



Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers General Councilmembers

Phyllis Ferguson, Zone 1 Jan Fisk, General A

Abe McGull, Zone 2 Craig Hosmer, General B

Mike Schilling, Zone 3 Andrew Lear, General C

Matthew Simpson, Zone 4 Richard Ollis, General D

Upcoming Council Meeting Agenda

April 19, 2021 - 6:30 p.m.

This meeting will be conducted both at 830 N. Boonville Ave. and electronically. The public may observe, physically attend (the number of people gathered in a single space will be limited according to city ordinance with physical distancing requirements applied) or viewed at <https://cityview.springfieldmo.gov/livestream/>.

Speakers must [sign up with the City Clerk](#) no later than 5:00 p.m. the Friday before the meeting to speak to an issue on the agenda. Citizens wishing to submit comments to City Council may do so using the [citizen comments form](#).

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. APRIL 5, 2021 CITY COUNCIL MEETING**

Documents:

[04-05-21.PDF](#)

3. **FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST NOTIFY THE CITY CLERK BY 5:00 P.M. ON FRIDAY, APRIL 16, 2021.**
4. **CEREMONIAL MATTERS. Citizens May Speak. May Be Voted On.**
5. **Council Bill 2021-090 (Council)**

A resolution recognizing the retirement of Director of Planning and Development, Mary Lilly Smith.

Documents:

[2021-090.PDF](#)

6. CITY MANAGER REPORT, PUBLIC HEALTH DIRECTOR REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.

7. SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On.

8. Council Bill 2021-073 (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 10 acres generally located at 851 West Farm Road 182 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: Burning Tree Consulting, LLC; 851 W. Farm Road 182; Z-4-2021.) A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 10 acres generally located at 851 West Farm Road 182 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: Burning Tree Consulting, LLC; 851 W. Farm Road 182; Z-4-2021.)

Documents:

[2021-073.PDF](#)

9. Council Bill 2021-074 (Schilling)

A special ordinance granting Conditional Use Permit No. 449 for the purpose of authorizing a car washing business to operate within the GR, General Retail District generally located at 204 West Plainview Road as a conditional use. (Staff and Planning and Zoning Commission recommend approval.)

Documents:

[2021-074.PDF](#)

10. Council Bill 2021-075 (Ferguson)

A special ordinance granting Conditional Use Permit No. 450 for the purpose of authorizing playing fields to operate within the HC, Highway Commercial District and Airport Overlay District No. 3 generally located at 6006 West State Highway 266 as a conditional use. (Staff and Planning and Zoning Commission recommend approval.)

Documents:

[2021-075.PDF](#)

11. Council Bill 2021-076 (Hosmer)

A special ordinance approving the mapping of the East West Arterial, generally located between US Highway 65 and Riverbluff Boulevard to Kissick Avenue, pursuant to Section 11.11 of the City Charter of the City of Springfield, Missouri, in order to preserve right-of-way for future public street improvements for an additional five years. (Staff and Planning and Zoning Commission recommend approval.)

Documents:

[2021-076.PDF](#)

12. Council Bill 2021-077 (Ollis)

A special ordinance authorizing the City Manager, or his designee, to utilize U.S. Department of Housing and Urban Development funds budgeted for the City of Springfield's Comprehensive Housing Assistance Program to supplement Coronavirus Aid, Relief, and Economic Security Act funds allocated for Affordable Housing Assistance by Special Ordinance 27336. (Staff recommends approval.)

Documents:

[2021-077.PDF](#)

13. Council Bill 2021-078 (McGull)

A special ordinance declaring the necessity of condemning right(s)-of-way for perpetual sidewalk and temporary construction easements over, under, and through the properties herein described and located along East Division Street between National and Glenstone Avenues in the City of Springfield, Missouri, including 1310, 1320, 1324, and 1607 East Division Street, for the purpose of completing the Division Street Reconstruction Project, City Project #2017PW0036, funded through the 1/4-Cent Capital Improvement Sales Tax; and authorizing certain officers, or their designees, to do all things necessary to carry out the terms of this Ordinance.

Documents:

[2021-078.PDF](#)

14. Council Bill 2021-079 (Schilling)

A special ordinance repealing Special Ordinance 27456; approving the plans and specifications for the Fassnight Trail Improvements and Luster Avenue Sidewalk project; accepting the bid of Liming Concrete, LLC, in the amount of \$174,264 for said project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Documents:

[2021-079.PDF](#)

15. Council Bill 2021-080 (Ferguson)

15. Council Bill 2021-080 (Ferguson)

A special ordinance authorizing the City Manager, or his designee, to acknowledge and accept \$424,623 from the Greenfield Environmental Multistate Trust, LLC, for the purpose of repairing sewer infrastructure in the vicinity of the former Tronox/Kerr-McGee Wood Treatment Facility located at 2800 West High Street; and approving a budget adjustment amending the Fiscal Year 2020-2021 budget of the Department of Environmental Services Clean Water Fund in the amount of \$424,623.

Documents:

[2021-080.PDF](#)

16. Council Bill 2021-081 (Lear)

A general ordinance amending the Springfield City Code, Chapter 98, 'Streets, Sidewalks, and Public Places,' Article VII, 'Encroachments on City Property,' Section 98-323, 'Certain encroachments authorized by the director of public works—Procedures related thereto,' to waive application and permit fees for encroachment permits for temporary sidewalk cafés while restaurants are required to maintain physical distancing between patrons or restaurants are restricted from seating patrons at counters due to the 2019 novel coronavirus.

Documents:

[2021-081.PDF](#)

17. Council Bill 2021-082 (Ollis)

A general ordinance authorizing a variance to the Fuel Adjustment Factor for Under-recovery (Over-recovery) of Prior Fuel Cost Dollars (a/k/a "under-recovery (over-recovery) of fuel costs"), each as described or defined in the Fuel Adjustment Clause (Electric Rates Sheet No. 10 of General Ordinance 6139), to be calculated by City Utilities of Springfield, Missouri.

Documents:

[2021-082.PDF](#)

18. Council Bill 2021-088 (McClure)

A special ordinance adopting and authorizing the Mayor to execute the Second Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter, setting out the terms and conditions of her employment as City Clerk; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions set forth therein.

Documents:

[2021-088.PDF](#)

19. GRANTS.

20. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

Antonia Genisio wishes to address City Council

Antonia Gensio wishes to address City Council.

Daryl Day wishes to address City Council.

Lisa Meeks wishes to address City Council.

Patricia Tursi wishes to address City Council.

Daryl Baker wishes to address City Council.

21. CONSENT AGENDA – ONE READING BILLS. See Item #3.

22. Council Bill 2021-091 (McClure)

A resolution electing the Honorable Todd Thornhill as judge of the Springfield Municipal Court for a term of four years.

Documents:

[2021-091.PDF](#)

23. Council Bill 2021-092 (Schilling)

A resolution confirming the appointment of Paul Tillman to the College Station Community Improvement District Board of Directors. (Staff recommends approval.)

Documents:

[2021-092.PDF](#)

24. Council Bill 2021-093 (Simpson)

A resolution confirming the appointment of Jason Hill to the Southern Hills Community Improvement District Board of Directors. (Staff recommends approval.)

Documents:

[2021-093.PDF](#)

25. CONSENT AGENDA – SECOND READING BILLS. See Item #3.

26. Council Bill 2021-083 (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 Ward Branch Subdivision, generally located at 851 West Farm Road 182, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Documents:

[2021-083.PDF](#)

27. Council Bill 2021-084 (Simpson)

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 Terragreen Condominium Plat Phase IV, generally located at 2305 South Blackman Road, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Documents:

[2021-084.PDF](#)

28. Council Bill 2021-085 (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 Olive Corner, generally located at 519 West Olive Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Documents:

[2021-085.PDF](#)

29. END OF CONSENT AGENDA.

30. RESOLUTIONS. Citizens May Speak. May Be Voted On.

31. Council Bill 2021-094 (Council)

A resolution removing certain tabled bills from the table and forwarding them to the next succeeding City Council for further consideration and review; and declaring an emergency pursuant to City Charter Section 2.12.

Documents:

[2021-094.PDF](#)

32. Council Bill 2021-095 (Council)

A resolution forwarding certain topics on City Council Committee schedules to the next succeeding City Council Committees for further consideration and review; and declaring an emergency pursuant to City Charter Section 2.12.

Documents:

[2021-095.PDF](#)

33. Council Bill 2021-096 (Council)

A resolution declaring the results of a General Municipal Election held on April 6, 2021, under the Home Rule Charter of the City of Springfield, Missouri.

Documents:

[2021-096.PDF](#)

- 34. **COMMENTS AND PRESENTATIONS.**
- 35. **ADJOURN SINE DIE.**
- 36. **ADMINISTER OATH OF OFFICE TO NEWLY ELECTED OFFICIALS.**
- 37. **ROLL CALL.**
- 38. **MOTION TO TABLE BILLS.**
- 39. **COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. May Be Voted On.**
- 40. **Council Bill 2021-097 (Simpson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.07 acres generally located at 1640 East Sunshine Street from R-SF, Single-Family Residential District to GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: 3410 Kingshighway LLC; 1640 East Sunshine Street; Z-9-2021.)

Documents:

[2021-097.PDF](#)

- 41. **Council Bill 2021-098 (Simpson)**

A special ordinance granting Conditional Use Permit No. 447 for the purpose of authorizing an automobile washing business to operate within the GR, General Retail District generally located at 1640 and 1650 East Sunshine Street as a conditional use. (Staff and Planning and Zoning Commission recommend approval.)

Documents:

[2021-098.PDF](#)

- 42. **FIRST READING BILLS. Citizens May Speak. Not Anticipated To Be Voted On.**
- 43. **Council Bill 2021-099 (Ollis)**

A general ordinance repealing General Ordinance 6585 titled "Suspending enforcement of portions of sections 36-368(9) and 36-473(e) of the Zoning Ordinance."

Documents:

44. Council Bill 2021-100 (Lear)

A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program-Urban Program Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2020-2021, in the amount of \$360,000, for the purpose of partially reimbursing the base salaries of up to six City employees who operate and manage the Transportation Management Center.

Documents:

[2021-100.PDF](#)

45. Council Bill 2021-101 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into a Professional Service Agreement with the Missouri State Highway Patrol and the Marshall University Research Corporation on behalf of Marshall University Forensic Science Center to provide independent review of privately tested Sexual Assault Forensic Evidence kits.

Documents:

[2021-101.PDF](#)

46. EMERGENCY BILLS.

47. PUBLIC IMPROVEMENTS.

48. AMENDED BILLS.

49. MISCELLANEOUS.

50. NEW BUSINESS.

The Public Involvement Committee recommends the following appointments to the Citizens Advisory Committee for Community Development: Shawna Batty and Mary Nichols with terms to expire May 1, 2024.

The Public Involvement Committee recommends the following reappointments to the Citizens Advisory Committee for Community Development: Alexandra Sheppard and Kate Stockton with terms to expire May 1, 2024.

The Public Involvement Committee recommends the following reappointments to the Citizens' Tax Oversight Committee: Charles Cowherd and David Troyer with term to expire May 1, 2024.

The Public Involvement Committee recommends the following appointment to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Justin Setser with term to expire April 30, 2024.

As per RSMo. 109.230 (4). City records that are on file in the City Clerk's office

and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

51. **UNFINISHED BUSINESS.**

52. **CONSENT AGENDA – FIRST READING BILLS.**

53. **END OF CONSENT AGENDA – FIRST READING.**

54. **ADJOURN.**

Persons addressing City Council will be escorted to a monitored computer and address City Council via Zoom. Please 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 three days prior to the scheduled meeting.

April 5, 2021
Springfield, Missouri

The City Council met in regular session April 5, 2021 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure. A moment of silence was observed.

Roll Call Present. 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 March 22, 2021 City Council meeting and March 16, 2021 and March 30, 2021 Special City Council meetings were approved as presented.

Consent Agenda The Consent Agenda was approved as presented.

CEREMONIAL MATTERS

City Manager Report Jason Gage, City Manager, noted more than 600 individuals have registered to participate for the City's Clean Green Springfield Initiative. Mr. Gage further noted the City recently hosted a Point-of-Pride clean-up at and around the West Meadows area, as well as a neighborhood clean-up in the Midtown Neighborhood. He added although we do not have all the results back for those clean-up efforts, City staff does know approximately 65 bags of trash, which weighed approximately 1,300 pounds, were removed from the West Meadows area. Mr. Gage noted the clean-up efforts within the Midtown Neighborhood area served approximately 46 households, and approximately 10 dumpsters full of trash were collected, as well as approximately 1,465 pounds of scrap metal. He further noted Cora Scott, Director of Public Information and Civic Engagement, has provided a schedule of events, as well as a copy of the packet participants recently received for Council's review.

Mr. Gage noted the Police Department's Records Section and Crime Analysis Unit have compiled a comprehensive report showing crime data in Springfield during year 2020. He further noted Paul Williams, Police Chief, has provided a copy of the report to Council for review. Mr. Gage added in January 2020, the Police Department changed how crime reports were recorded. He noted a new reporting system administered by the Federal Bureau of Investigation called the National Incident-Based Reporting System was implemented. Mr. Gage further noted the National Incident-Based Reporting System allows the police a more comprehensive look at the issue of crime within the community than in years past. He added City staff is hopeful by utilizing a more comprehensive system for crime statistics, it will allow us to better identify trends and find long-term solutions.

Mr. Gage noted the City and Olsson and Associates, LLC., is continuing a public engagement process to help guide the design of the Renew Jordan Creek project. He further noted the intent of the Renew Jordan Creek project is to daylight the creek between Boonville Avenue and Main Avenue, which will have flood reduction and water quality benefits.

Mr. Gage added the Renew Jordan Creek project will also provide an urban amenity and catalyst for further development within the downtown area. He noted a public open house is being held virtually tonight, which began at 6:00 p.m. Mr. Gage further noted the concept plan options are viewable and City staff is taking additional comments through April 11, 2021 at midnight. He added individuals can obtain additional information via www.renewjordancreek.com.

Mr. Gage noted the Forward SGF speaker series continues Thursday, April 15, 2021 at 6:00 p.m. with a panel discussion on transforming our community. He further noted the series will discuss trends that influence housing choice and were to live. Mr. Gage noted the Forward SGF plan consultants John Houseal and Branson Nolin, with local housing panelists Laurel Bryant, Cameron LaBarr and Debbie Shantz Hart will host a virtual discussion at www.forwardsgf.com. He further noted the event will also be live streamed on the City's Facebook page and at www.springfieldmo.gov.

Mr. Gage noted the Fire Department has been selected as a top 30 nationwide finalist regarding the Department of Defense Freedom award in the Public Sector category. He further noted this means the Fire Department is in the top five in their category. Mr. Gage added the Employer Support Freedom Award is the highest recognition given by the Department of Defense to employers for their exceptional support of National Guard and Reserve members.

Mayor McClure expressed his appreciation to the City staff and the community regarding the Clean Green Springfield Initiative.

Mayor McClure thanked Mr. Gage for tonight's update.

**Public Health Director
Report**

There was no report provided by Katie Towns, Acting Springfield-Greene County Health Director.

The following bills appeared on the agenda under Second Reading.

**Contract with
ShotSpotter Inc.**

Sponsor: Hosmer. Council Bill 2021-044.

A special ordinance authorizing the City Manager, or his designee, to enter into a contract with ShotSpotter Inc., for the implementation of the ShotSpotter Respond gunfire detection system.

Councilman Hosmer expressed his belief Council Bill 2021-044 should remain tabled until Paul Williams, Police Chief, can provide additional information to the Council about the issue of technology and the police department, such as personnel, at an upcoming City Council Lunch in April 2021.

Councilman Hosmer moved to table Council Bill 2021-044 until the May 3, 2021 City Council Meeting.

Councilman Simpson seconded the motion and Council Bill 2021-044 was tabled by the following vote: Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: None. Abstain: None.

**Purchase of Land
Located at 404 North
Jefferson Avenue –
Jordan Valley Concept
Plan**

Sponsor: Ferguson. Council Bill 2021-069.

A special ordinance authorizing the City Manager, or his designee, to enter into a contract for the purchase of land located at 404 North Jefferson Avenue, for the purpose of continuing the Jordan Valley Concept Plan for daylighting Jordan Creek; to execute all necessary documents in support thereof; and amending the budget for the Department of Public Works for Fiscal Year 2020-2021 in the amount of \$1,465,000. (Planning and Zoning Commission approved this Request to Acquire, and staff recommends approval).

Mayor McClure expressed his appreciation to City staff for the proposed.

Council Bill 2021-069. Special Ordinance 27479 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure.
Nays: None. Absent: None. Abstain: None.

**2021 Supplemental
Overflow Control Plan**

Sponsor: Ollis. Council Bill 2021-070.

A special ordinance approving the proposed 2021 Supplemental Overflow Control Plan to comply with the Amended Consent Judgment; authorizing the City Manager to submit the proposed Supplemental Overflow Control Plan to the Missouri Department of Natural Resources for approval; and authorizing the City Manager to work with the Missouri Department of Natural Resources and the Missouri Attorney General's office to jointly file a motion with the Greene County Circuit Court to obtain court approval of the 2nd Amended Consent Judgment and 2021 Supplemental Overflow Control Plan.

Councilman Lear expressed his support and commended City staff for the proposed.

Council Bill 2021-070. Special Ordinance 27480 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure.
Nays: None. Absent: None. Abstain: None.

**2021 Community
Development Block
Grant and HOME
Investment Partnership
Program Funds**

Sponsor: McGull. Council Bill 2021-071.

A special ordinance authorizing the City Manager, or his designee, to apply to the United States Department of Housing and Urban Development for Federal Fiscal Year 2021 Community Development Block Grant and HOME Investment Partnership Program funds under the Consolidated Plan, to accept Community Development Block Grant and HOME Investment Partnership Program funds, to enter into any necessary agreements to carry out the grants, and to exercise any and all powers necessary to implement selected projects; selecting projects for funding for the City of Springfield Fiscal Year 2021-2022; reaffirming the Community Development Objectives and Priorities; and declaring that this Ordinance qualifies as a one-reading bill pursuant to City Charter Section 2.16(25). (City Council is not expected to vote on this Ordinance after the first reading on March 22, 2021.)

Council Bill 2021-071. Special Ordinance 27481 was approved by the following vote:
Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure.
Nays: None. Absent: None. Abstain: None.

RESOLUTIONS

The following bill appeared on the agenda under Emergency Bills.

Road to Recovery Plan - COVID-19 Pandemic

Sponsor: Council. Council Bill 2021-089.

A general ordinance amending General Ordinance 6628, which adopted public health and safety regulations related to the COVID-19 pandemic, to extend the sunset date of said ordinance until April 16, 2021; amending the Springfield City Code, Chapter 58, 'Health and Sanitation,' by repealing Article XIII, 'COVID-19 pandemic,' and replacing it with a new Article XIII, 'COVID-19 pandemic' which revises regulations related to Face Coverings, occupancy limits, and physical distancing to respond to the COVID-19 pandemic to become effective April 16, 2021; and declaring an emergency pursuant to City Charter Section 2.12.

Katie Towns, Acting Director of the Springfield-Greene County Health Department, gave an overview of the proposed. Ms. Towns noted one of the variants of COVID-19 has been recently detected within Greene County. She further noted one of the best tools available to help prevent the spread of COVID-19 and the variants is to get vaccinated. She encouraged everyone to remain vigilant by wearing a mask, washing hands, and practice social distancing in public settings. She noted as of April 1, 2021, the 7-day rolling average fell under 20 positive daily cases. She further noted currently approximately 19.25% of Greene County residents is fully vaccinated. She added more than 32% of Greene County residents are partially vaccinated.

Ms. Towns noted on April 9, 2021 all Missouri residents will be eligible to receive the vaccinations. Ms. Towns further noted individuals may contact the Health Department at 417-874-1211 or visit www.springfieldmo.gov/5376/Vaccine-Information for appointment or additional information. She added a mega vaccination event will be held at Hammons Student Center, which is located on the campus of Missouri State University, on April 8 and 9, 2021. She noted the Johnson and Johnson one shot vaccine will be utilized at the upcoming mega vaccination event. She further noted over 2,330 have been currently signed up. Ms. Towns added individuals may sign-up for the upcoming mega vaccination event at www.vaccine417.com. She noted last week the Health Department and some community organizations teamed-up together to offer onsite vaccination clinics at approximately three area locations.

Ms. Towns noted the proposed would extend the sunset date of General Ordinance 6628, which adopted public health and safety regulations related to the COVID-19 pandemic until April 16, 2021. She further noted on March 22, 2021, City Council approved a resolution that established a future framework as a roadmap to lessen the restrictions to help protect the community against COVID-19.

Ms. Towns added City staff recommends the red phase be continued until April 16, 2021. She further noted this will allow additional time for the City to move closer to the 25% threshold established for possibly proceeding into a yellow phase. She added this will also offer time for newly eligible individuals a chance to take part in vaccination opportunities when the State's final vaccination phase opens to all individuals over the age of sixteen. Ms. Towns noted the potential yellow phase would remove most occupancy restrictions upon businesses except for mass gatherings of more than 500 people, would recommend physical distancing be utilized, and continues to require masking in places of public accommodation.

Mayor Pro Tem Ferguson recused herself due to a conflict of interest.

Councilman Simpson asked for clarification whether the Health Department would meet with some restaurant owners about the City's potential phasing for the Road to Recovery. Ms. Towns noted City staff has begun discussions about helping to inform the public and businesses about the possible phasing. She further noted City staff would also be working with the Springfield Area Chamber of Commerce to help provide information to businesses.

Councilman Ollis expressed his appreciation to the Health Department staff for working with the public and business owners to educate them of the proposed for the Road to Recovery. He further expressed numerous businesses, such as restaurants, are having difficulty in recovering due to the COVID-19 pandemic.

Councilman Lear expressed his belief there are monies available for businesses, such as restaurants and theaters, within the American Rescue Act to help with assistance due to the COVID-19 pandemic via an application process. He further expressed his excitement for the City to begin further recovery efforts from the COVID-19 pandemic.

Councilman McGull asked for clarification whether the Health Department would soon begin fully implementing inspections, such as for restaurants, as the City begins to potentially move into the yellow phase. Ms. Towns noted Health Department staff is preparing to actively implement Health Department staff soon for their core duties, such as restaurants inspections. Councilman McGull noted local pharmacies, such as Walgreens and CVS, are also providing vaccine opportunities to eligible individuals.

Councilman Simpson asked for clarification regarding the possible yellow phase. Ms. Towns reiterated a potential yellow phase would remove most occupancy restrictions upon businesses except for mass gatherings of more than 500 people, would recommend physical distancing be utilized, and continues to require masking in places of public accommodation.

Anita Cotter, City Clerk, noted there are eight speakers who have signed up for Council Bill 2021-089 in which three minutes would be provided for each speaker per Council's policy.

An opportunity was given for citizens to express their views.

Lisa Meeks spoke in opposition to the proposed. Ms. Meeks expressed her belief there should be no restrictions for businesses, such as occupancy, and no masking mandate should be implemented upon citizens within the community. She further expressed her belief Council placed unscientific restrictions upon citizens based upon unnecessary fears relating to COVID-19, particularly with implementing a masking mandate. Ms. Meeks asked Council to eliminate all restrictions relating to COVID-19 for businesses and individuals.

Jan DuMas spoke in opposition to the proposed. Ms. DuMas expressed her opinion the City should do what Nicaragua did and let individual choose for themselves how to proceed with dealing with COVID-19. Ms. DuMas asked Council not to further impose restrictions upon businesses and individuals.

Craig McCoy spoke in support of the proposed. Mr. McCoy noted he serves as the Community President at Mercy Springfield. He thanked Council for their dedicated service and support to the community, especially during the COVID-19 pandemic. He noted Mercy Springfield currently has approximately seven COVID-19 patient hospitalizations, one of which is currently within the Intensive Care Unit.

Mr. McCoy noted the regulations Council implemented during the COVID-19 pandemic has saved countless lives. He further noted Mercy Springfield has administered over 37,000 vaccines to date. Mr. McCoy added all Missourians will be eligible for the vaccine on April 9, 2021, and individuals may register at www.mercy.net/movaccine for an appointment. Mr. McCoy asked Council to approve the proposed.

Heather Dietz spoke in opposition of the proposed. Ms. Dietz expressed her belief City Council should not continue imposing restrictions on businesses and citizens regarding the COVID-19 pandemic. She further expressed her belief the restrictions hamper businesses from growing and operating to their full potential. Ms. Dietz expressed her opinion businesses are failing and closing due to the restrictions placed upon them by the City. She further expressed her opinion these restrictions are unacceptable and should not continue.

Gerald Keim spoke in opposition of the proposed. Mr. Keim expressed his belief Council should not continue further restricting businesses and citizens with mandates, such as masking. He further expressed his belief there was no need to issue a civil emergency due to the COVID-19 pandemic.

Steve Edwards spoke in support of the proposed. Mr. Edwards expressed his belief the proposed provides a balanced approach to help safely guide and benefit the community with moving forward towards the Road to Recovery. He noted Greene County is approximately 20% lower regarding the infectious rate of COVID-19 than the state average. Mr. Edwards further noted unemployment is approximately 3.2%, which is the fifteenth lowest in the region. He expressed his concerns about the variants of COVID-19 being detected locally, which are more contagious and deadly. Mr. Edwards expressed his opinion individuals should be vaccinated to help prevent contracting the variants and COVID-19. He asked Council to approve the proposed.

Councilman Hosmer asked for clarification whether Cox Healthcare has experienced a significant decrease in flu hospitalizations. Mr. Edwards answered affirmatively and noted to his knowledge Cox Hospital has not had any hospital admissions for the flu this season. He noted Cox Healthcare would normally have approximately 18-28 hospitalizations a day related to the flu during a fall and winter season. Councilman Hosmer expressed his belief masking helps prevent the spread of respiratory diseases. Mr. Edwards expressed his belief the flu is less contagious than COVID-19. Councilman Hosmer asked for clarification whether masking helps prevent the spread of COVID-19. Mr. Edwards noted there are over 50 scientific articles relating to the benefits of implementing masking to help prevent or reduce the spread of COVID-19. He expressed his belief masking is not a 100% guarantee, but it does help prevent the spread of COVID-19 when properly utilized.

Councilman Simpson expressed his appreciation to the local healthcare facilities, such as Cox Healthcare, for their dedicated support to the community.

Jan Fisk expressed her appreciation to Mr. Edwards and the local healthcare providers for their dedicated support to the community. Mr. Edwards thanked Council for their dedicated support and service, especially during the COVID-19 pandemic. He expressed his belief by Council implementing regulations early on, it helped save countless lives. Mr. Edwards also expressed his appreciation to the frontline healthcare workers for their dedicated service to the community during the COVID-19 pandemic. He noted the highest rate of hospitalizations for Cox Healthcare was over 170 patients, and currently, Cox has approximately 16 COVID-19 positive patients, of which, 3 are in the Intensive Care Unit. Mr. Edwards noted Cox Healthcare has currently administered over 70,000 vaccine dosages.

Melanie Taylor spoke in opposition of the proposed. Ms. Taylor expressed her opinion masking should not be continued. She further expressed her belief other lives have also been lost during the COVID-19 pandemic, such as individuals who were unable to receive donor transplants.

Patricia Tursi spoke in opposition of the proposed. Ms. Tursi expressed her belief the proposed should not be implemented and masking should not continue to be implemented. She further expressed her belief the vaccines for COVID-19 are not vaccines, but a way to help control individuals via a genetic modified operating system.

Written comments were also submitted by Carolyn Crawford, Josh Campbell, and Stephen Waldo regarding Council Bill 2021-089.

There being no additional speakers, the public hearing was declared closed.

Council Bill 2021-089. General Ordinance 6646 was approved by the following vote: Ayes: McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

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

Rezoning at 851 West Farm Road 182

Sponsor: Schilling. Council Bill 2021-073.

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 10 acres generally located at 851 West Farm Road 182 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: Burning Tree Consulting, LLC; 851 W. Farm Road 182; Z-4-2021.)

Mary Lilly Smith, Director of Planning and Development, provided an overview of the proposed. Ms. Smith noted the property in question was annexed into the City in June 2020. She further noted there was a proposed rezoning to Low Density Multi-Family Residential District, which was denied by Council. Ms. Smith added the applicant is proposing a single-family subdivision called Ward Branch and would allow a residential density of 7 dwelling units per acre. She noted the proposed rezoning for single-family residential zoning is consistent with the properties to the west within the county that have single-family residential uses. Ms. Smith further noted the City's Growth Management and Land Use Plan element of the Comprehensive Plan identifies the northeast portion of the subject property as appropriate for medium or high-density housing and the southwest portion of property as appropriate for low density housing.

Councilman Schilling asked for clarification regarding the location for the proposed and how access points would be available for the proposed. Ms. Smith noted the proposed is located off West Plainview Road. Ms. Smith noted there is also a proposed plat, which is on the consent agenda, Council Bill 2021-083, on tonight's agenda. She further noted there would be two access points for the proposed. Councilman Schilling expressed some concerns with traffic safety for the proposed.

Councilman Lear asked for clarification regarding the number of single-family residences for the proposed. Ms. Smith noted the applicant is proposing approximately 40 single-family resident homes. She further noted this is the same number as single-family residences to the west of the proposed.

An opportunity was given for citizens to express their views.

Written comments were submitted by Jared Davis regarding Council Bill 2021-073.

There being no speakers, the public hearing was declared closed.

**Conditional Use Permit
No. 449 – 204 West
Plainview Road**

Sponsor: Schilling. Council Bill 2021-074.

A special ordinance granting Conditional Use Permit No. 449 for the purpose of authorizing a car washing business to operate within the GR, General Retail District generally located at 204 West Plainview Road as a conditional use. (Staff and Planning and Zoning Commission recommend approval.)

Mary Lilly Smith, Director of Planning and Development, provided an overview of the proposed. Ms. Smith noted the applicant is proposing to resume operation of a car wash business without changes to the existing structures and site development regarding access, lighting, and circulation. She further noted the property in question is located near South Campbell Avenue and West Plainview Road. Ms. Smith added a new conditional use permit is required if the use is discontinued for 12 consecutive months.

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

**Conditional Use Permit
No. 450 – 6006 West
State Highway 266**

Sponsor: Ferguson. Council Bill 2021-075.

A special ordinance granting Conditional Use Permit No. 450 for the purpose of authorizing playing fields to operate within the HC, Highway Commercial District and Airport Overlay District No. 3 generally located at 6006 West State Highway 266 as a conditional use. (Staff and Planning and Zoning Commission recommend approval.)

Mary Lilly Smith, Director of Planning and Development, provided an overview of the proposed. Ms. Smith noted the proposed would allow playing fields on property within the Airport Overlay districts. She further noted the proposed satisfies all standards for a conditional use permit.

An opportunity was given for citizens to express their views.

Jared Rasmussen spoke in support of the proposed. He noted he is available to respond to any questions from Council. There were no questions posed by Council.

There being no additional speakers, the public hearing was declared closed.

**Mapping of the East
West Arterial – US
Highway 65 and
Riverbluff Boulevard to
Kissick Avenue**

Sponsor: Hosmer. Council Bill 2021-076.

A special ordinance approving the mapping of the East West Arterial, generally located between US Highway 65 and Riverbluff Boulevard to Kissick Avenue, pursuant to Section 11.11 of the City Charter of the City of Springfield, Missouri, in order to preserve right-of-way for future public street improvements for an additional five years. (Staff and Planning and Zoning Commission recommend approval.)

Mary Lilly Smith, Director of Planning and Development, provided an overview of the proposed. Ms. Smith noted the City Charter gives the Planning and Zoning Commission the ability to make surveys for the exact location of new streets that have been previously included within the City's Major Thoroughfare Plan. She further noted when the Planning and Zoning Commission certifies to Council that they have made such a survey, the City may map the subject street on the official street map by ordinance. She added the general location of the East West Arterial was identified as a future primary arterial in the City-Greene County Comprehensive Plan Transportation Plan Element, which was adopted on June 11, 2001 and amended on April 4, 2016. Ms. Smith noted the mapping of the East West Arterial shall be in effect for 5 years and only apply to properties within the City. She further noted the proposed does not take or accept land for street purposes and the construction timing depends on development within the area. She added no building permits may be issued on land between mapped lines of the street.

Councilman Hosmer asked for clarification whether the mapping of the East West Arterial has already been done. Ms. Smith answered affirmatively and noted the proposed would extend it another five years, which would only apply to properties within the City. Councilman Hosmer asked for clarification whether the City would potentially be utilizing eminent domain for acquiring any property pertaining to the proposed. Ms. Smith noted City staff would work with property owners first to acquire properties by agreements as opposed to eminent domain.

Councilman Lear asked for clarification whether Greene County Commission has approved a similar action for the proposed. Ms. Smith noted the Greene County Commission has not yet approved their portion. She further noted the City would not construct the proposed unless Greene County supports their portion for the East West Arterial. Ms. Smith reiterated Council adopted the mapping portion in 2016.

Councilman Hosmer asked for clarification regarding the shaded areas pertaining to the East West Arterial Mapping. Ms. Smith noted the yellow shaded areas are the city limits. Councilman Hosmer expressed his belief the city limit boundaries are a little disproportioned in some areas of the City.

An opportunity was given for citizens to express their views.

Christiaan Horton spoke in opposition of the proposed. Mr. Horton noted he represents Steven and Wilma Hartley, who own a piece of property west of the Mercy Orthopedic Hospital. He further noted per an aerial view of this client's property, the proposed would cut their property down in the middle, which would negatively impact his clients. Mr. Horton expressed his belief the proposed is essentially an inverse condemnation of his client's property. He noted the previous alignment for the arterial should be utilized versus the proposed. Mr. Horton asked Council to review the previous alignment compared with the proposed before further consideration.

Ms. Smith outlined the previous alignment with Council. She noted the East West Arterial has a history dating back to 2001. Ms. Smith noted the Granite Springs Subdivision was once part of the Hartley farm and the subdivision's developer dedicated rights-of-way to the City for mapping of the East West Arterial. She further noted there was previous litigation conducted with the developer of Granite Springs pertaining to the East West Arterial and the settlement included that more survey work would be conducted with an appropriate alignment. Ms. Smith added when the mapping review occurred, the alignment line was made when a survey was completed. She noted the proposed alignment is the same as was adopted by Council in 2016.

Councilman Lear asked for clarification whether the proposed for the alignment is the same as was adopted in 2016. Ms. Smith answered affirmatively. Councilman Lear asked for clarification whether the Hartley farm is located within the city limits or the county. Ms. Smith noted the Hartley farm is located within the county. She expressed her belief Greene County has not adopted the mapping alignment to her knowledge.

Councilman Schilling expressed his belief Council should visit the property in question for review.

Mr. Horton noted there are some wetlands and lower lying areas to the south of the alignment area, which should be considered before proceeding with the proposed. He reiterated his belief the original map alignment should be utilized as the proposed.

There being no additional speakers, the public hearing was declared closed.

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

Sponsor: Ollis. Council Bill 2021-077.

Comprehensive Housing Assistance Program

A special ordinance authorizing the City Manager, or his designee, to utilize U.S. Department of Housing and Urban Development funds budgeted for the City of Springfield's Comprehensive Housing Assistance Program to supplement Coronavirus Aid, Relief, and Economic Security Act funds allocated for Affordable Housing Assistance by Special Ordinance 27336. (Staff recommends approval.)

Bob Jones, Community Development Loan Officer, provided an overview of the proposed. Mr. Jones noted the purpose of the proposed is to substitute the Community Development Block Grant (CDBG) funds for HOME fund previously allocated for rental assistance pertaining to Cares Act Round 1 Funding. He further noted a previous decision was based upon City staff expectations of the required amount of CDBG expenditures needed to meet a Housing and Urban Development directed expenditure requirement that must be met by May 2, 2021. He added the anticipated Comprehensive Housing Assistance Program CDBG expenditures were delayed due to the impact of the COVID-19 restrictions and slower processed that affected the ability to expend the amount proposed for housing development.

Mr. Jones noted City staff believes \$200,000 of CDBG funds previously allotted for the Comprehensive Housing Assistance Program per Special Ordinance 27403 be utilized to supplement the \$183,000 of CDBG Coronavirus funds for Affordable Housing Assistance instead of the HOME funds allocated by Special Ordinance 27336, with said HOME funds to be returned for any eligible use under the HOME Program. He further noted City staff is forecasting the need for additional CDBG expenditures to ensure the City meets the May 2, 2021 spending requirements. He added the Housing and Urban Development HOME grant program does not have the same expenditure limit or deadline. He noted the proposed will assist the City in complying with the CDBG expenditure requirement. He further noted the proposed would not delay or reduce the rent assistance funding support being provided to the City's non-profit partner agencies.

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

**Division Street
Reconstruction Project –
#2017PW0036**

Sponsor: McGull. Council Bill 2021-078.

A special ordinance declaring the necessity of condemning right(s)-of-way for perpetual sidewalk and temporary construction easements over, under, and through the properties herein described and located along East Division Street between National and Glenstone Avenues in the City of Springfield, Missouri, including 1310, 1320, 1324, and 1607 East Division Street, for the purpose of completing the Division Street Reconstruction Project, City Project #2017PW0036, funded through the 1/4-Cent Capital Improvement Sales Tax; and authorizing certain officers, or their designees, to do all things necessary to carry out the terms of this Ordinance.

Dan Smith, Director of Public Works, provided an overview of the proposed. Mr. Smith noted the proposed would provide improvements to reconstruct and widen the drive lanes of Division Street with curb and gutter and center turn lane, streetlights, Americans with Disabilities Act compliant sidewalks, a multi-use path or trail, and stormwater improvements. He further noted the City has reached agreements regarding the necessary rights-of-way from 54 out of 58 property owners. He added the proposed allows the Law Department to begin condemnation proceedings regarding the remaining properties as shown within the proposed. He noted negotiations are continuing with the remaining property owners to obtain the necessary rights-of-way regarding 1310, 1320, 1324, and 1607 East Division. He noted 3 out of 4 properties are owned by the same owner. He further noted City staff is hopeful agreements may be reached soon. He added to keep the schedule moving forward for a possible spring 2022 bidding process, it is necessary for the proposed to be currently considered for approval. He added if settlement agreements are reached with the remaining property owners, condemnation would not be pursued. He noted if the City is unable to reach agreements for rights-of-way with the owners, eminent domain, which is a last resort, would be utilized. He noted the proposed supports several of Council's priorities, such as public safety, quality of place, economic vitality, and fiscal sustainability.

**Fassnight Trail
Improvements and
Luster Avenue Sidewalk
Project**

Councilman McGull expressed his support for the proposed. He further expressed his appreciation to City staff for the proposed.

Mayor Pro Tem Ferguson expressed her support for the proposed. She further expressed her appreciation to City staff for their willingness to reach agreements with property owners for rights-of-way.

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

Sponsor: Schilling. Council Bill 2021-079.

A special ordinance repealing Special Ordinance 27456; approving the plans and specifications for the Fassnight Trail Improvements and Luster Avenue Sidewalk project; accepting the bid of Liming Concrete, LLC, in the amount of \$174,264 for said project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Brett Foster, Traffic Engineer, provided an overview of the proposed. He noted on January 25, 2021, Council approved to enter a contract to perform the work noted herein with the apparent responsive low bidder, KCI Construction, pending approval of the bid by the Missouri Department of Transportation. He further noted on February 18, 2021, the Missouri Department of Transportation found the KCI Construction bid was not acceptable due to non-compliance with the Disadvantaged Business Enterprise requirements and lack of good faith effort to meet the Disadvantaged Business Enterprise goal. He added City staff is requesting Council consider approving the next responsive bidder, Liming Concrete, LLC, whose bid has the Missouri Department of Transportation's approval, meets the Disadvantaged Business Enterprise requirements, and is below the Engineer's Estimate.

Mayor McClure asked for clarification whether the proposed would approve the bid of Liming Concrete, LLC. in the amount \$174,264. Mr. Foster answered affirmatively.

Councilman Hosmer asked for clarification regarding the reasoning from the Missouri Department of Transportation non-acceptance of the KCI Construction bid. Mr. Foster noted an audit was performed regarding the Disadvantaged Business Enterprise requirements, which KCI Construction were found by the Missouri Department of Transportation to be in non-compliance and a lack of good faith effort by KCI Construction to meet those requirements. He further noted the audit conducted was based upon actual information as opposed to the estimates provided by KCI Construction.

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

**Repairing Sewer
Infrastructure – 2800
West High Street**

Sponsor: Ferguson. Council Bill 2021-080.

A special ordinance authorizing the City Manager, or his designee, to acknowledge and accept \$424,623 from the Greenfield Environmental Multistate Trust, LLC, for the purpose of repairing sewer infrastructure in the vicinity of the former Tronox/Kerr-McGee Wood Treatment Facility located at 2800 West High Street; and approving a budget adjustment amending the Fiscal Year 2020-2021 budget of the Department of Environmental Services Clean Water Fund in the amount of \$424,623.

Errin Kemper, Director of Environmental Services, provided an overview of the proposed. Mr. Kemper noted the proposed is located at 2800 West High Street, which opened in 1907 as a wood treatment facility operated by the American Creosoting Corporation. He further noted in 1964, the Kerr-McGee Oil Industries, Incorporated acquired this facility and continued wood treating operations until 2004. He added the former Tronox/Kerr-McGee facility treated wood with a creosote tar solution in large pressure vessels and were sold for use as utility poles and railroad ties. He noted this facility was decommissioned in 2004 and changed its name to Tronox, LLC in 2005. He further noted all that remains at this facility is a warehouse building with an office, a storage area, and a groundwater pretreatment system. He added in 2009 Tronox filed for bankruptcy. Mr. Kemper noted under a bankruptcy settlement approved by the United States Bankruptcy Court for the Southern District of New York and effective as of February 11, 2011, Tronox resolved its environmental liabilities with the United States Environmental Protection Agency, other federal, state, and local agencies, and the Navajo Nation relating to numerous contaminated sites around the country. He further noted the settlement provided approximately \$270 million and approximately 88% of Tronox's interest in a fraudulent conveyance case to the governments and bankruptcy-created trusts for clean-up costs incurred or to be incurred at these sites.

Mr. Kemper noted the Greenfield Environmental Multistate Trust, LLC., was court appointed as an independent trustee, whose main purpose is to protect human health and the environment. He further noted the Greenfield Environmental Multistate Trust helps remediate the sites using funds from the bankruptcy settlement and assists in redevelopment and long-term stewardship of the sites. He added the Greenfield Environmental Multistate Trust directly reports to two facility beneficiaries, which are the United States and the State of Missouri, which are represented by the Environmental Protection Agency and the Missouri Department of Natural Resources. He noted City staff has observed damage to the sanitary sewer system immediately adjacent to the former Tronox/Kerr-McGee facility. He further noted due to the observed damage to the sewer system, the Greenfield Environmental Multistate Trust has received appropriate approvals to fund the rehabilitation of the impacted sewer system by utilizing cured in place pipe lining by the existing sewer rehabilitation contractor, Insituform Technologies USA, LLC. He added a proposed budget adjustment in the amount of \$424,623 to the Clean Water Enterprise Fund is being requested for the purpose of performing work necessary prior to receiving the reimbursement from the Greenfield Environmental Multistate Trust.

Mr. Kemper noted Lauri Gorton and Craig Kaufman, Greenfield Environmental Multistate Trust, was also available virtually to respond to any questions posed by the City Council.

Councilman McGull asked for clarification whether the proposed budget amount of \$424,623 would be sufficient for the pipe repairs to the sewer system. Mr. Kemper expressed his belief the proposed amount of \$424,623 should be sufficient to cover the repairs to help replace the pipe and lining for the proposed. He noted the City currently has an existing contract, 2020-0417, with Insituform Technologies USA, LLC. for cured in place pipe lining for current rehabilitation efforts for the City's sewer system infrastructure.

Mayor Pro Tem Ferguson expressed her belief the former Tronox/Kerr-McGee facility is very serious environmental issue. She asked for clarification whether there have been hazardous chemicals found near nearby neighborhood areas, such as the Golden Hills Subdivision, regarding the former Tronox/Kerr-McGee facility. Mr. Kemper expressed his belief there has been hazardous chemicals found in wells located near areas, as well as some damage to private sewer systems close to the former Tronox/Kerr-McGee facility. He noted the sewer system near the property in question have absorbed facility related chemicals that are incompatible with PVC pipe materials and have sustained significant damage. Mr. Kemper noted the private sewer system will be a separate issue for resolving with the Greenfield Environmental Multistate Trust. He further noted further testing of private wells will also be conducted in the future.

Mayor Pro Tem Ferguson continued to express her belief the former Tronox/Kerr-McGee facility is very serious environmental issue. She further expressed her opinion this issue should be actively issue monitored by City staff and Council.

Councilman Hosmer asked for clarification whether the chemicals that are incompatible with PVC pipe materials and have sustained significant damage to the sewer system been identified. Mr. Kemper noted there are known chemicals that can cause corrosion to PVC pipe materials, but City staff does not know when the damage occurred. Lauri Gorton, Greenfield Environmental Multistate Trust, noted chemicals such as naphthalene are being discharged, which are under a permit issued by the City. She further noted the chemicals involved are associated with the creosote that is being cleaned-up at the facility site. Ms. Gorton added the Greenfield Environmental Multistate Trust, nor the City does not know what chemicals were previously discharged by the Tronox/Kerr-McGee facility. She noted some of the chemicals involved may have been carcinogens. Councilman Hosmer asked for clarification whether a permit was issued by the City to discharge these chemicals into the sewer system. Mr. Kemper answered affirmatively and noted the discharge meets the City's criteria for the appropriate discharge limits. He further noted the City does conduct testing of the discharge to make sure it continues to meet the appropriate parameters.

Councilman Ollis asked for clarification whether there are any septic systems within the area in question. Mr. Kemper noted there are no septic systems within this area he is aware of. He further noted there are lateral lines that connect the public sewer with private sewers in this area, which have also sustained damage and needs pipe repairs. Mr. Kemper reiterated the private system repairs would be handled separately with the Greenfield Environmental Multistate Trust. Councilman Ollis asked for clarification whether the Greenfield Environmental Multistate Trust would be providing funding for the private sewer lateral repairs. Ms. Gorton answered affirmatively and noted ongoing discussions are occurring with City staff to identify those private lateral sewer lines in need of repairing. She further noted clean-up efforts are considered as environmental actions covered by the settlement agreement for the purpose of protecting human health and the environment.

Councilman Hosmer asked for clarification whether the damage to the sewer system was done internally or externally pertaining to the hazardous chemicals. Mr. Kemper noted per the camera footage of the sewer system pipes, there is blacking on the inside of the piping, so it appears the damage was done internally.

Mayor Pro Tem Ferguson asked for clarification regarding the amount of funding still available with the Greenfield Environmental Multistate Trust for clean-up efforts pertaining to the various Tronox/Kerr-McGee facilities. Ms. Gorton expressed her belief there is under \$20,000,000 available for clean-up efforts. Mayor Pro Tem Ferguson asked for clarification whether an educational campaign would be conducted with area residents to help inform them of the private lateral sewer system repair costs available by the Greenfield Environmental Multistate Trust. Ms. Gorton answered affirmatively. Ms. Gorton thanked Mayor Pro Tem Ferguson for her dedicated service and support to Zone 1.

Mayor Pro Tem Ferguson thanked the Greenfield Environmental Multistate Trust for their dedicated service regarding the clean-up efforts involving the former Tronox/Kerr-McGee facility.

Jason Gage, City Manager, noted it is not uncommon for some hazardous chemicals to be treated at a sewer treatment facility depending upon the amount and the chemicals involved. He further noted there has been no issues reported by the City's sewer treatment plant regarding treating the hazardous chemical discharge from the former Tronox/Kerr-McGee facility that he is aware of.

Mr. Gage asked for clarification whether there has been any of these hazardous chemicals discharging into the environment due to the sewer piping needing to be rehabilitated or replaced within the vicinity of the former Tronox/Kerr-McGee facility. Mr. Kemper noted hazardous chemicals have been detected near a detention basin from a local spring near the Golden Hills Subdivision. He further noted this is one of the reasons for the proposed.

Mr. Gage asked for clarification whether there is a possibility the damage to the sewer laterals could be relating to flooding issues due to a high volume of water going through the piping infrastructure. He also asked for clarification whether City staff knows how the hazardous chemicals are getting up into the private sewer laterals. Mr. Kemper expressed his belief it appears the vapors from the hazardous chemicals are going up into the laterals, which is causing the damage. He further expressed the blackening appears to be in the sewer piping and laterals in the private and public sewer infrastructure, which could be caused by some higher volumes of water during flooding. Mr. Kemper noted City staff has conducted camera testing in the sewer system infrastructure but does not currently know the extent of damage to the sewer infrastructure.

Mayor Pro Tem Ferguson expressed her belief there have been some soil sampling conducted by nearby residents and hazardous chemicals have been located on nearby properties over the past several years. She further expressed her belief dye testing has also been conducted in local springs, such as Fulbright, to check for possible chemical issues. She expressed her opinion the clean-up efforts associated with the former Tronox/Kerr-McGee facility should continue to be a priority and cost projections should be conducted.

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

**Sidewalk Cafés – Waive
Application and Permit
Fees for Encroachments
Permits**

Sponsor: Lear. Council Bill 2021-081.

A general ordinance amending the Springfield City Code, Chapter 98, 'Streets, Sidewalks, and Public Places,' Article VII, 'Encroachments on City Property,' Section 98-323, 'Certain encroachments authorized by the director of public works—Procedures related thereto,' to waive application and permit fees for encroachment permits for temporary sidewalk cafés while restaurants are required to maintain physical distancing between patrons or restaurants are restricted from seating patrons at counters due to the 2019 novel coronavirus.

Mary Lilly Smith, Director of Planning and Development, provided an overview of the proposed. Ms. Smith noted General Ordinance 6596 was adopted by Council on June 1, 2020, which provide an opportunity for sidewalk and street cafés to operate on a temporary basis during the Mayor's declaration of civil emergency prior to November 30, 2020 due to the COVID-19 restrictions. She further noted General Ordinance 6596 also decreased the amount of general liability insurance required for sidewalk and street cafés and waived the fee for encroachment licenses for the same. Ms. Smith noted Council also adopted General Ordinance 6607 on July 13, 2020, which did not impose a strict formula regarding occupancy on restaurants, but instead required restaurants to either maintain a physical distance of six feet between groups of patrons dining indoors or install physical barriers between tables and booths and prohibited counter seating. She further noted Council also adopted General Ordinance 6619 on October 5, 2020, which included the same restrictions.

Ms. Smith noted on November 2, 2020, Council adopted General Ordinance 6623, which removed the deadline of November 30, 2020, from General Ordinance 6607. She further noted this allows temporary sidewalk or street cafés subject to the standards outlined in the ordinance until restaurants are no longer required to maintain physical distancing between groups of patrons and counter seating is permitted. She added the proposed would permit the sidewalk and street cafés subject to the requirements outlined in the ordinance as long as restaurants are required to maintain physical distancing between groups of individuals or are prohibited from using counter seating. Ms. Smith added the proposed will allow sidewalk and street cafés subject to this ordinance and General Ordinance 6596 while the community is in the red or yellow phase of the Road to Recovery. She noted the sidewalk and street cafés would need to be removed within 7 days after the community moves into the green phase or they would need to obtain the appropriate fees and encroachment licensing to continue as a sidewalk and street café.

Councilman McGull asked for clarification whether the sidewalk and street cafés for local restaurants have been successful during the COVID-19 pandemic. Ms. Smith noted sidewalk and street cafés have been operating for several years within the City. She further noted the City has been waiving the application and permit fees for encroachment permits for temporary sidewalk cafés while restaurants are required to maintain physical distancing between patrons or restaurants are restricted from seating patrons at counters due the COVID-19 pandemic. Ms. Smith added City staff and sidewalk and street café operators have been conducting discussions about moving forward with operations of those cafés to bring them into compliance with the City.

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

Variance to the Fuel Adjustment Factor

Sponsor: Ollis. Council Bill 2021-082.

A general ordinance authorizing a variance to the Fuel Adjustment Factor for Under-recovery (Over-recovery) of Prior Fuel Cost Dollars (a/k/a “under-recovery (over-recovery) of fuel costs”), each as described or defined in the Fuel Adjustment Clause (Electric Rates Sheet No. 10 of General Ordinance 6139), to be calculated by City Utilities of Springfield, Missouri.

Gary Gibson, General Manager of City Utilities, provided an overview of the proposed. Mr. Gibson thanked Council for their dedicated support to City Utilities, especially with the historic cold weather temperatures during the month of February. He noted a national consultant recently met with City Utilities regarding the escalated high natural gas pricing associated with the month of February 2021. He further noted the consultants reported City Utilities and the City worked together to help assist customers with mitigating the impact of the energy cost increases associated with the historic cold weather temperatures and commended City Utilities for those efforts. Mr. Gibson noted the proposed is for a variance that would result in customers not being charged for dramatically increased market energy purchase costs related to integrated marketplace commitments during the historic cold weather temperatures that occurred from February 11 through February 20, 2021.

Amy Derdall, Vice President and Chief Finance Officer of City Utilities, also provided an overview of the proposed. Ms. Derdall noted the proposed would be for a one-time variance to the fuel adjustment factor that excludes the dollar cost of purchases from the Southwest Power Pool, Inc. from February 11 through February 20, 2021, from the purchased energy portion of fuel as such terms are used in calculating the under-recovery of prior fuel cost dollars of fuel costs when computing the semiannual fuel adjustment factor to be effective for all periods thereafter. She further noted the fuel adjustment clause provides for timely recovery or refunds of changes in the cost of fuel from customers.

Ms. Derdall noted City Utilities was able to sell excess energy to the integrated marketplace during such period, which has provided City Utilities with the opportunity to recover some of the purchased energy costs from non-City Utilities customers. She further noted City Utilities integrated marketplace sales exceeded its purchases during such period since the combined electric generation and purchased energy was greater than customers' needs. Ms. Derdall added City Utilities purchased energy costs for electricity purchased from the Southwest Power Pool, Inc. for the same period have already been recovered through the non-City Utilities customers' market. She noted as a result, City Utilities is requesting the proposed for a one-time variance to exclude these specific costs from the fuel adjustment factor. Ms. Derdall further noted the proposed would serve to reduce the impact of the historic cold temperature event experienced during February 2021 on customers' monthly bills. She added some customers may not experience a significant increase associated with the historic cold weather event from February 2021 for electric utility costs due to the proposed.

Councilman Simpson asked for clarification regarding City Utilities selling excess energy to the integrated marketplace, which helped provide an opportunity for City Utilities to recover some purchased energy costs from non-City Utilities customers. Ms. Derdall reiterated City Utilities' integrated marketplace sales exceeded its purchases during such period since its combined electric generation and purchased energy was greater than its customers' needs, so its purchased energy costs for electricity purchased from Southwest Power Pool, Inc. for the same period have already been recovered through the market from non-City Utilities customers. Councilman Simpson asked for clarification regarding the average amount of savings the proposed would be for City Utilities customers. Ms. Derdall noted customers may save an average of approximately \$11.50 for each 1,000 kilowatts utilized per month for six months regarding the proposed. Councilman Simpson asked for clarification regarding City Utilities propane air peak shaving facility. Ms. Derdall noted City Utilities propane air peak shaving facility is separate and independent from the proposed. She further noted the propane air peak shaving facility is related to natural gas. Ms. Derdall added the proposed is only related to the electrical generation for City Utilities.

Councilman McGull commended City Utilities for the proposed and for their dedicated service to the community. Mr. Gibson noted the rolling black outs were not conducted for City Utilities to sell energy to other providers during the historic cold weather temperatures during the month of February.

Councilman Schilling asked for clarification whether City Utilities still utilizes coal energy at the John Twitty Energy Center. Ms. Derdall answered affirmatively and noted coal can freeze during extreme colder temperatures, which became a challenge for City Utilities staff for utilizing in energy production during the historic cold weather event.

Councilman Ollis expressed his support for the proposed and commended City Utilities for their dedicated service to the community. Councilman Ollis asked for clarification whether the proposed only applies to electricity usage. Ms. Derdall answered affirmatively and noted the proposed does not impact the natural gas rate charges. She noted City Utilities does not cross subsize between one set of customers to another per regulations. Ms. Derdall further noted natural gas and electrical customers are two separate divisions or categories.

Mayor McClure expressed his appreciation to City Utilities and the Board of Public Utilities for the proposed, as well as their dedicated service to the community.

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

**Employment Agreement
– Anita J. Cotter**

Sponsor: McClure. Council Bill 2021-088.

A special ordinance adopting and authorizing the Mayor to execute the Second Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter, setting out the terms and conditions of her employment as City Clerk; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions set forth therein.

Darla Morrison, Director of Human Resources, provided an overview of the proposed. Ms. Morrison noted the proposed is to execute a second amendment to an employment agreement with Anita J. Cotter as City Clerk. She further noted the proposed sets forth the terms and conditions of Ms. Cotter's employment as City Clerk.

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

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

NEW BUSINESS

UNFINISHED BUSINESS

MISCELLANEOUS

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

**Preliminary Plat of Ward
Branch Subdivision – 851
West Farm Road 182**

Sponsor: Schilling. Council Bill 2021-083.

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 Ward Branch Subdivision, generally located at 851 West Farm Road 182, 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.)

**Preliminary Plat of
Terragreen
Condominium Plat
Phase IV – 2305 South
Blackman Road**

Sponsor: Simpson. Council Bill 2021-084.

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 Terragreen Condominium Plat Phase IV, generally located at 2305 South Blackman Road, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

**Preliminary Plat of Olive
Corner – 519 West Olive
Street**

Sponsor: Schilling. Council Bill 2021-085.

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 Olive Corner, generally located at 519 West Olive Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

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

**Appointment to the
Airport Plaza
Community
Improvement Board of
Directors**

Sponsor: Lear. Council Bill 2021-086.

A resolution confirming the appointment of Jonathan Barratt to the Airport Plaza Community Improvement District Board of Directors.

Council Bill 2021-086. Resolution 10568 was approved by the following vote: Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: None. Abstain: None.

**Appointments to the
Springfield Center City
Development
Corporation**

Sponsor: McClure. Council Bill 2021-087.

A resolution approving the appointments of Leslie Forrester, Derek Fraley, James Jeffries, and Maurice Moss to the Springfield Center City Development Corporation. (Staff recommends approval.)

Council Bill 2021-087. Resolution 10569 was approved by the following vote: Ayes: McGull, Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: None. Abstain: None.

CONSENT AGENDA SECOND READING BILLS

Confirm the following reappointments to the Board of Equalization: Shana Mitchell and Courtney Pinkham-Martin with terms to expire April 1, 2026.

Confirm the following appointment to the Board of Public Utilities: Heather Ramsey with a term to expire December 1, 2023.

END OF CONSENT AGENDA.

Motion to Adjourn

Councilman Simpson moved to Adjourn. Councilman McGull seconded the motion, and it was approved by the following vote. Ayes: Lear, McGull, Simpson, Schilling, Ferguson, Fisk, Ollis, and McClure. Nays: Hosmer. Absent. Abstain: None. The meeting adjourned at approximately 8:55 p.m.

Prepared by
Anita Baker

Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. X
P. Hmgs.
Pgs. 4
Filed: 04-13-21

Sponsored by: Council

COUNCIL BILL 2021-090 RESOLUTION

A RESOLUTION

1 RECOGNIZING the retirement of Director of Planning and Development, Mary Lilly
2 Smith.
3
4

5 WHEREAS, Mary Lilly Smith began her career with the City as a Planner where
6 she established the City's initial Neighborhood Conservation Office; and
7

8 WHEREAS, she was Lead Planner on the Walnut Street Urban Conservation
9 District Plan and ordinance, where she developed unique approaches to preserving the
10 remaining historic fabric of the Walnut street area during development of University
11 Plaza; and
12

13 WHEREAS, Mary developed the process for the City's first Capital Improvement
14 Program; and
15

16 WHEREAS, Mary Lilly Smith is known widely for her 17 years as Economic
17 Development Director, where she developed the comprehensive *Economic*
18 *Development Incentives Policy Manual* that guides the City's use of development
19 incentives; and
20

21 WHEREAS, she pioneered the use of local and state economic development
22 incentives in Springfield such as tax increment financing ("TIF"), Chapter 100 bond
23 financing, community improvement and transportation development districts,
24 accelerated use of the enhanced enterprise zone program and real property tax
25 abatement through Chapters 99 and 353, the downtown revitalization preservation
26 program and Missouri Development Finance Board tax credits; and
27

28 WHEREAS, Mary assisted in the development of dozens of structures in center
29 city; and may be best known for her relentless pursuit of redeveloping the vacant Heer's
30 building on Park Central Square, which paid off in 2015, when Heer's Luxury Living
31 became a reality; and
32

33 WHEREAS, she has led staff on coordinating requests and interactions with the
34 delegation on Congressionally directed appropriations; and has testified before the U.S.

House of Representatives *Saving America's Cities Working Group*, regarding economic development issues facing Springfield and other mid-sized communities; and

WHEREAS, Mary Lilly Smith's name is synonymous with that of growth and progress, and she has had a hand in nearly 100 key economic development projects and business attraction, retention, and expansion initiatives, and two long-range comprehensive planning efforts; and

WHEREAS, most recently, she championed the concept of placemaking through the hiring of staff focused on reimagining and reinventing public spaces and community development, with the ultimate goal of enhancing pride of place.

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

Section 1 – City Council hereby recognizes Mary Lilly Smith's many achievements and gives thanks for the contributions she made to this community on the occasion of her retirement.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: Rhonda Lewsader, City Attorney

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

EXPLANATION TO COUNCIL BILL: 2021-090

FILED: 04-13-21

ORIGINATING DEPARTMENT: City Clerk's Office

PURPOSE: Recognizing Mary Lilly Smith for 38 years of public service with the City of Springfield.

BACKGROUND INFORMATION: Mary Lilly Smith started her career with the City as a Planner where she established the City's initial Neighborhood Conservation Office. She was Lead Planner on the Walnut Street Urban Conservation District Plan and ordinance, where she developed unique approaches to preserving the remaining historic fabric of the Walnut street area during development of University Plaza. Additionally, she developed the process for the City's first Capital Improvement Program.

Mary is known widely for her 17 years as Economic Development Director, where she developed the comprehensive *Economic Development Incentives Policy Manual* that guides the City's use of development incentives. The manual has been used as a template for policies in multiple communities across the state. She pioneered the use of local and state economic development incentives in Springfield such as tax increment financing ("TIF"), Chapter 100 bond financing, community improvement and transportation development districts, accelerated use of the enhanced enterprise zone program and real property tax abatement through Chapters 99 and 353, the downtown revitalization preservation program and Missouri Development Finance Board tax credits. The use of these incentives helped pave the way for the feasibility of projects such as Jordan Valley Park, the Expo Center, downtown parking, and manufacturing equipment for Kraft and 3M.

Smith assisted in the development of dozens of structures in center city. She may be best known for her relentless pursuit of redeveloping the vacant Heer's building on Park Central Square, which paid off in 2015, when Heer's Luxury Living became a reality.

She has led staff on coordinating requests and interactions with the delegation on Congressionally-directed appropriations – over \$81 million spanning a nine-year period. These efforts resulted in funding for multiple major street improvements, including the Highway 65/60 and I-44/Highway 65 interchanges, wastewater plant improvements; police equipment, and funding for Jordan Valley Park. Mary has testified before the U.S. House of Representatives *Saving America's Cities Working Group* regarding economic development issues facing Springfield and other mid-sized communities.

Mary Lilly Smith's name is synonymous with that of growth and progress, having a hand in nearly 100 key economic development projects and business attraction, retention, and expansion initiatives, and two long-range comprehensive planning efforts: Vision 2020 and Forward SGF. Most recently, she championed the concept of placemaking

through the hiring of staff focused on reimagining and reinventing public spaces and community development, with the ultimate goal of enhancing pride of place.

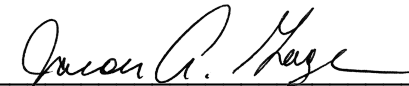
Mary Lilly Smith was recognized by *Springfield Business Journal* as one of Springfield's 20 Most Influential Women in 2006 and as Business Advocate of the Year in 2014.

Recommended by:



Anita Cotter, City Clerk

Approved by:



Jason Gage, City Manager

One-rdg. _____
P. Hrngs. x
Pgs. 18
Filed: 03-30-21

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-073

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning approximately 10 acres
3 generally located at 851 West Farm Road 182 from County R-1, Suburban
4 Residence District to R-SF, Single-Family Residential District; and
5 adopting an updated Official Zoning Map. (Staff and Planning and Zoning
6 Commission both recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 851 West Farm Road 182, and more fully described in "Exhibit A,"
11 which is attached hereto and incorporated herein by this reference, from County R-1,
12 Suburban Residence District to R-SF, Single-Family Residential District; and
13

14 WHEREAS, following proper notice, a public hearing was held before the
15 Planning and Zoning Commission on March 11, 2021, a copy of the Record of
16 Proceedings from said public hearing being attached hereto and incorporated herein by
17 this reference as "Exhibit B," and said Commission made its recommendation; and
18

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

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

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

29 Section 1 – The property described in "Exhibit A," which is attached hereto and
30 incorporated herein by this reference, is hereby rezoned from County R-1, Suburban
31 Residence District, to R-SF, Single-Family Residential District. Springfield Land
32 Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is
33 hereby amended, changed, and modified consistent with this Ordinance.

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

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

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

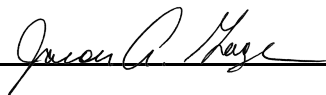
46
47 Passed at meeting: _____

48
49 _____
50 Mayor

51
52 Attest: _____, City Clerk

53
54 Filed as Ordinance: _____

55
56 Approved as to form: , Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2021 - 073

FILED: 03-30-21

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 10 acres of property generally located at 851 W. Farm Road 182 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-4-2021

The applicant is proposing to rezone approximately 10 acres of property generally located at 851 West Farm Road 182 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District. A proposed rezoning to a R-LD, Low Density Multi-Family Residential District in June of 2020 was denied by City Council. The applicant is proposing a single-family subdivision called Ward Branch that is being considered concurrently with this rezoning request.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 11, 2021, and recommended to approve, by a vote of 6 to 0.

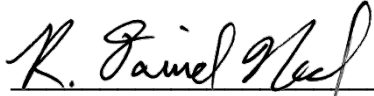
The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management & Land Use Plan* element of the *Comprehensive Plan* identifies the northeast portion of the subject property as appropriate for Medium or High-Density Housing and southwest portion of property as appropriate for Low Density Housing. The applicant is proposing a single-family subdivision named Ward Branch that is being considered concurrently with this rezoning request.
2. The current County R-1 District is most similar to the City's R-SF District when translating the allowed uses. The R-SF District is the least intense district of all the zoning classifications in the Zoning Ordinance and allows single-family residential uses. The current County R-1 District allows a residential density of 4 dwelling units per acre while the R-SF District allows a residential density of 7 dwelling units per acre.

3. The application for single-family residential zoning is consistent with the properties to the west within the County that have single-family residential uses.

Submitted by:



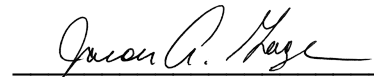
Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

Attachment 3: Neighborhood Correspondence

Exhibit A

**LEGAL DESCRIPTION
ZONING CASE Z-4-2021**

THAT CERTAIN PARCEL OR TRACT OF LAND BEING PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 22 WEST IN GREENE COUNTY, MISSOURI AND RECORDED IN BOOK 2018, PAGE 008993-18 OF THE GREENE COUNTY RECORDER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 22 WEST; THENCE ALONG THE EAST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER NORTH 02°07'21" EAST, 49.15 FEET TO A POINT LYING ON THE NORTH RIGHT-OF-WAY OF FARM ROAD 182, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTH RIGHT-OF-WAY OF FARM ROAD 182 THE FOLLOWING COURSES, NORTH 88°45'14" WEST, 126.62 FEET; THENCE NORTH 88°25'40" WEST, 49.97 FEET; THENCE SOUTH 85°37'46" WEST, 50.20 FEET; THENCE NORTH 88°38'19" WEST, 275.87 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2015, PAGE 040565-15 OF THE GREENE COUNTY RECORDER'S OFFICE; THENCE LEAVING SAID NORTH RIGHT-OF-WAY AND ALONG THE EAST LINE OF SAID TRACT OF LAND NORTH 02°03'19" EAST, 858.50 FEET; THENCE ALONG THE SOUTH LINE OF SAID TRACT OF LAND THE FOLLOWING COURSES, SOUTH 88°05'30" EAST, 318.50 FEET; THENCE NORTH 01°45'27" EAST, 14.85 FEET; THENCE SOUTH 88°38'03" EAST, 15.03 FEET; THENCE SOUTH 01°26'46" WEST, 14.71 FEET; THENCE SOUTH 89°10'32" EAST, 169.73 FEET TO A POINT LYING ON THE WEST LINE OF THE WOODS AT WEAVER CREEK, PHASE II, A RECORDED SUBDIVISION AT PLAT BOOK AAA, PAGE 245 IN THE GREENE COUNTY RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, SOUTH 02°07'21" WEST, 852.11 FEET TO THE POINT OF BEGINNING. CONTAINING 429,991 SQUARE FEET OR 9.87 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 22 WEST, IN GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

Exhibit B

**RECORD OF PROCEEDINGS
ZONING CASE Z-4-2021
Planning and Zoning Commission – March 11, 2021**

Z-4-2021

851 West Farm Road 182

Applicant: Burning Tree Consulting, LLC

Mr. Hosmer stated that this is a request to rezone approximately 10 acres of property generally located at 851 West Farm Road 182 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District. The Comprehensive Plan identifies the northeast portion of the property as Medium or High-Density Housing and southwest portion appropriate for Low Density Housing. The Transportation Plan classifies Farm Road 182 or Plainview Road as a Secondary Arterial roadway. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain. A fee in lieu of on-site stormwater detention will not be allowed. A stream buffer area will be required. The property was annexed into the City in June of 2020 and is currently zoned County R-1, Suburban Residence District. A proposed rezoning to a R-LD, Low Density Multi-Family Residential District in June of 2020 was denied by City Council. The County R-1 District (4 dwelling units per acre) is most similar to the City's R-SF District (7 dwelling units per acre) and a preliminary plat was submitted for review. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Jared Davis, representative and here to answer any questions.

