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
August 22, 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, AUGUST 8, 2022 CITY COUNCIL MEETING**

2. **APPROVAL OF MINUTES: AUGUST 8, 2022, CITY COUNCIL MEETING AND AUGUST 9, 2022, SPECIAL CITY COUNCIL MEETING.**

Documents:

08-09-22 SPECIAL CITY COUNCIL MEETING.PDF
08-08-22.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, POLICE CHIEF REPORT, AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETINGS.**

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

7. **Council Bill 2022-191 (McGull)**

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits;' and amending Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones;' for the purpose of annexing 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. (By: Valley Water Mill Prop, LLC; 3224 E. Valley Water Mill Road; A-3-2022.)

Documents:

COUNCIL BILL 2022-191.PDF

8. **Council Bill 2022-192 (McGull)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 24 acres of property generally located at 3224 East Valley Water Mill Road from County R-1, Suburban Residence District, to GR, General Retail District, with Conditional Overlay District No. 216; establishing Conditional Overlay District No. 216; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Valley Water Mill Prop, LLC; 3224 E. Valley Water Mill Rd.; Z-16-2022 w/COD #216.)

Documents:

COUNCIL BILL 2022-192.PDF

9. **Council Bill 2022-193 (Horton)**

9. **Council Bill 2022-193 (Horton)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 24.8 acres of property generally located at 5100 West State Highway EE from County A-1, Agriculture District, to GI, Government and Institutional District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Greene County; 5100 W. State Highway EE; Z-13-2022.)

Documents:

COUNCIL BILL 2022-193.PDF

10. **Council Bill 2022-194 (Simpson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District, to R-SF, Residential Single-family District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Kimberly Steed; 6177 South Farm Road 189; Z-11-2022.)

Documents:

COUNCIL BILL 2022-194.PDF

11. **Council Bill 2022-195 (McGull)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.40 acres of property generally located at 922 South Eastgate Avenue from R-MD, Medium-Density Multi-family Residential District, to R-SF, Residential Single-family District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)(By: Courageous Church; 922 South Eastgate Avenue; Z-14-2022.)

Documents:

COUNCIL BILL 2022-195.PDF

12. **Council Bill 2022-196 (Simpson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8.71 acres of property generally located at 1436 East Erie Street from Planned Development No. 108 to Planned Development No. 381; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Venture

Development Partnership; 1436 E. Erie Street; Planned Development No. 381.)

Documents:

COUNCIL BILL 2022-196.PDF

13. **Council Bill 2022-197 (Simpson)**

A special ordinance granting Conditional Use Permit No. 464 for the purpose of permitting a self-service storage facility as a conditional use within the GR –General Retail District, with Conditional Overlay District No. 146, generally located at 2960 East Allen Place. (Planning and Zoning Commission recommends denial and staff recommends approval.) (By: Township 28, LLC; 2960 E. Allen Place; Conditional Use Permit 464.)

Documents:

COUNCIL BILL 2022-197.PDF

14. **Council Bill 2022-198 (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.47 acres of property generally located at 1015 South Grant Avenue and 1012, 1020, and 1024 South Douglas Avenue from Grant Avenue Parkway District, Subdistrict E, to Planned Development No. 382; and adopting an updated Official Zoning Map. (Planning and Zoning Commission recommends approval and Staff recommends denial.) (By: GDL Enterprises, LLC; 1015 S. Grant Avenue and 1012, 1020, and 1024 S. Douglas Avenue; Planned Development No. 382.)

Documents:

COUNCIL BILL 2022-198.PDF

15. **Council Bill 2022-199 (Hardinger)**

A general ordinance amending the Springfield City Code, Chapter 46, 'Elections,' Section 46-4, 'Nominating petitions,' to add a date that informational packets, which include nominating petitions for candidates for City Council, must be made available to candidates.

Documents:

COUNCIL BILL 2022-199.PDF

16. **Council Bill 2022-200 (Hosmer)**

A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, to enter into an agreement with the Missouri Development Finance Board to obtain tax credits for contributions to benefit the Springfield Art Museum's 2028 Campaign and 30-Year Master Plan and to take other actions reasonably necessary to carry out the terms of such agreement.

Documents:

COUNCIL BILL 2022-200.PDF

17. **Council Bill 2022-206 (Hosmer)**

A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article V, 'Departments,' Division 2, 'Building Development Services,' by revising Section 2-311, 'Established; appointment and qualifications of director,' to amend the required qualifications for the director of Building Development Services.

Documents:

COUNCIL BILL 2022-206.PDF

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

19. **Council Bill 2022-158 (Simpson) (Tabled At The June 27, 2022, Meeting)**

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.

Documents:

2022-158.PDF

20. **Council Bill 2022-207 (Hardinger)**

A resolution authorizing the City Manager, or his designee, to apply for federal grant funds from the Federal Highway Administration to support construction of several planned bridge and culvert capital improvement projects along Jordan Creek.

Documents:

2022-207.PDF

21. **Council Bill 2022-208 (Hardinger)**

A resolution authorizing the City Manager, or his designee, to apply for up to $300,000 in grant funds from the United States Department of Agriculture, Office of Urban Agriculture and Innovative Production, to fund a Composting and Food Waste Reduction Pilot Program for acceptance of food waste materials for landfill diversion and outreach efforts to promote program participation.

Documents:

2022-208.PDF

22. **EMERGENCY BILLS. Citizens May Speak. May Be Voted On.**

23. **Council Bill 2022-209 (Hosmer)**

A special ordinance amending Special Ordinance 27703 and Special Ordinance 27704, passed by City Council on June 13, 2022, to reflect the final determination of the Greene County Assessor of the assessed valuation by levying a tax on real and personal property for current expenses and the debt retirement of the City of Springfield, Missouri, and its boards and agencies for the Fiscal Year 2022-2023; and declaring an emergency.

Documents:

2022-209.PDF

24. **PUBLIC IMPROVEMENTS.**

25. **GRANTS. Citizens May Speak. May Be Voted On.**

26. **Council Bill 2022-210 (Hosmer)**

A special ordinance authorizing the City Manager, or his designee, to accept a Surface Transportation Block grant from the Missouri Highways and Transportation Commission for the purpose of funding the replacement of traffic signal infrastructure and construction of fiber optic communications facilities; amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of $1,200,000 to appropriate federal Surface Transportation Block Grant funds; and declaring that this Ordinance qualifies for approval in one reading.

Documents:

2022-210.PDF

27. **Council Bill 2022-211 (Lear)**

A special ordinance authorizing City Manager, or his designee, to accept the American Rescue Plan Good Jobs Challenge Grant in the amount of $17,500,000 from the United

Rescue Plan Good Jobs Challenge Grant in the amount of $17,500,000 from the United States Economic Development Administration to perform approved grant activities and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of $17,500,000 for the purpose of appropriating the grant funds; and declaring that this bill qualifies for approval in one reading.

Documents:

2022-211.PDF

28. **AMENDED BILLS.**

29. **COUNCIL BILLS FOR PUBLIC HEARING.**

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

31. **Council Bill 2022-212 (Hardinger)**

A general ordinance amending the Fiscal Year 2022-2023 budget of the City of Springfield to adjust the authorized employee positions in the Department of Workforce Development to add six full-time equivalent positions.

Documents:

2022-212.PDF

32. **Council Bill 2022-213 (Hardinger)**

A special ordinance authorizing the City Manager, or his designee, to enter into Schedule of Equipment No. 5, which will become a part of its existing Master Equipment Lease Purchase Agreement, the proceeds of which will be used to pay the costs of acquiring and installing equipment for the City's Parks Department and to do all things necessary to carry out the lease-purchase transaction, including the execution of certain documents in connection therewith; and amending the budget of the City for Fiscal Year 2022-2023 in the amount of $645,000.

Documents:

2022-213.PDF

33. **Council Bill 2022-214 (Ollis)**

A special ordinance authorizing the City Manager, or his designee, to enter into Donation Agreements with Nestle Purina Petcare Company to accept a donation of 15 paper recycling bins and a 2012 Freightliner roll-off truck, valued in total at $130,000, to be used by the Environmental Services Department to provide paper and other recycling

services in the community.

Documents:

2022-214.PDF

34. **Council Bill 2022-215 (Simpson)**

A special ordinance authorizing the City Manager or his designee to enter into a Municipal and Cost Apportionment Agreement with the Missouri Highways and Transportation Commission to share costs associated with pavement resurfacing of Battlefield Road near the US Route 65 interchange.

Documents:

2022-215.PDF

35. **Council Bill 2022-216 (McGull)**

A special ordinance approving Olsson as the consultant to provide professional services for improvements at City's Cooper Park and Sports Complex (also known as Cooper Soccer Complex), in the amount of $915,660, as an approved project for use of American Rescue Plan Act Funds received by City; and authorizing the Park Board Chair, or their designee, to enter into a contract with Olsson for these purposes.

Documents:

2022-216.PDF

36. **Council Bill 2022-217 (Ollis)**

A general ordinance amending the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' relating to salary grades for various job titles within the City service as contained in the Professional, Administrative and Technical Schedule by making provision for three new job titles and deleting one job title; and amending the Fiscal Year 2022-2023 budget of certain City departments to transition five temporary positions to four regular part-time positions (each a .5 Full-Time Equivalent) and one regular full-time position (a 1.0 Full-Time Equivalent) and adjusting the authorized employee positions.

Documents:

2022-217.PDF

37. **PETITIONS, REMONSTRANCES AND COMMUNICATIONS.**

Angela Woodhull wishes to address City Council.

Daryl Baker wishes to address City Council.

38. **NEW BUSINESS.**

The City Manager recommends the following appointment to the Springfield-Greene County Park Board: Dr. Dianna Parker with term to expire June 1, 2025.

The Mayor recommends the following appointments to the Mayor's Commission on Human Rights and Community Relations: Mike Garton and Jasmine Allen with terms to expire October 1, 2024.

The Mayor recommends the following appointment to the Mayor's Commission on Human Rights and Community Relations: Kimberly Pulley with term to expire October 1, 2023.

39. **UNFINISHED BUSINESS.**

40. **MISCELLANEOUS.**

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

42. **Council Bill 2022-218 (Lear)**

A special ordinance authorizing the City Manager, or his designee, to enter into a Joint Funding Agreement For Water Resource Investigations with the United States Department of the Interior for the purpose of operating and maintaining four streamgages.

Documents:

2022-218.PDF

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

44. **Council Bill 2022-219 (Horton)**

A resolution confirming the appointment of Corie Godsy to the Commercial Street Community Improvement District Board of Directors. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

Documents:

2022-219.PDF

45. **Council Bill 2022-220 (Hosmer)**

45. **Council Bill 2022-220 (Hosmer)**

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

Documents:

2022-220.PDF

46. **Council Bill 2022-221 (Lear)**

A resolution confirming the appointments of Nathan Wood and Collin Quigley to the Convention and Entertainment Community Improvement District Board of Directors. (Staff recommends approval.)

Documents:

2022-221.PDF

47. **Council Bill 2022-222 (Ollis)**

A resolution authorizing the City Manager or his designee, to apply for up to $30,000 in grant funds from Missouri Department of Natural Resources, Ozarks Headwaters Recycling and Materials Management District, to fund teacher professional development and classroom workshops featuring creative repurposing of recycled materials.

Documents:

2022-222.PDF

48. **Council Bill 2022-223 (Hosmer)**

A special ordinance authorizing the City Manager, or his designee, to accept federal grant funds in the amount of $33,000 from a Section 402 State and Community Highway Safety Grant from the Missouri Highways and Transportation Commission to support SGF Yields; amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in that amount upon award of the grant; and declaring that this bill qualifies as a one-reading bill.

Documents:

2022-223.PDF

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

50. **Council Bill 2022-201 (Simpson)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Fountain Place, generally located at 1436 East Erie Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Documents:

COUNCIL BILL 2022-201.PDF

51. **Council Bill 2022-202 (Schilling)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Opal Sunset Subdivision, generally located at 3851 West University Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Documents:

COUNCIL BILL 2022-202.PDF

52. **Council Bill 2022-203 (Schilling)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of RLC Sixty Subdivision, generally located at 2852 South Dayton Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Documents:

COUNCIL BILL 2022-203.PDF

53. **Council Bill 2022-204 (Simpson)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of The Irons at Millwood Subdivision, generally located at 6177 South

Farm Road 189, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Documents:

COUNCIL BILL 2022-204.PDF

54. **END OF CONSENT AGENDA.**

55. **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.

August 9, 2022
Springfield, Missouri

The City Council met in special session on August 9, 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: Heather Hardinger*, Monica Horton, Abe McGull, Mike Schilling, Matthew Simpson, Craig Hosmer, and Ken McClure. Absent: Andew Lear and Richard Ollis.
*Attended via Zoom.

Closed Session

Councilman Hosmer 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.

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

Prepared by
Anita J. Cotter

Anita J. Cotter, CMC/MRCC
City Clerk

August 8, 2022
Springfield, Missouri

The City Council met in regular session August 8, 2022, in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure. Mayor McClure acknowledged August 7 as Purple Heart Day, a time for Americans to remember and honor the brave men and women who were either wounded on the battlefield or paid the ultimate sacrifice with their lives.

Roll Call

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

Minutes

The minutes of the July 25, 2022, City Council Meeting were considered. Mayor Pro Tem Simpson moved to approve the minutes as presented. The motion was seconded by Councilman McGull and approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Lear, and McClure. Nays: None. Absent: Ollis. Abstain: None.

Consent Agenda

Anita Cotter, City Clerk, noted there was a request to remove item number 41, Council Bill 2022-205, from the Consent Agenda. The item will become number 31.5 under First Reading Bills.

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

The following item appeared on the agenda under Ceremonial Matters.

Ceremonial Matters

Anita Cotter, City Clerk, swore in Aaron Jones to the Springfield-Greene County Library Board. Mayor McClure thanked Mr. Jones for his willingness to serve.

City Manager Report

Jason Gage, City Manager, congratulated Sally Payne, Director of Workforce Development, and her staff on being one of 32 recipients nationally to receive a $17.5 million dollar Good Jobs Challenge grant from the Economic Development Administration of the United States Department of Commerce. The grant seeks to spur economic growth over the next three years by serving more than 2,800 individuals with job training and placement opportunities.

Mr. Gage provided an update on Forward SGF. He noted the City of Springfield will host a series of smaller launch events for the Forward SGF Comprehensive Plan for each City Council Zone, starting August 16. Each event will include the same information. The public can attend any of the events. Tentative plans are for the plan to come to City Council in October for consideration. The Council Zone events are as follows: The Zone 2 event will be held Tuesday, August 16, from 4:30 to 6:30 p.m. at Ozarks Technical Community College, Lincoln Hall Room 208, 815 N. Sherman Avenue; The Zone 3 event will be held Tuesday, August 23, from 4:30 to 6:30 p.m. at The Library Center Main Auditorium, 4653 South Campbell; The Zone 4 event will be held Thursday, August 25, from 4:30 to 6:30 p.m. at the Missouri Career Center, Dogwood Room, 2900 East Sunshine;

The Zone 1 event will be held on Thursday, September 1, from 4:30 to 6:30 p.m. at the Library Station Frisco Room, 2535 North Kansas Expressway.

Mr. Gage provided an update on the Birthplace of Route 66 Festival. Mr. Gage noted the Springfield's Birthplace of Route 66 Festival received a recognition on national television yesterday. Opening day was highlighted as part of the calendar feature on CBS Sunday Morning. The three-day festival begins Thursday evening at 6:30 p.m. with a concert and street party. Free parking is plentiful around the festival footprint, and golf cart shuttles will be running from parking areas to the footprint.

Mr. Gage noted Buc-ee's will host a groundbreaking ceremony at noon on August 23, 2022, at 3284 North Mulroy Road, at the northeast corner of I-44 and Mulroy Road.

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

Nordic Landing: 810 West Catalpa Street

Sponsor: Schilling. Council Bill 2022-183

A special ordinance authorizing the Department of Planning and Development to approve a $300,000 loan, with a reduced interest rate from the rate established in the Comprehensive Housing Assistance Program Rules, for the Nordic Landing development generally located at 810 West Catalpa Steet. (Staff and Loan Committee recommend approval.)

Councilman Schilling asked the timeline for demolition of the existing properties on the site. Mr. Gage responded there is no specific time, but noted it would be beneficial to be as soon as possible.

Mayor Pro Tem Simpson expressed his support for the project.

Council Bill 2022-183. Special Ordinance 27736 was approved by the following vote: Ayes: McGull, Schilling, Simpson, Hosmer, Lear, Hardinger, Horton, and McClure. Nays: None. Absent: Ollis. Abstain: None.

National Incident-Based Reporting System (NIBRS)

Sponsor: Ollis. Council Bill 2022-184

A general ordinance amending the Fiscal Year 2022-2023 budget of the City to adjust the authorized employee positions in the Police Department by adding one full-time equivalent position in order to transition the position of National Incident-Based Reporting System ("NIBRS") Representative from a contract position to a full-time equivalent position.

Council Bill 2022-184. General Ordinance 6734 was approved by the following vote: Ayes: Schilling, Simpson, Hosmer, Lear, Hardinger, Horton, McGull, and McClure.. Nays: None. Absent: Ollis. Abstain: None.

Police Department Quartermaster

Sponsor: Ollis. Council Bill 2022-185

A general ordinance amending the Fiscal Year 2022-2023 budget of the City to adjust the authorized employee positions in the Police Department by adding one-half full-time equivalent position of Quartermaster in order to transition the position from a contract position to a part-time position.

Council Bill 2022-185. General Ordinance 6735 was approved by the following vote: Ayes: Simpson, Hosmer, Lear, Hardinger, Horton, McGull, Schilling, and McClure. Nays: None. Absent: Ollis. Abstain: None.

Residential Building Code

Sponsor: Hardinger. Council Bill 2022-186

A general ordinance amending Chapter 36, Article XIII of the Springfield City Code, known as the Land Development Code, by repealing Article XIII, 'Residential Building Code,' in its entirety, and enacting in lieu thereof a new Article XIII, 'International Residential Code.'

Councilman Hosmer asked if the air exchange and floor installation requirements will be revisited in the future. Brock Rowe, Interim Director of Building Development Services, responded both will be reviewed after the 2024 International Residential Code is released. Councilman Hosmer thanked Mr. Rowe for his work on the proposed.

Councilman Lear thanked Mr. Rowe for his work with all involved parties together.

Mayor McClure thanked Mr. Rowe for his work.

Council Bill 2022-186. General Ordinance 6736 was approved by the following vote: Ayes: Hosmer, Lear, Hardinger, Horton, McGull, Schilling, Simpson, and McClure. Nays: None. Absent: Ollis. Abstain: None.

RESOLUTIONS.

The following items appeared on the agenda under Emergency Bills.

Police Department: Salary Ordinance: Voluntary Sunday Shifts

Sponsor: Lear. Council Bill 2022-188

A general ordinance amending the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' by incorporating certain premium pay for select, voluntary Sunday shifts within the Police Department that impact bargaining unit members, and which was negotiated and tentatively agreed to, and declaring an emergency.

Darla Morrison, Director of Human Resources, provided a brief overview of the proposed. Ms. Morrison noted the proposed would allow for premium pay for select, voluntary Sunday shifts to increase patrol coverage. The premium pay will be equal to time-and-a-half.

Mayor Pro Tem Simpson asked how things are progressing toward the change to twelve-hour shifts. Ms. Morrison responded the Police Chief is satisfied with the progress. She further noted the current concern is for staffing.

Councilman McGull asked how the proposed will affect the budget. Ms. Morrison responded there is not a concern with the proposed fitting within the current budget.

Mayor McClure asked for clarification on the emergency status of the proposed. Rhonda Lewsader, City Attorney, responded there is a safety issue due to staffing which creates the emergency status.

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

Council Bill 2022-188. General Ordinance 6737 was approved by the following vote: Ayes: Lear, Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, and McClure. Nays: None. Absent: Ollis. Abstain: None.

SPOA: Discretionary Premium Pay for Certain Sunday Shifts

Sponsor: Ollis. Council Bill 2022-189

A special ordinance approving the Fifth 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 City regarding certain discretionary premium pay for certain Sunday shifts; authorizing the City Manager, or his designee, on behalf of the City, to execute and deliver the Fifth Amendment to the Collective Bargaining Agreement to the Exclusive Representative; and declaring an emergency.

Darla Morrison, Director of Human Resources, provided a brief overview of the proposed. Ms. Morrison noted the proposed will allow changes to the Collective Bargaining Agreement in relation to discretionary premium pay for certain Sunday shifts.

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

Council Bill 2022-189. Special Ordinance 27737 was approved by the following vote: Ayes: Lear, Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, and McClure. Nays: None. Absent: Ollis. Abstain: None.

PUBLIC IMPROVEMENTS.

The following items appeared on the agenda under Grants.

Route 66 Festival

Sponsor: Hardinger. Council Bill 2022-190

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the State of Missouri, Department of Economic Development, Division of Tourism, for the purpose of accepting funds appropriated by the General Assembly for a Route 66 festival in Springfield; amending the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of $250,000; and declaring that this bill qualifies for approval in one reading.

Cora Scott, Director of Public Information and Civic Engagement, provided a brief overview of the proposed. Ms. Scott noted the proposed will allow the City Manager to enter into an agreement to accept funds for the 2022 Route 66 Festival in Springfield.

Councilwoman Hardinger asked the typical number of visitors to the event. Ms. Scott responded in 2019 there were 65,000 visitors with approximately $1.2 million economic impact in 2017.

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

Council Bill 2022-190. Special Ordinance 27738 was approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Lear, and McClure. Nays: None. Absent: Ollis. Abstain: None.

AMENDED BILLS.

The following items appeared on the agenda under Public Hearing.

Council Bill 2022-191 and Council Bill 2022-192 were considered simultaneously.

Annexation A-3-2022: 3224 East Valley Water Mill Road

Sponsor: McGull. Council Bill 2022-191

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits;' and amending Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones;' for the purpose of annexing 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.

Amending Springfield Land Development Code: Rezoning 3224 East Valley Water Mill Road

Sponsor: McGull. Council Bill 2022-192

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 24 acres of property generally located at 3224 East Valley Water Mill Road from County R-1, Suburban Residence District, to GR, General Retail District, with Conditional Overlay District No. 216; establishing Conditional Overlay District No. 216; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow annexation of approximately 24 acres located at 3224 East Valley Water Mill Road and rezone the property from Suburban Residence District to General Retail District No. 216.

An opportunity was given for citizens to express their views.

Jared Davis, a representative of Anderson Engineering, noted he was available for any questions from City Council.

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

Amending Springfield Land Development Code: Rezoning 5100 West State Highway EE

Sponsor: Horton. Council Bill 2022-193

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 24.8 acres of property generally located at 5100 West State Highway EE from County A-1, Agriculture District, to GI, Government and Institutional District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow rezoning at 5100 West State Highway EE. The property is the Greene County Jail which has already been developed. She further noted the proposed will have no impact on streets.

Councilwoman Horton asked if there are any conditions for sidewalks attached to the rezoning. Ms. Istenes responded there are no conditions as this property is already developed.

Jason Gage, City Manager, confirmed because the rezoning is after the property was already developed, there are no conditions.

An opportunity was given for citizens to express their views.

Kevin Barnes, Director of the Resource Management Department for Greene County, spoke in support of the proposed. He noted neighborhood meetings were held. He expressed that Greene County desires to be a good neighbor and noted improvements that have been made. He further noted sidewalks were not incorporated because they do not connect to anything at this time.

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

Amending Springfield Land Development Code: Rezoning 6177 South Farm Road 189

Sponsor: Simpson. Council Bill 2022-194

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District, to R-SF, Residential Single-family District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would rezone 6177 South Farm Road 189 from County R-1, Suburban Residence District, to R-SF, Residential Single-family District. She further noted the property has existing city utilities and must provide public sewer to property prior to development. Ms. Istenes added there is no substantial impact on traffic safety, pedestrian safety, or the public street system.

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

Amending Springfield Land Development Code: Rezoning 922 South Eastgate Avenue

Sponsor: McGull. Council Bill 2022-195

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.40 acres of property generally located at 922 South Eastgate Avenue from R-MD, Medium-Density Multi-family Residential District, to R-SF, Residential Single-family District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would rezone 922 South Eastgate from Medium-Density Multi-family Residential District to Residential Single-family District. She further noted the applicant intends to develop the property under one zoning district and surrounding properties are zoned for residential, medium density.

An opportunity was given for citizens to express their views.

Billy Kimmons, a representative for the applicant, spoke in support of the proposed. Mr. Kimmons noted this type of rezoning was chosen as it was the predominant zoning for surrounding parcels.

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

Amending Springfield Land Development Code: Rezoning 1436 East Erie Street

Sponsor: Simpson. Council Bill 2022-196

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8.71 acres of property generally located at 1436 East Erie Street from Planned Development No. 108 to Planned Development No. 381; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow the property at 1436 East Erie to be amended from Planned Development No. 108 to Planned Development No. 381. She further noted the land is currently undeveloped; the intent is to amend the mixed use, and all buildings will be required to meet specific design requirements.

An opportunity was given for citizens to express their views.

Duane Eoff, the applicant, spoke in support of the proposed. Mr. Eoff noted they have worked with the City on issues such as utilities, design, common areas, and improving the beauty of the area.

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

Conditional Use Permit No. 464: 2960 East Allen Place

Sponsor: Simpson. Council Bill 2022-197

A special ordinance granting Conditional Use Permit No. 464 for the purpose of permitting a self-service storage facility as a conditional use within the GR –General Retail District, with Conditional Overlay District No. 146, generally located at 2960 East Allen Place. (Planning and Zoning Commission recommends denial and staff recommends approval.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow a self-storage facility at 2960 East Allen Place. She further noted the facility would be approximately 200 units. Ms. Istenes added the Galloway Redevelopment Area recommendations accepted by City Council in 2019 state that self-storage uses shall be limited but not prohibited in the area.

An opportunity was given for citizens to express their views.

Sam Coryell, the applicant, spoke in support of the proposed. Mr. Coryell thanked City Council for their work. Mr. Coryell noted the following four reasons as why he chose self-storage for this area: low profile development; low traffic; low impact for stormwater management; a need for self-storage in the area. Mr. Coryell expressed his belief the development has worked to compromise with the neighborhood and overcome their objections.

Mayor Pro Tem Simpson asked if the majority of users are anticipated to be apartment dwellers in the area. Mr. Coryell responded affirmatively.

Councilman McGull asked how many electric vehicle superchargers would be at the facility. Mr. Coryell responded one to start with.

Councilwoman Horton noted she had received a copy of the guidelines for the neighborhood and that self-storage units are listed as incompatible in the guidelines. Mr. Coryell expressed his belief the incompatible units are due to the nature of typical self-storage units. He noted the proposed self-storage unit is a more desirable style. Ms. Horton asked if Mr. Coryell was aware the neighborhood voted against the self-storage unit. Mr. Coryell responded he looks forward to engaging with the community.

Mayor McClure asked if the lot is currently vacant. Mr. Coryell answered affirmatively.

Harlan Hill, a representative for the applicant, spoke in support of the proposed. Mr. Hill noted the initial conditional use permit was aesthetically different, and the new design is low-scale and aesthetically fits the area. He further noted the unit is climate-controlled and contains 188 units. Mr. Hill expressed his belief the qualifications have been met for the proposed, and the development will cause no harm to the area.

Councilman McGull asked if the images provided to City Council are what the proposed will aesthetically look like. Mr. Hill answered affirmatively. Mr. McGull asked if each unit is climate controlled. Mr. Hill answered affirmatively and added the units are 5x5 feet or 10x10 feet in size.

Mayor Pro Tem Simpson asked if all units are accessed through secure access. Mr. Hill answered affirmatively.

Melanie Bach spoke in opposition to the proposed. Ms. Bach noted the neighborhood is in opposition to the proposed. Ms. Bach expressed her belief the proposed is inconsistent with neighborhood guidelines and asked that such issues not be advanced to this level.

Councilman Schilling commended Ms. Bach and the neighborhood community for being involved. He asked any neighbors expressed specific concerns. Ms. Bach responded there was concern future development would be allowed as a step-down.

Councilwoman Horton asked when the neighborhood guidelines were adopted. Ms. Bach responded during the 2019/2020 period.

Councilwoman Hardinger thanked Ms. Bach for representing her neighborhood. She asked Ms. Bach her definition of limited. Ms. Bach responded self-storage already exists in the area within apartment developments and had hoped self-storage would be tied to a lease. Her definition of limited would be to allow self-storage only in the areas where it is already provided.

Mr. Gage asked if the neighborhood association invites individuals who live in apartments in the area. Ms. Bach noted meetings are posted on the neighborhood facebook page and signs are posted prior to the meetings.

Jamie Thomas spoke in opposition to the proposed. She expressed her opinion the facility does not adhere to the neighborhood feel. Ms. Thomas noted the lighting is an issue.

Mayor McClure asked if Ms. Thomas prefers the lot remains as is and if the existing mobile home park is compatible. Ms. Thomas responded she would prefer the lot be cared for as is and the mobile home park was pre-existing.

Brett Meek, director of design for Green Circle projects, spoke in opposition to the proposed. He noted low density housing was recommended for the area and a self-storage would be prohibited per the overlay district. He expressed a preference to have the applicant come back with a request for rezoning.

Jill Cooper spoke in opposition to the proposed. Ms. Cooper gave a brief explanation of how the guidelines were adopted. She expressed her belief the issue with the storage facility is that individuals are not screened. She expressed her opposition to the proposed.

Jessi Whitten, a representative of the applicant, spoke in support of the proposed. Ms. Whitten expressed her belief the facility will accommodate many in the area. She noted there will be on-site security. Ms. Whitten expressed her belief the proposed meets the limited definition.

Ms. Cotter noted a speaker card was received after the title was read. Mayor McClure noted the card must be received prior to the title being read, as was stated and is the policy of City Council.

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

Amending Springfield Land Development Code: Rezoning 1015 South Grant Avenue and 1012, 1020, and 1024 South Douglas Avenue

Sponsor: Schilling. Council Bill 2022-198

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.47 acres of property generally located at 1015 South Grant Avenue and 1012, 1020, and 1024 South Douglas Avenue from Grant Avenue Parkway District, Subdistrict E, to Planned Development No. 382; and adopting an updated Official Zoning Map. (Planning and Zoning Commission recommends approval and Staff recommends denial.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow rezoning for property at 1015 South Grant Avenue and 1012, 1020, and 1024 South Douglas Avenue. She further noted the proposed contains a drive-through coffee shop with indoor seating, a food truck parking area, green space, pickle ball courts, and outdoor walk-up yard bar. The request is currently inconsistent with recommendations of the Grant Avenue Parkway Corridor Plan and the Grant Avenue Parkway District.

An opportunity was given for citizens to express their views.

Andrew Doolittle spoke in support of the proposed. Mr. Doolittle noted he is a representative of the development team. He further noted they have received letters of support from the neighborhoods. The proposed would have six pickleball courts and 33 parking spaces.

Councilman McGull asked if the proposed is a destination for individuals to engage in social activity. Mr. Doolittle answered affirmatively. Mr. McGull asked if there is any facility to the west that would be developed. Mr. Doolittle responded not to his knowledge.

Councilwoman Horton expressed her belief a gathering place would be beneficial. She asked if the development could be changed to align with the Grant Avenue Parkway guidelines. Mr. Doolittle noted they have strived to adhere to the plan while making adjustments that would give their business a chance to survive.

Mayor Pro Tem Simpson asked if any steps have been taken to mitigate traffic issues. Mr. Doolittle responded the drive-through would allow for 20 cars, and pedestrian areas are separated from the drive-through area.

Councilwoman Hardinger asked if elements of design were not able to be utilized due to Grant Avenue Parkway requirements. Mr. Doolittle responded the intent was for mixed use while keeping economic feasibility in mind.

Councilman Schilling asked where the drive-through would be located and expressed his concern over the alcohol component. Mr. Doolittle provided an example of traffic flow.

Councilman McGull asked if this plan was determined to be the most economically-feasible use of the property. Mr. Doolittle answered affirmatively.

Brandon Biskup spoke in support of the proposed. He expressed his support for the Grant Avenue plan. He expressed his belief this development will bring people together and be beneficial to quality of place.

Jared Davis spoke in support of the proposed. He noted he was available for any questions.

Nathan Cook spoke in support of the proposed. Mr. Cook expressed his belief the proposed will become a gathering place for the neighborhood and increase the beauty, energy, safety, and connection. He expressed his gratefulness to the City for consideration for the proposed.

Phillip Herzog spoke in support of the proposed. Mr. Herzog expressed his belief there is interest in seeing the community thrive. Mr. Herzog noted the intriguing aspects of the proposed and provided examples from approving neighbors. He asked City Council to approve the proposed.

Duane Keys spoke in support of the proposed. He expressed his excitement for the project. He noted this project could serve as an anchor for future projects.

Brandon Jenson, President of the West Central Neighborhood Alliance, spoke in support of the proposed in this capacity. Mr. Jenson commended the development team on their community engagement process. He noted the proposed is a significant improvement over the current site. Mr. Jenson personally spoke in opposition to the proposed. He expressed his belief the proposal does not meet the requirements of the Grant Avenue Parkway plan and would set precedent for future projects.

Keith Ray Mackie spoke in support of the proposed. He noted the proposed is the type of gathering place needed to make the neighborhood better. Mr. Mackie further noted he sees the proposed as an anchor. Mr. Mackie expressed his belief blight in the area needs to be addressed.

Debbie Hart spoke in support of the proposed. She thanked City Council for their service to the City. Ms. Hart expressed her belief development will be necessary for the Grant Avenue Parkway plan to thrive.

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

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

Amending Springfield City Code: Elections-Nominating Petitions

Sponsor: Hardinger. Council Bill 2022-199

A general ordinance amending the Springfield City Code, Chapter 46, 'Elections,' Section 46-4, 'Nominating petitions,' to add a date that informational packets, which include nominating petitions for candidates for City Council, must be made available to candidates.

Anita Cotter, City Clerk, provided a brief overview of the proposed. Ms. Cotter noted the City Code requires informational packets be provided to prospective candidates for City Council. The packets have normally been available in October prior to the election. She further noted the proposed would clarify the date to make the packets available on the first business day of October prior to the election.

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

Art Museum 2028 Campaign: MDFB Tax Credits

Sponsor: Hosmer. Council Bill 2022-200

A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, to enter into an agreement with the Missouri Development Finance Board to obtain tax credits for contributions to benefit the Springfield Art Museum's 2028 Campaign and 30-Year Master Plan and to take other actions reasonably necessary to carry out the terms of such agreement.

Nick Nelson, Director of the Art Museum, provided a brief overview of the proposed. Mr. Nelson noted the proposed would allow the City Manager to enter into an agreement with the Missouri Development Finance Board to obtain tax credits for contributions to the Art Museum's 2028 campaign and 30-Year Master Plan.

Mayor Pro Tem Simpson asked who individuals can contact if they want to take advantage of the tax credits. Mr. Nelson responded the contact person is Kate Francis, Museum Development Officer, at the Springfield Art Museum.

Councilman McGull expressed his opinion it would be beneficial to have a marketing plan.

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

Amending Springfield City Code: BDS Director

Sponsor: Hosmer. Council Bill 2022-206

A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article V, 'Departments,' Division 2, 'Building Development Services,' by revising Section 2-311, 'Established; appointment and qualifications of director,' to amend the required qualifications for the director of Building Development Services.

Maurice Jones, Deputy City Manager, provided a brief overview of the proposed. Mr. Jones noted the proposed would amend the Springfield City Code to amend the required qualifications for the director of Building Development Services position.

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

Preliminary Plat: Troy Acres 1st Addition: 520 South Troy Avenue

Sponsor: Horton. Council Bill 2022-205

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the renewal of the Preliminary Plat of Troy Acres 1st Addition, generally located at 520 South Troy Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the preliminary plat was accepted by Planning and Zoning, and the proposed would allow for acceptance of the dedication of public streets and easements.

Mayor Pro Tem Simpson asked if the acceptance of preliminary plat acceptance is a ministerial function. Ms. Istenes answered affirmatively.

Councilwoman Horton expressed her appreciation for the item being pulled from the Consent Agenda. Ms. Horton noted there are neighbors who expressed they are in opposition to the development consisting of six lots instead of three.

Ms. Istenes noted the proposed plat is sufficient for six lots, and they meet the code for legal size. Ms. Horton noted the neighbors expressed the lots do not fit with the existing neighborhood.

Jason Gage, City Manager, noted the role is to make sure the plat conforms to the written code. Ms. Istenes affirmed the lot sizes meet minimum code requirements.

Rhonda Lewsader, City Attorney, noted if the plat is approved by the Planning and Zoning Commission, it is then forwarded to City Council where City Council then determines if the proposed will be accepted.

An opportunity was given for citizens to express their views.

Lee Viorel, a representative of the neighborhood, spoke in opposition to the proposed. He expressed the neighbors are concerned with the renewal of the preliminary plat because of the six-lot size. Mr. Viorel noted the initial preliminary plat was for three lots. Mr. Viorel noted the narrowness of the road and asked on behalf of the neighbors the plat be reviewed to make sure the easements are sufficient. He expressed the opinion of the neighborhood that the three-lot plan is desired.

Councilwoman Horton thanked Mr. Viorel for speaking and asked if the developers need to have a meeting with the neighborhood. Mr. Viorel noted the neighbors signed a memorandum and asked the developer re-engage.

Councilman Hosmer asked the acreage of the plat. Mr. Viorel responded the final easements are not on the preliminary plat. Mr. Hosmer asked staff the size for the anticipated easements. Mr. Gage noted the easements have to meet code. Ms. Istenes noted the site is 1.13 acres; 6,000 square feet is the minimum lot size; and all lots in the proposed preliminary plat are in excess of the minimum.

Joey Malwelmaz, a representative for the developer, spoke in support of the proposed. Mr. Malwelmaz noted the request is for renewal of the preliminary plat which contains six lots. He further expressed his belief the preliminary plat was originally approved two years ago and the proposed would be for renewal.

Councilwoman Horton asked if the proposed is to develop six structures on six lots. Mr. Malwelmaz answered affirmatively and noted the plan has remained the same since approval two years ago.

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

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

Mike Kazaroff did not appear to address City Council.

Angela Woodhull did not appear to address City Council.

Alice Barber addressed City Council. Ms. Barber noted she is a renter in Zone 2 and a leader with Springfield Tenants Unite. Ms. Barber expressed her belief tenants are not receiving all the protections they need. She expressed concerns she has heard from other tenants such as landlords that do not keep up with maintenance, insect infestations, black mold, electrical problems, and missing smoke detectors. She noted a lack of sufficient ways to report landlords for violations. Ms. Barber gave examples of other cities that have programs to help renters. Ms. Barber asked for the City to participate in creating a full tenants bill of rights.

Councilman Hosmer asked if the property maintenance ordinance is accessible online. Mr. Rowe responded that issues can be reported to the Citizens Resource Center. He noted icc.safe.com can be accessed for city code requirements, and a link can be added to the Building Development Services website.

Councilman McGull noted renters can be powerless against landlords. Mr. McGull further noted the City does not have the manpower to combat the problem at the time.

Councilwoman Hardinger noted 60% of Springfieldians are renters. She expressed her concern for renters and her appreciation that more research will be done. Ms. Hardinger expressed her appreciation to Ms. Barber for bringing the issue to City Council.

Steve Sexton addressed City Council. Mr. Sexton addressed homelessness in the City. He expressed his belief the City needs to insist that people and community agencies do better. Mr. Sexton noted homelessness in the city makes people feel unsafe, and it does not help the neighborhoods or city be better. Mr. Sexton called for City Council to include citizens that deal with homelessness in their neighborhoods. Mr. Sexton called for the city as a whole to do better in addressing the problem.

The following items appeared on the agenda under New Business.

Referring City Code changes recommended by the Police Officers' and Fire Fighters' Retirement System Board of Trustees at its July 21, 2022, meeting relating to the Police Officers' and Fire Fighters' Retirement System to the Finance and Administration Committee.

UNFINISHED BUSINESS.

MISCELLANEOUS.

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

Preliminary Plat: Fountain Place: 1436 East Erie Street

Sponsor: Simpson. Council Bill 2022-201

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Fountain Place, generally located at 1436 East Erie Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Preliminary Plat: Opal Sunset Subdivision: 3851 West University Street

Sponsor: Schilling. Council Bill 2022-202

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Opal Sunset Subdivision, generally located at 3851 West University Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Preliminary Plat: RLC Sixty Subdivision: 2852 South Dayton Avenue

Sponsor: Schilling. Council Bill 2022-203

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of RLC Sixty Subdivision, generally located at 2852 South Dayton Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Preliminary Plat: The Irons at Millwood Subdivision: 6177 South Farm Road 189

Sponsor: Simpson. Council Bill 2022-204

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of The Irons at Millwood Subdivision, generally located at 6177 South Farm Road 189, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

CONSENT AGENDA – ONE READING BILLS.

CONSENT AGENDA – SECOND READING BILLS.

The following items appeared on the agenda under Board Confirmations.

Confirm the following reappointment to the Art Museum Board: Calie Holden with term to expire June 1, 2025.

Confirm the following appointments to the Art Museum Board: Nora Cox and Mitzi Kirkland-Ives with terms to expire June 1, 2025.

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

END OF CONSENT AGENDA.

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

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by
Michelle Brown

One-rdg. _____
P. Hrngs. X
Pgs. 16
Filed: 08-02-22

Sponsored by: McGull

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 191 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING Section 1-9 of the Springfield City Code, ‘City Limits;’ and amending Section 46-1 of the Springfield City Code, ‘Boundaries of wards, precincts and council zones;’ for the purpose of annexing 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.

WHEREAS, a verified petition requesting annexation was filed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, as described in "Exhibit A," said area being generally located at 3224 East Valley Water Mill Road; and

WHEREAS, said petition was presented to City Council more than fourteen, but less than sixty days, prior to the public hearing thereon; and

WHEREAS, proper notice was published at least seven days prior to the public hearing; and

WHEREAS, City Council does find and determine that: (1) said annexation is reasonable and necessary to the proper development of the City; (2) the City is able to furnish normal municipal services to the area annexed herein within a reasonable time after annexation; and (3) the area annexed herein is contiguous and compact to the existing corporate boundaries of the City.

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

Section 1 – City Council, after holding a public hearing, hereby determines that Annexation A-3-2022 of the property described in "Exhibit A," which is attached hereto and incorporated herein by this reference, is reasonable and necessary to the proper development of the City, the City has the ability to furnish normal municipal services to the area annexed within a reasonable time, and the area is contiguous and compact to the existing boundaries of the City as shown in “Exhibit B,” which is attached hereto and

incorporated herein by this reference.

Section 2 – Pursuant to the provisions of Section 71.012 RSMo., the property described in “Exhibit A,” is hereby annexed into the City of Springfield, Missouri.

Section 3 – Section 1-9 of the Springfield City Code, ‘City Limits,’ is hereby amended by adding thereto the land described in "Exhibit A."

Section 4 – Section 46-1 of the Springfield City Code, ‘Boundaries of wards, precincts and council zones,’ is hereby amended by placing the property described in "Exhibit A" into the appropriate ward and precinct as determined by the County Clerk in accordance with the provisions of State law.

Section 5 – The City Clerk is directed to: (1) file certified copies of this Annexation Ordinance with the Clerk of Greene County; (2) file certified copies of this Annexation Ordinance with the Assessor of Greene County; and (3) forward to the Missouri Director of Revenue, by certified mail, certified copies of this Ordinance, and any other information that the Director of Revenue may require. The City Clerk is further authorized and empowered to perform any other administrative acts which are consistent with the intent of this Ordinance.

Section 6 – 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. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022-191

FILED: 08-02-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to annex approximately 24 acres of private property into the City of Springfield, generally located at 3224 East Valley Water Mill Road and referenced as Annexation A-3-2022. (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. The owner(s) of the private property have signed a petition to request annexation of approximately 24 acres into the City of Springfield. The private property is within the City of Springfield's Urban Service Area and is immediately adjacent to the City of Springfield. There is no public right-of-way as a part of this annexation. The property currently has a barn on it but is otherwise vacant and undeveloped. The intent of this annexation and concurrent rezoning application is to allow for a new retail and residential development.

City Council is required to hold a public hearing to determine whether the annexation is reasonable and necessary for the proper development of the City and whether the City has the ability to furnish normal city services within a reasonable period of time. If no written objection is filed within fourteen (14) days of the public hearing, the City may annex the property by ordinance without further action.

REMARKS: The area to be annexed is contiguous to the City of Springfield. See "Exhibit B" for the location of the private property to be annexed.

RECOMMENDATIONS:

1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.

2. The area to be annexed is contiguous and compact to the City of Springfield and all City services can be provided to the property.

3. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* supports the annexation because it enhances government efficiencies through rational and simplified city boundaries.

4. The property owner(s) have petitioned the City for annexation.

5. The City will receive property and sales tax revenue upon annexation of the private property.

Staff recommends the annexation of this private property.

Submitted by:

R. Daniel Neal, Senior Planner

Recommended by:

Susan Istenes, AICP
Director

Approved by:

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Legal Description
Exhibit B, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department and Agency Review
Attachment 2, Annexation Schedule

EXHIBIT A

LEGAL DESCRIPTION
ANNEXATION A-3-2022

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

Development Review Staff Report

CITY OF Springfield

CITY COUNCIL PUBLIC HEARING: AUGUST 8, 2022

CASE NUMBER:
Annexation A-3-2022

LOCATION:
3224 E. Valley Water Mill Road

ACRES:
Approximately 24 acres

EXISTING LAND USE:
Vacant/undeveloped land

APPLICANT:
Valley Water Mill Prop, LLC

STAFF:
Daniel Neal, Senior Planner
864-1036

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve the request to annex the subject property into the City of Springfield as submitted in the staff report

SUMMARY OF REQUEST:

Request to annex approximately 24 acres of private property generally located at 3224 E. Valley Water Mill Road into the City of Springfield.

