. Ms. Blansit discussed the importance of walkability to the residents of north Springfield. She reviewed items from a report from the American Enterprise Institute and encouraged City Council to support the proposed noting the additional focus in the proposed pertaining to amenities.

Greg Horton spoke in support of the proposed. He discussed the importance of enhancing the walkability in our community, including quality of life, health, and creating a sense of place. Mr. Horton expressed his opinion this measure will assist with attracting and retaining talent in our community.

Laurel Bryant spoke in support of the proposed. Ms. Bryant noted she serves on the Springfield Association of the Blind board and encourages City Council to support measures that address concerns of residents that are blind.

There being no further appearances the discussion was closed.

Councilman Simpson expressed his opinion that walkability has a significant positive impact on Economic growth in our City and would be voting in support of the proposed.

Councilwoman Fisk discussed the importance of walkability for our community, and it has been discussed on several Community Leadership Visits.

Councilman Ollis expressed his support for the proposed and thanked the members of the walkability team for the work they have accomplished on this important topic.

Mayor Pro Tem Ferguson thanked the walkability team for their work on the proposed.

Mayor McClure thanked the walkability team and Councilman Ollis for their work on the proposed.

Council Bill 2019-128. Resolution 10457 was approved by the following vote: Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: None. Abstain: None.

**Designating
Sequoiata
Store/Treadway's
General Store &
Gas Station, as a
Historic Site**

Sponsor: Simpson. Council Bill 2019-129. A resolution designating the Sequiota Store/Treadway's General Store & Gas Station, generally located at 3535 South Lone Pine Avenue, as a Historic Site on the Springfield Historic Register.

Mary Lilly Smith, Director of Planning and Development provided a brief overview of the proposed. Ms. Smith noted this is a request to designate this property as a Historic

Site. She noted this designation would require any exterior alterations or demolition requiring a permit to be reviewed by the Landmarks Board for approval. If the alteration is denied by the Landmarks Board, then the applicant must wait 60 days before the permit will be issued. Ms. Smith noted this application was submitted by the Galloway Village Neighborhood Association and the property owner objects to the listing. She added the Landmarks Board recommended approval 7-0.

Mayor Pro Tem asked for clarification of the process for alterations if the designation is approved. Ms. Smith reiterated the process.

Councilman Ollis asked for clarification of the process in regard to the owner not being in support of the designation. Ms. Smith noted she had reviewed historic site designation request for the last 20 years. She noted during that time frame 7 applications were submitted and, in all cases, the owner either made the application or spoke in support of the designation.

Councilman Schilling asked if any other properties had been looked at being eligible to being nominated as historic sites. Ms. Smith said not to her knowledge; however, noted historic designation would be an area looked at in the comprehensive planning process citywide.

Councilman Hosmer asked for clarification of how long the current owner had owned the property. Ms. Smith stated she was unsure; however, the owner was in attendance and could answer that question.

An opportunity was given for citizens to express their views.

Betsy Johnson, Vice President of Galloway Village Neighborhood Association spoke in support of the proposed. She noted the Galloway Neighborhood Association had submitted the application and clarified the building was built in 1929. Ms. Johnson provided an overview of the application outlining the historic significance of the property.

Councilman McGull asked if the Neighborhood had discussed this designation with the property owner. Ms. Johnson stated they were reaching out to the owner for discussion now.

Jacque Thummel spoke in support of the proposed. She expressed her opinion this designation helps preserve the historic nature of the Galloway Neighborhood. Ms. Thummel discussed the history of formation of the neighborhood association and the desire to maintain the historic nature of the area. Ms. Thummel noted the neighborhood would like to designate the whole area an Historic District.

Councilman Lear asked for clarification of potential sites the neighborhood would like to see designated as Historic Sites. Ms. Thummell expressed her opinion there were potentially seven additional properties along the Lone Pine corridor as well as some single-family structures not located in on the corridor.

Marcie Kirkup, President of the Galloway Village Neighborhood Association, spoke in support of the proposed. She noted the neighborhood has reached out to Mr. Jenkins but has not been able to have a conversation at this point. Ms. Kirkup noted the historic preservation of this area is a priority of the neighborhood. She noted the walkability of the area and the historic nature of the area work hand in hand.

Ron Boles spoke in support of the proposed. Mr. Boles discussed the history of the Treadway's General Store and the impact as it had the neighborhood. He noted this and other historic structures add to the feel of the neighborhood. Mr. Boles asked Council to support the proposed.

Ray Birchler spoke in support of the proposed. He encouraged City Council to make the Treadway's General Store & Gas Station a historic site because of the important impact it has had on the neighborhood. Mr. Birchler noted the train station in Galloway had been demolished and we need to protect what buildings we have left.

Wendy Huscher, Treasurer of the Galloway Village Neighborhood Association spoke in support of the proposed. Ms. Huscher expressed her opinion the letter submitted by the owner in opposition to the Historic Site designation contained inaccuracies. Ms. Huscher asked City Council to help Galloway keep this piece of history.

Melanie Bach spoke in support of the proposed. Ms. Bach noted development in the area has had a negative impact to the neighborhood. She asked City Council to help preserve the items that provide character to the neighborhood and designate this property as a Historic Site.

Kaitlyn McConnel, Representative of the Landmarks Board, spoke in support of the proposed. Ms. McConnel noted that this property means something to the individuals in this neighborhood. She highlighted the facts the property is adjacent to a park and exemplifies the character and heritage of the area, which makes it historically significant.

Councilman Hosmer asked if this property qualifies for historic tax credits. Ms. Smith responded this designation would not make this property eligible for historic tax credits.

Councilman Lear asked for clarification if the significant changes to the structure would impact the ability for it to be considered a historic site. Ms. McConnel stated for her personally if the building fulfills the historic feel through the emotions it prompts for the neighborhood it does not matter what it looks like.

Mitchell Jenkins spoke in opposition of the proposed. Mr. Jenkins noted he and his wife are the property owners. He provided a history of the process of meeting with the neighborhood and the accommodations they have made in deference to the desires of the neighborhood. Mr. Jenkins asked City Council to vote in opposition of the proposed.

Mayor McClure asked for clarification of when Mr. Jenkins was notified of the application for Historic Site Designation for his property. Mr. Jenkins stated he was

notified by the City of Springfield on April 2, 2019, of the application. He stated no one from the Neighborhood had discussed this process or application with him.

Mayor Pro Tem Ferguson asked if the property was currently for sale. Mr. Jenkins answered in the affirmative. Ms. Ferguson asked if there was anything that would prompt him to change his position on designating the property as an Historic Site. Mr. Jenkins stated since the property is currently listed for sale he is apprehensive of committing to restrictions on the property. Mr. Jenkins expressed his opinion they have made several concessions to the neighborhood but has been unable to come to an agreement.

Councilman Hosmer asked if the blight designation the reason he purchased the property. Mr. Jenkins noted when he first considered the property he was unaware of the blight designation.

Councilman Hosmer expressed his opinion the historic character of the area should be maintained and had concerns development in the area is significantly changing the area. Mr. Jenkins responded if given the opportunity he would have worked with the neighborhood; however, he was not provided with that opportunity. Councilman Hosmer encouraged Mr. Jenkins to consider and look into the possibility of historic tax credits.

Councilman McGull asked for clarification from Mr. Jenkins if he was not given the opportunity to negotiate the proposed with the neighborhood. Mr. Jenkins answered affirmatively. Councilman McGull expressed his opinion the property owner and the neighborhood should meet and discuss this. Mr. Jenkins expressed his opinion with the property for sale he does not feel it would be productive to meet and move forward.

There being no further appearances the discussion was closed.

Mayor McClure asked for clarification from the City Attorney as to Council's ability to table the matter. Rhonda Lewsader, City Attorney noted the City Code does not allow City Council to table the proposed and requires City Council to take action this evening.

Councilwoman Fisk asked about the process of naming the area as a Historic District Designation. Ms. Smith discussed the process.

Councilman Ollis expressed his opinion Galloway is a unique area; however, he has some significant concerns on how this Historic Site application was handled and will be voting in opposition of the proposed.

Councilman McGull expressed his opinion considering designation of the area as a Historic District would be a very positive move for the area.

Councilman Simpson stated he would be in voting in support of the proposed based on the recommendation of the Landmarks Board; however, he has concerns about the process utilized.

Councilman Lear expressed his opinion the Administrative Delay currently in place was put in place to prevent situations such as this. He stated he would be voting in support of the proposed.

Mayor McClure asked when the application was filed. Ms. Smith responded March 20, 2019. Mayor McClure asked if approval of this would be the first time an approval would be provided for an Historic Site designation with owner approval in the past 20 years. Ms. Smith answered affirmatively.

Mayor Pro Tem Ferguson noted this is a very difficult situation. She asked for clarification of the timing of the process if the designation was approved. Ms. Smith noted it would be 60 days after Landmark Board consideration.

Councilman Hosmer asked if this application was handled properly. Ms. Smith answered affirmatively. Councilman Hosmer asked if Mr. Jenkins could still accomplish everything he wanted to accomplish just with a delay. Mr. Smith answered affirmatively. Councilman Hosmer noted the Landmark Board approved this application 7-0 and would be voting in support of the proposed.

Mayor McClure asked for clarification for additions to the property. Ms. Smith expressed her opinion the property had been added onto. Mayor McClure expressed his opinion the property owner not being notified was inappropriate and sets a bad precedent.

Council Bill 2019-129 was approved by the following vote: Ayes: Simpson, Schilling, Hosmer, Lear, and McClure. Nays: McGull, Ferguson, Fisk, and Ollis. Absent: None. Abstain: None.

Mayor McClure asked for clarification of his vote. Anita Cotter, City Clerk noted his vote was reflected as an aye vote.

Mayor McClure moved to reconsider Council Bill 2019-129. Councilman Ollis seconded the motion and it was discussed.

Councilman Hosmer asked for clarification of the motion to reconsider. Ms. Lewsader read City Code section 2-42 (g).

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

Council Bill 2019-129. Failed by the following vote: Ayes: Simpson, Schilling, Hosmer, and Lear. Nays: McGull, Ferguson, Fisk, Ollis, and McClure. Absent: None. Abstain: None.

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

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

Innovation Avenue

Sponsor: Simpson. Council Bill 2019-130. A general ordinance amending the Official Map of the City of Springfield, Missouri, adopted pursuant to General Ordinance 1478, by changing the name of the 3000 to 3100 block of East Farm Road 188 to the 6400 to 6500 block of South Innovation Avenue. (Staff and Planning and Zoning Commission both recommend approval.)

Mary Lilly Smith, Director of Planning and Development provided a brief overview of the proposed. Ms. Smith noted the proposed would be renaming a farm road with an incorrect direction designation which had been annexed into the City.

An opportunity was given for citizens to express their views.

Jared Davis, representative for the owner, spoke in support of the proposed and made himself available for any questions City Council may have.

There being no further appearances the discussion was closed.

Rezoning 1820, 1830, 1834 and 1838 North Nixon Avenue

Sponsor: Ferguson. Council Bill 2019-131. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.69 acres of property, generally located at 1820, 1830, 1834 and 1838 North Nixon Avenue, from a R-TH, Residential Townhouse District to RI, Restricted Industrial District and establishing Conditional Overlay District No. 173. (Staff recommends denial and Planning and Zoning Commission recommend approval.) (By: A&D Group LLC; 1820, 1830, 1834 and 1838 North Nixon Avenue; Z-12-2019 w/COD No. 173.)

Mary Lilly Smith, Director of Planning and Development provided a brief overview of the proposed. Ms. Smith noted the proposed is inconsistent with the Comprehensive plan and staff recommends denial. Ms. Smith noted Planning and Zoning Commission recommended approval.

An opportunity was given for citizens to express their views.

Adam Dunlap spoke in support of the proposed. He noted the proposed is being used to create a buffer between the proposed and the neighboring property. Mr. Dunlap noted he is also self-imposing additional requirements to the rezoning. He expressed his opinion the proposed will improve this area.

There being no further appearances the discussion was closed.

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

**Collective
Bargaining
Agreement with
Springfield Police
Officers'
Association**

Sponsor: Fisk. Council Bill 2019-132. A special ordinance approving the Second Amendment to Article 18 – ‘Wages,’ of the Collective Bargaining Agreement between the City and the Springfield Police Officers’ Association, Fraternal Order of Police Lodge 22, and authorizing the City Manager, or his designee, to acknowledge and deliver the Second Amendment on behalf of the City to the Bargaining Unit; and declaring an emergency.

Darla Morrison, Director of Human Resources provided a brief overview of the proposed. She noted the proposed is the second amendment to the Collective Bargaining Agreement between the City and the Springfield Police Officers’ Association. Ms. Morrison outlined the terms of the agreement including wage adjustments.

Mayor McClure congratulated City staff and the members of the Springfield Police Officers Association on completion of this agreement.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

**Collective
Bargaining
Agreement with
International
Brotherhood of
Electrical
Workers, Local
No. 753**

Sponsor: Ollis. Council Bill 2019-133. A special ordinance approving the Collective Bargaining Agreement by and between the City and the Bargaining Unit of the International Brotherhood of Electrical Workers, Local No. 753 affiliated with the AFL-CIO, by authorizing the City Manager, or his designee, to acknowledge and deliver the Collective Bargaining Agreement on behalf of the City to the Bargaining Unit; and declaring an emergency.

Councilman Ollis moved to amend Council Bill 2019-133 by substituting a new Exhibit 1, which is a Certification of Representation of IBEW, Local 753.” Councilman Simpson seconded the motion, and it was approved by the following vote: Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: None. Abstain: None.

Darla Morrison, Director of Human Resources provided a brief overview of the proposed. She noted the proposed is the Charter Agreement to the Collective Bargaining Agreement between the City and the Bargaining Unit of the International Brotherhood of Electrical Workers, Local No. 753. Ms. Morrison outlined the negotiations and terms of the agreement including wage adjustments.

Mayor McClure congratulated City staff and the members of the International Brotherhood of Electrical Workers, Local No. 753 on completion of this agreement.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

Salary Ordinance

Sponsor: McClure. Council Bill 2019-134. A general ordinance amending the Springfield City Code, Chapter 2, Article III, Division 1, Section 2.92, known as the ‘Salary Ordinance,’ relating to salary grades for various job titles within the City service as

contained in the Professional, Administrative and Technical Schedule and the Crafts, Trades and Labor Schedule, by making provision for twelve new job titles and by deleting seven job titles; by establishing the Crafts, Trades and Labor Non-Union Schedule and providing pay adjustments for employees on the Crafts, Trades and Labor Non-Union Schedule; by providing pay adjustments for employees on the Professional, Administrative and Technical Schedules, as well as for certain non-union salary grades in the Fire Protection and Law Enforcement Schedules; by amending General Ordinance 6459, Section 6 and General Ordinance 5432, Section 3 relating to the Law Enforcement Schedule and Fire Protection Schedule, respectively; by amending General Ordinance 6288, Section 9 relating to educational allowance by eliminating the eligibility of Police Major to receive educational allowance; and by declaring an emergency.

Darla Morrison, Director of Human Resources provided a brief overview of the proposed. Ms. Morrison noted this is the annual salary ordinance and outlined the new positions, pay increases for non-union employees, and changes to educational allowances.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

Council Bills 2019-135 and Council Bill 2019-136 were read and consider simultaneously.

**Agreement with
the Springfield
Convention and
Visitors Bureau**

Sponsor: Schilling. Council Bill 2019-135. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Springfield Convention and Visitors Bureau, Inc., in the amount of \$3,755,400, for the purpose of promoting travel and tourism within the City of Springfield.

**Agreement with
the Greater
Springfield Area
Sports
Commission**

Sponsor: Hosmer. Council Bill 2019-136. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Greater Springfield Area Sports Commission, Inc., in the amount of \$91,500, for the purpose of promoting the attraction of sporting events to the community.

Tracy Kimberlin, President of the Springfield Convention and Visitors Bureau provided a brief overview of both bills. Mr. Kimberlin noted this was the annual contracts with both the Convention and Visitors Bureau and the Sports Commission. He discussed changes to the budget concerning a change in staffing and payroll and health insurance.

Councilman McGull asked what percentage of the budget was spent on out of state marketing. Mr. Kimberlin responded that 55% of the budget was utilized for this purpose.

An opportunity was given for citizens to express their views on both bills. There being no appearances the discussion on both bills was closed.

**Annual
Maintenance
Contract for
Traffic Signals**

Sponsor: Lear. Council Bill 2019-137. A special ordinance approving the Annual Maintenance Contract for Traffic Signals for Fiscal Year 2019-2020; accepting the bid of Ewing Signal Construction, LLC, in the amount of \$149,035.00; and authorizing the City

Manager to enter into a contract with such bidder for the purpose of maintaining the City's traffic signal infrastructure.

Jason Saliba, Professional Engineer provided a brief overview of the proposed noting this is a continuation of the annual signal maintenance contract.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

Environmental Services Parking and Material Storage Building Project

Sponsor: Ferguson. Council Bill 2019-138. A special ordinance authorizing the City Manager, or his designee, to approve the plans and specifications of the Environmental Services Parking and Material Storage Building Project, to accept the bid of \$620,000.00, and to enter into a contract with Branco Enterprises, Inc., for completion of the Project.

Erin Kemper, Director of Environmental Services provided a brief overview of the proposed. Mr. Kemper noted this will be utilized to house equipment as well as other uses in the future.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Did Not Appear

Clifford VanNatta wishes to address City Council.

NEW BUSINESS

The Mayor recommended the following appointment to the Springfield/Greene County Public Library Board: Tez Ward with term to expire July 1, 2022.

A referral was made to the Plans and Policies Committee of the topics of tiny homes, tiny home communities, and campgrounds and recreational vehicle parks.

UNFINISHED BUSINESS

MISCELLANEOUS

CONSENT AGENDA FIRST READING BILLS

CONSENT AGENDA SECOND READING BILLS

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

Encroachment License Agreement with Falstaff's, LLC

Sponsor: Schilling. Council Bill 2019-125. 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.

Council Bill 2019-125. Special Ordinance 27190 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure.
Nays: None. Absent: None. Abstain: None.

END OF CONSENT AGENDA.

Confirm the following reappointments to the Personnel Board: Perry Epperly, Michael Ramos, and Brent Sweet with terms to expire March 1, 2022.

Adjourn

There being no further business, the meeting adjourned at approximately 9:35 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

June 18, 2019
Springfield, Missouri

The City Council met in special session June 18, 2019 in the Councilman Denny Wayne Conference Room (Busch Building, 4th Floor). The meeting was called to order by Mayor Ken McClure.

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

SECOND READING

RESOLUTIONS

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

PUBLIC HEARING

FIRST READING

NEW BUSINESS

UNFINISHED BUSINESS

MISCELLANEOUS

CONSENT AGENDA FIRST READING BILLS

CONSENT AGENDA ONE READING BILLS

CONSENT AGENDA SECOND READING

END OF CONSENT AGENDA

Closed Session Councilman Lear moved City Council hold a closed meeting to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to Section 610.021(1), RSMo.; and leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor pursuant to Section 610.021(2), RSMo.; and this meeting, record, and vote shall be closed and the City Council shall stand adjourned at the end of the closed session.

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

Anita J. Cotter, CMC/MRCC
City Clerk

June 25, 2019
Springfield, Missouri

The City Council met in special session June 25, 2019 in the Councilman Denny Wayne Conference Room (Busch Building, 4th Floor). The meeting was called to order by Mayor Ken McClure.

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

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

Salary Ordinance Sponsor: McClure. Amended Council Bill 2019-134. A general ordinance amending the Springfield City Code, Chapter 2, Article III, Division 1, Section 2.92, known as the 'Salary Ordinance,' relating to salary grades for various job titles within the City service as contained in the Professional, Administrative and Technical Schedule and the Crafts, Trades and Labor Schedule, by making provision for twelve new job titles and by deleting seven job titles; by establishing the Crafts, Trades and Labor Non-Union Schedule and providing pay adjustments for employees on the Crafts, Trades and Labor Non-Union Schedule; by providing pay adjustments for employees on the Professional, Administrative and Technical Schedules, as well as for certain non-union salary grades in the Fire Protection and Law Enforcement Schedules; by amending General Ordinance 6459, Section 6 and General Ordinance 5432, Section 3 relating to the Law Enforcement Schedule and Fire Protection Schedule, respectively; by amending General Ordinance 6288, Section 9 relating to educational allowance by eliminating the eligibility of Police Major to receive educational allowance; and by declaring an emergency.

Mayor McClure noted the proposed was amended at the June 17, 2019 City Council Meeting and the public hearing was continued until today.

An opportunity was given for citizens to express their views on the amendment only. There being no appearances, the discussion was closed.

Amended Council Bill 2019-134. General Ordinance 6533 was approved by the following vote: Ayes: Simpson, Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, and McClure. Nays: None. Abstain: None. Absent: Schilling.

RESOLUTIONS

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

PUBLIC HEARING

FIRST READING

NEW BUSINESS

UNFINISHED BUSINESS

MISCELLANEOUS

CONSENT AGENDA FIRST READING BILLS

CONSENT AGENDA ONE READING BILLS

CONSENT AGENDA SECOND READING

END OF CONSENT AGENDA

The following occurred under Any and All Matters Which Fall Within the Jurisdiction of the Council:

Councilman McGull moved City Council recess the Special City Council meeting until the conclusion of the regularly scheduled City Council Lunch.

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

The Special City Council reconvened at approximately 1:12 p.m. following the City Council Lunch.

Closed Session

Councilman Simpson moved City Council hold a closed meeting to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to Section 610.021(1), RSMo.; and this meeting, record, and vote shall be closed, and the City Council shall stand adjourned at the end of the closed session.

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

Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. _____
P. Hrngs. _____
Pgs. 8
Filed 06-11-19

Sponsored by Ollis, Hosmer,
Lear, and McGull

First Reading _____

Second Reading _____

COUNCIL BILL 2019-142

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 58, 'Health and Sanitation,' by adopting
2 Article XII, 'Tobacco 21 Act,' in order to prohibit the sale of tobacco
3 products, alternative nicotine products, and vapor products to anyone
4 under 21 years of age; and amending Chapter 78, 'Offenses and
5 Miscellaneous Provisions,' by amending Section 78-5, 'Sale of tobacco
6 products to persons under 18 years of age,' Section 78-6, 'Sale of tobacco
7 products through vending machines,' and Section 78-7, 'Packaging of
8 tobacco products; distribution of free samples; manner of display and
9 sale," and moving said sections to Chapter 58 as part of the Tobacco 21
10 Act. (Recommended by Plans and Policies Committee.)
11 _____
12

13 WHEREAS, the use of tobacco products contributes to lung disease, heart
14 disease, and mental health issues, all of which have been identified by the Springfield-
15 Greene County Health Department as priority health issues; and
16

17 WHEREAS, data demonstrates that 96 percent of current adults who smoke
18 started using tobacco before the age of 21, and 65 percent of youth who use e-
19 cigarettes reported using other tobacco products in the last month; and
20

21 WHEREAS, the Institutes of Medicine found that programs like Tobacco 21
22 reduce smoking rates by 25 percent in those 15 to 17 years of age and 15 percent
23 among those 18 to 20 years of age. This reduction in youth initiation of tobacco
24 products will result in less tobacco-related illness and death within the City of
25 Springfield.
26

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

30 Section 1 – The Springfield City Code Chapter 78, 'Offenses and Miscellaneous
31 Provisions' is hereby amended by moving Section 78-5, 'Sale of tobacco products to
32 persons under 18 years of age,' Section 78-6, 'Sale of tobacco products through
33 vending machines,' and Section 78-7, 'Packaging of tobacco products; distribution of

free samples; manner of display and sale,' to Chapter 58, as part of the Tobacco 21 Act, and amending said sections as set forth in Section 2 below.

Section 2 – The Springfield City Code, Chapter 58, 'Health and Sanitation' is hereby amended by adopting Article XII, "Tobacco 21 Act" as follows:

(Note: Language to be added is underlined; language to be deleted is ~~stricken~~.)

Article XII. – TOBACCO 21 ACT

Sec. 58-1050. – Title.

This Article shall be known as the "Tobacco 21 Act."

Sec. 58-1051. - Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative Nicotine Product means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. The term does not mean any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act or any amendment thereto.

Department means the Springfield-Greene County Health Department.

Proof of age means a driver's license or other documentary or written evidence that the individual is 21 years of age or older.

Samples means a tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no charge for purposes of promoting the product.

Sampling means the distribution of samples to members of the general public in a public place.

Tobacco or Tobacco Products means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, and also means smokeless tobacco products, hookah tobacco and cigarette papers. The term does not include alternative nicotine or vapor products.

Vapor Product means any non-combustible product with or without nicotine that employs a heating element, power source, electronic circuit or other electronic,

chemical means, regardless of shape or size, which can be used to produce vapor with or without nicotine in a solution or other form. The term includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a liquid solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. The term does not include alternative nicotine or tobacco products.

Vending machine means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products, or vapor products.

Sec. ~~58-1052~~78-5. - Sale of tobacco products to persons under ~~21~~18 years of age.

It shall be unlawful for any person to give, barter, sell, cause to be sold, buy for, distribute samples of or furnish in the City ~~cigarettes, cigarette wrappers, chewing tobacco, cigars, tobacco or any other tobacco products, alternative nicotine products, or vapor products to any person under 21 years of age a minor. For purposes of this section, a minor shall be deemed to be a person under 18 years of age.~~

Sec. 58-1053. - Proof of age.

A person selling or distributing tobacco products, alternative nicotine products, or vapor products shall require proof of age from any prospective purchaser or recipient unless such person has reasonable and certain knowledge that the prospective purchaser or recipient is 21 years of age or older.

Sec. 58-1054. - Sign required for sale of tobacco products, alternative nicotine products, and vapor products.

It shall be unlawful for any person to give, barter, sell, cause to be sold, distribute, furnish or permit the sale or distribution of tobacco products, alternative nicotine products, or vapor products, unless the premises upon which such items are sold or distributed prominently displays a sign which shall contain in red lettering at least one-half inch high on white background:

"IT IS A VIOLATION OF THE LAW FOR TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO BE SOLD TO ANY PERSON UNDER THE AGE OF 21."

Sec. ~~58-1055~~78-6. - Sale of tobacco products, alternative nicotine products, or vapor products through vending machines.

- (a) *Prohibited.* Except as otherwise provided under this section, it shall be unlawful for any person to sell ~~cigarettes, cigars, pipe tobacco and smokeless tobacco, or tobacco products, alternative nicotine products, or~~

vapor products ~~that are suitable for dipping or chewing~~, through a vending machine.

(b) *Definition.* For purposes of this section, the term “vending machine” means any mechanical, electric or electronic self-service device which, upon the insertion of money, tokens or other form of payment, automatically dispenses tobacco products, alternative nicotine products, or vapor products.

(c) *Exceptions.* ~~Vending machines are permitted if that are located in facilities where the retailer ensures that no person younger than 18 years of age is present or permitted to enter at any time are permitted.~~

(1) In areas of factories, businesses, offices or other places that are not open to the public;

(2) In places that are open to the public but to which persons under the age of 21 years are denied access;

(3) In other places, but only if the machine:

a. Is under the continuous active supervision of the owner or lessee of the premises or an employee thereof; or

b. Can be operated only by the activation of an electronic switch by the owner or lessee of the premises or an employee thereof prior to such purchase; and

c. Is inaccessible to the public when the establishment is closed.

(4) In any place where continuous active supervision of a vending machine, or activation of an electronic switch, is required by subsection (c)(3) of this section, the person responsible for that supervision or the activation of the switch shall demand proof of age from a prospective purchaser unless such person has reasonable and certain knowledge to believe that the prospective purchaser is 21 years of age or older.

Sec. ~~58-105678-7~~. – Packaging of tobacco products; distribution of free samples of tobacco products, alternative nicotine products, or vapor products; manner of display and sale.

It shall be unlawful for any person, including any retailer, or their agent, to:

(1) ~~Sell cigarettes or smokeless tobacco products~~ except in the original

package distributed by the manufacturer.

- (2) Distribute or cause to be distributed any free samples of cigarettes or smokeless tobacco products, alternative nicotine products, or vapor products.
- (3) Sell cigarettes and smokeless tobacco products, alternative nicotine products, or vapor products in any way except in a direct, face-to-face exchange between the retailer and the consumer. Retailers shall display, store and hold for sale ~~the tobacco products,~~ alternative nicotine products, or vapor products in such a manner that they are accessible only to employees of such retailer.

Sec. 58-1057. - Enforcement.

- (a) The Department shall have the authority to enforce this Article in a manner that can reasonably be expected to reduce the extent to which tobacco products, alternative nicotine products, or vapor products are sold or distributed to persons under the age of 21 years and shall conduct a minimum of one random, unannounced enforcement check per year at locations where tobacco products, alternative nicotine products, or vapor products are sold or distributed, which will be a compliance check involving a person under the age of 21 years.
- (b) Persons under the age of 21 years may be enlisted to test compliance with sections 58-1052 and 58-1054 to 58-1056; provided, however, that persons who are under the age of 18 may be used to test compliance only if written consent of such person's parents or parent or lawful guardian is on file with the Department, and only under the auspices and supervision of the Department.

Sec. 58-1058. – Permit Required.

- (a) Within sixty days of the effective date of this Article, it shall be unlawful for any person to barter, sell, cause to be sold, distribute, furnish or permit the sale or distribution of tobacco products, alternative nicotine products, or vapor products unless that person has obtained a permit to sale or distribute such products from the City. No fee shall be assessed for such permit unless otherwise authorized by law. A permit shall be valid for one year or the remaining portion of a calendar year and expire on December 31 of each year. A permit must be renewed annually and shall be required for each location at which tobacco products, alternative nicotine products, or vapor products are sold or distributed. This permit shall be in addition to any other permit or license required by other local, state, or federal government.

(b) It shall be unlawful for any person required by the provisions of this Article to secure a permit to advertise to give, barter, sell, cause to be sold, distribute, furnish or permit the sale or distribution of tobacco products, alternative nicotine products, or vapor products without first securing a permit. The listing in an advertisement of an address which is inside the city or a telephone number for a phone located inside the city shall constitute prima facie evidence that the person is engaged in the activity that is advertised. For purposes of this section, advertising means the use of any handbill, billboard, sign, newspaper, radio, loudspeaker, television, telephone listing, or other message or device whereby the services or products are offered or held out to the public.

(c) Permits shall be subject to denial, nonrenewal, and revocation pursuant to the procedure described for licenses in Section 70-51. Permits may be denied, not renewed, or revoked for failure to comply with the requirements of this Article or any other applicable section of the City Code. A permit shall not be issued when the City has reason to believe the issuance of the permit will result in the operation of a business in violation of this Code.

Sec. 58-1059. – Penalties.

(a) Any person, except as described in (b) of this section, including but not limited to, a permit holder or agent of that permit holder, that violates any provision of Section 58-1052 or Sections 58-1054 through Section 58-1056 shall be punished by:

(1) A fine of not less than \$250.00 for the first violation within a three-year period;

(2) A fine of not less than \$500.00 for the second violation and any additional violation within a three-year period.

(b) Any employee of a permit holder that violates any provision of Section 58-1052 or Sections 58-1054 through Section 58-1056 shall be punished by:

(1) A fine of not less than \$50.00 for the first violation within a three-year period;

(2) A fine of not less than \$100.00 for the second violation and any additional violation within a three-year period.

(c) If three or more violations occur at a permitted location, or are committed by a permit holder, any employee or agent of a permit holder, or any combination thereof, the permit shall be subject to revocation or nonrenewal as set forth in this Article.

(d) Any person who sells tobacco products, alternative nicotine products, or vapor products without a license required by Chapter 70 or without a permit required by this Article shall be punished by a fine of not less than \$500.00 and not more than \$1,000.00 or by imprisonment in jail for a period not exceeding 180 days, or both such fine and imprisonment.

(e) For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for a second or subsequent violation under this section, each individual franchise or business location shall be deemed a separate entity.

Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or Ordinance repealed hereby, or shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

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

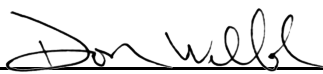
Section 5 – This Ordinance shall be in full force and effect from and after passage by City Council.

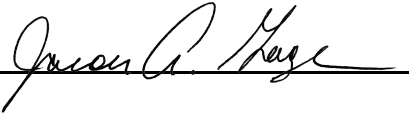
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019-142

FILED: 06-11-19

ORIGINATING DEPARTMENT: Health

PURPOSE: Amending the Springfield City Code, Chapter 58, 'Health and Sanitation,' by adopting Article XII, 'Tobacco 21 Act,' in order to prohibit the sale of tobacco products, alternative nicotine products, and vapor products to anyone under 21 years of age; and amending Chapter 78, 'Offenses and Miscellaneous Provisions,' by amending Section 78-5, 'Sale of tobacco products to persons under 18 years of age,' Section 78-6, 'Sale of tobacco products through vending machines,' and Section 78-7, 'Packaging of tobacco products; distribution of free samples; manner of display and sale,' and moving said sections to Chapter 58 as part of the Tobacco 21 Act. (Recommended by Plans and Policies Committee.)

BACKGROUND: Despite many gains in tobacco control over the last twenty years, tobacco continues to be a significant challenge in Springfield. The smoking rate in Springfield is 25%, compared to a national rate of 16%. Additionally, the nine worst performing Census Tracts in Springfield, with a population of nearly 29,000, have a smoking rate of 33%. High tobacco use rates contribute to and exacerbate all three of Springfield's priority health issues: lung disease, heart disease, and mental health.

Of current adults who smoke, 96% started using tobacco before the age of 21. In Greene County, among middle and high school students, 5% smoke cigarettes and 14% use e-cigarettes. Tobacco products, especially e-cigarettes, are deceptive and enticing to youth. Youth are commonly unaware that all e-cigarettes contain nicotine (63% in one study); products are designed and marketed highlighting the cultural significance of technology; and 65% of youth who use e-cigarettes reported using other tobacco products in the last month. These elements combine to addict youth to nicotine in tobacco.

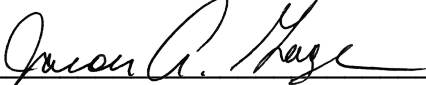
Tobacco 21, which raises the minimum legal sales age from 18 years old to 21 years old, has proven effective in decreasing tobacco rates. The Institutes of Medicine found Tobacco 21 reduced smoking rates by 25% in 15-17 year old's and 15% among 18-20 year old's. This reduction in youth initiation of tobacco products will result in less tobacco-related illness and death in Springfield.

The Plans and Policies Committee voted to send this to Council for consideration at a meeting held on May 23, 2019. Staff recommends approval.

Submitted by:


Clay Goddard, Director of Health

Approved by:


Jason Gage, City Manager

One-rdg. _____
P. Hrings. _____
Pgs. 3
Filed 06-11-19

Sponsored by Ollis, Hosmer,
Lear, and McGull

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 143

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 78, 'Offenses and Miscellaneous
2 Provisions', by repealing Section 78-8, 'Purchase or possession of
3 tobacco products by persons under 18 years of age.' (Recommended by
4 Plans and Policies Committee.)
5 _____
6

7 WHEREAS, Missouri state law, section 407.933, RSMo, prohibits those 18 years
8 of age or under from purchasing or possessing cigarettes, other tobacco products,
9 alternative nicotine products, or vapor products; and
10

11 WHEREAS, Springfield City Code section 78-8 prohibits those 18 years of age
12 from purchasing or possessing certain tobacco products but imposes more severe
13 penalties than does Missouri state law; and
14

15 WHEREAS, repealing Springfield City Code section 78-8 will resolve the
16 inconsistency between Missouri state law and the Springfield City Code and will further
17 the purposes of Tobacco 21.
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 Springfield City Code, Chapter 78, 'Offenses and Miscellaneous
23 Provisions,' is hereby amended by repealing Section 78-8, 'Purchase or possession of
24 tobacco products by persons under 18 years of age,' in its entirety.
25

26 (Note: Language to be deleted is ~~stricken~~.)
27

28 ~~Sec. 78-8. Purchase or possession of tobacco products by persons under 18 years of~~
29 ~~age.~~
30

31 ~~It shall be unlawful for any person under the age of 18 years to purchase or~~
32 ~~attempt to purchase or possess or attempt to possess cigarettes, cigarette tobacco,~~

cigarette wrappers, cigars, pipe tobacco, smokeless tobacco or other tobacco products.

Section 2 – 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: Don Will, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2019-143

FILED: 06-11-19

ORIGINATING DEPARTMENT: Health

PURPOSE: Amending the Springfield City Code, Chapter 78, 'Offenses and Miscellaneous Provisions', by repealing Section 78-8, 'Purchase or possession of tobacco products by persons under 18 years of age.' (Recommended by Plans and Policies Committee.)

BACKGROUND: Section 78-8 makes it unlawful for persons under 18 years of age to purchase or possess tobacco products. Individuals found in violation may be punished by a fine of up to \$1,000. There are several considerations for the removal of this section of code.

First, tobacco use is more common in low-income populations. A 2016 survey conducted throughout the United States revealed tobacco use rates were twice as high among individuals below the poverty level (32%), compared with individuals at more than twice the poverty level (16%). Individuals who use tobacco products are addicted to the nicotine therein. Penalties available to persons under the 18 years of age who violate section 78-8 further punish an individual struggling with addiction and is more likely to be financially vulnerable. Section 78-8 also does not include provisions for e-cigarettes or vaping products.

Second, Missouri state law, section 407.933, RSMo, already prohibits those under the age of 18 from purchasing or possessing tobacco products, alternative nicotine products, and vapor products. Penalties include confiscation of the products and, for subsequent offenses, participation may be required in tobacco education and smoking cessation programs.

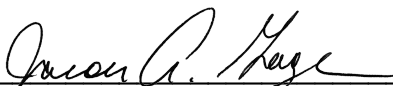
Removal of Section 78-8 eliminates the financial penalties for purchase and possession under the age of 18, removing the risk of placing undue burden on youth, while still allowing law enforcement individuals to confiscate tobacco products from individuals under the age of 18.