Mr. Titus Williams, representative and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** item Z-4-2021 (851 West Farm Road 182). Mr. Knuckles seconded the motion. Ayes: Doennig, Coltrin, Jobe, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.



Bob Hosmer, AICP
Planning Manager

Exhibit C

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

MARCH 11, 2021

CITY COUNCIL PUBLIC HEARING:

APRIL 5, 2021



CASE NUMBER:

Z-4-2021

LOCATION:

851 W. Farm Road 182

ACRES:

Approximately 10 acres

EXISTING LAND USE:

Single-family residence and vacant/undeveloped land

APPLICANT:

Burning Tree Consulting, LLC

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 10 acres of property generally located at 851 W. Farm Road 182 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District

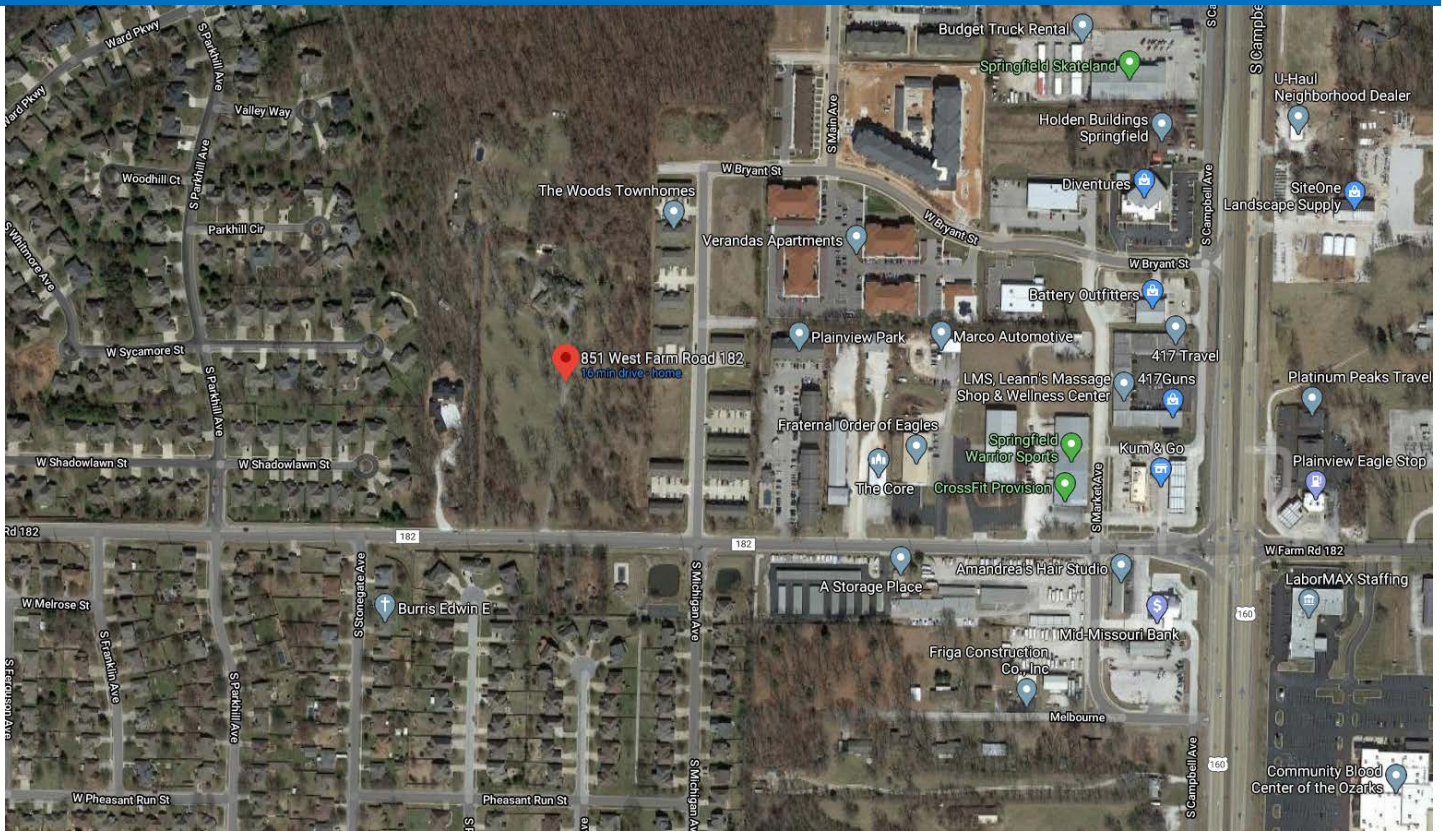
FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management & Land Use Plan* element of the *Comprehensive Plan* identifies the northeast portion of the subject property as appropriate for Medium or High Density Housing and southwest portion of property as appropriate for Low Density Housing. The applicant is proposing a single-family subdivision named Ward Branch that is being considered concurrently with this rezoning request.
2. The current County R-1 District is most similar to the City's R-SF District when translating the allowed uses. The R-SF District is the least intense district of all the zoning classifications in the Zoning Ordinance and allows single-family residential uses. The current County R-1 District allows a residential density of 4 dwelling units per acre while the R-SF District allows a residential density of 7 dwelling units per acre.
3. The application for single-family residential zoning is consistent with the properties to the west within the County that have single-family residential uses.

SURROUNDING ZONING AND LAND USES:

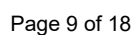
	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	County R-1	R-LD COD 14	County R-1
LAND USE	Single-family residence	Single-family residences	Townhome apartments	Single-family residences

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



[illegible]

PROPERTY HISTORY:

The subject property was recently annexed into the City in June of 2020 and is currently zoned County R-1, Suburban Residence District. A proposed rezoning to a R-LD, Low Density Multi-Family Residential District in June of 2020 was denied by City Council.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR R-SF
Use Limitations	N/A
Lot Size Requirements	(a) Minimum lot area: 6,000 square feet. (b) Minimum lot width: 50 feet. (c) Minimum lot depth: 80 feet.
Maximum Structure Height	1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. 2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
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	Side yard: Five feet or as required by section 36-453, supplemental open space and yard regulations. Rear yard: Ten percent of the lot depth but may not be less than ten feet nor shall more than 20 feet be required.
Open Space Requirement	Not less than 30 percent
Design Requirements	Standard per code
BULK PLANE	LANDSCAPING
None.	None.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management & Land Use Plan* element of the *Comprehensive Plan* identifies the northeast portion of the subject property as appropriate for Medium or High Density Housing and southwest portion of property as appropriate for Low Density Housing.

The *Plan* encourages that each neighborhood should contain a range of housing types, densities, and building configurations including single-family detached, townhouses, and apartments. It discourages large housing projects that consist of a single building type. It is recommended that some portion of each type of housing should, ideally, be available for occupancy on either an ownership or lease basis.

The Transportation Plan classifies Farm Road 182/Plainview Road as a Secondary Arterial roadway.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 10 acres of property generally located at 851 West Farm Road 182 from County R-1, Suburban Residence District to R-SF, Single-Family Residential District. A proposed rezoning to a R-LD, Low Density Multi-Family Residential District in June of 2020 was denied by City.
2. The current County R-1 District is most similar to the City's R-SF District when translating the allowed uses. The R-SF District is the least intense district of all the zoning classifications in the Zoning Ordinance and allows single-

family residential uses. The current County R-1 District allows a residential density of 4 dwelling units per acre while the R-SF District allows a residential density of 7 dwelling units per acre. The County R-1 District allows single-family residences on lots of at least 10,000 square feet in area while the R-SF District allows single-family residences on lots of at least 6,000 square feet in area.

3. The proposed single-family residential development will take primary vehicular access to Farm Road 182/Plainview Road which is classified as a Secondary Arterial roadway.
4. A Traffic Impact Study was not required as part of this rezoning request as the change in zoning is from county single-family residential to city single family residential.
5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

While neighborhood meetings are not required due to the Mayor's Proclamation of Civil Emergency related to COVID-19, the applicant hosted a virtual neighborhood meeting (Attachment 2). Property owners and residents were also mailed a comment card to provide their comments (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: 16 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with proposed rezoning.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning. Public improvements required for plat as noted in the predev meeting.

FIRE DEPARTMENT COMMENTS:

No comments

GREENE COUNTY HIGHWAY DEPARTMENT:

Greene County Highway has no comment regarding the rezoning from county R-1 to Springfield R-SF.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Farm Road 182 as a Secondary Arterial roadway. The standard right-of-way width for W. Farm Road 182 is 35 feet from the centerline based on city standards. Farm Road 182 is under jurisdiction of Greene County and the existing right of way meets their standards. No additional right of way is needed. W. Farm Road 182 is a county-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There is not a recent traffic count on this portion of W. Farm Road 182. On-street parking is not allowed along W. Farm Road 182.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Farm Road 182. Any new proposed driveway approaches must meet the minimum spacing requirements for a secondary arterial based on Greene County standards.

SIDEWALK

There is not existing sidewalk along the property frontage of W. Farm Road 182. The existing infrastructure meets current City Standards. Sidewalk is required to be constructed along W. Farm Road 182 if required by Greene County since Farm Road 182 is under their jurisdiction.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

The Ward Branch Greenway Trail is in the area surrounding the property pertaining to this zoning. There are no bus stops along W. Farm Road 182. 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 is just from county residential to city single family.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Farm Road 182	Secondary Arterial	No	30	30 (Greene County)
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		39.2	49	470.4	
*Proposed Trips Generated		39.2	49	470.4	
Additional Trips Generated		0	0	0	

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

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Ward Branch** drainage basin.

The property is not located in a FEMA designated floodplain.

Staff is aware of flooding problems in the area.

The city is not aware of a sinkhole at this location.

A fee in lieu of on-site stormwater detention **will not be allowed and detention is required.**

The property **does have a stream buffer on site.**

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 per Chapter 4 Section 3.2.3 of the stormwater design criteria manual – <https://www.springfieldmo.gov/DocumentCenter/View/36063/Flood-Control-and-Water-Quality-Protection-Manual-?bidId=>
2. If disturbing 1 acre or greater, water quality will also have to be provided per Chapter 10 Section 2 of the stormwater design criteria manual.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved per Chapter 4 Section 3.0 of the stormwater design criteria manual.
4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the stormwater design criteria manual.

5. If the property has a sinkhole on the property a geotechnical report is required per Chapter 11 Section 2 of the stormwater design criteria manual.
6. If the property has a stream buffer, the property owner may be required to provide a stream buffer easement per Chapter 8 Section 4.1.3.

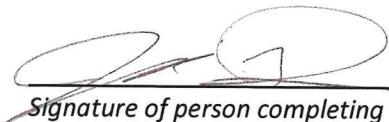
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Greene County (R-1) to R-SF
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Wednesday, 02/17/2021 5:00pm - 6:00pm
3. Meeting Location: Virtual Google Meets Meeting
4. Number of invitations that were sent: 98
5. How the mailing list was generated: City
6. Number of neighbors in attendance (attach a sign-in sheet): 5
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

See Attached.

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

I, Jared Davis (print name), attest that the neighborhood meeting was held on 02/17/21 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

JARED DAVIS

Printed name of person completing affidavit

Neighborhood Meeting Summary Notes
Meeting Date & Time: Wednesday, 02/17/2021 5:00pm - 6:00pm
Virtual Meeting

Ashton & Kyle Evans

974 W Sycamore

1. When to begin construction? April-May
2. How long? 3-4 months for infrastructure and similar
3. What is the benefit to Stone Meadow? Water Quality, Detention, Maintenance of the land

Jessi Whitten – TLC

3811 S. Weller Ave.

Had to leave due to property emergency and Steve Bowen stood in to represent TLC property.

Ken Clarkson

901 W Farm Road 182

1. What about drainage? Per City Standards
2. And trash? Trash intercepted onsite per detention basin
3. What is SF Homes? 1,000 SF+
4. Rental or Home Ownership? Rental with flexibility to sell
5. Fencing? What kind? No decision on the fence yet. TBD.
6. What are the setbacks on the rear? 10 ft at minimum, no more than 20'.
7. Sell lots or build homes yourself? Build ourselves is the plan.

Steve Bowen

Coryell Group

1. What is being developed? Subdivision

Samantha Mayo

986 Sycamore St.

1. Will trees be kept? Trees referenced to in question, are not on property and won't be removed. Trees onsite will be case by case basis per lot development standards
2. What happens if the developer flips and does something different without us knowing? They can't do that.
3. Neighborhood covenants? TBD

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits an application for a change in land use or zoning, the property will be posted and there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	February 10, 2021	Telephone No.	417-883-5455
YOUR NAME:	Darrell Riemann		
YOUR ADDRESS:	989 W Sycamore, Springfield, Mo. 65810		
PROJECT ADDRESS:	851 W Farm Road 182		
COMMENTS:	I am opposed to the changing the zoning of the property at 851 W Farm Road 182, because it will create a terrible traffic situation. The traffic on Farm Road 182 is already excessive without adding more traffic by changing the zoning.		

Neal, Daniel

From: Richard Coder <coderrl@gmail.com>
Sent: Friday, February 12, 2021 11:44 AM
To: Zoning@springfieldmo.gov
Subject: Comment

****CAUTION**** This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Regarding the proposed zoning changes on 851 W Farm Road 182 (Plainview) Springfield, Mo.

I object to the change of zoning . Plainview is already taxed on traffic and with the proposed expansion of highway 13 south to Plainview will be over burdened with the traffic flow. We have an elementary school (Wanda Grey on the west end of Plainview and a middle school on the east side of Plainview and these both currently cause a morning traffic backup. To add more traffic would really cause a burden and a very big SAFETY issue. ONLY if the developers would dump their traffic North on Weaver would it not hinder our area. To develop this area further is just irresponsible. I urge the zoning change to be denied for the safety and well being of we current residents.

Thank you,
Richard Coder
994 W Shadowlawn St.
Springfield, Mo 65810

One-rdg. _____
P. Hrngs. x
Pgs. 20
Filed: 03-30-21

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-074

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 449 for the purpose of authorizing a car
2 washing business to operate within the GR, General Retail District
3 generally located at 204 West Plainview Road as a conditional use.
4 (Staff and Planning and Zoning Commission recommend approval.)
5 _____
6

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

11 WHEREAS, the Planning and Zoning Commission held a public hearing on
12 March 11, 2021, and the Commission found that the necessary conditions existed for
13 issuance of Conditional Use Permit No. 449 for the property located at 204 West
14 Plainview Road and zoned GR, General Retail District; and
15

16 WHEREAS, City Council finds that sufficient evidence has been presented to
17 satisfy all applicable standards of the Land Development Code for issuance of
18 Conditional Use Permit No. 449; and
19

20 WHEREAS, the granting of such permit is deemed proper, and it is not found to
21 harm the community or injure the value, lawful use, and reasonable enjoyment of
22 properties in the vicinity of 204 West Plainview Road.
23

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

27 Section 1 – Conditional Use Permit No. 449 is hereby granted in accordance with
28 and subject to the provisions of Section 36-363 of the Land Development Code.
29 Conditional Use Permit No. 449 is granted for the purpose of authorizing a car washing
30 business to operate as a conditional use within the GR, General Retail District located
31 at the property described in “Exhibit B,” which is attached hereto and incorporated
32 herein by this reference, and which is generally located at 204 West Plainview Road.
33

34 Section 2 – Building permits, certificates of occupancy, and any other required
35 permits or approvals may be issued by the duly authorized officials of the City provided
36 that such issuance is consistent with Section 36-363 of the Land Development Code,
37 any other applicable City regulation or ordinance, and the “Requirements for Conditional
38 Use Permit 449” described in “Exhibit A,” which is attached hereto and incorporated
39 herein by this reference. Additionally, the provisions contained in “Exhibit A” and “Exhibit
40 D – Attachment 2” shall govern and control the use and development of the land
41 described in “Exhibit B,” in a manner consistent with the attached site plan depicted on
42 “Exhibit D – Attachment 4,” “Exhibit D” being attached hereto and incorporated herein in
43 its entirety by this reference.
44

45 Section 3 – Any violation of the provisions of this Ordinance shall be grounds for
46 the revocation of the Conditional Use Permit granted by the adoption of this Ordinance.
47

48 Section 4 – This Ordinance shall be in full force and effect from and after
49 passage only so long as the Property and any improvements thereon conform to the
50 conditions and requirements described in Section 36-363 of the Land Development
51 Code, and other applicable City regulation or Ordinance, and this Ordinance.
52

53 Passed at meeting: _____
54

55 _____
56 Mayor
57

58 Attest: _____, City Clerk
59

60 Filed as Ordinance: _____
61

62 _____
63 Approved as to form:  _____, Assistant City Attorney
64

65 _____
66 Approved for Council action:  _____, City Manager

EXPLANATION TO COUNCIL BILL 2021-074

FILED: 03-30-21

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To allow a car washing business within the GR, General Retail District generally located at 204 West Plainview Road. (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 449

The applicant is requesting approval of a Conditional Use Permit for a car washing business on the subject property within a GR, General Retail District. The *Zoning Ordinance* requires a use permit in the GR, General Retail District for a car washing business. The applicant is proposing to resume operation of the car wash after it was discontinued for approximately three years. When a conditional use is discontinued or abandoned for a period of 12 consecutive months, the use shall not be reestablished or resumed unless a new conditional use permit is granted by City Council.

The applicant is proposing to resume operation of the car washing business without changes to the existing structures and site development regarding access, lighting, and circulation. The only changes will be to make the car wash operational once again.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Medium or High-Density Housing. However, the *Growth Management and Land Use Plan Element* states that the Land Use Plan map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." The subject property's zoning is consistent with adjacent commercial and retail uses designated with the same Medium or High-Density Housing land use category.

CONDITIONS:

1. The regulations and standards listed on "Exhibit D - Attachment 3" shall govern and control the use and development of the land in Use Permit Number 449 in a manner consistent with the attached site plan ("Exhibit D - Attachment 4").

FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit.

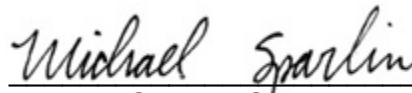
2. The applicant is proposing to resume operation of the car wash after it was discontinued for approximately three years. When a conditional use is discontinued or abandoned for a period of 12 consecutive months, the use shall not be reestablished or resumed unless a new conditional use permit is granted by City Council.
3. Approval of this request will provide for development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 11, 2021, and recommended approval, by a vote of 6 to 0 of the proposed conditional use permit (see the attached "Exhibit C," Record of Proceedings).

The Planning and Development staff recommends the application be approved with the conditions (see attached "Exhibit A").

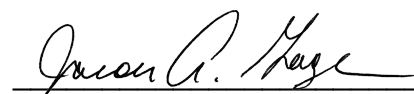
Submitted by:


Michael Sparlin, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Requirements for Conditional Use Permit 449
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments
Attachment 2, Requirements for Conditional Use Permit 449
Attachment 3, Standards and Responses for Conditional Use Permits
Attachment 4, Site Plan

Exhibit A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 449

1. A car washing business is permitted in conformance with Attachment 4.
2. The car washing business shall comply with all the standards listed in Attachment 3.
3. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

Exhibit B

LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NUMBER 449

Lot 71 of Replat of Lots 59 through 63, Lot 65, and Lots 68 through 74 of Seville Square Phase II a Subdivision in Springfield, Greene County, Missouri.

Exhibit C

**RECORD OF PROCEEDINGS
CONDITIONAL USE PERMIT NUMBER 449
Planning and Zoning Commission – March 11, 2021**

Conditional Use Permit 449
204 West Plainview Road
Applicant: Wehr-Fourt, LLC

Mr. Hosmer stated that this is a request to approve a Conditional Use Permit for the purpose of authorizing an automobile washing business within the GR, General Retail District generally located at 204 West Plainview Road. The applicant is proposing to resume operation of the car wash after it was discontinued for approximately three years. When a conditional use is discontinued or abandoned for a period of 12 consecutive months, the use requires a new conditional use permit. The Transportation Plan classifies Plainview Road as a Secondary Arterial and Robberson as a local roadway. A fee in lieu of on-site stormwater detention will be allowed since detention is already provided. The property is not located in a stream buffer area. The application meets the approval standards for a Conditional Use Permit. Staff recommends approval.

Mr. Bruce Colony wanted to clarify the reuse of an existing structure.

Mr. Hosmer stated that it is a reuse of an existing structure.

Mr. Doennig opened the public hearing.

Ms. Teri Cobb, representative and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Conditional Use Permit 449 (204 West Plainview Road). Mr. Coltrin seconded the motion. Ayes: Doennig, Coltrin, Jobe, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.



Bob Hosmer, AICP
Planning Manager

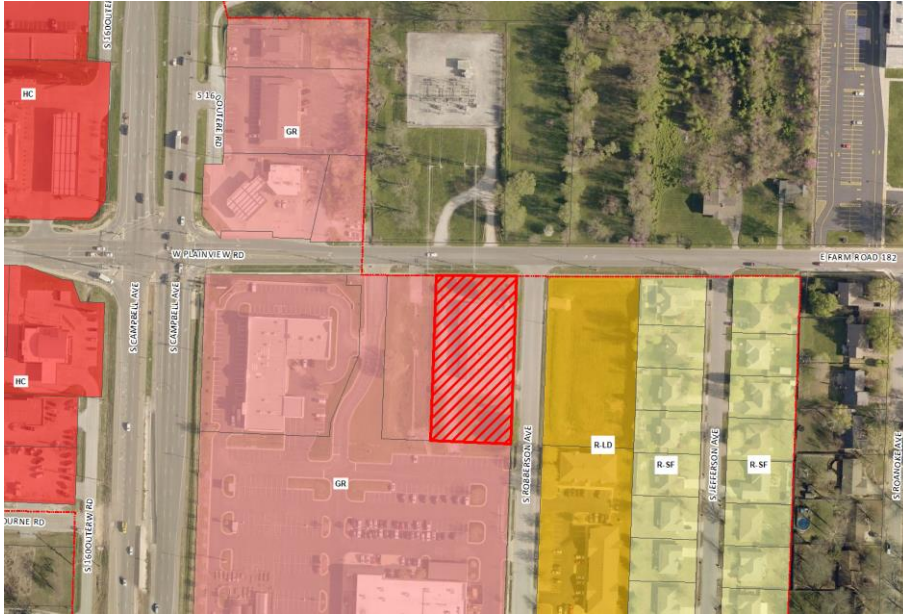
Exhibit D

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

MARCH 11, 2021

CITY COUNCIL PUBLIC HEARING:

APRIL 5, 2021



CASE NUMBER:

Conditional Use Permit 449

LOCATION: 204 West Plainview Road

ACRES: Approximately 1.08 acres

EXISTING LAND USE: Inactive car wash

APPLICANT: Wehr-Fourt LLC

STAFF: Michael Sparlin, Senior Planner

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

This is a request to allow a car washing business within a GR, General Retail District generally located at 204 West Plainview Road.

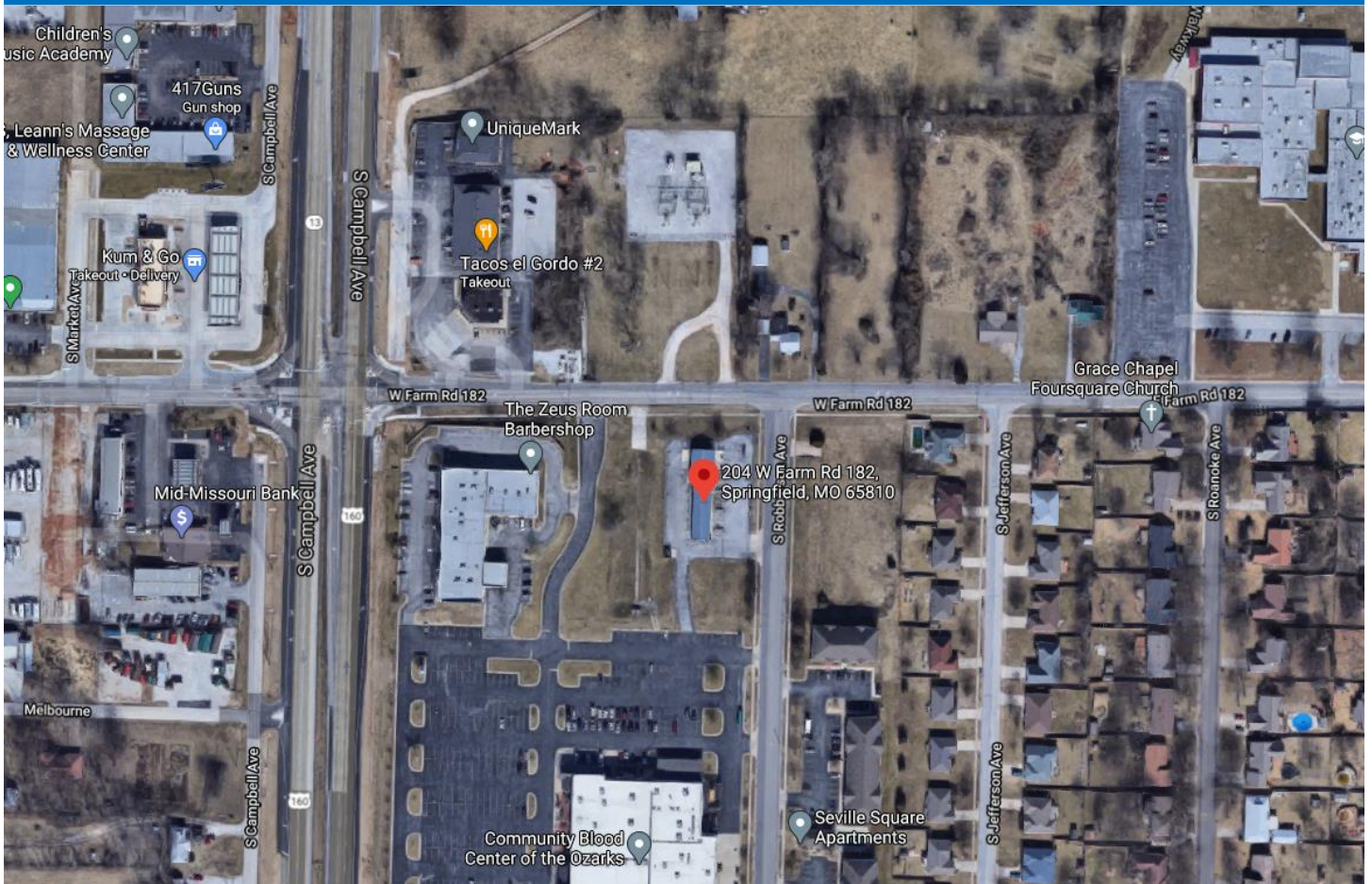
FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit.
2. The applicant is proposing to resume operation of the car wash after it was discontinued for approximately three years. When a conditional use is discontinued or abandoned for a period of 12 consecutive months, the use shall not be reestablished or resumed unless a new conditional use permit is granted by City Council.
3. Approval of this request will provide for development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	GR	R-LD	GR
LAND USE	Electric substation	Community Blood Center of the Ozarks	Stormwater Detention	Stormwater Detention

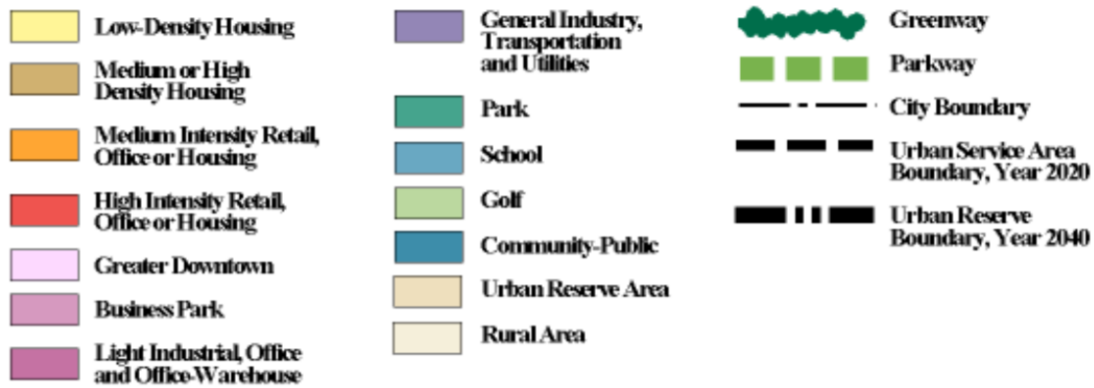
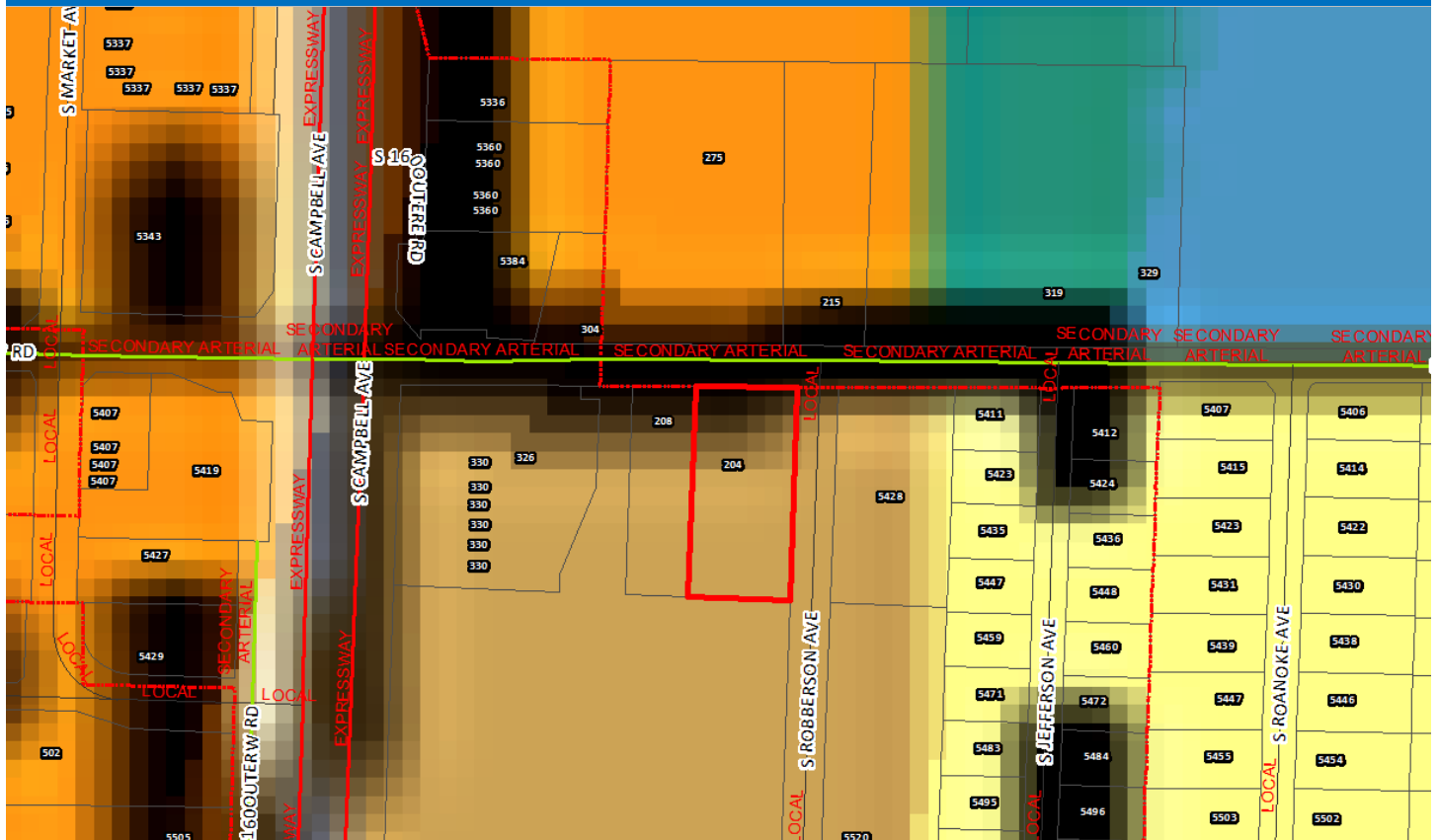
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

The subject property was annexed in August 1998 and zoned to GR, General Retail District in October 1999. There is no record that a Conditional Use Permit was approved to allow the existing car wash and is believed that the car wash was constructed in the county, prior to the annexation and the rezoning to GR.

The applicant is proposing to resume the car washing business after it was discontinued for approximately three years. When a conditional use is discontinued or abandoned for a period of 12 consecutive months, the use shall not be reestablished or resumed unless a new conditional use permit is granted by City Council.

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-363. - Conditional Use Permit

- (1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.
- (8) *Period of validity.*
 - (a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18-month period:
 1. A building permit is obtained and the erection or alteration of a structure is started; or
 2. An occupancy permit is obtained and the conditional use commenced.The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.
 - (b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.
- d. *Damage or destruction.* In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Medium or High Density Housing. However, the *Growth Management and Land Use Plan Element* states that the Land Use Plan map, “should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement.” The subject property’s zoning is consistent with adjacent commercial and retail uses designated with the same Medium or High Density Housing land use category.

STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit for a car washing business on the subject property within a GR, General Retail District. The *Zoning Ordinance* requires a use permit in the GR, General Retail District for a car washing business. The applicant is proposing to resume operation of the car wash after it was discontinued for approximately three years. When a conditional use is discontinued or abandoned for a period of 12 consecutive months, the use shall not be reestablished or resumed unless a new conditional use permit is granted by City Council.
2. The applicant is proposing to resume operation of the car washing business without changes to the existing structures and site development regarding access, lighting, and circulation. The only changes will be to make the car wash operational once again.
3. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Medium or High Density Housing. However, the *Growth Management and Land Use Plan Element* states that the Land Use Plan map, “should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement.” The subject property’s zoning is consistent with adjacent commercial and retail uses designated with the same Medium or High Density Housing land use category.
4. Staff has reviewed the applicant’s request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363 (10) (Attachment 3) of the Zoning Ordinance. Any development of this property must also follow the GR, General Retail District requirements.
5. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

All neighborhood meetings have been cancelled due the Mayor’s Proclamation of Civil Emergency related to COVID-19. Property owners were mailed a comment card to provide their comments.

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: 8	Returned: 0
--	-----------	-------------

DEPARTMENT COMMENTS:

ATTACHMENT 1 CONDITIONAL USE PERMIT 449

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES

No comments.

CITY UTILITIES:

No issues with CUP.

DEPARTMENT OF ENVIRONMENT SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to CUP. Public sewer is available for the development.

FIRE DEPARTMENT COMMENTS:

No issues.

MODOT COMMENTS:

No comments.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING:

The property is in the **Ward Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the area. The city is not aware of a sinkhole at this location.

A fee in lieu of on-site stormwater detention **is not applicable because detention is already provided.**
The property **is not in a stream buffer area.**

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 per Chapter 4 Section 3.2.3 of the stormwater design criteria manual – <https://www.springfieldmo.gov/DocumentCenter/View/36063/Flood-Control-and-Water-Quality-Protection-Manual-?bidId=>
2. If disturbing 1 acre or greater, water quality will also have to be provided per Chapter 10 Section 2 of the stormwater design criteria manual.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved per Chapter 4 Section 3.0 of the stormwater design criteria manual.
4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the stormwater design criteria manual.
5. If the property has a sinkhole on the property a geotechnical report is required per Chapter 11 Section 2 of the stormwater design criteria manual.
6. If the property has a stream buffer the property owner may be required to provide a stream buffer easement per Chapter 8 Section 4.1.3.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Robberson Avenue as Local-Commercial Roadway and E. Plainview Road as a Secondary Arterial roadway. The standard right-of-way width for S. Robberson Avenue is 30-ft from the centerline and 35-ft from the centerline for E. Plainview Road. It appears no additional right-of-way is needed. A survey is recommended to determine the exact amount of existing right-of-way. S. Robberson Avenue is a city-maintained street and this portion of E. Plainview Road is a county-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts on S. Robberson Avenue or E. Plainview Road. On-street parking is not allowed along S. Robberson Avenue or E. Plainview Road.

DRIVEWAY ACCESS

There is currently one driveway access point to S. Robberson Avenue. There are no driveway access points to the property E. Plainview Road. No access is allowed to E. Plainview Road. Any new proposed driveway approaches to S. Robberson Avenue must meet the minimum spacing requirements for a Local-Commercial roadway.

SIDEWALK

There is existing sidewalk along the property frontage on S. Robberson Avenue and E. Plainview Road. The existing infrastructure meets current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along the property frontage on S. Robberson Avenue or E. Plainview Road. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required.

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT/CONDITIONAL USE PERMIT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	S. Robberson Avenue	Local-Commercial	No	30	30
Street 2	E. Plainview Road	Secondary Arterial	No	35	35
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		16	67	720	
*Proposed Trips Generated		16	67	720	
Additional Trips Generated		0	0	0	

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

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
CONDITIONAL USE PERMIT 449

1. A car washing business is permitted in conformance with Attachment 4.
2. The car washing business shall comply with all the standards listed in Attachment 3.
3. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

STANDARDS FOR CONDITIONAL USE PERMIT 449

ATTACHMENT 3

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response	Staff response:
1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan.	The Springfield Comprehensive Plan encourages diversity of neighborhood elements. For over 22 years this facility has been available to the surrounding neighborhood for maintaining their vehicles and providing a location to interact with neighbors.	The <i>Growth Management and Land Use Plan</i> of the <i>Comprehensive Plan</i> designates this area as appropriate for Medium or High Density Housing. However, the <i>Growth Management and Land Use Plan Element</i> states that the Land Use Plan map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." The subject property's zoning is consistent with adjacent commercial and retail uses designated with the same Medium or High Density Housing land use category.
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.	The facility was constructed in 1999 and was designed as a "neighborhood" carwash. Compliance with public works standards regarding entrance and connection to the public street was approved and to the best of our knowledge continues to comply.	Public Works Traffic Division has reviewed the application and has determined that conditional use will not adversely affect safety of the motoring public and of pedestrians. Traffic comments are provided in Attachment 1.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	The building was designed and constructed under the adopted building and fire codes in effect in 1999. To the best of our knowledge, they continue in compliance.	The Fire Department has reviewed this request and has no concerns with regard to safety from fire hazards and fire controls. Fire comments are provided in Attachment 1.
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.	All site drainage was originally designed in 1999 and continues to flow to the west property line and discharges directly into a storm water detention basin. There is no conceived opinion that the adjacent property could flood.	Public Works Stormwater Division has reviewed this request and provided comments in Attachment 1. The development is required to meet development standards for stormwater management.

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response	Staff response:
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district.	The subject property does not constitute a greater sound level than the nearby shopping center or convenience store located to the west.	The applicant is not proposing to expand the car washing business that once operated in this location. It is not expected that the proposed use will have noise characteristics that exceed Zoning Ordinance standards.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.	There are no "adjacent" residential neighbors. All residential uses are across Robberson to the east. The traffic flow as designed funnels traffic from east to west, away from Residential zoning and toward General Retail.	It is not expected that the proposed use will negatively affect neighborhood districts. The property directly to the east, while zoned R-LD, is used as stormwater detention. The applicant is proposing to make the car wash operational and is not expanding the use.
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	The only signs for the facility are located on the building.	The applicant is not proposing to expand the car washing business that once operated in this location. The development will be subject to the signage standards on the Zoning Ordinance.
8. Such signs will not have an adverse effect on any adjacent properties.	The signs have NO effect on adjacent properties.	The development will be subject to the signage standards on the Zoning Ordinance and is not expected to have an adverse effect on any adjacent properties
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.	The development was and is in compliance with Public Works requirements.	No additional right-of-way is required for the adjacent streets.
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.	The facility provides a necessary function for the maintenance of the neighboring vehicles. It also serves as a gathering location for social interaction.	It is not anticipated that the proposed car washing business will have an adverse effect or be incompatible with the adjacent and surrounding properties which are used for commercial/retail uses to the west or the residential uses to the east. The applicant is proposing to make the car wash operational and is not expanding the use.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In	The structure has been at this location since 1999 and has been accepted as a neighborhood service since then. Interior and perimeter landscaping completed with applicable zoning ordinance in effect at the time.	The standards of the Zoning Ordinance adequately address these issues.

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response	Staff response:
determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: - The location, nature and height of buildings, structures, walls and fences on the site; and - The nature and extent of landscaping and screening on the site.		
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.	The building has been at this location for over 22 years.	It is not expected that the proposed development will negatively affect any significant natural topography or physical features. The subject property is developed as a car wash.
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	There is NO negative effect anticipated by approving this Conditional Use Permit.	The site is developed as a car wash and does not appear to have important natural, scenic, or historic features.
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards.	The development of this site in 1999 complied with all zoning and building development requirements.	The proposed use complies with applicable regulations with regard to lot size, bulk regulations, use limitations and performance standards.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	A carwash located adjacent to a residential neighborhood positively contributes for the convenience of the neighbors.	The proposed development will contribute to the existing retail and service businesses as well as provide a service to the nearby residential uses.
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect	The carwash complied with all parking and loading requirements in place in 1999.	The development will be subject to these standards of the Zoning Ordinance.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.	The entrance to Robberson Avenue continues to serve as the primary entrance/exit. The drive serving the property to the south remains.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it meets this condition.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian	The vehicular circulation (onsite) described in (6) above remains. Traffic flows off Robberson, then east to west and exits back onto Robberson.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards.

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response	Staff response:
circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.		
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	The site development complies with all known easements and right of ways (public and private).	The applicant's response adequately addresses this condition.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.	The use of the building has remained unchanged, originally a carwash and to remain a carwash	The applicant's response adequately addresses this condition. The development is required to adhere to all standards of the Zoning Ordinance and other applicable ordinances.
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.	The property is on the southwest corner of Plainview and Robberson and is served by all services required for its operation.	This request will provide for the productive use of the subject property which is already served with public infrastructure and services.

ATTACHMENT 4

SITE PLAN GENERAL NOTES:

1. CONTRACTOR TO LOCATE ALL UNDERGROUND UTILITIES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
2. UNLESS SPECIFICALLY NOTED OTHERWISE, ALL EXTERIOR CONC. SLABS (INCLUDING SIDEWALKS ARE TO SLOPE AWAY FROM BUILDINGS AT 1/4" PER FOOT TO PROVIDE POSITIVE DRAINAGE.
3. FOR GRADING INFORMATION - SEE GRADING PLAN THIS SHEET.
4. ALL LAWN AREAS AND DISTURBED AREAS SHALL BE FINE GRADED AND SEEDED UNDER THIS CONTRACT.
5. ALL CURB AND BUILDING FACES ARE TO BE LAYED-OUT PARALLEL AND PERPENDICULAR TO THE EAST PROPERTY LINE.
6. DIMENSIONS ARE TO BACK OF CURBS.
7. ALL GRADES TO SLOPE AWAY FROM BUILDING FOR POSITIVE DRAINAGE.
8. CONTRACTOR TO VISIT SITE AND FAMILIARIZE HIMSELF WITH ALL ON-SITE CONDITIONS.
9. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING CONDITIONS AND COORDINATE NEW CONSTRUCTION WITH EXISTING.

CURVE DATA:

- A** — 5'-0" RADIUS - BACK OF CURB
B — 10'-0" RADIUS - BACK OF CURB
C — 15'-0" RADIUS - BACK OF CURB
D — 20'-0" RADIUS - BACK OF CURB
E — 10'-0" RADIUS - EDGE OF PAVING

LEGEND:

- PROPERTY LINE
--- LINE OF EASEMENT
--- EXISTING GRADE
--- FINISH GRADE
TOP OF CONC. ELEV.
GUTTER LINE ELEV.
TOP OF PAVEMENT
HIGH POINT
FLOW LINE ELEVATION

NOTE:
U.S.G.S. ELEV. 1273.50 = 100'-0"
FINISH FLOOR ELEV. = 1273.50

- EXISTING TREE TO BE REMOVED
CAR QUEING SPACE

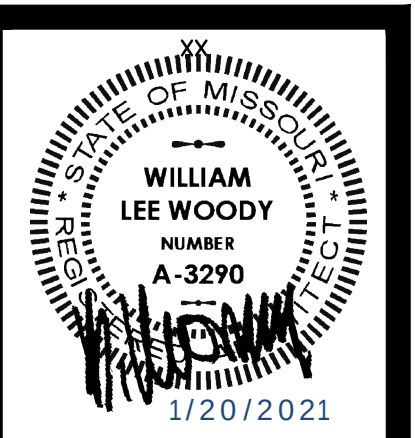
INTERIOR LANDSCAPING:

PROVIDE INTERIOR LANDSCAPING PER CITY ZONING ORDINANCE REQUIREMENTS AS FOLLOWS:
2 - CANOPY TREES
CONTRACTOR MAY SUBSTITUTE UNDERSTORY TREES FOR CANOPY TREES AT THE FOLLOW RATE:
(2 - UNDERSTORY TREES = 1 CANOPY TREE)

PERIMETER LANDSCAPING:

PROVIDE PERIMETER LANDSCAPING ALONG PLAINVIEW RD. & ROBBERSON AVE. PER CITY REQUIREMENTS.
PROVIDE THE FOLLOWING LANDSCAPING PER 100 LINEAR FEET OF LENGTH:
1 - CANOPY TREE
1 - UNDERSTORY, ORNAMENTAL OR EVERGREEN TREE
4 - SHRUBS
CONTRACTOR MAY SUBSTITUTE UNDERSTORY TREES FOR CANOPY TREES AT THE FOLLOW RATE:
(2 - UNDERSTORY TREES = 1 CANOPY TREE)

CAUTION:
INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.



1736 E. Sunshine, Suite 311
Springfield, Missouri 65804
Phone: (417) 883-2720
FAX: (417) 883-0161

MARSHALL WATERS WOODY
architecture & planning

NEW YE OLDE BUGGY BATH
CAR WASH
PLAINVIEW RD. & ROBBERSON AVE.
SPRINGFIELD, MO

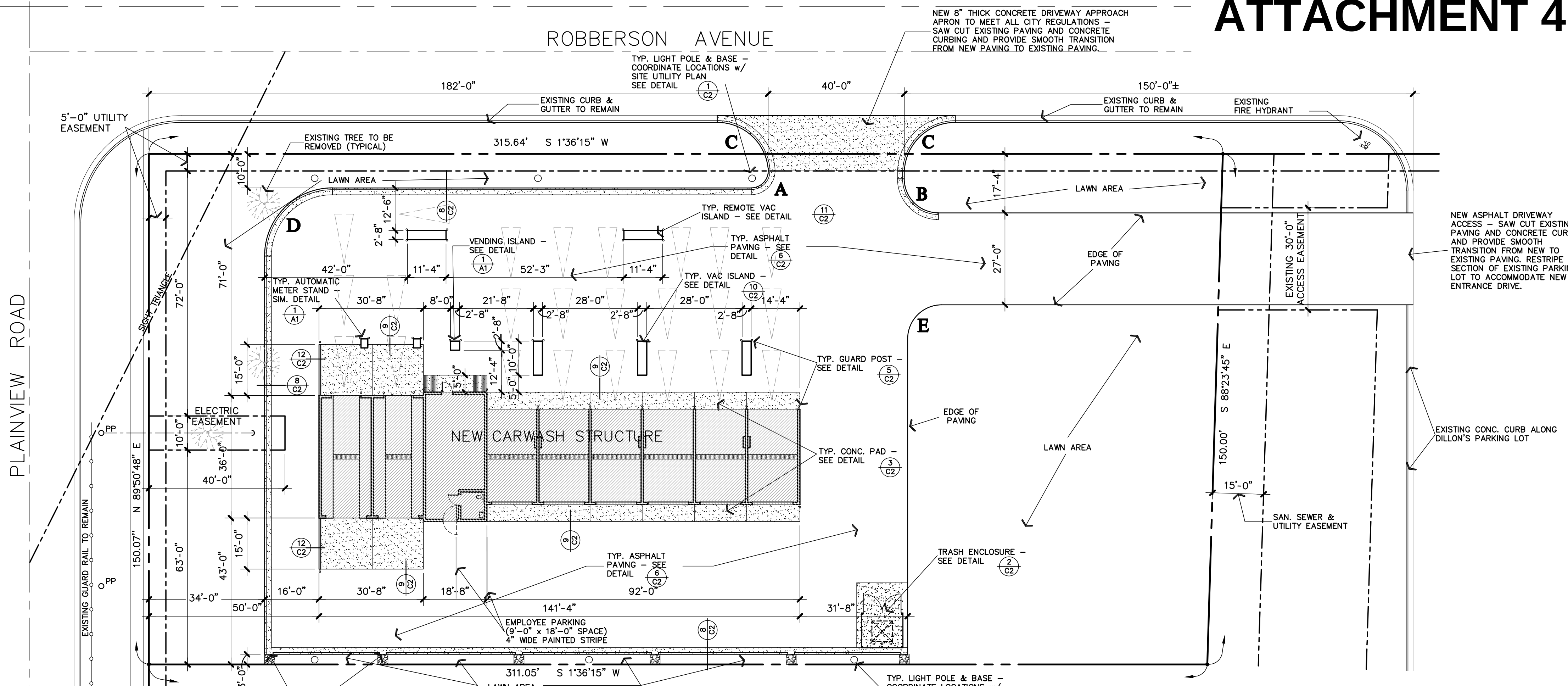
date
SEPT. 1, 1999
revised
REV-1 JAN. 20, 2021

drawn
MEC
checked
BW
comm.
no.

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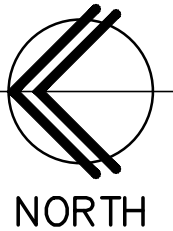
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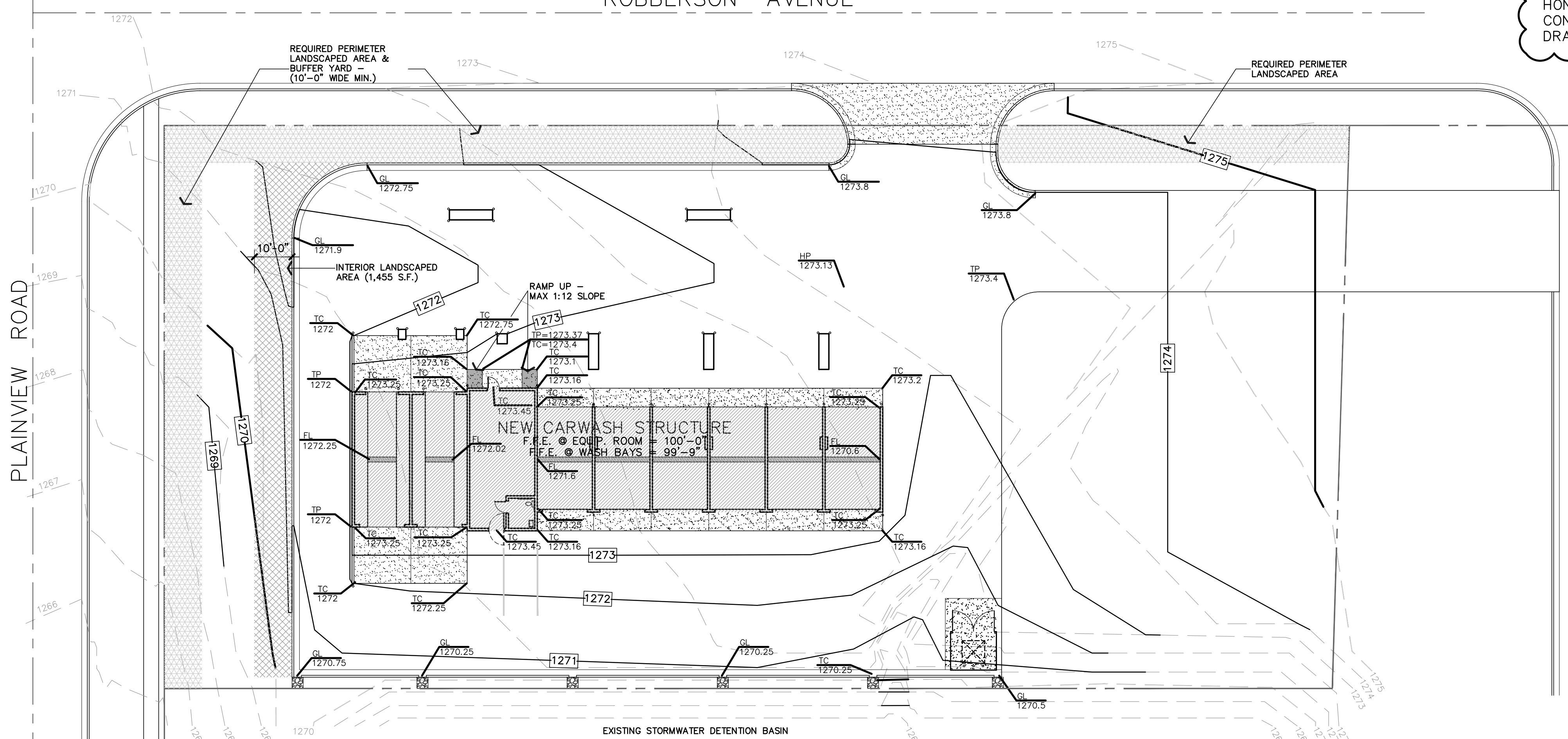


SITE PLAN

1" = 20'-0"

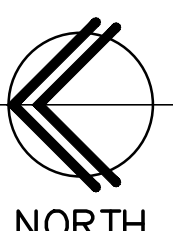


REV-1
ON JANUARY 19, 2021 A VISUAL EXAMINATION OF THE EXISTING SITE AND CARWASH FACILITY WAS PERFORMED. TO THE BEST OF OUR HONESTY, KNOWLEDGE AND BELIEF THE CONDITIONS MATCH THE CONSTRUCTION DRAWINGS DATED SEPT. 1, 1999.



GRADING PLAN

1" = 20'-0"



One-rdg. _____
P. Hrngs. x
Pgs. 35
Filed: 03-30-21

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021- 075

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 450 for the purpose of authorizing playing
2 fields to operate within the HC, Highway Commercial District and
3 Airport Overlay District No. 3 generally located at 6006 West State
4 Highway 266 as a conditional use. (Staff and Planning and Zoning
5 Commission recommend approval.)
6
7

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

12 WHEREAS, the Planning and Zoning Commission held a public hearing on
13 March 11, 2021, and the Commission found that the necessary conditions existed for
14 issuance of Conditional Use Permit No. 450 for the property located at 6006 West State
15 Highway 266 and zoned HC, Highway Commercial District and Airport Overlay District
16 No. 3; and
17

18 WHEREAS, City Council finds that sufficient evidence has been presented to
19 satisfy all applicable standards of the Land Development Code for issuance of
20 Conditional Use Permit No. 450; and
21

22 WHEREAS, the granting of such permit is deemed proper, and it is not found to
23 harm the community or injure the value, lawful use, and reasonable enjoyment of
24 properties in the vicinity of 6006 West State Highway 266.
25

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

29 Section 1 – Conditional Use Permit No. 450 is hereby granted in accordance with
30 and subject to the provisions of Section 36-363 of the Land Development Code.
31 Conditional Use Permit No. 450 is granted for the purpose of authorizing playing fields
32 to operate as a conditional use within the HC, Highway Commercial District and Airport
33 Overlay District No. 3 located at the property described in “Exhibit B,” which is attached

hereto and incorporated herein by this reference, and which is generally located at 6006 West State Highway 266.

Section 2 – Building permits, certificates of occupancy, and any other required permits or approvals may be issued by the duly authorized officials of the City provided that such issuance is consistent with Section 36-363 of the Land Development Code, any other applicable City regulation or ordinance, and the “Requirements for Conditional Use Permit 450” described in “Exhibit A,” which is attached hereto and incorporated herein by this reference. Additionally, the provisions contained in “Exhibit A” and “Exhibit D – Attachment 2” shall govern and control the use and development of the land described in “Exhibit B,” in a manner which shall not substantially deviate from the attached site plan depicted on “Exhibit D – Attachment 5” or the attached photometric plan depicted on “Exhibit D – Attachment 6,” with “Exhibit D” being attached hereto and incorporated herein by this reference in its entirety.

Section 3 – Any violation of the provisions of this Ordinance, or the construction of any element that could cause, or contribute to cause, a hazard to aviation operations at the Springfield-Branson National Airport, shall be grounds for the revocation of the Conditional Use Permit granted by the adoption of this Ordinance.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Kyle Tollett, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2021- 075

FILED: 03-30-21

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To allow playing fields on the portion of property which falls within the HC, Highway Commercial District and Airport Overlay District No. 3 generally located at 6006 West State Highway 266. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 450

The applicant is requesting approval of a Conditional Use Permit to allow playing fields on the portion of property which falls within the HC, Highway Commercial District and Airport Overlay District No. 3 generally located at 6006 West State Highway 266. The intent of this rezoning application is to facilitate the development of this property for a private athletic complex along with other retail, temporary lodging and office uses.

This application is consistent with the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*, which identifies the subject property as appropriate for Golf and Business Park uses. The Business Park category combines elements from the Office and Restricted Industrial District with additional requirements for landscaping and coordinated master planning. It is also located at a major intersection of two expressways (Chestnut Expressway and Airport Boulevard) which encourages higher intensity developments and near the I-44 and Chestnut Expressway (Emerging) Activity Center where higher intensity development is encouraged. The *Plan* also states that development in this area may increase as sanitary sewer becomes available and serve as an Activity Center for residents in West Springfield.

CONDITIONS:

1. The regulations and standards listed on "Exhibit D - Attachment 3" shall govern and control the use and development of the land in Use Permit Number 450 in a manner consistent with the attached site plan ("Exhibit D - Attachments 5 and 6").

FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a conditional use permit.
2. As part of the review process for the Airport Overlay District, the Airport Board approved a resolution recommending approval of the Deer Lake Partners, LLC's conditional use permit application. The Board recommends that the Planning and Zoning Commission and City Council approve it so long as Deer Lake Partners,

LLC submits FAA Form 7460-1, does not substantially deviate from its submitted plans, and does not construct any element which could cause a hazard to aviation operations at the Airport ("Exhibit D - Attachments 5 and 6").

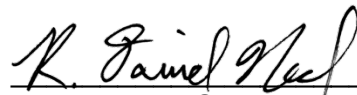
3. The airport overlay districts are intended to regulate the development of noise-sensitive land uses, to promote compatibility between the Springfield-Branson National Airport and the surrounding land uses, to protect the Springfield-Branson National Airport from incompatible development and to promote the health, safety, and general welfare of property users.
4. The proposed project must be developed in substantial conformance to the submitted site plan.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 11, 2021, and recommended approval, by a vote of 9 to 0 of the proposed conditional use permit (see the attached "Exhibit C," Record of Proceedings).

The Planning and Development staff recommends the application be approved with the conditions (see attached "Exhibit A").

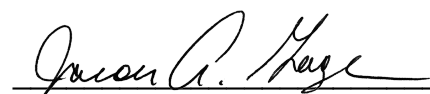
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Requirements for Conditional Use Permit Number 450

Exhibit B, Legal Description

Exhibit C, Record of Proceedings

Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Requirements for Conditional Use Permit 450

Attachment 3, Standards and Responses for Conditional Use Permits

Attachment 4, Airport Board Resolution

Attachment 5, Site Plan
Attachment 6, Photometric Plan
Attachment 7, Proposed Development Sign Renderings

Exhibit A

REQUIREMENTS FOR CONDITIONAL USE PERMIT NUMBER 450

1. Playfields are permitted within the Airport Overlay District in conformance with Attachments 5 & 6.
2. Any proposed detached sign must be located outside of any right-of-way, easements or sight triangles and meet all requirements of Section 36-454, Signs, of the Zoning Ordinance.
3. Any development of this property must also follow the HC, Highway Commercial District and Conditional Overlay District No. 193 requirements.
4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

Exhibit B

**LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NUMBER 450**

A TRACT OF LAND, SITUATED IN SECTION 23 OF TOWNSHIP 29 NORTH, RANGE 23 WEST, GREENE COUNTY, MISSOURI, BEING A PART OF TRACT III DESCRIBED IN BEED BOOK 2010, PAGE 24733- 10, DULY RECORDED IN THE GREENE COUNTY, MISSOURI, RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 24; THENCE SOUTH $01^{\circ}45'40''$ WEST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 24 A DISTANCE OF 13.80 FEET TO AN EXISTING CONCRETE MONUMENT ON THE SOUTH RIGHT OF WAY LINE OF OLD STATE HIGHWAY 266; THENCE NORTH $88^{\circ}19'42''$ WEST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 300.16 FEET TO AN EXISTING IRON PIN; THENCE SOUTH $01^{\circ}45'52''$ WEST A DISTANCE OF 725.80 FEET TO AN EXISTING IRON PIN FOR CORNER; THENCE NORTH $88^{\circ}23'16''$ WEST A DISTANCE OF 349.80 FEET; THENCE SOUTH $01^{\circ}45'09''$ WEST A DISTANCE OF 982.89 FEET; THENCE SOUTH $88^{\circ}23'16''$ EAST A DISTANCE OF 650.00 FEET TO A POINT ON SAID EAST LINE OF THE NORTHWEST QUARTER OF SECTION 24; THENCE SOUTH $01^{\circ}45'09''$ WEST ALONG SAID EAST LINE 401.41 FEET TO AN EXISTING IRON PIN ON THE NORTH RIGHT OF WAY LINE OF INTERSTATE 44; THENCE ALONG SAID NORTH RIGHT OF WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4,433.75 FEET, A DELTA OF $01^{\circ}45'29''$, AN ARC LENGTH OF 136.04 FEET, AND A CHORD WHICH BEARS SOUTH $74^{\circ}24'58''$ WEST HAVING A CHORD DISTANCE OF 136.03 FEET TO AN EXISTING RIGHT OF WAY MARKER FOR CORNER; THENCE SOUTH $75^{\circ}21'06''$ WEST ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 2,655.96 FEET TO AN EXISTING IRON PIN ON THE WEST LINE OF SAID SECTION 24 FOR CORNER; THENCE NORTH $01^{\circ}38'07''$ EAST ALONG SAID WEST LINE OF SECTION 24 A DISTANCE OF 261.29 FEET TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 24 FOR CORNER FOR A POINT OF BEGINNING; THENCE NORTH $88^{\circ}47'48''$ WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 23, A DISTANCE OF 1,754.45 TO AN EXISTING IRON PIN FOR THE CORNER; THENCE N $01^{\circ}50'13''$ EAST A DISTANCE OF 1,333.63 FEET TO AN EXISTING IRON PIN FOR CORNER; THENCE N $01^{\circ}40'14''$ EAST A DISTANCE OF 1,287.49 FEET TO AN EXISTING IRON PIN ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 266 FOR CORNER; THENCE SOUTH $88^{\circ}53'47''$ EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 1,402.32 FEET TO AN EXISTING RIGHT OF WAY MONUMENT (LS299) FOR CORNER; THENCE SOUTH $79^{\circ}10'22''$ EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 88.86 FEET TO AN EXISTING RIGHT OF WAY MONUMENT (LS299) FOR CORNER; THENCE SOUTH $88^{\circ}54'54''$ EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 202.35 FEET TO AN EXISTING RIGHT OF WAY MONUMENT (LS299) FOR CORNER; THENCE

SOUTH 32°54'49" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 100.32 FEET TO A POINT IN THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 24 FOR CORNER; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE SOUTH 01°48'27" WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24 A DISTANCE OF 1187.07 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 24; THENCE SOUTH 01°29'45" WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 24 A DISTANCE OF 1338.95 FEET TO THE POINT OF BEGINNING, AND CONTAINING 105.16 ACRES OF LAND, MORE OR LESS, SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY.

Exhibit C

**RECORD OF PROCEEDINGS
CONDITIONAL USE PERMIT NUMBER 450
Planning and Zoning Commission – March 11, 2021**

Conditional Use Permit 450
6006 West State Highway 266
Applicant: Deer Lake Properties, LLC

Mr. Hosmer stated that this is a request to allow playing fields on the portion of property which falls within the HC, Highway Commercial District and Airport Overlay District No. 3 generally located at 6006 West State Highway 266. The Comprehensive Plan identifies this as an appropriate for a Business Park uses. The applicant is requesting approval of a Conditional Use Permit to allow playing fields on the portion of property which falls within the HC, and Airport Overlay District. The Transportation Plan classifies Chestnut as an Expressway. A Traffic Impact Study will be required at the time of development per Conditional Overlay District No. 193. A fee in lieu of on-site stormwater detention will not be allowed. The property is not located in a stream buffer area. The COD will require a "Type F" bufferyard at least a twenty (20) feet wide on the south and west property line adjacent to the County A-1. The application meets the approval standards for a Conditional Use Permit to allow playfields within the Airport Overlay District in conformance with Site Plan. The Airport Board has approved a resolution recommending approval the conditional use permit application as submitted. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Jared Rasmussen, representative and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** item Conditional Use Permit 450 (6006 West State Highway 266). Mr. Colony seconded the motion. Ayes: Doennig, Coltrin, Jobe, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.



Bob Hosmer, AICP
Planning Manager

Exhibit D

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	MARCH 11, 2021
CITY COUNCIL PUBLIC HEARING:	APRIL 5, 2021



CASE NUMBER: Conditional Use Permit 450
LOCATION: 6006 W. State Hwy 266
ACRES: Approximately 105 acres
EXISTING LAND USE: Vacant/undeveloped, agricultural land
APPLICANT: Deer Lake Partners, LLC
STAFF: Daniel Neal, Senior Planner
STAFF RECOMMENDATIONS: Approve
PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

This is a request to allow playing fields on the portion of property which falls within the HC, Highway Commercial District and Airport Overlay District No. 3 generally located at 6006 West State Highway 266.

