



Agenda

City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers

Monica Horton, Zone 1
Abe McGull, Zone 2
Mike Schilling, Zone 3
Matthew Simpson, Zone 4

General Councilmembers

Heather Hardinger, General A
Craig Hosmer, General B
Andrew Lear, General C
Richard Ollis, General D

Upcoming Council Meeting Agenda July 11, 2022 6:30 p.m.

Speakers must sign up with the City Clerk to speak to a Council Bill on the agenda.

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 not 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 based on City Council's policy regarding the number of speakers.

Note: Sponsorship does not denote Council member approval or support.

1. ROLL CALL.

2. APPROVAL OF MINUTES: JUNE 27, 2022 CITY COUNCIL MEETING

4. APPROVAL OF MINUTES. JUNE 27, 2022, CITY COUNCIL MEETING AND JUNE 28, 2022, SPECIAL CITY COUNCIL MEETING.

Documents:

[06-27-22.PDF](#)

[06-28-22 SPECIAL CITY COUNCIL MEETING.PDF](#)

3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.

4. CEREMONIAL MATTERS.

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

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

7. Council Bill 2022-162 (McGull)

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 2022 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 2022-2023; reaffirming the City Council Objectives and Community Development 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 June 27, 2022.)

Documents:

[2022-162.PDF](#)

8. Council Bill 2022-163 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the United Way of the Ozarks, through the Community Foundation of the Ozarks' United Way Let's Get to Work Fund, in the amount of \$30,000 to be utilized to perform approved grant activities and to enter into necessary agreements to carry out the grant; and amending the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of \$30,000 to appropriate the grant funds.

Documents:

[2022-163.PDF](#)

9. Council Bill 2022-164 (Schilling)

A special ordinance approving the plans and specifications for Phase 4 and Phase 5 of the Republic Road and Campbell Avenue Intersection Improvements project; accepting the bid of Capital Paving & Construction, LLC, in the amount of \$5,364,467.30 for said project; authorizing the City Manager, or his designee, to enter into a contract with such bidder; and amending the Fiscal Year 2022-2023 budget for the Department of Public Works in the amount of \$470,000.00 to appropriate additional Surface Transportation Block Grant funds for said project.

Documents:

[2022-164.PDF](#)

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

11. Council Bill 2022-165 (Hardinger)

A resolution declaring an intent to initiate annexation of approximately 24 acres of private property, generally located at 3224 East Valley Water Mill Road and referenced as Annexation A-3-2022, into the City of Springfield. (Staff recommends approval.)

Documents:

[2022-165.PDF](#)

12. Council Bill 2022-166 (Schilling)

A resolution granting a Short-Term Rental Type 2 Permit for the property located at 718 West Downing Street for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

Documents:

[2022-166.PDF](#)

13. EMERGENCY BILLS.

14. PUBLIC IMPROVEMENTS.

15. GRANTS.

16. AMENDED BILLS.

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

18. Council Bill 2022-167 (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.36 acres of property generally located at 3018 West Battlefield Road from GR, General Retail District, and GM, General Manufacturing District, to IC, Industrial Commercial District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Schelle Development Co, LLC; 3018 W. Battlefield Road; Z-4-2022.)

Documents:

[2022-167.PDF](#)

19. Council Bill 2022-168 (Simpson)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 7.84 acres of property generally located at 3900 South Lone Pine Avenue and at 2955 and 2957 East Allen Place from R-MD, Medium-density Multifamily Residential District with Conditional Overlay District No. 17, and from R-SF, Single-family Residential District, to R-MD, Medium-density Multifamily Residential District, with Conditional Overlay District No. 212; establishing Conditional Overlay District No. 212; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: 3900 Lone Pine Apts LLC; 3900 South Lone Pine, 2955 and 2957 East Allen Place; Z-10-2022 w/COD #212.)

Documents:

[2022-168.PDF](#)

20. Council Bill 2022-169 (Simpson)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1 acre of property generally located at 404, 420, and 424 East Sunshine Street from R-SF, Single-Family Residential District, to LB, Limited Business District, with Conditional Overlay District No. 207; establishing Conditional Overlay District No. 207; and adopting an updated Official Zoning Map. (Planning and Zoning Commission recommends denial and staff recommends approval.) (By: Reding Management and Redec, LLCs; 404, 420, & 424 E. Sunshine Street; Z-1-2022 w/COD #207.)

Documents:

[2022-169.PDF](#)

21. Council Bill 2022-170 (Simpson)

A special ordinance granting Conditional Use Permit No. 461 for the purpose of permitting an eating and drinking establishment use group, including drive-in, pick-up window, or drive-thru facilities, as a conditional use within the LB – Limited Business District, generally located at 404, 420, and 424 East Sunshine Street. (Planning and Zoning Commission recommends denial and staff recommends approval.) (By: Reding Management and Redec, LLCs; 404, 420, & 424 E. Sunshine Street; Conditional Use Permit 461.)

Documents:

[2022-170.PDF](#)

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

23. Council Bill 2022-171 (Hosmer)

A special ordinance approving the plans and specifications for the Southwest Wastewater Treatment Plant: Plant 2 and Primary Treatment Rehabilitation Project; accepting the bid of Ivinbilt Constructors, Inc., in the amount of \$3,682,640 and authorizing the City Manager to enter into contracts necessary for completion of said Project; and approving a budget adjustment to amend the Fiscal Year 2022-2023 Budget for the Department of Environmental Services, in the amount of \$4,419,168, to appropriate retained earnings of the Clean Water Enterprise Fund.

Documents:

[2022-171.PDF](#)

24. Council Bill 2022-172 (Ollis)

A special ordinance amending the budget of the Springfield Art Museum for Fiscal Year 2022-2023 in the amount of \$150,000 to appropriate fund balance reserves from the Art Museum Special Project Fund to support construction of the Art Museum North Parking Improvements Project at the Springfield Art Museum.

Documents:

[2022-172.PDF](#)

25. Council Bill 2022-173 (Lear)

A special ordinance amending the budget of the Springfield-Greene County Health Department for Fiscal Year 2021-2022 in the amount of \$3,300,000 to appropriate funds from the Public Health Fund balance for continued COVID-19 community response.

Documents:

[2022-173.PDF](#)

26. Council Bill 2022-174 (Lear)

A special ordinance amending the Fiscal Year 2021-2022 operating budget of the City of Springfield in the General Fund by increasing both revenue and expenses in the amount of \$108,409, for the purpose of adjusting for certain reimbursements and associated offsetting expenses as well as adjusting the salary budget for retirement payouts.

Documents:

[2022-174.PDF](#)

27. Council Bill 2022-175 (Ollis)

A special ordinance amending the Fiscal Year 2021-2022 operating budget of the City of Springfield by increasing both revenue and expenses in the amount of \$129,739, in various Special Revenue and Capital Project Funds, for the purpose of accounting for certain reimbursements and associated offsetting expense items.

Documents:

[2022-175.PDF](#)

28. Council Bill 2022-176 (Simpson, McGull, Lear, And Hardinger)

A special ordinance amending Special Ordinance 27550 to amend funding appropriated for continuing COVID-19 services; amending Special Ordinance 27640 to amend projected funds appropriated for retention payments; amending the budget for Fiscal Year 2022-2023 to appropriate funds from the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, for certain projects as recommended by the City Council ARPA Review Committee; and authorizing the City Manager to enter into funding agreements as necessary with recipients of such funds. (The City Council ARPA Review Committee voted to recommend this appropriation to City Council.)

Documents:

[2022-176.PDF](#)

29. Council Bill 2022-177 (McGull, Lear, And Hardinger)

A special ordinance amending the budget for Fiscal Year 2022-2023 to appropriate \$750,000 from the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, for an airframe and powerplant maintenance facility proposed by Ozarks Technical Community College and recommended for funding by the City Council ARPA Review Committee; and authorizing the City Manager to enter into a funding agreement with Ozarks Technical Community College regarding such funds. (The City Council ARPA Review Committee voted to recommend this appropriation to City Council.)

Documents:

[2022-177.PDF](#)

30. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

31. NEW BUSINESS.

The Mayor recommends the following reappointment to the Springfield – Greene County Public Library Board: Christopher Bozarth with term to expire July 1, 2025.

The Mayor recommends the following appointment to the Springfield – Greene County Public Library Board: Aaron Jones with term to expire July 1, 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.

32. UNFINISHED BUSINESS.

33. MISCELLANEOUS.

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

35. Council Bill 2022-178 (McGull)

A special ordinance authorizing the City Manager or his designee to enter into a Municipal Agreement with the Missouri Highways and Transportation Commission to coordinate the construction and maintenance of improvements along Cherry Street.

Documents:

[2022-178.PDF](#)

36. Council Bill 2022-179 (Simpson)

A special ordinance authorizing the City Manager or his designee to enter into a Municipal Agreement with the Missouri Highways and Transportation Commission to

coordinate the construction and maintenance of improvements along Nature Center Way, the outer road of Route 60.

Documents:

[2022-179.PDF](#)

- 37. **CONSENT AGENDA – ONE READING BILLS.**
- 38. **CONSENT AGENDA – SECOND READING BILLS. See Item #3.**
- 39. **BOARD CONFIRMATIONS.**

Confirm the following reappointment to the Board of Equalization: Janet Blair with term to expire April 1, 2025.

Confirm the following appointments to the Landmarks Board: Jamille Jones with term to expire November 1, 2023; Erik Kiser, with term to expire November 1, 2022.

Confirm the following appointment to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: John Davis with term to expire April 30, 2025.

- 40. **END OF CONSENT AGENDA.**
- 41. **ADJOURN.**

Persons addressing City Council are asked to step to the microphone and clearly state their name and address before speaking.

All meetings are recorded.

In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864-1651 at least three days prior to the scheduled meeting.

June 27, 2022
Springfield, Missouri

The City Council met in regular session June 27, 2022, in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure.

Roll Call

Present: Mike Schilling, Matthew Simpson, Abe McGull*, Craig Hosmer, Richard Ollis, Andrew Lear, Monica Horton, and Ken McClure. Absent: Heather Hardinger.

*Attended via Zoom.

Minutes

The minutes of the June 13, 2022, City Council Meeting and June 14, 2022, Special City Council Meeting were considered. Mayor Pro Tem Simpson moved to approve the minutes as presented. The motion was seconded by Councilwoman Horton and approved by the following vote: Ayes: Ollis, Lear, Horton, Hosmer, McGull, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

Consent Agenda

The consent agenda was approved as presented by the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

CEREMONIAL MATTERS.

City Manager Report

Jason Gage, City Manager, noted the Springfield Fire Department placed into service the new Ladder 8 on Friday to replace one which served the community for nearly 20 years. Members of the public joined the Fire Department for a ceremony to welcome Ladder 8 to Fire Station 8, located at 1405 S. Scenic Avenue. Mr. Gage further noted the funding for this apparatus was provided by the continuation of the Level Property Tax supported and passed by the Springfield community in 2017. The total cost for the new ladder was \$902,000 and it took 490 days to be built.

Mr. Gage noted several departments participated in the United Way of the Ozarks' Day of Caring providing hours of service to various non-profit organizations across the community. This was the 30th annual Day of Service in Springfield, with more than 1,000 people participating.

Mr. Gage noted customers to the City's Noble Hill Sanitary Landfill and Yardwaste Recycling Center facilities will notice an increase in fees for various products and services. Fee increases were approved by City Council in December of 2021. The increases will continue to support the operation of Springfield's Sanitary Landfill, three recycling drop-off sites, the Yardwaste Recycling Center, the regional Household Chemical Collection Center, and community-wide outreach & education programming.

Mr. Gage noted customers with City sewer service will see a planned rate increase beginning July 1, to continue improving the City's aging system and remain in compliance with federal Clean Water Act regulations. The City of Springfield contracts with City Utilities for sanitary sewer services billing. Customers will notice this change on their August City Utilities bills.

Mr. Gage noted a public event to kick off the unveiling of the Comprehensive Plan to the community will take place Thursday, July 21, from 3-6 p.m. at Hammons Field. Participants will experience a walk-through exhibit of each key focus area of the plan and get a behind-the-scenes look at the ballpark's air conditioned suites. Parking near Gate 1 is free, and people are encouraged to drop in. More information will be available on the forwardsgf.com website.

Mr. Gage noted the Missouri Department of Health and Human Services approved the distribution of both the Moderna and Pfizer/BioNTech COVID-19 vaccines for children as young as six months old. He further noted the Springfield-Greene County Health Department is encouraging parents to call their children's pediatrician for more information on where to receive a vaccine. For individuals who do not have a pediatrician or wish to sign up to be notified about community-wide opportunities via text message, they can call the COVID-19 Call Center at 417-874-1211. The Health Department is not currently offering vaccination opportunities for children under 5.

Police Chief Update Paul Williams, Police Chief, provided an update for the Police Department.

Chief Williams noted the Mental Health Mobile Response Team consists of various partners which assist with non-violent individuals in need of mental health assistance. The team is in partnership with Burrell Behavioral Health, who received a grant from the Missouri Foundation of Health. Holli Triboulet was selected as the Springfield Mental Health Co-Responder Project director. He further noted the training program has three stages with the end goal of providing immediate care for persons in crisis and allowing the responding officer to respond more efficiently to other service calls.

Chief Williams discussed crime prevention trends and data. He noted there has been a 30% reduction in auto thefts from Quarter 1 of 2021 to Quarter 1 of 2022. Chief Williams reported residential and commercial burglaries decreased from 2021 to 2022.

Chief Williams reported Public Engagement created a 30-second Public Service Announcement and three trending crime updates, which were posted to social media and provided to media partners, for the first quarter auto theft focus. The second quarter focus was burglaries. The second quarter focus utilized a 30-second Public Service Announcement posted to social media and provided to media partners.

Chief Williams noted in an effort to reduce the large volume of cases that have accumulated for the property unit, overtime of 10 hours was allowed from May 8-21. As a result, 62 cases were cleared.

Chief Williams noted crimes against persons, property, and society all decreased from 2021 to 2022, in part due to crime prevention measures. He further noted gun violence has increased.

Chief Williams noted the Data-Driven Approaches to Crime and Traffic Safety (DDACTS) program launched June 1, 2022. The four hotspots identified for proactive patrol and traffic enforcement were as follows: Kansas and Kearney, Kearney and Glenstone, Glenstone and Sunshine, and Kansas and Sunshine.

Chief Williams provided a recruitment summary and update. He reported the digital recruitment campaign goes live this week, and video spots have been running on KY3 since January. He noted there have been 478 applicants in 2022, 27 officers in the January academy, 12 have signed up for the September academy, and four lateral hires in 2022. He further noted there have been 177 applicants for non-sworn personnel and five hires.

Chief Williams provided an update on warrants and municipal arrests. He noted there have been 98 warrants cleared, 77 individuals arrested, and 284 warrants voluntarily resolved.

Mayor McClure thanked Chief Williams for the report.

Councilman McGull thanked Chief Williams for the report. He expressed his interest in the DDACTS program. Mr. McGull asked for overtime information prior to the change to 12 hour shifts. Chief Williams responded the information will be provided.

Mayor Pro Tem Simpson thanked Chief Williams for the report. He expressed his interest in the Mental Health Mobile Response Team. Mr. Simpson asked if Substance Abuse and Mental Health Services (SAMHSA) grants are still being explored for the response team. Chief Williams responded the department is always exploring new funding opportunities. Mr. Simpson asked how many non-sworn positions are vacant. Chief Williams responded 17. He expressed his belief the Traffic Service Agent positions will be filled quickly.

Councilwoman Horton asked if the mental health professionals will accompany Police Area Representative (PAR) officers to neighborhood meetings. Chief Williams responded the mental health professionals will ride with patrol officers. Councilwoman Horton expressed her belief that having mental health professionals attend neighborhood meetings to provide education would be beneficial.

Councilman Hosmer asked how many Police Officer positions are vacant and if the Police Department has sufficient resources to provide overtime pay to officers who work overtime. Chief Williams responded the department is not able to fill all of the overtime available. Councilman Hosmer asked what happens with cases in which a person is in possession of an illegal firearm. Chief Williams responded the outcome depends on if the charges are federal or state. Councilman Hosmer asked if there is a central repository for camera footage. Chief Williams responded there is a camera registration program which is encouraged but voluntary.

Councilman McGull noted new gun legislation requires a maximum fifteen year penalty for a felon in possession of a firearm.

CTOC Report

Shawn Robertson, President of the Citizens Tax Oversight Committee (CTOC), provided an update on behalf of the CTOC. He thanked City Council for the opportunity to present the report. Mr. Robertson noted the CTOC is continuing to meet quarterly to review the collection and expenditures of sales taxes for the City. Dan Smith, Director of Public Works, along with David Holtmann, Director of Finance, have continued to provide highly knowledgeable insight into the financial operations of the City and are fully able to answer all questions raised at the quarterly meetings.

Mr. Robertson noted sales taxes reviewed by the Committee are: the 3/4 cent Pension Fund Sales Tax for the Police and Fire Pension Fund, 1/8 cent Transportation Sales Tax for high-priority transportation improvements, 1/4 cent Capital Improvement Sales Tax for high-priority capital improvements, Motel/Hotel Tax which is collected and expended according to the state statutes for this tax, and the Level Property Tax which is collected and expended for municipal purposes as directed by City Council.

Mr. Robertson noted CTOC can report that the expenditures of the City's taxes are appropriately classified and consistent with the language approved by the citizens of Springfield.

Mayor McClure thanked Mr. Robertson and the Committee for the work they do.

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

**Greater Springfield
Area Sports
Commission, Inc.
Agreement**

Sponsor: Ollis. Council Bill 2022-147

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Greater Springfield Area Sports Commission, Inc., for the purpose of promoting the attraction of sporting events to the community.

Council Bill 2022-147. Special Ordinance 27714 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Springfield
Convention and
Visitors Bureau, Inc.
Agreement**

Sponsor: Lear. Council Bill 2022-148

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Springfield Convention and Visitors Bureau, Inc., for the purpose of promoting travel and tourism within the City of Springfield.

Councilman Ollis asked Tracy Kimberlin, President of the Springfield Convention and Visitors Bureau, if he has received a response from the Atrium group and if the Atrium group has plans to make significant improvements to their properties. Mr. Kimberlin responded he has not heard from the corporate staff at Atrium. He noted he has had conversations with the current local staff who are attempting to make improvements as they can.

Council Bill 2022-148. Special Ordinance 27715 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Amending
Springfield City
Code: Merit System
Rules and
Regulation**

Sponsor: Hosmer. Council Bill 2022-149

A general ordinance amending the Springfield City Code, Chapter 2, Article III, Division 1, Section 2-91, known as the Merit System Rules and Regulation ("Merit Rules"), by amending portions of the Merit Rules for multiple purposes, including but not limited to the following: amendments to further the City's diversity and inclusivity goals, to clarify certain provisions within the Merit Rules and assure internal consistency as well as consistency with the City's

Code and Charter, to update the City’s policy regarding hiring of relatives of employees, to correct a previous scrivener’s error, and to amend the Merit Rules on vacation and sick leave.

Council Bill 2022-149. General Ordinance 6730 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Collective
Bargaining
Agreement: SPOA**

Sponsor: Ollis. Council Bill 2022-150

A special ordinance approving the Fourth Amendment to the July 1, 2021, Collective Bargaining Agreement between the City and the Springfield Police Officers Association, Fraternal Order of Police Lodge 22 (“SPOA”), the Exclusive Representative of a certain Bargaining Unit within the Springfield Police Department, representing changes requested by the SPOA regarding payroll deductions; and authorizing the City Manager, or his designee, on behalf of the City, to execute and deliver the Fourth Amendment to the Collective Bargaining Agreement to the Exclusive Representative.

Council Bill 2022-150. Special Ordinance 27716 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Annual Maintenance
Contract for Traffic
Signals**

Sponsor: Lear. Council Bill 2022-151

A special ordinance approving the Annual Maintenance Contract for Traffic Signals for Fiscal Year 2022-2023; accepting the bid of Ewing Signal Construction, LLC, in the amount of \$209,988.50; and authorizing the City Manager to enter into a contract with such bidder for the purpose of maintaining the City’s traffic signal infrastructure.

Council Bill 2022-151. Special Ordinance 27717 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**HOME – American
Rescue Plan
Allocation Plan**

Sponsor: Hosmer. Council Bill 2022-152

A special ordinance adopting the HOME-American Rescue Plan Allocation Plan to utilize the HOME-American Rescue Plan grant of \$3,805,703; amending the Fiscal Year 2021 Annual Action Plan to incorporate the HOME-American Rescue Plan Allocation Plan; and authorizing the City Manager, or his designee, to enter into any necessary agreements and exercise any necessary power to select and implement projects for funding pursuant to the HOME-American Rescue Plan Allocation Plan after the United States Department of Housing and Urban Development approves the plan.

Council Bill 2022-152. Special Ordinance 27718 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Springfield Regional
Arts Council, Inc.
Agreement**

Sponsor: Schilling. Council Bill 2022-153

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Springfield Regional Arts Council, Inc., for the purpose of promoting the visual and performing arts in Springfield, Missouri.

Council Bill 2022-153. Special Ordinance 27719 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

The following items appeared on the agenda under Resolutions.

**Short-Term Rental
Type 2 Permit: 2209
East Swallow Street**

Sponsor: Simpson. Council Bill 2022-157

A resolution granting a Short-Term Rental Type 2 Permit for the property located at 2209 East Swallow Street for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

Daniel Neal, Senior City Planner, provided a brief overview of the proposed. Mr. Neal noted a Short-Term Rental Type 2 can be rented for periods of less than 30 consecutive days, is not owner-occupied, is located within a R-SF or R-TH zoning district, must notify neighbors within 500 feet and hold a neighborhood meeting, and must have an affidavit signed by 55% of adjacent property owners. He further noted the proposed did not meet the 55% requirement due to having an incomplete signature. One protest petition was received for the proposed.

Mayor Pro Tem Simpson thanked Mr. Neal for implementing the new process to get input from neighbors. He asked if the reason for the incomplete signature was due to a divorce and if that signature had counted would the 55% requirement would have been met. Mr. Neal responded affirmatively.

Councilman Hosmer asked how many short-term rentals are currently licensed in the City and how many are operating without a license. Mr. Neal responded 183 total are licensed and 300 to 400 are estimated to be operating without a license.

Councilman Schilling asked for clarification on the definition of passive consent. Mr. Neal responded the letter says failure to respond is taken as consent.

An opportunity was given for citizens to express their views.

Ed Gibson spoke in support of the proposed. Mr. Gibson noted he is the owner of the property. He thanked City Council for the opportunity to speak. He further noted the property is currently a long-term rental. He added it is his belief he will be able to better control the maintenance of the property if it is a short-term rental. Mr. Gibson expressed his belief the incomplete signature meets the “spirit of the law.”

With no further appearances, the public hearing was declared closed.

Mayor Pro Tem Simpson expressed his support for the proposed. He noted that if not for a technicality with the incomplete signature, the matter would have passed and not come before City Council.

Councilman Hosmer expressed his belief that the neighbor who protested the proposed should also have their wishes respected. Mr. Hosmer noted 60% of Springfield residents live in rental properties, and action to approve short-term rentals makes fewer properties available for home ownership. He further noted short-term rentals do not pay hotel/motel taxes.

Councilman McGull expressed his opposition to the proposed as he believes short-term rentals do not abide by neighborhood covenants. He noted he is not in opposition to short-term type 1 rentals in which the applicant lives in the home but feels short-term type 2 rentals weaken the fabric of the neighborhood.

Councilman Lear expressed his support for the proposed.

Council Bill 2022-157. Resolution 10639 was approved with the following vote: Ayes: Ollis, Lear, Horton, Schilling, Simpson, and McClure. Nays: McGull and Hosmer. Absent: Hardinger. Abstain: None.

**Short-Term Rental
Type 2 Permit: 1951
South Roanoke
Street**

Sponsor: Simpson. Council Bill 2022-158

A resolution granting a Short-Term Rental Type 2 Permit for the property located at 1951 South Roanoke Street for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

Mayor Pro Tem Simpson motioned to table Council Bill 2022-158, per the request of the applicant, until the August 22, 2022, City Council Meeting. The motion was seconded by Councilman Lear and approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Growth
Opportunities
program grant**

Sponsor: Schilling. Council Bill 2022-159

A resolution authorizing the City Manager, or his designee, to apply for a grant from the United States Department of Labor for the Growth Opportunities program grant in the amount of up to \$4,000,000 to be utilized to perform approved grant activities.

Ericka Schmeeckle, Assistant Director of Workforce Development, provided a brief overview of the proposed. Ms. Schmeeckle noted the proposed would allow the department to apply for a grant to be used for work and education opportunities for participants aged 18 to 24 who have been involved, or at risk being involved, with the justice system. She further noted the department has a similar program for adults which has seen success.

Councilman Schilling asked how many participants are estimated to be served through the program. Ms. Schmeeckle responded the department works with the Greene County Juvenile Detention Center to determine who will be eligible for the program.

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

Council Bill 2022-159. Resolution 10640 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

Brownfields Job Training grant

Sponsor: Ollis. Council Bill 2022-160

A resolution authorizing the City Manager, or his designee, to apply for a grant from the Environmental Protection Agency for the Brownfields Job Training grant in the amount of up to \$500,000 to be utilized to perform approved grant activities.

Sally Payne, Director of Workforce Development, provided a brief overview of the proposed. Ms. Payne noted the proposed would allow the department to apply for a grant to be used for registered apprenticeships, childcare, and transportation for unemployed or underemployed individuals.

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

Council Bill 2022-160. Resolution 10641 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

The following item appeared on the agenda under Emergency Bills.

Amending Special Ordinance 27441

Sponsor: City Council. Council Bill 2022-161

A special ordinance amending Special Ordinance 27441 to revise the date of the election called in Special Ordinance 27441 to November 8, 2022; and declaring an emergency.

Rhonda Lewsader, City Attorney, provided a brief overview of the proposed. Ms. Lewsader noted the proposed would allow the earliest date the City may call an election, in regard to Special Ordinance 27441, to be changed from August 3, 2021, to November 8, 2022.

Councilman Hosmer asked if the ballot language that will be used is available. Ms. Lewsader responded the ballot language is the current language in Special Ordinance 27441, and the proposed will amend the election date only.

An opportunity was given for citizens to express their views.

Melanie Bach addressed City Council. Ms. Bach noted she is President of the Galloway Neighborhood Association. Ms. Bach further expressed her concerns with the process. Mayor McClure asked that comments be confined to the proposed date change only. Ms. Bach expressed her belief the date should be amended.

Ron Boles addressed City Council. Mr. Boles expressed his concerns regarding the process and expressed his belief that citizens have a right to be heard.

With no further appearances, the public hearing was declared closed.

Council Bill 2022-161. Special Ordinance 27721 was approved with the following vote: Ayes: Ollis, Lear, McGull, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: Horton.

PUBLIC IMPROVEMENTS.

GRANTS.

AMENDED BILLS.

The following item appeared on the agenda under Public Hearing.

Community Development Block Grant and HOME Investment Partnership Program Funds

Sponsor: McGull. Council Bill 2022-162

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 2022 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 2022-2023; reaffirming the City Council Objectives and Community Development 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 June 27, 2022.)

Bob Jones, Grants Administrator, provided a brief overview of the proposed. Mr. Jones noted the proposed would allow for application and acceptance of U. S. Department of Housing and Urban Development (HUD) HOME grant funds and Community Development Block Grant funds. Mr. Jones discussed the history of funding and the recommendations for FY-22-23.

An opportunity was given for citizens to express their views.

Alice Barber addressed City Council. Ms. Barber noted individuals in Springfield are struggling to remain housed. Ms. Barber expressed her belief the problems of homelessness and housing insecurity will never be solved with stop-gap measures. She gave examples of other cities that provide City-funded affordable housing and suggested Springfield could do the same. Ms. Barber also suggested having a housing trust fund that would be run by the City. She advocated for more permanent supportive housing.

Councilman McGull thanked Ms. Barber for speaking to City Council. He noted there is a housing study in the works and invited Ms. Barber to reach out to speak to him about her ideas.

With no further appearances, the public hearing was declared closed.

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

**Let's Get to Work
Fund**

Sponsor: Hosmer. Council Bill 2022-163

A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the United Way of the Ozarks, through the Community Foundation of the Ozarks' United Way Let's Get to Work Fund, in the amount of \$30,000 to be utilized to perform approved grant activities and to enter into necessary agreements to carry out the grant; and amending the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of \$30,000 to appropriate the grant funds.

Sally Payne, Director of Workforce Development, provided a brief overview of the proposed. Ms. Payne noted the department is seeking approval to accept the next round of grant funds for the Let's Get to Work program. She further noted the funding provides additional support services for transportation needs.

An opportunity was given for citizens to express their views.

John Oke-Thomas addressed City Council. Mr. Oke-Thomas expressed his belief it is important for the City to continue to look for ways to help individuals and noted the benefits to this program. Mr. Thomas expressed his belief it is important to research ways to assist individuals with gas and encouraged City Council to think outside the box for solutions. He thanked City Council for their work.

With no further appearances, the public hearing was declared closed.

**Phase 4 and Phase 5:
Republic Road and
Campbell Avenue
Intersection
Improvements**

Sponsor: Schilling. Council Bill 2022-164

A special ordinance approving the plans and specifications for Phase 4 and Phase 5 of the Republic Road and Campbell Avenue Intersection Improvements project; accepting the bid of Capital Paving & Construction, LLC, in the amount of \$5,364,467.30 for said project; authorizing the City Manager, or his designee, to enter into a contract with such bidder; and amending the Fiscal Year 2022-2023 budget for the Department of Public Works in the amount of \$470,000.00 to appropriate additional Surface Transportation Block Grant funds for said project.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith noted the proposed will improve the capacity of the intersection at Republic Road and Campbell Street. He further noted bids have been opened for the project. Mr. Smith noted the project is a cost share with the Missouri Department of Transportation. The anticipated completion date is November 1, 2024.

Mayor Pro Tem Simpson expressed his enthusiasm for the project. He asked if engineering could be incorporated to improve back up situations with food establishments in the area. Mr. Smith responded this can be reviewed, and access management strategies may help.

Councilman Schilling asked how much the traffic load has changed at the intersection over the past ten years. Mr. Smith responded the traffic load and need to improve the intersection has grown as the community has grown.

Councilman McGull expressed his thanks to the department. He asked the timeline for the Division Street plan. Mr. Smith responded the hope is to have a notice to proceed by July, and the completion date will be in 2023.

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

The following items appeared on the agenda under Petitions, Remonstrances, and Communications.

Danielle Godsey did not appear to address City Council.

Dr. Robert Olson addressed City Council. Dr. Olson noted he is a member of several groups for health. He further noted he would leave a report and his contact information with the City Clerk. He expressed his belief the COVID-19 vaccine has a negative effect on pregnant women.

Stephen Shareum addressed City Council. Mr. Shareum expressed his belief all Springfield citizens should be good to their neighbors and gave examples of ways to do so. Mr. Shareum provided an example of a way to dispose of pet waste. Mr. Shareum left documentation with the City Clerk.

Colleen Buelow did not appear to address City Council.

Chris Albert addressed City Council. Mr. Albert expressed his opinion that traffic in Springfield has become out of control. He noted the intersection of Battlefield and Glenstone is hazardous. Mr. Albert gave an example of traffic issues on Battlefield he has experienced while at the Farmer's Market at the Battlefield Mall. Mr. Albert asked City Council and the City of Springfield to address the issue.

Councilman Schilling thanked Mr. Albert.

Catherine Crosby addressed City Council. Catherine Crosby spoke on the City's use of funding and commended City Council for their focus on the issue of homelessness. She noted permanent supportive housing is necessary to increase property value, reduce crime, and reduce the burden on the State, adding the allocation of funds does not address the situation fully. Ms. Crosby asked that as much funding as possible be used for permanent supportive housing and State run industries that produce necessary goods.

Phillip Herzog addressed City Council. Mr. Herzog noted he is the Development Director for the Council of Churches for the Ozarks. He expressed his thanks to City Council for their investment in the community and their support of the non-profit sector.

NEW BUSINESS.

The Public Involvement Committee recommends the following reappointment to the Board of Equalization: Janet Blair with term to expire April 1, 2025.

The Public Involvement Committee recommends the following appointments to the Landmarks Board: Jamille Jones with term to expire November 1, 2023; Erik Kiser, with term to expire November 1, 2022.

The Public Involvement Committee recommends the following appointment to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: John Davis with term to expire April 30, 2025.

UNFINISHED BUSINESS.

MISCELLANEOUS.

CONSENT AGENDA – FIRST READING BILLS.

CONSENT AGENDA – ONE READING BILLS.

The following items appeared under Consent Agenda – Second Reading bills.

James River Basin Partnership 319 Grant

Sponsor: Ollis. Council Bill 2022-154

A special ordinance authorizing the City Manager, or his designee, to accept a James River Basin Partnership 319 Grant in the amount of \$35,000, from the Environmental Protection Agency through the Missouri Department of Natural Resources, to support construction of the Art Museum North Parking Improvements Project at the Springfield Art Museum; and amending the budget of the Springfield Art Museum for Fiscal Year 2021-2022 in the amount of \$35,000.

Council Bill 2022-154. Special Ordinance 27720 was approved with the following vote: Ayes: Ollis, Lear, McGull, Horton, Hosmer, Schilling, Simpson, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

END OF CONSENT AGENDA.

Motion to Adjourn

Mayor Pro Tem Simpson moved to adjourn. Councilwoman Hardinger seconded the motion, and it was approved by the following vote. Ayes: Lear, Horton, Schilling, Simpson, Ollis, and McClure. Nays: Hosmer and McGull. Absent: Hardinger. Abstain: None.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by
Michelle Brown

June 28, 2022
Springfield, Missouri

The City Council met in special session on June 28, 2022, in the Councilman Denny Whayne Conference Room (Busch Building, 4th Floor). The meeting was called to order by Mayor Ken McClure.

Roll Call

Present: Richard Ollis, Andrew Lear, Heather Hardinger*, Monica Horton, Abe McGull*, Mike Schilling, Matthew Simpson, Craig Hosmer, and Ken McClure. Absent: None.

*Attended via Zoom.

Closed Session

Mayor Pro Tem Simpson moved City Council hold a closed meeting to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to Section 610.021(1), RSMo.; and leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor pursuant to Section 610.021(2), RSMo.; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected; pursuant to Section 610.021(12), RSMo; and this meeting, record, and vote shall be closed and the City Council shall stand adjourned at the end of the closed session.

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

Prepared by
Anita J. Cotter

Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. X
P. Hrngs.
Pgs. 21
Filed: 06-21-22

Sponsored by: McGull

First Reading:

Second Reading:

COUNCIL BILL 2022-162

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to apply to the United States
2 Department of Housing and Urban Development for Federal Fiscal
3 Year 2022 Community Development Block Grant and HOME
4 Investment Partnership Program funds under the Consolidated Plan,
5 to accept Community Development Block Grant and HOME
6 Investment Partnership Program funds, to enter into any necessary
7 agreements to carry out the grants, and to exercise any and all
8 powers necessary to implement selected projects; selecting projects
9 for funding for the City of Springfield Fiscal Year 2022-2023;
10 reaffirming the City Council Objectives and Community Development
11 Priorities; and declaring that this Ordinance qualifies as a one-reading
12 bill pursuant to City Charter Section 2.16(25). (City Council is not
13 expected to vote on this Ordinance after the first reading on June 27,
14 2022.)
15 _____
16

17 WHEREAS, it is anticipated that the City of Springfield, Missouri, will receive
18 approximately \$1,609,707 in Community Development Block Grant ("CDBG") funds and
19 approximately \$1,193,201 in HOME Investment Partnership Program ("HOME") funds
20 for the Fiscal Year beginning July 1, 2022; and
21

22 WHEREAS, CDBG proposals were received at a joint public hearing of City
23 Council and the Citizens' Advisory Committee for Community Development ("CACCD")
24 on January 11, 2022; and
25

26 WHEREAS, City staff prepared recommendations on discretionary project
27 funding, and the CACCD reviewed said recommendations at a public hearing on March
28 1, 2022; and
29

30 WHEREAS, pursuant to Resolution 8720, which is attached hereto as "Exhibit E,"
31 the CACCD's role is to provide City Council with comments regarding City staff's
32 recommendations; and
33

34 WHEREAS, following the CACCD's public hearing on March 1, 2022, two
35 CACCD members submitted comments regarding City staff's recommendations on
36 discretionary project funding, which comments are attached hereto as "Exhibit F"; and
37

38 WHEREAS, in order to meet HUD deadlines, and allow for adequate public
39 comment, an ordinance authorizing the City to apply to HUD for CDBG and HOME
40 funds must be adopted by July 11, 2022; and
41

42 WHEREAS, pursuant to City Charter Section 2.16(25), this Ordinance qualifies
43 as a one-reading bill because it relates to the acceptance of a grant from a federal
44 agency.
45

46 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
47 SPRINGFIELD, MISSOURI, as follows, that:
48

49 Section 1 – The City Manager, or his designee, is hereby authorized to make
50 application to HUD for grant funding in the amount of \$1,609,707 in CDBG funds and
51 \$1,193,201 in HOME funds for those projects set out in "Exhibits A and B," said exhibits
52 being attached hereto and incorporated herein by this reference.
53

54 Section 2 – The City Manager, or his designee, is hereby authorized to accept
55 CDBG and HOME grant funds awarded by HUD for Fiscal Year 2022 and implement
56 those projects set out in "Exhibits A and B," upon acceptance and approval by HUD of
57 such application and agreement, and to do all things necessary and convenient to carry
58 out any CDBG or HOME grants awarded in connection with said application, including
59 the execution of contracts, provided the form of any such contracts is approved by the
60 City Attorney.
61

62 Section 3 – City Council authorizes the City Manager, or his designee, to file a
63 final statement of Community Development Objectives and a HOME Program
64 Description with HUD as set out in Section 1 and 2 of this Ordinance.
65

66 Section 4 – City Council hereby authorizes the City Manager, or his designee, to
67 exercise any and all powers necessary or convenient to obtain Community
68 Development funding and implement those projects set out in "Exhibits A and B,"
69 including the right to execute a sub-grant agreement or agreements for the
70 administration of said projects, provided that the form of any such agreements is
71 approved by the City Attorney.
72

73 Section 5 – City Council hereby reaffirms the City Council Objectives, attached
74 hereto as part of "Exhibit D" and incorporated herein by this reference, and the
75 Community Development Priorities, attached hereto as "Exhibit C" and incorporated
76 herein by this reference.
77

78 Section 6 – City Council hereby finds and declares that this Ordinance relates to
79 the acceptance of a grant from a federal agency and, pursuant to Section 2.16(25) of

the City Charter, this Ordinance may be passed in one reading. This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022 - 162

FILED: 06-21-22

ORIGINATING DEPARTMENT: Planning and Development Department

PURPOSE: Authorizing the City Manager, or his designee, to apply to the United States Department of Housing and Urban Development ("HUD") for Federal Fiscal Year 2022 Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program ("HOME") funds under the Consolidated Plan, to accept CDBG and HOME 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 2022-2023; 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 June 27, 2022.)

BACKGROUND INFORMATION: The City is applying for \$1,609,707 in CDBG funds and \$1,193,201 in HOME funds for the City's next fiscal year beginning July 1, 2022. The CDBG funding recommendations of the Planning and Development Department Staff are described in "Exhibit A," attached hereto. "Exhibit B" is the HOME Program Description for the use of HOME funds, which are principally dedicated to affordable rental housing rehabilitation and affordable new infill rental housing construction. The Community Development Priorities for the program are described in "Exhibit C."

City Staff solicited proposals from non-profit agencies that provide public services. The CDBG Discretionary Project Evaluation Criteria and Community Development Objectives and Scoring Criteria for discretionary CDBG Public Service proposals are described in "Exhibit D." The proposed CDBG discretionary public service grant activities were presented at a joint public hearing on January 11, 2022, before City Council and the Citizens Advisory Committee for Community Development ("CACCD"). Following the joint public hearing, the Planning and Development Department Staff rated the projects as high, medium, or low priority activities using City Council's objectives and priorities and federal CDBG requirements, pursuant to City Council Resolution 8720, attached as "Exhibit E." The CACCD subsequently held a public hearing on March 1, 2022, to review the staff assessment and recommendations in concert with the Staff. Following the March 1, 2022, public hearing, two of the CACCD members submitted comments regarding the Discretionary Grant funding recommendations; these are attached as "Exhibit F."

An advertised, 15-day public review and comment period is being held from June 23, 2022, through July 8, 2022, allowing for a review of the City's FY 2022 Annual Action Plan.

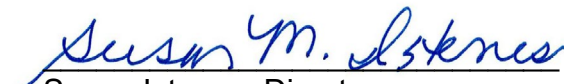
In order to meet HUD deadlines, an ordinance authorizing the City to make application must be adopted by July 11, 2022, to allow for submission of the application to HUD on July 12, 2022. This Ordinance qualifies as a one-reading bill pursuant to City Charter Section 2.16(25) because it relates to the acceptance of a grant from a federal agency.

REMARKS: No other public comments have been received at this time.

Submitted by:


Bob Jones, Grants Administrator

Recommended by:


Susan Istenes, Director

Approved by:

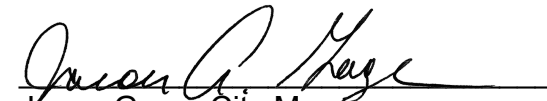

Jason Gage, City Manager

EXHIBIT A

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PROPOSALS FOR FY 2022-23**

			Staff Recommendation			
PROJECT #	PROJECT NAME	SPONSOR	FY2022 STAFF RECOMMENDED	RE-PROGRAMMED FUNDS	CHAP REVOLVING INCOME OR PY GRANT	COMMERICAL REVOLVING LOAN PROGRAM
PRIORITIES						
*AP-1	CDBG Administration	Department of Planning and Development	172,471.00		220,800.00	
AP-2	Planning and Neighborhood Conservation	Department of Planning and Development	149,470.00			
H-1	Comprehensive Housing Assistance Program (CHAP)	Department of Planning and Development	705,985.00			
*ED-1	Commercial Loan Program	Department of Planning and Development	125,000.00			1,060,000.00
*PS-1	One Door	Community Partnership of the Ozarks	102,500.00	1,091.96	876.04	
*#H-2	Emergency Home Repairs	Ozarks Area Community Action Corporation	48,000.00		27,000.00	
*#H-3	Emergency Home Repairs	Catholic Charities of Southern Missouri, Inc.	48,000.00		27,000.00	
*#H-4	Emergency Home Repairs	Habitat for Humanity of Springfield, Missouri, Inc.	48,000.00		27,000.00	
Total Priorities			1,399,426.00	1,091.96	302,676.04	1,060,000.00
DISCRETIONARY HOUSING						
*H-5	Connections Handyman	Council of Churches of the Ozarks	3,026.00	4,119.15	4,880.85	
Total Housing			\$ 3,026.00	\$ 4,119.15	\$ 4,880.85	\$ -
DISCRETIONARY PUBLIC SERVICES						
PS-3	Emergency Social Services Program	The Salvation Army	20,090.00			
PS-4	Empowering Youth 2022-23	Great Circle	20,090.00			
PS-5	Emergency Shelter - Meals Program	Family Violence Center, Inc.	20,090.00			
PS-8	LifeHouse Crisis Maternity Home, Residential and AfterCare Program	Catholic Charities of Southern Missouri, Inc.	20,090.00			
PS-6	Safe to Sleep	Council of Churches of the Ozarks	19,364.00			
PS-9	Weekend Backpack Program	Ozarks Food Harvest	17,579.00			
PS-11	Rise Programming	Drew Lewis Foundation, Inc	17,579.00			
PS-15	Forensic Interviewer Services	The Child Advocacy Center	17,579.00			
PS-16	Rare Breed Youth Services	The Kitchen, Inc	17,579.00			
PS-2	Mental Healthcare for Low Income Springfieldians	Bobby & Betty Allison Ozarks Counseling Center	12,556.00			
PS-10	Making Sense of Money Financial Literacy Program	Community Partnership of the Ozarks	12,556.00			
PS-14	Lunch Buddies Program: 1 - 1 Mentoring	Big Brothers Big Sisters of the Ozarks	12,103.00			
PS-7	Strengthening Families in Crisis	Crisis Nursery of the Ozarks	0.00			
PS-12	McGregor in the Morning	Boys and Girls Club of Springfield	0.00			
PS-13	Strengthening Fathers and Families	Good Dads Inc	0.00			
Total Discretionary			\$ 207,255.00			
Grand Total			\$ 1,609,707.00			

* Partially or fully funded by Revolving Loans and prior year grants.
Expenditures may begin upon passage of the Ordinance.

EXHIBIT B**PROGRAM DESCRIPTION FOR USE OF HOME FUNDS
2022-23 FISCAL YEAR**

LOANS FOR HOUSING REHABILITATION, NEW INFILL CONSTRUCTION, & DPA	\$ 844,900.00
CHDO SET-ASIDE*	\$ 178,981.00
CHDO OPERATING EXPENSES*	\$ 50,000.00
HOME ADMINISTRATION	\$ 119,320.00
TOTAL	\$ 1,193,201.00
HOME PROGRAM INCOME MAY BE USED FOR ELIGIBLE HOME ACTIVITIES	\$ 1,300,000.00

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

COMMUNITY DEVELOPMENT PRIORITIES

1. Funding commitments necessary to satisfy goals established in the Comprehensive Housing Affordability Strategy are given highest priority.
2. Commercial property rehabilitation and assistance to small business in targeted areas shall remain a priority.
3. Priority shall be given to maintenance of a policy planning and management capacity in order to determine needs, establish short and long term goals and objectives, and evaluate progress on programs and activities in accomplishing overall goals and objectives. The focus shall be neighborhood conservation, business revitalization and commercial viability, historic preservation and affordable housing in the older, built environment of the City.
4. Staff funding shall continue to (a) implement specifically assigned community development projects, (b) provided technical assistance in the planning, formulation and implementation of public-private partnerships, particularly in relation to affordable housing and other activities of principal benefit to persons of low and moderate income, (c) pursue funds and resources to further enhance the community development program, and (d) administer the CDBG Program and meet other necessary and unavoidable program requirements.
5. The following target areas shall be priorities for channeling fiscal resources for housing and economic development;
 - Comprehensive Housing Assistance Program (CHAP) Revitalization Area:
Area bounded by I-44, principally) Glenstone/National, Grand/Sunshine, and West Bypass
 - Commercial Property Rehabilitation and Assistance Areas:
Citywide
6. Funding commitments for HUD required homeless assistance and homeless prevention activities (such as central intake and coordination of services) are given a high priority.
7. Priority consideration shall also be given to projects which contribute to environmental sustainability; housing accessibility; employment and business opportunities for low income and minority residents; support for fair housing; and emergency home repair.

CDBG DISCRETIONARY PROJECT EVALUATION CRITERIA

National Objectives: All activities must qualify as meeting at least one of the three CDBG Program National Objectives. If not, the application will not be evaluated, ranked, or funded.

- Benefit persons of low and moderate income
- Elimination of Slum and Blight
- Address Urgent Need created by a disaster or other declared public emergency.

WHAT STEPS ARE FOLLOWED BY CITY STAFF WHEN REVIEWING DISCRETIONARY GRANT PROPOSALS?

- 1. Why is it called the Discretionary Grant Program?**
 - a. HUD does not require a City to fund Public Services. It is at the City's discretion to have Public Service grants.
 - b. Public Service grants represent activities that are the most vulnerable for non-compliance.
 - c. HUD does limit Public Service funding to no more than 15% of the grant; In recent years the City established this discretionary grant program to be approximately \$200,000. The number of non-profit grants that the City staff is able to effectively monitor is limited by staff availability.
- 2. All proposals are reviewed for completeness**
 - a. Current proposal form was used
 - b. Applicant DUNS Number
 - c. Budget document included
 - d. System for Award Management (SAMS) registration verified
- 3. All proposals are screened for HUD eligibility (24 CFR 570) and the applicable National Objective Matrix Codes. Eligibility notes are added to each proposal.**
 - a. Is it an eligible activity? If not, the proposal will not be evaluated, ranked, or funded.
 - b. Is it a Public Service or eligible housing activity (housing proposals must be owner-occupied repair-type activities)?
 - c. Is the applicant an IRS Code 501 (c)(3) agency? If not, the proposal will not be evaluated, ranked, or funded.
- 4. City Planning and Development staff (usually 5 people) are assigned to complete the proposal evaluations based upon City Council established Community Development Objectives, in compliance with City Council Ordinance 8720, as amended.**
- 5. A meeting may be scheduled with representatives from other local agencies that provide funding support to local Public Service and non-profit agencies to obtain a broader perspective on the agencies submitting requests and the activities being considered.** These local agencies may include such funding organizations as the United Way, Community Foundation of the Ozarks, and/ or Junior League.
- 6. Final scoring is completed by staff, with a review and comments by the Citizens Advisory Committee for Community Development (CACCD) will be submitted as part of the HUD Annual Action Plan for City Council approval.**

COMMUNITY DEVELOPMENT OBJECTIVES and SCORING CRITERIA

Established by City Council with CACCD additions in 2016. (S.O. 26708).

Is the project consistent with priorities identified in the CONSOLIDATED PLAN?

PRIORITY NEED	PRIORITY
Affordable Rental Housing	High
Affordable Housing (Owner)	High
Economic Development	High
Homelessness	High
Public Services (15% CAP)	Low
Public Facilities (Affordable Housing Ctr)	High
Public Improvements Infrastructure	Low
Program Administration	High
Planning and Neighborhoods	High

Does the applicant clearly show experience and capacity for the proposed activity as evidenced in the proposal or past program performance?