The Plans and Policies Committee voted to send this to Council for consideration at a meeting held on May 23, 2019. Staff recommends approval.

Submitted by:

Approved by:


Clay Goddard, Director of Health


Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed 06-11-19

Sponsored by Simpson

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 144

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the sale of real property generally located at 1809 East Crestview
2 Street to Lacknothing Homes, LLC, for \$71,500.00; and authorizing
3 the issuance of a deed for same.
4 _____
5

6 WHEREAS, the City acquired the real estate generally located at 1809 East
7 Crestview Street (the "Property") through a litigation settlement agreement; and
8

9 WHEREAS, total acquisition costs were \$105,000.00 and were paid out of
10 general revenue, which should be refunded with sale proceeds; and
11

12 WHEREAS, after declaring the property to be surplus, the Land Inventory
13 Committee put it out for public bid; and
14

15 WHEREAS, Lacknothing Homes, LLC, has offered to buy the Property for
16 \$71,500.00.00, an offer the City Manager considers acceptable; and
17

18 WHEREAS, disposition of real property calls for City Council approval; and
19

20 WHEREAS, a budget adjustment is necessary for Fiscal Year 2019-2020 to
21 reimburse the general fund for its expenditures,
22

23 WHEREAS, net proceeds from the sale of surplus property are returned to the
24 fund from which the property was purchased, up to the amount of the purchase price.
25

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

29 Section 1 – City Council hereby approves the sale of the Property generally
30 located at 1809 East Crestview Street and depicted on "Exhibit A," which is attached
31 hereto and incorporated herein by reference, to Lacknothing Homes, LLC, for the price
32 and sum of \$71,500.00.
33

34 Section 2 – City Council hereby authorizes the Mayor to execute a Special
35 Warranty deed, said document to be substantially similar to “Exhibit B,” which is
36 attached hereto and incorporated herein by this reference, so as to convey title to the
37 real estate to the purchaser herein consistent with the offer and acceptance.
38

39 Section 3 – This Ordinance shall be in full force and effect from and after
40 passage.
41

42 Passed at meeting: _____
43

44 _____
45 Mayor
46

47 Attest: _____, City Clerk
48

49 Filed as Ordinance: _____
50

51 Approved as to form: Duke M. Donald, Assistant City Attorney
52
53

54 Approved for Council action: Jason A. Hays, City Manager
55

EXPLANATION TO COUNCIL BILL 2019 - 144

FILED: 06-17-19

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To approve the sale of real property generally located at 1809 East Crestview Street to Lacknothing Homes, LLC, for \$71,500.00; and authorize the issuance of a deed for same.

BACKGROUND INFORMATION: The City acquired the property generally located at 1809 East Crestview Street through a litigation settlement agreement. Total acquisition costs were \$105,000.00. Such costs were paid out of general revenue, which should be refunded with sale proceeds.

After putting the property out for public bid, the City received the bid noted above. No City department needs the property and it does not have a public purpose.

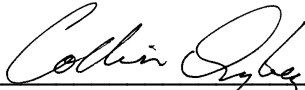
A real-estate conveyance requires City Council's approval. (Net proceeds from the sale of the properties will be returned to the fund from which each property was purchased, up to the amount of the purchase price.)

REMARKS: The above council bill originated with the Land Inventory Committee. Pursuant to "Administrative Memorandum #5D," the Committee has declared the above property to be surplus.

Submitted by:


Duke McDonald, Assistant City Attorney

Recommended by:


Collin Quigley, Deputy City Manager

Approved by:


Jason Gage, City Manager



City of Springfield, Missouri
1809 East Crestview Street

Exhibit A



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.



Printed: May 30, 2019

Exhibit B

SPECIAL WARRANTY DEED

THIS DEED is made on the ____ day of _____, 2019, by and between the City of Springfield, Missouri, Grantor, and Lacknothing Homes, LLC, Grantee, at 1627 N. Yates Avenue, Springfield, MO 65803.

WITNESSETH, that the Grantor, for valuable consideration, to it paid by the Grantee (the receipt of which is hereby acknowledged) does by these presents, SELL and CONVEY unto Grantee, and Grantee's successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Greene and State of Missouri, to wit:

All of the East One-Half (E ½) of Lot Twelve (12), Block G, Brentwood Terrace, according to the Second Amended Plat of Brentwood Terrace, a subdivision in Greene County, Missouri; addressed as 1809 E. Crestview

SUBJECT TO: (a) easements, restrictions, reservations, and other agreements and matters of record, if any, (b) taxes and assessments, general and special, not now due and payable; and (c) rights of the public in and to the parts thereof in streets, roads or alleys.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining unto the Grantee and unto Grantee's successors and assigns forever; the Grantor, hereby covenanting that the said premises are free and clear from any encumbrance done or suffered by it, except as herein provided; and that it will warrant and defend the title to said premises unto the Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons claiming under it, except as herein provided.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year above written.

SEAL

THE CITY OF SPRINGFIELD, MISSOURI

By: _____

Ken McClure, Mayor

Attest:

Anita J. Cotter, City Clerk

STATE OF MISSOURI)

)

COUNTY OF GREENE)

ACKNOWLEDGMENT

On this ____ day of _____, 2019, before me personally appeared Ken McClure, to me personally known, in his capacity as Mayor of The City of Springfield, Missouri, a municipal corporation, and acknowledged said instrument with authority and on behalf of said municipality.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri, this ____ day of _____, 2019.

Notary Public

My term of office expires: _____

One-rdg. _____
P. Hrngs. _____
Pgs. 14
Filed: 06-11-19

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 145

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the plans and specifications for Channel Improvements – East
2 Woodgate Avenue; accepting the alternate bid of Hunter Chase &
3 Associates, Inc., in the amount of \$147,774.26, for the project; and
4 authorizing the City Manager, or his designee, to enter into a contract
5 with such bidder.
6 _____
7

8 WHEREAS, the “Channel Improvement – East Woodgate Avenue” Project
9 (“Project,”) generally referred to as Plan No. 2018PW0030, includes removal and
10 replacement of a deteriorated railroad tie retaining wall and concrete channel; and
11

12 WHEREAS, Hunter Chase & Associates, Inc., is the lowest responsive and
13 responsible bidder for the Project; and
14

15 WHEREAS, bids for this Project were solicited by advertisement in *The Daily*
16 *Events* from May 1, 2019, through May 5, 2019, and all bids were opened on May 21,
17 2019.
18

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

22 Section 1 – City Council hereby approves the plans and specifications for the
23 “Channel Improvement – East Woodgate Avenue” Project (“Project,”) generally referred
24 to as Plan No. 2018PW0030, and accepts the alternate bid of Hunter Chase &
25 Associates, Inc., for said project, at the price and sum of \$147,774.26, except as said
26 sum may be lawfully increased or decreased by the actual quantities of work units
27 involved.
28

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

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

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

46
47 Passed at meeting: _____

48
49
50 _____
51 Mayor

52
53 Attest: _____, City Clerk

54
55
56 Filed as Ordinance: _____

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

60
61
62 Approved for Council action: Jason R. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2019-145

FILED: 06-11-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Approving the plans and specifications for Channel Improvements – East Woodgate Ave (2018PW0030); accepting the alternate bid of Hunter Chase & Associates, Inc., in the amount of \$147,774.26, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

BACKGROUND INFORMATION: The project consists of removal and replacement of a deteriorated railroad tie retaining wall and concrete channel. The scope of work includes excavation, installation of a concrete retaining wall (approximately 285'), handrail, and concrete flatwork including channel bottom and driveways.

Bids were solicited for this project by advertising in *The Daily Events* from May 1, 2019, to May 5, 2019. The bid included a base bid for a more decorative precast concrete block wall and an alternate for a more typical cast in place concrete retaining wall. Both base and alternate bids are listed below. Bids were opened May 21, 2019 at 10:30 a.m., with the following bids received:

<u>Contractor</u>		<u>Bid Amount</u>
Carson Mitchell AT Urban		Unresponsive Unresponsive
Hunter Chase & Associates, Inc.	Base -	\$207,206.26
	Alternate -	\$147,774.26
KCI Construction Company	Base -	\$244,874.45
	Alternate -	\$218,668.00
Pfefferkorn and Drury Const.	Base -	\$287,602.00
	Alternate -	\$271,440.00
Engineer's Estimate	Base -	\$125,029.50
	Alternate -	\$111,634.50

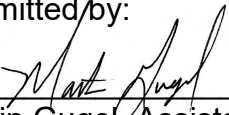
The low bid, if accepted, will be funded from the ¼-cent Capital Improvement Sales Tax from the Storm Water Program and is already budgeted.

This project supports City Council's Priorities to Promote Public Safety and Economic Vitality.

REMARKS: Public Works recommends acceptance of the alternate bid of Hunter Chase

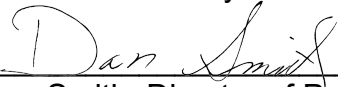
& Associates, Inc., as the lowest responsible bid and passage of this Ordinance.

Submitted by:



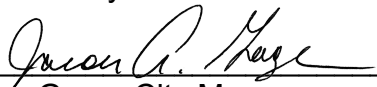
Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

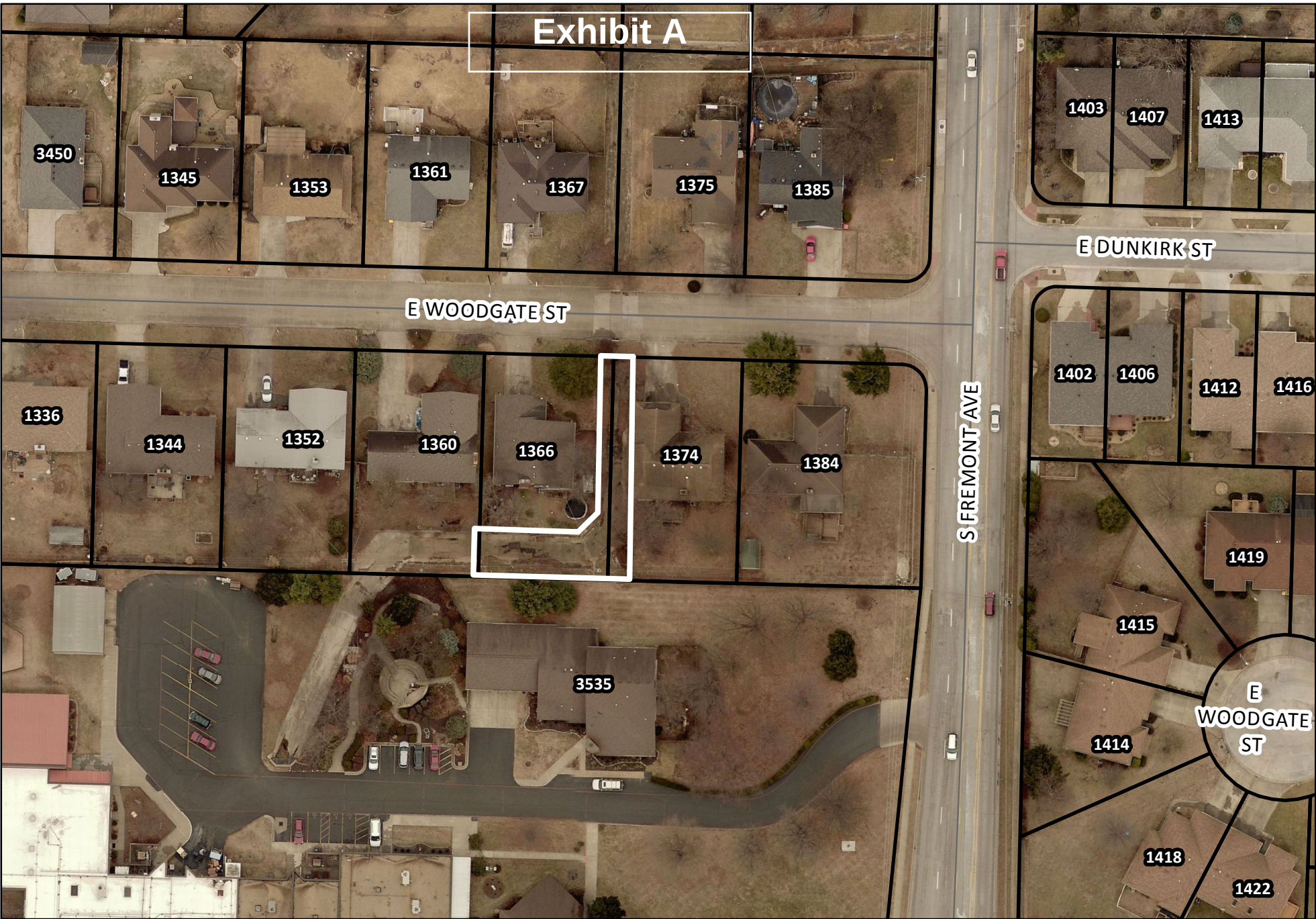


Exhibit A

E WOODGATE ST

E DUNKIRK ST

S FREMONT AVE

E WOODGATE ST



Exhibit B

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) CONTRACTOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
CITY		CONTRACTOR	
CITY OF SPRINGFIELD 840 BOONVILLE, P.O. BOX 8368 SPRINGFIELD, MO 65802 PHONE: (417) 864- FAX: (417) 864- ATTN: DEPT.: PUBLIC WORKS		NAME: HUNTER CHASE & ASSOCIATES, INC. ADDRESS: 1200 E. WOODHURST J-200 SPRINGFIELD, MO 65804 PHONE: 417 882 8203 FAX: ATTN:	

AGREEMENT

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

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

Channel Improvements East Woodgate Avenue
Public Works Plan no. 2018PW0030

The City and Contractor agree to the following:

1. Manner and Time for Completion. The Contractor will furnish all supervision, labor, tools, equipment, materials and supplies necessary to perform, and to perform said work at Contractor's own expense in accordance with the contract documents and any applicable City ordinances and state and federal laws within 60 calendar days from the date Contractor is ordered to proceed, which order shall be issued by the Director of Public Works within 30 days after the date of this contract.

2. Prevailing Wages. All workers performing work under this Contract shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality or the public works contracting minimum wage, whichever is applicable, as set out in the Wage Order attached to and made part of the specification for work under this Contract. If at any time the Contractor is found to not have paid prevailing wages, the Contractor shall forfeit as a penalty to the City one hundred dollars for each calendar day or portion of a calendar day for each worker paid less than the stipulated required rates for any work done under this Contract by the Contractor or by any subcontractor under the Contractor. Notwithstanding the foregoing, if the engineer's estimate of the total project cost or the bid accepted by the City is \$75,000.00 or less, then all labor utilized in the construction of the improvements shall not be required to pay the "prevailing rate of wages" or the public works minimum wage. However, if the project becomes subject to a change order that increases the total project cost to more than \$75,000.00, a "prevailing hourly rate of wages" or the public works contracting minimum wage, whichever is applicable, shall be paid for all labor utilized in the construction of the improvements but only for that portion of the project which exceeds \$75,000.00.

3. Insurance Requirements. Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and

accepted by the City of Springfield, 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

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

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

As of January 1, 2018, the minimum coverage for the insurance referred to herein shall be as set out below:

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

b. Commercial General Liability Insurance, including coverage for Premises, Operations, Products and Completed Operations, Contractual Liability, Broad Form Property Damage, Independent Contractors, Explosion, Collapse, and Underground Property Damage and endorsed for blasting if blasting required. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Two Million Eight Hundred Four Thousand Forty-Six and no/100 Dollars (\$2,804,046.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Twenty Thousand Six Hundred Six and no/100 Dollars (\$420,606.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least \$1,000,000 for all claims to property arising out of a single occurrence and at least \$100,000 to any one owner with respect to damages to property. Contractor agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorneys fees of Contractor, its employees, officers or agents. Contractor agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory. Aggregate Limit must apply on a Per Project basis, and the endorsement must accompany the certificate of insurance. A Waiver of Subrogation endorsement must be provided by contractor in favor of the City.

c. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Two Million Eight Hundred Four Thousand Forty-Six and no/100 Dollars (\$2,804,046.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Twenty Thousand Six Hundred Six and no/100 Dollars (\$420,606.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

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

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

f. Legislative or Judicial Changes. In the event the scope or extent of the City's tort liability as a governmental entity as described in Section 537.600 through 537.650 RSMo is broadened or increased during the term of this agreement by legislative or

judicial action, the City may require Contractor, upon 10 days written notice, to execute a contract addendum whereby the Contractor agrees to provide, at a price not exceeding Contractor's actual increased premium cost, additional liability insurance coverage as the City may require to protect the City from increased tort liability exposure as the result of such legislative or judicial action. Any such additional insurance coverage shall be evidenced by an appropriate certificate of insurance and shall take effect within the time set forth in the addendum.

4. Performance, Labor, and Materials Payment Bond: The Contractor shall furnish a Performance Bond and a Labor and Materials Payment Bond with surety approved by the City and on the forms approved by the City, each bond shall be in the amount of \$147,774.26 (full amount of contract) conditioned upon the full and faithful performance of all major terms and conditions of this contract and payment of all labor and material suppliers. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond(s) hereto attached for its faithful performance and payment of labor and material suppliers, the City shall deem the surety or sureties upon such bond(s) to be unsatisfactory, or if, for any reason, such bond(s) ceases to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the City to do so, furnish an additional bond or bonds, in such form and amount, and with such surety or sureties as shall be satisfactory to the City. In such event no further payment to the Contractor shall be deemed to be due under this contract until such new or additional security for the faithful performance of the work and the payment of labor and material suppliers shall be furnished in a manner and form satisfactory to the City. The corporate surety on any performance or payment bond must be licensed by the State of Missouri and if the required bond exceeds \$25,000.00 must be listed in United States Treasury Circular 570.

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

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

7. Liquidated Damages. Time of completion of work by the Contractor is of the essence. Should Contractor, or in the case of default, the surety, fail to substantially complete the work within the time specified in the contract, or within such extra time as may be allowed, Contractor (or surety) shall be liable to the City in the amount of \$500 per day for each and every calendar day that the contract remains uncompleted after the time allowed for substantial completion, as liquidated damages, and not as a penalty, it being stipulated that actual damages to the City and the public arising from Contractor's failure to timely complete the work would be difficult, if not impossible, to ascertain. The amount assessed as liquidated damages may be withheld from any moneys otherwise due to Contractor from the City. The project is not considered complete until final acceptance by the City. After substantial completion, liquidated damages for failure to complete the remaining work shall be in the amount specified in the General Conditions, unless an amount is provided in the Job Special Provision, in which case, the Job Special Provision amount will apply.

8. Termination for Cause. The City reserves the right to terminate this contract by giving at least five (5) days prior written notice to the Contractor, without prejudice to any other rights or remedies of the City should the Contractor be adjudged a bankrupt, or if Contractor should make a general assignment for the benefit of its creditors, or if a receiver should be appointed for Contractor or for any of its property, or if Contractor should persistently or repeatedly refuse or fail to supply enough properly skilled workmen or proper material, or if Contractor should refuse or fail to make prompt payment to any person supplying labor or materials for the work under the contract, or persistently disregard instructions of the City or fail to observe or perform any provisions of the contract.

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

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

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

12. Liability and Indemnity.

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

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

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

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

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

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

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

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

14. Payment. The City will pay the Contractor in accordance with the rate set forth in the contract documents on file in the Public Works Department and by this reference made a part hereof, which shall constitute full and complete compensation for the Contractor's work provided hereunder. It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Contractor under the terms of this contract exceed the sum of **one hundred forty-seven thousand seven hundred seventy-four dollars and twenty-six cents. (\$147,774.26.)** unless specifically and mutually agreed to in writing by both the City and the Contractor. No partial payment to the Contractor shall operate as approval of acceptance of work done or materials furnished hereunder. Such compensation will be paid in progress payments (less five (5) percent retainage), as established by the City, subject to receipt of a requisition for payment and a statement of work provided by the Contractor and agreement by both the City and the Contractor that the Contractor has fully performed the work to be paid for in such progress payments in conformance with the contract.

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

- a. This Contract
- b. All Change Orders
- c. Bid Plans and Specifications
- d. City of Springfield Standard General Conditions and Technical Specifications for Public Works Construction (03-01-18 Revised Edition)
- e. Special Conditions & Provisions
- f. Proposal
- g. Statement of Bidder's Qualifications
- h. Acknowledgment
- i. Performance Bond
- h. Payment and Material Bond
- k. Instructions to Bidders
- l. Non-collusion Affidavit
- m. Notice to Proceed

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

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

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

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

19. Nondiscrimination. The Contractor agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Contractor or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A, 41 C.F.R. § 60-300.5(a) and 41 C.F.R. § 60-741.5(a), if applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDED BY:

Director of Public Works or Acting Director

CERTIFICATE OF DIRECTOR OF FINANCE

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

Director of Finance or Acting Director

APPROVED AS TO FORM

City Attorney or Assistant City Attorney

CONTRACTOR:

By: _____

Printed Name: _____

Title: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager or his/her designee

One-rdg. _____
P. Hrngs. _____
Pgs. 14
Filed: 06-11-19

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 146

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the plans and specifications for Stormwater Improvements Ravenwood
2 Phase II; accepting the bid of Hunter Chase & Associates, Inc., in the
3 amount of \$767,712.00, for the project; and authorizing the City
4 Manager, or his designee, to enter into a contract with such bidder.
5 _____
6

7 WHEREAS, the "Stormwater Improvements Ravenwood Phase II" Project
8 ("Project,") generally referred to as Plan No. 2016PW0088W, consists of stormwater
9 improvements to reduce flooding and erosion to homes and properties in the vicinity of
10 the intersection of Greenbriar Avenue and Nottingham Street as shown in "Exhibit A,"
11 which is attached hereto and incorporated herein by this reference; and
12

13 WHEREAS, Hunter Chase & Associates, Inc., is the lowest responsive and
14 responsible bidder for the Project; and
15

16 WHEREAS, bids for this Project were solicited by advertisement in *The Daily*
17 *Events* from April 19, 2019, through April 23, 2019, and all bids were opened on May
18 14, 2019.
19

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

23 Section 1 – City Council hereby approves the plans and specifications for the
24 "Stormwater Improvements Ravenwood Phase II" Project ("Project,") generally referred
25 to as Plan No. 2016PW0088W, and accepts the bid of Hunter Chase & Associates, Inc.,
26 for said project, at the price and sum of \$767,712.00, except as said sum may be
27 lawfully increased or decreased by the actual quantities of work units involved.
28

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

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

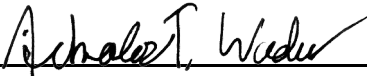
43
44 Section 4 – This Ordinance shall be in full force and effect from and after
45 passage.

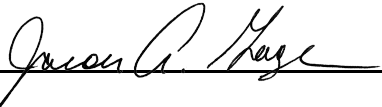
46
47 Passed at meeting: _____

48
49
50 _____
51 Mayor

52
53 Attest: _____, City Clerk

54
55
56 Filed as Ordinance: _____

57
58 Approved as to form: , Assistant City Attorney

59
60
61 Approved for Council action: , City Manager
62

EXPLANATION TO COUNCIL BILL 2019-146

FILED: 06-11-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Approving the plans and specifications for Stormwater Improvements Ravenwood Phase II; accepting the bid of Hunter Chase & Associates, Inc., in the amount of \$767,712.00, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

BACKGROUND INFORMATION: The project consists of stormwater improvements to reduce flooding and erosion to homes and properties along approximately 1,500 feet of open channel located northeast of the intersection of Greenbriar Avenue and Nottingham Street (see location map "Exhibit A"). Improvements include grading to modify channel geometry, a block retaining wall, handrails, and in-channel grade control structures.

Bids were solicited for this project by advertising in *The Daily Events* from April 19, 2019, to April 23, 2019. Bids were opened May 14, 2019, at 10:30 a.m., with the following bids received:

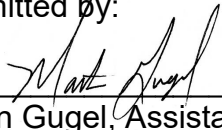
<u>Contractor</u>	<u>Bid Amount</u>
Hunter Chase & Associates, Inc.	\$767,712.00
Carson-Mitchell, Inc.	\$849,800.60
Flat Creek Excavating, LLC.	\$1,502,895.12
Engineer's Estimate	\$888,931.50

The low bid, if accepted, will be funded from the ¼-cent Capital Improvement Sales Tax Storm Water Program and is already budgeted.

This project supports the City Council Priorities to Promote Public Safety and Economic Vitality.

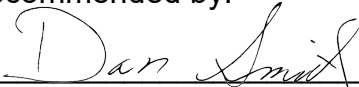
REMARKS: Public Works recommends acceptance of the bid of Hunter Chase & Associates, Inc., as the lowest responsible bid and passage of this Ordinance.

Submitted by:



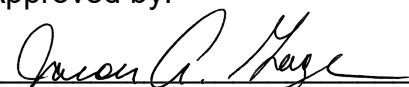
Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

Exhibit A

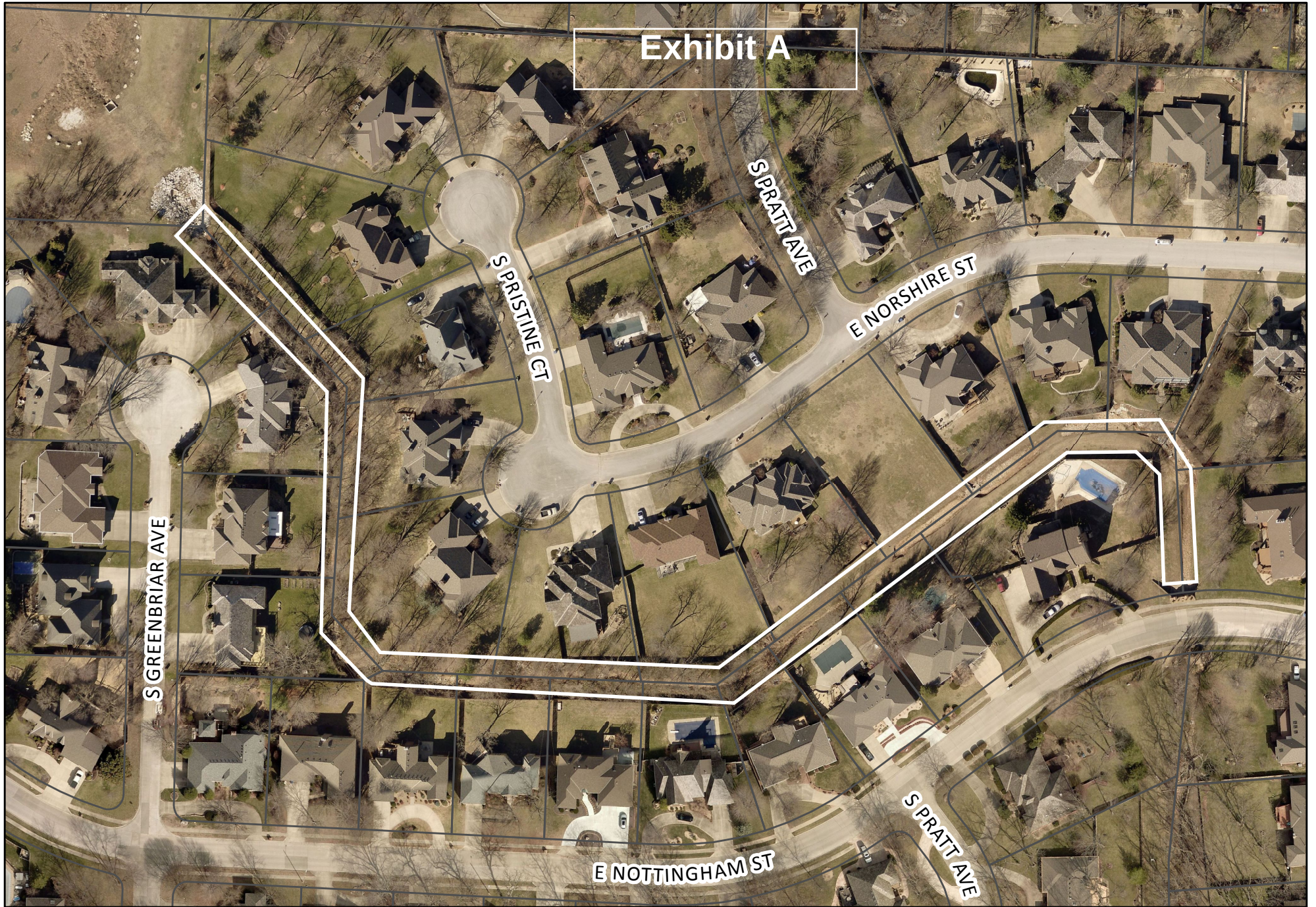


Exhibit B

ROUTING ORDER	(1) ORIGINATING DEPARTMENT (4) LAW DEPARTMENT	(2) CONTRACTOR (5) CITY MANAGER'S OFFICE	(3) FINANCE DEPARTMENT (6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
CITY		CONTRACTOR	
CITY OF SPRINGFIELD 840 BOONVILLE, P.O. BOX 8368 SPRINGFIELD, MO 65802 PHONE: (417) 864- 1990 FAX: (417) 864- 1907 ATTN: KIRKLAND PRESTON DEPT.: PUBLIC WORKS		NAME: HUNTER CHASE & ASSOCIATES, INC. ADDRESS: 1200 E. WOODHURST DRIVE #J200 SPRINGFIELD, MO 65804 PHONE: 417-882-2062 FAX: 417-882-7877 ATTN: MARY BETH HARTMAN	

AGREEMENT

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

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

STORMWATER IMPROVEMENTS RAVENWOOD PHASE II (2016PW0088W)

The City and Contractor agree to the following:

1. Manner and Time for Completion. The Contractor will furnish all supervision, labor, tools, equipment, materials and supplies necessary to perform, and to perform said work at Contractor's own expense in accordance with the contract documents and any applicable City ordinances and state and federal laws within 180 calendar days from the date Contractor is ordered to proceed, which order shall be issued by the Director of Public Works within 30 days after the date of this contract.

2. Prevailing Wages. All workers performing work under this Contract shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality or the public works contracting minimum wage, whichever is applicable, as set out in the Wage Order attached to and made part of the specification for work under this Contract. If at any time the Contractor is found to not have paid prevailing wages, the Contractor shall forfeit as a penalty to the City one hundred dollars for each calendar day or portion of a calendar day for each worker paid less than the stipulated required rates for any work done under this Contract by the Contractor or by any subcontractor under the Contractor. Notwithstanding the foregoing, if the engineer's estimate of the total project cost or the bid accepted by the City is \$75,000.00 or less, then all labor utilized in the construction of the improvements shall not be required to pay the "prevailing rate of wages" or the public works minimum wage. However, if the project becomes subject to a change order that increases the total project cost to more than \$75,000.00, a "prevailing hourly rate of wages" or the public works contracting minimum wage, whichever is applicable, shall be paid for all labor utilized in the construction of the improvements but only for that portion of the project which exceeds \$75,000.00.

3. Insurance Requirements. Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Springfield, 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

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

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

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

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

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

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

d. **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.

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

f. **Legislative or Judicial Changes**. In the event the scope or extent of the City's tort liability as a governmental entity as described in Section 537.600 through 537.650 RSMo is broadened or increased during the term of this agreement by legislative or judicial action, the City may require Contractor, upon 10 days written notice, to execute a contract addendum whereby the Contractor agrees to provide, at a price not exceeding Contractor's actual increased premium cost, additional liability insurance coverage as the

City may require to protect the City from increased tort liability exposure as the result of such legislative or judicial action. Any such additional insurance coverage shall be evidenced by an appropriate certificate of insurance and shall take effect within the time set forth in the addendum.

4. Performance, Labor, and Materials Payment Bond: The Contractor shall furnish a Performance Bond and a Labor and Materials Payment Bond with surety approved by the City and on the forms approved by the City, each bond shall be in the amount of \$767,712.00 (full amount of contract) conditioned upon the full and faithful performance of all major terms and conditions of this contract and payment of all labor and material suppliers. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond(s) hereto attached for its faithful performance and payment of labor and material suppliers, the City shall deem the surety or sureties upon such bond(s) to be unsatisfactory, or if, for any reason, such bond(s) ceases to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the City to do so, furnish an additional bond or bonds, in such form and amount, and with such surety or sureties as shall be satisfactory to the City. In such event no further payment to the Contractor shall be deemed to be due under this contract until such new or additional security for the faithful performance of the work and the payment of labor and material suppliers shall be furnished in a manner and form satisfactory to the City. The corporate surety on any performance or payment bond must be licensed by the State of Missouri and if the required bond exceeds \$25,000.00 must be listed in United States Treasury Circular 570.

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

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

7. Liquidated Damages. Time of completion of work by the Contractor is of the essence. Should Contractor, or in the case of default, the surety, fail to substantially complete the work within the time specified in the contract, or within such extra time as may be allowed, Contractor (or surety) shall be liable to the City in the amount of \$500 per day for each and every calendar day that the contract remains uncompleted after the time allowed for substantial completion, as liquidated damages, and not as a penalty, it being stipulated that actual damages to the City and the public arising from Contractor's failure to timely complete the work would be difficult, if not impossible, to ascertain. The amount assessed as liquidated damages may be withheld from any moneys otherwise due to Contractor from the City. The project is not considered complete until final acceptance by the City. After substantial completion, liquidated damages for failure to complete the remaining work shall be in the amount specified in the General Conditions, unless an amount is provided in the Job Special Provision, in which case, the Job Special Provision amount will apply.

8. Termination for Cause. The City reserves the right to terminate this contract by giving at least five (5) days prior written notice to the Contractor, without prejudice to any other rights or remedies of the City should the Contractor be adjudged a bankrupt, or if Contractor should make a general assignment for the benefit of its creditors, or if a receiver should be appointed for Contractor or for any of its property, or if Contractor should persistently or repeatedly refuse or fail to supply enough properly skilled workmen or proper material, or if Contractor should refuse or fail to make prompt payment to any person supplying labor or materials for the work under the contract, or persistently disregard instructions of the City or fail to observe or perform any provisions of the contract.

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

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

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

12. Liability and Indemnity.

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

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

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

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

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

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

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

13. 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.

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

15. Payment. The City will pay the Contractor in accordance with the rate set forth in the contract documents on file in the Public Works Department and by this reference made a part hereof, which shall constitute full and complete compensation for the Contractor's work provided hereunder. It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Contractor under the terms of this contract exceed the sum of **Seven Hundred Sixty-Seven Thousand Seven Hundred Twelve Dollars and No Cents (\$767,712.00)** unless specifically and mutually agreed to in writing by both the City and the Contractor. No partial payment to the Contractor shall operate as approval of acceptance of work done or materials furnished hereunder. Such compensation will be paid in progress payments (less five (5) percent retainage), as established by the City, subject to receipt of a requisition for payment and a statement of work provided by the Contractor and agreement by both the City and the Contractor that the Contractor has fully performed the work to be paid for in such progress payments in conformance with the contract.

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

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

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

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

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

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

20. Nondiscrimination. The Contractor agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Contractor or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A, 41 C.F.R. § 60-300.5(a) and 41 C.F.R. § 60-741.5(a), if applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

REVIEWED BY:

RECOMMENDED BY:

Director of Public Works or Acting Director

CERTIFICATE OF DIRECTOR OF FINANCE

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

Director of Finance or Acting Director

APPROVED AS TO FORM

City Attorney or Assistant City Attorney

CONTRACTOR:

By: _____

Printed Name: _____

Title: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____

City Manager or his/her designee

One-rdg. _____
P. Hmgs. _____
Pgs. 3
Filed 6/25/19

Sponsored by: McClure
SUBSTITUTE
COUNCIL BILL 2019-141

RESOLUTION _____

A RESOLUTION

1 INITIATING amendments to the Springfield Land Development Code for the
2 purpose of considering the procedures regarding the designation of
3 Historic Sites, Historic Landmarks, Interior Landmarks, and Historic
4 Districts and any additional amendments in Sections 36-353 and 36-
5 404 which may be beneficial for City Council's consideration; and
6 directing the City Manager, or his designee, to prepare said
7 amendments.
8 _____
9

10 WHEREAS, City Council desires to undertake a review of the procedures
11 involved in the designation of Historic Sites, Historic Landmarks, Interior Landmarks,
12 and Historic District designations; and
13

14 WHEREAS, to that end, City Council desires to authorize the City Manager, or
15 their designee to prepare amendments to the Land Development Code to address
16 whether owner consent should be required as part of the designation of an Historic Site,
17 Historic Landmark, Interior Landmark, and Historic District; and
18

19 WHEREAS, City Council desires to further authorize the City Manager, or their
20 designee to prepare any other amendments which may be beneficial for City Council's
21 consideration.
22

23 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
24 SPRINGFIELD, MISSOURI, as follows, that:
25

26 Section 1 – City Council hereby initiates amendments to the Springfield Land
27 Development Code for the purpose of considering the procedures regarding the
28 designation of Historic Sites, Historic Landmarks, Interior Landmarks, and Historic
29 Districts and any additional amendments in Sections 36-353 and 36-404 which may be
30 beneficial for City Council's consideration and directs the City Manager, or his designee,
31 to prepare said amendments.
32

33 Section 2 – The City Manager, or his designee, shall transmit the proposed
34 amendments to the Landmarks Board for the Board's review, evaluation, and
35 comments, as provided in the Land Development Code Section 36-353(4)(o).

36
37 Section 3 – The City Manager, or his designee, shall transmit the proposed
38 amendments to the Planning and Zoning Commission for the Commission's report and
39 recommendation, as provided in the Land Development Code Section 36-367.

40
41 Section 4 – This Resolution shall be effective from and after passage.

42
43 Passed at meeting: _____

44
45 _____
46 Mayor

47
48 Attest: _____, City Clerk

49
50 Filed as Resolution _____

51
52 Approved as to form: *A. Charles T. Widen*, Assistant City Attorney

53
54
55 Approved for Council action: *James A. Hays*, City Manager

EXPLANATION TO SUBSTITUTE COUNCIL BILL: 2019-141

FILED: 06-26-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: A resolution to initiate amendments to the Springfield Land Development Code for the purpose of considering the procedures regarding the designation of Historic Sites, Historic Landmarks, Interior Landmarks, and Historic Districts and any additional amendments in Sections 36-353 and 36-404 which may be beneficial for City Council's consideration; and directing the City Manager, or his designee, to prepare said amendments.