FINDINGS FOR STAFF RECOMMENDATION:

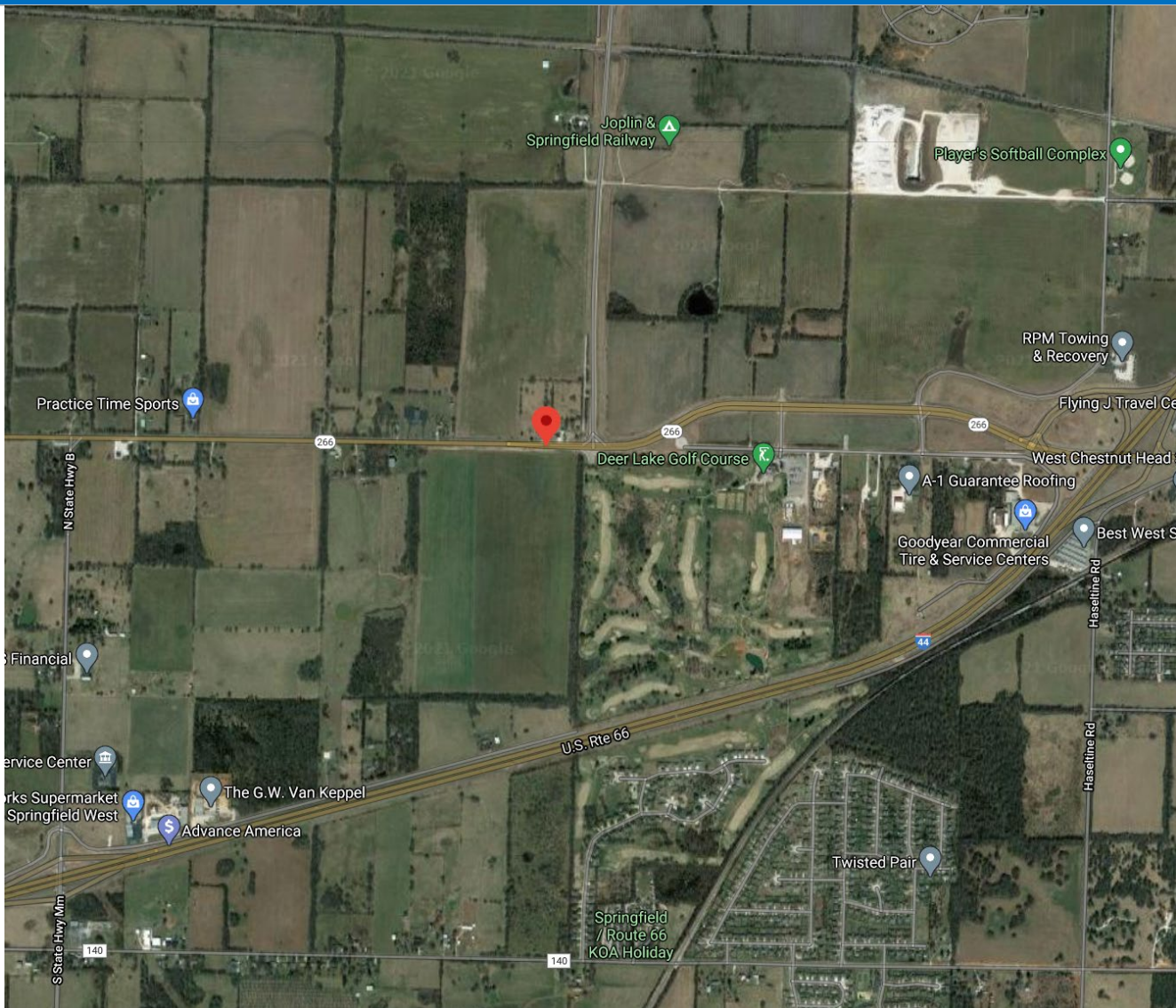
1. This application meets the approval standards for a conditional use permit.
2. As part of the review process for the Airport Overlay District, the Airport Board approved a resolution recommending approval of the Deer Lake Partners, LLC’s conditional use permit application. The Board recommends that the Planning and Zoning Commission and City Council approve it so long as Deer Lake Partners, LLC submits FAA Form 7460-1, does not substantially deviate from its submitted plans, and does not construct any element which could cause a hazard to aviation operations at the Airport (Attachments 5 & 6).
3. The airport overlay districts are intended to regulate the development of noise-sensitive land uses, to promote compatibility between the Springfield-Branson National Airport and the surrounding land uses, to protect the Springfield-Branson National Airport from incompatible development and to promote the health, safety, and general welfare of property users.
4. The proposed conditional use permit must be developed in substantial conformance to the submitted site plan.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County A-1	County A-1 and C-2	HC COD 195	County A-1

LAND USE	Single-family residential and agricultural uses	Single-family residential, agricultural, and vacant/undeveloped land	Golf course and clubhouse	Single-family residential and agricultural uses
-----------------	---	--	---------------------------	---

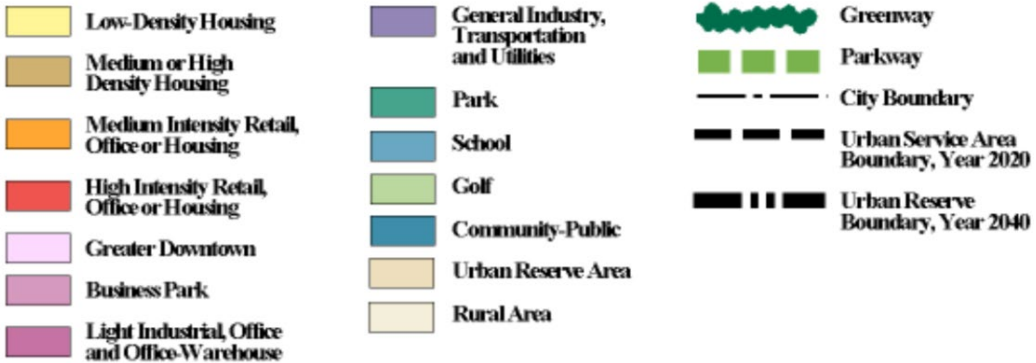
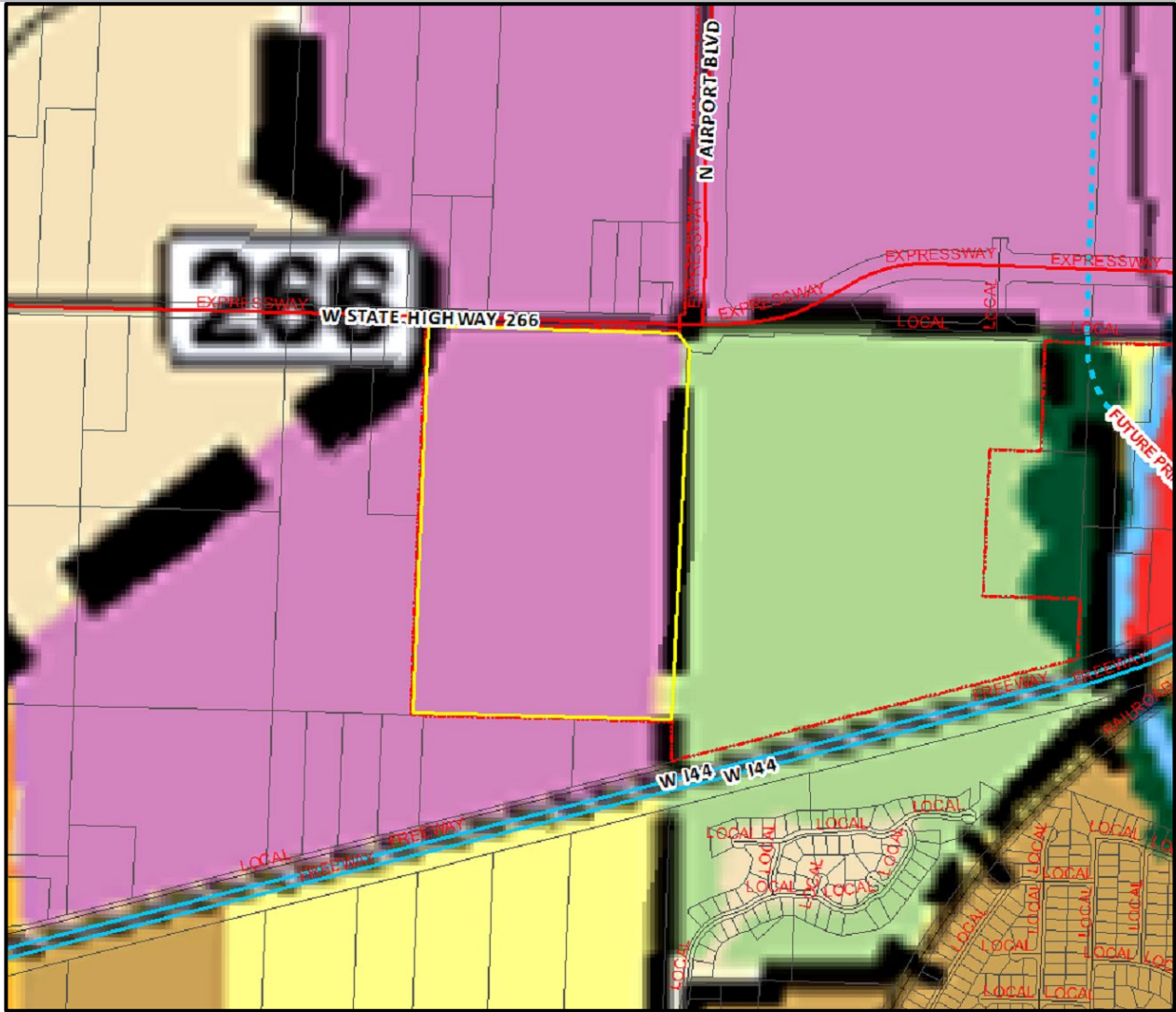
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

The subject property was annexed into the City in February of 2021 and concurrently rezoned to HC, Highway Commercial District with Conditional Overlay District No. 193. An amendment to the Airport Overlay District to allow playfields with a conditional use permit and accessory off-street parking lots was also approved.

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-363. - Conditional Use Permit

- (1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.
- (8) *Period of validity.*
 - (a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18-month period:
 1. A building permit is obtained and the erection or alteration of a structure is started; or
 2. An occupancy permit is obtained and the conditional use commenced.The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.
 - (b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.
- d. *Damage or destruction.* In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

This application is consistent with the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*, which identifies the subject property as appropriate for Golf and Business Park uses. The Business Park category combines elements from the Office and Restricted Industrial District with additional requirements for landscaping and coordinated master planning. It is also located at a major intersection of two expressways (Chestnut Expressway and Airport Boulevard) which encourages higher intensity developments and near the I-44 and Chestnut Expressway (Emerging) Activity Center where higher intensity development is encouraged. The *Plan* also states that development in

this area may increase as sanitary sewer becomes available and serve as an Activity Center for residents in West Springfield.

STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit to allow playing fields on the portion of property which falls within the HC, Highway Commercial District and Airport Overlay District No. 3 generally located at 6006 West State Highway 266. The intent of this rezoning application is to facilitate the development of this property for a private athletic complex along with other retail, temporary lodging and office uses.
2. Upon receiving an application for a conditional use permit in the AO-1 or AO-3 districts, the department of planning and development shall forward the application to the Springfield-Branson National Airport Board. In considering such an application, the Springfield-Branson National Airport Board shall review potential impacts to the airport and shall make its recommendation(s) to the planning and zoning commission, including any factual findings and reasoning upon which the recommendation was based, prior to a public hearing on the application. The Airport Board shall consider factors such as, but not limited to:
 - a. Federal Aviation Regulations (FAR Part 77)
 - b. Published instrument approach and departure procedures
 - c. Outdoor lighting
 - d. Radio signal or electronic emissions
 - e. Noise sensitive concerns
 - f. Public safety
3. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363 (10) (Attachment 3) of the Zoning Ordinance. Any development of this property must also follow the HC, Highway Commercial District and Conditional Overlay District No. 193 requirements.
4. The current zoning of HC, Highway Commercial and Conditional Overlay District No. 193 requires a traffic study, in a format acceptable to the City and MoDOT, be required at the time of development.
5. A private road will be constructed that connects to the existing signal at W. Chestnut Expressway and N. Airport Boulevard. A 235-foot left turn lane and a through/right turn lane will be constructed at the northbound approach to the intersection. Westbound W. Chestnut Expressway at the signal will be restriped to provide a 200-foot left turn lane. Southbound N. Airport Boulevard at the signal will be restriped to provide a dedicated southbound left turn lane and a through/right turn lane. Upgrades will be provided to the signal. There is not existing sidewalk along the property frontage of W. Chestnut Expressway and is not required to be constructed by MoDOT. The existing infrastructure meets current City Standards.
6. The applicant has submitted proposed signage to be used for the proposed private athletic complex. It is not required to be constructed as shown and is considered illustrative (Attachment 7). A sign permit must be submitted meeting the sign regulations within the Zoning Ordinance.
7. The development of the property will require a bufferyard along the south and west property line adjacent to the County A-1, Agricultural District. The bufferyard required between HC and single-family zoning would be a Bufferyard "Type F" at least a 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 showing a forty (40) foot wide bufferyard which reduces the amount of plantings and removes the requirements for a solid fence or wall. This is an allowed alternative for all bufferyards in the Zoning Ordinance. All structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts.

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8. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.
 9. As part of the review process for the Airport Overlay District, the Airport Board approved a resolution recommending approval of the Deer Lake Partners, LLC's conditional use permit application. The Board recommends that the Planning and Zoning Commission and City Council approve it so long as Deer Lake Partners, LLC submits FAA Form 7460-1, does not substantially deviate from its submitted plans, and does not construct any element which could cause a hazard to aviation operations at the Airport (Attachments 5 & 6).

NEIGHBORHOOD MEETING:

Neighborhood meetings have been cancelled due to the Mayor's Proclamation of Civil Emergency. Property owners and residents were mailed a comment card to provide their comments.

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:	Mailed: 11	Returned: 0
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DEPARTMENT COMMENTS:

ATTACHMENT 1 CONDITIONAL USE PERMIT 450

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with proposed CUP.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the CUP. Public improvement plans required to serve the property with sanitary sewer.

FIRE DEPARTMENT COMMENTS:

No comments.

MISSOURI DEPARTMENT OF TRANSPORTATION:

We agree with Public Works Traffic Division requirements. We don't have any further requirements.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Rainer Branch** drainage basin.

The property **is not** located in a FEMA designated floodplain.

Staff **is** aware of flooding problems in the area.

There **is a** sinkhole at this location and additional city regulations will apply.

A fee in lieu of on-site stormwater detention **will not be allowed and detention is required.**

The property **is not in a stream buffer area.**

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 per Chapter 4 Section 3.2.3 of the stormwater design criteria manual – <https://www.springfieldmo.gov/DocumentCenter/View/36063/Flood-Control-and-Water-Quality-Protection-Manual-?bidId=>.
2. If disturbing 1 acre or greater, water quality will also have to be provided per Chapter 10 Section 2 of the stormwater design criteria manual.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved per Chapter 4 Section 3.0 of the stormwater design criteria manual.
4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the stormwater design criteria manual
5. If the property has a sinkhole on the property, a geotechnical report is required per Chapter 11 Section 2 of the stormwater design criteria manual.

6. If the property has a stream buffer the property owner may be required to provide a stream buffer easement per Chapter 8 Section 4.1.3.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Chestnut Expressway as an Expressway roadway. The standard right-of-way width for W. Chestnut Expressway is 65-feet from the centerline. MoDOT is not requiring additional right-of-way. W. Chestnut Expressway is a MoDOT-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts on this portion of W. Chestnut Expressway. On-street parking is not allowed along W. Chestnut Expressway.

DRIVEWAY ACCESS

There is currently no driveway access points onto the property from W. Chestnut Expressway. A private road will be allowed to access the existing signal located at W. Chestnut Expressway and N. Airport Boulevard. One driveway access point will be allowed off of Chestnut Expressway in the future.

SIDEWALK

There is not existing sidewalk along the property frontage of W. Chestnut Expressway and is not required to be constructed by MoDOT. The existing infrastructure meets current City Standards.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along the property frontage on W. Chestnut Expressway.

IMPROVEMENTS

A private road will be constructed that connects to the existing signal at W. Chestnut Expressway and N. Airport Boulevard. A 235-foot left turn lane and a through/right turn lane will be constructed at the northbound approach to the intersection. Westbound W. Chestnut Expressway at the signal will be restriped to provide a 200-foot left turn lane. Southbound N. Airport Boulevard at the signal will be restriped to provide a dedicated southbound left turn lane and a through/right turn lane. Upgrades will be provided to the signal.

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT/CONDITIONAL USE PERMIT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Chestnut Expressway	Expressway	No	50	65
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		383	1,019	11,399	
*Proposed Trips Generated		417	1,188	11,621	
Additional Trips Generated		34	169	222	

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

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL USE PERMIT 450

1. Playfields are permitted within the Airport Overlay District in conformance with Attachments 5 & 6.
2. Any proposed detached sign must be located outside of any right-of-way, easements or sight triangles and meet all requirements of Section 36-454, Signs, of the Zoning Ordinance.
3. Any development of this property must also follow the HC, Highway Commercial District and Conditional Overlay District No. 193 requirements.
4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

STANDARDS FOR CONDITIONAL USE PERMIT 448

ATTACHMENT 3

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response:	Staff response:
1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan.	Yes. The conditional use permit airport overlay district takes in to account future expansion of the airport. The property was recently annexed into the City of Springfield but is allocated as Urban Service Area in the comprehensive plan. It is also shown as a future activity center and future growth area.	This application is consistent with the <i>Growth Management and Land Use Plan</i> element of the <i>Comprehensive Plan</i> , which identifies the subject property as appropriate for Golf and Business Park uses. The Business Park category combines elements from the Office and Restricted Industrial District with additional requirements for landscaping and coordinated master planning. It is also located at a major intersection of two expressways (Chestnut Expressway and Airport Boulevard) which encourages higher intensity developments and near the I-44 and Chestnut Expressway (Emerging) Activity Center where higher intensity development is encouraged.
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.	No. All facilities will be designed using the applicable City of Springfield and MUTCD traffic standards. These standards will ensure the safety of all vehicular and pedestrian traffic in and around the site.	MODOT and Public Works Traffic Division have reviewed the application and have determined that the conditional use will not adversely affect safety of the motoring public and of pedestrians. Traffic comments are provided in Attachment 1.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	Yes. All facilities will be designed to the applicable Fire Department and International Fire Code requirements. Fire hydrants will be provided to assist the fire department in its fire control efforts.	The Fire Department has reviewed this request and has no concerns with regard to safety from fire hazards and fire controls. Fire comments are provided in Attachment 1.
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.	No. Stormwater detention facilities will be provided as a part of the project. All stormwater conveyance facilities will be sized using the appropriate City of Springfield design standards. These standards ensure that flooding and water damage does	Public Works Stormwater Division has reviewed this request and provided comments in Attachment 1. Staff is aware of flooding problems in the area If the project increases the amount of impervious surfacing; detention and water quality is

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response:	Staff response:
	not occur on site nor downstream of the site.	required according to Chapter 96. A fee in lieu of on-site stormwater detention will not be allowed.
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district.	No. Being that the development is large in size and the activities shall take place centrally, there will not be any noise pollution to the adjacent properties.	It is not expected that the proposed use will have noise characteristics that exceed Zoning Ordinance standards.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.	No. See the attached site photometric plan. Lighting levels at the property lines will not exceed limits determined by the City of Springfield code requirements.	Playfields and off-street parking must shield vehicular and stationary lights from residential uses following Zoning Ordinance requirements.
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	Yes. The monument sign along Chestnut Expressway will meet the requirements of the sign ordinance. Other signage in the development will be directional and way-finding type of signs that will also meet the sign ordinance.	The development will be subject to the signage standards of the Zoning Ordinance.
8. Such signs will not have an adverse effect on any adjacent properties.	No. Other than the monument sign at the main entrance, the other signage will be located in the central part of the development and shall not affect the adjacent properties.	The development will be subject to the signage standards of the Zoning Ordinance and is not expected to have an adverse effect on any adjacent properties.
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.	Yes. A traffic study and trip generation comparison were generated during the rezoning process. This was used to determine required right-of-way and signal adjustments. All roadways will follow City of Springfield, MODOT, AASHTO, and MUTCD requirements.	MODOT and Public Works Traffic Division has reviewed the application and has determined improvements necessary to allow the proposed development. Some improvements will not be necessary until certain traffic generation thresholds are met.
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.	No. This development will increase the use and enjoyment of adjacent and surrounding properties as many people who may not typically travel to this area may begin to as they utilize the new facility. Traffic conditions have been analyzed as a part of the annexation and rezoning process. All parking requirements and standards of the City of	It is not anticipated that the proposed commercial development will have an adverse effect or be incompatible with the adjacent and surrounding properties. A bufferyard is required along the south and west property boundaries where lesser intense residential and agricultural uses currently exist.

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response:	Staff response:
	Springfield will be adhered to, so this development does not negatively affect neighboring properties.	
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: a. The location, nature and height of buildings, structures, walls and fences on the site; and b. The nature and extent of landscaping and screening on the site.	There will not be any buildings, structures, fences, or walls within the conditional use permit area. The bufferyards that are shown on the attached site plans follow the requirements of the current HC zoning (with COD 193) of the property. These bufferyards, associated landscaping, and screening will not dominate the vicinity and will create a subtle buffer between neighboring properties.	The standards of the Zoning Ordinance adequately address these issues. A bufferyard type F is required along the south and west property boundaries that are adjacent to residential and agricultural uses. A solid fence is not required for a bufferyard of 40 feet or wider as shown on the CUP site plan.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.	No. The existing topography is flat and gentle in nature. This topography will be mimicked with the addition of the athletic fields and associated roadways and parking facilities.	The applicant's response adequately addresses this condition.
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	No. There are not any known natural, scenic, or historic features of significant importance on the site.	Staff is not aware of any natural, scenic, or historic features of significant importance that would be lost or damaged with the development of this site.
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards.	Yes. All requirements have been analyzed during the annexation and rezoning process and are in conformance.	The proposed use appears to comply with applicable regulations of the Zoning Ordinance.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	Yes. This athletic facility will promote the health and welfare of the public. The people using this facility will likely be more mentally and physically healthy after exercising and enjoying the open space this development will have.	The applicant's response adequately addresses this condition.
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located	Yes. All off-street parking will be in conformance with the requirements of the City of Springfield. The current zoning of the property to the west (located in Greene County) is A-1. A	The applicant appears to meet the off-street parking and bufferyard requirements.

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response:	Staff response:
so as to protect such residential uses from any injurious effect	bufferyard requirement for R-SF is being provided on the western boundary in an effort to plan for any residential that may be adjacent to this property.	
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.	Yes. A traffic study was completed as a part of the annexation and rezoning process. All access to the site will comply with this study as well as the requirements of the City of Springfield in an effort to reduce congestion.	MODOT and Public Works Traffic Division have reviewed the proposed site plan and has determined that it meets this standard.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.	No. The site layout has been critiqued to minimize vehicular and pedestrian conflicts by placing parking facilities close to the athletic fields without significant traffic between the two facilities. Designated crosswalks will be provided at high conflict locations on and off of the site even though foot traffic to and from the site is not likely to be a high volume.	MODOT and Public Works Traffic Division have reviewed the proposed site plan and have determined that the proposed development will not create these hazards.
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	No. All existing infrastructure has been identified and designed around. New public infrastructure is being designed and constructed by the developer to service the new facilities. This includes roadway improvements, utility improvements, and associated easements.	The applicant's response adequately addresses this condition.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.	No. This is not applicable since the buildings are not a part of the conditional use permit.	There are no existing structures associated with this CUP application.
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.	Yes. All of the listed services will be provided and coordinated throughout the project design, construction, and operational phases of the development.	This request will provide for the productive use of the subject property. Public improvement plans and extension are required to serve the property with sanitary sewer.

**SPRINGFIELD/BRANSON NATIONAL AIRPORT BOARD
RESOLUTION NO. 2021-01**

A resolution of the Airport Board (Board) recommending approval of Deer Lake Partners, LLC's Conditional Use Permit application regarding 5544 W. State Highway 266, Springfield, MO 65802.

Whereas, the City has given the Board, the power and duty to administer the Airport, i.e., to take charge of, and operate, its properties, institutions, and facilities, including the Airport Overlay District; and

Whereas, Deer Lake Partners, LLC has submitted an application to the City of Springfield for a Conditional Use Permit to allow it to develop and construct playing fields, parking lots, and roadways on the portion of its property which falls in the Airport's Overlay District; and

Whereas, the Board has considered the application and recommends that the Planning & Zoning Commission and City Council approve it so long as Deer Lake Partners, LLC submits FAA Form 7460-1, does not substantially deviate from its submitted plan, and does not construct any element which could cause a hazard to aviation operations at the Airport.

NOW, THEREFORE, BE IT RESOLVED,

The Board recommends approval of Deer Lake Partners, LLC's application for a Conditional Use Permit at 5544 W. State Highway 266, Springfield, MO 65802.

This resolution will take effect from and after its date of adoption. This resolution is adopted this 18th day of February 2021.

CITY OF SPRINGFIELD, MISSOURI
BY AND THROUGH ITS AIRPORT BOARD



Airport Board Chairman



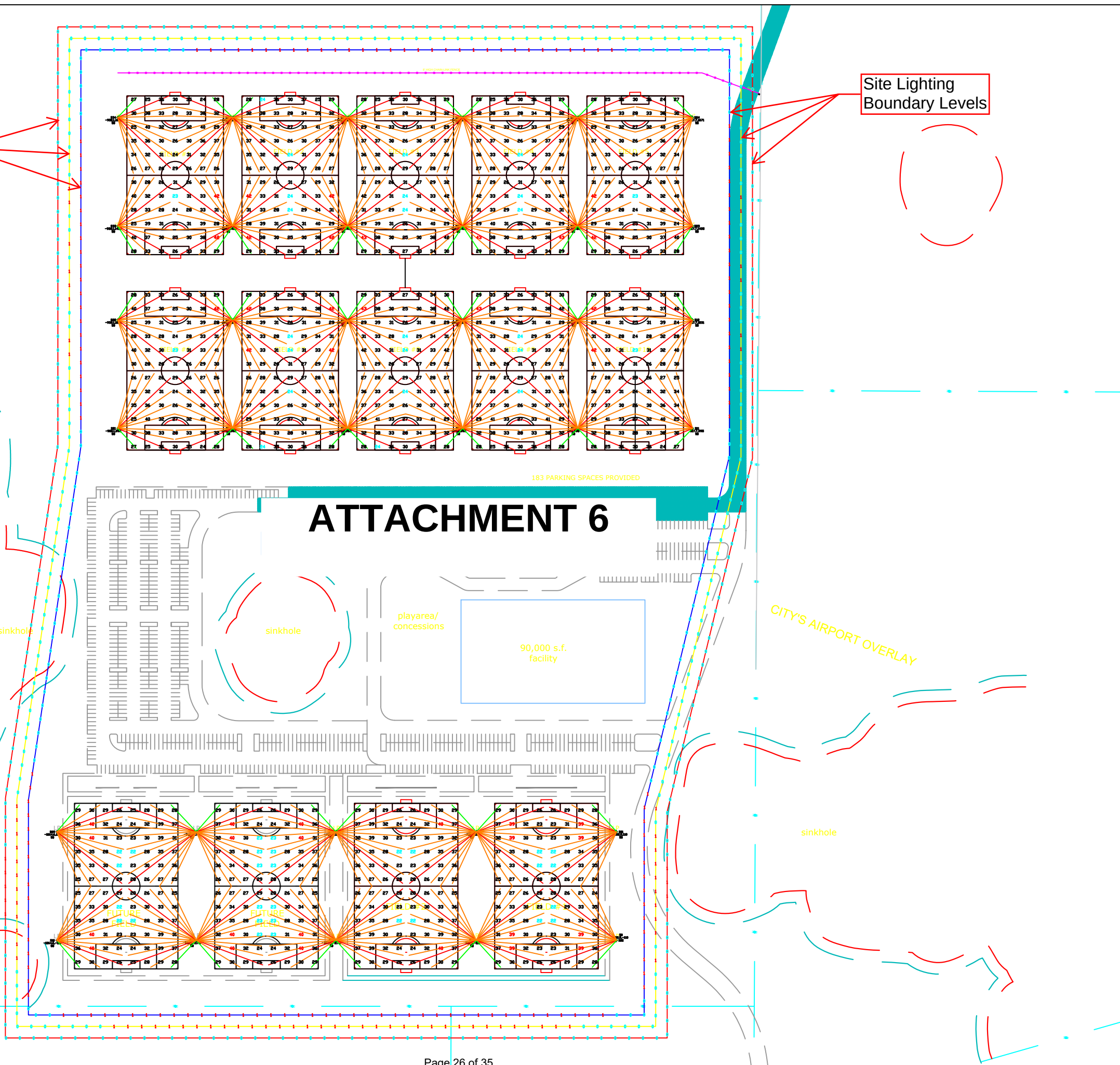
Catherine E. Moore (Feb 24, 2021 09:32 CST)

Airport Board Secretary

ATTACHMENT 6

Site Lighting
Boundary Levels

Site Lighting
Boundary Levels



ATTACHMENT 6



SPRINGFIELD
SOCCER COMPLEX
SPRINGFIELD, MO
SOCCER

1. THIS LIGHTING DESIGN IS BASED ON INFORMATION SUPPLIED BY OTHERS. SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A VISUALIZATION AID. FIELD DEVIATIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, CRITICAL SITE INFORMATION (POLE LOCATIONS, ORIENTATION, MOUNTING HEIGHT, ETC.) SHOULD BE COORDINATED WITH THE CONTRACTOR AND/OR SPECIFIER RESPONSIBLE FOR THE PROJECT.
2. LUMINAIRE DATA IS TESTED TO INDUSTRY STANDARDS UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NORMAL MANUFACTURING TOLERANCES OF LAMP, BALLAST, AND LUMINAIRE MAY AFFECT FIELD RESULTS.
3. CONFORMANCE TO FACILITY CODE AND OTHER LOCAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.
4. CALCULATIONS DO NOT TAKE INTO CONSIDERATION ANY OBSTRUCTIONS OR LIGHTING POLLUTION CAUSED BY NEIGHBORING LIGHT SOURCES.

DRAWN BY:JCIE
Date:1/28/2021
SCALE:NTS
Page:1 of 2
Dwg #:21-2307

Pole	x-loc	y-loc	height	N	M	W	Total	kw
S01	152.5	118	50ft	2	10	1	13	8.4
S02	152.5	-118	50ft	2	10	1	13	8.4
S03	-152.5	118	50ft	4	20	2	26	16.8
S04	-152.5	-118	50ft	4	20	2	26	16.8
S05	-457.8	118	50ft	4	20	2	26	16.8
S06	-457.8	-117.8	50ft	4	20	2	26	16.8
S07	-761.1	117.8	50ft	4	20	2	26	16.8
S08	-761.1	-117.8	50ft	4	20	2	26	16.8
S09	-1064.6	118	50ft	2	10	1	13	8.4
S10	-1064.6	-118	50ft	2	10	1	13	8.4
S11	317.7	995	50ft	2	8	1	11	7.1
S12	317.7	1231	50ft	2	8	1	11	7.1
S13	68.1	995	50ft	4	16	2	22	14.2
S14	68.1	1231	50ft	4	16	2	22	14.2
S15	-182.2	995	50ft	4	16	2	22	14.2
S16	-182.2	1231	50ft	4	16	2	22	14.2
S17	-432.2	995	50ft	4	16	2	22	14.2
S18	-432.2	1231	50ft	4	16	2	22	14.2
S19	-682.1	995	50ft	4	16	2	22	14.2
S20	-682.1	1231	50ft	4	16	2	22	14.2
S21	-932.1	995	50ft	2	8	1	11	7.1
S22	-932.1	1231	50ft	2	8	1	11	7.1
S23	317.7	1435	50ft	2	8	1	11	7.1
S24	317.7	1671	50ft	2	8	1	11	7.1
S25	67.7	1435	50ft	4	16	2	22	14.2
S26	67.7	1671	50ft	4	16	2	22	14.2
S27	-182.2	1435	50ft	4	16	2	22	14.2
S28	-182.2	1671	50ft	4	16	2	22	14.2
S29	-432.2	1435	50ft	4	16	2	22	14.2
S30	-432.2	1671	50ft	4	16	2	22	14.2
S31	-682.1	1435	50ft	4	16	2	22	14.2
S32	-682.1	1671	50ft	4	16	2	22	14.2
S33	-932.1	1435	50ft	2	8	1	11	7.1
S34	-932.1	1671	50ft	2	8	1	11	7.1
Total				112	480	56	648	418.6

W
CLIR 630 EV W
Light Loss Factor = 0.900
Watts per luminaire = 646
Number luminaires used = 56
kw these luminaires = 36.2

M
CLIR 630 EV M
Light Loss Factor = 0.900
Watts per luminaire = 646
Number luminaires used = 480
kw these luminaires = 310.1

N
CLIR 630 EV N
Light Loss Factor = 0.900
Watts per luminaire = 646
Number luminaires used = 112
kw these luminaires = 72.4

Soccer #1 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 31
Maximum 42
Minimum 23
AvgMin 1.35
MaxiMin 1.83
Coef Var 0.15
UnifGrad 1.60

Soccer #2 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 32
Maximum 42
Minimum 24
AvgMin 1.32
MaxiMin 1.75
Coef Var 0.15
UnifGrad 1.58

Soccer #3 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 32
Maximum 43
Minimum 24
AvgMin 1.32
MaxiMin 1.79
Coef Var 0.15
UnifGrad 1.56

Soccer #4 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 32
Maximum 43
Minimum 24
AvgMin 1.32
MaxiMin 1.79
Coef Var 0.15
UnifGrad 1.52

Soccer #5 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 31
Maximum 42
Minimum 23
AvgMin 1.35
MaxiMin 1.83
Coef Var 0.15
UnifGrad 1.67

Soccer #6 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 31
Maximum 42
Minimum 23
AvgMin 1.35
MaxiMin 1.83
Coef Var 0.15
UnifGrad 1.60

Soccer #7 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 32
Maximum 42
Minimum 24
AvgMin 1.32
MaxiMin 1.75
Coef Var 0.15
UnifGrad 1.58

Soccer #8 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 32
Maximum 43
Minimum 24
AvgMin 1.32
MaxiMin 1.79
Coef Var 0.15
UnifGrad 1.58

Soccer #9 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 32
Maximum 43
Minimum 24
AvgMin 1.32
MaxiMin 1.79
Coef Var 0.15
UnifGrad 1.52

Soccer #10 (345'x210')
84 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 31
Maximum 42
Minimum 23
AvgMin 1.35
MaxiMin 1.83
Coef Var 0.15
UnifGrad 1.67

Future Field #2 (360'x225')
96 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 30
Maximum 40
Minimum 22
AvgMin 1.36
MaxiMin 1.82
Coef Var 0.17
UnifGrad 1.44

Future Field #1 (360'x225')
96 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 30
Maximum 40
Minimum 23
AvgMin 1.31
MaxiMin 1.74
Coef Var 0.17
UnifGrad 1.44

Bottom Field Soccer #2 (360'x225')
96 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 30
Maximum 40
Minimum 22
AvgMin 1.37
MaxiMin 1.82
Coef Var 0.17
UnifGrad 1.44

Bottom Field Soccer #1 (360'x225')
96 points at z=3, sp 30ft by 30ft
HORIZONTAL FOOTCANDLES
Average 30
Maximum 39
Minimum 22
AvgMin 1.35
MaxiMin 1.77
Coef Var 0.17
UnifGrad 1.46

Spill 100'
232 points
HORIZONTAL FOOTCANDLES
Average 1
Maximum 1
Minimum 0
AvgMin N/A
MaxiMin N/A
Coef Var 0.76

Spill 125'
239 points
HORIZONTAL FOOTCANDLES
Average 0
Maximum 1
Minimum 0
AvgMin N/A
MaxiMin N/A
Coef Var 1.55

Spill 150'
245 points
HORIZONTAL FOOTCANDLES
Average 0
Maximum 1
Minimum 0
AvgMin N/A
MaxiMin N/A
Coef Var 5.44
Page 27 of 35



SPRINGFIELD
SOCCER COMPLEX
SPRINGFIELD, MO
SOCCER

1. THIS LIGHTING DESIGN IS BASED ON INFORMATION SUPPLIED BY OTHERS.SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A VISUALIZATION AID. FIELD DEVIATIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, CRITICAL SITE INFORMATION (POLE LOCATIONS, ORIENTATION, MOUNTING HEIGHT, ETC.) SHOULD BE COORDINATED WITH THE CONTRACTOR AND/OR SPECIFIER RESPONSIBLE FOR THE PROJECT.
2. LUMINAIRE DATA IS TESTED TO INDUSTRY STANDARDS UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NORMAL MANUFACTURING TOLERANCES OF LAMP, BALLAST, AND LUMINAIRE MAY AFFECT FIELD RESULTS.
3. CONFORMANCE TO FACILITY CODE AND OTHER LOCAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.
4. CALCULATIONS DO NOT TAKE INTO CONSIDERATION ANY OBSTRUCTIONS OR LIGHTING POLLUTION CAUSED BY NEIGHBORING LIGHT SOURCES.

DRAWN BY:JCIE
Date:1/28/2021
SCALE:NTS
Page:2 of 2
Dwg #:21-2307



ELITE SERIES
CLIR 630w

TECHNICAL DATA
FIXTURE

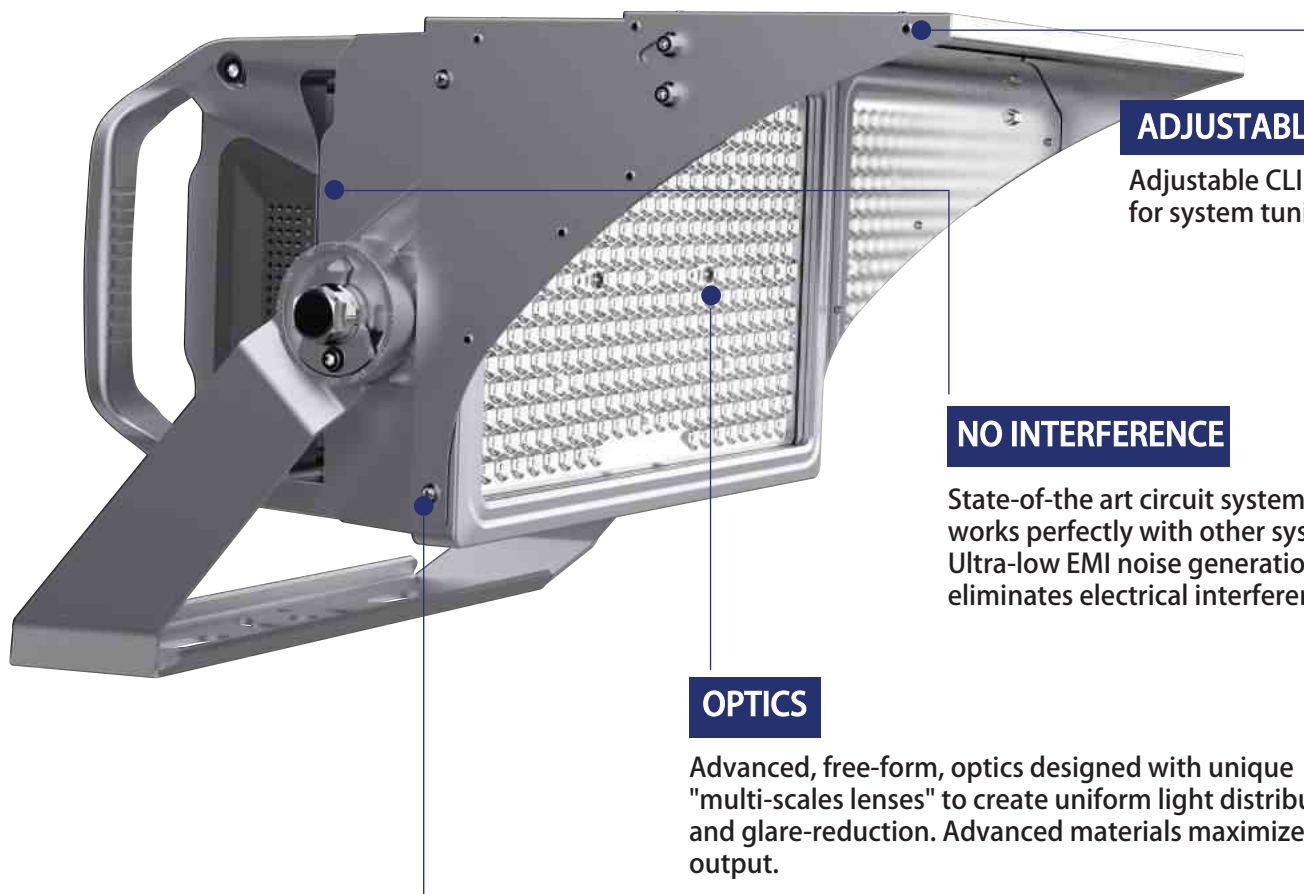


ELITE SERIES
CLIR 630w

TECHNICAL DATA
SYSTEM SPECIFICATIONS

- SYSTEM WATTS: 630w
- LUMEN OUTPUT: 85,000
- kW Load: 646 watts
- EPA: 1.5
- WEIGHT: 41lbs
- CLIR Module: OM, CM, ECM
- BEAM ANGLE: N, M, W, EW
- POWER FACTOR: 0.95
- CCT: 5700K
- CRI: >70Ra
- INPUT VOLTAGE: 208-480v
- INPUT PROTECTION: 10KV Current Surge
- DRIVER: Integral, Remote
- IP RATING: IP66, IP68
- OPERATING TEMP RANGE: -40°C to +55°C
- HOUSING MATERIAL: Aluminum Powder Coated



ELITE SERIES
CLIR 630w**TECHNICAL DATA**
TECHNOLOGY CHANGES PERFORMANCE**ADJUSTABLE**

Adjustable CLIR™ Module for system tuning.

NO INTERFERENCE

State-of-the art circuit system which works perfectly with other systems. Ultra-low EMI noise generation eliminates electrical interference.

OPTICS

Advanced, free-form, optics designed with unique "multi-scales lenses" to create uniform light distribution and glare-reduction. Advanced materials maximize light output.

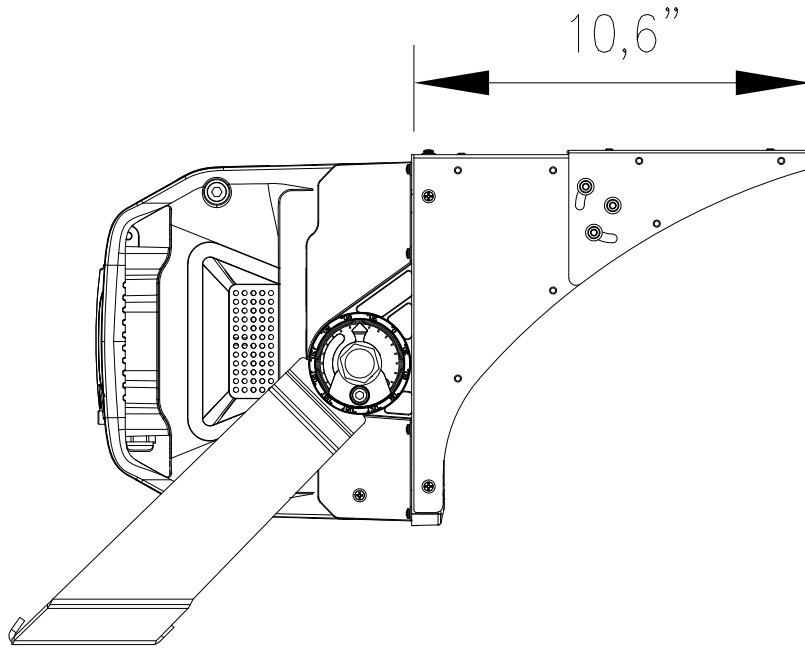
SOLID STATE DESIGN

Unique "SSD" design, simple, and advanced. Ensures durability of LED chip.
All parts are individual, rugged and strong.

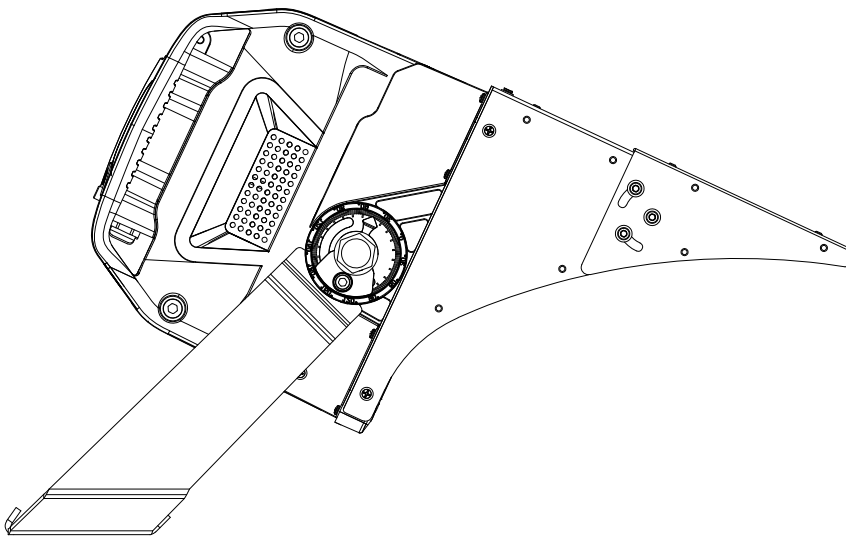
ELITE SERIES

CLIR 630w - Standard Visor

TECHNICAL DATA



Fixture Aimed 25° Below Horizontal

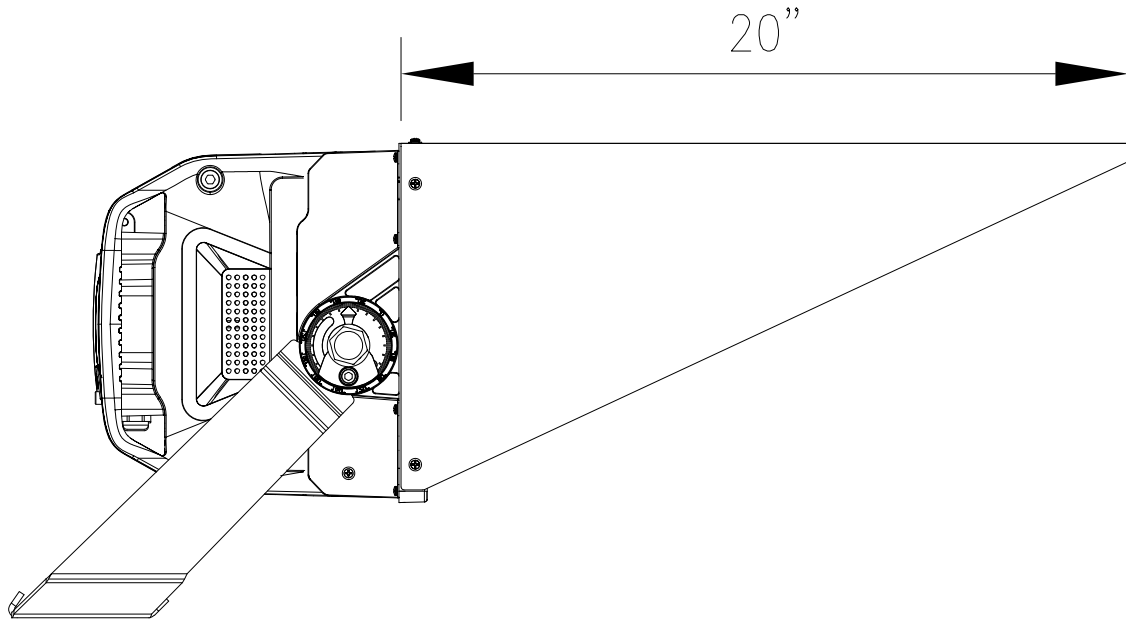


ELITE SERIES

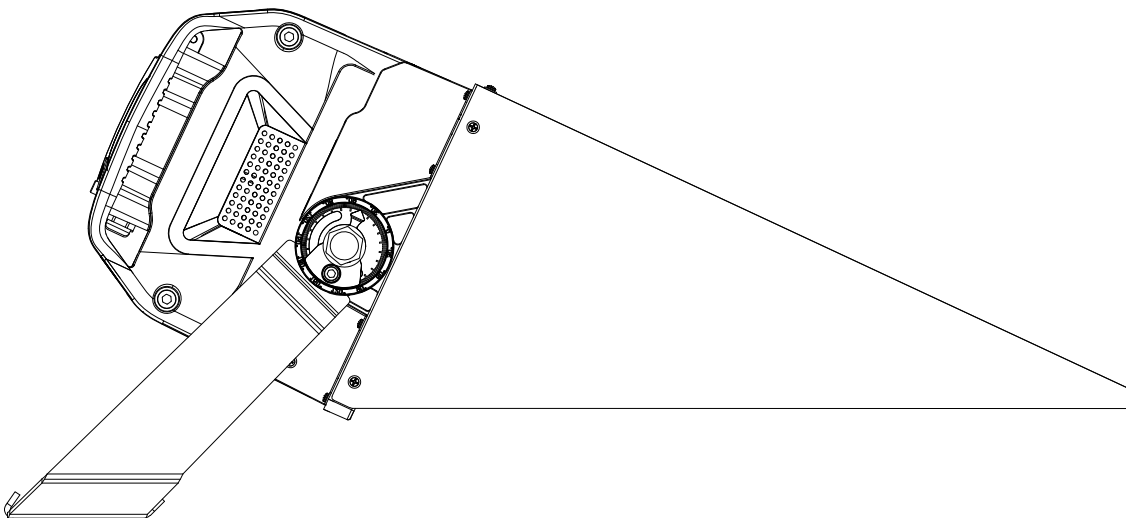
CLIR 630w - Extended Visor

***SPECIAL ORDER OPTION**

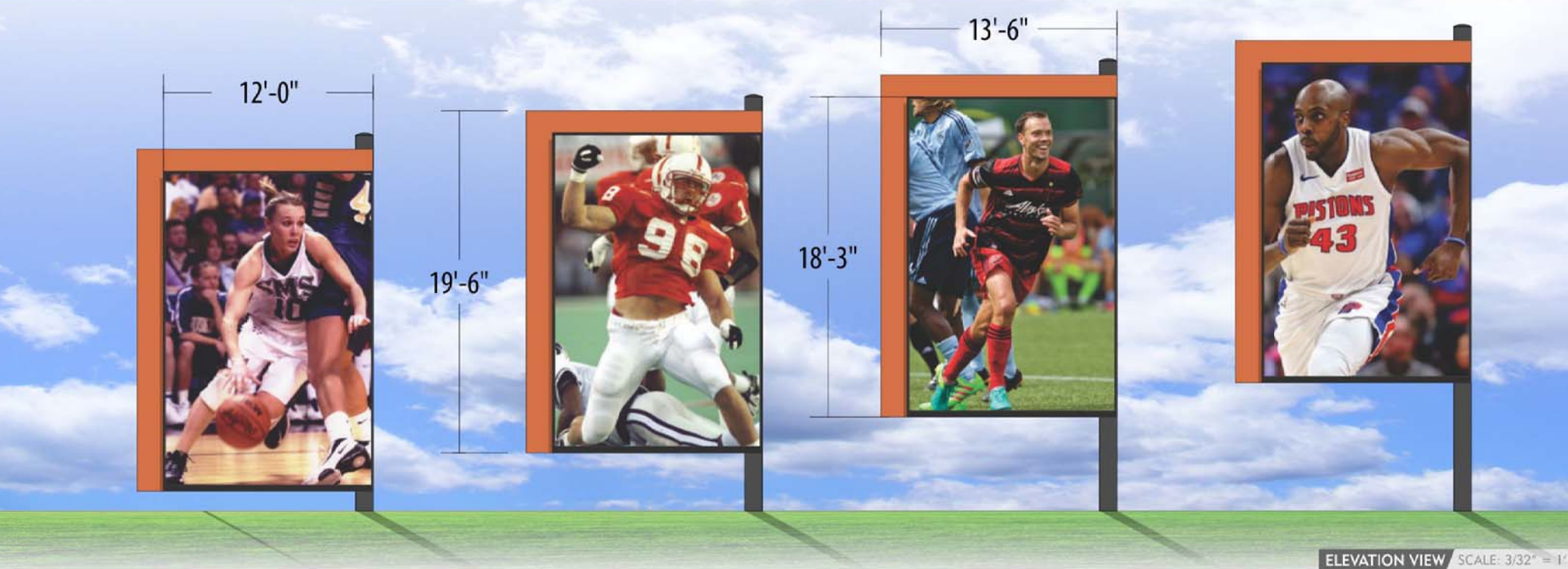
TECHNICAL DATA



Fixture Aimed 25° Below Horizontal







One-rdg. _____
P. Hrngs. x
Pgs. 20
Filed: 03-30-21

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-076

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the mapping of the East West Arterial, generally located between US
2 Highway 65 and Riverbluff Boulevard to Kissick Avenue, pursuant to
3 Section 11.11 of the City Charter of the City of Springfield, Missouri, in
4 order to preserve right-of-way for future public street improvements for
5 an additional five years. (Staff and Planning and Zoning Commission
6 recommend approval.)
7
8

9 WHEREAS, the East West Arterial was identified as a future primary arterial in
10 the Springfield-Greene County Comprehensive Plan, Transportation Plan Element
11 which was adopted June 11, 2001, and amended April 4, 2016; and
12

13 WHEREAS, the Planning and Zoning Commission ("Commission") of the City of
14 Springfield, Missouri, had surveyed and established the exact locations for right-of-way
15 lines of an area within the City of Springfield to be known as the East West Arterial in
16 2016; and
17

18 WHEREAS, the Commission had caused the location and lines of such area to
19 be located upon a plat, attached hereto and incorporated herein by reference as "Exhibit
20 C," attached hereto and incorporated by reference, and certified said plat and location of
21 right-of-way lines to City Council; and
22

23 WHEREAS, on July 11, 2016, City Council accepted and adopted the plat of the
24 East West Arterial by Special Ordinance 26761 with the requirement for further review
25 and recertification of the plats of the East West Arterial in the event construction was not
26 implemented within five years of the passage of Special Ordinance 26761; and
27

28 WHEREAS, the Commission held a public hearing on March 11, 2021, and voted
29 to recertify to City Council the aforementioned plat and the location of right-of-way lines;
30 and
31

32 WHEREAS, proper notice has been given that this Ordinance, adopting the plat
33 showing the location of and mapping the future street generally located between US

Highway 65 and Riverbluff Boulevard to Kissick Avenue, would be considered on April 5, 2021, and April 19, 2021, before final passage, as required by Section 11.11 of the Charter of the City of Springfield, Missouri; and

WHEREAS, City Council has considered the plat and street locations as submitted to it and has heard discussion on said plat.

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

Section 1 – The plat of the East West Arterial between US Highway 65 and Riverbluff Boulevard to Kissick Avenue, as submitted by the Commission, is hereby accepted and adopted by City Council, as more specifically shown on the legal descriptions of such right-of-way lines, and contained within the plat which are attached hereto, respectively, as "Exhibit B" and "Exhibit C" and are also on file in the office of the City Clerk. The East West Arterial, as shown on said plat, is hereby mapped, as provided by Section 11.11 of the Charter of the City of Springfield, Missouri.

Section 2 – The City Clerk of the City of Springfield, Missouri, shall cause the certified copy of the plat, submitted to the Council by the Commission, to be filed in their office; and the same shall constitute the official copy of the plat of the planned East West Arterial.

Section 3 – In the event the planned construction of the East West Arterial is not implemented within five years from the date of the passage of this Ordinance, the Commission shall conduct further review of the continuing need for the mapping of said street and, if a continuing need for the East West Arterial is found, shall recertify the plats of the East West Arterial and resubmit the issue to City Council.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Kyle Talbot, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2021-076

FILED: 03-30-21

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to approve the mapping of the East West Arterial for an additional five (5) years between US Highway 65/ Riverbluff Boulevard to Kissick Avenue pursuant to Section 11.11 of the City Charter of the City of Springfield, Missouri. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION: EAST WEST ARTERIAL MAPPING

The City Charter (Section 11.11) gives the Planning and Zoning Commission ("Commission") the ability to make surveys for the exact location of new streets that have been previously included in the Major Thoroughfare Plan. When Commission certifies to the City Council that they have made such a survey; the City may by ordinance map the subject street on the official street map.

The general location of the East-West Arterial was identified as a future primary arterial in the *City of Springfield-Greene County Comprehensive Plan Transportation Plan Element* which was adopted on June 11, 2001 and amended on April 4, 2016.

A detailed survey has been completed showing the exact alignment of the East West Arterial corridor ("Exhibit C"). The timing of the street construction will depend on the development in the area.

The mapping of the East West Arterial shall be in effect for five (5) years and only apply to properties within the City of Springfield.

City Council may provide by general ordinance that no permit shall be issued for any buildings or structures or any part thereof on any land located between the mapped lines of a street as shown on the official map.

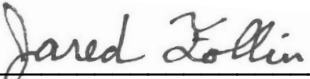
RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on March 11, 2021, and recommended approval, by a vote of 6 to 0, to approve the East West Arterial Mapping as described in Exhibit B with a five (5) year term limit.

REMARKS:

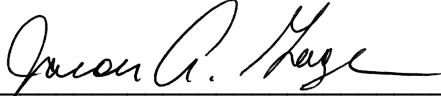
Staff recommends approval of the five (5) year extension of the East West Arterial mapping.

Submitted by:


Jared Follin, Associate Planner

Approved by:


Mary Lilly Smith, Director


Jason Gage, City Manager

EXHIBITS:

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

ATTACHMENTS:

Attachment 1, Legal Description
Attachment 2, Survey plat
Attachment 3, Aerial of Proposed Mapped Street

Exhibit A

RECORD OF PROCEEDINGS EAST WEST ARTERIAL MAPPING Planning and Zoning Commission – March 11, 2021

East West Arterial Mapping

Future East West Arterial extending from US Highway 65 and Riverbluff Boulevard to Kissick Avenue

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to approve the East West Arterial Mapping from U.S. Highway 65 and Riverbluff Boulevard to Kissick Avenue (Farm Road 169). The City Charter (section 11.11) gives the Planning and Zoning Commission the ability to make surveys for the exact location of new streets that have been previously included in the Major Thoroughfare Plan. The general location of the East-West Arterial was identified as a future primary arterial in the City of Springfield-Greene County Comprehensive Plan Transportation Plan Element which was adopted on June 11, 2001. The City Planning and Zoning Commission approved the preparation of preliminary designs for the alignment of the East West Arterial at their meeting on June 4, 2015. Planning and Zoning Commission approved the East West Arterial Mapping on June 9, 2016. On July 11, 2016, City Council adopted East West Arterial for a period of 5 years. This will expire on July 11, 2021. If approved, the East West Arterial will be active for an additional 5 years which will expire April 19, 2026. The timing of the street will be limited to 5 years. The adoption of a mapped street shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes. The City Council may provide by general ordinance that no permit shall be issued for any buildings or structures or any part thereof on any land located between the mapped lines of a street as shown on the official map. The mapped alignment is only for property within the City Limits of Springfield. Staff recommends approval.

Mr. Bill Knuckles asked about the letters sent out to the property owners and if the alignment has moved.

Mr. Hosmer noted that the East West Arterial alignment was tweaked in 2015 when a survey was completed and that the first 2001 map was general and not detailed and was closer to Granite Springs subdivision. He also noted that the East West Arterial will be developer driven.

Ms. Smith noted that the City had done litigation with the developer of Granite Springs regarding the East West Arterial and the settlement was that more survey work would be done and with appropriate alignment.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

Mr. King Coltrin questioned about the property owners and about further plans, do the current property owners just hang in there.

Mr. Hosmer noted again that the City did a survey and looked for the best location and if they were to sell their properties that they would probably need to discuss proposed streets.

COMMISSION ACTION:

Mr. Colony motioned to **approve** item East West Arterial Mapping (Future East West Arterial extending from US Highway 65 and Riverbluff Boulevard to Kissick Avenue). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Jobe, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.

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

Bob Hosmer, AICP
Planning Manager

Exhibit B

LEGAL DESCRIPTION EAST WEST ARTERIAL MAPPING

The description of the surveyed centerline of East West Arterial (also known as Riverbluff Boulevard), from Station 131+07.28 (a point west of Kissick Avenue) to Station 189+41.59 (the intersection of Southwood Avenue) as shown on the:

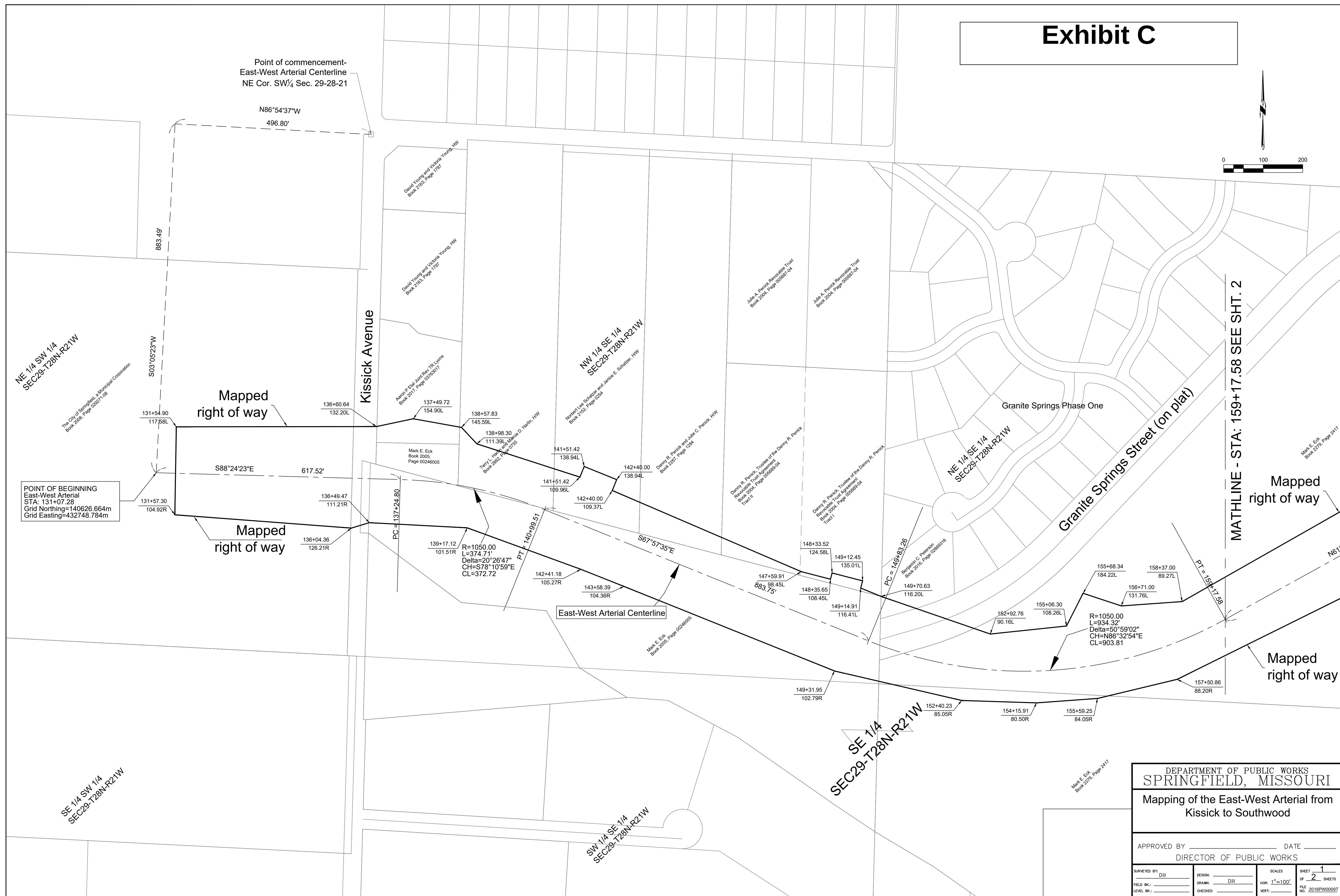
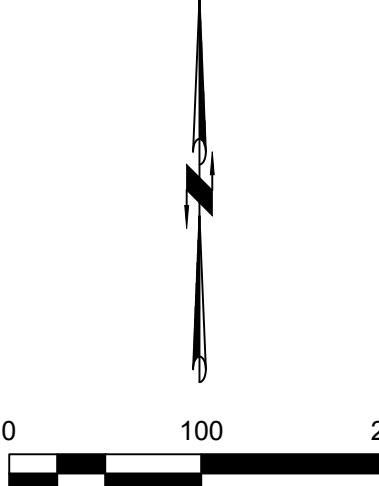
Mapping Plan
for
East West Arterial
City of Springfield, Greene County, Missouri

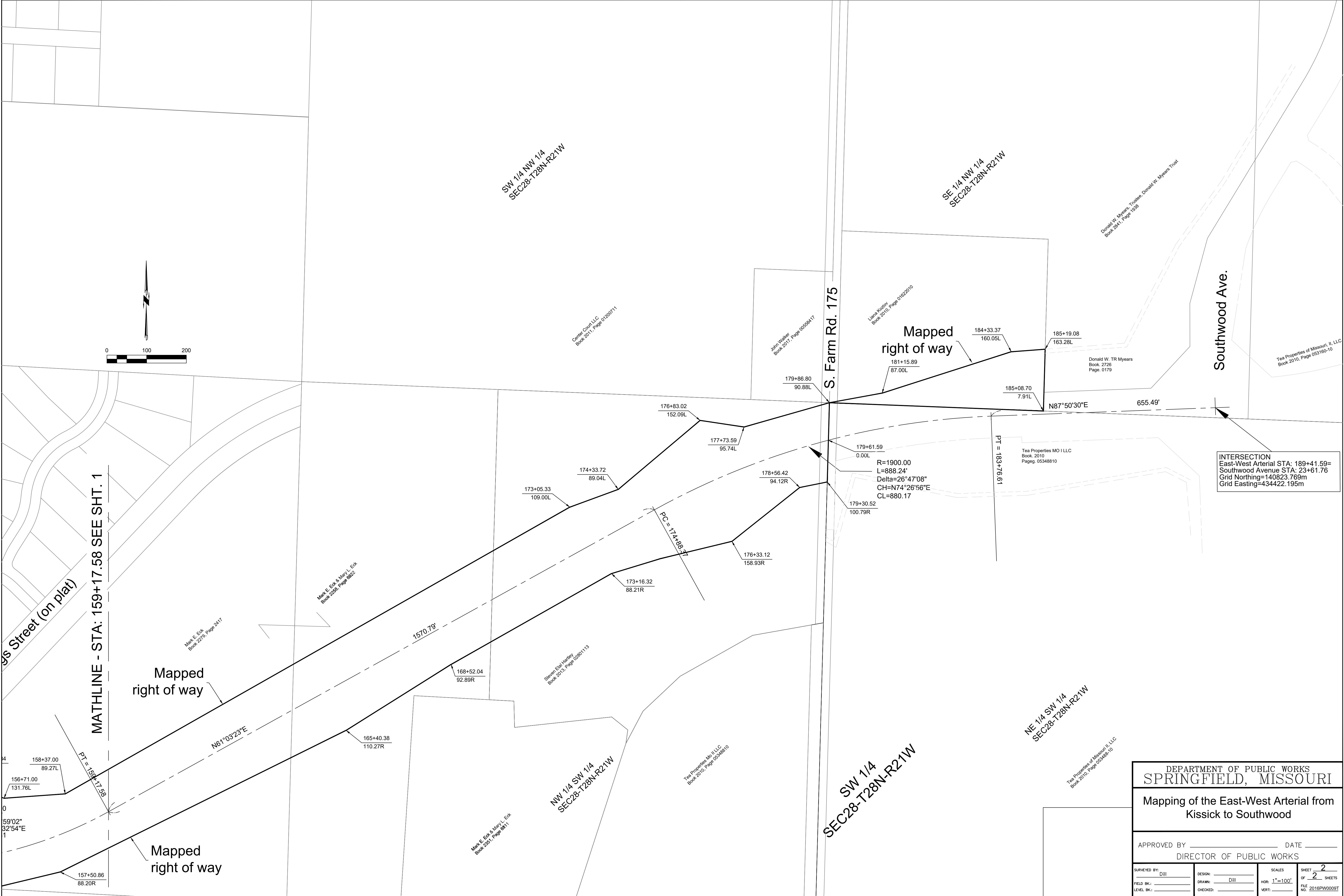
on file with the City of Springfield Public Works Department, file #2016PW0009T and described as follows:

COMMENCING at a found iron pin at the Northeast corner of the Southwest Quarter of Section 29, Township 28 North, Range 21 West, Greene County, Missouri; thence North 86 Degrees 54 Minutes 37 Seconds West along the North line of said Quarter, a distance of 496.80 feet to a point in the same; thence departing said North line South 03 Degrees 05 Minutes 23 Seconds West, a distance of 883.49 feet to centerline station 131+07.28 for a POINT OF BEGINNING of centerline; thence South 88 Degrees 24 Minutes 23 Seconds East, a distance of 617.52 feet to centerline P.C. station 137+24.80; thence Southeastwardly along a curve to the right having a Radius of 1,050.00 feet, an Included Angle of 20 Degrees 26 Minutes 47 Seconds, a distance of 374.71 feet to centerline P.T. station 140+99.51; thence South 67 Degrees 57 Minutes 35 Seconds East, a distance of 883.75 feet to centerline P.C. station 149+83.26; thence Southeastwardly on a curve to the left having a Radius of 1,050.00 feet, an Included Angle of 50 Degrees 59 Minutes 02 Seconds, a distance of 934.32 feet to centerline P.T. station 159+17.58; thence North 61 Degrees 03 Minutes 23 Seconds East, a distance of 1,570.79 feet to centerline P.C. station 174+88.37; thence Northeastwardly on a curve to the right having a Radius of 1,900.00 feet, an Included Angle of 26 Degrees 47 Minutes 08 Seconds, a distance of 888.24 feet to centerline P.T. station 183+76.61; thence North 87 Degrees 50 Minutes 30 Seconds East, a distance of 564.98 feet to the intersection of the centerline of Southwood Avenue at station 189+41.59 and the POINT OF TERMINATION.

Right of way widths, slope easements, and other appurtenances are as shown on plan #2016PW0009T which is made a part of this description by reference

Exhibit C





DEPARTMENT OF PUBLIC WORKS
SPRINGFIELD, MISSOURI

Mapping of the East-West Arterial from
Kissick to Southwood

APPROVED BY _____ DATE _____
DIRECTOR OF PUBLIC WORKS

SURVEYED BY: DIII	DESIGN: DIII	SCALES: HOR: 1"=100'	SHEET 2 OF 2 SHEETS
FIELD BK: _____	DRAWN: _____	VERT: _____	FILE NO: 2016PW0009T
LEVEL BK: _____	CHECKED: _____		

Exhibit D

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:
CITY COUNCIL PUBLIC HEARING:

March 11, 2021

April 5, 2021

CASE: East West Arterial Mapping

ACRES: N/A

LOCATION: US Highway 65 and Riverbluff Boulevard to Kissick Avenue (Farm Road 169)

EXISTING LAND USE: Agricultural Uses, single family residential and undeveloped vacant land

APPLICANT: City of Springfield

STAFF: Jared Follin, Associate Planner
 417-864-1615

STAFF RECOMMENDATIONS:
 Approve

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).



SUMMARY OF REQUEST:

The City of Springfield proposes to map the alignment of the East West Arterial located within the City Limits for an additional 5-year period. The new expiration date will be April 19th 2026.

FINDINGS FOR STAFF RECOMMENDATION:

1. The City Charter (section 11.11) gives the Planning and Zoning Commission the ability to make survey for the exact location of new streets that have been previously included in the Major Throughfare Plan.
2. The general location of the East West Arterial was identified as a future primary arterial in the City of Springfield-Greene County *Comprehensive Plan Transportation Plan Element* which was adopted on June 11, 2001.
3. The City Planning and Zoning Commission approved the preparation of preliminary designs for the alignment of the East West Arterial on June 4, 2015.
4. On June 9, 2016 the Planning and Zoning Commission recommended approval and on July 11, 2016, City Council adopted Ordinance Number 26761 approving the mapping of the East West Arterial for a period of 5 years. This will expire on July 11, 2021. Approving an additional 5 years will extend the deadline to April 19th, 2026.
5. The mapping of the East West Arterial shall only apply to properties within the City of Springfield.
6. A detailed survey has been completed showing the exact alignment of the East West Arterial corridor (Attachment 2). The timing of the street construction will depend on the development in the area.
7. The adoption of a mapped street shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.
8. The City Council may provide by general ordinance that no permit shall be issued for any buildings or structures or any part thereof on any land located between the mapped lines of a street as shown on the official map.
9. The public can view the exact alignment plans in the City of Springfield Public Works Department, file #2016PW0009T.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	PD 258	PD 258	GI	R-SF
LAND USE	Agriculture/undeveloped	Agriculture/undeveloped	Medical Office	Single-Family

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:





PROPERTY HISTORY:

The general location of the East West Arterial was identified as a future primary arterial in the City of Springfield-Greene County *Comprehensive Plan Transportation Plan Element* which was adopted on June 11, 2001 and amended on April 4, 2016. On May 2, 2016, the City Council remanded the East West Arterial back to the Commission and recommended that the Commission place a five year time limit on the mapping of the East West Arterial and to clarify that the mapping is only for properties located within the City limits of the City of Springfield, Missouri. On July 11, 2016 the City Council approved the mapping of the East West Arterial within the City for a period of 5 years.

PLANINNG AND ZONING COMMISSION AUTHORITY:

Section 11.11. – Lines of mapped streets

After the city council shall have adopted a major thoroughfare plan of the territory of the City or of any section thereof, the planning and zoning commission shall have the power to make or cause to be made, from time to time, surveys for the exact location of the lines of new, extended, or widened streets in any portion of such planned territory, and to make and certify to the council plats of the areas thus surveyed, on which are indicated the location of the lines recommended by the commission as the planned or mapped lines of future streets, street extensions, or street widenings, together with the commission's estimate of the time period within which the land shown on the plat or street locations should be acquired for street purposes. The council may by ordinance adopt any such plat, in accordance with the procedure prescribed in Section 2.12 of this Charter; provided, that notice of the time and place when and where it will be considered for final passage shall be sent by mail to the record owners of land on or abutting which the future street lines designated on the plat are located. Any modification of such plat shall before passage be submitted to the planning and zoning commission and either approved by it or, if disapproved, be approved by a favorable vote of the council. The adoption of a plat shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

STAFF COMMENTS:

1. The Planning and Zoning Commission shall have the power to make or cause to be made surveys for the exact location of the lines of new streets and to make and certify to the Council the location of the street lines as the planned or mapped lines of future streets.
2. On June 9, 2016 the Planning and Zoning Commission recommended approval and on July 11, 2016, City Council adopted Ordinance Number 26761 approving the mapping of the East West Arterial for a period of 5 years.
3. In the event the planned construction of the East West Arterial is not implemented within five years from the date of the passage of this ordinance, the Commission shall conduct further review of the continuing need for the mapping of said street and, if a continuing need for the East West Arterial is found, shall recertify the plats of the East West Arterial and resubmit the issue to City Council.
4. Any modification of such mapping shall before passage be submitted to the Planning and Zoning Commission and either approved by it or, if disapproved, be approved by a favorable vote of the City Council (City Code 11.11).
5. The Council may by ordinance establish an official map of the City, on which shall be shown and indicated:
 - a. All public streets existing and established by law at the time of the establishment of the official map.
 - b. All planned streets or street lines as located on plats adopted by Council in accordance with the provisions of Section 11.11 of this Charter at the time of the establishment of the map.
 - c. All streets or street lines as located on final or recorded plats of subdivisions approved by the Planning and Zoning Commission at the time of the establishment of the map. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes. The Council may in the same manner place upon the official map the location of existing or planned parks or other public open spaces (City Code 11.11).
6. City Council will consider an ordinance on April 5, 2021 to extend the official mapping of the East West Arterial on the City's official map for an additional 5 years and put it to a vote on April 19th, 2021. If adopted, the amended East West Arterial will remain in effect until April 19th, 2026
7. The public can view the plans as set forth by the City by going to the Public Works Department file number 9PS6179.