FINDINGS FOR STAFF RECOMMENDATION:

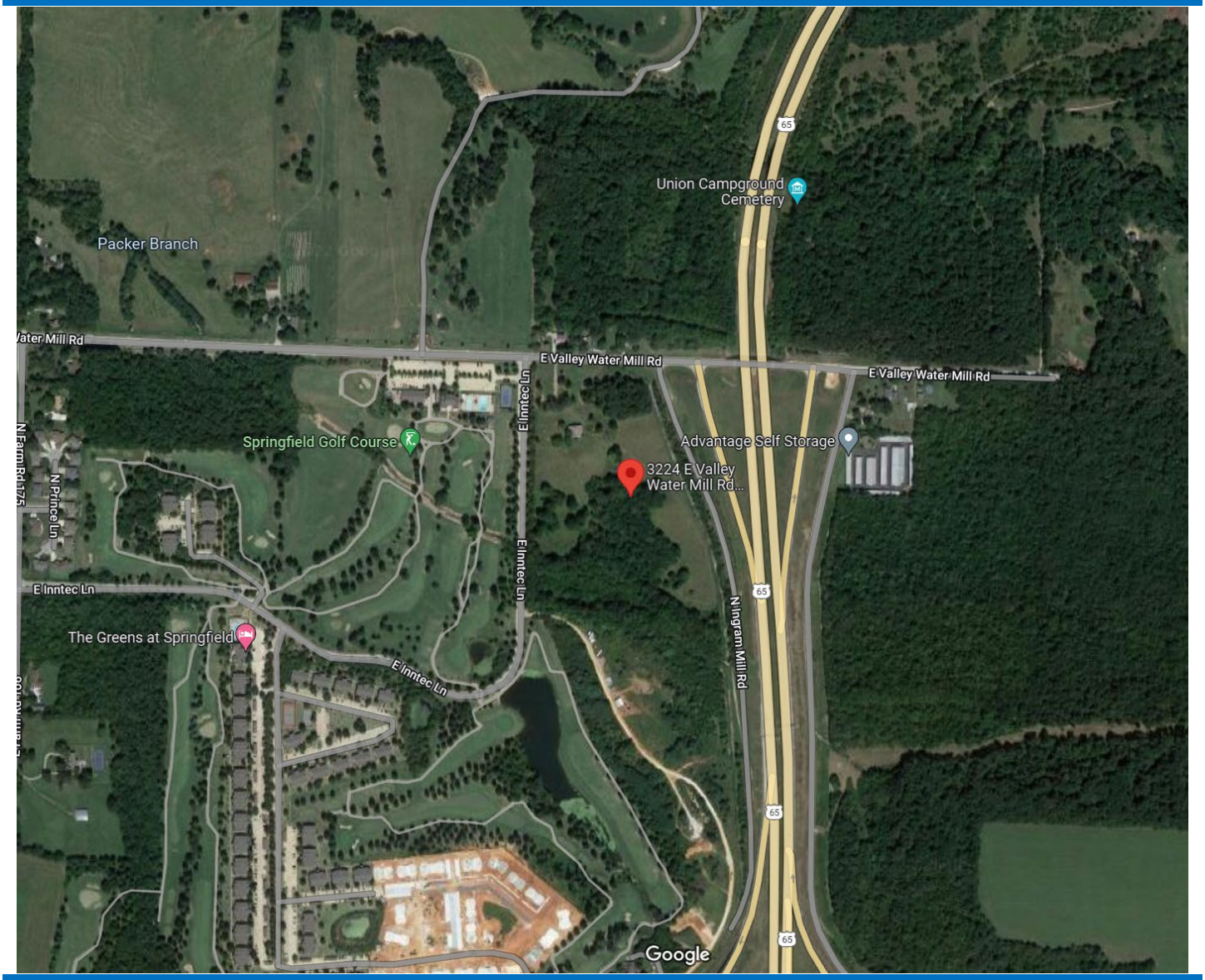
1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous and compact to the City of Springfield and is bounded on two sides by the City of Springfield.
3. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* supports the annexation because this annexation will enhance government efficiencies through a rational and simplified city boundary.
4. The City will receive property and sales tax revenue upon annexation of the private property.

SURROUNDING ZONING AND LAND USES:

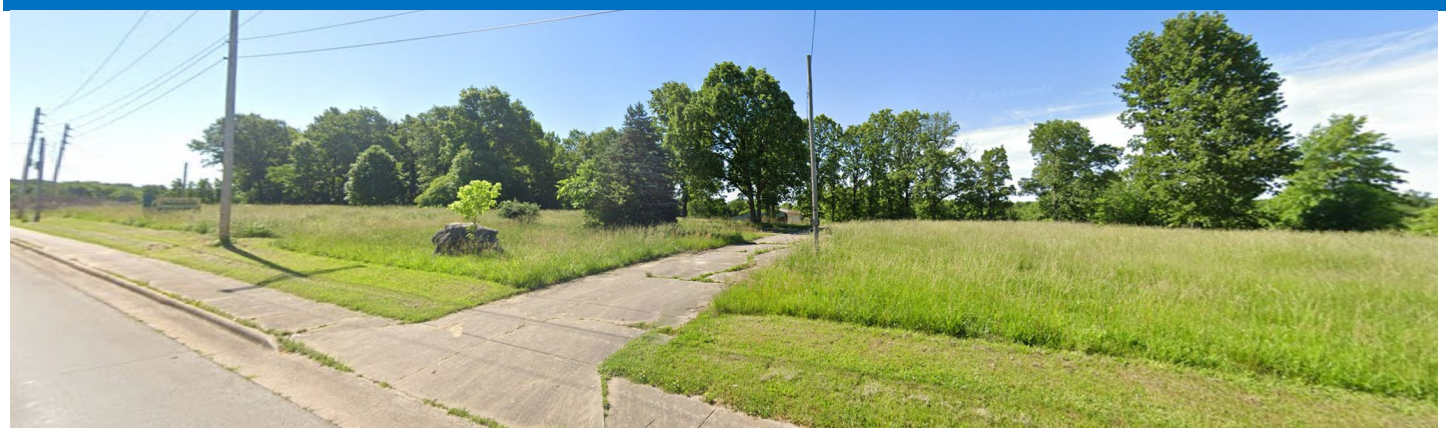
	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	PD 234	US 65 Hwy & County R-1	PD 234
LAND USE	Single-family residential uses	Golf course	US Hwy ROW and single-family residential uses	Golf course

Development Review Staff Report

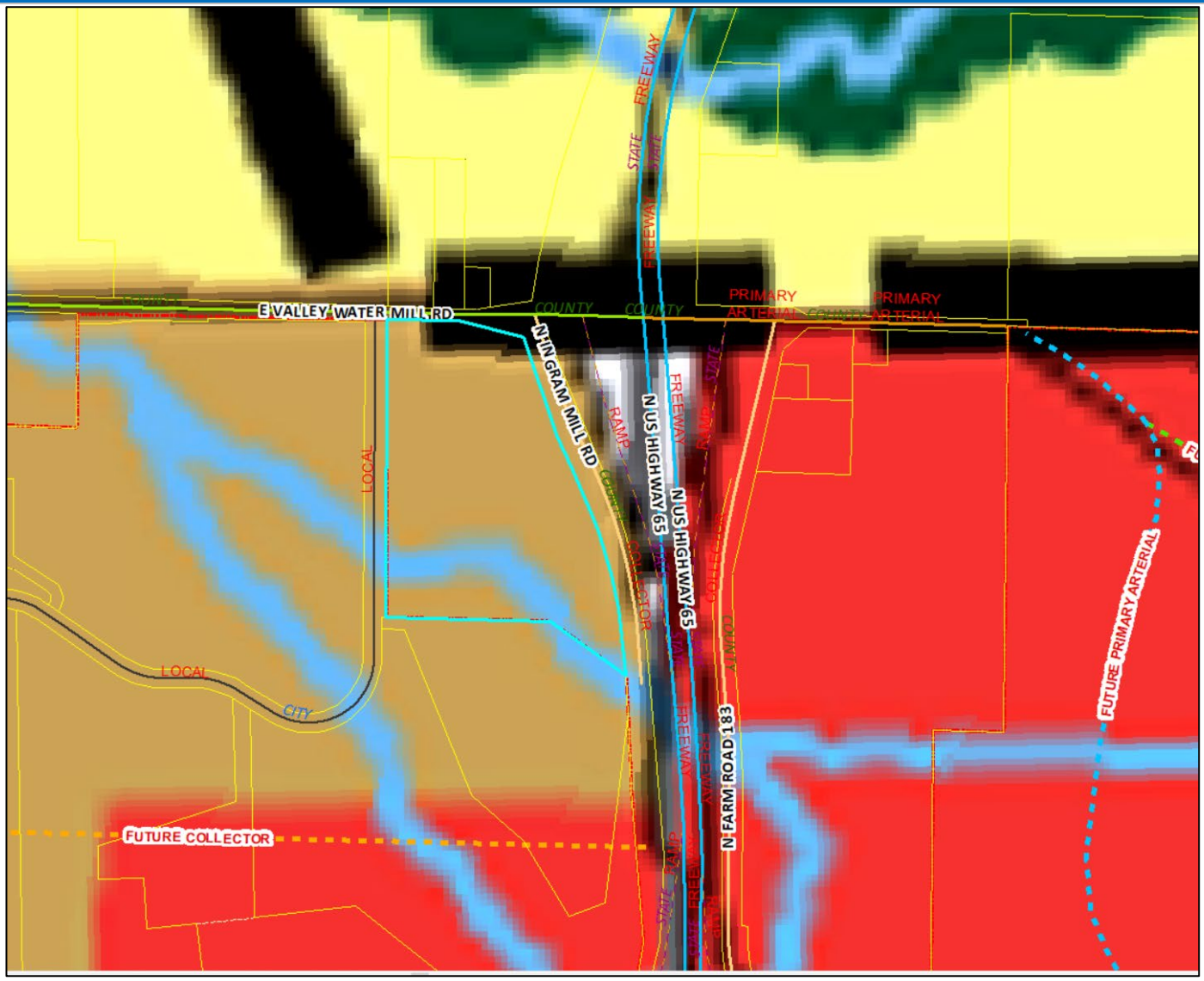
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:

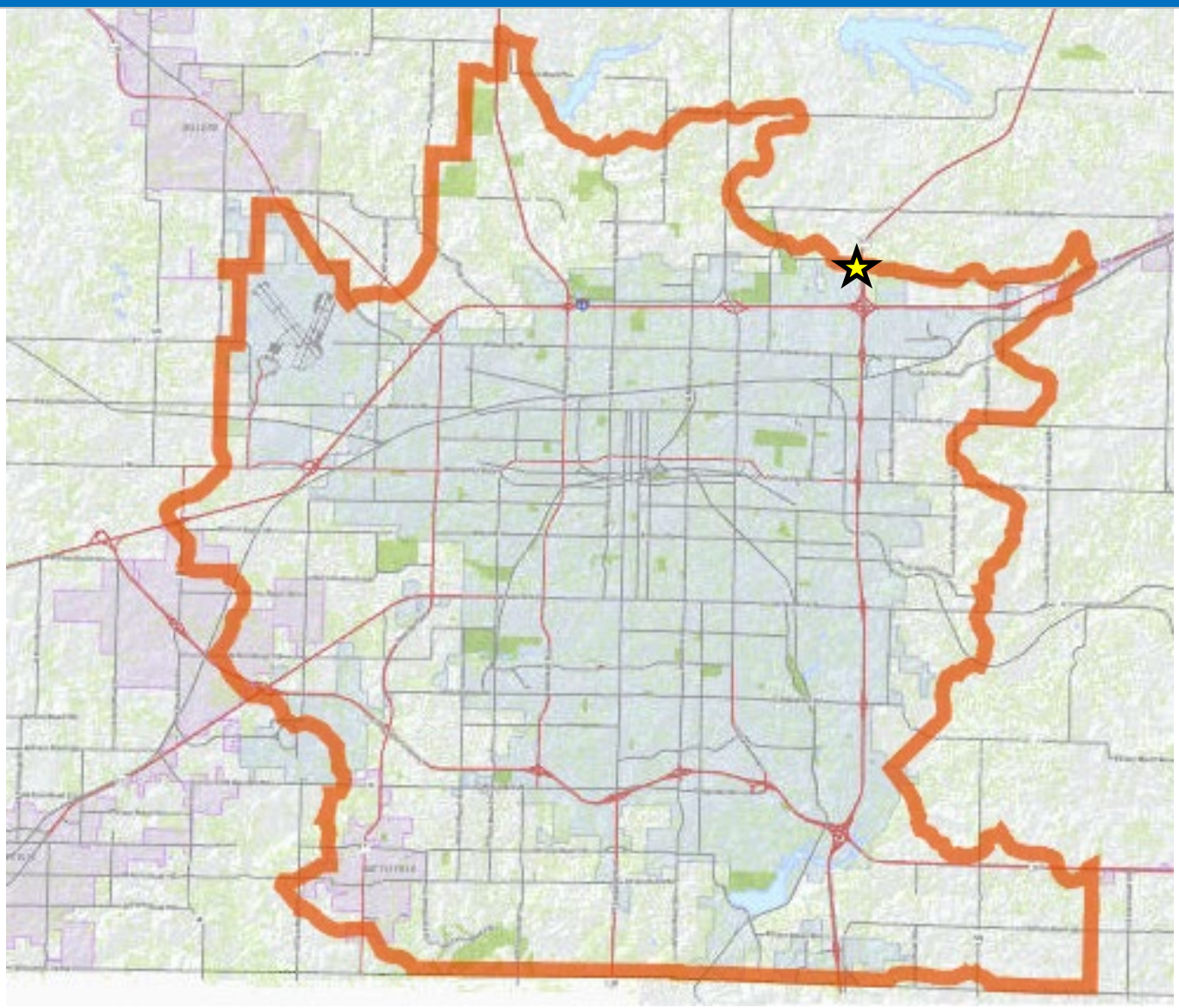


GROWTH MANAGEMENT AND LAND USE PLAN:



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

URBAN SERVICE AREA:



Development Review Staff Report

PROPERTY HISTORY:

The subject property is currently outside the city limits in unincorporated Greene County. The subject property is currently zoned Greene County R-1, Suburban Residence District and has an old barn on it. The annexation is being processed concurrently with a rezoning of the same area and will have a public hearing at the same City Council meeting.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Medium to High Density Housing. The applicant is proposing a mixed-use development with a large multi-family component. The retail and office component would be justified by the subject property's proximity to a major intersection of a Freeway and Secondary Arterial roadways (U.S. Highway 65 and Valley Water Mill Road). It's also in proximity to the I-44 and U.S. 65 Emerging Activity Center. This area has potential to be significant regional Activity Center. Existing businesses and manufacturing activity, including nearby Partnership Industrial Center, make this area a major employment center. The area to the east of U.S. 65 and Valley Water Mill Road has been categorized as High Intensity Retail, Office or Housing for that very reason. The Plan states that" The land use plan map should not be taken too literally but should be used in conjunction with the guidelines from previously prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds that the subject property is an appropriate location for the proposed GR, General Retail District.

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* states that City annexations should enhance governmental efficiencies through rational and simplified City boundaries and reduce any potential inter-jurisdictional conflict.

STAFF COMMENTS:

1. The applicant is proposing to annex approximately 24 acres of property generally located at 3224 E. Valley Water Mill Road into the City of Springfield. A rezoning to GR, General Retail District for a new retail and residential development is being processed with this annexation and will have a public hearing at the same City Council meeting.

2. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.

3. The proposed annexation and rezoning will allow the subject property to be developed similarly to adjacent properties in the City.

4. The proposed annexation area does not contain any known sinkholes and is not located in a FEMA designated floodplain. The proposed annexation area does not contain a stream buffer area.

5. The proposed annexation does not contain any public right-of-way. Valley Water Mill is maintained by Greene County Highway Department, Ingram Mill Road is maintained by MODOT and Greens Avenue is a local City street.

6. The proposed annexation area is currently served by the Ebenezer Fire Protection District.

7. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1. The legal description of the private property involved in this annexation is attached as Exhibit A.

PUBLIC NOTIFICATION:

The public notice for annexation was advertised in the Daily Events at least 15 days prior to the public hearing. For the rezoning, the property was posted by the applicant at least 10 days prior to the public hearing. For the rezoning, 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

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

No issues with annexation. 3 Phase Electric and Water are available to the property. Natural Gas could be extended to provide service if desired, per CU's Extension policy.

CLEAN WATER SERVICES COMMENTS:

No objection to annexation. Public sewer currently crosses the property.

E-911 COMMENTS:

No comments.

ECONOMIC DEVELOPMENT COMMENTS:

Additional sales and property tax will be collected if property is rezoned and developed as proposed.

FIRE DEPARTMENT COMMENTS:

1. **Service** – The primary Fire Station responding to this area would be Station #4 located at 2423 N. Delaware, which is approximately 4.3 miles from the northeast of the property. Fire Station #3 located at 205 N. Patterson, is the secondary station responding to this location, which is 5.1 miles from the northeast corner of the property.

2. **ISO area** – The proposed annexation is currently outside the recommended ISO 1.5-mile response distance by 2.5 miles for the 1st due unit. ***This will have a negative impact on our ISO rating for deployment.***

3. **Response times/Standards of Cover** – Estimated response time was calculated mathematically with an assumed travel speed of 45 miles per hour by the fire apparatus. The 1st due company has an estimated total response time of 8 minutes, 45 seconds. The 2nd due company has an estimated total response time of 9 minutes, 8 seconds. It is unlikely the standard of coverage benchmark could be met for single company responses and unlikely the benchmark could be met for a full 1st alarm response which requires 3 engines, 2 Trucks, 1 Rescue and 1 Battalion Chief to arrive on scene within 11 minutes and 24 seconds. ***The department expects that it will not meet the initial unit or effective response force benchmarks. This will negatively impact our accreditation standard of cover.***

		Estimated Total Response Time	Benchmark*	From 2021 Baseline**
1st Due Company	Station 4	8 Minutes 4 Seconds	6 minutes 20 seconds	8 minutes 13 seconds
Total Effective Response Force	Station 4,2,3,12	11 Minutes 48 Seconds	10 minutes 20 seconds	13 minutes 18 seconds

4. **Water Supply** – Currently there is no water supply to service the proposed area to be annexed. There is a 12" water main with City Utilities maintained Development associated with this annexation is currently underway with planning for improved water supply included. ***All requirements and conditions of the Fire Code must be met for fire suppression water supply for the occupancy type and intended use. The Fire Department does have any concerns with the water supply for this proposed annexation after Fire Code requirements are satisfied.***

5. **Impact -** The Fire Department is unable to estimate the call activity due to the unique type of development. ***While the Fire Department is concerned about the potential for extended total response time to this address from existing stations, adherence to the provisions of the Fire Code for fire suppression water supply and fixed fire suppression systems.***

   Fire Department Recommendation: ***The Fire Department is supportive of this annexation.***

MODOT COMMENTS:

No comment.

GREENE COUNTY HIGHWAY DEPARTMENT COMMENTS:

Any access to Valley Water Mill must meet Greene County Access Management criteria. Specifically, the existing access would be better suited located on Greens Dr. At a minimum, better separation from the intersection with Greene Dr. (220') should be provided.

POLICE DEPARTMENT COMMENTS:

No comments.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies E. Valley Water Mill Road as a Secondary Arterial roadway, N. Greens Drive as a Local-Commercial roadway and N. Ingram Mill Road as a Collector roadway. The standard right-of-way width for E. Valley Water Mill Road is 35-feet from the centerline, 30-feet from the centerline for N. Greens Drive and 30-feet from the centerline for N. Ingram Mill Road. It appears an additional 5-feet of right of way is required along E. Valley Water Mill Road. It appears no additional right-of-way is needed along N. Greens Drive or N. Ingram Mill Road. 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. Valley Water Mill Road is a County- maintained roadway, N. Greens Drive is a city-maintained roadway and N. Ingram Mill Road is a state-maintained roadway.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for E. Valley Water Mill Road, N. Greens Drive or N. Ingram Mill Road. On-street parking is not allowed along E. Valley Water Mill Road. On-street parking is allowed along N. Greens Drive and N. Ingram Mill Road.

DRIVEWAY ACCESS
There are currently two driveway access points onto the property from E. Valley Water Mill Road and no access points to the property from N. Greens Drive or N. Ingram Mill Road. Access to this property from E. Valley Water Mill Road will be permitted by Greene County Highway, access to the property from N. Greens Drive will be permitted by the City of Springfield and access to the property will be permitted by MoDOT.

SIDEWALK
There is existing sidewalk along the property frontage of E. Greens Drive. There is not existing sidewalk along the property frontage of E. Valley Water Mill Road or N. Ingram Mill Road. The developer is required to construct sidewalk at the time of development along the property frontage of E. Valley Water Mill Road and N. Ingram Mill Road. There is an option for the developer to apply to the ARC for approval to pay a fee in lieu of sidewalk construct. If approved, this fee must be paid prior to issuance of a building permit.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops in the area pertaining to this zoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS
A Traffic Impact Study is required at the time of development. Any improvements required based on the Traffic Study are required to be constructed or funds escrowed prior to issuance of a building permit.

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 Valley Water Mill Rd	Secondary Arterial	No	30	35
Street 2	E. Greens Dr	Local - Commercial	Yes	50	30
Street 3	N Ingram Mill Rd	Collector	Yes	75	30

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	96	120	1,152	
***Proposed Trips Generated**	384	1,608	17,280	
Additional Trips Generated	288	1,488	16,128	

*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 **South Dry Sac** drainage basin. The property **is located in a FEMA designated Un-Numbered A Zone Floodplain**. Staff **is not** aware of flooding problems in the local or downstream area. **The**

city is aware of a Karst Feature item located on the property and will require a sinkhole evaluation report. A fee in lieu of on-site stormwater detention **will not be allowed and detention is required.** The property **does have a stream buffer on site.**

PW Stormwater has no concerns with the proposed rezoning. 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:
https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-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 maybe permissible with upon further stormwater analysis of the downstream affects to the stream and culverts on adjacent property and E Greens Dr.
    b. Stormwater Report should show the downstream impacts and elevations.
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)

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.

Stream and Stream Buffer Requirements

4. A Category B Small Stream is shown crossing the property on the SW part of the property. Chapter 8, Sec 2.1 has the general rule for development around/near natural channels is avoidance, minimize impacts, and mitigate impacts.
    a. Chapter 8, Sec 4.1.2; All applications subject to the stream buffer requirements herein shall submit a stream buffer plan for review and approval. Stream Buffer Plan requirements are found in the same Chapter/Sec.
    b. Chapter 8, Sec 4.1.3 Ownership and Recording: Stream buffers consisting of the stream and approved buffer zones shall be designated as a Stream Buffer Area on any replat, preliminary plat, or final plat in accordance with City Code Sec. 36-253 or recorded in a stream buffer easement.

Sinkhole and Karst Features on Property

5. The Site contains one karst feature will discharge to it. Per Ch. 11 Sec. 2.0 a sinkhole evaluation must be completed by a professional engineer or geologist. Located North of the Stream is what appears to be a spring.
    a. Chapter 11, Sec 3.2 No new development shall be within 100 feet of a spring unless a report prepared by a qualified engineer or geologist is submitted and approved by the Director of Public Works verifying that the quality and quantity of the spring flow will not be materially altered by the development.
    b. Project will require an evaluation report of the possible Karst Feature before approval of building permit.

ANNEXATION SCHEDULE:

ATTACHMENT 2
ANNEXATION SCHEDULE

ANNEXATION:

Initiate annexation.....July 11, 2022

City Council public hearing .....August 8, 2022

City Council second reading and vote .....August 22, 2022

One-rdg. _____
P. Hrngs. X
Pgs. 23
Filed: 08-02-22

Sponsored by: McGull

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 192 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 24 acres of property generally located at 3224 East Valley Water Mill Road from County R-1, Suburban Residence District, to GR, General Retail District, with Conditional Overlay District No. 216; establishing Conditional Overlay District No. 216; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 3224 East Valley Water Mill Road from County R-1, Suburban Residence District, to GR, General Retail District, with Conditional Overlay District No. 216; and

WHEREAS, Conditional Overlay District No. 216 shall modify the requirements of the Springfield Land Development Code Section 36-421, GR, General Retail District, by requiring that the property described in "Exhibit B" comply with the requirements described in "Exhibit A;" and

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

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

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

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

SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, is hereby rezoned from County R-1, Suburban Residence District, to GR, General Retail District, with Conditional Overlay District No. 216. 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 establishes Conditional Overlay District No. 216 which shall contain the requirements and standards provided in "Exhibit A," which is attached hereto and incorporated herein by this reference as though set forth herein. The requirements of Conditional Overlay District No. 216 shall modify the requirements of the Springfield Land Development Code Section 36-421, GR, General Retail District, by requiring the property described on "Exhibit B" comply with the requirements contained in "Exhibit A."

Section 3 – 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 4 – 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 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 192

FILED: 08-02-22

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 24 acres of property generally located at 3224 East Valley Water Mill Road from County R-1, Suburban Residence District to GR, General Retail District and establishing Conditional Overlay District No. 216. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-16-2022/ CONDITIONAL OVERLAY DISTRICT NO. 216

The applicant is proposing to rezone approximately 24 acres of property generally located at 3224 E. Valley Water Mill Road from County R-1, Suburban Residence District to GR, General Retail District and establishing Conditional Overlay District No. 216. An annexation request is being processed concurrently with this rezoning application. The intent of this rezoning application is to allow for a new retail and residential development.

A Conditional Overlay District has been submitted to mitigate any potential impacts of the GR zoning. A Traffic Impact Study shall be submitted at the time of development; this study must be approved by Public Works and MODOT prior to permitting of the development. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. Any additional right-of-way required for Valley Water Mill Road shall be dedicated prior to the issuance of a building permit. Sidewalk is required to be constructed along the property frontage of Valley Water Mill Road and Ingram Mill Road or a fee in lieu of request submitted and approved by the ARC.

REMARKS:

The Planning and Zoning Commission held a public hearing on July 14, 2022, and recommended to approve, by a vote of 5 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 Medium to High Density Housing. The

applicant is proposing a mixed-use development with a large multi-family component. The retail and office component would be justified by the subject property's proximity to a major intersection of a Freeway and Secondary Arterial roadways (U.S. Highway 65 and Valley Water Mill Road). It's also within close proximity to the I-44 and U.S. 65 Emerging Activity Center. This area has potential to be significant regional Activity Center. Existing businesses and manufacturing activity, including nearby Partnership Industrial Center, make this area a major employment center. The area to the east of U.S. 65 and Valley Water Mill Road has been categorized as High Intensity Retail, Office, or Housing for that very reason.

2. The requested GR, General Retail zoning is consistent with other major commercial intersections in the vicinity. U.S. Hwy 65 and Kearney (to the south) has HC, Highway Commercial zoning on three corners of the intersection, I-44 and Mulroy Road (to the east) was recently rezoned to HC for a new convenience store and commercial subdivision, and I-44 and Glenstone (to the west) has HC zoning on three corners and a municipal golf course on the other.

3. A Conditional Overlay District has been submitted with the requested rezoning to mitigate potential negative impacts of the General Retail District to surrounding properties.

4. This area has not changed since the adoption of the Comprehensive Plan.

5. The subject property has existing City Utilities and public sewer to serve the property.

6. 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.

7. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

8. 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.

9. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

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 & Correspondence

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-16-2022 & CONDITIONAL OVERLAY DISTRICT NO. 216

The requirements of Section 36-421. of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. A traffic study, in a format acceptable to the City and MoDOT, must be submitted at the time of development, and development shall be permitted only after this study is approved by the City's Public Works Department. The requirements of the study shall be incorporated in site plan, PIP, or other permits as applicable, and in accordance with City Code Section 36-250 and Section 9 of Public Works Design Standards. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. All public improvements must be constructed and approved, or funds escrowed prior to issuance of a building permit.

2. City's Transportation Plan classifies Valley Water Mill Road as a secondary arterial which requires 35 feet of right of way from the centerline. It appears approximately 10 feet is needed. Greens Drive is classified as a local roadway and Ingram Mill Road is classified as a collector roadway. It appears no additional right of way is needed along Greens Drive or Ingram Mill Road. 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. Access to the property must meet existing City of Springfield spacing standards for a Secondary Arterial on Valley Water Mill Road and for a Collector on Ingram Mill Road.

3. Per City Code Section 36-471, sidewalks are required to be constructed along the property frontage of Valley Water Mill and Ingram Mill Road at the time of development. If Public Improvement Plans are required for the project, the sidewalk must be included in the PIP. The developer has the option to request approval from the ARC to pay a fee in lieu of sidewalk construction. If approved, the fee must be paid prior to approval of a building permit.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-16-2022 & CONDITIONAL OVERLAY DISTRICT NO. 216

The South 20 acres of the NW 1/ 4 of the NW 1/ 4 of Section (34), Township (29), Range (24), in Greene County, Missouri. 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 C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – July 14, 2022

Z-16-2022 w/COD #216
3224 East Valley Water Mill Road
Applicant: Valley Water Mill Property, LLC

Mr. Hosmer states that this is a request to rezone approximately 24 acres of property generally located at 3224 E. Valley Water Mill Road from County R-1, Suburban Residence District to GR, General Retail District and establishing Conditional Overlay District No. 216. The Comprehensive Plan identifies this area as designates as appropriate for Medium to High Density Housing. Proposed mixed-use development with multi-family. Near Emerging Activity Center. The Transportation Plan classifies Eastgate Avenue and Lombard Street as Collector roadways. A Traffic Impact Study is required at time of development. Additional ROW, sidewalks. The property is located in a FEMA designated unnumbered floodplain. There is stream buffer area and sinkhole on the property. 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 COD will require traffic, ROW, sidewalks and improvements if required. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Jared Davis, 3213 S. West Bypass, here to answer any questions and the intent to do General Retail and multi-family.

Mr. Doennig closed the public hearing.

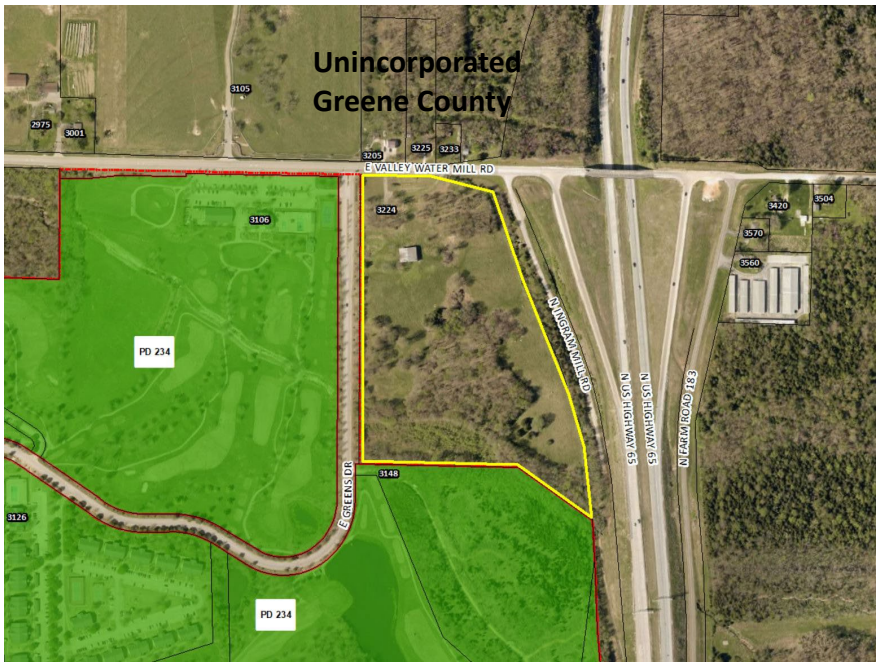
COMMISSION ACTION:
Mr. Jobe motioned to **approve** Z-16-2022 w/COD #216 (3224 East Valley Water Mill Road). Ms. Broekhoven seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Bob Hosmer, AICP
Planning Manager

Exhibit D

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	July 14, 2022
CITY COUNCIL PUBLIC HEARING:	August 8, 2022



CASE: Z-16-2022 w/COD #216

ACRES: Approximately 24 acres

LOCATION: 3224 E. Valley Water Mill Rd.

EXISTING LAND USE: Vacant/undeveloped land

APPLICANT: Valley Water Mill Prop, LLC

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: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 24 acres of property generally located at 3224 E. Valley Water Mill Road from County R-1, Suburban Residence District to GR, General Retail District and establishing Conditional Overlay District No. 216.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Medium to High Density Housing. The applicant is proposing a mixed-use development with a large multi-family component. The retail and office component would be justified by the subject property's proximity to a major intersection of a Freeway and Secondary Arterial roadways (U.S. Highway 65 and Valley Water Mill Road). It's also within close proximity to the I-44 and U.S. 65 Emerging Activity Center. This area has potential to be significant regional Activity Center. Existing businesses and manufacturing activity, including nearby Partnership Industrial Center, make this area a major employment center. The area to the east of U.S. 65 and Valley Water Mill Road has been categorized as High Intensity Retail, Office or Housing for that very reason.

2. The requested GR, General Retail zoning is consistent with other major commercial intersections in the vicinity. U.S. Hwy 65 and Kearney (to the south) has HC, Highway Commercial zoning on three corners of the intersection, I-44 and Mulroy Road (to the east) was recently rezoned to HC for a new convenience store and commercial subdivision, and I-44 and Glenstone (to the west) has HC zoning on three corners and a municipal golf course on the other.

3. A Conditional Overlay District has been submitted with the requested rezoning to mitigate potential negative impacts of the General Retail District to surrounding properties.

4. This area has not changed since the adoption of the Comprehensive Plan.

5. The subject property has existing City Utilities and public sewer to serve the property.

6. 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.

7. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

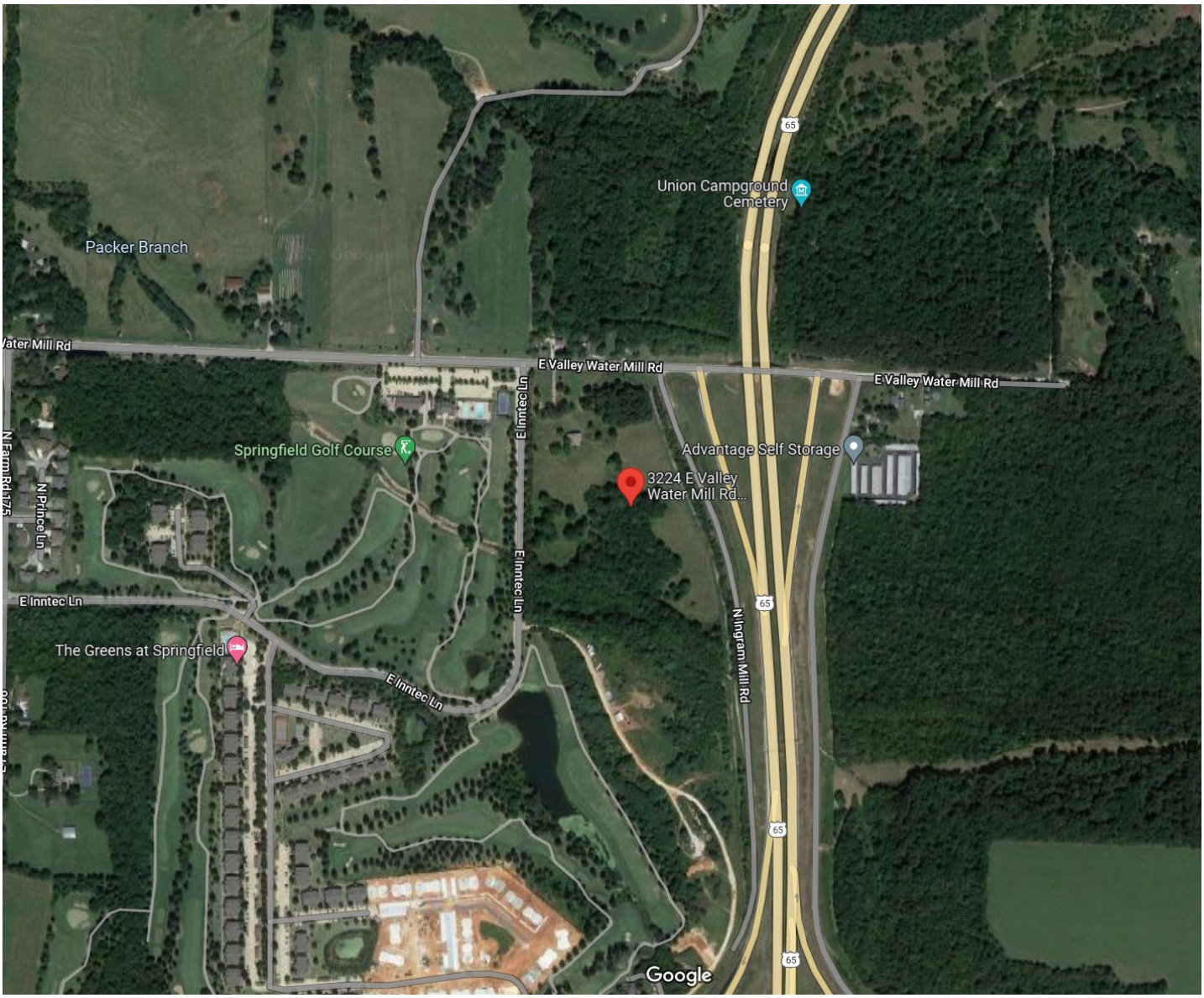
8. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.

9. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:				
	NORTH	**SOUTH**	**EAST**	**WEST**
ZONING	County R-1	PD 234	US 65 Hwy & County R-1	PD 234
LAND USE	Single-family residential uses	Golf course	US Hwy ROW and single-family residential uses	Golf course

Development Review Staff Report

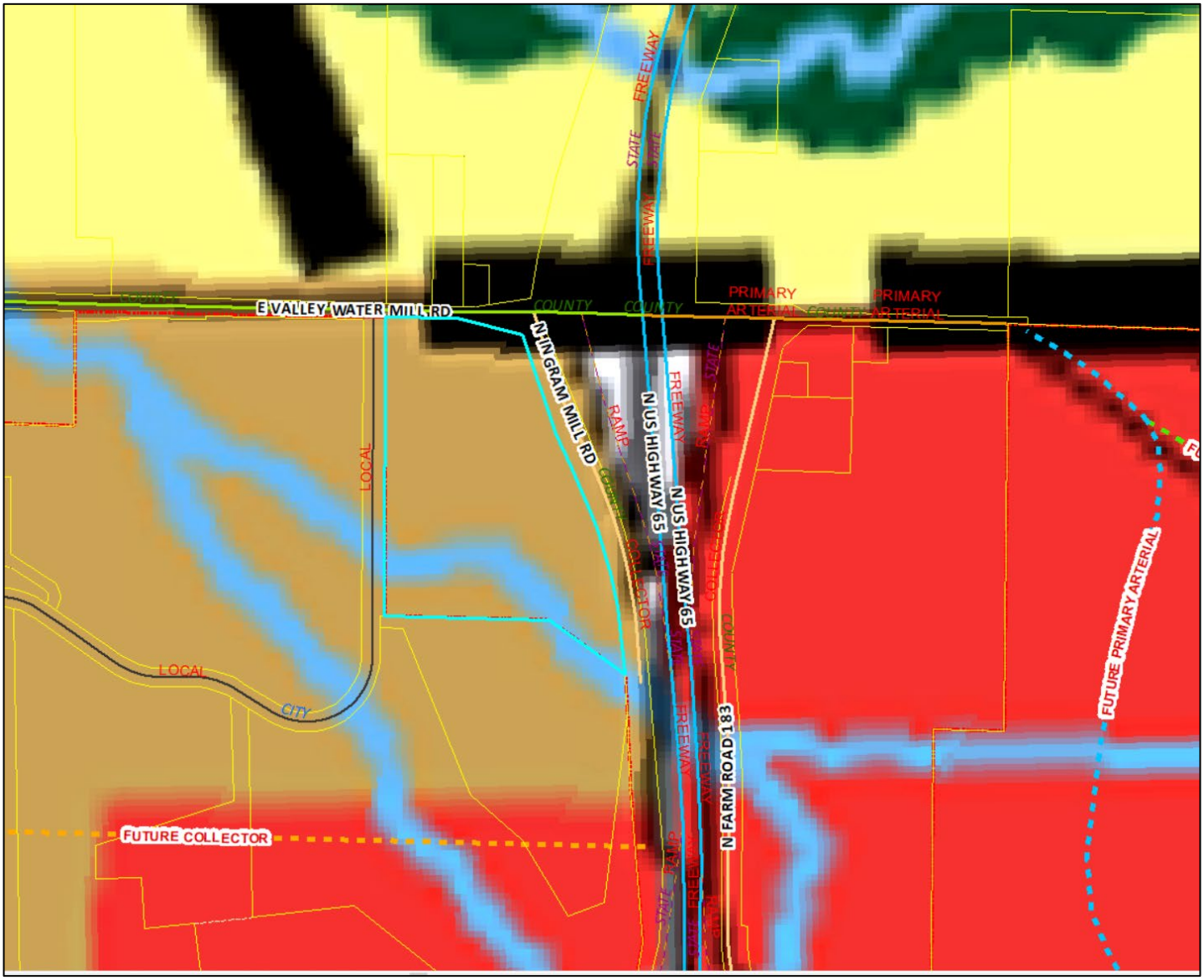
SURROUDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



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

Development Review Staff Report

PROPERTY HISTORY:

The subject property is currently located in Greene County and zoned County R-1, Suburban Residence District. The rezoning is being processed concurrently with an annexation of the same 24 acres along Valley Water Mill Road and will have a public hearing at the same City Council meeting.

PLANNING AND ZONING COMMISSION AUTHORITY:

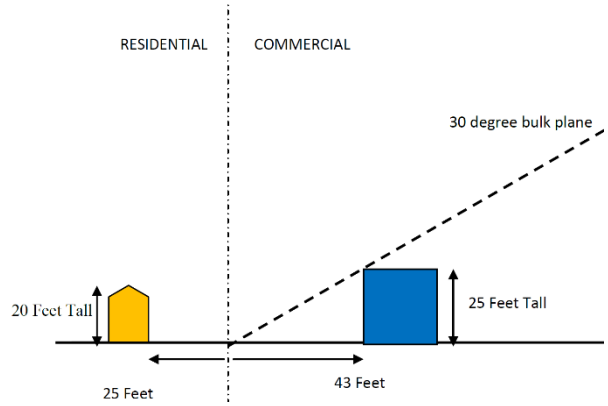
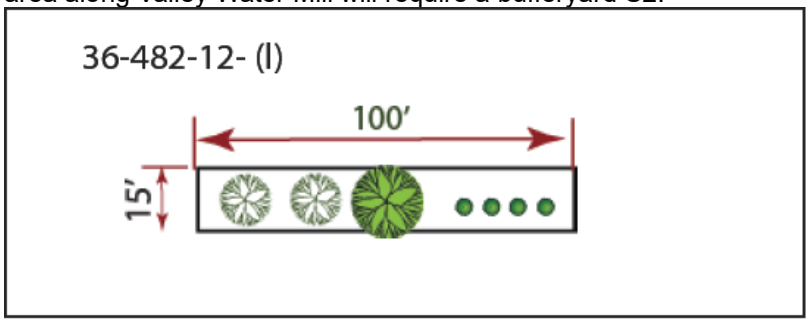
Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary.
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property.
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GR
Minimum Yard Requirements	*Front yard:* 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 20 percent.
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
The property to the north across Valley Water Mill Road is zoned County R-1, Suburban Residence District which is similar to the R-SF District. 	The PD to the west across N. Greens Ave. has existing non-residential uses so a bufferyard will not be required. The same PD to the south allows multi-family uses; however, the current GR proposal is for multi-family behind so multi-family uses against multi-family uses would not trigger a bufferyard, either. If the plans change and the entire site is developed as commercial uses, then a Bufferyard Type C would be required between the GR and PD. The area along Valley Water Mill will require a bufferyard S2. 

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Medium to High Density Housing. The applicant is proposing a mixed-use development with a large multi-family component. The retail and office component would be justified by the subject property's proximity to a major intersection of a Freeway and Secondary Arterial roadways (U.S. Highway 65 and Valley Water Mill Road). It's also in close proximity to the I-44 and U.S. 65 Emerging Activity Center. This area has the potential to be a significant regional Activity Center. Existing businesses and manufacturing activity, including nearby Partnership Industrial Center, make this area a major employment center. The area to the east of U.S. 65 and Valley Water Mill Road has been categorized as High Intensity Retail, Office or Housing for that very reason. The Plan states that" The land use plan map should not be taken too literally but should be used in conjunction with the guidelines from previously prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds that the subject property is an appropriate location for the proposed GR, General Retail District.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 24 acres of property generally located at 3224 E. Valley Water Mill Road from County R-1, Suburban Residence District to GR, General Retail District and establishing Conditional Overlay District No. 216. An annexation request is being processed concurrently with this rezoning application. The intent of this rezoning application is to allow for a new retail and residential development.

2. The requested GR, General Retail zoning is consistent with other major commercial intersections in the vicinity. U.S. Hwy 65 and Kearney (to the south) has HC, Highway Commercial zoning on three corners of the intersection, I-44 and Mulroy Road (to the east) was recently rezoned to HC for a new convenience store and commercial subdivision, and I-44 and Glenstone (to the west) has HC zoning on three corners and a municipal golf course on the other.

3. The proposed General Retail zoning district is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. Commercial uses permitted in this district are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets. Areas zoned GR are intended to be at least five acres in size unless the zoning is based on an adopted plan or comprehensive zoning scheme. It also allows for residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.

4. A Conditional Overlay District has been submitted to mitigate any potential impacts of the IC zoning. A Traffic Impact Study shall be submitted at the time of development; this study must be approved by Public Works and MODOT prior to permitting of the development. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. Any additional right-of-way required for Valley Water Mill Road shall be dedicated prior to building permit. Sidewalk is required to be constructed along the property frontage of Valley Water Mill Road and Ingram Mill Road or a fee in lieu of request submitted and approved by the ARC.

5. The GR District has Use Limitations to limit potentially negative uses:

   (a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows:

      1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to section 36-363, conditional use permits, of this article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.

2. If the premises abuts only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.

(b) No outdoor storage except as provided in subsection 36-421(2), permitted uses, and subsection 36-421(3), conditional uses.

(c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(f) Streets through an adjacent residential area shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

6. The proposed rezoning was reviewed by City departments, these comments are contained in Attachment 1.

NEIGHORHOOD MEETING:

The applicant held a neighborhood meeting on June 23, 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

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITIES:

No issues with re-zoning. 3 Phase Electric and Water are available to the property. Natural Gas could be extended to provide service if desired, per CU's Extension policy.

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning. Public sewer currently crosses the property.

FIRE DEPARTMENT:

No issues with zoning. Installation of fire hydrants & fire access lanes shall comply with 2018 IFC when developed.

GREENE COUNTY HIGHWAY DEPARTMENT:

Future change in use may require relocation of the drive on Valley Water Mill Road.

MISSOURI DEPARTMENT OF TRANSPORTATION:

The main concern MoDOT would have with rezoning to GR and Multifamily would be to have a traffic study done to determine the transportation impacts of the more intensive uses, and then require the developer to construct improvements justified by the traffic study as a condition of rezoning/annexation.