BACKGROUND INFORMATION: The Zoning Ordinance establishes four types of historic designation – Historic Site, Historic Landmark, Interior Landmark and Historic District. Nominations for each type of historic designation may be made in the following manner:

- Resolution of either the City Council, Landmarks Board or Planning and Zoning Commission
- For a Historic Site, Historic Landmark or Interior Landmark, nomination by the owner or owners of all fee interests in the property, or their authorized agent(s)
- For a Historic District, nomination by verified petition of the owners or authorized agents of at least 30 percent of the property within the proposed district as measured by the land area of such property.

Property owner consent is not required for nomination as a Historic Site, Historic Landmark, Interior Landmark or Historic District; however, the property owner is notified of the pending nomination prior to review by the Landmarks Board and City Council. Council Bill 2019-141 would initiate amendments related to owner consent. This substitute resolution was requested by Mayor McClure to authorize staff to review the procedures related to designation as well as any other amendments that could be beneficial in Land Development Code Sections 36-353 and 36-404.

The approval of this resolution only initiates the process to prepare an amendment to the Zoning Ordinance. The action to adopt the amendment will follow the normal public notification and review process, including review by the Landmarks Board and public hearings before Planning and Zoning Commission and City Council.

REMARKS: Planning and Development Staff recommend approval

Submitted and Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

One-rdg. _____
P. Hmgs. _____
Pgs. 3
Filed 06-11-19

Sponsored by: McClure

COUNCIL BILL 2019- 141 RESOLUTION _____

A RESOLUTION

1 INITIATING amendments to the Springfield Land Development Code to consider
2 adding a requirement for owner consent or involvement on the
3 designation of Historic Sites, Historic Landmarks, Interior Landmarks and
4 Historic Districts.
5 _____
6

7 WHEREAS, property owner consent is not currently required for nomination as a
8 Historic Site, Historic Landmark, Interior Landmark or Historic District; and
9

10 WHEREAS, City Council is considering requiring property owner consent or
11 involvement when determining designation of Historic Sites, Historic Landmarks, Interior
12 Landmarks, and Historic Districts.
13

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

17 Section 1 – The City Manager, or his designee, is hereby directed to prepare
18 amendments to the Springfield Land Development Code to address adding a
19 requirement for property owner consent in the designation of Historic Sites, Historic
20 Landmarks, Interior Landmarks, and Historic Districts.
21

22 Section 2 – Amendments shall be transmitted to the Planning and Zoning
23 Commission for the Commission's report and recommendation, as provided in Sec. 36-
24 367.
25

26 Section 3 – This Resolution shall be effective from and after passage.
27

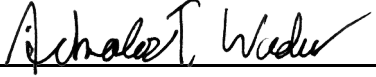
28 Passed at meeting: _____
29

30 _____
31 Mayor
32

33 Attest: _____, City Clerk
34

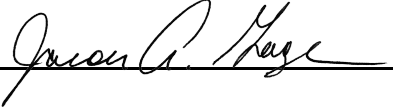
35 Filed as Resolution _____

36

37 Approved as to form: , Assistant City Attorney

38

39

40 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019-141

FILED: 06-11-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: A resolution to initiate amendments to the Springfield Land Development Code to consider adding a requirement for owner consent or involvement on the designation of Historic Sites, Historic Landmarks, Interior Landmarks and Historic Districts.

BACKGROUND INFORMATION: The Zoning Ordinance establishes four types of historic designation – Historic Site, Historic Landmark, Interior Landmark and Historic District. Nominations for each type of historic designation may be made in the following manner:

- Resolution of either the City Council, Landmarks Board, or Planning and Zoning Commission;
- For a Historic Site, Historic Landmark, or Interior Landmark, nomination by the owner or owners of all fee interests in the property, or their authorized agent(s);
- For a Historic District, nomination by verified petition of the owners or authorized agents of at least 30 percent of the property within the proposed district as measured by the land area of such property.

Property owner consent is not required for nomination as a Historic Site, Historic Landmark, Interior Landmark or Historic District; however, the property owner is notified of the pending nomination prior to review by the Landmarks Board, Planning and Zoning Commission, and City Council.

The approval of this Resolution only initiates the process to prepare an amendment to the Zoning Ordinance. The action to adopt the amendment will follow the normal public notification and review process, including review by the Landmarks Board and public hearings before Planning and Zoning Commission and City Council.

REMARKS: Planning and Development Staff recommend approval

Submitted and Recommended by:

Approved by:


Mary Lilly Smith, Director


Jason Gage, City Manager

One-rdg. X
P. Hmgs.
Pgs. 18
Filed: 06-25-19

Sponsored by: McGull

COUNCIL BILL 2019- 152 RESOLUTION

RESOLUTION

1 GRANTING a Short-Term Rental Type 2 Permit for the property generally located at
2 438 South Weller Avenue, for the purpose of allowing the establishment of
3 a Short-Term Rental Type 2 pursuant to General Ordinance 6497.
4 _____
5

6 WHEREAS, the owner(s) of the property generally located at 438 South Weller
7 Avenue has applied for a Short-Term Rental ("STR") Type 2 Permit; and
8

9 WHEREAS, General Ordinance 6497 requires that those seeking a permit to
10 establish a STR Type 2 use obtain the signatures of at least fifty-five percent of the
11 property owners adjacent to and immediately across the street from the proposed STR;
12 and
13

14 WHEREAS, if the applicant cannot secure the signatures of at least fifty-five
15 percent of the neighboring property owners then said applicant may apply to City
16 Council to obtain the requested STR Type 2 Permit; and
17

18 WHEREAS, the applicant has not obtained the signatures of at least fifty-five
19 percent of adjacent property owners.
20

21 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
22 SPRINGFIELD, MISSOURI, as follows, that:
23

24 Section 1 – City Council hereby consents to granting the applicant a Short-Term
25 Rental Type 2 Permit for the property generally located at 438 South Weller Avenue.
26 The granting of said Permit is expressly subject to compliance with General Ordinance
27 6497.
28

29 Section 2 – This Resolution shall be in effect immediately upon adoption.
30

31 Passed at meeting: _____
32
33

34 _____
35 Mayor

36 Attest: _____, City Clerk

37

38 Filed as Resolution: _____

39

40 Approved as to form: A. Chale T. Wudu, Assistant City Attorney

42

43

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

EXPLANATION TO COUNCIL BILL 2019 - 152

FILED: 06-25-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Granting a Short-Term Rental Type 2 Permit for the property generally located at 438 South Weller Avenue, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to General Ordinance 6497.

BACKGROUND INFORMATION:

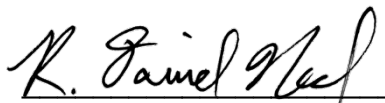
The property owner(s) of 438 South Weller Avenue, Pat and John Horner, have applied for a Short-Term Rental ("STR") Type 2 Business License and STR Type 2 Permit to establish a Short-Term Rental Type 2 at 438 South Weller Avenue. General Ordinance 6497, requires that Type 2 applicants conduct a neighborhood meeting and obtain signatures from fifty-five percent or more of property owners adjacent to and immediately across the street from the proposed STR. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured the applicant may apply to City Council to obtain a Resolution granting the STR Type 2 Permit.

The applicant has not obtained any signatures of the four adjacent property owners, resulting in zero percent consent as shown on "Exhibit C."

Property owners within 500 feet of the proposed Short-Term Rental Type 2 establishment have been notified by regular mail of the meeting.

If approved, all other requirements of the Short-Term Rental requirements of General Ordinance 6497, must be met.

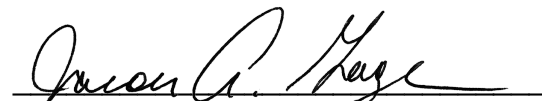
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Applicants Appeal Letter

Exhibit B, Neighborhood Meeting Summary and Sign-In Sheet

Exhibit C, Adjacent Owner Consent Affidavit Form

Exhibit D, Comment Cards and Other Neighborhood Correspondence

To: City Council of Springfield, MO

June 3, 2019

Subject: Request for Resolution for Permit
Short term Rental, Type 2
438 S. Weller, Springfield, MO

We are John and Pat Horner, owners of the Short Term Rental (STR) called the Weller House at 438 S. Weller.

We have applied for a Short Term, Type 2 permit for the subject property and have paid required feed, applied for a business license and conducted a neighborhood meeting. However, consent signatures of 55 percent of adjacent property owners have not been obtained.

We hereby thus request that in lieu of the consent signatures, and in accordance with the option declared by City Ordinance Section 36-451, consent for permit of subject property be considered and granted by the Council of the City of Springfield.

Respectfully Submitted
John and Pat Horner
Jhorner910@att.net
John: 417 838-8400
Pat: 417 838-3099

CC: Office of City Clerk
Planning and Development Dept.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARYA388 B. Waller1. Request to establish a Short-Term Rental Type 2.2. Meeting Date & Time: June 2 2019 4-6:30 pm3. Meeting Location: 1622 E Walnut4. Number of invitations that were sent: 855. Number of neighbors in attendance (attach a sign-in sheet): None

6. 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 owner/operator must explain why the issues cannot be resolved.)

N/A

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

N/AI, John Horner (print name), attest that the neighborhood meeting was held onJune 2 2019 (month/date/year), in accordance with the attached "Neighborhood Notification and Meeting Process."
Signature of person completing affidavitJohn S. Horner
Printed name of person completing affidavit

The undersigned hereby certifies that I/we are the owners of property referenced below and that I/we consent to the proposed short-term rental located at 438 S. Weller

In addition, each individual signing in a representative capacity hereby affirms that he or she is authorized to sign on behalf of said owner.

1. Address of Adjacent Property: 431 S. Weller

Dennis McHenry
Owner(s) of Record (Typed or Printed)

Declined to Sign
Signature(s) of Owners

Title

2. Address of Adjacent Property: 426 S. Weller

Adrienne Williams
Owner(s) of Record (Typed or Printed)

Declined to Sign
Signature(s) of Owners

Title

3. Address of Adjacent Property: 440 S. Weller

Sharon S. Gleason, Trustee
Owner(s) of Record (Typed or Printed)

Declined to Sign
Signature(s) of Owners

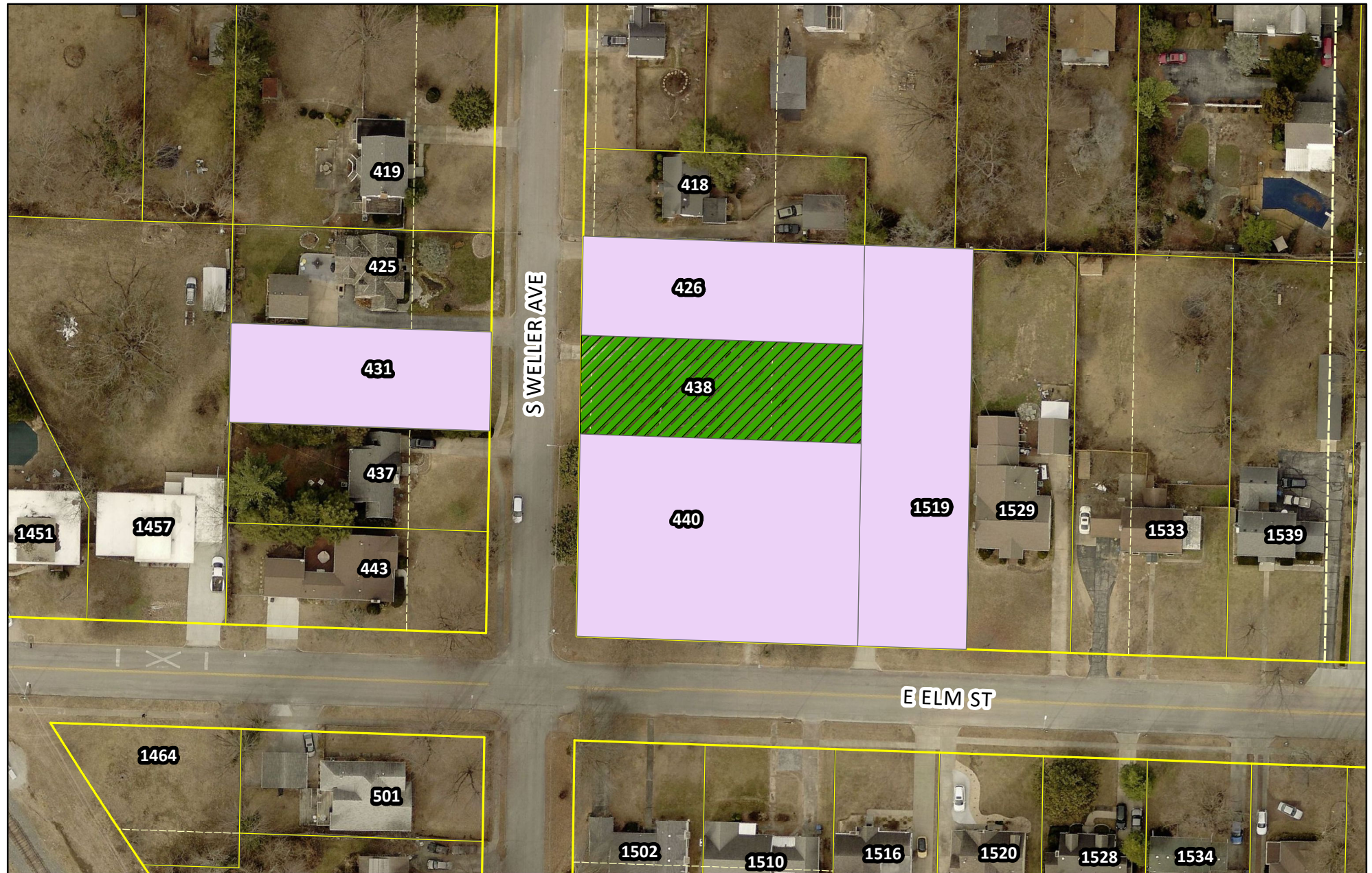
Title

No further adjacent owners contacted
since unable to get 55% consent signatures.

**If the ownership is under two or more individuals (each individual) must sign this form. Only the owner's signature constitutes consent.

**The address and owner of record of all adjacent residential properties must be listed, whether they consent or not.

Adjacent Property



Legend

 438 South Weller Ave

Type 2 Rental Status*

-  Approved
-  Pending

*Status as of 6/13/2019



Exhibit D

From: [Susie Henry](#)
To: [Neal, Daniel](#)
Subject: Short term rental applications - 400 Block S Weller
Date: Friday, March 29, 2019 11:26:49 AM

Daniel,

Thank you for your time and help in understanding the short term rental application situation on S. Weller and the 3 applications for that block: 438, 426, and 425 S. Weller. I think it must be the perfect storm of short term rental issues, especially since we really like our neighbors to the south who are both applicants, and fear the relationship will be negatively affected.

As I mentioned, we bought a home in that block of Weller between Elm and Walnut...4 homes on east and 5 on west sides of the street, 9 homes facing Weller total. (I understand that the ordinance limits the number of short term rentals on each side of the street, but our street is so short that it becomes one small community.) We invested quite a bit in renovating it to be a very nice and comfortable small home to suit the needs of an older couple wanting to downsize or a young working professional(s) as it is close to downtown and has a small yard vs. loft arrangements. It is currently the home of my daughter.

Since then, first one, then another, and now another are being used (or applying to be used) for transient rentals.

The issues we have include:

. Peace and quiet: the coming and going of travelers at all hours of the night (dogs awakened to bark, etc.) disturbs the peace and quiet for surrounding neighbors. Ours is a small house, very close to the applicant next door.

. Safety: The excess of transient rentals changes the character of the street and the feeling of safety and security that true neighbors bring. The neighborhood is no longer a "neighborhood" as no one knows who is next door. My daughter feels unsafe at times and there is a single senior woman at the end of the street who shares this feeling. Her son has expressed his gratitude that my daughter keeps an eye on her home as he lives out of town.

. Transient renter screening: Prospective renters, while they may agree to an online rental agreement with provisions about appropriate use, etc. may not even read those agreements and sometimes do not abide by them. Also, the website I am familiar with, VRBO, pushes owners to enroll in "instant booking" in order to greatly increase the exposure of their property. With this option, there is no pre-screening, renters just book. Owners can also deeply discount pricing to attract more guests, which also raises concern about who is coming and going.

. Property values: While the opportunity for short term rental income may increase home values in areas of lower priced homes, we believe the transient rentals significantly reduces the value of our residence and limits the number of people who would want to make it their home.

As a general comment, research shows that the rise of short term rentals is decreasing the supply of affordable long term rentals for those unable to purchase, not necessarily a good thing for our community.

. Last, the fact that these short term rental applications which exceed the permitted number in a block face were given a grace period to campaign to their adjacent property owners (which are also short term rentals! vs. "residents") is an issue. In my view, these are commercial enterprises and inappropriate within residential zoning, and certainly 3 of 9 homes should not be approved. Or, if they are, it seems the highest and best use of our property may become a short term rental, but we would be prohibited by the regulations.

Thank you again for your time and consideration,

Susie Henry
418 S. Weller
417 861-5282

From: [Susie Henry](#)
To: [Neal, Daniel](#)
Cc: [Thomas Prater](#)
Subject: Re: Short term rentals - Weller
Date: Thursday, April 4, 2019 11:08:02 AM

Thank you again Daniel.
I will read the ordinance as I don't think it was a part of the earlier info packet.

Also, will you please copy my emails for each of the 3 applications or do I need to send separate emails re: each address.

Susie

On Thursday, April 4, 2019, 10:58:10 AM CDT, Neal, Daniel <dneal@springfieldmo.gov> wrote:

Thank you for your comments. We will place this in our file for this STR Type 2 case so it is part of the record. If they do not get the required 55% adjacent property owners consent and they choose to appeal to City Council, then we can provide these comments to Council as part of their decision. I have attached the Short-Term Rental ordinance for reference.

From: Susie Henry <shenry618@yahoo.com>
Sent: Wednesday, April 03, 2019 4:34 PM
To: Neal, Daniel <dneal@springfieldmo.gov>; Thomas Prater <tprater@mattaxneuprater.com>
Subject: Short term rentals - Weller

Daniel and Tom,

I have reviewed the packet of materials Daniel provided. I feel the same about the issues I raised in my previous email.

Further, there is no provision to make an exception to the limits outlined in 6. on the information sheet of 1 of 8 on a block face.

And, there is a provision that says none will be permitted with fewer than 4: which I would interpret to mean that 1/3 is too many. So, again, 2 of 4 is not acceptable on the east side of Weller. Considering the narrowness of the street and the short block, we feel that 1 in 9 on this block is more consistent with the guidelines adopted by Council.

We respectfully request that the three Weller applications for the 400 Block of E. Weller be tabled until City Council has the opportunity to review the feedback from the first phase of implementation of the new ordinance.

Thank you,

Susie Henry
418 S. Weller

From: [Susie Henry](#)
To: [Neal, Daniel](#)
Subject: Fwd: General Ordinance 6497
Date: Tuesday, May 21, 2019 9:48:06 AM

Begin forwarded message:

From: Susie Henry <shenry618@yahoo.com>
Date: May 21, 2019 at 9:35:24 AM CDT
To: Mommy! Henry <shenry618@yahoo.com>
Subject: General Ordinance 6497

Hello again Daniel,

You've received several emails from me regarding the number of short term rentals on the short block of Weller between Elm and Walnut.

I did review the copy of the full ordinance, and just wanted to point out two paragraphs of interest to me:

. WHEREAS, the City of Springfield desires to preserve the quality, integrity and stability of its residential areas

. WHEREAS, the City, after review and input from various groups has determined a desire to allow and the need to "regulate this activity to fulfill the goals set forth above".

In our view, the subsequent paragraph:

Implement a grace period for implementation of the density limitation. Applicants for STR Type 2's who file within the first thirty (30) days of passage of the Ordinance will not be subject to the density limitations.

... is in direct conflict with the goals of the ordinance.

Further, our input was never considered as we are not part of a neighborhood association in that block, and were not notified of the proceedings. We would have rebutted some of the information provided by champions of this ordinance who claimed that they add value to the homes in the neighborhood.

Last, though we would prefer limiting the number of short term rentals in this block to one, or possibly the first two that were established (the two on the east side of Weller) we believe that three is too many...and that any grandfathered application should not be transferable (pg 20, paragraph 6).

Respectfully,
Susie Henry
418 S. Weller

From: [Marci Horton](#)
To: Zoning@springfieldmo.gov
Cc: jhorner910@att.net
Date: Sunday, May 26, 2019 4:24:00 PM

Hello,

I am writing to express my opposition to the short term rental on 438 S. Weller. This is the third application in a six week period and is near two other requests.

We recently bought our house and spent a lot of time and money to update. We did not buy in this neighborhood to be surrounded by additional rental property. This is a great neighborhood and allowing additional rentals will create additional traffic, noise and and more people with no interest in the safety and security of the surrounding area.

Thank you for your consideration.

Marci Horton

From: jhorner910@att.net
To: "Marci Horton"
Cc: adiewilliams62@gmail.com; Zoning@springfieldmo.gov
Subject: RE:
Date: Wednesday, May 29, 2019 12:17:20 PM

Marci. Thank you for copying me on your message to the City regarding the Short Term Rental at 438 S. Weller. I would like to respond to hopefully explain more about the STR and to perhaps allay some of your concerns and fears. As you may have noted in a cover letter sent with the City STR meeting notice, that our house has been operating for several years. During this time, we have never had a complaint or comment from neighbors about any disturbance of any kind, be it noise, traffic, or safety concerns. Likewise, the nearby other two STRs have also never experienced any such disturbance.

I think if you observe, that all 3 of the homes are extremely well kept and attractive. The owners, whom I know well, are very particular who they accept as guests and we are all selective in who we allow to stay in our homes. I also am personally familiar with many other operators and I have never heard of any legitimate complaint.

As also noted in my cover letter, that long term rentals have no accountability like the STRs do and I have had many people tell me that an STR is much preferred over the LTR.

I am not sure of where your residence is, but if it is on Elm St. you have probably noted that an owner in the 1600 block keeps two horses and 3 large dogs in her yard. You would never see such as this in an STR yet the City allows it in this single family zoned residence.

Please understand, that although there are 3 STR within the 400 block of S. Weller, the new ordinances allowed this existing condition exception but that there can be no further new STRs within the density restriction in that block.

I hope that you can understand our situation and that we have taken great pride and satisfaction in maintaining our little house, greeting visitors to our city, and earning a little extra income in our retirement years.

We, of course, would be very concerned if we were to ever receive any notice of noise or safety or nuisance violation with respect to our house and would welcome any evidence of such occurrence that you may know of or heard about.

I also appreciate that you have taken steps to improve your own home and I honor you for that for helping make our neighborhood more beautiful.

Please, if you would like to discuss further, I encourage you to stop by our home at 1622 E. Walnut during the neighborhood meeting time between 4 and 6 pm next Sun June 2. We would love to meet you and get to know more of our nearby neighbors.

Sincerely
John and Pat Horner

From: Marci Horton <marciski@gmail.com>
Sent: Sunday, May 26, 2019 4:24 PM
To: zoning@springfieldmo.gov
Cc: jhorner910@att.net
Subject:

Hello,

I am writing to express my opposition to the short term rental on 438 S. Weller. This is the third application in a six week period and is near two other requests.

We recently bought our house and spent a lot of time and money to update. We did not buy in this neighborhood to be surrounded by additional rental property. This is a great neighborhood and allowing additional rentals will create additional traffic, noise and and more people with no interest in the safety and security of the surrounding area.

Thank you for your consideration.

Marci Horton

From: [jhorner910](#)
To: [Neal, Daniel](#)
Subject: Re: RE: STR lists and maps for 725 S Kickapoo & 438 S Weller
Date: Saturday, June 22, 2019 7:03:51 AM

Daniel. I would like to make it clear that none of the parties who declined to sign opposed the short term rentals at Kickapoo or Weller. All are very supportive of our short term rentals but declined to sign for other reasons. We have never had any opposition or criticism directed specifically to our properties from neighbors in our short term rental neighborhoods. I just hope this is made clear in the staff report to the council. Please call me if questions Daniel. Thanks.

Sent from my Verizon, Samsung Galaxy smartphone

JOHN & PAT HORNER
1622 E. Walnut Street
Springfield, MO

To Our Neighbors

We are John and Pat Horner, owners of the Short Term Rental (STR) called the Weller House, a small home at 438 S. Weller. We have been renting this historic home on a short term basis (less than 30-day stays) for the past 5 years. During that time, we have enjoyed hosting approximately 300 guests. Our experience has been one of pleasure and joy in welcoming people from all around the US and foreign countries. As both of us are seniors and retired, this has been a delightful opportunity to work together as a couple, meet new people, and earn a little extra income.

During these past years, we have been privileged to have guests who are very respectful of our property and the neighborhood. There has never been a complaint of any kind regarding our operation or the guests during this period. We have attained the status of Superhost based on superior quality hosting as designated by Airbnb, the third party on-line booking service, and we have maintained consistently the highest 5-star ratings from virtually every guest. We take great pride in maintaining the home and yard in a beautiful condition to be an asset to the neighborhood and to be respectful to our neighbors. We are extremely selective in who will be staying in our home.

The City has allowed without interference, the effective self-regulating STR operation to exist peacefully city-wide for the past 7 years and has experienced virtually no problems. But unfortunately, now, the City of Springfield, as of Feb, has deemed it somehow necessary to place on the operators of this type of STR the burden of multiple rules, restrictions, and regulations. This includes a permit, a \$350 fee, a business license, inspections, Certificates of Occupancy, neighborhood notifications, neighbor signed consents, signs, posted rules, density restrictions, and a neighborhood meeting – the subject of the enclosed City letter of invitation. All of this has been met with the strong opposition of the STR community but the City has stated that it is all necessary to “level the playing field”. The primary player in this playing field is the huge and powerful hotel/motel industry. There are an estimated 6000 hotel rooms in Springfield compared to less than 100 STR homes of the type we host. Ironically, there are also about 40,000 long term rental (LTR) units in Springfield that are subject to exactly none of these regulations which are now forced upon the STRs and yet, unlike the STRs, LTRs have long been the source of many complaints and problems for the City.

You have been invited and are welcome to attend the neighborhood meeting which has been mandated by the City and is required to be hosted by the owners. We are also told to get signatures of all persons attending the meeting and a signature consent to operate by adjacent owners. Understand, however, that there is no requirement or obligation to attend or to sign anything. There will be no formal presentation. You may ask questions and meet the owners but you may also contact us by email, text, or phone, or the city with questions or comments. The meeting will start promptly at 4:00 PM and last only until all questions and comments are addressed.

You may view and find out all the details of The Weller House on The Airbnb site and read the many reviews by our guests over the past several years. Search “Weller House Springfield, MO”.

John and Pat
Jhorner910@att.net
John: 417 838-8400
Pat: 417 838-3099

One-rdg. X
P. Hrngs.
Pgs. 14
Filed: 06-25-19

Sponsored by: McGull

COUNCIL BILL 2019- 153 RESOLUTION

RESOLUTION

1 GRANTING a Short-Term Rental Type 2 Permit for the property generally located at
2 725 South Kickapoo Avenue, for the purpose of allowing the establishment
3 of a Short-Term Rental Type 2 pursuant to General Ordinance 6497.
4 _____
5

6 WHEREAS, the owner of property generally located at 725 South Kickapoo
7 Avenue has applied for a Short-Term Rental ("STR") Type 2 permit; and
8

9 WHEREAS, General Ordinance 6497 requires that those seeking a permit to
10 establish a STR Type 2 use obtain the signatures of at least fifty-five percent of the
11 property owners adjacent to and immediately across the street from the proposed STR;
12 and
13

14 WHEREAS, if the applicant cannot secure the signatures of at least fifty-five
15 percent of the neighboring property owners then said applicant may apply to City
16 Council to obtain the requested STR Type 2 Permit; and
17

18 WHEREAS, the applicant has not obtained the signatures of at least fifty-five
19 percent of adjacent property owners.
20

21 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
22 SPRINGFIELD, MISSOURI, as follows, that:
23

24 Section 1 – City Council hereby consents to granting the applicant a Short-Term
25 Rental Type 2 Permit for the property generally located at 725 South Kickapoo Avenue.
26 The granting of said permit is expressly subject to compliance with General Ordinance
27 6497.
28

29 Section 2 – This Resolution shall be in effect immediately upon adoption.
30

31 Passed at meeting: _____
32
33

34 _____
35 Mayor

36
37
38
39
40
41
42
43
44
45

Attest: _____, City Clerk

Filed as Resolution: _____

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

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

EXPLANATION TO COUNCIL BILL 2019 -153

FILED: 06-25-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 725 South Kickapoo Avenue, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to General Ordinance 6497.

BACKGROUND INFORMATION:

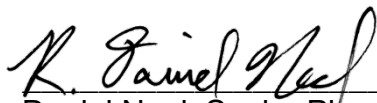
The property owner(s) of 725 South Kickapoo Avenue, Pat and John Horner, have applied for a Short-Term Rental ("STR") Type 2 Business License and STR Type 2 Permit to establish a Short-Term Rental Type 2 at 725 South Kickapoo Avenue. General Ordinance 6497 requires that Type 2 applicants conduct a neighborhood meeting and obtain signatures from fifty-five percent or more of property owners adjacent to and immediately across the street from the proposed STR. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured the applicant may apply to City Council to obtain a resolution granting the STR Type 2 Permit.

The applicant has not obtained any signatures of the five adjacent property owners, resulting in zero percent consent as shown on "Exhibit C."

Property owners within 500 feet of the proposed Short-Term Rental Type 2 establishment have been notified by regular mail of the meeting.

If approved, all other requirements of the Short-Term Rental requirements of General Ordinance 6497, must be met.

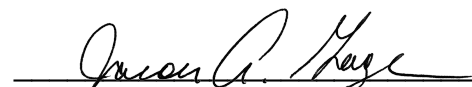
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Applicants Appeal Letter

Exhibit B, Neighborhood Meeting Summary and Sign-In Sheet

Exhibit C, Adjacent Owner Consent Affidavit Form

Exhibit D, Comment Cards and Other Neighborhood Correspondence

To: City Council of Springfield, MO

June 3, 2019

Subject: Request for Resolution for Permit
Short term Rental, Type 2
725 S. Kickapoo, Springfield, MO

We are John and Pat Horner, owners of the Short Term Rental (STR) called the Weller House at 725 S. Kickapoo.

We have applied for a Short Term, Type 2 permit for the subject property and have paid required fees, applied for business license, and conducted a neighborhood meeting. However, consent signatures of 55 percent of adjacent property owners have not been obtained.

We hereby thus request that in lieu of the consent signatures, and in accordance with the option declared by City Ordinance Section 36-451, consent for permit of subject property be considered and granted by the Council of the City of Springfield.

Respectfully Submitted
John and Pat Horner
Jhorner910@att.net
John: 417 838-8400
Pat: 417 838-3099

CC: Office of City Clerk
Planning and Development Dept.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

T25 G. K. Chapoo

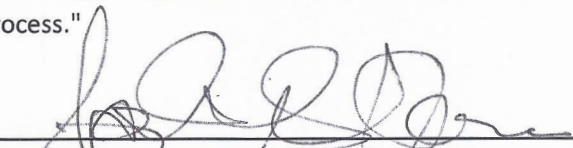
1. Request to establish a Short-Term Rental Type 2.
2. Meeting Date & Time: June 2 2019 4-6:30 pm
3. Meeting Location: 1622 E Walnut
4. Number of invitations that were sent: 105
5. Number of neighbors in attendance (attach a sign-in sheet): One
6. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the owner/operator must explain why the issues cannot be resolved.)

No comments or discussion specific to this STR. Only general unrelated conversation. Attendee stayed about 5 minutes. No minutes recorded.

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

No written comments

I, John Horner (print name), attest that the neighborhood meeting was held on June 2 2019 (month/date/year), in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

John S. Horner
Printed name of person completing affidavit

SIGN-IN SHEET

Neighborhood Meeting

June 2, 2019

For ~~438 S. Keller~~

725 S. Kickapoo

Name

Address

Robert T. Dewar

92 827 S. Rogers Ave.

No Discussion
No Questions
No Minutes

The undersigned hereby certifies that I/we are the owners of property referenced below and that I/we consent to the proposed short-term rental located at 725 S. Kickapoo.

In addition, each individual signing in a representative capacity hereby affirms that he or she is authorized to sign on behalf of said owner.

1. Address of Adjacent Property: 722 S. Kickapoo

Robert Walden
Owner(s) of Record (Typed or Printed)

Declined to Sign
Signature(s) of Owners

Title

2. Address of Adjacent Property: 730 S. McCann

Robert Linenhardt
Owner(s) of Record (Typed or Printed)

Declined to Sign
Signature(s) of Owners

Title

3. Address of Adjacent Property: 733 S. Kickapoo

Gary Wood
Owner(s) of Record (Typed or Printed)

Declined to Sign
Signature(s) of Owners

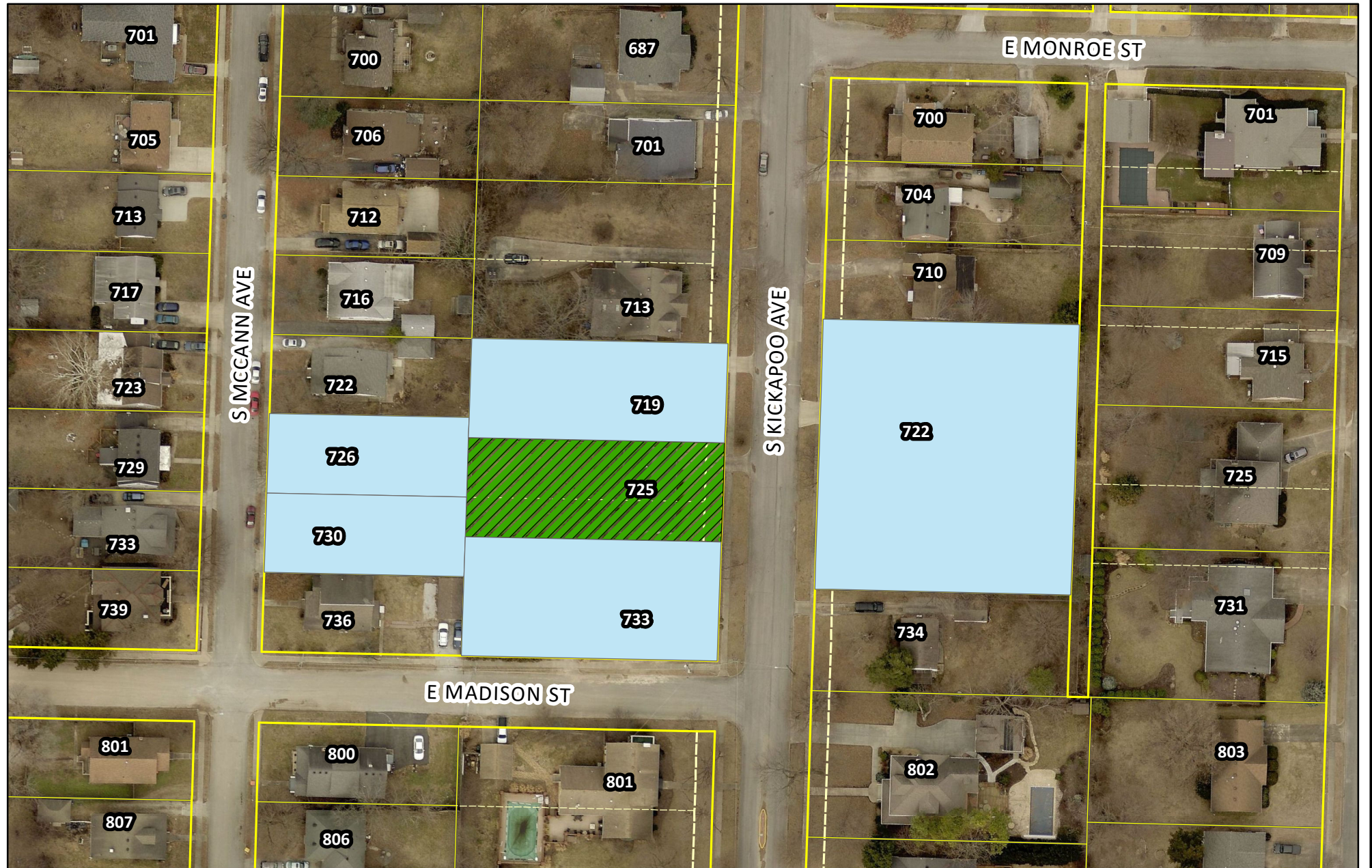
Title

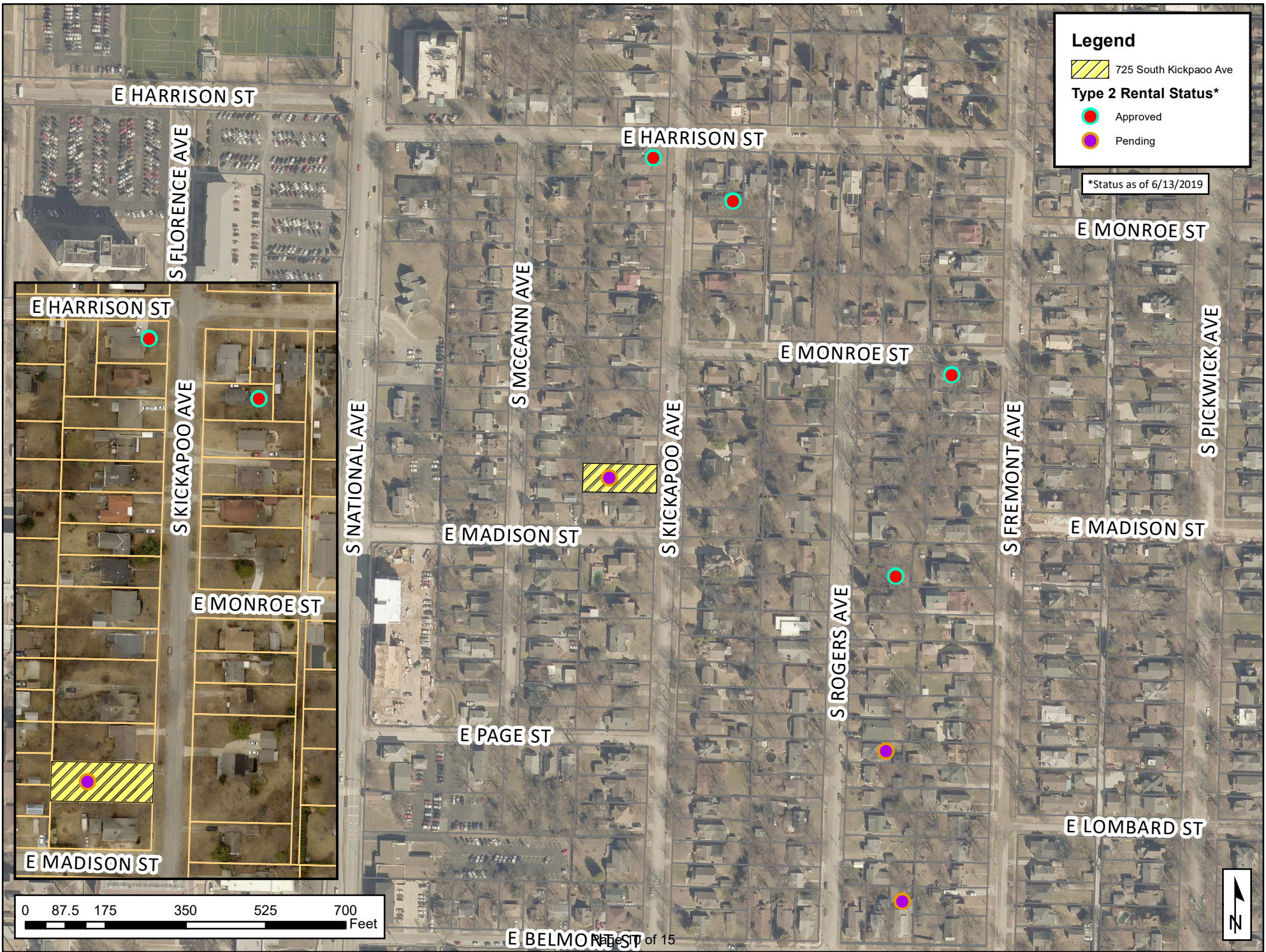
No further adjacent owners contacted
since unable to get 55% consent signatures

**If the ownership is under two or more individuals (each individual) must sign this form. Only the owner's signature constitutes consent.