This criterion has two parts:

- **Experience** with this or similar programs
- **Capacity** to carry-out the activity

GENERAL EVALUATION CRITERIA

Activity Implementation

An activity should provide a clear plan to alleviate community needs and the applicant should be able to provide performance measures for carrying out the plan

This criterion has two parts:

- Plan to alleviate a **community need**
- Provide **performance measures**

Project Readiness

A project should be ready to proceed as defined in the proposal. The ability to start a project and bring to completion is emphasized by HUD. However, the applicant should be cautioned to NOT begin implementing a project or take any steps after proposal submission until approval is given and a contract executed.

CITY COUNCIL OBJECTIVES (Resolution 7130)

Leveraging

Priority is given to the use of community development funds and resources to leverage direct private and non-Federal investment and to stimulate spin-off and ancillary development and activities consistent with established community development objectives and targets. The degree of leveraging will be considered in the evaluation of projects and progress. ***For the purposes of this Scoring Criteria, private investment means non-Federal funds but includes State funding sources, private donations, including volunteer time.***

Cost-Benefit

All allocations of community funds and resources should produce a benefit level measured in terms of community objectives and targets that justifies the expenditure. Projects and programs should demonstrate a high degree of benefit to cost. Benefits should be described and measured in terms of the community objectives and targets for the activity. ***Specifically, the question must be answered, how does this project accomplish community goals or priorities that justifies the expenditure?***

Targeting

The allocation of community development funds and resources is most effective when an array of tools, projects and programs is directed toward a specific geographic area or particular sphere of concern consistent with prior planning and systematic needs assessment. Priority is thus given to programs and projects that demonstrate a high degree of benefit to cost. Indicate how the activity targets beneficiaries in either the CDBG target area (see attached map) or the City of Springfield and how it interacts with other community development programs or projects.

Citizen Involvement

Community Development efforts are most apt to prove effective where there is active involvement by those citizens affected by and benefitting from such efforts. Such involvement should begin in the earliest stages of program formulation and continue through implementation, organization, and commitment for sustained and continuing involvement. Active involvement by citizens affected by or benefitting from the activity or non-staff persons selected for input due to their knowledge or experience. ***This can be some or all of the stages of program development including program implementation, program reviews or feedback, program assessment that is consistent and on-going. Involvement that is not staff or not board members. This may include assessment reviews, surveys, or follow-up input activities that provide feedback and or guidance for activity direction and changes, if necessary.***

Self-Sufficiency

The establishment of a sustained community development program depends at least in part upon reliable and predictable revenue sources. Reduced reliance on outside funding sources is a high priority management objective. Preference is thus given to revolving programs or programs that produce revenues to the community development program. ***Will the program generate funds that will re-pay all or part of the City Grants? Is there a plan for the activity to become self-sustaining over time?***

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

Sponsored by: Gannaway

AMENDED

COUNCIL BILL NO. 99 - 437

RESOLUTION NO. 8720

A RESOLUTION

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

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

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

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

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

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

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

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

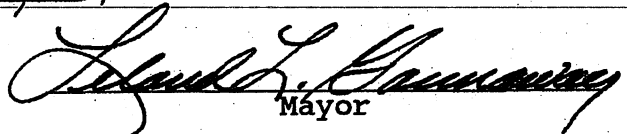
Policy 1 - The application process for limited Community Development Block Grant funds is highly competitive. Members of

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

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

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

Passed at meeting: December 13, 1999


Mayor

Attest: David M. Giff, City Clerk

Approved as to form: R. Wright, City Attorney

Approved for Council action: Hammon, City Manager

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

Exhibit E

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

Date November 15, 1999

EXPLANATION TO COUNCIL BILL NO. 99-

ORIGINATING DEPARTMENT: Planning & Development

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

BACKGROUND:

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

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

REMARKS:

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

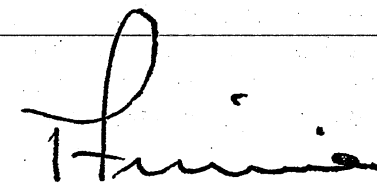
There was a consensus of opinion that greater staff involvement would benefit the process. Staff would collaborate with other funding groups, such as the United Way, Community Foundation and Junior League, to obtain a broader perspective on the agencies submitting requests and the projects being considered.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

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

Submitted by:

Approved by:


 Director
 Planning and Development Department


 City Manager

Written Comments regarding Fiscal Year 2022 CDBG
Discretionary Public Service Funding

Submitted by CACCD member, Brandy Martin

First of all, I would like to thank the tremendous team of public servants who work with the CACCD and administer the CDBG funding. I also want to express my respect for the agencies who applied for funding. I have personal experience with many of them and admire how they serve the community even if I do not think that these funds are appropriate for them.

Simply put, our city faces a challenge when it comes to poverty, food insecurity, and affordable housing. How can we best allocate our resources to meet those needs? As I have become more familiar with the urgent needs of families barely hanging on or already on the streets, I have become more focused on what agencies can best triage those needs.

- **LifeHouse Crisis Maternity Home/Catholic Charities** (my vote – yes)
They are doing good work particularly when it comes to offering ongoing case management and support for their mothers and children in areas such as childcare.
- **Empowering Youth/Great Circle** (my vote – no)
The Ozarks Resource Center is a worthy organization that provides emergency foster care placement of children aged infant through eighteen. I have never known of it not to be full. I also see it as funded through the state. Possibly I am wrong. I found their grant application to be questionable for providing care to homeless youth in the same age range at the same physical location. I would want to know more information before I awarded them a grant.
- **Emergency Services/Salvation Army** (my vote – yes)
They are barely putting a finger in the dam. More dollars are needed to assist families with rent money and utilities.
- **Safe to Sleep/Council of Churches** (my vote – yes)
They are meeting immediate needs of unsheltered women. A grant to fund a social worker is an excellent idea to concretely assist these women from living on the streets to a more stable living situation. Navigating through agencies and filling out forms can be such a challenge.
- **Forensic Interviewer Services/Child Advocacy Center** (my vote – no)
The Child Advocacy Center is an outstanding agency and provides an important service to our community for foster care and court purposes. However, in the interest of triaging the needs of our impoverished and unsheltered citizens, I would not fund them at this time.
- **Rare Breed Youth Services/The Kitchen** (my vote – yes)
Too many youth in our community live on the streets. This is an agency addressing a concrete need and again is barely a finger in a leaking dam.
- **RISE Programing/Drew Lewis** (my vote – yes)
My observation is that this agency continues to improve and is providing direct services to our target recipients in a manner that has been effective.

- **Weekend Backpack Program/Ozark Food Harvest** (my vote – no)
I do not dispute the worthiness of the effort, however I believe that there are other financial avenues to support this organization.
- **Mental Healthcare for Low Income Springfieldians/Betty & Bobby Allison Ozarks Counseling Center** (my vote – yes)
My personal observation is that people who are living in poverty, have food insecurity, or are unsheltered have a high level of extra stress in their existence. Frequently, they are also dealing with untreated mental illness or the aftermath of trauma. It is wonderful to have mental health services available for free or on a sliding scale basis to make sure that care can be obtained.
- **Making Sense of Money/CPO** (my vote – no)
When a person has to choose between food, a utility payment or a prescription refill, there is no money for a savings account. I love the concept but we need to meet the most immediate needs first.
- **Lunch Buddies Program/Big Brothers Big Sisters of the Ozarks** (my vote – no)
Again, I feel a bit like the Grinch because this is a great organization that changes lives one child at a time, however, this is not where I would spend the funds.
- **McGregor in the Morning/Boy's & Girl's Club** (my vote – no)
I see the worth in having safe childcare for children before school starts each day. I see that this could benefit working families. But again, this is not where I would prioritize the expenditure of funds.
- **Strengthening Families in Crisis/Isabel's House** (my vote – yes)
Not only is this program actively providing safety for children when their families are in crisis, but this agency provides case management to the parents to help them access immediate services and thus diverts a proportion of the children they serve from having to come into foster care.
- **Strengthening Fathers & Families/Good Dads** (my vote – no)
I like the concept of this program. I can see it's worth particularly to families with children in foster care. However, I don't perceive the CDBG funds as best utilized here.

Thank you for the opportunity to submit my thoughts. Good luck and much wisdom wished to all who make these tough final decisions.

Written Comments regarding the FY 2022 CDBG Public Service Funding

March 9, 2022

First off, thank you to the City of Springfield for obtaining & distributing this annual CDBG funding. Though it does have a numerical value, the lives it touches and exponential good it reaches throughout our community is immeasurable.

As per years past, I agree with the Funding Proposals for the "Revolving Loans & Grants". (See below, for visual.)

Project #	Project Name	Sponsor	Amount	
PRIORITIES				
AP-1	CDBG Administration	Department of Planning & Development	\$ 392,300.00	x
AP-2	Planning and Neighborhood Conservation	Department of Planning & Development	\$ 148,500.00	x
H-1	Comprehensive Housing Assistance Program (CHAP)	Department of Planning & Development	\$ 700,000.00	x
ED-1	Commercial Loan Program	Department of Planning & Development	\$ 125,000.00	*
PS-1	One Door	Community Partnership of the Ozarks, Inc.	\$ 104,468.00	
H-2	Emergency Home Repairs	OACAC Weatherization Program	\$ -	**
H-3	Emergency Home Repairs	Catholic Charities of Southern MO, Inc (CCSOMO)	\$ -	**
H-4	Emergency Home Repairs	Habitat for Humanity of Springfield, MO, Inc (HFHS)	\$ -	**
Total Priorities			\$ 1,470,268.00	

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

* Funded by Revolving Loans

** Funded by Revolving Loans and Grant

Regarding the Discretionary Funding, my comments are as follows. If a Public Service is not mentioned, I approve of the allotted funding proposed:

- **LifeHouse Crisis Maternity Home / Catholic Charities**
 - This is a worthy cause and this non-profit has proven that it helps some of the most needy pregnant mothers in our community.
- **Empowering Youth / Great Circle**
 - There was some discussion during our CACCD meeting regarding why Great Circle is taking in homeless youth ages 0-18 yrs old. It was our understanding that Great Circle is handling foster children and not taking in children directly from the street.
- **Emergency Services / Salvation Army**
 - This is a good and needed service in our community.
- **Safe to Sleep / Council of Churches**
 - This is a good and needed service in our community.
- **RISE Programming / Drew Lewis**
 - The CACCD committee is happy to see funding finally going towards the Drew Lewis Foundation and believes the RISE programming is worthy and doing valuable good in our community.
- **Weekend Backpack Program / Ozark Food Harvest**
 - Though we support this program, the CACCD realizes that the OFH has many other financial resources and is not dependent on the CDBG Funding. Therefore, we would like to see this funding go towards alternative, more needy organizations.

- **Mental Healthcare for Low Income Springfieldians / Betty & Bob Allison Ozarks Counseling Center**
 - This is a great organization and much needed in our community. The CACCD supports funding this organization through this grant funding.
- **Making Sense of Money / CPO**
 - Though this is a great organization that prevents people from falling into or back into poverty, as a committee we would advise prioritizing the MOST need. Therefore, we would like to see funding going towards an organization more directly connected to alleviating immediate homeless needs.
- **McGregor in the Morning / Boys & Girls Club**
 - We agree that this is a great program – but since they haven't even spent their last allotment of grant money, we should not fund this organization this year. We can reassess next year.
- **Strengthening Families in Crisis / Isabel's House**
 - This is a great organization and SHOULD get funded this year. Possibly in place of the Weekend Backpack Program or Making Sense of Financial Literacy.
- **Strengthening Fathers & Families / Good Dads**
 - While this is a great organization, we agree that this non-profit is too reliant on the CDBG funding at this point in their growth and is too high of a risk for the City of SGF to vogue for at this point. The City of SGF should advise them on how they could attain alternate funding sources & reassess in future years.

DISCRETIONARY				Funds Requested		TOTAL SCORE	score rank	% of 500 Total Score	Recommendation
OTHER									80%
									70%
									50%
H-5	Connections Handyman	Council of Churches of the Ozarks	\$ 24,000.00	330	1	66.0%			\$ 12,000.00
PUBLIC SERVICE									Tier funding 12 PS projects
PS-5	Emergency Shelter - Meals Program	Harmony House, FVC	\$ 24,900.00	415	1	83.0%			\$ 19,920.00
PS-8	LifeHouse Crisis Maternity Home, Residential and AfterCare Program	Catholic Charities of Southern MO	\$ 24,900.00	410	2	82.0%			\$ 19,920.00
PS-4	Empowering Youth 2022-2023	Great Circle dba Boys & Girls Town of Missouri	\$ 24,900.00	406	3	81.2%			\$ 19,920.00
PS-3	Emergency Social Services Program	The Salvation Army	\$ 24,900.00	402	4	80.4%			\$ 19,920.00
PS-6	Safe to Sleep	Council of Churches of the Ozarks	\$ 24,000.00	401	5	80.2%			\$ 19,200.00
PS-15	Forensic Interviewer Services	The Child Advocacy Center	\$ 24,900.00	393	6	78.6%			\$ 17,430.00
PS-16	Rare Breed Youth Services	The Kitchen, Inc	\$ 24,900.00	393	7	78.6%			\$ 17,430.00
PS-11	RISE Programming	Drew Lewis Foundation Inc	\$ 24,900.00	388	8	77.6%			\$ 17,430.00
PS-9	Weekend Backpack Program	Ozarks Food Harvest - The Food Bank	\$ 24,900.00	383	9	76.6%			\$ 17,430.00
PS-2	Mental Healthcare for Low Income Springfieldians	Betty & Bobby Allison Ozarks Counseling Ctr	\$ 24,900.00	378	10	75.6%			\$ 12,450.00
PS-10	Making Sense of Money Financial Literacy Program	Community Partnership of the Ozarks	\$ 24,900.00	375	11	75.0%			\$ 12,450.00
PS-14	Lunch Buddies Program: 1 - 1 Mentoring	Big Brothers Big Sisters of the Ozarks	\$ 24,000.00	343	12	68.6%			\$ 12,000.00
PS-12	McGregor in the Morning	Boys & Girls Club of Spfld	\$ 24,900.00	318	13	63.6%			
PS-7	Strengthening Families in Crisis	Isabel's House, The Crisis Nursery of the Ozarks	\$ 24,900.00	317	14	63.4%			
PS-13	Strengthening Fathers and Families	Good Dads Inc	\$ 24,900.00	238	15	47.6%			
Total Discretionary - Public Service			\$ 371,700.00						\$ 205,500.00
Total Discretionary Requested			\$ 395,700.00						Total Discretionary - Public Service
Grand Total Requested			\$ 1,865,968.00						
									High Tier Funding Total Score 400-500
									Medium Tier Funding Total Score 380-399
									Low Tier Funding Total Score 330-379
									Unfunded Total Score 0-329
									Other - same scoring levels as Public Service

In summary, similar to Maslow's Hierarchy of Need – the City of SGF should assess each one of these applicants as they directly affect the MOST NEED in our community. While all of these endeavors have value, we believe that getting resources to those that are at high risk from homelessness, sickness and death take priority over those that just make more stable living situations to already somewhat stable citizens. It's a difficult decision, but this would be our current recommendation.

Thank you,

Kate Stockton

A handwritten signature in black ink that reads "Kate Stockton". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 06-21-22

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-163

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept grant funds from the
2 United Way of the Ozarks, through the Community Foundation of
3 the Ozarks' United Way Let's Get to Work Fund, in the amount of
4 \$30,000 to be utilized to perform approved grant activities and to
5 enter into necessary agreements to carry out the grant; and
6 amending the budget of the Department of Workforce Development
7 for Fiscal Year 2022-2023 in the amount of \$30,000 to appropriate
8 the grant funds.
9 _____

10
11 WHEREAS, Special Ordinance 27656, approved by City Council on February 22,
12 2022, authorized the City Manager to accept and implement grants from Community
13 Foundation of the Ozarks ("CFO") to provide funding toward the Let's Get to Work Project.
14 The project has seen great success and initial grant funding has been expended. Since
15 the passage of Special Ordinance 27656, the Department of Workforce Development has
16 successfully assisted more than thirty individuals with car repairs, new tires, gasoline
17 cards, licensing fees, bus passes, ride-sharing services, and vehicle down payments; and
18

19 WHEREAS, an anonymous donor has provided a substantial gift to CFO to aid in
20 continuing to overcome transportation barriers with getting to work. With this gift, CFO
21 established the United Way of the Ozarks ("United Way") Let's Get to Work Fund; and
22

23 WHEREAS, the City has the opportunity, through the Department of Workforce
24 Development, to accept grant funding in the amount of \$30,000 from the United Way Let's
25 Get to Work Fund to continue providing assistance for qualified individuals; and
26

27 WHEREAS, residential eligibility for this funding will cover the 14-county area of
28 southwest Missouri where the service areas of the CFO and United Way overlap, which
29 includes: Barry, Christian, Dallas, Douglas, Greene, Hickory, Laclede, Lawrence, Polk,
30 Stone, Taney, Texas, Webster, and Wright counties; and
31

32 WHEREAS, the additional funding will be used to continue offering services to
33 support workers and job seekers who face transportation barriers that affect their ability

34 to get hired or maintain current jobs.

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

38
39 Section 1 – The City Manager, or his designee, is hereby authorized to accept
40 grant funds in the amount of \$30,000 from the United Way Let's Get to Work Fund and
41 to execute contracts, on forms approved by the City Attorney, necessary to carry out the
42 intent of this grant.

43
44 Section 2 – The budget of the City's Department of Workforce Development, for
45 Fiscal Year 2022-2023, is hereby amended in the accounts and in the amounts as
46 shown on Budget Adjustment No. 002, a copy of which is attached hereto and
47 incorporated herein by reference as "Exhibit A."

48
49 Section 3 – City Council finds that the budget adjustment made above has been
50 recommended by the City Manager.

51
52 Section 4 – The City Manager is directed to cause the appropriate accounting
53 entries to be made in the books and records of the City. In the event additional funding
54 is provided under this grant by the grantor, the Director of Finance is hereby authorized
55 to adjust this appropriation by an amount not to exceed 20 percent.

56
57 Section 5 – This Ordinance shall be in full force and effect from and after
58 passage.

59
60 Passed at meeting: _____

61
62 _____
63 Mayor

64
65 Attest: _____, City Clerk

66
67 Filed as Ordinance: _____

68
69 Approved as to form: Mary B. Bozart, Assistant City Attorney

70
71
72 Approved for Council action: Jason A. Hays, City Manager
73

EXPLANATION TO COUNCIL BILL 2022-163

FILED: 06-21-22

ORIGINATING DEPARTMENT: Workforce Development.

PURPOSE: Authorizing the City Manager, or his designee, to accept grant funds from the United Way of the Ozarks ("United Way"), through the Community Foundation of the Ozarks' ("CFO") United Way Let's Get to Work Fund, in the amount of \$30,000 to be utilized to perform approved grant activities; enter into necessary agreements to carry out the grant; and amend the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of \$30,000 to appropriate the grant funds.

BACKGROUND INFORMATION: Special Ordinance 27656, approved by City Council on February 22, 2022, authorized the City Manager to accept and implement grants from CFO to provide funding toward the Let's Get to Work Project. The project has seen great success and initial grant funding has been expended. Since the passage of Special Ordinance 27656, the Department of Workforce Development has successfully assisted more than thirty individuals with car repairs, new tires, gasoline cards, licensing fees, bus passes, ride-sharing services, and vehicle down payments.

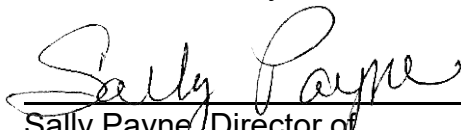
An anonymous donor has provided a substantial gift to CFO to aid in continuing to overcome transportation barriers with getting to work. With this gift, CFO established the United Way Let's Get to Work Fund. The City has the opportunity, through the Department of Workforce Development, to accept grant funding in the amount of \$30,000 from the United Way Let's Get to Work Fund to continue providing assistance for qualified individuals.

The additional funding will be used to continue offering services to support workers and job seekers who face transportation barriers that affect their ability to get hired or maintain current jobs.

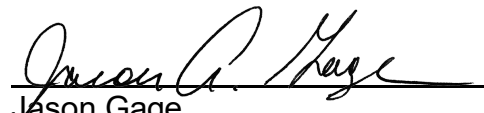
Residential eligibility for this funding will cover the 14-county area of southwest Missouri where the service areas of CFO and United Way overlap: Barry, Christian, Dallas, Douglas, Greene, Hickory, Laclede, Lawrence, Polk, Stone, Taney, Texas, Webster, and Wright counties.

REMARKS: With national inflation exceeding eight percent, coupled with higher-than-normal fuel prices, the local need for citizens struggling to get to work and maintain employment is exacerbated by these barriers.

Recommended by:


Sally Payne, Director of
Workforce Development

Approved by:


Jason Gage,
City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
002

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24370	21	28210	416010	103141		\$ 30,000	Community Foundation of the Ozarks: Let's Get to Work
Net Revenue Adjustment						\$ 30,000	

Expenditures:

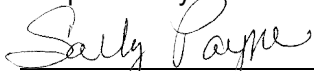
Fund	Dept	Org	Account	P&G	Location	Amount	Description
24370	21	28210	502625	103141		\$ 30,000	Needs related expense
Net Expenditure Adjustment						\$ 30,000	

Fund Balance Appropriation:

Fund	Title	Amount

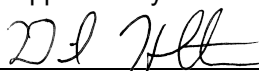
Explanation: To amend the FY2022-23 budget by appropriating an additional \$30,000 in grant funds from the Community Foundation of the Ozarks for transportation reimbursements for going to work.

Requested By:


Department Head

06-21-2022
Date

Approved By:


Director of Finance

06-21-2022
Date

Authorization:

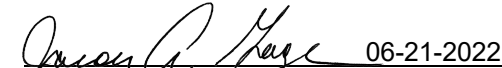
Council Bill No. 2022-163

Ordinance No. _____

1st Reading _____

2nd Reading _____

Journal Imp No. _____


City Manager

06-21-2022
Date

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 06-21-22

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 164

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the plans and specifications for Phase 4 and Phase 5 of the Republic
2 Road and Campbell Avenue Intersection Improvements project;
3 accepting the bid of Capital Paving & Construction, LLC, in the amount
4 of \$5,364,467.30 for said project; authorizing the City Manager, or his
5 designee, to enter into a contract with such bidder; and amending the
6 Fiscal Year 2022-2023 budget for the Department of Public Works in
7 the amount of \$470,000.00 to appropriate additional Surface
8 Transportation Block Grant funds for said project.
9 _____

10
11 WHEREAS, the City and the Missouri Highways and Transportation Commission
12 ("MHTC") previously entered into an agreement for the purpose of sharing the costs
13 associated with improvements to the intersection of Republic Road and Campbell
14 Avenue, as authorized by Council in Special Ordinance 27137; and
15

16 WHEREAS, the City and MHTC entered into a supplemental agreement to allow
17 the Missouri Department of Transportation ("MoDOT") to advertise and let the work for
18 the Phase 4 and Phase 5 of the Republic Road and Campbell Avenue Intersection
19 Improvements project ("City's Project"), depicted on the document attached hereto and
20 incorporated herein as "Exhibit A," in conjunction with MoDOT's improvements to the
21 intersection of Campbell Avenue and U.S. 60 James River Freeway ("MoDOT's
22 Project"), as authorized by Council in Special Ordinance 27673; and
23

24 WHEREAS, the City's Project will provide improvements to upgrade two traffic
25 signals at the intersections of Campbell Avenue and Republic Road and of Republic
26 Road at the Chase Card Services driveway; and
27

28 WHEREAS, bids for the City's Project were solicited by MoDOT by
29 advertisement on April 15, 2022, and bids were opened for the project on May 20, 2022;
30 and
31

32 WHEREAS, Capital Paving & Construction, LLC, is the lowest responsive and
33 responsible bidder for the combined City and MoDOT projects.

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 approves the plans and specifications for the
39 Republic Road and Campbell Avenue Intersection Improvements Phase 4, Plan No.
40 2015PW0077WTE (JSU0106/NHPP-S602(27)), and Phase 5, Plan No.
41 2018PW0031WTE (JSU0044/STBG-5901(810)), and accepts the bid of Capital Paving
42 & Construction, LLC, for said Project, at the price and sum of \$5,364,467.30, except as
43 said sum may be lawfully increased or decreased by the actual quantities of work units
44 involved.
45

46 Section 2 – 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 B,” and in accordance with the terms of the bid, the plans, and the specifications.
50

51 Section 3 – All workers performing work under the contract attached hereto as
52 “Exhibit B,” 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 4 – The budget of the Department of Public Works for Fiscal Year 2022-
62 2023 is hereby amended in the accounts and amounts as shown on Budget Adjustment
63 No. 001, a copy of which is attached hereto and incorporated herein by reference as
64 “Exhibit C.”
65

66 Section 5 – City Council hereby finds the budget adjustment described herein
67 has been recommended by the City Manager.
68

69 Section 6 – The City Manager is directed to cause the appropriate accounting
70 entries to be made in the books and records of the City.
71

72 Section 7 - This Ordinance shall be in full force and effect from and after
73 passage.
74

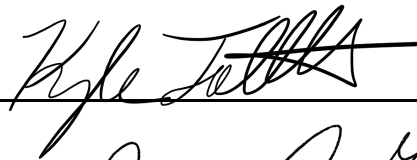
75 Passed at meeting: _____
76
77

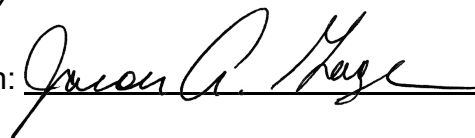
78 _____
79 Mayor

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89

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 164

FILED: 06-21-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Approving the plans and specifications for Republic Road and Campbell Avenue Intersection Improvements Phase 4, Plan No. 2015PW0077WTE (JSU0106/NHPP-S602(27)), and Phase 5, 2018PW0031WTE (JSU0044/STBG-5901(810)), accepting the bid of Capital Paving & Construction, LLC, for construction of the Republic Road and Campbell Avenue Intersection Improvements project ("Exhibit A"), authorizing the City Manager, or his designee, to enter into a contract ("Exhibit B") with such bidder, and approving a budget adjustment amending the FY 2022-2023 Budget of the Department of Public Works in the amount of \$470,000.00 to appropriate additional Surface Transportation Block Grant ("STBG") funds to supplement STBG funds previously approved for this project.

BACKGROUND INFORMATION: The project will provide improvements to upgrade two traffic signals at the intersections of Campbell Avenue and Republic Road and of Republic Road at the Chase Card Services driveway. At the Campbell Avenue and Republic Road intersection, additional turn lanes will be added. Republic Road improvements will include widening the three lanes to five lanes between Fairview Avenue and the traffic signal at Chase with the addition of bike lanes. The project improvements will also include sidewalk and Americans with Disabilities Act ("ADA") upgrades and stormwater improvements. The project is designed to provide better integration between Campbell Avenue, Republic Road, and James River Freeway.

This project was advertised through the Missouri Department of Transportation ("MoDOT") and let in combination with other MoDOT projects in the same area, for better coordination between projects to reduce traffic impacts as much as possible. The City and MoDOT previously agreed (Special Ordinance No. 27673) to award the projects to the lowest responsive bidder for the combined total of all projects included in the combined letting. The project began advertising April 15 and bids were opened for the project on May 20, 2022, with the following bids received:

<u>Contractor</u>	<u>Combined Bid Amount</u>	<u>Bid Amount</u>
Capital Paving & Construction, LLC	\$26,353,372.25	\$5,364,467.30
Emery Sapp & Sons, Inc.	\$26,856,860.83	\$5,243,375.71
Hartman and Company, Inc.	\$28,744,158.86	\$5,434,162.13
KCI Construction Company	\$27,178,111.53	\$5,473,187.79
Radmacher Brothers Excavating Co., Inc.	\$29,096,442.15	\$5,928,777.04
Engineer's Estimate		\$4,876,986.13

The bid, if accepted, will be funded via multiple sources. The total cost for Phase 4, the intersection, is \$3,993,633.32. Phase 4 includes \$273,400 of gas and water improvements that will be reimbursed by City Utilities. The remainder will be funded as a 50/50 cost share with MoDOT, with the City's responsibility being funded by the 1/8-Cent Transportation Sales Tax (20%) and Surface Transportation Block Grant Urban funds (80%) and is already budgeted. The City's share of Phase 4 will be \$1,860,116.66. The total cost of Phase 5 is \$1,370,833.98. Phase 5 includes \$91,450 of gas and water improvements that will be reimbursed by City Utilities. The remainder will be funded by the 1/8-Cent Transportation Sales Tax (20%) and STBG Urban funds (80%) and is already budgeted. The City's share for Phase 5 will be \$1,279,383.98. The City's total cost on both phases will be \$3,139,500.64.

Ordinance 27137 (Council bill 2018-282) passed by City Council on December 10, 2018, authorized the cost share agreement for this project. That cost share agreement was based on estimated project costs at that time, including a provision that the City's share of actual costs exceeding those estimates may be funded by STBG Urban funds (80%) and 1/8-Cent Transportation Sales Tax funds (20%). This council bill will appropriate an additional \$470,000 of STBG Urban federal funds to cover the current estimated costs and provide a contingency for potential change orders. The required 20% local match to the additional STBG Urban funds is already budgeted from the 1/8-Cent Transportation Sales Tax.

Supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

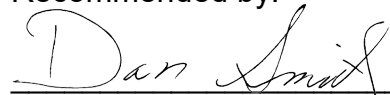
REMARKS: Public Works recommends acceptance of the bid of Capital Paving & Construction, LLC as the lowest responsible overall bid for the combined letting with MoDOT and passage of this ordinance and budget adjustment.

Submitted by:



Martin Gugel, Assistant Director
of Public Works

Recommended by:



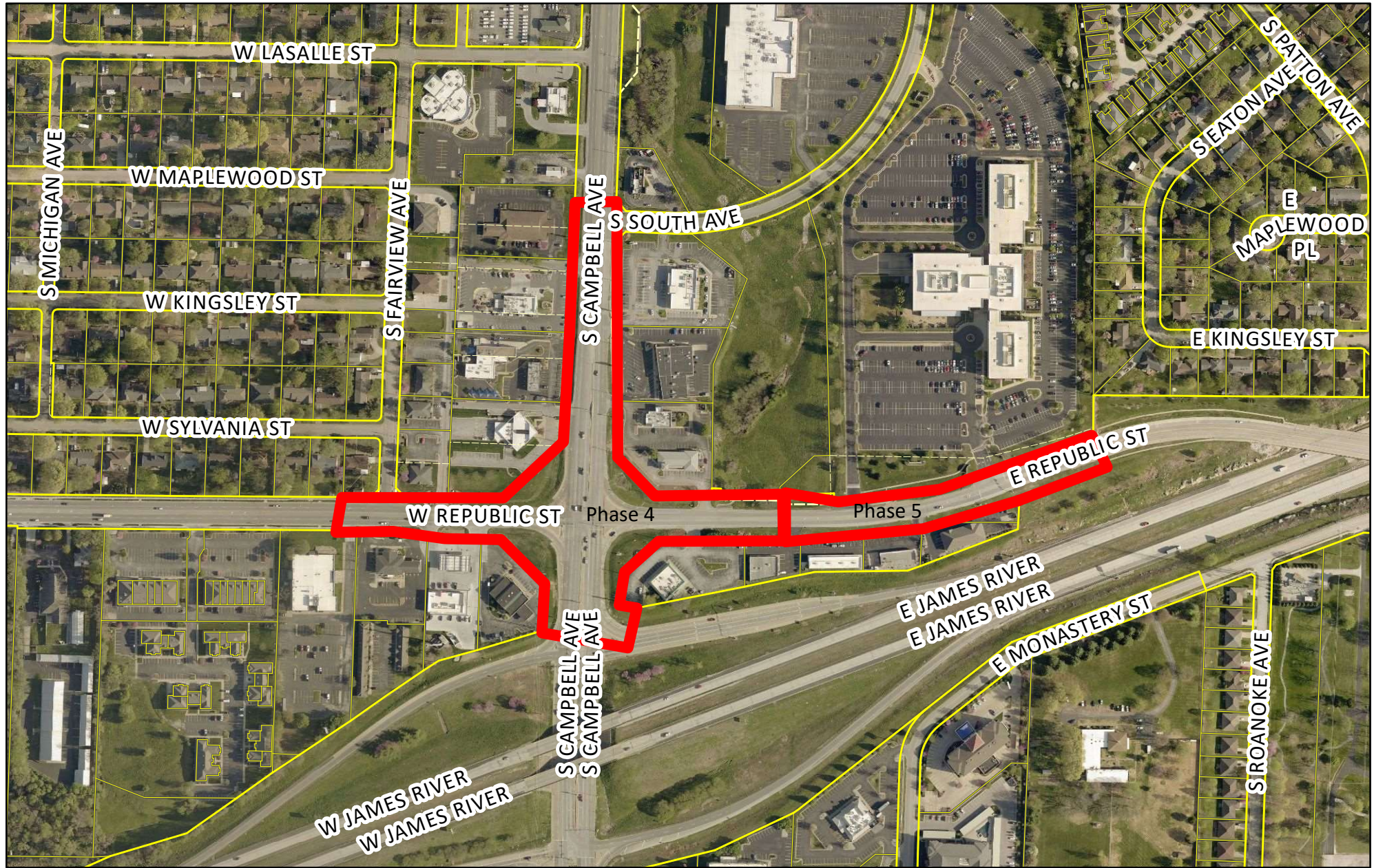
Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

Exhibit A



Republic Road and Campbell Avenue
Intersection Improvements Phase 4 & 5
Plan #2015PW0077WTE & #2018PW0031WTE
JSU0106/NHPP-S602(27) & JSU0044/STBG-5901(810)



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.

ROUTING	(1) ORIGINATING DEPARTMENT	(2) CONTRACTOR	(3) FINANCE DEPARTMENT
ORDER	(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- 1945 ATTN: ANDY HAASE DEPT.: PUBLIC WORKS		NAME: CAPITAL PAVING & CONSTRUCTION, LLC ADDRESS: 221 BOLIVAR STREET, SUITE 400 JEFFERSON CITY, MO 65101 PHONE: (417) 815-9897 FAX: ATTN: JOHN SHEEHAN	

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:

Republic Road and Campbell Avenue Intersection Improvements Phase 4 Project Number JSU0106/NHPP-S602(27)/2015PW0077 & the Republic Road Widening Phase 5 Project Number JSU0044/STBG-5901(810)/2018PW0031. This contract is also referenced as Contract Number 220520-G08 in the Job Special Provisions.

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 277 calendar days from the date Contractor begins work on the projects stated above, to be completed no later than August 1, 2024.

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, City Utilities of Springfield, and the Board of Utilities, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Springfield, City Utilities of Springfield, and the Board of Utilities, against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield, City Utilities of Springfield, and the Board of Utilities. Regardless of such approval, it shall be the responsibility of the contractor to

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

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

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

City Utilities of Springfield, P.O. Box 551, Springfield, MO 65801

As of January 1, 2022, 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 Three Million and 00/100 Dollars (\$3,000,000) for all claims arising out of a single accident or occurrence. 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 Three Million and 00/100 Dollars (\$3,000,000) for all claims arising out of a single accident or occurrence. Contractor agrees to cause its insurer to name City as an additional insured on such insurance policy.

d. Owner's and Contractor's Protective Liability Insurance to protect the City, its agents, servants and employees from claims which may arise from the performance of this Contract, with limits of at least Three Million and 00/100 Dollars (\$3,000,000) for all claims arising out of a single accident or occurrence.

The Owner's and Contractor's Protective Liability Insurance must:

- (1) Be a separate policy with the named insured being: The City of Springfield; and
- (2) Be with the same insurance company with which the Contractor carries its Commercial General Liability Insurance; and
- (3) Contain an endorsement that disclaims coverage for any claim barred by the doctrines of sovereign immunity or official immunity, except attorney's fees and other litigation costs incurred in defending a claim. Nothing contained in this policy (or this endorsement thereto) shall constitute any waiver of whatever kind of these defenses or sovereign immunity or official immunity for any monetary amount whatsoever.

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

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

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

4. Performance, Labor, and Materials Payment Bond: The Contractor shall furnish a Performance Bond and a Labor and Materials Payment Bond with surety approved by the City and on the forms approved by the City, each bond shall be in the amount of \$5,364,467.30 (full amount of contract) conditioned upon the full and faithful performance of all major terms and conditions of this contract and payment of all labor and material suppliers. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond(s) hereto attached for its faithful performance and payment of labor and material suppliers, the City shall deem the surety or sureties upon such bond(s) to be unsatisfactory, or if, for any reason, such bond(s) ceases to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the City to do so, furnish an additional bond or bonds, in such form and amount, and with such surety or sureties as shall be satisfactory to the City. In such event no further payment to the Contractor shall be deemed to be due under this contract until such new or additional security for the faithful performance of the work and the payment of labor and material suppliers shall be furnished in a manner and form satisfactory to the City. The corporate surety on any performance or payment bond must be licensed by the State of Missouri and if the required bond exceeds \$25,000.00 must be listed in United States Treasury Circular 570.

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

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

7. Liquidated Damages. Time of completion of work by the Contractor is of the essence. Should Contractor, or in the case of default, the surety, fail to substantially complete the work within the time specified in the contract, or within such extra time as may be allowed, Contractor (or surety) shall be liable to the City in the amount of \$9,100.00 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 **Five Million Three Hundred Sixty-Four Thousand Four Hundred and Sixty-Seven Dollars and Thirty Cents (\$5,364,467.30)** 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 (most recent edition as of this project's first date of advertisement)
- 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, 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 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. Certificate of Compliance with 34.600 RSMo. (Anti-Discrimination Against Israel Act). That pursuant to Missouri Revised Statute Sections 34.600 et., seq., A Contractor must provide a written certification of compliance with the Anti-Discrimination Against Israel Act, RSMo. 34.600 et.,seq. that the contractor 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.

27. 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.

28. 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.

29. 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.

(Remaining Page Left Intentionally Blank)

IN WITNESS WHEREOF, the parties hereto evidence their agreement to the terms of this Contract by their signatures below.

CONTRACTOR:

By: _____

Printed Name: _____

Title: _____

If Contractor is a Disadvantaged Business Enterprise (DBE), please indicate classification.

Minority Owned c Women Owned c Veteran Owned c

CITY OF SPRINGFIELD, MISSOURI

By: _____

City Manager or his/her designee

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

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit C

Budget Adjustment
001

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	102192	00000	\$ 400,000	Surface Transportation Block Grant (STBG) - Urban Federal Grant Funds - Republic Road Phase 4 Imp. (Republic Road/Campbell Intersection)
46040	20	73020	416010	102635	00000	70,000	Surface Transportation Block Grant (STBG) - Urban Federal Grant Funds - Republic Road Phase 5 Imp. (Republic Road - Campbell Intersection to Chase)
Net Revenue Adjustment						\$ 470,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	102192	00000	\$ 400,000	Republic Road Phase 4 Improvements
46040	20	73020	509110	102635	00000	70,000	Republic Road Phase 5 Improvements
Net Expenditure Adjustment						\$ 470,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating additional federal STBG grant funds of \$470,000 towards the City's share of costs for Republic Road Phase 4 Improvements (Republic Road/Campbell Intersection) and Republic Road Phase 5 Improvements (Republic Road from Campbell Intersection to Chase Card Services driveway) per the previously approved STP-Urban Program and Cost Apportionment Agreement with the Missouri Highways & Transportation Commission.

Requested By:

Dan Smith 06-21-2022
Department Head Date

Approved By:

D.L. Hill 06-21-2022
Director of Finance Date

Authorization:

Jason A. Hays 06-21-2022
City Manager 15 of 15 Date

Council Bill No. 2022-164
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

36

37 Filed as Resolution: _____

38

39

40 Approved as to form: Jill Burris, Assistant City Attorney

41

42

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

EXPLANATION TO COUNCIL BILL 2022 - 165

FILED: 07-05-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Declaring the intent of the City of Springfield, to annex approximately 24 acres of private property generally located at 3224 East Valley Water Mill Road into the City of Springfield. (Staff recommends approval.)

BACKGROUND INFORMATION: The owner(s) of the private property generally located at 3224 E. Valley Water Mill Road is requesting annexation into the City of Springfield (See "Exhibit B," Location Sketch). The owner(s) has signed a petition requesting voluntary annexation into the City of Springfield (See "Exhibit C," Annexation Petition). The proposed annexation does not include any public right-of-way. The property is within the City of Springfield's Urban Service Boundary and is contiguous and compact to the City of Springfield. The owner(s) is proposing to annex and rezone for retail and residential development.

This Resolution only initiates the proposed annexation and does not annex the property. The property is currently zoned Greene County R-1, Suburban Residence District. The owner is requesting that the property be rezoned to GR, General Retail District which will be concurrently reviewed with the annexation public hearing in August. The City Council is required to hold a public hearing before the proposed annexation can be approved (see "Exhibit D," Annexation Schedule)

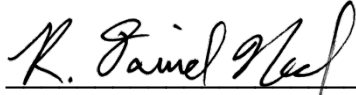
If this request is approved, staff will submit a Council Bill for a public hearing to consider annexation of this property.

REMARKS: Staff recommends approval to initiate the annexation based on the following:

1. The area to be annexed is contiguous to the City of Springfield and within the Urban Service Area. See "Exhibit B" for the location of the private property to be annexed.
2. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* supports the annexation.
3. The property owner has petitioned the City for annexation.
4. All City services can be provided to the property.
5. The City will receive sales and property tax revenue once annexed.

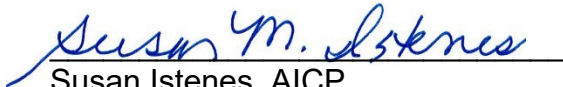
RECOMMENDATIONS: Staff recommends the initiation of the annexation of the subject property.

Submitted by:



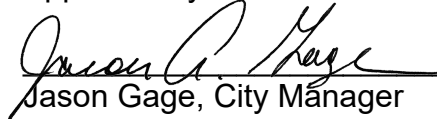
Daniel Neal, Senior Planner

Reviewed by:



Susan Istenes, AICP
Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

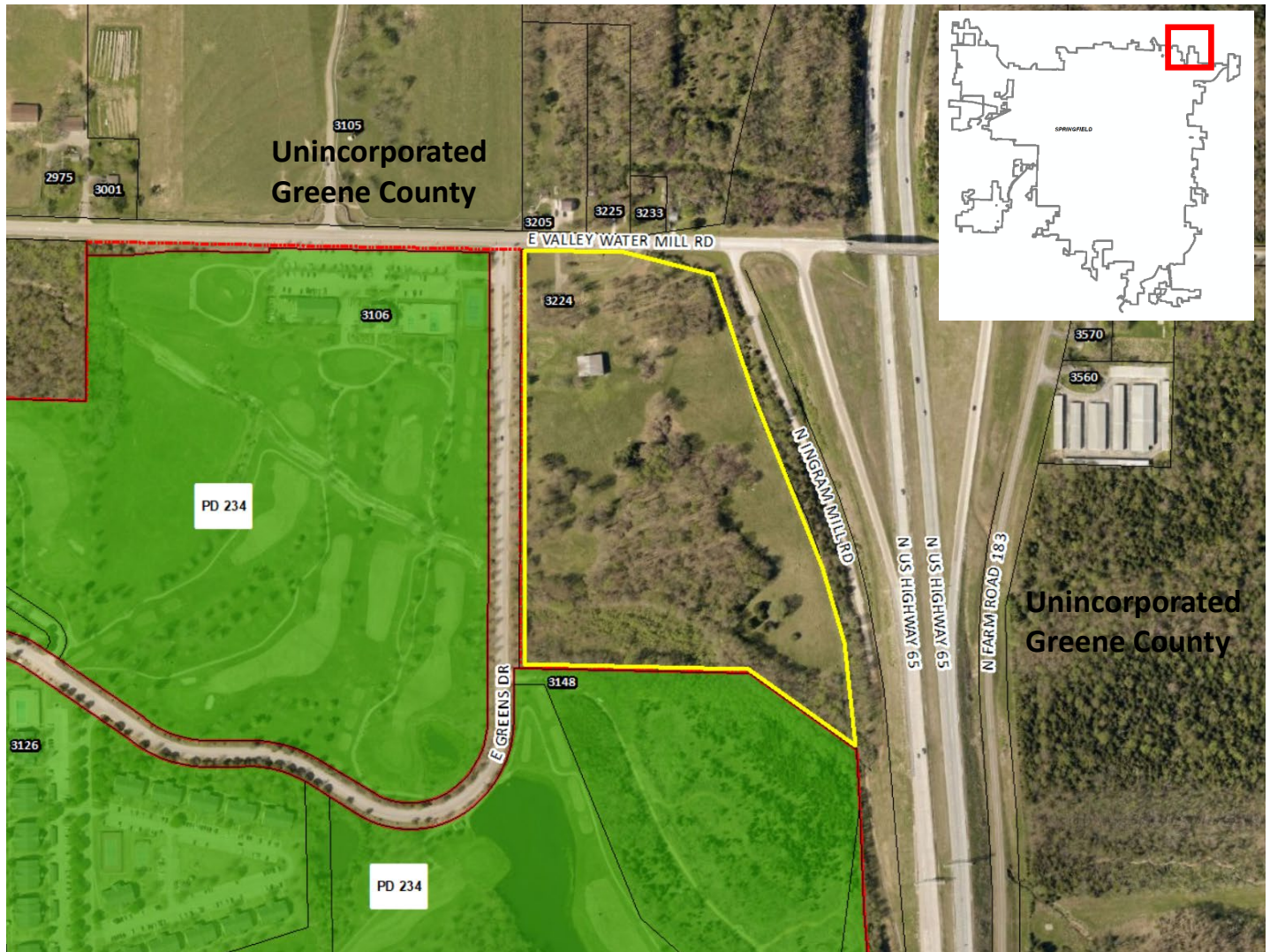
- Exhibit A, Legal Description
- Exhibit B, Location Map and Sketch
- Exhibit C, Annexation Petition
- Exhibit D, Annexation Schedule

Exhibit A

All of the East 1/2 of Lot (4), of the NE 1/ 4 of Section (4), Township (29)N, Range (21)W, Greene County, Missouri, except right of way for U.S. Highway 65 conveyed by an instrument recorded In Book 1601, Page 749, except any other part used for public roads.

Beginning at a point 592 feet west of the NE corner of the East 1/2 of Lot (3) of the NE 1/ 4 of Section (4), Township (29)N, Range (21)W thence East a distance of 264.4 feet to the Westerly right of way line of the New Highway 65 By—pass; thence Southeasterly and along the right of way line of said highway a distance of 208.1 feet to the center of the creek; thence Northwesterly a distance of 353 feet to the point of beginning, being a part of the East 1/2 of Lot (3) of the NE 1/4 of Section (4) , Township (29)N, Range (21)W, In Greene County, Missouri.

EXHIBIT B: ANNEXATION INITIATION



LOCATION:

LOCATION:	3224 E. Valley Water Mill Rd.
CURRENT ZONE:	County R-1, Suburban Residence District
PROPOSED ZONE:	GR, General Retail District
CASE NUMBER:	A-3-2022



Voluntary Annexation Application

E-PLANS INSTRUCTIONS

PLEASE FOLLOW STEPS BELOW BEFORE SUBMITTING THIS APPLICATION

1. Apply and pay your processing fees.
2. Wait for a "pre-screen complete" e-mail from the City of Springfield with instructions for ProjectDox review process.
3. Complete this application and upload a digital (pdf) copy through ProjectDox.

Office Use Only

Case No.	
Date Filed	
Received By	
Receipt No.	

Fee Amount Paid? \$ _____

[*See Fee Schedule](#)

Property Location: 3224 E VALLEY WATER MILL RD

Property Owner's Information (full name(s) of all legal property owners listed on deed):

Name of current property owner(s): VALLEY WATER MILL PROP LLC

If corporation, Corporate Official: DARREL Switzer MANAGEN

Mailing Address: PO BOX 282, FAIR GROVE MO Zip Code: 65648

Telephone: 417-849-2421 E-mail: darrelswitzer59@gmail

PROPERTY OWNER'S SIGNATURE: *[Signature]* managen
(if corporation, need signature of one official)

Contact Person Handling Application:

Name(s): NGA Holdings, LLC

If corporation: Corporate Official: Dan Golosinskiy

Mailing Address: 125 S WASHINGTON ST STRAFFORD MO Zip Code: 65757

Telephone: (360) 904-9371 E-mail: ngaholdingsllc@gmail.com

Current Use of the Property: Vacant

Current County Zoning: Suburban Residence (R-1) **Proposed City Zoning:** General Retail

LAND DESCRIPTION (attach legal description of property and label as Exhibit A):

PROPERTY CONDITIONS/ANOMALIES (which can be reasonably known):

PETITION

TO: THE CITY OF SPRINGFIELD, MISSOURI, A MUNICIPAL CORPORATION

We, the undersigned petitioner(s), submit to the City Council of the City of Springfield, Missouri as follows:

- 1) The undersigned are the fee and simple owner(s) of record of the real estate in Greene County, Missouri more fully described in Exhibit A, and
- 2) The request and petition to the City of Springfield, Missouri to annex the land described in Exhibit A is not now a part of any corporate limits of any incorporated City, and
- 3) The land described in Exhibit A is contiguous to the existing corporate limits of the City of Springfield, Missouri, and
- 4) The request and petition is voluntarily made and is submitted under the provisions of Section 71.012RSMo. 1986, as amended (Voluntary Annexation).

SIGNED: Don L. Manager

SIGNED: _____

STATE OF MISSOURI
COUNTY OF GREENE SS.

MARRIED PERSON'S ACKNOWLEDGEMENT

On this _____ day of _____, 20____, before me, a Notary Public in and for said state, personally appeared _____, and _____ to me known to be the persons described in and who executed the foregoing document, and acknowledged that he/she executed the same as his/her free act and deed.

And the said person further declared himself/herself to be married.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the day and year first above written.

"Notary Seal"

Notary Public: _____

Print Name: _____

STATE OF MISSOURI
COUNTY OF GREENE SS.