PUBLIC NOTIFICATIONS:

The public notice was advertised in the Springfield News Leader at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all record owners of land on or abutting the future street lines designated on the East West Arterial. Fifteen (10) record owners of land on or abutting the future street lines designated on the East West Arterial were notified by mail of this request.

LEGAL:

See Attachment 1

**ATTACHMENT 1
EAST WEST ARTERIAL MAPPING
LEGAL**

The description of the surveyed centerline of East West Arterial (also known as Riverbluff Boulevard), from Station 131+07.28 (a point west of Kissick Avenue) to Station 189+41.59 (the intersection of Southwood Avenue) as shown on the:

Mapping Plan
for
East West Arterial
City of Springfield, Greene County, Missouri

on file with the City of Springfield Public Works Department, file #2016PW0009T and described as follows:

COMMENCING at a found iron pin at the Northeast corner of the Southwest Quarter of Section 29, Township 28 North, Range 21 West, Greene County, Missouri; thence North 86 Degrees 54 Minutes 37 Seconds West along the North line of said Quarter, a distance of 496.80 feet to a point in the same; thence departing said North line South 03 Degrees 05 Minutes 23 Seconds West, a distance of 883.49 feet to centerline station 131+07.28 for a POINT OF BEGINNING of centerline; thence South 88 Degrees 24 Minutes 23 Seconds East, a distance of 617.52 feet to centerline P.C. station 137+24.80; thence Southeastwardly along a curve to the right having a Radius of 1,050.00 feet, an Included Angle of 20 Degrees 26 Minutes 47 Seconds, a distance of 374.71 feet to centerline P.T. station 140+99.51; thence South 67 Degrees 57 Minutes 35 Seconds East, a distance of 883.75 feet to centerline P.C. station 149+83.26; thence Southeastwardly on a curve to the left having a Radius of 1,050.00 feet, an Included Angle of 50 Degrees 59 Minutes 02 Seconds, a distance of 934.32 feet to centerline P.T. station 159+17.58; thence North 61 Degrees 03 Minutes 23 Seconds East, a distance of 1,570.79 feet to centerline P.C. station 174+88.37; thence Northeastwardly on a curve to the right having a Radius of 1,900.00 feet, an Included Angle of 26 Degrees 47 Minutes 08 Seconds, a distance of 888.24 feet to centerline P.T. station 183+76.61; thence North 87 Degrees 50 Minutes 30 Seconds East, a distance of 564.98 feet to the intersection of the centerline of Southwood Avenue at station 189+41.59 and the POINT OF TERMINATION.

Right of way widths, slope easements, and other appurtenances are as shown on plan #2016PW0009T which is made a part of this description by reference.

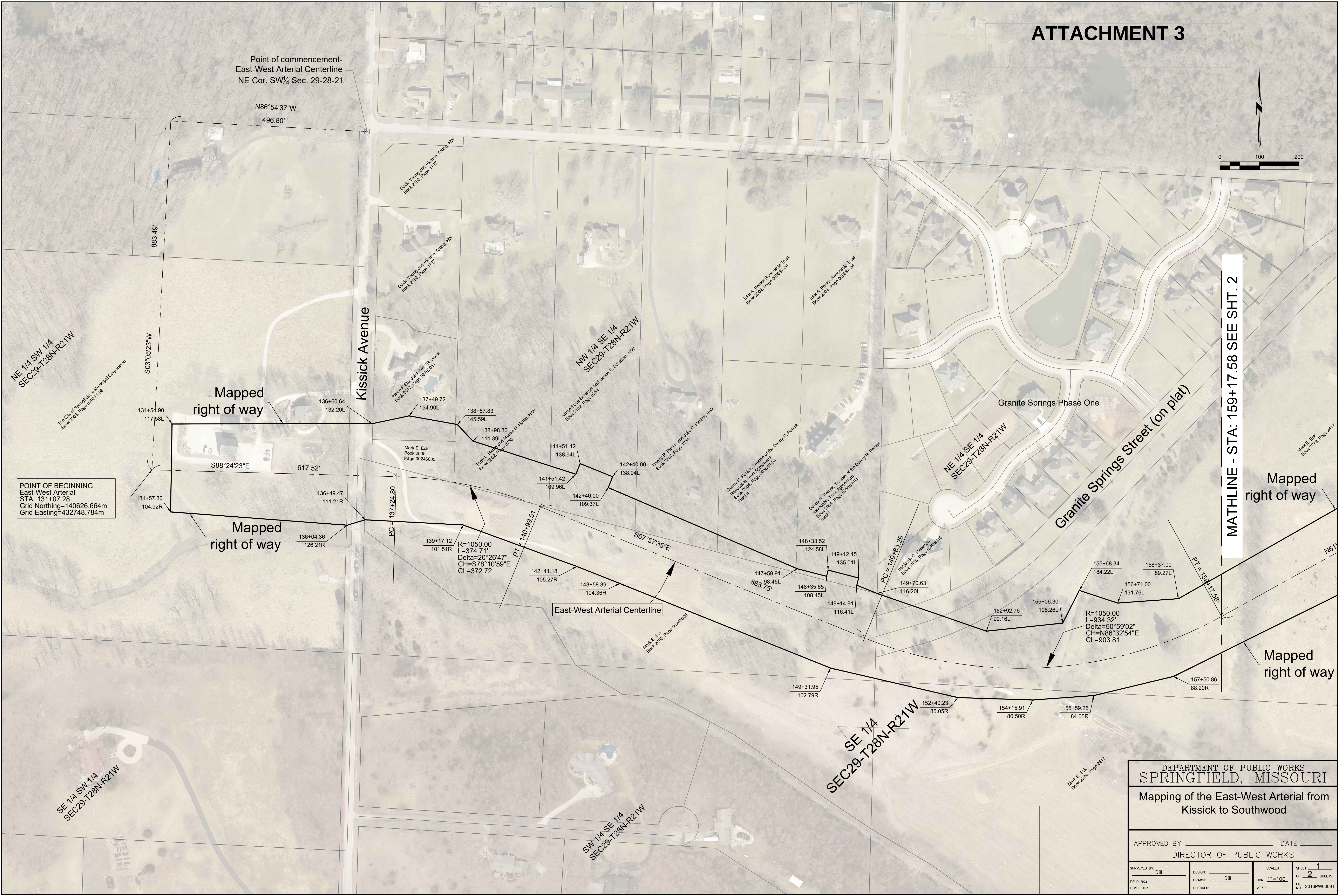
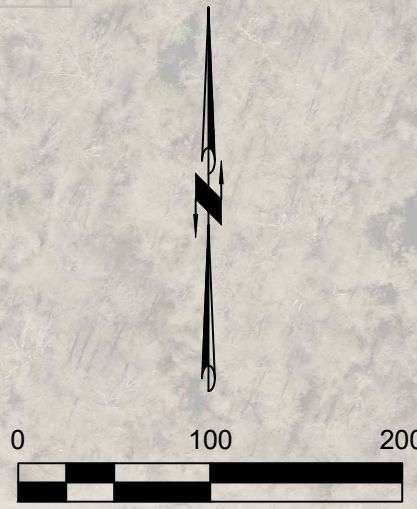
[illegible]

APPROVED BY _____ DATE _____		DIRECTOR OF PUBLIC WORKS	
NAME	STATUS	SCALE	PAGE 1 OF 2 PAGES
NAME	STATUS	SCALE	PAGE 2 OF 2 PAGES

POINT OF BEGINNING
East-West Atoll
STA: 131+07.28
Grid Northing=140828.884m
Grid Easting=432748.784m



ATTACHMENT 3



POINT OF BEGINNING
East-West Arterial
STA: 131+07.28
Grid Northing=140626.664m
Grid Easting=432748.784m

Mapped
right of way

Mapped
right of way

East-West Arterial Centerline

Mapped
right of way

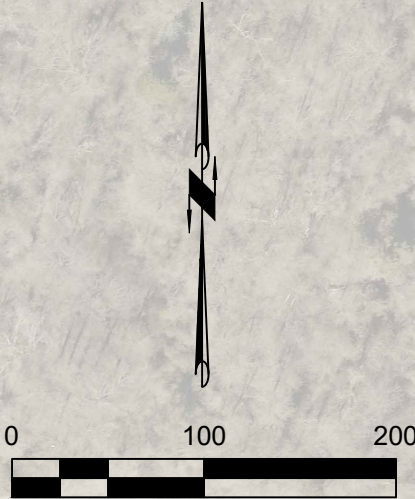
Mapped
right of way

MATHLINE - STA: 159+17.58 SEE SHT. 2

DEPARTMENT OF PUBLIC WORKS SPRINGFIELD, MISSOURI			
Mapping of the East-West Arterial from Kissick to Southwood			
APPROVED BY _____		DATE _____	
DIRECTOR OF PUBLIC WORKS			
SURVEYED BY: DIII	DESIGN: DIII	SCALES: HOR: 1"=100'	SHEET 1 OF 2 SHEETS
FIELD BK: _____	DRAWN: _____	VERT: _____	FILE NO. 2018PW0009T
LEVEL BK: _____	CHECKED: _____		



MATHLINE - STA: 159+17.58 SEE SHT. 1



DEPARTMENT OF PUBLIC WORKS
SPRINGFIELD, MISSOURI

Mapping of the East-West Arterial from
Kissick to Southwood

APPROVED BY _____ DATE _____
DIRECTOR OF PUBLIC WORKS

SURVEYED BY: DIII	DESIGN: DIII	SCALES HOR: 1"=100'	SHEET 2
FIELD BK.: _____	DRAWN: _____	VERT: _____	OF 2 SHEETS
LEVEL BK.: _____	CHECKED: _____	FILE NO: 2016PW0009T	

HAMBURG, LYONS & CLOUSE, LLC

3337 East Ridgeview Street
Springfield, Missouri 65804-4078

Phone (417) 890-6600
Fax (417) 890-6616

Brian E. Hamburg, Attorney
Aaron P. Lyons, Attorney
Holly A. Clouse, Attorney
Amanda Fick, Attorney
Nicole D. Lindsey, Attorney

Alicia A. Comstock, Legal Assistant
Geri L. Hunt, Legal Assistant
Carly E. Fogerson, Legal Assistant

March 8, 2021

City of Springfield
Planning and Zoning Commission
840 Boonville
Springfield, MO 65802

Re: US Highway 65/Riverbluff Blvd. to Kissick Ave.

Dear Planning and Zoning Commission:

My name is Aaron Lyons, and I reside at 6296 S. Farm Road 169 (also known as Kissick Avenue). I also practice real estate law here in Springfield. We received in the mail the Development Review Staff Report for the East West Arterial mapping. For your convenience, I attach hereto as Exhibit 1 a copy of the first page of the Development Review Staff Report. As you can see, the Staff Report indicates a change in the alignment of the thoroughfare. Based on the information that has been provided to me by staff, the original road location for has been designated as "Major Thoroughfare Plan Alignment." The new location has been designated as the "East West Arterial New Alignment."

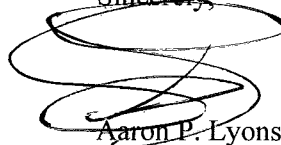
My property, which is located directly to the newly proposed location of the road where it would intersect Kissick Avenue (Farm Road 169). As you can see from the Staff Report, the previously designated location would have been located several thousand feet from my property. The new location for the roadway would significantly impact my property, as it would create both an intersection at the corner of my property as well as a new roadway that could be up to four lanes according to staff.

I have reached out to staff to obtain an explanation for the change in location of the thoroughfare. Unfortunately, staff has been unable to provide me an adequate explanation for the change in the location of the roadway. I strongly believe that a compelling reason should be offered and scrutinized before the location of the thoroughfare is changed.

For the reasons cited above, I respectfully oppose the relocation of this roadway and any approval related thereto.

Thank you very much.

Sincerely,



Aaron P. Lyons

APL/ac
Attachment

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 03-30-21

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-077

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to utilize U.S. Department of
2 Housing and Urban Development funds budgeted for the City of
3 Springfield's Comprehensive Housing Assistance Program to
4 supplement Coronavirus Aid, Relief, and Economic Security Act
5 funds allocated for Affordable Housing Assistance by Special
6 Ordinance 27336. (Staff recommends approval.)
7
8

9 WHEREAS, the City of Springfield receives annual grants of funds from the
10 federal Department of Housing and Urban Development ("HUD") Community
11 Development Block Grant ("CDBG") entitlement program to help support affordable
12 housing and other programs to benefit low- and moderate-income persons, of which
13 \$734,574.47 was allocated to the Comprehensive Housing Assistance Program
14 ("CHAP") by City Council in Special Ordinance 27403; and
15

16 WHEREAS, HUD regulations require CDBG activities to be carried out in a timely
17 manner, by ensuring the City's balance of CDBG funds must be no greater than one
18 and one-half (1.5) times its annual grant remaining in its line of credit on May 2, 2021;
19 and
20

21 WHEREAS, CDBG expenditures toward CHAP have been lower than expected;
22 and
23

24 WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic
25 Security Act ("CARES Act") was signed into law, making available Community
26 Development Block Grant Coronavirus ("CDBG-CV") funds; and
27

28 WHEREAS, in Special Ordinance 27336 City Council allocated \$183,000 of
29 CDBG-CV funds for Affordable Housing Assistance, with an additional \$200,000 of
30 HOME Investment Partnership Program ("HOME") funds to be used for the same
31 purpose; and
32

33 WHEREAS, City Council now desires that \$200,000 of CDBG funds previously
34 allocated for CHAP by Special Ordinance 27403 be used to supplement the \$183,000 of

CDBG-CV funds for Affordable Housing Assistance instead of the HOME funds allocated by Special Ordinance 27336, with said HOME funds to be returned for any eligible use under the HOME Program.

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

Section 1 – The City Manager, or his designee, is hereby authorized to utilize up to \$200,000 of CDBG funds allocated for CHAP to supplement CDBG-CV funds allocated for Affordable Housing Assistance by Special Ordinance 27336, and to exercise all powers necessary to carry out the purpose of this Ordinance, including the execution of contracts, provided the form of the contract is approved by the City Attorney. HOME funds previously allocated by Special Ordinance 27336 for Affordable Housing Assistance shall be returned for any eligible use under the HOME Program.

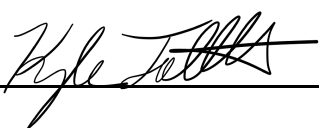
Section 2 – This Ordinance shall be in full force and effect from and after passage.

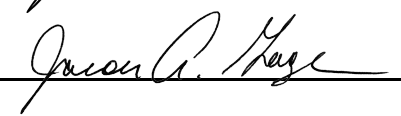
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2021-077

FILED: 03-30-21

ORIGINATING DEPARTMENT: Planning and Development Department

PURPOSE: Authorizing a change of U.S. Department of Housing and Urban Development ("HUD") Grant funds budgeted for the City of Springfield's Comprehensive Housing Assistance Program ("CHAP") to supplement the CARES Act funds allocated by City Council in Special Ordinance 27336. This will facilitate a previously unanticipated need to meet a HUD expenditure ratio requirement and allow for prompt reimbursement from HUD.

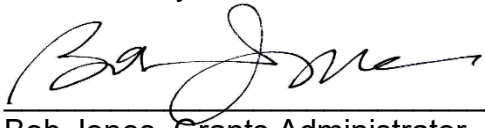
BACKGROUND INFORMATION: The purpose of this bill is to substitute CDBG funds for HOME funds previously allocated for rental assistance.

The City received a \$916,138 CARES Act grant ("CDBG-CV") from HUD for the express purpose to prevent, prepare for, and respond to the coronavirus ("COVID"). The initial proposed allocation for the application of funds was discussed at public meetings and by City Council. In response to public input, the decision was made to increase the funding allocation targeting the need for rent and utility assistance for low-income renters. With Council's approval, an additional \$200,000 of CHAP HOME funds was combined with the CARES Act grant to increase the support for rent assistance. At the time staff projected that funds designated from the CHAP HOME grant and not the CHAP CDBG grant would be the optimal source from which to supplement this need. HOME grant funds were then allocated for that purpose. This decision was based on staff expectations of the required amount of CDBG expenditures needed to meet a HUD-directed expenditure requirement that must be met by May 2, 2021.

Subsequently, the anticipated CHAP CDBG expenditures were delayed due to the impact of the COVID restrictions and slower processes that affected the ability to expend the amount proposed for housing development. At this time staff is forecasting the need for additional CDBG expenditures to ensure we meet the May 2, 2021, spending requirements. The HUD HOME grant program does not have the same expenditure limit or deadline as the HUD CDBG grant. The exchange of \$200,000 of CHAP CDBG grant funds for the previously allocated \$200,000 of CHAP HOME grant funds will assist the City in complying with the CDBG expenditure requirement. This exchange of funding will not delay or reduce the rent assistance funding support being provided to our non-profit partner agencies at this time.

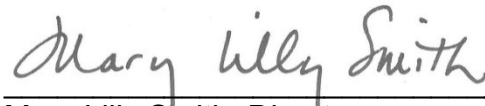
REMARKS: Staff recommends approval.

Submitted by:

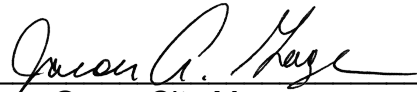
A handwritten signature in cursive script, appearing to read "Bob Jones", written in black ink.

Bob Jones, Grants Administrator

Recommended by: Approved by:

A handwritten signature in cursive script, appearing to read "Mary Lilly Smith", written in black ink.

Mary Lilly Smith, Director

A handwritten signature in cursive script, appearing to read "Jason Gage", written in black ink.

Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed 03-30-21

Sponsored by McGull

First Reading _____

Second Reading _____

COUNCIL BILL 2021- 078

SPECIAL ORDINANCE _____

AN ORDINANCE

1 DECLARING the necessity of condemning right(s)-of-way for perpetual sidewalk and
2 temporary construction easements over, under, and through the
3 properties herein described and located along East Division Street
4 between National and Glenstone Avenues in the City of Springfield,
5 Missouri, including 1310, 1320, 1324, and 1607 East Division Street, for
6 the purpose of completing the Division Street Reconstruction Project,
7 City Project #2017PW0036, funded through the 1/4-Cent Capital
8 Improvement Sales Tax; and authorizing certain officers, or their
9 designees, to do all things necessary to carry out the terms of this
10 Ordinance.
11 _____
12

13 WHEREAS, the Department of Public Works is attempting to reconstruct and
14 widen the drive lanes of Division Street with curb and guttering, a center turn lane,
15 streetlights, Americans with Disabilities ("ADA") compliant sidewalks, a multi-use
16 path/trail, and stormwater improvements, identified as the Division Street
17 Reconstruction Project, City Project #2017PW0036 (hereinafter "Project"); and
18

19 WHEREAS, perpetual sidewalk easements and temporary construction
20 easements are needed to complete the Project and City right-of-way staff has
21 successfully negotiated with fifty-four (54) out of fifty-eight (58) properties within the
22 Project area and now must proceed with condemnation in order to ensure timely
23 completion of the Project.
24

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

28 Section 1 – City Council hereby declares it necessary to condemn the following
29 four described properties, for the purposes of reconstructing and widening drive lanes
30 with curb and guttering and a center turn lane, streetlights, ADA compliant sidewalks, a
31 multi-use path/trail, and stormwater improvements, for the Division Street
32 Reconstruction Project, identified as City Project #2017PW0036, to-wit:
33

1310 East Division Street, owned by Lonnie R. Pender and Connie L. Pender, the following described easements:

A PERPETUAL SIDEWALK EASEMENT DESCRIBED AS FOLLOWS:

A PART OF THE GRANTOR'S LAND, IN LOT FOURTEEN (14), BLOCK TWENTY-NINE (29), IN BOULEVARD ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND OWNED BY THE GRANTOR AS DESCRIBED IN A WARRANTY DEED RECORDED IN BOOK 2257 AT PAGE 1614 OF THE GREENE COUNTY RECORDER'S OFFICE, DESCRIBED FROM THE SURVEYED CONSTRUCTION CENTERLINE OF EAST DIVISION STREET AS FOLLOWS:

THE SURVEYED CONSTRUCTION CENTERLINE FOR A PORTION OF EAST DIVISION STREET WITHIN THE SOUTHWEST QUARTER OF SECTION 7, AND WITHIN THE NORTHWEST QUARTER OF SECTION 18, BOTH IN TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 61 DEGREES 28 MINUTES 25 SECONDS EAST, A DISTANCE OF 100.87 FEET TO THE POINT OF BEGINNING, HEREINAFTER DESIGNATED AS CENTERLINE STATION 5+42.40; THENCE SOUTH 63 DEGREES 43 MINUTES 02 SECONDS EAST, A DISTANCE OF 15.52 FEET TO CENTERLINE STATION 5+57.92; THENCE SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 24 DEGREES 11 MINUTES 07 SECONDS, WITH A RADIUS OF 432.00 FEET AND A 181.00 FEET LONG CHORD WHICH BEARS SOUTH 75 DEGREES 48 MINUTES 36 SECONDS EAST, AN ARC DISTANCE OF 182.35 FEET TO CENTERLINE STATION 7+40.27; THENCE SOUTH 87 DEGREES 54 MINUTES 09 SECONDS EAST, A DISTANCE OF 289.73 FEET TO CENTERLINE P.I. STATION 10+30; THENCE SOUTH 87 DEGREES 40 MINUTES 49 SECONDS EAST, A DISTANCE OF 843.85 FEET TO CENTERLINE STATION 18+73.85; THENCE EASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00 DEGREES 58 MINUTES 44 SECONDS, WITH A RADIUS OF 2000.00 FEET AND A 34.17 FEET LONG CHORD WHICH BEARS SOUTH 88 DEGREES 10 MINUTES 11 SECONDS EAST, AN ARC DISTANCE OF 34.17 FEET TO CENTERLINE STATION 19+08.02, BEING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, FOR A TERMINUS. SAID TERMINUS LIES SOUTH 88 DEGREES 39 MINUTES 33 SECONDS EAST, A DISTANCE OF 17.08 FEET, FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 7.

PERPETUAL SIDEWALK EASEMENT:

BEGINNING AT A POINT ON GRANTOR'S WEST PROPERTY LINE, BEING 30.73 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 11+27.57, ON THE SOUTH RIGHT-OF-WAY LINE OF DIVISION STREET; THENCE DIRECTLY ALONG SAID SOUTH RIGHT-OF-WAY LINE, TO A POINT 30.53 FEET

RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 11+64.46, ON GRANTOR'S EAST PROPERTY LINE; THENCE DIRECTLY ALONG SAID EAST PROPERTY LINE, TO A POINT 34.50 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 11+64.47; THENCE DIRECTLY TO A POINT 34.50 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 11+27.58, ON SAID WEST PROPERTY LINE; THENCE DIRECTLY ALONG SAID WEST PROPERTY LINE, TO THE POINT OF BEGINNING.

CONTAINING 143 SQUARE FEET (0.003 ACRES) OF PERPETUAL SIDEWALK EASEMENT.

ALSO,

A TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:

A PART OF THE GRANTOR'S LAND, IN LOT FOURTEEN (14), BLOCK TWENTY-NINE (29), IN BOULEVARD ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND OWNED BY THE GRANTOR AS DESCRIBED IN A WARRANTY DEED RECORDED IN BOOK 2257 AT PAGE 1614 OF THE GREENE COUNTY RECORDER'S OFFICE, DESCRIBED FROM THE SURVEYED CONSTRUCTION CENTERLINE OF EAST DIVISION STREET AS FOLLOWS:

THE SURVEYED CONSTRUCTION CENTERLINE FOR A PORTION OF EAST DIVISION STREET WITHIN THE SOUTHWEST QUARTER OF SECTION 7, AND WITHIN THE NORTHWEST QUARTER OF SECTION 18, BOTH IN TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 61 DEGREES 28 MINUTES 25 SECONDS EAST, A DISTANCE OF 100.87 FEET TO THE POINT OF BEGINNING, HEREINAFTER DESIGNATED AS CENTERLINE STATION 5+42.40; THENCE SOUTH 63 DEGREES 43 MINUTES 02 SECONDS EAST, A DISTANCE OF 15.52 FEET TO CENTERLINE STATION 5+57.92; THENCE SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 24 DEGREES 11 MINUTES 07 SECONDS, WITH A RADIUS OF 432.00 FEET AND A 181.00 FEET LONG CHORD WHICH BEARS SOUTH 75 DEGREES 48 MINUTES 36 SECONDS EAST, AN ARC DISTANCE OF 182.35 FEET TO CENTERLINE STATION 7+40.27; THENCE SOUTH 87 DEGREES 54 MINUTES 09 SECONDS EAST, A DISTANCE OF 289.73 FEET TO CENTERLINE P.I. STATION 10+30; THENCE SOUTH 87 DEGREES 40 MINUTES 49 SECONDS EAST, A DISTANCE OF 843.85 FEET TO CENTERLINE STATION 18+73.85; THENCE EASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00 DEGREES 58 MINUTES 44 SECONDS, WITH A RADIUS OF 2000.00 FEET AND A 34.17 FEET LONG CHORD WHICH BEARS SOUTH 88 DEGREES 10 MINUTES 11 SECONDS EAST, AN ARC DISTANCE OF 34.17 FEET TO CENTERLINE STATION 19+08.02, BEING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, FOR A TERMINUS. SAID TERMINUS LIES SOUTH

88 DEGREES 39 MINUTES 33 SECONDS EAST, A DISTANCE OF 17.08 FEET,
FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION
7.

TEMPORARY CONSTRUCTION EASEMENT:

BEGINNING AT A POINT 34.50 FEET RIGHT OF DIVISION STREET
CONSTRUCTION CENTERLINE STATION 11+27.58, ON GRANTOR'S WEST
PROPERTY LINE; THENCE DIRECTLY TO A POINT 34.50 FEET RIGHT OF
STATION 11+64.47, ON GRANTOR'S EAST PROPERTY LINE; THENCE DIRECTLY
ALONG SAID EAST PROPERTY LINE TO A POINT 43.19 FEET RIGHT OF STATION
11+64.49; THENCE DIRECTLY TO A POINT 43.23 FEET RIGHT OF STATION
11+27.60, ON SAID WEST PROPERTY LINE; THENCE DIRECTLY ALONG SAID
WEST PROPERTY LINE TO THE POINT OF BEGINNING.

CONTAINING 321 SQUARE FEET (0.007 ACRES) OF TEMPORARY
CONSTRUCTION EASEMENT.

Note: The above described temporary construction easement shall terminate one year
from the date a notice to proceed is issued by the City of Springfield for construction to
begin, or upon the expiration of six months after completion and acceptance of the
construction project by the City of Springfield, whichever shall occur last.

See "Exhibit 1," which is attached hereto and incorporated herein by this reference, for
diagram.

1320 East Division Street, owned by Lonnie R. Pender and Connie L. Pender, the
following described easements:

A PERPETUAL SIDEWALK EASEMENT DESCRIBED AS FOLLOWS:

A PART OF THE GRANTOR'S LAND, IN LOT ONE (1), BLOCK TWENTY-NINE (29),
AND THE VACATED ALLEY ADJACENT TO THE WEST SIDE OF SAID LOT ONE (1),
IN BOULEVARD ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD,
GREENE COUNTY, MISSOURI, AND OWNED BY THE GRANTOR AS DESCRIBED
IN A WARRANTY DEED RECORDED IN BOOK 2033 AT PAGE 2216 OF THE
GREENE COUNTY RECORDER'S OFFICE, DESCRIBED FROM THE SURVEYED
CONSTRUCTION CENTERLINE OF EAST DIVISION STREET AS FOLLOWS:
THE SURVEYED CONSTRUCTION CENTERLINE FOR A PORTION OF EAST
DIVISION STREET WITHIN THE SOUTHWEST QUARTER OF SECTION 7, AND
WITHIN THE NORTHWEST QUARTER OF SECTION 18, BOTH IN TOWNSHIP 29
NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY,
MISSOURI, IS DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE
NORTH 61 DEGREES 28 MINUTES 25 SECONDS EAST, A DISTANCE OF 100.87
FEET TO THE POINT OF BEGINNING, HEREINAFTER DESIGNATED AS

CENTERLINE STATION 5+42.40; THENCE SOUTH 63 DEGREES 43 MINUTES 02 SECONDS EAST, A DISTANCE OF 15.52 FEET TO CENTERLINE STATION 5+57.92; THENCE SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 24 DEGREES 11 MINUTES 07 SECONDS, WITH A RADIUS OF 432.00 FEET AND A 181.00 FEET LONG CHORD WHICH BEARS SOUTH 75 DEGREES 48 MINUTES 36 SECONDS EAST, AN ARC DISTANCE OF 182.35 FEET TO CENTERLINE STATION 7+40.27; THENCE SOUTH 87 DEGREES 54 MINUTES 09 SECONDS EAST, A DISTANCE OF 289.73 FEET TO CENTERLINE P.I. STATION 10+30; THENCE SOUTH 87 DEGREES 40 MINUTES 49 SECONDS EAST, A DISTANCE OF 843.85 FEET TO CENTERLINE STATION 18+73.85; THENCE EASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00 DEGREES 58 MINUTES 44 SECONDS, WITH A RADIUS OF 2000.00 FEET AND A 34.17 FEET LONG CHORD WHICH BEARS SOUTH 88 DEGREES 10 MINUTES 11 SECONDS EAST, AN ARC DISTANCE OF 34.17 FEET TO CENTERLINE STATION 19+08.02, BEING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, FOR A TERMINUS. SAID TERMINUS LIES SOUTH 88 DEGREES 39 MINUTES 33 SECONDS EAST, A DISTANCE OF 17.08 FEET, FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 7.

PERPETUAL SIDEWALK EASEMENT:

BEGINNING AT A POINT ON GRANTOR'S WEST PROPERTY LINE, BEING 30.66 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 12+32.67, ON THE SOUTH RIGHT-OF-WAY LINE OF DIVISION STREET; THENCE DIRECTLY ALONG SAID SOUTH RIGHT-OF-WAY LINE, TO A POINT 30.59 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 12+87.62, ON GRANTOR'S EAST PROPERTY LINE; THENCE DIRECTLY ALONG SAID EAST PROPERTY LINE, TO A POINT 34.50 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 12+87.63; THENCE DIRECTLY TO A POINT 34.50 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 12+32.63, ON GRANTOR'S WEST PROPERTY LINE; THENCE DIRECTLY ALONG SAID WEST PROPERTY LINE, TO THE POINT OF BEGINNING.

CONTAINING 213 SQUARE FEET (0.005 ACRES) OF PERPETUAL SIDEWALK EASEMENT.

ALSO,

A TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:

A PART OF THE GRANTOR'S LAND, IN LOT ONE (1), BLOCK TWENTY-NINE (29), AND THE VACATED ALLEY ADJACENT TO THE WEST SIDE OF SAID LOT ONE (1), IN BOULEVARD ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND OWNED BY THE GRANTOR AS DESCRIBED IN A WARRANTY DEED RECORDED IN BOOK 2033 AT PAGE 2216 OF THE

GREENE COUNTY RECORDER'S OFFICE, DESCRIBED FROM THE SURVEYED CONSTRUCTION CENTERLINE OF EAST DIVISION STREET AS FOLLOWS: THE SURVEYED CONSTRUCTION CENTERLINE FOR A PORTION OF EAST DIVISION STREET WITHIN THE SOUTHWEST QUARTER OF SECTION 7, AND WITHIN THE NORTHWEST QUARTER OF SECTION 18, BOTH IN TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 61 DEGREES 28 MINUTES 25 SECONDS EAST, A DISTANCE OF 100.87 FEET TO THE POINT OF BEGINNING, HEREINAFTER DESIGNATED AS CENTERLINE STATION 5+42.40; THENCE SOUTH 63 DEGREES 43 MINUTES 02 SECONDS EAST, A DISTANCE OF 15.52 FEET TO CENTERLINE STATION 5+57.92; THENCE SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 24 DEGREES 11 MINUTES 07 SECONDS, WITH A RADIUS OF 432.00 FEET AND A 181.00 FEET LONG CHORD WHICH BEARS SOUTH 75 DEGREES 48 MINUTES 36 SECONDS EAST, AN ARC DISTANCE OF 182.35 FEET TO CENTERLINE STATION 7+40.27; THENCE SOUTH 87 DEGREES 54 MINUTES 09 SECONDS EAST, A DISTANCE OF 289.73 FEET TO CENTERLINE P.I. STATION 10+30; THENCE SOUTH 87 DEGREES 40 MINUTES 49 SECONDS EAST, A DISTANCE OF 843.85 FEET TO CENTERLINE STATION 18+73.85; THENCE EASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00 DEGREES 58 MINUTES 44 SECONDS, WITH A RADIUS OF 2000.00 FEET AND A 34.17 FEET LONG CHORD WHICH BEARS SOUTH 88 DEGREES 10 MINUTES 11 SECONDS EAST, AN ARC DISTANCE OF 34.17 FEET TO CENTERLINE STATION 19+08.02, BEING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, FOR A TERMINUS. SAID TERMINUS LIES SOUTH 88 DEGREES 39 MINUTES 33 SECONDS EAST, A DISTANCE OF 17.08 FEET, FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 7.

TEMPORARY CONSTRUCTION EASEMENT:

BEGINNING AT A POINT 34.50 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 12+32.63, ON GRANTOR'S WEST PROPERTY LINE; THENCE DIRECTLY TO A POINT 34.50 FEET RIGHT OF STATION 12+87.63, ON GRANTOR'S EAST PROPERTY LINE; THENCE DIRECTLY ALONG SAID EAST PROPERTY LINE TO A POINT 45.00 FEET RIGHT OF STATION 12+87.67; THENCE DIRECTLY TO A POINT 45.00 FEET RIGHT OF STATION 12+32.67, ON SAID WEST PROPERTY LINE; THENCE DIRECTLY ALONG SAID WEST PROPERTY LINE TO THE POINT OF BEGINNING.

CONTAINING 578 SQUARE FEET (0.013 ACRES) OF TEMPORARY CONSTRUCTION EASEMENT.

Note: The above described temporary construction easement shall terminate one year from the date a notice to proceed is issued by the City of Springfield for construction to

begin, or upon the expiration of six months after completion and acceptance of the construction project by the City of Springfield, whichever shall occur last.

See "Exhibit 2," which is attached hereto and incorporated herein by this reference, for diagram.

1324 East Division Street, owned by L. R. Pender Company, a general for-profit company organized in the state of Missouri, the following described easements:

A PERPETUAL SIDEWALK EASEMENT DESCRIBED AS FOLLOWS:

A PART OF THE GRANTOR'S LAND, IN LOT ONE (1), BLOCK TWENTY-NINE (29), IN BOULEVARD ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND OWNED BY THE GRANTOR AS DESCRIBED IN A WARRANTY DEED RECORDED IN BOOK 2093 AT PAGE 2001 OF THE GREENE COUNTY RECORDER'S OFFICE, DESCRIBED FROM THE SURVEYED CONSTRUCTION CENTERLINE OF EAST DIVISION STREET AS FOLLOWS: THE SURVEYED CONSTRUCTION CENTERLINE FOR A PORTION OF EAST DIVISION STREET WITHIN THE SOUTHWEST QUARTER OF SECTION 7, AND WITHIN THE NORTHWEST QUARTER OF SECTION 18, BOTH IN TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 61 DEGREES 28 MINUTES 25 SECONDS EAST, A DISTANCE OF 100.87 FEET TO THE POINT OF BEGINNING, HEREINAFTER DESIGNATED AS CENTERLINE STATION 5+42.40; THENCE SOUTH 63 DEGREES 43 MINUTES 02 SECONDS EAST, A DISTANCE OF 15.52 FEET TO CENTERLINE STATION 5+57.92; THENCE SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 24 DEGREES 11 MINUTES 07 SECONDS, WITH A RADIUS OF 432.00 FEET AND A 181.00 FEET LONG CHORD WHICH BEARS SOUTH 75 DEGREES 48 MINUTES 36 SECONDS EAST, AN ARC DISTANCE OF 182.35 FEET TO CENTERLINE STATION 7+40.27; THENCE SOUTH 87 DEGREES 54 MINUTES 09 SECONDS EAST, A DISTANCE OF 289.73 FEET TO CENTERLINE P.I. STATION 10+30; THENCE SOUTH 87 DEGREES 40 MINUTES 49 SECONDS EAST, A DISTANCE OF 843.85 FEET TO CENTERLINE STATION 18+73.85; THENCE EASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00 DEGREES 58 MINUTES 44 SECONDS, WITH A RADIUS OF 2000.00 FEET AND A 34.17 FEET LONG CHORD WHICH BEARS SOUTH 88 DEGREES 10 MINUTES 11 SECONDS EAST, AN ARC DISTANCE OF 34.17 FEET TO CENTERLINE STATION 19+08.02, BEING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, FOR A TERMINUS. SAID TERMINUS LIES SOUTH 88 DEGREES 39 MINUTES 33 SECONDS EAST, A DISTANCE OF 17.08 FEET, FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 7.

PERPETUAL SIDEWALK EASEMENT:

BEGINNING AT A POINT ON GRANTOR'S WEST PROPERTY LINE, BEING 30.59 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 12+87.62, ON THE SOUTH RIGHT-OF-WAY LINE OF DIVISION STREET; THENCE DIRECTLY ALONG SAID SOUTH RIGHT-OF-WAY LINE, TO A POINT 30.55 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 13+32.62, ON GRANTOR'S EAST PROPERTY LINE; THENCE DIRECTLY ALONG SAID EAST PROPERTY LINE, TO A POINT 34.50 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 13+32.63; THENCE DIRECTLY TO A POINT 34.50 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 12+87.63, ON GRANTOR'S WEST PROPERTY LINE; THENCE DIRECTLY ALONG SAID WEST PROPERTY LINE TO THE POINT OF BEGINNING.

CONTAINING 177 SQUARE FEET (0.004 ACRES) OF PERPETUAL SIDEWALK EASEMENT.

ALSO,

A TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:

A PART OF THE GRANTOR'S LAND, IN LOT ONE (1), BLOCK TWENTY-NINE (29), IN BOULEVARD ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND OWNED BY THE GRANTOR AS DESCRIBED IN A WARRANTY DEED RECORDED IN BOOK 2093 AT PAGE 2001 OF THE GREENE COUNTY RECORDER'S OFFICE, DESCRIBED FROM THE SURVEYED CONSTRUCTION CENTERLINE OF EAST DIVISION STREET AS FOLLOWS: THE SURVEYED CONSTRUCTION CENTERLINE FOR A PORTION OF EAST DIVISION STREET WITHIN THE SOUTHWEST QUARTER OF SECTION 7, AND WITHIN THE NORTHWEST QUARTER OF SECTION 18, BOTH IN TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 61 DEGREES 28 MINUTES 25 SECONDS EAST, A DISTANCE OF 100.87 FEET TO THE POINT OF BEGINNING, HEREINAFTER DESIGNATED AS CENTERLINE STATION 5+42.40; THENCE SOUTH 63 DEGREES 43 MINUTES 02 SECONDS EAST, A DISTANCE OF 15.52 FEET TO CENTERLINE STATION 5+57.92; THENCE SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 24 DEGREES 11 MINUTES 07 SECONDS, WITH A RADIUS OF 432.00 FEET AND A 181.00 FEET LONG CHORD WHICH BEARS SOUTH 75 DEGREES 48 MINUTES 36 SECONDS EAST, AN ARC DISTANCE OF 182.35 FEET TO CENTERLINE STATION 7+40.27; THENCE SOUTH 87 DEGREES 54 MINUTES 09 SECONDS EAST, A DISTANCE OF 289.73 FEET TO CENTERLINE P.I. STATION 10+30; THENCE SOUTH 87 DEGREES 40 MINUTES 49 SECONDS EAST, A DISTANCE OF 843.85 FEET TO CENTERLINE STATION 18+73.85; THENCE EASTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00 DEGREES 58 MINUTES 44 SECONDS, WITH A RADIUS OF 2000.00 FEET AND A

34.17 FEET LONG CHORD WHICH BEARS SOUTH 88 DEGREES 10 MINUTES 11 SECONDS EAST, AN ARC DISTANCE OF 34.17 FEET TO CENTERLINE STATION 19+08.02, BEING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, FOR A TERMINUS. SAID TERMINUS LIES SOUTH 88 DEGREES 39 MINUTES 33 SECONDS EAST, A DISTANCE OF 17.08 FEET, FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 7.

TEMPORARY CONSTRUCTION EASEMENT:

BEGINNING AT A POINT 34.50 FEET RIGHT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 12+87.63, ON GRANTOR'S WEST PROPERTY LINE; THENCE DIRECTLY TO A POINT 34.50 FEET RIGHT OF STATION 13+32.63, ON GRANTOR'S EAST PROPERTY LINE; THENCE DIRECTLY ALONG SAID EAST PROPERTY LINE TO A POINT 45.00 FEET RIGHT OF STATION 13+32.67; THENCE DIRECTLY TO A POINT 45.00 FEET RIGHT OF STATION 12+87.67, ON SAID WEST PROPERTY LINE; THENCE DIRECTLY ALONG SAID WEST PROPERTY LINE TO THE POINT OF BEGINNING..

CONTAINING 473 SQUARE FEET (0.011 ACRES) OF TEMPORARY CONSTRUCTION EASEMENT.

Note: The above described temporary construction easement shall terminate one year from the date a notice to proceed is issued by the City of Springfield for construction to begin, or upon the expiration of six months after completion and acceptance of the construction project by the City of Springfield, whichever shall occur last.

See "Exhibit 3," which is attached hereto and incorporated herein by this reference, for diagram.

1607 East Division Street, owned by William LaShell and Dennis Hrebec, the following described easement:

A TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:

A PART OF THE GRANTOR'S LAND, IN LOT 30 OF CATRON COURT ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND OWNED BY THE GRANTOR AS DESCRIBED IN A WARRANTY DEED RECORDED IN BOOK 2400 AT PAGE 519 OF THE GREENE COUNTY RECORDER'S OFFICE, DESCRIBED FROM THE SURVEYED CONSTRUCTION CENTERLINE OF EAST DIVISION STREET AS FOLLOWS:

THE SURVEYED CONSTRUCTION CENTERLINE FOR A PORTION OF EAST DIVISION STREET WITHIN THE SOUTHEAST QUARTER OF SECTION 7, AND THE NORTHEAST QUARTER OF SECTION 18, BOTH IN TOWNSHIP 29 NORTH, RANGE

21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IS DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 7; THENCE SOUTH 88 DEGREES 39 MINUTES 33 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 17.08 FEET TO THE POINT OF BEGINNING, HEREINAFTER DESIGNATED AS CENTERLINE STATION 19+08.02; THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 88 DEGREES 39 MINUTES 33 SECONDS EAST A DISTANCE OF 1304.02 FEET TO CENTERLINE STATION 32+12.04; THENCE EASTERLY, ALONG A CURVE TO THE RIGHT (LEAVING SAID SOUTH LINE), THROUGH A CENTRAL ANGLE OF 00 DEGREES 36 MINUTES 32 SECONDS, WITH A RADIUS OF 2000.00 FEET AND A 21.26 FEET LONG CHORD WHICH BEARS SOUTH 88 DEGREES 21 MINUTES 17 SECONDS EAST, AN ARC DISTANCE OF 21.26 FEET TO CENTERLINE STATION 32+33.29, BEING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 7; THENCE SOUTH 88 DEGREES 03 MINUTES 01 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1315.64 FEET TO CENTERLINE STATION 45+48.93 FOR A TERMINUS, BEING AT THE SOUTHEAST CORNER OF SAID SECTION 7.

TEMPORARY CONSTRUCTION EASEMENT:

ALL THAT PART OF THE GRANTOR'S LAND LYING NORTH OF THE EXISTING NORTH RIGHT-OF-WAY LINE OF DIVISION STREET AND SOUTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT 40.00 FEET LEFT OF DIVISION STREET CONSTRUCTION CENTERLINE STATION 32+72.49, BEING ON THE WEST LINE OF SAID LOT 30; THENCE DIRECTLY TO A POINT 40.00 FEET LEFT OF STATION 33+22.57, ON THE EAST LINE OF SAID LOT 30, FOR A TERMINUS.

CONTAINING 503 SQUARE FEET (0.012 ACRES) OF TEMPORARY CONSTRUCTION EASEMENT.

Note: The above described temporary construction easement shall terminate one year from the date a notice to proceed is issued by the City of Springfield for construction to begin, or upon the expiration of six months after completion and acceptance of the construction project by the City of Springfield, whichever shall occur last.

See "Exhibit 4," which is attached hereto and incorporated herein by this reference, for diagram.

Section 2 – City Council hereby finds and declares that the Division Street Reconstruction (National Avenue to Glenstone Avenue) Improvement Project #2017PW0036, serves a legitimate public purpose as it includes needed improvements to a major arterial intersection of the City traffic structure.

447 Section 3 – The City Attorney, or designee, is hereby authorized to proceed
448 immediately with condemnation proceedings against the above described properties as
449 authorized by Article II, Sections 2.16(3), (7) and (10), and Article XIX, Section 19.18 of
450 the City Charter; and the officers of the City are further authorized to exercise any and
451 all powers necessary to carry out the terms of this Ordinance.

452
453 Section 4 – This Ordinance shall be in full force and effect from and after
454 passage.

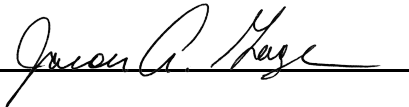
455
456 Passed at meeting: _____

457
458 _____
459 Mayor

460
461 Attest: _____, City Clerk

462
463 Filed as Ordinance: _____

464
465 Approved as to form: , Assistant City Attorney

466
467 Approved for Council action: , City Manager
469

EXPLANATION TO COUNCIL BILL 2021-078

FILED: 03-30-21

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To receive authority to condemn right(s)-of-way over, under, and through the following properties: 1310 East Division Street, 1320 East Division Street, 1324 East Division Street, and 1607 East Division Street.

BACKGROUND INFORMATION: The right(s)-of-way are necessary for constructing and maintaining a public street, and for the relocation, construction, maintenance, and operation of gas, water, electric, telephone, fiber optic, and communications utilities, including necessary fixtures and appurtenances for the Division Street Reconstruction (National Avenue to Glenstone Avenue) Improvement Project #2017PW0036. The construction of the project is funded through the 1/4-Cent Capital Improvements Sales Tax.

This project will provide improvements to reconstruct and widen the drive lanes of Division Street with curb and gutter and center turn lane, streetlights, Americans with Disabilities Act (“ADA”) compliant sidewalks, a multi-use path/trail and storm water improvements.

City right-of-way staff have reached agreements regarding the necessary rights-of-way from fifty-four (54) out of fifty-eight (58) property owners. This Ordinance allows the Law Department to begin condemnation proceedings regarding the remaining properties as shown in “Exhibits 1”, “2”, “3”, and “4.”

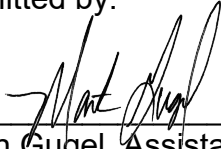
Negotiations are continuing with the remaining property owners to obtain the necessary right(s)-of-way and we are hopeful to reach agreements soon. To keep this project on schedule for a Spring 2022 bidding, it is necessary to gain this approval now. Should settlements be reached with the remaining property owners, condemnation will not be pursued.

Supports the following City Council Priorities:

- Quality of Place
- Public Safety
- Economic Vitality
- Fiscal Sustainability

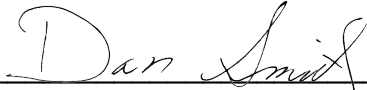
REMARKS: Public Works recommends the approval of this Council bill.

Submitted by:



Martin Gugel, Assistant Director of Public Works

Recommended by:



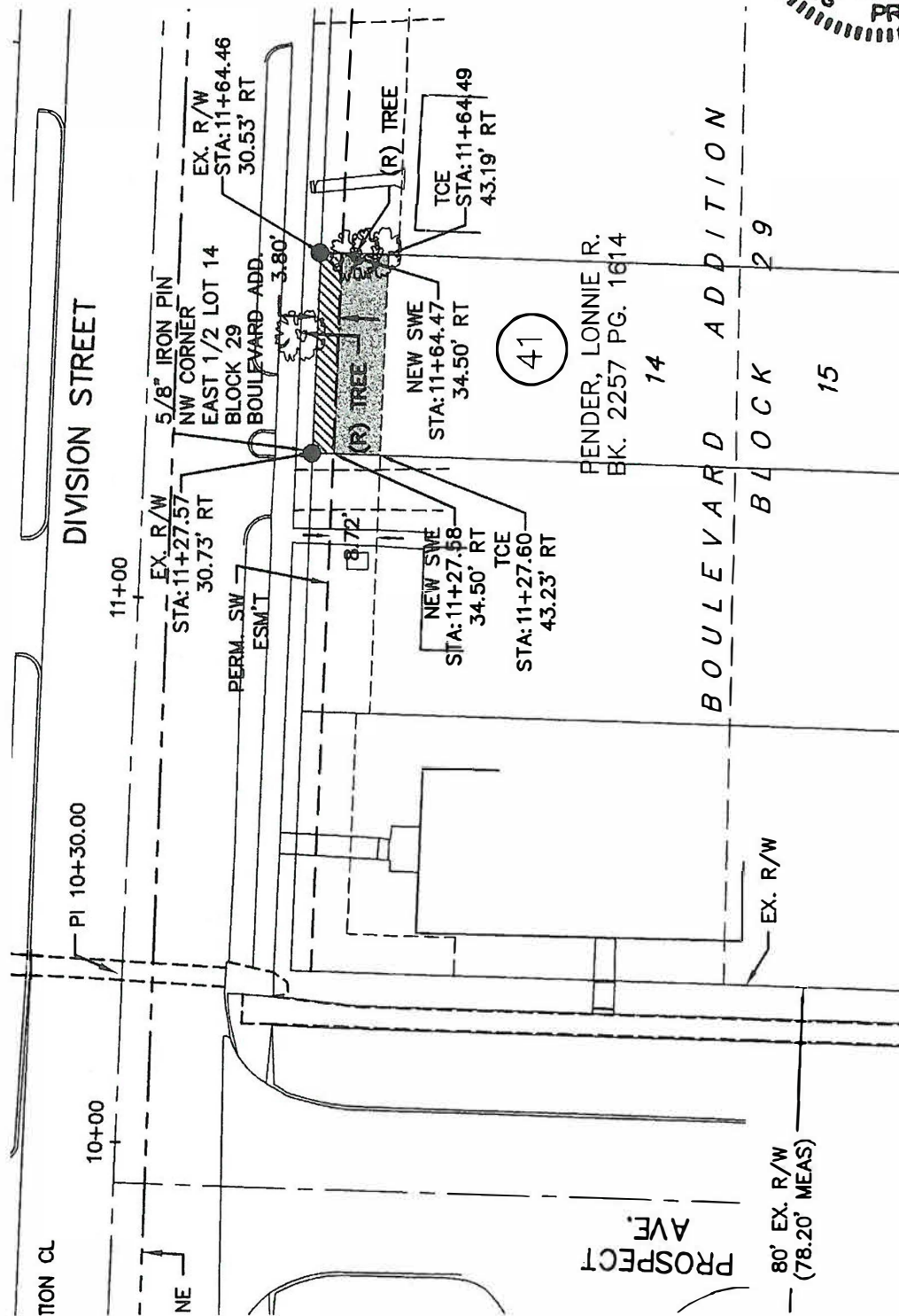
Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

GRID NORTH
MISSOURI COORDINATE
SYSTEM 1983
CENTRAL ZONE
SCALE 1"=30'



STATE OF MISSOURI
PETER W. STEVENS
NUMBER LS-2401
PROFESSIONAL LAND SURVEYOR

EXHIBIT

1

THIS SKETCH IS NOT A BOUNDARY SURVEY. IT IS INTENDED TO SHOW THE CONFIGURATION OF PROPOSED RIGHTS-OF-WAY AND EASEMENTS. IT SHOULD NOT BE USED TO LOCATED PROPERTY LINES OR TO MEET THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

PROPOSED PERPETUAL SIDEWALK EASEMENT.....0.003 ACRES (143 SQ FT)
PROPOSED TEMPORARY CONSTRUCTION EASEMENT.....0.007 ACRES (321 SQ FT)

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CMT
Crawford, Murphy & Tully
Engineers and Consultants
1631 W Elfriddle, Springfield, Missouri 65807
Tel 417-869-6009 Fax 417-869-8129

DATE: 04/10/2019

JOB No: 17320-01-00

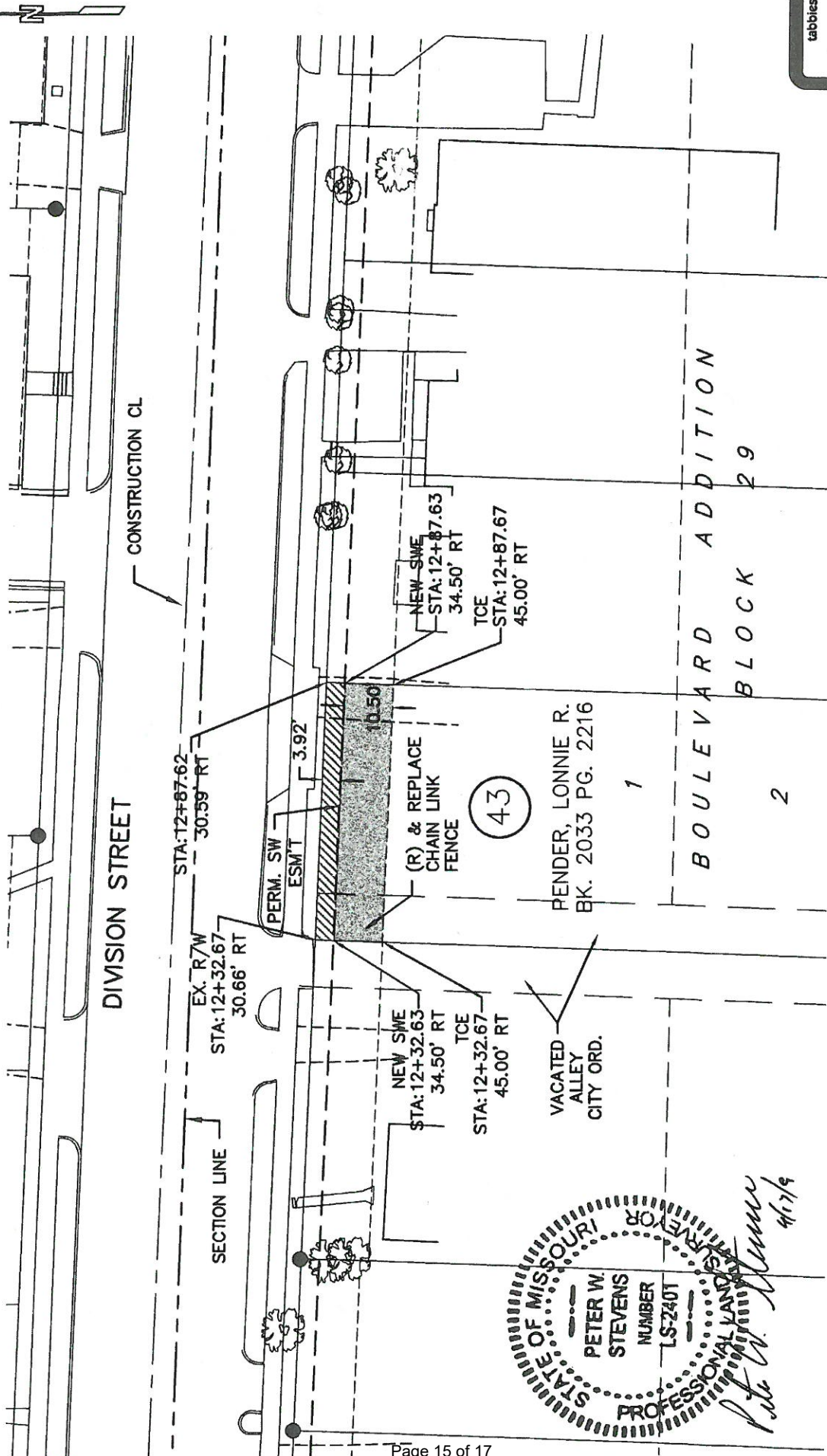
C.U. ACTIVITY NO: n/a

DWG NAME: 17320-01-00_Trac_41.dwg

PENDER, LONNIE R.

A PART OF THE NW 1/4 IN
SECTION 18, TOWNSHIP 29 NORTH, RANGE 21 WEST
IN THE CITY OF SPRINGFIELD
GREENE COUNTY, MISSOURI

GRID NORTH
MISSOURI COORDINATE
SYSTEM 1983
CENTRAL ZONE
SCALE 1"=30'



EXHIBIT

2

tabbles

THIS SKETCH IS NOT A BOUNDARY SURVEY. IT IS IN THE CONFIGURATION OF PROPOSED RIGHTS-OF-WAY. IT SHOULD NOT BE USED TO LOCATED PROPERTY LINES. IT DOES NOT MEET THE MINIMUM STANDARDS FOR PROPERTY SURVEYS.

PENDER, LONNIE R.
A PART OF THE NW 1/4 IN
SECTION 18, TOWNSHIP 29 NORTH, RANGE 21 WEST
IN THE CITY OF SPRINGFIELD
GREENE COUNTY, MISSOURI

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CMT
Crawford, Murphy & Tilly
Engineers and Consultants
1631 W. Eldorado, Springfield, Missouri 65807
Tel 417-869-6009 Fax 417-869-8129

DATE: 11/08/2017

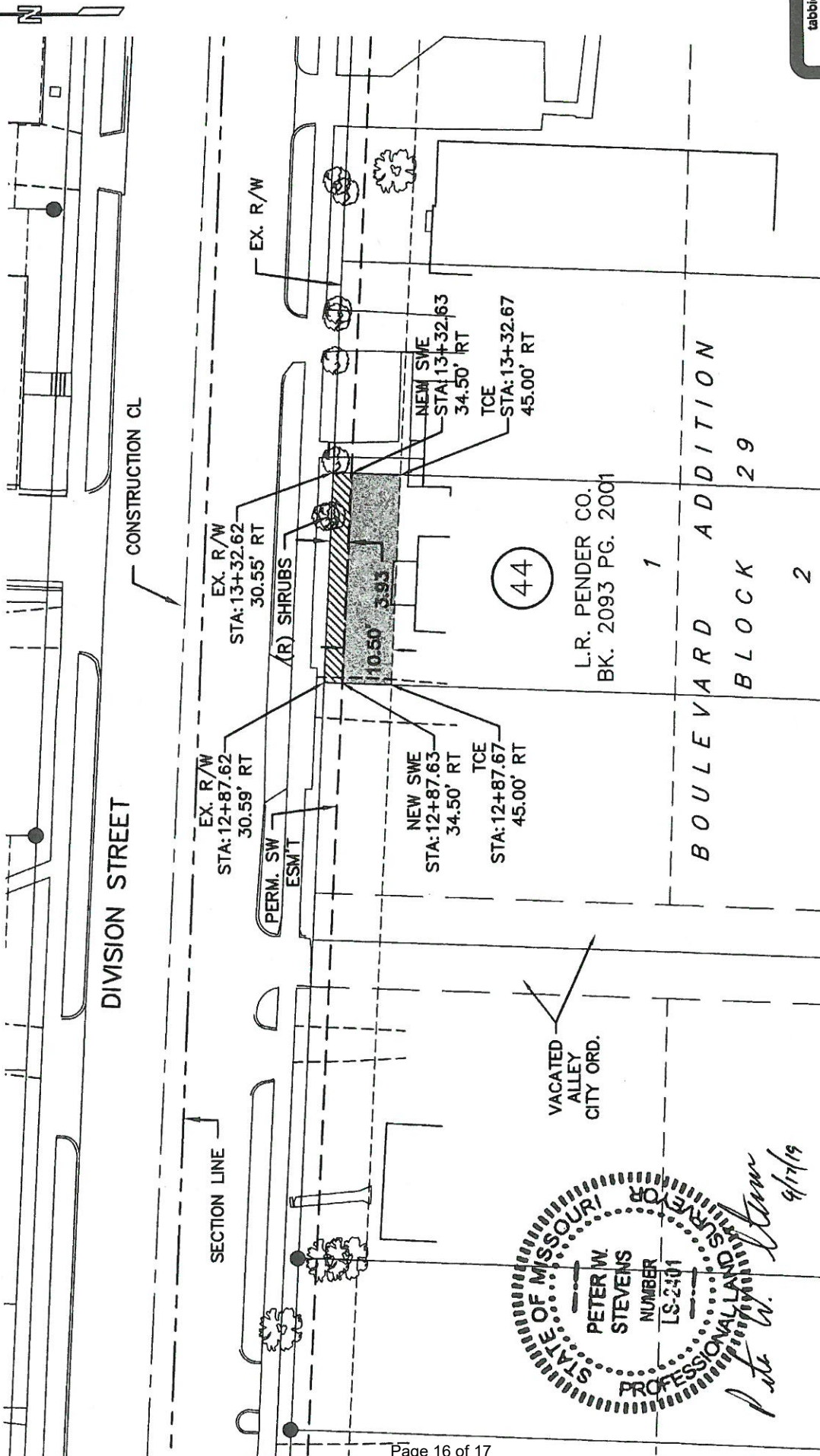
JOB No: 17320-01-00

C.U. ACTIVITY NO: 217/0

DWG NAME: 17320-01-00_Traect_43.dwg

PROPOSED PERPETUAL SIDEWALK EASEMENT.....0.005 ACRES (213 SQ FT)
PROPOSED TEMPORARY CONSTRUCTION EASEMENT.....0.013 ACRES (578 SQ FT)

GRID NORTH
MISSOURI COORDINATE
SYSTEM 1983
CENTRAL ZONE
SCALE 1"=30'



PROPOSED PERPETUAL SIDEWALK EASEMENT.....0.004 ACRES (177 SQ FT)
PROPOSED TEMPORARY CONSTRUCTION EASEMENT.....0.011 ACRES (473 SQ FT)

CMT
Crawford, Murphy & Tully
Engineers and Consultants

1631 W Elfindale, Springfield, Missouri 65807
tel 417-869-6008 fax 417-869-8129

DATE: 11/08/2017

JOB No: 17320-01-00

C.U. ACTIVITY NO: 217/a

DWG NAME:
17320-01-00_Tmet_44.dwg

L.R. PENDER, CO.
A PART OF THE NW 1/4 IN
SECTION 18, TOWNSHIP 29 NORTH, RANGE 21 WEST
IN THE CITY OF SPRINGFIELD
GREENE COUNTY, MISSOURI

THIS SKETCH IS NOT A BOUNDARY SURVEY. IT IS INTENDED TO SHOW THE CONFIGURATION OF PROPOSED RIGHTS-OF-WAY. A BOUNDARY SURVEY SHOULD BE USED TO LOCATED PROPERTY LINES. THIS SKETCH DOES NOT MEET THE MINIMUM STANDARDS FOR PROPERTY SURVEYS.

EXHIBIT

3

tabbles

GRID NORTH
MISSOURI COORDINATE
SYSTEM 1983
CENTRAL ZONE
SCALE 1"=30'

EXHIBIT

4

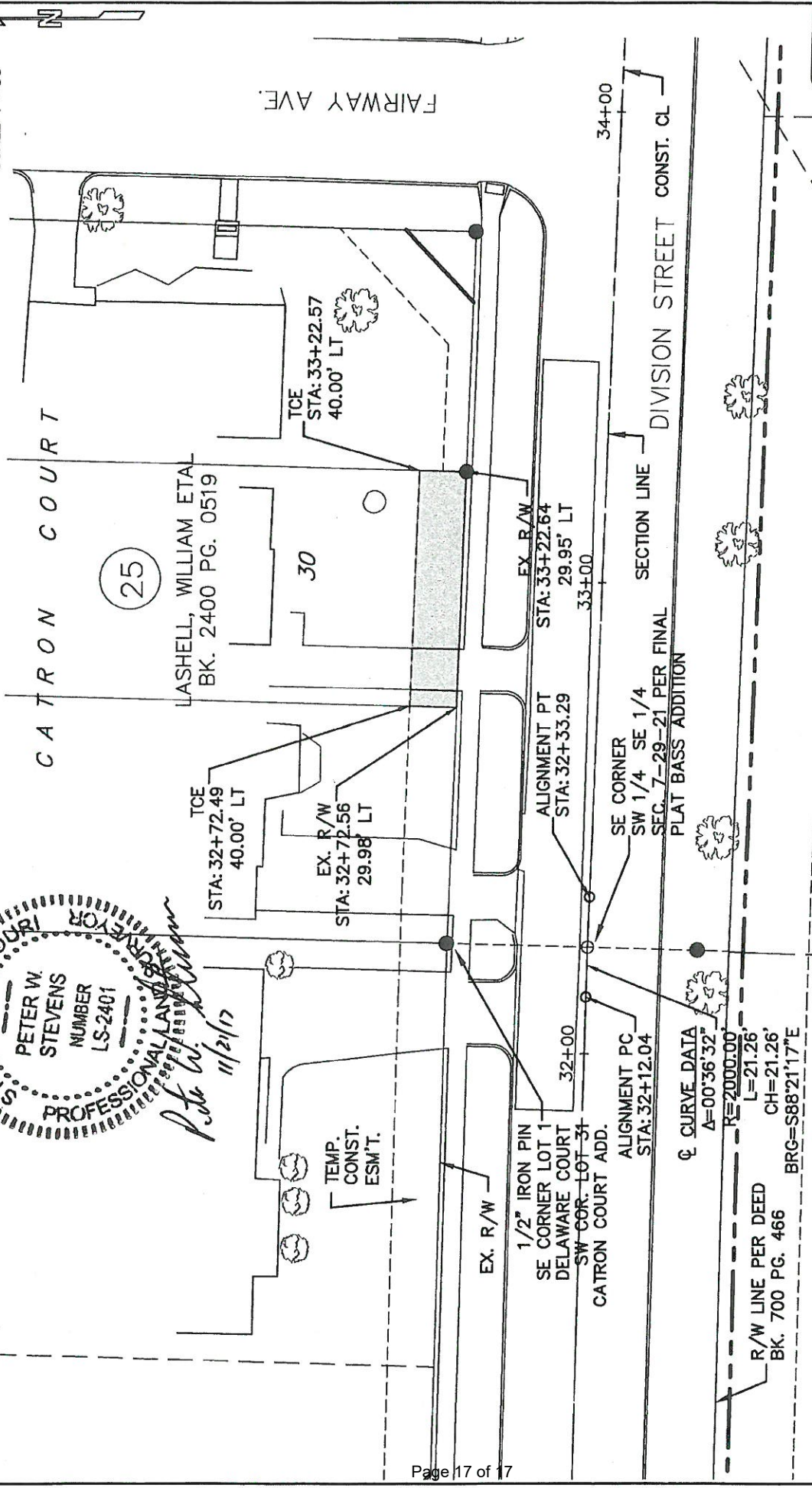
tabbies

THIS SKETCH IS NOT A BOUNDARY SURVEY. IT IS INTENDED TO SHOW THE CONFIGURATION OF PROPOSED RIGHTS-OF-WAY AND EASEMENTS. IT SHOULD NOT BE USED TO LOCATED PROPERTY LINES OR TO MEET THE MINIMUM STANDARDS FOR PROPERTY SURVEYS.

LASHELL, WILLIAM ETAL.
A PART OF THE SE 1/4 IN
SECTION 7, TOWNSHIP 29 NORTH, RANGE 21 WEST
IN THE CITY OF SPRINGFIELD
GREENE COUNTY, MISSOURI

DATE: 11/08/2017
JOB No: 17320-01-00
C.U. ACTIVITY NO: n/a
DWG NAME: 17320-01-00_Tract_25.dwg
CMT
Copyright CMT, Inc.
Crawford, Murphy & Tilly
Engineers and
Consultants
1631 W. Effendole, Springfield, Missouri 65807
Tel: 417-869-6009 Fax: 417-869-8129

PROPOSED TEMPORARY CONSTRUCTION EASEMENT.....0.012 ACRES (503 SQ FT)



PETER W. STEVENS
NUMBER LS-2401
PROFESSIONAL LAND SURVEYOR
STATE OF MISSOURI
11/21/17

One-rdg. _____
P. Hrngs. _____
Pgs. 14
Filed: 03-30-21

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021- 079

SPECIAL ORDINANCE _____

AN ORDINANCE

1 REPEALING Special Ordinance 27456; approving the plans and specifications for
2 the Fassnight Trail Improvements and Luster Avenue Sidewalk project;
3 accepting the bid of Liming Concrete, LLC, in the amount of \$174,264
4 for said project; and authorizing the City Manager, or his designee, to
5 enter into a contract with such bidder.
6 _____
7

8 WHEREAS, on January 25, 2021, City Council passed Special Ordinance 27456
9 accepting a bid from KCI Construction Company, as the lowest responsive and
10 responsible bidder for the Fassnight Trail Improvements and Luster Avenue Sidewalk
11 project, TAP-5901(814) (the "Project") and authorized the City Manager to enter into a
12 contract regarding same; and
13

14 WHEREAS, subsequent to such authorization, KCI was unable to reach
15 compliance on the Project's disadvantaged business entity ("DBE") goals, thus
16 necessitating negotiation with the next lowest, responsible bidder, which is Liming
17 Concrete, LLC; and
18

19 WHEREAS, this Project will extend the Fassnight Greenway Trail beyond
20 Jefferson Avenue, resulting in a 10-foot, shared-use trail connection between the
21 Springfield Art Museum, Phelps Grove Park, Parkview High School, Fassnight Park,
22 and Springfield Skate Park as depicted on "Exhibit A", attached hereto and incorporated
23 herein by this reference; and
24

25 WHEREAS, the Project will also provide new sidewalk along Luster Avenue from
26 Sunset Drive, north to Seminole Street resulting in a continuous sidewalk corridor from
27 Seminole Street to Battlefield Road and improved access and connectivity to Field
28 Elementary School as depicted on "Exhibit B," attached hereto and incorporated herein
29 by this reference; and
30

31 WHEREAS, bids for this Project were solicited by advertisement in *The Daily*
32 *Events* from November 20, 2020, to November 25, 2020. Bids were opened on
33 December 15, 2020.