**The address and owner of record of all adjacent residential properties must be listed, whether they consent or not.

Adjacent Property





Legend

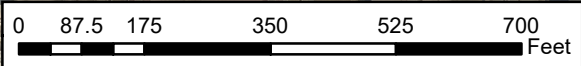
 725 South Kickapoo Ave

Type 2 Rental Status*

 Approved

 Pending

*Status as of 6/13/2019



*Ken, we have a real problem here & hope
you can help*

Exhibit D

May 20, 2019

Doug Pilant

To: Springfield City Council

We have lived in the Rountree neighborhood since 1970. Our address is 725 S Rogers Avenue. Our house is a very short distance north of Rountree school. We are writing because we are witnessing the demolition of our residential neighborhood. This has been a wonderful location to raise a family and send them to the neighborhood school while being close to the University, hospitals, and amenities of downtown.

It has always been difficult to maintain the integrity of this neighborhood. Commercial infringement on National Avenue and Cherry Street has been an issue as has been the large number of rentals to MSU students and the packing of large numbers of students into a single residence. We have managed to deal with those issues but the advent of short term rentals is turning our single family neighborhood into a physically extended hotel.

There is a veritable tsunami of STRs in the area just north of Rountree school. South Rogers Ave., S. Kickapoo and S. Fremont are particularly hard hit. This past week alone, as I am writing this letter, we have received three neighbor meeting notices for additional Airbnb (STR) homes. We have three Airbnbs less than 500 feet from our house (actually about 300 feet). The restrictions on the number of STRs on a block are woefully inadequate. These are not long blocks and an STR impacts the entire area. These are not small businesses. Mr. Horner (letter enclosed) says he has had 300 guests over the last four years. This, along with the many other STRs is why we have had the congestion we have in the neighborhood. We no longer know who belongs in the neighborhood and who does not. There is reputedly increased pilfering in the neighborhood but how do we know who these people are who are here only temporarily? We used to know nearly all of the people on our street.

Children going to Rountree school walk down S. Kickapoo, S. Rogers, and S. Fremont. The area around the school is becoming filled with various short term renters who may or may not be a matter of concern for children who cannot ride a bus unless they are over a mile away.

In our immediate area we have the following Airbnb homes. 731 S. Fremont, 734 S. Kickapoo (being treated as an Airbnb) 725 S Kickapoo, 645 S. Kickapoo and 656 S. Kickapoo (across the street from each other), 806 S. Rogers, 834 S. Rogers, 839 S. Rogers (under construction reputedly to be an STR) 844 S. Rogers. This is clearly excessive density for a residential neighborhood.

The City Council was correct in assuming that multiple short term rentals in a block could turn a single family neighbor into a kind of hotel. The character of our neighborhood is clearly being transformed. The problem is that when Council set up the guidelines for Type 2 rentals the information they were given

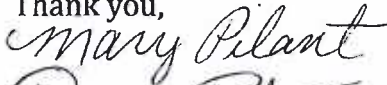
underestimated the density which would result. Now that we have some experience with the STRs this issue, in our opinion, needs to be revisited. The requirement that the houses adjacent to a proposed STR approve it does not do what it was supposed to do if these houses are occupied by long term renters (who feel it is not their business) and the owners of the houses do not even live in the Rountree area.

From Belmont behind Rountree School to Madison on S. Rogers is one block but it is numbered 700 and 800. This is deceptive because it allows twice as many Airbnbs as was evidently intended by the Type 2 ordinance. When one of the Airbnbs was rented for an MSU graduation party last week the noise lasted well into the morning and was heard all the way up and down the street.

We respectfully request that the Council "hit pause" and reconsider what the current affect of the STR ordinance is having on neighborhoods like ours. We do not think it is inevitable that the kind of neighbor-to-neighbor relationships that make this area a desirable place to live is doomed to disappear.

We would greatly appreciate the Council reconsidering the density limits on Airbnbs in our neighborhood for the reasons listed above.

Thank you,



Mary and Denny Pilant

JOHN & PAT HORNER

1622 E. Walnut Street
Springfield, MO

To Our Neighbors

We are John and Pat Horner, owners of the Short Term Rental (STR) called the Kickapoo Place, a small home at 725 S. Kickapoo. We have been renting this home on a short term basis (less than 30-day stays) for the past 4 years. During that time, we have enjoyed hosting approximately 300 guests. Our experience has been one of pleasure and joy in welcoming people from all around the US and foreign countries. As both of us are seniors and retired, this has been a delightful opportunity to work together as a couple, meet new people, and earn a little extra income.

During these past years, we have been privileged to have guests who are very respectful of our property and the neighborhood. There has never been a complaint of any kind regarding our operation or about the guests during this period. We have attained the status of Superhost based on superior quality hosting as designated by Airbnb, the third party on-line booking service, and we have maintained consistently the highest 5-star ratings from virtually every guest. We take great pride in maintaining the home and yard in a beautiful condition to be an asset to the neighborhood and to be respectful to our neighbors. We are extremely selective in who will be staying in our home.

The City has allowed without interference, the effective self-regulating STR operation to exist peacefully city-wide for the past 7 years with virtually no problems. But unfortunately, now, the City of Springfield, as of Feb, has deemed it somehow necessary to place on the operators of this type of STR the burden of multiple rules, restrictions, and regulations. This includes a permit, a \$350 fee, a business license, inspections, Certificates of Occupancy, neighborhood notifications, neighbor signed consents, signs, posted rules, density restrictions, and a neighborhood meeting – the subject of the enclosed City letter of invitation. All of this has been met with the strong opposition of the STR community. It has been stated that the City has found a solution in search of a problem. But the City has stated that it is all necessary to “level the playing field”. The primary player in this playing field is the huge and powerful hotel/motel industry. There are an estimated 6000 hotel rooms in Springfield compared to less than 100 STR homes of the type we host. Ironically, there are also about 40,000 long term rental (LTR) units in Springfield that are subject to exactly none of these regulations which are now forced upon the STRs and yet, unlike the STRs, LTRs have long been the source of many complaints and problems for the City.

You have been invited and are welcome to attend the neighborhood meeting which has been mandated by the City and is required to be hosted by the owners. We are also told to get signatures of all persons attending the meeting and signature consent to operate by adjacent owners. Understand, however, that there is no requirement or obligation to attend or to sign anything. There will be no formal presentation. You may ask questions and meet the owners but you may also contact us by email, text, or phone, or the city with questions or comments. The meeting will start promptly at 4:00 PM and last only until all questions and comments are addressed.

You may view and find out all the details of The Kickapoo Place on the Airbnb site and read the reviews by our guests over the past several years. Search “Kickapoo Place Springfield, MO”.

John and Pat

John: 417 838-8400

Pat: 417 838-3099

Denny Pilant
725 S. Rogers Ave
Springfield, Mo 65804

SPRINGFIELD MO 658

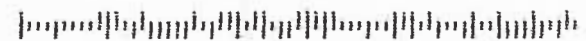
28 MAY 2019 PM 3.1



Mayor Ken McClure
Busch Municipal Building
840 Boonville Ave.
Springfield, Mo 65802

MAY 31 2019

65802-383240



From: [jhorner910](#)
To: [Neal, Daniel](#)
Subject: Re: RE: STR lists and maps for 725 S Kickapoo & 438 S Weller
Date: Saturday, June 22, 2019 7:03:51 AM

Daniel. I would like to make it clear that none of the parties who declined to sign opposed the short term rentals at Kickapoo or Weller. All are very supportive of our short term rentals but declined to sign for other reasons. We have never had any opposition or criticism directed specifically to our properties from neighbors in our short term rental neighborhoods. I just hope this is made clear in the staff report to the council. Please call me if questions Daniel. Thanks.

Sent from my Verizon, Samsung Galaxy smartphone

One-rdg. X
P. Hmgs.
Pgs. 4
Filed: 06-25-19

Sponsored by: Hosmer

COUNCIL BILL 2019 - 154 RESOLUTION

A RESOLUTION

1 AUTHORIZING the City Manager to apply for a Better Utilizing Investments to
2 Leverage Development Transportation Discretionary Grant from the
3 United States Department of Transportation in an amount of up to
4 \$25,000,000, which requires matching funds of 20 percent from non-
5 federal sources.
6
7

8 WHEREAS, the United States Department of Transportation has established the
9 Better Utilizing Investments to Leverage Development (“BUILD”) Grant program to
10 leverage funds for economic activity through a variety of transportation projects; and
11

12 WHEREAS, funds will be sought to finance multi-modal transportation
13 improvements connecting the historic downtown area to various local attractions; and
14

15 WHEREAS, if awarded, the grant requires matching funds of 20 percent from
16 non-federal sources; and
17

18 WHEREAS, the “match” for said grant may be provided by leveraging other
19 public, philanthropic and private sources, including in-kind contributions.
20

21 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
22 SPRINGFIELD, MISSOURI, as follows, that:
23

24 Section 1 – The City Manager, or his designee, is hereby authorized to apply for
25 a grant from the BUILD Transportation Discretionary Grant program for the purpose of
26 funding multi-modal improvements, which requires matching funds of 20 percent from
27 non-federal sources.
28

29 Section 2 – This Resolution shall be in effect from and after passage.
30

31 Passed at meeting:
32
33

Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

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

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

EXPLANATION TO COUNCIL BILL 2019- 154

FILED 06-25-19

ORIGINATING DEPARTMENT: Public Works and Planning and Development

PURPOSE: Authorizing the City Manager, or his designee, to apply for a Better Utilizing Investments to Leverage Development Transportation Discretionary Grant from the United States Department of Transportation in an amount of up to \$25,000,000, which requires matching funds of 20 percent from non-federal sources.

BACKGROUND INFORMATION: Public Works and Planning and Development desire to apply for this grant from the United States Department of Transportation in an amount up to \$25 Million. At least a 20% match must be provided by non-federal sources, including State, local, and private sector funding; or other forms of cost share such as right-of-way contributions.

The BUILD transportation grant program replaces the Transportation Investment Generating Economic Recovery ("TIGER") program. The current federal budget allocates \$900 million for BUILD grants, with a minimum grant of \$5 million and a maximum grant of \$25 million. No more than \$90 million may be awarded to a single state. Grant applications are due July 15 and it is anticipated that the grants will be highly competitive.

Wonders of Wildlife was voted America's Best Aquarium and Best New Attraction by USA Today readers. Since opening in September 2017, the estimated \$300 million private investment has resulted in significantly increased hotel nights and generated hundreds of thousands of visitors. Downtown's renaissance has been slow but steady over the past 20 years. Over one-half billion dollars of public and private investment has been made downtown since 1996. These two nodes generate a tremendous amount of economic activity and are authentic Springfield experiences for both residents and tourists. If funded, this grant will fund multi-modal improvements and create a connector between the two areas.

This Resolution supports the following City Council Priorities:

- Public Safety
- Economic Vitality

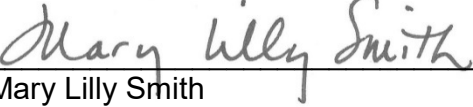
REMARKS: This resolution requests authority to apply for the grant. Matching funds will be identified in a separate bill to accept funds if the City is selected to receive the grant.

Recommended by:



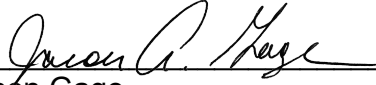
Dan Smith, Director of Public Works

Recommended by:



Mary Lilly Smith
Planning and Development Director

Approved by:



Jason Gage
City Manager

One-rdg. _____
P. Hrngs. X
Pgs. 21
Filed: 06-25-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 155

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning 8.4 acres of property,
3 generally located at 3145 South Campbell Avenue, from Planned
4 Development 25, 4th Amendment to HC, Highway Commercial District;
5 establishing Conditional Overlay District No. 175; and adopting an
6 updated Official Zoning Map. (Staff and Planning and Zoning Commission
7 recommend approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 3145 South Campbell Avenue, and more fully described in "Exhibit
12 B" from Planned Development 25, 4th Amendment to HC, Highway Commercial District,
13 and establishing Conditional Overlay District No. 175; and
14

15 WHEREAS, Conditional Overlay District No. 175 shall modify the requirements
16 of the Springfield Land Development Code Section 36-422, HC, Highway Commercial
17 District, by requiring that the property described in "Exhibit B" comply with the
18 requirements described in "Exhibit A;" and
19

20 WHEREAS, following proper notice, a public hearing was held before the
21 Planning and Zoning Commission on June 6, 2019, a copy of the Record of
22 Proceedings from said public hearing being attached hereto and incorporated herein by
23 this reference as "Exhibit C," 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," which is attached hereto and
36 incorporated herein by this reference, is hereby rezoned from Planned Development 25,
37 4th Amendment, or such zoning districts as are designated on the official zoning map
38 adopted by City Council, to HC, Highway Commercial District. City Council hereby
39 establishes Conditional Overlay District No. 175 and the requirements of said
40 Conditional Overlay District, which are described in "Exhibit A" and are hereby
41 incorporated herein by this reference as if set out verbatim herein, shall apply to the
42 subject property. Springfield Land Development Code, Section 36-306, 'Official zoning
43 map and rules for interpretation,' is hereby amended, changed and modified consistent
44 with this Ordinance.

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

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

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

57
58 Passed at meeting: _____

59
60
61 _____
62 Mayor

63 Attest: _____, City Clerk

64
65 Filed as Ordinance: _____

66
67
68 Approved as to form: Achale T. Wudu, Assistant City Attorney

69
70
71 Approved for Council action: Jason A. Mage, City Manager

EXPLANATION TO COUNCIL BILL 2019 -155

FILED: 06-25-19

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 8.4 acres of property generally located at 3145 South Campbell Avenue from Planned Development 25, 4th Amendment to HC, Highway Commercial District, and establishing Conditional Overlay District No. 175. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-14-2019/ CONDITIONAL OVERLAY DISTRICT NO. 175

The applicant is proposing to rezone the property located at the 3145 South Campbell Avenue from Planned Development 25, 4th Amendment to HC, Highway Commercial District, and establishing Conditional Overlay District No. 175. The applicant is proposing to utilize the existing building for a climate-controlled self-service storage facility and subdivide an additional lot to sell for commercial uses. The property is being concurrently platted into two lots and both cases will have public hearings before City Council.

The Conditional Overlay District will prohibit uses, add use limitations and bufferyard requirements, and restrict intensity of development, exterior lighting and height.

REMARKS:

The Planning and Zoning Commission held a public hearing on June 6, 2019 and recommended to approve the proposed Conditional Overlay District No. 175, by a vote of 8 to 0.

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

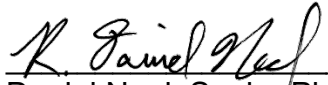
FINDINGS FOR STAFF RECOMMENDATION:

1. This application is consistent with the *Growth Management and Land Use Plan* element of the *Comprehensive Plan* which identifies this as an appropriate area for Medium Intensity Retail, Office or Housing. This mixed category indicates that a variety of commercial and/or mid-or high-density housing may be appropriate at major intersections along certain road corridors.
2. This application meets the intent of the HC district which is intended for commercial uses that depend upon high visibility, generate high traffic volumes,

or cater to the traveling public. These characteristics dictate that this 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.

3. Approval of this application will allow for redevelopment of this property and promote infill development where investments have already been made in public services and infrastructure.

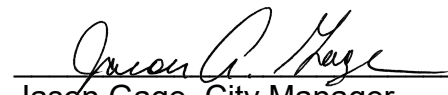
Submitted by:


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: Affidavit of Neighborhood Notification and Meeting Summary

Attachment 3: Conditional Overlay District Provisions

Exhibit A

CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-14-2019 & CONDITIONAL OVERLAY DISTRICT NO. 175

The requirements of *Section 36-422* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. The following uses shall be permitted:
 - a. Accessory uses, as permitted by section 36-450, accessory structures and uses.
 - b. Art galleries, libraries, and museums.
 - c. Auction sales and flea markets entirely within enclosed buildings.
 - d. Automobile service stations.
 - e. Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
 - f. Catering businesses.
 - g. Churches and other places of worship, including parish houses, and Sunday schools.
 - h. Civic, convention, and cultural centers.
 - i. Day care centers in accordance with chapter 36, article XI, Springfield City Code.
 - j. Eating and drinking establishment use group.
 - k. Entertainment-oriented use group.
 - l. General office use group.
 - m. Medical office use group.
 - n. Personal services use group.
 - o. Public or private vehicle and boat storage garages, yards or lots.
 - p. Retail sales use group.
 - q. Schools, business.
 - r. Schools or development centers for persons with handicaps or development disabilities.
 - s. Self-service storage facilities.
 - t. Temporary lodging use group.
 - u. Wholesale sales
2. No conditional uses (as defined by section 36-422 shall be allowed).
3. The following additional use limitations shall apply:
 - a. An outdoor public address system is prohibited.
 - b. All activities and permitted uses, except off-street parking and loading facilities and vehicle storage, shall be conducted wholly inside a building or buildings.

4. Intensity of Development shall not exceed a floor area ratio, for permitted structures, of 0.5 for self-service storage facilities, and 0.25 of all other uses.
5. No structure shall exceed the height of thirty-five (35) feet.
6. The following Perimeter Treatments shall be applied:
 - a. Bufferyards shall be applied per the current Zoning Ordinance requirements; however, provided the existing bufferyard vegetation meets the planting requirements per the landscaping and bufferyard section and is maintained, then no additional plantings shall be required. The Administrative Review Committee (ARC) has authority to make appropriate administrative rulings when the application and/or operation of the regulations will produce results contrary to the intent of the land development code and to commonly accepted land development practice. A six (6) foot privacy fence shall be maintained along the western property line.
7. The following additional exterior lighting requirements shall be applied:
 - a. The light source of luminaire for all exterior lighting shall have a cutoff so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer at ground level at a property line adjacent to a public right-of-way or adjacent property or, if a bufferyard is required, at the interior bufferyard line.
 - b. No flickering or flashing lights shall be permitted.
 - c. Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.

Exhibit B

LEGAL DESCRIPTION
ZONING CASE Z-14-2019 & CONDITIONAL OVERLAY DISTRICT NO. 175

Tract I:

Commencing at the Northeast corner of the South One-Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Two (2), Township Twenty-Eight (28), Range Twenty-Two (22); thence South along the East line said South One-Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$), a distance of 413.64 feet; thence North $88^{\circ}48'08''$ West a distance of 486.56 feet to the Point of Beginning; thence South $02^{\circ}13'09''$ West, a distance of 246.22 feet, to a point being on the North line of Ertis Johnson Addition, a Recorded Subdivision in the City of Springfield, Greene County, Missouri; thence North $88^{\circ}35'14''$ West, along the North line of said Ertis Johnson Addition, a distance of 300.00 feet; thence North $02^{\circ}13'09''$ East a distance of 245.09 feet; thence South $88^{\circ}48'08''$ East, a distance of 300.00 feet to the Point of Beginning, all being a part of the South One-Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Two (2), Township Twenty-Eight (28), Range Twenty-Two (22), in the City of Springfield, Greene County, Missouri.

Tract II:

Commencing at the Northeast corner of the South One-Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Two (2), Township Twenty-Eight (28), Range Twenty-Two (22); thence South $01^{\circ}57'22''$ West along the East line of said Section Two (2), a distance of 19.40 feet; thence North $88^{\circ}40'27''$ West, a distance of 48.80 feet for a Point of Beginning, said point being on the West Right-of-Way line of Campbell Avenue; thence South $02^{\circ}13'09''$ West along the West Right-of-Way line of said Campbell Avenue, a distance of 394.28 feet; thence North $88^{\circ}48'08''$ West, a distance of 736.00 feet; thence North $02^{\circ}13'02''$ East, a distance of 396.25 feet; thence South $88^{\circ}40'27''$ East, a distance of 736.00 feet to the Point of Beginning; all in the City of Springfield, Greene County, Missouri.

Exhibit C

**RECORD OF PROCEEDINGS
ZONING CASE Z-14-2019 & CONDITIONAL OVERLAY DISTRICT NO. 175
Planning and Zoning Commission June 6, 2019**

Z-14-2019 w/COD #175
3145 South Campbell Avenue

Applicant: South Campbell Investments,
LLC

c/o Scott Tillman

Preliminary Plat of South Campbell
Addition

3145 South Campbell Avenue

Applicant: South Campbell Investments,
LLC

c/o Scott Tillman

Zoning and preliminary plat are combined.

Mr. Hosmer stated that this is a request to rezone approximately 8.4 acres of property located at 3145 South Campbell Avenue from Planned Development 25, 4th Amendment to HC, Highway Commercial District, and establishing Conditional Overlay District No. 175. The Comprehensive Plan identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. This application meets the intent of the HC district which is intended for commercial uses that depend upon high visibility, generate high traffic volumes, or cater to the traveling public. The Major Thoroughfare Plan classifies Campbell Avenue as a Primary arterial roadway. A Traffic Impact Study will not be required. The property is not located in a FEMA designated floodplain or a stream buffer area. A fee in lieu of on-site stormwater detention is not applicable since there is already an existing detention onsite. The proposed Conditional Overlay District will prohibit uses, add use limitations, bufferyard requirements, restrict intensity of development, exterior lighting and height. The Conditional Overlay District will not allow any conditional use permits, prohibit an outdoor public address system and require all activities and permitted uses, except off-street parking and loading facilities and vehicle storage, to be conducted inside a building. The intensity of development shall not exceed a floor area ratio, for permitted structures, of 0.5 for self-service storage facilities, and 0.25 of all other uses. No structure shall exceed the height of thirty-five (35) feet. A "Type F" at least twenty (20) feet wide shall be required; however, if the existing vegetation meets the planting requirements per the code then no additional plantings shall be required.

Mr. Hosmer stated that this is a request for a two-lot subdivision on 8.4 acres of property located at 3145 South Campbell Avenue. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Medium Intensity Retail, Office or Housing. Highway Commercial is an appropriate district for this classification. The Major Thoroughfare Plan classifies Campbell Avenue as a primary arterial roadway which supports the proposed land use. The proposed preliminary plat was reviewed by City departments with no objections. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City

Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

Mr. Doennig opened the public hearing.

Mr. Jared Rasmussen, 550 St. Louis, trying to do mini-storage and HC zoning allows that and here to answer any questions. The reason for the plat is to show that they have an interested user for the area to the south.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to approve Z-14-2019 w/COD #175 (3145 South Campbell Avenue). Ms. Cox seconded the motion. Ayes: Doennig, Shuler, Cox, Ogilvy, Thomas, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Coltrin.

COMMISSION ACTION:

Mr. Rose motioned to approve Preliminary Plat of South Campbell Addition (3145 South Campbell Avenue). Ms. Cox seconded the motion. Ayes: Doennig, Shuler, Cox, Ogilvy, Thomas, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Coltrin.

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

Bob Hosmer, AICP
Principal Planner

Exhibit D

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: JUNE 6, 2019

CITY COUNCIL PUBLIC HEARING: JULY 1, 2019



CASE NUMBER:

Z-14-2019 w/Conditional Overlay District No. 175

LOCATION:

3145 South Campbell Avenue

ACRES:

Approximately 8.4 acres

EXISTING LAND USE:

Former car dealership and off-street parking lot

APPLICANT:

South Campbell Investments, LLC

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve the request to rezone from Planned Development 25, 4th Amendment, to HC, Highway Commercial District, and establishing Conditional Overlay District No. 175, as submitted in the staff report

SUMMARY OF REQUEST:

Request to rezone approximately 8.4 acres of property from Planned Development 25, 4th Amendment to HC, Highway Commercial District, and establishing Conditional Overlay District No. 175

FINDINGS FOR STAFF RECOMMENDATION:

1. This application is consistent with the *Growth Management and Land Use Plan* element of the *Comprehensive Plan* which identifies this as an appropriate area for Medium Intensity Retail, Office or Housing. This mixed category indicates that a variety of commercial and/or mid-or high-density housing may be appropriate at major intersections along certain road corridors.
2. This application meets the intent of the HC district which is intended for commercial uses that depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this 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.
3. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.

Development Review Staff Report



SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC, GR and O-1	R-SF	HC	PD 75
LAND USE	Retail and Office establishments	Single-family residential uses	Retail establishments	Single-family residential uses

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

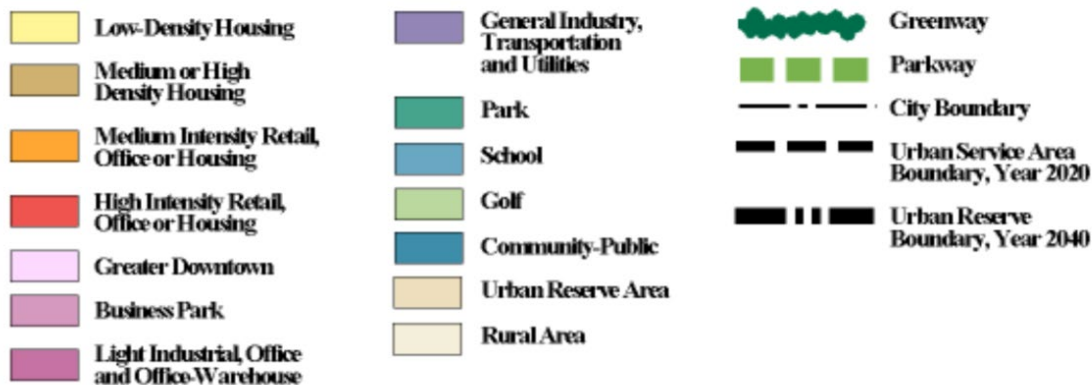
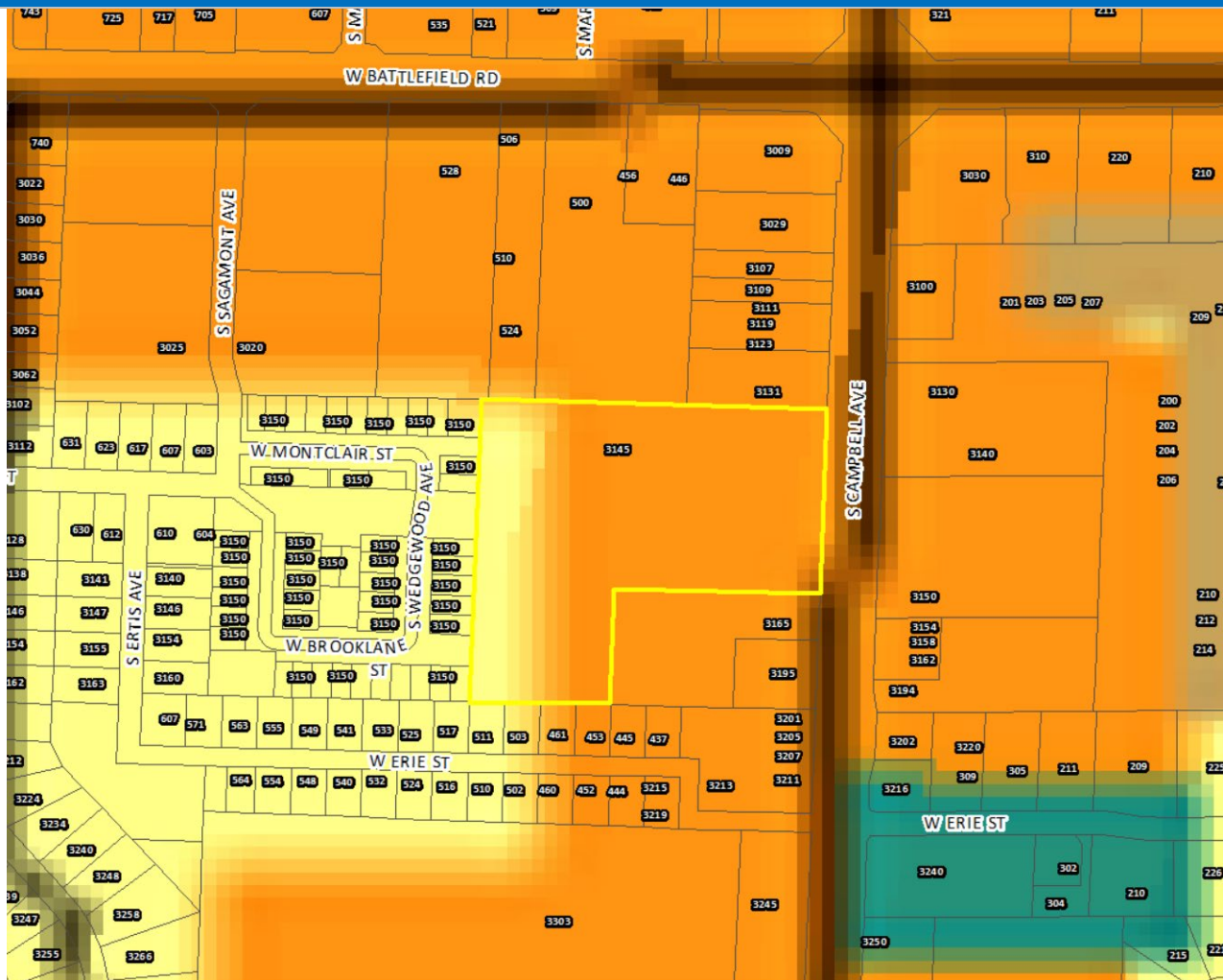


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report

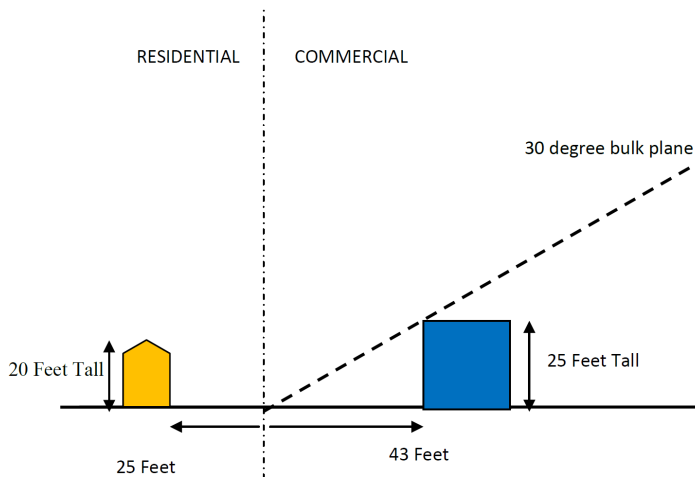
PROPERTY HISTORY:

The subject property was rezoned to Planned Development 25 from C-2 and R-1 in 1983. Since that time, the PD was amended four times with the latest in 1997 to allow for a new automotive sales office.

COMPATIBILITY WITH THE ZONING ORDINANCE:

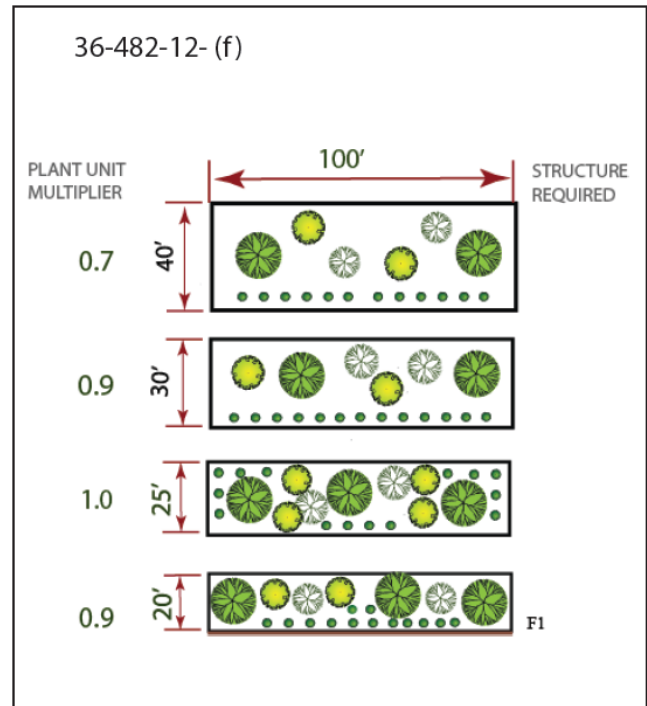
CODE ITEM	REQUIREMENTS FOR HC
Use Limitations	No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district
Front Yard Setback	25 feet along a street classified as a collector or higher or 15 feet along a street classified as a local street
Side and Rear Setbacks	None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection (8)
Open Space Requirement	20%
Design Requirements	Standard per code

BULK PLANE



LANDSCAPING

Bufferyard Type "F"



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium Intensity Retail, Office or Housing. This mixed category indicates that a variety of commercial and/or mid-or high-density housing may be appropriate at major intersections along certain road corridors.

Development Review Staff Report



STAFF COMMENTS:

1. The applicant is proposing to rezone the property located at the 3145 S. Campbell Avenue from Planned Development 25, 4th Amendment to HC, Highway Commercial District, and establishing Conditional Overlay District No. 175. The applicant is proposing to utilize the existing building for a climate-controlled self-service storage facility and subdivide an additional lot to sell for commercial uses. The property is being concurrently platted into two lots and both cases will have public hearings before City Council.
2. The proposed zoning will allow the subject property to be developed similarly to adjacent properties along South Campbell Avenue.
3. 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 this 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. South Campbell Avenue is classified as a primary arterial with no additional access from the property.
4. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. The City of Springfield does not currently have any plans to make improvements to this section of South Campbell Avenue.
5. The Conditional Overlay District will prohibit uses, add use limitations and bufferyard requirements, and restrict intensity of development, exterior lighting and height.
6. The development of the property will require a bufferyard along the south and west property line adjacent to the R-SF, Single Family Residential District. The normal bufferyard required between HC and single-family zoning would be a Bufferyard "Type F" at least twenty (20) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be three (3) canopy trees, three (3) understory trees, four (4) evergreen trees and twenty (20) shrubs with a six-foot solid wood fence or solid masonry/brick wall, or six-foot solid evergreen hedge. The applicant is proposing COD language that states: "Bufferyards shall be applied per the current Zoning Ordinance requirements; however, provided the existing bufferyard vegetation meets the planting requirements per the landscaping and bufferyard section and is maintained, then no additional plantings shall be required. The Administrative Review Committee (ARC) has authority to make appropriate administrative rulings when the application and/or operation of the regulations will produce results contrary to the intent of the land development code and to commonly accepted land development practice. A six (6) foot privacy fence shall be maintained along the western property line."
7. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on May 14, 2019, regarding the request for rezoning. A summary of the meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:

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

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

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

No objections to proposed rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to the rezoning.

FIRE DEPARTMENT COMMENTS:

No objections.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Campbell Avenue as a Primary Arterial roadway. The standard right-of-way width for S. Campbell Avenue is 50 feet from the centerline. It does not appear that any additional right-of-way is needed along S. Campbell Avenue. A survey is recommended to determine the exact amount of existing right-of-way. This section of S. Campbell Avenue is under City jurisdiction.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on S. Campbell Avenue south of Battlefield Road is 33,645 vehicles per day. On-street parking is not allowed along S. Campbell Avenue.

DRIVEWAY ACCESS

There are currently two driveway access points to the property from S. Campbell Avenue. Both existing driveway approaches meet minimum spacing requirements for a primary arterial roadway. No additional access will be permitted.