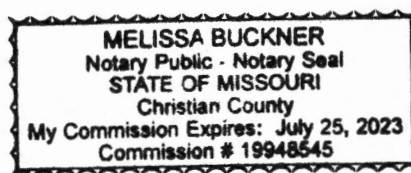
ACKNOWLEDGEMENT OF CORPORATE OFFICIAL

On this 3rd day of June, 2022, before me appeared Darrel Switzer, to me personally known, who, being by me duly sworn did say that ~~he~~^{she} is the Manager of Valley Water Mill Prop LLC, and that the seal affixed to foregoing instrument is the corporate seal of said ~~corporation~~^{Dr}, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and acknowledged said instrument to be the free act and deed of said corporation. DC NO SEAL

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the day and year first above written.

"Notary Seal"

Notary Public: Melissa Buckner
Print Name: Melissa Buckner



STATE OF MISSOURI
COUNTY OF GREENE SS.

UNMARRIED PERSON'S ACKNOWLEDGEMENT

On this _____ day of _____, 20____, before me, a Notary Public in and for said state, personally appeared _____, to me known to be the person described in and who executed the foregoing document, and acknowledged that he/she executed the same as his/her free act and deed.

And the said person further declared himself/herself to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in _____ the day and year first above written.

"Notary Seal"

Notary Public: _____
Print Name: _____

Exhibit A

All of the East 1/2 of Lot (4), of the NE 1/ 4 of Section (4), Township (29)N, Range (21)W, Greene County, Missouri, except right of' way for U.S. Highway 65 conveyed by an instrument recorded In Book 1601, Page 749, except any other part used for public roads.

Beginning at a point 592 feet west of the NE corner of the East 1/2 of Lot (3) of the NE 1/ 4 of Section (4), Township (29)N, Range (21)W thence East a distance of 264.4 feet to the Westerly right of way line of the New Highway 65 By—pass; thence Southeasterly and along the right of way line of said highway a distance of 208.1 feet to the center of the creek; thence Northwesterly a distance of 353 feet to the point of beginning, being a part of the East 1/2 of Lot (3) of the NE 1/4 of Section (4) , Township (29)N, Range (21)W, In Greene County, Missouri.

EXHIBIT D

ANNEXATION SCHEDULE
ANNEXATION A-3-2022

ANNEXATION:

Initiate annexation	July 11, 2022
City Council public hearing	August 8, 2022
City Council second reading and vote	August 22, 2022

One-rdg. X
P. Hrngs.
Pgs. 20
Filed: 07-05-22

Sponsored by: Schilling

COUNCIL BILL 2022-166 RESOLUTION

A RESOLUTION

1 GRANTING a Short-Term Rental Type 2 Permit for the property located at 718
2 West Downing Street for the purpose of allowing the establishment
3 of a Short-Term Rental Type 2 pursuant to Section 36-473 of the
4 Land Development Code.
5
6

7 WHEREAS, the owner of the property located at 718 West Downing Street has
8 applied for a Short-Term Rental ("STR") Type 2 Permit; and
9

10 WHEREAS, Section 36-473 of the Land Development Code requires STR Type 2
11 applicants to obtain signatures from fifty-five (55) percent or more of property owners
12 adjacent to and immediately across the street from the proposed property to be
13 permitted as an STR; and
14

15 WHEREAS, if the signatures of fifty-five (55) percent of the neighboring property
16 owners cannot be secured, City Council may, by resolution, grant the STR Type 2
17 Permit; and
18

19 WHEREAS, the owner of the property located at 718 West Downing Street has
20 obtained two signatures out of the four property owners adjacent to and immediately
21 across the street from the property, resulting in only fifty (50) percent of the neighboring
22 property owners; and
23

24 WHEREAS, property owners within 500 feet of the proposed STR Type 2
25 establishment were notified by regular mail of the July 11, 2022, City Council meeting.
26

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

30 Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the
31 property located at 718 West Downing Street. The granting of the Permit is expressly
32 subject to compliance with Section 36-473 of the Land Development Code, and any
33 other applicable provisions of City Code.
34

35 Section 2 – This Resolution shall be in effect immediately upon adoption and
36 passage.

37
38 Passed at meeting: _____

39
40 _____
41 Mayor

42
43 Attest: _____, City Clerk

44
45 Filed as Resolution: _____

46
47
48 Approved as to form: Jill Bennis, Assistant City Attorney

49
50
51 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 166

FILED: 07-05-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 718 West Downing Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Zoning Ordinance.

BACKGROUND INFORMATION:

The property owner has applied for a Short-Term Rental ("STR") Type 2 permit to establish a Short-Term Rental Type 2 at 718 West Downing Street. Section 36-473 of the Zoning Ordinance requires that Type 2 applicants conduct a neighborhood meeting and obtain signatures from fifty-five percent or more of property owners adjacent to and immediately across the street from the proposed STR. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured the applicant may apply to the City Council to obtain a resolution granting the STR Type 2 permit.

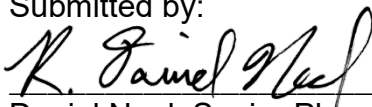
The applicant has obtained two signatures from the four adjacent property owners, resulting in fifty (50) percent consent as shown on "Exhibit C." An additional signature was provided for an adjacent property but does not qualify because it was not signed by the owner listed on the Assessor's database.

The two adjacent property owners who did not sign the consent form have been notified with protest petitions that clearly state that "Failure to return this protest petition prior to the City Council meeting indicates that you do not oppose the application for a Short-Term Rental."

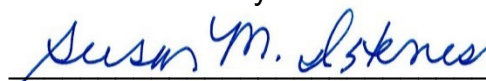
Property owners within 500 feet of the proposed Short-Term Rental Type 2 establishment have been notified by regular mail of the July 11th City Council meeting.

If approved, all other requirements of the Short-Term Rental requirements of Section 36-473 of the Zoning Ordinance must be met.

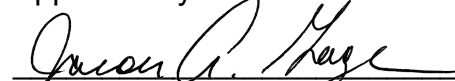
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Susan Istenes, AICP Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Applicant's Appeal Letter

Exhibit B, Neighborhood Meeting Summary

Exhibit C, Adjacent Owner Consent Affidavit Form

Exhibit A

City Council,

My name is Lincoln Amstutz, and I am in the process of making 718 W Downing St. Springfield a nightly rental. I have completed all of the required steps in this process except for receiving over 55% of the adjacent neighbors' signatures. The only reason I have not been able to complete this and get the needed signatures is because one of the owners does not live at the property and I'm waiting for them to send in the signed consent form. They have already verbally agreed to sign when I talked to them, I'm just waiting on the actual paper with the signature to come in.

My request is that you could override the 55% requirement for signatures so that I can move toward finalizing this S2 property process.

Thank you,

Lincoln Amstutz



Application for Short-Term Rental Type 2

eCity INSTRUCTIONS

PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION

1. Fill out the Short-Term Rental Intake Form and apply on [eCity](#).
2. Wait for Planning staff to review and send a follow-up email requesting payment of fees.

Case No.	
Date Filed	
Received By	
Receipt No.	

*Fee Amount Paid: \$ 393
[See Fee Schedule](#)

The signers of this application ask the City Council of the City of Springfield, Missouri to approve an application for the use of a short-term rental at the following address:

Property Address: 718 W Downing St. Springfield

We, the signers of this application, do attest to the truth and correctness of all facts and information presented with this application as required by the Zoning Ordinance of the City of Springfield.

PROPERTY OWNER'S INFORMATION:

Name of current property owner: HomeLink Properties

If corporation: Corporate Official: Lincoln Amstutz

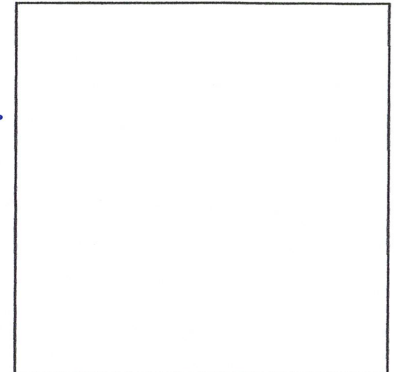
Mailing Address: 1786 E Sunshine St. Spfld MO STE-513

Zip Code: 65804 Phone: 417-569-5078

E-mail: lincoln@homelinkprop.com

PROPERTY OWNER'S SIGNATURE:





(Corporate Seal)

OPERATOR'S INFORMATION (if different):

Name: _____

Mailing Address: _____ Zip Code: _____

Phone: _____ E-mail: _____

NOTE: This application must be delivered to the Development Review Office. This application must be completed and all the items listed on the attached checklist must accompany the application or it will be returned to the applicant.

*Fees are non-refundable

Exhibit B

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request to establish a Short-Term Rental Type 2.

2. Meeting Date & Time: April 18th, 2022

3. Meeting Location: 718 W Downing St. Springfield

4. Number of invitations that were sent: 75

5. Number of neighbors in attendance (attach a sign-in sheet): 5

6. List the verbal comments and how you plan to address any issues:

(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the owner/operator must explain why the issues cannot be resolved.)

3 neighbors expressed excitement for the S2 change
1 neighbor had questions on what this was and I explained
1 neighbor was a bit hesitant but asked that we keep guests
count to a minimum and park just in driveway

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

For the neighbor who was concerned about too many
guest or noise - we plan to cap the number of guests
to 6 as well as require driveway or garage parking

I, Lincoln Amstutz (print name), attest that the neighborhood meeting was held on
4/18/22 (month/date/year), in accordance with the attached "Neighborhood Notification and Meeting
Process."



Signature of person completing affidavit

Lincoln Amstutz

Printed name of person completing affidavit

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a Short-Term Rental Type 2 in your neighborhood. City Council requires owners/operators of Short-Term Rental Type 2's to hold a neighborhood meeting to invite the property owners within 500 feet of the property and to invite the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the owner/operator to negotiate with the neighborhood in order to resolve any issues.

If the owner/operator submits an application for a Short-Term Rental Type 2, the property will be posted and notification by mail to the property owners within 500 feet of the STR property.

Short-Term Rental Type 2 Process:

1. Application
2. Neighborhood Meeting (500 feet notification and posting of subject property)
3. Neighborhood Meeting Summary and Sign-In Sheet
4. Fifty-five percent Adjacent Owner Consent Affidavit
5. If appealed, submit request to Planning and Development Department for City Council review and decision.

City staff is available to meet with you or your neighborhood association representative(s) to discuss the Short-Term Rental Type 2 and answer questions at 417-864-1611.

You can provide comments on the "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 Ave, Springfield Missouri 65802

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

DATE:	4/18/22	Telephone No.	
YOUR NAME:	Lincoln Amstutz		
YOUR ADDRESS:			
STR ADDRESS:	Meeting Notes:		
COMMENTS:	We had 3 groups stop by for the meeting. I don't receive any names but I was able to provide information about the zoning change and nightly rental info. Two people were in big favor of the change as they had rentals and thought it would help the value of the area. The other person was a bit more hesitant at first but felt better once I gave her information on our guidelines for how went rent it out and the close attention we give to the house.		



SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVIT

Address of Proposed Short-Term Rental: **718 West Downing Street**

STATE OF Missouri)

COUNTY OF Greene)

The undersigned hereby states that the undersigned verified the ownership of each residential property adjacent to the above-referenced address as defined in section 36-473(2) and obtained written consent of the proposed short-term rental at the above-referenced address from at least 55% of said owners as shown on Exhibit 1 and attached hereto. The undersigned further states that he or she personally witnessed the signatures contained on Exhibit 1 and that each person signed Exhibit 1 in the undersigned's presence. If the owner(s) signatures cannot be witnessed by the undersigned, then a notarized signature(s) of the adjacent residential property owner(s) must be obtained.

(Corporate Seal**)

Signature of Owner/Operator

Lincoln Amstutz

Typed or Printed Name

ATTEST:

Owner

Title

HomeLink Properties

Name of Company or Organization

(If Applicable)

Corporate Secretary
(If no seal)

Subscribed and sworn to before me a notary public on this 22 day of April, 20 22.



Notary Public

Christina M. Baird

My Commission expires: 06/10/2022

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **718 West Downing Street**

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

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

1.	Address of Adjacent Residential Property: <u>726 W DOWNING ST</u> <u>Gregory S. and Tricia R. DeCamp</u> Owner(s) of Record (Typed or Printed) <u>[Signature]</u> Signature(s) of Owners <u>owners and Trustees of the Trust</u> Title	Notary Seal (only required if signature not witnessed by applicant) <u>[Signature]</u> JEANNIE M. GARIES NOTARY PUBLIC, NOTARY SEAL STATE OF MISSOURI CLAY COUNTY COMMISSION # 17175370 MY COMMISSION EXPIRES: MARCH 13, 2025 04/13/2022
2.	Address of Adjacent Residential Property: <u>712 W DOWNING ST</u> _____ Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
3.	Address of Adjacent Residential Property: <u>727 W DOWNING ST</u> _____ Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

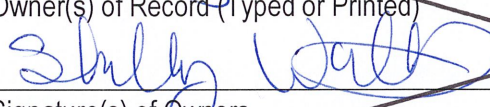
****The City does NOT guarantee the accuracy of the Greene County Assessor property list.**

**City of Springfield Short-Term Rental
ADJACENT OWNER CONSENT FORM**

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **718 West Downing Street**

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

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

1.	Address of Adjacent Residential Property: <u>726 W DOWNING ST</u> Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
2.	Address of Adjacent Residential Property: <u>712 W DOWNING ST</u> Shelby Walters  Trustee	Notary Seal (only required if signature not witnessed by applicant) SEAL
3.	Address of Adjacent Residential Property: <u>727 W DOWNING ST</u> Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

**City of Springfield Short-Term Rental
ADJACENT OWNER CONSENT FORM**

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **718 West Downing Street**

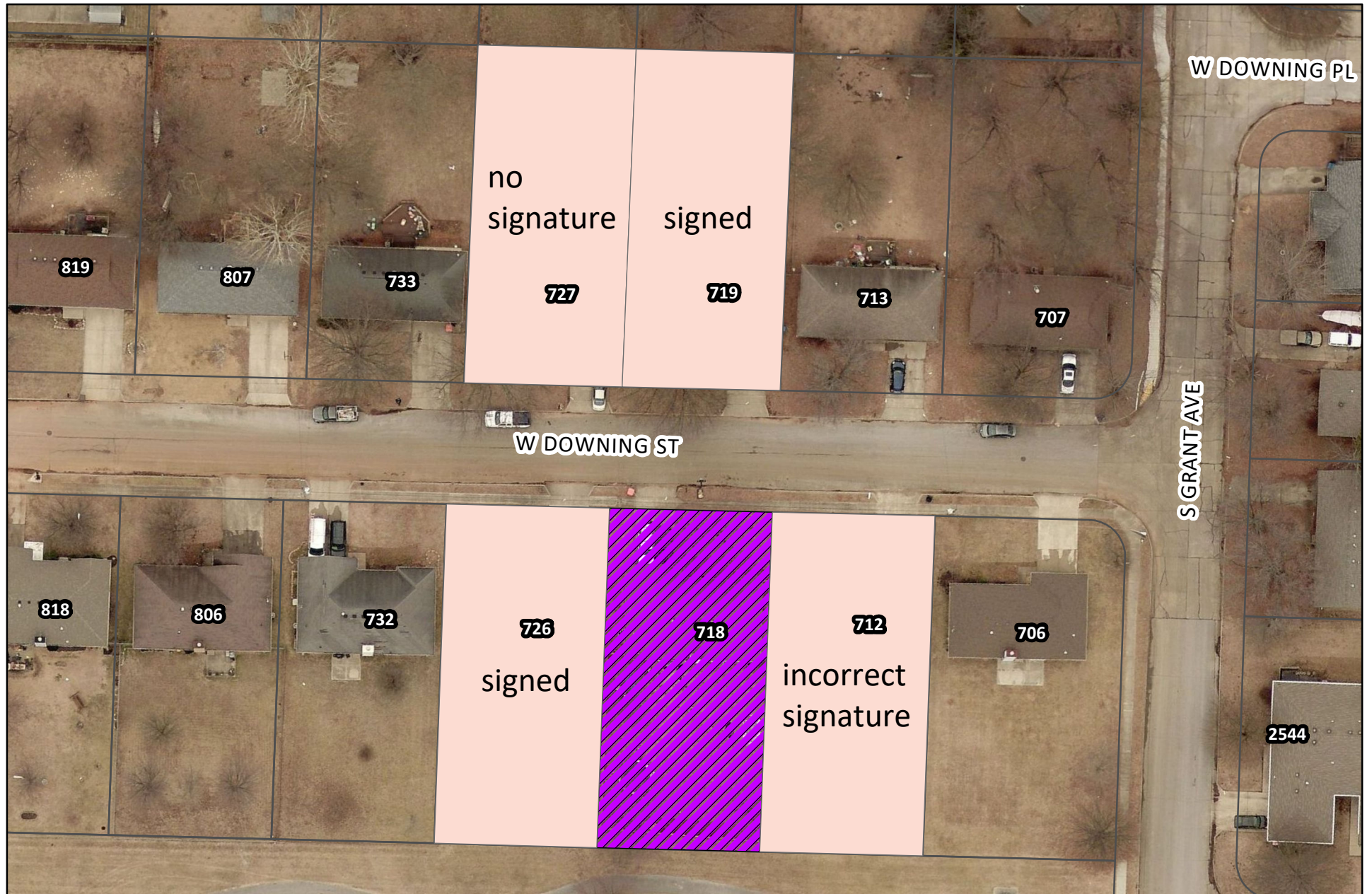
If the ownership is under two or more individuals (each individual) must sign this form. Only the owner's signature constitutes consent.

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

4.	Address of Adjacent Residential Property: <u>719 W DOWNING ST</u> <u>Patricia E Durin</u> Owner(s) of Record (Typed or Printed) <u>Owner</u> Signature(s) of Owners <u>Patricia E Durin</u> Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
5.	Address of Adjacent Residential Property: _____ _____ Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
6.	Address of Adjacent Residential Property: _____ _____ Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

****The City does NOT guarantee the accuracy of the Greene County Assessor property list.**

Adjacent Property



Legend

- 718 W Downing
- Type 2 Rental Status*
- Approved
- Pending

*Status as of 6/16/2022

W BROADMOOR ST

S FORT AVE

S CAMPBELL AVE

S HOLLAND AVE

E SUNSET ST

W BATTLEFIELD RD

S KANSAS EXPY

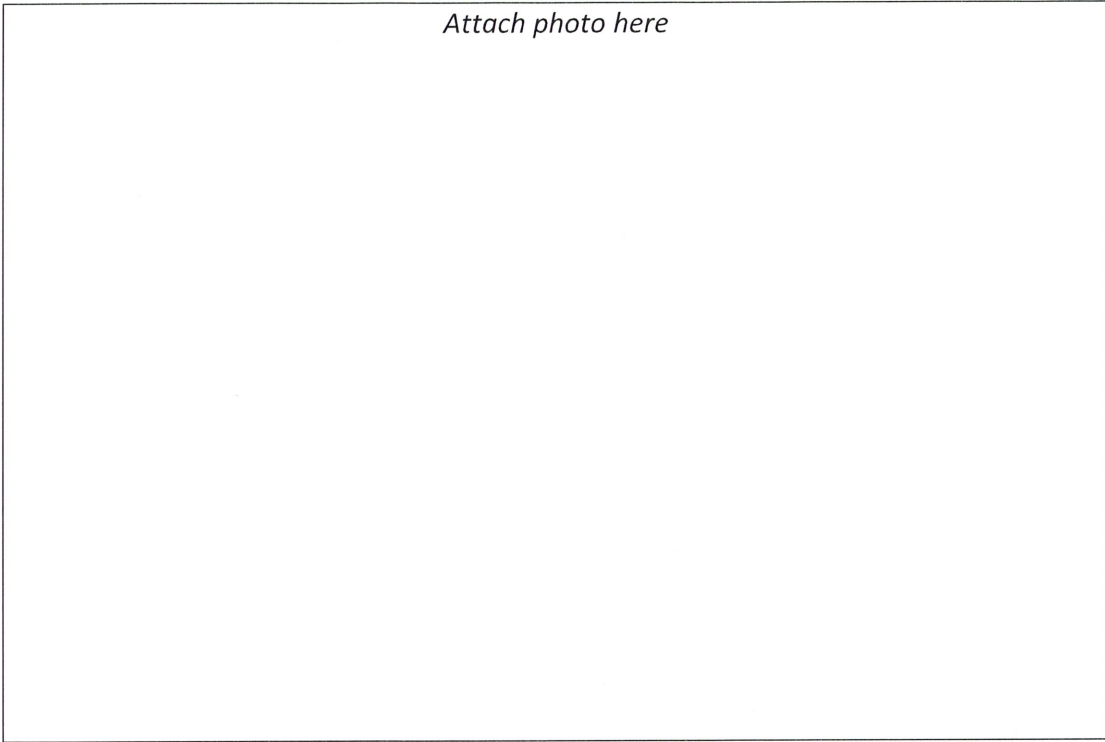


0 0.125 0.25 0.5 Miles



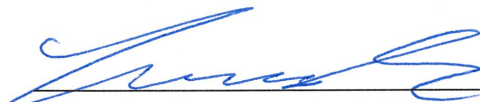
AFFIDAVIT OF SIGN POSTING

Attach photo here



(sign lettering must be legible in photo)

I, Lincoln Amstutz (print name of owner, agent, attorney), attest that the above sign was posted 10 days before the public hearing on 4/18/22 (month/day/year) and in accordance with the given posting requirements.


Signature of person completing sign posting

Lincoln Amstutz
Printed name of person completing sign posting





City of Springfield, Missouri Short-Term Rental Intake Form

1. Business Name (if applicable): HomeLink Properties
Operator(s) Name: Lincoln Amstutz
Operator(s) Address: 1736 E Sunshine St Springfield MO STE 513 65804
Phone: 417-569-5078 E-Mail: lincoln.amstutz@gmail.com

Short-Term Rental Address: 718 W Downing St. Springfield MO 65807

2. Property owner name, address, e-mail, and phone if different:

same

3. ☐ Type 1 (owner occupied; R-SF or R-TH; no more than 95 rental days when owner is absent). ☒ Type 2 (non-owner occupied or owner occupied; R-SF or R-TH; unlimited rental days). ☐ Type 3 (owner occupied or non-occupied; all other districts except R-SF or R-TH; no more than 2 units per premise; unlimited rental days).

Unit _____ Unit _____

4. Are guests housed in the primary structure or a historic carriage house (built before January 1, 1940)?

☒ Primary Structure

☐ Historic Carriage House

5. Lincoln Amstutz
Owner/Operator

[Signature]
Signature

APPLICANT FILL OUT TO THIS POINT

Upload this form to eCity, see second page for instructions.

PLANNING and DEVELOPMENT

1. Proposed location is zoned: R-SF 3. Verification of Historic Carriage House: N/A
2. Verification of rental type: Type2 4. Verification of Density Requirements: Approved

PLN: 2022-00043 Planning Personnel: _____ Date: _____

Comments: _____

LICENSING

BUS LIC/PERMIT# _____ DATE: _____ LIC PERSONNEL: _____

Exhibit D

Short-Term Rental Type 2 Protest Petition Information

You are receiving this protest petition because you are an adjacent residential property owner of a proposed Short-Term Rental Type 2 and you did not sign the Adjacent Owner Consent Form. If you wish to protest the application for the Short-Term Rental, sign the protest petition on the reverse side and mail it back to the Department of Planning & Development. An application for a Short-Term Rental Type 2 at **720 West Downing Street** may be scheduled to go before City Council in the coming weeks and notification will be sent prior to that meeting.

Failure to return this protest petition prior to the City Council meeting indicates that you do not oppose the application for a Short-Term Rental at **720 West Downing Street**.

A notice with the date of the City Council hearing will be mailed at least 10 days prior to the meeting.

Why is a Short-Term Rental application going before City Council?

A Short-Term Rental Type 2 application requires a notarized affidavit containing signatures of at least 55 percent of adjacent residential property owners, including those adjoining and immediately across the street. If the signatures of at least 55 percent of neighboring property owners cannot be secured the applicant may apply to the city council to obtain a resolution granting the STR type 2 permit.

Return to: Department of Planning & Development
c/o Development Review
City of Springfield
840 Boonville Avenue
Springfield, MO 65802

What to Remember When Signing the Petition:

1. The petition must be signed by all property owners.
2. Each property owner must sign his or her name personally. Spouses cannot sign for each other.
3. A Notary Public must witness each signature.

If you have any questions about this procedure, please call the Department of Planning and Development at (417) 864-1611.

**SHORT-TERM RENTAL TYPE 2 PROTEST PETITION TO THE
CITY COUNCIL OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the residential property owners, including those adjoining and immediately across the street, adjacent to the proposed Short-Term Rental and that said owners do protest and object to said proposed Short-Term Rental Type 2.

Short-Term Rental Address: **720 West Downing Street**

This protest is given in contemplation of the provisions of City Code and applicable laws. This petition must be filed with the Department of Planning & Development prior to the City Council hearing (if applicable).

Printed Name of Owner	Owner(s) Address	(if different) Property Address	Owner(s) Signature(s)
Jerri E. Todd	727 W. Downing Springfield MO 65807		Jerri E Todd

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION EXACTLY AS SHOWN ON THE DEED FOR THIS PROTEST TO BE VALID.

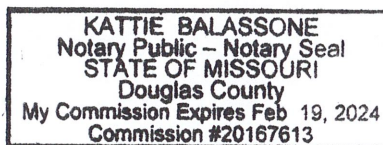
THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 21 day of June, 2022 before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Katie Burr
Notary Public

My Commission Expires: 2-19-24



One-rdg. _____
P. Hrngs. X
Pgs. 16
Filed: 07-05-22

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-167

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 6.36 acres of property generally located at 3018 West Battlefield
4 Road from GR, General Retail District, and GM, General
5 Manufacturing District, to IC, Industrial Commercial District; and
6 adopting an updated Official Zoning Map. (Staff and Planning and
7 Zoning Commission recommend approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at located at 3018 West Battlefield Road from GR, General Retail
12 District, and GM, General Manufacturing District, to IC, Industrial Commercial Distict;
13 and
14

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

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

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

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

30 Section 1 – The property described in "Exhibit A," which is attached hereto and
31 incorporated herein by this reference, is hereby rezoned from GR, General Retail
32 District, and GM, General Manufacturing District, to IC, Industrial Commercial Distict.
33 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for

interpretation,' is hereby amended, changed, and modified consistent with this Ordinance.

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

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

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Bennis, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022 - 167

FILED: 07-05-22

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 6.36 acres of property generally located at 3018 West Battlefield Road from GR, General Retail District, and GM, General Manufacturing District, to IC, Industrial Commercial District (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-4-2022

The applicant is proposing to rezone approximately 6.36 acres of property generally located at 3018 W. Battlefield Road from GR, General Retail District, and GM, General Manufacturing District, to IC, Industrial Commercial District. The intent of this rezoning application is to allow for a new office and operations for a local fence company.

REMARKS:

The Planning and Zoning Commission held a public hearing on June 16, 2022, and recommended to approve, by a vote of 8 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

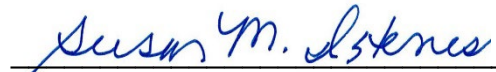
1. The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Light Industrial, Office and Office-Warehouse uses.
2. This area has not changed since the adoption of the *Comprehensive Plan*; however, it is surrounded on three sides by industrial property and the *Growth Management and Land Use Plan* recommends light industrial uses which are consistent with the IC, Industrial Commercial District.
3. The requested IC, Industrial Commercial zoning is consistent with the industrial districts which are adjacent or across the street from the subject property to the north, east and south.

4. The subject property has existing City Utilities and public sewer to serve the property.
5. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.
6. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.
7. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
8. The proposed zoning will not deny the property owner of any reasonable viable economic use.

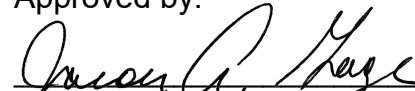
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Susan Istenes, AICP
Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-4-2022

A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 28 NORTH, RANGE 22 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI, RECORDER'S OFFICE IN BOOK 2696 AT PAGE 0789 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER SOUTH 88°24'34" EAST, 263.50 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 01°35'26" WEST, 44.83 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY OF BATTLEFIELD ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 88°25'07" EAST, 560.85 FEET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 02°16'42" WEST, 490.06 FEET; THENCE NORTH 88°34'13" WEST, 611.65 FEET; THENCE NORTH 88°37'51" WEST, 174.12 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY OF GOLDEN AVENUE; THENCE ALONG SAID RIGHT-OF-WAY NORTH 02°39'02" EAST, 8.05 FEET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 88°52'12" EAST, 224.69 FEET; THENCE NORTH 02°17'59" EAST, 482.50 FEET TO THE POINT OF BEGINNING. CONTAINING 277,204 SQUARE FEET OR 6.36 ACRES, MORE OR LESS. ALL LYING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 28 NORTH, RANGE 22 WEST, IN SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – June 16, 2022

Z-4-2022

3018 West Battlefield Road

Applicant: Schell Development Company, LLC

Mr. Hosmer states that this is a request to rezone approximately 6.36 acres of property generally located at 3018 W. Battlefield Road from GR, General Retail District, and GM, General Manufacturing District, to IC, Industrial Commercial District. The Comprehensive Plan identifies this area as designates as appropriate for Light Industrial, Office and Office-Warehouse. The Transportation Plan classifies Battlefield as a Primary Arterial roadway and a Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, sinkhole or stream buffer area. Stormwater detention is required. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. The Industrial Commercial district is intended to allow industrial operations and activities in combination with commercial uses. Staff recommends approval.

Mr. Doennig opened the public hearing

Mr. Caleb Freeland, 1501 W Meadowmere and representing the owner, the properties located near the project is in line with the proposed zoning and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-4-2022 (3018 West Battlefield Road). Mr. Coltrin seconded the motion. Ayes: Doennig, Coltrin, Knuckles, Colony, Bruce, Jobe, Lebeck, and Pauly. Nays: None. Abstain: None. Absent: Broekhoven.



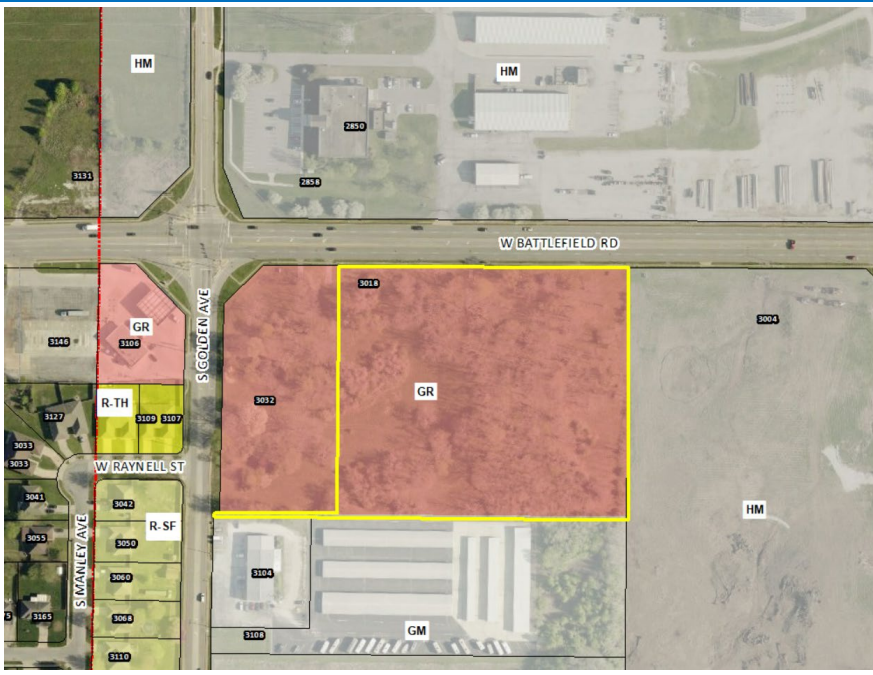
Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

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

June 16, 2022

July 11, 2022

CASE: Z-4-2022**ACRES:** Approximately 6.36 acres**LOCATION:** 3018 W. Battlefield Road**EXISTING LAND USE:** Vacant/undeveloped land**APPLICANT:** Schell Development Co, LLC**STAFF:** Daniel Neal, Senior Planner
417-864-1036**STAFF RECOMMENDATIONS:**
Approve**PROPOSED MOTION:** Move to recommend approval 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 6.36 acres of property generally located at 3018 W. Battlefield Road from GR, General Retail District, and GM, General Manufacturing District, to IC, Industrial Commercial District.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Light Industrial, Office and Office-Warehouse uses.
2. This area has not changed since the adoption of the *Comprehensive Plan*; however, it is surrounded on three sides by industrial property and the *Growth Management and Land Use Plan* recommends light industrial uses which are consistent with the IC, Industrial Commercial District.
3. The requested IC, Industrial Commercial zoning is consistent with the industrial districts which are adjacent or across the street from the subject property to the north, east and south.
4. The subject property has existing City Utilities and public sewer to serve the property.
5. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.
6. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.
7. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
8. The proposed zoning will not deny the property owner of any reasonable viable economic use.

Development Review Staff Report

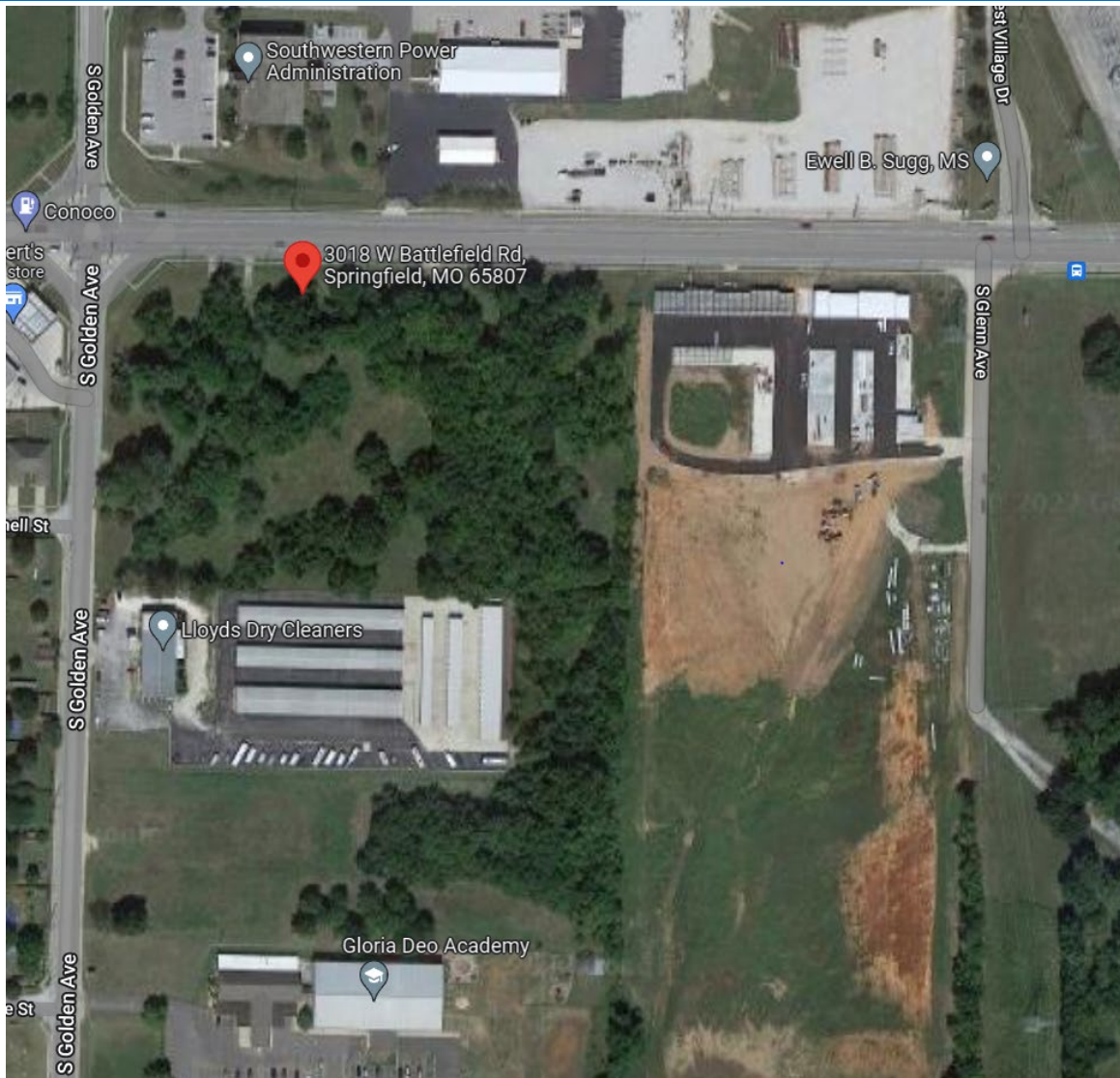


SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	HM	GM	HM	GR
LAND USE	Southwest Power Administration	Personal service and Self-service storage facilities	Manufacturing and office uses	Vacant/undeveloped

Development Review Staff Report

SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



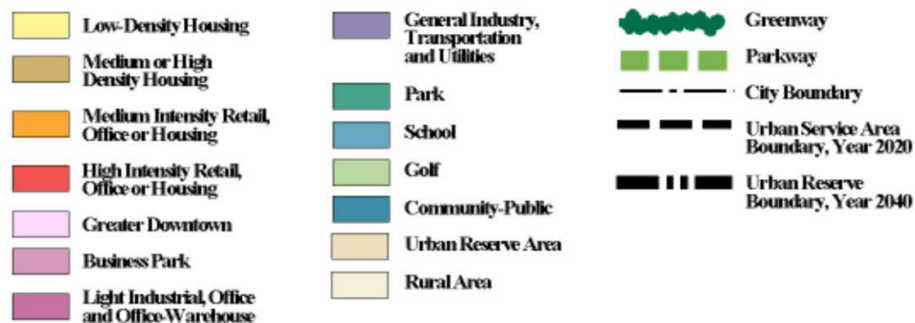
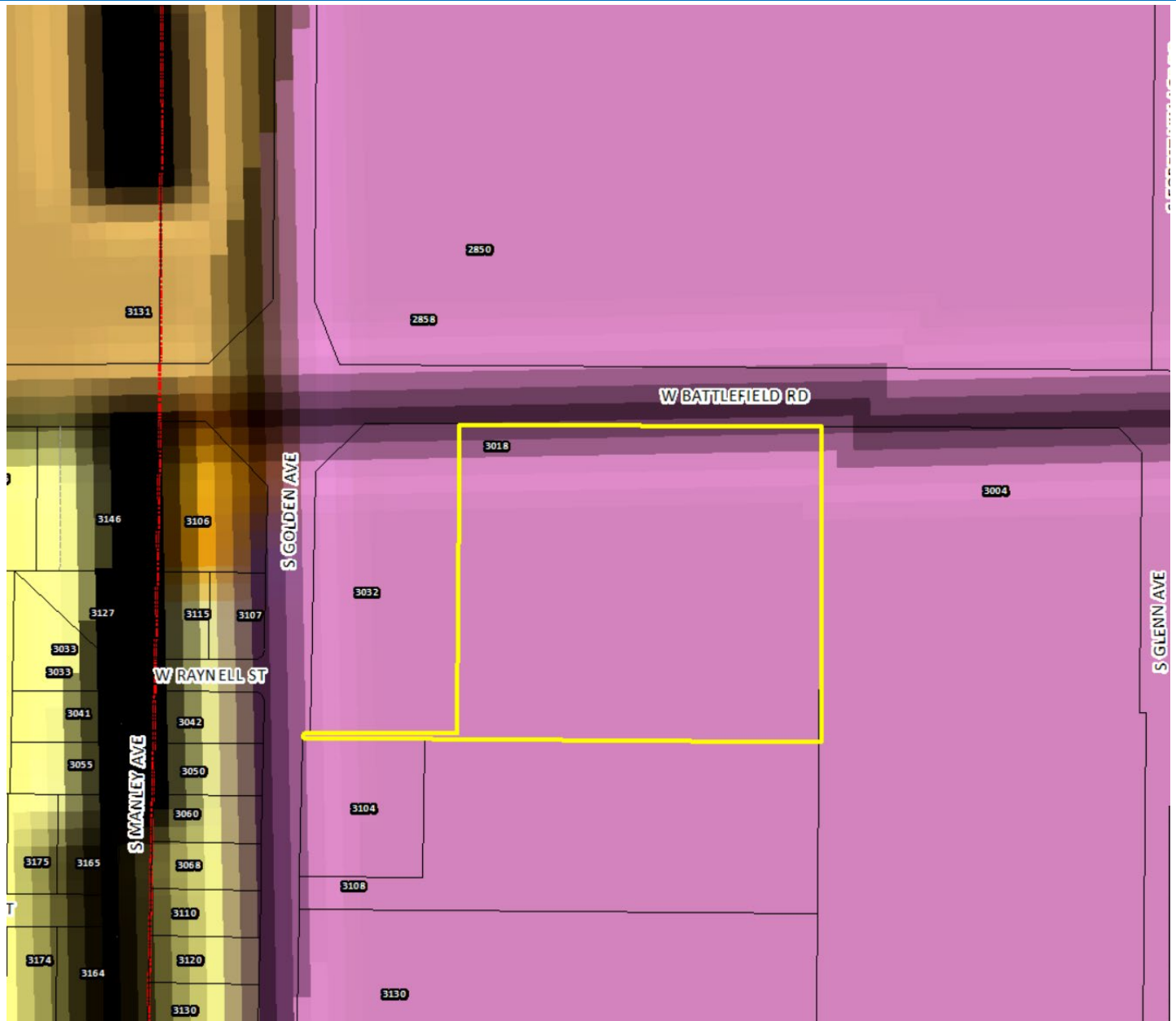
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property is currently zoned GR, General Retail District, and the northern half has been since the citywide remapping in 1995 while the southern portion was rezoned to from GM to GR in 2002. The property was annexed into the City in 1955.

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 IC
Minimum Yard Requirements	<i>Front yard:</i> Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space, and yard regulations.
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Minimum Open Space	Not less than 15 percent.
BULK PLANE	BUFFERYARD AND LANDSCAPING
N/A	A bufferyard Type B is required between IC and GR PLANT UNIT MULTIPLIER 100' STRUCTURE REQUIRED 0.4 25' 0.7 20' 1.0 15'

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Light Industrial, Office and Office-Warehouse uses.

Development Review Staff Report



STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 6.36 acres of property generally located at 3018 W. Battlefield Road from GR, General Retail District, and GM, General Manufacturing District, to IC, Industrial Commercial District. The intent of this rezoning application is to allow for a new office and operations for a local fence company.
2. The requested IC, Industrial Commercial zoning is consistent with the industrial districts which are adjacent or across the street from the subject property to the north, east and south.
3. The proposed Industrial Commercial zoning district is consistent with the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*. The Industrial Commercial district is intended to allow industrial operations and activities in combination with commercial uses in those areas where the combination of such uses is consistent with adopted policies and plans. This district is designed primarily to accommodate land that both meets the above intent and was zoned for industrial uses prior to the enactment of said ordinance. All industrial operations are permitted provided they are conducted inside a building, although related outdoor storage is permitted. Areas zoned IC are intended to be located primarily at major intersections in or adjacent to industrial areas and on land that is designated as a mixed industrial/commercial use area in the comprehensive plan. Areas zoned IC are intended to be at least five acres in size unless they adjoin a LI, light industrial, GM, general manufacturing, or HM, heavy manufacturing district, or the zoning is based on an adopted plan or comprehensive zoning scheme.
4. A traffic impact study is not required because the proposed development is not anticipated to create an increase of trip generation of more than 500 trips daily and/or more than 50 trips in the AM/PM peak hours.
5. The IC District has Use Limitations to protect neighboring properties:
 - a. No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.
 - b. All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - c. All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
 - d. Storage may be maintained outside a building inside yards or rear yards if such storage area is screened from public streets, designated arterials, or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.
 - e. All outdoor storage shall be at least 100 feet from any residential district boundary.
 - f. No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - g. No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
 - h. Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
6. The standard right-of-way width for Battlefield Road is 50 feet from the centerline. It appears approximately 5 feet of additional right-of-way is needed along W. Battlefield Road to meet this requirement. The standard right-of-way width for Golden Avenue is 35 feet from the centerline. The applicant has agreed to dedicate this right-of-way as part of an administrative lot line adjustment that is currently being processed.
7. The proposed rezoning was reviewed by City departments, these comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on May 26, 2022, regarding the rezoning request. A summary of the meeting is attached (Attachment 2).

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

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning. Public sewer is available for the site.

FIRE DEPARTMENT:

No comments.

CITY UTILITIES:

No issues with rezoning. Both lots have access to Electric/Gas/Water. Currently, 3 Phase Electric is only available along Golden Ave.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Inman Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local area. The city is not aware of a sinkhole at this location. Property is in a Sinkhole Watershed draining to adjacent property 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**.

PW Stormwater has no concerns with proposed rezoning to IC. Please note that development of the property will be subject to the following conditions at the time of development. All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

Detention Requirements

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works.
 - a. A fee in lieu of detention for this development will not be permitted: The property is within the Sinkhole Watershed of Sinkhole S119. Chapter 11, Sec. 2.2.2 A flooding evaluation is required for proposed developments that potentially reside within the sinkhole flooding area or that increase the volume of runoff to a sinkhole.
2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec 4.1.4.
 - a. To a Public Right-of-way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3)
 - b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Water Quality Requirements

3. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met

Development Review Staff Report



4. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
5. As-builts of the detention and water quality improvements are required.
6. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0.
7. Include on the Plans a calculation of the Existing Impervious Surface Area, Existing Open Space Area, Post Development Impervious Surface Area, and Post Development Open Space Area. Per Chapter 4 Sec 3.2 for Detention Summary

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Battlefield Road as a Primary Arterial roadway. The standard right-of-way width for Battlefield Road is 50 feet from the centerline. It appears approximately 5 feet of additional right-of-way is needed along W. Battlefield Road to meet this requirement. City's Transportation Plan classifies S. Golden Avenue as a Secondary Arterial roadway. The standard right-of-way width for Golden Avenue is 35 feet from the centerline. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. W. Battlefield Road is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There most recent traffic county for this portion of W. Battlefield Road is 13,616 vehicles per day. On-street parking is not allowed along W. Battlefield Road.

DRIVEWAY ACCESS

There is currently no driveway access point onto the property from W. Battlefield Road. Access to this property will be allowed based on existing City of Springfield standards for a Primary Arterial. A cross access easement to the property to the west would be ideal to be able to share driveway access in the future. The approach must be a minimum of 200 feet from the right of way line at the intersection of Battlefield Road and Golden Avenue.

SIDEWALK

There is existing sidewalk along the property frontage of W. Battlefield Road. There is no sidewalk along the Golden Avenue frontage and sidewalk will be required at the time of development following Section 36-471 of the Zoning Ordinance.

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 along W. Battlefield Road in the vicinity of this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study is not required.

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. Battlefield Road	Primary Arterial	No	45	50

Development Review Staff Report



Street 2	S. Golden Avenue				Secondary Arterial	No	28	35	
						AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated						112	469	5,040	
*Proposed Trips Generated						126	546	5,880	
Additional Trips Generated						14	77	840	

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

Attachment 2
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: General Retail (GR) to Industrial Commercial (IC)
(existing zoning) (proposed zoning)
2. Meeting Date & Time: May 26, 2022 4:00 pm-6:30 pm
3. Meeting Location: 3213 S. West Bypass Springfield MO 65807
4. Number of invitations that were sent: 65
5. How the mailing list was generated: Throught the City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

No Verbal Comments

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

No written comments

I, Rachel Frazier (print name), attest that the neighborhood meeting was held on May 26, 2022 (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

Rachel Frazier
Printed name of person completing affidavit

One-rdg. _____
P. Hrings. X
Pgs. 31
Filed: 07-05-22

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-168

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 7.84 acres of property generally located at 3900 South Lone Pine
4 Avenue and at 2955 and 2957 East Allen Place from R-MD,
5 Medium-density Multifamily Residential District with Conditional
6 Overlay District No. 17, and from R-SF, Single-family Residential
7 District, to R-MD, Medium-density Multifamily Residential District,
8 with Conditional Overlay District No. 212; establishing Conditional
9 Overlay District No. 212; and adopting an updated Official Zoning
10 Map. (Staff and Planning and Zoning Commission recommend
11 approval.)
12 _____
13

14 WHEREAS, an application has been filed for a zoning change of the property
15 generally located at 3900 South Lone Pine Avenue and 2955 and 2957 East Allen Place
16 from R-MD, Medium-density Multifamily Residential District with Conditional Overlay
17 District No. 17, and from R-SF, Single-family Residential District, to R-MD, Medium-
18 density Multifamily Residential District, with Conditional Overlay District No. 212; and
19

20 WHEREAS, Conditional Overlay District No. 212 shall modify the requirements of
21 the Springfield Land Development Code Section 36-383, R-MD, Medium-density
22 Multifamily Residential District, by requiring that the property described in "Exhibit B"
23 comply with the requirements described in "Exhibit A;" and
24

25 WHEREAS, following proper notice, a public hearing was held before the
26 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
27 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
28 and said Commission made its recommendation; and
29

30 WHEREAS, the City has reviewed the applicant's request and prepared a staff
31 report concerning the application which is attached hereto and incorporated herein by
32 this reference as "Exhibit D;" and
33

34 WHEREAS, proper notice was given of a public hearing before City Council, and
35 said hearing was held in accordance with the law.
36

37 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
38 SPRINGFIELD, MISSOURI, as follows, that:
39

40 Section 1 – The property described in "Exhibit B," which is attached hereto and
41 incorporated herein by this reference, is hereby rezoned from R-MD, Medium-density
42 Multifamily Residential District with Conditional Overlay District No. 17, and from R-SF,
43 Single-family Residential District, to R-MD, Medium-density Multifamily Residential
44 District, with Conditional Overlay District No. 212. Springfield Land Development Code,
45 Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended,
46 changed, and modified consistent with this Ordinance.
47

48 Section 2 – City Council hereby establishes Conditional Overlay District No. 212
49 which shall contain the requirements and standards provided in "Exhibit A," which is
50 attached hereto and incorporated herein by this reference as though set forth herein.
51 The requirements of Conditional Overlay District No. 212 shall modify the requirements
52 of the Springfield Land Development Code Section 36-383, R-MD, Medium-density
53 Multifamily Residential District, by requiring the property described on "Exhibit B"
54 comply with the requirements contained in "Exhibit A."
55

56 Section 3 – City Council hereby directs the City Manager, or designee, to update
57 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
58 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
59 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
60 rules of interpretation.'
61

62 Section 4 – The Official Zoning Map herein adopted shall be maintained and
63 archived in the same digital form in which this Council has approved its adoption.
64

65 Section 5 – This Ordinance shall be in full force and effect from and after
66 passage.
67

68 Passed at meeting: _____
69

70 _____
71 Mayor
72

73 Attest: _____, City Clerk
74

75 Filed as Ordinance: _____
76

77
78 Approved as to form: Jill Bennis, Assistant City Attorney
79

80 Approved for Council action: Jason R. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 168

FILED: 07-05-22

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 7.84 acres of property generally located at 3900 South Lone Pine, 2955 and 2957 East Allen Place from R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 17 and R-SF, Residential Single-family to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 212 (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-10-2022/ CONDITIONAL OVERLAY DISTRICT NO. 212

The applicant is proposing to rezone approximately 7.84 acres of property generally located at 3900 South Lone Pine, 2955 and 2957 East Allen Place from R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 17 and R-SF, Residential Single-family to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 212. The intent is to expand the existing multi-family development (Township 28) on the property located at 2955 and 2957 East Allen Place. This application will rezone that entire development under one zoning district.