MoDOT ROW includes the outer road, so I think we would be concerned about the impacts to Ingram Mill, the Ingram Mill/Valley Water Mill intersection, and the ramp intersections on the interchange.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **South Dry Sac** drainage basin. The property **is located in a FEMA designated Un-Numbered A Zone Floodplain**. Staff **is not** aware of flooding problems in the local or downstream area. **The city is aware of a Karst Feature item located on the property and will require a sinkhole evaluation report.** A fee in lieu of on-site stormwater detention **will not be allowed and detention is required.** The property **does have a stream buffer on site.**

PW Stormwater has no concerns with the proposed rezoning. 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:
https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-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 maybe permissible with upon further stormwater analysis of the downstream affects to the stream and culverts on adjacent property and E Greens Dr.
b. Stormwater Report should show the downstream impacts and elevations.

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)

Water Quality Requirements

1. 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.

Stream and Stream Buffer Requirements

1. A Category B Small Stream is shown crossing the property on the SW part of the property. Chapter 8, Sec 2.1 has the general rule for development around/near natural channels is avoidance, minimize impacts, and mitigate impacts.

a. Chapter 8, Sec 4.1.2; All applications subject to the stream buffer requirements herein shall submit a stream buffer plan for review and approval. Stream Buffer Plan requirements are found in the same Chapter/Sec.
b. Chapter 8, Sec 4.1.3 Ownership and Recording: Stream buffers consisting of the stream and approved buffer zones shall be designated as a Stream Buffer Area on any replat, preliminary plat, or final plat in accordance with City Code Sec. 36-253 or recorded in a stream buffer easement.

Sinkhole and Karst Features on Property

1. The Site contains one karst feature will discharge to it. Per Ch. 11 Sec. 2.0 a sinkhole evaluation must be completed by a professional engineer or geologist. Located North of the Stream is what appears to be a spring.

a. Chapter 11, Sec 3.2 No new development shall be within 100 feet of a spring unless a report prepared by a qualified engineer or geologist is submitted and approved by the Director of Public Works verifying that the quality and quantity of the spring flow will not be materially altered by the development.
b. Project will require an evaluation report of the possible Karst Feature before approval of building permit.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Valley Water Mill Road as a Secondary Arterial roadway, N. Greens Drive as a Local-Commercial roadway and N. Ingram Mill Road as a Collector roadway. The standard right-of-way width for E. Valley Water Mill Road is 35-feet from the centerline, 30-feet from the centerline for N. Greens Drive and 30-feet from the centerline for N. Ingram Mill Road. It appears an additional 5-feet of right of way is required along E. Valley Water Mill Road. It appears no additional right-of-way is needed along N. Greens Drive or N. Ingram Mill Road. 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. Valley Water Mill Road is a County- maintained roadway, N. Greens Drive is a city-maintained roadway and N. Ingram Mill Road is a state-maintained roadway.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for E. Valley Water Mill Road, N. Greens Drive or N. Ingram Mill Road. On-street parking is not allowed along E. Valley Water Mill Road. On-street parking is allowed along N. Greens Drive and N. Ingram Mill Road.

DRIVEWAY ACCESS

There are currently two driveway access points onto the property from E. Valley Water Mill Road and no access points to the property from N. Greens Drive or N. Ingram Mill Road. Access to this property from E. Valley Water Mill Road will be permitted by Greene County Highway, access to the property from N. Greens Drive will be permitted by the City of Springfield and access to the property will be permitted by MoDOT.

SIDEWALK
There is existing sidewalk along the property frontage of E. Greens Drive. There is not existing sidewalk along the property frontage of E. Valley Water Mill Road or N. Ingram Mill Road. The developer is required to construct sidewalk at the time of development along the property frontage of E. Valley Water Mill Road and N. Ingram Mill Road. There is an option for the developer to apply to the ARC for approval to pay a fee in lieu of sidewalk construct. If approved, this fee must be paid prior to issuance of a building permit.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops in the area pertaining to this zoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS
A Traffic Impact Study is required at the time of development. Any improvements required based on the Traffic Study are required to be constructed or funds escrowed prior to issuance of a building permit.

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 Valley Water Mill Rd	Secondary Arterial	No	30	35
Street 2	E. Greens Dr	Local - Commercial	Yes	50	30
Street 3	N Ingram Mill Rd	Collector	Yes	75	30

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	96	120	1,152	
***Proposed Trips Generated**	384	1,608	17,280	
Additional Trips Generated	288	1,488	16,128	

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

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-16-2022 & CONDITIONAL OVERLAY DISTRICT NO. 216

The requirements of Section 36-421. of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. A traffic study, in a format acceptable to the City and MoDOT, must be submitted at the time of development, and development shall be permitted only after this study is approved by the City's Public Works Department. The requirements of the study shall be incorporated in site plan, PIP, or other permits as applicable, and in accordance with City Code Section 36-250 and Section 9 of Public Works Design Standards. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. All public improvements must be constructed and approved, or funds escrowed prior to issuance of a building permit.

2. City's Transportation Plan classifies Valley Water Mill Road as a secondary arterial which requires 35 feet of right of way from the centerline. It appears approximately 10 feet is needed. Greens Drive is classified as a local roadway and Ingram Mill Road is classified as a collector roadway. It appears no additional right of way is needed along Greens Drive or Ingram Mill Road. 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. Access to the property must meet existing City of Springfield spacing standards for a Secondary Arterial on Valley Water Mill Road and for a Collector on Ingram Mill Road.

3. Per City Code Section 36-471, sidewalks are required to be constructed along the property frontage of Valley Water Mill and Ingram Mill Road at the time of development. If Public Improvement Plans are required for the project, the sidewalk must be included in the PIP. The developer has the option to request approval from the ARC to pay a fee in lieu of sidewalk construction. If approved, the fee must be paid prior to approval of a building permit.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Suburban Residence (R-1) -GC to General Retail (GR)
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: Thursday - June 23, 2022 4p-6:30p
3. Meeting Location: Springfield Golf Club - 3106 E Valley Water Mill Rd. Spfd MO 65803
4. Number of invitations that were sent: 12
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 5
7. List the verbal comments and how you plan to address any issues:
   (City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

   No comments - just questions

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

   Hearing dates sent to attendee (Joe Costello) by request

I, Jared Davis (*print name)*, attest that the neighborhood meeting was held on 07/14/2022 (*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

Jared Davis

Printed name of person completing affidavit

Neighborhood Meeting Sign-in

3224 E. Valley Water Mill Road

June 23, 2022

Name	Phone Number	Address
Nathan Adams	417-866-2741	3213 S. West Bypass
Steven Crawford	417-234-1111	Drimmara - counsel
David Switzer	3143706382	2733 E. Battlefield 65804
Joe Costello	(417) 866-7100	4112 N. FR 189 Springfield, MO 65803
joe@joecostello.com		(send hearing date)

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:	6/27/2022	**Telephone No.**	1-417-459-6375
YOUR NAME:	Norma Whitehead & Kevin Whitehead		
YOUR ADDRESS:	3205 E. Valley Watermill rd. Spfld. MO		
PROJECT ADDRESS:	3224 E. Valley Watermill rd.		

COMMENTS:

THE Traffic that will need access will be the biggest issue utilizing the Greens ACCESS is NOT IDEAL use of Ingram mill would Be preferred.

THIS will be too MANY Residents for the parcel of Land. One way ACCESS off Co Rd 102 overpass cannot be changed without HIGH COST.

THE Greens road intersection is Already dangerous as NO one Stops coming out of it onto Co.Rd. 102 /

One-rdg. _____
P. Hrngs. X
Pgs. 16
Filed: 08-02-22

Sponsored by: Horton

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-193 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 24.8 acres of property generally located at 5100 West State Highway EE from County A-1, Agriculture District, to GI, Government and Institutional District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 5100 West State Highway EE from County A-1, Agriculture District, to GI, Government and Institutional District; and

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

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

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

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

Section 1 – The property described in "Exhibit A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from County A-1, Agriculture District, to GI, Government and Institutional District. 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 Burris, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022 - 193

FILED: 08-02-22

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 24.8 acres of property generally located at 5100 West State Highway EE from County A-1, Agriculture District to GI, Government, and Institutional District (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-13-2022

The applicant is requesting to rezone approximately 24.8 acres of property generally located at 5100 W. State Highway EE from County A-1, Agriculture District to GI, Government, and Institutional District. The use of the property is not being changed with this rezoning application but rather will accommodate the existing Greene County Sheriff's Office and Jail use which was established prior to annexation.

REMARKS:

The Planning and Zoning Commission held a public hearing on July 14, 2022, and recommended to approve, by a vote of 5 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; however, the Greene County Sheriff's Office and Jail are an existing use and the proposed GI, Government and Institutional District accommodates it.

2. The requested GI, Government and Institutional District zoning will allow the existing use to be conforming.

3. This area has not changed since the adoption of the Comprehensive Plan.

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. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

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-13-2022

A PORTION OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 23 WEST, GREENE COUNTY, MISSOURI, BEING DESCRIBED AS:

COMMENCING AT AN EXISTING SURVEY MONUMENT MARKING THE NORTHEAST CORNER OF SAID SECTION 13; THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, S02°19'28"W, A DISTANCE OF 76.30 FEET TO THE POINT OF BEGINNING, SAID POINT BEING AN EXISTING SURVEY MONUMENT (COTTON SPINDLE) ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY “EE”; THENCE CONTINUING S02°19'28"W, A DISTANCE OF 1725.66 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN RAILROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, N77°46'46"W, A DISTANCE OF 687.25 FEET TO SURVEY MONUMENT (CAPPED "J-MARK") MARKING THE SOUTHEAST CORNER OF A TRACT OF LAND DEEDED TO STONEMOR MISSOURI LLC IN BOOK 2011, AT PAGE 23136-11 IN THE GREENE COUNTY RECORDER'S OFFICE IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE ALONG THE EAST LINE OF SAID TRACT OF LAND, N00°12'43"E, A DISTANCE OF 820.56 FEET TO AN EXISTING SURVEY MONUMENT (1/2" IRON REBAR); THENCE N03°55'40"E, A DISTANCE OF 340.71 FEET TO A SURVEY MONUMENT (5/8" IRON REBAR CAPPED "LS-267D"); THENCE S89°48'36"E, A DISTANCE OF 216.28 FEET TO A SURVEY MONUMENT (5/8" IRON REBAR CAPPED "LS-267D") ON THE EAST LINE OF SAID TRACT OF LAND; THENCE ALONG THE EAST LINE OF SAID TRACT OF LAND, N00°13'02"E, A DISTANCE OF 469.26 FEET TO A SURVEY MONUMENT (CAPPED "LC 62") ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY "EE"; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, S88°21'34"E, A DISTANCE OF 348.85 FEET TO A SURVEY MONUMENT (CAPPED "LC 62"); THENCE S71°17'23"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 125.16 FEET TO A SURVEY MONUMENT CAPPED “LC 62”; THENCE S89°49’00”E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 29.98 FEET TO THE POINT OF BEGINNING, CONTAINING 24.8 ACRES.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – July 14, 2022

Z-13-2022
5100 West State Highway EE
Applicant: Greene County

Mr. Hosmer states that this is a request to rezone approximately 24.8 acres of property generally located at 5100 W. State Highway EE from County A-1, Agriculture District to GI, Government and Institutional District. The property was recently annexed into the City of Springfield. The Plan designates this area as appropriate for Light Industrial, Office and Office-Warehouse uses; however, the Greene Co Sheriff's Office and Jail are an existing use and the proposed GI, Government and Institutional District. The requested GI, Government and Institutional District zoning will allow the existing use to be conforming use. The Transportation Plan classifies State Highway EE as a Primary Arterial and Haseltine Road as a Collector 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 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. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Kevin Barnes, Greene County and noted that City Council asked that this be rezoned to match the property and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Colony motioned to **approve** Z-13-2022 (5100 West State Highway EE). Mr. Jobe seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Bob Hosmer, AICP
Planning Manager

Exhibit C

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	July 14, 2022
CITY COUNCIL PUBLIC HEARING:	August 8, 2022

CASE: Z-13-2022

ACRES: Approximately 24.8 acres

LOCATION: 5100 W. State Highway EE

EXISTING LAND USE: Greene County Sheriff's Office and Jail

APPLICANT: Greene County

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: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 24.8 acres of property generally located at 5100 W. State Highway EE from County A-1, Agriculture District to GI, Government and Institutional 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; however, the Greene County Sheriff's Office and Jail are an existing use and the proposed GI, Government and Institutional District accommodates it.

2. The requested GI, Government and Institutional District zoning will allow the existing use to be conforming.

3. This area has not changed since the adoption of the Comprehensive Plan.

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.

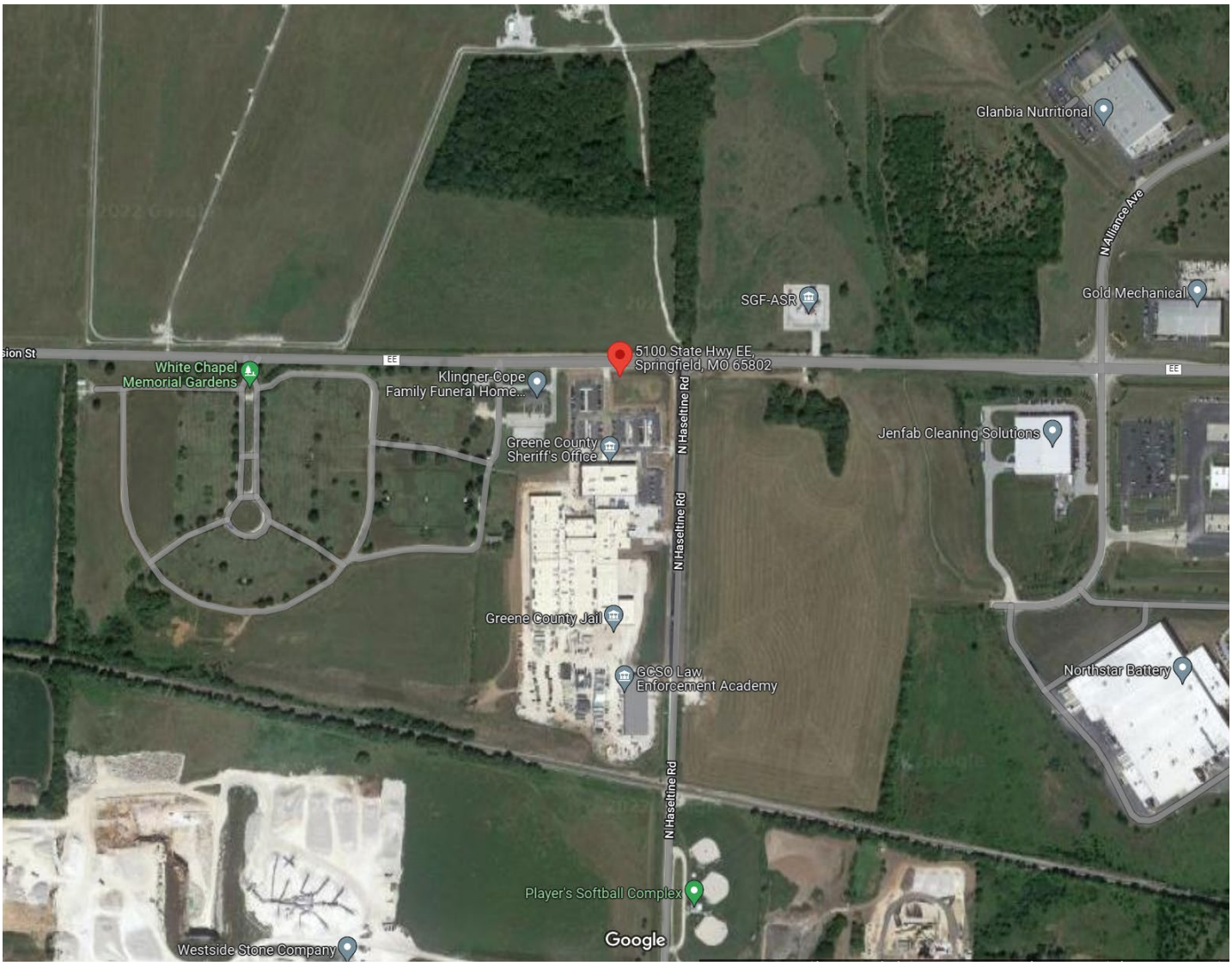
7. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.

8. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:				
	NORTH	**SOUTH**	**EAST**	**WEST**
ZONING	GM	PD 295	HM	County A-1
LAND USE	Airport	Quarry	Vacant/undeveloped	Cemetery and funeral home

Development Review Staff Report

SURROUDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)

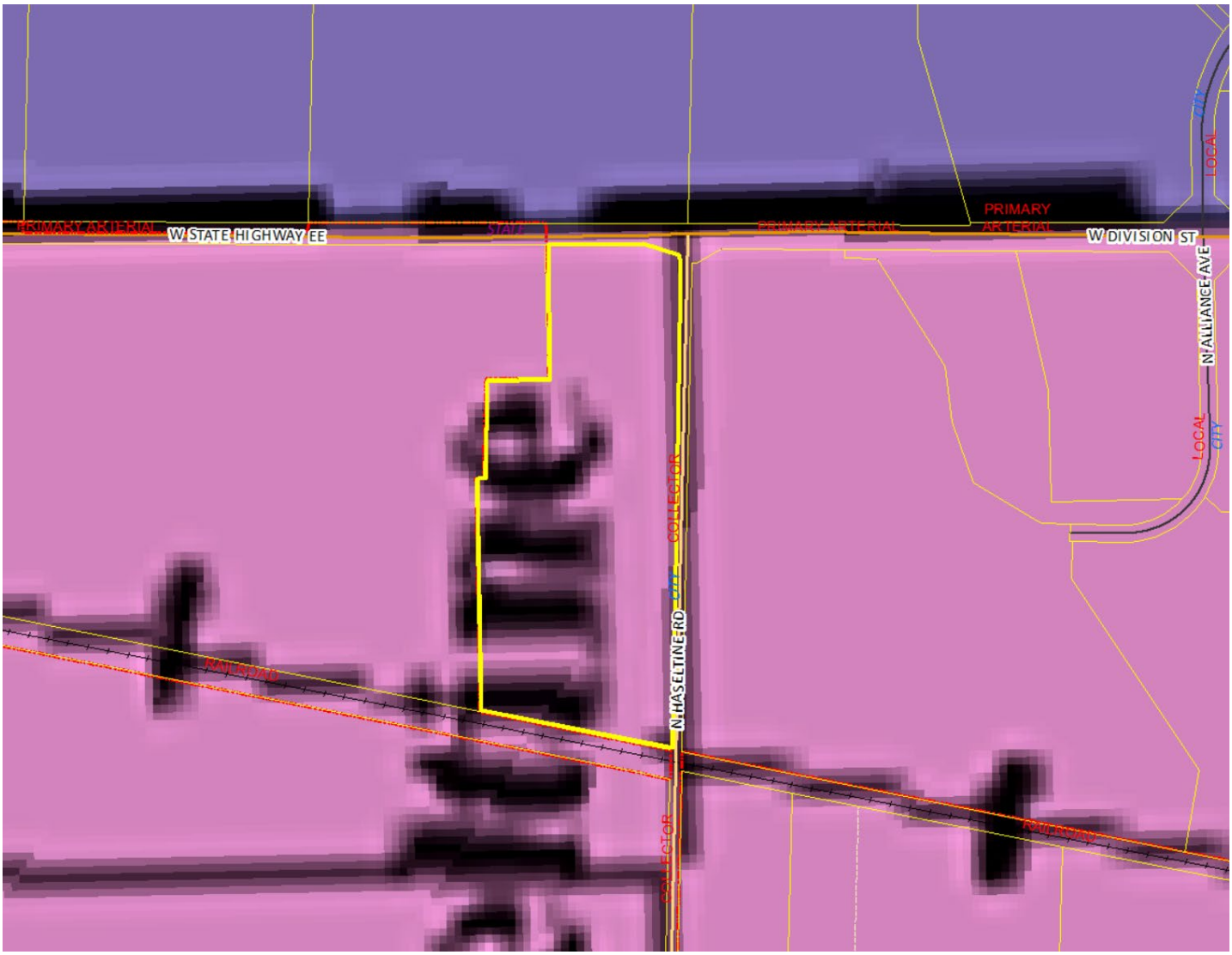


GOOGLE MAPS STREET VIEW:

Development Review Staff Report

CITY OF Springfield

GROWTH MANAGEMENT AND LAND USE PLAN:



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

Development Review Staff Report

CITY OF Springfield

PROPERTY HISTORY:

The subject property is currently zoned County A-1, Agriculture District. The property was annexed into the City on May 16, 2022 with the existing Greene County Sheriff's Office and Greene County Jail.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. 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 GI
Minimum Yard Requirements	*Front yard:* 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	N/A

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; however, the existing Greene County Sheriff's Office and Jail uses are allowed in the proposed GI, Government and Institutional District.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 24.8 acres of property generally located at 5100 W. State Highway EE from County A-1, Agriculture District to GI, Government and Institutional District. The intent of this rezoning application is to accommodate the existing Greene County Sheriff's Office and Jail use.

2. The requested GI, Government and Institutional District zoning will allow the existing use to be conforming.

3. The GI, Government and Institutional District, was established to apply to those lands where federal, state or local government activities are conducted, where governments hold title to such lands, and to major public and private educational and medical facilities. This district is also intended to classify land that is vacant but has been designated for the activities listed above in an adopted plan. It is not intended to classify all lands owned by government into this district, but only those uses that are comparatively intensive or which require substantial buildings.

4. A traffic impact study is not required because all improvements have been made to the site and adjacent streets to accommodate the existing use.

5. The proposed rezoning was reviewed by City departments, these comments are contained in Attachment 1.

NEIGHORHOOD MEETING:

The applicant held a neighborhood meeting on June 23, 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: 5 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITIES:

No issues with the proposed rezoning.

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning. Public sewer has been extended to this site.

FIRE DEPARTMENT:

No comments.

MODOT COMMENTS:

No comments.

GREENE COUNTY HIGHWAY DEPARTMENT:

The Greene County Highway Dept. supports the proposed rezoning located at 5100 W. State Hwy EE from A-1, Agricultural county zoning to GI, Governmental/Institutional zoning within the City of Springfield.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Rainer Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **is not applicable because detention is already provided.** The property **is not in a stream buffer area.**

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

Traffic has no objections.

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies W. State Highway EE as a Primary Arterial roadway and N. Haseltine Road as a Collector Roadway. The standard right-of-way width for W. State Highway EE is 50-feet from the centerline and for N. Haseltine Road is 30-feet from the centerline. W. State Highway EE is under MoDOT jurisdiction. They may have different right of way requirements. It appears additional right of way is needed for N. Haseltine Road.

TRAFFIC COUNTS & ON-STREET PARKING
The most recent traffic count for this section of W. State Highway EE is 3,642 vehicles per day. There are no recent traffic counts for N. Haseltine Road.

DRIVEWAY ACCESS
There is one existing driveway access point onto the property from N. Haseltine Road. Any additional access will be approved based on access standards set forth in City Code Chapter 98. There is no existing access to this property from W. State Highway EE. Access to this property from W. State Highway EE will be approved and permitted by MoDOT.

SIDEWALK

There is not existing sidewalk along the property frontage of W. State Highway EE or N. Haseltine Road. Sidewalks are required at the time of development along N. Haseltine Road or a fee in lieu of approved by the ARC.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops in the area along W. State Highway EE or N. Haseltine Road. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS
Any improvements to W. State Highway EE is determined by MoDOT. Improvements are not required for N. Haseltine Road.

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. State Highway EE	Primary Arterial	No	30	50
Street 2	N. Haseltine Road	Collector	No	20	30
		AM Peak	**PM Peak**	**Weekday**	**Weekend**
Existing Trips Generated					
***Proposed Trips Generated**					
Additional Trips Generated					

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

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Greene County Agriculture (A-1) to Government/Institutional (GI)
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: June 23, 2022 from 4:00 pm to 6:00 pm
3. Meeting Location: Greene County Sheriff's Office
4. Number of invitations that were sent: Eleven (11)
5. How the mailing list was generated: 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).

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

I, Kevin R. Barnes *(print name)*, attest that the neighborhood meeting was held on 6/23/22 *(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

Kevin R. Barnes
Printed name of person completing affidavit

One-rdg. _____
P. Hrngs. X
Pgs. 17
Filed: 08-02-22

Sponsored by: Simpson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 194 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District, to R-SF, Residential Single-family District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at located at 6177 South Farm Road 189 from County R-1, Suburban Residence District, to R-SF, Residential Single-family District; and

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

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

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

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

Section 1 – The property described in "Exhibit A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from County R-1, Suburban Residence District, to R-SF, Residential Single-family District. 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: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 194

FILED: 08-02-22

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 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District to R-SF, Residential Single-family (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-11-2022

The applicant is requesting to rezone approximately 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District to R-SF, Residential Single-family District. The applicant intends to develop a single-family residential development.

REMARKS:

The Planning and Zoning Commission held a public hearing on July 14, 2022, and recommended to approve, by a vote of 5 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 low-density housing. The R-SF district is listed as the appropriate zoning district for the land use category.

2. There has been minimal change in the conditions in the area affected by the proposed rezoning.

3. The requested R-SF zoning is consistent with the existing residential zoning in this area.

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 subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

6. 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.

7. A reasonably viable economic use of the subject property will not be precluded if the proposed zoning is denied.

Submitted by:

Michael Sparlin

Michael Sparlin, Senior Planner

Recommended by:

Susan M. Istenes

Susan Istenes, AICP
Director

Approved by:

Jason A. Gage

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-11-2022

A TRACT OF LAND LOCATED IN SECTION TWENTY—SEVEN (27), TOWNSHIP TWENTY—EIGHT (28) NORTH, RANGE TWENTY— ONE (2I) WEST, ALL BEING IN GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION TWENTY-SEVEN (27); THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE1/4), NORTH 88’29’28“ WEST A DISTANCE OF I322.94 FEET TO AN EXISTING IRON PIN FOR CORNER: THENCE AL0NG THE WEST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SAID NORTHEAST QUARTER (NE1/4), NORTH 00’13’56“ EAST A DISTANCE OF I324.19 FEET TO AN IRON PIN SET FOB CORNER; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUAPTEP (NE1/4) OF SAID NORTHEAST QUARTER (NE1/4). NORTH 00’I2’37” EAST A DISTANCE OF 164.95 FEET TO AN IRON PIN SET FOR CORNER; THENCE SOUTH 88"27’31” EAST A DISTANCE OF I32O.96 FEET TO AN IRON PIN SET CORNER; THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAIDE NORTHEAST QUARTER (NE1/4), SOUTH 00°06’09 WEST A DISTANCE OF 164.96 FEET TO AN EXISTING IRON PIN FOR CORNER; THENCE A LONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4), SOUTH 00°09’33” WEST, A DISTANCE OF 1323.48 FEET TO THE POINT OF BEGINNING, ALL IN GREENE COUNTY, MISSOURI.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – July 14, 2022

Z-11-2022
6177 South Farm Road 189
Applicant: Steed Communities

Mr. Hosmer states this is a request to rezone approximately 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District to R-SF, Residential Single-family. The Comprehensive Plan identifies this area as appropriate for low-density housing. R-SF is appropriate land use category. The Transportation Plan classifies South Farm Road 189 as a secondary arterial roadway and Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention is required onsite. 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. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Luke O'Gary, 5233 S. Sterling Way and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Colony motioned to **approve** Z-11-2022 (6177 South Farm Road 189). Mr. Jobe seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Bob Hosmer, AICP
Planning Manager

Exhibit C

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JULY 14, 2022

CITY COUNCIL PUBLIC HEARING: August 8, 2022

CASE: Z-11-2022

ACRES: Approximately 6.68 acres

LOCATION: 6177 South Farm Road 189

EXISTING LAND USE: Undeveloped, agricultural uses

APPLICANT: Kimberly Steed

STAFF: Michael Sparlin, Senior Planner 864-1091

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION: Move to approve as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District to R-SF, Residential Single-family.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this area as appropriate for low-density housing. The R-SF district is listed as the appropriateness zoning district for the land use category.

2. There has been minimal change in the conditions in the area affected by the proposed rezoning.

3. The requested R-SF zoning is consistent with the existing residential zoning in this area.

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 subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

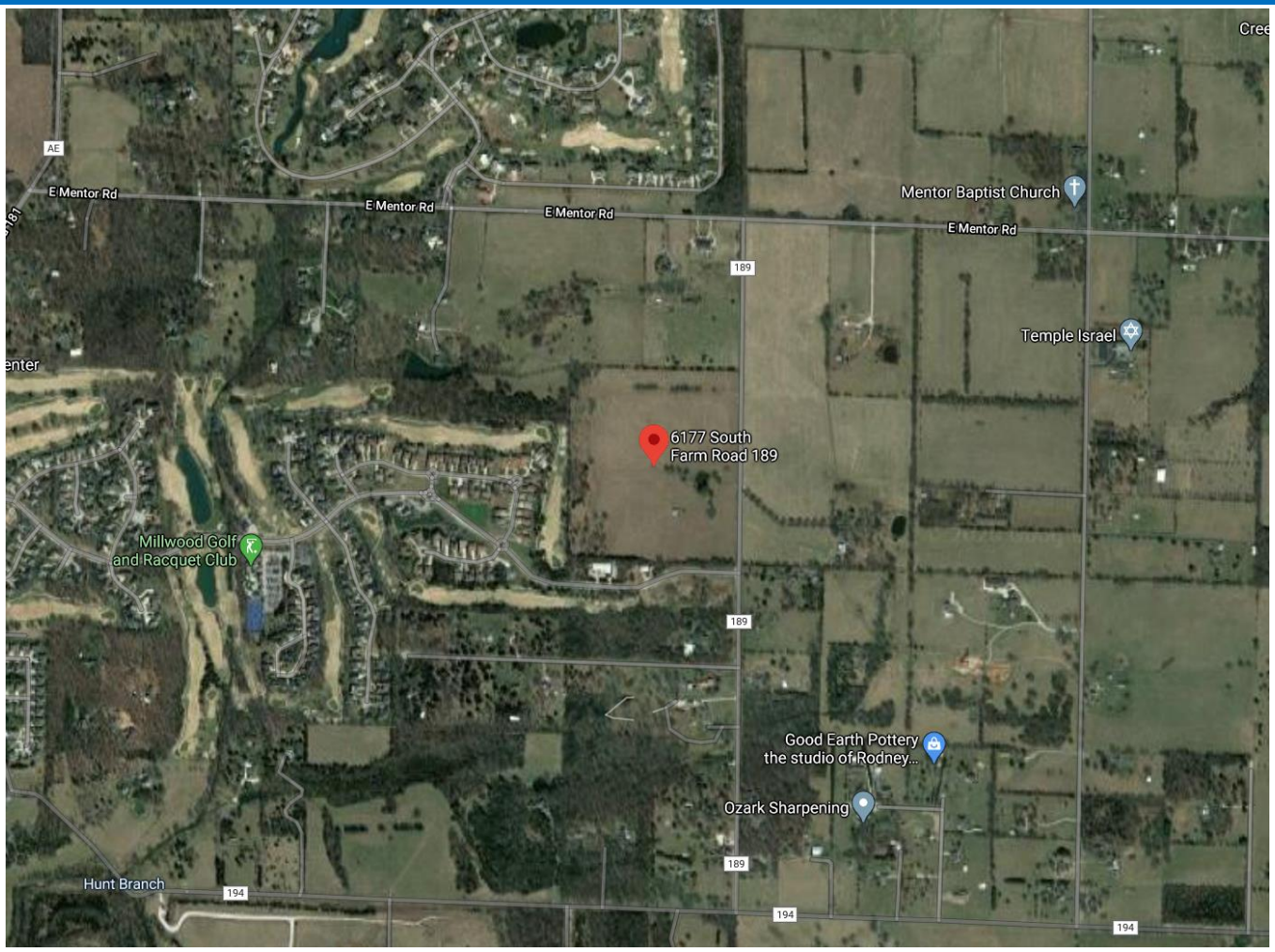
6. The proposed zoning will not correct an error in the application of this article rather provide a viable use of the property subject to the provisions of the zoning district.

7. A reasonably viable economic use of the subject property will not be precluded if the proposed zoning is denied.

SURROUNDING ZONING AND LAND USES:				
	NORTH	**SOUTH**	**EAST**	**WEST**
ZONING	R-SF	R-SF	R-SF	County A-1 and PAD 1033
LAND USE	Single-family and agricultural uses	Cemetery and golf course uses	Single-family and agricultural uses	Single-family, golf course and agricultural uses

Development Review Staff Report

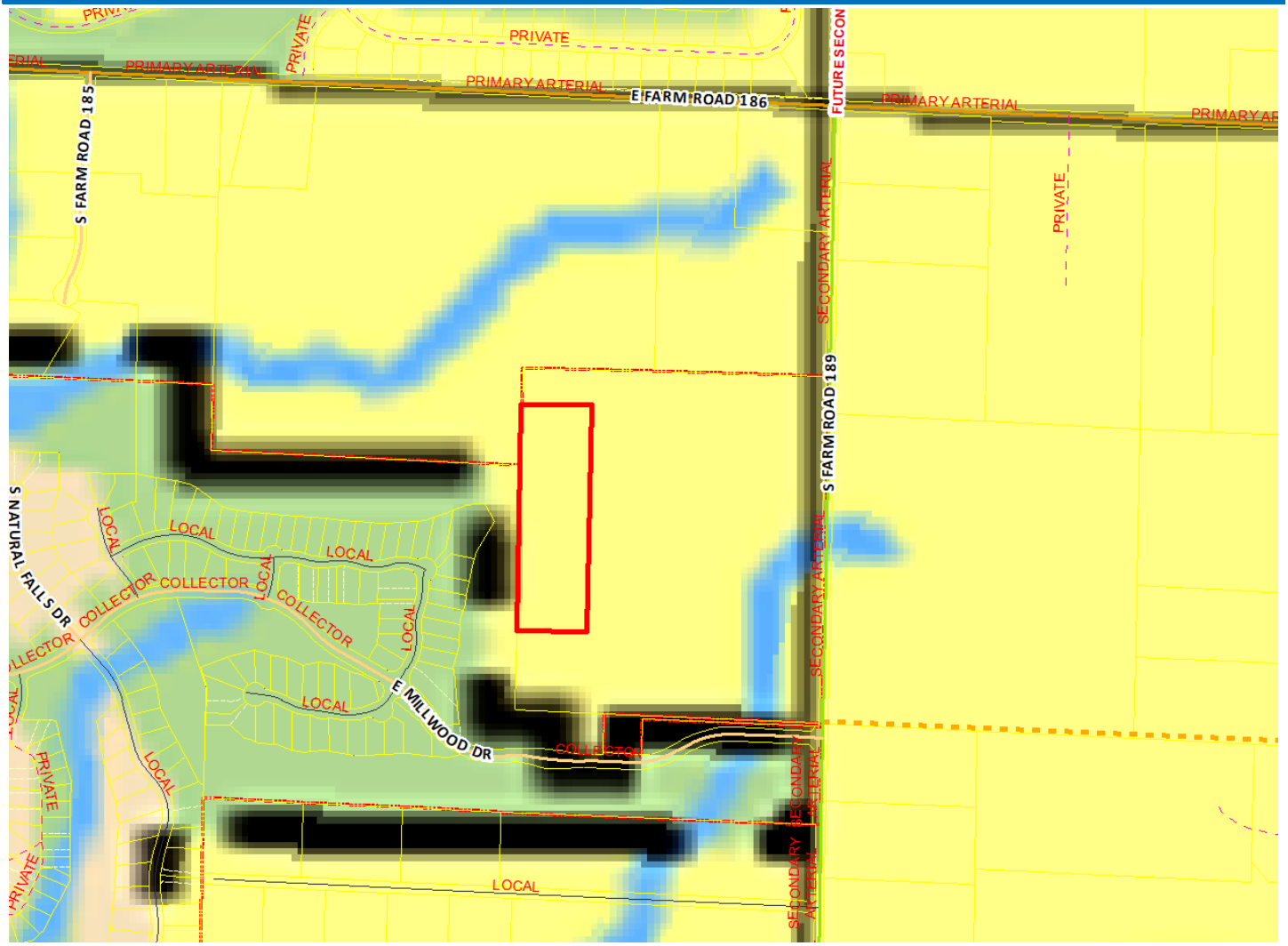
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



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

Development Review Staff Report

PROPERTY HISTORY:

The subject property was annexed in October 2020. A rezoning to R-TH district for the subject property was denied by City Council. Although, it was annexed by the City the County zoning remained.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. 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-SF
Use limitations	There shall be a separate platted lot of record for each single-family semi-detached or townhouse dwelling unit.
Lot size requirements	Minimum lot area: 6,000 square feet. Minimum lot width: 50 feet. Minimum lot depth: 80 feet.
Maximum structure height	1.When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. 2.When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Minimum open space	Not less than 30 percent
Maximum impervious area	Shall not exceed 70 percent of total lot area
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
None.	None.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management & Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low Density Housing.

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

The Transportation Plan classifies South Farm Road 189 as a Secondary Arterial roadway.

Development Review Staff Report

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 6.68 acres of property generally located at 6177 South Farm Road 189 from County R-1, Suburban Residence District to R-SF, Residential Single-family. The applicant intends to develop a single-family residential development.

2. The R-SF district is intended primarily for single-family detached dwellings at low residential densities of approximately seven units per acre. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and by consideration of the proper functional relationship and arrangement of the different uses permitted in this district.

3. The development will take primary vehicular access to Farm Road 189 which is classified as a Secondary Arterial roadway and will remain outside the city limits in unincorporated Greene County for maintenance purposes.

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

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting for this request on May 23, 2022. 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: 3 Returned: 0

Development Review Staff Report

DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with proposed rezoning.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTERWATER MANAGEMENT DIVISION:

No objection to the rezoning however we have the following comments regarding development of the site; 1. Public sewer not currently available for the proposed site and will require offsite and onsite sewer improvements. According to city code section 120.72.a, public sewer must be adjacent to the lot. This will require public improvement plans designed and constructed to city specs. Submit public improvement plans for both onsite and offsite sewer for review. Engineering and inspection fees of 5.34% of the approved contract amount must be paid prior to filing the plans. If the onsite and offsite sewer are submitted under separate project numbers, the offsite sewer should be approved before the onsite improvements are approved. 2. There is a $0.0075 per square foot trunkline fee required for the area of the subdivision. This fee will be added to the engineering and inspection fees. 3. The public improvements must be approved and constructed or escrowed before any building permits or plats can be approved according to city code section 98-12(b)(c) Private Construction of Public Improvements and section 98-14. - Assurance for completion of Public Improvements. If escrow of offsite sewer is allowed, it is at the developers risk and understand that a C/O cannot be issued until said sewer is complete and accepted. 4. The horizontal alignment for the onsite sewer is acceptable. Additional review will be done when the public improvement plans are submitted. 5. The project requires a lengthy offsite sewer extension. All easements must be acquired, recorded and labeled on the plans before the plans can be approve. 6. The City of Springfield worked with a previous developer and engineer to determine the viability of a public lift station versus a trunkline. Please contact ES staff to discuss the requirements for serving the property. 7. The parent tract has already been annexed into the City of Springfield so a consent to annexation will not be required.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies both E. Millwood Drive as a Collector roadway and S. Farm Road 189 as a Secondary Arterial roadways. The standard right-of-way width for E. Millwood Drive is 30-feet from the centerline and S. Farm Road 189 is 35-feet from the centerline. It appears no additional right-of-way is needed along E. Millwood Drive. S. Farm Road 189 is under jurisdiction of Greene County. They are not requiring additional right of way. A survey is recommended to determine the exact amount of existing right-of-way. E. Millwood Drive is a city-maintained street and S. Farm Road 189 is a county-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for E. Millwood Drive or S. Farm Road 189. On-street parking is not allowed along E. Millwood Drive or S. Farm Road 189.

DRIVEWAY ACCESS

There is currently no driveway access points onto the property from E. Millwood Drive or S. Farm Road 189. Access to this property will be allowed from E. Millwood Drive based on existing City of Springfield standards for a Collector. Access to this property from S. Farm Road 189 must be approved and permitted by Greene County.

SIDEWALK

There is existing sidewalk along the property frontage of E. Millwood Drive. Sidewalk does not exist along the property frontage of S. Farm Road 189 and is not required by the county.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along E. Millwood Drive or S. Farm Road 189. 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 did not generate an additional 1,000 vehicles per day or 100 vehicles in the a.m. or p.m. peak periods.

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. Millwood Drive	Collector	No	45	30
Street 2	S. Farm Road 189	Secondary Arterial	No	20	35

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	28	35	336	
***Proposed Trips Generated**	35	42	420	
Additional Trips Generated	7	7	84	

*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 **Farmer Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream 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 as a proposed subdivision.** The property **does not have a stream buffer on site.**

Please note that development of the property will be subject to the following conditions at the time of development. All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022:
https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-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 proposed Preliminary Plat is for a large Subdivision that will greatly increase runoff to adjacent and downstream properties if detention is not provided.
b. Subdivision stormwater detention requires to be shown in a common area and done on public improvement plans. Drainage easements need to be provided for drainage crossing multiple lots.
c. Stormwater infrastructure serving more than one property shall be submitted on public improvement plans.
d. Escrow of Public Improvement Plans for Stormwater Improvements would not be allowed and detention would need to be roughed-in prior to the issuance of any Building Permits.

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.

3. Detention must be built and approved prior to issuance of the building permit. If this is not possible submit a temporary stormwater plan with your plan submittal. If it is an above ground basin then as-builts will be required. The as-builts must be submitted and approved prior to release of the certificate of occupancy.
a. Include the following note for as-builts on the plans submitted for permitting:
b. “The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.”

Water Quality Requirements

4. 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

5. 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.
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

FIRE DEPARTMENT:

No issues.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: County R-1 to R-SF
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: May 23rd at 6:30 PM
3. Meeting Location: E Millwood Dr
4. Number of invitations that were sent: 25
5. How the mailing list was generated: City
6. Number of neighbors in attendance (attach a sign-in sheet): _____
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).

   Main point of discussion was traffic. Told individuals present that a traffic study was being prepared, and the developer will act according to recommendations.

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

   No written comments or questions were provided

I, Michael Stalzer (*print name*), attest that the neighborhood meeting was held on 05/23/2022 (*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

Printed name of person completing affidavit

Planning & Zoning Commission Page 10 of 10

One-rdg. _____
P. Hrngs. X
Pgs. 18
Filed: 08-02-22

Sponsored by: McGull

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 195 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.40 acres of property generally located at 922 South Eastgate Avenue from R-MD, Medium-Density Multi-family Residential District, to R-SF, Residential Single-family District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at located at 922 South Eastgate Avenue from R-MD, Medium-Density Multi-family Residential District, to R-SF, Residential Single-family District; and

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

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

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

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

Section 1 – The property described in "Exhibit A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from R-MD, Medium-Density Multi-family Residential District, to R-SF, Residential Single-family District. 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: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 195

FILED: 08-02-22

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 0.40 acres of property generally located at 922 South Eastgate Avenue from R-MD, Medium-Density Multi-family Residential District to R-SF, Residential Single-family (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-14-2022

The applicant is requesting to rezone approximately 0.40 acres of property generally located at 922 South Eastgate Avenue from R-MD, Medium-Density Multi-family Residential District to R-SF, Residential Single-family The applicant intends to develop a single-family residential development. The applicant intends to further develop the property under one zoning district as opposed to the current split-zone.

REMARKS:

The Planning and Zoning Commission held a public hearing on July 14, 2022, and recommended to approve, by a vote of 5 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 low-density housing. The R-SF district is listed as an appropriate zoning district for the land use category.

2. There has been minimal change in the conditions in the area affected by the proposed rezoning.

3. The requested R-SF zoning is consistent with the existing residential zoning in this area. This rezoning request will bring the Church property under one consistent zoning district.

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 vehicular traffic safety in the vicinity.

6. 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. This application will bring the Church property under one zoning.

7. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:

Michael Sparlin

Michael Sparlin, Senior Planner

Recommended by:

Susan M. Istenes

Susan Istenes, AICP
Director

Approved by:

Jason A. Gage

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-14-2022

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 29 NORTH, RANGE 21 WEST IN SPRINGFIELD, GREENE COUNTY, MISSOURI AS DESCRIBED IN BOOK 2021, PAGE 038962-21 OF THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 22, THENCE ALONG THE WEST LINE OF SAID QUARTER SECTION, NORTH 01°56'44” EAST, 278.45 FEET; THENCE LEAVING SAID QUARTER SECTION, SOUTH 88°03'15” EAST, 30.00 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF EASTGATE AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 01°05'06” EAST, 69.64 FEET; THENCE NORTH 02°15'12” EAST, 242.91 FEET; THENCE NORTH 03°15'19” EAST, 326.34 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF THE ST. LOUIS & SAN FRANCISCO RAILROAD; THENCE LEAVING SAID EAST RIGHT-OF-WAY AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 84°09'17” EAST, 340.54 FEET TO A POINT AT THE NORTHWEST CORNER OF LOT 15, CATALPA EAST FIRST ADDITION, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE ALONG THE WEST LINE OF SAID LOT 15, SOUTH 02°34'15” WEST, 468.60 FEET; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 03°02'21” WEST, 152.25 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15, SAID POINT ALSO LYING ON THE NORTHERLY RIGHT-OF-WAY OF LOMBARD STREET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY 186.64 FEET ALONG A 330.53 FOOT CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 75°52'36” WEST, 184.17 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY 137.74 FEET ALONG A 284.60 FOOT CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 73°53'51” WEST, 136.40 FEET; THENCE NORTH 44°22'19” WEST, 42.09 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 29 NORTH, RANGE 21 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 – July 14, 2022

Z-14-2022
922 South Eastgate Avenue
Applicant: Courageous Church

Mr. Hosmer states that this is a request to rezone approximately 0.40 acres of property generally located at 922 South Eastgate Avenue from R-MD, Medium-Density Multi-family Residential District to R-SF, Residential Single-family. The church property is currently split into R-SF zoning on the north and R-MD the south. This will bring the property under one zone. The Comprehensive Plan identifies this area as designates as appropriate for Low Density Housing. The Transportation Plan classifies Eastgate Avenue and Lombard Street as Collector roadways. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain or stream buffer area. There is a sinkhole on the property. 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. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. Staff recommends approval.