34
35 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
36 SPRINGFIELD, MISSOURI, as follows, that:
37

38 Section 1 – City Council hereby repeals Special Ordinance 27456.
39

40 Section 2 – City Council hereby approves the plans and specifications for the
41 Fassnight Trail Improvements and Luster Avenue Sidewalk project, TAP-5901(814),
42 and accepts the bid of Liming Concrete, LLC, for said Project, at the price and sum of
43 \$174,264, except as said sum may be lawfully increased or decreased by the actual
44 quantities of work units involved.
45

46 Section 3 – The City Manager, or his designee, is hereby authorized to enter into
47 a contract with said bidder for such work, said contract to be in substantially similar form
48 to the document attached hereto, and incorporated herein by this reference, as “Exhibit
49 C,” and in accordance with the terms of the bid, the plans, and the specifications.
50

51 Section 4 – All workers performing work under the contract attached hereto as
52 “Exhibit C,” shall be paid a wage of no less than the prevailing hourly rate of wages for
53 work of a similar character in this locality or the public works contracting minimum wage,
54 whichever is applicable. Contractor shall fully comply with the provisions and
55 requirements of the Missouri State Prevailing Wage Law. Contractors and any
56 subcontractor performing work under this contract must provide a 10-hour OSHA
57 construction safety training program, or similar program approved by the Department of
58 Labor, for on-site employees, unless employees demonstrate they previously completed
59 the program.
60

61 Section 5 – This Ordinance shall be in full force and effect from and after
62 passage.
63

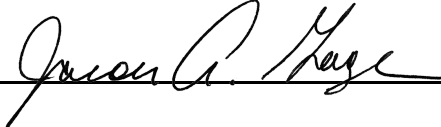
64 Passed at meeting: _____
65
66
67

68 _____
69 Mayor

70 Attest: _____, City Clerk
71

72 Filed as Ordinance: _____
73

74
75 Approved as to form: , Assistant City Attorney
76

77
78 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2021-079

FILED: 03-30-21

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Approving the plans and specifications for the Fassnight Trail Improvements and Luster Avenue Sidewalk project, TAP-5901 (814), accepting the bid of Liming Concrete, LLC, and authorizing the City Manager, or his designee, to enter into a contract ("Exhibit C") with such bidder. This requires repeal of Special Ordinance 27456 approved by Council on January 25, 2021.

BACKGROUND INFORMATION: On January 25, 2021, Council approved Public Works to enter into a contract to perform the work noted herein with the apparent responsive low bidder, KCI Construction, pending approval of the bid by the Missouri Department of Transportation ("MoDOT"). On February 18, 2021, MoDOT found the KCI Construction bid was not acceptable due to non-compliance with Disadvantaged Business Enterprise ("DBE") requirements and lack of good faith effort to meet the DBE goal. Public Works is requesting that Council approve the next responsive bidder, Liming Concrete, LLC, whose bid has MoDOT's approval, meets the DBE requirements, and is below the Engineer's Estimate.

The Fassnight Trail Improvements ("Exhibit A") will extend the existing Fassnight Greenway Trail beyond Jefferson Avenue where it currently ends to connect with Phelps Grove Park. This will result in a 10-foot, shared-use trail connection between Phelps Grove Park, the Springfield Art Museum, Parkview High School, Fassnight Park, and Springfield Skate Park.

The Luster Avenue Sidewalk project ("Exhibit B") will provide new sidewalk along Luster Avenue from Sunset Drive north to Seminole Street resulting in a continuous sidewalk corridor from Seminole Street to Battlefield Road and improved access and connectivity to Field Elementary School.

Bids were solicited for this project by advertising in *The Daily Events* from November 20, 2020, to November 25, 2020. Bids were opened on December 15, 2020, at 10:30 a.m., with the following bids received:

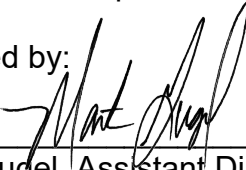
<u>Contractor</u>	<u>Bid Amount</u>
KCI Construction Company (non-responsive)	\$159,176.10
Spalding Constructors, LLC. (non-responsive)	\$171,811.00
Liming Concrete, LLC.	\$174,264.00
Donco 3 Construction, LLC.	\$191,261.18
Hunter Chase & Associates, Inc.	\$210,923.50
Branco Enterprises, Inc.	\$217,317.50
<u>D&E Plumbing & Heating, Inc.</u>	<u>\$259,272.00</u>
Engineer's Estimate	\$197,598.00

The low bid, if accepted, will be 80% funded by a Transportation Alternatives Program grant through MoDOT (\$139,411.20) with the remaining amount (\$34,852.80) funded by the 1/8-Cent Transportation Sales Tax Alternative Transportation Program, and both funding sources are already budgeted.

Supports the following City Council Priorities:

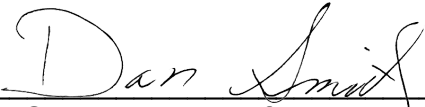
- Quality of Place
- Economic Vitality
- Public Safety

REMARKS: Public Works recommends acceptance of the bid by Liming Concrete, LLC as the lowest responsive bid and passage of this Ordinance.

Submitted by: 

Martin Gugel, Assistant Director of Public Works

Recommended by:



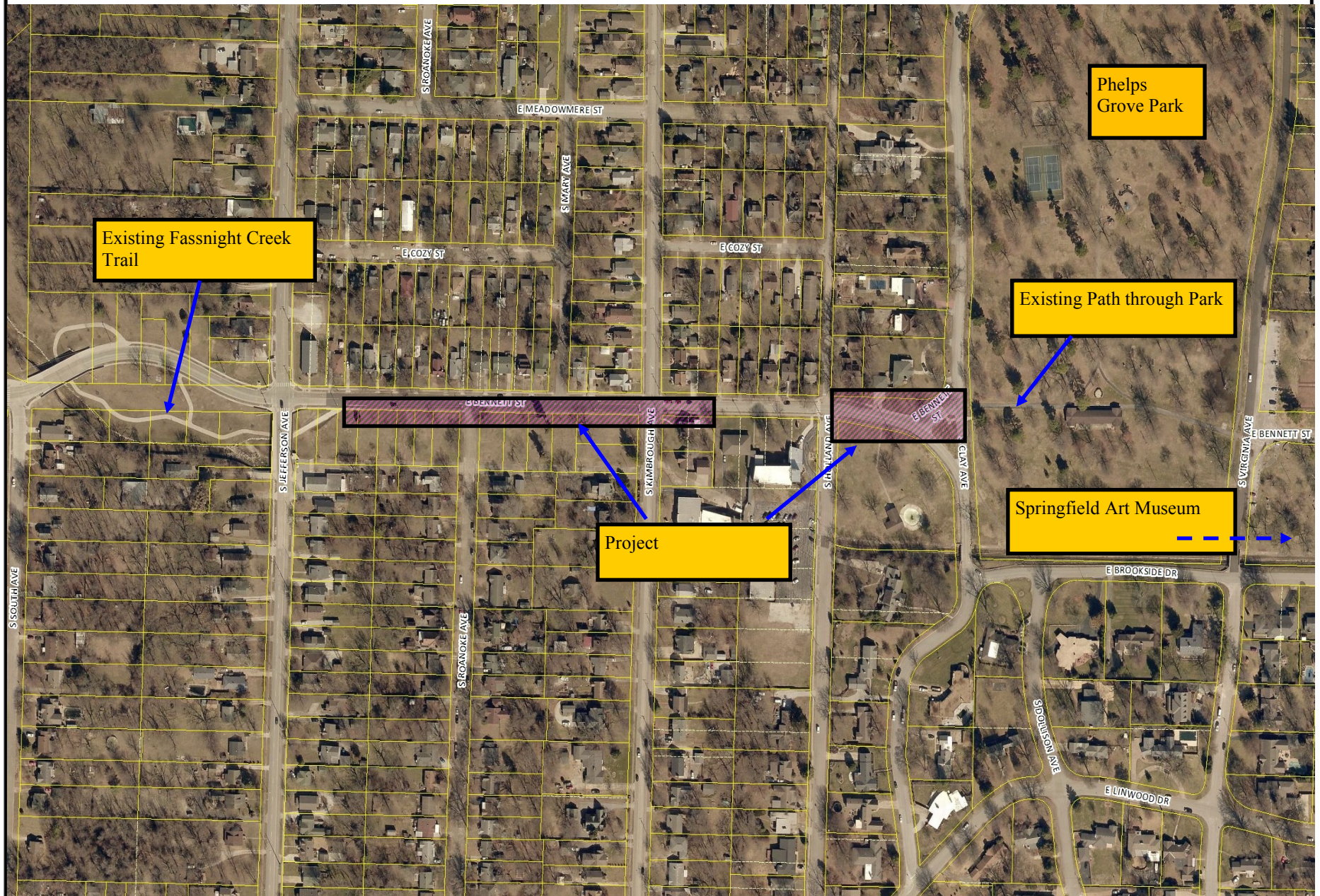
Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

Fassnacht Greenway Trail—Jefferson Avenue to Phelps Grove Park



City of Springfield, Missouri



DISCLAIMER: All information included on this map or digital file is provided "as-is" for general information purposes only. The City of Springfield, and all other contributing data suppliers, make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the data for any particular use. Furthermore, the City of Springfield, and all other contributing data suppliers, assume no liability whatsoever associated with the use or misuse of the data.

Luster Avenue Sidewalk—Sunset Drive to Seminole Street

Brentwood Public Library

Project Location

City of Springfield, Missouri

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Exhibit C

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) 864-1930 FAX: (417) 864-1983 ATTN: JOE HAMP DEPT: PUBLIC WORKS		NAME: LIMING CONCRETE, LLC ADDRESS: 4611 E. FARM ROAD 94 SPRINGFIELD, MO 65803 PHONE: (417) 224-4104 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:

Fassnight Trail Improvements/Luster Avenue Sidewalk
 Project No. 2019PW0071
 TAP-5901(814)

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

3. Insurance Requirements. Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Springfield, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Springfield against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield. Regardless of such approval, it shall be the responsibility of the contractor to maintain adequate

insurance coverage at all times during the term of the Contract. Failure of the Contractor to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general or under the Contract Documents.

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

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

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

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

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

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

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

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

d. **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 **One hundred seventy four thousand two hundred sixty four Dollars and No Cents (\$174,264.00)** 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 \$700.00 per day for each and every calendar day that the contract remains uncompleted after the time allowed for substantial completion, as liquidated damages, and not as a penalty, it being stipulated that actual damages to the City and the public arising from Contractor's failure to timely complete the work would be difficult, if not impossible, to ascertain. The amount assessed as liquidated damages may be withheld from any moneys otherwise due to Contractor from the City. The project is not considered complete until final acceptance by the City. After substantial completion, liquidated damages for failure to complete the remaining work shall be in the amount specified in the General Conditions, unless an amount is provided in the Job Special Provision, in which case, the Job Special Provision amount will apply.

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

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

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

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

12. Liability and Indemnity.

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

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

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

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

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

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

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

13. 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 **One hundred seventy four thousand two hundred sixty four Dollars and No Cents (\$174,264.00)** unless specifically and mutually agreed to in writing by both the City and the Contractor. No partial payment to the Contractor shall operate as approval of acceptance of work done or materials furnished hereunder. Such compensation will be paid in progress payments, as established by the City, subject to receipt of a requisition for payment and a statement of work provided by the Contractor and agreement by both the City and the Contractor that the Contractor has fully performed the work to be paid for in such progress payments in conformance with the contract.

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 (10-01-19 Revised Edition)
- e. Special Conditions & Provisions
- f. Required Federal Contract Provisions
- g. Proposal
- h. Statement of Bidder's Qualifications
- i. Acknowledgment
- j. Performance Bond and Payment and Material Bond
- k. Instructions to Bidders
- l. Anti-collusion Affidavit
- m. Notice to Proceed
- n. Notice to Contractors

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

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

CERTIFICATION REGARDING POTENTIAL CONFLICTS OF INTEREST

The City's Charter, Sec. 19.16, prohibits any Council member or employee of the City from having a financial interest, direct or indirect, in any contract with the City and any member of a City board or commission from having a financial interest, direct or indirect, in any contract with the department or administrative agency managed or operated by the board or commission on which he or she serves.

*****If the prohibition above is violated, the contract is void and the Council member, City board or commission member forfeits his or her office or the employee forfeits his or her employment*****

Vendor certifies that (check all that apply):

1. ____ No City Council member, City employee, or City board or commission member is an employee, officer, partner, owner, etc., of vendor.
2. ____ No spouse or dependent child of a City Council member, City employee, or City board or commission member is an employee, officer, partner, owner, etc., of vendor.
3. ____ A City Council member or spouse is an employee, officer, partner, owner, etc., of vendor.
4. ____ A City employee or spouse is an employee, officer, partner, owner, etc., of vendor.
5. ____ A City board/commission member or spouse is an employee, officer, partner, owner, etc., of vendor.

If choosing 3, 4, or 5, please provide name of Council member, employee, board or commission member, or spouse:

Vendor Certification:

I certify the information above is true and accurate.

By: _____

Title: _____

Company: _____

Please note whether the Charter is violated is fact-specific. City staff will follow up with you for additional information.

One-rdg. _____
P. Hrngs. _____
Pgs. 12
Filed: 03-30-21

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021- 080

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to acknowledge and accept
2 \$424,623 from the Greenfield Environmental Multistate Trust, LLC,
3 for the purpose of repairing sewer infrastructure in the vicinity of the
4 former Tronox/Kerr-McGee Wood Treatment Facility located at
5 2800 West High Street; and approving a budget adjustment
6 amending the Fiscal Year 2020-2021 budget of the Department of
7 Environmental Services Clean Water Fund in the amount of
8 \$424,623.
9 _____

10
11 WHEREAS, the former Tronox/Kerr-McGee facility ("Facility") opened in 1907 as
12 a wood treatment facility operated by American Creosoting Corp, was decommissioned
13 in 2004, and changed its name to Tronox, LLC, in 2005; and
14

15 WHEREAS, during operation the Facility treated wood with creosote tar solutions
16 in large pressure vessels, and sold the treated wood for use as utility poles and railroad
17 ties; and
18

19 WHEREAS, under a bankruptcy settlement approved by the U.S. Bankruptcy
20 Court for the Southern District of New York and effective as of February 11, 2011,
21 Tronox Incorporated ("Tronox") resolved its environmental liabilities with the U.S.
22 Environmental Protection Agency ("EPA"), other federal, state, and local agencies, and
23 the Navajo Nation, relating to numerous contaminated sites around the country,
24 including the Facility. Specifically, the settlement provided \$270 million and 88 percent
25 of Tronox's interest in a fraudulent conveyance case to the governments and
26 bankruptcy-created trusts for cleanup costs incurred or to be incurred at these sites; and
27

28 WHEREAS, the Greenfield Environmental Multistate Trust, LLC, (the "Trust") is
29 an independent, court-appointed trustee, created as part of the 2011 global Tronox
30 bankruptcy settlement, to remediate Tronox facility sites, and reports directly to the
31 United States Environmental Protection Agency ("EPA") and the Missouri Department of
32 Natural Resources ("MDNR"); and
33

34 WHEREAS, as part of the environmental cleanup activities, groundwater
35 containing creosote is collected at the Facility, treated, and discharged to the public
36 sanitary sewer system; and
37

38 WHEREAS, the City has observed damage to the public sanitary sewer system
39 immediately adjacent to the Facility where the public sewer system appears to have
40 absorbed Facility related chemicals that are incompatible with PVC pipe material; and
41

42 WHEREAS, due to the observed damage, the Trust has received appropriate
43 MDNR approvals to fund the rehabilitation of the impacted sewer, in the amount of
44 \$424,623, utilizing the City's existing sewer rehabilitation contractor, Insituform
45 Technologies USA, LLC, to proceed with Cured in Place Pipe ("CIPP") lining of the
46 affected portions of the sewer system as well as portions of the private sewer system of
47 the former Facility that may affect the public sewer system.
48

49 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
50 SPRINGFIELD, MISSOURI, as follows, that:
51

52 Section 1 – The City Manager, or his designee, is hereby authorized to
53 acknowledge and accept funds in the amount of \$424,623 from the Greenfield
54 Environmental Multistate Trust, LLC, for payment of rehabilitation of damaged sewer
55 infrastructure, and to acknowledge and sign the Multistate Trust's letter of commitment,
56 substantially in the form of that attached hereto and incorporated herein by this
57 reference as "Exhibit A," and to do all things necessary to fulfill the scope of the
58 Multistate Trust's commitment to rehabilitate the affected sewer including the execution
59 of contracts, provided the form of any such contract is approved by the City Attorney, or
60 her designee.
61

62 Section 2 – The budget of the City's Department of Environmental Services,
63 Clean Water Fund, for Fiscal Year 2020-2021, is hereby amended in the accounts and
64 in the amounts as shown on Budget Adjustment No. 059 in the Amount of \$424,623, a
65 copy of which is attached hereto and incorporated herein by reference as "Exhibit B."
66

67 Section 3 – City Council finds that the budget adjustment made above has been
68 recommended by the City Manager.
69

70 Section 4 – The City Manager is directed to cause the appropriate accounting
71 entries to be made in the books and records of the City.
72

73 Section 5 – This Ordinance shall be in full force and effect from and after
74 passage.
75

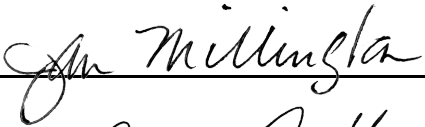
76 Passed at meeting: _____
77

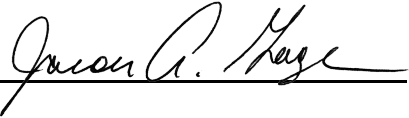
78 _____
79 Mayor

80
81
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88
89

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Deputy City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2021-080

FILED: 03-30-21

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To authorize the City Manager or his designated representatives to enter into an agreement with the Greenfield Environmental Multistate Trust, LLC ("Trust") for the purpose of repairing sewer infrastructure in the vicinity of the former Tronox/Kerr-McGee Wood Treatment Facility located at 2800 West High Street; and to approve a budget adjustment amending the Fiscal Year 2020 - 2021 budget of the Department of Environmental Services Clean Water Fund in the amount of \$424,623 for the purpose of performing this work prior to the proposed reimbursement by the Trust.

BACKGROUND AND REMARKS:

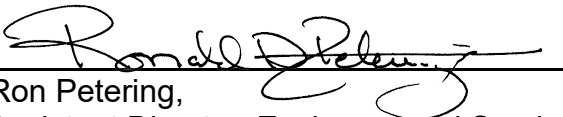
1. The former Tronox/Kerr-McGee facility opened in 1907 as a wood treatment facility operated by American Creosoting Corp. In 1964, Kerr-McGee Oil Industries, Inc. ("Kerr-McGee") acquired the facility and continued wood-treating operations until 2004. During operations, the facility was generally divided into an untreated wood storage area, process area, and "black tie" storage area. Wood was treated with creosote tar solutions in large pressure vessels and sold for use as utility poles and railroad ties. The facility was decommissioned in 2004 and changed its name to Tronox, LLC in 2005. All that remains at the facility is a warehouse building with an office, a storage area, and a groundwater pre-treatment system.
2. Under a bankruptcy settlement approved by the U.S. Bankruptcy Court for the Southern District of New York and effective as of February 11, 2011, Tronox Incorporated ("Tronox") resolved its environmental liabilities with the U.S. Environmental Protection Agency ("EPA"), other federal, state, and local agencies, and the Navajo Nation relating to numerous contaminated sites around the country. Specifically, the settlement provided \$270 million and 88% of Tronox's interest in a fraudulent conveyance case to the governments and bankruptcy-created trusts for cleanup costs incurred or to be incurred at these sites.
3. The Greenfield Environmental Multistate Trust, LLC is an independent, court-appointed trustee whose main purpose is to protect human health and the environment. The Trust was created as part of the 2011 global Tronox bankruptcy settlement, which involved the federal government, 22 state governments, Tronox and others. The Trust is the named Trustee for this facility and is responsible for owning and managing in trust more than 400 former Tronox/Kerr-McGee sites in 31 states, including the Springfield facility. The Multistate Trust remediates the sites using funds from the bankruptcy settlement and assists in redevelopment and long-term stewardship of the sites. The Trust

reports directly to its two facility beneficiaries—the United States and the State of Missouri, represented by the EPA and Missouri Department of Natural Resources (“MDNR”).

4. The City has observed damage to the public sanitary sewer system immediately adjacent to the former Tronox/Kerr-McGee facility. As part of both the current and historic cleanup activities, groundwater containing creosote is collected at this facility, treated, and discharged to the public sanitary sewer system. At some point during these activities, the public sewer system appears to have absorbed facility-related chemicals that are incompatible with PVC pipe material and has sustained significant damage.
5. Due to the observed damage to the sewer system, the Trust has received appropriate approvals to fund the rehabilitation of the impacted sewer. To facilitate these repairs, the City has directed its existing sewer rehabilitation contractor, Insituform Technologies USA, LLC, per City Contract 2020-0417, to proceed with Cured In Place Pipe (CIPP) lining of portions of the public sewer system as well as CIPP lining of portions of the private sewer system on the former Tronox/Kerr-McGee facility.
6. A budget adjustment of \$424,623 (“Exhibit B”) to the Clean Water Enterprise Fund is requested for the purpose of performing this work prior to receiving reimbursement from the Trust.

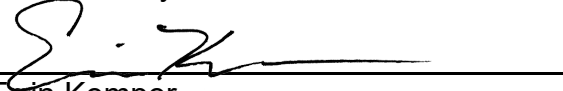
RECOMMENDATIONS: Environmental Services recommends passage of this Council Bill and budget adjustment

Recommended by:



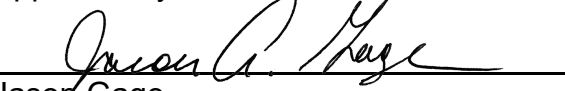
Ron Petering,
Assistant Director, Environmental Services

Submitted by:



Erin Kemper,
Director, Environmental Services

Approved by:



Jason Gage,
City Manager

Exhibit A

[INSERT DATE]

By Email—jmillington@springfieldmo.gov

City of Springfield
Attn: Jan Y. Millington, Deputy City Attorney
Busch Municipal Building
840 Boonville Avenue
P.O Box 8368
Springfield, Missouri 65801

Re: Scope of Multistate Trust's Environmental Actions to Reimburse the City of Springfield for Completing Certain Public Sanitary Sewer Main Pipe and Private Sewer Pipe Repair and Rehabilitation Activities at and Around the Former Tronox/Kerr-McGee Facility in Springfield, Missouri

Dear Jan:

Greenfield Environmental Multistate Trust LLC, Trustee of the Multistate Environmental Response Trust (the Multistate Trust), is hereby requesting written confirmation from the City of Springfield (City) of the scope and cost of the Environmental Actions (as defined in the Consent Decree and Environmental Settlement Agreement entered in the U.S. Bankruptcy Court for the Southern District of New York in the matter of *In re: Tronox Incorporated, et al.*, Case No. 09-10156 [ALG], and the Multistate Environmental Response Trust Agreement entered into pursuant to such settlement agreement on February 14, 2011 [collectively, Tronox Bankruptcy Agreements]) to be funded by the Multistate Trust to address apparent impacts to the sanitary sewer main pipe at and around the Facility and the private sewer pipe located on property owned by the Multistate Trust caused by discharges of creosote-related contamination from the Former Tronox/Kerr-McGee Facility (Facility) as set forth in the attached exhibits and described in greater detail below.

1. Payment to City for Cost to Install Cured in Place Pipe (CIPP) in Portions of Public Sewer Pipe. Please confirm that the City-approved Request for Change Proposal #2 (RFCP 2), dated November 2, 2020 and pursuant to City Contract No. 2020-0417, for up to Three Hundred Ninety-Eight Thousand Six Hundred Ten Dollars and 00/100 (\$398,610), as documented in RFCP 2 provided to the City on November 2, 2020 by Insituform Technologies USA, LLC (Insituform), attached hereto and hereby incorporated by reference as Exhibit 1, represents the total cost to the

Multistate Trust for the City's contractor to install CIPP in the public sewer line, as approximately depicted in Figure 1.

2. Payment to City for Cost to Install CIPP on Portion of the Private Sewer Pipe Located on Property Owned by the Multistate Trust for the Public's Benefit.
Please confirm that the City-approved Request for Change Proposal #3 (RFCP 3), dated November 2, 2020 and pursuant to City Contract No. 2020-0417, for up to Twenty-Six Thousand Thirteen Dollars and 00/100 (\$26,013), as documented in RFCP 3 provided to the City on November 2, 2020 by Insituform, attached hereto and hereby incorporated by reference as Exhibit 2, represents the total cost to the Multistate Trust for the City's contractor to install CIPP on Multistate Trust-owned property approximately depicted in Figure 2.
3. Costs Not Covered by this Letter. The Multistate Trust understands and the City agrees that, subject to any mutually-acceptable change order(s) regarding the above-referenced CIPP work, the Multistate Trust has no obligation to pay the City any costs: (i) in excess of Four Hundred Twenty Four Thousand, Six Hundred and Twenty Three and 00/100 (\$424,623) for the items identified in Paragraphs 1 and 2 above; and/or (ii) arising out of any structural problems or conditions in the sewer pipe referenced in Paragraphs 1 or 2 above, if such additional cost is not directly attributable to a discharge from the Facility which meets the Tronox Bankruptcy Agreements' definition of an Environmental Action at the Facility. Notwithstanding anything in this letter to the contrary, both Multistate Trust and City agree to work together to assess and determine the approach and cost to manage and/or fund the implementation of Environmental Actions approved by the Missouri Department of Natural Resources (MoDNR), as Lead Agency for the Facility under the Tronox Bankruptcy Agreements, with respect to certain privately-owned buried lateral connections to the main sanitary sewer pipe around the Facility, which have been examined by the City through closed circuit television inspections.
4. Cooperation. To the fullest extent possible, the Multistate Trust and the City will cooperate with each other to effectuate the purpose of this letter.
5. Non-Admission of Liability and Compliance with Tronox Bankruptcy Agreements.
This letter constitutes an agreed upon accommodation by the Multistate Trust to remedy the damage attributed to discharges of creosote-related contamination from the Facility referenced herein as cost effectively as possible and in accordance with all legal and regulatory requirements. In no event shall the Multistate Trust's signing of this letter be construed or used in any manner as an admission of any responsibility or liability whatsoever to any other person or party, or construed as a waiver by the Multistate Trust of any defense or liability protection, including but not limited to defenses set forth in the Tronox Bankruptcy Agreements. Notwithstanding anything in this letter to the contrary, this letter shall be subject and subordinate in all respects to the Tronox Bankruptcy Agreements.

6. Mutual Releases and Covenants Not To Sue: In consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Multistate Trust and the City hereby release and covenant to not sue each other for any claims, causes of action, damages, and/or liabilities relating to or arising in connection with the matters exhibited and addressed herein. This release and covenant is not intended to waive or release any claim, cause of action, damage, and/or liability that relates to or arises from an unknown condition that is the result of the subsequent discovery of pollutants or hazardous substances at the Facility.

Subject to the prior approval of the MoDNR regarding scope, schedule, and budget matters set forth in this letter, the Multistate Trust will remit payment to the City within 30 days of receipt of:

- Contractor's invoice and accompanying documentation of the costs incurred by the City in connection with the work and technical specifications of the recommended CIPP installation activities; and
- A signed statement from the City: (a) certifying that, to the best of the City's knowledge and consulting contractor's advice, the installation of the recommended CIPP associated with the invoiced amount is compatible with anticipated future discharges into the sewer pipe consistent with Chapter 120 of the Springfield City Code and any permitted discharges; and (b) acknowledging that payment of the invoiced amount addresses and satisfies the Multistate Trust responsibilities for addressing discharges of creosote-related contamination identified to date from the Facility into the City's public sanitary sewer main pipe and the private sewer pipe in the area(s) of the Facility where CIPP activities were performed in accordance with Exhibits 1 and 2. The City's signed statement described above shall in no way be interpreted to authorize the discharge of pollutants or the release of hazardous substances that are prohibited under applicable city code, permit conditions, or state or federal law.

If the foregoing is acceptable to the City, I would appreciate your signing as indicated below and returning a signed copy to me as soon as possible so that we can promptly proceed with the work and payment terms described above. Thank you for your assistance and support.

We look forward to working with the City to complete this sewer project and to coordinate on other Facility-related matters. Please contact me if you have any questions.

Sincerely,

Greenfield Environmental Multistate Trust LLC,
Trustee of the Multistate Environmental Response Trust
By: Greenfield Environmental Trust Group, Inc., Member

By: _____
Name: Craig Kaufman
Title: Legal Counsel and Environmental Strategist

AGREED TO AND ACCEPTED BY:

City of Springfield

By: _____
Name: _____
Title: _____
Date: _____

Attachments: Figure 1 (Map of CIPP Activities in Public Sewer Pipe)
Figure 2 (Map of CIPP Activities on Multistate Trust-Owned Property)
Exhibit 1 (RFCP 2)
Exhibit 2 (RFCP 3)

Cc: Cindy Brooks—Multistate Trust
Charlene Fitch—MoDNR
Lauri Gorton—Multistate Trust
Errin Kemper—City
Nathan Kraus—MoDNR
Tasha Lewis—Multistate Trust
Rich Nussbaum—MoDNR
Abby Sawyer—MoDNR

Figure 1

CAST-IN-PLACE PIPE (CIPP) - PUBLIC SEWER MAINS

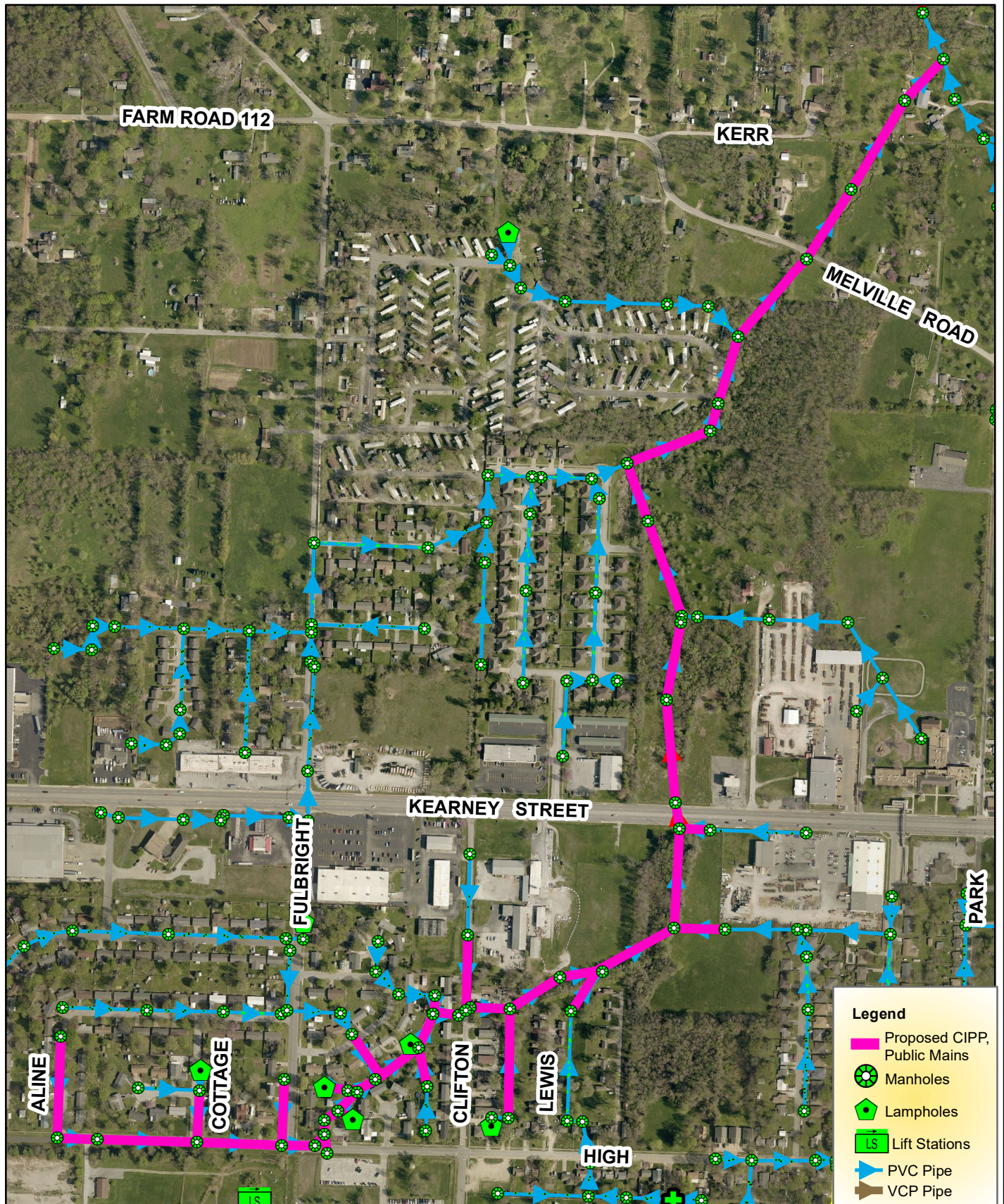
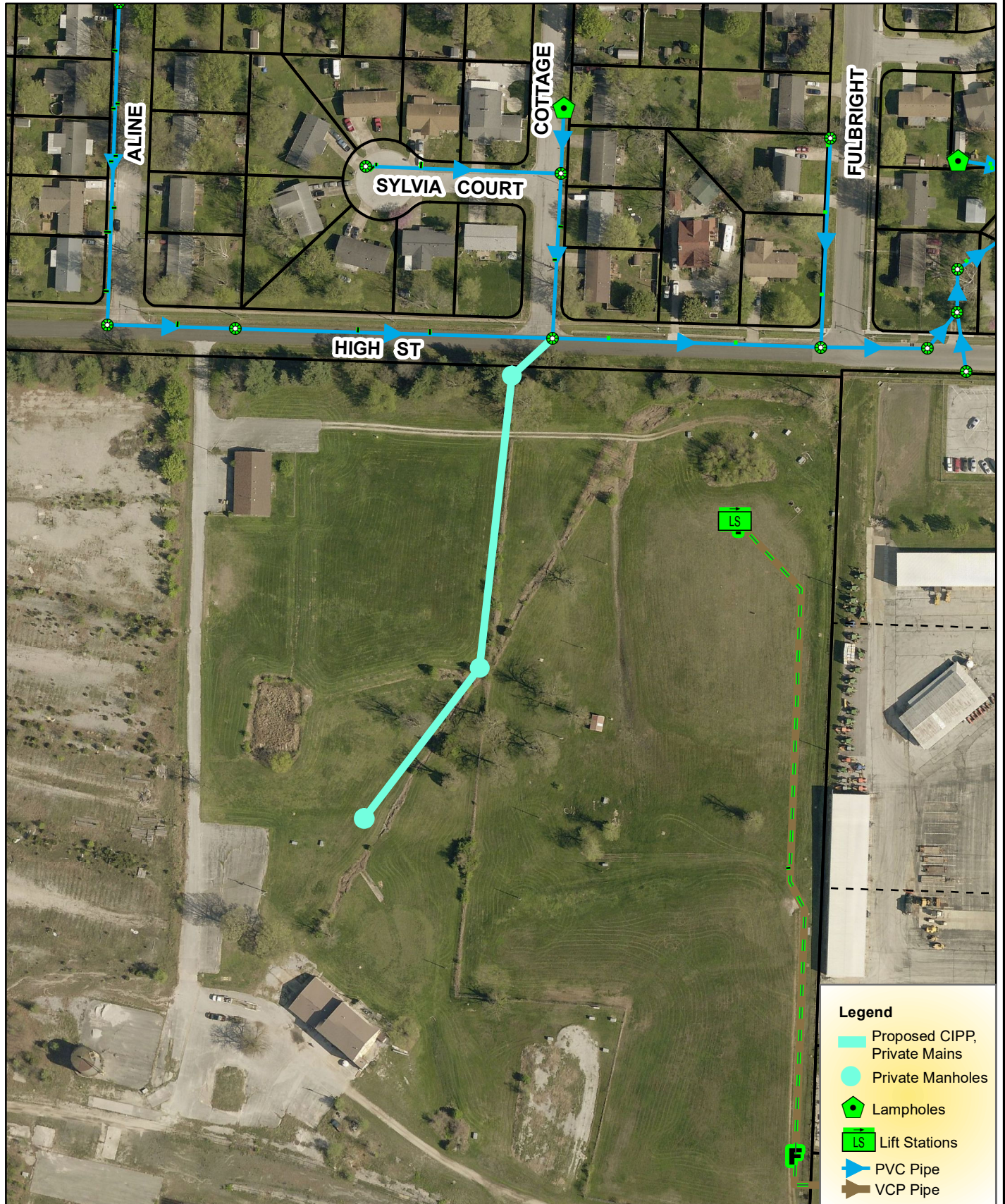


Figure 2

CAST-IN-PLACE PIPE (CIPP) - PRIVATE SEWER MAINS



CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
059

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
53020	08	33520	414030	000000	00000	\$ 424,623	Settlement Reimbursement Revenue from Greenfield Environmental Multistate Trust, LLC
Net Revenue Adjustment						\$ 424,623	

Expenditures:

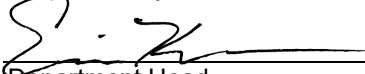
Fund	Dept	Org	Account	P&G	Location	Amount	Description
53020	08	33520	509110	000000	00000	\$ 424,623	Repairing Sewer Infrastructure Near The Former Tronox/ Kerr-McGee Wood Treatment Facility located at 2800 W. High Street
Net Expenditure Adjustment						\$ 424,623	

Fund Balance Appropriation:

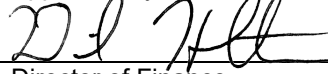
Fund	Title	Amount

Explanation: To amend the FY2020-21 budget by appropriating a settlement reimbursement from Greenfield Environmental Multistate Trust, LLC for repairing sewer infrastructure near the former Tronox/Kerr-McGee Wood Treatment Facility located at 2800 W. High Street.

Requested By:


Department Head 3/31/21
Date

Approved By:


Director of Finance 3/31/21
Date

Authorization:

Council Bill No. 2021-080
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 03-30-21

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-081

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 98, 'Streets, Sidewalks, and Public
2 Places,' Article VII, 'Encroachments on City Property,' Section 98-323,
3 'Certain encroachments authorized by the director of public works—
4 Procedures related thereto,' to waive application and permit fees for
5 encroachment permits for temporary sidewalk cafés while restaurants
6 are required to maintain physical distancing between patrons or
7 restaurants are restricted from seating patrons at counters due to the
8 2019 novel coronavirus.
9 _____

10
11 WHEREAS, on March 16, 2020, the Mayor of the City of Springfield, declared a
12 civil emergency in response to the ongoing coronavirus disease 2019 ("COVID-19")
13 pandemic; and
14

15 WHEREAS, on March 16, 2020, Springfield City Council, by its passage of
16 Special Ordinance 27293, prohibited certain public gatherings of 50 or more persons;
17 and
18

19 WHEREAS, Special Ordinance 27293 authorized the Mayor, during the duration
20 of the declaration of civil emergency, to issue additional orders amending which public
21 gatherings are prohibited; and
22

23 WHEREAS, the Mayor issued subsequent "Stay at Home" and "Road to
24 Recovery" orders after March 2020, which included customer occupancy limits on
25 restaurants; and
26

27 WHEREAS, City Council, recognizing the impact of these restrictions on the
28 ability of restaurants to effectively and efficiently operate, adopted General Ordinance
29 6596 on June 1, 2020, which waived fees for encroachment permits for temporary
30 sidewalk cafés until the Mayor's declaration of civil emergency is withdrawn, or until
31 November 30, 2020, whichever is earlier; and
32

33 WHEREAS, City Council adopted General Ordinance 6607 on July 13, 2020,
34 which amended the Springfield City Code, Chapter 58, 'Health and Sanitation,' by
35 adding a new Article XIII, 'COVID-19 pandemic' and, among other provisions, both
36 prohibited counter seating and required restaurants to maintain a physical distance of
37 six feet between groups of patrons dining indoors or to install physical barriers between
38 tables or booths; and
39

40 WHEREAS, City Council adopted General Ordinance 6619 on October 5, 2020,
41 which adopted the same restrictions as General Ordinance 6607; and
42

43 WHEREAS, City Council adopted General Ordinance 6623 which removed the
44 deadline of November 30, 2020 from General Ordinance 6607 and permits temporary
45 sidewalk or street cafes subject to the standards outlined in the Ordinance until
46 restaurants are no longer required to maintain physical distancing between groups of
47 patrons and counter seating is permitted.
48

49 WHEREAS, City Council finds that continuing to waive fees and certain other
50 requirements for establishing sidewalk or street cafés while restaurants are required to
51 maintain physical distancing or while counter seating remains prohibited during the Red
52 and Yellow phases of the Road to Recovery plan will reduce the negative impact of
53 physical distancing restrictions on restaurants and ease compliance with said
54 restrictions, thereby furthering the important public health goal of limiting person to
55 person contact.
56

57 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
58 SPRINGFIELD, MISSOURI, as follows, that:
59

60 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.
61

62 Section 1 – Springfield City Code, Chapter 98, 'Streets, Sidewalks and Public
63 Places,' Article VII, 'Encroachments on City Property,' Section 98-323, 'Certain
64 encroachments authorized by the director of public works – Procedures related thereto'
65 is hereby amended as follows:
66

67 Sec. 98-323. - Certain encroachments authorized by the director of public works—
68 Procedures related thereto.
69

- 70 (a) The director of public works is hereby authorized to allow, on, in, or over a
71 public street, public sidewalk or public right-of-way, pursuant to this section,
72 the following types of encroachments: awnings, canopies, planters, street
73 furniture, sidewalk cafes, projecting signs, and bicycle docks associated with a
74 bicycle share program.
75
76 (b) Any person who desires to construct, install or place an encroachment
77 provided for in subsection (a) on, in, or over a public street, public sidewalk or
78 public right-of-way, shall first make application to the director of public works

79 for an encroachment permit and license, provided that the requested
80 encroachment shall abut land owned or leased by the applicant unless the
81 requested encroachment is a bicycle dock. Applications for a permit and
82 license shall be submitted on forms approved by the director of public works
83 and shall include the following:

- 84
- 85 (1) The location, nature, size and purpose of the proposed encroachment.
- 86
- 87 (2) Plans, specifications, drawings and other information as required by the
88 director of public works.
- 89
- 90 (3) Detailed information as to any signage and markings that will be applied to
91 the proposed encroachment.
- 92
- 93 (4) An application fee according to the approved fee schedule filed with the city
94 clerk. If the proposed encroachment is for a sidewalk café intended to
95 operate on a temporary basis while restaurants are, by ordinance,
96 emergency declaration, or other law, required to maintain physical
97 distancing between patrons or ~~and~~ prohibited from seating patrons at
98 counters due to the 2019 novel coronavirus, no application fee shall be
99 required. Any such sidewalk café for which no application permit fee is paid
100 shall be removed no later than seven days after restaurants are permitted
101 to seat patrons at counters and are no longer required to maintain physical
102 distancing between patrons due to the 2019 novel coronavirus. Upon
103 removal, any sidewalk, parking area, or other public right-of-way shall be
104 restored to its previous use as a sidewalk, parking area, or other public
105 right-of-way.
- 106

107 An encroachment permit or license may be issued pursuant to this section only after
108 demonstrated consideration has been given to any city "Encroachment Design
109 Guidelines" which are on file in the office of the director of public works.

110

- 111 (c) If the application is approved, the applicant may be issued an encroachment
112 permit from the director of public works provided the applicant enters into an
113 encroachment license agreement with the city as set forth in section 98-325.
- 114
- 115 (d) The cost of the encroachment permit shall be equal to the minimum building
116 permit fee as found in the fee schedule on file with the office of the city clerk
117 provided that no permit fee shall be required if the encroachment request is
118 included within another project that requires a building permit. If the proposed
119 encroachment is for a sidewalk café and no application fee was required under
120 Sec. 98-323(b)(4), no permit fee shall be required.
- 121

122 Section 2 – This Ordinance shall be in full force and effect from and after
123 passage.

124

125 Passed at meeting: _____

126

127 _____
128 Mayor

129

130 Attest: _____, City Clerk

131

132 Filed as Ordinance: _____

133

134 _____
135 Approved as to form: , Assistant City Attorney

136

137 _____
138 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2021-081

FILED: 03-30-21

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 98 of the Springfield City Code, Article VII, 'Encroachments on City Property,' Section 98-323. 'Certain encroachments authorized by the director of Public Works – Procedures related thereto,' to waive application and permit fees for encroachment permits for temporary sidewalk cafés while restaurants are required to maintain physical distancing between patrons or restaurants are restricted from seating patrons at counters due to the 2019 novel coronavirus. (Staff recommends approval).

BACKGROUND INFORMATION: On March 16, 2020, the Mayor declared a civil emergency in response to the ongoing coronavirus disease 2019 ("COVID-19") pandemic. Also, on that day, City Council adopted Special Ordinance 27293 which prohibited certain public gatherings and authorized the Mayor to issue additional orders amending which public gatherings are prohibited during the pendency of the civil emergency declaration.

The Mayor issued subsequent "Stay at Home:" and "Road to Recover" orders which included limits on customer occupancy of restaurants. Recognizing the impact that these restrictions have had on the ability of restaurants to effectively and efficiently operate, City Council adopted General Ordinance 6596 which provides the opportunity for sidewalk and street cafés to operate on a temporary basis during the Mayor's declaration of civil emergency prior to November 30, 2020, and while restaurant occupancy is restricted to less than one hundred percent occupancy.

City Council adopted General Ordinance 6607 on July 13, 2020, which did not impose a strict formula for occupancy on restaurants, but instead required restaurants to either maintain a physical distance of six feet between groups of patrons dining indoors or install physical barriers between tables or booths and prohibited counter seating. City Council adopted General Ordinance 6619 on October 5, 2020, which included the same restrictions.

General Ordinance 6596 also decreased the amount of general liability insurance required for sidewalk cafés and street cafés and waived the fee for encroachment licenses for the same.

On November 2, 2020, City Council adopted General Ordinance 6623 which removed the deadline of November 30, 2020, from General Ordinance 6607 and permits the temporary sidewalk or street cafés subject to the standards outlined in the Ordinance until restaurants are no longer required to maintain physical distancing between groups of patrons and counter seating is permitted.

This amendment will permit the sidewalk and street cafés subject to the standards outlined in the Ordinance as long as restaurants are required to maintain physical distancing between groups of patrons or are prohibited from using counter seating. The impact of this change will be to permit sidewalk and street cafés subject to this Ordinance and General Ordinance 6596 while the community is in the Red and Yellow phases of the Road to Recovery plan.

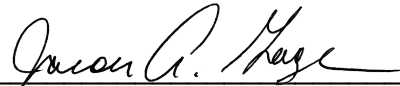
REMARKS: Staff recommends approval

Submitted and Recommended by:

Approved by:



Mary Lilly Smith, Director



Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 03-30-21

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-082

GENERAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING a one-time variance to the Fuel Adjustment Factor for Under-
2 recovery (Over-recovery) of Prior Fuel Cost Dollars (a/k/a “under-
3 recovery (over-recovery) of fuel costs”), each as described or
4 defined in the Fuel Adjustment Clause (Electric Rates Sheet No. 10
5 of General Ordinance 6139), to be calculated by City Utilities of
6 Springfield, Missouri.
7 _____
8

9 WHEREAS, during the extreme weather events which occurred from February 11
10 through February 20, 2021, City Utilities of Springfield, Missouri (“City Utilities”),
11 incurred dramatically increased market energy purchase costs related to integrated
12 marketplace commitments; and
13

14 WHEREAS, the Board of Public Utilities has recommended that such costs be
15 removed from the “purchased energy” portion of “fuel” as such terms are used in
16 calculating the Under-recovery (Over-recovery) of Prior Fuel Cost Dollars (a/k/a “under-
17 recovery (over-recovery) of fuel costs”) recovered from its customers via the Fuel
18 Adjustment Clause.
19

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

23 Section 1 – Notwithstanding the language of the Fuel Adjustment Clause, the
24 dollar cost of electricity (purchased energy) from Southwest Power Pool, Inc. from
25 February 11 through February 20, 2021, shall be removed from the “purchased energy”
26 portion of “fuel” as such terms are used in calculating the Under-recovery (Over-
27 recovery) of Prior Fuel Cost Dollars (a/k/a “under-recovery (over-recovery) of fuel
28 costs”) when computing the semiannual Fuel Adjustment Factor to be effective for all
29 periods thereafter. For purposes of this Ordinance, “Fuel Adjustment Factor,” “Under-
30 recovery (Over-recovery) of Prior Fuel Cost Dollars,” “under-recovery (over-recovery) of
31 fuel costs,” “purchased” energy” and “fuel” shall be as described or defined in
32 “Attachment 10,” Electric Rates Sheet No. 10 of General Ordinance 6139, Fuel
33 Adjustment Clause.

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: Rhonda Lewsader, City Attorney

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

EXPLANATION TO COUNCIL BILL 2021- 082

FILED: 03-30-21

ORIGINATING DEPARTMENT: City Utilities of Springfield, Missouri ("City Utilities").

PURPOSE: To approve a one-time variance to the Fuel Adjustment Factor for Under-recovery (Over-recovery) of Prior Fuel Cost Dollars (a/k/a "under-recovery (over-recovery) of fuel costs"), each as described or defined in the Fuel Adjustment Clause (Electric Rates Sheet No. 10 of General Ordinance 6139), because of unprecedented energy market charges incurred by City Utilities during February 2021.

BACKGROUND:

Summary of Change

The one-time variance to the Fuel Adjustment Factor proposed in the accompanying Ordinance excludes the dollar cost of purchases from Southwest Power Pool, Inc. from February 11 through February 20, 2021, from the "purchased energy" portion of "fuel" as such terms are used in calculating the Under-recovery (Over-recovery) of Prior Fuel Cost Dollars (a/k/a "under-recovery (over-recovery) of fuel costs") when computing the semiannual Fuel Adjustment Factor to be effective for all periods thereafter.

Approval of this proposal would result in City Utilities customers not being charged for dramatically increased market energy purchase costs related to integrated marketplace commitments during the extreme weather which occurred from February 11 through February 20, 2021.

Reason for Change

The Fuel Adjustment Clause provides for timely recovery (or refunds) of changes in the cost of fuel from City Utilities' customers. The clause includes recovery (through base rates and the Fuel Adjustment Factor) of fuel costs for electricity (kWh) sold and costs for fuel used in generation and purchased energy. City Utilities uses a generation fleet with diverse fuel sources which increases reliability, reduces dependence on the transmission grid, and provides local jobs and positive economic impact. This practice also typically limits exposure to fuel constraints, mitigates transmission congestion risk, and protects City Utilities' customers from extreme market prices.

City Utilities is a member of Southwest Power Pool ("SPP") Integrated Marketplace, which acts as a clearinghouse to distribute energy-generating units. As such, all of City Utilities' available units must be offered into the market and all energy used by its customers is purchased from the market. City Utilities pays and receives market pricing, so its units act as a hedge on market prices.

Extreme market pricing was experienced and is being reviewed by SPP for transactions that occurred from February 11 through February 20, 2021, due to the record-setting cold weather experienced across the Midwest. City Utilities was able to sell excess energy to the integrated marketplace during such period, which provided City Utilities with the opportunity to recover some purchased energy costs (normally included in the Fuel Adjustment Factor) from non-City Utilities customers. City Utilities' integrated marketplace sales exceeded its purchases during such period since its combined electric generation and purchased energy was greater than its customers' needs, so its purchased energy costs for electricity purchased from SPP for the same period have already been recovered through the market (non-City Utilities customers). As a result of this isolated event, City Utilities is requesting a one-time variance to exclude these specific costs from the Fuel Adjustment Factor.

REMARKS:

The Board of Public Utilities of the City of Springfield, Missouri (the "Board"), discussed this issue at its regular meeting held on March 25, 2021. It determined that the dramatically increased cost of market energy purchases from February 11 through February 20, 2021, warrants a variance from the Fuel Adjustment Factor if approved by City Council.

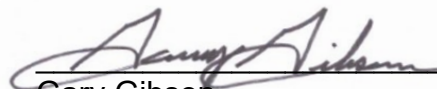
The Board is recommending that the dollar cost of electricity (purchased energy) purchased from Southwest Power Pool, Inc. from February 11 through February 20, 2021, be removed from the Fuel Adjustment Factor for all periods thereafter, as provided in the accompanying Ordinance. This would serve to reduce the impact of the extreme weather events experienced during February 2021 on City Utilities' customers' monthly bills.

Submitted by:



Amy Derdall,
Vice President-CFO

Approved by:



Gary Gibson,
General Manager-CEO

One-rdg. _____
P. Hmgs. _____
Pgs. 5
Filed: 03-30-21

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021 - 088

SPECIAL ORDINANCE _____

AN ORDINANCE

ADOPTING and authorizing the Mayor to execute the Second Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter, setting out the terms and conditions of her employment as City Clerk; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions set forth therein.

WHEREAS, the City of Springfield, Missouri (the "City") entered into an Employment Agreement ("Agreement") with Anita J. Cotter ("Cotter"), effective December 10, 2018, setting out the terms and conditions of her employment as City Clerk, and City Council pursuant to Article II, Section 2.16(38) of the City Charter exercised its power as enumerated in the City Charter and adopted the Agreement as a final and binding Agreement between the City and Cotter; and

WHEREAS, a First Amendment to the Agreement was authorized by City Council in Special Ordinance 27217 adopted on August 12, 2019; and

WHEREAS, the City desires to amend the Agreement by and between the City and Cotter as set forth in the Second Amendment to the Agreement (the "Second Amendment") and authorize payment of salary and benefits to Cotter in accordance with the provisions set forth in the Second Amendment.

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

Section 1 – The Second Amendment to the Agreement attached hereto and incorporated herein as "Exhibit A" is hereby adopted by City Council as a final and binding Second Amendment by and between the City and Cotter for a term and duration as set forth within the terms of the Agreement, as now amended, authorizing the payment of salary and benefits to Cotter in accordance with the provisions set forth therein. The Mayor is hereby authorized to execute the Second Amendment to the Agreement.

34 Section 2 – This Ordinance shall be in full force and effect immediately after its
35 adoption by City Council.

36
37 Passed at meeting: _____

38
39 _____
40 Mayor

41
42 Attest: _____, City Clerk

43
44
45 Filed as Ordinance: _____

46
47
48 Approved as to form: Rhonda Lewsader, City Attorney

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50
51 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2021 - 088

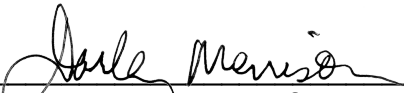
FILED: 03-30-21

ORIGINATING DEPARTMENT: Human Resources Department

PURPOSE: Adopting and authorizing the Mayor to execute the Second Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter, setting out the terms and conditions of her employment as City Clerk; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions set forth therein.

BACKGROUND INFORMATION: City Council appointed Anita Cotter ("Cotter") to serve as City Clerk effective May 17, 2015. The current Employment Agreement is being amended with the Second Amendment attached as "Exhibit A," which sets forth the terms and conditions of employment of Cotter as City Clerk. The Agreement and Second Amendment also authorize the payment of salary and benefits in accordance with the provisions set forth therein. The Second Amendment will be effective upon approval by the City Council.

Submitted by:



Darla Morrison, Director of Human Resources

Approved by:



Ken McClure, Mayor

Exhibit A

SECOND AMENDMENT TO PARAGRAPH 5 – COMPENSATION OF THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SPRINGFIELD, MISSOURI AND ANITA J. COTTER

THIS SECOND AMENDMENT to PARAGRAPH 5 of the EMPLOYMENT AGREEMENT between the City of Springfield, Missouri (“the City” or “Employer”) and Anita J. Cotter, City Clerk (“Cotter” or “Employee”), dated December 10, 2018 (the “Agreement”), is entered into by and between the City and Cotter as of the date and year first written below (the “Second Amendment”).

WHEREAS, the City and Cotter are parties to a certain Employment Agreement executed and effective as of December 10, 2018 (the “Agreement”); and

WHEREAS, the City and Cotter wish to amend a certain provision of the Agreement as hereinafter provided.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and obligations hereinafter contained, the parties do hereby agree to amend the Agreement as hereinafter provided:

1. Effective as of the date approved by City Council, Paragraph 5 – Compensation, of the Agreement, is hereby deleted in its entirety and the following is inserted in its place:

PARAGRAPH 5 – COMPENSATION

5. **Compensation.** For all services provided to the City by Employee during Employee’s employment hereunder, Employee shall be paid the following compensation: Beginning April 19, 2021, One Hundred Eleven Thousand Six Hundred Seventeen Dollars (\$111,617.00) annually, payable in equal installments not less often than biweekly (“Base Compensation”). Thereafter, Employee’s annual Base Compensation will be reviewed by City Council in conjunction with the City’s fiscal year and Employee’s performance shall also be evaluated by City Council, and increases in annual Base Compensation, if any, shall be based on Employee’s performance, budgetary guidelines, market comparability, or for other reasons as desired by City Council. In addition, Employee shall receive longevity pay in the annual amount of One Thousand Two Hundred Dollars (\$1,200.00) based on years of service. The compensation provided in this paragraph shall be in addition to the benefits and other remunerations that are set forth in this Agreement.

2. Unless otherwise indicated, all remaining provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the date and year first written below.

Date

Anita J. Cotter

"Cotter" or "Employee"

The City of Springfield, Missouri

By: _____

Ken McClure, Mayor

"the City" or "Employer"

One-rdg. X
P. Hrngs.
Pgs. 2
Filed: 04-13-21

Sponsored by: McClure

COUNCIL BILL 2021- 091 RESOLUTION

RESOLUTION

1 ELECTING the Honorable Todd Thornhill as judge of the Springfield Municipal Court for a
2 term of four years.
3

4
5 WHEREAS, Springfield City Charter Section 12.2 states that the municipal court
6 shall be presided over by a judge elected by City Council on nomination by the City
7 Manager; and
8

9 WHEREAS, Springfield City Charter Section 12.2 states that a municipal judge shall
10 serve a term of four years; and
11

12 WHEREAS, the City Manager nominates the Honorable Todd Thornhill to be judge
13 of the Springfield Municipal Court.
14

15 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
16 SPRINGFIELD, MISSOURI, as follows, that:
17

18 Section 1 – City Council elects the Honorable Todd Thornhill as judge of the
19 Springfield Municipal Court upon nomination by the City Manager for a term of four years,
20 said term to begin May 15, 2021, and end May 14, 2025.
21

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

24 Passed at meeting:
25

26
27
28 Mayor

29 Attest: , City Clerk
30

31 Filed as Resolution:
32

33
34 Approved as to form: Rhonda Lewsader , City Attorney
35

36
37 Approved for Council action: Jason A. Hays , City Manager

EXPLANATION TO COUNCIL BILL: 2021-091

FILED: 04-13-21

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To elect the Honorable Todd Thornhill as judge of the Springfield Municipal Court for a term of four years.

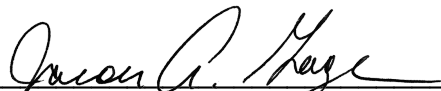
BACKGROUND INFORMATION: City Charter Section 12.2 states that the Springfield Municipal Court shall be presided over by a judge elected by City Council on nomination by the City Manager. The City Manager nominates the Honorable Todd Thornhill to be judge of the Springfield Municipal Court. City Charter Section 12.2 also provides that a judge shall serve a four-year term. Judge Thornhill's term will begin May 15, 2021, and end May 14, 2025.

Recommended by:



Collin Quigley, Deputy City Manager

Approved by:



Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 3
Filed 04-13-21

Sponsored by Schilling

COUNCIL BILL 2021-092 RESOLUTION

A RESOLUTION

CONFIRMING the appointment of Paul Tillman to the College Station Community Improvement District Board of Directors. (Staff recommends approval.)

WHEREAS, the petition establishing the College Station Community Improvement District ("CID"), adopted by passage of Special Ordinance 24924, establishes the qualifications and process for appointing members to the CID's Board; and

WHEREAS, said petition provides that CID Board members are appointed by the Mayor with the advice and consent of City Council; and

WHEREAS, the Mayor desires to appoint Paul Tillman to the College Station CID Board of Directors to fill an unexpired term; and

WHEREAS, City Council desires to confirm said appointments made by the Mayor.

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

Section 1 – City Council hereby confirms the appointment of Paul Tillman to the College Station Community Improvement District Board of Directors. Mr. Tillman's term shall expire on February 21, 2024.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

36 Filed as Resolution: _____

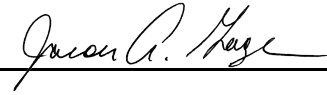
37

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39 Approved as to form: , Assistant City Attorney

40

41

42 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2021- 092

FILED: 04-13-21

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To confirm the appointment of Paul Tillman to the College Station Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the College Station Community Improvement District ("CID"), the City Council must confirm appointees to the CID Board of Directors. The CID Board of Directors recommends the following individual be appointed to the Board:

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term Expires</u>	<u>Notes</u>
5	Paul Tillman	Representative of real property owner in District	2/21/2024	New appointment to fill unexpired term

REMARKS: Staff recommends approval.

Submitted by:



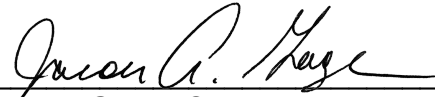
Matt D. Schaefer, AICP
Senior Planner

Recommend by:



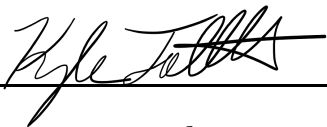
Mary Lilly Smith, Director

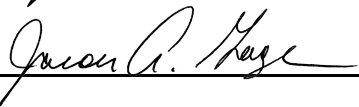
Approved by:



Jason Gage, City Manager

31
32
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34
35
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Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2021- 093

FILED: 04-13-21

ORIGINATING DEPARTMENT: Planning and Development

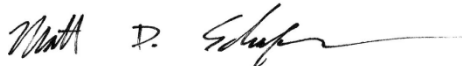
PURPOSE: To confirm the appointment of Jason Hill to the Southern Hills Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Southern Hills Community Improvement District ("CID"), the City Council must confirm appointees to the CID Board of Directors. The CID Board of Directors recommends the following individual be appointed to the Board:

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term Expires</u>	<u>Notes</u>
4	Jason Hill	Real property owner in District	4/9/2022	New appointment to fill unexpired term

REMARKS: Staff recommends approval.

Submitted by:



Matt D. Schaefer, AICP
Senior City Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 16
Filed: 03-30-21

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-083

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 Ward Branch Subdivision, generally located at
4 851 West Farm Road 182, upon the applicant filing and recording a
5 final plat that substantially conforms to the preliminary plat; and
6 authorizing the City Clerk to sign the final plat upon compliance with
7 all the terms of this Ordinance. (Staff recommends that City Council
8 accept the public streets and easements.)
9 _____

10
11 WHEREAS, an original preliminary plat of Ward Branch Subdivision, dated
12 February 23, 2021, is on file with the City's Department of Planning and Development;
13 and
14

15 WHEREAS, on March 11, 2021, the Planning and Zoning Commission of the City
16 of Springfield, Missouri, conditionally approved the Preliminary Plat of Ward Branch
17 Subdivision, which is generally located at 851 West Farm Road 182.
18

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

22 Section 1 – City Council hereby authorizes the Director of Planning and
23 Development, on behalf of the City of Springfield, to accept the land, easements, and
24 improvements dedicated to the City, as shown on the Preliminary Plat of Ward Branch
25 Subdivision, which is generally located at 851 West Farm Road 182, as approved by the
26 Planning and Zoning Commission. The original plat of Ward Branch Subdivision is on
27 file in the Department of Planning and Development ("Approved Preliminary Plat"), a
28 reduced version of which is attached hereto for general reference as "Exhibit B -
29 Attachment 3," and all of "Exhibit B" including attachments, is incorporated herein by
30 this reference.
31

32 Section 2 – The Director of Planning and Development shall be authorized to
33 accept the land, easements, and improvements dedicated to the City, as shown on said

plat, upon the applicant filing and recording a final plat in accordance with this Ordinance and the Subdivision Regulations of the City, which final plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of the above written conditions.

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby authorized to endorse City Council's approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Kyle T. [Signature], Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2021 - 083

FILED: 03-30-21

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 Ward Branch Subdivision, generally located at 851 West Farm Road 182, 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 Ward Branch Subdivision dated February 23, 2021, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in "Exhibit B - Attachment 4."
- B. The Planning and Zoning Commission held a public hearing on March 11, 2021, and approved the preliminary plat by a vote of 6 to 0, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - 3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
 - 4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per

the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

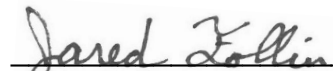
Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The Growth Management and Land Use Plan element of the Comprehensive Plan designates this area as Low-Density Housing and Medium/High Density Housing. The subdivision divides the property in a way that facilitates the development for a single-family residential neighborhood which is an appropriate use under Low-Density housing. The Major Thoroughfare Plan classifies West Farm Road 182 as a secondary arterial which supports the proposed land use.

REMARKS:

Staff recommends approval.

Submitted by:



Jared Follin, Associate Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Conditions of Plat Approval

Attachment 3, Preliminary Plat

Exhibit A

**RECORD OF PROCEEDINGS
PRELIMINARY PLAT – WARD BRANCH SUBDIVISION
Planning and Zoning Commission – March 11, 2021**

Preliminary Plat of Ward Branch Subdivision
851 West Farm Road 182

Applicant: Burning Tree Consulting, LLC

Mr. Hosmer stated that this is a request to approve a preliminary plat for a forty-lot residential subdivision located at 851 West Farm Road 182. The Comprehensive Plan identifies this area for Low Density Medium/High Density Housing. The Transportation Plan classifies Farm Road 182 as a secondary arterial roadway. The property is not located in a FEMA designated floodplain but there will be a stream buffer area requirement. A fee in lieu of on-site stormwater detention will not be allowed. There will be detention onsite. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Jared Davis, representative and here to answer any questions.

Mr. Titus Williams, representative and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** item Preliminary Plat of Ward Branch Subdivision (851 West Farm Road 182). Mr. Knuckles seconded the motion. Ayes: Doennig, Coltrin, Jobe, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.



Bob Hosmer, AICP
Planning Manager

Exhibit B

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:
CITY COUNCIL PUBLIC HEARING:

MARCH 11, 2021

APRIL 5, 2021

CASE: Preliminary Plat of Ward Branch Subdivision

ACRES: 9.87

LOCATION: 851 West Farm Road 182

EXISTING LAND USE: Single-Family Home

APPLICANT: Burning Tree Consulting, LLC

STAFF: Jared Follin, Associate Planner
 417-864-1612

STAFF RECOMMENDATIONS:
 Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).



SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a forty-lot residential subdivision named "Ward Branch Subdivision" to facilitate development of the property.