REMARKS:

The Planning and Zoning Commission held a public hearing on June 16, 2022, and recommended to approve, by a vote of 7 to 0.

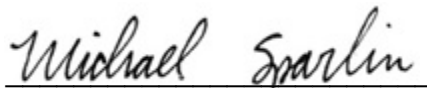
The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this area as appropriate for Medium-Intensity Retail, Office, or Housing. A small section of property along the south is identified as low-density housing. This area has changed since the adoption of the *Comprehensive Plan* as there have been multiple residential and commercial mixed-use rezonings which have occurred. The requested R-MD District zoning is now consistent with the existing residential zoning and uses in this area.
2. The requested R-MD zoning is consistent with the existing multi-family residential zoning and uses that front Lone Pine Avenue in this area.

3. A Conditional Overlay District has been submitted to mitigate potential negative impacts of the R-MD District to surrounding properties. The proposed Conditional Overlay District limits the development to a maximum of twenty-two (22) dwelling units per acre following the Revised Multi-Family Development Location and Design Guidelines.
4. The subject property has existing City Utilities and must provide public sewer to serve the property prior to development.
5. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity. The proposed Conditional Overlay District requires Allen Place to be extended to the east property line and constructed to Collector roadway standards.
6. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.
7. The proposed zoning will not correct an error in the application of this article rather provide a viable use of the property subject to the provisions of the zoning district.
8. The proposed zoning will not deny the property owner of any reasonable viable economic use.

Submitted by:



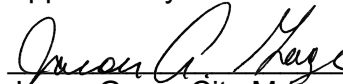
Michael Sparlin, Senior Planner

Recommended by:



Susan Istenes, AICP Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Conditional Overlay District Provisions

Exhibit B, Legal Description

Exhibit C, Record of Proceedings

Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Conditional Overlay District Provisions

Attachment 3: Multi-family Development Location and Design Guidelines
Assessment

Attachment 4: Galloway Recommendations

Attachment 5: Neighborhood meeting summary and comments

Attachment 6: Development Site Plan and Elevations

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-10-2022 & CONDITIONAL OVERLAY DISTRICT NO. 212

The requirements of *Section 36-383* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following:

1. The maximum density shall be limited to twenty-two (22) dwelling units per acre for a maximum of 168 dwelling units located within this district.
2. The development of the subject property shall be in substantial conformance to the Revised Multi-Family Location and Design Guidelines and the attached site plan (Attachment 6).
3. The standard right-of-way width is 30-feet from the centerline for E. Allen Place. To meet these requirements, it appears an additional 10-ft of right-of-way is needed along E. Allen Place. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way.
4. E. Allen Place is required to be extended to the eastern property line and must be constructed to Collector roadway standards as set forth in the City of Springfield Design Standards for Public Improvements. Access will be allowed based on existing spacing standards set forth in Chapter 98 of City Code.
5. Sidewalk is required to be constructed along the property frontage of E. Allen Place at the time of the platting/development of this property or an application made to the Administrative Review Committee for approval to pay a fee in lieu of construction of sidewalk. If the applicant chooses to seek approval for a fee in lieu of and the request is approved, the fee must be paid prior to approval of the plat/building permit.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-10-2022 & CONDITIONAL OVERLAY DISTRICT NO. 212

A TRACT OF LAND AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE LYING IN LOTS 7, AND 9 OF GALLOWAY HEIGHTS, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY MISSOURI IN PLAT BOOK S, PAGE 80 AND ALSO IN DESCRIBED IN BOOK 2008, PAGE 039471-08 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9 OF GALLOWAY HEIGHTS; THENCE ALONG THE EAST LINE THEREOF SOUTH 00°57'36" WEST, 190.95 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF ALLEN DRIVE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES, 107.27 FEET ALONG A 40.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 76°34'27" WEST FOR 77.90 FEET; THENCE SOUTH 86°32'24" WEST, 144.45 FEET; THENCE SOUTH 86°37'52" WEST, 397.88 FEET; THENCE SOUTH 86°35'22" WEST, 58.00 FEET; THENCE SOUTH 76°36'25" WEST, 162.59 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF LONE PINE AVENUE; THENCE LEAVING SAID NORTH RIGHT-OF-WAY AND ALONG SAID EAST RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 20°10'39" WEST, 163.59 FEET; THENCE NORTH 19°10'25" WEST, 252.69 FEET TO A POINT ON THE SOUTH LINE OF GALLOWAY ADDITION, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY MISSOURI IN PLAT BOOK V, PAGE 18; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG SAID SOUTH LINE THE FOLLOWING COURSES, NORTH 83°48'24" EAST, 109.76 FEET; THENCE NORTH 87°11'59" EAST, 867.36 FEET TO A POINT AT THE SOUTHEAST CORNER OF GALLOWAY ADDITION; THENCE LEAVING SAID SOUTH LINE SOUTH 00°06'39" EAST, 200.40 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 28 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. CONTAINING 7.84 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – June 16, 2022

Z-10-2022 w/COD #212

3900 South Lone Pine Avenue, 2955 & 2957 East Allen Place

Applicant: Township 28, LLC

Bruce Colony recused himself.

Mr. Hosmer stated that this is a request to rezone approximately 7.84 acres of property generally located at 3900 South Lone Pine, 2955 and 2957 East Allen Place from R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 17 and RSF, Residential Single-family to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 212. The Comprehensive Plan identifies this area as appropriate for Medium-Intensity Retail, Office, or Housing. A small section of property along the south is identified as low-density housing. The Galloway Guidelines are a policy that was accepted by City Council in 2019 and have been addressed by the applicant in the development of this project.

The Transportation Plan classifies Allen Place as a Collector roadway. A Traffic Impact Study is not required and an additional ROW may be needed. The property is located in a FEMA designated floodplain and stream buffer area but not in a sinkhole area. Stormwater detention is already provided. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity.

The Conditional Overlay District will:

- A maximum density of 22 dwelling units (168 units),
- Allen Place requires 30 feet of ROW from centerline,
- Allen Place is required to extend to the eastern property line.
- Sidewalks are required along Allen Place.

Staff recommends approval.

Mr. Doennig opened the public hearing

Mr. Harlan Hill, 3811 S. Weller, representing the owner. This is a move to combine the last parcel of lots in the southeast corner and the intent to replicate the current development.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-10-2022 w/COD #212 (3900 South Lone Pine Avenue, 2955 & 2957 East Allen Place). Mr. Jobe seconded the motion. Ayes:

Doennig, Coltrin, Knuckles, Bruce, Jobe, Lebeck, and Pauly. Nays: None. Abstain: None. Absent: Broekhoven. Bruce Colony recused himself.

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:



JUNE 16, 2022

July 11, 2022

CASE: Z-10-2022 w/COD #212

ACRES: Approximately 7.84 acres

LOCATION: 3900 South Lone Pine, 2955 and 2957 East Allen Place

EXISTING LAND USE: Multi-family development & undeveloped land

APPLICANT: 3900 Lone Pine Apts LLC

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

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:

Request to rezone approximately 7.84 acres of property generally located at 3900 South Lone Pine, 2955 and 2957 East Allen Place from R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 17 and R-SF, Residential Single-family to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 212.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this area as appropriate for Medium-Intensity Retail, Office, or Housing. A small section of property along the south is identified as low-density housing. This area has changed since the adoption of the *Comprehensive Plan* as there have been multiple residential and commercial mixed-use rezonings which have occurred. The requested R-MD District zoning is now consistent with the existing residential zoning and uses in this area.
2. The requested R-MD zoning is consistent with the existing multi-family residential zoning and uses that front Lone Pine Avenue in this area.
3. A Conditional Overlay District has been submitted to mitigate potential negative impacts of the R-MD District to surrounding properties. The proposed Conditional Overlay District limits the development to a maximum of twenty-two (22) dwelling units per acre following the Revised Multi-Family Development Location and Design Guidelines.
4. The subject property has existing City Utilities and must provide public sewer to serve the property prior to development.
5. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic or impact traffic safety in the vicinity. The proposed Conditional Overlay District requires Allen Place to be extended to the east property line and constructed to Collector roadway standards.
6. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

Development Review Staff Report



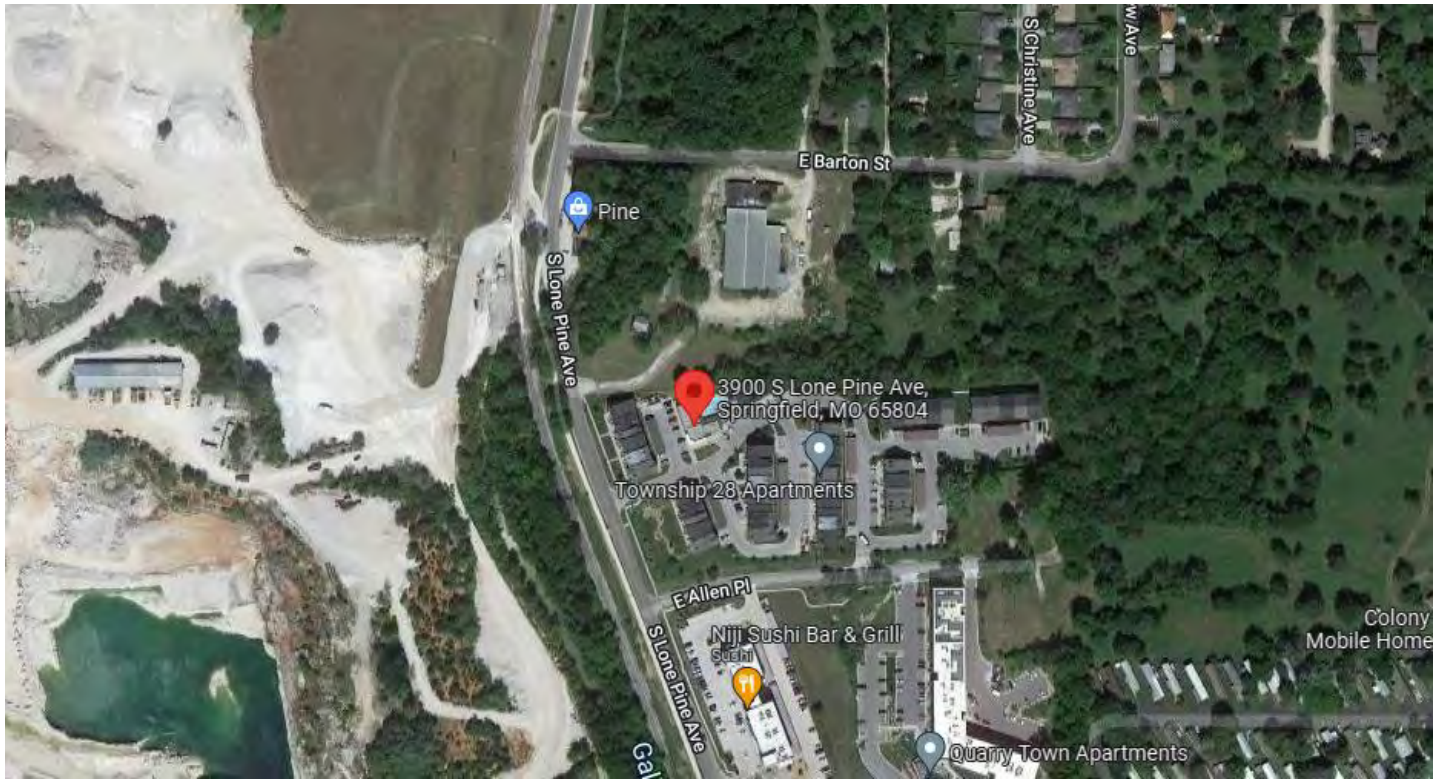
7. The proposed zoning will not correct an error in the application of this article rather provide a viable use of the property subject to the provisions of the zoning district.
8. The proposed zoning will not deny the property owner of any reasonable viable economic use.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM, R-SF	GR and PD 351	R-SF & PD 276	HM
LAND USE	Manufacturing/Warehouse, single family residence	Mixed-use Multi- family and commercial uses	Single-family, undeveloped land and mobile home development	Quarry

Development Review Staff Report

SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)

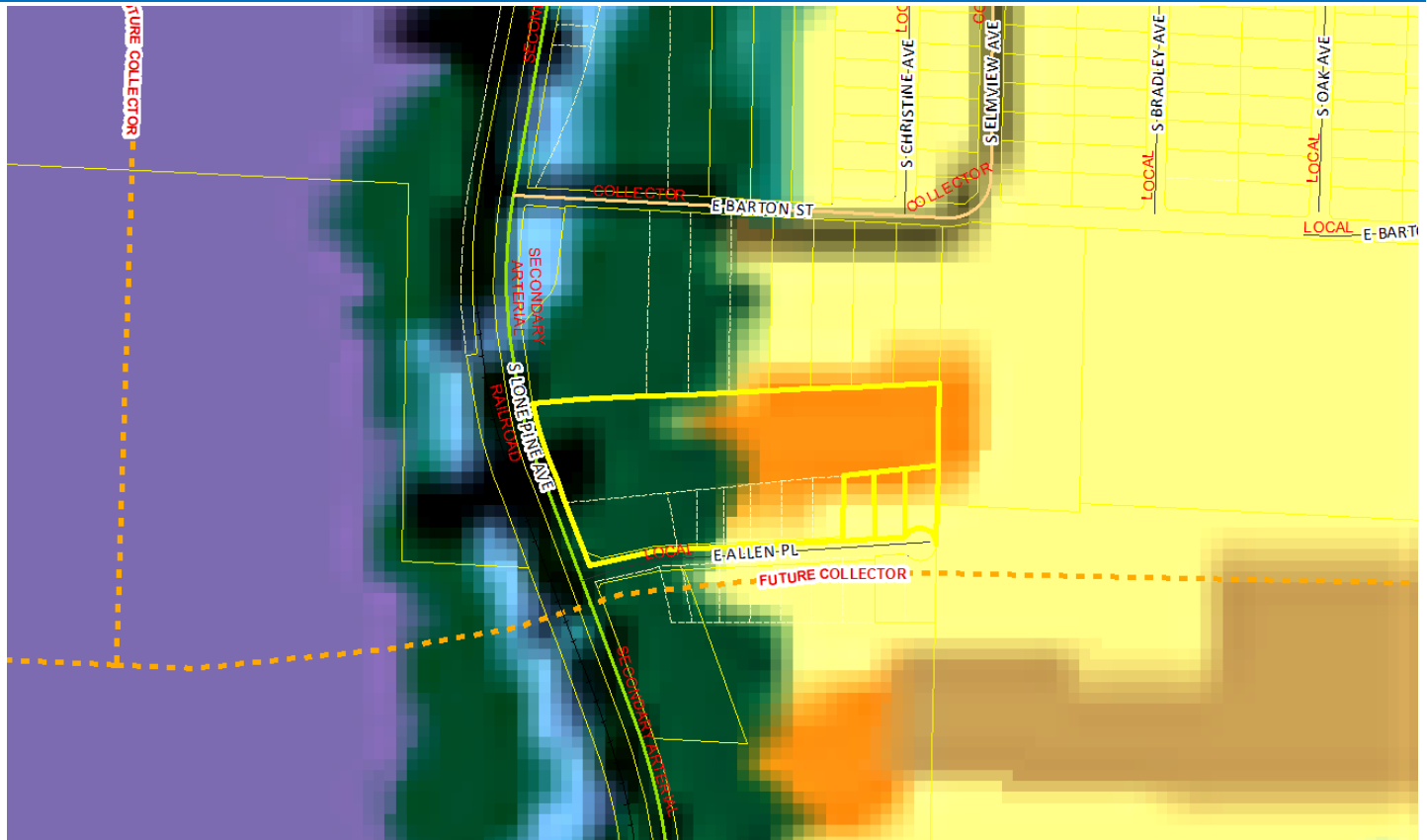


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The portion of subject property that is zoned 3900 South Lone Pine (existing Township 28 development) was rezoned in to its current zoning 2008. The R-SF portion of the subject property located at 2955 and 2957 East Allen Place has been zoned R-SF since the 1995 City-wide remapping.

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 R-MD
Minimum Yard Requirements	<i>Front yard:</i> Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
Maximum Structure Height	Thirty-five feet plus one additional foot for each additional two feet of setback provided on each side of the structure up to 75 feet. Above 75 feet, no additional setback is required.
Minimum Open Space	Not less than 20 percent.
BULK PLANE	BUFFERYARD AND LANDSCAPING
No portion of a multifamily dwelling shall be higher than allowed by a 45-degree bulk plane where the property adjoins an R-SF district.	A Type C bufferyard is required adjacent to property zoned R-SF.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this area as appropriate for Medium-Intensity Retail, Office, or Housing. A small section of property along the south is identified as low-density housing.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 7.84 acres of property generally located at 3900 South Lone Pine, 2955 and 2957 East Allen Place from R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 17 and R-SF, Residential Single-family to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 212. The intent is to expand the existing multi-family development (Township 28) on the property located at 2955 and 2957 East Allen Place. This application will rezone that entire development under one zoning district.
2. The *Growth Management and Land Use Plan* designates this area as appropriate for Medium-Intensity Retail, Office, or Housing. A small section of property along the south is identified as low-density housing.

Development Review Staff Report



3. The subject property is located in an area that has recently experienced a resurgence of redevelopment and reinvestment of multi-family and mixed-use developments that have affected the character of this area.
4. The R-MD District is intended to accommodate multi-family developments at densities up to approximately twenty-nine (29) dwelling units per acre. The applicant is requesting a maximum of twenty-two (22) dwelling units per acre. This density has been determined to be appropriate for this area based on an assessment completed under the Revised Multi-Family Development Location and Design Guidelines. That assessment resulted in a density of 21 to 24 dwelling units per acre with the Opportunities and Constraints section. Staff can support an increase in density based upon being adjacent to higher intensity uses, being in a redevelopment area and a physical barrier in the area. Further analysis of the proposed development under the Revised Multi-Family Development Location and Design Guidelines is attached (Attachment 3). The development must be in substantial conformance to the attached site plan (Attachment 6).
5. Approval of this application will allow the expansion of the existing multi-family development (Township 28) by incorporating a neighboring property and place the entire development under one zoning and Conditional Overlay District.
6. Approval of this application will allow for an established multi-family use to expand development of this property and promote infill development where investments have already been made in public services and infrastructure.
7. The Galloway Guidelines are a policy that was accepted by City Council in 2019 and have been addressed by the applicant in the development of this project (Attachment 4).
8. The proposed rezoning was reviewed by City departments, whose comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on April 14, 2022, regarding the rezoning request. A summary of the meeting is attached (Attachment 3).

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: 6

Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITIES:

No issues with proposed rezoning. Electric/Gas/Water are available to the property.

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning although the address does not have access to public sewer. Public sewer will need to be extended before any development occurs which will require public improvement plans.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Galloway Creek** drainage basin. The property **is** 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 **does have a stream buffer on site**.

PW Stormwater has no concerns about the proposed Rezoning. Please note that development of the property will be subject to the following conditions at the time of development:

Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. If the additional impervious is minimal then a fee in lieu of detention may be allowed.

- a. A fee in lieu of detention will not be allowed: The property is being combined with Township 28 Apartment complex with an existing detention basin. The current site drainage has all runoff onto the Township 28 Apartment Complex at 3900 S Lone Pine.

Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.

Stormwater infrastructure serving more than one property shall be submitted on public improvement plans.

A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.

As-builts of the detention and water quality improvements are required.

Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Lone Pine Avenue as Secondary Arterial roadway and E. Allen Place as a Local-Commercial roadway. The standard right-of-way width for S. Lone Pine Avenue is 35-feet from the centerline and 30-feet from the centerline for E. Allen Place. To meet these requirements, it appears an additional 5-feet of right-of-way is needed

Development Review Staff Report



along S. Lone Pine Avenue and an additional 10-ft of right-of-way is needed along E. Allen Place. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. S. Lone Pine Avenue and E. Allen Place are both city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on this portion of S. Lone Pine Avenue is 2,183 vehicles per day. There are no recent traffic counts for E. Allen Place. On-Street parking is not allowed on S. Lone Pine Avenue. On-Street parking is allowed on E. Allen Place.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from S. Lone Pine Avenue and four driveway access points onto the property from E. Allen Place. Access will be allowed based on existing spacing standards set forth in Chapter 98 of City Code.

SIDEWALK

There is existing sidewalk along the property frontage of S. Lone Pine Avenue. There is not existing sidewalk along the property frontage of E. Allen Place. Sidewalk is required to be constructed along the property frontage of E. Allen Place at the time of the platting/development of this property or an application made to the ARC for approval to pay a fee in lieu of construction of sidewalk. If the applicant chooses to seek approval for a fee in lieu of and the request is approved, the fee must be paid prior to approval of the plat/building permit. The current fee is \$31.46 per linear foot.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

The Galloway Greenway Trail is in the area of the property pertaining to this zoning. There are no bus stops along the property frontage 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

E. Allen Place is required to be extended to the eastern property line and must be constructed to Collector roadway standards as set forth in the City of Springfield Design Standards for Public Improvements.

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	S. Lone Pine	Secondary Arterial	No	30	35
Street 2	E. Allen Place	Local-Commercial	Yes	20	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		4	5	43	
*Proposed Trips Generated		13	15	162	
Additional Trips Generated		9	10	119	

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

FIRE DEPARTMENT:

Development Review Staff Report



No comments.

Development Review Staff Report



REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-10-2022 & CONDITIONAL OVERLAY DISTRICT NO. 212

The requirements of Section 36-383 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. The maximum density shall be limited to twenty-two (22) dwelling units per acre for a maximum of 168 dwelling units located within this district.
2. The development of the subject property shall be in substantial conformance to the Revised Multi-Family Location and Design Guidelines and the attached site plan (Attachment 6).
3. The standard right-of-way width is 30-feet from the centerline for E. Allen Place. To meet these requirements, it appears an additional 10-ft of right-of-way is needed along E. Allen Place. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way.
4. E. Allen Place is required to be extended to the eastern property line and must be constructed to Collector roadway standards as set forth in the City of Springfield Design Standards for Public Improvements. Access will be allowed based on existing spacing standards set forth in Chapter 98 of City Code.
5. Sidewalk is required to be constructed along the property frontage of E. Allen Place at the time of the platting/development of this property or an application made to the Administrative Review Committee for approval to pay a fee in lieu of construction of sidewalk. If the applicant chooses to seek approval for a fee in lieu of and the request is approved, the fee must be paid prior to approval of the plat/building permit.

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ATTACHMENT 3

MULTI-FAMILY DEVELOPMENT LOCATION AND DESIGN GUIDELINE ASSESSMENT ZONING CASE Z-10-2022 & CONDITIONAL OVERLAY DISTRICT NO. 212

The applicant is requesting approval of 168-unit multi-family apartments on 7.84 acres of property. According to the Multi-Family Location and Design Assessment Matrix, the proposed development has attained 12 points. This density increase, combined with credits from the Opportunities and Constraints and Assessment Criteria Score, would allow for 21-24 dwelling units per acre.

Below is an analysis of the four categories used to calculate the Matrix score.

A. Land Use Accessibility (1/3 points)

A maximum of three points was given for land use accessibility. There is neighborhood retail mix and greenway within 1/4 mile of the subject property.

B. Connectivity Analysis (1/5 points)

One out of a maximum of five points were given for connectivity. The proposed development received scores for its proximity to transit, sidewalks, and roadways.

C. Road Network Evaluation (1/2 points)

A maximum of one point were given for the road network evaluation.

D. Design Guidelines (6/6 points)

A maximum of six points were given for design guideline criteria. Below are the design considerations that have been incorporated into the proposed development.

1. Pedestrian Amenities - Pedestrian amenities shall include benches placed near walkways at appropriate locations throughout the development. Lighting sources or luminaries that do not have a cutoff and are used in parking lots and pedestrian ways shall not exceed a maximum of 15 feet in height. Pedestrian-scale lighting shall be provided within the development. Lighting sources or luminaries that do have a cutoff shall not exceed a maximum of 30 feet in height. All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through external shields or through optics within the fixture. A site lighting and photometric plan shall be submitted conforming to these requirements for building permits.
2. Building Scale and Articulation - Street facing walls that are greater than 50 feet in length shall be articulated at least each 25 feet with bays, projections or recesses. Articulation means a difference in the vertical plane of the building at least 18 inches or more. This project shall be in compliance with the attached site plan and elevations.
3. Building Orientation and Interior Landscaping – All building orientations will address Main Avenue and Walnut Lawn Street to receive design points for this element. Landscaping and open spaces shown shall be provided with approved ground cover and/or plantings per required city ordinances and zoning requirements. Landscaping islands with plantings shall be located throughout the parking lot. A landscaping plan shall be submitted conforming to these requirements for building permits.
4. Avoidance of Blank Walls along pedestrian circulation areas - Facades that face public streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features: windows; entrances; arcades; arbors; awnings (over windows or doors), distributed along the façade at least once every 25 feet. This project shall be in conformance with the attached site plan and elevations
5. Internal Connectivity – Internal sidewalks shall connect internally and to the public sidewalk system in accordance to the attached site plan.

Development Review Staff Report



6. Useable Recreational Area/Facility – Benches will be located throughout the common areas providing for useable tenant amenities in accordance with the attached site plan; however, a minimum of 20% usable open space is required.
7. Amenity Calculation – Three of the following amenities shall be provided: a tot lot with a minimum of 900 square-feet, picnic area of 900 square-feet, swimming pool, clubhouse, and dog run area.
8. Preservation of Trees –All existing trees of 6” caliper or greater shall be preserved or replaced with 2-inch caliper trees in accordance with the attached site plan and the city ordinance.

DENSITY: The initial assessment criteria resulted in a total of 9 points for a maximum density of 12 to 14 dwelling units per acre. The applicant has requested a density of 22 dwelling units per acre and to allow the additional density under the Opportunity and Constraints section.

Opportunities and Constraints

Although the maximum density based on the Multi-family guidelines evaluation recommended 14 dwelling units per acre, additional density can be allowed based on special circumstances as described in the Guidelines Opportunity and Constraints section. Staff can support an increase in density based upon being adjacent to higher intensity uses, supports revitalization goals and has a physical barrier within ½ mile of the site.

Opportunities and Constraints that apply:

1. How much higher density exists or is planned/approved for area?
Staff may consider a recommendation of a higher density than that determined by the matrix calculation when the site is contiguous to higher intensity uses such as higher density multi-family, retail, office, and institutional uses on two or more sides.

The site is situated adjacent on to mixed-use multi-family and retail uses.
2. Does the proposal support redevelopment/revitalization goals?
Staff may consider a recommendation of a higher density than that determined by the matrix calculation when the site is located with a redevelopment or revitalization area. The area is located within the Galloway Area Redevelopment Plan which was adopted in 2014 and within the Southeast Development Study Area which was adopted in 2002.
3. Are there physical or other natural barriers within ½ mile of the site?
Staff may consider a recommendation of a higher density. The subject property is adjacent to a large quarry which has the effect of limiting the density points.

ATTACHMENT 4 GALLOWAY RECOMMENDATIONS

The Galloway Area Recommendations, passed October 21, 2019, provides staff recommendations that apply to developers, city staff, and residents when pursuing future developments within the specified area. This checklist refers to the recommendations that apply specifically to the applicant/developer for a project. This is to be used only as a reference for those recommendations. The original Galloway Recommendations document must still be reviewed as this is only a supplemental visual to what is outlined in that document. This checklist also references The Galloway Community Improvement District, which was approved by City Council on August 12, 2019.

Staff has reviewed the applicant's attached exhibits (1-12) for compliance to the Galloway Recommendations as outlined below.

A. Public Safety (1/1)

1 out of 1 recommendation was addressed. Recommendation #1 is not applicable to the proposed development since it is not adjacent to Galloway Trail.

- 1) Clearly delineate parking areas along the street edge from the street surface.
- 2) Install physical barrier or fencing between trail and roadway where feasible.

B. Environmental Protection (3/3)

2 out of 2 recommendations were addressed. Recommendation #2 does not apply since there is not a stream buffer on the property.

- 1) Water quality protection and stormwater management for new developments. Innovative techniques are welcomed and encouraged. (Examples include: Maximizing open space, green roofs, rain water collection systems, rain gardens, and berms.)
- 2) Establish stream buffer easements for all new developments.
- 3) Protect the tree canopy through preservation of healthy trees and installing high quality landscaping where possible.

C. Image Enhancement (4/4)

4 out of 4 recommendations were addressed. Recommendations #1 & #2 are not applicable to the proposed development since it is not adjacent to Galloway Trail. Recommendation #5 is not applicable because this is not a mixed-use development.

- 1) Plant trees along the Galloway Trail.
- 2) Develop pocket parks along the Galloway Trail.
- 3) Preserve village feel through:
 - a. Mixed-use of small businesses
 - b. Reuse of existing structures
 - c. Complimentary architectural styles
- 4) Promote a high-quality streetscape experience that is supported by the Galloway CID and Multi-Family Development Guidelines; Examples include:
 - a. Planters and window boxes
 - b. Brightly colored doors or building accents
 - c. Attractive landscaping and plantings
 - d. Public art
 - e. Fountains
 - f. Dog watering stations
 - g. Outdoor seating
 - h. Street trees
 - i. Decorative lighting

Development Review Staff Report



- 5) Mixed-Use development
- 6) Use Conditional Overlay Districts; Examples include:
 - a. Limit uses (e.g. storage units, gas stations, drive-thru businesses, car washes, cell towers, etc.
 - b. Limit signage types (e.g. size, illumination, placement, number, prohibition of digital)
 - c. Restrict glazing ratios to no more than 40% of exterior surface
 - d. Limit building height through bulk plan regulations (exceptions to this are discouraged)
 - e. Require parking lots be located behind buildings where feasible
 - f. Require tree canopy preservation
 - g. Limit excessive grading or rock blasting
 - h. Restrictions on retaining walls (limit height and require minimum distance between tiers)
- 7) Increase landscaping requirements. Encourage canopy trees and high-quality plantings in landscaping.

D. General Recommendations (2/2)

2 out of 2 recommendations were addressed.

- 1) Proactively communicate with area stakeholders and the City.
- 2) Emphasize the history of the area/site through artwork, signage, place-naming, and historic designations and preservation.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

2955 & 2957 E ALLEN PLACE

1. Request change to zoning from: RSF to RMD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: April 14, 2022 4:00 pm to 6:30 pm
3. Meeting Location: 3900 S. Lone Pine Township 28 Clubhouse
4. Number of invitations that were sent: 21 City staff to confirm mailing
5. How the mailing list was generated: City Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 15
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:

No written comment cards received at time of Neighborhood meeting. Additional cards were made available during the meeting. None returned to date.

I, HARLAN HILL (print name), attest that the neighborhood meeting was held on 4/14/2022 (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

HARLAN HILL
Printed name of person completing affidavit

Combined Neighborhood Meeting

April 14, 2022

Z-10-2022 COD #212

2955 and 2957 E Allen Place
Springfield, Missouri 65804

Conditional Use Permit 464

2960 E Allen Place
Springfield, Missouri 65804

Please Sign-In

Name

Address

Jay Bartell

Joyce Tolliver

~~Ramona Ellis~~

Wendy Huscher

Melanie Bach

SCOTT GUSTAVSON

Randy Black

Bryan Circe Jones

Leon Boles

Chuck + Helen Hernandez

Jaqueline Thummal

Sue Sisco

Dyane Johnson

Dayna Aust

Gregory Harrison

C Brandon Stine

KY3

3231 E. Manitowish

2149 E. Macs. Ct.

3417 S. Lone Pine

3734 S. Elmview

2640 E. REPUBLIC RD.

2717 E Galloway

3131 E Cardinal Ct

3119 E Cardinal CT. 65804

3545 S. Barbett Ave

2907 E. Clark

3635 S. Oak

3766 S. Bradley

3429 S. Elmview Ave

3900 S. Lone Pine #102

3510 S. Horseshoe Ave

Adjourned 6:32

Neighborhood Meeting Record: Rezoning and CUP Combined

Regarding Properties at 2955, 2957 and 2960 E. Allen Place, Springfield MO

April 14, 2022

4:00 PM

Hosted at Township 28. Clubhouse, 3900 S. Lone Pine, Springfield, MO

Meeting Notes:

Harlan Hill, Managing Corporate Architect and Owner's Representative introduced himself and welcomed the citizens to the meeting. Mr. Hill gave an overview of the two projects and stated that he is requesting to rezone the property at 2955 and 2957 E. Allen Place, currently zoned as R-SF (Residential-Single) to R-MD (Residential-Medium Density) to build two multifamily buildings to expand the existing Township 28 development. In addition, Mr. Hill stated that Ownership is seeking to build a 3-story interior climate-controlled storage facility on the lot at 2960 E. Allen Place, currently zoned as GR (General Retail).

Q: Are two projects opposite each other?

A: No, the driveways are not aligned, and the storage building is sited a little further east from the apartment buildings.

Q: How far is the apartment building from the east property line?

A: The apartment building is setback as required by the City Ordinance to allow for a bufferyard between R-MD and R-SF zoning districts.

Q: Will Lone Pine be widened and how will the new development handle runoff?

A: No. Both developments will drain to the existing stormwater drainage system. Existing capacity will be verified by Civil Engineer and improved as required to meet City Standards as necessary to carry any additional increase in stormwater runoff.

Q: Are the apartments to be used as transitional homes?

A: No, the apartments will not be used as transitional homes. They are high-end apartments and will be like the existing Township 28 development.

Q: What is the height of the storage building and how many units are in the building?

A: The Storage building is 3-story high and contains 200 units of various sizes. All storage will be inside in a climate-controlled environment. Building will comply with height and bulk plane requirements set forth by the Zoning Ordinance.

Q: Are the lots for the two projects designated as blighted?

A: Yes, the two lots are in the Galloway Redevelopment area and are designated as blighted.

Q: Who will use the storage building?

A: The storage building will be available to the residents of Township 28 and the public in the surrounding area.

Q: Will Allen Place be widened?

A: Yes, The City Department of Public Works is requiring additional Right of Way and improvements to Allen Place.

Q: Would it be possible to make the exterior of the storage facility look like the existing Township 28 apartments and blend with surrounding architecture?

A: That is a possibility that will be taken into consideration and presented to ownership.

Q: What is the number of added apartments in the new development?

A: A total of 30 apartments will be added in compliance with the Multi-family Matrix results conducted by City staff.

Q: Are there plans for additional development phases?

A: No. Adjacent properties are not under the developer's ownership. The two lots and proposed developments are the final phase to the existing development.

Q: What are the plans for Barton Street?

A: We are unaware of plans for improvement of Barton Street. That question will have to be addressed by City staff.

Q: How was the need for storage determined?

A: A formal market study was not conducted. Residents have expressed a need for additional storage, and it has been observed that self-service storage facilities are not conveniently located near Township 28 and adjacent multi-family developments.

Q: Will there be installation of security cameras?

A: Yes. Exterior and interior cameras will be installed. Controlled access system will be installed allowing only authorized personnel and lease holders to enter the building. Installation of a perimeter fence with a drive access-controlled gate is being considered.

Q: What is the current zoning of the lots?

A: 2955 and 2957 E. Allen Place is zoned Residential Single Family (RSF). An application has been submitted to the City requesting to rezone these lots to Residential Medium Density (RMD) to match zoning of existing Township 28. The Allen Place Storage development at 2960 E. Allen Place is zoned General Retail (GR). A Conditional Use Permit is required for self-service storage facilities.

Q: Are proposed development properties designated as blighted and eligible for tax abatement?

A: Yes.

Sparlin, Michael

From: Galloway Village <gallowayvillage@gmail.com>
Sent: Sunday, June 5, 2022 5:49 PM
To: Zoning@springfieldmo.gov
Subject: Upcoming Planning and Zoning Item - Allen Place

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

Can you please pass this feedback on to the Planning and Zoning Commission to be entered into the record for the June 16th hearing? I'm not sure of the agenda item number since the agenda isn't out yet, but I wanted to go ahead and get it to you guys... Some neighbors may have submitted comment cards but this feedback is based on what we heard from neighbors at our last quarterly meeting.

Dear Planning and Zoning Commission:

The Galloway Village Neighborhood Association is writing to express our approval of the planned expansion of Township 28 Apartments, the proposed storage facility on Allen Place, and the vacation of the right of way on East Allen Place in preparation for future expansion by the City.

We had several neighbors attend the required neighborhood meeting April 14th, and all were impressed with Harlan Hill's genuine desire to receive our feedback. In fact, Mr. Hill then generously offered to attend our quarterly neighborhood meeting the next Tuesday in order to answer questions and obtain feedback from even more neighbors. At that meeting, some neighbors expressed concern over the size of the then three-story proposed storage facility, while others requested that the aesthetic themes of the Township 28 Apartments be extended to the proposed storage facility. Neighbors also expressed the desire to keep the future major thoroughfare at Allen Place, rather than moving it to Barton Road.

Our input was truly heard, as it is our understanding that the height of the proposed storage facility has been reduced to a 1-2 story split level structure, and we have been assured that the aesthetic theme of Township 28 Apartments will be followed in the new storage facility. It is our hope that the most recent meeting involving the vacation of Allen Place right of way for future extension indicates the City's willingness to keep the future major thoroughfare at Allen Place rather than moving it to Barton Road.

We appreciate the spirit of concern and understanding with which Mr. Hill approached his meetings, his sincere efforts to reach a compromise with which all stakeholders could agree, and Township 28's continued efforts to bring safe, sensitive, and aesthetically consistent development to Our Galloway. The Galloway Village Neighborhood Association has been amazed at how well developers can work with neighborhoods when they are willing to engage in productive conversations and offer true compromise.

Thanks for your time and consideration.

Melanie Bach
Galloway Village Neighborhood Association President

Sparlin, Michael

From: Galloway Village <gallowayvillage@gmail.com>
Sent: Sunday, June 12, 2022 8:41 PM
To: Zoning@springfieldmo.gov
Subject: Additional Comments for Allen Place Matter

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

Daniel,

It was brought to our attention by a member of the GVNA after we sent our email in support of the Allen Place zoning matters set for hearing this Thursday 6/16 that storage units are specifically prohibited by the Our Galloway guidelines. We are disappointed this plan was even recommended for approval by the Planning Department without having been checked for compliance with the guidelines. We had assumed that the City would be responsible for checking compliance rather than relying on the neighborhood to ensure the guidelines are enforced. This oversight will undoubtedly cause Harlan Hill considerable time, expense, and frustration. We had such a positive experience in our interactions with Harlan, and wanted to be able to support a plan we had all compromised to achieve, but we cannot support a plan that violates the Our Galloway guidelines. We still support the expansion of Township 28 for the two new apartment buildings and the vacation of Allen Place, but we withdraw our support of the storage facility due to it not being consistent with the Our Galloway guidelines. In the future, we expect the Planning Department to ensure any plan complies with the Our Galloway guidelines before reaching the stage of the neighborhood meeting.

Please attach this communication with our previous email to the record for this agenda item.

Melanie Bach

GVNA President



DOCUMENT BEARING THIS SEAL ARE AUTHENTICATED BY THE ARCHITECT AND DISCLAIMED

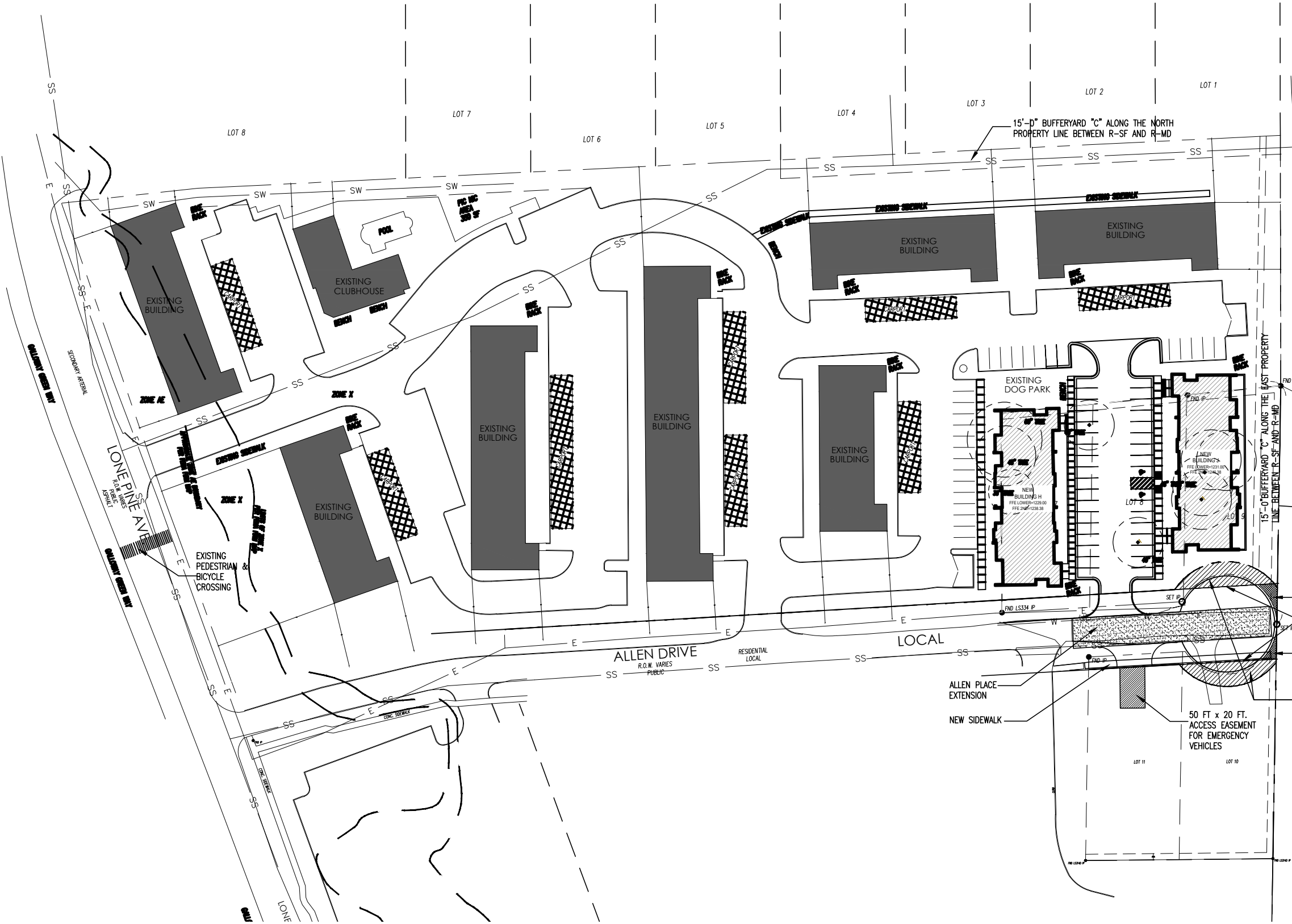
Architect Seal/Stamp Logo Text

STRUCTURAL ENGINEER:
COMPANY NAME
CERTIFICATE OF AUTHORITY
STREET ADDRESS
CITY, COUNTY, STATE
Phone:
Fax:
MECHANICAL ENGINEER:
COMPANY NAME
CERTIFICATE OF AUTHORITY
STREET ADDRESS
CITY, COUNTY, STATE
Phone:
Fax:
ELECTRICAL ENGINEER:
COMPANY NAME
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TOWNSHIP 28 EXPANSION
2955 & 2957 E. ALLEN PLACE
3900 S. LONE PINE
SPRINGFIELD, MISSOURI

SITE PLAN

C1.1



- LEGEND:
- A: 9 TREES TO BE REMOVED AS INDICATED ON THE SITE PLAN.
 - B: 7-TREES WILL BE PLANTED AND DISTRIBUTED THROUGHOUT THE DEVELOPMENT IN THE FINAL LANDSCAPING PLAN THAT WILL BE SUBMITTED TO THE CITY.
 - C: TOTAL PROPERTY AREA: = (EXISTING + NEW) ACREAGE = (6.78 + .87)= 7.65 ACRES OR 333,234 SQ. FEET.
 - D: TOTAL IMPERVIOUS AREA PROVIDED: = 216,602
 - E: SQ. FT. OR 65% OF TOTAL AREA.
 - F: PERVIOUS AREA PROVIDED = 116,632 SQ. FT. OR 35% OF TOTAL USABLE AREA. REQUIRED OPEN SPACE = 20% USABLE RECREATIONAL AREA = 15%

NOTE: ANY ADDITIONAL RIGHT-OF-WAY TO BE DEDICATED SHALL BE CONFIRMED BY LEGAL SURVEY.

- AREA OF ADDITIONAL DEDICATED R.O.W.
- LINE OF RIGHT-OF-WAY ADJUSTMENT
- AREA OF ADDITIONAL DEDICATED R.O.W.
- RIGHT-OF-WAY VACATED

THE AREA OF CONCENTRATION





2 EAST ELEVATION

SCALE 1/8" = 1'-0"



1 WEST ELEVATION

SCALE 1/8" = 1'-0"

KEYNOTE LEGEND

Key Value Keynote Text



637 COLLEGE STREET
SPRINGFIELD, MD 20806
PH: 417.885.0002
www.paragonarchitecture.com

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MECHANICAL ENGINEER

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PLUMBING ENGINEER

JAM ENGINEERING
2005 S. W. 10TH AVE.
SPRINGFIELD, MD 20807
(410) 885-0002

MECHANICAL ENGINEER

CAL ENGINEERING
1000 S. W. 10TH AVE.
SPRINGFIELD, MD 20807
(410) 885-0002

CIVIL ENGINEER

ANDERSON ENGINEERING
1013 S. W. 10TH AVE.
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ELECTRICAL ENGINEER

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2005 S. W. 10TH AVE.
SPRINGFIELD, MD 20807
(410) 885-0002

PROJECT DESCRIPTION
TOWNSHIP 28 EXPANSION
3900 S. LONE PINE AVE. SPRINGFIELD, MD 20804

PROJECT ARCHITECT: JAM

DRAWN BY: LALTKAS

CHECKED BY: PY

PROJECT NUMBER:
22-699

DATE:
03/31/2022

EXTERIOR
ELEVATIONS

SHEET NUMBER:

A3-0

One-rdg. _____
P. Hrngs. X
Pgs. 45
Filed: 07-05-22

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 169

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 1 acre of property generally located at 404, 420, and 424 East
4 Sunshine Street from R-SF, Single-Family Residential District, to
5 LB, Limited Business District, with Conditional Overlay District No.
6 207; establishing Conditional Overlay District No. 207; and adopting
7 an updated Official Zoning Map. (Planning and Zoning Commission
8 recommends denial and staff recommends approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 404, 420, and 424 East Sunshine Street from R-SF, Single-Family
13 Residential District, to LB, Limited Business District, with Conditional Overlay District
14 No. 207; and
15

16 WHEREAS, Conditional Overlay District No. 207 shall modify the requirements of
17 the Springfield Land Development Code Section 36-420, LB, Limited Business District,
18 by requiring that the property described in "Exhibit B" comply with the requirements
19 described in "Exhibit A;" and
20

21 WHEREAS, following proper notice, a public hearing was held before the
22 Planning and Zoning Commission on June 16, 2022, a copy of the Record of
23 Proceedings from said public hearing being attached hereto and incorporated herein by
24 this reference as "Exhibit C," and said Commission made its recommendation; and
25

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

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

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

34 SPRINGFIELD, MISSOURI, as follows, that:

35
36 Section 1 – The property described in "Exhibit B," which is attached hereto and
37 incorporated herein by this reference, is hereby rezoned from R-SF, Single-Family
38 Residential District, to LB, Limited Business District, with Conditional Overlay District
39 No. 207. Springfield Land Development Code, Section 36-306, 'Official zoning map and
40 rules for interpretation,' is hereby amended, changed, and modified consistent with this
41 Ordinance.

42
43 Section 2 – City Council hereby establishes Conditional Overlay District No. 207
44 which shall contain the requirements and standards provided in "Exhibit A," which is
45 attached hereto and incorporated herein by this reference as though set forth herein.
46 The requirements of Conditional Overlay District No. 207 shall modify the requirements
47 of the Springfield Land Development Code Section 36-420, LB, Limited Business
48 District, by requiring the property described on "Exhibit B" comply with the requirements
49 contained in "Exhibit A."