Mr. Doennig opened the public hearing

Mr. Billy Kimmons, 400 South Avenue is representing the owner and this one lot, but currently split zoning and trying to clean up the property regarding zoning.

Mr. Colony asked about the intent.

Mr. Kimmons said that the intended purpose is the current church.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** Z-14-2022 (922 South Eastgate Avenue). Ms. Broekhoven seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Bob Hosmer, AICP
Planning Manager

Exhibit C

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JULY 14, 2022

CITY COUNCIL PUBLIC HEARING: August 8, 2022

CASE: Z-14-2022

ACRES: Approximately 0.40 acres

LOCATION: 922 South Eastgate Avenue

EXISTING LAND USE: Church

APPLICANT: Courageous Church

STAFF: Michael Sparlin, Senior Planner 864-1091

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION: Move to approve as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 0.40 acres of property generally located at 922 South Eastgate Avenue from R-MD, Medium-Density Multi-family Residential District to R-SF, Residential Single-family.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this area as appropriate for low-density housing. The R-SF district is listed as an appropriate zoning district for the land use category.

2. There has been minimal change in the conditions in the area affected by the proposed rezoning.

3. The requested R-SF zoning is consistent with the existing residential zoning in this area. This rezoning request will bring the Church property under one consistent zoning district.

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 vehicular traffic safety in the vicinity.

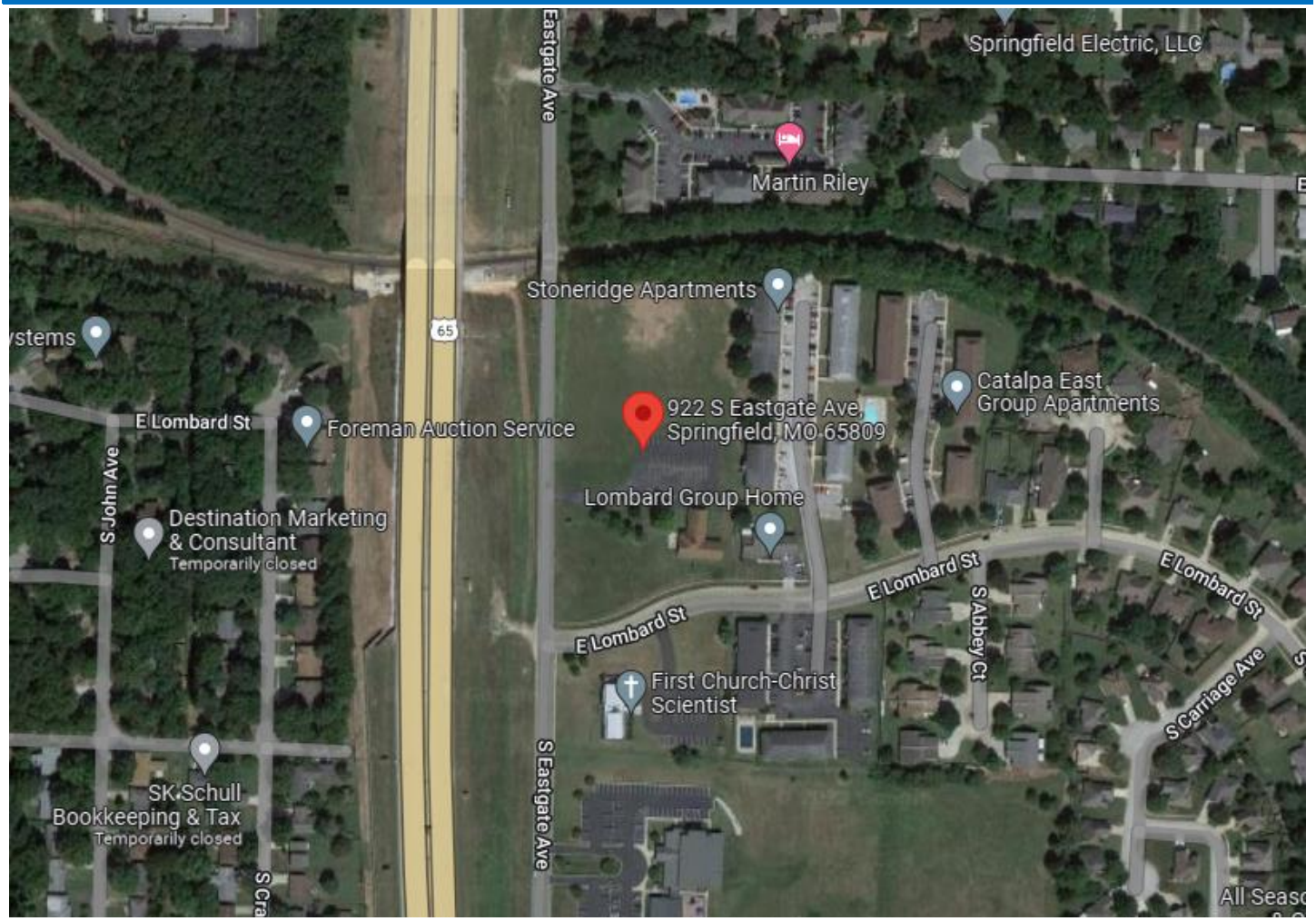
6. The proposed zoning will not correct an error in the application of this article rather provide a viable use of the property subject to the provisions of the zoning district. This application will bring the Church property under one zoning.

7. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:				
	NORTH	**SOUTH**	**EAST**	**WEST**
ZONING	R-SF	R-SF	R-SF	County A-1 and PAD 1033
LAND USE	Single-family and agricultural uses	Cemetery and golf course uses	Single-family and agricultural uses	Single-family, golf course and agricultural uses

Development Review Staff Report

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

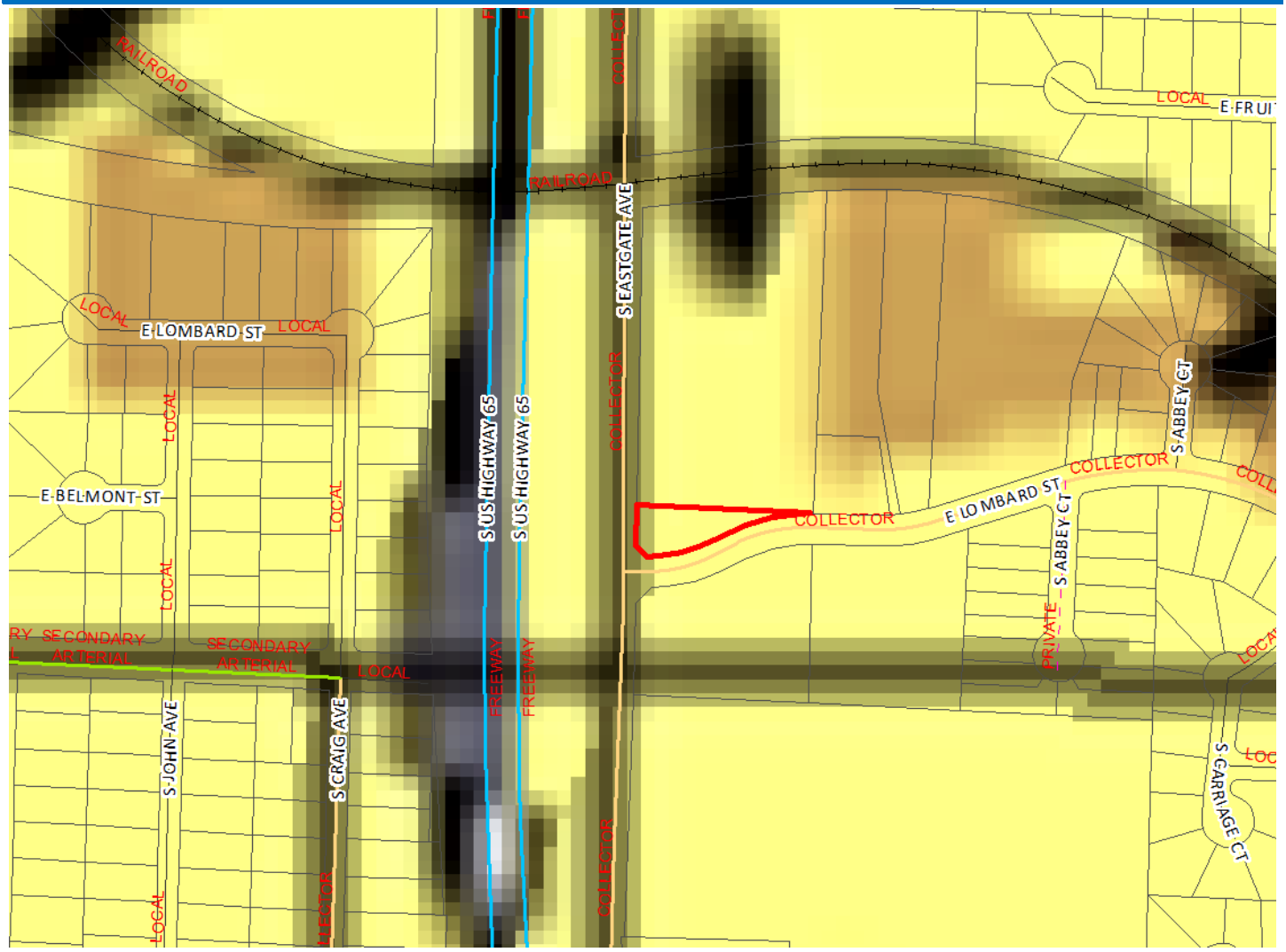


GOOGLE MAPS STREET VIEW:

Development Review Staff Report

CITY OF Springfield

GROWTH MANAGEMENT AND LAND USE PLAN:



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

Development Review Staff Report

PROPERTY HISTORY:

The subject property has been zoned R-MD since the citywide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. 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-SF
Use limitations	There shall be a separate platted lot of record for each single-family semi-detached or townhouse dwelling unit.
Lot size requirements	Minimum lot area: 6,000 square feet. Minimum lot width: 50 feet. Minimum lot depth: 80 feet.
Maximum structure height	1.When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. 2.When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Minimum open space	Not less than 30 percent
Maximum impervious area	Shall not exceed 70 percent of total lot area
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
None.	Bufferyard not required. A landscaping plan meeting the requirements of Sec. 36-482 shall be submitted and approved for all uses except single-family-detached dwellings.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management & Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low Density Housing.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 0.40 acres of property generally located at 922 South Eastgate Avenue from R-MD, Medium-Density Multi-family Residential District to R-SF, Residential Single-family. The applicant intends to further develop the property under one zoning district as opposed to the current split-zone.

2. The subject property is currently a split-zoned lot with R-SF zoning on the North portion and R-MD on a small southern portion. This application will bring the property under one zoning and facilitate the development of the property so that a bufferyard is not required between the zoning districts.

3. The R-SF district is intended primarily for single-family detached dwellings at low residential densities of approximately seven units per acre. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and by consideration of the proper functional relationship and arrangement of the different uses permitted in this district.

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

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting for this request on June 23, 2022. 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: 5 Returned: 0

Development Review Staff Report

DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with proposed rezoning.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTERWATER MANAGEMENT DIVISION:

No issues with proposed rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Eastgate Avenue and E. Lombard Street as Collector roadways. The standard right-of-way width for both S. Eastgate Avenue and E. Lombard Street is 30-feet from the centerline. It appears no additional right-of-way is needed along S. Eastgate Avenue or E. Lombard Street. 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. Eastgate Avenue is a state-maintained roadway and E. Lombard Street is a city-maintained roadway.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic counts for S. Eastgate Avenue is 6,891 vehicles per day and for E. Lombard Street is 1,374 vehicles per day. On-street parking is allowed along S. Eastgate Avenue and E. Lombard Street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from S. Eastgate Avenue. Access to Eastgate is under MoDOT jurisdiction. MoDOT must approve and permit any access to S. Eastgate Avenue. There are no driveway access points onto the property from E. Lombard Street. Access to this property from E. Lombard Street will be allowed based on existing City of Springfield standards.

SIDEWALK

There is currently no sidewalk along the property frontage of S. Eastgate Avenue. Sidewalk is required to be constructed at the time of development or a fee in lieu of approved by the Administrative Review Committee. If fee in lieu of is approved, the fee must be paid prior to approval of a building permit. There is existing sidewalk along the property frontage of E. Lombard Street.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops in the area of the property.

IMPROVEMENTS

A Traffic Impact Study is not required. **Please note, trips generated in the table below are based on the highest most intense use for the existing and proposed zoning.**

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. Eastgate Avenue	Collector	Yes	30	30
Street 2	E. Lombard Street	Collector	Yes	30	30

	AM Peak	PM Peak	Weekday	Weekend
Existing Zoning Trips Generated	70	85	900	
*Proposed Zoning Trips Generated	20	25	240	
Additional Zoning Trips Generated	-50	-60	-660	

*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 **Pierson Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. There is a sinkhole at this location and additional city regulations will apply. A fee in lieu of on-site stormwater detention **will not be allowed and detention is required.** The property **does not have a stream buffer on site.**

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

Sinkhole and Karst Features on Property

1. The Site contains one known sinkhole and will discharge to majority of the site stormwater to it. Per Ch. 11 Sec. 2.0 a sinkhole evaluation must be completed by a professional engineer or geologist.
   a. A sinkhole permit from the Department of Public Works is required prior to any land disturbance, placement of fill or any object, discharge of any substance, or any construction including the operation of any motorized equipment within 100 feet of a cave, spring, or losing stream, or within 25 feet of a sinkhole rim, as defined by the most restrictive of the following:
      i. Geologic rim as determined by a qualified professional engineer or geologist
      ii. Topographic rim as determined by a qualified professional engineer or geologist
      iii. Sinkhole rim shown on City sinkhole maps
      iv. Other best available data

Detention Requirements

2. 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 will not be permitted and detention is required based on erosion and capacity concerns for the sinkhole.

3. 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.

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

Water Quality Requirements

5. 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

6. 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.

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

8. 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.

9. 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

10. We would like the following as-built notes on the plans:
    The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.

All chapter and section references above are to the City's Flood Control and Water Quality Protection Manual Version April 2022:
https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-April-2022

FIRE DEPARTMENT:

No issues.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-MD to R-SF
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: June 23, 2022, 4:00pm to 6:30pm
3. Meeting Location: 922 S. Eastgate Avenue
4. Number of invitations that were sent: 41
5. How the mailing list was generated: City staff
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).

   We did not have any neighbors attend the meeting.

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

   N/A

I, Billy Kimmons (*print name)*, attest that the neighborhood meeting was held on June 23, 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

Billy Kimmons

Printed name of person completing affidavit

ATTENDANCE LOG

PROJECT	PROJECT #	MEETING DATE	MEETING PURPOSE
The Courageous Church Rezoning	21-133	June 23, 2022	Neighborhood meeting

NAME	ORGANIZATION	TYPE OF CONTRACTOR	PHONE	EMAIL
Devon Grengler	Hoodrich			dgengler@hoodrich.com
Jay Hayes	Courageous Church			jhayes@courageouschurch.cc
Cameron Hole	Anderson Engineering			chole@ae-inc.com

One-rdg. _____
P. Hrngs. X
Pgs. 39
Filed: 08-02-22

Sponsored by: Simpson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-196 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8.71 acres of property generally located at 1436 East Erie Street from Planned Development No. 108 to Planned Development No. 381; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 1436 East Erie Street, and more fully described in "Exhibit A," from Planned Development No. 108 to Planned Development No. 381; and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission on July 14, 2022, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit B," and said Commission made its recommendation; and

WHEREAS, the City has reviewed the applicant's request and prepared a staff report concerning the application; and

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

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

Section 1 – The property described in "Exhibit A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from Planned Development No. 108 to Planned Development No. 381. 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 – The property described in "Exhibit A" of this Ordinance shall be

subject to the requirements and standards included in “Exhibit C – Exhibit 1,” with said “Exhibit C” being attached hereto and incorporated herein in its entirety by this reference; and these requirements and standards shall govern and control the use and development of the land in Planned Development No. 381.

Section 3 – 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 Springfield Land Development Code, Section 36-306, ‘Official zoning maps and rules of interpretation.’

Section 4 – 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 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-196

FILED: 08-02-22

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 8.71 acres generally located at 1436 E. Erie Street from Planned Development No. 108 to Planned Development No. 381. (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION:

PLANNED DEVELOPMENT DISTRICT NO. 381

The applicant is proposing to rezone the property from Planned Development No. 108 to Planned Development No. 381. Planned Development No. 108 currently permits office uses (professional or medical), financial institutions, and certain uses deemed business support services, such as copying and blueprint services. This property has remained undeveloped since the Planned Development's approval in 1989.

Planned Development No. 381 intends to amend this mix of uses to permit retail sales, offices (professional or medical), personal services, eating and drinking establishments, and limited residential uses. Within these permitted use groups, certain uses will be prohibited; for instance, while eating and drinking establishments will be permitted, drive-in, pick-up, or drive-thru facilities will be prohibited. Residential uses will be limited to a maximum density of eleven (11) dwelling units per acre and must be located above or behind first-floor nonresidential uses.

All buildings within Planned Development No. 381 will be required to meet specific design requirements intended to elevate the architectural aesthetic of the development, and several public amenities have been proposed to beautify the development and encourage pedestrian activity, including paved and landscaped walkways adorned with benches, ornamental lighting, and trash receptacles, a picnic area with tables and seating, and lit fountains within the existing detention area.

REMARKS:

The Planning and Zoning Commission held a public hearing on July 14, 2022, and recommended to approve the proposed Planned Development No. 382, by a vote of 5 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is proposing a development featuring a mix of commercial, office, and residential uses with certain design requirements and public amenities.

2. The *Growth Management and Land Use Plan* of the *Comprehensive Plan*, designates this property as appropriate for a mix of Low- to High-Density Housing; however, the property's current zoning designation – Planned Development No. 108 – only supports the development of office uses (professional or medical), financial institutions, and certain uses deemed business support services, and is therefore not in alignment with the *Comprehensive Plan*, either. The proposal is more closely comparable to the *Plan's* Medium-Intensity Retail, Office, or Housing designation, which is intended to allow for a mix of commercial, office, and residential uses along certain corridors at major intersections. Development within this designation is meant to increase the compactness of urban development and to provide housing either in the same building as commercial uses or closely integrated with retail or office space on the same site.

3. Recognizing this conflict with the Plan, staff has encouraged the applicant to incorporate certain use limitations, design requirements, and public amenities into the proposed Planned Development No. 381 so that it might better complement the existing office, multifamily, and single-family uses in the area. Refer to Exhibit 1 for more details.

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 is served by existing stormwater facilities 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. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:

Kyle McGinnis
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 and Comments
Attachment 3, Neighborhood Correspondence

PLANNED DEVELOPMENT 382 EXHIBITS:

Exhibit 1, Planned Development Ordinance Text
Exhibit 2, Preliminary Development Site Plan

EXHIBIT A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT 381

PARCEL 1
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN SPRINGFIELD, GREENE COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST: THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER Of SAID SECTION SOUTH 00'53'16" WEST A DISTANCE Of 1040.92 FEET: THENCE LEAVING SAID WEST LINE SOUTH 89'06'44”- EAST A DISTANCE OF 83.14 FEET TO A 5/8" LS2334 PIN FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ERIE STREET FOR THE POINT OF BEGINNING.
THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 8S'34'30" EAST A DISTANCE OF 426.25 FEET TO A 5/8" LS124D IRON PIN FOUND; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 01'14'47" WEST A DISTANCE Of 754:11 FEET TO A 5/8" IRON PIN FOUND; THENCE SOUTH 1’11’53” WEST A DISTANCE OF 199.87 FEET TO A 5/8" IRON" PIN FOUND ON THE NORTH LINE Of SOUTHVALE TERRACE SUBDIVISION; THENCE ALONG SAID NORTH LINE NORTH 88'18'05" WEST A DISTANCE OF 2053.46 FEET TO A 5/8” LS124D IRON PIN FOUND ON THE EAST LINE OF DELAWARE HEIGHTS FOURTH ADDITION SUBDIVISION; THENCE ALONG SAID EAST LINE NORTH 01'9'22" EAST A DISTANCE OF 201.10 FEET TO 5/8" LS124D IRON PIN FOUND ON THE NORTH LINE OF DELAWARE HEIGHTS FOURTH ADDITION SUBDIVISION; THENCE LEAVING SAID EAST LINE ALONG SAID NORTH LINE NORTH 88"25'43" WEST A DISTANCE OF 252.71 FEET TO A 5/8” LS2334 IRON PIN WITH A 2” ALUMINUM CAP FOUND ON THE EASTERLY RIGHT-OF-WAY LINE OF FREMONT AVENUE: THENCE ALONG SAID RIGHT-OF-WAY LINE THE NEXT 4 CALLS; NORTH 01'12'46" EAST A DISTANCE OF 295.69 FEET TO A 5/8” LS2334 IRON PIN FOUND: SOUTH 88'36'56" EAST A DISTANCE OF 13.00 FEET TO A 5/8” LS2334 IRON PIN FOUND; NORTH 01’12'51" EAST A DISTANCE OF 436.60 FEET TO A 5/8” LS2334 IRON PIN FOUND: NORTH 46’14'40” EAST A DISTANCE Of 26.72 FEET TO THE POINT OF BEGINNING, CONTAINING 8.71 ACRES.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – July 14, 2022

Planned Development 381
1436 East Erie Street
Applicant: Township 28, LLC

Mr. Hosmer states that this is a request to rezone approximately 8.71 acres generally located at 1436 E. Erie Street from Planned Development No. 108 to Planned Development No. 381. The Comprehensive Plan designates this property as appropriate for Low Density Housing, however, the current zoning Planned Development No. 108 allows for office uses (professional or medical), financial institutions and business support services. The Transportation Plan classifies Weller and Bradford as Local roadways. A Traffic Impact Study is required to be submitted at the time of development. The property is not located in a FEMA designated floodplain or a sinkhole. There is a stream buffer area on the property. Stormwater detention is already provided. Planned Development No. 381 intends to amend the mixture of uses to retail sales, offices (professional or medical), personal services, eating and drinking establishments, and limited residential uses i.e., Eating and drinking establishments will be permitted, drive-in, pick-up, or drive-thru facilities are prohibited. Multi-Family will be limited to 11 du/ac located above or behind first-floor nonresidential uses. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Jared Davis, 3213 S. West Bypass and here to answer any questions.

Mr. Jesse Mathenia, 1369 E. Rockwood and has lived there for 20 year and voiced his concern of surrounding business and noted that Fremont is a very active street and gave out information on accidents and worried about the value of his property.

Mr. Doennig closed the public hearing.

Mr. Colony asked about the green space and ducks and if the existing pond will remain. Mr. Davis said they it will remain, but they will have to maintain water quality.

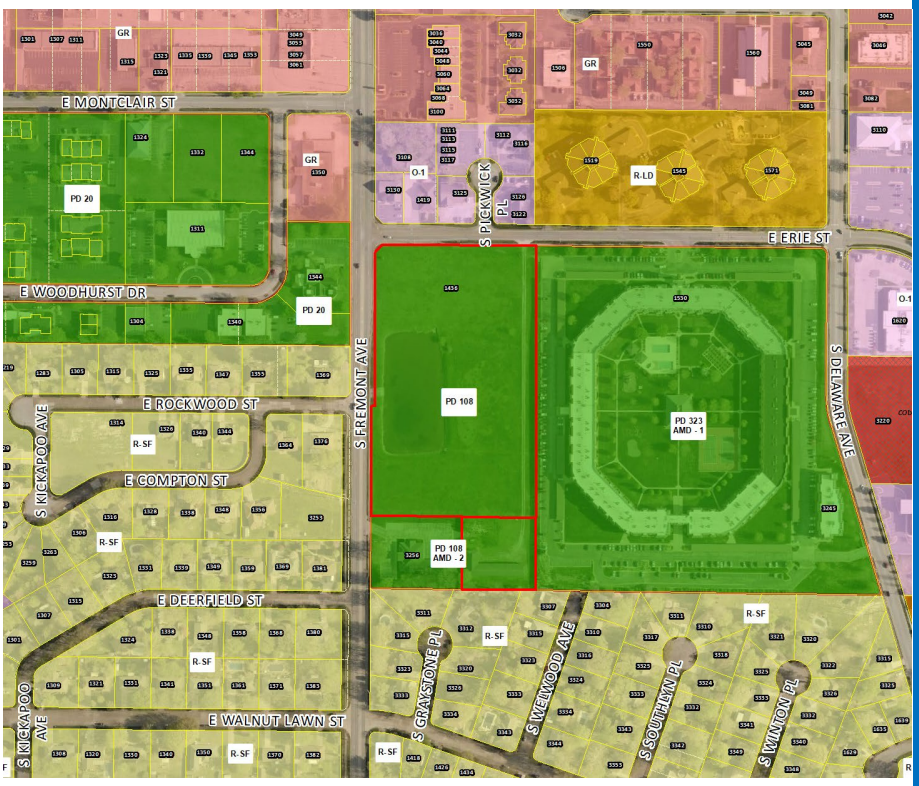
COMMISSION ACTION:
Mr. Jobe motioned to **approve** Planned Development 381 (1436 East Erie Street). Mr. Colony seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Bob Hosmer, AICP
Planning Manager

EXHIBIT C

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	JULY 14, 2022
CITY COUNCIL PUBLIC HEARING:	AUGUST 8, 2022



CASE NUMBER: Planned Development No. 381

LOCATION: 1436 E. Erie Street

ACRES: 8.71 acres

EXISTING LAND USE: Undeveloped land, regional detention, and maintenance facilities

APPLICANT: Venture Development Partnership

STAFF: Kyle McGinnis, Senior Planner 864-1615

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION: Move to approve as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 8.71 acres generally located at 1436 E. Erie Street from Planned Development No. 108 to Planned Development No. 381.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan*, designates this property as appropriate for a mix of Low- to High-Density Housing; however, the property's current zoning designation – Planned Development No. 108 – only supports the development of office uses (professional or medical), financial institutions, and certain uses deemed business support services, and is therefore not in alignment with the *Comprehensive Plan*, either. The proposal is more closely comparable to the *Plan's* Medium-Intensity Retail, Office or Housing designation, which is intended to allow for a mix of commercial, office, and residential uses along certain corridors at major intersections. Development within this designation is meant to increase the compactness of urban development and to provide housing either in the same building as commercial uses or closely integrated with retail or office space on the same site.

2. Recognizing this conflict with the *Plan*, staff has encouraged the applicant to incorporate certain use limitations, design requirements, and public amenities into the proposed Planned Development No. 381 so that it might better complement the existing office, multifamily, and single-family uses in the area. Refer to Exhibit 1 for more details.

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

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 is served by existing stormwater facilities 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.

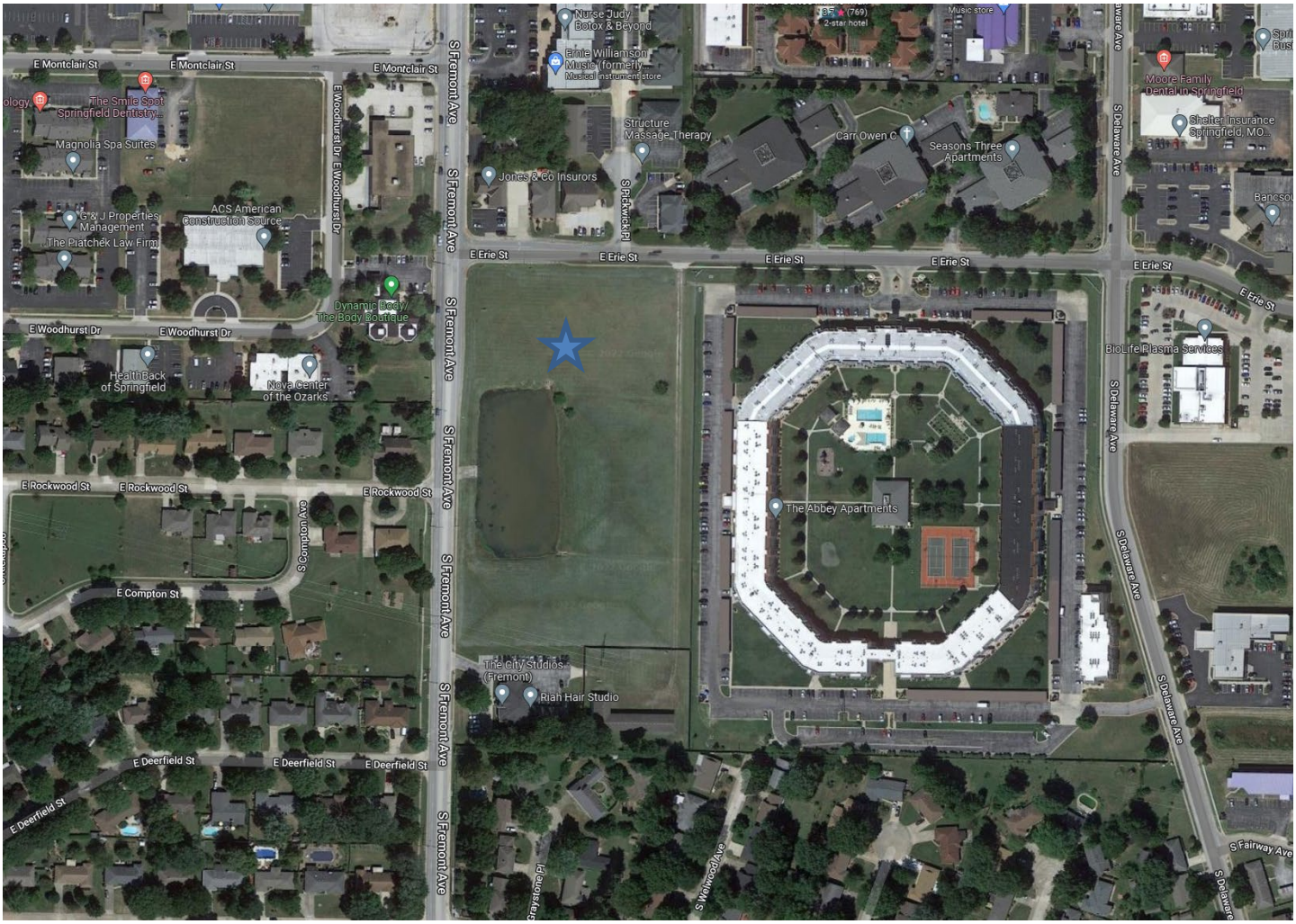
8. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	O-1, Office district	Planned Development No. 108, 2nd Amendment and R-SF, Single-family residential district	Planned Development No. 323, 1st Amendment	Planned Development No. 20 and R-SF, Single-family residential district
LAND USE	Professional offices and dental clinics	Salon, spa, and wellness studios and single-family homes	Multifamily dwellings (The Abbey Apartments)	Fitness and wellness center and single-family homes

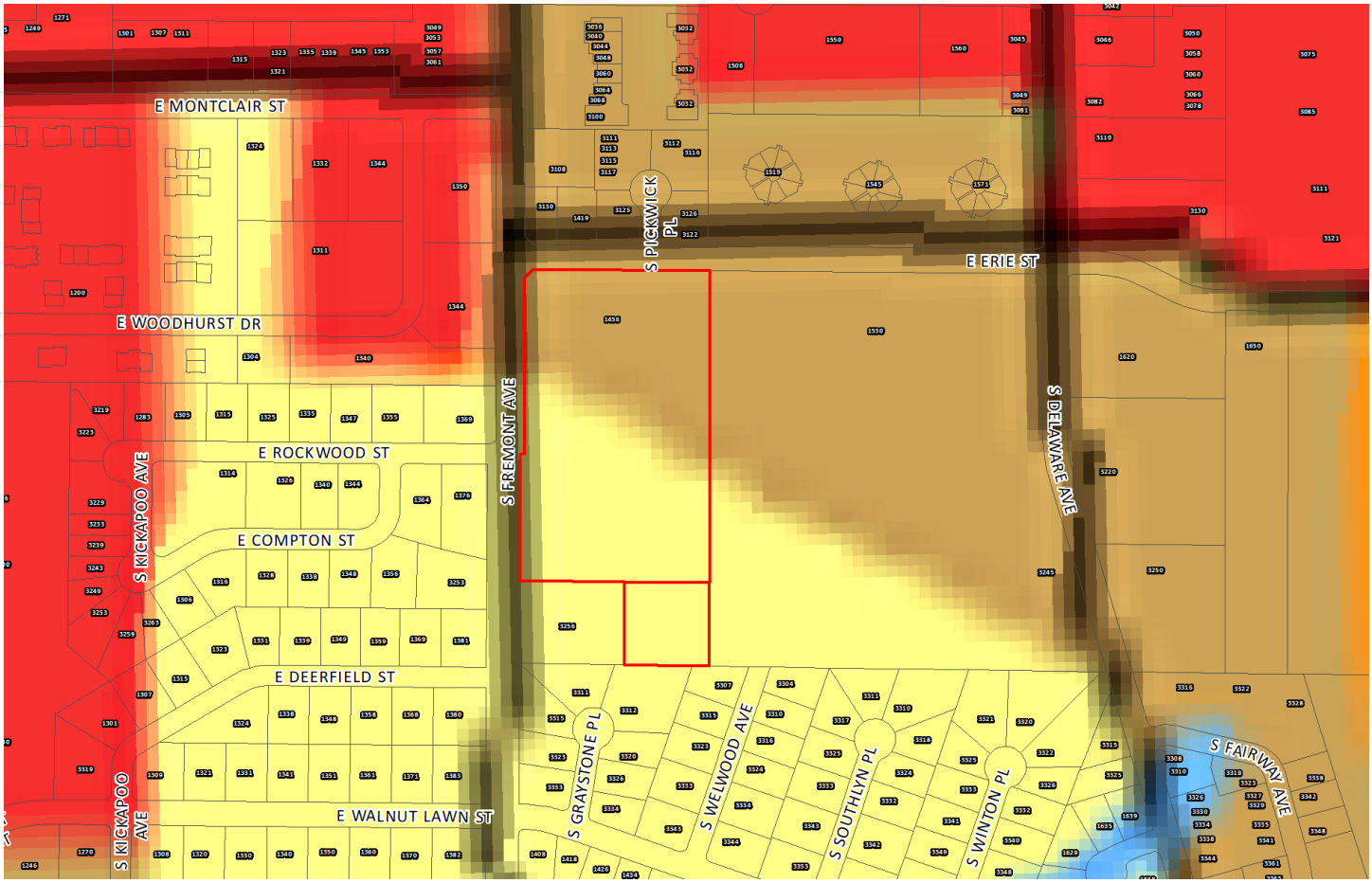
Development Review Staff Report

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:

GROWTH MANAGEMENT AND LAND USE PLAN:



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

PROPERTY HISTORY:

Planned Development No. 108 was approved by City Council in 1989. This property has remained undeveloped since that time.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR PD 381
Use Limitations	Residential uses above or behind first-floor nonresidential frontage. Hours of operation limitations. Noise and nuisance standards.
Maximum Structure Height	None, as the bulk plane limitation described below will limit the height of all development.
Front Yard Setback	A twenty-five (25) foot setback for buildings and parking along S. Fremont Avenue. A twenty-five (25) foot setback for buildings along E. Erie Street.
Side and Rear Setbacks	As determined by any required bufferyard landscaping.
Open Space Requirement	Minimum open space equal to at least 20% of the total lot area.
Design Requirements	Refer to Exhibit 1.
BULK PLANE	**LANDSCAPING**
A 30-degree bulk plane as measured from the district boundary of any property zoned R-SF or R-TH.	Bufferyard C, 25 feet wide, along the entirety of the east property line. Plantings include one (1) canopy tree, two (2) understory trees, two (2) evergreen trees, and six (6) shrubs for every one hundred (100) feet of bufferyard length.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

This request is not consistent with the *Growth Management and Land Use Plan* of the *Comprehensive Plan*, which designates this property as appropriate for a mix of Low- to High-Density Housing; however, the property's current zoning designation – Planned Development 108 – only supports the development of office uses (professional or medical), financial institutions, and certain uses deemed business support services, and is therefore not in alignment with the *Comprehensive Plan*, either.

The proposal is more closely comparable to the *Plan's* Medium-Intensity Retail, Office or Housing designation, which is intended to allow for a mix of commercial, office, and residential uses along certain corridors at major intersections. Development within this designation is meant to increase the compactness of urban development and to provide housing either in the same building as commercial uses or closely integrated with retail or office space on the same site.

Development Review Staff Report

CITY OF Springfield

STAFF COMMENTS:

1. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this property as appropriate for Low- to High-Density Housing, though such uses have yet to develop at this location. The disconnect between the Plan's land use designation and the development patterns in the area is also present north of E. Erie Street along S. Fremont Avenue, where properties classified by the Plan as appropriate for high-density housing have since been rezoned to permit a mix of office and commercial uses. This may be explained by the fact that the area is located within the Battlefield-Glenstone-James River Freeway Activity Center, as identified by Figure 18-8 of the Plan. Development within an Activity Center is meant to promote additional or new employment and intensified retail business while emphasizing mixed- and multiple-use development, attractive public spaces, and high-quality planning and architecture. Furthermore, Activity Centers are intended to be linked to bicycle infrastructure and open space networks. Given the scope of uses proposed, the design requirements to be enforced, and the public amenities to be provided, staff believes the proposed Planned Development No. 381 is appropriate for this area.

2. The applicant is proposing to rezone the property from Planned Development No. 108 to Planned Development No. 381. Planned Development No. 108 currently permits office uses (professional or medical), financial institutions, and certain uses deemed business support services, such as copying and blueprint services. This property has remained undeveloped since the Planned Development's approval in 1989. Planned Development No. 381 intends to amend this mix of uses to permit retail sales, offices (professional or medical), personal services, eating and drinking establishments, and limited residential uses. Within these permitted use groups, certain uses will be prohibited; for instance, while eating and drinking establishments will be permitted, drive-in, pick-up, or drive-thru facilities will be prohibited. Residential uses will be limited to a maximum density of eleven (11) dwelling units per acre and must be located above or behind first-floor nonresidential uses.

3. All buildings within Planned Development No. 381 will be required to meet specific design requirements intended to elevate the architectural aesthetic of the development, and several public amenities have been proposed to beautify the development and encourage pedestrian activity, including paved and landscaped walkways adorned with benches, ornamental lighting, and trash receptacles, a picnic area with tables and seating, and lit fountains within the existing detention area.

4. Approval of this application will facilitate the development of this property and promote infill development where investments have already been made in public services and infrastructure.

5. The proposed rezoning was reviewed by City departments whose comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on April 13, 2022. A summary of the meeting and sign-in sheet is attached (Attachment 2). Neighborhood correspondence by email and comment cards are also 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: 48 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS
PLANNED DEVELOPMENT 381

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the Planned Development's site plan or language. Electric, gas, water, and fiber can be provided per City Utilities' extension policy.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

Public sewer was provided for the parent tract by 1PW2171 in 1981 and is in Sewer District 53 of Section 15.

FIRE DEPARTMENT:

No issues.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
The City's Transportation Plan classifies S. Fremont Avenue as a Secondary Arterial Roadway and E. Erie Street as a Collector Roadway. The standard right-of-way width for S. Fremont Avenue is 35-feet from the centerline. The standard right-of-way width for E. Erie Street is 30-feet from the centerline. It appears additional right-of-way is not required. 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. Both S. Fremont Avenue and E. Erie Street are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING
The most recent traffic count for S. Fremont Avenue is 16,000 vehicles per day. The most recent traffic count for E. Erie Street is 3,826 vehicles per day. On-street parking is not allowed along S. Fremont Avenue. On-street parking is allowed along E. Erie Street.

DRIVEWAY ACCESS
There is currently one driveway access point onto the property from S. Fremont Avenue and one from E. Erie Street. The access points hown in the preliminary development plan appear to meet existing city spacing requirements and will be allowed.

SIDEWALK
There is existing sidewalk along the property frontage on S. Fremont Avenue and E. Erie Street.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along the property frontage of this development on either S. Fremont Avenue or E. Erie Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study is required to be submitted at the time of development. Any improvements required based on the Traffic Study are required to be constructed or funds escrowed prior to approval of a building permit.

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

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	S. Fremont Avenue	Secondary Arterial	No	40	35
Street 2	E. Erie Street	Collector	Yes	30	30

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	265.2	343.2	1,872	
***Proposed Trips Generated**	124.8	522.6	5,616	
Additional Trips Generated	-140.4	179.4	3,744	

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

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Ward Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is 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.**

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 West. 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. 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.
5. The stream through the center portion of the property has been previously converted to an engineered channel and therefore stream buffer requirements do not apply.
6. The FEMA Floodplain 2010 1% Chance Hazard area is located on the western edge of the property inside of the drainage easement.
7. 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*.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PD 108 to PD 108 3rd Amendment
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: April 13, 2022 4:00 - 6:30 p.m.
3. Meeting Location: The Abbey Apartments Clubhouse 1530 E. Erie, Springfield, Mo. 65804
4. Number of invitations that were sent: 117
5. How the mailing list was generated: Labels provided by City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 38 attended 23 signed sheet
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).

   Please see exhibit "A"

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

   Please see exhibit "B"

I, Jackie L. Joy-Eoff *(print name)*, attest that the neighborhood meeting was held on 4-13-2022 *(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."

Jackie L. Joy-Eoff
Signature of person completing affidavit

Jackie L. Joy-Eoff
Printed name of person completing affidavit

Meeting Summary

On April 13, 2022 4:00-6:30 pm, a neighborhood meeting was conducted at The Abbey Apartments located at 1530 E. Erie, Springfield, Missouri 65804. The applicant's representatives in attendance were 1). DuWayne Eoff, applicant, 2). Jackie Joy-Eoff, applicant and 3). James O'Donnell, architect. Thirty-eight (38) members of the community attended the meeting. In attendance were five business owners, a dozen residential landowners and over 50 percent of the all attendees were tenants of The Abbey Apartments. We were aware that The Abbey's tenants weren't recorded title holders, but we didn't mind sharing the information with them. Jackie Joy-Eoff started meeting with an explanation that the applicant would like to change the zoning classification of the 7 acre parcel of land located at 1436 E. Erie from PD108 to PD108 3rd Amendment. James O'Donnell explained to community what differences between the zoning classification were. An enlarged proposed site plan and handouts were presented to the community. After a brief explanation on the future plans, the floor was opened for questions. Both the developer DuWayne Eoff and the architect James O'Donnell answered question for over an hour.

SIGN IN SHEET

4/13/2022

NAME	ADDRESS	EMAIL	PHONE #
Joyce Eoff	540 W. Rivendale	joyeoff@aol.com	417-839-9005
DuWayne Eoff	540 W. Rivendale	eoffassociates@aol.com	417-839-8880
Kathy Combs	1530 E. Erie St Apt G101	Kcombs181@gmail.com	207-891-3013
[illegible]	1376 E [illegible]	[illegible]	417 889 337[illegible]
Shawn Chgent	ABBEY	Sheronwicks@yahoo.com	
Susan Schultz	3126 Pickwick	office 865-4333	
ELIZABETH SCHULTZ	"	"	
Ken Schultz			
Kathy [illegible]	Marshfield	417-872-6270	
Terry Winton			
Julie Jones 1530 E Erie			
Debra H. Briant	ABBEY E211	dbriant3@gmail.com	417-848-7166
Linda Ogan	Abbey D108		417-509-4438
DERIN SCHEFFNER			
Rachel [illegible]	1530 E Erie F-305	RachelKusho13@gmail.com	
Dylan Kayston			
Rose Smith - 1530 E Erie			
[illegible]			

SIGN IN SHEET

4/13/2022

NAME	ADDRESS	EMAIL	PHONE #
Kayne A. Cunningham			
Terry Burghardt			
Jim & Linda McMillan			
Leann Earnwood	3315 S. Wellwood		
William Elliott		elliott1660@sbcglobal.net	

Exhibit "A"

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

a). Their main concern was how would the future plans of the parcel located at 1436 E. Erie impact the traffic in the area.

As the applicant/developer, we can't predict how this will affect the area. Logically, we would expect the traffic flow to increase. The proposed site plan gives 4 new accesses into the parcel. The applicant/developer has an agreement with the City of Springfield to consult a professional like Anderson Engineering to do a traffic study to determine the impact. After the study is complete, the applicant/developer and the City of Springfield will address the recommendations of the study.

b). The second concern was future storm water volume issues. To the applicant/developer's knowledge, there aren't current issues. The proposed site plan will continue to have the detention area to gather the storm water volumes off from adjoining properties and itself. The applicant/developer plans to repair and maintain the existing detention area. After the meeting, applicant/developer visited the detention area and did not see any issues. Springfield got heavy rain on April 13th that accumulated to over .61 inches. The applicant/developer has been assured by his engineer that the existing basin is sized for the existing and future storm water volumes.

c). Tenants of The Abbey Apartments were concerned about their view of the storm water detention area. Applicant/developer explained that the two proposed office/lofts might be multi-leveled.

d). One residential landowner wanted to know why we couldn't just leave it alone. He preferred it as it is. Applicant/developer explained that location of the parcel is very desirable. Future development is inevitable. The current PD classification allows multi-family which would have more traffic impact to the community.

Exhibit "B"

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

To the applicant's knowledge, we only have one email letter sent to the City of Springfield dated April 11, 2022 from Terry Winton. I have attached the email. Here is how we address his opposition concerns:

1). Taking away the greenspace. Due to continued expansion in Springfield the available greenspace is diminishing.

Response: We understand the concern. We enjoy the greenspace too. In our proposed site plan, we have purposely added greenspaces to make the area beautiful.

2). The effect it will have on the ducks and geese that frequent the drainage pond.

Response: The proposed site plan will keep the storm water detention that the ducks and geese enjoy.

3). The increased traffic that this development will bring. How will this be addressed? Will a stoplight be installed at the intersection of Erie and Fremont? Seems like that is always the solution. Traffic is congested enough without additional apartments and retail establishments.

Response: As the applicant/developer, we can't predict how this will affect the area. Logically, we would expect the traffic flow to increase. The proposed site plan gives 4 new accesses into the parcel. The applicant/developer has an agreement with the City of Springfield to consult a professional like Anderson Engineering to do a traffic study to determine the impact. After the study is complete, the applicant/developer and the City of Springfield will address the recommendations of the study.

4). I do not want a drinking establishment at the end of my road.

Response: The proposed site plan includes a restaurant. There is a good chance that this restaurant will sell alcohol along with food.

5). The old Heritage Cafeteria is already being used to build a 5-story apartment building which I also oppose. How many apartment buildings does Springfield need?

Response: We can not answer how many apartment buildings Springfield needs. There are several people and families who need these apartments.