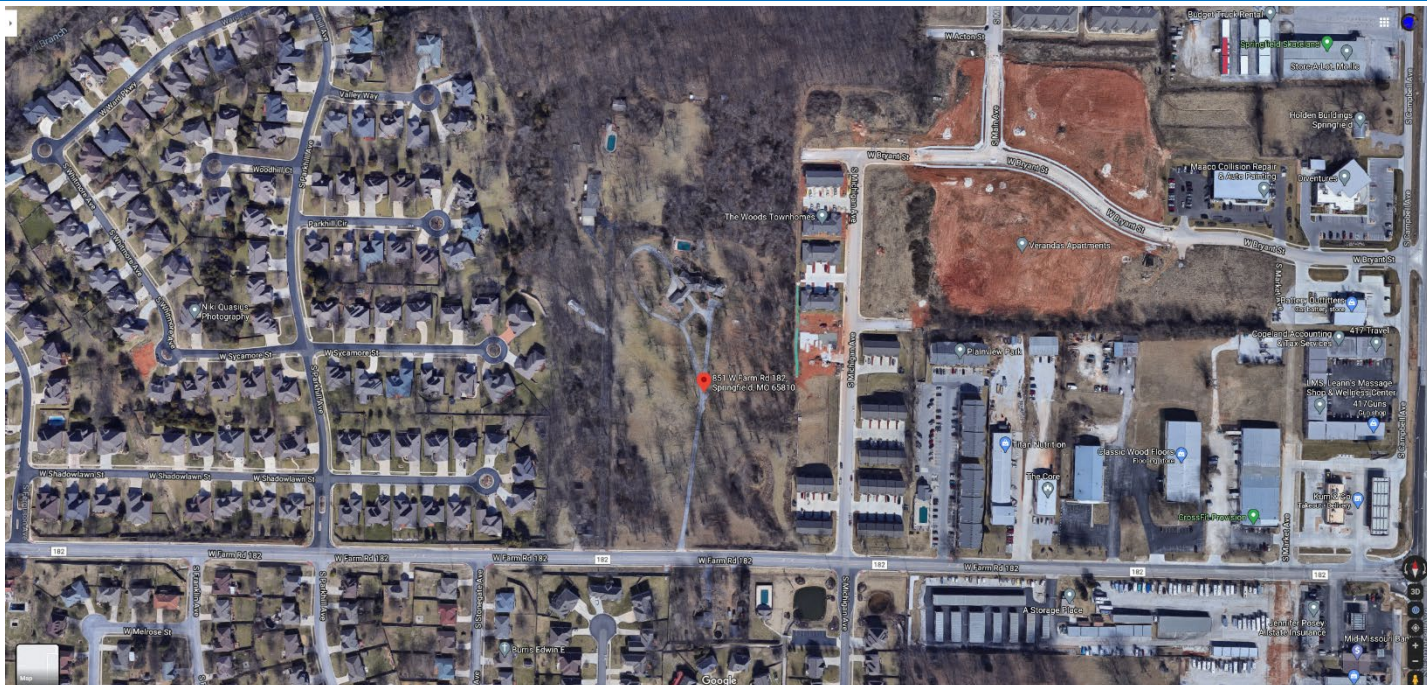
FINDINGS FOR STAFF RECOMMENDATIONS:

1. The applicant's proposal, with the conditions listed in *Attachment 2*, is consistent with the City's *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	County R-1	R-LD	County R-1
LAND USE	Single-Family Residential	Single-Family Residential	Townhomes	Single-Family Residential

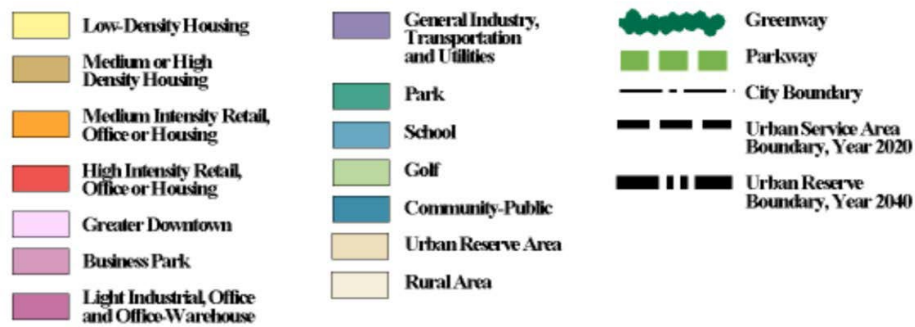
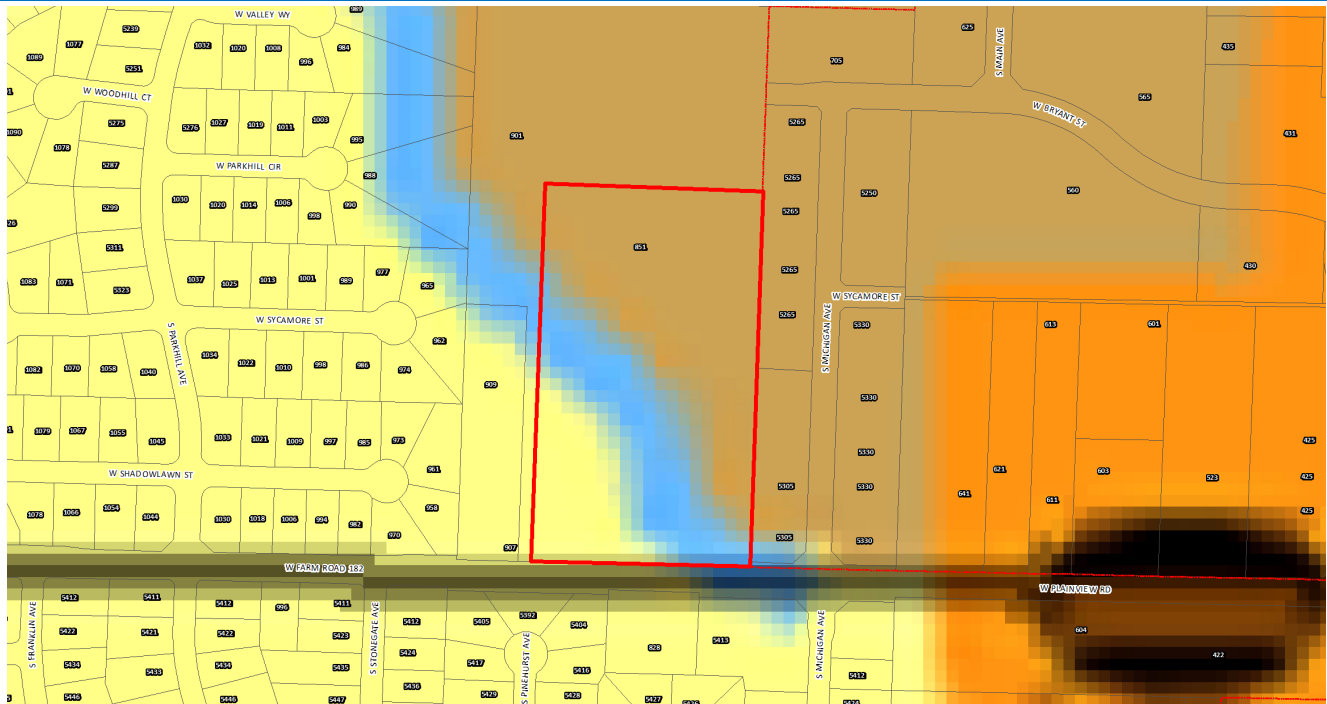
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

The subject property was annexed into the City of Springfield in 2020. The property is currently in the process of being rezoned to Single-Family Residential.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

- (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
- (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.
- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.
- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.
- (e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.
- (f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.
- (g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.
- (h) Effective period of preliminary approval.
 1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
 2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL
Minimum Lot Size	6,000 square feet
Maximum Structure Height	35 feet or two and one-half stories above the finished grade
Front Yard Setback	15 feet
Side and Rear Setbacks	Side – 5 feet Rear – 10% of lot depth
Street Classification	West Farm Road 182 – Secondary Arterial
Sidewalks (Per Sec.36-471)	There is not existing sidewalk along the property frontage of W. Farm Road 182. The existing infrastructure meets current City Standards. Sidewalk is required to be constructed along W. Farm Road 182 if required by Greene County since Farm Road 182 is under their jurisdiction. Sidewalks are required to be constructed along both S. Pinehurst Avenue and S. Dayton Avenue.
Open Space Requirement	None

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* designates this area as Low-Density Housing and Medium/High Density Housing. The subdivision divides the property in a way that facilitates the development for a single-family residential neighborhood which is an appropriate use under Low-Density housing. The Major Thoroughfare Plan classifies West Farm Road 182 as a secondary arterial which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 9.87 acres of property into a forty-lot residential subdivision named "Ward Branch Subdivision."
2. The proposed internal streets are oriented in a way to allow for a potential future connection to the north.
3. The proposed lots meet all the requirements of the City's Subdivision Regulations.
4. 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.

The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1. Conditions of Approval are provided in Attachment 2. The Preliminary Plat drawing can be found in Attachment 3

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

DEPARTMENT COMMENTS:

ATTACHMENT 1

AT&T

1. AT&T APPROVES 10' UTILITY EASEMENTS AS SHOWN.

CITY UTILITIES COMMENTS:

1. No issues with prelim plat. CU can provide Elec/Gas/Water to proposed development.

CLEAN WATER SERVICES COMMENTS:

1. Public improvement plans required for public sewer. According to city code section 120.72.a, public sewer must be adjacent to each lot. No proposed sewer shown on the plat to serve lot 26.
2. Public improvement plans to be designed and constructed to city specs. Submit public improvement plans for review. Engineering and inspection fees of 5.34% of the approved contract amount must be paid prior to filing the plans.
3. Additional review of the sewer horizontal alignment and vertical profile will be done when plans are submitted.
4. The public improvements must be approved and constructed or escrowed before any building permits can be issued according to city code section 98-12(b)(c) Private Construction of Public Improvements and section 98-14. - Assurance for completion of Public Improvements.

Previous comments regarding lot 26 addressed. Each lot is served by proposed sewer. 2. Other comments still apply but the preliminary plat is approvable.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

1. There is no issues with stormwater with preliminary plat. Some of the stream buffer shown will need to be modified as part of the final plat per the stream buffer checklist uploaded to the reports folder.

The property is in the **Ward Branch** drainage basin.

The property **is not** located in a FEMA designated floodplain.

Staff **is** aware of flooding problems in the area.

The city is not aware of a sinkhole at this location.

A fee in lieu of on-site stormwater detention **will not be allowed and detention is required.**

The property **does have a stream buffer on site.**

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 per Chapter 4 Section 3.2.3 of the stormwater design criteria manual – <https://www.springfieldmo.gov/DocumentCenter/View/36063/Flood-Control-and-Water-Quality-Protection-Manual-?bidId=>
2. If disturbing 1 acre or greater, water quality will also have to be provided per Chapter 10 Section 2 of the stormwater design criteria manual.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved per Chapter 4 Section 3.0 of the stormwater design criteria manual.
4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the stormwater design criteria manual.
5. If the property has a sinkhole on the property a geotechnical report is required per Chapter 11 Section 2 of the stormwater design criteria manual.

6. If the property has a stream buffer the property owner may be required to provide a stream buffer easement per Chapter 8 Section 4.1.3.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. Chapter 36-243 of the subdivision regulations requires streets to be carried to the property lines of unsubdivided property. Branch Circle needs to be carried to the northern property line to make a future street connection.
2. Sidewalks are required to be constructed and need to be shown on the plat.
3. All public improvements are required to be constructed and approved or funds escrowed prior to approval of the final plat.
4. Farm Road 182 is under jurisdiction of Greene County. They will permit the street connections.
5. Mulberry Avenue needs to be changed to Dayton Avenue as there is a continuation to the south and eventually to the north and Branch Circle needs to be renamed Pinehurst Avenue.

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Farm Road 182 as a Secondary Arterial roadway. The standard right-of-way width for W. Farm Road 182 is 35 feet from the centerline based on city standards. Farm Road 182 is under jurisdiction of Greene County and the existing right of way meets their standards. No additional right of way is needed. W. Farm Road 182 is a county-maintained street. The two new streets shown in the subdivision (S. Pinehurst Avenue and S. Dayton Avenue) will be classified as local streets and maintained by the City. S. Pinehurst Avenue and S. Dayton Avenue are required to have 50-feet of right-of-way for the full width, 25-ft from the centerline.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Farm Road 182. Any new proposed driveway approaches must meet the minimum spacing requirements for a secondary arterial based on Greene County standards.

SIDEWALK

There is not existing sidewalk along the property frontage of W. Farm Road 182. The existing infrastructure meets current City Standards. Sidewalk is required to be constructed along W. Farm Road 182 if required by Greene County since Farm Road 182 is under their jurisdiction. Sidewalks are required to be constructed along both S. Pinehurst Avenue and S. Dayton Avenue.

IMPROVEMENTS

A Traffic Impact Study was not required, as the change in zoning is just from county residential to city single family. Public Improvement Plans will be required for the new streets (S. Pinehurst Avenue and S. Dayton Avenue) shown on the plat.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	W. Farm Road 182	Secondary Arterial	No	30	30 (Greene County)
Street 2	S. Pinehurst Avenue	Local		25	25
Street 3	S. Dayton Avenue	Local		25	25

PUBLIC WORKS TRANSPORTATION DIVISION COMMENTS:

1. IF required, Public Improvement Plans must be constructed and accepted prior to approval of the final plat and/or issuance of the Building Permit. A security (cash escrow, letter of credit, or performance bond) can be utilized in lieu

of the construction of Public Improvements prior to approval of final plat or issuance of a building permit. Generally, most securities will be approved, but are reviewed on a case-by-case basis as outlined in City Code Sect. 98-14. IF securities are utilized, you will have one year to construct the submitted and approved public improvements (3 years for sidewalk) after approval of the final plat or issuance of the building permit. If securities are desired, please see the link below to complete a Request to Secure Public Improvements Form and the Security Checklist which provides links to forms and more information on the process. It is highly recommended you contact Austin Biellier (abiellier@springfieldmo.gov) or Brett Foster (bfoster@springfieldmo.gov) for more detailed information and instructions if you desire to submit securities. After public works plans are approved and fees are paid, securities will take approximately two weeks for approval after all correct documents are received. Please make sure to plan accordingly for this approval period.

Please see the link to the application below which can be copied and pasted into your internet browser:

<http://www.springfieldmo.gov/DocumentCenter/View/19701>

<https://www.springfieldmo.gov/DocumentCenter/View/19702/Checklist-for-Escrow-Submittal-for-Public-Improvements?bidId=>

MEDIAMCOM

1. Mediacom will be able to provide internet, phone and video services to this area.

GREENE COUNTY HIGHWAY DEPARTMENT:

1. Please add stub street connection to the north property line to connect to future extension of Bryant St.

GCHD comments have been addressed.

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

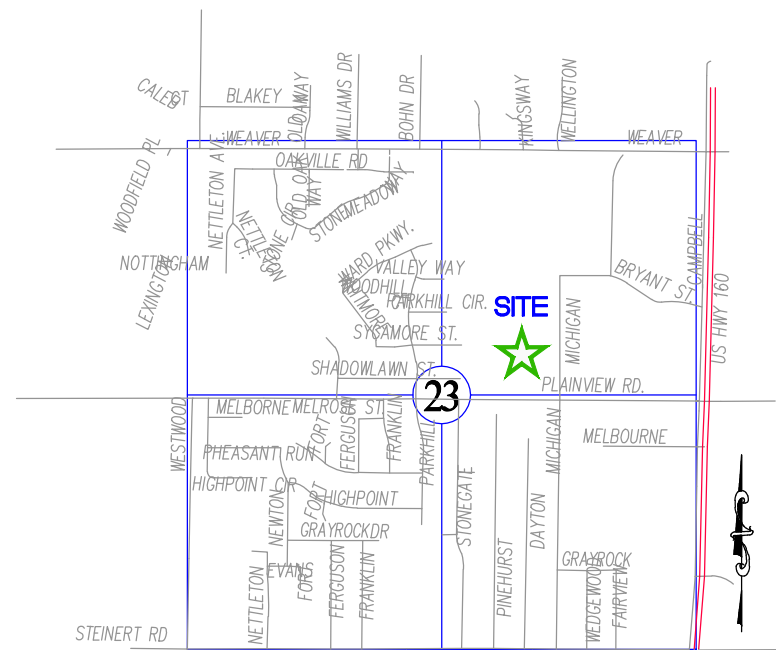
1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required 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.

WARD BRANCH SUBDIVISION

BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 22 WEST,
IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.
PRELIMINARY PLAT

ATTACHMENT 3



LOCATION SKETCH

SEC. 23, T28N, R22W

SCALE: 1"=2000'

LEGEND OF SYMBOLS AND ABBREVIATIONS

①	INTERNAL ANGLE # (SEE TABLE)	WV	WATER VALVE
SS	SANITARY SEWER LINE	GV	GAS VALVE
E	OVERHEAD ELECTRIC	WM	WATER METER
G	GAS LINE	TR	TELEPHONE RISER
WS	WATER SERVICE	ED	ELECTRIC RISER
UT	UNDERGROUND TELEPHONE	RD	ROOF DRAIN
UE	UNDERGROUND ELECTRIC	TRANS	TRANSFORMER PAD
X	FENCE LINE	MM	SANITARY MANHOLE
⊙	FIRE HYDRANT	RWM	RIGHT-OF-WAY MARKER
⊙	LIGHT POLE	IP	FOUND IRON PIN
P.O.C.	POINT OF COMMENCEMENT	OP	SET IRON PIN
		P.O.B.	POINT OF BEGINNING
		PM	PERMANENT MONUMENT
LINE LABELS	MEASURED 100' M DEED 100' D RECORD 100' R		TREELINE

CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	DIRECTION	CHORD LENGTH
C1	10.59'	65.00'	S06°48'34"W	10.58'
C2	37.73'	65.00'	S28°06'32"W	37.21'
C3	40.09'	65.00'	S62°24'36"W	39.46'
C4	13.69'	65.00'	S86°06'54"W	13.67'
C5	23.56'	15.00'	S47°08'45"W	21.21'
C6	23.56'	15.00'	N42°50'59"W	21.21'

STREAM BUFFER AREAS

STREAM BUFFER AREAS DEDICATED FOR THE PROTECTION OF STORMWATER RUNOFF QUALITY, STREAM PRESERVATION, AND FLOOD CONTROL. THE PROPERTY OWNER MAY FULLY USE AND ENJOY THE LAND WITHIN THE STREAM BUFFER AREA PROVIDED THAT SUCH USE IS IN ACCORDANCE WITH CHAPTER 96 OF THE SPRINGFIELD CITY CODE, AS AMENDED, AND THE FLOOD CONTROL AND WATER QUALITY PROTECTION MANUAL, AS AMENDED. MAINTENANCE, REPAIR, AND RESTORATION, IF NECESSARY, OF THE STREAM BUFFER AREA IS THE RESPONSIBILITY OF THE PROPERTY OWNER AND SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLOOD CONTROL AND WATER QUALITY PROTECTION MANUAL.

ZONING DATA

SUBJECT PROPERTY IS ZONED R-SF (SINGLE-FAMILY RESIDENTIAL DISTRICT).

BUILDING SETBACK LINES:

FRONT YARD: 25 FEET ALONG A STREET CLASSIFIED AS A COLLECTOR OR HIGHER CLASSIFICATION OR AS REQUIRED BY SECTION 36-453.
15 FEET ALONG A STREET CLASSIFIED AS A LOCAL STREET OR AS REQUIRED BY SECTION 36-453.

SIDE YARD: 5 FEET OR AS REQUIRED BY SECTION 36-453.

REAR YARD: 10 PERCENT OF THE LOT DEPTH, BUT MAY NOT BE LESS THAN 10 FEET NOR SHALL MORE THAN 20 FEET BE REQUIRED.

NOTES

LOTSIZE

LARGEST - LOT 13 = 11,688± SQ. FT. (0.27± ACRES)

SMALLEST - LOT 27 = 6,000± SQ. FT. (0.14± ACRES)

TOTAL SQUARE FOOTAGE OF DEVELOPMENT = 429,991± SQ. FT.

TOTAL ACRES OF DEVELOPMENT = 9.87± ACRES

TOTAL NUMBER OF LOTS = 40

DATE OF PRELIMINARY PLAT SUBMITTAL =

DATE OF FINAL PLAT SUBMITTAL =

OWNERSHIP = BOOK 2018, PAGE 008993-18

METERS TO U.S. FEET CONVERSION 3.28083333 "GRID"

MAINTENANCE OF ANY AREA REFERRED TO AS DRAINAGE EASEMENT OR DRAINAGE DETENTION IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

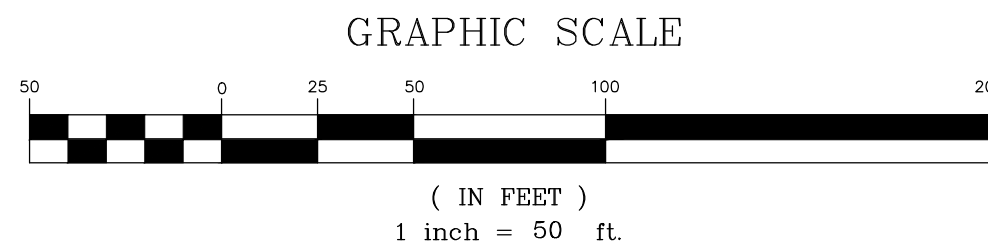
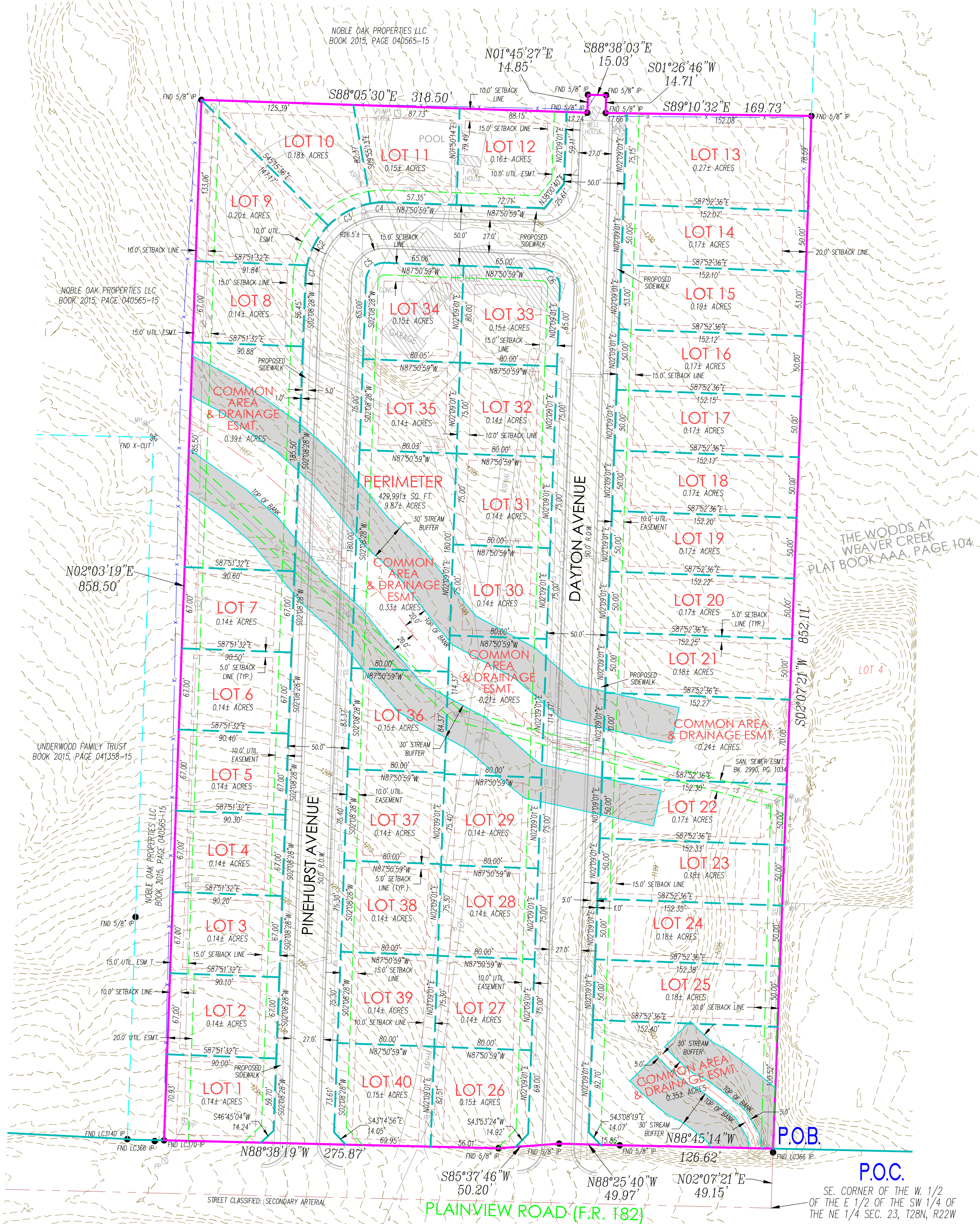
INSTALLATION OF IRON PINS ON ALL LOT CORNERS WILL BE COMPLETED UPON COMPLETION OF UTILITIES INSTALLATIONS.

UTILITY NOTE:

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 2207204556, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 17, 2010, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS.



STORMWATER DETENTION/WATER QUALITY

WATER QUALITY WILL BE PROVIDED PER CITY OF SPRINGFIELD DESIGN REGULATIONS. A FINAL DETENTION DESIGN WILL BE COMPLETED ONCE BUILDING PLANS ARE SUBMITTED TO THE CITY OF SPRINGFIELD.

DETENTION WILL BE ANALYZED AT THE TIME OF DEVELOPMENT.

SURVEY DESCRIPTION

THAT CERTAIN PARCEL OR TRACT OF LAND BEING PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 22 WEST IN GREENE COUNTY, MISSOURI AND RECORDED IN BOOK 2018, PAGE 008993-18 OF THE GREENE COUNTY RECORDER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 22 WEST; THENCE ALONG THE EAST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER NORTH 02°07'21" EAST, 49.15 FEET TO A POINT LYING ON THE NORTH RIGHT-OF-WAY OF FARM ROAD 182, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTH RIGHT-OF-WAY OF FARM ROAD 182 THE FOLLOWING COURSES, NORTH 88°45'14" WEST, 126.62 FEET; THENCE NORTH 88°25'40" WEST, 49.97 FEET; THENCE SOUTH 85°37'46" WEST, 50.20 FEET; THENCE NORTH 88°38'19" WEST, 275.87 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2015, PAGE 040565-15 OF THE GREENE COUNTY RECORDER'S OFFICE; THENCE LEAVING SAID NORTH RIGHT-OF-WAY AND ALONG THE EAST LINE OF SAID TRACT OF LAND NORTH 02°03'19" EAST, 858.50 FEET; THENCE ALONG THE SOUTH LINE OF SAID TRACT OF LAND THE FOLLOWING COURSES, SOUTH 88°05'30" EAST, 318.50 FEET; THENCE NORTH 01°45'27" EAST, 14.85 FEET; THENCE SOUTH 88°38'03" EAST, 15.03 FEET; THENCE SOUTH 01°26'46" WEST, 14.71 FEET; THENCE SOUTH 89°10'32" EAST, 169.73 FEET TO A POINT LYING ON THE WEST LINE OF THE WOODS AT WEAVER CREEK, PHASE II, A RECORDED SUBDIVISION AT PLAT BOOK AAA, PAGE 245 IN THE GREENE COUNTY RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, SOUTH 02°07'21" WEST, 852.11 FEET TO THE POINT OF BEGINNING, CONTAINING 429,991 SQUARE FEET OR 9.87 ACRES, MORE OR LESS, ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 22 WEST, IN GREENE COUNTY, MISSOURI, BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

SURVEYOR'S CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, KENT R. PETERSON, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY ANDERSON ENGINEERING, INC. DATED JANUARY 22, 2021 AND SIGNED BY KENT R. PETERSON, P.L.S. NO. 2659 AND THAT THE MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE SUPERVISION OF KENT R. PETERSON, P.L.S. NO. 2659 IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, DATE OF LAST REVISION FEBRUARY 23, 2021.

ANDERSON ENGINEERING, INC. LC 62 BY:

Kent R. Peterson
KENT R. PETERSON, P.L.S. NO. 2659



2-23-2021
DATE PREPARED

PREPARED BY

KENT R. PETERSON, P.L.S.
ANDERSON ENGINEERING, INC.
3213 S. WEST BYPASS
SPRINGFIELD, MO. 65807

OWNER AND DEVELOPER

BURNING TREE CONSULTING, LLC
1414 E. PRIMEROSE, STE 100
SPRINGFIELD, MO. 65804



FIELD: CB
DRAWN: BAC
CHECKED: KRP
DATE: 1-22-2021
FIELD BK:
JOB NO: 20SP10010

COA #000062

3213 S. WEST BYPASS
SPRINGFIELD, MISSOURI 65807
PHONE (417) 866-2741
FAX (417) 866-2778

20SP10010PP
SHT. 1 OF 1 REV.

One-rdg. _____
P. Hrngs. _____
Pgs. 19
Filed: 03-30-21

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-084

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 Terragreen Condominium Plat Phase IV,
4 generally located at 2305 South Blackman Road, upon the applicant
5 filing and recording a final plat that substantially conforms to the
6 preliminary plat; and authorizing the City Clerk to sign the final plat
7 upon compliance with all the terms of this Ordinance. (Staff
8 recommends that City Council accept the public streets and
9 easements.)

10
11
12 WHEREAS, an original preliminary plat of Terragreen Condominium Plat Phase
13 IV, dated January 18, 2021, is on file with the City's Department of Planning and
14 Development; and

15
16 WHEREAS, on March 11, 2021, the Planning and Zoning Commission of the City
17 of Springfield, Missouri, conditionally approved the Preliminary Plat of Terragreen
18 Condominium Plat Phase IV, which is generally located at 2305 South Blackman Road.

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 authorizes the Director of Planning and
24 Development, on behalf of the City of Springfield, to accept the land, easements, and
25 improvements dedicated to the City, as shown on the Preliminary Plat of Terragreen
26 Condominium Plat Phase IV, which is generally located at 2305 South Blackman Road,
27 as approved by the Planning and Zoning Commission. The original plat of Terragreen
28 Condominium Plat Phase IV is on file in the Department of Planning and Development
29 (“Approved Preliminary Plat”), a reduced version of which is attached hereto for general
30 reference as “Exhibit B - Attachment 4,” and all of “Exhibit B” including attachments, is
31 incorporated herein by this reference.

32
33 Section 2 – The Director of Planning and Development shall be authorized to

34 accept the land, easements, and improvements dedicated to the City, as shown on said
35 plat, upon the applicant filing and recording a final plat in accordance with this
36 Ordinance and the Subdivision Regulations of the City, which final plat shall
37 substantially conform to the Approved Preliminary Plat, including those conditions
38 described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying
39 to the Director of Planning and Development and the City Clerk that the public
40 improvements have been made in accordance with City standards and specifications.
41 Said public improvements shall not be accepted until the occurrence of the above
42 written conditions.
43

44 Section 3 – The final plat shall not be recorded until: (1) the public improvements
45 relating to the Approved Preliminary Plat have been constructed according to the
46 specifications of the City of Springfield, Missouri, and are approved by the Director of
47 Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned
48 by or in connection with the construction of said improvements have been paid to the
49 City; or (2) in lieu of the construction of the improvements, that the Applicant has filed
50 with the City Manager, according to the terms of the Subdivision Regulations of the City,
51 the prescribed financial assurances in a form acceptable to the City to ensure the
52 construction of the improvements and the payment to the City of all engineering fees,
53 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the
54 construction of the improvements.
55

56 Section 4 – Upon compliance with all the requirements of this Ordinance,
57 including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby
58 authorized to endorse City Council's approval upon the final plat pursuant to Section
59 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public
60 Improvements contained therein.
61

62 Section 5 – This Ordinance shall be in full force and effect from and after its
63 passage.
64

65 Passed at meeting: _____
66

67 _____
68 Mayor
69

70 Attest: _____, City Clerk
71

72 Filed as Ordinance: _____
73

74 _____
75 Approved as to form: _____, Assistant City Attorney
76

77 _____
78 Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2021 - 084

FILED: 03-30-21

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 Terragreen Condominium Plat Phase IV, generally located at 2305 South Blackman Road, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. An original Preliminary Plat of Terragreen Condominium Plat Phase IV dated January 18, 2021, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in "Exhibit B - Attachment 4."
- B. The Planning and Zoning Commission held a public hearing on March 11, 2021, and approved the preliminary plat by a vote of 6 to 0, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - 3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
 - 4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and

hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.
7. The portion of the drainage easement that is encroaching into the newly proposed Unit 2 must be relinquished and recorded before the recording of the final plat.

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.

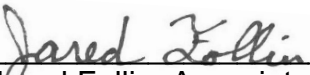
Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

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 designates this area as Medium/High Density Housing. The subdivision divides the property in a way that facilitates the development for office development. Despite the plan designating this area for housing, the Planned Development was designed to establish a low-intensity office development to serve the nearby residential uses. The Major Thoroughfare Plan classifies East Seminole Street as a Local Street and South Blackman Road as a Secondary Arterial, which supports the proposed land use.

REMARKS:

Staff recommends approval.
Submitted by:



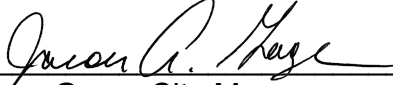
Jared Follin, Associate Planner

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 – TERRAGREEN CONDOMINIUMS PHASE IV
Planning and Zoning Commission – March 11, 2021**

Preliminary Plat of Terragreen Condominiums Phase IV
2305 South Blackman Road

Applicant: Blackman Road Properties, LLC

Mr. Hosmer stated that this is a request to approve a condominium preliminary plat in Planned Development 313 located at 2305 South Blackman Road. The Comprehensive Plan identifies this as an appropriate area for Medium, High Density Housing, however the zoning to PD 313 allows offices. The Transportation Plan classifies Seminole Street as a Local Street and South Blackman Road as a Secondary Arterial roadway. The property is not located in a FEMA designated floodplain or a stream buffer area. Onsite detention is already provided. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Jane Earnhart, representative and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** item Preliminary Plat of Terragreen Condominiums Phase IV (2305 South Blackman Road). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Jobe, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).



	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	PD 313	R-SF
LAND USE	Church	Vacant/Stormwater Detention	General Office/Medical Office	School

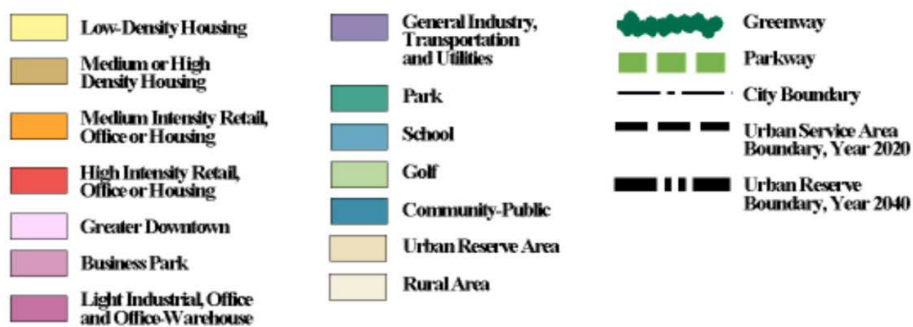
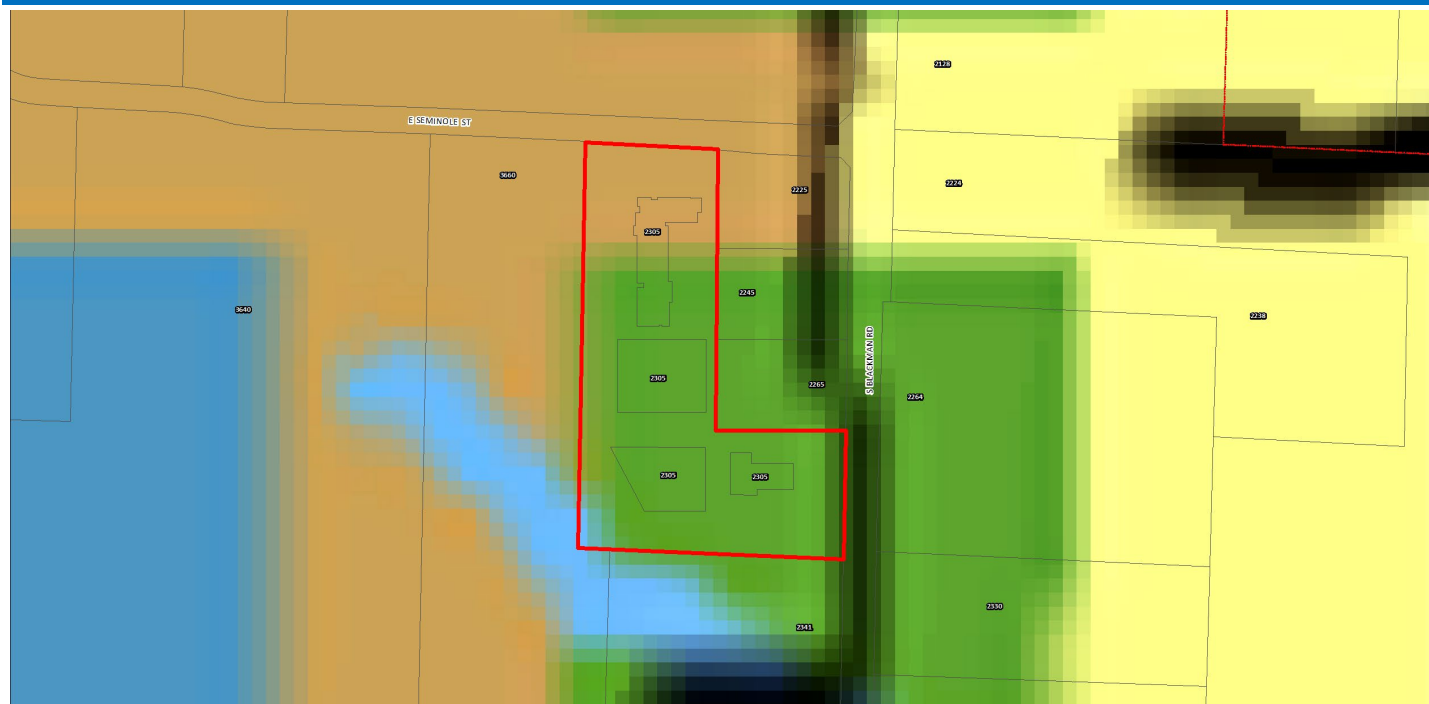
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

The subject property was annexed into the City of Springfield in 1989. It has been subdivided several times, with the first occurring in 2007. In 2009, the property was first converted to a condominium and has since been through several phases.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

- (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
- (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.
- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.
- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.
- (e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.
- (f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.
- (g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.
- (h) Effective period of preliminary approval.
 1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
 2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR PLANNED DEVELOPMENT 313
Minimum Lot Size	N/A
Maximum Structure Height	35 feet
Front Yard Setback	25 feet
Side and Rear Setbacks	Side –10 feet Rear – 10 feet, unless buildings shares a common wall with a side lot line.
Street Classification	Blackman Road – Secondary Arterial Seminole Street – Local Street
Sidewalks (Per Sec.36-471)	There is existing sidewalk along the property frontage on S. Blackman Road and E. Seminole Street. The existing infrastructure meets current City Standards.
Open Space Requirement	See Exhibit 1 of Planned Development 313

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* designates this area as Medium/High Density Housing. The subdivision divides the property in a way that facilitates the development for office development. Despite the plan designating this area for housing, the Planned Development was designed to establish a low-intensity office development to serve the nearby residential uses. The Major Thoroughfare Plan classifies East Seminole Street as a Local Street and South Blackman Road as a Secondary Arterial, which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to amend the existing condominium plat, consisting of 5.922 acres, to enlarge an existing condominium unit (Unit 2) in order to accommodate the footprint of a proposed office building.
2. The proposed change to Unit 2 will adjust the western property line approximately 37.5 feet to the west and increase its size to 0.5 acres. It was previously 0.4 acres in size. No other changes will be made to the existing condominium subdivision.
3. Due to the enlargement of Lot 2, a portion of the existing drainage easement southwest of Unit 2 must be relinquished. A relinquishment of easement case (RE 909) is running concurrently with this plat to modify the drainage easement. The approval and recording the relinquishment will be added as a condition for approval.
4. 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.

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. The Preliminary Plat drawing can be found in Attachment 4.

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITIES COMMENTS:

No issues with prelim plat.

CLEAN WATER SERVICES COMMENTS:

Sanitary sewer easements are shown. Each lot has access to public sewer.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

The drainage easement relinquishment and new revised drainage easement we discussed will need to be finalized as part of the final plat.

The property is in the **Pierson Creek** drainage basin.

The property **is not** located in a FEMA designated floodplain.

Staff **is** aware of flooding problems in the area.

The city is not aware of a sinkhole at this location.

A fee in lieu of on-site stormwater detention **is not applicable because detention is already provided.**

The property **is not in a stream buffer area.**

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 per Chapter 4 Section 3.2.3 of the stormwater design criteria manual – <https://www.springfieldmo.gov/DocumentCenter/View/36063/Flood-Control-and-Water-Quality-Protection-Manual-?bidId=>
1. If disturbing 1 acre or greater, water quality will also have to be provided per Chapter 10 Section 2 of the stormwater design criteria manual.
2. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved per Chapter 4 Section 3.0 of the stormwater design criteria manual.
3. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the stormwater design criteria manual.
4. If the property has a sinkhole on the property a geotechnical report is required per Chapter 11 Section 2 of the stormwater design criteria manual.
5. If the property has a stream buffer the property owner may be required to provide a stream buffer easement per Chapter 8 Section 4.1.3.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Blackman Road as a Secondary Arterial roadway and E. Seminole Street as a Local roadway. The standard right-of-way width for S. Blackman Road is 35-feet from the centerline. The standard right-of-way width for E. Seminole Street is 30-feet from the centerline. It appears additional right-of-way is not needed along S. Blackman Road or E. Seminole Street. A survey is recommended to determine the exact amount of existing right-of-way. S. Blackman Road and E. Seminole Street are both city-maintained streets.

DRIVEWAY ACCESS

There is currently one driveway access point to the property from S. Blackman Road one driveway access point onto the property from E. Seminole Street. No additional driveways will be allowed.

SIDEWALK

There is existing sidewalk along the property frontage on S. Blackman Road and E. Seminole Street. The existing infrastructure meets current City Standards.

IMPROVEMENTS

None required.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	S. Blackman Road	Secondary Arterial	No	35	35
Street 2	E. Seminole Street	Local	No	25	25

PUBLIC WORKS TRANSPORTATION DIVISION COMMENTS:

6. IF required, Public Improvement Plans must be constructed and accepted prior to approval of the final plat and/or issuance of the Building Permit. A security (cash escrow, letter of credit, or performance bond) can be utilized in lieu of the construction of Public Improvements prior to approval of final plat or issuance of a building permit. Generally, most securities will be approved, but are reviewed on a case-by-case basis as outlined in City Code Sect. 98-14. IF securities are utilized, you will have one year to construct the submitted and approved public improvements (3 years for sidewalk) after approval of the final plat or issuance of the building permit. If securities are desired, please see the link below to complete a Request to Secure Public Improvements Form and the Security Checklist which provides links to forms and more information on the process. It is highly recommended you contact Austin Biellier (abiellier@springfieldmo.gov) or Brett Foster (bfoster@springfieldmo.gov) for more detailed information and instructions if you desire to submit securities. After public works plans are approved and fees are paid, securities will take approximately two weeks for approval after all correct documents are received. Please make sure to plan accordingly for this approval period.

Please see the link to the application below which can be copied and pasted into your internet browser:

<http://www.springfieldmo.gov/DocumentCenter/View/19701>

<https://www.springfieldmo.gov/DocumentCenter/View/19702/Checklist-for-Escrow-Submittal-for-Public-Improvements?bidId=>

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

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.
7. The portion of the drainage easement that is encroaching into the newly proposed Unit 2 must be relinquished and recorded before the recording of the final plat.

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.

ENGINEERS REPORT

FOR

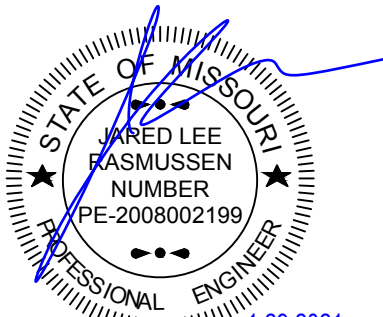
TERRAGREEN CONDOMINIUMS PHASE IV

SPRINGFIELD, MISSOURI

Prepared for:

CLIENT – ARKIFEX STUDIO, LLC
221 SOUTH AVENUE
SPRINGFIELD, MO

OWNER/DEVELOPER – H2D2-TGD, LLC
3720 CASTLEBAY COURT
SPRINGFIELD, MO



JARED LEE RASMUSSEN—CIVIL ENGINEER
MO# PE-2008002199

JANUARY 29, 2021

Prepared By: Jane Earnhart
Reviewed By: Jared Rasmussen, P.E.
Olsson, Inc.

550 St. Louis St.
Springfield, MO 65806
Missouri Engineering Certificate of Authority #001592



The Developer is seeking to plat the 5.9-acres+/- of previously platted property to allow for the increase in size of condominium Unit 2.

GENERAL:

Item 1: Review comments from the pre-development review meetings held on December 16, 2020 have been incorporated into the Preliminary Plat drawing and in this report.

Item 2: There are no variances currently being requested as part of this plat.

Items 3-11 and 13-16: See the preliminary plat for each of these items.

Item 12: There are existing protective covenants and restrictions. A copy is included in this submittal.

STORMWATER:

Item 17: Based on City contour data, approximately 77.5 acres of off-site drainage flows across the southwest portion of the property. There is an existing drainage easement for this off-site flow recorded in Book 2436, Page 1832. This submittal includes a request to relinquish a portion of this existing drainage easement.

According to FEMA Flood Insurance Rate Maps, this property does not lie within a FEMA designated floodplain.

Item 18: See the Preliminary Plat for the location of existing easements that convey on-site and off-site flows.

Item 19: Detention has been provided for in an existing detention basin. No additional improvements are needed.

Item 20: Per City GIS mapping there are no sinkholes on site.

Item 21: No off-site sinkholes are known to be affected by the subject property.

Item 22: Detention has been provided for in an existing detention basin. No payment of fee in lieu of constructing detention will be proposed.

Item 23: The previous storm drainage calculations for the previous improvements are attached for reference. No additional improvements are needed.

WATER QUALITY:

Item 24: The existing site includes water quality improvements that meet the City's water quality requirements..

SANITARY SEWER:

- Item 25: There is existing sanitary sewer that serves the property. No additional improvements are required.
- Item 26: There are no anticipated sewer capacity issues.

STREET SYSTEM:

- Item 27: According to the street classification as shown in the Major Thoroughfare Plan, the existing adjacent street to the north is Seminole Street is classified as a local street, and Blackman Road is classified as a secondary arterial,.
- Item 28: The existing right-of-way widths on Blackman Road and Seminole Street are shown on the Preliminary Plat. No additional right-of-way or improvements are required.
- Item 29: There are no projected street connectivity to property lines.
- Item 30: There are no new streets.
- Item 31: Does not apply to this site.
- Item 32: Public sidewalks are existing on the south side of Seminole and along Blackman road.
- Item 33: A Traffic Impact Statement was not required.

STREET DESIGN:

- Item 34: There are no known programmed upgrades for the existing Blackman Road or Seminole Street.
- 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.
- Item 36: This is not applicable, there are no new streets proposed for this property.
- Item 37: This is not applicable, there are no new streets proposed for this property.

ACCESS:

- Item 38: Cross access easements are shown on the Preliminary Plat connecting all the Lots (Units).
- Item 39: No new driveways are proposed.
- Item 40: Site distance requirements for proposed streets and driveways were designed to meet the Design Standards for Public Improvements.
- Item 41: No access limitations are required.

ATTACHMENT 4

PRELIMINARY PLAT OF
TERRAGREEN CONDOMINIUMS PHASE IV
A REPLAT OF UNITS 1, 2, 3 & 4 AND THE COMMON AREA OF TERRAGREEN
CONDOMINIUMS PHASE III, A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER (NE
1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION THIRTY-FOUR (34) TOWNSHIP
TWENTY-NINE (29) NORTH, RANGE TWENTY-ONE (21) WEST
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

PROPERTY DESCRIPTION

All of Units 1, 2, 3 & 4 and the Common Area of TerraGreen Condominiums Phase III, a Replat of Units 1, 2, 3 & 4 of and the Common Area of TerraGreen Condominiums Phase II, a Subdivision located in the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Thirty-four (34) Township Twenty-nine (29) North, Range Twenty-one (21) West, City of Springfield, Greene County, Missouri, duly recorded in the Greene County Records Office in Plat Book AAA, at Page 404. Subject to any easements and restrictions of record.

INFORMATION OF FACT

1. This survey and plan is based upon the following data and/or exceptions:
- | | Yes | No | Item |
|---------------------|-----|----|--|
| Deed of Record | X | | Book 2007, Page 12095-07; Book 2013, Page 052725-13; Book 2014, Page 8887-14; Book 2019, Page 44710-19 |
| Filed Maps | X | | See Note 23 |
| Title Search/Binder | X | | Hogan Land Title, Report No. 2101234, Effective Date January 6, 2021 at 8:00 am |

2. 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 January 14, 2021, 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: PD-313, Ordinance No 5642
- Building Setbacks:
- Front Yard Setback: 25 feet
 - Side Yard Setback: 10 feet, except that no side yard is required for buildings having a common wall side lot line.
 - Rear Yard Setback: 10 feet
- Maximum Building Height: 35 feet
- Parking/Vehicle Setbacks:
- Front Yards: 5 feet with landscaping consisting of a row of boxwoods or similar hedges at least 30 inches tall at maturity.
 - Rear Yards not bordering R-SF district: None
 - Rear Yards bordering R-SF district: 15 feet
 - Side Yards: None

6. The Flood Insurance Rate Map (FIRM) from the Federal Emergency Management Agency (FEMA) Community Panel No. 290770C0362E, 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 as utility depths will not be indicated on the topographic survey. 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 210100166. The companies listed on the ticket are ATT Distribution, City Utilities - Gas, Water, Electric and Fiber, City of Springfield - Sewer and Traffic and MNA-Bluebird.

8. There shall be no construction of any kind, including paving, located in the detention easement shown crossing the southwest corner of this plat, except within the area shown as proposed detention easement relinquishment (by separate instrument).

9. The area shown hereon is not located in a storm sewer district as of the date of recording and may be subject to future assessment costs if included in a future storm water drainage benefit district deemed necessary resulting from problems created by surface water runoff. This is due to the fact that the surface water runoff is presently being accommodated by street and open drainage facilities.

10. All development shall be in accordance with Planned Development No. 313, approved by City Council on January 29, 2007, Ordinance No. 5642, and any subsequent amendments.

11. Access to Blackman Road is limited to existing access easement as platted in Plat Book ZZ, at Page 364.

12. All structures shall be built behind the line marked on this plat as "Building Setback Line".

13. The condominium property is subject to development rights including, but not limited to, the right of declarant to add such additional property to the condominium, to create units, common elements and limited common elements, and to subdivide or convert existing units within the condominium and otherwise to exercise the development rights as set forth in the declaration as amended and restated.

14. The Declaration of TerraGreen Condominiums is recorded in Book 2009, at Page 12623-09, in the Office of the Recorder of Deeds in Greene County, amended in Book 2013, at Page 44346-13; Book 2014, at Page 8370-14; Book 2015, at Page 49021-15.

15. Further restrictions on development may be found in the Declaration of Restrictions, Covenants and Conditions of TerraGreen Office Park recorded on November 13, 2007, in the Office of the Greene County Recorder in Book 2007 at Page 55275-07, amended in Book 2013, at Page 44347-13

16. Utility lines and service laterals to individual units are permitted to cross the common elements.

17. All property within this plat, except the four units, shall be common area.

18. No additional free-standing signs shall be allowed without the preparation and approval of a master sign plan.

19. The Responsibility for the maintenance of any area referred to as an easement, drainage easement, or detention basin is defined in the recorded Declarations referred to in Notes 13 and 14 above.

20. Minimum finished floor elevation for buildings constructed on the Units of the Condominium shall be 1303.00.

21. There are no public streets within plat.

22. Sanitary Maintenance Notes: Property Owners within the Plat of TerraGreen Condominiums Phase IV will be responsible for the upkeep, maintenance, and repair of the private sanitary sewer lines that lie in the common area of the Plat of TerraGreen Condominiums Phase IV and that said property owners acknowledge that the City of Springfield, MO is not responsible for upkeep, maintenance, and repair of the private sanitary sewer laterals located within said Plat of TerraGreen Condominiums Phase IV.

23. Plan References:
- a. A Final Plat entitled, "Final Plat of TerraGreen Condominiums Phase III, a Replat of Units 1, 2, 3, 4 and the Common Area of TerraGreen Condominiums Phase II", duly recorded in the Greene County Recorder's Office in Plat Book AAA, Page 404.
 - b. A Final Plat entitled, "Final Plat of TerraGreen Condominiums Phase II, a Replat of Units 1, 2, 3, 4 and the Common Area of TerraGreen Condominiums Phase", duly recorded in the Greene County Recorder's Office in Plat Book AAA, Page 307
 - c. A Final Plat entitled, "Final Plat of TerraGreen Condominiums, duly recorded in the Greene County Recorder's Office in Plat Book AAA, Page 94.
 - d. A Final Plat entitled, "Final Plat of Blackman Development", duly recorded in the Greene County Recorder's Office in Plat Book ZZ, Page 364.

NOTES

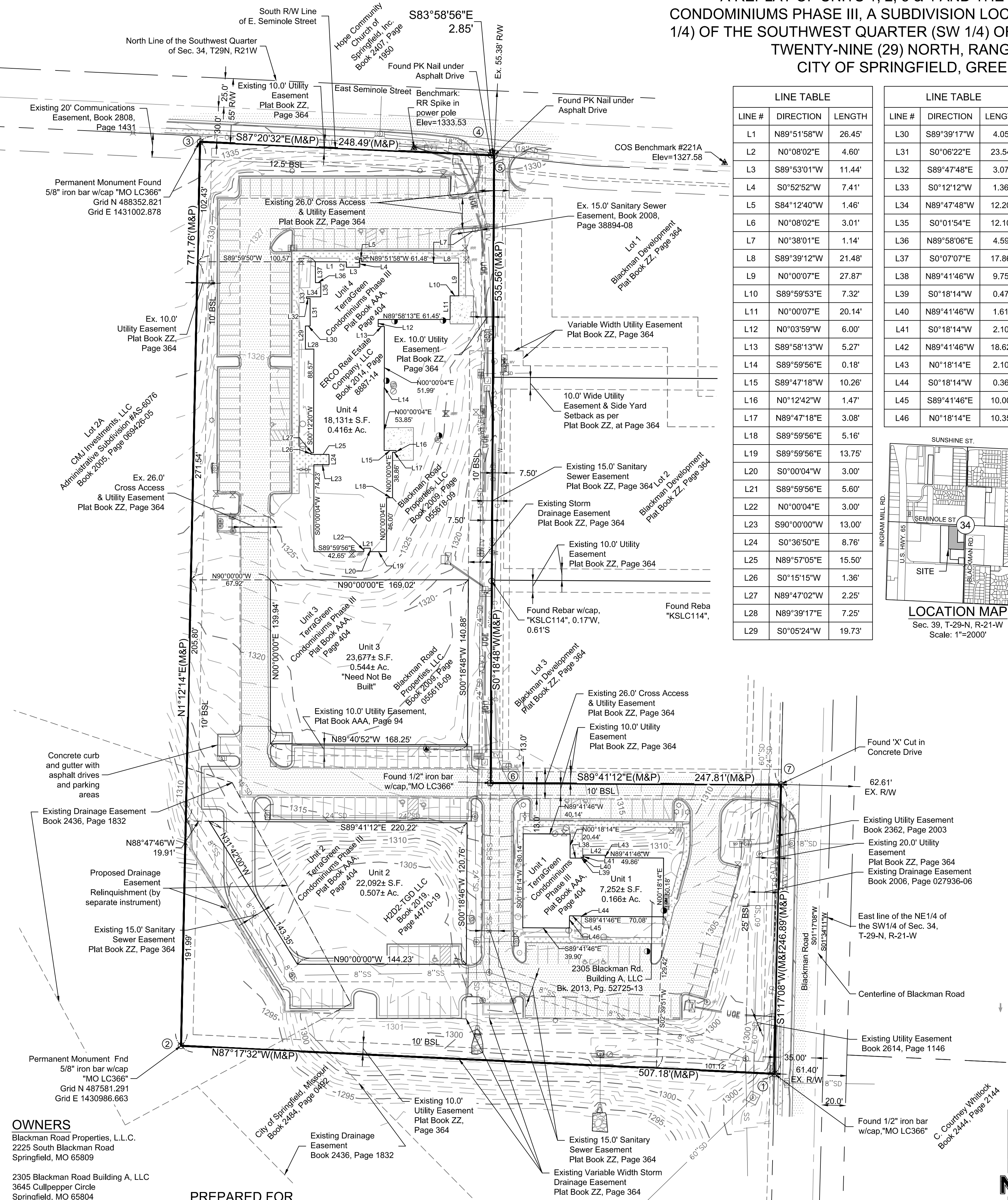
1. Total Area: 257,980± square feet or 5.922 ± acres of land
2. Total Number of Units: Four (4) units.
Smallest Unit: Unit 1 - 7,252 Sq. Ft.±, 0.166 Ac.±
Largest Unit: Unit 3-23,677 Sq. Ft.±, 0.544 Ac.±
3. Proposed Land Use: PD-313 (Office Space)
4. Preliminary Plat Submittal Date: February 1, 2021
5. All internal public roads shall be designed to the current Greene County design standards and requirements.

PRELIMINARY PLAT OF TERRAGREEN CONDOMINIUMS PHASE IV

drawn by:	DATE	REVISION	BY
DRC			
surveyed by:	CO		
checked by:	DDD		
approved by:	DDD		
project no.:	20-3197		
file name:	V_PPT-PH4_0203197		
	01.18.21	Original Preparation	DRC

olsson

Olsson Associates, 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



OWNERS
Blackman Road Properties, L.L.C.
2225 South Blackman Road
Springfield, MO 65809

2305 Blackman Road Building A, LLC
3645 Cattlepepper Circle
Springfield, MO 65804

H2D2-TGD, LLC
3720 Caslebay Court
Springfield, MO, 65809

Eroo Real Estate Company, LLC
1736 E. Sunshine, Ste. 913
Springfield, MO 65804

PREPARED FOR

Arkifex Studio, LLC
221 South Ave.
Springfield, MO 65804

PREPARED BY

Olsson, Inc.
550 St. Louis Street
Springfield, MO 65806

BASIS OF BEARINGS

Grid North based on Missouri State Plane
Coordinate System 1983 by use of MoDOT
continuously operating GNSS RTK Network
Central Zone
Control Station: GR-94
Site Grid Factor: 0.99993115
N: 492290.3230 (sft.) E: 1429376.2690 (sft.)

0' 25' 50' 100'
SCALE IN FEET

One-rdg. _____
P. Hrngs. _____
Pgs. 20
Filed: 03-30-21

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021- 085

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 Olive Corner, generally located at 519 West
4 Olive Street, upon the applicant filing and recording a final plat that
5 substantially conforms to the preliminary plat; and authorizing the City
6 Clerk to sign the final plat upon compliance with all the terms of this
7 Ordinance. (Staff recommends that City Council accept the public
8 streets and easements.)
9 _____

10
11 WHEREAS, an original Preliminary Plat of Olive Corner, dated January 29, 2021,
12 is on file with the City's Department of Planning and Development; and
13

14 WHEREAS, on March 11, 2021, the Planning and Zoning Commission of the City
15 of Springfield, Missouri, conditionally approved the Preliminary Plat of Olive Corner,
16 which is generally located at 519 West Olive Street.
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 the Director of Planning and
22 Development, on behalf of the City of Springfield, to accept the land, easements, and
23 improvements dedicated to the City, as shown on the Preliminary Plat of Olive Corner,
24 which is generally located at 519 West Olive Street, as approved by the Planning and
25 Zoning Commission. The original plat of Olive Corner is on file in the Department of
26 Planning and Development (“Approved Preliminary Plat”), a reduced version of which is
27 attached hereto for general reference as “Exhibit B - Attachment 4,” and all of “Exhibit
28 B” including attachments, is incorporated herein by this reference.
29

30 Section 2 – The Director of Planning and Development shall be authorized to
31 accept the land, easements, and improvements dedicated to the City, as shown on said
32 plat, upon the applicant filing and recording a final plat in accordance with this
33 Ordinance and the Subdivision Regulations of the City, which final plat shall

substantially conform to the Approved Preliminary Plat, including those conditions described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of the above written conditions.

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby authorized to endorse City Council's approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Kyle J. [Signature], Assistant City Attorney

Approved for Council action: Jason A. [Signature], City Manager

EXPLANATION TO COUNCIL BILL 2021 - 085

FILED: 03-30-21

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 Olive Corner, generally located at 519 West Olive Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. An original Preliminary Plat of Olive Corner dated January 29, 2021, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in "Exhibit D - Attachment 4."
- B. The Planning and Zoning Commission held a public hearing on March 11, 2021, and approved the preliminary plat by a vote of 6 to 0, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - 3. The developer shall meet all City and state erosion control regulations prior to disturbing the soil.
 - 4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per

the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

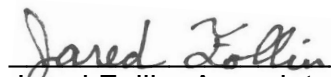
Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* designates this area as Greenway and Greater Downtown. The Major Thoroughfare Plan classifies Olive Street as a local street and Main Avenue as a local street.

REMARKS:

Staff recommends approval.

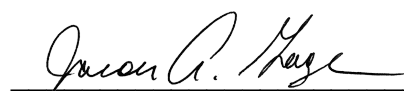
Submitted by:


Jared Follin, Associate 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 – OLIVE CORNER
Planning and Zoning Commission – March 11, 2021**

Preliminary Plat of Olive Corner
519 West Olive Street

Applicant: Olive Pit, LLC

Mr. Hosmer stated that this is a request to approve a one-lot commercial subdivision located at 519 West Olive Street. The Comprehensive Plan identifies this as the Greater Downtown area, Center City is the appropriate zoning category for this area. The Transportation Plan classifies Olive Street and Main Avenue as a Local roadways. 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 because the site is built out. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Jared Rasmussen, representative and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** item Preliminary Plat of Olive Corner (519 West Olive Street). Mr. Knuckles seconded the motion. Ayes: Doennig, Coltrin, Jobe, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.



Bob Hosmer, AICP
Planning Manager

Exhibit B

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:
CITY COUNCIL PUBLIC HEARING:

MARCH 11, 2021

APRIL 5, 2021

CASE: Preliminary Plat of Olive Corner

ACRES: 0.498

LOCATION: 519 West Olive Street

EXISTING LAND USE: Parking Lot/Mixed-use

APPLICANT: Olive Pit, LLC

STAFF: Jared Follin, Associate Planner
417-864-1612

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).



SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a one-lot subdivision named "Olive Corner" to prepare for a future condominium subdivision of the existing structure located at 519 West Olive Street.

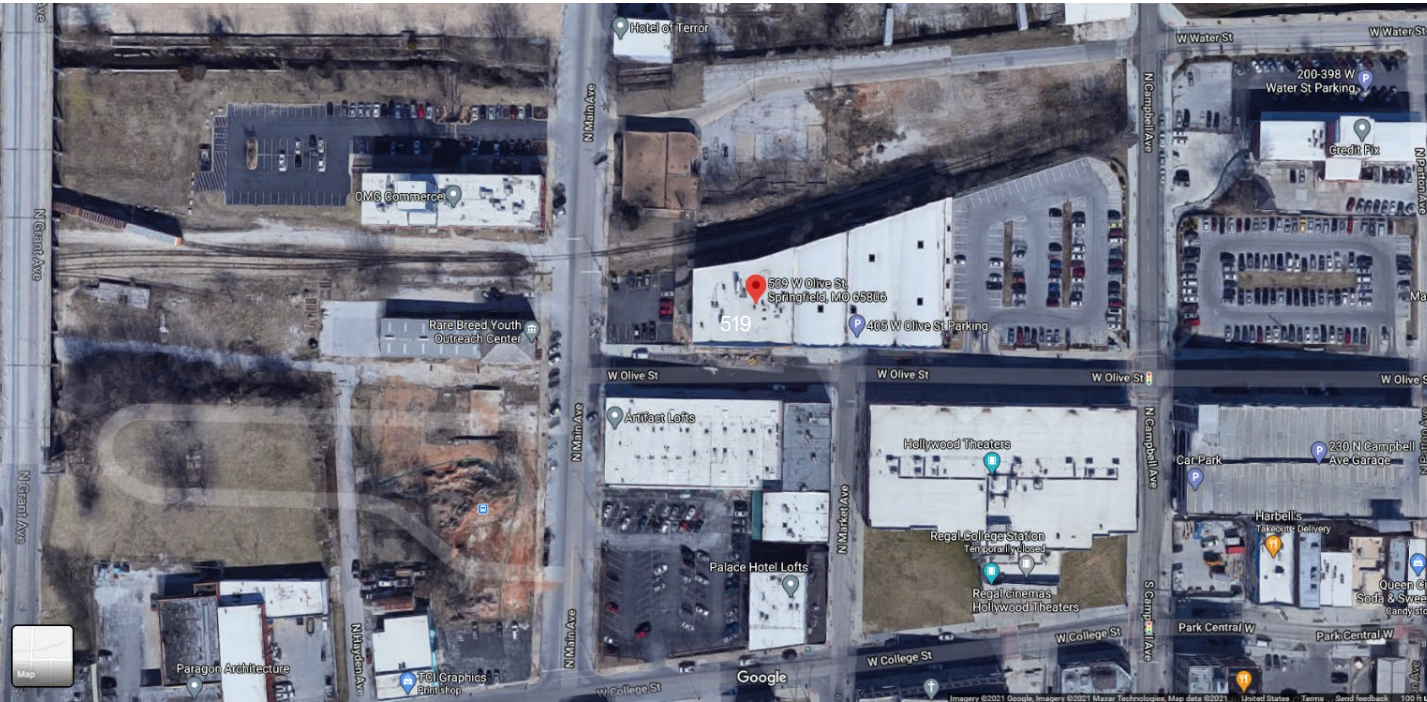
FINDINGS FOR STAFF RECOMMENDATIONS:

1. The applicant's proposal, with the conditions listed in *Attachment 2*, is consistent with the City's *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	Center City	Center City	Center City	Center City
LAND USE	Vacant/Green Space	Mixed-Use	Mixed-Use	Mixed-Use

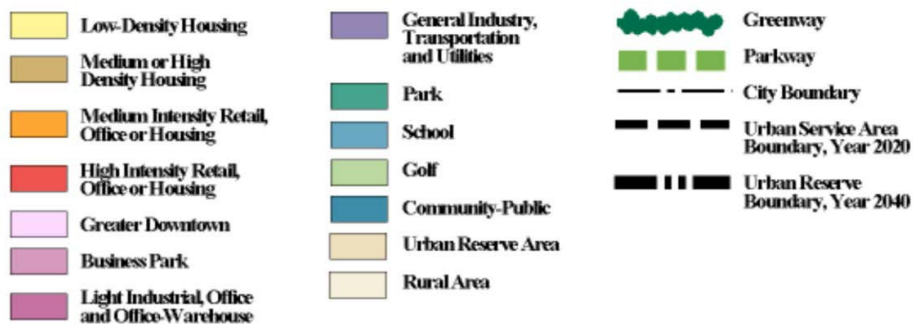
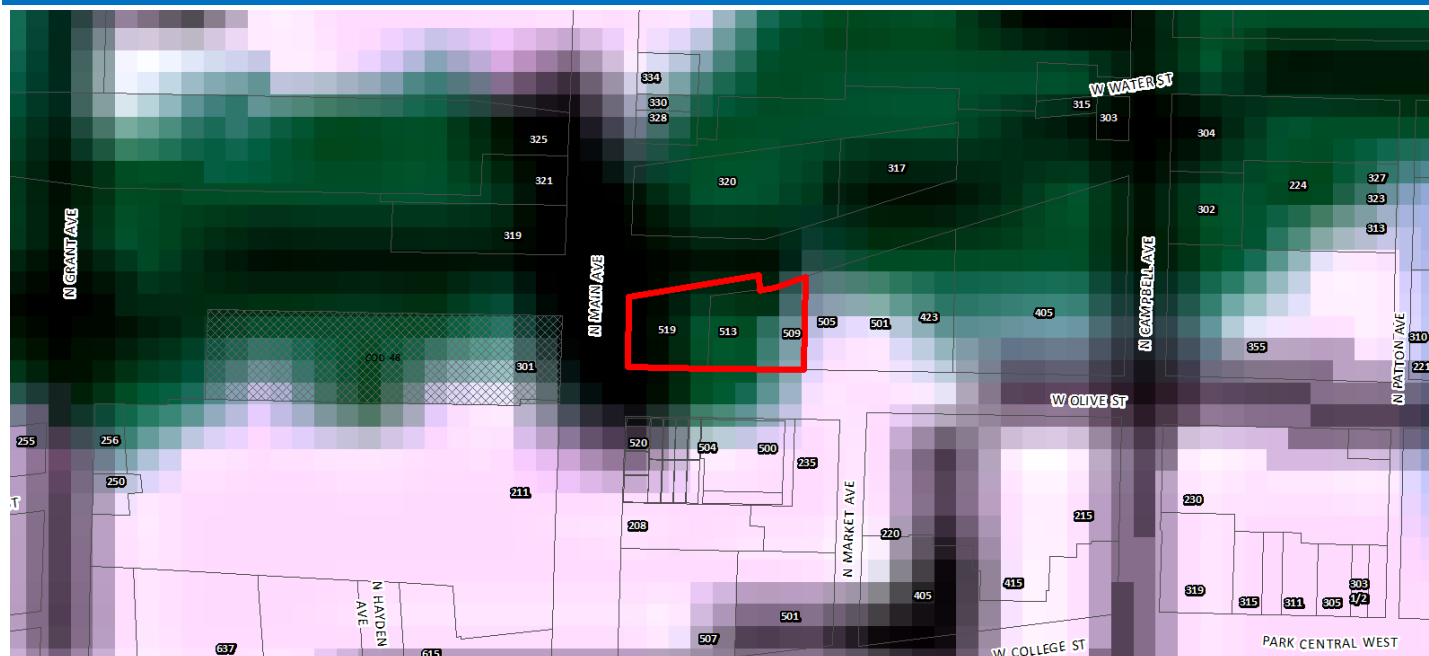
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

The subject property has been incorporated in the City of Springfield since 1855. Most of the property has not gone through the Major Subdivision process; however, the property was certified as one tract of land in 2006

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

- (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
- (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.
- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.
- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.
- (e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.
- (f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.
- (g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.
- (h) Effective period of preliminary approval.
 1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
 2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR CENTER CITY
Minimum Lot Size	None
Maximum Structure Height	None
Front Yard Setback	None
Side and Rear Setbacks	None
Street Classification	Olive Street Main Avenue
Sidewalks (Per Sec.36-471)	There is existing sidewalk along the property frontage on N. Main Avenue and W. Olive Street. The existing infrastructure meets current City Standards.
Open Space Requirement	None

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* designates this area as Greenway and Greater Downtown. The Major Thoroughfare Plan classifies Olive Street as a local street and Main Avenue as a local street.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 0.5 acres into a one-lot subdivision named "Olive Corners."
2. The applicant plans to subdivide the property into condominium units at a later date.
3. The proposed lot meets the requirements of the City's Subdivision Regulations.
4. 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.

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. The Preliminary Plat drawing can be found in Attachment 4.

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

DEPARTMENT COMMENTS:

ATTACHMENT 1

AT&T

AT&T HAS FACILITIES WITHIN R/W, AND U/E FEEDING EXISTING STRUCTURES IN AND NEAR THIS DEVELOPMENT THAT WILL CONTINUE TO BE MAINTAINED. LOCATES NEED TO BE CONDUCTED PRIOR TO ANY CONSTRUCTION TO IDENTIFY ANY UTILITIES IN THE PROPOSED DEVELOPMENT LOCATIONS, AND TO IDENTIFY IF THEY CONFLICT WITH THIS DEVELOPMENT PLAN. THE SITE DEVELOPMENT MAY REQUIRE EXISTING AT&T FACILITIES TO BE RELOCATED AT THE DEVELOPER'S EXPENSE. CONTACT ENGINEER STEVEN BEIER 417-836-2761 180 DAYS PRIOR TO CONSTRUCTION. PLEASE NOTE THAT IF THE DEVELOPMENT OF THIS PROPERTY WILL NEED ADDITIONAL AT&T FACILITIES PLACED, CONTACT ENGINEER STEVEN BEIER 417-836-2761 180 DAYS PRIOR TO CONSTRUCTION.