50
51 Section 3 – City Council hereby directs the City Manager, or designee, to update
52 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
53 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
54 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
55 rules of interpretation.'

56
57 Section 4 – The Official Zoning Map herein adopted shall be maintained and
58 archived in the same digital form in which this Council has approved its adoption.

59
60 Section 5 – This Ordinance shall be in full force and effect from and after
61 passage.

62
63 Passed at meeting: _____

64
65 _____
66 Mayor
67

68 Attest: _____, City Clerk
69

70 Filed as Ordinance: _____
71

72
73 Approved as to form: Jill Bennis, Assistant City Attorney
74

75
76 Approved for Council action: Jason A. Hays City Manager

EXPLANATION TO COUNCIL BILL 2022 - 169

FILED: 07-05-22

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 1 acre of property generally located at 404, 420 and 424 East Sunshine Street from R-SF, Single-Family Residential District to LB, Limited Business District and establishing new Conditional Overlay District No. 207. (Planning and Zoning Commission recommends denial and staff recommends approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-1-2022/ CONDITIONAL OVERLAY DISTRICT NO. 207

Planning and Zoning Commission unanimously recommended denial of this case at their meeting on March 10, 2022. This case was referred back to Planning and Zoning Commission by City Council on April 4th. The difference between the last application is that the applicant is proposing to add 7 additional understory trees and 7 evergreens to the bufferyard area between the proposed development and the single-family residential properties to the south.

The applicant is proposing to rezone approximately 1 acre of properties generally located at 404, 420 and 424 E. Sunshine Street from R-SF, Single-Family Residential District to LB, Limited Business District and establishing a new Conditional Overlay District No. 207. The applicant is proposing to construct a drive-thru coffee shop. This application is being processed concurrently with Conditional Use Permit No. 461 to allow an eating and drinking establishment with drive-thru windows.

The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. This district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. This district should be located along or at the intersections of collector or higher classification streets.

The proposed Conditional Overlay District ("Attachment 2") will prohibit access to Sunshine Street from any lots except for the existing driveway at 420 E. Sunshine

Street, which can remain as long as the residential structure is existing and being utilized residentially. It will also restrict access to Jefferson and Roanoke Avenues to the most southern portion of the property that are not located in the required bufferyard. It will require cross-access easements between Jefferson and Roanoke to provide safer access to Sunshine Street, rather than providing direct access to Sunshine Street. It will require an administrative lot combination of the vacant lots and 420 & 424 E. Sunshine Street once the residences have been demolished. It will require full bufferyards for adjacent R-SF properties as opposed to allowing the shallow lot exemptions that would allow a reduction in bufferyard width and landscaping. Lastly, it will require bufferyard/landscaping to be established once the existing residential structures on Lots 6 & 7 at 420 & 424 E. Sunshine St. have been demolished. Additional landscaping will be required in the bufferyards to mitigate potentially negative impacts to adjacent properties.

A Traffic Impact Study was not required as the change in zoning does not generate an additional 100 trips in the a.m. or p.m. peak or 500 trips in a 24-hour period.

REMARKS:

The Planning and Zoning Commission held a public hearing on June 16, 2022, and recommended to deny, by a vote of 6 to 2.

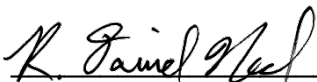
The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. Planning and Zoning Commission unanimously recommended denial of this case at their meeting on March 10, 2022. This case was referred back to Planning and Zoning Commission by City Council on April 4th.
2. The applicant is proposing to add 7 additional understory trees and 7 evergreens to the bufferyard area between the proposed development and the single-family residential properties to the south.
3. The *Growth Management and Land Use Plan* designate this area as appropriate for Low Density Housing uses; however, as an optional element, small neighborhood-oriented retail or service businesses carefully located and screened at certain locations.
4. The *Growth Management and Land Use Plan* recommends limiting auto-oriented commercial districts to major arterial streets when the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-oriented land uses can be compatibly concentrated. The properties are located at a major intersection of collector and arterial roadways. Non-residential uses exist at all other corners of this major intersection.

5. The *Growth Management and Land Use Plan* encourages the future location of neighborhood level shopping areas near intersections of arterials and collector streets. Site commercial areas where they serve only the adjacent neighborhood. Site smaller commercial areas where they have safe pedestrian access.
6. The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas.
7. The Conditional Overlay District ("Attachment 2") will prohibit access to Sunshine, require cross-access between Jefferson and Roanoke, an administrative lot combination of properties and require full bufferyards for adjacent R-SF properties. Additional landscaping will be required in the bufferyards to mitigate potentially negative impacts to adjacent properties.
8. The subject property has existing City Utilities and must provide public sewer to serve the property prior to development.
9. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.
10. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.
11. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
12. The proposed zoning will not deny the property owner of any reasonable viable economic use.

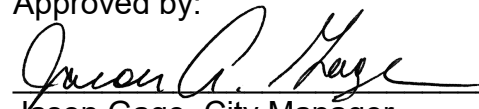
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Susan Istenes, AICP
Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Conditional Overlay District Provisions

Exhibit B, Legal Description

Exhibit C, Record of Proceedings

Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Conditional Overlay District Provisions

Attachment 3: Neighborhood Meeting Summary

Attachment 4: Neighborhood Correspondence

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-1-2022 & CONDITIONAL OVERLAY DISTRICT NO. 207

The requirements of Section 36-420., Limited business district of the Land Development Codes shall be modified as set forth herein for development within this district to include the following:

1. No access is allowed to Sunshine Street from any lots except for the existing residential driveway on Lot 7 of Noble Heights Subdivision Unit #1 (420 E. Sunshine St.) which shall be closed, at the owner's expense, once the existing residence has been demolished or is no longer used residentially.
2. Access to Jefferson Avenue and Roanoke Avenue is limited to the most southern portion of the property (Lot 11 and Lot 6) that are not located in the required bufferyard.
3. Provisions for a cross access easements shall be provided through all Lots 6-11 of Noble Heights Subdivision Unit #1 between Jefferson and Roanoke Avenues.
4. A Type D Bufferyard is required adjacent to R-SF properties to the south. An additional two understory and two evergreen trees per 100 lineal feet are required between the R-SF property to the south. The required bufferyard/landscaping on Lots 6 & 7 shall be established once the existing residential structures at 420 & 424 E. Sunshine St. have been demolished. The bufferyard exemption for narrow or shallow properties per Section 36-482 shall not be applied to any development of these properties.
5. An administrative lot combination of Lots 8, 9, 10 and 11 of Noble Heights Subdivision is required at the time of development. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is also required at the time of development.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-1-2022 & CONDITIONAL OVERLAY DISTRICT NO. 207

Lots 6 through 11 of Unit #1, Noble Heights Subdivision, Springfield, Greene County, Missouri except new street right-of-way.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – June 16, 2022

Z-1-2022 w/COD #207

404, 420 & 424 East Sunshine Street

Applicant: Reding Management LLC & Redec, LLC

Mr. Hosmer stated that this is a request to rezone approximately 1 acre of property located at 404, 420 and 424 East Sunshine Street from R-SF, Single-Family Residential District to LB, Limited Business District and establishing a new Conditional Overlay District No. 207. On March 10, 2022, Planning and Zoning Commission unanimously 8-0 recommended denial of this case. On April 4, 2022, City Council referred this case back to Planning and Zoning Commission. The applicant is proposing to add 7 additional understory trees and 7 evergreens to the bufferyard. The Growth Management and Land Use Plan designate this area as appropriate for Low Density Housing uses. However, as an optional element, small neighborhood-oriented retail or service businesses carefully located and screened at certain intersection. The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. The Transportation Plan classifies Sunshine as a Secondary Arterial, Jefferson as a Collector and Roanoke as a Local roadway. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, sinkhole or stream buffer area. Stormwater detention is required. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity.

The Conditional Overlay District will:

- Not allow access to Sunshine (except for existing home), limit access to the southern portions of Jefferson and Roanoke, and require cross access.
- A Type D bufferyard is required adjacent to R-SF properties to the south. An additional two understory and two evergreen trees per 100 lineal feet are required between the R-SF property to the south. Not allow the narrow lot exemption for reduced landscaping, require landscaping lots 6-7 if homes are demolished.
- Require a lot combination for lots 6-7 at time of development.
-

Staff recommends approval.

Mr. Colony questioned the cross access to Roanoke.

Mr. Hosmer said that there will be no cross access to Roanoke until after the demo of the homes.

Mr. Colony reaffirmed the information for the access to Roanoke after the demo of the homes and stated that it is adequate to handle the traffic.

Mr. Zickefoose said it should be appropriate to handle the traffic.

Mr. Knuckles asked for clarification on the fence.

Mr. Hosmer said the fence will run from Jefferson to Roanoke.

Mr. Jobe noted the record from the applicant that this part of the road (Sunshine) is transitional.

Mr. Hosmer is not aware of “transitional” for classification of Sunshine and is a primarily arterial corridor and the Comprehensive Plan has it as low density.

Mr. Pauly asked about the removal of the houses and who is responsible for repair and replacement.

Mr. Hosmer said the applicant would be responsible.

Mr. Lebeck asked what the difference from the last submittal to this submittal and if it is only the addition of trees/shrubs.

Mr. Hosmer noted that it is the addition of trees and shrubs.

Mr. Doennig opened the public hearing

Mr. Dane Seiler, 5051 S National, applicant’s representative and added trees/shrubs to the buffer yard on this current submittal and noted that Springfield is transitional and that this commercial use is appropriate for the area/location. We have submitted a few letters of support of the proposed development and the lot has been vacant for many years and the developer and he also noted the traffic concerns and believes they will pull from the existing traffic flow and not pull any additional traffic.

Mr. Coltrin asked about hours of operation.

Mr. Seiler is not sure of the hours of operation.

Mr. Colony noted his objection of a business with a high traffic without any other ingress/egress onto Jefferson until they can have access to Roanoke and has concerns of the odd congestion.

Mr. Seiler stated that they have looked at other options, but not viable on the egress/ingress.

Mr. Lebeck asked about the hours of operation and noted the other hours of location same development.

Mr. Seiler said that he believes that would have the same hours as the other stores in town.

Mr. Doennig asked about the design and if a walk-in or drive-thru only and a target for number of cars coming through.

Mr. Seiler said it is drive-thru only but could walk up to the facility and order through a small window, but not sure and not sure of number of cars coming through and noted that the busiest time would be morning (peak time), however they are busy most of the day.

Ms. Bruce asked about weekend hours (11:00pm)

Mr. Seiler said that he assumes it would be.

Mr. Colony asked about the other locations and in high traffic areas and would they consider a transitional traffic plan.

Mr. Seiler is not sure.

Ms. Donna Hemann, 1039 E. University and as a neighbor and member of the University Heights concerned that they would disregard a high traffic development in a residential area and after hearing at the last meeting all of the worries. Concerns are an elementary school, and two residential neighbors are flanking the proposed development and the ingress/egress and significant noise disturbance and read out sections of ordinance numbers on noise regulations. She also noted that they only have one other non-residential use, and it is the church and ask that the members to vote no.

Ms. Annette Hollan, 1133 E. Linwood Drive and part of the University Heights neighborhood and have talked with people of Springfield Public School and they are indicated no traffic crossing guards present and they rely on the traffic stops to regulate the students and the school has approximately 350 walking students. Buses and parents only use Jefferson to turn in and out and the peak school times are 8-9am and the hours of operation for the business are 5:30am to 10:00/11:00pm.

Mr. Pauly asked about sidewalks along Roanoke.

Ms. Hollan does not know that information.

Mr. Art Peine, 4878 W. University and gave out examples of problems of traffic in the past and noted that traffic is a concern and is a bad fit for the neighborhood.

Mr. Coltrin asked about the number of kids walking on Jefferson Avenue.

Mr. Peine does not know, but maybe 10 to 15.

Ms. Lenora Wright, 1839 S. Jefferson and observes children and people walking up and down Jefferson Avenue all the time and sees the traffic backed up to Sunshine Street daily, especially during school days and noted emergency vehicles use Jefferson frequently.

Mr. Lebeck asked how long she lives at her current address.

Ms. Wright noted that she has lived there for 11 years.

Mr. Brandon Biskup, 800 E. Portland Street and spoke about the future plans for Springfield and would like to focus on the zoning issue and noted that the existing Comprehensive Plan show the church and school as justification, however this development is more suitable for low density. Looking at the option of a small neighborhood development and believes that the business model is not neighborhood oriented and clear that it developed for people passing through in their cars.

Mr. Coltrin asked if he would be in favor of a three to four story apartment.

Mr. Biskup said that is not in favor of that large type of development (3 or 4 stories).

Mr. Cody Hicks, 1817 S. Roanoke, was here last time and believes that a coffee shop should not be developed and maybe making a walking trail for children in the neighborhood, a possible small cluster development, etc., and the proposed will not work.

Ms. Bruce asked for speed limit for Roanoke and on Sunshine and possible more vegetation.

Mr. Hicks noted that it is 25mph for Roanoke, but not sure for Sunshine and said more vegetation may block the sight.

Mr. Jacob Ruder, Better Council of Business, and is in favor of the development and gave out various examples of what would be suitable for the site. Believes that the business would attract the current traffic, but not additional cars and believes it would be good for the City.

Ms. Bruce asked about the patronage of the Starbucks (Chick-fil-A) and the traffic concerns.

Mr. Ruder noted that this model would accommodate more cars due to the 3 lanes that are proposed and will get people in and out quickly and see no concerns regarding the possible noise.

Mr. Doennig asked for his residential address and location in Springfield.

Mr. Ruder gave out his future address in Springfield (not in the current neighborhood).

Ms. Jan Peterson, 1024 E. Stanford and President of University Heights and feel that they developer is talking out of both sides of his mouth. This development will be high traffic and will not fit within the site and please deny their request.

Mr. Doennig closed the public hearing.

Ms. Bruce is asking for the speed limit for Sunshine.

Mr. Zickefoose said that Sunshine is 40mph.

Mr. Knuckles asked if there is a signal Jefferson and Sunshine and what is the proposed traffic volume

Mr. Zickefoose said that there is a traffic signal but noted the amount of traffic will not generate additional traffic trips.

Mr. Knuckles asked about traffic backing up to the school (north).

Mr. Zickefoose does not know if traffic backs up at that location.

Mr. Coltrin asked about other similar business that have expanded in residential areas and believes it would be helpful that staff would give examples of the past development in the future.

Mr. Colony asked about the impact of traffic (not substantial) and asked how that statement came about and additional questions on ingress/egress and gave out examples of problems just up the street.

Mr. Zickefoose noted that the majority is existing traffic and Sunshine is considered a barrier street and do not want students crossing the barrier streets.

Mr. Colony asked if Phase II is eliminated (properties) would they be able to put a coffee shop there and currently believes that they should not put a (high volume) coffee shop in that location.

Mr. Hosmer said that they could still put a coffee shop in that location (without the houses from Phase II) and it would be a business decision.

Mr. Lebeck noted the Forward SGF and quality of place and the surrounding neighborhood is low density residential and the business is not pedestrian oriented due to serving more than just coffee and will be magnet for students across the street and for this reason I will not support this development and voiced his concern with the new Comprehensive Plan for this block (Jefferson to Sunshine) going forward.

Mr. Jobe noted the two layers, limited business and Conditional Use Permit and noted that he voted against the first submittal and expressed his concern because of the lack of evidence (consistency) with the Comprehensive Plan, however believes that there is now evidence that supports the Comprehensive Plan that Sunshine and National is a corridor with a mixed commercial/residential uses and now considers a that rezoning is appropriate and said that traffic will not be generated due to the business and will support this application.

Mr. Doennig asked about the first and second phase and any requirement for the 2nd phase to happen. Can the developer put the drive-thru only on phase I and not phase II.

Mr. Hosmer noted that they can put the coffee shop in without the 2nd phase.

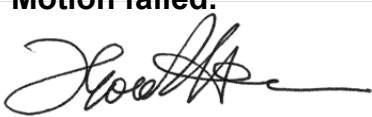
Mr. Doennig feels that he cannot support the items (Conditional Use Permit 464 and Z-1-2022) on the agenda and noted that he was told that it was not viable place to put residential (home), however believes that it still could be a residential development and noted a new home east of the project that was built the last few years. He also noted that multi-family would be an option and if the entire area (Jefferson to Roanoke) could be built to multi-family and stated that this is not a neighborhood friendly business as you would have to go through the drive-thru and not able to walk-up and the current plan does not define as a transitional corridor. He also said that it would be a complete traffic nightmare.

Mr. Coltrin noted that the traffic is not concern, but other things are a problem, i.e., noise on Sunshine and difficult case to deal with and noted the single-family driveway's that are a safety issue and would like to have more direction from staff or city council on sending it back and believes he may not support it.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Z-1-2022 w/COD #207 (404, 420 & 424 East Sunshine Street). Mr. Knuckles seconded the motion. Ayes: Knuckles and Jobe. Nays: Doennig, Coltrin, Colony, Bruce, Lebeck, and Pauly. Abstain: None. Absent: Broekhoven.

Motion failed.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

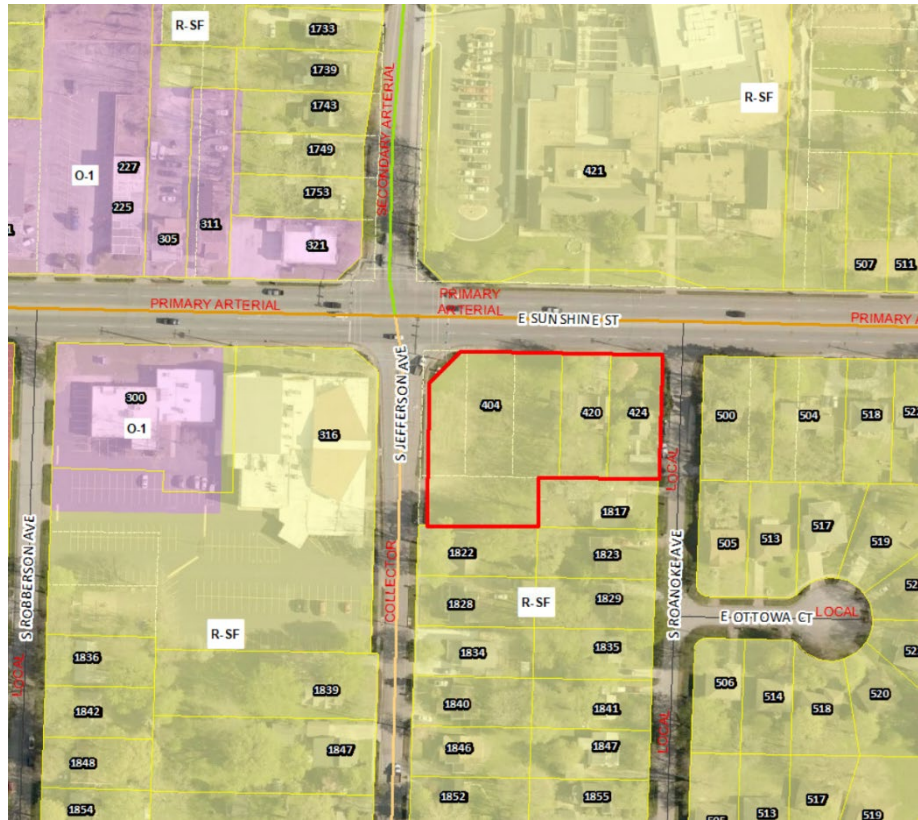


PLANNING AND ZONING COMMISSION PUBLIC HEARING:

JUNE 16, 2022

CITY COUNCIL PUBLIC HEARING:

JULY 11, 2022



CASE: Z-1-2022 w/COD #207

LOCATION: 404, 420 & 424 E. Sunshine Street

ACRES: Approximately 1 acre

EXISTING LAND USE: Undeveloped lots and single-family homes

APPLICANT: Reding Management and Redec, LLCs

STAFF: Daniel Neal, Senior Planner
417-864-1036

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION: Move to recommend approval 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 1 acre of properties from R-SF, Single-Family Residential District to LB, Limited Business District and establishing a new Conditional Overlay District No. 207.

FINDINGS FOR STAFF RECOMMENDATION:

1. Planning and Zoning Commission unanimously recommended denial of this case at their meeting on March 10, 2022. This case was referred back to Planning and Zoning Commission by City Council on April 4th.
2. The applicant is proposing to add 7 additional understory trees and 7 evergreens to the bufferyard area between the proposed development and the single-family residential properties to the south.
3. The *Growth Management and Land Use Plan* designate this area as appropriate for Low Density Housing uses; however, as an optional element, small neighborhood-oriented retail or service businesses carefully located and screened at certain locations.
4. The *Growth Management and Land Use Plan* recommends limiting auto-oriented commercial districts to major arterial streets when the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-oriented land uses can be compatibly concentrated. The properties are located at a major intersection of collector and arterial roadways. Non-residential uses exist at all other corners of this major intersection.
5. The *Growth Management and Land Use Plan* encourages the future location of neighborhood level shopping areas near intersections of arterials and collector streets. Site commercial areas where they serve only the adjacent neighborhood. Site smaller commercial areas where they have safe pedestrian access.

Development Review Staff Report



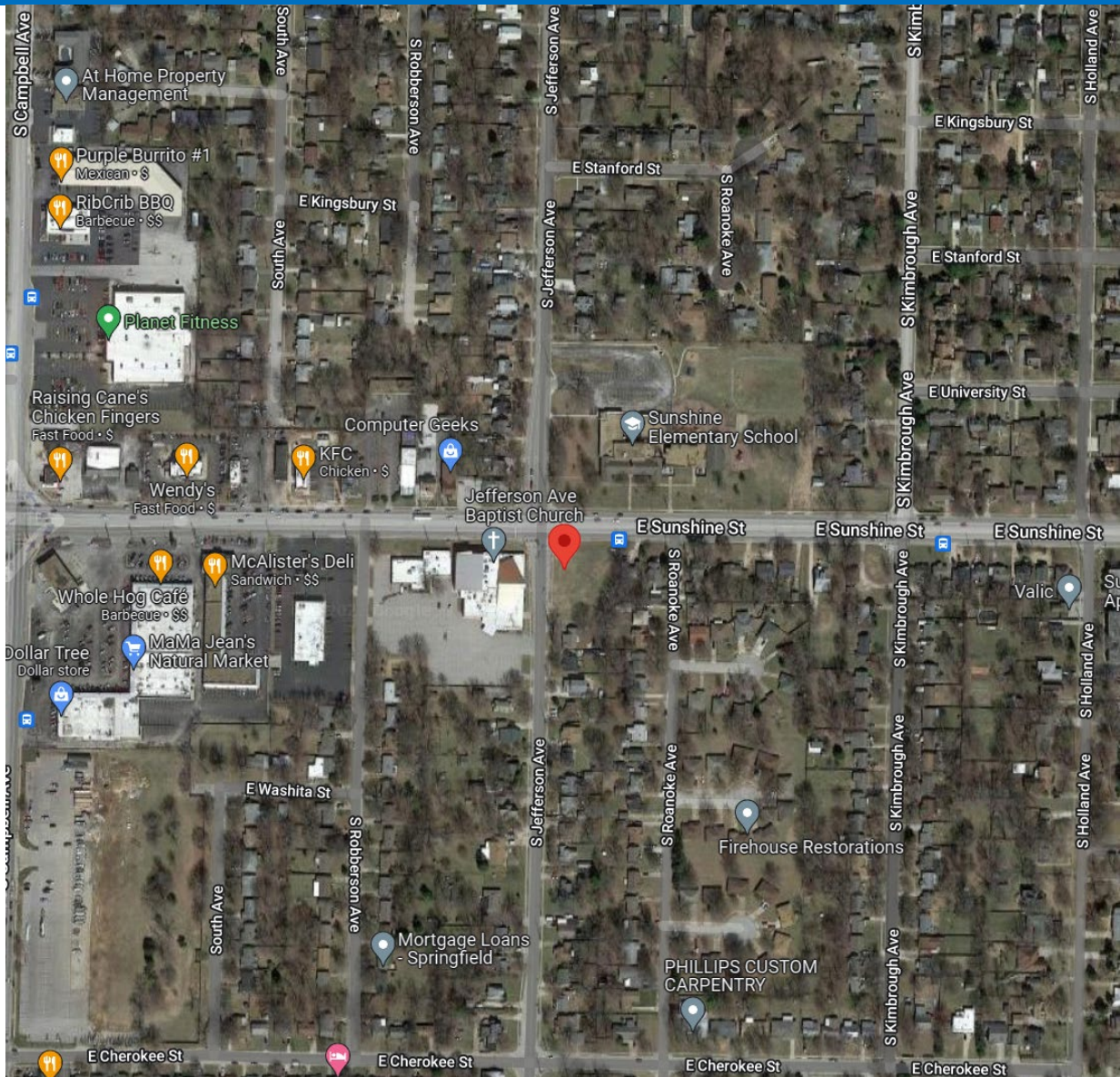
6. The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas.
7. The Conditional Overlay District (Attachment 2) will prohibit access to Sunshine, require cross-access between Jefferson and Roanoke, an administrative lot combination of properties and require full bufferyards for adjacent R-SF properties. Additional landscaping will be required in the bufferyards to mitigate potentially negative impacts to adjacent properties.
8. The subject property has existing City Utilities and must provide public sewer to serve the property prior to development.
9. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic or impact traffic safety in the vicinity.
10. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.
11. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
12. The proposed zoning will not deny the property owner of any reasonable viable economic use.

SURROUNDING ZONING AND LAND USES:

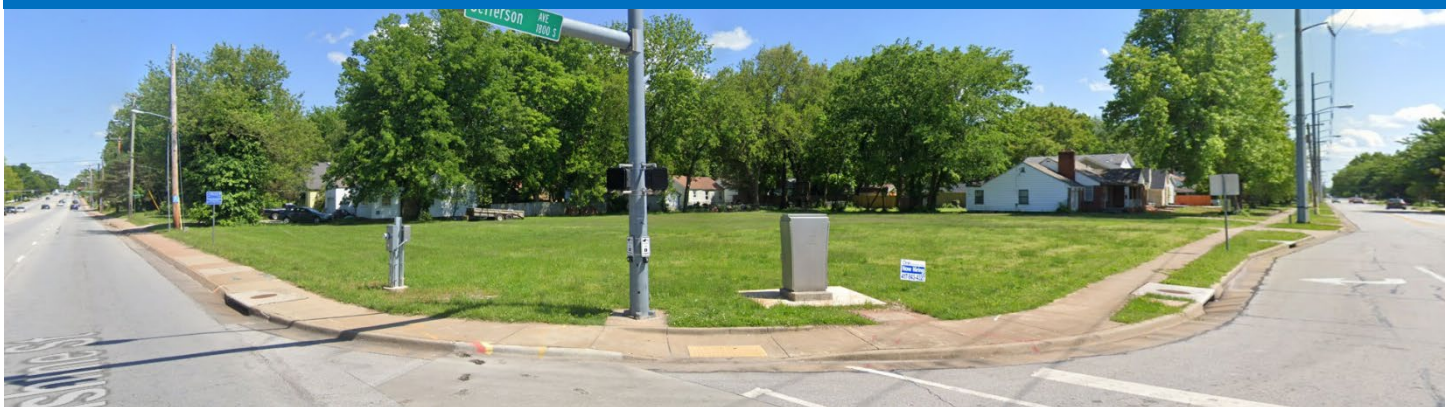
	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Elementary school	Single-family residential uses	Single-family residential uses	Church

Development Review Staff Report

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

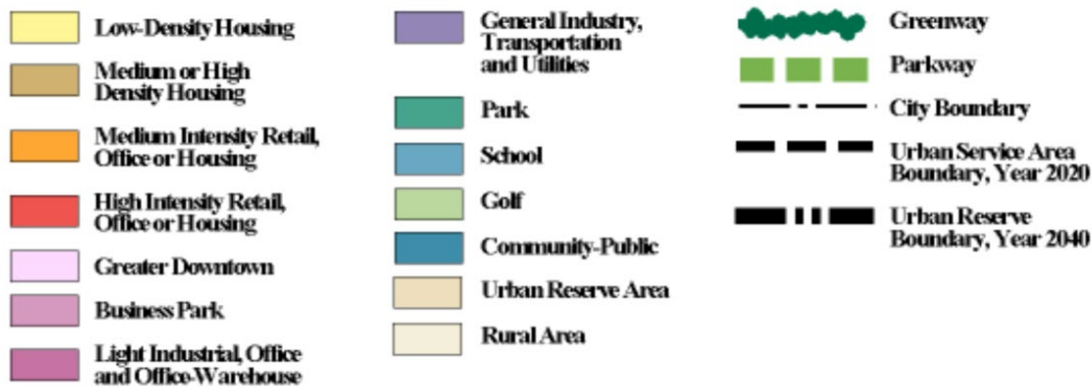
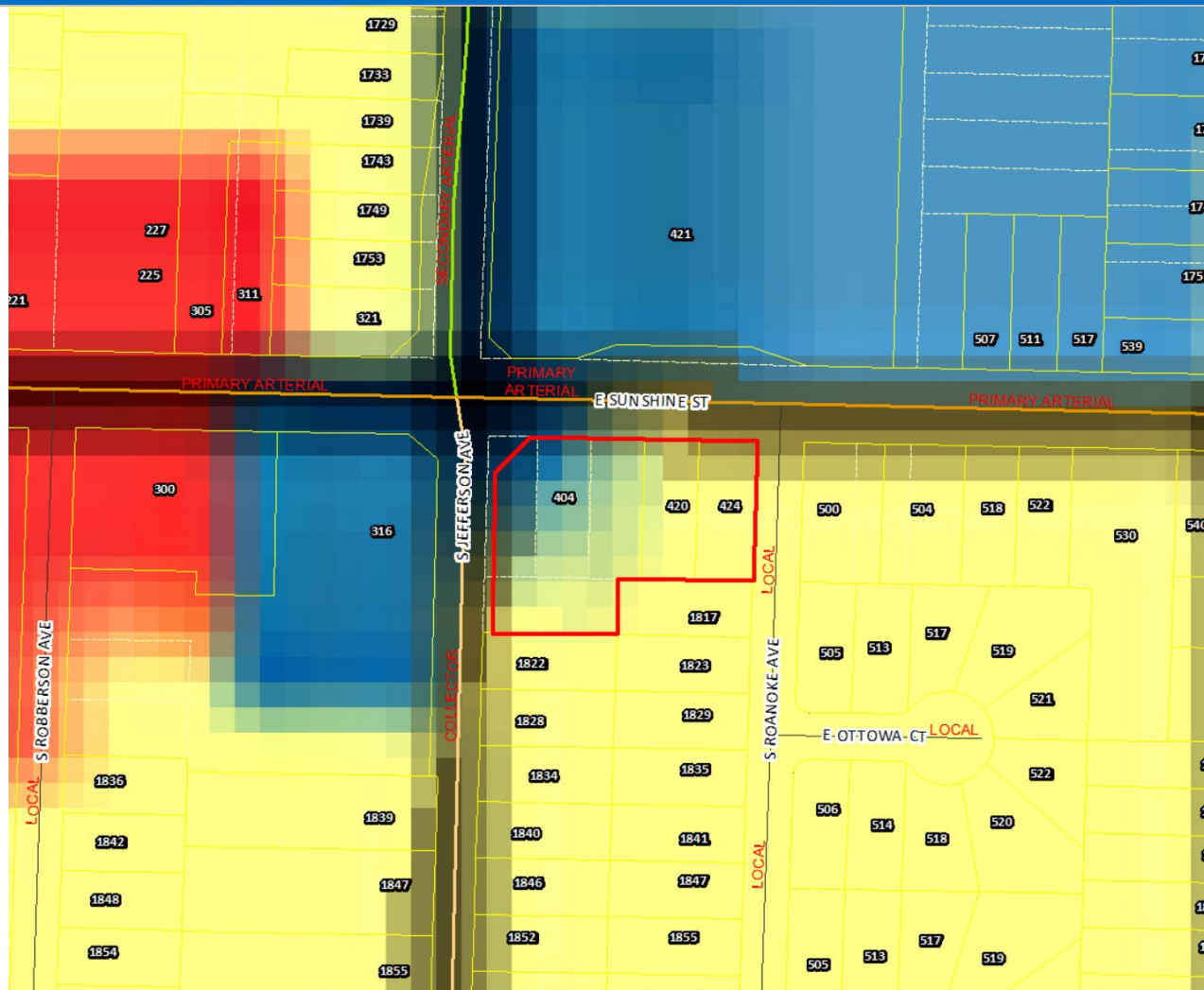


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The property was annexed in 1926 and has been zoned R-SF, Single-Family Residential District since the Citywide remapping in 1995. Planning and Zoning Commission unanimously recommended denial of the proposed rezoning from R-SF to LB at their meeting on March 10, 2022. This case was referred back to Planning and Zoning Commission by City Council on April 4th

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-367. – Amendments

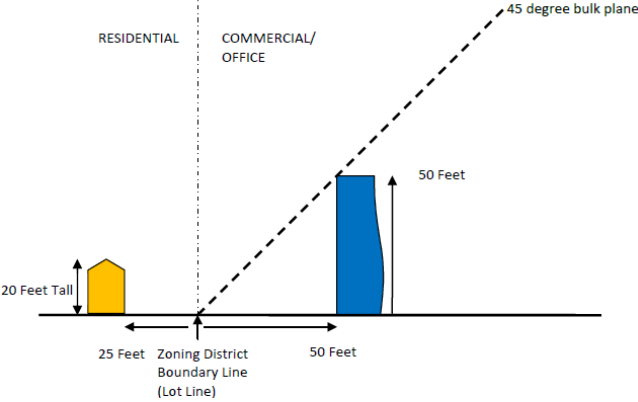
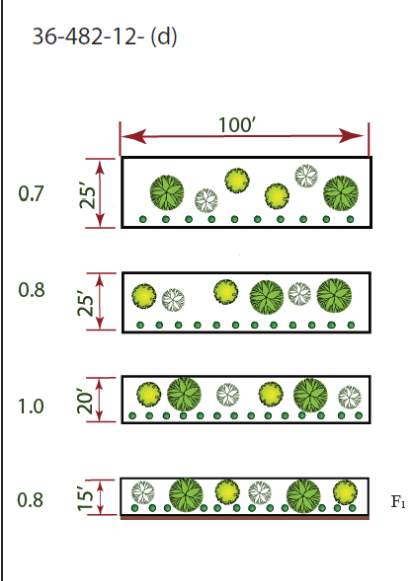
(7) Findings by the commission.

- (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.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR LB
Use Limitations	(a) All activities and permitted uses except off-street parking and loading facilities, drive-thru facilities, and day care activities shall be conducted entirely within a completely enclosed building. (b) No individual retail store, personal service establishment or other permitted use shall have a gross floor area greater than 5,000 square feet.
Maximum Structure Height	1. Principal building: 25 feet. 2. Except that all structures shall remain below 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Front Yard Setback	25 feet along a street classified as a collector or higher or 15 feet along a street classified as a local street
Side and Rear Setbacks	<i>Side yard:</i> None, except as required by Section 36-453, supplemental open space and yard regulations. <i>Rear yards:</i> Twenty percent of the lot depth or ten feet whichever is greater. No more than 25 feet shall be required.
Open Space Requirement	20%
Design Requirements	Standard per code

Development Review Staff Report

BULK PLANE	LANDSCAPING
30-degree bulk plane is required from the boundaries of a R-SF zoning district 	Bufferyard Type D when adjacent to R-SF 

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designate this area as appropriate for Low Density Housing uses; however, as an optional element, small neighborhood-oriented retail or service businesses carefully located and screened at certain locations.

The *Growth Management and Land Use Plan* recommends limiting auto-oriented commercial districts to major arterial streets when the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-oriented land uses can be compatibly concentrated. The properties are located at a major intersection of collector and arterial roadways. Non-residential uses exist at all other corners of this major intersection.

The *Growth Management and Land Use Plan* encourages the future location of neighborhood level shopping areas near intersections of arterials and collector streets. Site commercial areas where they serve only the adjacent neighborhood. Site smaller commercial areas where they have safe pedestrian access.

The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial, Jefferson Avenue north of Sunshine Street as a secondary arterial and south of Sunshine as a collector roadway. Roanoke Avenue is classified as a local roadway. These properties are located at the corner of a major intersection.

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

The *Community Physical Image and Character Plan* element of the *Comprehensive Plan* developed goals to improve the visual appearance of the urban area and the *Growth Management and Land Use Plan* element encourages the protection of residential neighborhoods from adverse impacts of proposed development and inappropriate land use changes. New development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space.

Development Review Staff Report



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

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 1 acre of properties generally located at 404, 420 and 424 E. Sunshine Street from R-SF, Single-Family Residential District to LB, Limited Business District and establishing a new Conditional Overlay District No. 207. The applicant is proposing to construct a drive-thru coffee shop. This application is being processed concurrently with Conditional Use Permit No. 461 to allow an eating and drinking establishment with drive-thru windows.
2. The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. This district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. This district should be located along or at the intersections of collector or higher classification streets
3. Non-residential uses exist at all other corners of this major intersection. There is an existing elementary school at the northeast corner, church building at the southwest corner and office building at the northwest corner of the intersection of Sunshine Street and Jefferson Avenue.
4. The proposed Conditional Overlay District (Attachment 2) will prohibit access to Sunshine Street from any lots except for the existing driveway at 420 E. Sunshine Street, which can remain as long as the residential structure is existing and being utilized residentially. It will also restrict access to Jefferson and Roanoke Avenues to the most southern portion of the property that are not located in the required bufferyard. It will require cross-access easements between Jefferson and Roanoke to provide safer access to Sunshine Street, rather than providing direct access to Sunshine Street. It will require an administrative lot combination of the vacant lots and 420 & 424 E. Sunshine Street once the residences have been demolished. It will require full bufferyards for adjacent R-SF properties as opposed to allowing the shallow lot exemptions that would allow a reduction in bufferyard width and landscaping. Lastly, it will require bufferyard/landscaping to be established once the existing residential structures on Lots 6 & 7 at 420 & 424 E. Sunshine St. have been demolished. Additional landscaping will be required in the bufferyards to mitigate potentially negative impacts to adjacent properties.
5. The development of the property will require a bufferyard along the south property line adjacent to the R-SF, Single-Family Residential zoning district. The normal bufferyard required between LB and R-SF would be a Bufferyard "Type D" at least fifteen (15) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be two (2) canopy trees, two (2) understory trees, two (2) evergreen tree and fourteen (14) shrubs. A six-foot-tall solid wood fence is also required as part of this bufferyard.
6. The maximum structure height for the principal building is 25 feet and all structures shall remain below a 30 degree bulk plane as measured from the boundary of any R-SF or R-TH district.
7. A Traffic Impact Study was not required as the change in zoning does not generate an additional 100 trips in the a.m. or p.m. peak or 500 trips in a 24-hour period.

Development Review Staff Report



8. There is currently no sidewalk along the property frontage of S. Roanoke Avenue. The developer will be required to install sidewalk in accordance with the City of Springfield Public Works Design Guide at the time of development.
9. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on February 14, 2022, regarding the rezoning request. A summary of the meeting is attached (Attachment 3).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:	Mailed: 18	Returned: 0
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Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the rezoning. Lot has access to public sewer.

FIRE DEPARTMENT:

No comments.

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, S. Jefferson Avenue as a Collector roadway and S. Roanoke Avenue as a Local-Residential roadway. The standard right-of-way width for E. Sunshine Street is 50-feet from the centerline, 30-feet from the centerline for S. Jefferson Avenue and 25-feet from the centerline for S. Roanoke Avenue. It appears an additional 10-feet of right-of-way is needed along E. Sunshine Avenue. It appears no additional right of way is needed along S. Jefferson Avenue or S. Roanoke Avenue. A 30-foot X 30-foot right of way site triangle is also needed at the intersection of E. Sunshine Avenue and S. Roanoke Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. E. Sunshine Avenue, S. Jefferson Avenue and S. Roanoke Avenue are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic counts for E. Sunshine Avenue is 35,500 vehicles per day and for S. Jefferson Avenue is 4,995 vehicles per day. There are no traffic counts for S. Roanoke Avenue since it is classified as a Local roadway. On-street parking is not allowed along E. Sunshine Avenue or S. Jefferson Avenue. On-street parking is allowed on S. Roanoke Avenue.

DRIVEWAY ACCESS

There is one driveway access point onto the property from E. Sunshine Street, one from S. Jefferson Avenue and one from S. Roanoke Avenue. No access will be allowed to the property from E. Sunshine Street and one access point will be allowed from S. Jefferson Avenue as far south from the intersection of E. Sunshine Street as possible. One access point will be allowed from S. Roanoke Street and must be a minimum of 100 feet from E. Sunshine Street to meet current City of Springfield spacing standards set forth in the City of Springfield Public Works Design Guide.

SIDEWALK

Development Review Staff Report



There is existing sidewalk along the property frontage of E. Sunshine Street and S. Jefferson Avenue. There is currently no sidewalk along the property frontage of S. Roanoke Avenue. The developer will be required to install sidewalk in accordance with the City of Springfield Public Works Design Guide at the time of development.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There is one bus stops along E. Sunshine Street along the property frontage 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

A Traffic Impact Study was not required as the change in zoning does not generate an additional 100 trips in the am or pm peak or 500 trips in a 24-hour period.

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	E. Sunshine St	Primary Arterial	No	40	50
Street 2	S. Jefferson Ave	Collector	No	30	30
Street 3	S. Roanoke Ave	Local – Commercial	Yes	25	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		3	4	35	
*Proposed Trips Generated		8	29	343	
Additional Trips Generated		5	25	308	

*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 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. For any increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3 of the City's Flood Control and Water Quality Protection Manual. This site primarily drains to the East. A fee in lieu of constructing onsite stormwater detention will not be permitted.
2. Water quality will be required per Chapter 10 Sec. 2.0 if greater than one acre of land is disturbed. Water quality is also required for less than one acre of disturbance if part of a larger common plan.
3. As-builts of the detention and water quality improvements are required.

Development Review Staff Report



4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the City's *Flood Control and Water Quality Protection Manual*.
5. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the ProjectDox process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0. More details at the following link:
<https://www.springfieldmo.gov/2120/Resources>.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL OVERLAY DISTRICT PROVISIONS

The requirements of Section 36-420., Limited business district of the Land Development Codes shall be modified as set forth herein for development within this district to include the following:

1. No access is allowed to Sunshine Street from any lots except for the existing residential driveway on Lot 7 of Noble Heights Subdivision Unit #1 (420 E. Sunshine St.) which shall be closed, at the owner's expense, once the existing residence has been demolished or is no longer used residentially.
2. Access to Jefferson Avenue and Roanoke Avenue is limited to the most southern portion of the property (Lot 11 and Lot 6) that are not located in the required bufferyard.
3. Provisions for a cross access easements shall be provided through all Lots 6-11 of Noble Heights Subdivision Unit #1 between Jefferson and Roanoke Avenues.
4. A Type D Bufferyard is required adjacent to R-SF properties to the south. An additional two understory and two evergreen trees per 100 lineal feet are required between the R-SF property to the south. The required bufferyard/landscaping on Lots 6 & 7 shall be established once the existing residential structures at 420 & 424 E. Sunshine St. have been demolished. The bufferyard exemption for narrow or shallow properties per Section 36-482 shall not be applied to any development of these properties.
5. An administrative lot combination of Lots 8, 9, 10 and 11 of Noble Heights Subdivision is required at the time of development. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is also required at the time of development.

Attachment 3

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

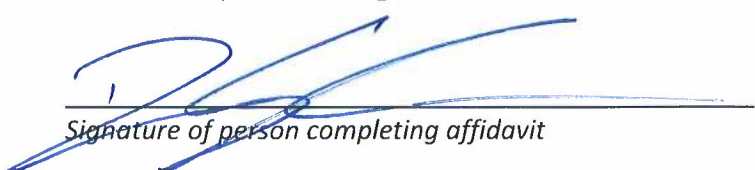
1. Request change to zoning from: R-SF to LB, With a CUP
(existing zoning) (proposed zoning)
2. Meeting Date & Time: February 14th, 2022 from 4:00pm to 6:30pm
3. Meeting Location: 316 E Sunshine Street
4. Number of invitations that were sent: _____
5. How the mailing list was generated: Via City of Springfield Planning Services
6. Number of neighbors in attendance (attach a sign-in sheet): 14
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

See Attached

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

None received.

I, Dane Seiler (print name), attest that the neighborhood meeting was held on February 21st, 2021 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

Dane Seiler
Printed name of person completing affidavit

Jefferson & Sunshine
Neighborhood Meeting Summary
2/14/2022 – 4:00 PM to 6:30 PM

1. Concerns about the current property conditions, general consensus was the neighborhood would be glad to see the houses razed.
 - a. Upon full development the houses will be razed.
2. General comments about liking the exit onto Sunshine (this has been subsequently removed from the plan).
 - a. Due to the restrictions that would remove the drive at full development, the right out exit only drive onto Sunshine has been removed from the development.
3. Concerned about existing property maintenance on the corner of Roanoke and Sunshine.
 - a. Overgrowth on the corner will be eliminated.
4. Questions about number of employees
 - a. Approximately 10
5. Questions about who will maintain the property once construction is complete
 - a. The properties will be maintained by the tenants who will have a daily operation at the site.
6. Concerns about sewer capacity
 - a. We believe that there is enough capacity in existing sanitary sewer to handle the additional flows. Conversations with Environmental Services confirm this.
7. Concerns about additional traffic on Roanoke.
 - a. With no access to Sunshine the development will need to access Roanoke to provide the necessary circulation. Traffic from the coffee shop would be encouraged to exit back through Jefferson, and that would be the natural flow of the site, but one could expect some additional traffic on Roanoke.
8. Questions about hours of operation.
 - a. Generally 5:30 AM to 9:00 PM, no 24 hour operation
9. Questions about trees, and what it would look like between the development and houses
 - a. A bufferyard with a fence is planned; the bufferyard will be 15' in depth and contain dense plantings. There was a request from one neighbor asking to coordinate the removal of specific trees in that bufferyard.

10. Questions about dumpster location

- a. Currently planned for the south east corner of the site, one request was made to move it to the west side of the property.

Jefferson and Sunshine Neighborhood Meeting

SIGN-IN SHEET



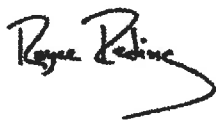
	Name	Address or Company	Phone	E-mail
1	Dane Seiler	CJW	417-889-3400	dseiler@gocjw.com
2	RICK & SALLY KEENE	517 E. OTTOWA COURT	417-886-5828	rick.sally.k@sbcglobal.net *
3	Cody & Sarah Hicks	1817 S Rowoke Ave	417-831-8997	ybluejazz@yahoo.com
4	S. DEAN PRICE	1847 S. Jefferson		dean@deanpricelaw.com
5	Jean & Chris Heil	2415 S. State Hwy 125 Rogersville MO	417-840-2246	joaniehri's 77@gmail.com
6	Julie Schulze	505 E. Offence Ct	417 425 4335	schulzeju@aol.com
7	Laurie Mertens-Price	1847 S. Jefferson		
8	MICHAEL MORISSET	522 E SUNSHINE ST	417.693.2808	michael@millerstructures.com
9	CAWY & KAREN FENDER	1739 STEPHENSON AVE	417 766 9795	wcpendere@yahoo.co.uk
10	Rosso & Laura Martin	519 E. OTTOWA CT.	417-595-4462	SISEMITE@gmail.com
11				
12				
13				
14				
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16				
17				
18				
19				

Dear Planning Department,

We have made adjustments to our site plan under consideration for a conditional use permit at the intersection of Sunshine Street and Jefferson Avenue. Listening to the concerns of a few neighbors, we added additional landscaping and vegetation to provide an enhanced buffer between the limited business and the residential single family uses. We ask that the planning and zoning commission reconsider our rezone and conditional use permit.

We have reviewed the comprehensive plan and believe that the plan identifies this section of Sunshine Street as a transitional corridor, and thus allows for commercial uses. We are requesting limited business with a conditional use permit for a drive through, which is the lowest level of commercial use. We believe this is an appropriate use for an undeveloped corner of primary arterial. We also would point out that the lot has remained undeveloped under current zoning for nearly 40 years.

Sincerely,

A handwritten signature in black ink, appearing to read "Royce Reding". The signature is stylized with a large, sweeping flourish at the end.

Royce Reding



June 15, 2022

TO WHOM IT MAY CONCERN,

Old Missouri Bank supports the rezoning request made by Reding Management LLC on the corner of Sunshine and Jefferson.

OMB under the current rezoning would be unable and unwilling to lend money on a low density housing project, which is all that would be allowed under the current zoning.

Regards,

SCOTT SPEIGHT

VP COMMERCIAL LENDER NMLS #658692

3570 S. National, Springfield, MO 65807

O: 417.869.9000 C: 417.860.8215



April 20, 2022

Re: Review of Lot 7

Mr. Reding,

Per our conversation, you requested my opinion of Lot 7 of Noble Heights located at the intersection of Jefferson Ave. and Sunshine St. in Springfield, MO. My review of the property was to determine the best use of Lot 7 as future development in that area. On April 19, 2022 I visited the property and took into consideration all of the existing residential structures and the existing commercial property adjacent to the property. In my professional opinion, I feel like Lot 7 is more conducive to future commercial development and should be rezoned as commercial use. Building a new home in that location would not be a desirable or profitable endeavor for any residential builder and/or future homeowner.

I hope my review of the property is conclusive for your future plans. Please let me know if you have any further questions.

Sincerely,

Travis W. Miller, CGP
Travis Miller Homes, LLC – President/Owner
travis@travismillerhomes.com
www.travismillerhomes.com
(417) 838-3120



Custom Homes | Remodeling | Room Additions

417.838.3120 | TravisMillerHomes.com

June 3, 2022

Reference: Re-Zoning of SE corner of Jefferson and Sunshine Springfield MO

To Whom it may concern,

It has been our pleasure to have a good working relationship with the community of Springfield, MO. Brew Crew, LLC is currently operating 3- Seven Brew locations in Springfield and hopes to add another location on Jefferson and Sunshine.