6). There is already space zoned on Battlefield Road for retail. The old Gordman's, Mardels, and Hobby Lobby are sitting vacant and would be ideal for what Venture is proposing.

Response: The building mentioned are fine building. They just don't fit our needs.

7). The Bradford Park neighborhood is changing. Many of the long-term residents are selling their homes for various reasons and families with children are moving to the neighborhood. I do not believe a drinking establishment needs to be this close.

Response: The Bradford Park neighborhood is a desirable area. The proposed parcel will only enhance the area. Families will enjoy the development.

8). The letter said a restaurant and drinking establishment. What assurances will there be that there won't just be a club on the property?

Response: We and our tenants will stay within the guidelines of the zoning.

9). The letter is not specific as to what is going to be built on the site. It's just asking for rezoning.

Response: The future of the parcel is flexible. We will stay within the guidelines of the zoning when selecting future tenants.

From: Terry Winton <terryw1961@yahoo.com>
Sent: Monday, April 11, 2022 7:51 AM
To: Zoning@springfieldmo.gov
Subject: 1436 E. Erie Springfield, MO

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

Dear Mr. Hosmer,

I would like to express my opposition to the proposed change in zoning proposed by Venture Development Partnership at the address in the subject line.. My opposition is due the following reasons:

1. Taking away the greenspace. Due to continued expansion in Springfield the available greenspace is diminishing.
2. The effect it will have on the ducks and geese that frequent the drainage pond.
3. The increased traffic that this development will bring. How will this be addressed? Will a stoplight be installed at the intersection of Erie and Fremont? Seems like that is always the solution. Traffic is congested enough without additional apartments and retail establishments.
4. I do not want a drinking establishment at the end of my road.
5. The old Heritage Cafeteria is already being used to build a 5 story apartment building which I also appose. How many apartment buildings does Springfield need?
6. There is already space zoned on Battlefield Road for retail. The old Gordman's, Mardels, and Hobby Lobby are sitting vacant and would be ideal for what Venture is proposing.
7. The Bradford Park neighborhood is changing. Many of the long term residents are selling their homes for various reasons and families with children are moving to the neighborhood. I do not believe a drinking establishment needs to be this close.
8. The letter said a restaurant and drinking establishment. What assurances will there be that there won't just be a club on the property?
9. The letter is not specific as to what is going to be built on the site. It's just ask for rezoning.

My name is Terry Winton at E. Rockwood Springfield, MO 65804
417-840-0806

I hope these points will be taken into consideration when making the decision on changing this zoning for this property.

Thank you for your time and I look forward to expanding on these points at the proposed meeting.

Terry Winton

Sent from Mail for Windows

From: Terry Winton
To: Zoning@springfieldmo.gov
Subject: 1436 E. Erie Springfield, MO
Date: Monday, April 11, 2022 7:50:58 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 Mr. Hosmer,

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2. The effect it will have on the ducks and geese that frequent the drainage pond.
3. The increased traffic that this development will bring. How will this be addressed? Will a stoplight be installed at the intersection of Erie and Fremont? Seems like that is always the solution. Traffic is congested enough without additional apartments and retail establishments.
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Thank you for your time and I look forward to expanding on these points at the proposed meeting.

Terry Winton

Sent from Mail for Windows

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:	04-28-2022	**Telephone No.**	417 872 6270
YOUR NAME:	Kathy Trantham		
YOUR ADDRESS:	9707 E FR 44, MARSHFIELD MO 65706		
PROJECT ADDRESS:	1436 E. Eric, Springfield, Mo. 65804		

COMMENTS: See attached.

My disabled son lives in a house we bought in Bradford Park subdivision.

April 28, 2022

FROM: Kathy Trantham

RE: 1426 E ERIE, 65804

The neighborhood meeting was held at the ABBEY office instead of the clubhouse because Ms Eoff said the way to the the clubhouse was muddy. There were complaints of too much water west of my house before the ABBEY built the last building on the small amount of grass on their property. With a new EOFF development next door will my street also flood? Will more trash trucks bang lids closed loud enough to wake us for the ABBEY and the EOFF development?

There is an over 55 apartment at the end of the affected block of Erie. Several seniors showed up at the development review meeting and they live in the ABBEY. IF EOFF's project is built with 2 more entry drives off Erie the seniors may realize too late the problems with their street congestion.

My first thought of hiking and biking trails around the water retention is people there all night with increased theft.

The developer is looking at potential extra profits for himself. The residences within 500 ft of the EOFF new buildings and maybe parking just want to maintain the home they live in and the home is probably one of their biggest assets.

When Mr Eoff realized our table at the meeting did not want his development he told us we could either have him build or a new 360 unit apartment. Mr Eoff repeated this several times.

Please do not change zoning for one developer to the detriment of residents and citizens driving and living in the area.

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

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

DATE:	4/7/2023	**Telephone No.**	417-827-2752
YOUR NAME:	Ashley Coats		
YOUR ADDRESS:	3925 WESTWIND DR OZARK MO 65721		
PROJECT ADDRESS:	1436 E. Eric, Springfield, Mo. 65804		

COMMENTS: I APPROVE THE CHANGE TO ADD A RETAIL USE AND AN EATING AND DRINKING ESTABLISHMENT AND RESIDENTAL USE. TO THE EXISTING PD.

REQUIREMENTS FOR APPROVAL:

EXHIBIT 1
Requirements and Standards Applicable
To Planned Development District No. 381

A. APPLICATION

Building or other permits may not be issued for development permitted by this Planned Development nor can any changes be made to this property until the Final Development Plan has been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

B. INTENT

The intent of this Planned Development is to promote infill office, commercial, and residential uses on a vacant, developable property with certain use limitations, design requirements, and amenities which complement existing residential development in the area.

C. DEFINITIONS

The definitions contained in the *Springfield Zoning Ordinance* shall apply to this ordinance.

D. USES PERMITTED

(1) *Office use group.*

a. *Characteristics.* Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. General office uses are characterized by activities that generally focus on business, government, professional, or financial services. General office uses also include some activities that are less service-oriented and focus on the development, testing, production, processing, packaging, or assembly of goods and products, which may include digital products such an internet home pages, media content, designs and specifications, computer software, advertising materials, and others.

b. *Accessory uses.* Accessory uses may include cafeterias, health facilities, parking or other amenities primarily for the use of employees in the firm or building.

c. *Examples.* Examples include uses from the two subgroups listed below:

i. *General office:* Professional services such as lawyers or accountants; financial businesses such as lenders, brokerage houses, banks, or real estate agents; sales offices; government offices and public utility offices; blood collection facilities; software and internet content development and publishing; computer systems design and programming; graphic and industrial design; engineers, architects; telecommunications service providers; data processing; television, video, radio, internet, and recording

studios and broadcasting; scientific and technical services; and medical and dental labs.

ii. *Medical office:* Medical and dental offices and clinics.

d. *Certain uses prohibited.* Banks and financial institutions with automatic teller machines and drive-thru facilities.

e. *Exceptions.*

i. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.

ii. Contractors and others who perform services off-site are included in the general office category if equipment and materials are note store on the site and fabrication, services, or similar work is not carried on at the site.

iii. Medical and dental laboratories and research facilities do not include the manufacture of pharmaceutical or other products for general sale or distribution. In addition, no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, shall be utilized in the research operations.

(2) *Commercial and services use group.*

a. *Retail sales use group.*

i. *Characteristics.* Retail sales firms are involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods.

ii. *Accessory uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging or goods for on-site sale, and parking. Restricted production and repair of goods sold on site or similar goods is also permitted as an accessory use.

iii. *Examples.* Examples include but are not limited to: pawn shops; stores selling, leasing, or renting consumer, home, and business goods, including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; and food sales.

iv. *Certain uses prohibited.* Sales, rental, or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

v. *Exceptions.*

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales, a part of the industrial use group.

2. Sales, rental, or leasing of heavy trucks and equipment is classified as wholesale sales, a part of the industrial use group.

b. *Personal services use group.*

i. *Characteristics.* Personal service uses are establishments for the sale of personal services or establishments engaged in providing services involving the care of a person or his or her personal goods or apparel, but not including personal storage.

ii. *Accessory uses.* Accessory uses may include offices, storage of goods and parking.

iii. *Examples.* Examples include but are not limited to: locksmiths; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; dance or music classes; and animal grooming.

(3) *Eating and drinking establishments use group.*

a. *Characteristics.* The eating and drinking establishments use group includes uses that are involved in the preparation and sale of food and drink primarily for consumption as a meal on premises; however, this use group also includes uses that offer the sale of food for consumption off premises.

b. *Accessory uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

c. *Examples.* Examples include but are not limited to: restaurants; cafes; delicatessens; taverns; bars; and coffee shops.

d. *Certain uses prohibited.* Drive-in, pick-up window and drive-thru facilities.

(4) *Residential uses.*

a. *Characteristics.* Residential uses are those used exclusively by individuals for no less than 30-day residential occupancy with complete cooking and sanitary facilities.

b. *Accessory uses.* Accessory uses may include clubhouses, noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners' associations and maintenance facilities operated by a neighborhood or community organization or a property owners' association in accordance with the provisions of *Section 36-467*, noncommercial, not-for-profit neighborhood facilities.

c. *Exceptions.* Residential uses do not include: hotels; motels; boarding, rooming, and lodging houses; bed and breakfasts; and institutional care facilities.

(5) *Other uses.*

a. Accessory uses, as permitted by *Section 36-450*, accessory structures and uses.

b. Temporary uses, as permitted by *Section 36-452*, temporary uses.

c. Tier I wireless facilities in accordance with *Section 36-466*, telecommunication towers.

E. USE LIMITATIONS

(1) *Location of residential uses.* Residential uses must be located above or to the rear of first-floor nonresidential uses so as to create a continuous nonresidential façade on the first-floor level. When a lot has multiple frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.

(2) *Noise standards.* All uses shall operate in accordance with the noise standards contained in *Section 36-485* of the *Springfield Zoning Ordinance.*

(3) *Nuisance.* No use shall emit an odor that creates a nuisance as determined by the *Springfield City Code.*

F. INTENSITY OF DEVELOPMENT

(1) *Maximum residential density.* Residential uses are not to exceed a maximum density of eleven (11) dwelling units per acre.

G. BULK, AREA AND HEIGHT REQUIREMENTS

(1) *Maximum structure height.* There shall be no maximum height limitation for structures, except that all structures shall remain below a thirty (30) degree bulk plane as measured from any R-SF or R-TH district.

(2) *Property line setbacks.* The following minimum property line setbacks shall be required:

a. A twenty-five (25) foot setback shall be required for all buildings and vehicular use areas, except for access drives, from the west property line along S. Fremont Avenue.

b. A twenty-five (25) foot setback shall be required for all buildings from the north property line along E. Erie Street.

c. There are no required side or rear yard setbacks, except as required by *Section 36-482*, landscaping and bufferyards.

H. DESIGN REQUIREMENTS

(1) *Building exterior finishes.* Exterior finishes for all structures shall be limited to architectural glazing systems, exterior insulation finishing system (EIFS), and brick or rock (natural or cultured).

(2) *Façades which face public right-of-way.* Building façades which face S. Fremont Avenue or E. Erie Street shall include a combination of at least three (3) of the permitted exterior finishes. Brick or rock (natural or cultured) shall cover, at a minimum, twenty (20) percent of

the façade area, exclusive of architectural glazing systems. In addition, street-facing walls greater than fifty (50) feet in length must be articulated with bays, projections, and/or recesses at least every twenty-five (25) feet. Such articulations must result in a difference in the vertical plane of such wall by at least eighteen (18) inches or more.

(3) *Façades which face pedestrian circulation areas.* Building façades which face pedestrian circulation areas and are greater than twenty-five (25) feet in length shall be subdivided and proportioned using at least one or more of the following features: windows; entrances; arcades; arbors; and/or awnings (over windows or doors).

(4) *Service and loading areas.* Off-street loading shall be regulated in accordance with *Sections 36-456* and *36-483* of the *Springfield Zoning Ordinance* in effect at the time of development. The following requirements are supplementary:

a. All service and loading areas shall be located in the side or rear yard of buildings; and

b. Service and loading areas shall be designed so that the entire service and loading operations are conducted on the building site. The visibility of service and loading from public streets shall be minimized to the greatest extent feasible.

(5) *District amenities.* The following amenities shall be provided:

a. Concrete pedestrian walkways, a minimum of four (4) feet wide, shall be constructed around the perimeter of the existing detention facility in general conformance with the preliminary development plan provided. Such walkways shall connect to the existing public sidewalk along S. Fremont Avenue. Such walkways shall be enhanced with park benches, ground and/or pedestrian-scale lighting, and decorative trash receptacles.

b. An open-air picnic area shall be provided east of the existing detention facility in general conformance with the preliminary development plan provided. This facility shall connect with the pedestrian walkways in the area, and shall be enhanced with seating, tables, ground lighting, and decorative trash receptacles. The design of such elements shall match or complement the design of those elements found along the pedestrian walkways.

c. Lit fountains shall be installed within the existing detention facility to improve water quality and aesthetics.

d. The pedestrian walkways and picnic area shall be landscaped in order to enhance the development's natural aesthetics by providing, at a minimum, one (1) canopy tree, one (1) understory, ornamental, or evergreen tree, and four (4) shrubs for every 100 linear feet of length, or fraction thereof, along such path or picnic area. All plantings intended to meet this requirement must be located within 20 feet of the pedestrian walkways or picnic area. Such plantings in and adjacent to the existing detention facility are meant to enhance the basin's performance and aesthetics, as well as improve the water quality of stormwater runoff, by selecting species of vegetation suitable for wet conditions. These plantings shall be in addition to the minimum landscape plantings specified in the **OPEN SPACE, LANDSCAPING & SCREENING** section below.

e. The operation and maintenance of these district amenities shall be the responsibility of a duly authorized property owners' association.

f. The construction and installation of the district amenities shall be phased in accordance with the **PHASING** section below.

I. OPEN SPACE, LANDSCAPING & SCREENING

(1) *Open space requirements.*

a. Each lot must maintain at least 20% of its total area as open space.

b. Each lot's impervious surface area shall be limited to a maximum of 80% of the total lot area.

(2) *Bufferyard requirements.*

a. A 25-foot wide bufferyard C shall be provided along the entirety of the east property line.

i. The minimum plantings for this bufferyard shall be one (1) canopy tree, two (2) understory trees, two (2) evergreen trees, and six (6) shrubs for every 100 feet of bufferyard length.

(3) *Vehicular use area requirements.*

a. *Interior landscaping.* The requirements and standards of *Section 36-482 (9) (a)* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

b. *Perimeter landscaping.* The requirements and standards of *Section 36-482 (9) (b)* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

(4) *Open space landscaping.*

a. In all open space areas required for this district not already regulated by the landscaping provisions above, the following landscaping shall be planted and maintained for each 500 square feet of such open space area.

i. One (1) canopy tree accompanied by 200 square feet of native grasses, sedges, or flowering plants; or

ii. Two (2) understory, ornamental, or evergreen trees accompanied by 100 square feet of native grasses, sedges, or flowering plants.

(5) *Landscaping standards.*

a. All plantings shall be provided using species of vegetation native to or naturalized within the state of Missouri, as identified by the Missouri Department of Conversation.

b. The preservation of healthy, existing trees of an approved species at 4 ½ inches caliper shall count as two (2) trees when considering the fulfillment of the tree planting requirements of this district.

c. Upon installation or preservation of required landscape materials, appropriate measures shall be taken to ensure their continued health and maintenance. Required materials that do not remain healthy shall be replaced consistent with this ordinance.

(6) *Screening and fencing.*

a. The requirements and standards of *Section 36-480* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

J. EXTERIOR LIGHTING

The requirements and standards of *Section 36-484* of the *Springfield Zoning Ordinance* in effect at the time of development shall apply. Light fixtures selected shall match or complement the design of the ground and/or pedestrian-scale lighting provided along the pedestrian walkways and around or within the picnic area.

K. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system shown on Exhibit 2 shall be governed by the existing standards of the *City of Springfield* for the applicable street classification.

L. OFF-STREET PARKING

The requirements and standards of *Sections 36-455, 36-456* and *36-483* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

M. SIGNS

The requirements and standards of *Section 36-454* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply, except as follows:

(1) *Monument signs.* No more than two (2) monument signs shall be erected along S. Fremont Avenue. Such signs shall be limited to a maximum height of twenty-four (24) feet above finished grade and shall have finishes matching or complementing the building exterior finishes permitted by this district.

(2) *Electronic message center signs prohibited.* The use of electronic message center signs is strictly prohibited in this district.

N. REQUIRED IMPROVEMENTS

All utilities and utility connections within the district shall be located underground, including but not limited to electrical and telephone cables, security and other telecommunication systems, and wire. Transformers, meters of any type (including electric, gas, or other meters), and other apparatus must be adequately screened and landscaped.

(1) *Sanitary sewer.*

a. The entire development has access to sanitary sewer. When building plans are submitted, the point of connection to the public sewer will be specified. Sewer impact permit fees will be accessed for each building in the Development District based on the size of the water meter required to the service the facility.

(2) *Traffic.*

a. The Development District will increase trip generation by more than five hundred (500) trips daily, and more than fifty (50) trips in the AM/PM peak traffic hours. A traffic impact study shall be prepared in accordance with the *Springfield Code*

Section 9 of the *Public Works Design Standards.*

b. All driveway approaches shall comply with *Public Works Standard Drawing ST-9* and *City Code Section 98.*

c. On-site parking and circulation shall comply with *Public Works Standard Drawing ST-6* and *City Code Sections 36-455* and *36-483*.

(3) *Stormwater.*

a. Stormwater detention for the Development District is provided in the regional detention basin constructed as part of the public improvements for the Delaware Heights, 2nd Addition Subdivision (6PW2847).

b. The Development District will be adding more than one (1) acre of impervious surface; as a result, water quality improvements must be design and constructed in accordance with *Chapter 10, Section 2* of the *City's Flood Control and Water Quality Protection Manual.*

c. Operation and maintenance agreements shall conform with *Chapter 12, Section 3.0* of the *City's Flood Control and Water Quality Protection Manual.*

d. The Development District will be adding more than one (1) acre of impervious surface; as a result, a City Land Disturbance Permit and Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and submitted in accordance with *City Code Section 96-44*.

(4) *Utilities.*

a. Water, gas, and electric service, as well as SpringNet fiber, are all available along S. Fremont Avenue and E. Erie Street.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities shall be assumed by a duly authorized property owners' association meeting all legal requirements prescribed by the City Attorney.

P. PHASING

Development shall be phased. All public improvements directly related to each phase will be completed at the time of the phase's development. The improvements serving the District as a whole and the adjoining areas are to be completed in a sequence assuring full utility of the District as a whole and all areas within the District so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

Q. FINAL DEVELOPMENT PLAN

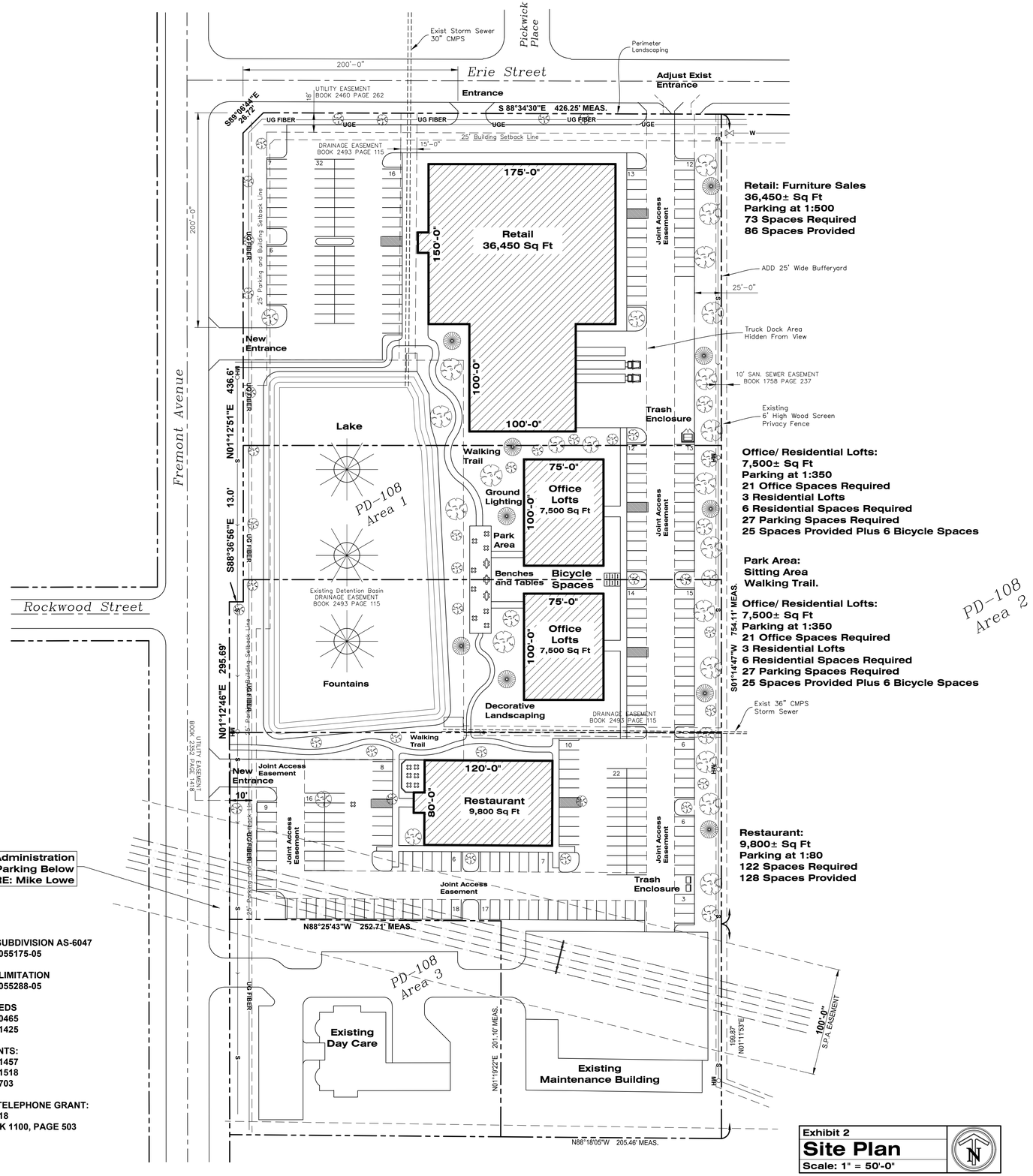
A Final Development Plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this Exhibit. Development in this District shall be in accordance with the approved final development plan.

A Final Development Plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by *Section 36-405 (9) (c)* of the *Springfield Zoning Ordinance.*

The Final Development Plan shall be submitted to the Administrative Review Committee for final action, either as a whole or in phases. The Administrative Review Committee is hereby authorize, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:

(1) Any uses within the District other than those specifically prescribed by the ordinance; or

(2) Any increase in the intensity of the use permitted within the District.



THE SITE SURVEY USED FOR THIS DOCUMENT WAS PREPARED BY GARY JOHN BOCKMAN LS-2334, DATED OCTOBER 24, 2005 BOCKMAN ENGINEERING SERVICES, LLC 2015 WEST WOODLAND SPRINGFIELD, MO 65807

ADMINISTRATIVE SUBDIVISION AS-6047
BOOK 2005, PAGE 055175-05

DEED OF ACCESS LIMITATION
BOOK 2005, PAGE 055288-05

RIGHT-OF-WAY DEEDS
BOOK 2283, PAGE 0465
BOOK 2352, PAGE 1425

RECORD DOCUMENTS:
BOOK 2397, PAGE 1457
BOOK 2451, PAGE 1518
BOOK 2031, PAGE 703

TELEGRAPH AND TELEPHONE GRANT:
BOOK 569, PAGE 618
RELEASED IN BOOK 1100, PAGE 503

Exhibit 2
Site Plan
Scale: 1" = 50'-0"

Revisions

Notes:

Scope of Project:

Modifications to PD-108, Area 1

Proposed Uses:
Retail Furniture Sales: 36,450 Sq Ft
Office: 15,000 Sq Ft
Restaurant: 9,800 Sq Ft
Park Area: Sitting Area, Walking Trail

General Building Design:
Building materials and architectural styles throughout the development will be consistent and complementary with one another, as well as complementary to the existing architecture in the area.
Exterior materials, such as vinyl siding or corrugated sheet metal will be prohibited.

Building facades which face public right-of-way will be articulated and dynamic, utilizing bays, projections, or recesses with relative frequency

Signs:
Monument and wall signs only, using exterior materials mirroring or complementing those used for the structures. Sign heights will be limited so as to not diminish the residential character of the area to the west, and either prohibit or severely limit the use of electronic signs

Intensity of Development:
Floor Area Ratio shall not exceed 0.35%
The Maintenance Building will not change

Bulk Area and Height Requirements:
A. A twenty five foot building and parking lot setback along Fremont Avenue.
B. A twenty five foot building setback along Erie Street

Structure Heights:
All buildings will be less than 65 feet.

Impervious Surfaces Ratio:
Maximum Impervious Surfaces below 0.80

Entrances:
Two points of access to Fremont Avenue and Erie Street. Each of these entrances will be more than 200 feet from the intersection of Fremont Avenue and Erie Street.

Off Street Parking:
Parking will meet the City of Springfield Standards.

Perimeter Treatment:
Existing Bufferyard D along the southern property line.
Dumpster areas will be enclosed
Add 25 foot Bufferyard to the east line of Area 1

Architect's Seal

STATE OF MISSOURI
JAMES BURTIC O'DONNELL III
NUMBER A-007750
ARCHITECT
3/24/22

JAMES B. O'DONNELL III
ARCHITECT

203 North Main Avenue
Republic, Mo 65738
(417) 732-9697
jboarchitect@cablemo.net

Project:
Third Amendment to Planned Development PD-108 1436 East Erie Street Springfield, Missouri

Sheet Description: **Exhibit 2**

Date: **March 24, 2022**

Drawing: **21-146 SP PD 108**

The Drawings, Design, Specifications and other documents prepared by the Architect for the Project are instruments of the Architect's service, and shall retain all common law, statutory & other reserved rights, including the copyright, and shall not be, in any part, duplicated and used on other projects, additions, or alteration.

Job Number: **21-146**

Sheet Number: **Exhibit 2**

One-rdg. _____
P. Hrngs. X
Pgs. 51
Filed: 08-02-22

Sponsored by: Simpson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 197 SPECIAL ORDINANCE _____

AN ORDINANCE

GRANTING Conditional Use Permit No. 464 for the purpose of permitting a self-service storage facility as a conditional use within the GR – General Retail District, with Conditional Overlay District No. 146, generally located at 2960 East Allen Place. (Planning and Zoning Commission recommends denial and staff recommends approval.)

_____

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

WHEREAS, the Planning and Zoning Commission held a public hearing on July 14, 2022, and recommended denial of Conditional Use Permit No. 464 for the property generally located at 2960 East Allen Place and zoned GR – General Retail District, with Conditional Overlay District No. 146; and

WHEREAS, City Council finds that sufficient evidence has been presented to satisfy all applicable standards of the Land Development Code for issuance of Conditional Use Permit No. 464; and

WHEREAS, the granting of such permit is deemed proper, and it is not found to harm the community or injure the value, lawful use, and reasonable enjoyment of properties in the vicinity of 2960 East Allen Place.

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

Section 1 – City Council adopts the City staff's specific findings of fact on the proposed conditional use as set forth in "Exhibit D – Attachment 3." "Exhibit D" is attached hereto and incorporated herein by this reference in its entirety. Conditional Use Permit No. 464 is hereby granted in accordance with and subject to the provisions of Section 36-363 of the Land Development Code. Conditional Use Permit No. 464 is granted for the purpose of permitting a self-service storage facility to operate as a conditional use within the GR – General Retail District, with Conditional Overlay District

No. 146, located at the property described in “Exhibit B,” which is attached hereto and incorporated herein by this reference, and which is generally located at 2960 East Allen Place.

Section 2 – Building permits, certificates of occupancy, and any other required permits or approvals may be issued by the duly authorized officials of the City provided that such issuance is consistent with Section 36-363 of the Land Development Code, any other applicable City regulation or ordinance, and the “Requirements for Conditional Use Permit 464” described in “Exhibit A,” which is attached hereto and incorporated herein by this reference. Additionally, the provisions contained in “Exhibit A” and “Exhibit D – Attachment 2” shall govern and control the use and development of the land described in “Exhibit B,” in a manner consistent with the attached site plan and elevations depicted on “Exhibit D – Attachments 5 and 6.”

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

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

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. Kage, City Manager

EXPLANATION TO COUNCIL BILL 2022- 197

FILED: 08-02-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To permit a self-service storage facility with a Conditional Use Permit in a GR, General Retail District, with Conditional Overlay District No. 146 generally located at 2960 East Allen Place. (Planning and Zoning Commission recommends denial and staff recommends approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 464

The applicant is requesting approval of a Conditional Use Permit on approximately 0.55 acre in a GR, General Retail District, for a new two story, climate-controlled self-service storage facility with approximately 200 units of various sizes.

CONDITIONS:

1. The regulations and standards listed on Exhibit D - Attachments 2 and 3 shall govern and control the use and development of the land within Conditional Use Permit No. 464 in a manner consistent with the attached site plan and elevations (Exhibit D - Attachment 5 & 6).

FINDINGS FOR STAFF RECOMMENDATION:

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

2. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Low Density Housing; however, the property was recently rezoned to GR with a CUP for single-story self-service storage facilities in 2018 (Attachment 9). The adjacent property to the south and west is zoned Planned Development 351 which also allows self-service storage facilities (Attachment 10).

3. The subject property was rezoned to GR and a CUP for self-service storage facilities was approved in 2018; however, since construction was never started or the building permit was never issued, the CUP expired after 18 months. The self-storage facilities approved in 2018 were typical single-story automobile accessible units most likely with a primary metal exterior. Additionally, the adjacent Planned Development 351 for Quarry Town allows for self-storage units in the northeast corner adjacent to this property. The applicant is proposing a new two story, climate-controlled self-service storage facility with approximately 200 units of various sizes.

4. The subject property is located at the end of a short local street, Allen Place, which is planned to be extended to the east and reclassified as a collector roadway. This area has recently experienced a resurgence of redevelopment and reinvestment of multi-family and mixed-use developments that have affected the character of this area.

5. The Galloway Redevelopment Area recommendations were accepted by City Council in 2019. These are development policies for the area and are to be used in reviewing applications for rezoning and subdivisions. These items have been addressed by the applicant in the development of this project (Attachment 4).

6. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic, or impact vehicular traffic safety in the vicinity.

REMARKS: The Planning and Zoning Commission held a public hearing on July 14, 2022, and recommended denial, by a vote of 3 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
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, Galloway Recommendations
- Attachment 5, Proposed CUP Site Plan
- Attachment 6, Elevations
- Attachment 7, Affidavit of Neighborhood Notification and Meeting Summary
- Attachment 8, Neighborhood Correspondence
- Attachment 9, Approved 2018 CUP Site Plan
- Attachment 10, Approved PD 351 Quarry Town Preliminary Development Plan

EXHIBIT A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 464

1. A self-service storage facility, as defined in Section 36-363 of the Zoning Ordinance, is permitted in conformance with Attachment 5 (site plan) and Attachment 6 (elevations).

2. Self-service storage facilities, as defined in Section 36-363 of the Zoning Ordinance, shall comply with all the standards listed in Attachment 3.

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. An emergency vehicle turnaround is required to be constructed at the end of E. Allen Place or a driveway constructed to Public Works standards and dedicated as an emergency turnaround easement shall be provided.

6. 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.

7. Encourage design elements compatible with historic development pattern and existing structures. Appropriate design elements include articulation of building faces and compatible ratios of glass in windows, doors, and walls. Restrict glazing ratios to no more than 40% of exterior surface.

8. Limit size, illumination, placement, and number of signs, and prohibit digital signage in order to maintain the village aesthetic.

9. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

EXHIBIT B

LEGAL DESCRIPTION
CONDITIONAL USE PERMIT 464

A TRACT OF LAND AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE LYING IN LOTS 10 AND 11 OF GALLOWAY HEIGHTS, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY MISSOURI IN PLAT BOOK S, PAGE 80 AND ALSO IN DESCRIBED IN BOOK 2020, PAGE 010624-20 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11 OF GALLOWAY HEIGHTS, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF ALLEN DRIVE, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 86°47'30" EAST, 77.16 FEET; THENCE 102.17 FEET ALONG A 40.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 73°25'33" EAST FOR 76.58 FEET TO THE NORTHEAST CORNER OF LOT 10; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE EAST LINE OF LOT 10 SOUTH 00°57'36" WEST, 187.65 FEET TO A POINT ON THE SOUTH LINE OF GALLOWAY HEIGHTS; THENCE ALONG SAID SOUTH LINE SOUTH 89°26'35" WEST, 149.94 FEET TO THE SOUTHWEST CORNER OF LOT 11; THENCE ALONG THE WEST LINE OF LOT 11 NORTH 00°55'58" EAST, 162.94 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 0.55 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 – July 14, 2022

Conditional Use Permit 464
2960 East Allen Place
Applicant: Township 28, LLC

Mr. Hosmer states that this is a request to allow self-service storage facilities with a Conditional Use Permit in a GR, General Retail District with Conditional Overlay District No. 146 generally located at 2960 E. Allen Place. The property is currently zoned GR, General Retail. General Retail District allows self-service storage facilities only with a Conditional Use Permit. A site plan is required for a CUP. The Transportation Plan classifies Allen Place as a local roadway. A Traffic Impact Study is not required as the trips generated by the use do not exceed the thresholds. The property is not located in a FEMA designated floodplain, sinkhole or stream buffer area. A fee in lieu of stormwater detention is allowed. In 2018, the subject property was rezoned to GR with a CUP for self-service storage facilities. The CUP expired after 18 months. This self-storage was a typical single-story automobile accessible facility; most likely with a primary metal exterior. Planned Development 351 Quarry Town (2016) to the south allows self-storage. The Galloway Redevelopment Area recommendations were accepted by City Council in 2019. These development policies are be used in reviewing applications for rezoning and subdivisions. The Galloway plan states that self-storage uses shall be limited but not prohibited in the area. The applicant is preserving the village feel through complimentary architectural styles among other elements of the GRA. The CUP will require the following:

- Dedication of right of way for 30 from center of Allen.
- No digital signage, restricting glazing ratios no more than 40%, limiting building height 2 stories, and bufferyards.
- Developed per site plan using complimentary architectural styles. The application meets approval standards for the conditional use permit and the Galloway Redevelopment Area recommendations. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Harlan Hill, 3811 S. Weller, representing the owner and shows the elevation and to be carried through all sides facing Quarry Town and clarifies the rendering that is being shown and keep with the architecture of the area. Noted the Galloway Association and they will vote on it on July 19, 2022 and will be making a presentation at the meeting. Believes that they have been successful in meeting the associations concerns.

Ms. Jamie Thomas, 1428 N. Benton, Director of Operations of Quarry Town and opposed to the development and went over the Galloway guidelines and believes the parcel can be put to better use.

Mr. Colony asked about the existing PD 351 and show allowing storage units and wants clarification and in the meantime the Galloway guidelines were completed.

Ms. Thomas says that Quarry Town is not opposed to storage units but believes the parcel can be put to a better use and wants to protect the area.

Ms. Meagan Burns, 210 E. Commercial Street, property manager for Quarry Town and strongly oppose the project and does not feel that this is a good fit and noted the surrounding uses next to it. She also noted the possible light pollution and causes concerns to the neighbor and the neighbors do not want this type of development in their community. The neighborhood association has reached out to the Quarry Town people and said that they were not aware that storage units were listed as allowable, and they may not approve of the conditional use permit.

Mr. Doennig closed the public hearing.

Mr. Randall Doennig asked about self-storage and Mr. Hosmer noted that it is approved to be built and the earlier conditional use permit has expired.

Ms. Natalie Broekhoven asked if the guidelines were approved prior to the request and Mr. Hosmer gave out the timeline.

Mr. Bruce Colony asked about Allen Drive and Mr. Hosmer said it is slated to be a collector with the Major Thoroughfare Plan and possible moving Allen Drive to the north.

Ms. Dawne Gardner said that Allen Drive is to continue east, and they will do a review of the Major Throughfare Plan.

Mr. Bruce Colony noted that it is an odd location and ask Mr. Hill why to build there.

Mr. Hill said that it is being developed for Township 28 as they do not have any current storage and are for the residents in local area. He also noted the village feel and, but historical maps show it was industrial and was a dumping ground and have taken steps to preserve the feel of the village.

Mr. Eric Pauly asked about the scale and mapping and Mr. Hill showed a hand model the current structure and proposed storage facility and went over the specifications/layout.

Mr. Bruce Colony commented on the neighborhood association and the developer and should we wait for their comments.

Mr. Eric Pauly went over the information presented in the packet and stated that the neighborhood association will not approve it and the other responses are negative.

Mr. Britton Jobe asked when this was posted, and Mr. Hosmer noted that it was previously postponed to this date.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** Conditional Use Permit 464 (2960 East Allen Place). Ms. Broekhoven seconded the motion. Ayes: Doennig and Jobe. Nays: Broekhoven, Colony, and Pauly. Abstain: None. Absent: Bruce, Knuckles, and Lebeck. **Motion Failed**

Bob Hosmer, AICP
Planning Manager

Exhibit D

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	JULY 14, 2022
CITY COUNCIL PUBLIC HEARING:	AUGUST 8, 2022

CASE NUMBER:
Conditional Use Permit 464

LOCATION: 2960 E. Allen Place

ACRES: Approximately 0.6 acre

EXISTING LAND USE:
Vacant/undeveloped land

APPLICANT: Township 28, LLC

STAFF: Daniel Neal, Senior Planner

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION:
Move to approve as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

This is a request to allow self-service storage facilities with a Conditional Use Permit in a GR, General Retail District with Conditional Overlay District No. 146 generally located at 2960 E. Allen Place.

FINDINGS FOR STAFF RECOMMENDATION:

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

2. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Low Density Housing; however, the property was recently rezoned to GR with a CUP for single-story self-service storage facilities in 2018 (Attachment 9). The adjacent property to the south and west is zoned Planned Development 351 which also allows self-service storage facilities (Attachment 10).

3. The subject property was rezoned to GR and a CUP for self-service storage facilities was approved in 2018; however, since construction was never started or the building permit was never issued, the CUP expired after 18 months. The self-storage facilities approved in 2018 were typical single-story automobile accessible units most likely with a primary metal exterior. Additionally, the adjacent Planned Development 351 for Quarry Town allows for self-storage units in the northeast corner adjacent to this property. The applicant is proposing a new two story, climate-controlled self-service storage facility with approximately 200 units of various sizes.

4. The subject property is located at the end of a short local street, Allen Place, which is planned to be extended to the east as and reclassified as a collector roadway. This area has recently experienced a resurgence of redevelopment and reinvestment of multi-family and mixed-use developments that have affected the character of this area.

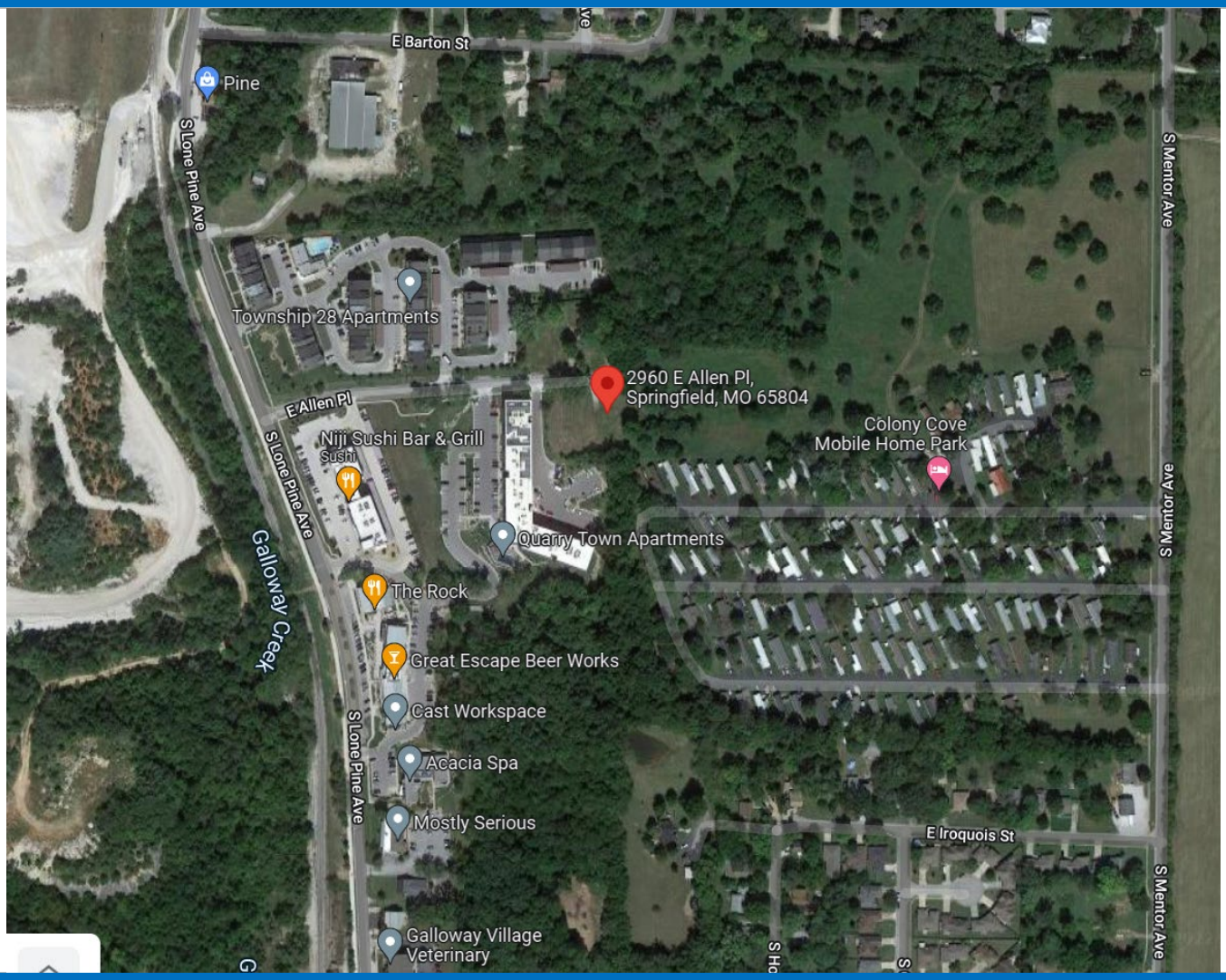
5. The Galloway Redevelopment Area recommendations were accepted by City Council in 2019. These are development policies for the area and are be used in reviewing applications for rezoning and subdivisions. These items have been addressed by the applicant in the development of this project (Attachment 4).

6. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact vehicular traffic safety in the vicinity.

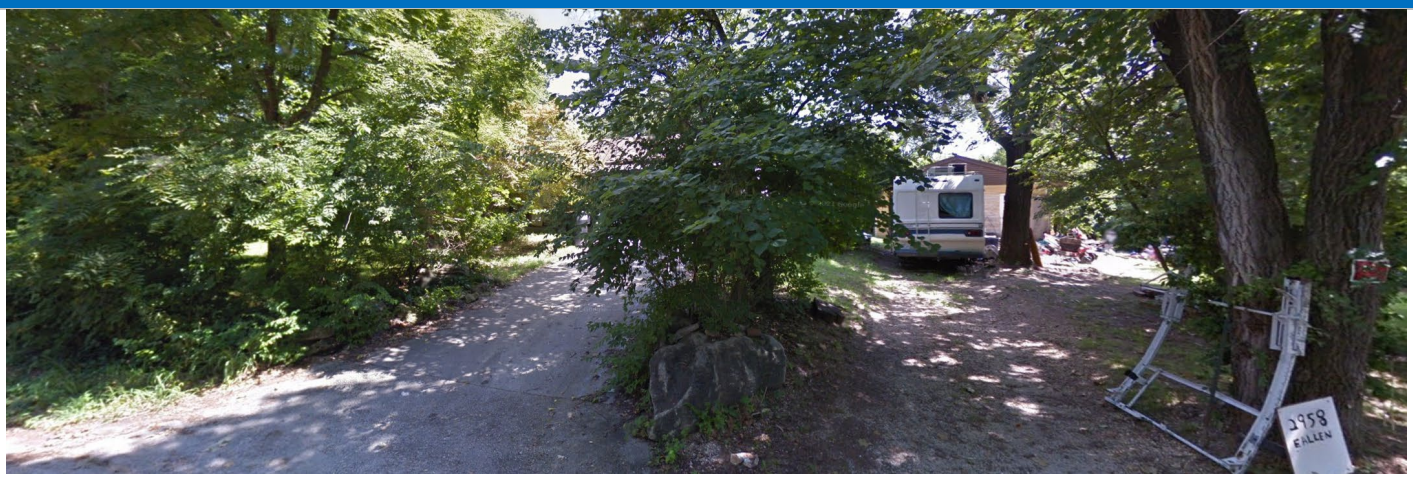
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	PD 351	PD 276	PD 351
LAND USE	Single-family uses	Multi-family and commercial uses	Manufactured home community	Multi-family and commercial uses

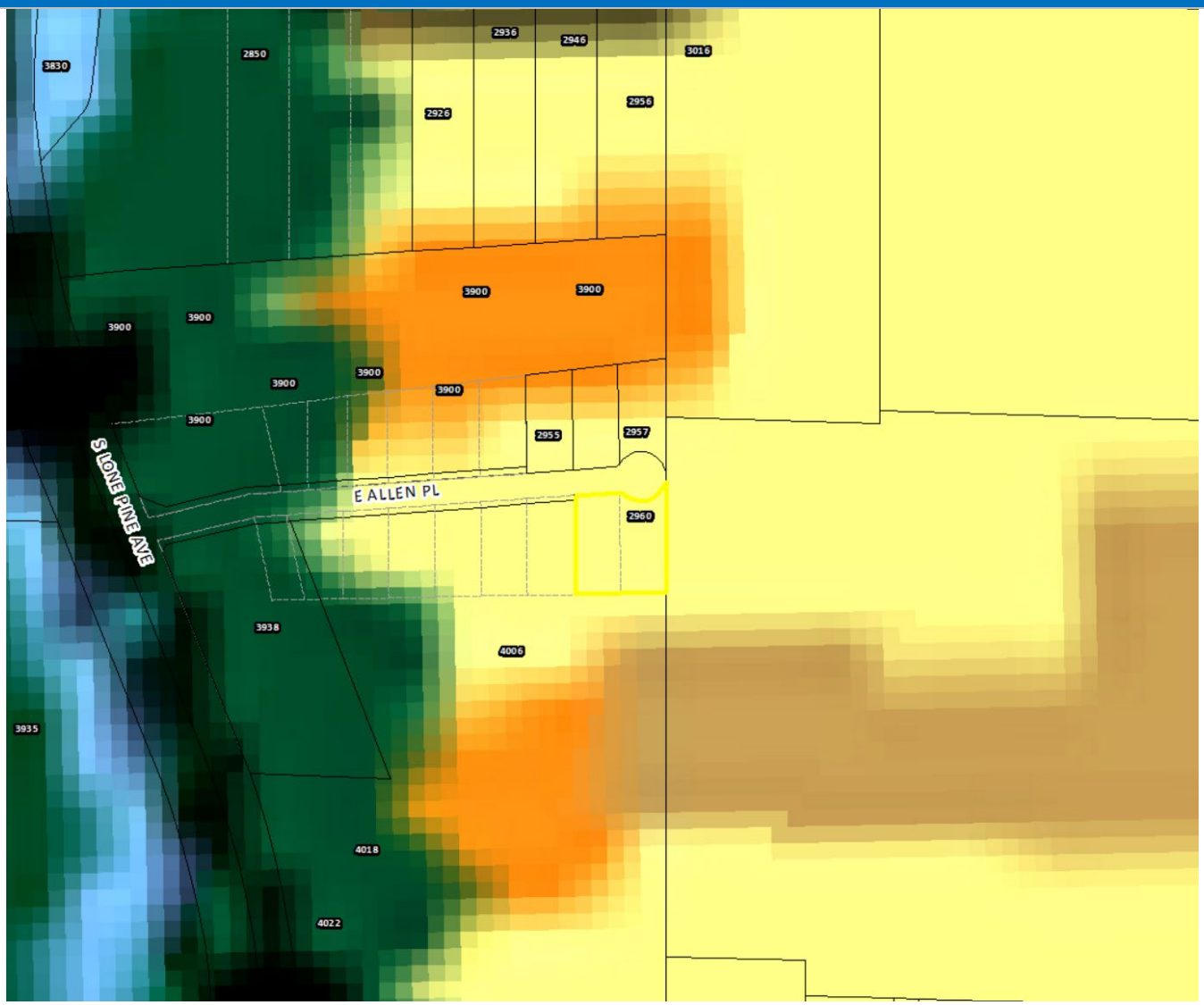
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



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

PROPERTY HISTORY:

The subject property was annexed into the City in 1969 and was zoned R-SF until 2018 when it was rezoned to GR, General Retail District with a Conditional Use Permit for self-service storage facilities. The CUP for self-storage facilities expired after 18 months of inactivity. The subject property, which is all of Lots 10 & 11 of Galloway Heights Subdivision, was approved and recorded by Greene County in 1959. Additionally, the adjacent Planned Development 351 for Quarry Town allows for self-storage units in the northeast corner adjacent to this property

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-363. - Conditional Use Permit

(1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(8) *Period of validity.*

(a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18-month period:

1. A building permit is obtained and the erection or alteration of a structure is started; or
2. An occupancy permit is obtained and the conditional use commenced.