SIDEWALK

There is existing sidewalk along the property frontage of S. Campbell Avenue. The existing infrastructure meets current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway trails in the area pertaining to this rezoning. There are bus stops along S. Campbell Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. The City of Springfield does not currently have any plans to make improvements to this section of S. Campbell Avenue.

Development Review Staff Report



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	S. Campbell Avenue	Primary Arterial	No	60	50
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		157	193	2032	N/A
*Proposed Trips Generated		161	197	2065	N/A
Additional Trips Generated		4	4	33	N/A

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

STORMWATER COMMENTS:

The property is in the Inman Creek drainage basin. The 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 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 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
Which drainage basin?	Inman 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?	No

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

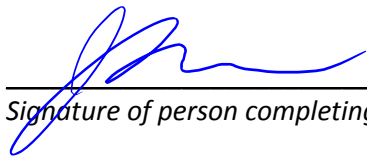
1. Request change to zoning from: PD-25 4th Amendment to HC with COD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: May 14, 2019, from 4-6:30 P.M.
3. Meeting Location: Holiday Inn Express and Suites, 310 E. Monastery St.
4. Number of invitations that were sent: 118
5. How the mailing list was generated: By City Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 11
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.)

-Questions were asked related to the existing bufferyard and drainage along western property line. It was discussed in the meeting, that the bufferyard will remain as is, as well as the drainage channel. The proposed new user - UHaul - mentioned they plan to clean up the current drainage channel to improve the drainage.
-Questions were asked regarding lighting. It was discussed the zoning will not allow lights to be directed towards the neighboring properties.

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

none received.

I, Jared Rasmussen (print name), attest that the neighborhood meeting was held on 05/14/2019 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Jared Rasmussen, P.E.

Printed name of person completing affidavit

Neighborhood Meeting

Rezoning
May 14, 2019
4:00 p.m. – 6:30 p.m.

Name	Address	Phone
RYAN NELSON	3150 S. CAMPBELL	417. 887. 1721
Aaron Self	3150 S. Campbell	417-540-1177
Tim Wilson	3154 S. Campbell	417-839-2928
LUKE NIXON	3154 S Campbell	417-881-6623
JOE & ANNIE LARK	3150 Sagamore #119	417-720-4424
JONI MASHBURN	3198 S. CAMPBELL	417-887-5525
Steve Wagner	506 W. Battleground	417-823-0800
KEVIN SULLIVAN	3150 S. CAMPBELL	660.541.1136
ROB SNAPE	3150 S SAGAMONT #116	417-766-4685
Rob McVay	3150 S. Sagamore #2	417 569-8356

olsson

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 3 CONDITIONAL OVERLAY DISTRICT PROVISIONS

The requirements of Section 36-422., Highway commercial district of the Springfield Zoning Ordinance shall be as modified herein for development within this district.

1. The following uses shall be permitted:
 - a. Accessory uses, as permitted by section 36-450, accessory structures and uses.
 - b. Art galleries, libraries, and museums.
 - c. Auction sales and flea markets entirely within enclosed buildings.
 - d. Automobile service stations.
 - e. Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
 - f. Catering businesses.
 - g. Churches and other places of worship, including parish houses, and Sunday schools.
 - h. Civic, convention, and cultural centers.
 - i. Day care centers in accordance with chapter 36, article XI, Springfield City Code.
 - j. Eating and drinking establishment use group.
 - k. Entertainment-oriented use group.
 - l. General office use group.
 - m. Medical office use group.
 - n. Personal services use group.
 - o. Public or private vehicle and boat storage garages, yards or lots.
 - p. Retail sales use group.
 - q. Schools, business.
 - r. Schools or development centers for persons with handicaps or development disabilities.
 - s. Self-service storage facilities.
 - t. Temporary lodging use group.
 - u. Wholesale sales
2. No conditional uses (as defined by section 36-422 shall be allowed).
3. The following additional use limitations shall apply:
 - a. An outdoor public address system is prohibited.
 - b. All activities and permitted uses, except off-street parking and loading facilities and vehicle storage, shall be conducted wholly inside a building or buildings.
4. Intensity of Development shall not exceed a floor area ratio, for permitted structures, of 0.5 for self-service storage facilities, and 0.25 of all other uses.
5. No structure shall exceed the height of thirty-five (35) feet.
6. The following Perimeter Treatments shall be applied:
 - a. Bufferyards shall be applied per the current Zoning Ordinance requirements; however, provided the existing bufferyard vegetation meets the planting requirements per the landscaping and bufferyard section and is maintained, then no additional plantings shall be required. The Administrative Review Committee (ARC) has authority to make appropriate administrative rulings when the application and/or operation of the regulations will produce results contrary to the intent of the land development code and to commonly accepted land development practice. A six (6) foot privacy fence shall be maintained along the western property line.

Development Review Staff Report



7. The following additional exterior lighting requirements shall be applied:
 - a. The light source of luminaire for all exterior lighting shall have a cutoff so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer at ground level at a property line adjacent to a public right-of-way or adjacent property or, if a bufferyard is required, at the interior bufferyard line.
 - b. No flickering or flashing lights shall be permitted.
 - c. Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.

One-rdg. _____
P. Hrngs. X
Pgs. 21
Filed: 06-25-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-156

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning 6.18 acres of property,
3 generally located at the 4900 block of South Campbell Avenue, from R-
4 MD, Medium-density Multi-family Residential District, with Conditional
5 Overlay District No. 152, to O-2, Office District; establishing Conditional
6 Overlay District No. 176; and adopting an updated Official Zoning Map.
7 (Staff and Planning and Zoning Commission both recommend approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at the 4900 block of South Campbell Avenue, and more fully
12 described in "Exhibit B" from R-MD, Medium-density Multi-family Residential District,
13 with Conditional Overlay District No. 152, to O-2, Office District and establishing
14 Conditional Overlay District No. 176; and
15

16 WHEREAS, Conditional Overlay District No. 176 shall modify the requirements
17 of the Springfield Land Development Code Section 36-400, O-2, Office District, by
18 requiring that the property described in "Exhibit B" comply with the requirements
19 described in "Exhibit A;" and
20

21 WHEREAS, following proper notice, a public hearing was held before the
22 Planning and Zoning Commission on June 6, 2019, a copy of the Record of
23 Proceedings from said public hearing being attached hereto and incorporated herein by
24 this reference as "Exhibit C," and said Commission made its recommendation; and
25

26 WHEREAS, the City has reviewed the applicant's request and prepared a staff
27 report concerning the application which is attached hereto and incorporated herein by
28 this reference as "Exhibit D;" and
29

30 WHEREAS, proper notice was given of a public hearing before City Council, and
31 said hearing was held in accordance with law.
32

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

35
36 Section 1 – The property described in "Exhibit B," which is attached hereto and
37 incorporated herein by this reference, is hereby rezoned from R-MD, Medium-density
38 Multi-family Residential District, with Conditional Overlay District No. 152, or such
39 zoning districts as are designated on the official zoning map adopted by City Council, to
40 O-2, Office District. City Council hereby establishes Conditional Overlay District No. 176
41 and the requirements of said Conditional Overlay District, which are described in
42 "Exhibit A," and are hereby incorporated herein by this reference as if set out verbatim
43 herein, shall apply to the subject property. The Springfield Land Development Code,
44 Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended,
45 changed and modified accordingly.

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

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

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

58
59 Passed at meeting: _____

60
61 _____
62 Mayor

63
64 Attest: _____, City Clerk

65
66 Filed as Ordinance: _____

67
68 Approved as to form: *Richard T. Widen*, Assistant City Attorney

69
70
71 Approved for Council action: *Jason A. Hays*, City Manager
72

EXPLANATION TO COUNCIL BILL 2019 -156

FILED: 06-25-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 6.18 acres of property, generally located at the 4900 block of South Campbell Avenue, from R-MD, Medium-density Multi-family Residential District, with Conditional Overlay District No. 152, to O-2, Office District; establishing Conditional Overlay District No. 176; and adopting an updated Official Zoning Map.

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-15-2019/ CONDITIONAL OVERLAY DISTRICT NO. 176

The applicant is proposing to rezone approximately 6.18 acres of property generally located at the 4900 block of South Campbell Avenue from R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 152 to O-2, Office District and establish Conditional Overlay District No. 176. The applicant intends to develop the land with office buildings.

The Conditional Overlay District requires a Traffic Impact Study be submitted at the time of development.

REMARKS:

The Planning and Zoning Commission held a public hearing on June 6, 2019, and recommended to approve, by a vote of 8 to 0.

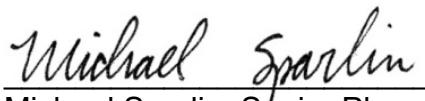
The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this application is consistent with the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*, which identifies this area as appropriate for High Intensity Retail, Office or Housing. This category is sited on the Land Use Map at locations identified as Activity Centers and encourages a variety of commercial and medium to high density housing at major intersections along certain road corridors. The Major Thoroughfare Plan classifies Campbell Avenue as an expressway roadway and Weaver Road as a secondary arterial roadway which supports the proposed land use. This area is adjacent to the James River Freeway and Campbell Avenue Activity Center which encourages more intense land uses and development.

2. The O-2 District allows a structure height to exceed the thirty-five (35) feet height restriction as required with the O-1, Office district. The O-2 district is designed to allow more intense use of land that is in close proximity to the central city district or other high intensity use areas specified in the Comprehensive Plan. The subject property is located within a high intensity area and proximity to major intersections. Furthermore, the proposed zoning district is compatible and consistent with other commercial and office development in this area.
3. Approval of this application will allow for further development of this property and promote development where investments have already been made in public services and infrastructure.

Submitted by:



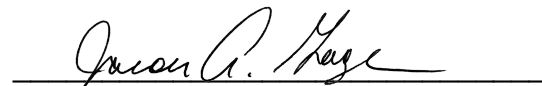
Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Conditional Overlay District Provisions

Exhibit B, Legal Description

Exhibit C, Record of Proceedings

Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Conditional Overlay District Provisions

Attachment 3: Neighborhood Meeting Summary

Exhibit A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-15-2019 & CONDITIONAL OVERLAY DISTRICT NO. 176

The requirements of *Section 36-400* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. A traffic study is required to be submitted at the time of development.

Exhibit B

LEGAL DESCRIPTION

ZONING CASE Z-15-2019 & CONDITIONAL OVERLAY DISTRICT NO. 176

**ALL OF LOT ONE (1), THE FINAL PLAT OF THE RIDGE AT WARD BRANCH –
PHASE 1, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY,
MISSOURI.**

Exhibit C

RECORD OF PROCEEDINGS
ZONING CASE Z-15-2019 & CONDITIONAL OVERLAY DISTRICT NO. 176
Planning and Zoning Commission June 6, 2019

Z-15-2019 w/COD #176

Northwest corner of South Campbell Avenue and West Weaver Road

Applicant: A. Daniel Pinheiro

Mr. Hosmer stated that is a request to rezone approximately 6.18 acres of property generally located in the 4900 Block of South Campbell Avenue from R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 152 to O-2, Office District and establish Conditional Overlay District No. 176. The Comprehensive Plan which identifies this as an appropriate area for High Intensity Retail, Office or Housing. The Transportation plan classifies Campbell Avenue as an Expressway roadway and Weaver Road as a Secondary Arterial roadway which support the proposed land use. The requests for the O-2, Office District allows a structure height to exceed the thirty-five (35) feet height limit in the O-1, Office district. A Traffic Impact Study will be required at the time of development. The property is located in a FEMA designated floodplain and a stream buffer area. A fee in lieu of detention will be allowed due to the proximity to the floodplain.

Mr. Doennig opened the public hearing.

Mr. Jared Rasmussen, 550 St. Louis, representing the developer and wants to do an office building and there will be no change of the pervious area.

Mr. Charles Dischinger, 702 W. Farm 178. Voiced his concerns of increased flooding and this area is within the FEMA's floodplain and believes development would cause more problems. He also noted that he has talked with the City to purchase his property and said that he did not get adequate notification and would like this issue not voted on at this time.

Mr. Doennig ask if Mr. Dischinger has the original mailer that he had received.

Mr. Dischinger said that he believes he has it at home.

Mr. Rose asked Mr. Dischinger if he attended the neighborhood meeting.

Mr. Dischinger stated that he did attend the meeting.

Mr. Doennig closed the public hearing.

Mr. Doennig asked if the City did send out information to Mr. Dischinger and Bob Hosmer showed the mailing list with his name on it, however said that staff will look into it.

Mr. Tom Rykowski said that state law requires one public hearing and the City does provide extra notices and believes that Mr. Dischinger had enough notification to attend the neighborhood meeting and Commission meeting.

COMMISSION ACTION:

Mr. Rose motioned to **approve** Z-15-2019 w/COD #176 (Northwest corner of South Campbell Avenue and West Weaver Road). Ms. Cox seconded the motion. Ayes: Doennig, Shuler, Cox, Ogilvy, Thomas, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Coltrin.

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

Bob Hosmer, AICP
Principal Planner

Exhibit D

Development Review Staff Report

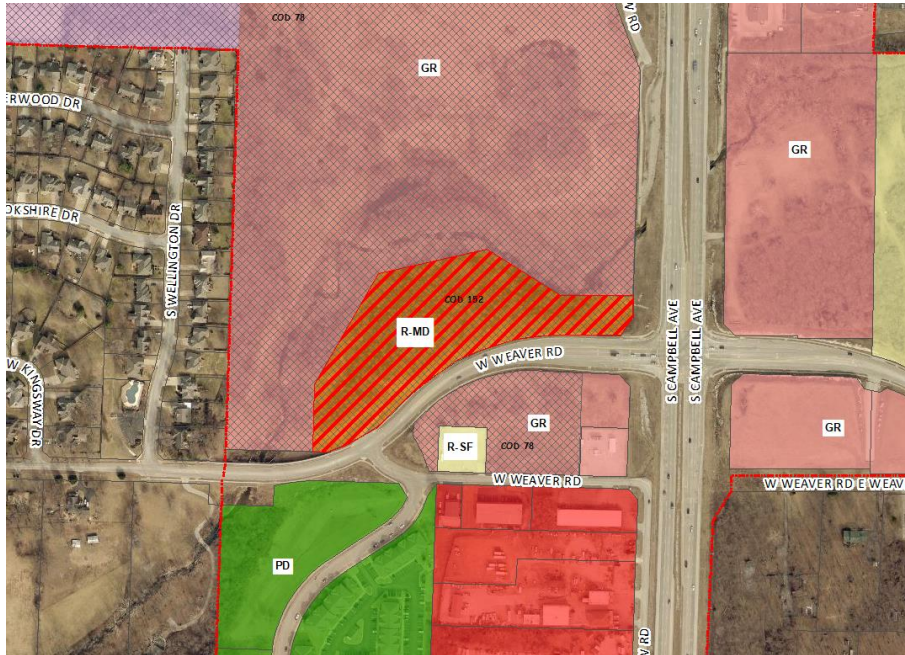


PLANNING AND ZONING COMMISSION PUBLIC HEARING:

JUNE 6, 2019

CITY COUNCIL PUBLIC HEARING:

JULY 1, 2019



CASE NUMBER:

Z-15-2019 w/ COD No. 176

PROJECT LOCATION: 4900 Block of South Campbell Avenue

ACRES: 6.18 acres

EXISTING LAND USE: Undeveloped land

APPLICANT: A. Daniel Pinheiro

STAFF:

Michael Sparlin, Senior Planner
417-864-1091

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve Z-15-2019 w/ COD No. 176 as submitted.

SUMMARY OF REQUEST:

To rezone approximately 6.18 acres of property generally located in the 4900 Block of South Campbell Avenue from R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 152 to O-2, Office District and establish Conditional Overlay District No. 176

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this application is consistent with the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*, which identifies this area as appropriate for High Intensity Retail, Office or Housing. This category is sited on the Land Use Map at locations identified as Activity Centers and encourages a variety of commercial and medium to high density housing at major intersections along certain road corridors. The Major Thoroughfare Plan classifies Campbell Avenue as an expressway roadway and Weaver Road as a secondary arterial roadway which supports the proposed land use. This area is adjacent to the James River Freeway and Campbell Avenue Activity Center which encourages more intense land uses and development.
2. The O-2 District allows a structure height to exceed the thirty-five (35) feet height restriction as required with the O-1, Office district. The O-2 district is designed to allow more intense use of land that is in close proximity to the central city district or other high intensity use areas specified in the *Comprehensive Plan*. The subject property is located within a high intensity area and proximity to major intersections. Furthermore, the proposed zoning district is compatible and consistent with other commercial and office development in this area.
3. Approval of this application will allow for further development of this property and promote development where investments have already been made in public services and infrastructure.

Development Review Staff Report

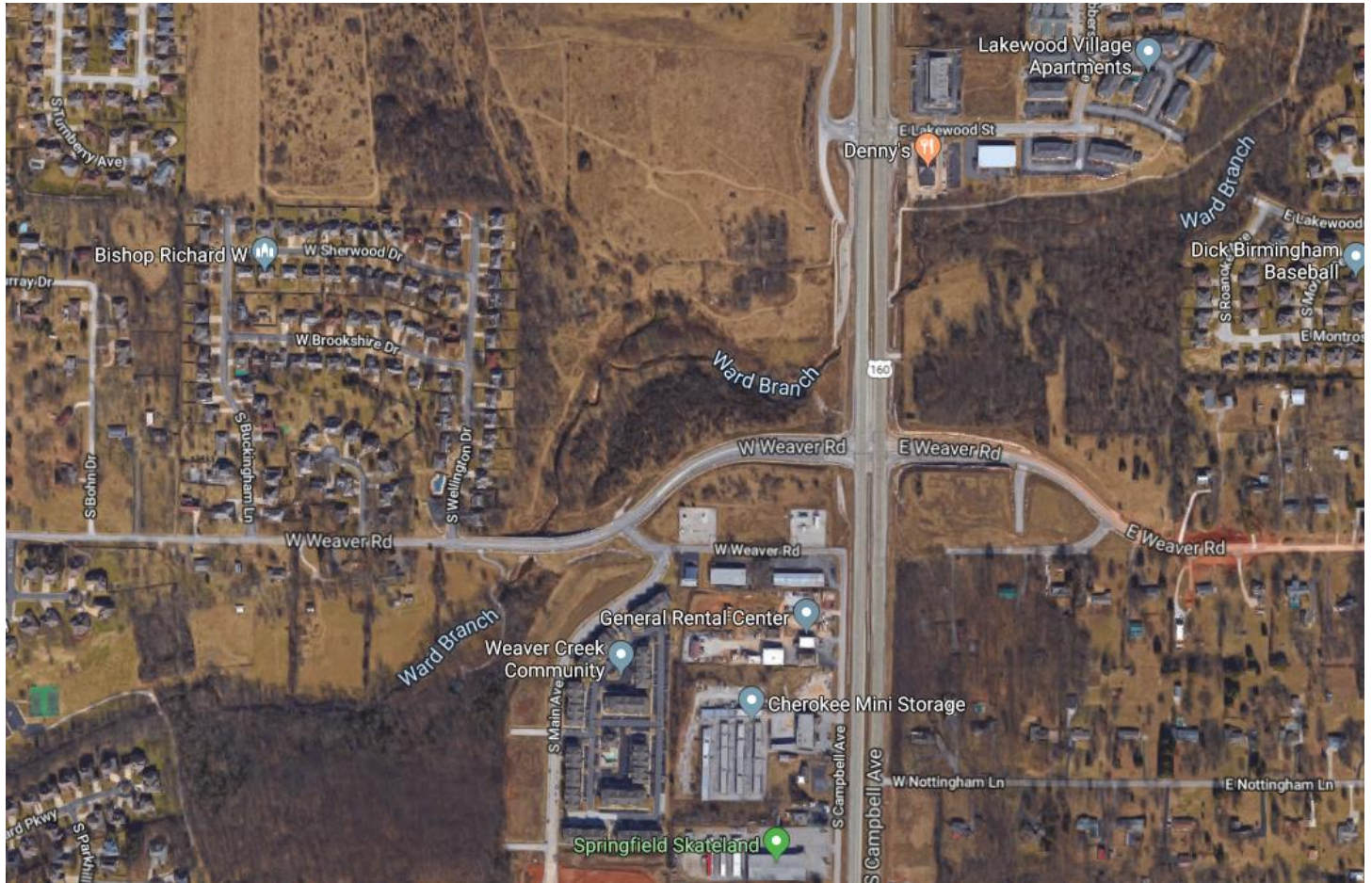


SURROUNDING ZONING AND LAND USES:				
	NORTH	SOUTH	EAST	WEST
ZONING	GR/ COD 78	GR, GR /COD 78, PD	GR	GR COD 78
LAND USE	Undeveloped land	Undeveloped land	Undeveloped land	Undeveloped land

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

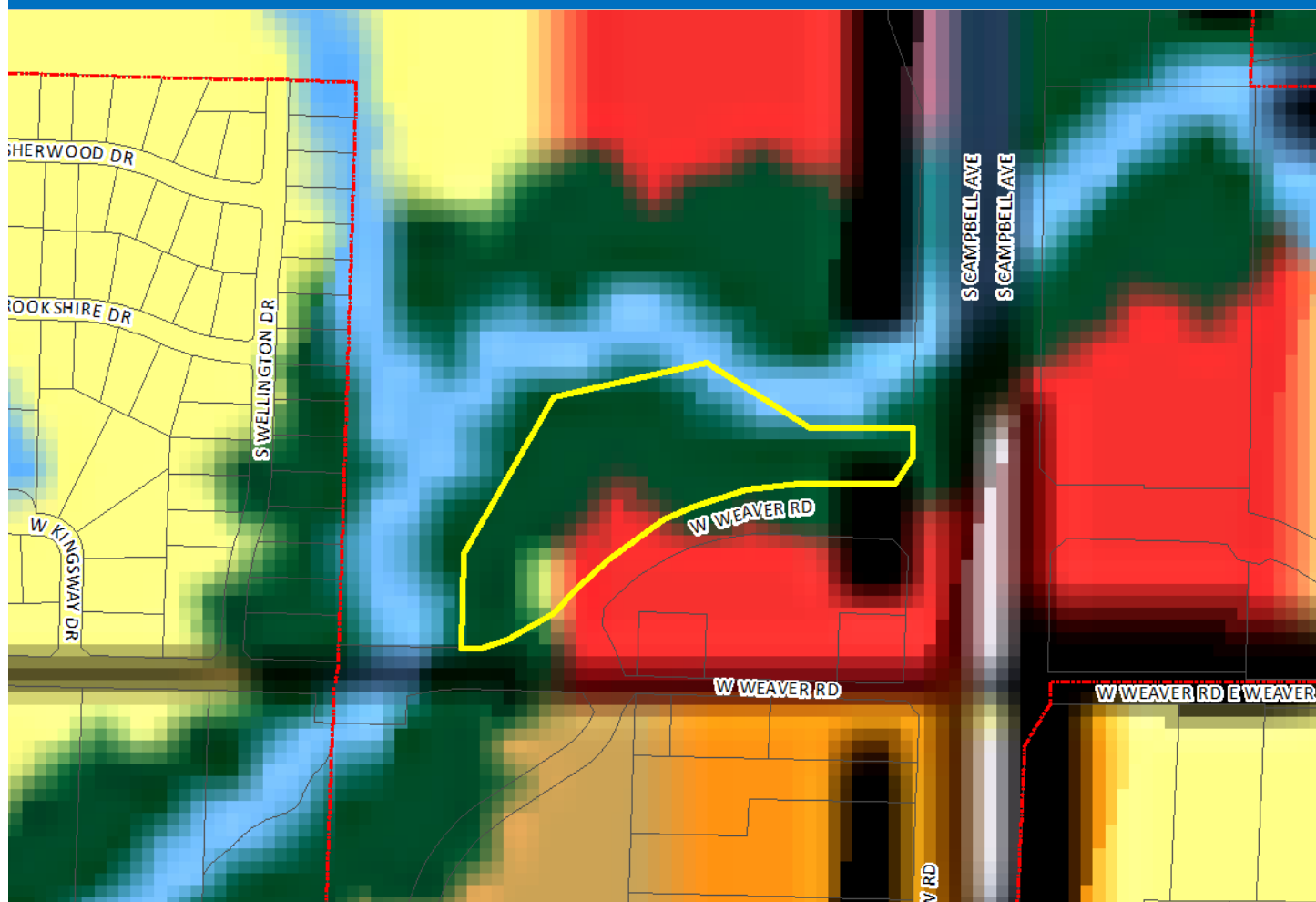


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

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

Development Review Staff Report



PROPERTY HISTORY:

The property was annexed into the City in 2003 and was zoned as R-SF. The subject property was rezoned from R-SF to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 78 in 2014. The property was zoned to its current zoning, R-MD, Medium-Density Multi-family Residential District with Conditional Overlay District No. 152 in August 2018.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR O-2
Maximum Structure Height	None
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
Use Limitations	All activities and permitted uses except off-street parking and loading facilities, drive-thru facilities and day care activities shall be conducted entirely within a completely enclosed building.
BULK PLANE	BUFFERYARD AND LANDSCAPING
None	No bufferyard is required because the surrounding districts are more intense.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies a future greenway in proximity to the subject property. There is currently a greenway located on the north side of the subject property. Staff has interpreted the map as continuing the land use categories that are identified north and south of the subject property. In that regard, the *Plan* identifies the east portion of the subject property as appropriate for High-Intensity Retail, Office or Housing. A small, west portion of the subject property is identified as appropriate for low-density housing.

The High-Intensity Retail Office or Housing category is sited on the Land Use Map at locations identified as Activity Centers and encourages a variety of commercial and medium to high density housing at major intersections along certain road corridors. The Major Thoroughfare Plan classifies Campbell Avenue as an expressway roadway and Weaver Road as a secondary arterial roadway which supports the proposed land use. This area is adjacent to the James River Freeway and Campbell Avenue Activity Center which encourages more intense land uses and development.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 6.18 acres of property generally located at 4900 block South Campbell Avenue from R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 152 to O-2, Office District and establish Conditional Overlay District No. 176. The applicant intends to develop the land with office buildings.
2. The O-2 district is designed to allow more intense use of land that is in close proximity to the central city district or other high intensity use areas specified in the *Comprehensive Plan*. The O-1 District limits structure height to thirty-five (35) feet. The O-2 district does not restrict structure height.
3. The proposed zoning will allow the subject property to be developed similarly to adjacent properties along Campbell Avenue, Weaver Road and the surrounding area.

Development Review Staff Report



-
4. The Conditional Overlay District requires a Traffic Impact Study be submitted at the time of development.
 5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on May 15, 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: 4	Returned: 0
--	-----------	-------------

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to rezoning.

CITY UTILITIES COMMENTS:

No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning. Public sewer is available for this tract.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Weaver Road as a Secondary Arterial roadway. The standard right-of-way width for W. Weaver Road is 35 feet from centerline. It appears additional right-of-way is not needed along W. Weaver Road. A survey is recommended to determine the exact amount of existing right-of-way. This section of W. Weaver Road is under City jurisdiction. To the west of this property, it becomes Greene County jurisdiction. To the east of this property, it becomes MODOT jurisdiction.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Weaver Road west of S. Campbell Avenue is 4,627 vehicles per day. On-street parking is not permitted along W. Weaver Road.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Weaver Road. This existing access is the only permitted access to this property. No other access will be permitted.

SIDEWALK

There is existing sidewalk along the property frontage of W. Weaver Road. The existing infrastructure meets current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

The Ward Branch Greenway Trail is immediately to the north of the property in question. There are bus stops immediately to the north of the property in question. 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/updated Traffic Impact Study is required to be submitted at the time of development of this property. As can be seen in Table 1 below, the proposed zoning creates an increase in trip generation of more than 100 trips in the AM/PM peaks and more than 1,000 trips daily. As a part of the proposed development immediately to the north, there are a substantial amount of public improvements planned. The portion of those improvements that will affect this property include the extension of the Ward Branch Greenway Trail, and the traffic signal improvements to the intersection of Campbell and Lakewood. This City of Springfield does not currently have any plans to make improvements in the area. Defer to MODOT/Greene County regarding any improvements to the east or to the west of the property in question.

Development Review Staff Report



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. Weaver Road	Secondary Arterial	No	Varies	35
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		86.59	105.145	1113.3	N/A
*Proposed Trips Generated		432.95	402.025	2968.8	N/A
Additional Trips Generated		346.36	296.88	1855.5	N/A

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

STORMWATER COMMENTS:

The property is in the Ward Branch drainage basin. The property is 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 be allowed due to the proximity to the floodplain. The property is 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	Ward Branch
Is property located in Floodplain?	Yes
Is property located on a sinkhole?	No
Is property located in a stream buffer?	Yes
Is stormwater fee in lieu an option?	Yes

FIRE DEPARTMENT COMMENTS:

No objections to rezoning

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-15-2019 & CONDITIONAL OVERLAY DISTRICT NO. 176

The requirements of *Section 36-400* 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.
-

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-MD W/ COD # 152 to O-2 Office w/COD
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: May 15, 2019 from 4-6:30 P.M.
3. Meeting Location: Library Center, Community Room A - 4653 S. Campbell Ave.
4. Number of invitations that were sent: 29
5. How the mailing list was generated: By City staff
6. Number of neighbors in attendance (attach a sign-in sheet): 13
7. List the verbal comments and how you plan to address any issues:
 (City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

See attached Memo.

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

None received.

I, Jared Rasmussen (*print name*), attest that the neighborhood meeting was held on 05/15/2019 (*month/date/year*), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Jared Rasmussen

Printed name of person completing affidavit

MEMO

☐	Overnight
☐	Regular Mail
☐	Hand Delivery
☒	Other: _____

TO: City of Springfield
Planning and Development

FROM: Jared Rasmussen, P.E.
Olsson

RE: Lot 1 – The Ridge at Ward Branch Phase 1 Rezoning Neighborhood
Meeting notes.

DATE: May 20, 2019

NOTES:

Neighbors were generally accepting of the rezoning; however, the following questions were discussed:

- Drainage
 - Would the rezoning negatively impact the existing flooding conditions?
 - It was discussed that the rezoning does not allow for any increase in impervious area beyond that allowed in the current zoning.
 - Would development be allowed encroach into the floodplain?
 - It was discussed that development would not be allowed to encroach into the floodplain. It was further discussed that much of the current floodplain has been protected by a dedicated Stream Buffer Easement. This easement protects the existing vegetation in accordance with City Code.
- Access and Traffic
 - Where is the property allowed to take access?
 - It was discussed that the property is only allowed to take access immediately across from Old Weaver Road. No other access points are allowed.
 - Will development of the property negatively impact traffic?
 - It was discussed that prior to any development of the property, a traffic study is required to be approved by the City.
- Vegetative buffers along east side of Wellington Heights Subdivision.
 - Will the existing vegetation along the east side of Wellington Heights be removed?
 - It was discussed that this vegetation shall remain, as it is protected by a Stream Buffer Easement.

Neighborhood Meeting

Rezoning + ROW Vacation
May 15, 2019
4:00 p.m. – 6:30 p.m.

Name	Address	Phone
Jim Schmidt,	4653 S Campbell, 65810	417 660 587
Matt Shroyer	1770 E Sunset	417-887-1983
Brandon Keith	819 W. Brookshire Dr., 65810	417-840-4112
Marc Alfano	786 W. Brookshire Dr. 65810	417-889-0422
Amanda Hemphill	5009 S. Campbell	417-882-0700
Micki Dischinger	702 W. Farm Rd 178 Spg	417 889 0947
Allena Hemphill	5117 S. Campbell	417-849-2368
Gregory Welch	4950 S. Wellington Dr.	417-818-1300
Karen Darnell	4878 S. Wellington Dr.	417-569-8877
JP: Kamille Burke	4066 S Wellington Dr	940.765.8232

olsson

Neighborhood Meeting

Rezoning *+ ROW Vacation*
May 15, 2019
4:00 p.m. – 6:30 p.m.

Name	Address	Phone
Mark Foley	308 W. Lakewood	417 883 3667

olsson

One-rdg. _____
P. Hrngs. X
Pgs. 27
Filed: 06-25-19

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 157

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning 4.2 acres of property,
3 generally located at 2915 South National Avenue, from Planned
4 Development 26; Planned Development 26, 1st amendment; Planned
5 Development 51; and R-SF, Single-Family Residential District to Planned
6 Development 370. (Staff and Planning and Zoning Commission both
7 recommend approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 2915 South National Avenue, and more fully described in "Exhibit
12 A," from Planned Development 26; Planned Development 26, 1st amendment; Planned
13 Development 51; and R-SF, Single-Family Residential District to Planned Development
14 370; and
15

16 WHEREAS, following proper notice, a public hearing was held before the
17 Planning and Zoning Commission on June 6, 2019, a copy of the Record of
18 Proceedings from said public hearing being attached hereto and incorporated herein by
19 this reference as "Exhibit B," and said Commission made its recommendation; and
20

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

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

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

31 Section 1 – The property described in "Exhibit A," which is attached hereto and
32 incorporated herein by this reference, is hereby, rezoned from Planned Development
33 26; Planned Development 26, 1st amendment; Planned Development 51; and R-SF,

34 Single-Family Residential District, or such zoning districts as are designated on the
35 Official Zoning Map adopted by City Council, to Planned Development 370. Section 36-
36 306, 'Official zoning map and rules for interpretation' of the Springfield Zoning
37 Ordinance, is hereby amended, changed, and modified consistent with this Ordinance.
38

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

44
45 Section 3 – The Official Zoning Map herein adopted shall be maintained and
46 archived in the same digital form in which this Council has approved its adoption.
47

48 Section 4 – This Ordinance shall be in full force and effect upon passage.
49

50 Passed at meeting: _____
51

52 _____
53 Mayor
54

55 Attest: _____, City Clerk
56
57

58 Filed as Ordinance: _____
59

60
61 Approved as to form: Achale T. Wudu, Assistant City Attorney
62

63
64 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2019 –157

FILED: 06-25-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 4.2 acres of property, generally located at 2915 South National Avenue, from Planned Development 26; Planned Development 26, 1st amendment; Planned Development 51; and R-SF, Single-Family Residential District to Planned Development 370. (Staff and Planning and Zoning Commission both recommend approval.)

PLANNED DEVELOPMENT DISTRICT NO. 370

BACKGROUND INFORMATION:

The applicant is proposing to rezone approximately 4.2 acres of property generally located at 2915 South National Avenue, from Planned Development 26 and 26, 1st amendment, PD 51 and R-SF, Single Family Residential District to Planned Development 370 for an existing self-storage facility, office and manager's apartment.

After the Planning and Zoning Commission meeting the applicant and Public Works Department Stormwater Division met and agreed to improve the stormwater control measures onsite. The applicant has agreed to provide detention volumes that will meet or exceed 120% of the current stormwater requirements and the discharge rate will be at least 20% below the existing design flow rate for the contributing drainage area. The detention basin will also be designed to incorporate infiltration to reduce discharges an additional 10%.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this area as appropriate for High-intensity Retail, Office or Housing. This category is appropriate for General Retail, Highway Commercial, Office, Government and Institutional Use, University Combining and Medium and High-Density Multi-Family Districts. The City's Transportation Plan classifies South National Ave as a Primary Arterial roadway.
2. The proposed Planned Development retains all of the existing Planned Development's requirements except changes to the site plan and rezones R-SF property on the northside.
3. Staff believes this request will not have a negative effect on adjacent properties since the self-storage property is already built with existing structures and a landscaped bufferyard will be required between the uses. The approval of this application will allow development of this property and promote infill development where investments have already been made in public services and infrastructure.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on, June 6, 2019, and recommended approval, by a vote of 8 to 0, of the proposed zoning on the tracts of land described as attached (see "Exhibit A" and "Exhibit B").