It is our intent to serve the community and our patrons by providing a safe, clean, and well-operated business while producing sales tax and creating 40-50 new jobs. Currently our 3 open stores have been well received by the Springfield community and we have enjoyed serving them and creating raving fans daily.

We hope to expand our reach and value in Springfield (Sunshine and Jefferson) by professionally developing this vacant parcel that has not served a purpose for the community in numerous years.

Thank you for your consideration, and the continued working relationship.

Respectfully,



Brandon Sebold
7 Brew Franchisee

Seven Brew/Drive-Thru Coffee
MO, AR, OK, & LA Markets
(c) 914.384.1998
(e) brandon@7brewcrew.com
(w) 7Brew.com





To Whom it May Concern at the Springfield Department of Planning and Development

Jefferson Avenue Baptist Church is not in opposition to the rezoning of 404, 420, and 424 E Sunshine St. (Z-1-2022 w/COD #207). The property was sold with restrictions in place with how the land can be used. As long as these restrictions are upheld, we have no opposition to rezoning.

Kind Regards,
Brandon Fields
Lead Pastor

316 E Sunshine, Springfield 65807
p: 417- 881-8866 **f:** 417-881-0537
e: office@jeffersonavenuebaptist.org

Brandon Fields, Lead Pastor
JT Dick, Discipleship Pastor
Clark Dickson, Student Pastor
Adam McCabe, Worship Minister
www.jeffersonavenuebaptist.org

Attachment 4

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:	2/23/2022	Telephone No.	417-839-8997, 417-839-6551
YOUR NAME:	Cody Hicks, Sarah Hicks		
YOUR ADDRESS:	1817 S. Roanoke Ave., Springfield, MO 65807		
PROJECT ADDRESS:	404, 420, 424 E. Sunshine St.		

COMMENTS: All stated addresses of proposed zoning border our property. We have a new fence that is less than a year old. The businesses proposed would border all of our north and west facing property. We would want an easement to maintain our fence when necessary. We are concerned with the future upkeep and cleanliness of the properties due to the current owners, Reading Mgt. Despite numerous complaints, the company has allowed tenants to behave in an unneighborly fashion. The current tenants have a multitude and variety of animals, have dumped their litter boxes in my bushes, thrown garbage in my yard, intentionally ran over my landscaping, and the whole property is piled up with garbage.

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611

Application for Zoning Map Amendment & Planned Developments

*Fees are non-refundable

Please turn paper over for rest →

~~March 10~~

~~Daniel Nedley, Jr.~~
~~March~~

~~661-6616~~

With intent to lease the properties, we are concerned Reding
Mgt. will allow the properties to degrade like the current houses
and properties have since their purchase. We do not want
a commercial dumpster anywhere close to our property line,
15 ft. off our property is unacceptable. We would like
the trees bordering our property with the exception of the
trees in our fence, to be removed. If they are not removed
we would ask that they are properly trimmed and maintained.
We donot want a road or driveway connecting the businesses
to Roanoke Ave. close to our property line; 15ft. away is
unacceptable. We are concerned that a sewer upgrade would
effect our new fence and our pre-existing garage. We would
like to see more green space than the proposed excess of
asphalt. Zoning changing from residential to business
concerns us with the possibility of unwanted and additional
foot and vehicle traffic. If we are going to welcome a
new neighbor, we would like it to benefit the neighborhood.
Please feel free to contact us.

From: schulzeju@aol.com
To: Zoning@springfieldmo.gov
Subject: Meeting request at Jefferson Avenue Baptist Church on February 14, 2022.
Date: Friday, February 11, 2022 10:28:31 AM

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

Dear Sir or Ma'am,

I have been invited to the meeting with developers about the zoning application for properties, 404, 420, and 424 E Sunshine.

First of all I will not oppose the change of land use. For about five years the neighborhood has tried to get the city to help with the nuisance property at 424 E Sunshine. Calls to the city and contact with the land owner, Reding Management, brought no change. Ironically now the city is contacting us about a change for the better but only because the owner stands to profit from the sale and taxes will increase.

All of this is perfectly legal but is this process good for the city? I plan to address this at the meeting. We in the neighborhood finally welcome an improvement.

Julie Schulze
505 E Ottawa Ct.

[Sent from the all new AOL app for iOS](#)

Neal, Daniel

Subject: FW: Behind 7Brew on North Glenstone. This can't happen at Sunshine /Jefferson 7Brew location. Please

From: JULIE SCHULZE <schulzeju@aol.com>

Sent: Wednesday, March 2, 2022 12:30 PM

To: Zoning@springfieldmo.gov

Subject: Behind 7Brew on North Glenstone. This can't happen at Sunshine /Jefferson 7Brew location. Please

Julie Schulze

Sent from my iPhone







University Heights Neighborhood Association
Member, City of Springfield Neighborhood Advisory Council

Feb. 24, 2022

To: Bob Hosmer, AICP planning manager, City of Springfield's Development Review Office
From: University Heights Neighborhood Association Board

Dear Mr. Hosmer,

University Heights Neighborhood Association board members recently received notice of a request to rezone 404, 420 and 424 E. Sunshine St. to allow for a drive-through coffee shop.

After careful consideration of the request, our Board of Directors voted to oppose rezoning for a variety of reasons. Primarily, we think the rezoning would be inconsistent with the City of Springfield's Growth Management and Land Use comprehensive plan, specifically its intent to preserve quality of life and the character of its historic neighborhoods, in this instance Seminole/Holland and University Heights.

This stretch of East Sunshine Street is one of only a handful of arterial streets in Springfield that retains its original character and quality of place. It's lined with single-family residences, old-growth trees, sidewalks and, literally, picket fences. A vehicle-forward business would be out of place along this stretch, which enjoys a high degree of walkability.

Other reasons for opposing this development include but are not limited to:

- The limited-business rezoning request requires a conditional use for a drive-through, which is more appropriately zoned as general retail, highway commercial or commercial service district. In our opinion, none of these uses would be appropriate for Sunshine Street between Jefferson and National avenues.
- The site is surrounded by single-family residential zoning and does not border any commercial zoning.
- Traffic through the intersection of Jefferson Avenue and Sunshine Street is already heavy, at an estimated total volume of more than 40,000 vehicles per day. Direct access to East Sunshine would further tangle traffic near Sunshine and Campbell, which is snarled in large part because of drive-through restaurants.

- A drive-through presents a safety concern, as Sunshine Elementary is directly across the street. Traffic is heavy at student drop-off and pickup times, and the school district's border extends well south of Sunshine. Some families may opt to use the crosswalk to access the school. An adjacent drive-through would only increase risk to pedestrians.
- If primary access to the coffee shop is pushed to Jefferson or Roanoke, that would place it in a single-family residential neighborhood.

The city has worked hard on its Forward SGF initiative, emphasizing quality of place to make Springfield a more desirable and vibrant place to live. The Grant Avenue project and the Restore SGF initiative are great examples of how this city is working to celebrate the unique qualities of our historic neighborhoods.

If a drive-through coffee shop is permitted to be developed along this stretch of Sunshine, it will be to the detriment of the character of our historic neighborhoods as well as the city at large. In time, such development could transform our tree-lined neighborhood streets into another North Glenstone Avenue or West Sunshine Street.

We respectfully ask the city to deny this rezoning request and hold off on any other rezoning requests along our borders until the completion of the city's comprehensive plan. We believe there is a path toward development that celebrates and enhances our neighborhoods' uniqueness, and we would like to be partners in finding it.

Sincerely,



Jan Peterson
President, University Heights Neighborhood Association
uhnsgf@gmail.com
417-838-6216

From: schulzeju@aol.com
To: Zoning@springfieldmo.gov
Subject: Opposition comment to Z-1-2022w/COD#207 Conditional Use Permit#461
Date: Wednesday, June 15, 2022 6:55:19 PM

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

Dear Chair Doennig and Commissioners:

Thank you for your time and attention again on this application. I regret that I cannot be there in person to deliver my opposition comments for the zoning application Z-1-2022w/COD#207 Conditional Use permit #461. As you know, the application would create a multi-lane drive-thru coffee franchise, 7 Brew Coffee, on the corner of Jefferson Ave. and Sunshine St. across from Sunshine school and across from Jefferson Avenue Baptist Church. Operating hours would be 5:30am-10pm, open till 11pm on weekends.

The multi-lane drive-thru will create a dangerous situation in my neighborhood. The plan calls for an entrance/exit on Jefferson Ave. and a second exit on Roanoke. Cars exiting onto Jefferson Ave will be competing with cars entering and exiting the drive-thru and cars queueing at the Stop and Go light at Jefferson and Sunshine, already a busy intersection. Exiting the business by turning onto Roanoke may seem the more optimal exit to customers because of the increased traffic at the Jefferson side. Entering Sunshine from Roanoke in either direction is now difficult because of heavy traffic on Sunshine.

Roanoke is a narrow neighborhood street, a local roadway through a quiet cul-de-sac neighborhood with school children and seniors walking -all without sidewalks. Whether cars exit the business onto Roanoke and into already frenetic traffic on Sunshine or go south toward Cherokee, the added traffic will be hazardous to the walkers, bike riders, and children on foot, on scooters, and on skateboards in my neighborhood. Coffee customers will likely, for the most part, be from outside the neighborhood and thus unfamiliar with how best to exit this already heavily trafficked intersection.

The 7 Brew franchise relies on large numbers of customers in cars from morning until late in the evening. One 7 Brew franchise marketing ad encourages potential franchisees to seek locations within "dense retail corridors" with nearby nationally known tenants, i.e. Lowe's, Aldi's, etc. Current 7Brew franchises from Arkansas to Missouri are located in established commercial zones. None border a quiet cul-de-sac neighborhood of single family homes. Allowing this business to open in our neighborhood with already high volumes of traffic that will increase significantly if this business is to be successful is bad for the business and the city and hazardous for my residential neighborhood. Thus, this location is not appropriate for a drive-thru establishment.

I request that you oppose the zoning application for 7 Brew multi-lane drive-thru coffee establishment on the corner of Jefferson Ave. and Sunshine St.

Thank you,

Sincerely yours,

Juliana Schulze
505 E Ottawa Ct.(on the corner of Ottawa Ct. and Roanoke)

[Sent from the all new AOL app for iOS](#)

One-rdg. _____
P. Hrngs. X
Pgs. 42
Filed: 07-05-22

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 170

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 461 for the purpose of permitting an
2 eating and drinking establishment use group, including drive-in, pick-
3 up window, or drive-thru facilities, as a conditional use within the LB –
4 Limited Business District, generally located at 404, 420, and 424 East
5 Sunshine Street. (Planning and Zoning Commission recommends
6 denial and staff recommends approval.)
7 _____
8

9 WHEREAS, pursuant to Section 36-363 of the Land Development Code, City
10 Council may grant permits authorizing certain enumerated conditional uses as provided
11 in the various zoning districts; and
12

13 WHEREAS, the Planning and Zoning Commission held a public hearing on June
14 16, 2022, and recommended denial of Conditional Use Permit No. 461 for the property
15 generally located at 404, 420, and 424 East Sunshine Street and zoned LB – Limited
16 Business District; 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. 461; 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 404, 420, and 424 East Sunshine Street.
25

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

29 Section 1 – City Council adopts the City staff’s specific findings of fact on the
30 proposed conditional use as set forth in “Exhibit D – Attachment 3.” “Exhibit D” is
31 attached hereto and incorporated herein by this reference in its entirety. Conditional Use
32 Permit No. 461 is hereby granted in accordance with and subject to the provisions of
33 Section 36-363 of the Land Development Code. Conditional Use Permit No. 461 is
34 granted for the purpose of permitting an eating and drinking establishment use group,

35 including drive-in, pick-up window, or drive-thru facilities, to operate as a conditional use
36 within the LB – Limited Business District, located at the property described in “Exhibit
37 B,” which is attached hereto and incorporated herein by this reference, and which is
38 generally located at 404, 420, and 424 East Sunshine Street.
39

40 Section 2 – Building permits, certificates of occupancy, and any other required
41 permits or approvals may be issued by the duly authorized officials of the City provided
42 that such issuance is consistent with Section 36-363 of the Land Development Code,
43 any other applicable City regulation or ordinance, and the “Requirements for Conditional
44 Use Permit 461” described in “Exhibit A,” which is attached hereto and incorporated
45 herein by this reference. Additionally, the provisions contained in “Exhibit A” and “Exhibit
46 D – Attachment 2” shall govern and control the use and development of the land
47 described in “Exhibit B,” in a manner consistent with the attached site plan depicted on
48 “Exhibit D – Attachment 5.”
49

50 Section 3 – Any violation of the provisions of this Ordinance shall be grounds for
51 the revocation of the Conditional Use Permit granted by the adoption of this Ordinance.
52

53 Section 4 – This Ordinance shall be in full force and effect from and after
54 passage only so long as the Property and any improvements thereon conform to the
55 conditions and requirements described in Section 36-363 of the Land Development
56 Code, other applicable City regulations or Ordinances, and this Ordinance.
57

58 Passed at meeting: _____
59

60 _____
61 Mayor
62

63 Attest: _____, City Clerk
64

65 Filed as Ordinance: _____
66

67 Approved as to form: Jill Burris, Assistant City Attorney
68

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

EXPLANATION TO COUNCIL BILL 2022 - 170

FILED: 07-05-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 East Sunshine Street. (Planning and Zoning Commission recommends denial and staff recommends approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 461

The applicant is requesting to permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 E. Sunshine Street. The applicant is proposing to construct a new drive-thru coffee shop. A rezoning to LB is concurrently being processed with this application.

CONDITIONS:

1. The regulations and standards listed on Exhibit D - Attachment 3 and 4 shall govern and control the use and development of the land in Use Permit Number 461 in a manner consistent with the attached site plan ("Exhibit D - Attachment 5").

FINDINGS FOR STAFF RECOMMENDATION:

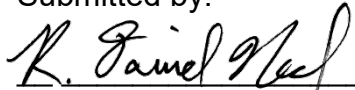
1. Planning and Zoning Commission unanimously recommended denial of this case at their meeting on March 10, 2022. This case was referred back to Planning and Zoning Commission by City Council on April 4th.
2. The applicant is proposing to add 7 additional understory trees and 7 evergreens to the bufferyard area between the proposed development and the single-family residential properties to the south.
3. This application meets the approval standards for a Conditional Use Permit ("Attachment 3").
4. Approval of this application is subject to the Requirements for Approval ("Attachment 2") and site plan ("Attachment 5").

5. Approval of this request will provide for continued development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

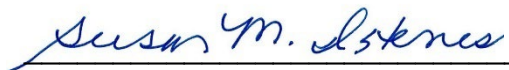
REMARKS: The Planning and Zoning Commission held a public hearing on June 16, 2022, and recommended denial, by a vote of 6 to 2 of the proposed Conditional Use Permit (see the attached "Exhibit C," Record of Proceedings).

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

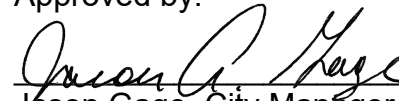
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Susan Istenes, AICP
Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Requirements for Conditional Use Permit Number 461

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

Attachment 3, Standards and Responses for Conditional Use Permits

Attachment 4, Affidavit of Neighborhood Notification and Meeting Summary

Attachment 5, Proposed CUP Site Plan

Attachment 6, Neighborhood Correspondence

EXHIBIT A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 461

1. An eating and drinking establishment with drive-in, pick-up window or drive-thru facilities is permitted in substantial conformance with Attachment 5.
2. The eating and drinking establishment with drive-in, pick-up window or drive-thru facilities shall comply with all the standards listed in Attachment 3.
3. No access is allowed to Sunshine Street from any lots except for the existing residential driveway on Lot 7 of Noble Heights Subdivision Unit #1 (420 E. Sunshine St.) which shall be closed, at the owner's expense, once the existing residence has been demolished or is no longer used residentially.
4. Provisions for cross access easements shall be provided through all Lots 6-11 of Noble Heights Subdivision Unit #1 between Jefferson and Roanoke Avenues.
5. A Type D Bufferyard is required adjacent to R-SF properties to the south. An additional two understory and two evergreen trees per 100 lineal feet are required between the R-SF property to the south. The required bufferyard/landscaping on Lots 6 & 7 shall be established once the existing residential structures at 420 & 424 E. Sunshine St. have been demolished. The bufferyard exemption for narrow or shallow properties per Section 36-482 shall not be applied to any development of these properties.
6. An administrative lot combination of Lots 8, 9, 10 and 11 of Noble Heights Subdivision is required at the time of development. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is also required at the time of development.
7. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

EXHIBIT B

LEGAL DESCRIPTION
CONDITIONAL USE PERMIT 461

Lots 6 through 11 of Unit #1, Noble Heights Subdivision, Springfield, Greene County, Missouri except new street right-of-way.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – June 16, 2022

Conditional Use Permit 461
404, 420 & 424 East Sunshine Street
Applicant: Reding Management LLC & Redec, LLC

Mr. Hosmer stated that this is a request to permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 E. Sunshine Street. The applicant is proposing to construct a new drive-thru coffee shop. Limited Business LB District allows eating and drinking establishments, for drive-thru facilities only with a Conditional Use Permit and a site plan is required for a CUP. All activities and uses except off-street parking and loading facilities, drive-thru facilities, activities shall be conducted entirely within a completely enclosed building. No individual retail store establishment or other permitted use shall have a gross floor area greater than 5,000 square feet. The maximum structure height is 25 feet and all structures shall remain below a 30-degree bulk plane.

The CUP will require the following:

- Sidewalks along Roanoke.
- A Type D" bufferyard (15) feet wide. There must be two (2) canopy trees, two (4) understory trees, two (4) evergreen tree and fourteen (14) shrubs per 100 liner feet. A six-foot-tall solid wood fence is also required as part of the bufferyard.
- Not allow access to Sunshine (except for existing home), Limit access to the southern portions of Jefferson and Roanoke. Require cross access.
- Not allow the narrow lot exemption for reduced landscaping, require landscaping lots 6-7 if homes are demolished,
- Require a lot combination for lots 6-7 at time of development.
- The application meets the approval standards for conditional use permits.

Staff recommends approval.

Mr. Doennig opened the public hearing

Combined with Z-1-2022 at the public hearing (see comments/discussion on Z-1-2022).

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Conditional Use Permit 461 (404, 420 & 424 East Sunshine Street). Mr. Knuckles seconded the motion. Ayes: Knuckles and Jobe.

Nays: Doennig, Coltrin, Colony, Bruce, Lebeck, and Pauly. Abstain: None. Absent: Broekhoven. **Motion failed.**

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

Bob Hosmer, AICP
Planning Manager

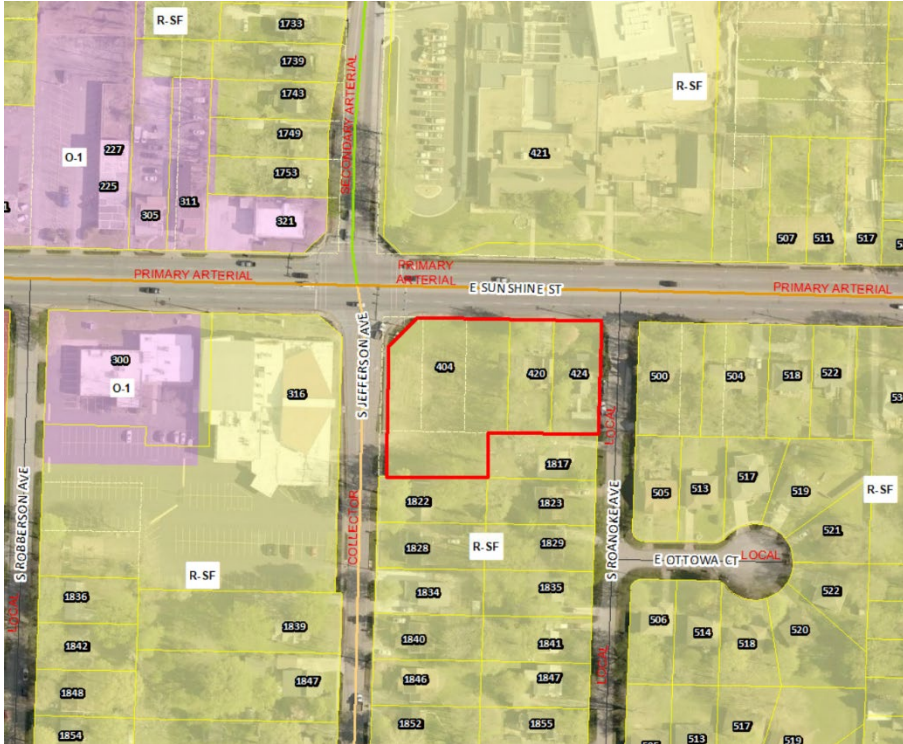
Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

JUNE 16, 2022

CITY COUNCIL PUBLIC HEARING:

JULY 11, 2022



CASE: Conditional Use Permit 461

LOCATION: 404, 420 & 424 E. Sunshine Street

ACRES: Approximately 1 acre

EXISTING LAND USE: Undeveloped lot and single-family homes

APPLICANT: Reding Management and Redec, LLCs

STAFF: Daniel Neal, Senior Planner
417-864-1036

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION:

I move to recommend approval of the CUP and staff report as the findings of fact. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

This is a request to permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 E. Sunshine Street.

FINDINGS FOR STAFF RECOMMENDATION:

1. Planning and Zoning Commission unanimously recommended denial of this case at their meeting on March 10, 2022. This case was referred back to Planning and Zoning Commission by City Council on April 4th.
2. The applicant is proposing to add 7 additional understory trees and 7 evergreens to the bufferyard area between the proposed development and the single-family residential properties to the south.
3. This application meets the approval standards for a Conditional Use Permit (Attachment 3).
4. Approval of this application is subject to the Requirements for Approval (Attachment 2) and site plan (Attachment 5).
5. Approval of this request will provide for continued development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

Development Review Staff Report

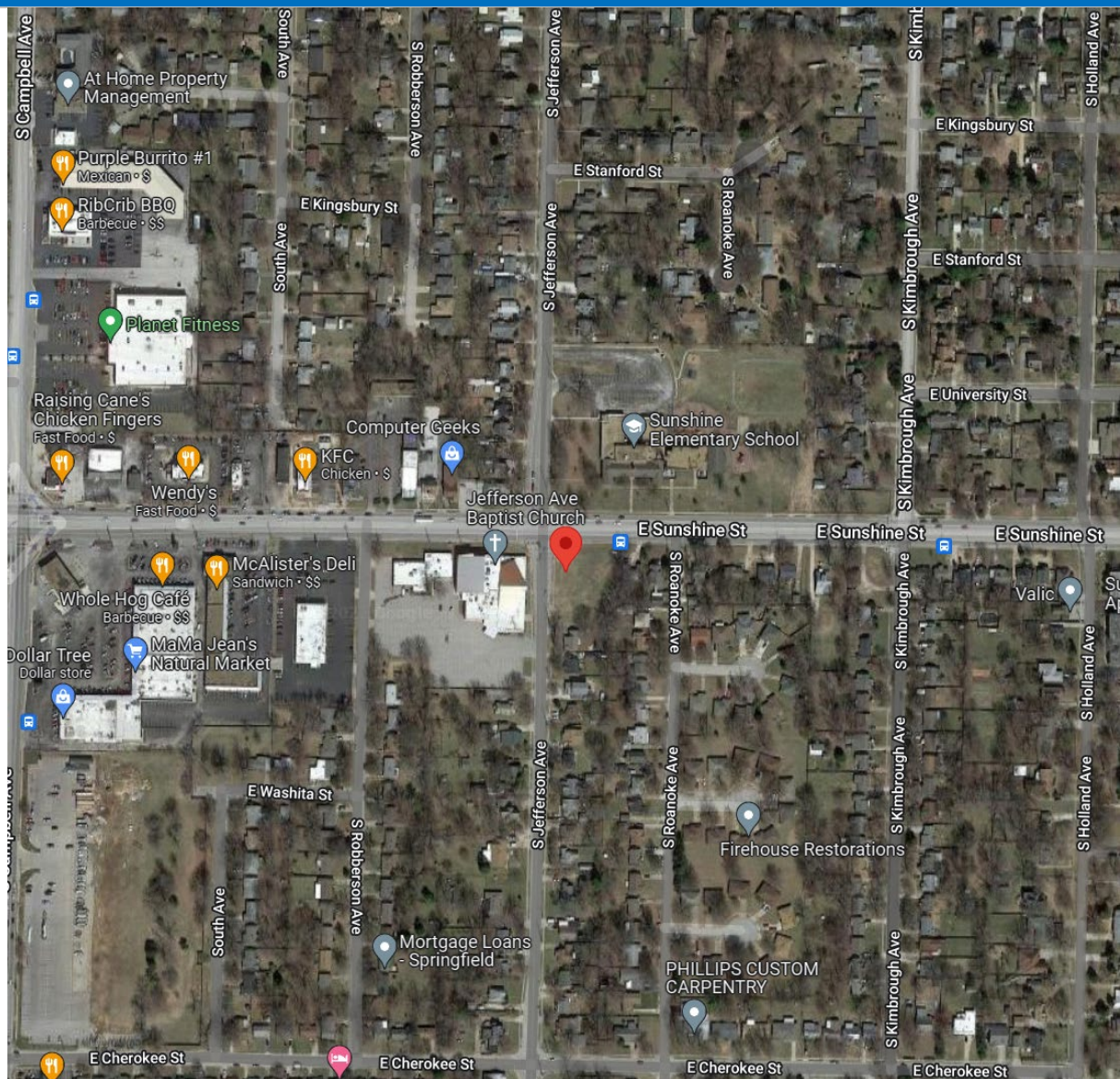


SURROUNDING ZONING AND LAND USES:

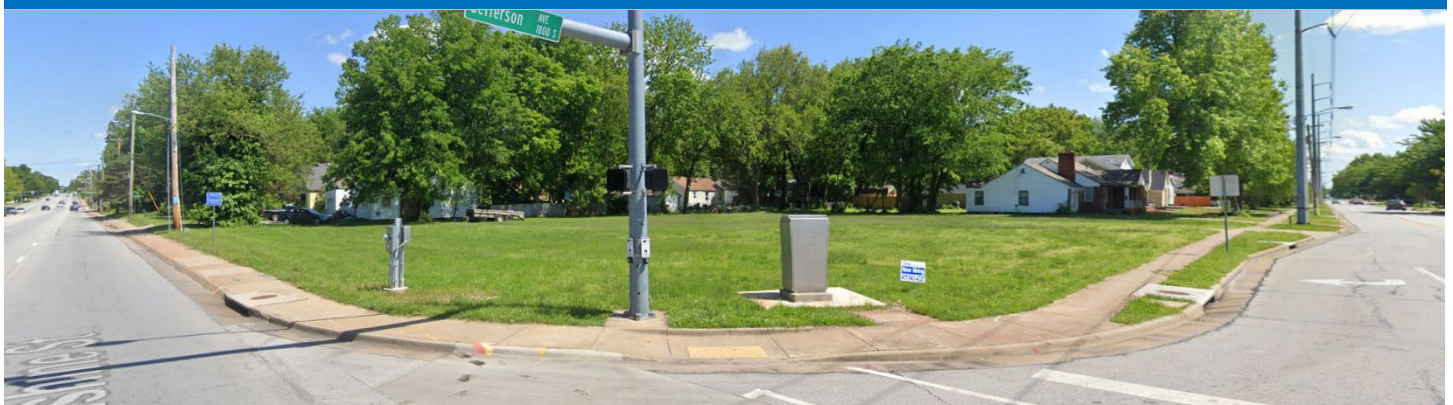
	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Elementary school	Single-family residential uses	Single-family residential uses	Church uses

Development Review Staff Report

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



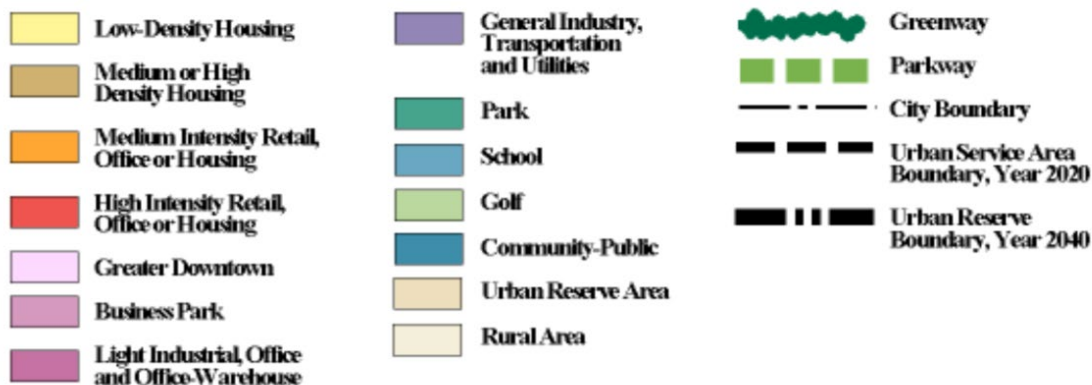
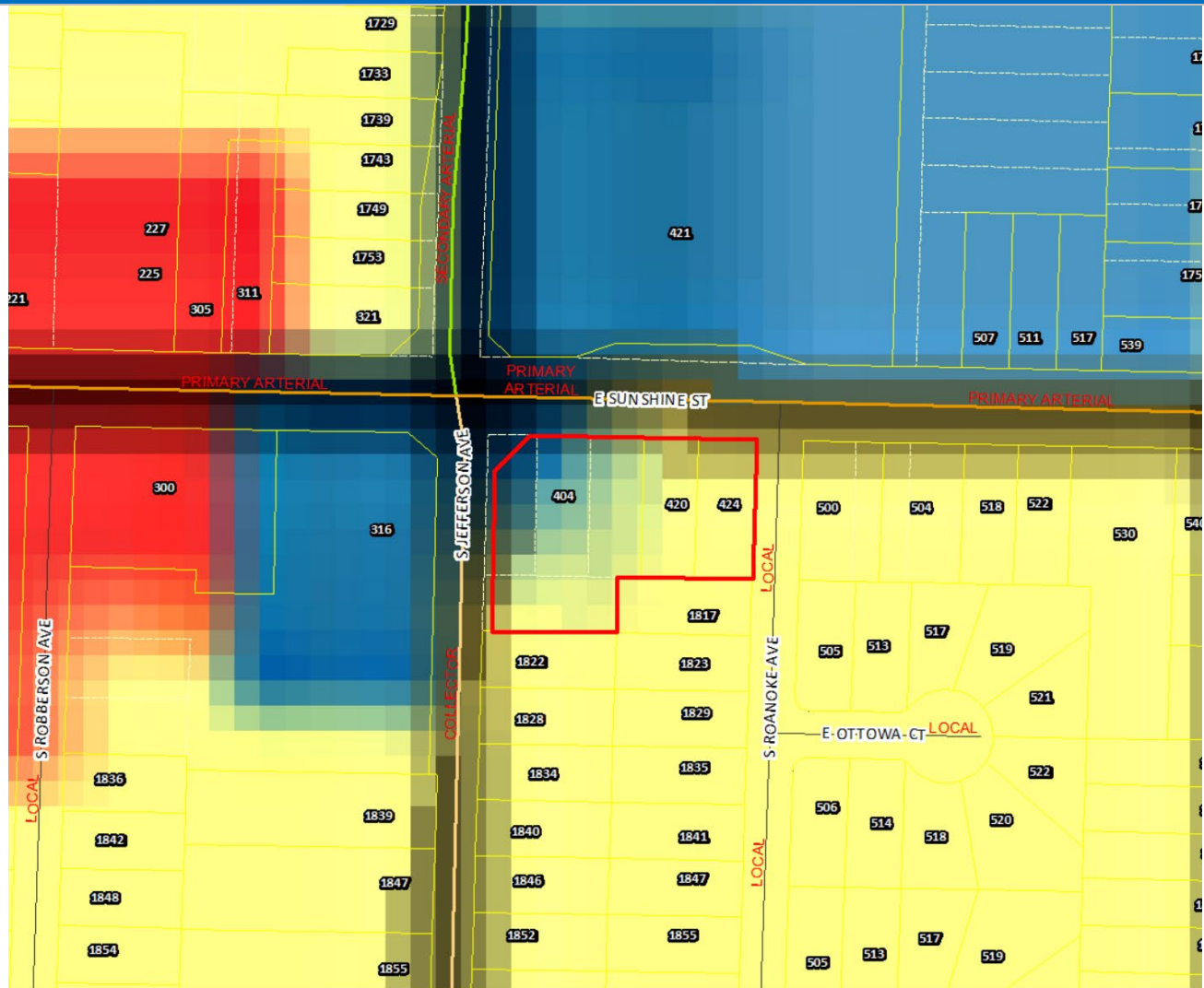
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The property was annexed in 1926 and has been zoned R-SF, Single-Family Residential District since the Citywide remapping in 1995.

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* designate this area as appropriate for Low Density Housing uses; however, as an optional element, small neighborhood-oriented retail or service businesses carefully located and screened at certain locations.

The *Growth Management and Land Use Plan* recommends limiting auto-oriented commercial districts to major arterial streets when the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-

Development Review Staff Report



oriented land uses can be compatibly concentrated. The properties are located at a major intersection of collector and arterial roadways. Non-residential uses exist at all other corners of this major intersection.

The *Growth Management and Land Use Plan* encourages the future location of neighborhood level shopping areas near intersections of arterials and collector streets. Site commercial areas where they serve only the adjacent neighborhood. Site smaller commercial areas where they have safe pedestrian access.

The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial, Jefferson Avenue north of Sunshine Street as a secondary arterial and south of Sunshine as a collector roadway. Roanoke Avenue is classified as a local roadway. These properties are located at the corner of a major intersection.

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

The *Community Physical Image and Character Plan* element of the *Comprehensive Plan* developed goals to improve the visual appearance of the urban area and the *Growth Management and Land Use Plan* element encourages the protection of residential neighborhoods from adverse impacts of proposed development and inappropriate land use changes. New development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space.

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

STAFF COMMENTS:

1. The applicant is requesting to permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 E. Sunshine Street. The applicant is proposing to construct a new drive-thru restaurant/coffee shop.
2. The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. This district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. This district should be located along or at the intersections of collector or higher classification streets.
3. The purpose of the CUP 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. Conditions have been submitted to mitigate any potential impacts of the LB conditional use. These conditions include:

Development Review Staff Report



- a. An eating and drinking establishment with drive-in, pick-up window or drive-thru facilities is permitted in substantial conformance with the site plan.
 - b. No access is allowed to Sunshine Street.
 - c. Access to Jefferson Avenue is limited to the most southern portion of Lot 6 that is not located in the bufferyard.
 - d. A Type D Bufferyard is required adjacent to R-SF properties to the south. An additional two understory and two evergreen trees per 100 lineal feet are required between the R-SF property to the south. The required bufferyard/landscaping on Lots 6 & 7 shall be established once the existing residential structures at 420 & 424 E. Sunshine St. have been demolished. The bufferyard exemption for narrow or shallow properties per Section 36-482 shall not be applied to any development of these properties.
 - e. An administrative lot combination of Lots 8, 9, 10 and 11 of Noble Heights Subdivision is required at the time of development. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is also required at the time of development.
 - f. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is required at the time of development.
4. The applicant states that, "All traffic will enter off of Jefferson, and then proceed through the drive through, and exit either onto Roanoke, or back on to Jefferson, this should help to alleviate any traffic through the neighborhood and encourage traffic to utilize Sunshine Street. In addition, landscape buffers will be placed with the prescribed screenings. This will allow for the reasonable enjoyment to the adjacent properties."
 5. A Traffic Impact Study was not required as the change in zoning does not generate an additional 100 trips in the a.m. or p.m. peak or 500 trips in a 24-hour period.
 6. The development of the property will require a bufferyard along the south property line adjacent to the R-SF, Single-Family Residential zoning district. The normal bufferyard required between LB and R-SF would be a Bufferyard "Type D" at least fifteen (15) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be two (2) canopy trees, two (2) understory trees, two (2) evergreen tree and fourteen (14) shrubs. A six-foot-tall solid wood fence is also required as part of this bufferyard.
 7. Approval of this request will provide for the continued development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.
 8. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on February 14, 2022, regarding the rezoning request. A summary of the meeting is attached (Attachment 4)

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 18 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 CONDITIONAL USE PERMIT 461

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the rezoning. Lot has access to public sewer.

FIRE DEPARTMENT:

No comments.

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, S. Jefferson Avenue as a Collector roadway and S. Roanoke Avenue as a Local-Residential roadway. The standard right-of-way width for E. Sunshine Street is 50-feet from the centerline, 30-feet from the centerline for S. Jefferson Avenue and 25-feet from the centerline for S. Roanoke Avenue. It appears an additional 10-feet of right-of-way is needed along E. Sunshine Avenue. It appears no additional right of way is needed along S. Jefferson Avenue or S. Roanoke Avenue. A 30-foot X 30-foot right of way site triangle is also needed at the intersection of E. Sunshine Avenue and S. Roanoke Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. E. Sunshine Avenue, S. Jefferson Avenue and S. Roanoke Avenue are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic counts for E. Sunshine Avenue is 35,500 vehicles per day and for S. Jefferson Avenue is 4,995 vehicles per day. There are no traffic counts for S. Roanoke Avenue since it is classified as a Local roadway. On-street parking is not allowed along E. Sunshine Avenue or S. Jefferson Avenue. On-street parking is allowed on S. Roanoke Avenue.

DRIVEWAY ACCESS

There is one driveway access point onto the property from E. Sunshine Street, one from S. Jefferson Avenue and one from S. Roanoke Avenue. No access will be allowed to the property from E. Sunshine Street and one access point will be allowed from S. Jefferson Avenue as far south from the intersection of E. Sunshine Street as possible. One access point will be allowed from S. Roanoke Street and must be a minimum of 100 feet from E. Sunshine Street to meet current City of Springfield spacing standards set forth in the City of Springfield Public Works Design Guide.

SIDEWALK

There is existing sidewalk along the property frontage of E. Sunshine Street and S. Jefferson Avenue. There is currently no sidewalk along the property frontage of S. Roanoke Avenue. The developer will be required to install sidewalk in accordance with the City of Springfield Public Works Design Guide at the time of development.

Development Review Staff Report



TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There is one bus stops along E. Sunshine Street along the property frontage 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

A Traffic Impact Study was not required as the change in zoning does not generate an additional 100 trips in the am or pm peak or 500 trips in a 24-hour period.

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	E. Sunshine St	Primary Arterial	No	40	50
Street 2	S. Jefferson Ave	Collector	No	30	30
Street 3	S. Roanoke Ave	Local – Commercial	Yes	25	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		3	4	35	
*Proposed Trips Generated		8	29	343	
Additional Trips Generated		5	25	308	

*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 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. For any increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3 of the City's Flood Control and Water Quality Protection Manual. This site primarily drains to the East. A fee in lieu of constructing onsite stormwater detention will not be permitted.
2. Water quality will be required per Chapter 10 Sec. 2.0 if greater than one acre of land is disturbed. Water quality is also required for less than one acre of disturbance if part of a larger common plan.
3. As-builts of the detention and water quality improvements are required.
4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the City's *Flood Control and Water Quality Protection Manual*.

Development Review Staff Report



5. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the ProjectDox process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0. More details at the following link:
<https://www.springfieldmo.gov/2120/Resources>.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL USE PERMIT 461

1. An eating and drinking establishment with drive-in, pick-up window or drive-thru facilities is permitted in substantial conformance with Attachment 5.
2. The eating and drinking establishment with drive-in, pick-up window or drive-thru facilities shall comply with all the standards listed in Attachment 3.
3. No access is allowed to Sunshine Street from any lots except for the existing residential driveway on Lot 7 of Noble Heights Subdivision Unit #1 (420 E. Sunshine St.) which shall be closed, at the owner's expense, once the existing residence has been demolished or is no longer used residentially.
4. Provisions for cross access easements shall be provided through all Lots 6-11 of Noble Heights Subdivision Unit #1 between Jefferson and Roanoke Avenues.
5. A Type D Bufferyard is required adjacent to R-SF properties to the south. An additional two understory and two evergreen trees per 100 lineal feet are required between the R-SF property to the south. The required bufferyard/landscaping on Lots 6 & 7 shall be established once the existing residential structures at 420 & 424 E. Sunshine St. have been demolished. The bufferyard exemption for narrow or shallow properties per Section 36-482 shall not be applied to any development of these properties.
6. An administrative lot combination of Lots 8, 9, 10 and 11 of Noble Heights Subdivision is required at the time of development. An administrative lot combination of Lots 6 & 7 of Noble Heights Subdivision Unit #1 is also required at the time of development.
7. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

Development Review Staff Report



STANDARDS FOR CONDITIONAL USE PERMIT 461

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 property is along a major arterial and thus takes advantage of the infrastructure that an arterial provides.	This application is consistent with the <i>Growth Management and Land Use Plan</i> of the <i>Comprehensive Plan</i> which encourages higher intensity uses at major intersections. The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial, Jefferson Avenue north of Sunshine Street as a secondary arterial and south of Sunshine as a collector roadway. Roanoke Avenue is classified as a local roadway.
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 property will have a vehicular exit only access to Sunshine Street and will not adversely affect the public safety as it relates to the motoring public and pedestrians. Primary Access will be taken from Jefferson Avenue.	Public Works Traffic Division has reviewed the application and has determined that the 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.	A new building will be constructed on site that will meet all applicable fire codes.	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.	Drainage flows north on the property towards Sunshine Street, and the development will meet the Stormwater requirements of the City.	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.
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 proposed use is for a drive through facility, so no noise will exceed the levels that are typically permitted in the district.	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	A fence will be installed per the screen regulations in the zoning	It is not expected that the proposed use will negatively

Development Review Staff Report



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:
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.	code to eliminate any head light glare and stationary light glare.	affect the neighborhood. The applicant's response adequately addresses this condition.
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	Signage will be along Sunshine Street and adhere to the Sign code.	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.	Signage will be along Sunshine Street to minimize any impact to adjacent properties.	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.	The right of way and adjacent street pavement widths are wide enough in the area to support the development.	Jefferson Avenue and Sunshine Street 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 planned in such a manner that it would not.	It is not anticipated that the proposed drive-thru restaurant will have an adverse effect or be incompatible with the adjacent and surrounding properties along Sunshine Street.
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. The current plan is to construct and arrange the buildings in such a manner that customers will utilize Sunshine and Jefferson, this will allow for the conditional use to not dominate the adjacent properties. Buildings will be shifted north, with fencing along the south property line for screening. Vehicle circulation will face vehicles to the north to help lessen any glare impact on the adjacent properties. b. The site will be developed to meet all of the landscaping and screen requirements of the City of Springfield.	The standards of the Zoning Ordinance adequately address these issues. The subject property is located in an area of non-residential uses and is not anticipated to dominate the immediate vicinity or to interfere with the development and use of neighboring properties. An additional two understory and two evergreen trees per 100 lineal feet are being required in the bufferyard between the R-SF property to the south.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify	Currently the site is a vacant lot so it should not.	It is not expected that the proposed development will negatively affect any significant

Development Review Staff Report



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:
or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.		natural topography or physical features.
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	Currently the site is a vacant lot so it should not.	The applicant's response adequately addresses this condition. The two houses at 420 & 424 E. Sunshine Street are not designated as historical.
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.	It currently does and will be developed in a manner that will meet those regulations.	The proposed use is required to comply 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.	The drives are placed in such a manner to contribute to the convenience and promote the welfare.	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	Such screenings are planned, and the development of the site will meet these regulations.	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 new drives will be designed in such a manner to meet this criterion.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards.
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 will not. It is expected that traffic will only enter off Jefferson Avenue, and then exit either onto Sunshine Street or onto Jefferson. It was done in this manner to have the least impact on adjacent properties.	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.	The new structure and parking lot will not.	There is not any known interference with any public rights-of-way or easements.
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,	A new structure is planned that will conform to all current codes.	The development is required to adhere to all standards of the Zoning Ordinance and other applicable ordinances.

Development Review Staff Report



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.		
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 proposed conditional use is located along a major roadway with the necessary utilities and services.	This property is already served with public infrastructure and services.

Attachment 4
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

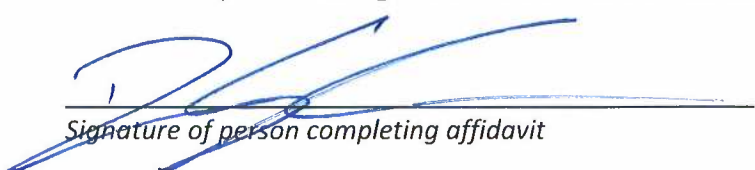
1. Request change to zoning from: R-SF to LB, With a CUP
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: Febuary 14th, 2022 from 4:00pm to 6:30pm
3. Meeting Location: 316 E Sunshine Street
4. Number of invitations that were sent: _____
5. How the mailing list was generated: Via City of Springfield Planning Services
6. Number of neighbors in attendance (attach a sign-in sheet): 14
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

See Attached

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

None received.

I, Dane Seiler (*print name*), attest that the neighborhood meeting was held on Febuary 21st, 2021 (*month/date/year*), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Dane Seiler

Printed name of person completing affidavit

Jefferson & Sunshine
Neighborhood Meeting Summary
2/14/2022 – 4:00 PM to 6:30 PM

1. Concerns about the current property conditions, general consensus was the neighborhood would be glad to see the houses razed.
 - a. Upon full development the houses will be razed.
2. General comments about liking the exit onto Sunshine (this has been subsequently removed from the plan).
 - a. Due to the restrictions that would remove the drive at full development, the right out exit only drive onto Sunshine has been removed from the development.
3. Concerned about existing property maintenance on the corner of Roanoke and Sunshine.
 - a. Overgrowth on the corner will be eliminated.
4. Questions about number of employees
 - a. Approximately 10
5. Questions about who will maintain the property once construction is complete
 - a. The properties will be maintained by the tenants who will have a daily operation at the site.
6. Concerns about sewer capacity
 - a. We believe that there is enough capacity in existing sanitary sewer to handle the additional flows. Conversations with Environmental Services confirm this.
7. Concerns about additional traffic on Roanoke.
 - a. With no access to Sunshine the development will need to access Roanoke to provide the necessary circulation. Traffic from the coffee shop would be encouraged to exit back through Jefferson, and that would be the natural flow of the site, but one could expect some additional traffic on Roanoke.
8. Questions about hours of operation.
 - a. Generally 5:30 AM to 9:00 PM, no 24 hour operation
9. Questions about trees, and what it would look like between the development and houses
 - a. A bufferyard with a fence is planned; the bufferyard will be 15' in depth and contain dense plantings. There was a request from one neighbor asking to coordinate the removal of specific trees in that bufferyard.

10. Questions about dumpster location

- a. Currently planned for the south east corner of the site, one request was made to move it to the west side of the property.

Jefferson and Sunshine Neighborhood Meeting

SIGN-IN SHEET



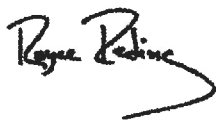
	Name	Address or Company	Phone	E-mail
1	Dane Seiler	CJW	417-889-3400	dseiler@gocjw.com
2	RICK & SALLY KEENE	517 E. OTTOWA COURT	417-886-5828	rick.sally.k@sbcglobal.net *
3	Cody & Sarah Hicks	1817 S Rowoke Ave	417-831-8997	ybluejazz@yahoo.com
4	S. DEAN PRICE	1847 S. Jefferson		dean@deanpricelaw.com
5	Jean & Chris Heil	2415 S. State Hwy 125 Rogersville MO	417-840-2246	joaniehri's 77@gmail.com
6	Julie Schulze	505 E. Offence Ct	417 425 4335	schulzeju@aol.com
7	Laurie Mertens-Price	1847 S. Jefferson		
8	MICHAEL MORISSET	522 E SUNSHINE ST	417.693.2808	michael@millerstructures.com
9	GWYNETH KAREE PENDER	1739 STEPHENSON AVE	417 766 9795	wcpender@yahoo.co.uk
10	Rosso & Laura Martin	519 E. OTTOWA CT.	417-595-4462	SISEMITE@gmail.com
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Dear Planning Department,

We have made adjustments to our site plan under consideration for a conditional use permit at the intersection of Sunshine Street and Jefferson Avenue. Listening to the concerns of a few neighbors, we added additional landscaping and vegetation to provide an enhanced buffer between the limited business and the residential single family uses. We ask that the planning and zoning commission reconsider our rezone and conditional use permit.

We have reviewed the comprehensive plan and believe that the plan identifies this section of Sunshine Street as a transitional corridor, and thus allows for commercial uses. We are requesting limited business with a conditional use permit for a drive through, which is the lowest level of commercial use. We believe this is an appropriate use for an undeveloped corner of primary arterial. We also would point out that the lot has remained undeveloped under current zoning for nearly 40 years.

Sincerely,

A handwritten signature in black ink, appearing to read "Royce Reding", with a stylized flourish extending from the end.

Royce Reding



April 20, 2022

Re: Review of Lot 7

Mr. Reding,

Per our conversation, you requested my opinion of Lot 7 of Noble Heights located at the intersection of Jefferson Ave. and Sunshine St. in Springfield, MO. My review of the property was to determine the best use of Lot 7 as future development in that area. On April 19, 2022 I visited the property and took into consideration all of the existing residential structures and the existing commercial property adjacent to the property. In my professional opinion, I feel like Lot 7 is more conducive to future commercial development and should be rezoned as commercial use. Building a new home in that location would not be a desirable or profitable endeavor for any residential builder and/or future homeowner.

I hope my review of the property is conclusive for your future plans. Please let me know if you have any further questions.