The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.

(b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.

d. *Damage or destruction.* In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Low Density Housing; however, the property was recently rezoned to General Retail District with a Conditional Use Permit for self-service storage facilities in 2018.

STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit to allow self-service storage facilities with a Conditional Use Permit in a GR, General Retail District generally located at 2960 E. Allen Place. The applicant is proposing a new two story, climate-controlled self-service storage facility with approximately 200 units of various sizes.

2. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363 (10) (Attachment 3) of the Zoning Ordinance. Any development of this property must also follow the GR, General Retail District requirements.

3. The Galloway Redevelopment Area recommendations were accepted by City Council in 2019. These are development policies for the area and are be used in reviewing applications for rezoning and subdivisions. The plan states that self-storage uses shall be limited but not prohibited in the area. The applicant is preserving the village feel through complimentary architectural styles. They are promoting a high-quality streetscape experience that is supported by the Galloway CID and Multi-Family Development Guidelines by providing brightly colored doors or building accents and attractive landscaping and plantings. The applicant already has a Conditional Overlay District and the applicant is limiting signage types in the CUP, restricting glazing ratios, limiting building height, retaining walls and excessive grading and rock blasting. These items have been addressed by the applicant in the development of this project (Attachment 4).

4. The subject property is located at the end of a short local street, Allen Place, 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. Allen Place is currently on the Major Thoroughfare Plan as a Collector roadway that will eventually connect Lone Pine Avenue and Mentor Avenue.

5. A Traffic Impact Study is not required as the trips generated by the conditional use permit do not exceed the threshold of 1,000 trips per day or 100 trips in the a.m. or p.m. peak.

6. Upon development of the property a bufferyard is required along the south and west property line adjacent to the PD 351 zoning district. The minimum bufferyard required between GR and multi-family zoning is a Bufferyard "Type C" at least fifteen (15) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be one (1) canopy tree, two (2) understory trees, two (2) evergreen trees and ten (10) shrubs. Upon development of the property a bufferyard is required along the east property line adjacent to the PD 276 zoning district. The minimum bufferyard required between GR and manufactured home community uses is a Bufferyard "Type E" at least twenty (20) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be three (3) canopy trees, two (2) understory trees, two (2) evergreen trees and sixteen (16) shrubs with a six-foot solid wood fence or solid masonry/brick wall, or six-foot solid evergreen hedge.

7. Based on the property's relatively small dimensions, this development will receive reduced bufferyard widths and plantings along its east, south, and west property lines, as described in Section 36-482 (16). Along the east and west lines, this bufferyard must be at least 10 feet wide and include one understory tree, two evergreen trees, and 10 shrubs for every 100 feet of length. Along the south property line, the bufferyard must be at least 15 feet wide and include one canopy tree, one understory tree, two evergreen trees, and 10 shrubs for every 100 feet of length. Because these bufferyards are narrower and less intense than would be typical of commercial development adjacent to residential areas, a form of approved screening must be included within the east, south, and west bufferyard areas.

8. The property across Allen Place to the north is currently zoned R-SF but is being rezoned to R-MD concurrently with this request. Whether the property is rezoned or not, the normal bufferyard required between GR and R-SF or R-MD with public street right-of-way 70 feet or less would be a Bufferyard "Type S2" at least fifteen (15) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be one (1) canopy tree, two (2) understory trees and four (4) shrubs.

9. There is not existing sidewalk along the property frontage of E. Allen Place. Sidewalk must be constructed at the time of development or a fee in lieu of sidewalk construction applied for, approved by the Administrative Review Committee (ARC) and fees paid prior to issuance of a building permit.

10. Approval of this request will provide for the redevelopment of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

11. 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 for this request on April 14, 2022. A summary of the meeting is attached (Attachment 7).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 4 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1
CONDITIONAL USE PERMIT 464

CITY UTILITIES:

No issues with proposed CUP. Offsite utility improvements may be needed depending on utility services requested.

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections to CUP. Proposed development has access to public sewer in Allen Place.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Galloway 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 would not be allowed out right and will be dependent on analysis of possible downstream improvements. The property **is not in a stream buffer area.**

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:

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. Two courses of action (COA) to meet detention requirements in accordance with Springfield City Code are as follows.

    a. COA 1 – Detention is designed and built for the development at 2960 E Allen Place according to the Flood Control and Water Quality Protection Manual with available space in the yardage along Allen Place. If the additional impervious surface area detention is minimal, then a fee in lieu of detention may be allowed for the partial remaining detention.
    b. COA 2 – Downstream improvements are made as a part of public improvement plans along E Allen Place to convey stormwater to the Galloway Creek according to Springfield Stormwater standards. These downstream improvements would be used in place of a fee in lieu of detention, but the site would have to discharge into the public right of way along E Allen Place.

2. 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.

3. As-builts of the detention and water quality improvements are required before the stormwater permit can be complete.

4. 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 E. Allen Place as a Local-Commercial roadway. 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. E. Allen Place is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING
There are no recent traffic counts for E. Allen Place. On-Street parking is allowed on E. Allen Place.

DRIVEWAY ACCESS
There is currently two driveway access point 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 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. An emergency vehicle turnaround is required to be constructed at the end of E. Allen Place or a driveway constructed to Public Works standards and dedicated as an emergency turnaround easement that can only be relinquished with the City's consent.

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. Allen Place	Local-Commercial	Yes	20	30

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	5	5	39	
***Proposed Trips Generated**	5	5	39	
Additional Trips Generated	0	0	0	

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

FIRE DEPARTMENT:

No comments.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
CONDITIONAL USE PERMIT 464

1. A self-service storage facility, as defined in Section 36-363 of the Zoning Ordinance, is permitted in conformance with Attachment 5 (site plan) and Attachment 6 (elevations).

2. Self-service storage facilities, as defined in Section 36-363 of the Zoning Ordinance, shall comply with all the standards listed in Attachment 3.

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. An emergency vehicle turnaround is required to be constructed at the end of E. Allen Place or a driveway constructed to Public Works standards and dedicated as an emergency turnaround easement shall be provided.

6. 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.

7. Encourage design elements compatible with historic development pattern and existing structures. Appropriate design elements include articulation of building faces and compatible ratios of glass in windows, doors, and walls. Restrict glazing ratios to no more than 40% of exterior surface.

8. Limit size, illumination, placement and number of signs, and prohibit digital signage in order to maintain the village aesthetic.

9. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

STANDARDS FOR CONDITIONAL USE PERMIT 464

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 proposed Conditional Use Permit appears to be consistent with the adopted policies in the Springfield Comprehensive Plan.	The property was recently rezoned to GR with a CUP for self-service storage facilities in 2018. The adjacent property to the south and west is zoned PD 351 which also allows self-service storage facilities.
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 proposed 3-level Storage building will not adversely affect motoring public and pedestrian. This is because the proposed building is sited to take advantage of all the setbacks to allow for the future expansion of E. Allen Street.	Public Works Traffic Division has reviewed the application and has determined that conditional use will not adversely affect safety of the motoring public and of pedestrians. Traffic comments are provided in Attachment 1.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	The proposed Conditional Use Permit for the new storage building poses no fire hazard because it is located on its own lot observing all the requirements for a GR zoning district and adequate provisions have been made for the fire trucks to reach the building with fire apparatus. Proposed design adheres to the requirements of the City adopted building code and fire code.	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.	Proper setbacks are maintained from adjacent property and additional runoff generated as a result of this Conditional Use Permit will be piped to the area detention basin and will not impact adjacent property.	Public Works Stormwater Division has reviewed this request and provided comments in Attachment 1. A fee in lieu of on-site stormwater detention would not be allowed out right and will be dependent on analysis of possible downstream improvements. The property is not in a stream buffer area.
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 activities at self-storage building proposed for this Conditional Use Permit generate low noise and the sound levels will not exceed what are typical for this type of use.	It is not anticipated that the proposed use will have noise characteristics that exceed Zoning Ordinance standards in Section 36-485.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to	The use of bufferyard and fence screening will be employed to mitigate glare resulting from	Off-street parking must shield vehicular and stationary lights

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:
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.	motor vehicles. In addition, the proposed site layout orients vehicle parking and head lights toward the building, thus shielding adjacent property.	from residential uses following Zoning Ordinance requirements.
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	The exterior lighting for the development will be designed to meet the lighting standards as adopted by the City of Springfield and will be equipped with shields and cut-off devices to limit glare from crossing the property line. A photometric analysis will be submitted during the permitting review process showing compliance. Any sign used on the building shall comply with Section 36-454 of the City Signs Ordinance.	The development will be subject to the signage requirements of the Zoning Ordinance.
8. Such signs will not have an adverse effect on any adjacent properties.	Signs used on the property will not have adverse effect on the adjacent properties.	The development will be subject to the signage standards on the Zoning Ordinance and is not expected to have an adverse effect on any adjacent properties.
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.	The street right-of-way pavement width is adequate, and the traffic generated as a result of the new development will not impact traffic in the vicinity. Public improvements are planned for Allen Place as directed by the Dept. of Public Works and Traffic Division.	Public Works Traffic Division has reviewed the application and has determined that the existing infrastructure is adequate; however, sidewalk is required to be constructed along the property frontage on W. Plainview Rd. to current City Standards as a part of this development/rezoning or an application to the ARC to pay a fee in lieu of. If approved, the fee must be paid prior to issuance of a building permit.
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 proposed Conditional Use Permit will not impact the health, safety and welfare of the general public nor the adjacent properties. The design and use of the facility will be compatible and complimentary to the existing multi-family developments in the area and providing an essential support service to neighboring residents.	It is not anticipated that the proposed self-storage facility will have an adverse effect or be incompatible with the adjacent and surrounding properties. A bufferyard is required along the east, south and west property boundaries.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate	The structure for the Conditional Use Permit will be designed and constructed to be in scale with the	The standards of the Zoning Ordinance adequately address these issues. A narrow lot

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:
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.	surrounding structures. In addition, bufferyards will be used along the property lines between the adjacent zoning districts to separate the proposed development. Furthermore, landscaping and screening as required for the GR Zoning district shall be utilized to further mitigate the impact of this development to the surrounding property	bufferyard is required along the east property boundary. A solid fence is also required to provide screening.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.	There are no physical features at or around the current site for the Conditional Use Permit that will be adversely impacted.	The applicant's response adequately addresses this standard.
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	The proposed Conditional use will not result in the loss, damage or destruction of any natural or scenic feature of historic significance.	The applicant's response adequately addresses this standard.
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards.	The design of the Conditional use appears to comply with all applicable regulations regarding lot size, bulk regulations, use limitations and performance standards.	The proposed use appears to comply with applicable regulations.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	The proposed Conditional use at the location will promote the welfare and or convenience of the public by providing an essential support service to the adjacent residents.	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	Off-street parking and loading areas will be designed to comply with the design standards of Sections 36-455, 36-456 and 36-483, and this areas will be screened from the adjoining residential uses from any injurious effect.	The applicant appears to meet the off-street parking requirements and provide bicycle parking.
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 proposed Conditional use is provided with adequate ingress and egress to and from the site without additional burden to the existing traffic. As mentioned	Public Works Traffic Division has reviewed the proposed site plan and has determined that it meets this standard.

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:
	previously, Public Improvements are planned for Allen Place.	
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 for the proposed Conditional use will not create hazards to traffic and pedestrian use.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards. Sidewalk is required to be constructed along the property frontage W. Plainview Rd. to current City Standards as a part of this development/rezoning or an application to the ARC to pay a fee in lieu of. If approved, the fee must be paid prior to issuance of a building permit
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.	As surveyed and depicted on the proposed plans, the proposed use and design does not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	The applicant's response adequately addresses this standard.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.	Not applicable.	The development is required to adhere to all standards of the Zoning Ordinance and other applicable ordinances.
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.	The proposed Conditional use will be adequately served by essential public facilities, which includes police, fire protection, drainage, etc.	This request will provide for the productive use of the subject property which is already served with public infrastructure and services.

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. Link to the recommendations: https://www.springfieldmo.gov/DocumentCenter/View/44509/Galloway-Recommendations-July-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 (4/5)
5 out of 5 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. Small businesses (retail, food and beverage and services)
    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

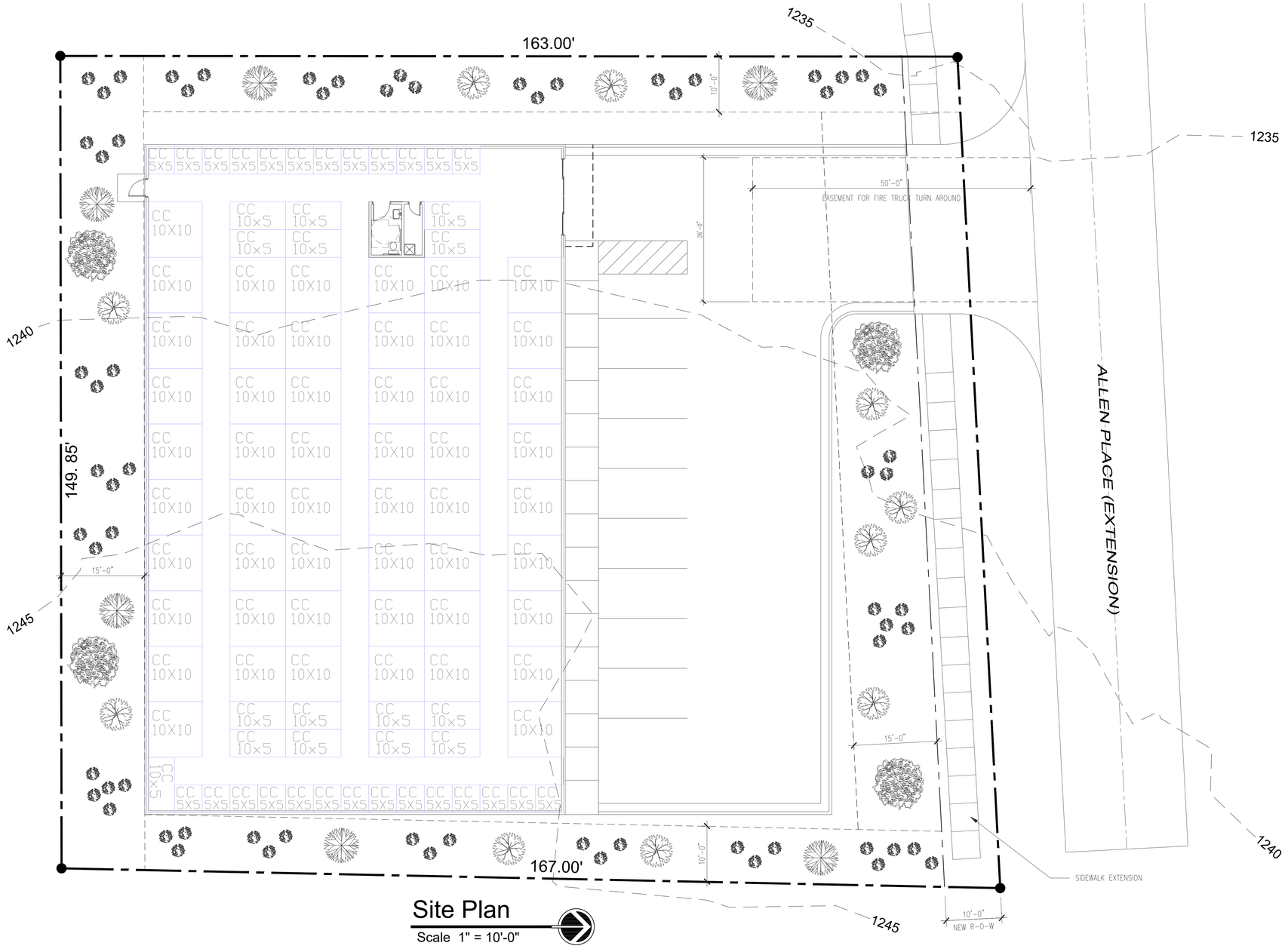
e. Fountains
f. Dog watering stations
g. Outdoor seating
h. Street trees
i. Decorative lighting

5) Developments with a mix of uses
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 (applicant met with neighborhood and is naming the site Sequiota Storage).

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.



Site Plan

Scale 1" = 10'-0"

Under Article III, Division 6, Section 36-482, Exception 16, where lot dimensions are greater than 100' to 150' wide the buffer yard may be 10'-0" - With 0 canopy trees, 1 understory tree, 2 evergreen trees & 10 shrubs per 100'

Under Article III, Division 6, Section 36-482, Exception 16, where lot dimensions are greater than 150' to 200' wide the buffer yard may be 15'-0" - With 1 canopy tree, 1 understory tree, 2 evergreen trees & 10 shrubs per 100'

TOTAL BUILDING STORAGE UNIT MIX				TOTALS
UNIT SIZE	10X10	10X5	5X5	
SF EACH UNIT	100	50	25	
TOTAL # UNITS	102	30	52	184 UNITS
TOTAL SF ALL UNITS	10200	1500	1300	13,000 SF
				18,000 SF

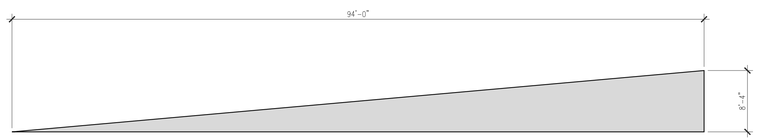
EFFICIENCY 72.2%

Canopy Tree

Understory Tree

Evergreen Tree

Shrub



LOCATION SKETCH

SECTION 9, T-28-N, R-21-W

SCALE: 1" = 2000'

SITE STATISTICS

TABULAR AREAS

TOTAL LAND AREA =	24,448 sq. ft.	(100%)
BUILDING COVERAGE =	9,000 sq. ft.	(37%)
PAVED SURFACE =	6,240 sq. ft.	(26%)
DEVELOPED AREA =	15,240 sq. ft.	(63%)
GREEN SPACE =	9,208 sq. ft.	(37%)

BUILDING SQ.FT. (2 FLOORS) = 18,000 sq. ft.

FLOOR AREA RATIO= 0.74

APPLICABLE CODES

ALL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2018 INTERNATIONAL BUILDING CODE

ALL ELECTRICAL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2017 NATIONAL ELECTRIC CODE

ALL MECHANICAL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2018 INTERNATIONAL MECHANICAL CODE

ALL PLUMBING DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2018 INTERNATIONAL PLUMBING CODE

ALL LOCAL AMMENDMENTS TO THESE AND ANY OTHER PERTINENT CODES SHALL APPLY

CODE REVIEW NOTES

PROPOSED DEVELOPMENT:

THE PROPOSED DEVELOPMENT IS THE CONSTRUCTION OF A NEW 18,000 SQ FT BUILDING FOR A CLIMATE CONTROLLED SELF STORAGE BUILDING (2 STORY – 9,000 SQ FT ± PER FLOOR).

CONSTRUCTION TYPE:	2B
USE GROUP:	S-1
ALLOWABLE PER FLOOR	12,000 SQ FT
ALLOWABLE FLOORS	2 FLOORS

ZONING NOTES

ZONING DESCRIPTION:

ZONING:	GR GENERAL RETAIL
USE:	S-1 – SELF STORAGE UNITS
FRONT YARD SETBACK:	15'
SIDE YARD SETBACK:	NONE
REAR YARD SETBACK:	NONE
BUFFERYARD ON EAST & WEST SIDE	10'
BUFFERYARD ON NORTH & SOUTH SIDE	15'

PARKING CALCULATIONS:

REQUIREMENTS:

PARKING REQUIRED BASED ON 1 SPACE PER EACH 50 STORAGE UNITS

PARKING REQUIRED.....4 SPACES

PARKING PROVIDED.....9 SPACES

PROPERTY OWNER

TOWNSHIP 28, LLC

LEGAL DESCRIPTION

ALL OF LOTS TEN (10) AND ELEVEN (11), IN PLAT OF GALLOWAY HEIGHTS, A SUBDIVISION IN GREENE COUNTY, MISSOURI.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD, IF ANY.

STORMWATER DETENTION NOTE:

OWNER HEREBY REQUESTS THAT THEY BE ALLOWED TO PAY INTO THE REGIONAL STORM WATER DETENTION FUND IN LIEU OF PROVIDING ON SITE DETENTION. THE TOTAL SITE DEVELOPMENT OF 14,687 SQ FT WOULD REQUIRE 3,900± CUBIC FEET OF DETENTION.

DERINGTON ARCHITECTS, L.L.C.

BILL DERINGTON - ARCHITECT - A-4061
MIKE DERINGTON - ARCHITECT - A-2004029792
1837 EAST KIRKWOOD STREET - SUITE 107
SPRINGFIELD, MO. 65804
PH 417.883.3760 CELL 417.849.4856

MISSOURI CERTIFICATE OF AUTHORITY NO. A-2013038640

CONSULTANTS

Preliminary Only
Not for Construction

ALLEN PLACE SELF STORAGE
FOR THE CORYELL GROUP
A NEW CLIMATE CONTROLLED SELF STORAGE FACILITY
2960 EAST ALLEN PLACE
SPRINGFIELD, GREENE COUNTY, MISSOURI

ISSUE DATE

03-31-2022

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REVISIONS

NO.	DATE	TYPE

PROJECT NO.

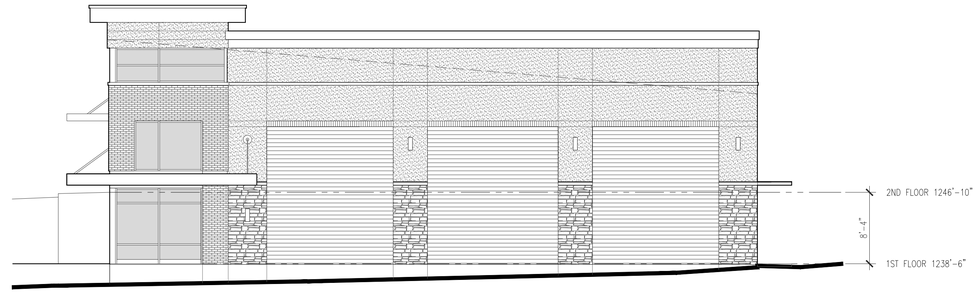
DRAWING TITLE

PRELIMINARY SITE PLAN

DRAWING NO.

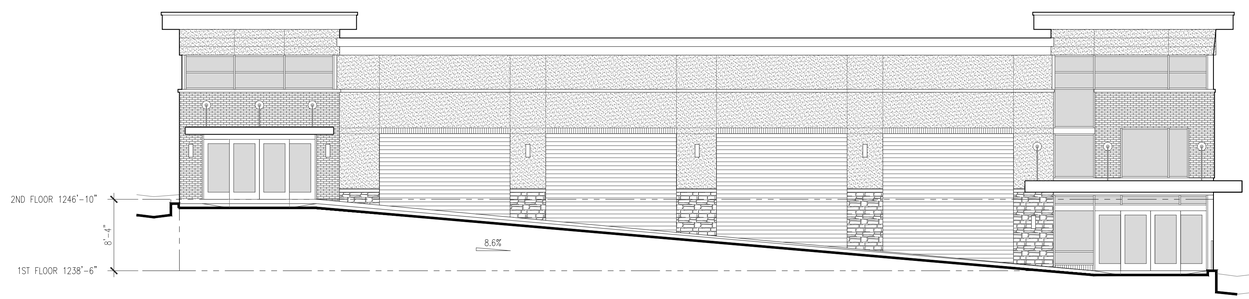
USE PERMIT SKETCH PLAN

UPSP 1.0



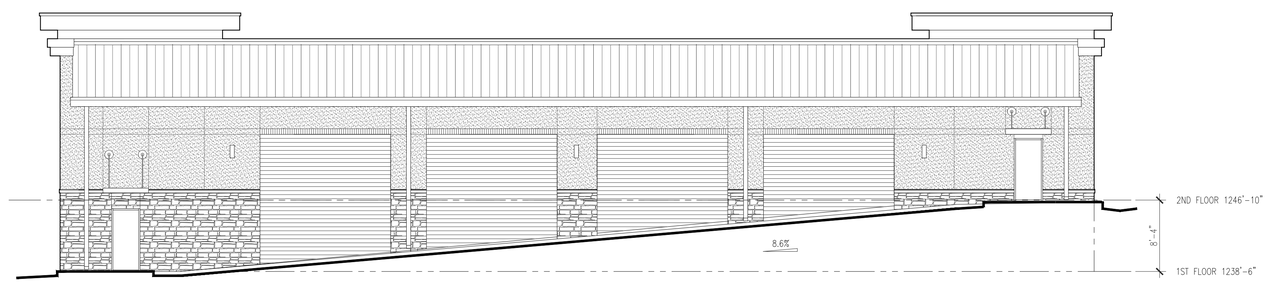
West Elevation

Scale 1/8" = 1'-0"



North Elevation

Scale 1/8" = 1'-0"



South Elevation

Scale 1/8" = 1'-0"

SEQUIOTA STORAGE

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Conditional Use Permit for: 2960 E Allen Place for a Self-Storage Facility
2. Meeting Date & Time: April 14 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 was the mailing list 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 of 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

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.

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	KY3
Joyce Tolliver	3231 E. Manitoo 04
Jeannie Ellis	2149 E. Mac's. Ct.
Wendy Hucher	3417 S. Lone Pine
Melanie Bach	3734 S. Elmview
SCOTT GUSTAVESON	2640 E. REPUBLIC RD.
Randy Black	2717 E Galloway 04
Brian + Cirree Jones	3131 E Cardinal Ct 04
Ron Boles	3119 E Cardinal CT. 65804
Chuck + Helen Fernandez	3545 S. Berbett Ave
Jacque Thummel	2907 E. Park
Sue Sisco	3635 S. OAK
Duane Johnson	3766 S. Bradley
Dayna Aust	3429 S. Elmview Ave
GREGORY HARRISON	3900 S. Lone Pine #102
C Brandon Stine	3510 S Horseshoe Ave

ADJOURNED 6:32

GREEN CIRCLE PROJECTS
community • building

2960 E Allen Place

Case Number: Conditional Use Permit 464

Zoning

Parcel 881909307015 is zoned General Retail. Under General Retail zoning, storage facilities are not permitted by right.

Self-service storage is listed under Conditional Use: *"A use permitted in a particular zoning district **only upon showing that such use in a specific location will comply with all the conditions and standards for the location** or operation of such use as specified in this article and authorized by the city council."* Article III, Sec. 36.321.

Self-service storage does NOT comply with the conditions and standards and therefore should not be allowed.

While a self storage conditional use permit was originally granted in 2018, since that time the Galloway Recommendations were adopted and specifically **discourage storage facilities.**

Galloway Recommendations

In November 2018, a resolution was passed for an administrative delay for the area north of East Lacuna Street and south to East Republic Road along South Lone Pine, including parcel 881909307015. This administrative delay had the intent of gathering input and developing recommendations with the Stakeholder Committee.

This committee met over the course of 5 months with city officials to develop the Galloway Guidelines, which were later approved by the Planning and Zoning Commission and City Council. The Guidelines were adopted at the end of 2019.

In the Galloway Recommendations under IMAGE ENHANCEMENT - B. Preserve and enhance the "village feel" of the area, subsection 4.1 clearly states: *"Limit uses that are i**ncompatible with the village character of the area, such as storage units,** gas stations, drive-through restaurants or other drive-through businesses, car washed, cell towers, and uses requiring new manufacturing zoning."* (Galloway Recommendations attached)

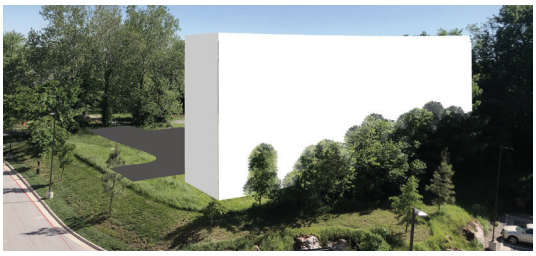
Approving this project to move forward would disregard all the work and time city staff, the stakeholder commission members, planning and zoning commission, and city council put into it and would open the door for more projects that do not meet the Galloway Guidelines to move forward.

Use Compatibility

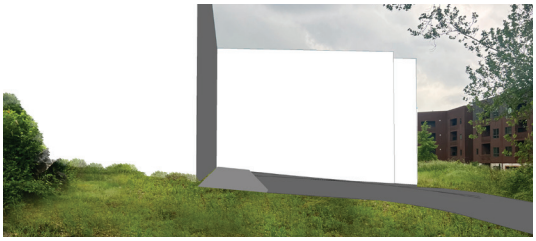
The above mentioned parcel is fully surrounded by residential development: to the north is Colony Cove Mobile Home Park, to the south and east Quarry Town Apartments, and to the west Township 28. Nowhere else in Springfield, a project of these characteristics (multi-story self-storage facility) surrounded by residential use on all sides can be found given the incompatibility of use.

The only other multi-story storage unit in town that we were able to find, was **Sixty 5 Self Storage** (2107 S Eastgate Ave). Unlike the proposed project, this self-storage business is located along a major highway, Highway 65, and surrounded by commercial/office uses. The amount of light pollution and scale of the building if not compatible with the intent for the Galloway Neighborhood.

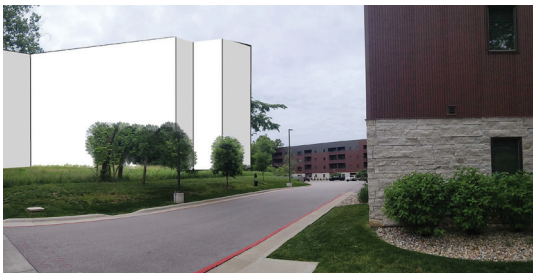
Aerial View of Surrounding Uses



Schematic View from adjacent MFR



Schematic View from E Allen Pl



Schematic View from E Allen Pl

Sixty 5 Self-Storage - Comparable Project along Hwy 65

From: Galloway Village
To: Zoning@springfieldmo.gov
Subject: Additional Comments for Allen Place Matter
Date: Sunday, June 12, 2022 8:41:11 PM

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

From: Elizabeth Satterfield
To: Zoning@springfieldmo.gov
Subject: Proposed Galloway Storage Facility
Date: Monday, June 13, 2022 1:52:02 PM

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

To Whom it may concern:
We've recently become aware of a proposed storage facility adjacent to the Township and Quarrytown apartment complexes.
This is a really bad idea on so many levels. As a Quarrytown resident for the past 2 1/2 years , I am very familiar with the traffic flow of the area, and this small access lane most definitely CANNOT handle the type of vehicles or traffic flow for such a business.
Allen Place is a narrow and dead end access street for limited use at best. There is not ample room for moving trucks, loading, unloading or additional chaos this would create.
Storage may be a good idea somewhere in East Springfield but this residential location is NOT it.
Thank you,
Elizabeth Satterfield

Sent from my iPhone

From: Melanie Gray
To: Zoning@springfieldmo.gov
Subject: Proposed Galloway Storage Unit
Date: Monday, June 13, 2022 10:49:51 AM

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

To the Springfield Planning and Zoning Commission:

I am writing in reference to the proposed zoning change to allow a large storage building to be constructed in the center of a residential area in Galloway Village. There are several issues that are of deep concern to me, and I would appreciate your consideration of these when making your decision.

*This is a quiet residential area with only businesses conducive to this residential feel.

*The property of focus is on the Galloway Trail greenway which attracts adults, children, and pets for walking and biking along the two-lane street and enjoying the nearby parks. There is no room to accommodate the added commercial traffic and it could prove to be very dangerous to their safety.

*Storage units attract criminal activity such as use, manufacture and storage of drugs and stolen goods and weapons and operate at all hours. This is not something we want to attract to this quiet area.

*This large storage facility would be an eyesore to Galloway Village and would require a great deal of added bright lighting and security in extremely close proximity to where people live and sleep. No one wants this huge commercial building mere feet from their windows.

*The construction in Galloway has a village feel and respects the history of this area as a tribute to our Springfield heritage.

*Because of this, a zoning recommendation was previously established that strictly prohibits storage units and other commercial construction that do not preserve and enhance the village feel of the area.

I would greatly appreciate your remaining true to these previously established zoning guidelines and protect this very special area of our city for our citizens now and in the future. Thank you for your consideration.

Melanie Gray
Galloway Village resident

From: rneville723@mchsi.com
To: Zoning@springfieldmo.gov
Subject: proposed Galloway Village storage unit
Date: Sunday, June 26, 2022 9:05:38 AM

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

We oppose the construction of an unsightly storage facility in the beautiful unique Galloway Village area. Such buildings belong near major thoroughfares. Even then they are complete eyesores, like the one on Highway 65 near Sunshine Street. They do not belong in lightly traveled areas. Planning and Zoning should work to preserve the character of neighborhoods.

Thank you.

Cathy and Ron Neville

From: Jeffrey Basnett
To: Zoning@springfieldmo.gov
Subject: Storage Building Proposal East of Quarry Town Apartments
Date: Monday, June 13, 2022 7:45:21 AM
Attachments: Elevations.png

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

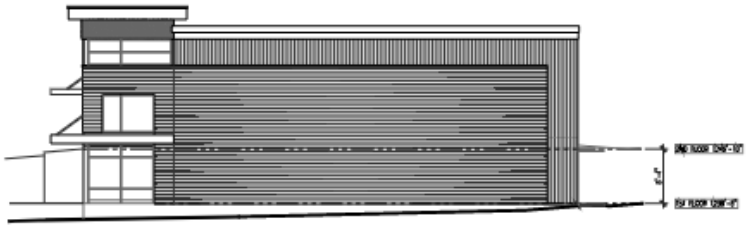
Hello,

Attached please find information on the proposed storage unit facility for the property directly to the east of Quarry Town.

The property is currently zoned General Retail, which requires a Conditional Use Permit in order to allow for a self-storage facility. We are opposed to the applicant's request for a Conditional Use Permit for this property, because the Galloway Guidelines adopted in 2019 specifically state that storage units are a prohibited use.

By allowing a Conditional Use Permit for this property to construct storage units, the city would be disregarding the Galloway Guidelines. We want to protect the Galloway Guidelines, if they are disregarded now, that will set the precedent for the guidelines to be disregarded in future developments.

As a resident of Quarry Town, I do not want the additional traffic, potential light pollution, and the overall misfit of having this commercial storage building in the middle of a bunch of residential development.



West Elevation
Scale 1/8" = 1'-0"

North Elevation
Scale 1/8" = 1'-0"

Regards,
Jeffrey Basnett
(417) 718-4793

From: William Lemery
To: Zoning@springfieldmo.gov
Subject: Storage units
Date: Monday, June 13, 2022 4:02:51 PM

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

. We are opposed to the applicants request for this permit for a multitude of reasons. Primarily because the Galloway Guidelines adopted in 2019 specifically prohibit storage units. Additionally, this development would bring a significant amount of light pollution and traffic to our corner of Galloway, not to mention an eye sore for our residents who have patios overlooking the area.
We moved into Quarry Town Apartments May 2019… we love it here it is quiet and peaceful.. we share this with t he abundance of wildlife. I grew up on Lone Pine and would hate to see ugly storage buildings in this area
Thank you Bill Lemery

Sent from my iPhone

Sent from my iPhone

From: Bill Lemery
To: Zoning@springfieldmo.gov
Subject: Storage units in Galloway
Date: Tuesday, June 14, 2022 3:36:48 PM

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

We live in Quarrytown apartments and we are very opposed to building storage units behind and beside us. Right now our view is of nature including a family of deer. Those would be horrible to look at not to mention the unwanted traffic it would incur. Not to mention if they cut down trees that are so beautiful! Please don't allow this. Thanks, Ms. V Lemery

Sent from my iPhone

From: Connor Barnes
To: Zoning@springfieldmo.gov
Subject: Zoning issue in Galloway
Date: Monday, June 13, 2022 4:14:38 PM

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

Hello,

I am a resident at Quarry Town in Galloway. I got wind of a proposal for some storage units going up directly to the east of the apartment building I love in. I can tell you that this will a complete eye sore for the residents of Quarry Town including myself and for those with balconys that face that direction. If storage units are placed here this will completely take away from the "in the nature" vibe as QT is. People are drawn to this place from the greenery that surrounds us. I am a physician at Cox Health and enjoy my evenings after a long day of work watching in to the woods and green that is around and even the occasional wildlife. We are blessed to be able to work so close to town and still have this greenery around us. Please do not allow these storage units to pass. If you need more information please let me know.

Connor Barnes

From: Galloway Village
To: Hosmer, Bob; Neal, Daniel
Subject: Re: Additional Comments for Allen Place Matter
Date: Tuesday, June 28, 2022 1:43:07 PM

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

Good Afternoon!

I just wanted to update the commission that the GVNA has been in communication with Harlan Hill and other representatives of Coryell Collaboratives, and are planning to bring the approval of the Conditional Use Permit to our quarterly meeting for a formal vote on July 19th. Harlan is scheduled to make another presentation at that meeting before the vote. I will update you and City Council on the outcome of that vote, which will represent our formal position on the item. I want to emphasize again how much we appreciate Harlan's sincere desire to earn the approval of the neighborhood and his willingness to offer compromise.

Melanie Bach
GVNA President

Sender notified by
Mailtrack

On Thu, Jun 16, 2022 at 8:56 AM Galloway Village <gallowayvillage@gmail.com> wrote:

> Thank you for letting us know.

Sender notified by
Mailtrack

> On Thu, Jun 16, 2022 at 7:49 AM Hosmer, Bob <bhosmer@springfieldmo.gov> wrote:
>
> > This agenda item has been postponed to the July 14 meeting.
> >
> > Bob Hosmer, AICP
> > Planning Manager
> > Development Review Office
> > City of Springfield, Missouri
> > Department of Planning and Development
> > 417.864.1834 or 417.864.1611
> > General Information: http://www.springfieldmo.gov/DevelopmentReview
> > Zoning Map: http://maps.springfieldmo.gov/zoning/
> > Zoning Code: https://library.municode.com/mo/springfield
> > eCity

https://ecity.springfieldmo.gov

From: Galloway Village <gallowayvillage@gmail.com>
Sent: Sunday, June 12, 2022 8:40:55 PM
To: Zoning@springfieldmo.gov <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.

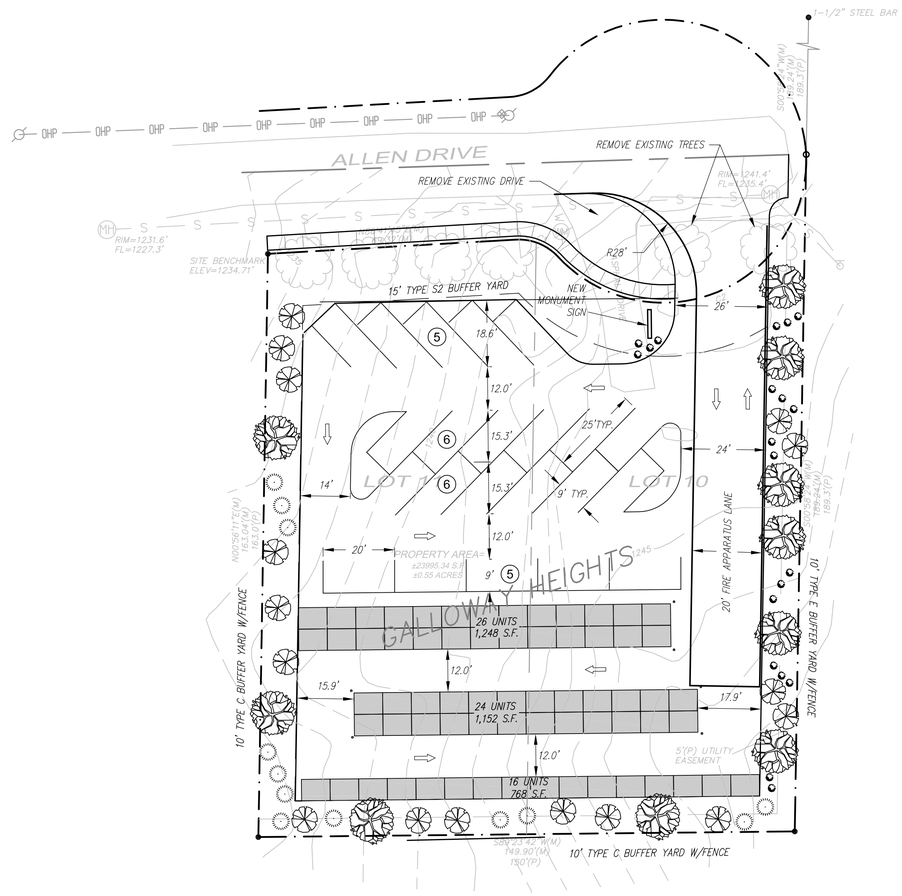
Melanie Bach

GVNA President

N

20' 10' 0' 20'

SCALE : 1 INCH = 20 FEET



OWNER

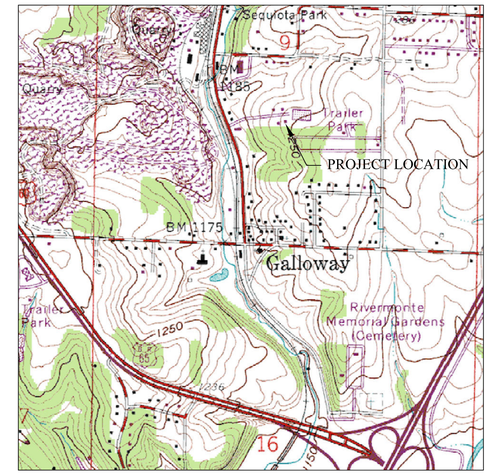
GREENWAY STUDIOS, LLC
4820 N TOWNE CENTRE DR
OZARK, MO 65721

PROJECT ADDRESS

2960 E ALLEN PLACE
SPRINGFIELD, MO 65804

DEVELOPER

GREENWAY STUDIOS, LLC
4820 N TOWNE CENTRE DR
OZARK, MO 65721



LOCATION MAP
1" = 1000'

DESCRIPTION OF PROPERTY

WARRANTY DEED BY LIMITED LIABILITY CORPORATION – BOOK 2017, PAGE 035511-17

ALL OF LOTS TEN (10) AND ELEVEN (11), IN PLAT OF GALLOWAY HEIGHTS, A SUBDIVISION IN GREENE COUNTY.

SOURCES

1. WARRANTY DEED BY LIMITED LIABILITY CORPORATION – BOOK 2017, PAGE 035511-17
2. PLAT OF GALLOWAY HEIGHTS
3. ELEVATIONS BASED ON THE CITY OF SPRINGFIELD BENCHMARK "D 64", ELEVATION = 1185.74

SITE ANALYSIS

SITE AREA = 0.55 ACRES
EXISTING ZONING = R-SF
PROPOSED ZONING = GR W/CUP FOR SELF-STORAGE
NUMBER OF UNITS = 66 UNITS

PARKING REQUIRED PER ORDINANCE
66 UNITS @ 1 SPACE/25 UNITS = 3 SPACES, PLUS
0 EMPLOYEES @ 1 SPACE/EMPLOYEE, PLUS
2 SPACES AT OFFICE (OFFICE AT 3938 S LONE PINE)
TOTAL REQUIRED ON SITE = 3 SPACES
OFF-STREET PARKING PROVIDED = 22 CAR SPACES

COOPERATIVE PARKING AGREEMENT TO BE EXECUTED WITH 3938 S LONE PINE AVE

BICYCLE @ 2 SPACES PER 0-50 CAR SPACES
BICYCLE PARKING PROVIDED = 2 SPACES

IMPERVIOUS AREA ANALYSIS
MAXIMUM ALLOWED = 80%

PRE-PROJECT IMPERVIOUS AREA = 3,570 SF
= 0.082 AC.