REMARKS:

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

Submitted by:



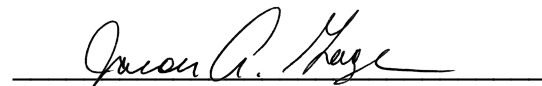
Bob Hosmer, AICP
Planning Manager

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

Exhibit A, Legal Description
Exhibit B, Record of Proceedings
Exhibit C, Development Review Staff Report

Attachment 1, Department Comments
Attachment 2, Neighborhood Meeting Summary

PLANNED DEVELOPMENT 370 EXHIBITS:

Exhibit 1, Requirements and Standards Applicable to Planned Development District No. 3702
Exhibit 2, Preliminary Development Site Plan

Exhibit A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT 370

A PART LOTS 8 & 9 OF BATTLEFIELD BOWL SUBDIVISION, A RECORDED SUBDIVISION IN THE RECORDER'S OFFICE OF GREENE COUNTY, MO IN PLAT BOOK DD PAGE 69 AND A TRACT OF LAND AS DESCRIBED IN SAID RECORDER'S OFFICE DEED BOOK 2015 PAGE 034449-15, ALL IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 22 WEST OF THE 5TH PRINCIPAL MERIDIAN, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING (POB) AT AN EXISTING IRON PIN AT THE SOUTHEASTERLY CORNER OF LOT 77 OF MEADOR PARK ESTATES 5TH ADDITION, A SUBDIVISION AS RECORDED IN PLAT BOOK AA PAGE 80 OF SAID RECORDER'S OFFICE, SAID POINT ALSO LYING ON THE WESTERLY RIGHT-OF-WAY (R/W) OF NATIONAL AVE. AS IT NOW EXISTS; THENCE ALONG SAID R/W THE FOLLOWING TWO (2) COURSES:

- 1.) S 01°40'25" W A DISTANCE OF 49.48';
- 2.) WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 142.31', WITH A RADIUS OF 4295.28', WITH A CHORD BEARING OF S 02°51'15" W WITH A CHORD LENGTH OF 142.30' TO THE NORTHEASTERLY CORNER OF THE EXCEPTION TO THE PROPERTY DESCRIBED IN DEED BOOK 830 PAGE 482 SAID RECORDER'S OFFICE; THENCE LEAVING SAID R/W AND ALONG THE PERIMETER OF SAID EXCEPTION THE FOLLOWING TWO (2) COURSES:

- 1.) N 89°26'29" W A DISTANCE OF 259.23';
- 2.) S 02°17'22" W A DISTANCE OF 124.60' TO A POINT ON THE SOUTHERLY LINE OF LOT 8 SAID BATTLEFIELD BOWL SUBDIVISION; THENCE ALONG THE PERIMETER LINES OF SAID LOTS 8 & 9 THE FOLLOWING (2) COURSES::

- 1.) N 85°52'55" W A DISTANCE OF 435.48';
- 2.) N 01°58'21" E A DISTANCE OF 256.19' TO THE NORTHWESTERLY CORNER OF SAID LOT 9, SAID POINT ALSO BEING THE SOUTHWESTERLY CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID BOOK 2015 AT PAGE 034449-15; THENCE CONTINUING N 01°58'21" E ALONG THE WESTERLY LINE OF LAST DESCRIBED TRACT OF LAND A DISTANCE OF 41.41 TO THE NORTHEASTERLY CORNER OF LOT 38 MEADOR PARK 6TH ADDITION, A SUBDIVISION AS RECORDED IN PLAT BOOK BB PAGE 35 OF SAID RECORDER'S OFFICE, SAID POINT ALSO LYING ON THE SOUTHERLY LINE OF SAID MEADOR PARK ESTATES 5TH ADDITION; THENCE ALONG LAST SAID SOUTHERLY LINE S 88°45'20" E A DISTANCE OF 697.00' TO SAID POINT OF BEGINNING, HAVING AN AREA OF 184,842.06 SQUARE FEET, 4.24 ACRES AND SUBJECT TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

Exhibit B

RECORD OF PROCEEDINGS PLANNED DEVELOPMENT 370 **Planning and Zoning Commission June 6, 2019**

Planned Development 370
2915 South National Avenue

Applicant: William C. Beall, Jr., Trust

Mr. Hosmer stated that this is a request to rezone approximately 4.2 acres of property located at 2915 South National Avenue from R-SF, Residential Single-Family, PD 26, 26 1st Amendment and PD 51 to Planned Development 370. The Comprehensive Plan identifies the subject property as appropriate for High-intensity Retail, Office or Housing. The proposed Planned Development retains all of the existing Planned Development's requirements except changes to the site plan and rezones R-SF property on the northside. The Major Thoroughfare Plan classifies National Avenue as a Primary Arterial roadway. A Traffic Impact Study will not be required. The property is not located in a FEMA designated floodplain or a stream buffer area, a fee in lieu of on-site stormwater detention will not be allowed, and detention will be required. The request would rezone a 40 foot strip of R-SF, Residential Single-Family property on the north of which half of that strip will be left as an open space/landscaped bufferyard. The PD will allow an existing structure on the westside adjacent to the R-SF property that is only 10 feet from the property line to remain if removed a full 20 feet Type F bufferyard would be required. Limit structures to 15 feet height or 30-degree bulk plane near R-SF.

Ms. Cox asked about the strip to the north and asked about the bufferyard.

Mr. Hosmer stated that there is a 40' strip that they are acquiring and will have a bufferyard with plantings and a fence.

Mr. Doennig opened the public hearing.

Ms. Stephanie Ireland, 1908 E. Sunshine, representing the owner. The strip has never been developed and has no driveway access. The owner of the adjacent property purchased the strip and will combine the properties and is aware of the stormwater problems but plans to keep an open area as well as plantings. The owner has worked with City staff on the landscaping and will have additional green space in the back half.

Ms. Stacy Cardwell, 1063 E. Guinevere, stated that there are severe flooding issues and it has been a pre-existing problem and believes this may impact it more due to the property being at a higher elevation and has two pipes that run stormwater into the neighbor's fence and causes flooding.

Ms. Sandra Pierce, 1160 E. Cambridge Street, has concerns of the flooding and icing in the winter as well as noise, lights and hours operation since it abuts against her fence. She also noted concerns for ingress/egress to the facility and the door bays to the storage units and will be directly behind her backyard and noted that she will incur costs to take out her fence because they are not removing the existing fencing.

Ms. Madelyne Brown, 2914 S. Lancelot Court, has had severe flooding into her backyard and believes that the current flooding problems needs to be corrected before they create more problems.

Mr. Doennig closed the public hearing.

Ms. Cox asked about the new detention that will address the new development.

Mr. Hosmer noted that nothing else is being done on the current pervious surfacing due to existing footprint.

Ms. Broekhoven asked about the existing detention in the corner.

Mr. Hosmer noted that it is a raised area to keep water from the leaving the site.

Ms. Hawkins noted that the dentition area is old in the corner and outlet pipes are very outdated and small and would not be allowed today.

Mr. Doennig asked about the existing development they are not required to fix what is already there but require them to add to what is the new development.

Ms. Cox about the non-conforming building on the southwest side, if anything happens to the current area, do they have to update any of the existing detention.

Mr. Hawkins believes that if they added any pervious area then they may have to work on the detention but believes that they are already built out and no more impervious can be added to that section.

COMMISSION ACTION:

Ms. Cox motioned to approve Planned Development 370 (2915 South National Avenue). Mr. Jobe seconded the motion. Ayes: Doennig, Shuler, Cox, Ogilvy, Thomas, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Coltrin.



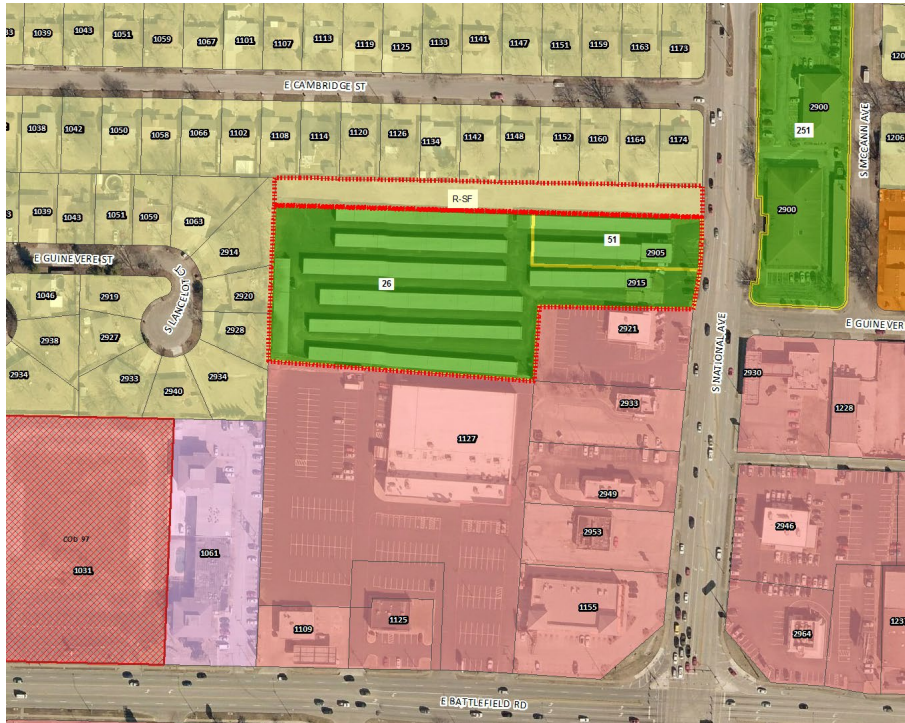
Bob Hosmer, AICP
Principal Planner

EXHIBIT C

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JUNE 6, 2019

CITY COUNCIL PUBLIC HEARING:

JULY 1, 2019



CASE NUMBER:

Planned Development 370

PROJECT LOCATION: 2915 South National Avenue

ACRES: 4.2 acres

EXISTING LAND USE: Self-Storage, office and vacant land

APPLICANT: William C. Beall, Jr., Trust

STAFF:

Bob Hosmer, Principal Planner 417-864-1834

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve Planned Development 370 as submitted.

SUMMARY OF REQUEST:

To rezone approximately 4.2 acres of property generally located at 2915 South National Avenue, from Planned Development 26 and 26, 1st amendment, Planned Development 51 and R-SF, Single-Family Residential District to Planned Development 370.

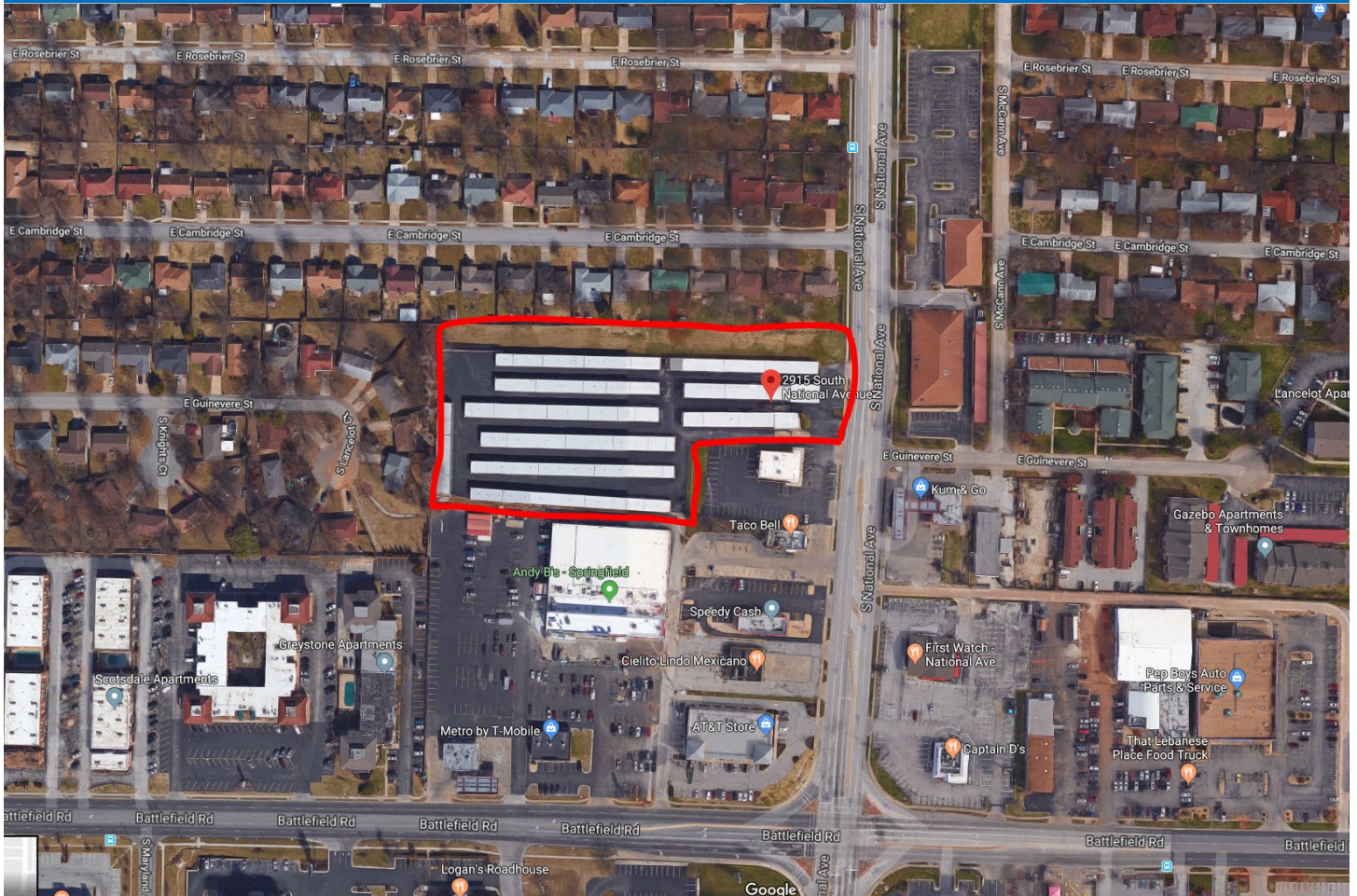
FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for High-intensity Retail, Office or Housing. This category is appropriate for General Retail, Highway Commercial, Office, Government and Institutional Use, University Combining and Medium and High-Density Multi-Family Districts. The City's Transportation Plan classifies South National Ave as a Primary Arterial roadway.
2. The proposed Planned Development retains all of the existing Planned Development's requirements except changes to the site plan and rezones R-SF property on the northside.
3. Staff believes this request will not have a negative effect on adjacent properties since the self-storage property is already built with existing structures and a landscaped bufferyard will be required between the uses. The approval of this application will allow development of this property and promote infill development where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	GR	PD, GR	R-SF
LAND USE	Single-family homes	Commercial uses	Commercial & Offices	Single-family homes

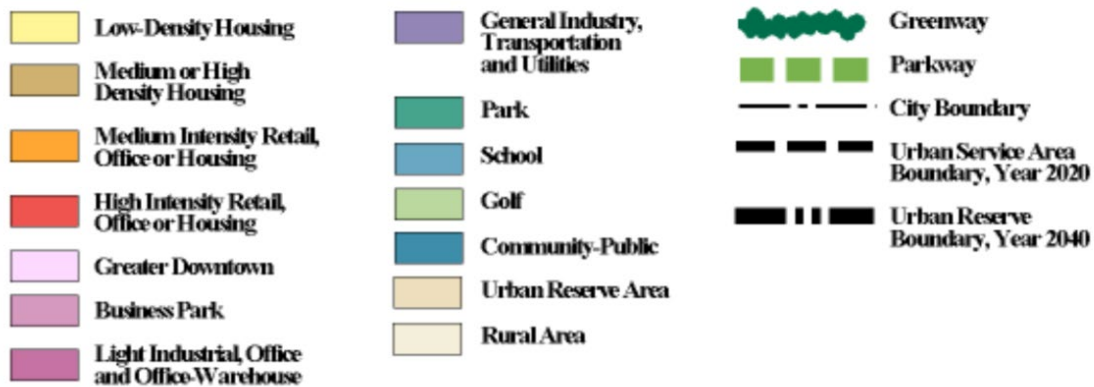
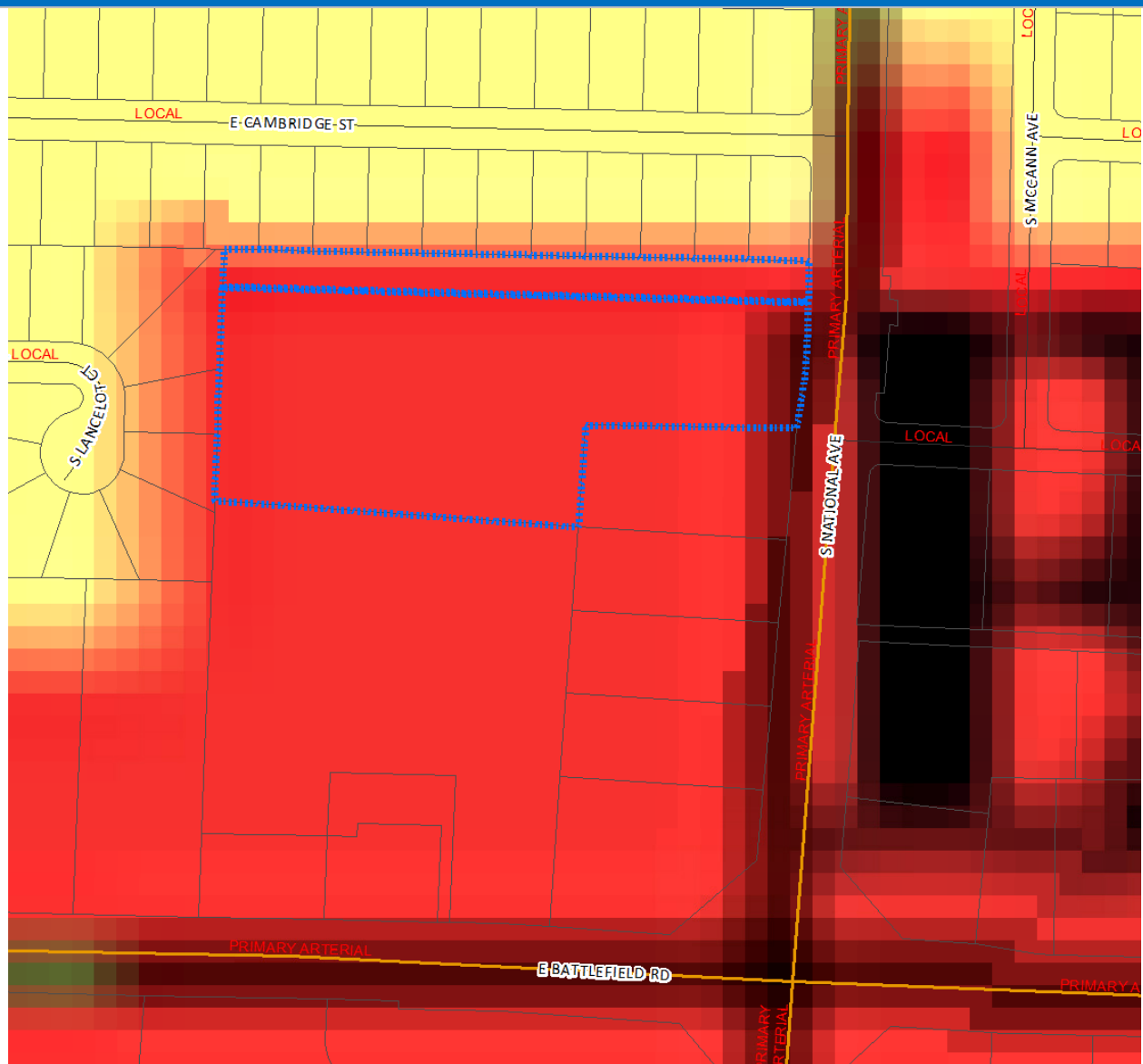
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



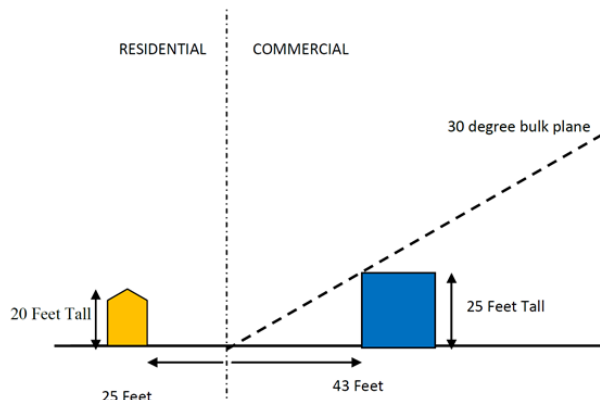
PROPERTY HISTORY:

The subject property was rezoned to Planned Development 26 in 1983. In 1984 PD 26 first amendment was passed which only changed the bulk plane and height requirements. Planned Development 51, located on the eastside adjacent to National Avenue, was rezoned in 1985. The R-SF property along the northside was rezoned in a City wide rezoning that took place in 1995.

ZONING ORDINANCE REQUIREMENTS:

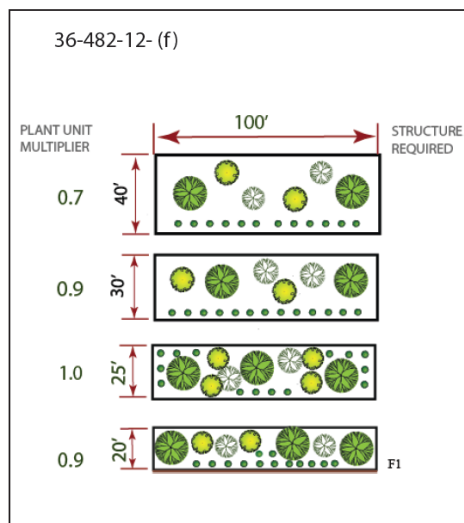
CODE ITEM	REQUIREMENTS FOR PD 370
Maximum Structure Height	15 feet Maximum Height
Front Yard Setback	Per site plan
Side and Rear Setbacks	Per site plan
Maximum impervious area Open Space Requirement	Per site plan
Design Requirements	Per site plan

BULK PLANE



BUFFERYARD AND LANDSCAPING

A Type "F" Bufferyard is required adjacent to R-SF property



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for High-intensity Retail, Office or Housing.

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.

The City's Transportation Plan classifies South National Ave as a Primary Arterial roadway.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 4.2 acres of property generally located at 2915 South National Avenue, from Planned Development 26 and 26, 1st amendment, PD 51 and R-SF, Single Family Residential District to Planned Development 370 for an existing self-storage facility, office and manager's apartment. The proposed Planned Development retains all of the existing Planned Development's requirements except changes to the site plan and rezones R-SF property on the northside. This request will not change the permitted total gross floor area or the permitted uses within the original Planned Developments.
2. The proposed request would rezone a 40 feet strip of R-SF, Residential Single Family property on the north. Half of that strip will be left as an open space/landscaped bufferyard. The request would also allow for the expansion and demolition of three buildings on the site. The total allowed square footage and remaining existing buildings would remain as they were originally constructed.
3. The Planned Development will require a bufferyard along the north and west property line adjacent to the R-SF, Single Family zoning district. The normal bufferyard required between GR/HC (self-storage facility use) and single-family zoning would be a Bufferyard "Type F" at least twenty (20) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be three (3) canopy trees, three (3) understory trees, four (4) evergreen trees and twenty (20) shrubs with a six-foot solid wood fence or solid masonry/brick wall, or six-foot solid evergreen hedge. The full width of 20 feet Type F bufferyard with plantings will be required along the north property line adjacent to R-SF property. There is an existing structure on the westside adjacent to the R-SF property that is only 10 feet from the property line. The proposed request will allow this building to remain but if it is ever removed; a full 20 feet Type F bufferyard would be required.
4. Staff believes this request will not have a negative effect on adjacent properties since the self-storage property is already built with existing uses and structures and would now require a bufferyard. The approval of this application will allow development of this property and promote infill development where investments have already been made in public services and infrastructure.
5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on May 14, 2019 regarding the rezoning request. A summary of the meeting is attached (Attachment 4).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:	Mailed: 78	Returned: 0
--	------------	-------------

DEPARTMENT COMMENTS:

**ATTACHMENT 1
DEPARTMENT COMMENTS**

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to rezoning.

CITY UTILITIES COMMENTS:

No objections to rezoning. No issues with development plan, however as mentioned in PREDEV2019-00070, a gas main extension will be required if gas service is needed for new building.

FIRE DEPARTMENT COMMENTS:

No objections to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to site plan. A sewer easement will still need to be dedicated across Tract 1.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. National Avenue as a Primary Arterial roadway. The standard right-of-way width for S. National Avenue is 50 feet from the centerline. It appears approximately 8 feet of additional right-of-way needs to be acquired along the entire length of the property frontage along S. National Avenue. A survey is recommended to determine the exact amount of existing right-of-way. S. National Avenue is a City-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on S. National Avenue north of E. Battlefield Road is 31,950 vehicles per day. On-street parking is not allowed along S. National Avenue.

DRIVEWAY ACCESS

There is currently one right-in/right-out access point to the property, and one shared full-access driveway approach. No additional driveway approaches beyond the existing driveway approaches will be permitted.

SIDEWALK

There is existing sidewalk along the property frontage of S. National Avenue. The existing infrastructure meets current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

The South Creek Greenway Trail Trailhead is a few blocks to the north of the property in question. There are bus stops along S. National Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. The City of Springfield has plans to make improvements to the intersection of National and Sunset. Extent of these improvements and a date of construction is still to-be-determined.

SITE PLAN

With the dedication of additional right-of-way, angled parking will need to be utilized so that the parking complies with current City Standard ST-6. The site plan provided shows parking that complies with current City Standards. Appropriate signage will need to be provided to direct one-way traffic in/around the site.

STORMWATER COMMENTS:

The property is in the South 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 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	South 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?	No

EXHIBIT 1

Requirements and Standard Applicable to Planned Development District No. 370

A. APPLICATION

Building or other permits may not be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan has been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

B. INTENT

A lot combination to combine PD 26, PD 26 Amended and PD 51, along with the undeveloped, property to the north of 2915 South National that is currently zoned as R-SF, altogether to form one new PD that will allow the existing structures to remain and add a new storage buildings along with allowing expansion of the manager's apartment and allow replacement of existing storage buildings (per Exhibit 2) within the existing building footprint.

C. DEFINITIONS

The definitions contained in the *Zoning Ordinance* shall apply to this ordinance. For purposes of this ordinance, the following definitions shall also apply.

Floor Area, Gross. The sum of the gross horizontal areas of several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including parking or loading spaces for motor vehicles. The gross floor area shall include administrative offices, the live-in manager's apartment, machine and equipment rooms, and the storage cubicles, plus any activities incidental to these use's function.

D. USES PERMITTED

All existing buildings and conditions to remain as constructed, unless noted otherwise in this Planned Development Exhibit 2. Existing uses and proposed uses shall be as the following:

- (1) Self-service storage facilities, resident manager apartment and business office for that activity,
- (2) Self-service storage facilities includes outside storage for boats, recreation vehicles, travel trailers, motorcycles and similar personal vehicles may be substituted for equal square footage of covered storage.
- (3) General Office

E. USE LIMITATIONS

1. All uses shall operate in accordance with the noise standards contained in Section 36-485 of the Springfield Zoning Ordinance.
2. No use shall emit an odor that creates a nuisance as determined by Springfield City Code.

F. INTENSITY OF DEVELOPMENT

Development shall adhere to the following standards.

- (1) A maximum of 61,000 square feet of gross floor area shall be permitted within the district which including a maximum of two thousand (2,000) square feet for the live-in manager's apartment and rental office combined in Building B and one thousand five hundred (1,500) square feet for the General Office use in Building C.
- (2) Existing Buildings B, C and D are buildings proposed to be demolished and replaced with the same footprint and intended to meet all regulations of this Planned Development District.

G. BULK, AREA AND HEIGHT REQUIREMENTS

Development shall adhere to the following standards.

- (1) Maximum structure heights. 15 feet
- (2) A thirty-degree bulk plane shall be imposed on any new or replaced buildings closest to property lines abutting R-SF and R-TH.
- (3) No structure shall exceed a height of 15 feet from finished floor to the highest point of the building.

H. OPEN SPACE, LANDSCAPING & SCREENING

The landscaping and screening provisions are intended to improve the physical appearance of the District; to improve the environmental performance by contributing to the abatement of

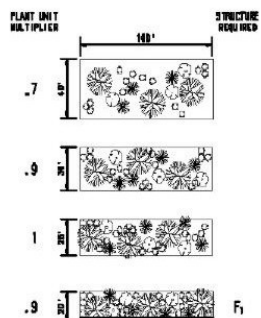
heat, glare and noise, and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of adjoining property and neighborhoods.

1. Bufferyards.
 - a. Required bufferyards.

A bufferyard shall be required between R-SF and any new/replaced structures on the north property line (Building E, F and G) which shall be in conformance with the standards of Bufferyard F, as shown below EXCEPT a fence will be required for the entire length of the property line or until it intersects with another fence meeting the requirement of this Bufferyard, no matter the bufferyard depth. The plantings may be placed outside the fence as shown below or inside the fence, with the fence being installed at the edge of the bufferyard closest to the buildings – it's the owner's choice. The number of plantings shall follow the bufferyard depth shown below.

- b. A 10 feet bufferyard shall be required between R-SF and existing building "A" with existing vegetation to remain. If Building "A" is removed the full 20 feet bufferyard with plantings for a "Type F" bufferyard will be required, although the existing detention would remain.

(f) Bufferyard F.

Required Plantings per 100 Linear Feet	
3 Canopy Trees 3 Understory Trees 4 Evergreen Trees 20 Shrubs	
Required Structure	
F: Six-foot solid wood fence or six-foot solid masonry/brick wall or six-foot solid evergreen hedge.	

2. Vehicular use area open space.
 - a. Perimeter. As shown on Exhibit 2,
 - b. Interior. The existing interior parking green space is to remain, no other interior parking/drive green space is being proposed.
 - c. All drives within the project providing direct access to

storage units shall be at least 20' wide to accommodate fire truck access.

3. Open space landscaping.
 - a. Open space and landscaping as shown on Exhibit 2.
4. Screening and fencing.
 - a. The requirements and standards of Section 36-480 of the Springfield Zoning Ordinance, in effect at the time of development shall apply.

I. EXTERIOR LIGHTING

The requirements and standards of *Section 36-484* of the *Springfield Zoning Ordinance*, in effect at the time of development shall apply.

J. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system shown on Exhibit 2 shall be governed by the existing standards of the City of Springfield for the applicable street classification.

K. OFF-STREET PARKING

Existing 8 parking spaces to remain plus one additional for Buildings and E and G.

L. SIGNS

Existing Signs to remain. Any new signs shall comply with the following:
A free-standing sign, with a maximum of forty-eight (48) square feet of effective sign area and a maximum height of twenty-five (25) feet shall be permitted adjacent to National Avenue no closer than twenty-five (25) feet from this district's northern property line. In addition, a wall sign shall be permitted as part of the office use. This sign shall be limited to two (2) square feet of sign area per lineal foot of this use's building frontage. A sign would be allowed for each business.

M. REQUIRED IMPROVEMENTS

1. Public improvements to be completed. Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. If the development of the property is phased, the construction of the improvements may also be phased provided there is a logical relationship between each phase of the development and the construction of the required improvements. Prior to building permits being issued to the applicant, or subsequent owners shall:
 - a. construct the required improvements; or

- b. provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with the “Design Standard for Public Improvements” of the Public Works Department shall be provided to the City.
- 2. Certificate of occupancy. No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:
 - a. The required improvements are completed prior to occupancy of the structures; or
 - b. The Director of Public Works has determined that:
 - (1) any incomplete required improvements have little or no effect on the occupancy of the facility;
 - or
 - (2) conditions beyond the control of the contractor, *i.e.*, strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Building Development Services may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

- 3. Required improvements. Improvements necessary to adequately accommodate the intensity of development in this District include the following.
 - a. Street improvements.
A traffic study is not necessary for this project.
 - b. Sanitary sewer facilities.
No sewer improvements are being proposed to this property.
 - c. Storm water management facilities.
The area proposed for the new impervious surface is shown on Exhibit 2. All other storm water areas on the site will remain. All other water management will remain.
- 4. Improvement Standards.
Improvements shall conform to the following standards.
 - a. All utilities and utility connections shall be located underground, including, but not limited to, electrical and telephone cables, security and other telecommunication systems and wires. Transformers, meters of any type (including electric, gas or other meters), or other apparatus shall be adequately screened and landscaped.

N. PHASING

Development may be phased provided that all public improvements directly related to each phase are completed at the time of its development and that improvements serving the District as a whole

and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

If a new bathroom is required for the self-storage units, it will be installed with the renovation of the apartment or office area associated with the storage facility functions in Building B.

O. FINAL DEVELOPMENT PLAN

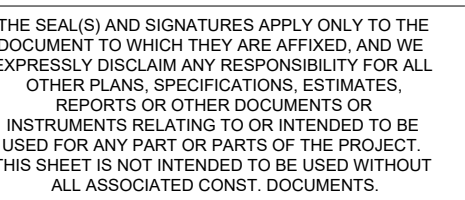
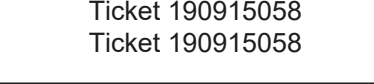
A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. The final development plan may be submitted in the form of a preliminary plat, provided the plat is prepared in accordance with the requirements, standards, and intent of this Exhibit.

Development of this District shall be in accordance with the approved final development plan.

1. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by *Subsection 36-405 (9) (c) of the Springfield Zoning Ordinance*.
2. The final development plan shall be submitted to the Administrative Review Committee for review for final action, either as a whole or in phases. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - a. Any uses within the District other than those specifically prescribed by the ordinance.
 - b. Any increase in the intensity of use permitted within the District.

A-1 SOUTH SELF-STORAGE FACILITY
2915 S. NATIONAL AVE.
SPRINGFIELD, GREENE COUNTY, MISSOURI 65804

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	142.31'	4295.28'	1°53'54"	N02°51'15"E	142.30'
C2	101.42'	4295.28'	1°21'10"	S04°28'47"W	101.42'



SHEET NUMBER: _____



IRELAND
ARCHITECTS

PLN PLN2019-00152 29015 S. National - A-1 South Self Storage
Neighborhood Meeting on May 14, 2019
Project #18-128

Home Owner's Name	Address	Phone Number	E-mail Address
Sandra Pierce	1100 E Cambridge	894-6869	pierce@otr.edu
David Campbell	1126 E Cambridge	773-4486	David dcampbell2@oreillylab.com
Luella Patterson	2920 S. Lancelot	209-5167	ellpatterson@biglobal.net
Madelyne Brown	2914 S. Lancelot Ct.	573-202-5712	mademmb@gmail.com
Godwin Kenna	1448 E Berkeley	417-883-3452	in PMA MD@ LAHDO.COM
Lory Cardwell	1063 E Guinevere St	300-6580	Cis1986@gmail.com
Kenny Kays	1144 E. Cambridge	830-4900	Support@PacensingGroup.com
Bret Haselhorst	many - on Guinevere morningside, Rosebud.	863-1902	manager@HaselhorstApartments.com



Neighborhood Mtg responses

5/16/2019

Project: PLN2019-00152

Project #: 18-128

Address: 2915 S. National Avenue
Springfield, MO

From: Stephanie D. Ireland

A neighborhood meeting was conducted on May 14, 2019 from 4:00pm – 6:30 on the existing self-storage property and the following comments were made and then the responses.

1. Almost all of the people commented on the need for better drainage in the entire area, which is about a 10 - 15 block area, from what they explained to me
 - a. I showed and explained where the additional detention pond is proposed on the site. Then explained the intention is to hold the water further “upstream” on the property so that it doesn’t compound any existing drainage problems in the area.
 - b. There is no storm sewer in this large area for anyone to tie into. I explained that to the residents as well. If a storm drainage system were added, it would help the entire area but the infrastructure just doesn’t exist as this time.
2. David, on the attached sign-in sheet, says that there is currently access 24/7 to the storage units, which makes lots of noise.
 - a. The existing self-storage facility has controlled access with a keypad and no one is allowed in after 9:00pm, as the sign shows.
 - b. I confirmed this information with the live-in self-storage manager. He lives on the site and says that no patrons have access after 9:00pm, except him.
 - c. I also mentioned to David that since there is not access after 9:00pm, I don’t think any noise would be produced after that time, from this property.
 - d. Andy B’s is not far away and they have much later hours (until midnight or 1:30 every night) so it’s possible the noise is coming from that area.
3. Several of the residents have gates in their back yards that open onto this piece of property and many of them thought that the City owned this property and that they had a “right” for access on this property.
 - a. I explained that the City does not own the property, that William C. Beall, Jr. Trust owns it.
 - b. It has always been a separate piece – stand alone – piece of property, owned by a couple different people throughout the years.
 - c. There is no access agreement recorded, for access to the neighbor’s back yards.
 - d. The William J. Beall Trust pays to have the grass mowed and pays taxes on the property.
 - e. David did not believe that the City didn’t own property because his real estate agent told him that the City owned it and that he also had access to this property from his back yard. I told them they could call the tax assessor’s office to confirm the property owner information.
4. Sandra demanded that the owner of the property in discussion, should pay to have her back fence removed and the new fence tied to her existing side fence. She also asked if there would be two fences back to back.

If you believe the contents of this document are inaccurate, please contact me immediately.