Sincerely,

Travis W. Miller, CGP
Travis Miller Homes, LLC – President/Owner
travis@travismillerhomes.com
www.travismillerhomes.com
(417) 838-3120



Custom Homes | Remodeling | Room Additions

417.838.3120 | TravisMillerHomes.com



To Whom it May Concern at the Springfield Department of Planning and Development

Jefferson Avenue Baptist Church is not in opposition to the rezoning of 404, 420, and 424 E Sunshine St. (Z-1-2022 w/COD #207). The property was sold with restrictions in place with how the land can be used. As long as these restrictions are upheld, we have no opposition to rezoning.

Kind Regards,
Brandon Fields
Lead Pastor

316 E Sunshine, Springfield 65807
p: 417- 881-8866 **f:** 417-881-0537
e: office@jeffersonavenuebaptist.org

Brandon Fields, Lead Pastor
JT Dick, Discipleship Pastor
Clark Dickson, Student Pastor
Adam McCabe, Worship Minister
www.jeffersonavenuebaptist.org



June 15, 2022

TO WHOM IT MAY CONCERN,

Old Missouri Bank supports the rezoning request made by Reding Management LLC on the corner of Sunshine and Jefferson.

OMB under the current rezoning would be unable and unwilling to lend money on a low density housing project, which is all that would be allowed under the current zoning.

Regards,

SCOTT SPEIGHT

VP COMMERCIAL LENDER NMLS #658692

3570 S. National, Springfield, MO 65807

O: 417.869.9000 C: 417.860.8215

June 3, 2022

Reference: Re-Zoning of SE corner of Jefferson and Sunshine Springfield MO

To Whom it may concern,

It has been our pleasure to have a good working relationship with the community of Springfield, MO. Brew Crew, LLC is currently operating 3- Seven Brew locations in Springfield and hopes to add another location on Jefferson and Sunshine.

It is our intent to serve the community and our patrons by providing a safe, clean, and well-operated business while producing sales tax and creating 40-50 new jobs. Currently our 3 open stores have been well received by the Springfield community and we have enjoyed serving them and creating raving fans daily.

We hope to expand our reach and value in Springfield (Sunshine and Jefferson) by professionally developing this vacant parcel that has not served a purpose for the community in numerous years.

Thank you for your consideration, and the continued working relationship.

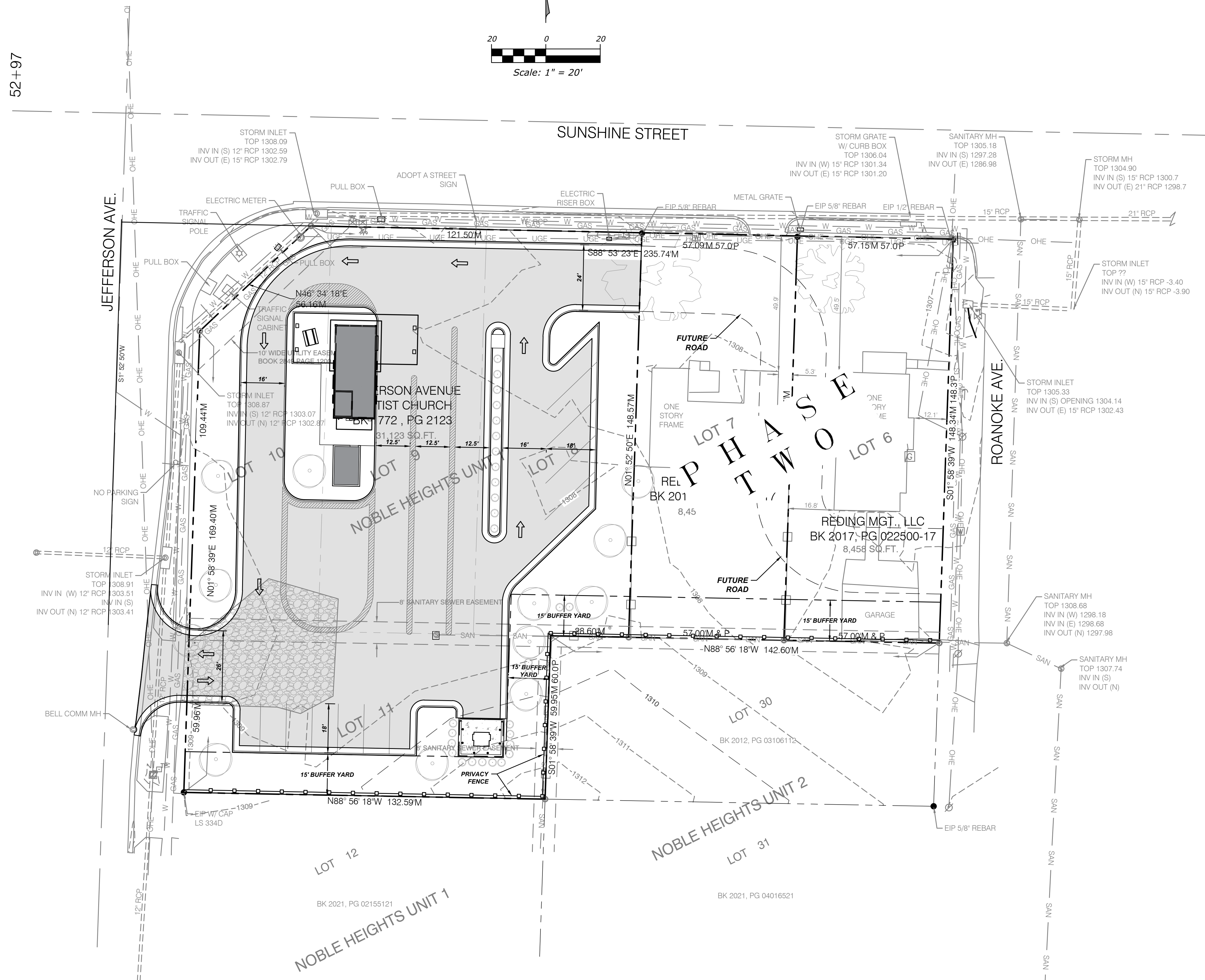
Respectfully,



Brandon Sebold
7 Brew Franchisee

Seven Brew/Drive-Thru Coffee
MO, AR, OK, & LA Markets
(c) 914.384.1998
(e) brandon@7brewcrew.com
(w) 7Brew.com





SITE IMPROVEMENT PLAN
COFFEE SHOP
SUNSHINE ST & JEFFERSON AVE

No. Description	Date																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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EXHIBIT

SHEET NO.

1

CJW NO. 21181 OF 1

Attachment 6

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:	2/23/2022	Telephone No.	417-839-8997, 417-839-6551
YOUR NAME:	Cody Hicks, Sarah Hicks		
YOUR ADDRESS:	1817 S. Roanoke Ave., Springfield, MO 65807		
PROJECT ADDRESS:	404, 420, 424 E. Sunshine St.		

COMMENTS: All stated addresses of proposed zoning border our property. We have a new fence that is less than a year old. The businesses proposed would border all of our north and west facing property. We would want an easement to maintain our fence when necessary. We are concerned with the future upkeep and cleanliness of the properties due to the current owners, Reading Mgt. Despite numerous complaints, the company has allowed tenants to behave in an unneighborly fashion. The current tenants have a multitude and variety of animals, have dumped their litter boxes in my bushes, thrown garbage in my yard, intentionally ran over my landscaping, and the whole property is piled up with garbage.

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611

Application for Zoning Map Amendment & Planned Developments

*Fees are non-refundable

Please turn paper over for rest →

~~March 10~~

~~Daniel Nedley, Jr.~~
~~March~~

~~661-6616~~

With intent to lease the properties, we are concerned Reding
Mgt. will allow the properties to degrade like the current houses
and properties have since their purchase. We do not want
a commercial dumpster anywhere close to our property line,
15 ft. off our property is unacceptable. We would like
the trees bordering our property with the exception of the
trees in our fence, to be removed. If they are not removed
we would ask that they are properly trimmed and maintained.
We donot want a road or driveway connecting the businesses
to Roanoke Ave. close to our property line; 15ft. away is
unacceptable. We are concerned that a sewer upgrade would
effect our new fence and our pre-existing garage. We would
like to see more green space than the proposed excess of
asphalt. Zoning changing from residential to business
concerns us with the possibility of unwanted and additional
foot and vehicle traffic. If we are going to welcome a
new neighbor, we would like it to benefit the neighborhood.
Please feel free to contact us.

From: schulzeju@aol.com
To: Zoning@springfieldmo.gov
Subject: Meeting request at Jefferson Avenue Baptist Church on February 14, 2022.
Date: Friday, February 11, 2022 10:28:31 AM

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

Dear Sir or Ma'am,

I have been invited to the meeting with developers about the zoning application for properties, 404, 420, and 424 E Sunshine.

First of all I will not oppose the change of land use. For about five years the neighborhood has tried to get the city to help with the nuisance property at 424 E Sunshine. Calls to the city and contact with the land owner, Reding Management, brought no change. Ironically now the city is contacting us about a change for the better but only because the owner stands to profit from the sale and taxes will increase.

All of this is perfectly legal but is this process good for the city? I plan to address this at the meeting. We in the neighborhood finally welcome an improvement.

Julie Schulze
505 E Ottawa Ct.

[Sent from the all new AOL app for iOS](#)

Neal, Daniel

Subject: FW: Behind 7Brew on North Glenstone. This can't happen at Sunshine /Jefferson 7Brew location. Please

From: JULIE SCHULZE <schulzeju@aol.com>

Sent: Wednesday, March 2, 2022 12:30 PM

To: Zoning@springfieldmo.gov

Subject: Behind 7Brew on North Glenstone. This can't happen at Sunshine /Jefferson 7Brew location. Please

Julie Schulze

Sent from my iPhone







University Heights Neighborhood Association
Member, City of Springfield Neighborhood Advisory Council

Feb. 24, 2022

To: Bob Hosmer, AICP planning manager, City of Springfield's Development Review Office
From: University Heights Neighborhood Association Board

Dear Mr. Hosmer,

University Heights Neighborhood Association board members recently received notice of a request to rezone 404, 420 and 424 E. Sunshine St. to allow for a drive-through coffee shop.

After careful consideration of the request, our Board of Directors voted to oppose rezoning for a variety of reasons. Primarily, we think the rezoning would be inconsistent with the City of Springfield's Growth Management and Land Use comprehensive plan, specifically its intent to preserve quality of life and the character of its historic neighborhoods, in this instance Seminole/Holland and University Heights.

This stretch of East Sunshine Street is one of only a handful of arterial streets in Springfield that retains its original character and quality of place. It's lined with single-family residences, old-growth trees, sidewalks and, literally, picket fences. A vehicle-forward business would be out of place along this stretch, which enjoys a high degree of walkability.

Other reasons for opposing this development include but are not limited to:

- The limited-business rezoning request requires a conditional use for a drive-through, which is more appropriately zoned as general retail, highway commercial or commercial service district. In our opinion, none of these uses would be appropriate for Sunshine Street between Jefferson and National avenues.
- The site is surrounded by single-family residential zoning and does not border any commercial zoning.
- Traffic through the intersection of Jefferson Avenue and Sunshine Street is already heavy, at an estimated total volume of more than 40,000 vehicles per day. Direct access to East Sunshine would further tangle traffic near Sunshine and Campbell, which is snarled in large part because of drive-through restaurants.

- A drive-through presents a safety concern, as Sunshine Elementary is directly across the street. Traffic is heavy at student drop-off and pickup times, and the school district's border extends well south of Sunshine. Some families may opt to use the crosswalk to access the school. An adjacent drive-through would only increase risk to pedestrians.
- If primary access to the coffee shop is pushed to Jefferson or Roanoke, that would place it in a single-family residential neighborhood.

The city has worked hard on its Forward SGF initiative, emphasizing quality of place to make Springfield a more desirable and vibrant place to live. The Grant Avenue project and the Restore SGF initiative are great examples of how this city is working to celebrate the unique qualities of our historic neighborhoods.

If a drive-through coffee shop is permitted to be developed along this stretch of Sunshine, it will be to the detriment of the character of our historic neighborhoods as well as the city at large. In time, such development could transform our tree-lined neighborhood streets into another North Glenstone Avenue or West Sunshine Street.

We respectfully ask the city to deny this rezoning request and hold off on any other rezoning requests along our borders until the completion of the city's comprehensive plan. We believe there is a path toward development that celebrates and enhances our neighborhoods' uniqueness, and we would like to be partners in finding it.

Sincerely,



Jan Peterson
President, University Heights Neighborhood Association
uhnsgf@gmail.com
417-838-6216

From: schulzeju@aol.com
To: Zoning@springfieldmo.gov
Subject: Opposition comment to Z-1-2022w/COD#207 Conditional Use Permit#461
Date: Wednesday, June 15, 2022 6:55:19 PM

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

Dear Chair Doennig and Commissioners:

Thank you for your time and attention again on this application. I regret that I cannot be there in person to deliver my opposition comments for the zoning application Z-1-2022w/COD#207 Conditional Use permit #461. As you know, the application would create a multi-lane drive-thru coffee franchise, 7 Brew Coffee, on the corner of Jefferson Ave. and Sunshine St. across from Sunshine school and across from Jefferson Avenue Baptist Church. Operating hours would be 5:30am-10pm, open till 11pm on weekends.

The multi-lane drive-thru will create a dangerous situation in my neighborhood. The plan calls for an entrance/exit on Jefferson Ave. and a second exit on Roanoke. Cars exiting onto Jefferson Ave will be competing with cars entering and exiting the drive-thru and cars queueing at the Stop and Go light at Jefferson and Sunshine, already a busy intersection. Exiting the business by turning onto Roanoke may seem the more optimal exit to customers because of the increased traffic at the Jefferson side. Entering Sunshine from Roanoke in either direction is now difficult because of heavy traffic on Sunshine.

Roanoke is a narrow neighborhood street, a local roadway through a quiet cul-de-sac neighborhood with school children and seniors walking -all without sidewalks. Whether cars exit the business onto Roanoke and into already frenetic traffic on Sunshine or go south toward Cherokee, the added traffic will be hazardous to the walkers, bike riders, and children on foot, on scooters, and on skateboards in my neighborhood. Coffee customers will likely, for the most part, be from outside the neighborhood and thus unfamiliar with how best to exit this already heavily trafficked intersection.

The 7 Brew franchise relies on large numbers of customers in cars from morning until late in the evening. One 7 Brew franchise marketing ad encourages potential franchisees to seek locations within "dense retail corridors" with nearby nationally known tenants, i.e. Lowe's, Aldi's, etc. Current 7Brew franchises from Arkansas to Missouri are located in established commercial zones. None border a quiet cul-de-sac neighborhood of single family homes. Allowing this business to open in our neighborhood with already high volumes of traffic that will increase significantly if this business is to be successful is bad for the business and the city and hazardous for my residential neighborhood. Thus, this location is not appropriate for a drive-thru establishment.

I request that you oppose the zoning application for 7 Brew multi-lane drive-thru coffee establishment on the corner of Jefferson Ave. and Sunshine St.

Thank you,

Sincerely yours,

Juliana Schulze
505 E Ottawa Ct.(on the corner of Ottawa Ct. and Roanoke)

[Sent from the all new AOL app for iOS](#)

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 07-05-22

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-171

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the plans and specifications for the Southwest Wastewater Treatment
2 Plant: Plant 2 and Primary Treatment Rehabilitation Project; accepting
3 the bid of Irvinbilt Constructors, Inc., in the amount of \$3,682,640 and
4 authorizing the City Manager to enter into contracts necessary for
5 completion of said Project; and approving a budget adjustment to
6 amend the Fiscal Year 2022-2023 Budget for the Department of
7 Environmental Services, in the amount of \$4,419,168, to appropriate
8 retained earnings of the Clean Water Enterprise Fund.
9 _____

10
11 WHEREAS, several components of the Plant 2 treatment train at the Southwest
12 Wastewater Treatment Plant ("SWTP") have exceeded their useful life and need
13 replacement; and
14

15 WHEREAS, the "SWTP: Plant 2 and Primary Treatment Rehabilitation Project"
16 will renovate, upgrade and expand portions of the Plant 2 treatment and primary
17 treatment which will make wastewater treatment more consistent and energy efficient,
18 while reducing regulatory risks associated with permit compliance; and
19

20 WHEREAS, the Project facility improvements are included in both the City's court
21 approved Supplemental Overflow Control Plan, pursuant to the City's 2nd Amended
22 Consent Judgement (Greene County Circuit Court Number 1195CC1941), and in the
23 City's Capital Improvement Program as Project #17-0109; and
24

25 WHEREAS, the Project was advertised, and bids opened and evaluated, and the
26 lowest responsible, responsive bidder identified.
27

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

31 Section 1 – City Council hereby approves the plans and specifications for the
32 Southwest Wastewater Treatment Plant: Plant 2 and Primary Treatment Rehabilitation

Project, a copy of which is on file with the City Clerk. A location map for the project is attached hereto and incorporated herein by this reference as "Exhibit A."

Section 2 – The City Manager, or his designee, is authorized on behalf of the City of Springfield, Missouri, to accept the low bid of Irvinbilt Constructors, Inc., in the amount of \$3,682,640, and to award the Southwest Wastewater Treatment Plant: Plant 2 and Primary Treatment Rehabilitation Project contract to said bidder for the cost of labor, materials, and all work necessary for the construction of the Project, except as said sum and price may be lawfully increased or decreased by the actual quantities of work units involved.

Section 3 – City Manager, or his designee, is hereby authorized to enter into those contracts necessary for such work, and to approve a bond from the contractor for labor, materials, and performance, in accordance with the terms of the bid, the plans, and the specifications prepared by the Director of Environmental Services and ordinances and resolutions of the City governing the construction, provided said contracts are in a form approved by the City Attorney.

Section 4 – The budget for the Fiscal Year 2022-2023 of the Department of Environmental Services of the City of Springfield is hereby amended in the amounts as shown on Budget Adjustment No. 003, a copy of which is attached hereto and incorporated herein by reference as "Exhibit B." This budget adjustment is in the amount of \$4,419,168, which includes the project bid amount of \$3,682,640, plus a twenty percent (20%) contingency.

Section 5 – City Council hereby finds that the budget adjustment made above has been recommended by the City Manager.

Section 6 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 7 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *John Millington*, Deputy City Attorney

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

EXPLANATION TO COUNCIL BILL 2022 -171

FILED: 07-05-22

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: Approving the plans and specifications for the Southwest Wastewater Treatment Plant: Plant 2 and Primary Treatment Rehabilitation; and accepting the bid of Irvinbilt Constructors, Inc. in the amount of \$3,682,640; and authorizing the City Manager, or his designee, to enter into a contract necessary for completion of said project and bidder; and approving a budget adjustment to amend the Fiscal Year 2022-2023 Budget for the Department of Environmental Services in the amount of \$4,419,168, to appropriate retained earnings of the Clean Water Enterprise Fund.

BACKGROUND INFORMATION: The goal of the Southwest Wastewater Treatment Plant: Plant 2 and Primary Treatment Rehabilitation project is to renovate, upgrade, and expand portions of the Plant 2 treatment train and primary treatment. The project consists of rehabilitation of the Plant 2 treatment basin, Plant 2 and Primary Treatment gate replacements, headworks HVAC replacement, installation of a new influent pumping station ("IPS") vertical turbine pump, and other miscellaneous plant rehabilitation. The equipment being replaced was installed in the early 1990's. Many components that will be replaced by the project are failing due to age, such as corroded sluice gates and failing electrical wiring. The Plant 2 flow and aeration are currently manually controlled. This project will add automation for flow and aeration with dissolved oxygen feedback control making treatment more consistent and energy efficient. The additional IPS pump will increase our influent pumping capacity from 75 MGD to 100 MGD, which will reduce regulatory risk during wet weather. Once completed, the Plant 2 and primary treatment areas will have improved resiliency and better efficiency through upgraded process controls and automation.

REMARKS:

1. This project is included in the City's Capital Improvements Program as Project #17-0109. This project is listed in Environmental Services' Supplemental Overflow Control Plan and contributes to the plan's goal of treatment facility renewal.
2. The project was advertised in *The Daily Events* from 4/18/2022 through 4/24/2022 and *The Springfield News-Leader* from 4/18/2022 through 4/25/2022.
3. Bids were opened in the Busch Municipal Building on June 16 at 10:00 am. The following bids were received:

CONTRACTOR

Irvinbilt Constructors, Inc.
Branco Enterprises, Inc.

BID AMOUNT

\$3,682,640
\$4,430,250

Engineer's Estimate

\$5,045,240

4. Plans, specifications, and cost estimates have been prepared and are on file with the Department of Environmental Services.
5. An evaluation of the bids was performed in accordance with the bid documents to determine the lowest-priced, qualified, responsive bidder. This evaluation considered price, contractor experience, qualifications, and financial ability.
6. Irvinbilt Constructors, Inc. submitted the lowest responsive bid, which was 27% below the engineer's estimate. Based on the above evaluation of the bid documents, qualifications, and Burn's and McDonnell's recommendation, Environmental Services recommends awarding this project to Irvinbilt Constructor, Inc. in the amount of \$3,682,640.
7. A budget adjustment of \$4,419,168 is requested to cover the construction costs plus 20% contingency. Funds for the budget adjustment will come from the retained earnings of the Clean Water Enterprise Fund.

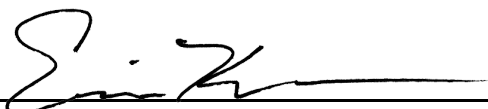
Environmental Services recommends passage of this Council Bill and budget adjustment.

Recommended by:



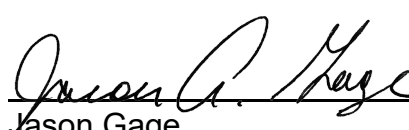
Brian Wirth
Superintendent of Treatment Plants

Submitted by:



Errin Kemper
Director of Environmental Services

Approved by:



Jason Gage
City Manager

SWTP Plant 2 and Primary Treatment Rehabilitation



City of Springfield, Missouri GIS

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
003

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						\$ -	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
53020	08	33520	509110	102481	00000	\$ 4,419,168	Southwest Wastewater Treatment Plant: Plant 2 and Primary Treatment Rehabilitation
Net Expenditure Adjustment						\$ 4,419,168	

Fund Balance Appropriation:

Fund	Title	Amount
53020	Clean Water Fund	\$ (4,419,168)

Explanation: To amend the FY2022-23 budget of the Department of Environmental Services by appropriating fund balance reserves of \$4,419,168 from the Clean Water Enterprise Fund for the Southwest Wastewater Treatment Plant - Plant 2 & Primary Treatment Rehabilitation project.

Requested By:

Dan Smith 7-05-2022
Department Head Date

Approved By:

D. J. Holt 7-05-2022
Director of Finance Date

Jason A. Hays 7-05-2022
City Manager Date

Authorization:

Council Bill No. 2022-171
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 07-05-22

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-172

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget of the Springfield Art Museum for Fiscal Year 2022-2023
2 in the amount of \$150,000 to appropriate fund balance reserves
3 from the Art Museum Special Project Fund to support construction
4 of the Art Museum North Parking Improvements Project at the
5 Springfield Art Museum.
6 _____
7

8 WHEREAS, as part of the Master Plan for the Springfield Art Museum
9 ("Museum"), the Museum's parking will be relocated to the north side of the Museum's
10 property; and
11

12 WHEREAS, bids received for the Art Museum North Parking Improvements
13 Project ("Project") were higher than originally budgeted; and
14

15 WHEREAS, fund balance reserves from the Art Museum Special Project Fund
16 will be used to cover part of the increased cost of this Project; and
17

18 WHEREAS, these fund balance reserves are to be reimbursed through private
19 fundraising; and
20

21 WHEREAS, the Springfield Art Museum Board has approved use of Museum
22 reserve funds for this purpose.
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 budget of the Springfield Art Museum for Fiscal Year 2022-2023
28 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment
29 No. 004, a copy of which is attached hereto and incorporated herein by reference as
30 "Exhibit A."
31

32 Section 2 – City Council finds that the budget adjustment made above has been
33 recommended by the Springfield Art Museum Board and the City Manager.

34 Section 3 – The City Manager is directed to cause the appropriate accounting
35 entries to be made in the books and records of the City.

36
37 Section 4 – This Ordinance shall be in full force and effect from and after
38 passage.

39
40 Passed at meeting: _____

41
42 _____
43 Mayor

44
45 Attest: _____, City Clerk

46
47 Filed as Ordinance: _____

48
49 Approved as to form: Jill Bennis, Assistant City Attorney

50
51
52 Approved for Council action: Jason A. Hayes, City Manager
53

EXPLANATION TO COUNCIL BILL 2022-172

FILED: 07-05-22

ORIGINATING DEPARTMENT: Art Museum

PURPOSE: Authorizing a budget adjustment amending the budget of the Springfield Art Museum for Fiscal Year 2022-2023 in the amount of \$150,000 to appropriate fund balance from the Art Museum Special Project Fund to be reimbursed through private fundraising, to support construction of the Art Museum North Parking Improvements project at the Springfield Art Museum.

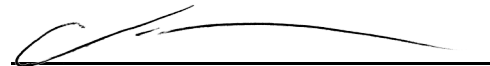
BACKGROUND INFORMATION: As part of the Master Plan for the Springfield Art Museum, the Museum's parking will be relocated to the north side of the Museum property. This project will be the first phase of this effort and will include the construction of a new parking lot and vehicular entrance on the northwest portion of the Museum property as well as improvements to the Amphitheater, lighting, accessibility through the construction of additional trails and sidewalks, and aesthetic improvements to the landscape through plantings. Fund balance appropriation from the Art Museum Special Project Fund will be used to cover additional costs of this project with said fund balance being reimbursed through private fundraising.

REMARKS: The bulk of the funding for this project comes from a private donation of \$500,000. Additional funds will be provided by grants from the James River Basin Partnership 319 Grant from the Environmental Protection Agency through the Missouri Department of Natural Resources. The Art Museum recommends approval of this Council Bill and budget adjustment.

This project supports the following City Council Priorities:

- Quality of Place
- Economic Vitality

Submitted by:



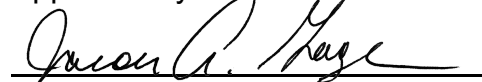
Nick Nelson,
Director of Art Museum

Recommended by:



Tiffany Brunner,
Art Museum Board Chair

Approved by:



Jason Gage,
City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
004

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						\$ -	

Expenditures:

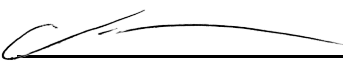
Fund	Dept	Org	Account	P&G	Location	Amount	Description
29130	02	21010	509110	103026	00000	\$ 150,000	Art Museum North Parking Improvements
Net Expenditure Adjustment						\$ 150,000	

Fund Balance Appropriation:

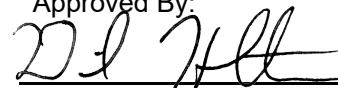
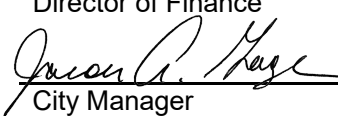
Fund	Title	Amount
29130	Art Museum Special Projects	(150,000)

Explanation: To amend the FY2022-23 budget by appropriating fund balance of \$150,000 from the Art Muesum Special Project Fund to support the construction of the Art Museum North Parking Improvement project.

Requested By:


Department Head 7-05-2022
Date

Approved By:


Director of Finance 7-05-2022
Date

City Manager 7-05-2022
Date

Authorization:

Council Bill No. 2022-172
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 07-05-22

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-173

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget of the Springfield-Greene County Health Department for
2 Fiscal Year 2021-2022 in the amount of \$3,300,000 to appropriate
3 funds from the Public Health Fund balance for continued COVID-19
4 community response.
5 _____
6

7 WHEREAS, the Springfield-Greene County Health Department ("SGCHD") has
8 provided COVID-19 community response since March 2020. The response efforts
9 include patient testing, laboratory analysis, contact tracing, epidemiological
10 investigations, immunization administration, community and business outreach,
11 community call center response, data collection & analysis, grant management, and
12 operational support connected to each of these efforts; and
13

14 WHEREAS, while at the end of Fiscal Year 2021-2022 SGCHD has experienced
15 a decline in response efforts and expenses, for most of the fiscal year the response and
16 expenses were at high levels; and
17

18 WHEREAS, federal funding from the Centers for Disease Control and Prevention
19 and Federal Emergency Management Agency has provided significant financial
20 resources towards the response. Along with this funding, the SGCHD has worked
21 diligently to anticipate response needs, connect available funding opportunities, and
22 scale the response efforts in a financially responsible manner; and
23

24 WHEREAS, despite the additional funding support and financial responsibility,
25 the SGCHD anticipates needing to utilize the Public Health Fund balance to maintain a
26 balanced budget for Fiscal Year 2021-2022.
27

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

31 Section 1 – The budget of the Springfield-Greene County Health Department for
32 Fiscal Year 2021-22 is hereby amended in the accounts and in the amounts as shown

on Budget Adjustment No. 087, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A."

Section 2 - City Council finds the budget adjustment has been recommended by the SGCHD and the City Manager.

Section 3 - The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Mary B. Bozart, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022 - 173

FILED 07-05-22

ORIGINATING DEPARTMENT: Health

PURPOSE:

To amend the budget of the Springfield-Greene County Health Department for Fiscal Year 2021-2022 in the amount of \$3,300,000 to appropriate funds from the Public Health Fund balance for continued COVID-19 community response.

BACKGROUND INFORMATION:

The Springfield-Greene County Health Department ("SGCHD") has provided COVID-19 community response since March 2020. The response efforts include patient testing, laboratory analysis, contact tracing, epidemiological investigations, immunization administration, community and business outreach, community call center response, data collection & analysis, grant management, and operational support connected to each of these efforts.

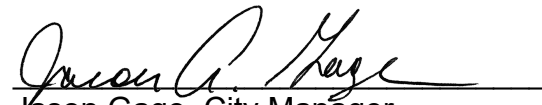
While at the end of Fiscal Year 2021-2022 SGCHD has experienced a decline in response efforts and expenses, for most of the fiscal year the response and expenses were at high levels. Federal funding from the Centers for Disease Control and Prevention and Federal Emergency Management Agency has provided significant financial resources towards the response. Along with this funding, the SGCHD has worked diligently to anticipate response needs, connect available funding opportunities, and scale the response efforts in a financially responsible manner. Despite the additional funding support and financial responsibility, the SGCHD anticipates needing to utilize the Public Health Fund balance to maintain a balanced budget for Fiscal Year 2021-2022.

Recommended by:



Katie Towns, Director of Health

Approved by:



Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
087

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
27010	11	50010	414080			\$ 3,300,000	Fund balance appropriation to cover possible unfunded COVID expenses.
Net Revenue Adjustment						\$ 3,300,000	

Expenditures:

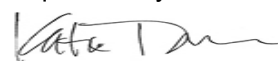
Fund	Dept	Org	Account	P&G	Location	Amount	Description
27010	11	50010	501260	102835		\$ 3,300,000	COVID expenses
Net Expenditure Adjustment						\$ 3,300,000	

Fund Balance Appropriation:

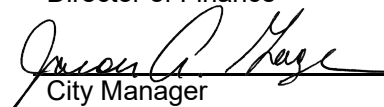
Fund	Title	Amount

Explanation: To amend the FY2021-22 budget by appropriating fund balance to cover COVID expenses that are identified as unfunded, prior to the close of FY22.

Requested By:


Department Head 7-06-2022
Date

Approved By:


Director of Finance 7-06-2022
Date

City Manager 7-06-2022
Date

Authorization:

Council Bill No. 2022-173
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hmgs. _____
Pgs. 4
Filed: 07-05-22

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 174

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Fiscal Year 2021-2022 operating budget of the City of Springfield in
2 the General Fund by increasing both revenue and expenses in the amount
3 of \$108,409, for the purpose of adjusting for certain reimbursements and
4 associated offsetting expenses as well as adjusting the salary budget for
5 retirement payouts.
6 _____
7

8 WHEREAS, during a fiscal year, various events occur resulting in revenue and
9 expenses which were not anticipated at the time the budget was developed; and
10

11 WHEREAS, for efficiency purposes these adjustments to the budget are typically
12 handled toward the end of the fiscal year or shortly thereafter; and
13

14 WHEREAS, the Fiscal Year 2021-2022 operating budget for the General Fund
15 needs to be adjusted for revenue and expense adjustment of \$108,409 for
16 reimbursements and to adjust the salary budget for retirement payouts.
17

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

21 Section 1 – The budget of the City of Springfield for Fiscal Year 2021-2022 is
22 hereby amended in the accounts and in the amounts as shown on Budget Adjustment
23 No. 085, a copy of which is attached hereto and incorporated herein by this reference
24 as “Exhibit A.”
25

26 Section 2 – City Council finds the budget adjustment has been recommended by
27 the City Manager and that the budget adjustment made herein is necessary to reconcile
28 differences between budgeted revenues and expenditures and actual revenues and
29 expenditures.
30

31 Section 3 – City Council hereby directs the City Manager to cause the
32 appropriate accounting entries to be made in the books and records of the City.
33

34 Section 4 – 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
47 Approved as to form: Jill Bunn, Assistant City Attorney

48
49
50 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2022-174

FILED: 07-05-22

ORIGINATING DEPARTMENT: Finance

PURPOSE: Amending the City's Fiscal Year 2021-2022 operating budget in the General Fund by increasing both revenue and expenses in the amount of \$108,409.

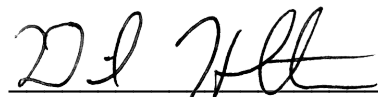
BACKGROUND INFORMATION: During the fiscal year, various events occur resulting in revenue and expenses which were not anticipated at the time the budget was developed. Some of the most common events are insurance proceeds for damaged equipment and the corresponding cost to repair the equipment, sale of assets, and reimbursements for various City services. Each revenue adjustment has a corresponding increase in expense. For efficiency purposes, these adjustments to the budget are typically handled toward the end of the fiscal year. Although Fiscal Year 2021-2022 ended on June 30, 2022, the books remain open for year-end entries.

The Fiscal Year 2021-2022 year-end budget adjustment includes a revenue and expense adjustment of \$108,409 for reimbursements. This year's reimbursements include funds from Greene County, Republic, and Nixa for Niche software, operating expense reimbursement from Ozark Greenways, and insurance/warranty settlements.

Actual year-end salary expense often varies from budget due to sick leave and vacation payments that are paid at retirement. These payouts are not budgeted. Overall, salary expense in the General Fund did not exceed the budget in Fiscal Year 2021-2022; however, it is necessary to adjust appropriations between departments. Some departments may need additional funds, due to a large number of retirees, while other departments have funds available due to vacancies.

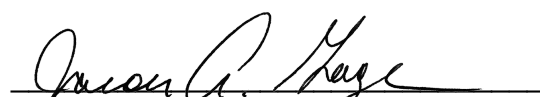
REMARKS: The purpose of this budget adjustment is to adjust the Fiscal Year 2021-2022 budget for reimbursements and associated offsetting expense items as well as adjust the salary budget for retirement payouts. This is separate from and different than a carryover budget adjustment which appropriates available funds in excess of the operating reserve. The information for the carryover budget adjustment is not available until the financial statements for the fiscal year are complete. This generally occurs in November following the close of the fiscal year in June. It is not known at this time the amount of carryover funds from the Fiscal Year 2021-2022 budget.

Recommended by:



David Holtmann, Director of Finance

Approved by:


Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
085

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	10	15010	414110			\$ 6,034	Fire - Travel reimbursement
10110	10	15050	414110			7,735	Fire - Insurance, warranty, and other reimbursements
10110	16	80030	414110			8,000	Ozark Greenways reimbursement
10110	18	97510	413030			81,244	Police - other agency reimbursements for Niche
10110	19	20010	414110			5,396	PIO - Reimbursement for supplies
Net Revenue Adjustment						\$ 108,409	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	10	15010	505690			\$ 6,034	Fire - Travel reimbursement
10110	10	15050	500120			5,019	Fire - Warranty and other reimbursements - Salaries
10110	10	15050	501200			2,716	Fire - Insurance and warranty reimbursements - Supplies
10110	16	80030	500110			3,500	Ozark Greenways salaries reimbursement
10110	18	97510	505830			4,500	Ozark Greenways supplies reimbursement
10110	18	97510	504580			81,244	Police -other agency reimbursements for Niche
10110	19	20010	501260			5,396	PIO - Reimbursement for supplies
10110	12	16010	500110			(10,000)	Move employee referral program funding from HR to Police for
10110	18	97510	500110			10,000	recruitment initiative.
10110	12	16010	502420			(23,977)	Move relocation and recruitment program funding from HR to
10110	18	15030	502420			23,977	Police for recruitment initiative.
10110	04	11030	500110			175,000	City Attorney - Salaries
10110	06	13010	500110			(225,000)	City Manager - Salaries
10110	15	19020	500110			20,000	Municipal Court - Salaries
10110	17	60010	500110			10,000	Planning - Salaries
10110	19	20010	500110			20,000	Public Information Office - Salaries
Net Expenditure Adjustment						\$ 108,409	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the fiscal year end 2021-22 budget for the General Fund.

Requested By:


Department Head 7-06-2022
Date

Approved By:


Director of Finance 7-06-2022
Date


City Manager 7-06-2022
Date

Authorization:

Council Bill No. 2022-174
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hmgs. _____
Pgs. 4
Filed: 07-05-22

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-175

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Fiscal Year 2021-2022 operating budget of the City of Springfield by
2 increasing both revenue and expenses in the amount of \$129,739, in
3 various Special Revenue and Capital Project Funds, for the purpose of
4 accounting for certain reimbursements and associated offsetting expense
5 items.
6 _____
7

8 WHEREAS, during a fiscal year, various events occur resulting in revenue and
9 expenses which were not anticipated at the time the budget was developed; and
10

11 WHEREAS, for efficiency purposes these adjustments to the budget are typically
12 handled toward the end of the fiscal year or shortly thereafter; and
13

14 WHEREAS, the Fiscal Year 2021-2022 operating budget for various Special
15 Revenue and Capital Project Funds needs to be adjusted for reimbursements and
16 associated offsetting expense items.
17

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

21 Section 1 – The budget of the City of Springfield for Fiscal Year 2021-2022 is
22 hereby amended in the accounts and in the amounts as shown on Budget Adjustment
23 No. 086, a copy of which is attached hereto and incorporated herein by this reference
24 as “Exhibit A.”
25

26 Section 2 – City Council finds the budget adjustment has been recommended by
27 the City Manager and that the budget adjustment made herein is necessary to reconcile
28 differences between budgeted revenues and expenditures and actual revenues and
29 expenditures.
30

31 Section 3 – City Council hereby directs the City Manager to cause the
32 appropriate accounting entries to be made in the books and records of the City.
33

34 Section 4 – 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
47 Approved as to form: Jill Bennis, Assistant City Attorney

48
49
50 Approved for Council action: Jason R. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2022-175

FILED: 07-05-22

ORIGINATING DEPARTMENT: Finance

PURPOSE: Amending the City's Fiscal Year 2021-2022 operating budget by increasing both revenue and expenses in the amount of \$129,739, in various Special Revenue and Capital Project Funds.

BACKGROUND INFORMATION: During the fiscal year, various events occur resulting in revenue and expenses which were not anticipated at the time the budget was developed. Some of the most common events are insurance proceeds for damaged equipment and the corresponding cost to repair the equipment, sale of assets, and reimbursements from other agencies. For efficiency purposes, these adjustments to the budget are typically handled toward the end of the fiscal year. Although Fiscal Year 2021-2022 ended on June 30, 2022, the books remain open for year-end entries.

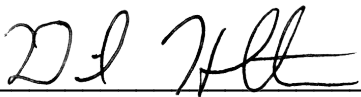
The Fiscal Year 2021-2022 year-end budget adjustment includes \$120,000, which was paid out of the fire escrow funds held by the City. Often, an insurance company will issue checks for reimbursement of fire damage to both the City and the property owner. The City holds the funds in escrow until the property damage is cleaned up and the property meets the requirements of City code.

The Police department received \$6,086, for the sale of brass. Reimbursement from Greene County to the Health Department for additional expenses incurred above the original budget totaled \$2,137. Insurance reimbursements were also received for \$1,517, for Public Works capital project funds.

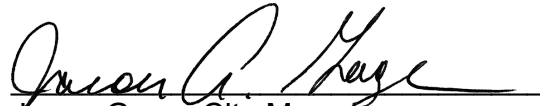
Budgeted salary savings within the Level Property Tax operating fund are reallocated to the Fire Station # 13 project for increased construction cost.

REMARKS: The purpose of this budget adjustment is to adjust the Fiscal Year 2021-2022 budget for reimbursements and associated offsetting expense items. This budget adjustment includes special revenue, capital project and enterprise funds. These funds are designated for a specific purpose and must be used only for this purpose.

Recommended by:


David Holtmann, Director of Finance

Approved by:


Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
086

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22110	03	10010	414080	000000	00000	\$ 120,000	BDS - Fire Escrow Fund payouts
25060	18	97590	413100	000000	00000	6,086	Police - Sale of brass
27020	11	57510	413030	000000	00000	2,137	Health - Increased reimbursement from Greene County
40055	20	73020	414110	102268	00000	1,517	Public Works - Insurance Reimbursement
Net Revenue Adjustment						\$ 129,739	

Expenditures:

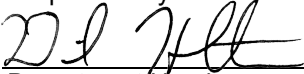
Fund	Dept	Org	Account	P&G	Location	Amount	Description
22110	03	10010	502210	000000	00000	\$ 120,000	BDS - Fire Escrow Fund payouts
25060	18	97590	501190	000000	00000	6,086	Police - Sale of brass
27020	11	57510	502780	000000	00000	2,137	Health - Increased reimbursement from Greene County
40055	20	73020	509110	000000	00000	1,517	Public Works - Insurance Reimbursement
25100	18	97510	500110	000000	00000	(323,500)	Reallocate salary savings for Fire Station # 13 overruns
25100	20	73020	509110	102501	10737	323,500	Reallocate salary savings for Fire Station # 13 overruns
Net Expenditure Adjustment						\$ 129,739	

Fund Balance Appropriation:

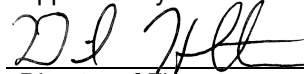
Fund	Title	Amount

Explanation: To amend the fiscal year end 2021-22 budget for reimbursements received for various funds.

Requested By:


Department Head 7-06-2022
Date

Approved By:


Director of Finance 7-06-2022
Date


City Manager 7-06-2022
Date

Authorization:

Council Bill No. 2022-175
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 10
Filed: 07-05-22

Sponsored by: Simpson, McGull,
Lear, and Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 176

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Special Ordinance 27550 to amend funding appropriated for continuing
2 COVID-19 services; amending Special Ordinance 27640 to amend
3 projected funds appropriated for retention payments; amending the
4 budget for Fiscal Year 2022-2023 to appropriate funds from the City's
5 Coronavirus State and Local Fiscal Recovery Funds, established by the
6 American Rescue Plan Act of 2021, for certain projects as
7 recommended by the City Council ARPA Review Committee; and
8 authorizing the City Manager to enter into funding agreements as
9 necessary with recipients of such funds. (The City Council ARPA
10 Review Committee voted to recommend this appropriation to City
11 Council.)
12 _____
13

14 WHEREAS, the American Rescue Plan Act of 2021 ("ARPA"), signed into law on
15 March 11, 2021, established Coronavirus State and Local Fiscal Recovery Funds to
16 provide emergency funding for eligible state, local, territorial, and Tribal Governments;
17 and
18

19 WHEREAS, the City was awarded \$40,276,290 in Coronavirus State and Local
20 Fiscal Recovery Funds, and City Council accepted these ARPA funds through Special
21 Ordinance 27538 passed on July 26, 2021; and
22

23 WHEREAS, City Council appropriated \$8,000,000 of the ARPA funds to support
24 continuing COVID-19 critical services through Special Ordinance 27550 passed on
25 August 23, 2021; and
26

27 WHEREAS, the City Council ARPA Review Committee met on June 23, 2022,
28 and voted to recommend amending the \$8,000,000 of the ARPA funds previously
29 appropriated for continuing COVID-19 critical services to \$3,026,290; and
30

31 WHEREAS, City Council appropriated \$1,719,700 of the ARPA funds for
32 projected retention payments to be made in 2022, 2023, and 2024 through Special

Ordinance 27640 passed on January 24, 2022, and current projections estimate only \$1,619,700 will be required for such payments; and

WHEREAS, the City has received over \$210,000,000 in requests to fund projects using the APRA funds; and

WHEREAS, the City Council ARPA Committee met on June 23, 2022, and voted to recommend allocation of ARPA funds to certain projects and in certain amounts as set forth in "Exhibit B"; to authorize the City Manager to work with the recipients of such funds, as necessary, to develop funding agreements detailing the parameters of project reimbursements, auditing reviews, completion timetables, and other requirements for successful project completion; and to authorize the City Manager to enter into such funding agreements.

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

Section 1 – Special Ordinance 27550 is hereby amended to change the amount of ARPA funds appropriated to support continuing COVID-19 critical services from \$8,000,000 to \$3,026,290.

Section 2 – Special Ordinance 27640 is hereby amended to change the amount of ARPA funds appropriated for projected retention payments from \$1,719,700 to \$1,619,700.

Section 3 – The budget for Fiscal Year 2022-2023 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 005, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A," to appropriate funds from the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, for certain projects and in certain amounts as recommended by the City Council ARPA Review Committee, as shown on "Exhibit B," a copy of which is attached hereto and incorporated herein by reference.

Section 4 – City Council finds the budget adjustment has been recommended by the City Manager.

Section 5 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 6 – City Council hereby authorizes the City Manager, or his designee, to develop and enter into any necessary funding agreements with recipients of funds appropriated in this ordinance for the projects identified in "Exhibit B," provided that any

75 agreements or documents executed pursuant to this authority are in a form approved by
76 the City Attorney

77
78 Section 7 – This Ordinance shall be in full force and effect from and after
79 passage.

80
81 Passed at meeting: _____

82
83
84 _____
85 Mayor

86
87 Attest: _____, City Clerk

88
89 Filed as Ordinance: _____

90
91
92 Approved as to form: Jill Bennis, Assistant City Attorney

93
94
95 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2022-176

FILED 07-05-22

ORIGINATING DEPARTMENT: City Manager

PURPOSE: To amend the budget for Fiscal Year 2022-2023 to appropriate funds from the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act ("ARPA") of 2021 for certain projects as recommended by the City Council ARPA Review Committee and authorizing the City Manager to enter into funding agreements as necessary with certain recipients; amending Special Ordinance 27550 for funding for potential COVID-19 pandemic response; amending Special Ordinance 27640 to reflect the funds needed for said purpose. (The City Council ARPA Review Committee voted to recommend this appropriation to City Council.)

BACKGROUND INFORMATION: The American Rescue Plan Act of 2021 was passed by Congress on March 10, 2021, and signed into law on March 11, 2021. The Act provides \$1.9 trillion in aid for families, governments, businesses, schools, non-profits and others impacted by COVID-19. The Act includes, among other things \$656 billion for direct financial assistance to individuals, businesses and non-profits; \$56 billion in assistance to individuals and families; \$211 billion for education and childcare programs; \$86 billion for health programs; \$40 billion for transportation, including airports and rail; \$61 billion for a variety of other programs and \$350 billion for state and local governments in a Fiscal Recovery Fund. Of the \$350 billion in the Fiscal Recovery Fund administered by the U.S. Department of the Treasury, the City of Springfield directly received an allocation of \$40,276,290.

The City received the Fiscal Recovery Funds from the U.S. Department of the Treasury in two allotments, \$20,138,145 on June 7, 2021, and the remaining \$20,138,145 on June 9, 2022. David Holtmann, Director of Finance for the City of Springfield reported to the ARPA Review Committee at their meeting on April 19, 2022, the total revenue reduction due to the pandemic for the City of Springfield, as calculated utilizing the guidelines from the U.S. Department of the Treasury, to be \$72,535,871 for FY2020 and FY2021 combined. This amount eclipses the City of Springfield's total ARPA funds received by more than \$32 million just for FY2020 and FY2021. This gives us the broad flexibility for expenditures, authorized in the Act, under the category of provision of government services to the extent of the reduction in revenue.

City Council held a workshop on June 24, 2021, to review the ARPA Act and to plan for the process of administering the disbursement of the funds. On July 16, 2021, Mayor

Ken McClure appointed the following City Council Members to serve on the special Council ARPA Review Committee:

- Mayor Pro Tem Matthew Simpson – Chair
- Councilman Andy Lear
- Councilman Abe McGull
- Councilwoman Heather Hardinger

The charge of the committee was to:

- Review, research and analyze all requests for ARPA funding
- Consider other possibilities for funding within the parameters of the Act
- Initiate public engagement, working with the Office of Public Information and Civic Engagement
- Work closely with other partners, specifically including Greene County Commission, to review possible areas of coordination and cooperation
- Report regularly to the Committee of the Whole both for informational and status purposes as well as to seek guidance
- Make specific recommendations to the Committee of the Whole

In addition to the June 24, 2021, City Council workshop regarding ARPA, the City Council ARPA Review Committee held the following public meetings:

- July 13, 2021
- July 27, 2021
- August 5, 2021
- September 14, 2021
- November 2, 2021
- April 19, 2022
- June 23, 2022

City Council approved special ordinance 27550 on August 23, 2021, which amended the budget for Fiscal Year 2021-2022 in the amount of \$8 million to support the Springfield-Greene County Health Department for continuing COVID-19 critical services, as recommended by the City Council ARPA Review Committee. The ARPA Review Committee is now recommending, with the approval of this ordinance, to amend the funds to be set aside for potential COVID-19 response to \$3,026,290. This funding allocation will remain for COVID-19 pandemic utilization unless/until these funds are reallocated by City Council for other ARPA projects, as funds become available.

City Council also approved resolution 10605 on November 15, 2021, which authorized the City Manager to prepare ordinances needed to seek formal City Council approval of the Committee's recommendation for the retention pay for police, fire, and health employees. The approval of this ordinance amends Special Ordinance 27640 to

\$1,619,700 to reflect current projections. A budget adjustment is attached to reflect this change. The total funds to be set aside for retention pay will be set at \$5.9 million. These funds will continue to be utilized in the same amounts and in the same manner as previously approved by City Council for retention payments.