CITY UTILITIES COMMENTS:

OH Elec service to 501 W Olive appears to pass through this property and run along the north side of the building. Relocation or 10ft easement may be needed.

CLEAN WATER SERVICES COMMENTS:

No issues with the preliminary plat. Tract has access to public sewer.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

The property is in the **Jordan Creek North Branch** drainage basin.

The property **is not** located in a FEMA designated floodplain.

Staff **is** aware of flooding problems in the area.

The city is not aware of a sinkhole at this location.

A fee in lieu of on-site stormwater detention **is not applicable because the site is built out.**

The property **is not in a stream buffer area.**

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 per Chapter 4 Section 3.2.3 of the stormwater design criteria manual – <https://www.springfieldmo.gov/DocumentCenter/View/36063/Flood-Control-and-Water-Quality-Protection-Manual-?bidId=>
2. If disturbing 1 acre or greater, water quality will also have to be provided per Chapter 10 Section 2 of the stormwater design criteria manual.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved per Chapter 4 Section 3.0 of the stormwater design criteria manual.
4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the stormwater design criteria manual.
5. If the property has a sinkhole on the property a geotechnical report is required per Chapter 11 Section 2 of the stormwater design criteria manual.
6. If the property has a stream buffer the property owner may be required to provide a stream buffer easement per Chapter 8 Section 4.1.3.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies N. Main Avenue and W. Olive Street as Local roadways. The standard right-of-way width for N. Main Avenue and W. Olive Street is 25-feet from the centerline. A survey is recommended to determine the exact amount of existing right-of-way. N. Main Avenue and W. Olive Street are both city-maintained streets.

DRIVEWAY ACCESS

There is currently one driveway access point to the property from N. Main Avenue and no driveway access points to the property from W. Olive Street. Any additional driveways will be required to meet existing spacing standards for a local roadway.

SIDEWALK

There is existing sidewalk along the property frontage on N. Main Avenue and W. Olive Street. The existing infrastructure meets current City Standards.

IMPROVEMENTS

None required.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	N. Main Avenue	Local	No	40	25
Street 2	W. Olive Street	Local	Yes	30	25

MEDIACOM

Mediacom has a coax cable feeding this building, the cable runs along the north side of the parking lot to the north west corner of the building.

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

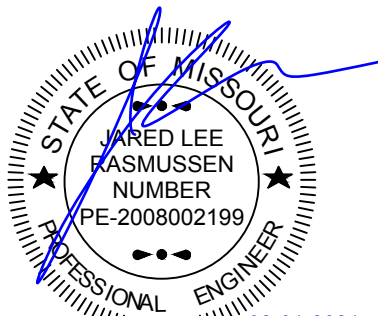
1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required 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 OLIVE CORNER SPRINGFIELD, MISSOURI

Prepared For:

Todd Turoci
1010 Wilshire BLVD
Los Angeles, CA 90017



02-01-2021

JARED LEE RASMUSSEN—CIVIL ENGINEER
MO# PE—2008002199

February 2021

Olsson Project No. 020-39540

The Developer is seeking to complete a one lot subdivision to allow for a future condominium subdivision of the existing building located at 509 W. Olive Street. No alterations are proposed to the existing site or building.

GENERAL:

Item 1: Review comments from the pre-development review meeting held on December 11, 2020 (PREDEV2020-00315) 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 drainage easements to convey on-site and off-site flows.

Item 19: No site development/redevelopment is planned.

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 development or redevelopment is proposed, so storm water quality does not apply to this subdivision.

SANITARY SEWER:

Item 25: Sanitary sewer is available to the property. No improvements are planned.

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 streets are Olive Street to the south, and Main to the west. Both are classified as Local.

Proposed streets: There are no proposed streets.

Item 28: According to the street classification as shown in the Major Thoroughfare Plan, the existing adjacent streets are Olive Street to the south, and Main to the west. Both are classified as Local, and both have adequate ROW. No ROW changes are proposed.

Item 29: No new streets are proposed.

Item 30: Does not apply to this site.

Item 31: Does not apply to this site.

Item 32: Existing Sidewalks: Sidewalks are in place along both Olive and Main and are shown on the Preliminary Plat.

Proposed Sidewalks: There are no proposed sidewalks.

Item 33: No change in use is proposed. Therefore, no changes in traffic patterns or intensity are anticipated.

STREET DESIGN:

Item 34: The existing adjacent streets, Olive and Main, are 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 existing pavement widths of Olive and Main are shown on the Preliminary Plat. 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: This is a one lot subdivision, and no cross-access easements are needed to access adjacent properties.
- Item 39: No new access points are proposed. Existing access points shall remain.
- Item 40: No modifications to the existing access points are proposed.
- Item 41: No access limitations are required.

Attachments: Pre-Development Meeting Notes

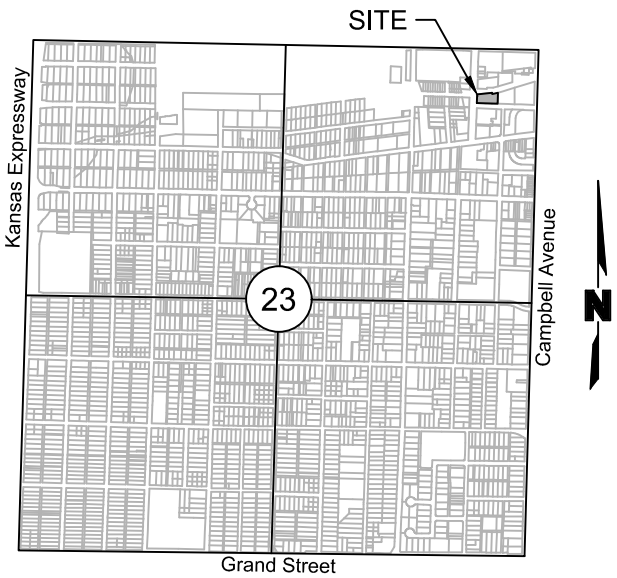
ENGINEER'S REPORT FOR OLIVE CORNER

Springfield, Missouri

February 2021

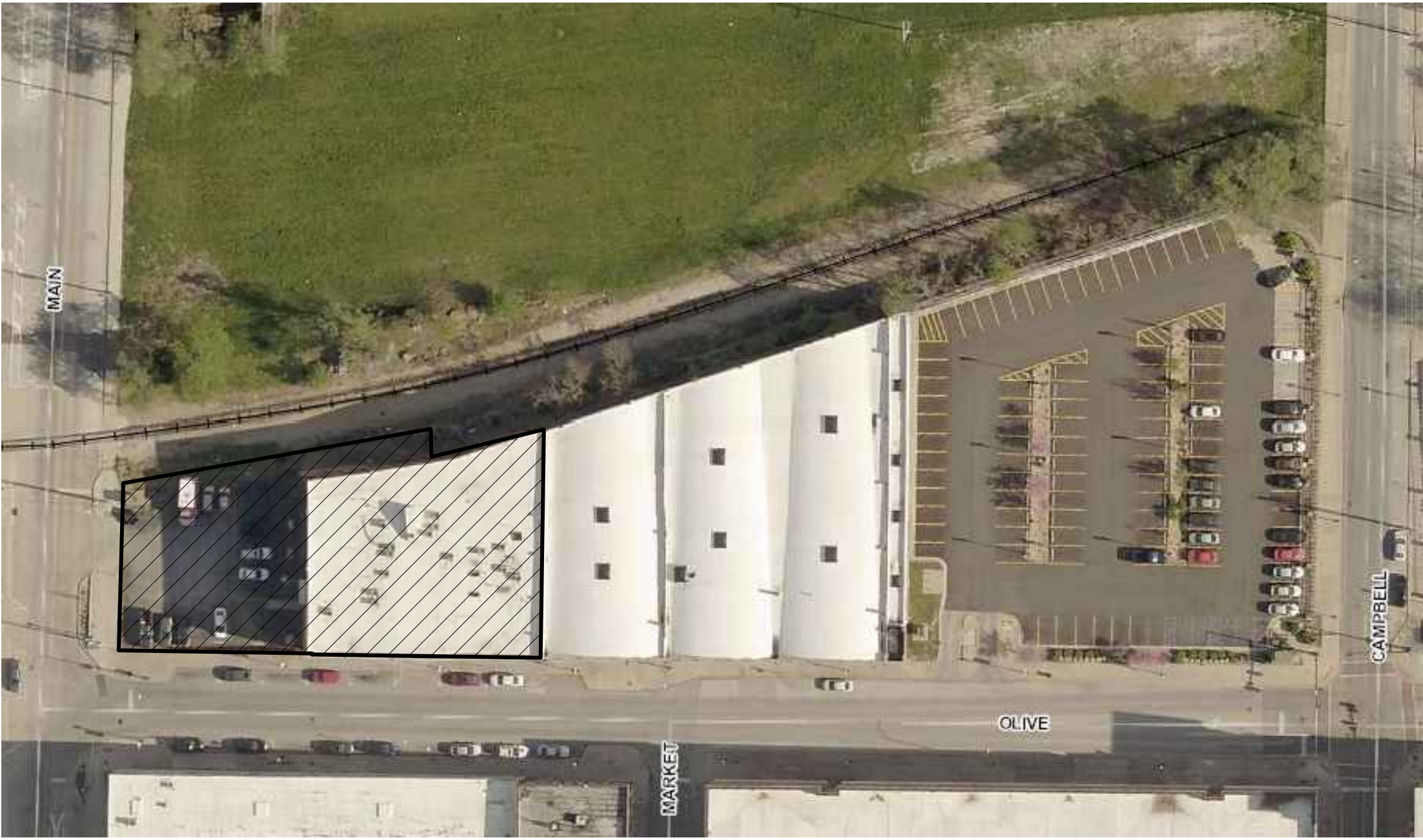
Olsson Project No. 020-39540

DWG: C:\Users\cornold\Documents\CAD\project_shortcuts\020-3954_Olive_Pit_Condos\SRVY\Sheets\V_PPLT_0203954.dwg
DATE: Jan 28, 2021 11:16am XREFS: V_XBNDY_0203954 V_XBNDY_0203954 USER: cornold



LOCATION MAP
Sec. 23, T-29-N, R-22-W
Scale: 1"=2000'

PRELIMINARY PLAT
OLIVE CORNER
PART OF THE NE¼ OF THE NE¼
SECTION 23, TOWNSHIP 29 NORTH, RANGE 22 WEST
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI



VICINITY MAP
NOT TO SCALE

INFORMATION OF FACT

- This survey and plan is based upon the following data and/or exceptions:

	Yes	No	Item
a) Deed of Record	x	_____	Book 2004 , Page 60367-04 & Book 2005, Page 50815-05
b) Filed Maps	x	_____	See Legend
c) Title Search/Binder	x	_____	Commonwealth Land Title Insurance Company Commitment nos. MTC-2021-5004875 & MTC-2021-5004876, dated 01-13-2021
- Certified To:** Olive Pit, 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 January 14, 2021, 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.
- 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.
- 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.
- Total Area: 21,710± sq.ft - 0.498± acre
Current Zoning: CC (Center City District)
Preliminary Plat Submittal: February 1, 2021
- The Flood Insurance Rate Map (FIRM) from the Federal Emergency Management Agency (FEMA) Community Panel No. 29077C0333E, Effective Date 12/17/2010 shows this property is located in Zone "X" (Areas determined to be outside the 0.2% annual chance floodplain).
- 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 210060980. The companies listed on the ticket are ATT Transmission/Distribution, Brentwood Management, City Utilities Electric/Fiber/Gas/Water, City of Springfield Sewer/Traffic and Mediacom.

BOUNDARY DESCRIPTION

Book 2005, Page 50815-05 (Tract 1):
All Beginning at the Northeast corner of Main Avenue and Olive Street as now established and running; thence East 97.9 feet along the North line of Olive Street for a second Beginning Point; thence East 117.34 feet; thence North to the South line of the Missouri Pacific Railroad right of way; thence Southwesterly to a point 37.3 feet South of the North line of the railroad right of way; thence continuing in a Southwesterly direction 60 feet more or less to a point 87.9 feet North of the second Beginning Point; thence South 87.9 feet to the second Beginning Point, all in the City of Springfield, Greene County, Missouri. Also any portion of Olive Street vacated by Ordinance No. 631 in the Office of the City Clerk of the City of Springfield, Greene County, Missouri, subject to any part thereof taken, deeded or used for road or highway purposes.

Book 2004, Page 60367-04 (Tract 2):
Beginning at the Northeast corner of Main Avenue and Olive Street, as established in the City of Springfield, Greene County, Missouri; thence North along the East line of Main Avenue, a distance of 84.85 feet to a point being 22.1 feet perpendicular distant Southerly to the centerline of the first main track of the Missouri Pacific Railroad Company; thence in a Northeasterly direction and making an angle 78°37' to the right from the East line of said Main Avenue a distance of 159.0 feet to a point being 21.1 feet perpendicular distant Southerly to the center of the first main track of the Missouri Pacific Railroad Company; thence in a Southerly direction and making an angle of 98°58' to the right from the last described course, a distance of 14.2 feet to a point being 35.1 feet perpendicular distant Southerly to the center of the first main track of the Missouri Pacific Railroad Company; thence in a Southwesterly direction and running 35.1 feet perpendicular distant Southerly to the center of the first main track of the Missouri Pacific Railroad Company, a distance of 60.1 feet to a point being 97.21 feet East of the East line of said Main Avenue and also being the West line of the Finkbinder Transfer and Storage Company tract as acquired from the Missouri Pacific Railroad Company as recorded in Book 759 at Page 405 in the Office of Greene County Recorder of Deeds; thence South along the West line of said tract as described in said Deed Book 759 at Page 405, a distance of 87.29 feet to the North line of Olive Street, as established by Ordinance 11,594 on January 13, 1922; thence West along the North line of said Olive Street, a distance of 97.9 feet to the Point of Beginning, being situated in the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Twenty-Three (23), Township Twenty-Nine (29), Range Twenty-Two (22), in the City of Springfield, Greene County, Missouri, subject to any part thereof taken, deeded or used for road or highway purposes.

CERTIFICATE OF SURVEY AND ACCURACY

Know all men by these presents:

That I, David D. Drumm, do hereby certify to Olive Pit, LLC, that this survey was prepared under my supervision from an actual survey of the land herein described, prepared by Olsson, Inc., dated January 28, 2021, and signed by David D. Drumm, PLS 2007017958, and that the monuments and lot corner pins shown herein were placed under the personal supervision of David D. Drumm, PLS 2007017958, in accordance with the current Missouri Standards For Urban Property Boundary Surveys.


David D. Drumm, MO PLS 2007017958
Olsson, Inc., MO LC366
ddrumm@olsson.com
Date 01-29-21

LEGEND

- Found Monument (As Noted)
- Set 1/2" Rebar w/Plastic Cap, "LC 366"
- Set 5/8" Rebar w/Alum. Cap, "LC 366"
- (M) Measured Distance
- (D1) Deed Book 2005, Page 50815-05
- (D2) Deed Book 2004, Page 60367-04
- (D3) Deed Book 759, Page 405
- (AS) Administrative Subdivision (AS-6090)
- (S1) Survey by George Kastendieck (SRB 16, Page 60)
- (S2) Unrecorded Survey by Landmark (LSC 3947 8-24-2004)
- (P) Artifacts Loft Condominiums (Plat Book AAA-103)
- (ORD) City Ordinance G-631, Vol. G-2, Pg. 82-83 (11-01-1949)

BENCHMARKS

Benchmark #1: COS 018
NE quadrant of Campbell Ave. @ Water Street.
Elevation=1274.82 (NAVD88)

Benchmark #2: Square cut in SE corner of 12" concrete headwall on the West side of Main Ave. @ Water Street.
Elevation=1267.31 (NAVD88)

OWNER

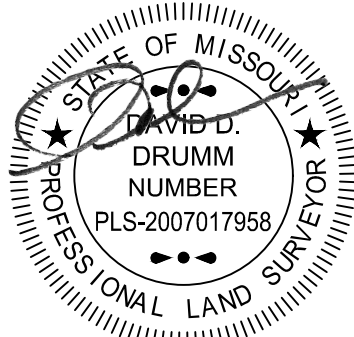
Olive Pit, LLC
1050 E. Walnut Street
Suite A
Springfield, MO 65806

DEVELOPER

Todd Turoci
1010 Wilshire Blvd.
Los Angeles, CA 90017

PREPARED BY

Olsson, Inc.
550 St. Louis Street
Springfield, MO 65806



drawn by:	DATE	REVISION	BY
CDA			
surveyed by:	BP/CO		
checked by:	DDD		
approved by:	DDD		
project no.:	020-3954		
file name:	V_PPLT_0203954		
	01.29.21	Original Preparation	CDA



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

DWG: C:\Users\cornold\Documents\CAD\project shortcuts\020-3954 Olive Pit Condos SRVY\Sheets\V_PPLT_0203954.dwg
DATE: Jan 29, 2021 8:34am
USER: cornold
XREFS: V_XBNDPO_0203954



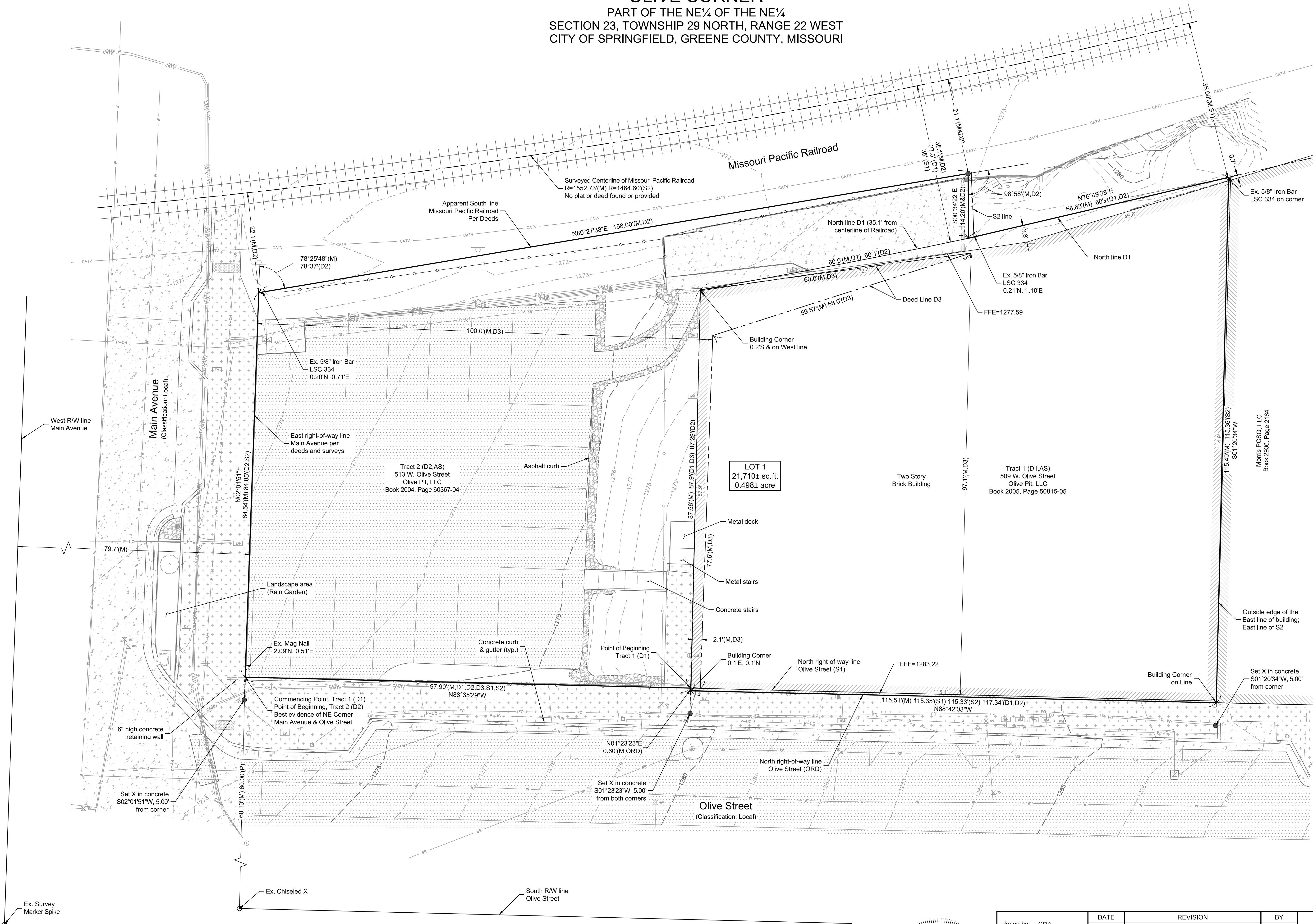
1-800-DIG-RITE or 811
www.mot1call.com

BENCHMARKS

Benchmark #1: COS 018
NE quadrant of Campbell Ave. @ Water Street.
Elevation=1274.82 (NAVD88)

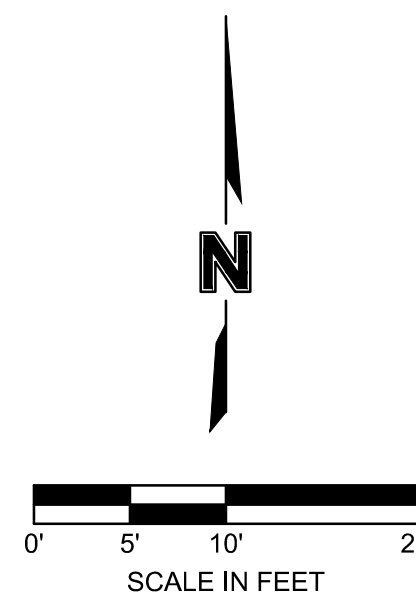
Benchmark #2: Square cut in SE corner of 12" concrete
headwall on the West side of Main Ave. @ Water Street.
Elevation=1267.31 (NAVD88)

PRELIMINARY PLAT OLIVE CORNER PART OF THE NE¼ OF THE NE¼ SECTION 23, TOWNSHIP 29 NORTH, RANGE 22 WEST CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI



LEGEND

- Found Monument (As Noted)
- Set 1/2" Rebar w/Plastic Cap, "LC 366"
- Set 5/8" Rebar w/Alum. Cap, "LC 366"
- Measured Distance
- (D1) Deed Book 2005, Page 50815-05
- (D2) Deed Book 2004, Page 60367-04
- (D3) Deed Book 759, Page 405
- (AS) Administrative Subdivision (AS-6090)
- (S1) Survey by George Kastendieck - (SRB 16, Page 60)
- (S2) Unrecorded Survey by Landmark - (LSC 3947 8-24-2004)
- (P) Artifacts Loft Condominiums - (Plat Book AAA-103)
- (ORD) City Ordinance G-631, Vol. G-2, Pg. 82-83 (11-01-1949)
- Catch Basin
- Electric Cabinet
- Electric Meter
- Electric Vault
- Fire Dept. Connection
- Gas Meter
- Gas Valve
- Light Pole
- Mail Box
- Power Pole
- Power Pole w/Light
- Roof Drain
- Sanitary Cleanout
- Sanitary Manhole
- Sign
- Steel Post
- Telephone Manhole
- Tree, Deciduous
- Water Meter
- Water Valve
- Cable/TV Line
- Overhead Electric
- Underground Electric
- Fiber Optic Line
- Natural Gas Line
- Sanitary Sewer Line
- Water Line
- Wrought Iron Fence
- ADA Truncated Domes
- Asphalt Pavement
- Concrete Sidewalk
- Concrete Pavement
- Gravel Pavement



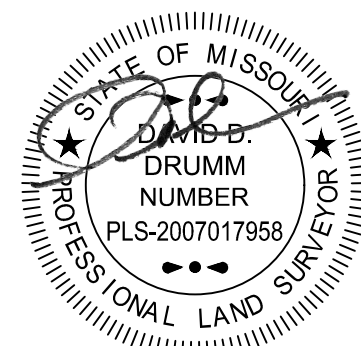
BASIS OF BEARINGS
Grid North based on Missouri State Plane
Coordinate System 1983 by use of MoDOT
continuously operating GNSS RTK Network
Central Zone

Sheet 2 of 2
Preliminary Plat of Olive Corner

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

drawn by:	DATE	REVISION	BY
CDA	01.29.21	Original Preparation	CDA
surveyed by:			
BP/CO			
checked by:			
DDD			
approved by:			
DDD			
project no.:			
020-3954			
file name:			
V_PPLT_0203954			



One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 04-13-21

Sponsored by: Council

COUNCIL BILL 2021- 094 RESOLUTION

RESOLUTION

1 REMOVING certain tabled bills from the table and forwarding them to the next
2 succeeding City Council for further consideration and review; and
3 declaring an emergency pursuant to City Charter Section 2.12.
4
5

6 WHEREAS, certain bills have been tabled since the last formal organizational
7 meeting of City Council; and
8

9 WHEREAS, pursuant to City Code Sections 2-33 and 2-53(e)(7), council bills
10 shall be deemed to have died on the table if no action shall have been taken upon such
11 bills prior to the next succeeding formal organizational meeting of City Council; and
12

13 WHEREAS, City Council wishes to take action upon certain bills so that said bills
14 are not deemed to have died on the table.
15

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

19 Section 1 – City Council hereby acts to remove the following bills from the table
20 and forward them to the next succeeding City Council for further consideration and
21 review:
22

23 Council Bill 2016-293: A special ordinance approving Redevelopment Project 2
24 for the Springfield Plaza Tax Increment Financing Plan
25 and initiating tax increment financing therein.
26

27 Council Bill 2020-098: A special ordinance approving a Redevelopment Project
28 for the Idea Commons Tax Increment Financing Plan and
29 initiating tax increment financing therein.
30

31 Council Bill 2021-044: A special ordinance authorizing the City Manager, or his
32 designee, to enter into a contract with ShotSpotter, Inc.,
33 for the implementation of the ShotSpotter Respond gunfire
34 detection system.
35

36 Section 2 – City Council hereby finds and declares that an emergency exists in
37 that pursuant to City Code pursuant to City Code Sections 2-33 and 2-53(e)(7) council
38 bills shall be deemed to have died on the table if no action shall have been taken upon
39 such bills prior to the next succeeding formal organizational meeting of City Council.
40 Therefore, pursuant to Section 2.12 of the City Charter this bill concerns the immediate
41 preservation of public peace, property, health, safety, or morals and may be passed in
42 one reading. This Resolution shall be in effect immediately upon adoption.

43
44 Passed at meeting: _____

45
46
47 _____
48 Mayor
49

50 Attest: _____, City Clerk
51

52 Filed as Resolution: _____
53

54
55 Approved as to form: Rhonda Lewsader, City Attorney
56

57
58 Approved for Council action: Juan A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2021 - 094

FILED: 04-13-21

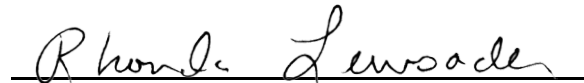
ORIGINATING DEPARTMENT: Law

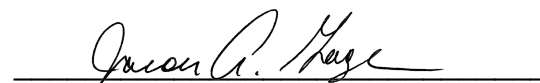
PURPOSE: Removing certain tabled bills from the table and forwarding them to the next succeeding City Council for further consideration and review.

BACKGROUND INFORMATION: Since the last formal organization meeting of City Council, some council bills have been tabled. If no action is taken upon tabled council bills prior to the next formal organizational meeting of City Council, those council bills will be deemed to have died, pursuant to City Code Sections 2-33 and 2-53(e)(7). This Resolution removes Council Bills 2016-293, 2020-098, and 2021-044 from the table and forwards them to the next succeeding City Council for further consideration and review. Council Bill 2016-293 is a special ordinance approving Redevelopment Project 2 for the Springfield Plaza Tax Increment Financing Plan and initiating tax increment financing therein. Council Bill 2020-098 is a special ordinance approving a Redevelopment Project for the Idea Commons Tax Increment Financing Plan and initiating tax increment financing therein. Council Bill 2021-044 is a special ordinance authorizing the City Manager, or his designee, to enter into a contract with ShotSpotter, Inc., for the implementation of the ShotSpotter Respond gunfire detection system.

Submitted by:

Approved by:


Rhonda Lewsader, City Attorney


Jason Gage, City Manager

One-rdg. X
P. Hmgs.
Pgs. 3
Filed: 04-13-21

Sponsored by: Council

COUNCIL BILL 2021-095 RESOLUTION

RESOLUTION

1 FORWARDING certain topics on City Council Committee schedules to the next
2 succeeding City Council Committees for further consideration and
3 review; and declaring an emergency pursuant to City Charter Section
4 2.12.
5 _____
6

7 WHEREAS, certain topics have been referred to or considered by City Council
8 Committees since the last formal organizational meeting of City Council; and
9

10 WHEREAS, City Council wishes to allow further consideration and review of said
11 bills and certain topics under consideration by City Council Committees.
12

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

16 Section 1 – City Council hereby acts to forward certain items on City Council
17 Committee schedules to the next succeeding City Council for further consideration and
18 review:
19

20 Community Involvement Committee

21 Consideration of Springfield city flag

22 Continuation of monitoring of the Sexual Assault Task Force recommendations

23 Alternative Sentencing and Community Work Service Assignments
24

25 Finance and Administration Committee

26 Quarterly Internal Auditor report

27 Annual Fee Study review

28 Internal Audit Update

29 Internal Audit Reports
30

31 Section 2 – City Council hereby finds and declares that an emergency exists in
32 that certain topics under consideration by City Council Committees require further
33 consideration and review; therefore, pursuant to section 2.12 of the City Charter this bill
34 concerns the immediate preservation of public peace, property, health, safety or morals

and may be passed in one reading. This Resolution shall be in effect immediately upon adoption.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: Rhonda Lewaden, City Attorney

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

EXPLANATION TO COUNCIL BILL 2021 -095

FILED: 04-13-21

ORIGINATING DEPARTMENT: Law

PURPOSE: Forwarding certain topics on City Council Committee schedules to the next succeeding City Council Committees for further consideration and review.

BACKGROUND INFORMATION: Since the last formal organization meeting of City Council, topics have been referred to or considered by City Council Committees. Some of these items remain on Committee schedules because review and consideration has not been completed. This Resolution forwards those topics under consideration by City Council Committees to the next succeeding City Council Committees for further consideration and review.

The topics include:

Community Involvement Committee

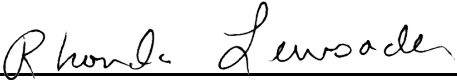
- Consideration of Springfield city flag
- Continuation of monitoring of the Sexual Assault Task Force recommendations
- Alternative Sentencing and Community Work Service Assignments

Finance and Administration Committee

- Quarterly Internal Auditor report
- Annual Fee Study review
- Internal Audit Update
- Internal Audit Reports

Submitted by:

Approved by:


Rhonda Lewsader, City Attorney


Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 4
Filed: 04-13-21

Sponsored by: Council

COUNCIL BILL 2021-096 RESOLUTION

RESOLUTION

DECLARING the results of a General Municipal Election held on April 6, 2021,
under the Home Rule Charter of the City of Springfield, Missouri.

WHEREAS, on April 6, 2021, the General Municipal Election was held in the City
of Springfield, Missouri, under the Home Rule Charter of the City; and

WHEREAS, the official returns of said election have been certified to City Council
as required by the State Verification Board, and it is desired to declare the results of
said election.

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

Section 1 – The election heretofore referred to has been found to have been held
in all respects as required by the laws of the State of Missouri and the City of
Springfield, at designated voting places, that all qualified electors of the City of
Springfield and no others were permitted to vote, and that the results of the elections
are found and declared to be as follows:

<u>Office</u>	<u>Total Votes</u>
<u>Mayor</u> (two-year term)	
Ken McClure	<u> 10,253 </u>
Marcus Aton	<u> 5,347 </u>
<u>One General Council Member, Seat A</u> (four-year term)	
Alexander Aton	<u> 4,118 </u>
Justin Burnett	<u> 2,388 </u>
Randy Allen	<u> 2,373 </u>
Heather Hardinger	<u> 6,144 </u>

One General Council Member, Seat B (four-year term)

J. Michael Hasty	2,536
Brent Brown	3,880
Craig Hosmer	8,807

One Council Member, Zone 1 (four-year term)

Angela Romines	1,211
Isabelle Jimenez Walker	1,031

One Council Member, Zone 4 (four-year term)

Matthew Simpson	3,167
Craig Kauffman	2,037
Jean Kalapathy	930

Section 2 – It is accordingly found and declared that the candidates receiving the majority of the votes in Section 1 are hereby elected to office.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: Rhonda Lewsader, City Attorney

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

EXPLANATION TO COUNCIL BILL 2021 -096

FILED: 04-13-21

ORIGINATING DEPARTMENT: City Clerk's Office

PURPOSE: To declare the results of a General Municipal Election held on April 6, 2021, in the City of Springfield, Missouri.

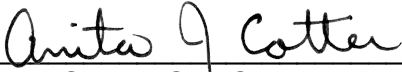
BACKGROUND INFORMATION: The City of Springfield held a General Municipal Election on Tuesday, April 6, 2021.

The results of the General Municipal Election are as follows:

Mayor – Ken McClure
General Seat A – Heather Hardinger
General Seat B – Craig Hosmer
Zone 1 – Angela Romines
Zone 4 – Matthew Simpson

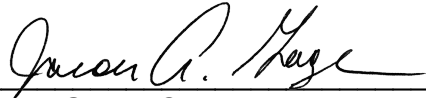
The certification of the election returns by the Verification Board is attached as "Exhibit A."

Submitted by:



Anita Cotter, City Clerk

Approved by:



Jason Gage, City Manager

We, the undersigned representatives of opposite political parties, hereby certify that on the 6th day of April, 2021 we did tabulate all returns of the General Municipal Election held at the various voting locations within said county between the hours of 6:00 a.m. and 7:00 p.m., the following being a true and accurate account of the vote at said polling places, as well as the absentee ballots, and as certified by the verification board as provided in 115.507, RSMo.

City of Springfield

FOR MAYOR
TWO YEAR TERM

Ken McClure	10,253
Marcus Aton	5,347

FOR COUNCIL MEMBER-ZONE 1
FOUR YEAR TERM

Angela Romine	1,211
Isabelle Jimenez Walker	1,031

FOR COUNCIL MEMBER- ZONE 4
FOUR YEAR TERM

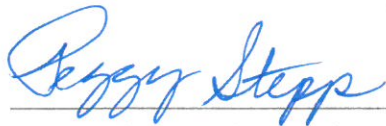
Matthew Simpson	3,167
Craig Kauffman	2,037
Jean Kalapathy	930

FOR COUNCIL MEMBER- GENERAL SEAT A
FOUR YEAR TERM

Alexander Aton	4,118
Justin Burnett	2,388
Randy Allen	2,373
Heather Hardinger	6,144

FOR COUNCIL MEMBER- GENERAL SEAT B
FOUR YEAR TERM

J. Michael Hasty	2,536
Brent Brown	3,880
Craig Hosmer	8,807



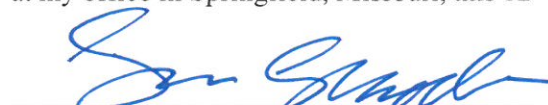
Democratic Supervisory Judge



Republican Supervisory Judge

STATE OF MISSOURI)
) ss.
COUNTY OF GREENE)

IN TESTIMONY WHEREOF, I, Shane Schoeller, County Clerk, hereunto set my hand and affix the Seal of the County of Greene, at my office in Springfield, Missouri, this 12th day April, 2021.



SHANE SCHOELLER
COUNTY CLERK

One-rdg. _____
P. Hrngs. X
Pgs. 15
Filed: 04-13-21

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-097

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning approximately 0.07 acres
3 generally located at 1640 East Sunshine Street from R-SF, Single-Family
4 Residential District to GR, General Retail District; and adopting an
5 updated Official Zoning Map. (Staff and Planning and Zoning Commission
6 both recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 1640 East Sunshine Street, and more fully described in "Exhibit A,"
11 from R-SF, Single-Family Residential District to GR, General Retail District; and
12

13 WHEREAS, following proper notice, a public hearing was held before the
14 Planning and Zoning Commission on April 8, 2021, a copy of the Record of Proceedings
15 from said public hearing being attached hereto and incorporated herein by this
16 reference as "Exhibit B," and said Commission made its recommendation; and
17

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

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

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

28 Section 1 – The property described in "Exhibit A," which is attached hereto and
29 incorporated herein by this reference, is hereby rezoned from R-SF, Single-Family
30 Residential District to GR, General Retail District. Springfield Land Development Code,
31 Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended,
32 changed, and modified consistent with this Ordinance.
33

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

39
40 Section 3 – The Official Zoning Map herein adopted shall be maintained and
41 archived in the same digital form in which this Council has approved its adoption.

42
43 Section 4 – This Ordinance shall be in full force and effect from and after
44 passage.

45
46 Passed at meeting: _____

47
48 _____
49 Mayor

50
51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

54
55 Approved as to form: Kyle Talbot, Assistant City Attorney

56
57
58 Approved for Council action: Jason A. Hays, City Manager
59

EXPLANATION TO COUNCIL BILL 2021 - 097

FILED: 04-13-21

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 0.07 acres of property generally located at 1640 East Sunshine Street from R-SF, Residential Single-family to GR, General Retail District (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-9-2021

The applicant is requesting to rezone approximately 0.07 acres of property generally located at 1640 East Sunshine Street from R-SF, Residential Single-family to GR, General Retail District. The applicant intends to use this portion of property to install the required bufferyard between GR and R-SF.

This application is being processed concurrently with a Conditional Use Permit (CUP No. 447) which proposes to expand the existing car wash business onto a neighboring property at 1650 East Sunshine Street.

During the review process of the CUP, it was discovered that the existing car wash development has a paved parking lot in the area that a bufferyard should have been installed. In order to correct this, this portion of property will be used to install the required bufferyard. The parcel has the same owner but is a split zoning lot with GR zoning on the north portion and R-SF on the south portion.

Approval of this request will expand the existing GR zoning an additional approximately thirty-two (32) feet to the south. Expansion of the GR district will facilitate the installation of the required bufferyard between the existing car wash business and R-SF zoning.

REMARKS:

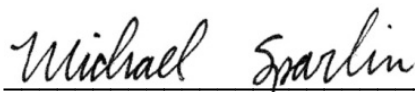
The Planning and Zoning Commission held a public hearing on April 8, 2021, and recommended to approve, by a vote of 7 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. This application is being processed concurrently with a Conditional Use Permit (CUP No. 447) which proposes to expand the existing car wash business onto a neighboring property at 1650 East Sunshine Street.
2. During the review process of the CUP, it was discovered that the existing car wash development has a paved parking lot in the area that a bufferyard should have been installed. In order to correct this, this portion of property will be used to install the required bufferyard. The parcel has the same owner but is a split zoning lot with GR zoning on the north portion and R-SF on the south portion.
3. Approval of this request will expand the existing GR zoning an additional approximately thirty-two (32) feet to the south. Expansion of the GR district will facilitate the installation of the required bufferyard between the existing car wash business and R-SF zoning.
4. This application is consistent with the *Growth Management and Land Use Element* of the *Comprehensive Plan* which designates this property as appropriate 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. The GR district is listed as an appropriate zoning district for this land use category.

Submitted by:



Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood comments

Exhibit A

LEGAL DESCRIPTION
ZONING CASE Z-9-2021

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 29 NORTH, RANGE 21 WEST, SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF BEECHWOOD HEIGHTS THIRD ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, MISSOURI, BEING RECORDED IN PLAT BOOK Q PAGE 2 GREENE COUNTY RECORDER'S OFFICE;
THENCE NORTH 88°10'43" WEST, ALONG AN EXTENSION OF THE NORTH RIGHT OF WAY LINE OF WASHITA STREET, A DISTANCE OF 98.57 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND RECORDED IN BOOK 2013 PAGE 6984-13 GREENE COUNTY RECORDER'S OFFICE;
THENCE NORTH 01°14'35" EAST, ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 32.52 FEET TO A POINT ON THE SOUTH LINE OF THE CURRENT GR (GENERAL RETAIL) ZONING;
THENCE SOUTH 88°10'43" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 98.56 FEET TO A POINT ON THE EAST LINE OF SAID TRACT;
THENCE SOUTH 01°12'59" WEST, ALONG SAID EAST LINE, ALSO BEING THE WEST LINE OF SAID LOT 4 OF BEECHWOOD HEIGHT THIRD ADDITION, A DISTANCE OF 32.52 FEET TO THE POINT OF BEGINNING.

Exhibit B

**RECORD OF PROCEEDINGS
ZONING CASE Z-9-2021 & CONDITIONAL OVERLAY DISTRICT NO. 194
Planning and Zoning Commission – April 8, 2021**

Z-9-2021

1650 East Sunshine Street

Applicant: JRW Family Prop, LLC, c/o J Randolph Wilson

King Coltrin and Britton Jobe recused themselves.

Mr. Hosmer states that this a request to rezone approximately 0.07 acres of property generally located at 1640 East Sunshine Street from R-SF, Residential Single-family to GR, General Retail District. The Comprehensive Plan identifies the property as Medium Intensity Retail, Office, or Housing. The Transportation Plan classifies Sunshine Street as a Primary Arterial roadway. A Traffic Impact Study is not 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 be allowed. During the review process of the CUP, it was discovered that the existing car wash development had a paved parking lot in the area where a bufferyard should have been installed per the site plan. The rezoning and revised CUP site plan will correct this issue. Staff recommends approval.

Mr. Bill Knuckles asked about the rezoning and extension of the area further to the south and does it extend north of Washita Avenue.

Mr. Hosmer stated that he was not sure and to ask the developer.

Mr. Doennig opened the public hearing.

Mr. Chris Wynn, representing the owner, and stated that it does goes to the southern line and is the north line of Washita Avenue and this takes care of a problem from 2012 with the bufferyard. He also noted that this property is unique and that it has two different zoning districts on one lot and we will put in the appropriate plantings.

Mr. Greg Byler, owner and wanted to thank the City for willing to work with them on a compromise and here to answer any questions.

Mr. Doennig closed the public hearing.

Ms. Broekhoven motioned to **approve** item Z-9-2021 (1650 East Sunshine Street). Ms. Colony seconded the motion. Ayes: Doennig, Knuckles, Colony, Bruce, Ogilvy, Broekhoven and Lebeck. Nays: None. Abstain: None. Absent: none.

King Coltrin and Britton Jobe recused themselves.

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

Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:
CITY COUNCIL PUBLIC HEARING:

APRIL 8, 2021

April 19, 2021

CASE: Z-9-2021

ACRES: Approximately 0.07 acres

LOCATION: 1640 East Sunshine Street

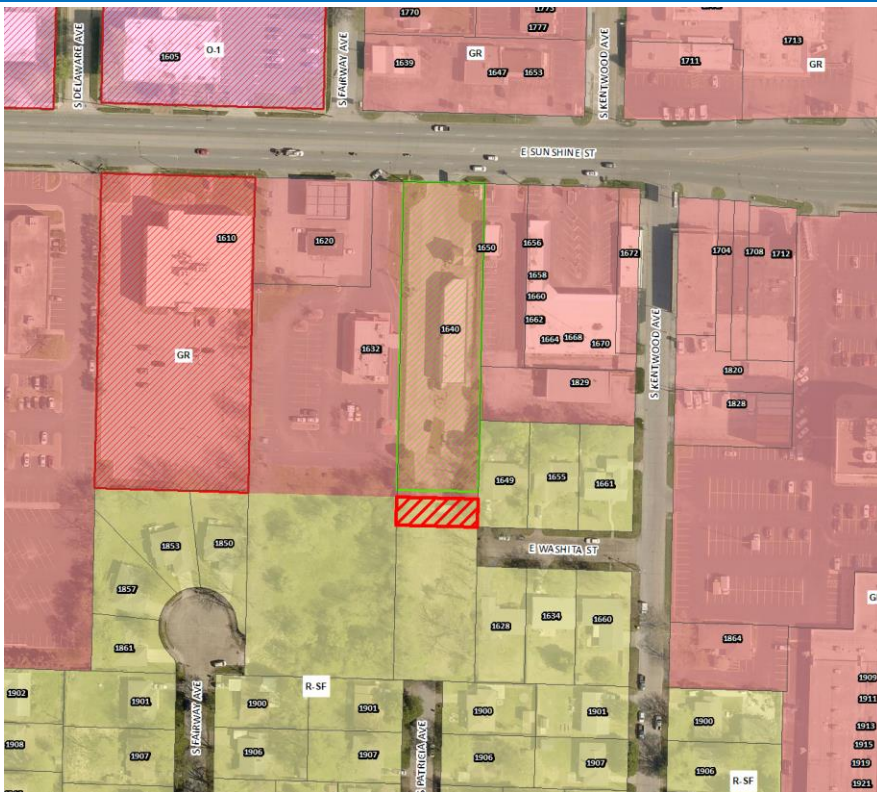
EXISTING LAND USE: Undeveloped land

APPLICANT: 3410 Kingshighway LLC

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

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).



SUMMARY OF REQUEST:

Request to rezone approximately 0.07 acres of property generally located at 1640 East Sunshine Street from R-SF, Residential Single-family to GR, General Retail District.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. This application is consistent with the *Growth Management and Land Use Element* of the *Comprehensive Plan* which designates this property as appropriate 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. The GR district is listed as an appropriate zoning district for this land use category.
2. This application is being processed concurrently with Conditional Use Permit 447 which proposes to expand the existing car wash business into the property at 1650 East Sunshine Street.
3. During the review process of the CUP, it was discovered that the existing car wash development had a paved parking lot in the area where a bufferyard should have been installed. In order to correct this, a portion of the property to the south will be used to install the required bufferyard. The property is owned by the applicant but has a split zoning lot with GR zoning on the north portion and R-SF zoning on the south portion.
4. Approval of this request will expand the existing GR zoning approximately thirty-two (32) feet to the south. Expansion of the GR district will facilitate the installation of the required bufferyard between the existing car wash business and R-SF zoning.

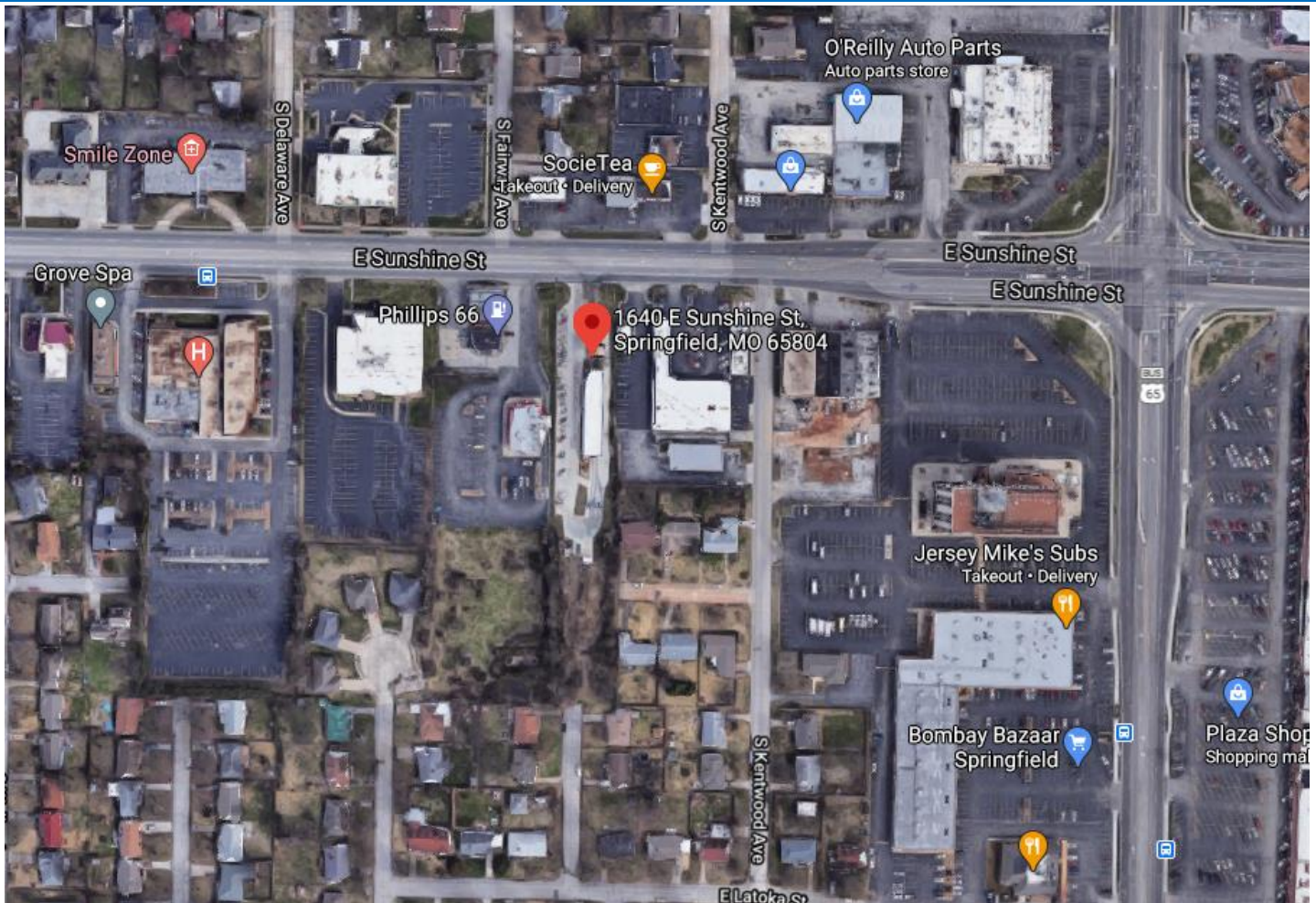
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	R-SF	R-SF	R-SF
LAND USE	Car washing business	Undeveloped land	Single-family dwelling	Undeveloped land

Development Review Staff Report



GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

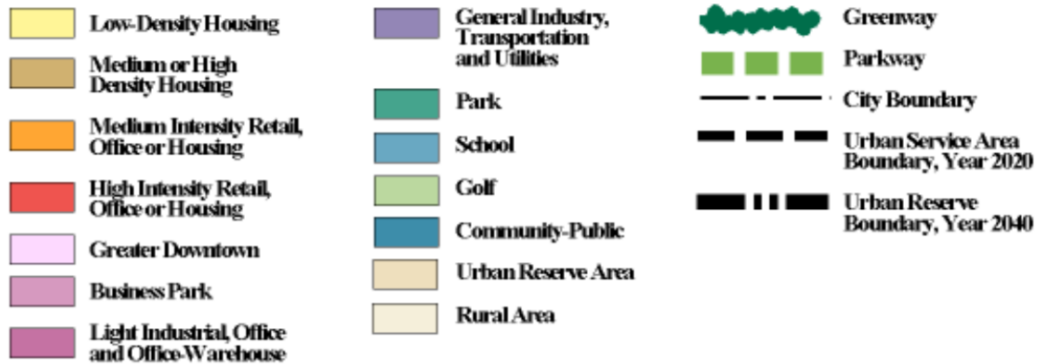
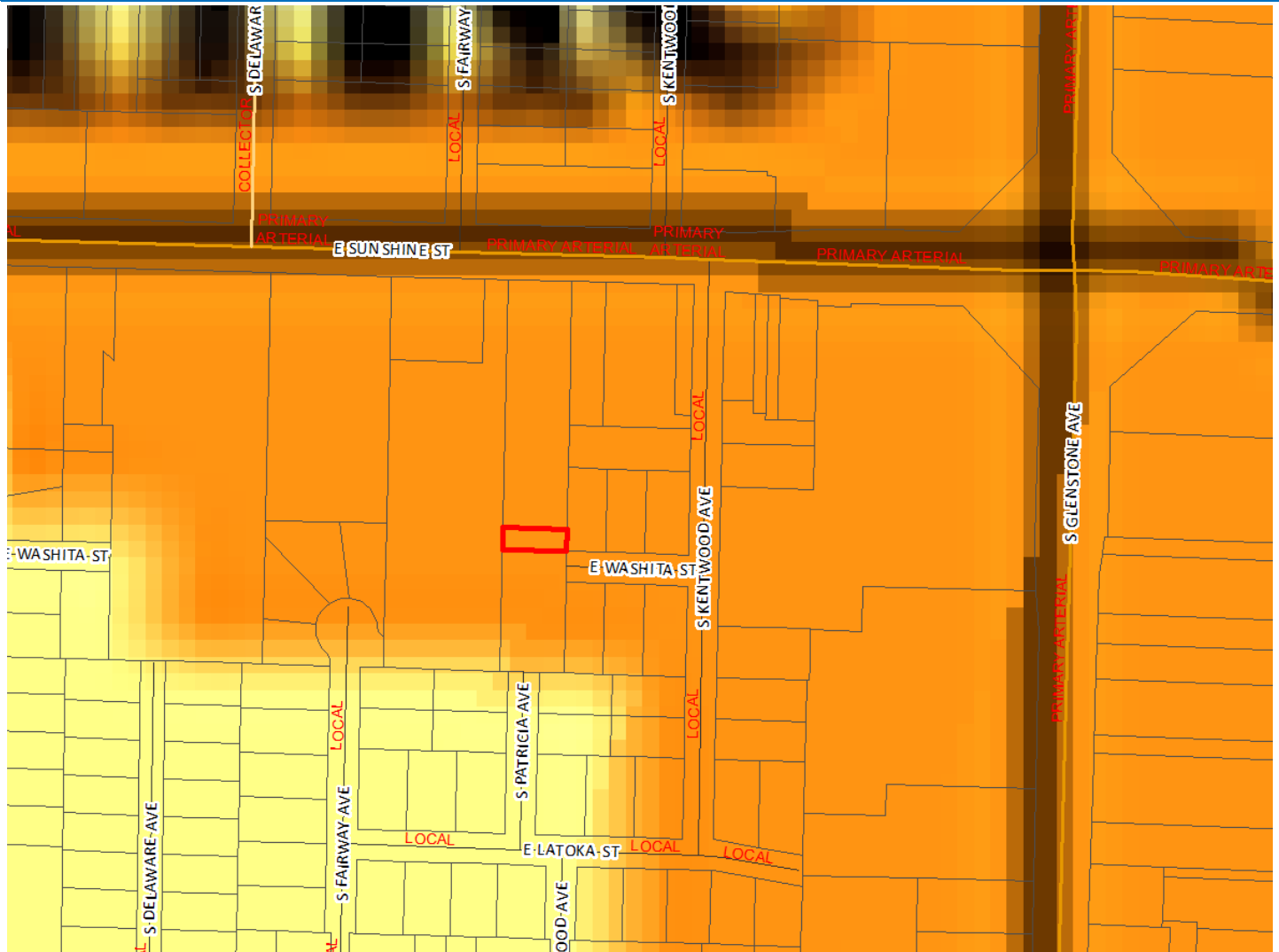


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property has been zoned R-SF since the citywide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

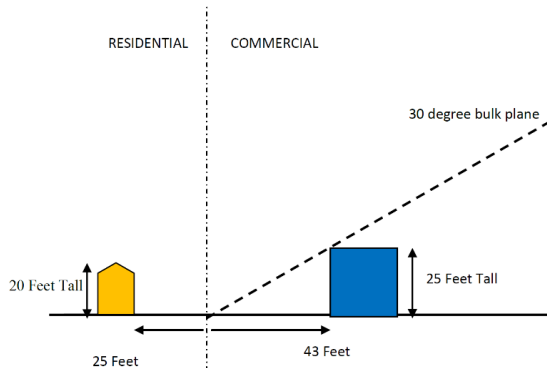
- (a) Rezoning. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:
1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
 2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
 3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
 4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
 5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
 6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;
 7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
 8. Information submitted at the public hearing.

ZONING ORDINANCE OR CODE REQUIREMENTS:

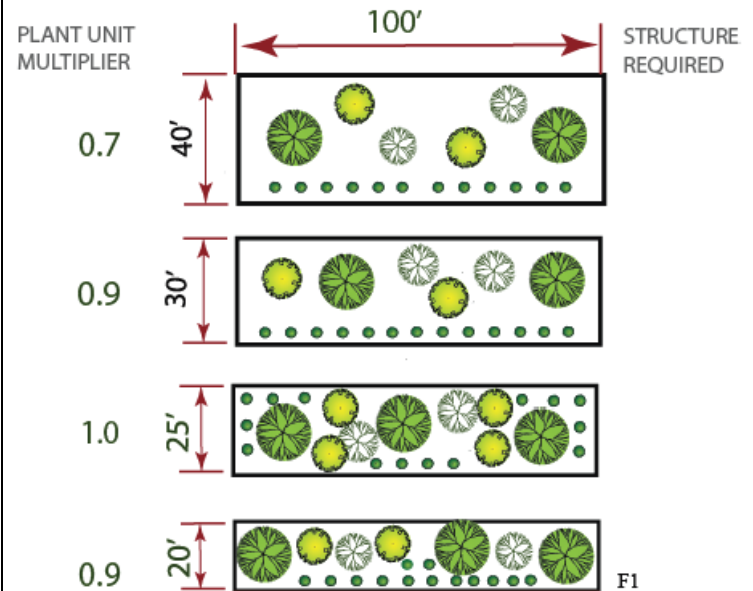
CODE ITEM	REQUIREMENTS FOR GR
Use Limitations	(a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows: 1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to section 36-363, conditional use permits, of this article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. 2. If the premises abuts only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Minimum open space requirements	20 percent
BULK PLANE	LANDSCAPING

Development Review Staff Report

All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.



A bufferyard type "F" is required adjacent to R-SF zoned property.



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* designates this property as appropriate 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. Consistent with the plan policy of generally increasing the compactness of urban development, housing may be combined in the same building or closely integrated on the same site with retail or office space.

STAFF COMMENTS:

- 1) The applicant is requesting to rezone approximately 0.07 acres of property generally located at 1640 East Sunshine Street from R-SF, Residential Single-family to GR, General Retail District. The applicant intends to use this portion of property to install the required bufferyard between GR and R-SF.
- 2) This application is being processed concurrently with Conditional Use Permit No. 447 which proposes to expand the existing car wash business onto a neighboring property at 1650 East Sunshine Street.
- 3) During the review process of the CUP, it was discovered that the existing car wash development has a paved parking lot in the area that a bufferyard should have been installed. In order to correct this, a portion of the property to the south will be used to install the required bufferyard. The property is owned by the applicant but is a split zoning lot with GR zoning on the north portion and R-SF zoning on the south portion.
- 4) Approval of this request will expand the existing GR zoning an additional approximately thirty-two (32) feet to the south. Expansion of the GR district will facilitate the installation of the required bufferyard between the existing car wash business and R-SF zoning.
- 5) The development requirements in the proposed GR, General Retail District are adequate for mitigating potential impacts of the proposed development on the adjoining properties. Additionally, the proposed CUP No. 447 will control the development of this portion of property by an approved site plan. The site plan indicates that this portion of property will only be used for the installation of the required bufferyard. No further development will be allowed in this area with this request.
- 6) 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



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

NEIGHBORHOOD MEETING:

All neighborhood meetings have been cancelled due to the Mayor's Proclamation of Civil Emergency related to COVID-19. Property owners were mailed a comment card to provide their comments. The applicant held a virtual meeting on

PUBLIC NOTIFICATIONS:

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

Notices sent to property owners within 185 feet: Mailed: 10 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed rezoning

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning. Tract has access to public sewer.

FIRE DEPARTMENT:

No issues with zoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Sunshine Street as a Primary Arterial roadway. The standard right-of-way width for E. Sunshine Street is 50-feet from the centerline. It appears an additional 7-feet of right-of-way is needed along the property frontage. A survey is recommended to determine the exact amount of existing right-of-way. Nothing can be constructed or placed within 50-feet from the centerline of Sunshine Street. This portion of E. Sunshine Street is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on E. Sunshine Street is 29,631 vehicles per day. On-street parking is not allowed along E. Sunshine Street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from E. Sunshine Street. This access does not meet City of Springfield spacing requirements as noted in City Code Chapter 98.

SIDEWALK

There is not existing sidewalk along the property frontage of E. Sunshine Street. Sidewalk will be required to be constructed along the property frontage at the time of development before a building permit can be issued or a fee in lieu of sidewalk construction approved by the ARC.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

Development Review Staff Report



There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There is one bus stop in the vicinity of this development. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

This rezoning is only for a small portion of the property as a whole. Most of the property is already zoned GR. The change in zoning for the portion requested does not generate more than 1,000 trips per day or 100 trips in the a.m. or p.m. peak. No improvements are required based on this change in zoning.

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT/CONDITIONAL USE PERMIT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	E. Sunshine Street	Primary Arterial	No	43	50
		AM Peak	PM Peak	Weekday	Weekend
	Existing Trips Generated	2	2.5	24	
	*Proposed Trips Generated	3.5	4	360	
	Additional Trips Generated	1.5	1.5	336	

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

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Fassnight Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will be allowed because the amount of impervious area added is small**. The property **is not in a stream buffer area**.

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 per Chapter 4 Section 3.2.3 of the stormwater design criteria manual – <https://www.springfieldmo.gov/DocumentCenter/View/36063/Flood-Control-and-Water-Quality-Protection-Manual-?bidId=>
2. If disturbing 1 acre or greater, water quality will also have to be provided per Chapter 10 Section 2 of the stormwater design criteria manual.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved per Chapter 4 Section 3.0 of the stormwater design criteria manual.
4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the stormwater design criteria manual.
5. If the property has a sinkhole on the property a geotechnical report is required per Chapter 11 Section 2 of the stormwater design criteria manual.
6. If the property has a stream buffer the property owner may be required to provide a stream buffer easement per Chapter 8 Section 4.1.3.

Sparlin, Michael

From: Randy <ottspasta@gmail.com>
Sent: Thursday, March 18, 2021 4:08 PM
To: Zoning@springfieldmo.gov
Subject: 1640 E. Sunshine St.

****CAUTION**** This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

I own the property at 1906 South Patricia. The last thing that I or any of my neighbors on our quiet cul-de-sac wants is the sound of noisy vacuum cleaners and car stereos destroying our tranquility. I would strongly oppose any reasoning.

Sent from my iPhone

One-rdg. _____
P. Hrngs. X
Pgs. 25
Filed: 04-13-21

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021- 098

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 447 for the purpose of authorizing an
2 automobile washing business to operate within the GR, General Retail
3 District generally located at 1640 and 1650 East Sunshine Street as a
4 conditional use. (Staff and Planning and Zoning Commission
5 recommend approval.)
6 _____
7

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

12 WHEREAS, the Planning and Zoning Commission held a public hearing on April
13 8, 2021, and the Commission found that the necessary conditions existed for issuance
14 of Conditional Use Permit No. 447 for the property located at 1640 and 1650 East
15 Sunshine Street and zoned GR, General Retail District; and
16

17 WHEREAS, City Council finds that sufficient evidence has been presented to
18 satisfy all applicable standards of the Land Development Code for issuance of
19 Conditional Use Permit No. 447; and
20

21 WHEREAS, the granting of such permit is deemed proper and it is not found to
22 harm the community or injure the value, lawful use, and reasonable enjoyment of
23 properties in the vicinity of 1640 and 1650 East Sunshine Street.
24

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

28 Section 1 – Conditional Use Permit No. 447 is hereby granted in accordance with
29 and subject to the provisions of Section 36-363 of the Land Development Code.
30 Conditional Use Permit No. 447 is granted for the purpose of authorizing a car washing
31 business to operate as a conditional use within the GR, General Retail District located
32 at the property described in “Exhibit B,” which is attached hereto and incorporated

herein by this reference, and which is generally located at 1640 and 1650 East Sunshine Street.

Section 2 – Building permits, certificates of occupancy, and any other required permits or approvals may be issued by the duly authorized officials of the City provided that such issuance is consistent with Section 36-363 of the Land Development Code, any other applicable City regulation or ordinance, and the “Requirements for Conditional Use Permit 447” described in “Exhibit A,” which is attached hereto and incorporated herein by this reference. Additionally, the provisions contained in “Exhibit A” and “Exhibit D – Attachment 2” shall govern and control the use and development of the land described in “Exhibit B,” in a manner consistent with the attached site plan depicted on “Exhibit D – Attachment 4,” “Exhibit D” being attached hereto and incorporated herein in its entirety by this reference.

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

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Kyle Tolles, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2021- 098

FILED: 04-13-21

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To allow an automobile washing business within the GR, General Retail District generally located at 1640 and 1650 East Sunshine Street. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 447

The applicant is requesting approval of a Conditional Use Permit for an automobile washing business on the subject property within a GR, General Retail District. The *Zoning Ordinance* requires a use permit in the GR, General Retail District for an automobile washing business. The applicant is proposing to expand the existing car wash at 1640 East Sunshine Street and install vacuums and parking stalls on 1650 East Sunshine Street.

This application is being processed concurrently with a rezoning case (Z-9-2021) which proposes to rezone approximately 0.07 acres of a portion of property at 1640 East Sunshine Street from R-SF, Residential Single-family to GR, General Retail. During the review process of the CUP, it was discovered that the existing car wash development has a paved parking lot in the area that a bufferyard should have been installed. In order to correct this, this portion of property will be used to install the required bufferyard. The 1640 East Sunshine property is split zoned with GR, General Retail on the North portion, and R-SF on the south portion.

CONDITIONS:

1. The regulations and standards listed on "Exhibit D - Attachment 3" shall govern and control the use and development of the land in Use Permit Number 447 in a manner consistent with the attached site plan ("Exhibit D - Attachment 4").

FINDINGS FOR STAFF RECOMMENDATION:

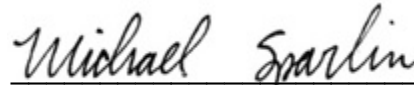
1. This application meets the approval standards for a Conditional Use Permit.
2. Approval of this request will provide for development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

REMARKS:

The Planning and Zoning Commission held a public hearing on April 8, 2021, and recommended approval, by a vote of 7 to 0 of the proposed conditional use permit (see the attached "Exhibit C," Record of Proceedings).

The Planning and Development staff recommends the application be approved with the conditions (see attached "Exhibit A").

Submitted by:



Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Requirements for Conditional Use Permit 447

Exhibit B, Legal Description

Exhibit C, Record of Proceedings

Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Requirements for Conditional Use Permit 447

Attachment 3, Standards and Responses for Conditional Use Permits

Attachment 4, Site Plan

Attachment 5, Neighborhood Comments

Exhibit A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 447

1. A car washing business is permitted in conformance with Attachment 4.
2. The car washing business shall comply with all the standards listed in Attachment 3.
3. The Sunshine Street access from the 1650 East Sunshine shall be exit only with the following conditions:
 - a. A plan for a gate system shall be provided to Public Works for approval prior to installation. If the gate system for the access to 1650 E. Sunshine is ever removed, deemed inoperable for a substantial amount of time, or is in disrepair, as determined solely by the Director of Public Works, Public Works will notify the owner and if not repaired or corrected, a permanent right out only driveway with concrete islands, will be required to be installed in lieu of the gate system. This condition is only applicable to the CUP associated with this site plan.
4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

Exhibit B

**LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NUMBER 447**

A TRACT OF LAND AS LYING IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 29 NORTH, RANGE 21 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2012, PAGE 016366-12. SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 29 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPLE MERIDIAN; THENCE ALONG SAID NORTH LINE, NORTH 88°30'22" WEST, 819.65 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH SUNSHINE STREET FOR A POINT OF BEGINNING; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 01°22'30" WEST, 233.99 FEET; THENCE NORTH 89°42'38" EAST, 9.10 FEET TO A POINT LYING AT THE NORTHWEST CORNER OF LOT 3 OF BEECHWOOD HEIGHTS THIRD ADDITION AS DESCRIBED IN PLAT BOOK Q, PAGE 2; THENCE ALONG THE WEST LINE OF SAID BEECHWOOD HEIGHTS THIRD ADDITION, SOUTH 01°05'30" WEST, 398.24 FEET TO A POINT LYING ON THE NORTH LINE OF FIRST ADDITION TO SOUTH SIDE HEIGHTS AS DESCRIBED IN PLAT BOOK P. PAGE 48. THENCE ALONG SAID NORTH LINE, NORTH 88°18'04" WEST, 99.14 FEET; THENCE LEAVING SAID NORTH LINE, NORTH 01°12'55" EAST, 633.91 FEET TO A POINT LYING ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY OF SUNSHINE STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 87°01'16" EAST, 89.88 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 29 NORTH, RANGE 21 WEST, SPRINGFIELD, GREENE COUNTY, MISSOURI CONTAINING 1.38 ACRES MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. SUBJECT TO ALL EASEMENTS, COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD. CONDITIONS AND MONUMENTS ARE AS SHOWN ON ANDERSON ENGINEERING, INC. DRAWING NUMBER WB 109462.

And

ALL BEGINNING 60 RODS WEST OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21); THENCE EAST 170 FEET FOR A BEGINNING POINT; THENCE EAST 60 FEET; THENCE SOUTH 268.1 FEET; THENCE WEST 60 FEET; THENCE NORTH 269 FEET TO THE POINT OF BEGINNING, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

Exhibit C

**RECORD OF PROCEEDINGS
CONDITIONAL USE PERMIT NUMBER 447
Planning and Zoning Commission – April 8, 2021**

Conditional Use Permit 447
1640 & 1650 East Sunshine Street and
Applicant: JRW Family Prop, LLC, c/o J Randolph Wilson

King Coltrin and Britton Jobe recused themselves.

Mr. Hosmer states that this a request to approve a Conditional Use Permit for the purpose of authorizing an automobile washing business within the GR, General Retail District generally located at 1640 and 1650 East Sunshine Street.

The CUP will limit access at 1650 East Sunshine to an exit only through a gate system approved by Public Works prior to installation. A Type F bufferyard with fence will be provided between R-SF and GR/car wash. The application meets the approval standards for the conditional use permit and staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Chris Wynn, representing the owner, and stated that it does goes to the southern line of the rezoning is the north line of Washita and takes care of a problem from 2012 and with the bufferyard. This property is unique that it has two different zoning districts (C2 and R-SF) on one parcel and the owner will get the bufferyard into compliance with the required plantings, etc.

Mr. Chris Wynn, representing the owner noted that the Conditional Use Permit puts them into compliance and are more comfortable moving forward regarding the access. City and the developer agreed to make the access on 1650 East Sunshine exit only and now will have an automatic gate and this will stop cars from coming into the lot. We have updated our site plan to show as one comprehensive premise and this reflects that we have City approval.