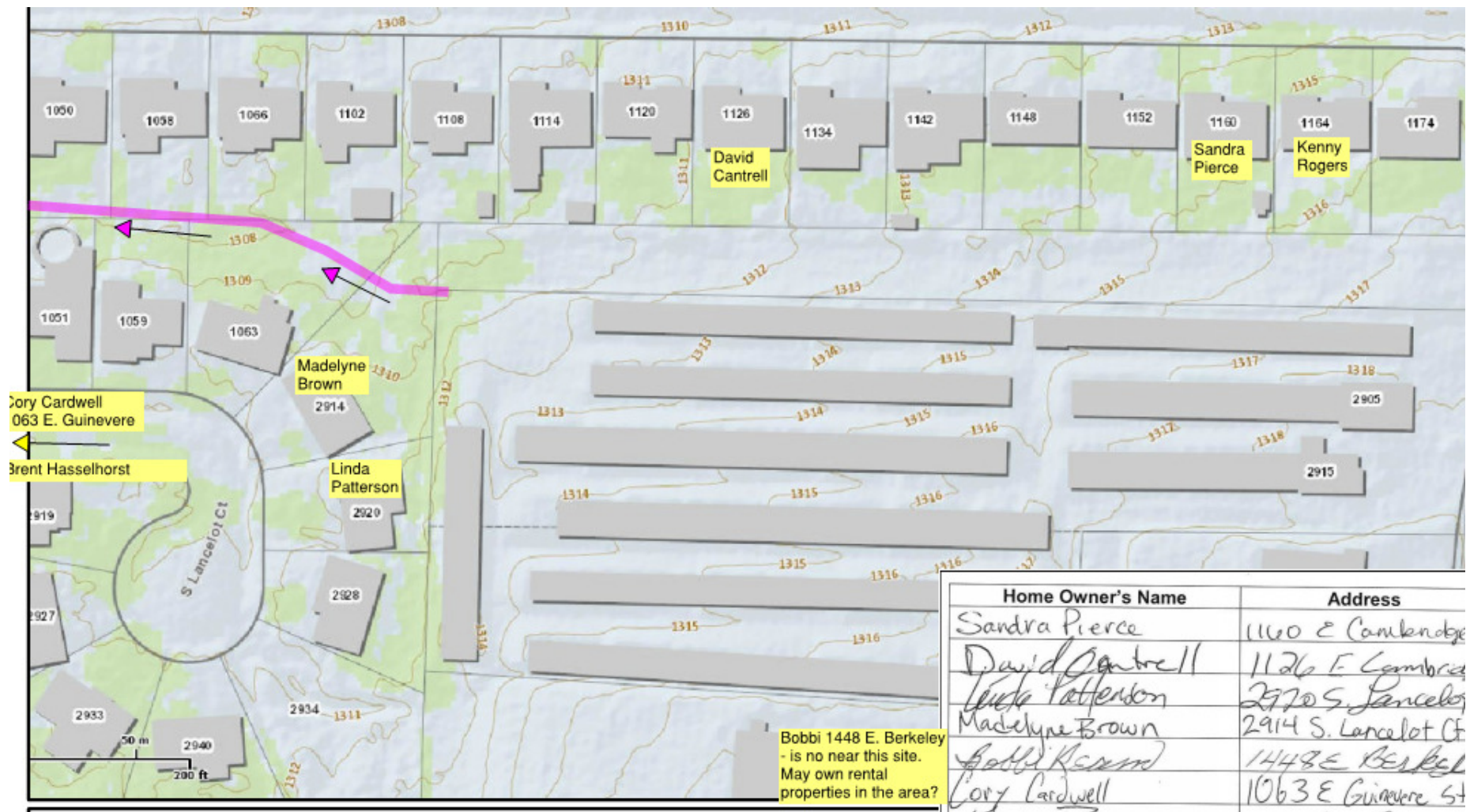


Neighborhood Mtg responses

5/16/2019

- a. I explained that my client cannot legally tie to her fence because her fence is on HER property and that no one has a right to build on another's property.
 - b. I explained to her that - yes, if she has an existing fence – I believe she said she has a chain link fence – there would be two fences to back to back – one on each property.
5. Kenny Rogers (not THE Kenny Rogers) expressed concern about the way the self-storage would look and expressed concern about security. He owns a couple of rental houses in the area.
- a. I explained that we are proposing a metal, horizontal panel that will look similar to the vinyl siding that is on almost all of the houses in the area. He then said he was fine with that and his concern goes away.
 - b. On some other of his rental properties (I don't know if this problem has been in this area or on his other rental properties he owns) he is having trouble with thieves kicking in a 6' wood privacy fence and breaking into a home. I explained that the City has proposed a solid, fence height of 6', no matter the material, anyone could still climb over ANY type of 6' tall fence. He understood and commented "things are different these days". I agree.
6. David and Sandra both mentioned a concern about lights and cameras pointing in the direction of their backyards and homes, on the new building.
- a. I explained that there is a City Regulation that prohibits light brighter than 1 foot candle from spilling onto another property – and we would be honoring that regulation.
 - b. In further talking with Sandra she said the lights that shine into her house at this time are from Andy B's, not the self-storage unit. Andy B's building is much taller than the self-storage buildings.
 - c. I also explained the cameras would be pointing at the self-storage units in case someone tries to steal belongings or damages the buildings, not toward any backyards – that would defeat the purpose of the cameras; which are for security reasons.

Stephanie D. Ireland, AIA
CEO of Ireland Architects, Inc.



The civil engineer put this information together after the Neighborhood Meeting:

1. According to the grading plan on the City's site, David, Sandra and Kenny do not receive any effective drainage from this property. They may be receiving it from other properties.
2. According to the grading plan on the City's site, very little from this property drains through Linda Patterson's property because the building on the west side of this property protects Linda's property. The water goes to the detention and discharges north of her property and then drains west. It is very possible that she is getting water from other properties.

One-rdg. _____
P. Hmgs. _____
Pgs. 4
Filed: 06-25-19

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 158

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager to execute an addendum to the Intergovernmental
2 Agreement between the City and School District of Springfield R-12 for
3 the purpose of sharing the costs of a third-party vendor to operate a
4 school crossing guard program for one additional year.
5 _____
6

7 WHEREAS, on November 10, 2014, City Council adopted Ordinance 26484
8 which authorized the City to enter into an Intergovernmental Agreement ("Agreement")
9 with the School District of Springfield R-12 to share in the costs of a school crossing
10 guard program; and
11

12 WHEREAS, the Agreement authorizes the City and School District to extend the
13 agreement through June 30, 2019; and
14

15 WHEREAS, the City and School District desire to extend the terms of the
16 Agreement until July 31, 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 City Manager, or his designee, is hereby authorized to execute
22 on behalf of the City an addendum to the Intergovernmental Agreement between the
23 City and School District of Springfield R-12, identified as Contract No. 2014-1429, said
24 addendum to be in substantially similar form as that document attached hereto and
25 incorporated herein by this reference as "Exhibit A."
26

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

30 Passed at meeting: _____
31
32
33

Mayor

34
35
36
37
38
39
40
41
42
43
44

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019- 158

FILED: 06-25-19

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: Authorizing the City Manager to execute an addendum to the Intergovernmental Agreement between the City and School District of Springfield R-12 for the purpose of sharing the costs of a third-party vendor to operate a school crossing guard program for one additional year.

REMARKS:

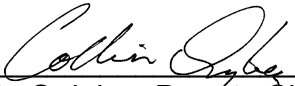
On November 10, 2014, City Council adopted Ordinance 26484. This Ordinance authorized the City to enter into an Intergovernmental Agreement ("Agreement") with the School District of Springfield R-12 to share in the costs associated with a third-party vendor's operation of a school crossing guard program inside the City (Contract No. 2014-1429). The initial costs of the crossing guard services were \$140,900, with the City agreeing to pay \$105,000 and the School District agreeing to pay \$35,900. The parties agreed to pay 50% of any increase above the \$140,900 amount. A later addendum clarified, among other things, that the City and School District, in the event of a renewal of the Agreement, would each pay 50% of any increase above the \$140,900 for the crossing guard services.

The initial Agreement authorized the City and School District to extend the term of the contract for four additional one-year terms. The City and School District have utilized all of the currently authorized extensions.

The Addendum proposed as part of this Ordinance authorizes the City and School District to extend the term of the contract through July 31, 2020. The City and School District desire to extend the Agreement for an additional one-year term to allow more time for the City and School District to collaborate on the Request For Proposals regarding school crossing guard services in the City.

Extending the Agreement requires City Council action.

Recommended by:


Collin Quigley, Deputy City Manager

Approved by:

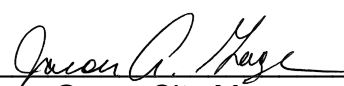

Jason Gage, City Manager

Exhibit A

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) ATTORNEY	(3) FINANCE DEPARTMENT
		(4) LAW DEPARTMENT	(5) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	ADDENDUM # 6 TO CONTRACT # 2014-1429	
CITY		SCHOOL DISTRICT	
City of Springfield 840 Boonville, P.O. Box 8368 Springfield, MO 65802 Phone: 417-864-1695 Fax: 417-864-1031 Attn:		School District of Springfield R-12 1359 E. St. Louis Street Springfield, MO 65802 Phone: 417-523-0082 Attn: Carol Embree, Deputy Superintendent-Operations	

ADDENDUM

Entered into this _____ day of _____, 201____, for good and valuable consideration, the undersigned hereby agree that this Addendum shall become part of that certain Contract executed on the 14th day of November 2014 (Contract #2014-1429), by the parties identified above.

The parties agree as follows:

1. That paragraph 4 of the "Intergovernmental Agreement for Crossing Guards" is hereby deleted and replaced with a new paragraph 4 which reads as follows:

4. Term. The term of this agreement will begin on January 1, 2015 and end on July 31, 2020.
2. That all other provisions of the "Intergovernmental Agreement for Crossing Guards" shall remain in full force and effect.
3. That this Addendum, together with the Agreement and any other previous addenda, contain the entire agreement of the parties. No modification, amendment or waiver of any of the provisions of this Addendum, shall be effective unless in writing specifically referring hereto and signed by both parties.

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

CERTIFICATE OF DIRECTOR OF FINANCE

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

Director of Finance or Acting Director

APPROVED AS TO FORM

City Attorney or designee

SCHOOL DISTRICT OF SPRINGFIELD R-12

By: _____

Title: _____

Attest: _____
Secretary or their designee

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager or designee

One-rdg. _____
P. Hrngs. _____
Pgs. 22
Filed: 06-25-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 159

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of
2 public streets and easements to the City of Springfield, as shown on
3 the Preliminary Plat of South Campbell Addition, generally located at
4 3145 South Campbell Avenue, upon the filing and recording of a final
5 plat that substantially conforms to the preliminary plat; and authorizing
6 the City Clerk to sign the final plat upon compliance with all the terms
7 of this Ordinance. (Staff recommends that City Council accept the
8 public streets and easements.)
9 _____

10
11 WHEREAS, an original preliminary plat of South Campbell Addition, dated April
12 26, 2019, is on file with the City's Department of Planning and Development; and
13

14 WHEREAS, on June 6, 2019, the Planning and Zoning Commission of the City of
15 Springfield, Missouri, approved the Preliminary Plat of South Campbell Addition, which
16 is generally located at 3145 South Campbell Avenue.
17

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

21 Section 1 – City Council hereby authorizes, subject to the conditions of this
22 Ordinance, the Director of Planning and Development, on behalf of the City of
23 Springfield, to accept the land, easements, and improvements dedicated to the City as
24 shown on the Preliminary Plat of South Campbell Addition, which is generally located at
25 3145 South Campbell Avenue, as approved by the Planning and Zoning Commission.
26 The original plat of South Campbell Addition is on file in the Department of Planning and
27 Development (“Approved Preliminary Plat”) and incorporated herein by this reference. A
28 reduced version of the Approved Preliminary Plat is attached hereto for general
29 reference as “Exhibit B - Attachment 4,” and all of “Exhibit B,” including attachments, are
30 incorporated herein by this reference.
31

32 Section 2 – The Director of Planning and Development shall be authorized to
33 accept the land, easements, and improvements dedicated to the City, as shown on the

34 Approved Preliminary Plat, upon the filing and recording of a final plat in accordance
35 with this Ordinance and the Subdivision Regulations of the City, said final plat shall
36 substantially conform to the Approved Preliminary Plat, including those conditions
37 described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying
38 to the Director of Planning and Development and the City Clerk that the public
39 improvements have been made in accordance with City standards and specifications.
40 Said public improvements shall not be accepted until the occurrence of the applicable
41 conditions contained in this Ordinance.

42
43 Section 3 – The final plat shall not be recorded until: (1) the public improvements
44 relating to the Approved Preliminary Plat have been constructed according to the
45 specifications of the City of Springfield, Missouri, and are approved by the Director of
46 Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned
47 by or in connection with the construction of said improvements have been paid to the
48 City; or (2) in lieu of the construction of said improvements, that the Applicant has filed
49 with the City Manager, according to the terms of the Subdivision Regulations of the City,
50 the prescribed financial assurances in a form acceptable to the City to ensure the
51 construction of the improvements and the payment to the City of all engineering fees,
52 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the
53 construction of the improvements.

54
55 Section 4 – Upon compliance with all the requirements of this Ordinance,
56 including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby
57 authorized to endorse City Council's approval upon the final plat pursuant to Section
58 445.030, RSMo., and such endorsement shall constitute the acceptance of the public
59 improvements contained therein.

60
61 Section 5 – This Ordinance shall be in full force and effect from and after its
62 passage and is subject to Section 36-226 of the Land Development Code.

63
64 Passed at meeting: _____

65
66
67 _____
68 Mayor

69 Attest: _____, City Clerk

70
71
72 Filed as Ordinance: _____

73
74 Approved as to form: Achalee T. Wader, Assistant City Attorney

75
76
77 Approved for Council action: Jason R. Hays, City Manager
78

EXPLANATION TO COUNCIL BILL 2019 - 159

FILED: 06-25-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of South Campbell Addition, generally located at 3145 South Campbell Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. An original Preliminary Plat of South Campbell Addition dated April 26, 2019, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in "Exhibit B - Attachment 4."
- B. The Planning and Zoning Commission held a public hearing on June 6, 2019, and approved the preliminary plat by a vote of 8 to 0, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - 3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
 - 4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per

the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

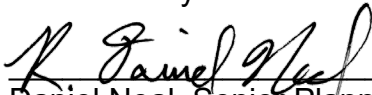
Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium Intensity Retail, Office or Housing. Highway Commercial is an appropriate district for this classification. The Major Thoroughfare Plan classifies Campbell Avenue as a primary arterial roadway which supports the proposed land use.

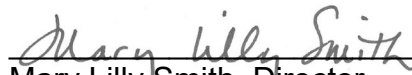
REMARKS:

Staff recommends approval.

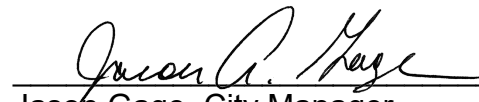
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Conditions of Plat Approval

Attachment 3, Engineering Report

Attachment 4, Preliminary Plat

Exhibit A

**RECORD OF PROCEEDINGS
PRELIMINARY PLAT – SOUTH CAMPBELL ADDITION
Planning and Zoning Commission June 6, 2019**

Z-14-2019 w/COD #175
3145 South Campbell Avenue

Applicant: South Campbell Investments,
LLC

c/o Scott Tillman

Preliminary Plat of South Campbell
Addition

3145 South Campbell Avenue

Applicant: South Campbell
Investments, LLC

c/o Scott Tillman

Zoning and preliminary plat are combined.

Mr. Hosmer stated that this is a request to rezone approximately 8.4 acres of property located at 3145 South Campbell Avenue from Planned Development 25, 4th Amendment to HC, Highway Commercial District, and establishing Conditional Overlay District No. 175. The Comprehensive Plan identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. This application meets the intent of the HC district which is intended for commercial uses that depend upon high visibility, generate high traffic volumes, or cater to the traveling public. The Major Thoroughfare Plan classifies Campbell Avenue as a Primary arterial roadway. A Traffic Impact Study will not be required. The property is not located in a FEMA designated floodplain or a stream buffer area. A fee in lieu of on-site stormwater detention is not applicable since there is already an existing detention onsite. The proposed Conditional Overlay District will prohibit uses, add use limitations, bufferyard requirements, restrict intensity of development, exterior lighting and height. The Conditional Overlay District will not allow any conditional use permits, prohibit an outdoor public address system and require all activities and permitted uses, except off-street parking and loading facilities and vehicle storage, to be conducted inside a building. The intensity of development shall not exceed a floor area ratio, for permitted structures, of 0.5 for self-service storage facilities, and 0.25 of all other uses. No structure shall exceed the height of thirty-five (35) feet. A "Type F" at least twenty (20) feet wide shall be required; however, if the existing vegetation meets the planting requirements per the code then no additional plantings shall be required.

Mr. Hosmer stated that this is a request for a two-lot subdivision on 8.4 acres of property located at 3145 South Campbell Avenue. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Medium Intensity Retail, Office or Housing. Highway Commercial is an appropriate district for this classification. The Major Thoroughfare Plan classifies Campbell Avenue as a primary arterial roadway which supports the proposed land use. The proposed preliminary plat was reviewed by City departments with no objections. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City

Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

Mr. Doennig opened the public hearing.

Mr. Jared Rasmussen, 550 St. Louis, trying to do mini-storage and HC zoning allows that and here to answer any questions. The reason for the plat is to show that they have an interested user for the area to the south.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to approve Z-14-2019 w/COD #175 (3145 South Campbell Avenue). Ms. Cox seconded the motion. Ayes: Doennig, Shuler, Cox, Ogilvy, Thomas, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Coltrin.

COMMISSION ACTION:

Mr. Rose motioned to approve Preliminary Plat of South Campbell Addition (3145 South Campbell Avenue). Ms. Cox seconded the motion. Ayes: Doennig, Shuler, Cox, Ogilvy, Thomas, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Coltrin.

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

Bob Hosmer, AICP
Principal Planner

Exhibit B

Development Review Staff Report

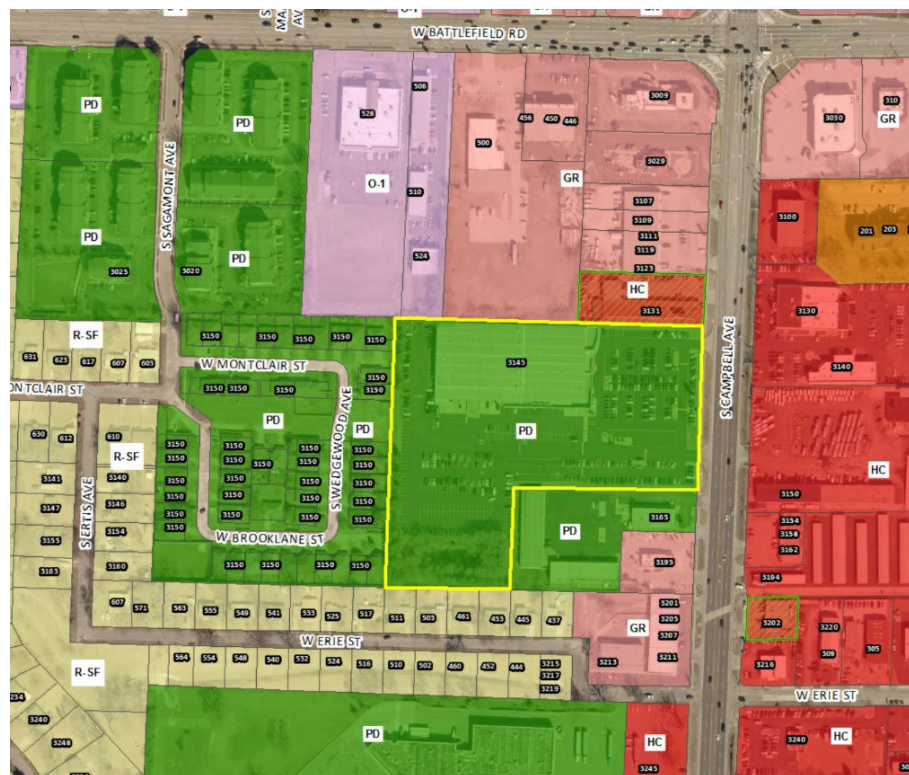


PLANNING AND ZONING COMMISSION PUBLIC HEARING:

JUNE 6, 2019

CITY COUNCIL PUBLIC HEARING:

JULY 1, 2019



CASE NUMBER:

Preliminary Plat - South Campbell Addition

LOCATION:

3145 S. Campbell Avenue

ACRES:

Approximately 8.4 acres

EXISTING LAND USE:

Former car dealership and off-street parking lot

APPLICANT:

South Campbell Investments, LLC.

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve preliminary plat as submitted

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a two-lot subdivision named "South Campbell Addition".

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant's proposal, with the conditions listed below, is consistent with the City's *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC, GR and O-1	R-SF	HC	PD 75
LAND USE	Retail and Office establishments	Single-family residential uses	Retail establishments	Single-family residential uses

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

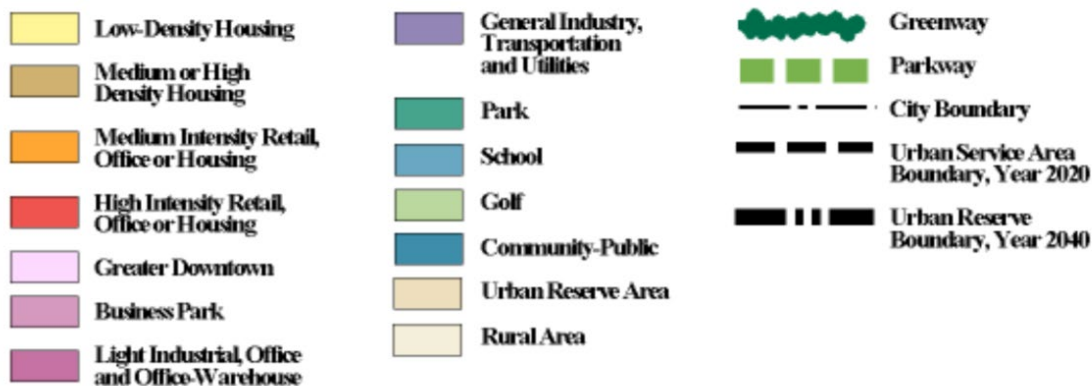
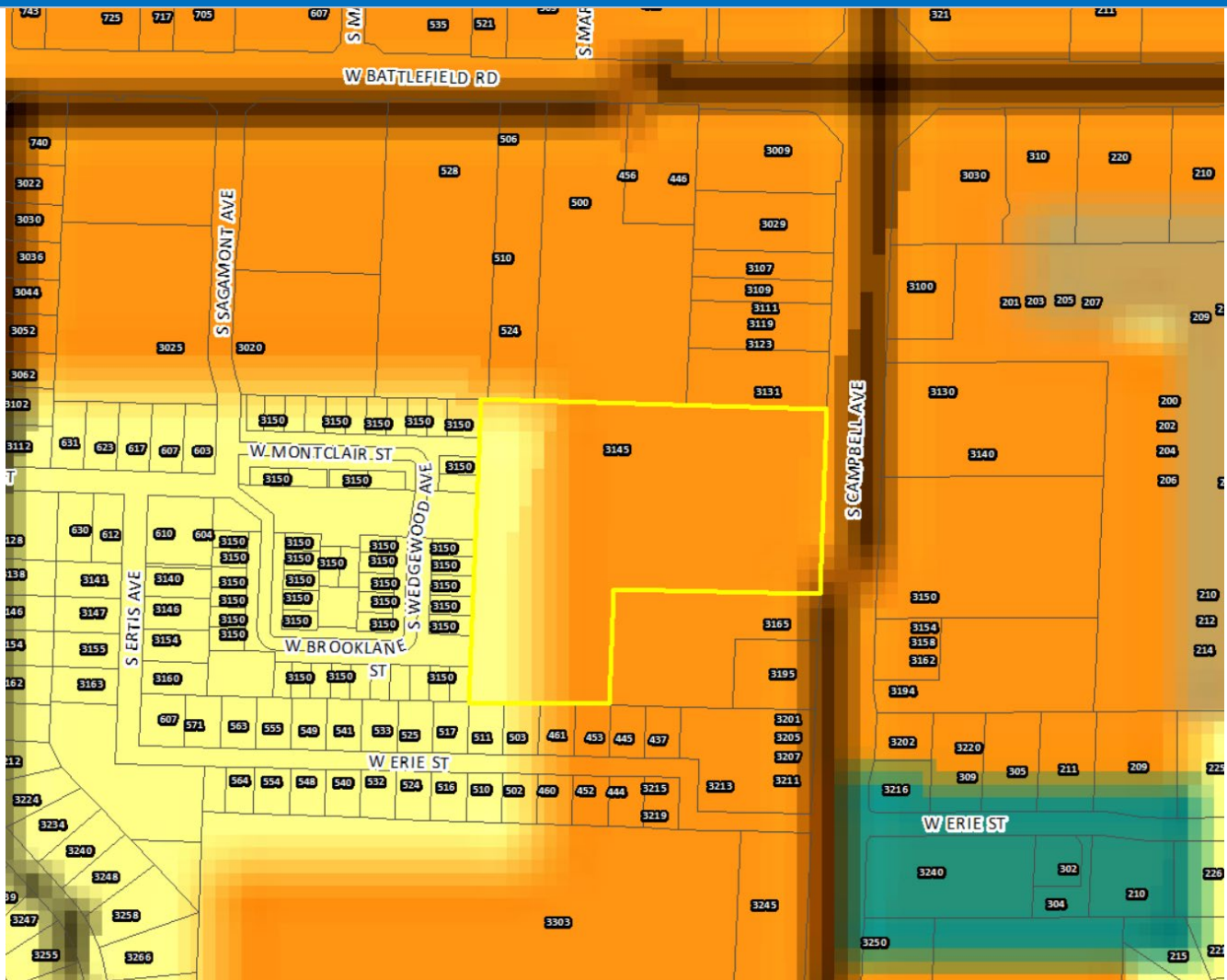


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report

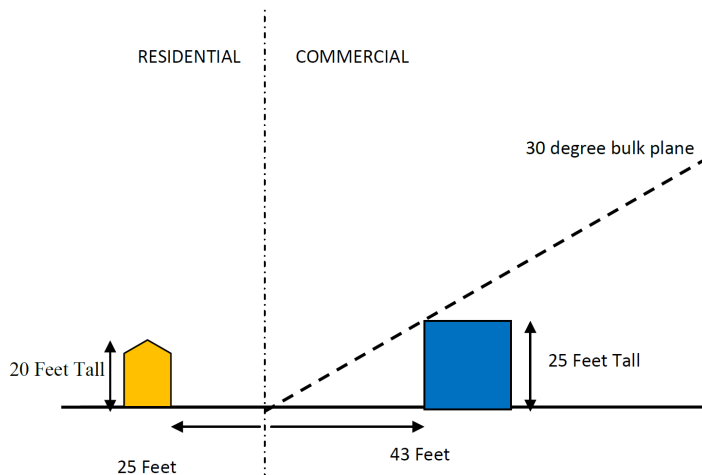
PROPERTY HISTORY:

The subject property was rezoned to Planned Development 25 from C-2 and R-1 in 1983. Since that time, the PD was amended four times with the latest in 1997 to allow for a new automotive sales office.

COMPATIBILITY WITH THE ZONING ORDINANCE:

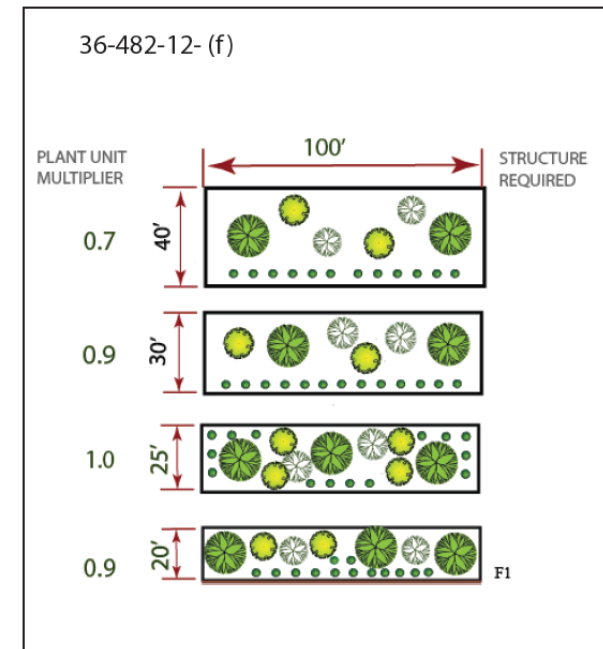
CODE ITEM	REQUIREMENTS FOR HC
Use Limitations	N/A
Maximum Structure Height	None, except that no structures shall be higher than a 30-degree bulk plane adjacent to R-SF or R-TH Districts
Front Yard Setback	25 feet along an arterial street
Side and Rear Setbacks	None, except as required by the supplemental open space and bufferyard requirements
Open Space Requirement	20%
Design Requirements	Standard per code

BULK PLANE



LANDSCAPING

Bufferyard Type "F"



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium Intensity Retail, Office or Housing. Highway Commercial is an appropriate district for this classification. The Major Thoroughfare Plan classifies Campbell Avenue as a primary arterial roadway which supports the proposed land use.

Development Review Staff Report



STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 8.4 acres into a two-lot subdivision named "South Campbell Addition".
2. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
3. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1. Conditions of Approval are provided in Attachment 2. An engineering report was provided by the engineer of record in Attachment 3.

PUBLIC NOTIFICATION:

The property was posted 10 days prior to the Planning and Zoning Commission meeting.

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

AT&T COMMENTS:

No comments.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

No objections to proposed subdivision, however an electric extension may be required to serve proposed lot 2.

CLEAN WATER SERVICES COMMENTS:

Show whether the two proposed 15 foot sanitary sewer easements are existing on the final plat.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Campbell Avenue as a Primary Arterial roadway. The standard right-of-way width for S. Campbell Avenue is 50 feet from the centerline. It does not appear that any additional right-of-way is needed along S. Campbell Avenue. A survey is recommended to determine the exact amount of existing right-of-way. This section of S. Campbell Avenue is under City jurisdiction.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on S. Campbell Avenue south of Battlefield Road is 33,645 vehicles per day. On-street parking is not allowed along S. Campbell Avenue.

DRIVEWAY ACCESS

There are currently two driveway access points to the property from S. Campbell Avenue. Both existing driveway approaches meet minimum spacing requirements for a primary arterial roadway. No additional access will be permitted.

SIDEWALK

There is existing sidewalk along the property frontage of S. Campbell Avenue. The existing infrastructure meets current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway trails in the area pertaining to this rezoning. There are bus stops along S. Campbell Avenue. 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

Development Review Staff Report



additional trip-ends daily. The City of Springfield does not currently have any plans to make improvements to this section of S. Campbell 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	S. Campbell Avenue	Primary Arterial	No	60	50
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		157	193	2032	N/A
*Proposed Trips Generated		161	197	2065	N/A
Additional Trips Generated		4	4	33	N/A

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

STORMWATER COMMENTS:

The property is in the Inman Creek drainage basin. The 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 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 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
Which Drainage Basin?	Inman 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?	No

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONS OF PLAT APPROVAL

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

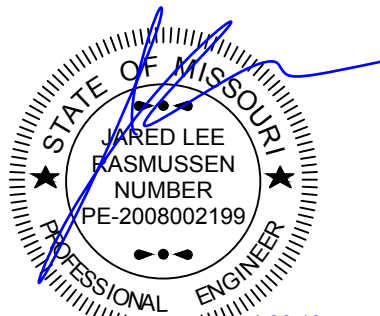
1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

ENGINEER'S REPORT FOR THE PRELIMINARY PLAT OF SOUTH CAMPBELL ADDITION SPRINGFIELD, MISSOURI

Prepared For:

Tillman Redevelopment, LLC
Strafford, Missouri



4.26.19
JARED LEE RASMUSSEN—CIVIL ENGINEER
MO# PE—2008002199

April 2019

Olsson Project No. A18-2880

The Developer is seeking to subdivide the approximant 8.36-acres of property into two (2) lots. The property is generally located south of West Battlefield Road, north of West Erie Street, and west of South Campbell Avenue. The 8.36-acres of property is to the north of property zoned Residential Single Family (R-SF) and is to the north and west of property zoned Planned Development District (PDD-248). The 8.36-acres of property is south of property zoned Office District 1 (O-1), General Retail (GR), and Highway Commercial (HC). The property is currently zoned Planned Development District (PDD-25).

GENERAL:

Item 1: Review comments from the pre-development review meeting held on January 17, 2018 have been incorporated in to the Preliminary Plat drawing and in this report.

Item 2: No variances are being requested.

Items 3-11 and 13-16: See the Preliminary Plat for each of these items.

Item 12: There are no existing protective covenants or deed restrictions.

STORMWATER:

Item 17: There are no proposed changes to stormwater flows and all pertinent information is shown on the Preliminary Plat.

Item 18: See the Preliminary Plat for the location of existing and proposed drainage easements to convey on-site and off-site flows.

Item 19: The site has a functional detention facility, as seen on the Preliminary Plat, that will not be modified. Conveyance routes are shown, and easements are provided as needed. No increases in flow are proposed.

Item 20: No sinkholes are known to affect the property.

Item 21: No sinkholes are known to affect the property.

Item 22: Payment in lieu of detention is not being proposed.

Item 23: Does not apply to this site. No sinkholes are known to affect the property.

WATER QUALITY:

Item 24: No construction is proposed at this time, so storm water quality does not apply to

this subdivision. Should redevelopment occur, water quality will be required should the redevelopment increase the existing impervious area by more than 1-acre.

SANITARY SEWER:

Item 25: Sanitary sewer is available to all lots. Sanitary sewer is shown on the Preliminary Plat along with associated easements. No improvements are planned at this time.

Item 26: There are no known capacity issues per the pre-subdivision review.

STREET SYSTEM:

Item 27: According to the street classification as shown in the Major Thoroughfare Plan, the existing adjacent street to the east is South Campbell Avenue. This street is classified as a Primary Arterial.

Proposed streets: There are no proposed streets.

Item 28: According to the street classification as shown in the Major Thoroughfare Plan, the existing adjacent street on the east is South Campbell Avenue and is classified as a Primary Arterial. Primary Arterials require 100-feet of ROW. The existing ROW width is 120-feet. No ROW changes are proposed.

Item 29: See the Preliminary Plat for connectivity and proposed cross-access easement. A cross-access easement will be required across the property frontage of South Campbell Avenue.

Item 30: Does not apply to this site.

Item 31: Does not apply to this site.

Item 32: Existing Sidewalks: Currently, sidewalks exist along South Campbell Avenue and are shown on the Preliminary Plat.

Proposed Sidewalks: There are no proposed sidewalks.

Item 33: A rezoning of the property is be requested in conjunction with the Preliminary Plat. While uses are being added to the proposed zoning, the uses being added will generate less traffic than the current use. Therefore, it was discussed with the City's Traffic staff that a Traffic Impact Statement would not be required.

STREET DESIGN:

- Item 34: The existing adjacent street, South Campbell Avenue, is not programmed for upgrading or construction in the Capital Improvement Program.
- Item 35: The right-of-way width, pavement width and storm water facilities for the existing adjacent streets are as shown on the Preliminary Plat. The proposed pavement width of South Campbell Avenue is shown on the Preliminary Plat and is approximately 73-ft and storm water facility upgrades will not be required.
- Item 36: Does not apply to this site.
- Item 37: Does not apply to this site.

ACCESS:

- Item 38: Cross-access easements are as shown on the Preliminary Plat.
- Item 39: The two access points to South Campbell Avenue, as shown on the Preliminary Plat, do not meet city spacing standards based on street classification. A cross-access easement paralleling South Campbell Avenue is being provided due to the inadequate spacing.
- Item 40: No modifications to the existing access points are proposed.
- Item 41: No access limitations are required.

Attachments: Pre-Development Meeting Notes

ENGINEER'S REPORT FOR TILLMAN SUBDIVISION

Springfield, Missouri

April 2019

Olsson Project No. A18-2880



February 13, 2019

RE: PREDEV2019-00030
3145 S CAMPBELL AVE

Dear: Olsson

Thank you for attending the pre-development review meeting regarding your project. Please note that the following City Departments have indicated in the attached review comments critical issues that may significantly impact the development of your project:

- Building Development Services Review
- City Utilities - Developers Services Review
- ES - Cleanwater Services Review
- ES - Sediment Erosion Control Review
- Fire Review
- Planning - DR Review
- Public Works - Stormwater Review
- Public Works - Traffic Review

NOTE: A complete copy of all of the staff comments is attached.

Based upon your application certain specific permits or other approvals will be needed to complete your project. Some of the primary processes that will affect your project were discussed at the meeting. However, there are numerous processes that may require applications or permits for your project. You and your consultants are advised to review the listing of permits on the City's website at <https://www.springfieldmo.gov/3426/All-Permits>. It is your responsibility to apply for and obtain permits necessary to complete your project.

I will be serving as your primary contact for the duration of this project. If you have questions concerning any aspect of the project, please contact me and I can guide you to the information you need.

You may contact me at the telephone number or email below for further assistance. I am excited that you have chosen Springfield Missouri to build your project.

Sincerely,

Ime Usukumah, AIA
Project Facilitator
Building Development Services
City of Springfield
Ph: (417) 864-1079
Email: iusukumah@springfieldmo.gov
Attachments: Review Comments from Project Dox

Please tell us about your experience with the predevelopment review process and how we can improve by filling out a brief survey at <https://predevelopment.questionpro.com>

Disclaimer: The review comments are general in nature and are meant to inform the owners, designers, architects and engineers of issues that may have a critical impact on the proposed project and to guide your team toward the best possible outcome for your project. These comments should not be relied upon as a detailed or the final review. This summary does not relieve you or consultant from the responsibility to comply with all applicable City codes and ordinances.



PreDevelopment Review Summary

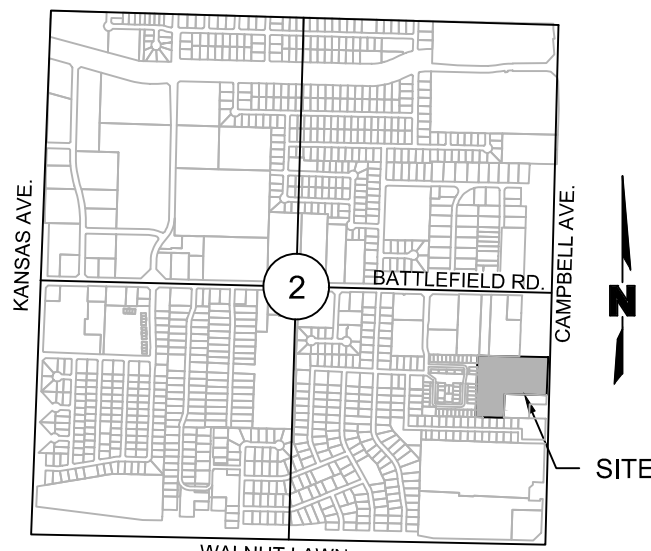
RE: PREDEV2019-00030

Department	Review Comments
Building Development Services Review IME USUKUMAH iusukumah@springfieldmo.gov	Critical Issues: None General: 1. There are no issues splitting the lot. May have to justify that there are adequate off street parking is provided since there will be a reduction of parking with the lot split. 2. The tentative address for this development is 3161 S. Campbell Avenue.
City Utilities - Developers Services Review PAM NELSON pam.nelson@cityutilities.net	Critical Comments: No critical comments. General Comments: CU has no issue with subdividing property as shown. There are gas, water and electric facilities available to serve this lot for final intended use. There are 2 existing electric services on this property at this time. For questions at this time, please contact CU Developer Services at 831-8888.
ES - Cleanwater Services Review MATT TAYLOR mtaylor@springfieldmo.gov	No critical issues. 1. Both lots have access to public sewer. There is also a public sewer main located on the west line of the 1 acre tract. 2. These comments apply to the subdivision only. Additional comments will be made when a site or building plan has been submitted.
ES - Sediment Erosion Control Review SARAH DAVIS	If future construction on lot 1 will result in 1 acre of disturbance, a City Land Disturbance Permit will be required.
Fire Review BEN BASHAM bbasham@springfieldmo.gov	no comments
Planning - DR Review KYLE MCGINNIS kmcginnis@springfieldmo.gov	This proposal will require a major subdivision. The applicant's primary contact for this process will be Senior Planner Daniel Neal. Staff has reviewed the language of the PD internally and has determined that a commercial carwash would be permissible on this site.
Public Works - Stormwater Review JULIE HAWKINS jhawkins@springfieldmo.gov	1. Detention is provided for this site and there is private stormwater piping that would connect the proposed lot to the detention. The private piping should be shown in a drainage easement.
Public Works - Traffic Review DERRICK ESTELL destell@springfieldmo.gov	CRITICAL COMMENTS: 1. A cross-access easement will be required across the property frontage of S. Campbell Avenue, as the existing driveway approaches along the west side of S. Campbell Avenue do not meet the minimum spacing requirement for a primary arterial roadway. GENERAL COMMENTS: 2. There does not appear to be any work taking place within public right-of-way. If this changes, a separate permit will be required. 3. Any new/modified driveway approach must be compliant with current City Standard ST-9. 4. Any new/modified parking must be compliant with current City Standard ST-6.