The City received a variety of funding requests for City ARPA dollars for projects. To date, the requests total more than \$210 million.

In October 2021 the City had a scientific random-sampling survey conducted to gauge citizen input regarding priorities for ARPA spending. Results from the survey were based on 1,438 completed questionnaires (1,237 mail and 201 online) of Springfield residents. Overall findings have a +/- 2.6% of error (95% confidence interval). The top three categories receiving a number one priority were public safety, homeless and housing services, and community health and wellness.

In addition to the survey, the City Council ARPA Review Committee were also presented with other public engagement insights including:

- Forward SGF – The City’s Comprehensive Planning Process
- Citizen Satisfaction Survey – 2019
- Community Development Needs Survey – used to collect data for the Consolidated Plan – (2019-2024)
- 1/8-Cent and 1/4-Cent Transportation and Capital Improvement Sales Tax programs.
- Grant Avenue Parkway Community Engagement
- Renew Jordan Creek
- Ozarks Alliance to End Homelessness System Survey
- Housing & Community Development Needs Survey

The State of Missouri also received more than \$2 billion from a direct allocation also from the Fiscal Recovery Fund administered by the U.S. Department of the Treasury. The City of Springfield requested funding from the State of Missouri for eight projects in what was entitled, “Transformative Growth Package” that could leverage the City’s allocation when coupled with Fiscal Recovery Funds from the State. The projects that were selected from that list, as well as some other Springfield-area organizations that also receiving funding from the State, are included in the City Council’s APRA Review Committee recommendation to fully leverage State matching funds.

During the July 27, 2021, ARPA Review Committee meeting, several principles were discussed for consideration of the use of the Fiscal Recovery Fund investment dollars, such as:

- Use Dedicated grants and programs first whenever possible
- Use Revenue Loss funding category last for priorities not eligible either with federal or state grants or other Local Fiscal Recovery Fund categories
- Assess government operations and community needs
- Projects/programs in partnership with Greene County or other partners
- Tapping into State Fiscal Recovery Funds
- Use this one-time funding for one-time expenses
- Analyze fit with City Council Priorities

**City Council ARPA Review Committee
Project Recommendations:**

Renew Jordan Creek (Stormwater project)	\$ 500,000
Cooper/Killian Park Projects Total:	\$ 7,300,000
Cooper Soccer Complex Turf	
Cooper Baseball & Killian Softball Upgrades	
Art Museum Education Wing	\$ 3,000,000
Ozark Greenways: Chadwick Flyer Trail Development	\$ 3,000,000
Historic City Hall Renovation	\$ 4,000,000
City-Wide Housing Study	\$ 500,000
MSU request for funding for Grand St. underpass	\$ 750,000
Restore SGF project	\$ 1,000,000
Boys & Girls Club new facility	\$ 2,000,000
Housing/Homeless Projects Set Aside (Additional to CDBG-ARPA Funds)	\$ 7,000,000
Family Connects Program	\$ 650,000
Discovery Center	\$ 50,000
Ozark Empire Fair: Arena project	\$ 250,000
Burrell Hotline	\$ 100,000
Springfield-Greene County Library District (Auditorium project)	\$ 500,000

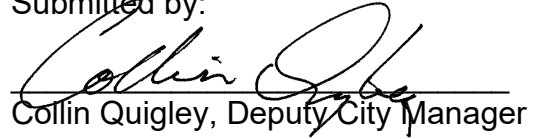
This council bill sets aside \$7,000,000 for homeless/housing projects that remain to be recommended by the City Council ARPA Review Committee. The Committee anticipates additional meetings and discussion/recommendations for City Council's formal approval in the upcoming months.

With approval of this ordinance, the City Manager is authorized to work with the entities for the approved projects and to develop and approve funding agreements that will detail the parameters for project reimbursements, auditing reviews, completion timetables, as well as other requirements as needed to ensure successful project

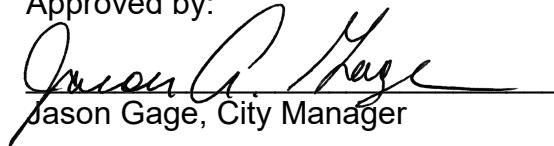
completion.

REMARKS: The City Council ARPA Review Committee recommends approval.

Submitted by:


Collin Quigley, Deputy City Manager

Approved by:


Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
005

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						\$ -	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	20	18060	509110	000000	00000	\$ 500,000	Renew Jordan Creek (Stormwater Project)
22520	16	18060	509110	000000	00000	7,300,000	Cooper/Killian Park Projects (Soccer, Softball, Baseball)
22520	02	18060	509110	000000	00000	3,000,000	Art Museum Education Wing
22520	09	18060	502490	000000	00000	3,000,000	Ozark Greenways: Chadwick Flyer Trail Development
22520	20	18060	509110	000000	00000	4,000,000	Historic City Hall Renovation
22520	17	18040	504580	000000	00000	500,000	City-Wide Housing Study
22520	09	18060	502490	000000	00000	750,000	MSU request for funding for Grand St. underpass
22520	06	18040	504580	000000	0000	1,000,000	Restore SGF project
22520	09	18060	502490	000000	0000	2,000,000	Boys & Girls Club new facility
22520	17	18040	504580	000000	0000	7,000,000	Housing/Homeless Projects Set Aside
22520	17	18040	504580	000000	0000	650,000	Family Connects Program
22520	09	18060	502490	000000	0000	50,000	Discovery Center
22520	09	18060	502490	000000	0000	250,000	Ozark Empire Fair: Arena project
22520	09	18040	502490	000000	0000	100,000	Burrell Hotline
22520	09	18060	502490	000000	0000	500,000	Springfield-Greene County Library District (Auditorium)
22520	11	18050	500110	103132	0000	(100,000)	Adjusted Non-Union retention pay allocation
22520	11	18030	500110	000000	0000	(2,486,855)	Reallocated from COVID-19 response funding for Health
22520	11	18030	504580	000000	0000	(2,486,855)	Reallocated from COVID-19 response funding for Health
Net Expenditure Adjustment						\$ 25,526,290	

Fund Balance Appropriation:

Fund	Title	Amount
22520	US Department of the Treasury Fund	\$ (25,526,290)

Explanation: To amend the FY2022-23 budget by appropriating the American Rescue Plan Act fund balance by the projects listed above.

Requested By:

 7-06-2022
Department Head Date

Approved By:

 7-06-2022
Director of Finance Date

Authorization:

Council Bill No. 2022-176
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

 7-06-2022
City Manager Date

Exhibit B

Council ARPA Review Committee Recommendations:

Project	Amount
Renew Jordan Creek (Stormwater project)	\$500,000
Cooper/Killian Park Projects Total:	\$7,300,000
Cooper Soccer Complex Turf	
Cooper Baseball & Killian Softball Upgrades	
Art Museum Education Wing	\$3,000,000
Ozark Greenways: Chadwick Flyer Trail Development	\$3,000,000
Historic City Hall Renovation	\$4,000,000
City-Wide Housing Study	\$500,000
MSU request for funding for Grand St. underpass	\$750,000
Restore SGF project	\$1,000,000
Boys & Girls Club new facility	\$2,000,000
Housing/Homeless Projects Set Aside (Additional to CDBG-ARPA Funds)	\$7,000,000
Family Connects Program	\$650,000
Discovery Center	\$50,000
Ozark Empire Fair: Arena project	\$250,000
Burrell Hotline	\$100,000
Springfield-Greene County Library District (Auditorium project)	\$500,000

One-rdg. _____
P. Hmgs. _____
Pgs. 7
Filed: 07-05-22

Sponsored by: McGull, Lear,
and Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-177

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget for Fiscal Year 2022-2023 to appropriate \$750,000 from the
2 City's Coronavirus State and Local Fiscal Recovery Funds, established
3 by the American Rescue Plan Act of 2021, for an airframe and
4 powerplant maintenance facility proposed by Ozarks Technical
5 Community College and recommended for funding by the City Council
6 ARPA Review Committee; and authorizing the City Manager to enter
7 into a funding agreement with Ozarks Technical Community College
8 regarding such funds. (The City Council ARPA Review Committee
9 voted to recommend this appropriation to City Council.)
10 _____
11

12 WHEREAS, the American Rescue Plan Act of 2021 ("ARPA"), signed into law on
13 March 11, 2021, established Coronavirus State and Local Fiscal Recovery Funds to
14 provide emergency funding for eligible state, local, territorial, and Tribal Governments;
15 and
16

17 WHEREAS, the City was awarded \$40,276,290 in Coronavirus State and Local
18 Fiscal Recovery Funds, and City Council accepted these ARPA funds through Special
19 Ordinance 27538 passed on July 26, 2021; and
20

21 WHEREAS, the City has received over \$210,000,000 in requests to fund
22 projects using the APRA funds; and
23

24 WHEREAS, the City Council ARPA Committee met on June 23, 2022, and voted
25 to recommend allocation of \$750,000 of ARPA funds to Ozarks Technical Community
26 College for a proposed airframe and powerplant maintenance facility.
27

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

31 Section 1 –The budget for Fiscal Year 2022-2023 is hereby amended in the
32 accounts and in the amounts as shown on Budget Adjustment No. 006, a copy of which
33 is attached hereto and incorporated herein by reference as "Exhibit A," to appropriate

34 \$750,000 in funds from the City's Coronavirus State and Local Fiscal Recovery Funds,
35 established by the American Rescue Plan Act of 2021, for an airframe and powerplant
36 maintenance facility proposed by Ozarks Technical Community College.
37

38 Section 2 – City Council finds the budget adjustment has been recommended by
39 the City Manager.
40

41 Section 3 – The City Manager is directed to cause the appropriate accounting
42 entries to be made in the books and records of the City.
43

44 Section 4 – City Council hereby authorizes the City Manager, or his designee, to
45 develop and enter into a funding agreement with Ozark Technical Community College
46 for an airframe and powerplant maintenance facility, provided that any agreements or
47 documents executed pursuant to this authority are in a form approved by the City
48 Attorney
49

50 Section 5 – This Ordinance shall be in full force and effect from and after
51 passage.
52

53 Passed at meeting: _____
54
55

56 _____
57 Mayor
58

59 Attest: _____, City Clerk
60

61 Filed as Ordinance: _____
62

63 Approved as to form: Jill Bunn, Assistant City Attorney
64
65

66 Approved for Council action: Jason A. Hage, City Manager
67

EXPLANATION TO COUNCIL BILL 2022-177

FILED 07-05-22

ORIGINATING DEPARTMENT: City Manager

PURPOSE: To amend the budget for Fiscal Year 2022-2023 to appropriate funds from the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act ("ARPA") of 2021 for a certain project as recommended by the City Council ARPA Review Committee and authorizing the City Manager to enter into a funding agreement as necessary with the recipient. (The City Council ARPA Review Committee voted to recommend this appropriation to City Council)

BACKGROUND INFORMATION: The American Rescue Plan Act of 2021 was passed by Congress on March 10, 2021, and signed into law on March 11, 2021. The Act provides \$1.9 trillion in aid for families, governments, businesses, schools, non-profits and others impacted by COVID-19. The Act includes, among other things \$656 billion for direct financial assistance to individuals, businesses and non-profits; \$56 billion in assistance to individuals and families; \$211 billion for education and childcare programs; \$86 billion for health programs; \$40 billion for transportation, including airports and rail; \$61 billion for a variety of other programs and \$350 billion for state and local governments in a Fiscal Recovery Fund. Of the \$350 billion in the Fiscal Recovery Fund administered by the U.S. Department of the Treasury, the City of Springfield directly received an allocation of \$40,276,290.

The City received the Fiscal Recovery Funds from the U.S. Department of the Treasury in two allotments, \$20,138,145 on June 7, 2021, and the remaining \$20,138,145 on June 9, 2022. David Holtmann, Director of Finance for the City of Springfield reported to the ARPA Review Committee at their meeting on April 19, 2022, the total revenue reduction due to the pandemic for the City of Springfield, as calculated utilizing the guidelines from the U.S. Department of the Treasury, to be \$72,535,871 for FY2020 and FY2021 combined. This amount eclipses the City of Springfield's total ARPA funds received by more than \$32 million just for FY2020 and FY2021. This gives us the broad flexibility for expenditures, authorized in the Act, under the category of provision of government services to the extent of the reduction in revenue.

City Council held a workshop on June 24, 2021, to review the ARPA Act and to plan for the process of administering the disbursement of the funds. On July 16, 2021, Mayor Ken McClure appointed the following City Council Members to serve on the special Council ARPA Review Committee:

- Mayor Pro Tem Matthew Simpson – Chair
- Councilman Andy Lear
- Councilman Abe McGull
- Councilwoman Heather Hardinger

The charge of the committee was to:

- Review, research and analyze all requests for ARPA funding
- Consider other possibilities for funding within the parameters of the Act
- Initiate public engagement, working with the Office of Public Information and Civic Engagement
- Work closely with other partners, specifically including Greene County Commission, to review possible areas of coordination and cooperation
- Report regularly to the Committee of the Whole both for informational and status purposes as well as to seek guidance
- Make specific recommendations to the Committee of the Whole

In addition to the June 24, 2021, City Council workshop regarding ARPA, the City Council ARPA Review Committee held the following public meetings:

- July 13, 2021
- July 27, 2021
- August 5, 2021
- September 14, 2021
- November 2, 2021
- April 19, 2022
- June 23, 2022

The City received a variety of funding requests for City ARPA dollars for projects. To date, the requests total more than \$210 million.

In October 2021 the City had a scientific random-sampling survey conducted to gauge citizen input regarding priorities for ARPA spending. Results from the survey were based on 1,438 completed questionnaires (1,237 mail and 201 online) of Springfield residents. Overall findings have a +/- 2.6% of error (95% confidence interval). The top three categories receiving a number one priority were public safety, homeless and housing services, and community health and wellness.

In addition to the survey, the City Council ARPA Review Committee were also presented with other public engagement insights including:

- Forward SGF – The City’s Comprehensive Planning Process
- Citizen Satisfaction Survey – 2019
- Community Development Needs Survey – used to collect data for the Consolidated Plan – (2019-2024)
- 1/8-Cent and 1/4-Cent Transportation and Capital Improvement Sales Tax programs.
- Grant Avenue Parkway Community Engagement
- Renew Jordan Creek
- Ozarks Alliance to End Homelessness System Survey
- Housing & Community Development Needs Survey

The State of Missouri also received more than \$2 billion from a direct allocation also from the Fiscal Recovery Fund administered by the U.S. Department of the Treasury. The City of Springfield requested funding from the State of Missouri for eight projects in what was entitled, “Transformative Growth Package” that could leverage the City’s allocation when coupled with Fiscal Recovery Funds from the State. The projects that were selected from that list, as well as some other Springfield-area organizations that also receiving funding from the State, are included in the City Council’s APRA Review Committee recommendation to fully leverage State matching funds.

During the July 27, 2021, ARPA Review Committee meeting, several principles were discussed for consideration of the use of the Fiscal Recovery Fund investment dollars, such as:

- Use Dedicated grants and programs first whenever possible
- Use Revenue Loss funding category last for priorities not eligible either with federal or state grants or other Local Fiscal Recovery Fund categories
- Assess government operations and community needs
- Projects/programs in partnership with Greene County or other partners
- Tapping into State Fiscal Recovery Funds
- Use this one-time funding for one-time expenses
- Analyze fit with City Council Priorities

**City Council ARPA Review Committee
Project Recommendations:**

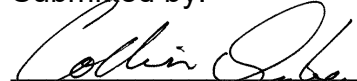
OTC request for Airframe & Powerplant Maintenance facility	\$ 750,000
--	------------

With approval of this ordinance, the City Manager is authorized to work with the entity for the approved project and to develop and approve funding agreements that will detail the parameters for project reimbursements, auditing reviews, completion timetables, as

well as other requirements as needed to ensure successful project completion.

REMARKS: The City Council ARPA Review Committee recommends approval.

Submitted by:



Collin Quigley, Deputy City Manager

Approved by:



Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
006

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						\$ -	

Expenditures:

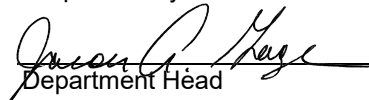
Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	09	18060	502490	000000	00000	\$ 750,000	OTC request for funding for AMP facility
Net Expenditure Adjustment						\$ 750,000	

Fund Balance Appropriation:

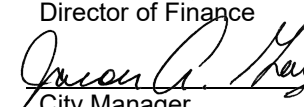
Fund	Title	Amount
22520	US Department of the Treasury Fund	\$ (750,000)

Explanation: To amend the FY2022-23 budget by appropriating American Rescue Plan Act fund balance for the Ozarks Technical College project.

Requested By:

 7-06-2022
Department Head Date

Approved By:

 7-06-2022
Director of Finance Date
 7-06-2022
City Manager Date

Authorization:

Council Bill No. 2022-177
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed: 07-05-22

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 178

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager or his designee to enter into a Municipal Agreement
2 with the Missouri Highways and Transportation Commission to
3 coordinate the construction and maintenance of improvements along
4 Cherry Street.
5 _____
6

7 WHEREAS, the City and the Missouri Highways and Transportation Commission
8 ("MHTC") desire to coordinate the construction and maintenance of improvements along
9 Cherry Street, designated as MHTC Job No. J8S3221; and
10

11 WHEREAS, MHTC will be performing pavement resurfacing, pedestrian
12 improvements, and guardrail upgrades at Route 65 and Cherry Street; and
13

14 WHEREAS, the City wishes to grant the right to use City right-of-way as
15 necessary to perform these improvements; and
16

17 WHEREAS, MHTC is responsible for design, construction, inspection, and
18 funding of these improvements.
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 City Manager, or his designee, to
24 enter into a Municipal Agreement with MHTC, said agreement to be substantially in the
25 form and content as that document attached hereto and incorporated herein by
26 reference as "Exhibit A."
27

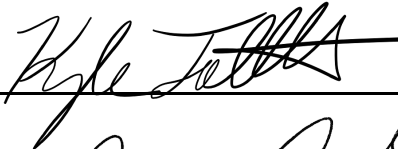
28 Section 2 – This Ordinance shall be in full force and effect from and after
29 passage.
30

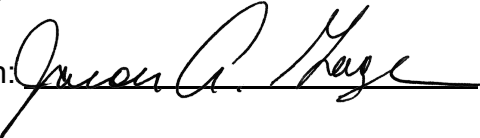
31 Passed at meeting: _____
32
33

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 178

FILED: 07-05-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Municipal Agreement with the Missouri Highways and Transportation Commission ("MHTC") to coordinate the construction and maintenance of improvements along Cherry Street, designated as MHTC Job No. J8S3221.

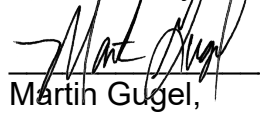
BACKGROUND INFORMATION: This agreement will allow the MHTC the use of City right-of-way as necessary for pavement resurfacing and pedestrian improvements on Cherry Street as well as guardrail upgrade at Route 65. MHTC is responsible for all funding related to these improvements. Additionally, MHTC is responsible for the design, construction, and inspection of the improvements.

Supports the following City Council Priorities:

- Public Safety
- Fiscal sustainability

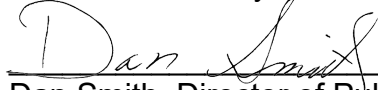
REMARKS: Public Works recommends approval of this Council bill.

Submitted by:



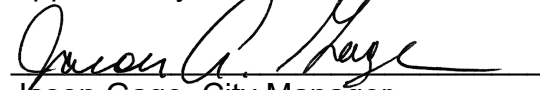
Martin Gugel,
Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

CCO Form: DE11
Approved: 04/93 (CEH)
Revised: 12/21 (BDG)
Modified:

Municipal Agreement
Route: Cherry Street
County: Greene
Job No.: J8S3221

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
MUNICIPAL AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Missouri, a municipal corporation (hereinafter, "City").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) IMPROVEMENT DESIGNATION: The public improvement designated as Cherry Street, Greene County, Job No. J8S3221 shall consist of pavement resurfacing, pedestrian improvements and guardrail upgrade at Route 65 in Springfield, Missouri.

(2) IMPROVEMENT WITHIN CITY: The improvement within the City is located as follows:

Beginning at Station 3+23.54, a point approximately 145 feet west of the intersection of Cherry Street and Ingram Mill Avenue, run in a generally easterly direction along Cherry Street to Station 13+54.06, a point approximately 55 feet west of the intersection of Cherry Street and Outer Road 65 (South Eastgate Avenue). Length of improvement within city is approximately 1,030 feet.

Detour routes during construction shall include Outer Road 65 (South Eastgate Avenue), Business 65 (Chestnut Expressway) and South Ingram Mill Avenue. Length of improvement within city is approximately 1.5 miles.

(3) EXTENT OF AGREEMENT: This Agreement shall apply only to the portion of the improvement lying within the city limits as they exist on the date this Agreement is executed by the City.

(4) LOCATION: The general location of the public improvement is shown on an attached sketch marked "Exhibit A" and made a part of this Agreement. The detailed location of the improvement is shown on the plans prepared by the Commission for the above-designated route and project.

(5) PURPOSE: It is the intent of this Agreement to outline the parties'

responsibilities with respect to the construction and maintenance of those improvements to the State Highway System located within the City limits described in paragraphs (1) and (2) above and designated as Commission Job No. J8S3221.

(6) RIGHT-OF-WAY USE: The City grants the right to use the right-of-way of public roads, streets, alleys and any other property owned by the City as necessary for construction and maintenance of said public improvement.

(7) CLOSE AND VACATE: The City shall temporarily close and vacate all streets or roads, or parts thereof, which may be necessary to permit the construction of the project in accordance with the detailed plans.

(8) RIGHT-OF-WAY ACQUISITION:

No acquisition of additional right-of-way is anticipated in connection with Job No. J8S3221 or contemplated by this Agreement.

(9) UTILITY RELOCATION:

(A) The Commission and the City shall cooperate to secure the temporary or permanent removal, relocation, or adjustment of public utilities or private lines, poles, wires, conduits, and pipes located on the right-of-way of existing public ways as necessary for construction of the improvement and the cost shall be borne by such public utilities or the owners of the facilities except where the City is by existing franchise or agreement obligated to pay all or a portion of such cost, in which case the City will pay its obligated portion of the cost.

(B) The Commission shall secure the removal, relocation, or adjustment of any public or private utilities located upon private easements and shall pay any costs incurred therein.

(C) It is understood and agreed by the parties to this Agreement that no city-owned utility facilities will require relocation or adjustment in connection with this improvement, but that should utility facilities be discovered at any time during development or construction of this improvement, relocation or adjustment of the same will be done and performed under a supplemental agreement covering the subject, and in accordance with Commission policy then in effect on division of costs for adjustment of utility facilities.

(D) In cases of public utilities owned by the City which must be moved, adjusted, or altered to accommodate construction of this improvement, and such city-owned utilities, poles, wires, conduits, and pipes are located within the present city limits and located on an existing city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the City will perform the necessary removal, adjustment, alterations and relocation, and the Commission will reimburse the City except as otherwise provided. The City shall perform the removal,

adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the City in accordance with Federal Aid Policy Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's District Engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. Upon the completion of any such work and on receipt by the Commission of the original and four copies of a bill for the actual costs incurred by the City in making any such removal, adjustment, alteration and relocation, the Commission shall reimburse the City for the actual cost necessitated by construction of this public improvement. The Commission's obligation toward the cost of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(E) Should it be necessary to alter, relocate or adjust any city-owned utility facilities outside the present city limits on public right-of-way or on state highway right-of-way within or outside the city limits or within the right-of-way of a public way other than a city street or alley, the alteration, relocation, or adjustment shall be made by the City at its cost.

(F) The City agrees that any installation, removal, relocation, maintenance, or repair of public or private utilities involving work within highway right-of-way included in this project shall be done only in accordance with the general rules and regulations of the Commission and after a permit for the particular work has been obtained from the Commission's District Engineer or his authorized representative. Similarly, the City will allow no work on the highway right-of-way involving excavation or alteration in any manner of the highway as constructed, including but not limited to driveway connections, except in accordance with the rules and regulations of the Commission and only after a permit for the specific work has been obtained from the Commission's District Engineer or his authorized representative. The City shall take whatever actions that are necessary to assure compliance with this Subsection.

(10) LIGHTING

The Commission will, at its cost and expense, install, operate, and maintain basic highway intersection or interchange lighting at warranted locations on the improvement. The construction, installation, and maintenance of any other or further lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect, and to the extent deemed warranted by the Commission, at the time of any such installation. No lighting system shall be installed or maintained by the City on the improvement without approval of the Commission.

(11) TRAFFIC CONTROL DEVICES: The installation, operation and maintenance of all traffic signals, pavement markings, signs, and devices on the improvement, including those between the highway and intersecting streets shall be under the exclusive jurisdiction and at the cost of the Commission. The City shall not

install, operate, or maintain any traffic signals, signs or other traffic control devices on the highway or on streets and highways at any point where they intersect this highway without approval of the Commission.

(12) DRAINAGE:

The Commission will construct drainage facilities along the improvement and may use any existing storm and surface water drainage facilities now in existence in the area. The City shall be responsible for receiving and disposing of storm and surface water discharged from those drainage facilities which the Commission constructs within the limits of highway right-of-way to the extent of the City's authority and control of the storm sewer facilities or natural drainage involved.

(13) PERMITS: The Commission shall secure any necessary approvals or permits from the Surface Transportation Board, the Public Service Commission of Missouri, or any other state or federal regulating authority required to permit the construction and maintenance of the highway.

(14) COMMENCEMENT OF WORK: The Commission shall construct the highway in accordance with final detailed plans approved by the Federal Highway Administration (or as they may be changed from time to time by the Commission with the approval of the FHWA) at such time as federal and state funds are allocated to the public improvement in an amount sufficient to pay for the federal and state government's proportionate share of. The obligation of the Commission toward the actual construction of the public improvement shall be dependent upon the completion of plans in time to obligate federal funds for such construction, upon approval of the plans by the FHWA, upon the award by the Commission of the contract for the construction, and upon the approval of the award by the FHWA.

(15) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of water supply lines, sanitary or storm sewers (except those storm sewers constructed by the Commission to drain the highway), city-owned utilities within the right-of-way or the removal of snow other than the machine or chemical removal from the traveled portion of the highway.

(B) When it is necessary to revise or adjust city streets, the right-of-way acquired for these adjustments and connections will be deeded to the City.

(C) Effective upon completion of construction, the Commission shall transfer ownership to the City, and the City will accept the portions of existing highways within City replaced by this improvement.

(16) ACCEPTED WITHIN HIGHWAY SYSTEM: Effective upon execution of this Agreement, the Commission temporarily accepts the portion of the City street system described in this Agreement as part of the State Highway System for the purposes of this project. However, during the construction period contemplated in this Agreement:

(A) The Commission will assume no police or traffic control functions not obligatory upon Commission immediately prior to the execution of this Agreement, and

(B) The City shall perform or cause to be performed normal maintenance on the project site.

(17) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved City street that was temporarily accepted as part of the State Highway System for the purposes of this project pursuant to paragraph (16) above and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. All obligations of the Commission with respect to the City street system under this Agreement shall cease upon completion of the improvement.

(18) POLICE POWERS: It is the intent of the parties to this Agreement that the City shall retain its police powers with respect to the regulation of traffic upon the improvement contemplated. However, the City will enact, keep in force, and enforce only such ordinances relating to traffic movement and parking restrictions as may be approved by the Commission and as are not in conflict with any regulations for federal aid. The Commission shall not arbitrarily withhold approval of reasonable traffic regulations, signs, and markings which will permit the movement of traffic in accordance with accepted traffic regulation practices.

(19) RESTRICTION OF PARKING: Since the improvement is being designed and constructed to accommodate a maximum amount of traffic with a minimum amount of right-of-way, the City shall take whatever actions that are necessary to prevent parking upon the highway or any part of the area of the highway right-of-way within the limits of the improvement.

(20) OUTDOOR ADVERTISING: No billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way limits of the project and the City shall take whatever actions that are necessary to enforce this Section.

(21) WITHHOLDING OF FUNDS: In the event that the City fails, neglects, or refuses to enact, keep in force or enforce ordinances specified or enacts ordinances contrary to the provisions in this Agreement, or in any other manner fails, neglects or refuses to perform any of the obligations assumed by it under this Agreement, the Commission may, after serving written request upon the City for compliance and the City's failure to comply, withhold the expenditure of further funds for maintenance, improvement,

construction, or reconstruction of the state highway system in the City.

(22) FEDERAL HIGHWAY ADMINISTRATION: This Agreement is entered into subject to approval by the Federal Highway Administration and is further subject to the availability of federal and state funds for this construction.

(23) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the 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 the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,500,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(24) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment approved and signed by representatives of the City and Commission, respectively, each of whom being duly authorized to execute the contract amendment on behalf of the City and Commission, respectively.

(25) 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.

(26) CITY REPRESENTATIVE: The City's City Manager is designated as the City's representative for the purpose of administering the provisions of this Agreement. The City's representative may designate by written notice other persons having the authority to act on behalf of the City in furtherance of the performance of this Agreement.

(27) 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:
Jason Gage, City Manager
840 Boonville Avenue
4th Floor
Springfield, Missouri 65802
417-864-1006
- (B) To the Commission:
Steve Campell, District Engineer
Southwest District
3025 East Kearney Street
Springfield, Missouri 65803
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.

(28) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(29) 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 the contract.

(30) 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.

(31) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the City.

(32) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(33) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

[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 _____(Date).

Executed by the Commission on _____(Date).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By: _____

Title: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

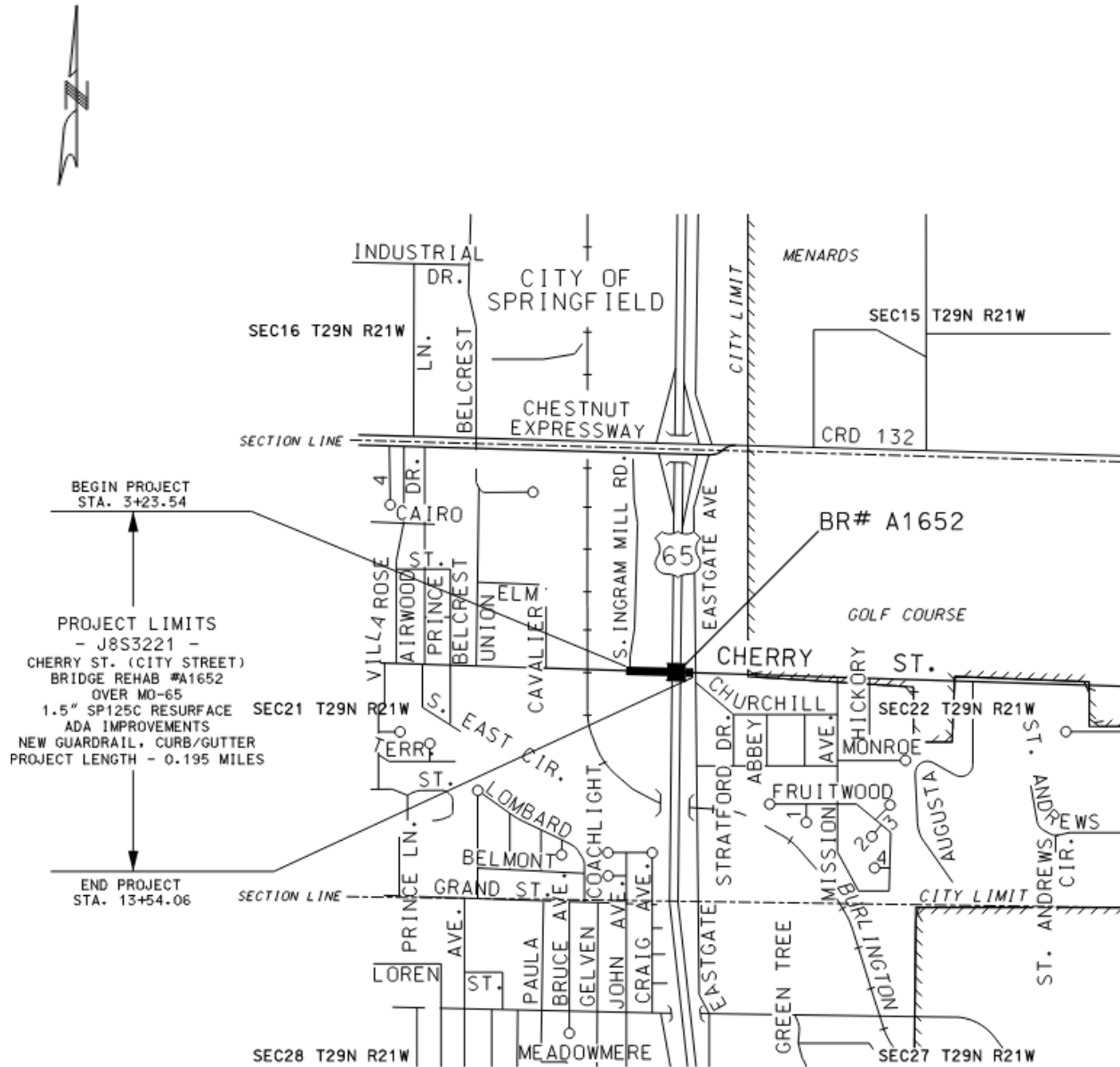
Commission Counsel

By: _____

Title: _____

Ordinance Number _____

EXHIBIT A



Job No. J8S3221

County: Greene

Route: Cherry Street (at US 65)

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed: 07-05-22

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 179

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager or his designee to enter into a Municipal Agreement
2 with the Missouri Highways and Transportation Commission to
3 coordinate the construction and maintenance of improvements along
4 Nature Center Way, the outer road of Route 60.
5 _____
6

7 WHEREAS, the City and the Missouri Highways and Transportation Commission
8 ("MHTC") desire to coordinate the construction and maintenance of improvements along
9 the outer road of Route 60 ("Nature Center Way"), designated as MHTC Job Numbers.
10 J8S3175 and J8S3112; and
11

12 WHEREAS, MHTC will be upgrading pedestrian facilities to comply with the
13 Americans with Disabilities Act ("ADA") Transition Plan and performing pavement
14 resurfacing on Nature Center Way; and
15

16 WHEREAS, the City wishes to grant the right to use City right-of-way as
17 necessary to perform these improvements; and
18

19 WHEREAS, MHTC is responsible for design, construction, inspection, and
20 funding of these improvements.
21

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

25 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
26 enter into a Municipal Agreement with MHTC, said agreement to be substantially in the
27 form and content as that document attached hereto and incorporated herein by
28 reference as "Exhibit A."
29

30 Section 2 – This Ordinance shall be in full force and effect from and after
31 passage.
32

33 Passed at meeting: _____

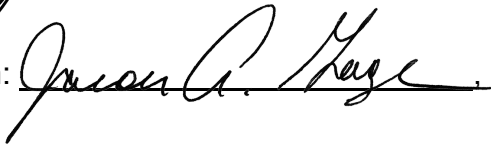
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 179

FILED: 07-05-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Municipal Agreement with the Missouri Highways and Transportation Commission ("MHTC") to coordinate the construction and maintenance of improvements along the outer road of Route 60 ("Nature Center Way"), designated as MHTC Job No. J8S3175 and J8S3112.

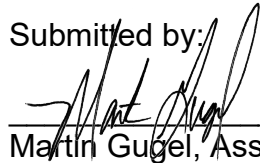
BACKGROUND INFORMATION: This agreement will allow the MHTC the use of City right-of-way as necessary for upgrading pedestrian facilities to meet Americans with Disabilities Act ("ADA") standards and for pavement resurfacing on Nature Center Way. MHTC is responsible for all funding related to these improvements. Additionally, MHTC is responsible for the design, construction, and inspection of the improvements.

Supports the following City Council Priorities:

- Public Safety
- Fiscal sustainability

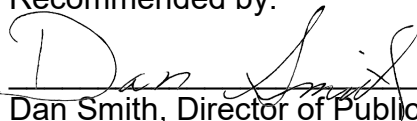
REMARKS: Public Works recommends approval of this Council bill.

Submitted by:



Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

CCO Form: DE11
Approved: 04/93 (CEH)
Revised: 12/21 (BDG)
Modified:

Municipal Agreement
Route: Outer Road 60
County: Greene
Job No.: J8S3175 and J8S3112

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
MUNICIPAL AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Missouri, a municipal corporation (hereinafter, "City").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) IMPROVEMENT DESIGNATION: The public improvement designated as Route Outer Road 60, Greene County, Job No. J8S3175 and J8S3112 shall consist of upgrading pedestrian facilities to comply with the ADA Transition Plan and pavement resurfacing on Nature Center Way.

(2) IMPROVEMENT WITHIN CITY: The improvement within the City is located as follows:

Beginning at Station 2+09.88, a point approximately 635 feet east of the intersection of Republic Street and Nature Center Way, run in a generally easterly direction along Nature Center Way to Station 49+15.37, to the end of Nature Center Way. Length of improvements within city is approximately 0.89 miles.

(3) EXTENT OF AGREEMENT: This Agreement shall apply only to the portion of the improvement lying within the city limits as they exist on the date this Agreement is executed by the City.

(4) LOCATION: The general location of the public improvement is shown on an attached sketch marked "Exhibit A" and made a part of this Agreement. The detailed location of the improvement is shown on the plans prepared by the Commission for the above-designated route and project.

(5) PURPOSE: It is the intent of this Agreement to outline the parties' responsibilities with respect to the construction and maintenance of those improvements to the State Highway System located within the City limits described in paragraphs (1) and (2) above and designated as Commission Job No. J8S3175.

(6) RIGHT-OF-WAY USE: The City grants the right to use the right-of-way of

public roads, streets, alleys and any other property owned by the City as necessary for construction and maintenance of said public improvement.

(7) CLOSE AND VACATE: The City shall temporarily close and vacate all streets or roads, or parts thereof, which may be necessary to permit the construction of the project in accordance with the detailed plans.

(8) RIGHT-OF-WAY ACQUISITION: Upon approval of all agreements, plans and specifications by the Commission and the Federal Highway Administration (FHWA), the Commission will file copies of the plans with the city clerk of the City and the county clerk of the county and proceed to acquire at its expense, at no cost or expense to the City, any necessary right-of-way required for the construction of the improvement.

(9) UTILITY RELOCATION:

(A) The Commission and the City shall cooperate to secure the temporary or permanent removal, relocation, or adjustment of public utilities or private lines, poles, wires, conduits, and pipes located on the right-of-way of existing public ways as necessary for construction of the improvement and the cost shall be borne by such public utilities or the owners of the facilities except where the City is by existing franchise or agreement obligated to pay all or a portion of such cost, in which case the City will pay its obligated portion of the cost.

(B) The Commission shall secure the removal, relocation, or adjustment of any public or private utilities located upon private easements and shall pay any costs incurred therein.

(C) It is understood and agreed by the parties to this Agreement that no city-owned utility facilities will require relocation or adjustment in connection with this improvement, but that should utility facilities be discovered at any time during development or construction of this improvement, relocation or adjustment of the same will be done and performed under a supplemental agreement covering the subject, and in accordance with Commission policy then in effect on division of costs for adjustment of utility facilities.

(D) In cases of public utilities owned by the City which must be moved, adjusted, or altered to accommodate construction of this improvement, and such city-owned utilities, poles, wires, conduits, and pipes are located within the present city limits and located on an existing city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the City will perform the necessary removal, adjustment, alterations and relocation, and the Commission will reimburse the City except as otherwise provided. The City shall perform the removal, adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the City in accordance with Federal Aid Policy Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's District

Engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. Upon the completion of any such work and on receipt by the Commission of the original and four copies of a bill for the actual costs incurred by the City in making any such removal, adjustment, alteration and relocation, the Commission shall reimburse the City for the actual cost necessitated by construction of this public improvement. The Commission's obligation toward the cost of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(E) Should it be necessary to alter, relocate or adjust any city-owned utility facilities outside the present city limits on public right-of-way or on state highway right-of-way within or outside the city limits or within the right-of-way of a public way other than a city street or alley, the alteration, relocation, or adjustment shall be made by the City at its cost.

(F) The City agrees that any installation, removal, relocation, maintenance, or repair of public or private utilities involving work within highway right-of-way included in this project shall be done only in accordance with the general rules and regulations of the Commission and after a permit for the particular work has been obtained from the Commission's District Engineer or his authorized representative. Similarly, the City will allow no work on the highway right-of-way involving excavation or alteration in any manner of the highway as constructed, including but not limited to driveway connections, except in accordance with the rules and regulations of the Commission and only after a permit for the specific work has been obtained from the Commission's District Engineer or his authorized representative. The City shall take whatever actions that are necessary to assure compliance with this Subsection.

(10) LIGHTING: The Commission will, at its cost and expense, install, operate, and maintain basic highway intersection or interchange lighting at warranted locations on the improvement. The construction, installation, and maintenance of any other or further lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect, and to the extent deemed warranted by the Commission, at the time of any such installation. No lighting system shall be installed or maintained by the City on the improvement without approval of the Commission.

(11) TRAFFIC CONTROL DEVICES: The installation, operation and maintenance of all traffic signals, pavement markings, signs, and devices on the improvement, including those between the highway and intersecting streets shall be under the exclusive jurisdiction and at the cost of the Commission. The City shall not install, operate, or maintain any traffic signals, signs or other traffic control devices on the highway or on streets and highways at any point where they intersect this highway without approval of the Commission.

(12) DRAINAGE: The Commission will construct drainage facilities along the improvement and may use any existing storm and surface water drainage facilities now

in existence in the area. The City shall be responsible for receiving and disposing of storm and surface water discharged from those drainage facilities which the Commission constructs within the limits of highway right-of-way to the extent of the City's authority and control of the storm sewer facilities or natural drainage involved.

(13) PERMITS: The Commission shall secure any necessary approvals or permits from the Surface Transportation Board, the Public Service Commission of Missouri, or any other state or federal regulating authority required to permit the construction and maintenance of the highway.

(14) COMMENCEMENT OF WORK: After acquisition of the necessary right-of-way, the Commission shall construct the highway in accordance with final detailed plans approved by the Federal Highway Administration (or as they may be changed from time to time by the Commission with the approval of the FHWA) at such time as federal and state funds are allocated to the public improvement in an amount sufficient to pay for the federal and state government's proportionate share of construction and right-of-way costs. The obligation of the Commission toward the actual construction of the public improvement shall be dependent upon the completion of plans in time to obligate federal funds for such construction, upon approval of the plans by the FHWA, upon the award by the Commission of the contract for the construction, and upon the approval of the award by the FHWA.

(15) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of water supply lines, sanitary or storm sewers (except those storm sewers constructed by the Commission to drain the highway), city-owned utilities within the right-of-way or the removal of snow other than the machine or chemical removal from the traveled portion of the highway.

(B) When it is necessary to revise or adjust city streets, the right-of-way acquired for these adjustments and connections will be deeded to the City.

(C) Effective upon completion of construction, the Commission shall transfer ownership to the City, and the City will accept the portions of existing highways within City replaced by this improvement.

(16) ACCEPTED WITHIN HIGHWAY SYSTEM: Effective upon execution of this Agreement, the Commission temporarily accepts the portion of the City street system described in this Agreement as part of the State Highway System for the purposes of this project. However, during the construction period contemplated in this Agreement:

(A) The Commission will assume no police or traffic control functions not obligatory upon Commission immediately prior to the execution of this Agreement, and

(B) The City shall perform or cause to be performed normal maintenance on the project site.

(17) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved City street that was temporarily accepted as part of the State Highway System for the purposes of this project pursuant to paragraph (16) above and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. All obligations of the Commission with respect to the City street system under this Agreement shall cease upon completion of the improvement.

(18) POLICE POWERS: It is the intent of the parties to this Agreement that the City shall retain its police powers with respect to the regulation of traffic upon the improvement contemplated. However, the City will enact, keep in force, and enforce only such ordinances relating to traffic movement and parking restrictions as may be approved by the Commission and as are not in conflict with any regulations for federal aid. The Commission shall not arbitrarily withhold approval of reasonable traffic regulations, signs, and markings which will permit the movement of traffic in accordance with accepted traffic regulation practices.

(19) RESTRICTION OF PARKING: Since the improvement is being designed and constructed to accommodate a maximum amount of traffic with a minimum amount of right-of-way, the City shall take whatever actions that are necessary to prevent parking upon the highway or any part of the area of the highway right-of-way within the limits of the improvement.

(20) OUTDOOR ADVERTISING: No billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way limits of the project and the City shall take whatever actions that are necessary to enforce this Section.

(21) WITHHOLDING OF FUNDS: In the event that the City fails, neglects, or refuses to enact, keep in force or enforce ordinances specified or enacts ordinances contrary to the provisions in this Agreement, or in any other manner fails, neglects or refuses to perform any of the obligations assumed by it under this Agreement, the Commission may, after serving written request upon the City for compliance and the City's failure to comply, withhold the expenditure of further funds for maintenance, improvement, construction, or reconstruction of the state highway system in the City.

(22) FEDERAL HIGHWAY ADMINISTRATION: This Agreement is entered into subject to approval by the Federal Highway Administration and is further subject to the availability of federal and state funds for this construction.

(23) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the 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 the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,500,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(24) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment approved and signed by representatives of the City and Commission, respectively, each of whom being duly authorized to execute the contract amendment on behalf of the City and Commission, respectively.

(25) 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.

(26) CITY REPRESENTATIVE: The City's City Manager is designated as the City's representative for the purpose of administering the provisions of this Agreement. The City's representative may designate by written notice other persons having the authority to act on behalf of the City in furtherance of the performance of this Agreement.

(27) 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:
Jason Gage, City Manager
840 Boonville Avenue
4th Floor
Springfield, Missouri 65802
417-864-1006
- (B) To the Commission:
Steve Campbell, District Engineer
Southwest District
3025 East Kearney Street
Springfield, Missouri 65803
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.

(28) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(29) 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 the contract.

(30) 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.

(31) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the City.

(32) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(33) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope

of any provision of this Agreement.

[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 _____(Date).

Executed by the Commission on _____(Date).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By: _____

Title: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

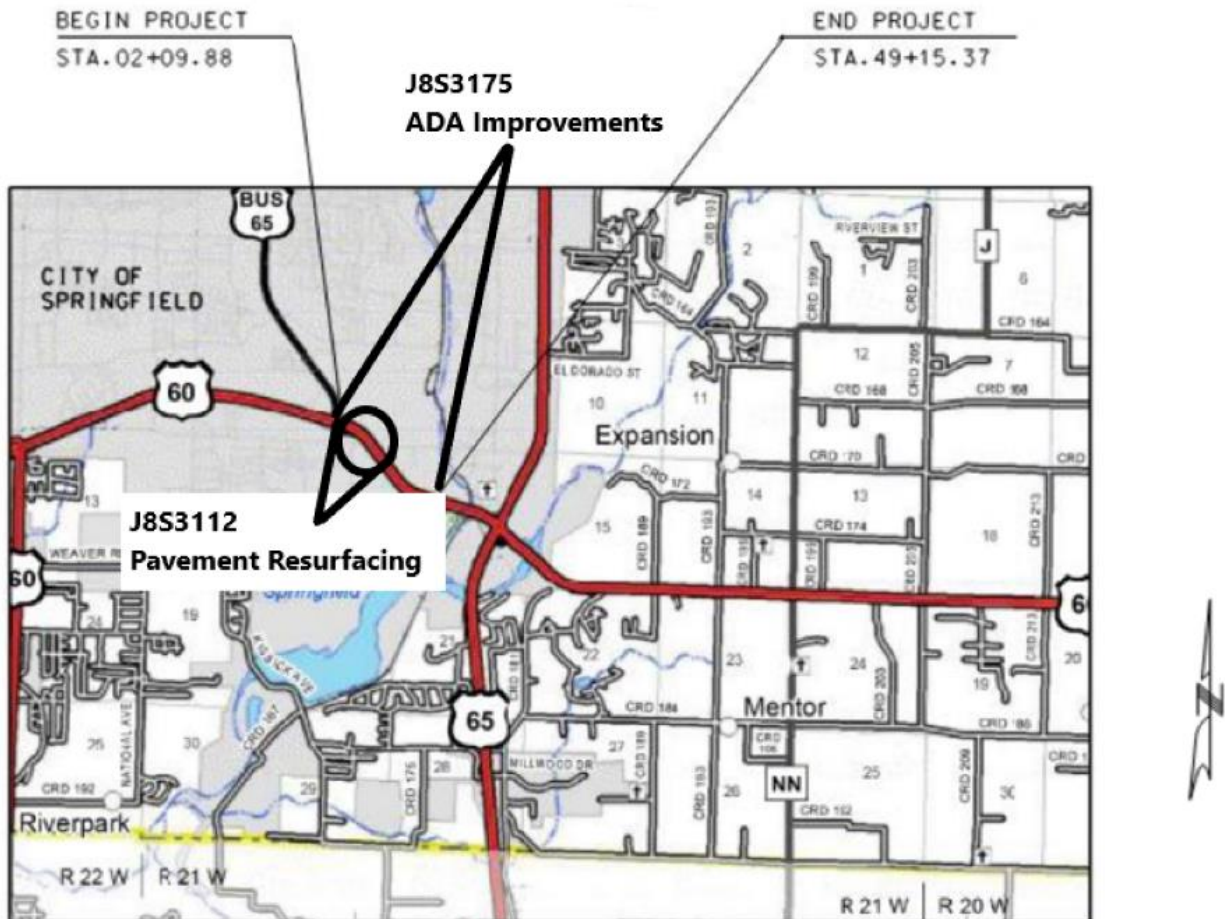
Commission Counsel

By: _____

Title: _____

Ordinance Number _____

EXHIBIT A



Job. No. J8S3175 and J8S3112

County: Greene

Route: Outer Road 60 (Nature Center Way)