POST-PROJECT IMPERVIOUS AREA = 17,520 AC.
= 0.40 AC.
= 73%

GREEN SPACE = 0.15 ACRES. = 27% (20% REQUIRED)

BUILDING AREA = 3,168 SF

SYMBOL	TYPE	SIZE
	DECIDUOUS CANOPY TREE	1-1/2" CALIPER AT TIME OF PLANTING MINIMUM 30' HEIGHT AT MATURITY
	DECIDUOUS UNDERSTORY TREE	1" CALIPER AT TIME OF PLANTING MAXIMUM 30' HEIGHT AT MATURITY
	EVERGREEN/CONIFER	6' TALL AT TIME OF PLANTING MINIMUM 20' HEIGHT AT MATURITY
	SHRUB	MINIMUM 18" HEIGHT AT TIME OF PLANTING
	HEDGE	MINIMUM 18" HEIGHT AT TIME OF PLANTING MINIMUM 3' HEIGHT ONE YEAR AFTER PLANTING

GREENWAY STUDIOS, LLC
4820 N TOWNE CENTRE DR
OZARK, MO 65721
417-887-6897

WHITLOCK ENGINEERING, LLC
9648 E North View Road
Strafford, Missouri 65757
Phone: 417-379-0640
C.E. Certificate/License No. 2012000438

STATE OF MISSOURI
R. GREGORY WHITLOCK
NUMBER E-28639
REGISTERED PROFESSIONAL ENGINEER
5/2/18

R. Gregory Whitlock
C.E. License No. 028639

No.	Revision/Issue	Date

GALLOWAY SELF STORAGE
2960 E ALLEN PLACE

CONDITIONAL USE PERMIT
SITE PLAN

Project	00107
Date	05/01/18
Scale	1" = 20'
Sheet	SP

PLANNED DEVELOPMENT 351 EXHIBIT 2
GALLOWAY VILLAGE
4018 S. LONE PINE AVE.
SPRINGFIELD, GREENE COUNTY, MISSOURI

60 0 30 60 120
(IN FEET)
1 inch = 60 ft.

NOTES:

ALL UTILITIES TO BE PROVIDED BY:
CITY UTILITIES OF SPRINGFIELD
301 E. CENTRAL
SPRINGFIELD, MO 65802
(417)863-9000

TOTAL AREA OF PROPERTY: 10.85 ACRES
MINIMUM OPEN SPACE REQUIRED: 30%
MAXIMUM IMPERVIOUS SURFACE ALLOWED: 70%
PARKING REQUIREMENTS PER ZONING ORDINANCE

TRACT A: GENERAL RETAIL USES

MAXIMUM – 15,000 S.F. RETAIL OF WHICH 7,000 CAN BE RESTAURANTS
MAXIMUM – 13,000 S.F. OFFICE OR
MAXIMUM – 13,000 S.F. RESIDENTIAL
BUILDING HEIGHT: MAXIMUM – 3 STORY
PARKING:

OFFICE	1 SP/350 SF	= 24
RETAIL	1 SP/200 SF	= 30
RESTAURANT	1 SP/80 SF	= 88
RESIDENTIAL	2–4BR 2 SP/UNIT	= 4
TOTAL		= 146
LESS 10% ALLOWED BICYCLE REDUCTION		15
LESS 10% REDUCTION PER PD		15
REQUIRE		116

126 PARKING SPACES PROPOSED

TRACT B: RESIDENTIAL SINGLE FAMILY USES

MAXIMUM – 22 SINGLE FAMILY UNITS OR
BUILDING HEIGHT: MAXIMUM – 2 STORY

RESIDENTIAL 2/UNIT = 44

44 PARKING SPACES PROVIDED BY 2–CAR GARAGE AT EACH RESIDENCE.

LOCATION OF RESIDENTIAL UNITS IS APPROXIMATE AND MAY CHANGE WITH FINAL DESIGN.

TRACT C: RESIDENTIAL MEDIUM DENSITY USES

MAXIMUM – 100 MULTI–FAMILY RESIDENTIAL UNITS (MIXTURE OF 1, 2, AND 3 BEDROOM UNITS)
MAXIMUM – 10,000 S.F. SELF SERVICE STORAGE SPACE
MAXIMUM – 10,000 S.F. OFFICE SPACE (OFFICE SPACE CAN BE SUBSTITUTED FOR THE RESIDENTIAL UNITS BASED ON PARKING REQUIREMENTS).
BUILDING HEIGHT: MAXIMUM – 3 STORY
PARKING:

2–4 BR UNITS	2 SP/UNIT * 56 UNITS+1.5 SP/UNIT * 38 UNITS	= 169
2 FOR SELF–SERVE STORAGE		= 2
TOTAL		171
LESS 10% ALLOWED BICYCLE REDUCTION		17
LESS 10% REDUCTION PER PD		17
REQUIRE		137

137 PARKING SPACES PROPOSED

GENERAL NOTES:

THIS PD EXHIBIT 2 IS INTENDED TO MEET PD GUIDELINES FOR A FINAL DEVELOPMENT PLAN SUBMITTED ADMINISTRATIVELY.

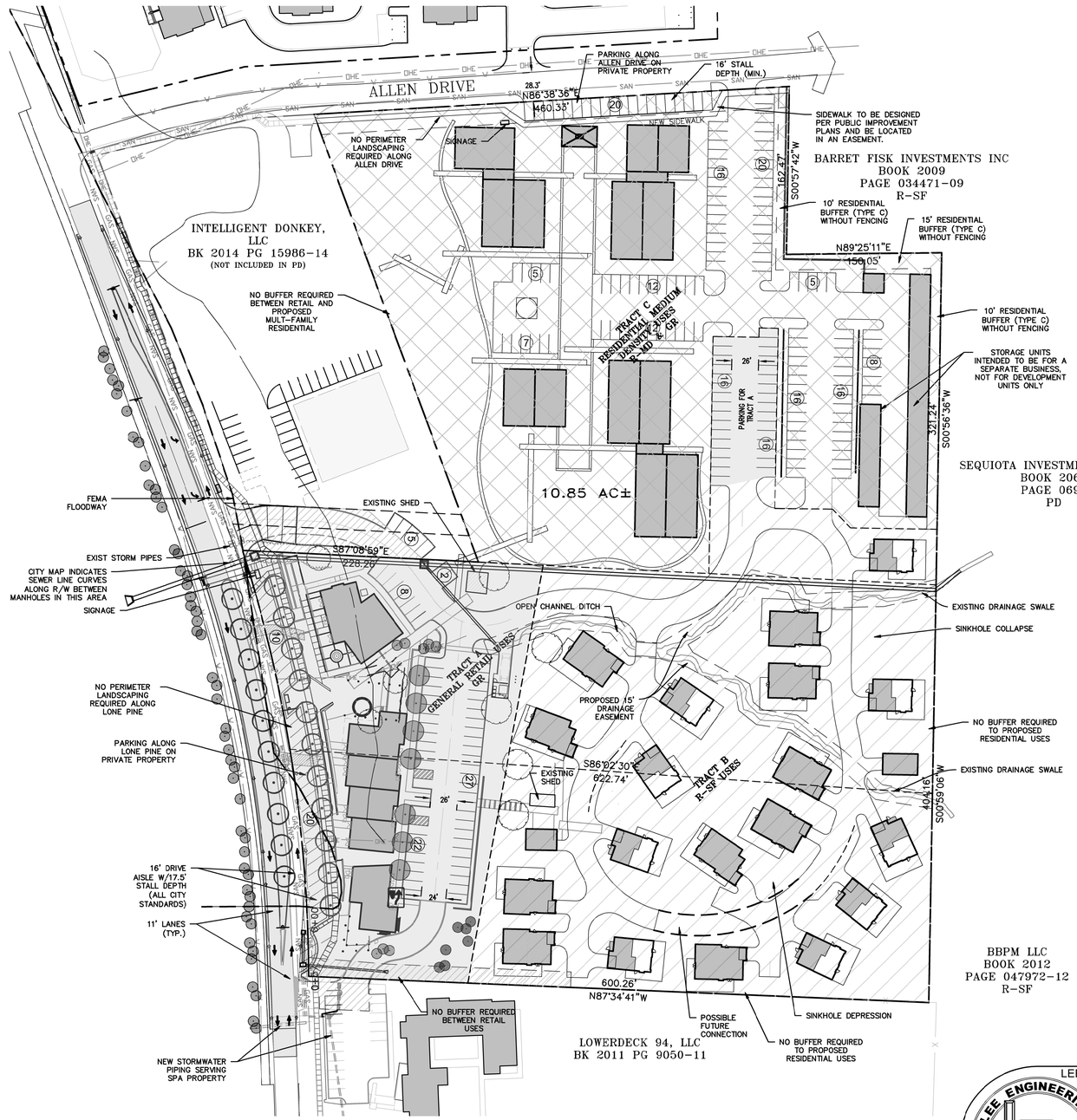
A TEN FOOT BUFFER ZONE IS REQUIRED BETWEEN TRACT C AND THE PROPERTIES OWNED BY BARRET–FISK AND SEQUIOTA. NO OTHER BUFFERS REQUIRED.

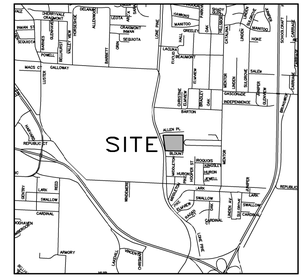
IMPERVIOUS AREA SHALL NOT EXCEED 70% OF DEVELOPMENT.

DETENTION & WATER QUALITY NOTES:

DETENTION WILL BE BOUGHT OUT AT THE TIME OF DEVELOPMENT.

WATER QUALITY WILL BE PROVIDED VIA A LID DESIGN AND TREATMENT OF THE SEQUIOTA INVESTMENTS PROPERTY IMPERVIOUS AREA IN LIEU OF GALLAOWAY VILLAGE IMPERVIOUS AREA.





VICINITY MAP
NOT TO SCALE

LEGEND

- FOUND IRON PIN (3/4" IP UNLESS NOTED)
- SET 5/8" IRON PIN "LSC 2009028050"
- R/W MARKER
- BOUNDARY LINE
- R/W LINE
- EASEMENT LINE
- SETBACK LINE
- (M) MEASURED
- (P) PLAT
- (D) DEED
- (R) RECORD
- LIGHT POLE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SAN — SANITARY SEWER LINE
- UTILITY POLE
- ELECTRIC METER
- OHE — OVERHEAD ELECTRIC
- UGE — UNDERGROUND ELECTRIC
- GUY WIRE
- TELEPHONE/COMMUNICATION MANHOLE
- TELEPHONE PEDESTAL
- CABLE TV RISER
- CATV — CABLE TV LINE
- PHONE — PHONE/COMMUNICATION LINE
- F/O — FIBER OPTIC LINE
- WV — WATER VALVE
- WM — WATER METER
- W — WATER LINE
- FH — FIRE HYDRANT
- GV — GAS VALVE
- GM — GAS METER
- GAS — GAS LINE
- X — FENCE LINE (AS NOTED)
- ROAD SIGN (STOP, SPEED LIMIT, ETC)

ABBREVIATIONS:

XFMR	TRANSFORMER
ICV	IRRIGATION CONTROL VALVE
CI	STORMWATER CURB INLET

MISSOURI ONE CALL SYSTEM, INC.
1-800-344-7483
STOP-CALL BEFORE YOU DIG!

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst, Suite D200
Springfield, MO 65804
417-886-9100 (phone)
417-886-9336 (fax)
Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050
dlee@leeengineering.biz
"Engineering with Integrity"

DWG: 536 – Lone Pine PD Sketch Plan 3.dwg
DATE: 07/08/2016
PROJECT NO.: 536

PD 351 EXHIBIT 2
GALLOWAY VILLAGE

4018 S. LONE PINE AVE.
SPRINGFIELD, GREENE COUNTY, MISSOURI

SURVEY BY	DESIGN LEE	SCALES	SHEET 1
	DRAWN RRS	HOR 1"=60'	OF 1 SHEETS
FIELD BK	CHECKED LEE	VERT N/A	FILE NO.
LEVEL BK			

One-rdg. _____
P. Hrngs. X
Pgs. 81
Filed: 08-02-22

Sponsored by: Schilling

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-198 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.47 acres of property generally located at 1015 South Grant Avenue and 1012, 1020, and 1024 South Douglas Avenue from Grant Avenue Parkway District, Subdistrict E, to Planned Development No. 382; and adopting an updated Official Zoning Map. (Planning and Zoning Commission recommends approval and Staff recommends denial.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 1015 South Grant Avenue and 1012, 1020, and 1024 South Douglas Avenue, and more fully described in "Exhibit A," from Grant Avenue Parkway ("GAP") District, Subdistrict E, to Planned Development No. 382; and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission on July 14, 2022, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit B," and said Commission made its recommendation; and

WHEREAS, the City has reviewed the applicant's request and prepared a staff report concerning the application; and

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

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

Section 1 – The property described in "Exhibit A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from GAP District, Subdistrict E, to Planned Development No. 382. 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 – The property described in “Exhibit A” of this Ordinance shall be subject to the requirements and standards included in “Exhibit C – Exhibit 1,” with said “Exhibit C” being attached hereto and incorporated herein in its entirety by this reference; and these requirements and standards shall govern and control the use and development of the land in Planned Development No. 382.

Section 3 – 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 Springfield Land Development Code, Section 36-306, ‘Official zoning maps and rules of interpretation.’

Section 4 – 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 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022 – 198

FILED: 08-02-22

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 1.47 acres generally located at 1015 South Grant Avenue and 1012, 1020 and 1024 South Douglas Avenue from Grant Avenue Parkway District (GAP) Subdistrict E to Planned Development No. 382. (Planning and Zoning Commission recommends approval and Staff recommends denial).

BACKGROUND INFORMATION:

PLANNED DEVELOPMENT DISTRICT NO. 382

The applicant is proposing to rezone approximately 1.47 acres generally located at 1015 South Grant Avenue and 1012, 1020, and 1024 South Douglas Avenue from GAP Subdistrict E to Planned Development No. 382. The applicant is proposing a coffee shop with indoor seating and drive-thru, food truck parking area with outdoor canopy-covered seating, green space for yard-games and seating, pickle ball courts, outdoor walk-up yard bar, and off-street parking.

The adopted GAP Corridor Plan designates this as Subarea E. Subarea E Mixed-Use: Is intended for Neighborhood-scale commercial, with multi-family located above and behind commercial structures and a development form that will complement the greenway and parkway design, with more walkable, pedestrian-orientated design.

Subarea E (generally surrounding the Grant and Grand and Grant and Catalpa intersections) is made up of two distinct areas of similar desired development and intensity. Both areas are intended to be local-serving, mixed-use neighborhood centers that benefit from traffic along Grand Street and the connection of Fassnight Park at Catalpa Street. The intersection of Grant and Catalpa is a unique location with entrance to Fassnight Park and connection to the Fassnight Creek Greenway trail and offers a unique development opportunity for a mixed-use node to develop.

Compact, mixed-use development should be encouraged at key intersections including College Street, Mt. Vernon Street, Grand Street, and Catalpa Street. A mix of uses at key intersections will contribute to a vibrant Grant Avenue corridor with a steady flow of Parkway commuters, employees, shopping and dining visitors, and local residents. Complementary transportation improvements such as improved or extended side streets, rear access drives, and mid-block crossings should be implemented alongside new development to create compact, easy-to-walk blocks. The intensity of mixed-use

areas should vary depending on their location along the corridor with smaller scale, local-serving centers at Mt. Vernon Street and Grand Street.

REMARKS:

The Planning and Zoning Commission held a public hearing on July 14, 2022, and recommended to approve the proposed Planned Development No. 382, by a vote of 5 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is proposing a drive-thru coffee shop with indoor seating, food truck parking area with outdoor canopy-covered seating, green space for yard-games, pickle ball courts and outdoor walk-up yard bar.

2. The request is inconsistent with the recommendations of the *Grant Avenue Parkway Corridor Plan* and the GAP zoning district. The purpose of the GAP District is to regulate the development of the parcels along Grant Avenue Parkway between College Street and Fassnight Park to ensure consistency with the Plan. The GAP Plan and the GAP District both support a compact mixed use (upper story multifamily neighborhood scale commercial, retail, services and/or office uses) and is intended to provide greater flexibility in use by requiring high-quality design that fosters sense of place to promote reinvestment and redevelopment that leverages the new Parkway as an asset.

3. In November 2019, the City of Springfield received notice of award of a 21-million-dollar federal Better Utilizing Investments to Leverage Development ("BUILD") grant to design and build the Grant Avenue Parkway which linked Downtown and the Wonders of Wildlife/Bass Pro Shops complex along Grant Avenue.

4. On March 16, 2021, City Council, by Resolution No. 10565, adopted the Grant Avenue Parkway Corridor Plan as an element of the Springfield Comprehensive Plan to guide the development decisions in the neighborhoods and public spaces along the Grant Avenue Corridor.

5. The plan recommends compact, mixed-use development should be encouraged at key intersections including College Street, Mt. Vernon Street, Grand Street, and Catalpa Street. A mix of uses at key intersections will contribute to a vibrant Grant Avenue corridor with a steady flow of Parkway commuters, employees, shopping and dining visitors, and local residents.

6. Approximately one year ago, on June 28, 2021, City Council amended the zoning

code to create the Grant Avenue Parkway District which was adopted by General Ordinance No. 6661. This district is now in effect and governs the permitted uses and design standards to implement the vision of the Plan.

7. The subject property is within the GAP Subdistrict E. The Subdistrict E district does not allow drive thru restaurants and package liquor stores. In Subdistrict E, all new development shall utilize a mixed use or multifamily building type. A mixed-use building type is characterized as a multi-story building which accommodates nonresidential uses on the ground floor and residential or nonresidential uses on upper floors. A multifamily building type is a building with multiple dwelling units that are vertically arranged and accessed by shared/common entrances. The plan states that as redevelopment occurs, additional mixed-use neighborhood centers are envisioned at key cross streets including Mt. Vernon and Grand Street. Therefore, the requested rezoning to Planned Development, (PD) with the proposed drive thru, package liquor store and single use is inconsistent with the zoning code and the Grant Avenue Parkway Corridor Plan and the Growth Management and Land Use Plan.

8. The Planned Development District is intended to encourage more creative and imaginative design than generally is possible under conventional zoning. The applicant has not proposed any unique building or site design characteristics as part of their request. Section 36-405 notes that the suitability of a tract for the PD district designation shall be determined by and shall be made in accordance with the comprehensive plan and designed to lessen congestion in the streets and promote health and safety. The proposed uses in the PD are inconsistent with both the Plan and the allowable uses set forth in GAP Subdistrict E zoning district. The proposed use of a drive through is contrary to the purpose of the PD district to lessen vehicular congestion in the streets and is contrary to promoting pedestrian access and safety. The proposed land uses are allowable in the General Retail (GR) District which can be found in multiple areas of the city which are not part of the Grant Avenue Master Plan.

9. The subject property has existing City Utilities and public sewer to serve the property.

10. A traffic study will be required at the time of development. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. All public improvements must be constructed and approved, or funds escrowed prior to issuance of a building permit.

11. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The current zoning will not deny the property owner of any reasonable viable economic use since Grant Avenue Parkway

District currently allows other commercial uses

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 and Comments
Attachment 3, Neighborhood Correspondence and Presentation Materials

PLANNED DEVELOPMENT 382 EXHIBITS:

Exhibit 1, Planned Development Ordinance Text
Exhibit 2, Preliminary Development Site Plan

EXHIBIT A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT 382

A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTEROF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 29 NORTH, RANGE 22 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI, RECORDER'S OFFICE IN BOOK 2015 AT PAGE 010539-15, BOOK 2019 AT PAGE 034940-19 AND BOOK 2019 AT PAGE 009097-19 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF GRANT AVENUE AND GRAND STREET, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF GRANT AVENUE AND ON THE SOUTHERLY RIGHT-OF-WAY OF GRAND STREET; THENCEALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 02°09'42” WEST, 232.12 FEET TO A POINT LYING ON THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2019 AT PAGE 040845-19 OF THE GREENE COUNTY RECORDER'S OFFICE; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY AND ALONG SAID NORTH LINE, NORTH 89°03'02” WEST, 134.33 FEET TO A POINT LYING ON THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2018 AT PAGE 034326-18; THENCE ALONG SAID EAST LINE, NORTH02°02'03” EAST, 94.25 FEET TO A POINT AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2020 AT PAGE 027930-20; THENCE ALONG THE NORTH LINE OF SAID TRACT NORTH 88°52'33” WEST, 186.57 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF DOUGLAS AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY, NORTH 01°40'38” EAST, 136.18 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF GRAND STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES, SOUTH 88°54'24” EAST, 22.00 FEET; THENCE SOUTH 01°05'36” WEST, 15.00 FEET; THENCE SOUTH 88°54'24” EAST, 50.00 FEET; THENCE NORTH 01°05'36” EAST, 15.00 FEET; THENCE SOUTH 88°54'24” EAST, 115.42 FEET; THENCE SOUTH 89°42'56” EAST, 134.88 FEET TO THE POINT OF BEGINNING CONTAINING 55,850 SQUARE FEET OR 1.28 ACRES, MORE OR LESS. ALL LYING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – July 14, 2022

Planned Development 382
1015 South Grant Avenue and 1012, 1020, & 1024 South Douglas Avenue
Applicant: GDL Enterprise, LLC

Mr. Hosmer states that this is a request to rezone approximately 1.47 acres generally located at 1015 S. Grant Avenue and 1012, 1020, and 1024 S. Douglas Avenue from Grant Avenue Parkway District Subdistrict E to Planned Development No. 382. In 2019, the City of Springfield received a 21-million-dollar U.S. Department of Transportation; Better Utilizing Investments to Leverage Development ("BUILD") grant to design and build the Grant Avenue Parkway linking Downtown to the Wonders of Wildlife/Bass Pro Shops along Grant Avenue. The city is required to provide a 20% local match, roughly $5 million. In August of 2020 Housel Lavigne, a professional planning consulting firm, developed a plan for the area. On March 16, 2021, City Council, adopted the Grant Avenue Parkway Corridor Plan as an element of the Springfield Comprehensive Plan to guide the development decisions in the neighborhoods and public spaces along the Grant Avenue Corridor. The adopted GAP Corridor Plan designates this area as Subarea E. Subarea E Mixed-Use: Neighborhood-scale commercial, with multi-family above and behind. A development form that will complement the greenway and parkway design, with more walkable, pedestrian-orientated design. The plan recommends compact, mixed-use development encouraged at key intersections including Grand Street. A mix of uses at key intersections will contribute to a vibrant Grant Avenue corridor with a steady flow of Parkway commuters, employees, shopping and dining visitors, and local residents. Complementary transportation improvements such as improved or extended side streets, rear access drives, and mid-block crossings should be implemented alongside new development to create compact, easy-to walk blocks. The intensity of mixed-use areas should vary depending on their location along the corridor with smaller scale, local-serving centers at Grand Street. The Grant Avenue Parkway Placemaking Master Plan was developed by our consultants using the plan as their framework, highlights Opportunity Nodes along Grant Avenue and Grand Street. It mentions that the intersection of Grant Avenue and Grand Street has the second highest volume of vehicular traffic (after Sunshine Street) within the study area. On June 28, 2021, City Council approved the Grant Avenue Parkway District zoning code. The purpose of the code is to regulate the development of parcels along Grant Avenue Parkway between College Street and Fassnight Park. The GAP district is intended to provide greater flexibility in use by requiring high-quality design that fosters sense of place to promote reinvestment and redevelopment that leverages the new parkway as an asset. The property is currently zoned GAP Subdistrict E. Subdistrict E recommends multifamily, mixed uses, and nonresidential uses. The code requires that building siting be located at the corner of two streets, shall be sited to connect or anchor the corner with prominent architectural features and site treatments. The district definition of mix use is: "A mixed-use building type is a multi-story building which accommodates

nonresidential uses on the ground floor and residential or nonresidential uses on upper floors." Section 36-490. The applicant is proposing a drive-thru coffee shop, and outdoor walk-up yard bar. The district does not allow drive-thru, or package liquor uses. The proposed project is a single story, single use and does not conform to Subdistrict E requirements. Planned Developments are intended to encourage more creative and imaginative design than generally are possible under conventional zoning. The proposed coffee drive-thru is allowed in General Retail, Highway Commercial, Center City, and other Zoning Districts. The Transportation Plan classifies Grand as a Primary and Grant as a Secondary roadways. A Traffic Impact Study is required at time of development. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention will be required. Grant Avenue Parkway Corridor Plan was adopted as an element of the Springfield Comprehensive Plan. The request is inconsistent with the recommendations of the Grant Avenue Parkway Corridor Plan. The request is inconsistent with the requirements of the Grant Avenue Parkway District (GAP). The proposal is inconsistent with the intent of the Planned Development code. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The GAP-E Subdistrict allows for other commercial and residential uses (mixed uses). Staff recommends denial.

Mr. Colony asked about the timing and is excited about the Grant Avenue Project (GAP) and if the developer purposed their plans before the GAP. Mr. Hosmer noted that staff has been working with the developers and noted that the district requires a mixture of uses.

Mr. Colony asked about the drive-thru and the liquor business and lack of mixture of uses.

Mr. Doennig opened the public hearing.

Mr. Andrew Doolittle, 3131 E. Wilshire Drive representing the developer and noted that the Fassnight and Westside neighborhoods are in support and showed a presentation of the company (Loose Goose) and amenities that will be available.

Mr. Colony asked about the name/brand and if they were aware of the concept that apparently is not in line with the GAP-E.

Mr. Doolittle stated that they bought the property two years ago and said that they were exploring the development at the same time as the GAP was incorporated and does not consider it as a drive-thru and believes pickleball is a good incentive.

Mr. Brandon Biskup, 800 E. Portland Street presented a slide and handout and noted that they support the GAP and wants this to be looked at as simple rezoning and gave examples of how this will launch the revitalization of the corridor.

Mr. Colony asked food trucks and Mr. Biskup stated they will be in the service area and asked if this still does not meet the mixed uses and would like to find a way to support

this project.

Mr. Hosmer stated anything above the Loose Goose (multi-story/office). Various discussion on plan presented and what is permissible in order to get in compliance with the GAP-E.

Mr. Biskup stated that they have worked with the City regarding the restrictions on the GAP-E and was not aware of the problems and went over their plans and their concerns.

Mr. Colony noted that he likes what is being presented and wants to find a way that it will work for everyone.

Mr. Pauly asked about the drive thru for the coffee shop. Mr. Biskop noted that they tried to hide it behind the building.

Ms. Broekhoven asked about the right-of-way and setback from Grand Street. Mr. Biskop noted that the setback was negotiated through the plan development process. How is the developer to engage the corner due to the right-of-way and setbacks? Mr. Hosmer went over different options and Mr. Biskop noted that the corner becomes the feature of the mixed use.

Mr. Colony asked what is the “cabana structure,” Mr. Biskop noted that it is a shade pergola.

Ms. Jill Burris stated that the handout (rules of procedure 4.5) from Mr. Biskup was not given in the minimum amount of prior time (10 days in advance) of the hearing and will need a majority vote (good faith that they were not reasonably possible to submit) from the Commission Members.

Mr. Jobe noted that this has happened in the past and not sure why it is required now. Ms. Burris stated that this is the first time it has happened since she was assigned to the Commission.

COMMISSION ACTION:
Mr. Colony motioned to **affirm** that the handout was not received within the minimum time and is reasonable to accept it as evidence. Mr. Jobe seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Mr. Jared Davis, 3213 S. West Bypass noting that it is not feasible to shove the building into the corner and would not be able to get this site to meet the GAP (E) plan and have had many text amendments adjusted and this is one that has not been able to negotiate and also went over several different scenarios.

Ms. Broekhoven asked about “parking heavy” and if the city talked with the developers

about any parking support. Mr. Davis said that they have not discussed parking support.

Ms. Debbie Hart, 1520 E. Meadowmere, thinks that this is an asset to the area and thinks that the city would be very short sided to disallow this development.

Mr. Philip Herzod, 416 W. Minota, went over another presentation and gave his vision for the project and noted that they have received letters of support and hope that this is approved and mentions the logo and stated that it is “booming with heart.”

Mr. Doennig closed the public hearing.

Mr. Jobe wants to remind us that the city is not building this parkway but the people in this room are building the parkway. It provides flexibility, spur development, and connect two major components of tourism and people need a reason to visit and will not change until we get people to invest in this project and will supporting it.

Mr. Doennig compared the proposed project at Jefferson/Sunshine and feels that it is ironic that it is recommended for denial and this one serves the neighborhood versus the other project and again noting that a multistory building will not fit

Ms. Broekhoven will support the development and is a high-profile development where neighborhoods abutting commerce, and this is an integral way to place community next to business and these owners know how to have a successful business and I will be in support.

Mr. Colony seconds everyone comments and will also be supporting this development.

Mr. Pauly also noted that he supports this project and believes that the developers have worked hard with the neighborhood.

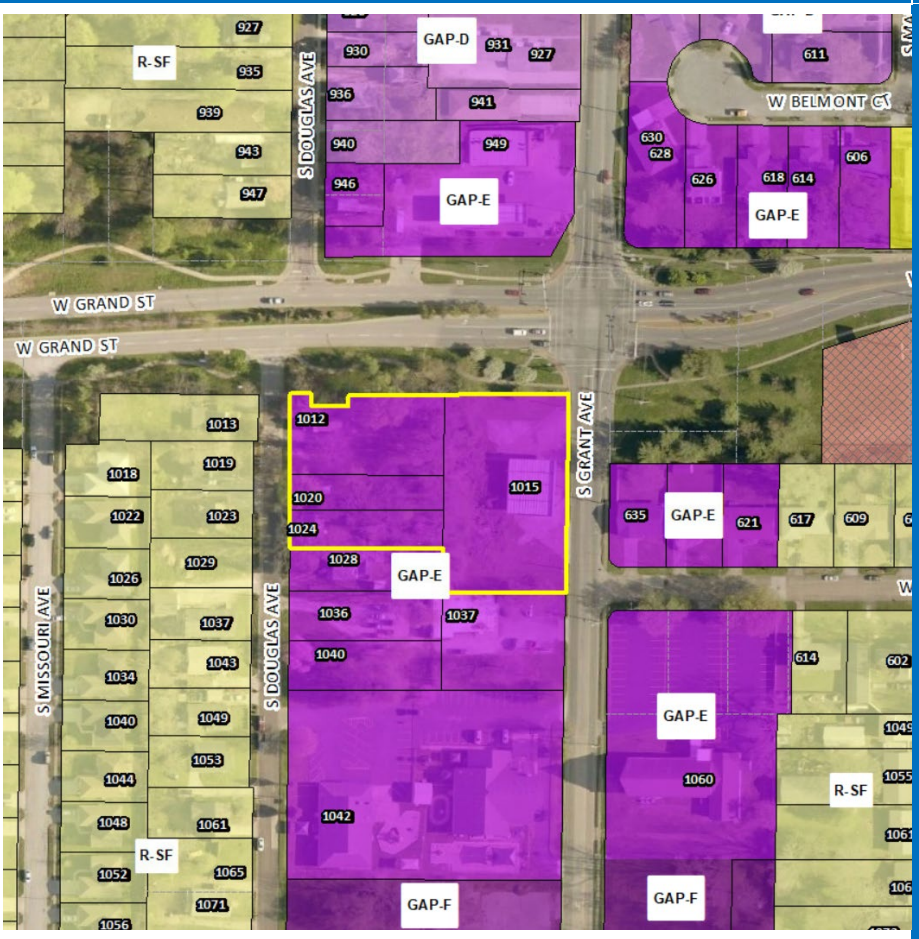
COMMISSION ACTION:
Mr. Colony motioned to **approve** Planned Development 382 (1015 South Grant Avenue and 1012, 1020, & 1024 South Douglas Avenue). Ms. Broekhoven seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Bob Hosmer, AICP
Planning Manager

Exhibit C

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	JULY 14, 2022
CITY COUNCIL PUBLIC HEARING:	AUGUST 8, 2022



CASE NUMBER:
Planned Development No. 382

LOCATION:
1015 S. Grant Avenue and 1012, 1020, and 1024 S. Douglas Avenue

ACRES:
1.47 acres

EXISTING LAND USE:
Vacant/undeveloped lots and commercial canopy

APPLICANT:
GDL Enterprises, LLC

STAFF: Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:
Deny

PROPOSED MOTION:
Move to recommend approval as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 1.47 acres generally located at 1015 S. Grant Avenue and 1012, 1020, and 1024 S. Douglas Avenue from Grant Avenue Parkway District Subdistrict E to Planned Development No. 382.

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is proposing a drive-thru coffee shop with indoor seating, food truck parking area with outdoor canopy-covered seating, green space for yard-games, pickle ball courts and outdoor walk-up yard bar.

2. The request is inconsistent with the recommendations of the *Grant Avenue Parkway Corridor Plan* and the Grant Avenue Parkway District (GAP). The purpose of the GAP District is to regulate the development of the parcels along Grant Avenue Parkway between College Street and Fassnight Park to ensure consistency with the Plan. The GAP Plan and the GAP District both support a compact mixed use (upper story multifamily neighborhood scale commercial, retail, services and/or office uses and is intended to provide greater flexibility in use by requiring high-quality design that fosters sense of place to promote reinvestment and redevelopment that leverages the new Parkway as an asset.

3. In November 2019, the City of Springfield received notice of award of a 21-million-dollar federal Better Utilizing Investments to Leverage Development ("BUILD") grant to design and build the Grant Avenue Parkway which linked Downtown and the Wonders of Wildlife/Bass Pro Shops complex along Grant Avenue.

4. On March 16, 2021, City Council, by Resolution No. 10565, adopted the Grant Avenue Parkway Corridor Plan as an element of the Springfield Comprehensive Plan to guide the development decisions in the neighborhoods and public spaces along the Grant Avenue Corridor.

5. The plan recommends compact, mixed-use development should be encouraged at key intersections including College Street, Mt. Vernon Street, Grand Street, and Catalpa Street. A mix of uses at key intersections will contribute to a vibrant Grant Avenue corridor with a steady flow of Parkway commuters, employees, shopping and dining visitors, and local residents.

6. Approximately one year ago, on June 28, 2021, City Council amended the zoning code to create the Grant Avenue Parkway District which was adopted by General Ordinance No. 6661. This district is now in effect and governs the permitted uses and design standards to implement the vision of the Plan.

7. The subject property is within the Grant Avenue Parkway (GAP) Subdistrict E. The Subdistrict E district does not allow drive thru restaurants and package liquor stores. In Subdistrict E, all new development shall utilize a mixed use or multifamily building type. A mixed-use building type is characterized as a mixed-use building type that is a multi-story building which accommodates nonresidential uses on the ground floor and residential or nonresidential uses on upper floors. A multifamily building type is a building with multiple dwelling units that are vertically arranged and accessed by shared/common entrances. The plan states that as redevelopment occurs, additional mixed-use neighborhood centers are envisioned at key cross streets including Mt. Vernon and Grand Street. Therefore, the requested rezoning to Planned Development, (PD) with the proposed drive thru, package liquor store and single use is inconsistent with the zoning code the Grant Avenue Parkway Corridor Plan and the Growth Management and Land Use Plan.

8. The Planned Development District is intended to encourage more creative and imaginative design than generally is possible under conventional zoning. The applicant has not proposed any unique building or site design characteristics as part of their request. Section 36-405 notes that the suitability of a tract for the PD district designation shall be determined by and shall be made in accordance with the comprehensive plan and designed to lessen congestion in the streets and promote health and safety. The proposed uses in the PD are inconsistent with both the Plan and the allowable uses set forth in GAP Subdistrict E zoning district. The proposed use of a drive through is contrary to the purpose of the PD district to lessen vehicular congestion in the streets and is contrary to promoting pedestrian access and safety. The proposed land uses are allowable in the General Retail (GR) District which can be found in multiple areas of the city which are not part of the Grant Avenue Master Plan.

9. The subject property has existing City Utilities and public sewer to serve the property.

10. A traffic study will be required at the time of development. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. All public improvements must be constructed and approved, or funds escrowed prior to issuance of a building permit.

11. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

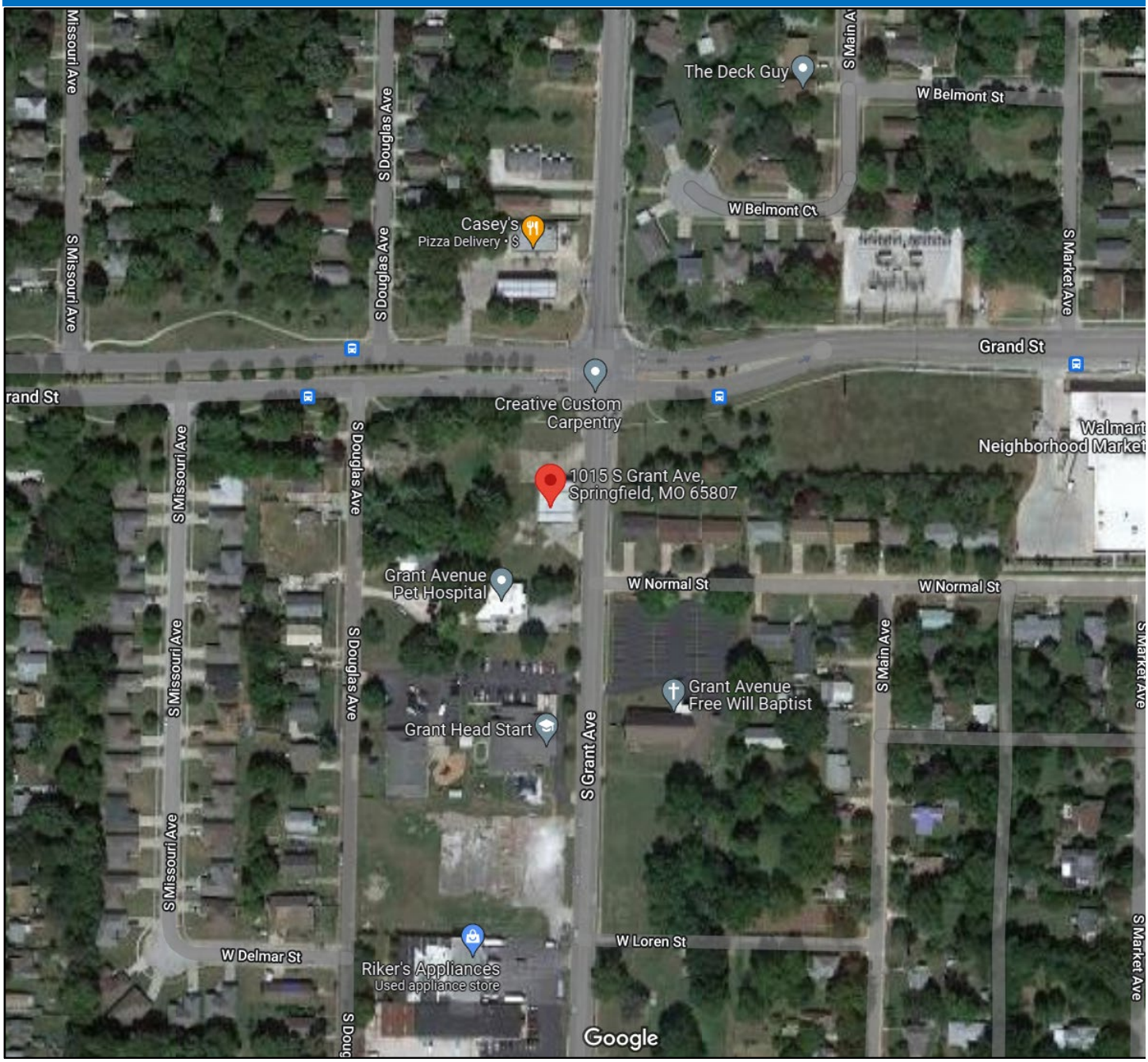
12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The current zoning will not deny the property owner of any reasonable viable economic use since Grant Avenue Parkway District currently allows other commercial uses.

SURROUNDING ZONING AND LAND USES:

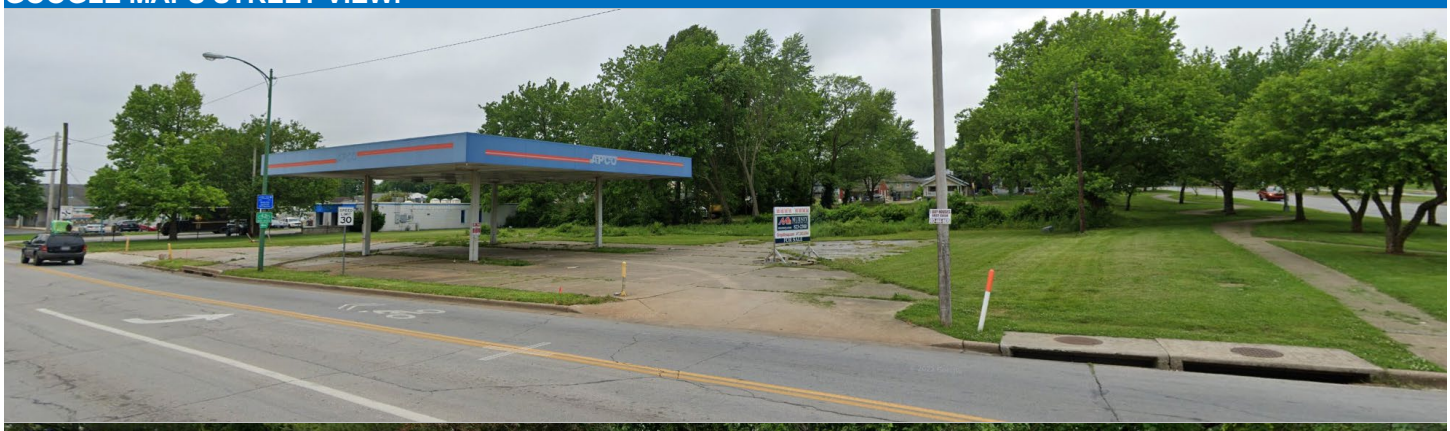
	NORTH	SOUTH	EAST	WEST
ZONING	GAP Subdistrict E	GAP Subdistrict E	GAP Subdistrict E	R-SF

LAND USE	Convenience store with fuel pumps	Veterinarian and single-family residential uses	Single-family residential uses	Single-family residential uses

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



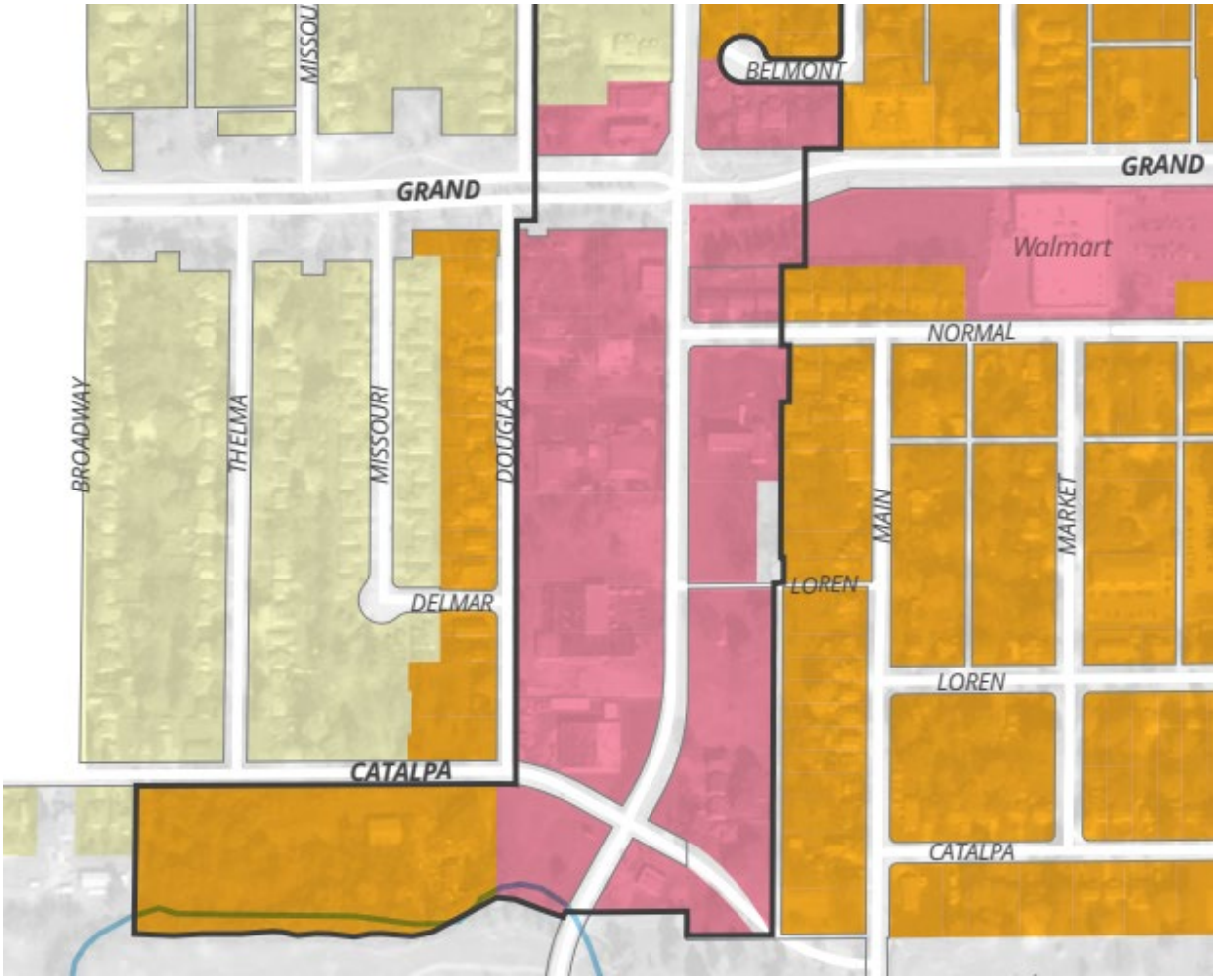
GOOGLE MAPS STREET VIEW:



Development Review Staff Report

CITY OF Springfield

GROWTH MANAGEMENT AND LAND USE PLAN:



PROPOSED PLACETYPES

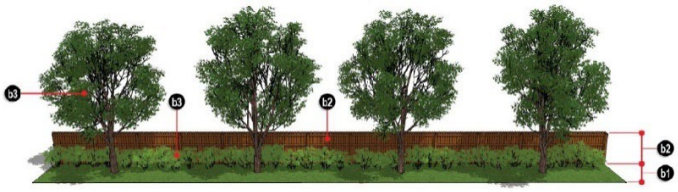
- Grant Avenue Corridor
- Established Neighborhood
- Mixed Residential
- Mixed-Use
- Downtown

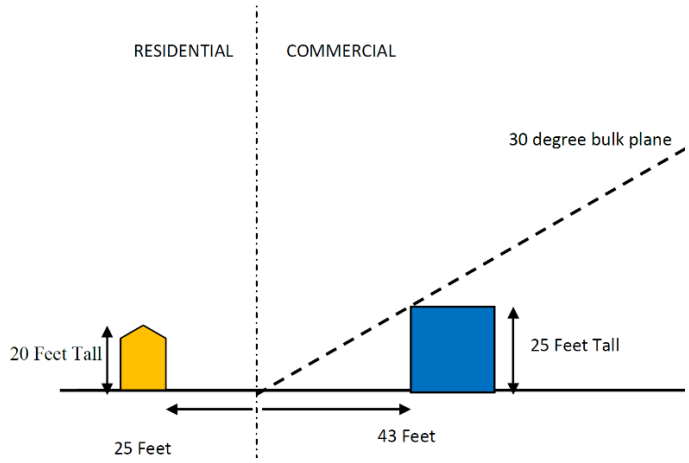
Development Review Staff Report

PROPERTY HISTORY:

Since the citywide rezoning in 1995, the property was zoned GR, General Retail District until 2021. The subject properties were rezoned to the Grant Avenue Parkway District Subarea E on June 28, 2021.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR PD 382
Use Limitations	1. All uses shall operate in accordance with the noise standards contained in *Section 36-485* of the *Springfield Zoning Ordinance*. 2. No use shall emit an odor that creates a nuisance as determined by *Chapter 2A, Article X, Springfield City Code*.
Intensity of Development	Development will consist of the following: 1. Maximum 4000 SF for food truck parking and outdoor seating 2. Maximum 1500 SF indoor restaurant area 3. Maximum 6500 SF outdoor recreation area 4. Maximum 10,000 SF pickle ball courts 5. Maximum 400 SF outdoor bar area
Maximum Structure Height	The maximum height of any buildings is one story or 35 feet. The existing canopy is allowed to remain as is.
Building Setbacks	a. No setback along the north boundary. b. Six (6) feet for building and parking along the east boundary. c. Twenty (20) feet for building and parking along the west boundary. d. Nine (9) feet for building and parking along the southern west boundary. e. Ten (10) feet for building and parking along the south boundary.
Open Space Requirement	Minimum 20% required
Design Requirements	None
BULK PLANE	**LANDSCAPING**
All structures shall remain below a thirty (30) degree bulk plane as measured from the boundary of any adjacent residential district. To the south, the bulk plane measurement starts from the property line of the residential lot on the south-west corner of the subject parcel.	2. The landscape and buffer area provisions of *Section 36-492* of the *Springfield Zoning Ordinance* in effect at the time of development shall apply. 3. The Screening provisions of *Section 36-493* of the *Springfield Zoning Ordinance* in effect at the time of development shall apply. 