Mr. Lebeck asked about he site plan and two points of exit and one point of entry.

Mr. Wynn noted the egress/ingress on 1640 East Sunshine Street and 1650 East Sunshine is exit only, however still a cross-access on 1650 East Sunshine that allows for exit also.

Mr. Greg Byler, owner and wanted to thank the City for willing to work with them on a compromise and here to answer any questions.

Mr. Doennig closed the public hearing.

Mr. Knuckles motioned to **approve** item Conditional Use Permit 447 (1640 & 1650 East Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Knuckles, Colony, Bruce, Ogilvy, Broekhoven and Lebeck. Nays: None. Abstain: None. Absent: none.

King Coltrin and Britton Jobe recused themselves.

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

Bob Hosmer, AICP
Planning Manager

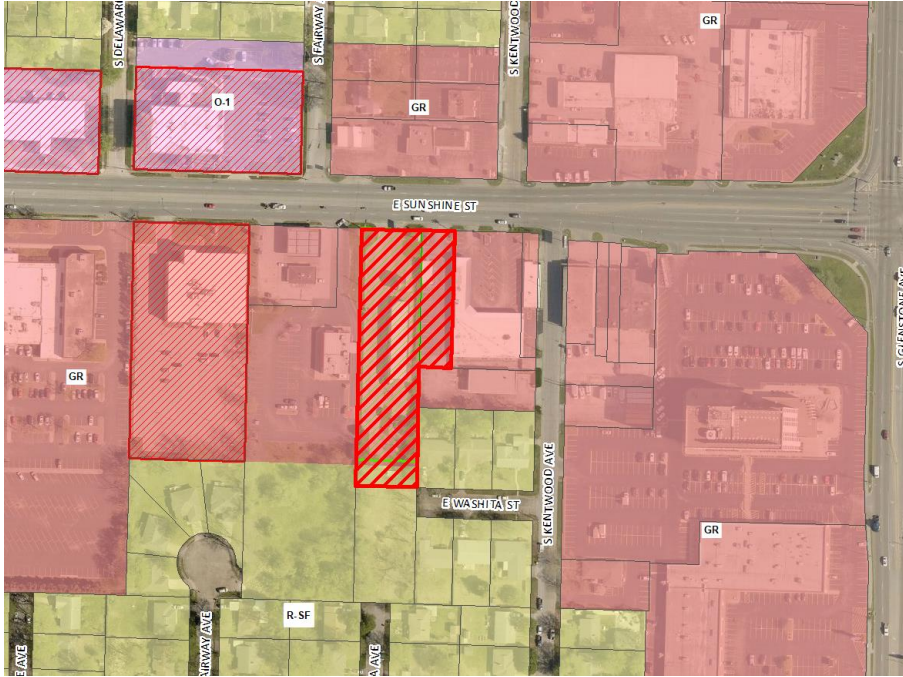
Exhibit D

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

APRIL 5, 2021

CITY COUNCIL PUBLIC HEARING:

APRIL 19, 2021



CASE NUMBER:

Conditional Use Permit 447

LOCATION: 1640 and 1650 East Sunshine Street

ACRES: Approximately 0.32 acres

EXISTING LAND USE: Car wash & Retail/Commercial use

APPLICANT: JRW Family Prop LLC & 3410 Kingshighway LLC

STAFF: Michael Sparlin, Senior Planner

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

This is a request to permit an automobile washing business as a Conditional Use Permit within a GR, General Retail District generally located at 1640 and 1650 East Sunshine Street.

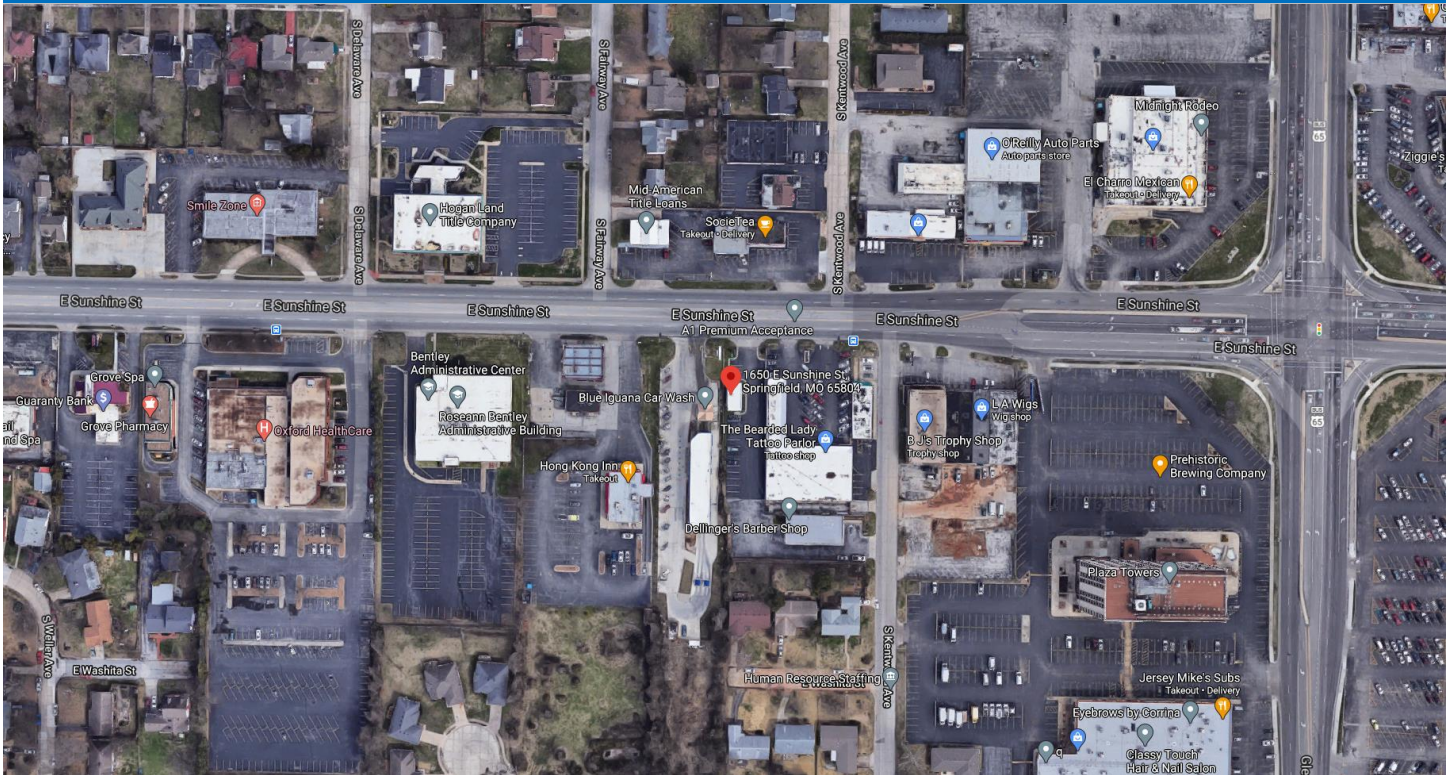
FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit.
2. Approval of this request will provide for development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	R-SF, GR (portion)	GR, R-SF (portion)	GR, R-SF (portion)
LAND USE	Commercial/Retail uses	Undeveloped land, Commercial use	Commercial/Retail uses, Single-family residence	Restaurant, undeveloped land

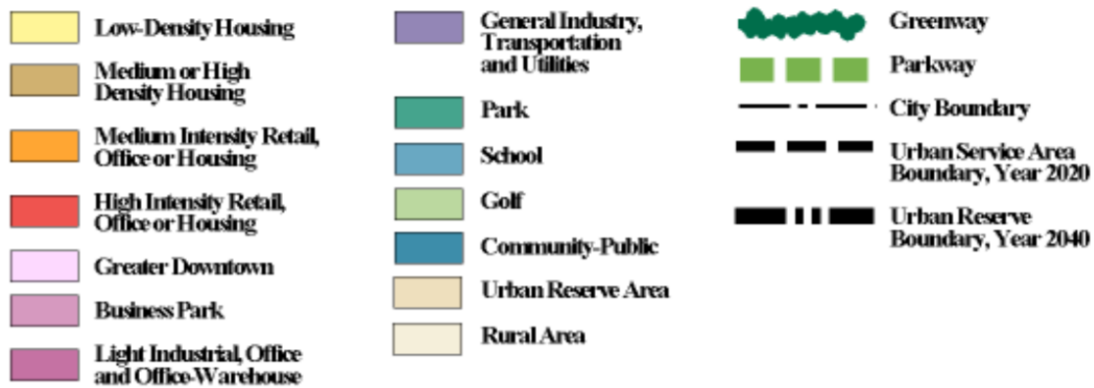
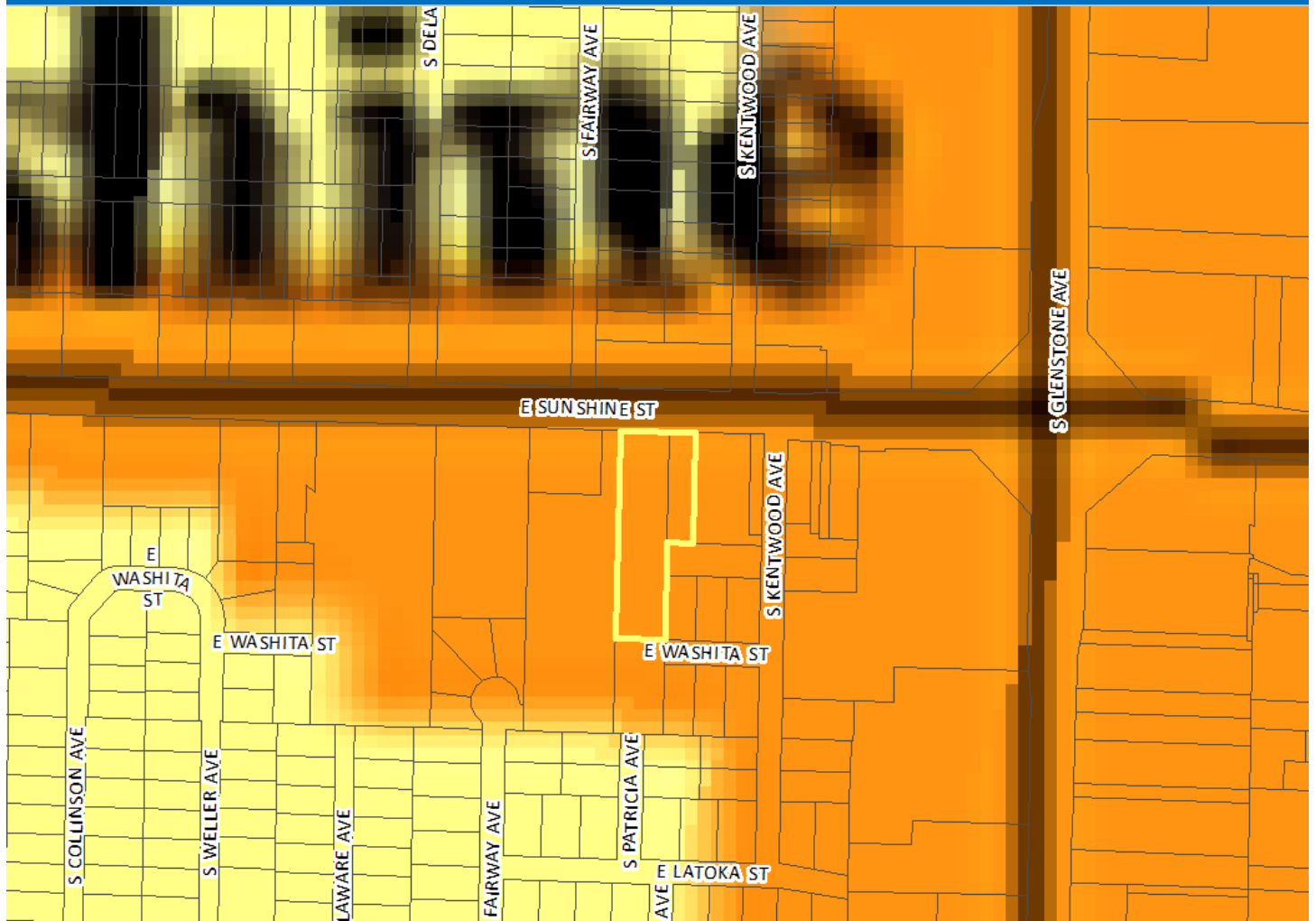
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



PROPERTY HISTORY:

The subject property has been zoned GR, General Retail since the City-wide remapping in 1995. The existing car wash business was approved by Conditional Use Permit in 2006.

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-363. - Conditional Use Permit

- (1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.
- (8) *Period of validity.*
 - (a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18-month period:
 1. A building permit is obtained and the erection or alteration of a structure is started; or
 2. An occupancy permit is obtained and the conditional use commenced.The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.
 - (b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.
- d. *Damage or destruction.* In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Medium Intensity Retail, Office or Housing. The GR District is one of the appropriate zoning districts recommended for the area.

STAFF COMMENTS:

-
1. The applicant is requesting approval of a Conditional Use Permit for an automobile washing business on the subject property within a GR, General Retail District. The *Zoning Ordinance* requires a use permit in the GR, General Retail District for an automobile washing business. The applicant is proposing to expand the existing car wash at 1640 East Sunshine.
 2. The proposed expansion to the existing car wash will install vacuums and parking stalls on the adjacent property located at 1650 East Sunshine Street. The expansion of the Conditional Use requires approval following the same process as the original conditional use application.
 3. This application is being processed concurrently with zoning case (Z-9-2021) which proposes to rezone approximately 0.07 acres of a portion of property at 1640 East Sunshine Street from R-SF, Residential Single-family to GR, General Retail. This property is currently split zoned with GR, General Retail zoning on the northside and R-SF zoning on the southside. It was discovered during the review of the CUP that the existing car wash development had a paved parking lot in the area where a bufferyard should have been installed. In order to correct this, a portion of property to be rezoned will be used to install the required bufferyard between the R-SF and GR zoning.
 4. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

All neighborhood meetings have been cancelled due the Mayor's Proclamation of Civil Emergency related to COVID-19. Property owners were mailed a comment card to provide their comments.

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:	Mailed: 11	Returned: 0
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DEPARTMENT COMMENTS:

ATTACHMENT 1 CONDITIONAL USE PERMIT 447

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with CUP.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to CUP. Public sewer is available for the development.

FIRE DEPARTMENT:

No issues.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the Fassnight 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 be allowed. The property is not located in a stream buffer area. Since the project will not 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	Fassnight 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?	Yes

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Sunshine Street as a Primary Arterial roadway. The standard right-of-way width for E. Sunshine Street is 50-feet from the centerline. It appears an additional 7-feet of right-of-way is needed along the property frontage. A survey is recommended to determine the exact amount of existing right-of-way. This portion of E. Sunshine Street is a city- maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on E. Sunshine Street is 29,631 vehicles per day. On-street parking is not allowed along E. Sunshine Street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from E. Sunshine Street. This access does not meet City of Springfield spacing requirements as noted in City Code Chapter 98. The Sunshine Street access from 1650 East Sunshine shall be exit only with the following conditions:

A plan for a gate system shall be provided to Public Works for approval prior to installation. If the gate system for the access to 1650 E. Sunshine is ever removed, deemed inoperable for a substantial amount of time, or is in disrepair, as determined solely by the Director of Public Works, Public Works will notify the owner and if not required or corrected, a permanent right out only driveway with concrete islands, will be required to be installed in lieu of the gate system. This condition is only applicable to the CUP associated with this site plan.

SIDEWALK

There is not existing sidewalk along the property frontage of E. Sunshine Street. Sidewalk will be required to be constructed along the property frontage at the time of development before a building permit can be issued or a fee in lieu of sidewalk construction approved by the ARC.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There is one bus stop in the vicinity of these development. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

No improvements required

SITE PLAN

The Sunshine Street access from 1650 East Sunshine shall be exit only with the following conditions:

A plan for a gate system shall be provided to Public Works for approval prior to installation. If the gate system for the access to 1650 E. Sunshine is ever removed, deemed inoperable for a substantial amount of time, or is in disrepair, as determined solely by the Director of Public Works, Public Works will notify the owner and if not required or corrected, a permanent right out only driveway with concrete islands, will be required to be installed in lieu of the gate system. This condition is only applicable to the CUP associated with this site plan.

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT/CONDITIONAL USE PERMIT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	E. Sunshine Street	Primary Arterial	No	43	50

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		2		
*Proposed Trips Generated		77		
Additional Trips Generated		75		

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

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL USE PERMIT 447

1. An automobile washing business is permitted in conformance with Attachment 4.
2. The automobile washing business shall comply with all the standards listed in Attachment 3.
3. The Sunshine Street access from the 1650 East Sunshine shall be exit only with the following conditions:
 - a. A plan for a gate system shall be provided to Public Works for approval prior to installation. If the gate system for the access to 1650 E. Sunshine is ever removed, deemed inoperable for a substantial amount of time, or is in disrepair, as determined solely by the Director of Public Works, Public Works will notify the owner and if not repaired or corrected, a permanent right out only driveway with concrete islands, will be required to be installed in lieu of the gate system. This condition is only applicable to the CUP associated with this site plan.
4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

STANDARDS FOR CONDITIONAL USE PERMIT 447

ATTACHMENT 3

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response:	Staff response:
1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan.	The Growth Management and Land Use Plan identifies this section of Sunshine Street as "Medium-Intensity Retail, Office, or Housing" and the site is located on the fringe of the Sunshine Street and National Street Activity Center. A condition use permit allowing a car wash in this location is consistent with the Springfield Comprehensive Plan. One of the appropriate zoning districts for "Medium-Intensity Retail, Office, or Housing" is Highway Commercial which would allow for a car wash if zoned accordingly. Additionally, a car wash exists on the west adjacent property that is zoned General Retail with a conditional use permit which this will serve as an extension of.	This application is consistent with the <i>Growth Management and Land Use Plan</i> of the <i>Comprehensive Plan</i> which designates this area as appropriate for Medium Intensity Retail, Office or Housing. The GR District is one of the appropriate zoning districts recommended for this area. The GR district allows car wash businesses with a Conditional Use Permit.
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.	No additional access points to Sunshine street are proposed. The site will utilize the existing access onto Sunshine Street as "Exit Only". Access to the site is intended to come from 1640 E Sunshine via the proposed cross access. Sunshine Street is classified as a Primary Arterial and is suitable for this use.	Public Works Traffic Division has reviewed the application and has determined that conditional use will not adversely affect safety of the motoring public and of pedestrians with traffic access controls that are required. Traffic comments are provided in Attachment 1.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	The existing building on site is to be removed and no new building is proposed. Additionally, adequate driveway width is provided for a fire truck. All additional concerns the fire department may have will be addressed during plan design.	The Fire Department has reviewed this request and has no concerns with regard to safety from fire hazards and fire controls. Fire comments are provided in Attachment 1.
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.	No, the proposed development will reduce the amount of impervious area and increase the amount of open space when compared to the existing condition. Overall, the	Public Works Stormwater Division has reviewed this request and provided comments in Attachment 1. The development is required to meet

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response:	Staff response:
	development will have a positive impact the to local watershed.	development standards for stormwater management. The development of the property will be subject to the following conditions at the time of development: 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. If disturbing more than one acre water quality will also have to be provided. Drainage easements must be provided for this conveyance. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved. Water quality will still need to be provided if more than one acre is disturbed.
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district.	Noise characteristics for this site will be no different than what exists on the west adjacent property. The hours of operation for the car wash are from 7AM to 8PM.	The applicant's response adequately addresses this condition It is not expected that the proposed use will have noise characteristics that exceed Zoning Ordinance standards.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.	All proposed parking faces west (inward) toward the existing car wash structure and site. The proposed use will also reduce the number of parking stalls from 17 to 12 which will reduce vehicular light. The number of pole lights on the property will be reduced from 4 to 3. All adjacent properties are zoned GR so there will be no adverse effect to residential properties.	It is not expected that the proposed use will negatively affect neighborhood districts. The existing car wash was approved by a Conditional Use Permit in 2006 and the area for the expansion (1650 E. Sunshine) is not directly adjacent to residential districts.
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	No new signs or site lighting is proposed as part of this project. A pylon sign exists along Sunshine	The development will be subject to the signage standards of the Zoning Ordinance.

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response:	Staff response:
	Street and four parking lot lights exist along the western property line.	
8. Such signs will not have an adverse effect on any adjacent properties.	The existing signage will remain and is appropriately located and sized for the site.	The development will be subject to the signage standards on the Zoning Ordinance.
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.	Yes, Sunshine Street is classified as a Primary Arterial with a width of approximately 67' and a right of way of 90'. This is suitable for the proposed use.	Sunshine Street right-of-way and pavement width is adequate to handle increased traffic volume.
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.	The site is already developed with a commercial use and is adjoined on all sides by commercial developments. The proposed improvements will have a positive impact on the local water shed by reducing the amount of existing impervious area, site parking faces west into a commercial structure with no windows, and adequate space will be provided for fire access.	It is not anticipated that the proposed car washing business will have an adverse effect or be incompatible with the adjacent and surrounding properties which are used for commercial/retail uses to the west or the residential uses to the east. The applicant is proposing to make the car wash operational and is not expanding the use.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: a. The location, nature and height of buildings, structures, walls and fences on the site; and b. The nature and extent of landscaping and screening on the site.	A. No structures are proposed for this development. The development will be vacuum stalls only. The vacuum stalls will be consistent with what exists on the west adjacent property. B. Landscaping and screening will conform with City of Springfield Zoning requirements. Furthermore, the proposed development will increase the amount of open space compared to the existing condition.	The standards of the Zoning Ordinance adequately address these issues. The applicant will install the required bufferyard along the adjacent property zoned R-SF.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.	It will not. The site is currently developed with a commercial structure and parking lot. The proposed development will reduce the amount of impervious area compared to the existing condition.	It is not expected that the proposed development will negatively affect any significant natural topography or physical features. The subject property is developed as a car wash.
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	It will not. The site is currently developed with a commercial structure and parking lot. The proposed development will reduce the amount of impervious	The applicant's response adequately addresses this condition. The site is currently a car wash and commercial building and does not appear to

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response:	Staff response:
	area compared to the existing condition.	have important natural, scenic or historic features.
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards.	Yes, our proposal follows all applicable regulations of the Article and development standards.	The proposed use complies with applicable regulations with regard to lot size, bulk regulations, use limitations and performance standards.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	Yes, the proposed development will provide the public with an optional service/amenity.	The applicant's response adequately addresses this condition.
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect	Yes, our proposal is in accordance with standards set out in 36-455, 36-456 and 36-483 of the Article. Additionally, all adjacent properties are zoned General Retail and not residential.	The development will be subject to these standards of the Zoning Ordinance.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.	Yes, the development will limit the existing access onto Sunshine Street to "Exit Only" which will reduce the number of conflicts points at the existing access. wide access on Sunshine. The access on Sunshine is considered existing non-conforming due to the spacing between access on Sunshine. Since the access is existing and no modifications are proposed the access will remain but be limited to "Exit Only" under the CUP.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards with the traffic access controls that are required with this Conditional Use.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.	The vehicular circulation elements have been designed to provide adequate use of the site and includes the requirements need for fire truck access.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards with the traffic access controls that are required with this Conditional Use.
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	No interference with the items listed are known. There is an existing cross access easement on the site. This easement will remain as is.	No known interference with any public rights of way or easements are known.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building,	One structure exists on site. Under this proposal the existing structure will be removed. A	The development is required to adhere to all standards of the

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's Response:	Staff response:
plumbing and electrical requirements of the City of Springfield.	demolition permit will be obtained for the removal of the structure.	Zoning Ordinance and other applicable ordinances.
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.	All public utilities are available at the site. Stormwater runoff will be reduced by the reduction of impervious area.	This property is already served with public infrastructure and services.



DEVELOPMENT REVIEW NOTICE/COMMENT CARD

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits an application for a change in land use or zoning, the property will be posted and there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	12/18/2020	Telephone No.	417/881-5667
YOUR NAME:	Stephen F. Ator		
YOUR ADDRESS:	1571 E Cherokee		
PROJECT ADDRESS:	1650 E Sunshine St		
COMMENTS:	The Blue Iguana Car Wash currently has about 10 vacuum stations. I never see more than a couple of them in use at a time. So, I question the need. Also, the vacuums run constantly & are very loud. If you go through the drive thru Chinese restaurant next door, you cannot hear the employees at the window. 12 additional stations would sound like the middle of a tornado. If approved, I would require them to have on/off buttons customers could push as needed. 20 of these running non-stop all day would be very disruptive to the adjacent parties.		

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Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	12-20-20	Telephone No.	417-209-3093
YOUR NAME:	RANDALL P. OTT		
YOUR ADDRESS:	1906 S. PATRICIA		
PROJECT ADDRESS:	1650 E. SUNSHINE		

COMMENTS:

The VACUUMS ARE LOUD AND WOULD CAUSE NOISE POLLUTION DAY AND NIGHT. PATRICIA IS A QUIET STREET AND I WOULD LOVE TO KEEP IT THAT WAY.

Sincerely, Randall P. Ott

Say hello to your brother John

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 04-13-21

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021- 099

GENERAL ORDINANCE _____

AN ORDINANCE

1 REPEALING General Ordinance 6585 titled "Suspending enforcement of portions of
2 sections 36-368(9) and 36-473(e) of the Zoning Ordinance."
3
4

5 WHEREAS, on March 16, 2020, the Mayor of the City of Springfield, declared a
6 civil emergency in response to the ongoing coronavirus disease 2019 ("COVID-19")
7 pandemic; and
8

9 WHEREAS, on April 6, 2020, City Council, by its passage of General Ordinance
10 6585, suspended the enforcement of the "neighborhood meeting" requirements found at
11 sections 36-368(9) and 36-473(e) of the Zoning Ordinance to further the public health
12 goal of limiting person to person contact; and
13

14 WHEREAS, on April 5, 2021, City Council, by its passage of General Ordinance
15 6646, adopted amendments to General Ordinance 6628 that, effective April 16, 2021,
16 will increase the participant limits on mass gatherings and recommend, rather than
17 require, physical distancing; and
18

19 WHEREAS, City Council finds that enforcing the requirement for neighborhood
20 meetings for certain development cases is consistent with the City's actions to loosen
21 COVID-19 restrictions as certain public health metrics are met.
22

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

26 Section 1 – General Ordinance 6585, attached hereto as "Exhibit A," is hereby
27 repealed in its entirety.
28

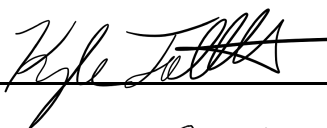
29 Section 2 – This Ordinance shall be in full force and effect immediately upon
30 passage.
31

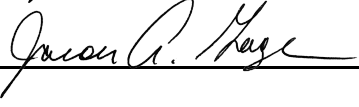
32 Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2021- 099

FILED: 04-13-21

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To repeal General Ordinance 6585 which suspended the requirements for neighborhood meetings contained in sections 36-368(9) and 36-473(e) of the Zoning Ordinance.

BACKGROUND INFORMATION: On March 16, 2020, the Mayor of the City of Springfield declared a civil emergency in response to the ongoing coronavirus disease 2019 ("COVID-19") pandemic. In addition, the Springfield City Council adopted Special Ordinance 27293 on that same day. Said Ordinance prohibited certain public gatherings and authorized the Mayor to issue additional orders amending which public gatherings are prohibited during the pendency of the civil emergency declaration.

On March 17, 2020, the Mayor issued a further order amending which public gatherings are prohibited. On April 6, 2020, the City Council adopted General Ordinance 6585 which suspended the enforcement of the neighborhood meeting requirements found at sections 36-368(9) and 36-473(e) of the Zoning Ordinance. Certain development cases, including rezonings, planned developments, street vacations, conditional use permits, and Type 2 short-term rentals require an applicant to conduct an in-person meeting with interested neighbors. General Ordinance 6585 suspended the enforcement of that requirement due to concerns of transmitting COVID-19 by person-to-person contact.

On April 5, 2021, City Council adopted amendments to General Ordinance 6628. These amendments include increasing the participant limits on mass gatherings and recommending rather than requiring physical distancing. The amendments will be effective April 16, 2021. Re-instituting the requirement for neighborhood meetings for certain development cases is consistent with the City's actions to "step out" of COVID-19 restrictions as certain public health metrics are met. Interested parties to development cases will still have the option of submitting comment cards to Planning and Development staff if they are unable or do not want to attend the required neighborhood meeting.

Submitted and Recommended by:


Mary Lilly Smith, Director

Approved by:

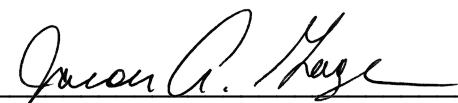

Jason Gage, City Manager

Exhibit A

One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 03-17-20

Sponsored by: McClure

First Reading: April 6, 2020

Second Reading:

COUNCIL BILL 2020- 065

GENERAL ORDINANCE 6585

AN ORDINANCE

1 SUSPENDING enforcement of portions of sections 36-368(9) and 36-473(e) of the
2 Zoning Ordinance; and declaring an emergency pursuant to City
3 Charter section 2.12; for the purpose of limiting public gatherings
4 during the Mayor's declaration of civil emergency.
5 _____
6

7 WHEREAS, on March 16, 2020, the Mayor of the City of Springfield, declared a
8 civil emergency in response to the ongoing coronavirus disease 2019 ("COVID-19")
9 pandemic; and
10

11 WHEREAS, on March 16, 2020, Springfield City Council, by its passage of
12 Special Ordinance 27293, prohibited certain public gatherings of 50 or more persons;
13 and
14

15 WHEREAS, Special Ordinance 27293 authorized the Mayor, during the duration
16 of the declaration of civil emergency, to issue additional orders amending which public
17 gatherings are prohibited; and
18

19 WHEREAS, on March 17, 2020, the Mayor did issue an order prohibiting public
20 gatherings of 10 or more persons; and
21

22 WHEREAS, because of the ongoing COVID-19 pandemic, City Council desires
23 to suspend the enforcement of the "neighborhood meeting" requirements found at
24 sections 36-368(9) and 36-473(e) of the Zoning Ordinance; and
25

26 WHEREAS, City Council finds that suspending these requirements for the
27 duration of the Mayor's declaration of civil emergency, or any amendment thereto,
28 furthers the important public health goal of limiting person to person contact; and
29

30 WHEREAS, City Council finds that the suspension of these requirements for the
31 duration of the Mayor's declaration of civil emergency, or any amendment thereto, does
32 not prohibit interested parties from utilizing other avenues of communication to express
33 their opinions to City Council; and

34 WHEREAS, City Council finds that the enactment of this Ordinance constitutes
35 an emergency pursuant to City Charter section 2.12 in that continued public gatherings
36 will facilitate the spread of COVID-19.

37
38 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
39 SPRINGFIELD, MISSOURI, as follows, that:

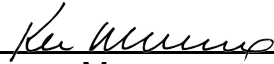
40
41 Section 1 – City Council hereby suspends, and directs the City Manager to
42 suspend, enforcement of section 36-368(9) of the Zoning Ordinance. All other
43 provisions of City Code shall remain in effect provided they are not inconsistent with this
44 Ordinance.

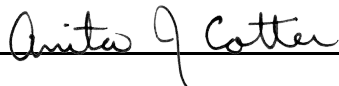
45
46 Section 2 – City Council hereby suspends, and directs the City Manager to
47 suspend, enforcement of sections 36-473(2)(e)2, 36-473(2)(e)3, 36-473(2)(e)4, 36-
48 473(e)5, 36-473(e)6, & 36-473(e)7 of the Zoning Ordinance. All other provisions of City
49 Code shall remain in effect provided they are not inconsistent with this Ordinance.

50
51 Section 3 – The suspension authorized by this Ordinance shall remain in effect
52 for the duration of the Mayor's declaration of civil emergency, or any amendment or
53 extension thereto.

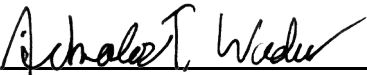
54
55 Section 4 – City Council hereby finds and declares that an emergency exists in
56 that public gatherings will facilitate the spread of COVID-19 and therefore this
57 Ordinance relates to the preservation of public health and safety pursuant to section
58 2.12 of the City Charter and may be passed in one reading. This Ordinance shall be in
59 full force and effect from and after passage.

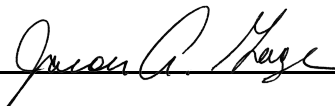
60
61 Passed at meeting: April 6, 2020

62
63 
64 Mayor

65
66 Attest: , City Clerk

67
68 Filed as Ordinance: April 6, 2020

69
70
71 Approved as to form: , Assistant City Attorney

72
73
74 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2020-065

FILED: 03-17-20

ORIGINATING DEPARTMENT: Law

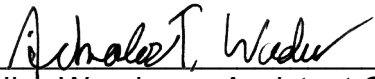
PURPOSE: To suspend enforcement of portions of sections 36-368(9) and 36-473(e) of the Zoning Ordinance; and declaring an emergency pursuant to City Charter section 2.12; for the purpose of limiting public gatherings during the Mayor's declaration of civil emergency.

BACKGROUND INFORMATION: On March 16, 2020, the Mayor of the City of Springfield, declared a civil emergency in response to the ongoing coronavirus disease 2019 ("COVID-19") pandemic. In addition, the Springfield City Council adopted Special Ordinance 27293 on that same day. Said Ordinance prohibited certain public gatherings and authorized the Mayor to issue additional orders amending which public gathering are prohibited during the pendency of the civil emergency declaration.

On March 17, 2020, the Mayor issued a further order amending which public gatherings are prohibited. Due to the ongoing COVID-19 pandemic City Council desires to suspend the enforcement of the "neighborhood meeting" requirements found at sections 36-368(9) and 36-473(e) of the Zoning Ordinance. Some development review cases require the applicant to conduct an in-person meeting with interested neighbors. Given the concerns of transmitting COVID-19 by person to person contact, this Ordinance would suspend those portions of the Zoning Ordinance which require a neighborhood meeting. Interested parties still have the option of submitting comment cards to Planning and Development staff.

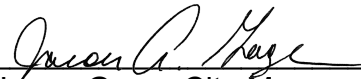
This Ordinance is drafted as an emergency measure given the ongoing public health pandemic. It may be adopted with only one-reading.

Submitted by:



Nick Woodman, Assistant City Attorney

Approved by:



Jason Gage, City Manager

Recommended by:



Rhonda Lewsader, City Attorney

One-rdg. _____
P. Hmgs. _____
Pgs. 26
Filed: 04-13-21

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-100

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Surface
2 Transportation Program-Urban Program Agreement with the Missouri
3 Highways and Transportation Commission; and amending the budget
4 of the Department of Public Works for Fiscal Year 2020-2021, in the
5 amount of \$360,000, for the purpose of partially reimbursing the base
6 salaries of up to six City employees who operate and manage the
7 Transportation Management Center.
8 _____
9

10 WHEREAS, an Agreement has been proposed that would allow the use of
11 Surface Transportation Program ("STP") funds to reimburse the City for a portion of the
12 base salaries of up to six City employees who operate and manage the Transportation
13 Management Center ("TMC"); and
14

15 WHEREAS, federal Surface Transportation Block Grant funds will reimburse 80
16 percent of the base salaries of said City employees; and
17

18 WHEREAS, the remaining portion of related base salary costs, all benefit costs,
19 and the required grant match will be funded by the existing Transportation Fund budget;
20 and
21

22 WHEREAS, a budget adjustment is required to appropriate a portion of the funds
23 associated with the Agreement.
24

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

28 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
29 an Agreement with the Missouri Highways and Transportation Commission ("MHTC"),
30 said Agreement to be in substantially the same form as the document attached hereto
31 and incorporated herein by this reference as "Exhibit 1" and to do all things necessary to
32 carry out the intent of the agreement.
33

34 Section 2 – The budget of the Department of Public Works for Fiscal Year 2020-
35 2021, is hereby amended in the accounts and in the amounts as shown on Budget
36 Adjustment No. 065, a copy of which is attached hereto and incorporated herein by this
37 reference as “Exhibit 2.”
38

39 Section 3 – The City Manager is directed to cause the appropriate accounting
40 entries to be made in the books and records of the City.
41

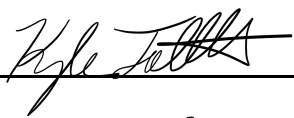
42 Section 4 – This Ordinance shall be in full force and effect from and after
43 passage.
44

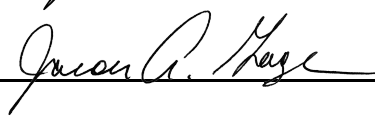
45 Passed at meeting: _____
46
47

48 _____
49 Mayor
50

51 Attest: _____, City Clerk
52

53 Filed as Ordinance: _____
54

55 _____
56 Approved as to form:  _____, Assistant City Attorney
57

58 _____
59 Approved for Council action:  _____, City Manager

EXPLANATION TO COUNCIL BILL 2021-100

FILED: 04-13-21

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To authorize the City Manager, or his designee, to enter into a Surface Transportation Program-Urban Program Agreement with the Missouri Highways and Transportation Commission to partially reimburse the base salaries of up to six City employees who work at the Transportation Management Center; and amending the Fiscal Year 2020-2021 budget for the Department of Public Works in the amount of \$360,000 to appropriate federal Surface Transportation Block Grant funds.

BACKGROUND INFORMATION: In collaboration with Missouri Department of Transportation (“MoDOT”) staff, the Transportation Management Center (“TMC”) is operated and managed by six Public Works employees. Base salaries and benefit costs for all six City employees are budgeted in the Transportation Fund. Last year, federal Surface Transportation Block Grant (“STBG”) funds were used to fund 80 percent of the base salaries for City TMC staff. The remaining 20 percent of the base salary costs were funded by the Transportation Fund which has been utilized to meet the matching requirements of the federal STBG funds. Employee benefit costs, also funded by the Transportation Fund, are not eligible for grant reimbursement.

The use of federal STBG funds for another one-year period to reimburse 80 percent of the base salaries of six City TMC employees will reduce base salary expenses that would otherwise be budgeted and funded by the Transportation Fund during Fiscal Year 2021-2022. The estimated annual base salary cost of the six positions is approximately \$450,000. Approval of this ordinance authorizes the City Manager to enter into the Surface Transportation Program (“STP”)-Urban Program Agreement (“Exhibit 1”) needed to continue using federal funds for 80 percent of the base salary costs (\$360,000) for another one-year period as estimated on the budget adjustment. The grant match requires 20 percent of the base salary costs (\$90,000) to continue to be funded by the Transportation Fund budget. All benefit costs will also continue to be funded by the Transportation Fund.

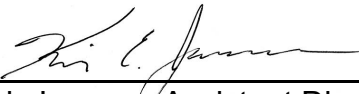
Supports the following 2021 City Council Priorities:

- Quality of Place
- Fiscal Sustainability and Accountability
- Economic Vitality

- Public Safety

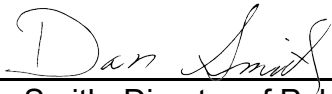
REMARKS: A Transportation Improvement Program ("TIP") project has been prepared to allow the use of federal STBG funds for these base salaries. Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:



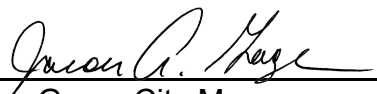
Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

Exhibit 1

CCO Form: FS11
Approved: 07/96 (KMH)
Revised: 02/16 (MWH)
Modified: 02/19 (MWH)

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STBG-5901(820) TIP# MO2104
Award Year: 2021
Federal Agency: Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION STP-URBAN PROGRAM AGREEMENT

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Greene County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, the Fixing America's Surface Transportation Act (FAST) 23 U.S.C. §133, authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be in compliance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STBG-5901(820) involves:

Salaries of the Engineers and Technicians that operate, manage, and provide necessary traffic data for the Transportation Management Center of the Ozarks and Ozarks Traffic Intelligent Transportation System for the City of Springfield. Construction is not contemplated by this agreement.

(2) LOCATION: The contemplated improvement designated as Project STBG-5901(820) by the Commission is within the city limits of Springfield, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

The Transportation Management Center located at 1107 W. Chestnut Expressway, Springfield, Missouri 65802.

(3) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(4) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit B. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as

stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(5) ACQUISITION OF RIGHT OF WAY: No acquisition of additional right of way is anticipated in connection with Project STBG-5901(820) or contemplated by this Agreement.

(6) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80 percent (**80%**) not to exceed **\$360,000.00**. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(7) WORK ON STATE RIGHT OF WAY: There are no contemplated improvements for Project STBG-5901(820) which will involve work on the state's right of way.

(8) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(9) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(10) AUDIT REQUIREMENT: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(11) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(12) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(13) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(14) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(15) COMMISSION REPRESENTATIVE: The Commission's Southwest District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(16) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
Tom Dancey, P.E.
840 Boonville

Springfield, MO 65802
Facsimile No.:417-864-1983

- (B) To the Commission:
Chad Zickefoose, P.E.
3025 E. Kearney
Springfield, MO 65803
Facsimile No.:417-895-7610

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(17) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (17) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(18) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(19) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(20) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City on _____.

Executed by the Commission on _____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

Assistant Chief Engineer

Deputy City Manager

ATTEST:

ATTEST:

Secretary to the Commission

City Clerk

Approved as to Form:

Director of Finance

Commission Counsel

Contract Paralegal

Approved as to Form:

Assistant City Attorney

Ordinance No: _____

Exhibit A - Location of Project

TMC Salaries Location Map

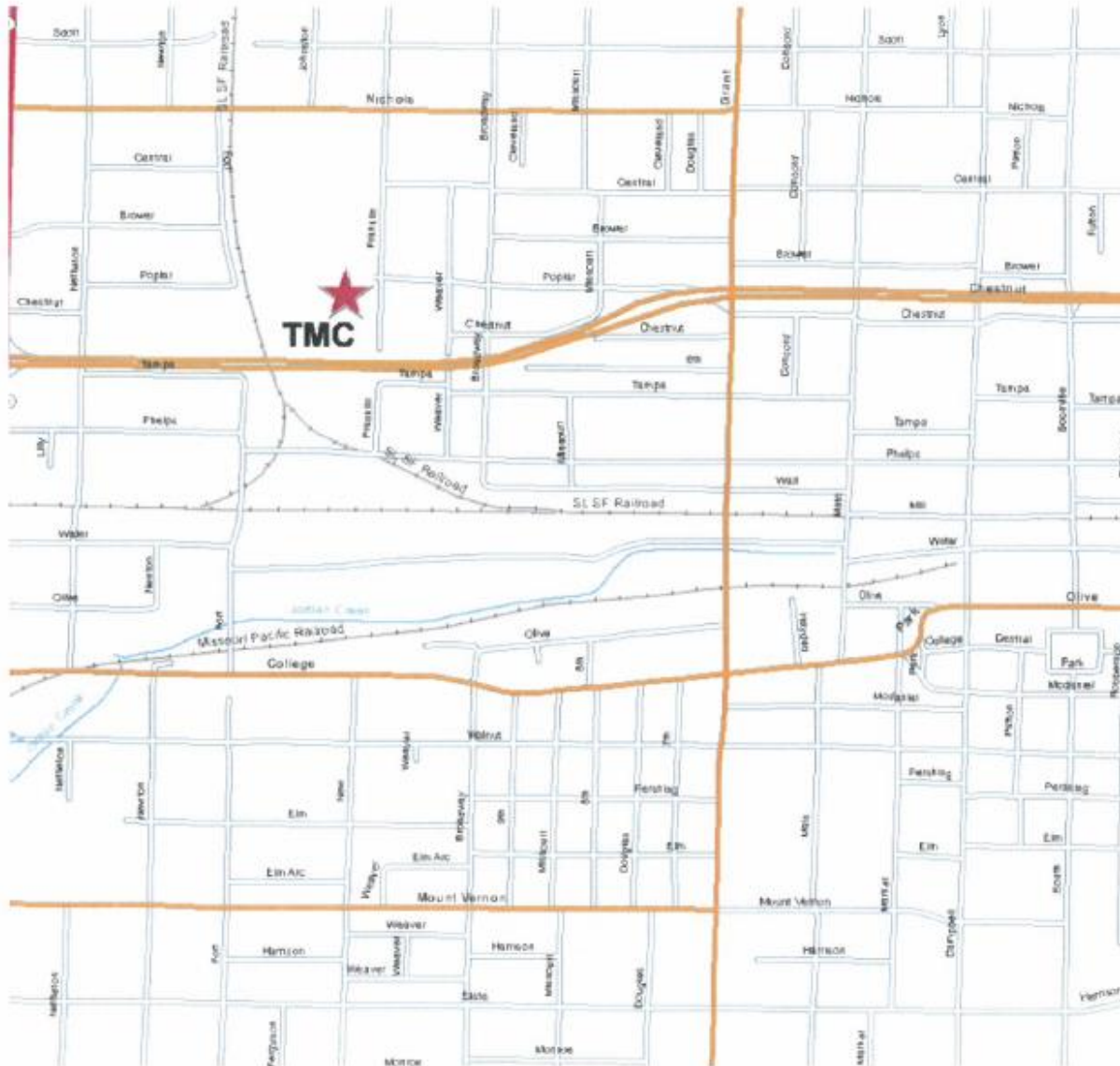


Exhibit B

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
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ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

Exhibit B

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

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applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

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will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

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will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

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(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

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d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

Exhibit B

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;

(2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

Exhibit B

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

Exhibit B

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

Exhibit B

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

Exhibit B

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
065

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	\$ 360,000	Federal STBG Grant Revenues for 80% of TMC Base Salaries
Net Revenue Adjustment						\$ 360,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	500110	000000	00000	\$ 360,000	TMC Salaries (80% of Base Salaries) Funded By Federal Grant
28010	20	78020	500110	000000	00000	(360,000)	TMC Base Salaries-6 Positions-FY 2021-22 Savings-12 Months
Net Expenditure Adjustment						-	

Fund Balance Appropriation:

Fund	Title	Amount
46040	PW U.S. Dept. of Transportation Grants	-
28010	PW Transportation Fund	360,000

FY 2021-2022 Savings - 12 Months

Explanation: To appropriate federal STBG grant funds for 80% of the base salaries of six (6) staff positions at the Transportation Management Center (TMC) based on the proposed STP Urban Agreement. The City grant match will be from the remaining 20% of base salaries and will be funded by the Transportation Fund operating budget. One-year grant award estimated to be effective for 12 months of FY 2022 beginning July 1st.

Requested By:

Dan Smith 04/13/21
Department Head Date

Approved By:

DJ Hill 04/13/21
Director of Finance Date

Authorization:

Council Bill No. 2021-100
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed: 04-13-21

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021- 101

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Professional
2 Service Agreement with the Missouri State Highway Patrol and the
3 Marshall University Research Corporation on behalf of Marshall
4 University Forensic Science Center to provide independent review
5 of privately tested Sexual Assault Forensic Evidence kits.
6 _____
7

8 WHEREAS, City Council recently allocated funding to identify and test all
9 untested Sexual Assault Forensic Evidence kits ("SAFE kits") currently held by the
10 Police Department through a private laboratory; and
11

12 WHEREAS, all test results from the private laboratory must be reviewed by an
13 independent third-party for potential entry into the Federal Bureau of Investigation
14 ("FBI") Combined DNA Index System ("CODIS"); and
15

16 WHEREAS, the Marshall University Forensic Science Center ("MUFSC") is
17 capable of providing the necessary review; and
18

19 WHEREAS, the Missouri State Highway Patrol, Crime Laboratory Division
20 ("MSHP") has agreed to assist the Springfield Police Department by providing technical
21 leadership for the independent testing and review of SAFE kits, including uploading
22 results into CODIS.
23

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

27 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
28 a Professional Service Agreement with the Missouri State Highway Patrol and the
29 Marshall University Research Corporation on behalf of Marshall University Forensic
30 Science Center to provide independent review of privately tested Sexual Assault
31 Forensic Evidence kits, said agreement to be substantially in the form of that Agreement
32 which is attached hereto and incorporated herein by reference as "Exhibit A."
33

34 Section 2 – This Ordinance shall be in full force and effect from and after
35 passage.

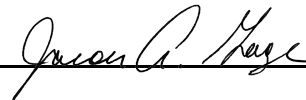
36
37 Passed at meeting: _____

38
39 _____
40 Mayor

41
42 Attest: _____, City Clerk

43
44 Filed as Ordinance: _____

45
46 Approved as to form:  _____, Assistant City Attorney

47
48
49 Approved for Council action:  _____, City Manager
50

EXPLANATION TO COUNCIL BILL 2021-101

FILED: 04-13-21

ORIGINATING DEPARTMENT: Police

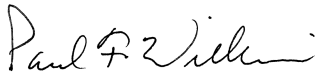
PURPOSE: To authorize the City Manager, or his designee, to enter into a Professional Service Agreement with the Missouri State Highway Patrol and Marshall University for technical review of privately tested Sexual Assault Forensic Evidence kits.

BACKGROUND INFORMATION: City Council recently appropriated funds to allow for the testing by a private laboratory of the remaining untested Sexual Assault Forensic Evidence Kits held by SPD. In order for the test results to be provided to the Missouri State Highway Patrol for entry into the Combined DNA Index System ("CODIS") the results must be first submitted to a third party for independent technical review.

Under this agreement, the third-party review will be conducted by the Marshall University Forensic Science Center. The Missouri State Highway Patrol will provide technical assistance and training to Marshall University and will ultimately submit the test results into CODIS.

Submitted by:

Approved by:



Paul F. Williams, Chief of Police



Jason Gage, City Manager

Exhibit A

PROFESSIONAL SERVICE AGREEMENT FOR TECHNICAL REVIEW OF SEXUAL ASSAULT KIT TESTING RESULTS

This agreement (AGREEMENT), entered into this _____ day of _____, 2021, by and between the Missouri State Highway Patrol, Crime Laboratory Division (MSHP), the City of Springfield by and through the Springfield Police Department (Springfield Police Department), and the Marshall University Research Corporation (MURC or contractor) on behalf of Marshall University Forensic Science Center (MUFSC) by the Executive Director, collectively referred to hereinafter as the "Parties".

WHEREAS, Springfield Police Department was provided with testing funds from the Springfield City Council; and

WHEREAS, the MSHP has agreed to assist in the implementation of the Springfield project to provide technical leadership for the outsourcing of DNA testing of approximately 119 sexual assault kits and the technical review of testing results, including uploading results into the FBI CODIS system; and

WHEREAS, the Federal Bureau of Investigation's (FBI) Quality Assurance Standards (QAS) for Forensic DNA Testing Laboratories, Standard 17, requires the National DNA Indexing System (NDIS) participating Laboratory (MSHP) to show ownership of outsourced DNA testing through the completion of a technical review prior to entry of forensic DNA profiles into the Combined DNA Index System (CODIS) and allows for a contract employee reviewer to complete these requirements; and

WHEREAS, MSHP and the Springfield Police Department requires the resources of a contract employee reviewer for both CODIS eligible and CODIS ineligible STR profiles for the purposes of the grant; and

WHEREAS, in accordance with Section 34.046, RSMo, MSHP and the Springfield Police Department, governmental units within the State of Missouri, may contract directly with MURC, a non-profit affiliate of Marshall University, a governmental entity under this section, for the technical review of DNA testing results services.

NOW THEREFORE, for and in consideration of the promises, mutual covenants and agreements herein contained, and other valuable consideration, MSHP, the Springfield Police Department and MURC on behalf of the MUFSC agree as follows:

ARTICLE I- SCOPE OF SERVICES

A. MURC on behalf of MUFSC will:

1. Cooperate with the MSHP, the Springfield Police Department and contractual private DNA testing lab to perform the technical review of the results and reports submitted by the laboratory for review on a schedule approved by the parties;
2. Fulfill laboratory requirements of Standard 17 of FBI's Quality Assurance Standards (QAS) for Forensic DNA Testing Laboratories, including all accreditation and compliance requirements;
3. Ensure contract employees follow all current MSHP Biology/DNA technical review protocols and utilize the review documentation form provided by MSHP;

4. Only assign forensic DNA scientists who meet the education, experience, training and competency requirements as detailed in the FBI's QAS for Forensic DNA Testing Laboratories to conduct technical reviews under the terms of this Agreement;
5. Provide MSHP written notice thirty days in advance of any changes in the status of the contract technical review personnel associated with this contract (Note: MSHP will qualify, test and maintain documentation to show that all contract employees performing technical review services are currently qualified or previously qualified, in the technology, platform and typing amplification test kit used to generate the data and participate in an NDIS laboratory's proficiency-test program as per Standard 17.6 of the FBI's Quality Assurance Standards for Forensic Testing Laboratories.) (Further Note: All personnel must be approved in writing by the MSHP DNA Technical Leader prior to conducting reviews.);
6. Accept training from the MSHP to include, but not limited to, CODIS eligibility requirements, DNA profile entry criteria, components of the technical review and documentation of the technical review;
7. Maintain competency and proficiency testing using Short Tandem Repeats (STR) analysis utilizing capillary electrophoresis with the PowerPlex Fusion 6C genetic loci system using MSHP interpretation guidelines;
8. Receive secure electronic copies of completed case files for technical review directly from a MSHP contractual vendor testing laboratory;
9. Complete approximately 50 – 100 technical reviews per month (the number of technical reviews will vary month to month) over the duration of this Agreement (Note: The technical reviews must include documentation of the technical review on a standardized technical review form provided by MSHP and an electronic file for uploading to CODIS that includes DNA profiles eligible for entry into CODIS.);
10. Conduct a review that must include, but not limited to, the following items on a DNA report/case file:
 - Data Review (including DNA types, mixture interpretation, associated controls, internal lane standards and allelic ladders);
 - Chain of Custody; and
 - Final report to include each item submitted to the vendor laboratory, results, conclusions and documentation.
11. Invoice the Springfield Police Department on the 15th day of each month for all technical reviews completed during the previous month at a rate of \$55 per technical review for negative kits and \$91.00 per technical review for positive kits completed by the MUFSC employees in accordance to the terms of this Agreement (Note: If the 15th falls on a federally recognized holiday or weekend, the invoice must be sent on the next business day.);
12. As necessary, allow on-site visits that include, at a minimum, continued competency test through proficiency testing by the MHP staff to ensure compliance with the FBI's QAS for Forensic DNA Testing Laboratories.
13. Shall be available to provide expert testimony on cases where review was performed by MURC, at the request of law enforcement, local prosecutors or defense counsel at the expense of the requesting party (Note: MSHP will not pay for or be responsible for any expense related to testimony.).

B. MSHP and Springfield Police Department will:

1. Provide training to MUFSC employees regarding CODIS, the training will include, at a minimum, CODIS eligibility requirements, DNA profile entry criteria, components of the technical review and documentation of the technical review;
2. Springfield Police Department will compensate, if necessary, the MUFSC for the employee training at the rate of \$30 per hour, per analyst. Limited to eight (8) hours of training for four (4) employees during the grant period (Note: Each analyst will be required to pass a competency provided by MSHP prior to performing technical reviews.);
3. Coordinate efforts with the independent contractual testing laboratory to provide training to MUFSC contract employees, if necessary, on their file organization and interpretational guidelines;
4. Coordinate with the independent contractual testing laboratory on any inquiries generated by MUFSC contract employees during the technical reviews. The MSHP will resolve all inquiries with the contractual third-party DNA testing provider independent of the MUFSC contract employees;
5. MSHP will conduct random review of the technical reviews conducted by MUFSC employees in under this agreement. This random review will encompass a minimum one (1%) of the overall number of technical reviews conducted by MUFSC contract employees;
6. Springfield Police Department will pay MURC at the rate of \$55 per kit for the review of negative results and \$91 per kit for the review of positive results for work completed by MUFSC employees in accordance with the terms of this Agreement. The MURC will invoice Springfield Police Department on the 15th of each month for all technical reviews completed during the previous month. Springfield Police Department agrees to pay all invoices approved by MSHP and/or Springfield Police Department within thirty (30) days of receipt if all documents and paperwork are concluded for kits reflected in the invoice;
7. As required by the FBI's QAS for Forensic DNA Testing Laboratories, the MSHP will administer proficiency tests to each MUFSC contract employee consistent with the full extent of analytical support services being provided to the MSHP by the employee (Note: The proficiency tests shall be conducted under the MSHP proficiency test program.);
8. All proficiency testing of MUFSC employees required by the FBI's QAS will be provided by MSHP without costs to the MURC or MUFSC.

C. The Parties agree to the following.

1. For the purposes of compliance with the FBI's QAS Forensic DNA Testing Laboratories, MUFSC employees who provide technical review services of the private independent DNA Testing Laboratory data and reports shall be considered to be contract employees of the MSHP, as the term "contract employees" is defined in the FBI's QAS for Forensic DNA Testing Laboratories, effective September 1, 2020.
 - a. The FBI's QAS for Forensic DNA Testing Laboratories, effective July 1, 2020, defines a contract employee as an individual that provides DNA typing and/or analytical

support services to the NDIS participating laboratory (MSHP). The persons performing these services must meet the relevant qualifications for the equivalent position in the NDIS participating laboratory (MSHP). A contract employee cannot serve as the casework CODIS administrator or technical leader and cannot be counted as a full-time, qualified analyst for purposes of satisfying the definition of a laboratory.

- b. As used in the Agreement, “technical review” is prescribed the same meaning as it is given in the FBI’s QAS for Forensic DNA Testing Laboratories, effective July 1, 2020, as “An evaluation of reports, notes, data and other documents to ensure there is an appropriate and sufficient basis for the scientific conclusions.”
2. Except as provided in C.1.a. above, MURC and MUFSC employees shall not be considered to be employees of the MSHP or Springfield Police Department for any purpose whatsoever, including, but not limited to, tax purposes, employment benefits, indemnification, fees or other costs not specifically agreed to herein, worker compensation claims, lawsuits, immunity or third-party liability claims.
3. All MSHP and Springfield Police Department case information is confidential criminal justice information. Access to MSHP and Springfield Police Department case information shall be controlled by contract employee(s) and limited to those personnel identified to the MSHP as working under this contract. MUFSC employees shall not provide information concerning MSHP or Springfield Police Department cases to anyone other than a representative of MSHP or Springfield Police Department without first notification to and approval of that agency. All technical review shall be at the facility identified by MURC.
4. At no time will DNA profiles generated from MSHP or Springfield Police Department casework be entered into internal or external databases by for searching by law enforcement personnel, scientific personnel or anyone else for investigative purposes.

ARTICLE II – TERM

The term of the Agreement shall be for a period beginning January 1, 2022 and ending December 31, 2022.

ARTICLE III- FEES AND PAYMENTS

1. The cost to the Springfield Police Department for services and training provided during the contract period shall not exceed the amount of Eleven Thousand (\$11,000.00) for the provision of technical review services and training provided in this Agreement, and all payments shall be contingent upon appropriations of sufficient funds to the Springfield Police Department for these services.
2. Springfield Police Department will pay training fees in accordance with the process set forth more fully in Article I, provided the MURC fulfills its obligations set forth more fully in Article I.
3. Invoices should be directed to the Springfield Police Department as set out in Article VI.
4. All purchases and charges pursuant to the Agreement are tax exempt and no tax is to be passed through or billed to the Springfield Police Department or included within fixed lump sum charges in any manner.

ARTICLE IV - TERMINATION

1. Either party may terminate this Agreement for any reason, provided that at least thirty (30) days advance written notice is given to all other parties.
2. If any party is in breach of the Agreement, the other parties may terminate if the breaching party fail to cure the breach within thirty (30) days of written notice of the same.
3. In event of such termination, all work papers, records, reports and collected data will be promptly returned to the MSHP and/or Springfield Police Department by the MURC, MUFSC, or other contracted provider. In the event of early termination, the Springfield Police Department will pay MURC for all technical reviews completed up to the effective date of termination provided all materials, work products and reports submitted to the MSHP or Springfield Police Department.
4. Notwithstanding anything to the contrary herein, it is expressly understood by the parties that the Agreement shall terminate upon failure of budgetary fund appropriations with no resulting liability to the MSHP or Springfield Police Department. The MSHP and Springfield Police Department will exercise its best effort to notify MURC of any budgetary failure in appropriations in advance. MURC will not be paid for any lost profits or damages because of termination.

ARTICLE V- ASSIGNABILITY

The parties shall not subcontract, assign or transfer this Agreement nor any portion thereof without the prior written consent of the other party and any failure to so comply shall be deemed cause for termination of the Agreement.

ARTICLE VI – POINTS OF CONTACT

Points of Contacts MURC on behalf of MUFSC will be:

Mr. Jason Chute, DNA Technical Leader
Marshall University Forensic Science Center
1401 Forensic Science Drive, Huntington, WV 25701-3628
jchute@marshall.edu
304-691-8946 (telephone)
304-691-8928 (fax)

Joseph Ciccarello, Associate Executive Director
Marshall University Research Corporation
One John Marshall Drive, Huntington, WV 25755
ciccarello@marshall.edu
304-696-4837 (telephone)
304-697-2770 (fax)

Point of Contact for Missouri State Highway Patrol, Crime Lab Division:

Jackson Scanlon, DNA Technical Leader
Missouri Highway Patrol - Crime Laboratory
425 East Phelps Street, Springfield, MO 65806
Jackson.Scanlon@mshp.dps.mo.gov
417-868-9400 x4446 (telephone)
417-895-6354 (fax)

Point of Contact for Springfield Police Department:

Major Stacey Parton
Springfield Police Department
321 E. Chestnut Expwy.
Springfield, MO 65802
sparton@springfieldmo.gov
417 864-1754

ARTICLE VII – GENERAL PROVISIONS

- A. **STANDARD OF CARE.** In performing the services under the Agreement, MUFSC employees will use the degree of care and skill ordinarily exercised under similar circumstances by members of the forensic science profession. Any problems relating to the services provided herein should be brought to the attention of the MSHP as soon as encountered and, if possible, prior to the issuance of the analytical report. If reasonable under the circumstances, the MUFSC will be required to correct any errors.
- B. **RECORDS MADE AVAILABLE.** The contractor agrees to make all records relating to this Agreement available for inspection by representatives of the MSHP during normal business hours.
- C. **INDEPENDENT CONTRACTOR.** The contractor agrees to perform duties hereunder as an independent contractor and not as an employee. Neither the contractor nor any agent or employee of the contractor shall be deemed to be an agent or employee of the MSHP, except as set out in Article I C.1.a. The contractor shall pay, when due, all required employment taxes and income withholding consistent with state law, shall provide and keep in force worker's compensation insurance and unemployment compensation insurance as required by law, and shall be solely responsible for acts of the contractor, contractor employees and agents.
- D. **NO PROMISE FUNDING.** Other than as specifically set forth herein, this Agreement is not an obligation or commitment of funds, nor a basis for transfer of funds. Each party shall bear its own costs in relation to this Agreement. expenditures by each party will be subject to applicable budgetary processes and to availability of funds pursuant to applicable laws, regulations, and policies. The parties expressly acknowledge that this in no way implies any appropriation, tender, or allocation of funds for such expenditures.

- E. HEADINGS. Item or section headings, if any, are for convenience only and are not to be used to interpret or define the provisions of the Agreement.
- F. NUMBER AND GENDER IFFELEVANT. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.
- G. SEVERABILITY. Nothing in this Agreement is intended to conflict with applicable laws, regulations or directives. Accordingly, the provisions of this Agreement are severable and, in the event any provision of this Agreement is determined to be invalid, in whole or in part, such unenforceable or invalid provision shall not affect the legality, enforceability, or validity of the rest of this Agreement.
- H. NO PRIVATE RIGHT. This agreement is between MSHP, Springfield Police Department, and MURC, on behalf of MUFSC. It does not create nor confer any right or benefit that is substantive or procedural, enforceable by any third party against the parties, or other officers, employees, agents, or associated personnel of the parties. Nothing in this Agreement is intended to restrict the authority of either party to act as provided by law, statute, or relation, or to restrict any party from administering or enforcing any laws within its authority or jurisdiction.
- I. ISSUE RESOLUTION. Throughout the course of this Agreement, issues such as scope, interpretation of provisions, and other concerns may arise. Both parties agree to appoint their respective representative identified in Article VI, or other point of contact, to work in good faith toward a resolution.
- J. ENTIRE MOU. This Agreement constitutes the entire Agreement between the parties with regard to the terms and matters set forth herein. This Agreement may be modified upon the mutual written consent of the parties, however any such changes must be in writing, and duly signed by their authorized representatives. This Agreement, including any amendments, will be reviewed annually on or around the anniversary of its effective date.
- K. RESPONSIBILITY ONLY FOR OWN ACTIONS. To the extent governed by applicable state law, each party will be responsible for its own acts and results arising from those actions, and shall not be responsible for the acts of the other party and results arising from those actions.
- L. ASSUMPTION OF RISK AND LIABILITY ONLY FOR OWN ACTIONS. Each party agrees, to the extent allowed by law, that it will assume all risk and liability to itself and its agents and employees for any cause of action resulting from any operations or conduct of its agents or employees under this Agreement. Applicable state law shall govern each party's liabilities.
- M. NO WAIVER OF IMMUNITY. Nothing in this agreement shall be construed as a waiver by the state of Missouri or the City of Springfield of any applicable immunity, including sovereign immunity as enjoyed by the State and the City of Springfield under § 537.600 of the Revised Statutes of Missouri.

ARTICLE VIII – CONFLICT OF INTEREST

- 1. MURC on behalf of MUFSC covenants that:
 - a. It presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under the Agreement;
 - b. In the performance of the Agreement no person having such interest shall be employed by the contractual service provider; and

- c. In the performance of the Agreement, neither the contractual service provider nor any of its agents or employees, are or shall become an employee of the State of Missouri, a member of the General Assembly, or a statewide elected official.
2. Employment of a contract employee by multiple NDIS participating and/or vendor laboratories shall be disclosed and shall only be permitted subject to the approval by the technical leader of the NDIS participating laboratory (MSHP) for which the contract employee is performing DNA typing and/or analytical services.

ARTICLE IX – GOVERNING LAW/VENUE

This Agreement shall be governed by and construed in accordance with the laws of the State of Missouri. It is further agreed by the parties that any action at law, suit in equity or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted in a court of competent jurisdiction.

ARTICLE X – INSURANCE

1. The contractor at its expense, at all times during the term hereof, shall be insured on an occurrence basis against all claims and demands by third persons for bodily injury, including wrong death, and property damage arising or alleged to arise out of the activities of the contractor, its officers, agents and employees, and independent contractors pursuant to the Agreement under the following types of coverage:
 - a. General Comprehensive;
 - b. Automobile (all vehicles);
 - c. Professional Liability for Error and Omissions;
 - d. Information Security Liability / Cyber Liability
 - e. Workers Compensation; and
 - f. Unemployment compensation

Contractor agrees to maintain limits of insurance of at least \$1,000,000 per occurrence for all types of coverage. Liability coverage must include unauthorized access to Protected Health Information (PHI).

2. Each party to this Agreement agrees that it will be responsible for its own negligent acts or omissions and the results thereof and shall not be responsible for the negligent acts or omissions of the other parties and the results thereof.
3. In no event shall any party be liable to the other for any indirect, incidental, special, punitive or consequential damages whatsoever; suffered by the other party, any affiliate, licensee, or any third party resulting from the other party's, any affiliate's, licensee's or any third party's use of the data under this Agreement.

ARTICLE XI – NON-DISCRIMINATION

All parties agree in the performance of this Contract not to discriminate on the ground or because of race, color, religion, sex, sexual orientation, gender identity, national origin, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of said parties or applicant for employment and, if required by applicable law, shall include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 {2246534;7} 7 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.

ARTICLE XII – CONFIDENTIALITY

The contractor shall not use or disclose any information it receives from the State or Springfield Police Department under this contract that State or Springfield Police Department have previously identified as confidential or exempt from mandatory public disclosure except as necessary to carry out the purposes of this contract or as authorized in advance by the State. The State shall not disclose any information it received from contractor that contractor has previously identified as confidential and that the State determines in its sole discretion is protected from mandatory public disclosure under a specific exception to the State of Missouri Sunshine Law, Chapter 610 of the Revised Statutes of Missouri (RSMo). The duty of the State and contractor to maintain confidentiality of information under this section continues beyond the term of this contract.

ARTICLE XIII – UNAUTHORIZED ALIEN EMPLOYEES

1. The contractual provider shall in compliance with all applicable provisions of Section 285.525 through 285.555 RSMo, provide to the MSHP and Springfield Police Department by sworn affidavit and provision of documentation, a statement of affirmation that the contractor does not knowingly employ any person who is an unauthorized alien in connection with this service contract, and further, that the contractor is enrolled and participates in a federal work authorization program with respect to the employees working in connection with the service contract.
2. The contractor has executed an affidavit, attached as an exhibit hereto, which shall remain in full force and effect during the term of this Agreement. The contractor has an obligation to immediately notify the MSHP and Springfield Police Department in writing of any change in the provisions of this affidavit.

ARTICLE XIV – CERTIFICATE OF COMPLIANCE WITH 34.600 RSMO. (ANTI-DISCRIMINATION AGAINST ISRAEL ACT).

Pursuant to Missouri Revised Statute Sections 34.600 et., seq., MURC must provide a written certification of compliance with the Anti-Discrimination Against Israel Act, RSMo. 34.600 et.,seq. that MURC is not currently engaged in and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in

the State of Israel. This section shall not apply to contracts with a total potential value of less than one hundred thousand dollars or to contractors with fewer than ten employees.

ARTICLE XV – EXCLUDED PARTIES LIST

The contractor confirms that Marshall University Research Corporation does not appear on the list of Federal Excluded Parties and further that a search has been conducted in the Excluded Parties List System with results attached to this document. The contractor shall have the responsibility to continue this status during the full term of this Agreement. The contractor has an obligation to immediately notify the MSHP and Springfield Police Department in writing of any change in the EPLS status.

ARTICLE XVI- ENTIRE AGREEMENT

This is the entire Agreement and neither amendment nor modification shall be made unless in writing and signed by the parties hereto.

This Agreement is hereby entered into between the Missouri State Highway Patrol Crime Lab, the Springfield Police Department, and the Marshall University Research Corporation, on behalf of the Marshall University Forensic Science Center, on the date of the last signature below.

Missouri Highway Patrol – Crime Laboratory

By _____ Name _____ Date _____

City of Springfield

By _____ Name _____ Date _____

City Manager or designee

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

Marshall University Research Corporation

By _____ Name _____ Date _____