ATTACHMENT 4

PRELIMINARY PLAT
SOUTH CAMPBELL ADDITION
PART OF THE S½ OF THE NE¼ OF THE SE¼
SECTION 2, TOWNSHIP 28 NORTH, RANGE 22 WEST
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

LEGEND			
○	Found 5/8" Rebar (Except As Noted)	⊕	Sign
●	Set 1/2" Rebar w/Plastic Cap, "LC 366"	⊙	Steel Post
■	Set 5/8" Rebar w/Aluminum Cap, "LC 366"	⊗	Storm Manhole
(D)	Deeded	⊠	Traffic Control Box
(M)	Measured	⊞	Transformer
SBL	Setback Line	○	Vent Pipe
○	Bush	⊗	Water Valve
⊞	Electric Box	⊞	Wood Post
⊞	Electric Cabinet	— P-OH	Overhead Electric
⊞	Electric Meter	— FO	Fiber Optic Line
⊞	Electric Vault	— CG	Natural Gas Line
⊞	Fiber Optic Box	— SS	Sanitary Sewer Line
⊞	Fiber Optic Pedestal	— SD	Storm Sewer Line
⊞	Fire Hydrant	— TEL	Telephone Line
⊞	Gas Meter	— W	Water Line
⊞	Grate Inlet	— x	Barbed Wire Fence
⊞	Guy Wire	— o	Chainlink Fence
⊞	Light Pole	— □	Wood Fence
⊞	Power Pole	▨	Asphalt Pavement
⊞	Sanitary Cleanout	▨	Concrete Pavement
⊞	Sanitary Manhole		

LOCATION MAP
Sec. 2, T-28-N, R-22-W
Scale: 1"=2000'

DEED DESCRIPTION - Book 2018, Page 469-18

Tract I:

Commencing at the Northeast corner of the South One-Half (S½) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section Two (2), Township Twenty-Eight (28), Range Twenty-Two (22), of the East line said South One-Half (S½) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼), a distance of 413.64 feet; thence North 88°48'08" West a distance of 486.56 feet to the Point of Beginning; thence South 02°13'09" West, a distance of 246.22 feet, to a point being on the North line of Ertis Johnson Addition, a Recorded Subdivision in the City of Springfield, Greene County, Missouri; thence North 88°35'14" West, along the North line of said Ertis Johnson Addition, a distance of 300.00 feet; thence North 02°13'09" East a distance of 245.09 feet; thence South 88°48'08" East, a distance of 300.00 feet to the Point of Beginning, all being a part of the South One-Half (S½) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section Two (2), Township Twenty-Eight (28), Range Twenty-Two (22), in the City of Springfield, Greene County, Missouri.

Tract II:

Commencing at the Northeast corner of the South One-Half (S½) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section Two (2), Township Twenty-Eight (28), Range Twenty-Two (22), of the East line of said Section Two (2), a distance of 19.40 feet; thence North 88°40'27" West, a distance of 48.80 feet for a Point of Beginning, said point being on the West Right-of-Way line of Campbell Avenue; thence South 02°13'09" West along the West Right-of-Way line of said Campbell Avenue, a distance of 394.28 feet; thence North 88°48'08" West, a distance of 736.00 feet; thence North 02°13'02" East, a distance of 396.25 feet; thence South 88°40'27" East, a distance of 736.00 feet to the Point of Beginning; all in the City of Springfield, Greene County, Missouri.

INFORMATION OF FACT

1. This survey and plan is based upon the following data and/or exceptions:

	Yes	No	Item
a) Deed of Record	x		Deed Book 2018, Page 469-18
b) Filed Maps	x		Wren Hollow Ph 1; Amended Wren Hollow Ph 2; Ertis Johnson Addition
c) Title Search/Binder	x		Hogan Land Title Company, Commitment No. 1709163

2. Certified To: South Campbell Investments, LLC

This is to certify that, to the best of my knowledge and belief, this map or plan is the result of a field survey performed on April 5, 2019, by me or under my direct supervision, in accordance with the rules and regulations promulgated by the "State Board of Professional Engineers and Land Surveyors". The information depicted hereon, to the best of my knowledge and belief, represents the conditions found at, and as of the date of the field survey, except such improvements or easements, if any below the surface and not visible. Accordingly the undersigned professional is not responsible for the presence of underground utilities or structures, if same are not visible or otherwise disclosed by any aforementioned data listed above.

3. This survey or plan is made for and certified to the parties named hereon for the purpose(s) stated. No other purpose is intended nor implied. The undersigned professional is neither responsible nor liable for the use of this plan beyond its intended purpose.
4. The use of the word "certify" or "certification" constitutes an expression of professional opinion regarding those facts or findings which are the undersigned professional's knowledge, information and belief, and in accordance with the commonly accepted procedure consistent with the applicable standards of practice, and does not constitute a warranty or guarantee either expressed or implied.
5. Current Zoning: Planned Development 25, 4th Amendment
6. The Flood Insurance Rate Map (FIRM) from the Federal Emergency Management Agency (FEMA) Community Panel No. 29077C0341E, Effective Date December 17, 2010 shows this property is located in Zone "X" (Areas determined to be outside the 0.2% annual chance floodplain.)
7. Olsson and the surveyor of record make no guarantees that the underground utilities shown hereon comprise all such utilities in the area, either in service or abandoned. Olsson and the surveyor of record further does not warrant that the underground utilities shown are in the exact location indicated. Olsson and the surveyor of record have not physically located the underground utilities. If any underground utility locations are required, they will have to be verified by field potholing the utilities. Olsson and the surveyor of record shall not be liable for the location of or the failure to note the location of non-visible utilities. Utilities were ordered to be located per one-call ticket number 190921200. The companies listed on the ticket are ATT Distribution, Mediacom, City of Springfield (Sewer & Traffic) and City Utilities (Electric, Gas, Water & Fiber).

CERTIFICATE OF SURVEY AND ACCURACY

Know all men by these presents:

That I, Roddy G. Neff, do hereby certify to South Campbell Investments, LLC, that this survey was prepared under my supervision from an actual survey of the land herein described, prepared by Olsson, Inc., dated April 18, 2019, and signed by Roddy G. Neff, RLS 2671, and that the monuments and lot corner pins shown herein were placed under the personal supervision of Roddy G. Neff, RLS 2671, in accordance with the current Missouri Standards For Urban Property Boundary Surveys.

Roddy G. Neff

Roddy G. Neff, MO RLS 2671
Olsson, Inc., MO LC366
rgneff@olsson.com

4-26-19

Date

Preliminary Plat of South Campbell Addition

olsson

Olsson, Inc. Survey MO Certificate of Authority #LC366
550 St. Louis St. TEL 417.890.8802
Springfield, MO 65806 FAX 417.890.8805 www.olsson.com

NOTES

- Maintenance of any area referred to or shown as right-of-way, easement, or common area is the responsibility of the Property Owner's Association.
- Centerline bearing of street is the same as adjacent lot line.
- No structures are to be built between right-of-way and setback lines.
- No fences, plantings or obstructions other than mailboxes are permitted within the limits of any right-of-way or drainage easement.
- 1/2" Iron Bar w/ plastic cap "LC 366" set at all lot corners (except as noted).
- Stormwater from Lot 2 shall be conveyed through the existing underground storm sewer system. The Lot 2 stormwater will discharge to the existing detention and stormwater quality basin on Lot 1 where it will be detained and treated. No additional detention or stormwater quality improvements are required.

PREPARED FOR

South Campbell Investments LLC
3337 E. Ridgeview Street
Springfield, MO 65804

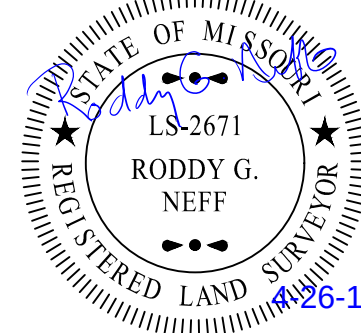
PREPARED BY

Olsson, Inc.
550 St. Louis Street
Springfield, MO 65806

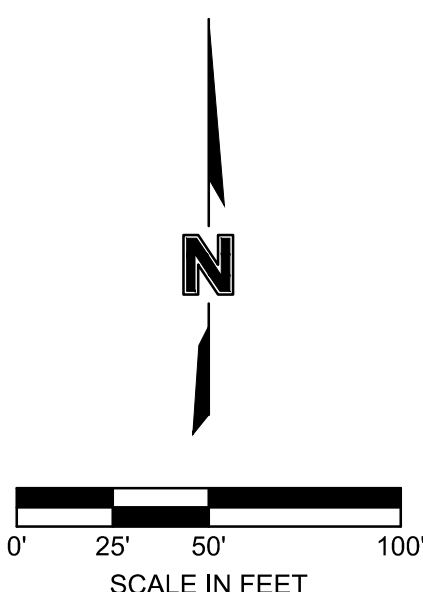
DEVELOPMENT NOTES

Total Area: 364,217± sf - 8.361± Acres
Total No. of Lots: 2
Smallest Lot: Lot 2 - 43,560± sf (1,000± Acres)
Largest Lot: Lot 1 - 320,657± sf (7.361± Acres)
Source of Title: Book 2018, Page 469-18
Prel. Plat Submittal: PDD-25, 4th Amendment
Current Zoning: HC with Conditional Overlay
Proposed Zoning:

Buffering Requirements for HC (Highway Commercial District) per City of Springfield Zoning Ordinance:
Front yard: 25 feet
Side yard: none
Rear yard: none

1-800-DIG-RITE or 811
www.motcall.com

DATE	REVISION	BY
04.18.19	Original Preparation	CDA

drawn by: CDA
surveyed by: BJP
checked by: RGN
approved by: RGN
project no.: 018-2880
file name: V_PPLT_0182880BASIS OF BEARINGS
Grid North based on Missouri State Plane
Coordinate System 1983 by use of MoDOT
continuously operating GNSS RTK Network
Central Zone
Site Grid Factor: 0.99993778
N: 483,227.063 E: 1,408,541.313DATUM
Elevations based on NAVD 88 by use
of MoDOT continuously operating
GNSS RTK Network

USER: cornold

DWG: F:\2018\2501-3000\018-2880\40-Design\Survey\SRV\Sheets\V_PPLT_0182880.dwg
DATE: Apr 18, 2019 1:47pm
XREFs: V_XTOPO_0182880 V_XBNDY_0182880

One-rdg. _____
P. Hmgs. _____
Pgs. 7
Filed 06-11-19

Sponsored by Ferguson

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 147

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the sale of real property at 3140 West Lynn Street to Kelly and
2 Chance Bailey for \$500.00; authorizing the issuance of a deed for
3 same; and approving a budget adjustment to amend the Fiscal Year
4 2019-2020 budget.
5 _____
6

7 WHEREAS, the City acquired the real estate at 3140 West Lynn Street (the
8 "Property") by Collector's Deed in 2004; and
9

10 WHEREAS, after declaring the Property to be surplus, the Land Inventory
11 Committee put the Property out for public bid; and
12

13 WHEREAS, Kelly and Chance Baily, adjacent property owners, have offered to
14 buy the Property for \$500.00, an offer the City Manager considers acceptable; and
15

16 WHEREAS, disposition of real property calls for City Council approval; and
17

18 WHEREAS, City Council is committed to using all available funds, whenever
19 possible, to add to the Police-Fire Pension Fund; and
20

21 WHEREAS, proceeds from the sale of the Property located at 3140 West Lynn
22 Street will be allocated to the Police-Fire Pension Fund.
23

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

27 Section 1 – City Council hereby approves the sale of the property at 3140 West
28 Lynn Street and depicted on "Exhibit A," which is attached hereto and incorporated
29 herein by this reference, to Kelly and Chance Bailey, for \$500.00.
30

31 Section 2 – City Council hereby authorizes the Mayor to execute such documents
32 as are necessary to convey title to the Property to the purchaser.
33

Section 3 – City Council hereby authorizes the Mayor to execute a “Special Warranty Deed,” said document to be substantially similar to “Exhibit B,” which is attached hereto and incorporated herein by this reference, so as to convey title to the real estate to the purchaser herein consistent with the offer and acceptance.

Section 4 – The budget of the Police-Fire Pension Fund for Fiscal Year 2019-2020 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 0002, a copy of which is attached hereto and incorporated herein by this reference as “Exhibit C.”

Section 5 – City Council hereby finds that the budget adjustment made above has been recommended by the City Manager.

Section 6 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 7 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Duke W. Donald, Assistant City Attorney

Approved for Council action: James C. Page, City Manager

EXPLANATION TO COUNCIL BILL 2019 - 147

FILED: 06-11-19

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To approve the sale of real property at 3140 West Lynn Street to Kelly and Chance Bailey for \$500.00; authorizing the issuance of a deed for same; and approving a budget adjustment to amend the Fiscal Year 2019-2020 budget.

BACKGROUND INFORMATION: The City acquired the property at 3140 West Lynn Street (the "Property"), by collector's deed in 2004. Total acquisition costs are unknown.

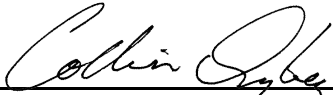
After putting the Property out for public bid, the City received the bid noted above. No City department needs the Property and it does not have a public purpose. A real-estate conveyance requires City Council's approval. Net proceeds from the sale of surplus properties are returned to the fund from which each property was purchased, up to the amount of the purchase price. Additional unrestricted proceeds from the sale of surplus property are placed into the Police-Fire Pension Fund, per the directive of City Council. Since the acquisition cost of this property is unknown, the total proceeds of the sale of this property will go to the Police-Fire Pension Fund.

REMARKS: This Council Bill originated with the Land Inventory Committee. Pursuant to "Administrative Memorandum #5D," the Committee has declared the above Property to be surplus.

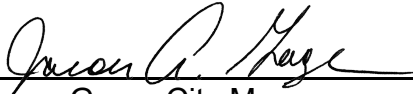
Submitted by:


Duke McDonald, Assistant City Attorney

Recommended by:


Collin Quigley, Deputy City Manager

Approved by:


Jason Gage, City Manager



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.

City of Springfield, Missouri

3140 West Lynn Street

Exhibit A



Printed: May 30, 2019

Exhibit B

SPECIAL WARRANTY DEED

THIS DEED is made on the ____ day of _____, 2019, by and between the City of Springfield, Missouri, Grantor, and Kelly and Chance Bailey, husband and wife, Grantee, at 3146 West Lynn Street, Springfield, Missouri 65802.

WITNESSETH, that the Grantor, for valuable consideration, to it paid by the Grantee (the receipt of which is hereby acknowledged) does by these presents, **SELL** and **CONVEY** unto Grantee as tenants by the entirety, and Grantee's successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Greene and State of Missouri, to wit:

ALL OF LOT SIX HUNDRED SEVENTY-THREE (673), IN HANCOCK PLACE, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

SUBJECT TO: (a) easements, restrictions, reservations, and other agreements and matters of record, if any, (b) taxes and assessments, general and special, not now due and payable; and (c) rights of the public in and to the parts thereof in streets, roads or alleys.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining unto the Grantee and unto Grantee's successors and assigns forever; the Grantor, hereby covenanting that the said premises are free and clear from any encumbrance done or suffered by it, except as herein provided; and that it will warrant and defend the title to said premises unto the Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons claiming under it, except as herein provided.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year above written.

SEAL

THE CITY OF SPRINGFIELD, MISSOURI

By: _____

Ken McClure, Mayor

Attest:

Anita J. Cotter, City Clerk

STATE OF MISSOURI)

)

COUNTY OF GREENE)

ACKNOWLEDGMENT

On this ____ day of _____, 2019, before me personally appeared _____, to me personally known, in his capacity as Mayor of The City of Springfield, Missouri, a municipal corporation, and acknowledged said instrument with authority and on behalf of said municipality.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri, this ____ day of _____, 2019.

Notary Public

My term of office expires: _____

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit C

Budget Adjustment
0002

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
70710	09	14260	409170	000000	00000	500.00	Net proceeds of sale to Police and Fire Pension Fund
Net Revenue Adjustment						500.00	

Expenditures:

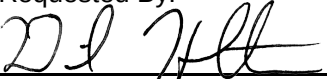
Fund	Dept	Org	Account	P&G	Location	Amount	Description
70710	09	14260	500240	000000	00000	500.00	Net proceeds of sale to Police and Fire Pension Fund
Net Expenditure Adjustment						500.00	

Fund Balance Appropriation:

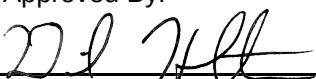
Fund	Title	Amount

Explanation: To amend the FY2019-20 budget by appropriating the net proceeds from the sale of property at 3140 West Lynn Street to the Police and Fire Pension Fund.

Requested By:


Department Head 6/11/19
Date

Approved By:


Director of Finance 6/11/19
Date

City Manager Date

Authorization:

Council Bill No. 2019-147
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hmgs. _____
Pgs. 6
Filed 06-11-19

Sponsored by Ferguson

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 148

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the sale of real property at 2406 West Elm Street to Panfilo Garcia for
2 \$500.00; and authorizing the issuance of a deed for same.
3 _____
4

5 WHEREAS, the City acquired the real estate generally located at 2406 West Elm
6 Street (the "Property") through the dangerous-building program; and
7

8 WHEREAS, total acquisition costs, including legal costs, demolition costs, etc.,
9 were \$7,817.78; and
10

11 WHEREAS, after declaring the Property to be surplus, the Land Inventory
12 Committee put the Property out for public bid; and
13

14 WHEREAS, Panfilo Garcia has offered to buy the Property for \$500.00, an offer
15 the City Manager considers acceptable because there were no bids for the property
16 after two previous attempts to sell and the lot is buildable because it is grandfathered in;
17 and
18

19 WHEREAS, disposition of real property calls for City Council approval; and
20

21 WHEREAS, net proceeds from the sale of surplus property are returned to the
22 fund from which the property was purchased, up to the amount of the purchase price.
23

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

27 Section 1 – City Council hereby approves the sale of the property generally
28 located at 2406 West Elm Street and depicted on "Exhibit A," which is attached hereto
29 and incorporated herein by this reference, to Panfilo Garcia for the price and sum of
30 \$500.00.
31

32 Section 2 – City Council hereby authorizes the Mayor to execute a Special
33 Warranty deed, said document to be substantially similar to "Exhibit B," which is

34 attached hereto and incorporated herein so as to convey title to the real estate to the
35 purchaser herein consistent with the offer and acceptance.

36
37 Section 3 – City Council hereby authorizes the Mayor to execute such
38 documents as are necessary to convey title to the real estate to the purchaser herein
39 consistent with the offer and acceptance.

40
41 Section 4 – City Manager is directed to cause the appropriate accounting entries
42 to be made in the books and records of the City.

43
44 Section 5 – This Ordinance shall be in full force and effect from and after
45 passage.

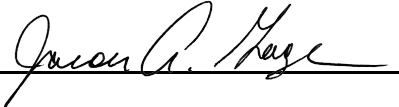
46
47 Passed at meeting: _____

48
49 _____
50 Mayor

51
52 Attest: _____, City Clerk

53
54
55 Filed as Ordinance: _____

56
57 Approved as to form: , Assistant City Attorney

58
59
60 Approved for Council action: , City Manager
61

EXPLANATION TO COUNCIL BILL 2019 - 148

FILED: 06-11-19

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To approve the sale of real property at 2406 West Elm Street to Panfilo Garcia for \$500.00; and authorizing the issuance of a deed for same.

BACKGROUND INFORMATION: The City acquired the property located at 2406 West Elm Street through the dangerous-building program. Total acquisition costs, including legal costs, demolition costs, etc., were \$7,817.78. The City received the offer to purchase noted above. The bid is acceptable because there were no bids for the property after two previous attempts to sell and the lot is buildable only because it is grandfathered in. No City department needs the property, and it does not have a public purpose.

A real-estate conveyance requires City Council's approval. (Net proceeds from the sale of the properties will be returned to the fund from which the property was purchased, up to the amount of the purchase price.)

REMARKS: The above Council Bill originated with the Land Inventory Committee. Pursuant to "Administrative Memorandum #5D," the Committee has declared the above property to be surplus.

Submitted by:


Duke McDonald, Assistant City Attorney

Recommended by:


Collin Quigley, Deputy City Manager

Approved by:


Jason Gage, City Manager

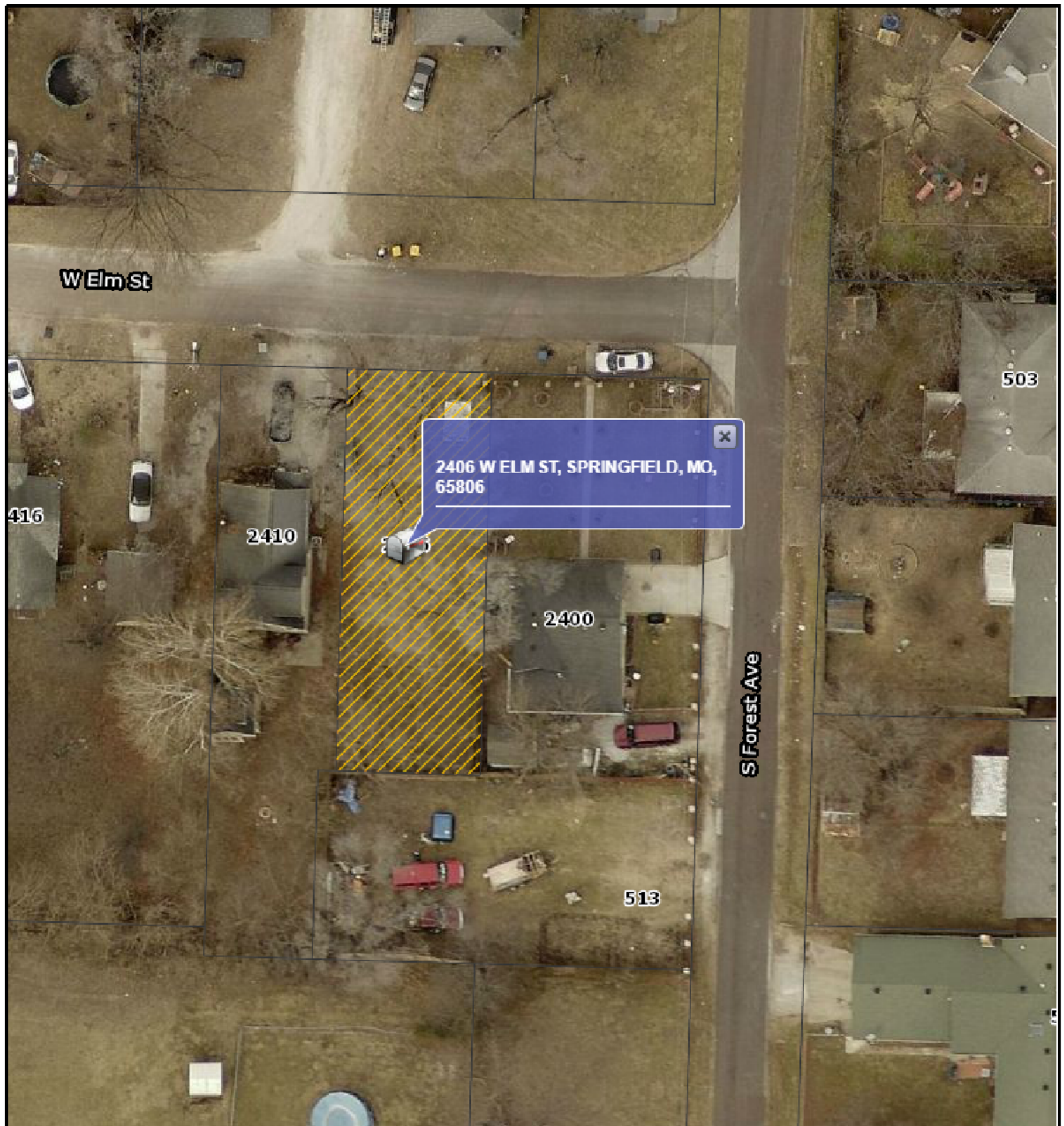


Exhibit A

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.

City of Springfield, Missouri
2406 West Elm Street



Printed: May 30, 2019

Exhibit B

SPECIAL WARRANTY DEED

THIS DEED is made on the ____ day of _____, 2019, by and between the City of Springfield, Missouri, Grantor, and Panfilo Garcia, 2400 West Elm Street, Springfield, Missouri, 65806.

WITNESSETH, that the Grantor, for valuable consideration, to it paid by the Grantee (the receipt of which is hereby acknowledged) does by these presents, SELL and CONVEY unto Grantee, and Grantee's successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Greene and State of Missouri, to wit:

The East Forty-Five (45) feet of the North One Hundred Eleven (111) of Lot One Hundred Ninety-two (192), in Forest Hill Addition, except all the West Five (5) feet of the East Forty-five (45) feet of the North One Hundred Eleven (111) feet of Lot One Hundred Ninety-two (192), all in the City of Springfield, Greene County, Missouri; addressed as 2406 West Elm Street.

SUBJECT TO: (a) easements, restrictions, reservations, and other agreements and matters of record, if any, (b) taxes and assessments, general and special, not now due and payable; and (c) rights of the public in and to the parts thereof in streets, roads or alleys.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining unto the Grantee and unto Grantee's successors and assigns forever; the Grantor, hereby covenanting that the said premises are free and clear from any encumbrance done or suffered by it, except as herein provided; and that it will warrant and defend the title to said premises unto the Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons claiming under it, except as herein provided.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year above written.

SEAL

THE CITY OF SPRINGFIELD, MISSOURI

By: _____
Ken McClure, Mayor

Attest:

Anita J. Cotter, City Clerk

STATE OF MISSOURI)
)
COUNTY OF GREENE)

ACKNOWLEDGMENT

On this _____ day of _____, 2019, before me personally appeared Ken McClure, to me personally known, in his capacity as Mayor of The City of Springfield, Missouri, a municipal corporation, and acknowledged said instrument with authority and on behalf of said municipality.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri, this _____ day of _____, 2019.

Notary Public

My term of office expires: _____

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed 06-11-19

Sponsored by Ferguson

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 149

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the sale of real property at 2444 North Benton Avenue to Trigg, LLC,
2 for \$15,100.00; authorizing the issuance of a deed for same; and
3 approving a budget adjustment to amend the Fiscal Year 2019-2020
4 budget.
5 _____
6

7 WHEREAS, the City acquired the real estate at 2444 North Benton Avenue (the
8 "Property") through the sewer tax bill program; and
9

10 WHEREAS, acquisition costs were paid by Environmental Services, and include
11 legal costs, installation costs, etc., and total \$12,079.95; and
12

13 WHEREAS, after declaring the Property to be surplus, the Land Inventory
14 Committee put the Property out for public bid; and
15

16 WHEREAS, Trigg, LLC, has offered to buy the Property for \$15,100.00, an offer
17 the City Manager considers acceptable; and
18

19 WHEREAS, disposition of real property calls for City Council approval; and
20

21 WHEREAS, City Council is committed to using all available funds, whenever
22 possible, to add to the Police-Fire Pension Fund; and
23

24 WHEREAS, funds in excess of the funds reimbursed to Environmental Services
25 will be allocated to the Police-Fire Pension Fund and a budget adjustment is necessary
26 to allocate the funds.
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 approves the sale of the property generally
32 located at 2444 North Benton Avenue and depicted on "Exhibit A," which is attached
33 hereto and incorporated herein by this reference, to Trigg LLC, for the price and sum of

34 \$15,100.00.
35

36 Section 2 – City Council hereby authorizes the Mayor to execute such
37 documents as are necessary to convey title to the real estate to the purchaser herein
38 consistent with the offer and acceptance.
39

40 Section 3 – City Council hereby authorizes the Mayor to execute a “Special
41 Warranty Deed,” said document to be substantially similar to “Exhibit B,” which is
42 attached hereto and incorporated herein by this reference so as to convey title to the
43 real estate to the purchaser herein consistent with the offer and acceptance.
44

45 Section 4 – City Council hereby directs that unrestricted proceeds generated in
46 excess of total acquisition costs be contributed to the Police-Fire Pension Fund.
47

48 Section 5 – The budget of the Police-Fire Pension Fund for Fiscal Year 2019-
49 2020 is hereby amended in the accounts and in the amounts as shown on Budget
50 Adjustment No. 0001, a copy of which is attached hereto and incorporated herein by
51 this reference as “Exhibit C.”
52

53 Section 6 – City Council hereby finds that the budget adjustment made above
54 has been recommended by the City Manager.
55

56 Section 7 – The City Manager is directed to cause the appropriate accounting
57 entries to be made in the books and records of the City.
58

59 Section 8 – 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

70 Filed as Ordinance: _____
71

72 _____
73 Approved as to form: Duke M. Donald, Assistant City Attorney
74

75 _____
76 Approved for Council action: Jason C. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2019 - 149

FILED: 06-11-19

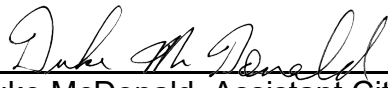
ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To approve the sale of real property at 2444 North Benton Avenue to Trigg, LLC, for \$15,100.00; authorize the issuance of a deed for same; and approve a budget adjustment to amend the Fiscal Year 2019-2020 budget.

BACKGROUND INFORMATION: The City acquired the property generally located at 2444 North Benton Avenue through the sewer tax bill program. Total acquisition costs, including legal costs, demolition costs, etc., were \$12,079.95. The City received the offer to purchase noted above. No City department needs the property, and it does not have a public purpose. A real-estate conveyance requires City Council's approval. (Net proceeds from the sale of the properties will be returned to the fund from which the property was purchased, up to the amount of the purchase price.) City Council has stated its intent to put any additional unrestricted proceeds from the sale of surplus property into the Police-Fire Pension Fund.

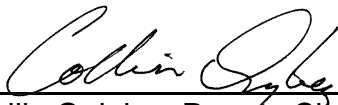
REMARKS: The above Council Bill originated with the Land Inventory Committee. Pursuant to "Administrative Memorandum #5D," the Committee has declared the above property to be surplus.

Submitted by:



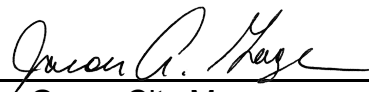
Duke McDonald, Assistant City Attorney

Recommended by:



Collin Quigley, Deputy City Manager

Approved by:



Jason Gage, City Manager

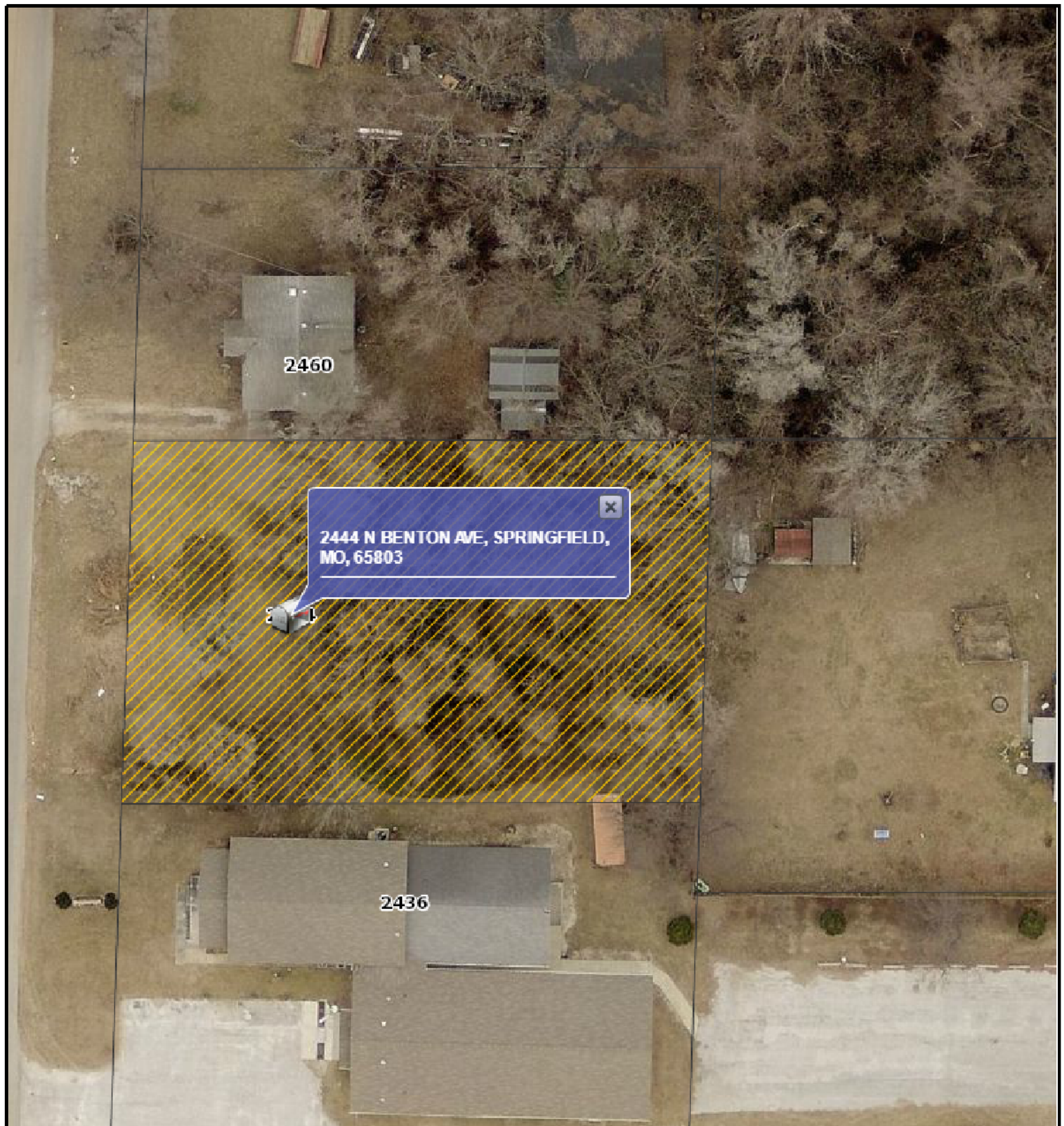


Exhibit A

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.

City of Springfield, Missouri
2444 North Benton Avenue



Printed: May 30, 2019

Exhibit B

SPECIAL WARRANTY DEED

THIS DEED is made on the ____ day of _____, 2019, by and between the City of Springfield, Missouri, Grantor, and Trigg LLC, 1645 East Holiday, Springfield, Missouri, 65804.

WITNESSETH, that the Grantor, for valuable consideration, to it paid by the Grantee (the receipt of which is hereby acknowledged) does by these presents, SELL and CONVEY unto Grantee, and Grantee's successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Greene and State of Missouri, to wit:

All of the North One-half (N1/2) of Lot Eighty-seven (87) and of Lot Eighty-Eight (88), and South One-half (S1/2) of Lot Eighty-nine (89), Wilkerson's Addition, a subdivision in Springfield, Greene County, Missouri, according to the recorded plat thereof, addressed as 2444 North Benton.

SUBJECT TO: (a) easements, restrictions, reservations, and other agreements and matters of record, if any, (b) taxes and assessments, general and special, not now due and payable; and (c) rights of the public in and to the parts thereof in streets, roads or alleys.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining unto the Grantee and unto Grantee's successors and assigns forever; the Grantor, hereby covenanting that the said premises are free and clear from any encumbrance done or suffered by it, except as herein provided; and that it will warrant and defend the title to said premises unto the Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons claiming under it, except as herein provided.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year above written.

SEAL

THE CITY OF SPRINGFIELD, MISSOURI

By: _____
Ken McClure, Mayor

Attest:

Anita J. Cotter, City Clerk

STATE OF MISSOURI)
)
COUNTY OF GREENE)

ACKNOWLEDGMENT

On this _____ day of _____, 2019, before me personally appeared Ken McClure, to me personally known, in his capacity as Mayor of The City of Springfield, Missouri, a municipal corporation, and acknowledged said instrument with authority and on behalf of said municipality.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri, this _____ day of _____, 2019.

Notary Public

My term of office expires: _____

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit C

Budget Adjustment
0001

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
70710	09	14260	409170	000000	00000	3,020.05	Net proceeds of sale to Police and Fire Pension Fund
Net Revenue Adjustment						3,020.05	

Expenditures:

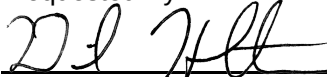
Fund	Dept	Org	Account	P&G	Location	Amount	Description
70710	09	14260	500240	000000	00000	3,020.05	Net proceeds of sale to Police and Fire Pension Fund
Net Expenditure Adjustment						3,020.05	

Fund Balance Appropriation:

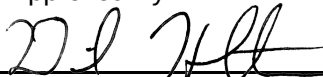
Fund	Title	Amount

Explanation: To amend the FY2019-20 budget by appropriating the net proceeds from the sale of property at 2444 North Benton Avenue to the Police and Fire Pension Fund.

Requested By:


Department Head 6/11/19
Date

Approved By:


Director of Finance 6/11/19
Date

City Manager Date

Authorization:

Council Bill No. 2019-149
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____