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The request is inconsistent with the recommendations of the *Grant Avenue Parkway Corridor Plan* which is the most recent addition to the *Comprehensive Plan*.

The City of Springfield developed the Grant Avenue Parkway Corridor Plan to align with future land use and development policies defined in the Forward SGF Comprehensive Plan.

The plan recommends a mix of uses at key intersections. Compact, mixed-use development should be encouraged at key intersections including, Grand Street, and Catalpa Street. A mix of uses at key intersections will contribute to a vibrant Grant Avenue corridor with a steady flow of Parkway commuters, employees, shopping and dining visitors, and local residents. Complementary transportation improvements such as improved or extended side streets, rear access drives, and mid-block crossings should be implemented alongside new development to create compact, easy-to-walk blocks. The intensity of mixed-use areas should vary depending on their location along the corridor with smaller scale, local-serving centers at Mt. Vernon Street and Grand Street.

The Grant Avenue Parkway Placemaking Master Plan was developed by consultants using the plan as their framework, highlights Opportunity Nodes along Grant Avenue. One of those nodes is Grand Street. It mentions that the intersection of Grant Avenue and Grand Street has the second highest volume of vehicular traffic (after Sunshine Street) within the study area. With a very wide, suburban-scale right-of way, this node marks the intersection of two very different streets. Grand is a divided street lined primarily by commercial sites and double frontage residential lots. While it is bounded by a generous greenway with meandering paths it lacks character and sense of place. The street currently operates as a gap in the urban fabric over which Grant Avenue Parkway must traverse. Land uses adjacent to this node are a further barrier to its development. While the northwest corner is home to a busy gas station and convenience store, its other three quadrants are currently inactive with a vacant commercial site in the southeast and its eastern quadrants occupied by the backs of double frontage residential lots. The southeast corner presents further challenges by the presence of a narrow strip of land that is owned by the City. This lack of true street frontage makes for a gap in the urban rhythm and warrants redevelopment to create place.

The placemaking recommendations for this node focus on introducing activity to two of the corners at the intersection. The vacant commercial property occupying the southwest corner presents a prime opportunity to introduce a mixed-use development into the node. By combining two of the sites, there is an opportunity to create more of an urban edge with a small commercial/residential building on site. Positioning the building to the north of the site and the parking away from the corner would bring more presence to the intersection. The parking would be screened from the street through landscaping or fencing. Amenities for the residential units would be situated behind the building while the commercial use

would occupy the façade facing the parking and orient towards the street. Residential uses along the remaining frontage would provide further street activation by engaging both Grant Avenue and Grand Street with stoops, patios and balconies.

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.

Protection: Springfield and Greene County should work to protect 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. Landscaped transitions should be used between sharply differing types of land use. Excessive amounts of traffic, particularly commercial traffic, should not be allowed to pass through residential areas.

Established Neighborhood Commercial areas: “Neighborhood scale” shopping has a wide appeal but requires specific market criteria in order to remain viable. As retailing and transportation have evolved, small shopping areas oriented to the pedestrian have given way to much larger complexes with ample front-door parking and major roadway access. Springfield has followed this national trend. “Bigbox” retailing requires very large sites and big store footprints, two features that do not fit well in older neighborhoods. The objective is to enhance unique characteristics of the city’s designated traditional commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, appropriate site plans, and by maintaining high quality public spaces and infrastructure. It also encourages the enhancement of pedestrian or transit-oriented commercial districts with street furniture, tree planting and improved transit amenities. Design standards support the orientation of new buildings to the street to foster safe and successful commercial districts. Acceptable locations include limiting auto-oriented commercial districts to major arterial streets where 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 Major Thoroughfare Plan classifies Grand Street as a primary arterial and Grant Avenue as a secondary arterial roadway. This intersection is considered a major intersection. Douglas Avenue is classified as a local roadway.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 1.47 acres generally located at 1015 S. Grant Avenue and 1012, 1020, and 1024 S. Douglas Avenue from Grant Avenue Parkway District Subdistrict E to Planned Development No. 382. The applicant is proposing a coffee shop with indoor seating and drive-thru, food truck parking area with outdoor canopy-covered seating, green space for yard-games and seating, pickle ball courts, outdoor walk-up yard bar, and off-street parking.

2. In November 2019, the City of Springfield received notice of award of a 21-million dollar federal Better Utilizing Investments to Leverage Development (“BUILD”) grant to develop a link between Downtown and the Wonders of Wildlife/Bass Pro Shops complex using Grant Avenue. Once complete, the project will include dedicated bike and pedestrian trails, Complete Street improvements to Grant Avenue and increased activated greenspace through Springfield’s urban core.

3. On March 16, 2021, City Council, by Resolution No. 10565, adopted the Grant Avenue Parkway Corridor Plan as an element of the Springfield Comprehensive Plan to guide the development decisions in the neighborhoods and public spaces along the Grant Avenue Corridor.

4. The Grant Avenue Parkway Corridor Plan serves as a guide to establish local policy decisions pertaining to land use, development form and intensities, access and connections and transitions into the surrounding neighborhoods along the Grant Avenue Parkway. One of the action steps to achieving the vision for the corridor is to prepare zoning regulations that are unique to meet the desired flexibility in future development opportunities along the Parkway. In concert with the design of the parkway, a land use and development framework plan was developed by the consultants for Forward SGF, the City's Comprehensive Plan.

5. The Grant Avenue Parkway Corridor Plan addresses the section of the Grant Avenue Parkway route between College Street and Fassnight Park. The Plan focuses on those areas adjacent to the Parkway that are generally within 500 feet east and west of the Grant Avenue centerline, as well as Grand Street.

6. The ultimate goal of the GAP Corridor Plan is to promote reinvestment and redevelopment that leverages the new Parkway as an asset. The Plan will inform updated regulations that will ask more of the development community in delivering high-quality design that fosters sense of place. In exchange, those same regulations will also provide greater flexibility regarding what residents and business owners can do with their property, including a broader range of permitted uses and permitted height and density, and provide for greater creativity in design.

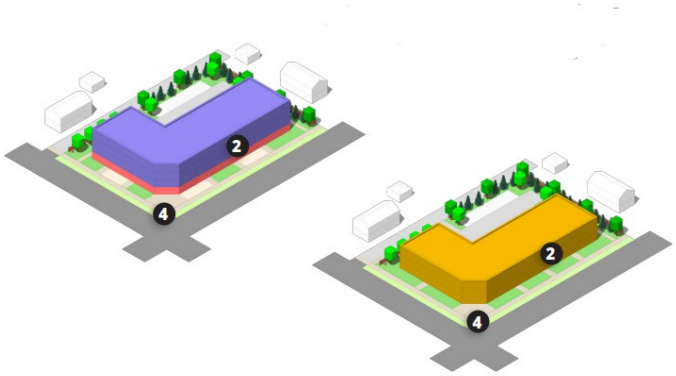
7. The Corridor Plan builds on the concept of "placetypes" defined in the Forward SGF draft plan. Each placetype illustrates a logical and common-sense approach to planning that differs from zoning. Rather than focus on the use of a specific parcel of land, the placetype approach looks at the collective mix of uses that function together to create Springfield's unique neighborhoods and districts (places). These placetypes define the characteristics, scale, form, function and overall use in a given geographic area.

8. The Grant Avenue Parkway Corridor Plan serves as a guide to establish local policy decisions pertaining to land use, development form and intensities, access and connections, and transitions into the surrounding neighborhoods along the Grant Avenue Parkway.

9. The Plan breaks the corridor down into six different subareas, Areas A through F. Each subarea plan is intended to capitalize on the unique character of the area and accommodate existing development while encouraging additional opportunities for redevelopment and reinvestment of the properties within the subarea. The goal of the subarea approach is to encourage development that enhances local sense of place while complementing the broader Grant Avenue Parkway corridor, adjacent neighborhoods, and downtown. The Corridor Plan also provides guidance on transportation access, connections, and safety for all modes of travel between the Grant Avenue corridor and surrounding areas. The framework aligns with the Grant Avenue Parkway preferred design concept being used in the design-build process.

10. The adopted GAP Corridor Plan designates this a Subarea E. Subarea E Mixed-Use: Neighborhood-scale commercial, with multi-family above and behind. Development form that will complement the greenway and parkway design, with more walkable, pedestrian-orientated design

11. Subarea E (generally surrounding the Grant and Grand and Grant and Catalpa intersections) is made up of two distinct areas of similar desired development and intensity. Both areas are intended to be local-serving, mixed-use neighborhood centers that benefit from traffic along Grand Street and the connection of Fassnight Park at Catalpa Street. There is already some momentum of non-residential development at Grant and Grand with the Walmart Neighborhood Market located just east of the intersection, Casey's at the northwest corner of the intersection, and other non-residential properties at or near the intersection. The intersection of Grant and Catalpa is a unique location with entrance to Fassnight Park and connection to the Fassnight Creek Greenway trail and offers a unique development opportunity for a mixed-use node to develop.



	Subarea					
Block Typology	A	B	C	D	E	F
Single-Family Attached		●		●		
Multifamily		●	●	●	●	●
Mixed-Use	●	●	●		●	

BULK

Area: ~620,500 ft2 / ~21.4 ac

Maximum height: 3/4 stories

Front setback: 10-20 ft

USE

Mixed-use (upper-story multifamily, neighborhood-scale commercial, retail, and services, and/or office)

BLOCK TYPOLOGY

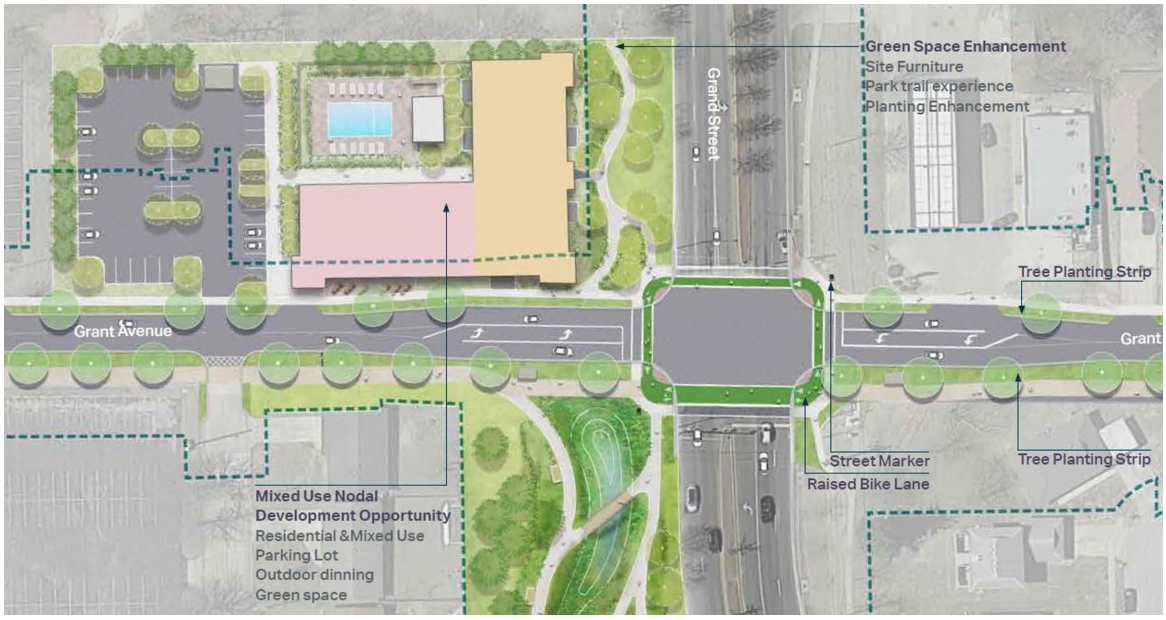
1. **Parking Lot** – Parking should be located behind the building and accessed through the alley.
2. **Streetwall** – Buildings should be sited to create a continuous streetwall along Grant Avenue.
3. **Screening** – Parking lots should be well screened from adjacent residential uses.
4. **Siting** – New development should hold the corner with a prominent, well-designed structure.
5. **Pedestrian Access** – Parking lots should be connected to Grant Avenue to increase pedestrian access to the corridor.
6. **Buffering** – Walls or fencing and landscaping should be used to create clear separation between residential and nonresidential uses.
7. **Orientation** – Buildings should be oriented toward Grant Avenue.

12. Compact, mixed-use development should be encouraged at key intersections including College Street, Mt. Vernon Street, Grand Street, and Catalpa Street. A mix of uses at key intersections will contribute to a vibrant Grant Avenue corridor with a steady flow of Parkway commuters, employees, shopping and dining visitors, and local residents. Complementary transportation improvements such as improved or extended side streets, rear access drives, and mid-block crossings should be implemented alongside new development to create compact, easy-to-walk blocks. The intensity of mixed-use areas should vary depending on their location along the corridor with smaller scale, local-serving centers at Mt. Vernon Street and Grand Street.

DESIGN CONSIDERATIONS

1. **Façade Design –** Building facades should reinforce the high-quality character of the Subarea and residential neighborhoods.
2. **Landscaping –** Landscaping should protect the desired privacy of a home while not obstructing outward views.
3. **Windows –** The installation of different styles of windows and doors on the same facade are discouraged.
4. **Entrances –** Multiple entrances and numerous large windows (when fronting common areas or commercial space) should be encouraged to activate the Parkway.
5. **Materials–** Buildings adjacent to a residential use should use similar materials to ensure design compatibility.
6. **Lighting –** Lighting should provide adequate light for public safety and only use downward directional illumination.

13. The GAP Placemaking Master Plan which was developed during a 6-month period after the adoption of the plan, envisions this property as an opportunity for a mixed-use development in the node. By combining two of the sites, there is an opportunity to create more of an urban edge with a small commercial/residential building on site. Positioning the building to the north of the site and the parking away from the corner would bring more presence to the intersection. The parking would be screened from the street through landscaping or fencing. Amenities for the residential units would be situated behind the building while the commercial use would occupy the façade facing the parking and orient towards the street. Residential uses along the remaining frontage would provide further street activation by engaging both Grant Avenue and Grand Street with stoops, patios and balconies (Attachment 5).



14. One of the recommendations in the Grant Avenue Parkway Corridor Plan is to establish a new zoning district as the primary implementation mechanism to promote the development concepts and strategies outlined in the Grant Avenue Parkway Corridor Plan and to initiate rezoning of the corresponding properties.

15. On June 28, 2021, City Council amended the zoning code to create the Grant Avenue Parkway District which was adopted by General Ordinance No. 6661.

16. The GAP District is comprised of unique areas with varying patterns of development, architectural styles, and visions as established in the City of Springfield Grant Avenue Parkway Corridor Plan. In order to better regulate these areas, the GAP District is further divided into six (6) subdistricts as detailed below. The purpose of the subdistricts is to capitalize on the unique character of each portion of the GAP District and accommodate existing development while encouraging additional opportunities for redevelopment and reinvestment.

17. Subdistrict E recommends Multifamily, mixed use, and nonresidential uses. The code requires that building siting be located at the corner of two streets shall be sited to connect or anchor the corner with prominent architectural features and site treatments.

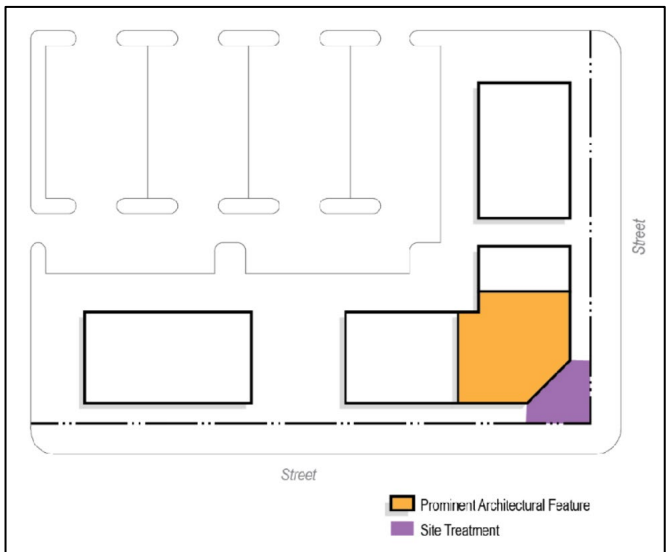


Figure 13: building Siting

18. Buffer area landscape shall be required along interior property lines of all non-single-family development when adjacent to single-family uses. It is not expected that the buffer area will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics. Buffer areas shall have a minimum width of seven feet. Required yard setbacks may be utilized for buffer area landscape. The exterior line of the buffer area shall be improved with a fence six feet in height and made of pressure treated wood or wood composites. The buffer area shall, at a minimum, be improved with the following landscape elements: Four canopy and/or evergreen trees shall be planted per every 100 lineal feet of buffer area. Ten shrubs/native grasses shall be planted per every 100 lineal feet of buffer area.

19. A Traffic Impact Study is required at the time of development. Any improvements required based on the Traffic Study are required to be constructed or funds escrowed prior to issuance of a building permit. There is not existing sidewalk along the property frontage of S. Grant Avenue or S. Douglas Avenue. The developer is required to construct sidewalk at the time of development along the property frontage of S. Grant Avenue and S. Douglas Avenue.

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

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on June 13, 2022. A summary of the meeting and sign-in sheet is attached (Attachment 2).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 14 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS
PLANNED DEVELOPMENT 382

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with rezoning. Suggested change to PD language; add 'subject to appropriate clearance and access requirements' to the section about the screening of utility infrastructure in the required improvements section. 3 Phase Electric, Gas & Water is available to the proposed development. Existing Electric facilities along Grant Ave will be placed underground as part of the GAP improvements.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues. Public sewer is available in Grant and Douglas.

FIRE DEPARTMENT:

No issues. Project shall comply with 2018 IFC.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies S. Grant Avenue as a Secondary Arterial roadway, W. Grand Street as a Primary Arterial roadway and S. Douglas Avenue as a Local roadway. The standard right-of-way width for S. Grant Avenue is 35-feet from the centerline, 50-feet from the centerline for W. Grand Street and 25-feet from the centerline for S. Douglas Avenue. It appears an additional 10-feet of right of way is needed along S. Grant Avenue and an additional 5-feet is needed from S. Douglas Avenue. It appears no additional right-of-way is needed along W. Grand Street. A 100X100 ft sight triangle is required at the intersection of S. Grant Avenue and W. Grand Street. A 10X10 ft sight triangle is required at the intersection of S. Douglas Avenue and W. Grand Street. S. Grant Avenue, W. Grand Street and S. Douglas Avenue are all city-maintained roadways.

TRAFFIC COUNTS & ON-STREET PARKING
The most recent traffic count for S. Grant Avenue is 6,299 vehicles per day and for W. Grand Street is 18,974 vehicles per day. There are no traffic counts for S. Douglas Avenue. On-street parking is not allowed along S. Grant Avenue or W. Grand Street. On-street parking is allowed along S. Douglas Avenue.

DRIVEWAY ACCESS
There are currently two driveway access points onto the property from S. Grant Avenue. These two access points will be closed. The only access that will be allowed to S. Grant Avenue is a southernmost access located across from Normal Street. This access will provide a cross access easement so the approach can be shared with the property to the south. There are no existing access points onto the property from W. Grand Street and no access will be allowed. There are currently three existing access points to the property from S. Douglas Avenue. Access to this property will only be allowed from S. Douglas Avenue and all access must meet current City of Springfield driveway access requirements.

SIDEWALK

There is existing sidewalk along the property frontage of W. Grand Street. There is not existing sidewalk along the property frontage of S. Grant Avenue or S. Douglas Avenue. The developer is required to construct sidewalk at the time of development along the property frontage of S. Grant Avenue and S. Douglas Avenue.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are four bus stops on W. Grand Street in the area pertaining to this zoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS
A Traffic Impact Study is required at the time of development. Any improvements required based on the Traffic Study are required to be constructed or funds escrowed prior to issuance of a building permit.

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. Grant Avenue	Secondary Arterial	No	25	35
Street 2	W. Grand Street	Primary Arterial	No	65	50
Street 3	S. Douglas Avenue	Local	Yes	20	25

	AM Peak	PM Peak	Weekday	Weekend
Existing Zoning Trips Generated	4	5	48	
***Proposed Zoning Trips Generated**	76	67	720	
Additional Zoning Trips Generated	12	62	672	

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 local 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.**

PW Stormwater has no concerns for the proposed Planning Development. 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.

<u>Detention Requirements:</u>

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 proposed site plan drains on to adjacent residential properties and has a PW Stormwater Box Culvert running through the Southeast corner that can be tied into for detention.
b. Building permit would be allowed before detention is built; if requested.
c. The proposed site plan has underground detention and water quality basin. A site survey confirming the outline of the box culvert would be needed prior to permitting to ensure room for the underground system and the disturbance to the culvert. Culvert was last updated with Public Improvement Plans 4PW3931. Digital Copies of the PIP can be proved.

2. At the time of Lot Combination, the Box Culvert location is required to be recorded in a drainage easement per City Code. Chapter 36, Article III Zoning Regulations, gives authority through the building permit process to require drainage improvements in accordance with all other City codes and ordinances.

3. 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:

4. 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.

5. Effective 04 May 2022, an updated Flood Control and Water Quality Protection Manual takes effect. Chapter 10, Sec 2.0 for Water Quality adds requirements for redevelopments. Redevelopments means alterations of a property that remove and replace existing impervious surface in such a way that results in the disturbance of 1 or more acres of land and the existing impervious area within the project limits of disturbance equals or exceeds 40 percent.

a. Water Quality will be required

Additional Stormwater Standards to be met:

6. 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.

7. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:

a. The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.

8. 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.

9. 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

a. Existing gravel surfaces meeting the above definition are eligible for 50% Credit.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Grant Ave. PKWY District Subd. E to PD 382
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: Monday - June 13, 2022 4p- 6:30p
3. Meeting Location: 516 W. Meadowmere St. Springfield MO 65807
4. Number of invitations that were sent: 159
5. How the mailing list was generated: 159
6. Number of neighbors in attendance (attach a sign-in sheet): 8
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 development concerns - just curious.

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

   No development concerns - just curious.

I, Jared Davis (*print name)*, attest that the neighborhood meeting was held on 06/13/22 (*month/date/year),* and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Signature of person completing affidavit

Jared Davis

Printed name of person completing affidavit

ANDERSON ENGINEERING
EMPLOYEE OWNED

www.AndersonEngineeringInc.com
Toll Free (866) 866-2741

CLIENT Loose Goose Sign-In
CLIENT No. _____ SHEET No. _____ Of _____
CALCULATED By _____ DATE _____
CHECKED By _____ DATE _____
PROJECT _____

CALCULATIONS FOR:

Name	Address	Phone #
Ray Coleman		
Joe Costello		
Philip Henry	W Minnesota	
Rusty Wiley	807 W Walnut	417-569-8866
Nathan Cook	W Portland	
Brandon Bishop		
Trent Condelion	1028 S. Douglas	417-883-1697 417-883-1697
Diane Jewell	~~605~~ W. Normal	603

ANDERSON ENGINEERING
EMPLOYEE OWNED

www.AndersonEngineeringInc.com
Toll Free (866) 866-2741

CLIENT
CLIENT No. SHEET No. Of
CALCULATED By DATE
CHECKED By DATE
PROJECT

CALCULATIONS FOR:

Ray Coleman - No concerns, full support
Leandra Costello

Joe Costello - No real concerns - joe@joecostello.com
-Great Project - OACAC may have issue with alcohol.

OACAC
Kimberly Shin-Brown
417-864-3435

Trent Condelton - No concerns, just random concerns over site. drugs + dead bodies

Traffic Study - call Chad Zickefoose ✓

From: Notched Properties
To: Zoning@springfieldmo.gov
Subject: 1012-1024 S Douglas Ave & 1015 S Grant Ave
Date: Thursday, June 16, 2022 4:38:40 PM

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

Greetings,

Notched Properties, LLC owns 1028 S Douglas, the property SW of the GDL "Loose Goose" Development.

We obtained an "Exhibit 2" at the meeting held 6/13/2022 - this infers there's an "Exhibit 1". How can we obtain a copy of this, and any other documents pertinent to this project?

GDL's demolition of 1024 S Douglas was abusive; they trespassed scraping the roof of 1028 with the dozer bucket as part of the wild and wanton demolition of the cement block shed; and have threatened to demolish the retaining wall that prevents flooding. They left a tree half sawed through, which would fall on the house at 1028 S Douglas, which was blithely dismissed by them, stating that even if it fell over on the house, "it won't hurt anything". We disagree.

At this point we have no confidence in their ability or willingness of GDL to be a responsible developer. The "Exhibit 2" has no grading information in re drainage, or exactly how that would occur; the engineer we retained today agrees it is vague. We are very concerned about water runoff.

This is extremely disappointing as we were an early cheerleader of the GAP, and enthusiastic about the prospect of food truck, pickleball, etc. in the area, despite this deviating from what the public was told the GAP was proposing. Perhaps it is time for a vote of the people - a StopGAP - if this bizarre, abusive, and illegal, "development" is indicative of what the future holds. When Notched purchased this property we had high hopes of a small office, perhaps initially devoted to selling art, etc., perhaps once a month; this is appearing more and more of a good ole' boys club only project with property rights being moot.

Once again, I make note that we supported the GAP project initially, and a GOOD neighbor's development. GDL has zero communications with Notched other than to attempt to purchase the property; they have even made the outrageous claim they did not know how to reach anyone, despite documented emails, text messages, phone calls, and, obviously, awareness of the mailing address. The only information we obtain comes from the meeting the city required - after asking for it - and then it appears partial. We should not have to ask anything from the "neighbors", it should be provided.

Very truly yours,

Notched Properties, LLC
by Trent Condellone, Missouri Area Manager

1028 S Douglas Ave
Springfield, MO, 65807

FASSNIGHT NEIGHBORHOOD ASSOCIATION

May 4, 2022

To whom it may concern,

The Fassnight Neighborhood Association is thrilled to provide this letter of support for the Loose Goose project on the corner of Grant and Grand. We feel that this project aligns with the mission of our organization: to enhance beauty, improve safety, and create community in our neighborhood.

The Loose Goose project will enhance the beauty of our neighborhood with thoughtful landscaping and attractive business design. The innovative design of the coffee shop, outdoor seating, and creative use of existing material such as the existing awning will provide both a sense of historicity and creative new energy on a corner lot that has long sat vacant. In addition, Loose Goose is bringing 2 exceptional local food and beverage operators to the Fassnight neighborhood, Josh Widner of Good Spirits and Co and Michelle Bilionis of Coffee Ethic. Both Michelle and Josh have transformed entire blocks in Springfield based on the initial success of their business ventures.

Loose Goose will improve the safety of our neighborhood, as it transforms a block that currently experiences high crime into a neighborhood center. When space is activated and not sitting vacant it tends to drive crime further away from the activity center and the neighborhood. Our organization is confident that this project will create heightened awareness within our neighborhood, provide more foot traffic, and provide accountability; all of which will help to lower crime in Fassnight.

Finally, Loose Goose will create community by serving as an activity center and neighborhood hub in the Fassnight neighborhood. Neighborhood hubs in Springfield have historically shown to drive additional investment into the surrounding neighborhood creating a compounding positive effect. Examples of successful neighborhood hubs are Cherry and Pickwick and Galloway Village. These hubs gained real momentum after a few businesses (almost always food and beverage or entertainment type businesses) proved the area was worthy of additional investment. In addition, Loose Goose provides a neighborhood amenity in the form of 6 Pickleball courts for the Fassnight neighborhood and for parkway users.

Fassnight Neighborhood believes in the vision of Loose Goose and strongly believes that this project will enhance the work being done along the Grant Avenue Parkway and ensure that Fassnight becomes and remains a more beautiful, safer, and connected community within Springfield. We are pleased to give our full support to this exciting project.

Nathan Cook

NATHAN COOK
President

From: Nathan Cook
To: Neal, Daniel
Subject: Loose Goose Letter of Support
Date: Monday, July 11, 2022 1:09:48 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 Mr. Neil and the Springfield Planning and Zoning Commission,

It is with great enthusiasm that I offer this letter of support for the Loose Goose project at the corner of Grant and Grand. I believe this project will wonderfully highlight and unite our neighborhood through attractive design, clear purpose, and positive neighborly interactions.

The attractive design of the Loose Goose coffee shop, outdoor seating, and use of existing material such as the existing awning will provide both a sense of historicity and creative new energy on a corner lot that has long sat vacant. The transformation of this corner through enterprise, alongside the city work that is being done on the Grant Avenue Parkway would serve as a beautiful entrance into our neighborhood.

Loose Goose will serve an important purpose as an activity center and neighborhood hub in Fassnight, giving a space for community bonds to grow. Neighborhood hubs centered around small businesses have proven successful in other parts of Springfield, such as Roundtree and Galloway Village. It takes an initial investment in the area in order to prove that the area is worthy of additional investment. Loose Goose will also encourage visitors to choose the Grant Avenue Parkway rather than alternate routes around our city. The unique combination of coffee, cocktails, and pickleball will be a positive draw to this part of town.

I've gained a unique perspective of Fassnight as both a teacher at Parkview and as the president of the Fassnight Neighborhood Association. I see that there is a great deal of positive potential within Fassnight. There is also a resiliency and growing connected community here that desires to bring out the best in our neighborhood. I believe that the Loose Goose team is a part of that community, and believe our neighborhood would be at a loss without their investment, their passion for excellence, and their kind neighboring.

Please consider giving Loose Goose the permission to move forward with their project in order to bring out the best in our corner of Springfield.

Respectfully,
Nathan Cook
417.619.8824

DocuSign Envelope ID: 4F8425D3-9795-4D42-A90D-557998F88485

WEST CENTRAL
SPRINGFIELD'S DOWNTOWN NEIGHBORHOOD

May 4, 2022

To Whom It May Concern,

I am writing this letter to express the West Central Neighborhood Alliance's support for the Loose Goose project at the southwest corner of Grand Street and Grant Avenue. We believe this project would be the right fit for our community and will generate critical momentum for private development along the Grant Avenue Parkway.

Everett Homes, along with their partners in this project, Good Spirits & Co. and The Coffee Ethic, have developed a well-thought out concept that would revitalize and activate a piece of land that has remained vacant and neglected for multiple decades. The unique project would attract customers of all ages and help build a sense of community in this area. We appreciate that the development team all live and work in the Springfield area and have a vested interest in seeing this project succeed. The developers involved in this project are long-respected local business owners and have a love for Springfield that only a local business owner would have. West Central looks at this project as a catalyst for further development along the Parkway and the success of this project would be an amazing accomplishment, not just for West Central but for the Springfield community as a whole.

The West Central Neighborhood Alliance strongly supports the development efforts for the Loose Goose project. We hope the City of Springfield will consider the overwhelming support and can see the opportunity this project creates as they make their decisions.

Sincerely,

DocuSigned by:
Caron Parnell
C7A1AF43344A447...

Caron Parnell
President
West Central Neighborhood Alliance

Ozarks Pickleball Club
380 E State Highway CC, B106
Nixa, MO 65714

Ozarks PICKLEBALL CLUB

Springfield Planning & Zoning Commission

Ladies & Gentlemen:

Pickleball has been in the spotlight as of late, and you may have seen the game featured just in the last couple months on *The Today Show*, *Live with Kelly & Ryan*, *Axios*, *USA Today,* and *Vanity Fair* (to name a few). With popularity and participation rates soaring, no wonder it's been dubbed the "**fastest growing sport in the US**." According to the Sports & Fitness Industry Association, 4.2 million Americans played in 2021, accounting for an Average Annual Growth of 10.5% from 2017-2020 and up a whopping 21.3% from 2019[1]. This data mirrors our local population as 89.1% of respondents to our 2020 Survey stated that they've been playing less than 4 years, including 70% 2 years or less![2] Pickleball is a fun, easily accessible sport that promotes **healthy activity and recreation across many age groups**. In fact, over 60% of "core" players are over the age of 55, however, the *fastest* growing demographic are under age 55.[3]

Demand for pickleball courts has skyrocketed across the country, including here in Springfield/Greene County where we have only 6 dedicated public pickleball courts at Meador Park. Other public indoor facilities offer limited "drop in" play in their gyms at specified times and on temporary nets: Doling Family Center, Chesterfield Family Center, Dan Kinney Family Center, and O'Reilly Tefft Gymnasium. When the weather is nice, it is commonplace to find all 6 courts (24 players) full at Meador Park, with at least that many waiting to rotate in. Most of the indoor locations also have waiting lines to play during their specified times! Numerous courts are being built in private communities in response to their residents' demands.

Ozarks Pickleball Club is a 501c3 non-profit Missouri corporation which seeks to promote the sport of pickleball in the Springfield/Greene County area through advocacy, communication, event organization, and collaboration of resources. We represent the majority of the players in the Springfield and surrounding area, including Republic, Nixa, Ozark and Willard among others. We have seen our online facebook group double to over 1700 members since April of 2020, as well as our player participation grow tremendously, including seniors, college students, families and adults! Over the past summer, we held "Pickleball in the Park" social events each month at Meador Park with an average attendance of over 115 players with at least 25-30 "new" players each time. We have also worked with the cities of Monett, Nixa, and Willard to start or expand pickleball courts in those areas with great response. We have worked extensively with

[1] https://usapickleball.org/news/pickleball-101-a-quick-guide-to-the-fastest-growing-sport-in-the-u-s/
[2] 2021 Ozarks Pickleball Club Player Survey, 184 respondents
[3] https://usapickleball.org/about-us/organizational-docs/pickleball-fact-sheet/

Ozarks Pickleball Club
380 E State Highway CC, B106
Nixa, MO 65714

the Springfield-Greene County Parks Department over the last year to establish goals of how to increase the availability of courts in the Springfield area, however, there simply is not enough space to meet the demand! **We would like to take this opportunity to echo the support of the Fassnight Neighborhood Association for the "Loose Goose" development project planned for the southwest corner of Grand Ave & Grant St.**

In addition to the additional greenspace, and food & beverage operations; the planned development will add 6 much-needed additional pickleball courts to Springfield that would enhance the local economy by providing the first business-focused pickleball complex in the 417-region. Other similar spaces across the country succeed in attracting major regional and national tournaments which would further increase the economic impact to Springfield/Greene County. **Pickleball tournaments are estimated to generate $200,000-$1,000,000 in economic impact** for their communities.[4] Similar establishments have been wildly popular across the country and have spurred further economic development. Chicken N Pickle is one such establishment that is now up to 6 locations in the midwest and have spurred other similar pickleball-centric businesses across the country such as Rally Pickleball, House of Pickleball, and Smash House. We also believe the location lends itself to some new, exciting opportunities with the college students at Missouri State, which represents one of the fastest growing, but yet still untapped, age demographics in the sport.

As pickleball players and residents of Springfield and the surrounding area, we wholeheartedly support the Loose Goose Coffee & Cocktails project and urge you to do the same.

Sincerely,

Ozarks Pickleball Club
Matt Battaglia, President

[4] Estimates vary with number of players and spending per person. Number of players ranges from 100-1000 per tournament, depending on the number of courts available and the facility. Estimated spending per person $79-$229.

BETTER
BLOCK
SGF

5/25/22

To whom it may concern,

Better Block SGF is a Springfield-based non-profit organization dedicated to improving our urban built environment to improve quality of place through tactical urbanism methods, community engagement, and advocacy for positive policy change. Since 2019 Better Block SGF has facilitated several projects, events, and temporary installations that address different issues to promote pedestrian safety, environmental sustainability, local economic vitality, art and culture, and community identity.

We enthusiastically support the Loose Goose development project at the corner of Grant Avenue and Grand Street. We believe this development not only aligns with our goals as an organization to promote right-sized development in our neighborhoods that support the local economy, but it will also act as a catalyst and anchor point for further development along the Grant Avenue Parkway. By providing an opportunity for social connection, food and beverage, and recreation, this mixed-use development will better serve a variety of users, and create an activity hub for the Fassnight neighborhood and other adjacent neighborhoods.

Historically, these types of developments have proven to be successful in Springfield. The Cherry & Pickwick and Galloway Village are two examples of right-sized developments that promote neighborhood identity, culture, and support local business, and we believe the Loose Goose development has the potential to generate a similar energy and activity specific to the identity of the Fassnight Neighborhood. This neighborhood-specific type of development is essential in the continued development and growth of our City, and we believe the Loose Goose project will serve as a launching pad for more revitalization of our historic neighborhoods.

Better Block SGF offers its full support of this project and we look forward to experiencing the positive impact it will have in the Fassnight Neighborhood and along the Grant Avenue Parkway to promote a more thriving and better connected community.

Addison Jones
Founding Director

IN RE: Planned Development #382

Lies and threats - theses issues themselves bring to the table questions that rot the foundation of any proposed development. And that's what I'm reflecting on the most now as I write this - what else truly matters when the most basic tenets of any governmental function, or Planning and Zoning, development - the underpinnings of Community Trust - are violated in such a gross and caviler manner as GDL has done in this case? Promises can be asked for, however if the developer is a bad actor, unwilling and /or unable to perform even the most basic functions, what good are they when given to the City, the Community, or the adjoining landowners? The facts of GDL's, and it's principal's, bizarre and wanton conduct speak for themselves:

Threats: ***GDL and it's principals have embarked on a plan to make useless and valueless the adjoining property to the south, 1028 S Douglas and 1037 S Grant Ave, as part of a scheme to acquire it for less than fair value, through flooding and destruction.*** Literally standing side by side with notorious landlord George Rench's family member (why? Is GDL really George's? Or his son's?), ***GDL threatened to bulldoze the retaining wall, and thus flood and destroy the property at 1028 S Douglas*****,** and other properties to the south. And exactly what we'll end up with if they are allowed to rezone or build anything. The terroristic conduct of the demolition of 1024 S Douglas I have outlined in my other correspondence.

Further "someone" mysteriously cut 3/4 through a tree that would fall on 1028 S Douglas when it falls. This is in addition to the rotten tree that was there for almost a year, poised to fall onto the bedroom & shed. A legit developer would have taken care of these liabilities ASAP, not used them as a cudgel for months. They have been remediated, finally.

The grinning, mocking, visage of Willie Vega, one of GDL's principals, when speaking of adverse events "happening" to private property, sets the tone for his parlance in a manner that mere sounds can not; it is the embodiment of the elite's woke entitlement to private property for "the common good", or perhaps better put "a common dollar".

Lies: I am on the board of the Fassnight Neighborhood Association, the VP. I'm one of the handpicked members by GDL's principals; the President is a close buddy of the principals. ***There was no meeting over the May 4th letter which, fraudulently, purports to be from the board of the association and I had no input in it whatsoever until after the fact, and am 100% opposed to this letter.***

The owners of ***1037 S Grant never agreed to the easements demanded by GDL***, nor do they desire use / sale of their property or pass thru into their parking area which would result in cross traffic making the area useless to the landowner, and the destruction of their property.

This project has been sold to the area as not having alcohol; they plan to sandbag that on us later. The Baptist church, Head Start, etc., were not informed of GDL's liquor expectations; it fell on them to learn for themselves the boozy plans for the heart of Springfield's addiction belt.

The initial P&Z meet up at Parkview: documents were not made available to attendees. False statements were attributed to myself on the sign in sheet. The level of due diligence - names not even corrected with correct spelling - says volumes. The meeting was a sham, with no documents offered

beyond the "Exhibit 2" plans. No firm plans for drainage except as it impacts them. ***The plans even falsified existing structures, with no mention of the existing, city mandated, retaining wall.*** This alone should be grounds for rejection of this fiasco.

No ability to or will to properly develop: They can't even keep it mowed, it's beyond their technical means to mow high weeds. The MSU foundation, when they owned 1015 S Grant, kept it mowed. Even 417 Rentals had a better track record when they owned 1020 S Douglas, which GDL allowed to become a trap house, and it burned - too bad for insurance company & neighborhood, not too bad for GDL.

GDL flouts the city's authority, regulations, and just plain good policy - when they bulldozed 1024 S Douglas - starting prior to the permit being issued - they created a perfect spot for the homeless in the back, even allowing brush to grow up to conceal the area they inexplicably cleared far away from the house. One can only assume this was done to further cause mental anguish and fear in the area via a homeless camp, so they could obtain more property. The city's own pictures show the growth allowed to fester. There wasn't even a trespass letter on file last time I checked.

The retaining wall has been allowed, in the year GDL owned the property at 1024 S Douglas, to deteriorate severely due to pest vegetation growth. ***It is leaning over and in danger of falling onto 1028 S Douglas, in violation of city regulations.*** A fix would be minimal, however GDL refuses to do anything, even the simple task of remediating the vegetation which would greatly reduce the decay of the wall - and something they'd have to do anyway if they develop.

In summation, the city sold this project - over $5,000,000 of local taxpayer's money when we can't even fund police to make the $25,000,000 parkway a safe one! - as a New Urbanism, mixed use style project, not as an architectural mullet with a facade of the desired ascetic and an ugly same ole', same ole' style of building by a combination of inexperienced developers, with family of the area slumlord at the helm of construction. I am in favor of development by quality, professional, developers with viable projects - people that have the ability, and desire, to build according to standard best practices and not harm neighbor property. While I'd like to see these young folks (and the "unknown" backer) succeed and had initially enthusiastically supported them - even suggesting food trucks - I can no longer do so for this party venue in light of the issues they've created for themselves.

Very truly yours,

Trent Condellone
Occupant of 1028 S Douglas
and
Missouri Manager for Notched Properties, LLC

1028 S Douglas Ave
Springfield, MO, 65807

417-883-1697

Francis X. "Butch" Miller
Phone: 314.754.4864
Fax: 314.754.4865
Email: bmiller@capessokol.com

July 14, 2022

VIA EMAIL ONLY (susan.istenes@springfieldmo.gov):

Planning and Zoning Commission
c/o Susan Istenes, AICP - Director, Planning and Development
Busch Municipal Building
840 Boonville Avenue
Springfield, Missouri 65802

Re: Planning and Zoning Commission Public Hearing
Planned Development No. 382

Dear Commissioners:

The undersign and this firm represent 1037 South Grant, LLC. Our client is aware of the proposed rezoning described above and has serious concerns regarding the proposed rezoning. Our client is based in Virginia, and this firm is based in St. Louis; those circumstances make attendance at today's hearing impractical. Therefore, we respectfully request that this letter be entered into the record of today's hearing.

Our client strenuously objects to the proposed rezoning on the basis that the staff report expressly contemplates (1) an easement over our client's property, which has never been discussed with our client and is not likely to be granted, (2) our client is unwilling to give up its current direct and exclusive access to S. Grant Avenue, and (3) our client is unwilling to bear the inconvenience, expense, and uncertainty resulting from the contemplated cross access easement, which really only benefits a neighboring developer.

We have been informed that the developer told a neighboring property owner that, if need be, the developer will "have the City take" an easement from our client. This was very disturbing news to our client. Please be advised that our client will vigorously defend its property rights.

Finally, the other major concern is storm water runoff. As you may be aware, there is a significant grade change in this area. This particular proposed use contemplates a significant amount of impervious surfaces, and the potential for damaging storm water runoff is troubling.

In summary, we note that the professional staff has thoroughly analyzed this proposed rezoning and then sagely recommended denial as, among other problems, the proposed rezoning is not consistent with the city's master plan. We agree with the recommendation of professional staff and encourage this commission to denying the proposed reasoning.

Very truly yours,

Francis X. "Butch" Miller

cc: Mr. Aaron Laufer (via email only)
Dr. Tripp Stewart (via email only)

From: Michelle Billionis
To: Neal, Daniel
Subject: Loose Goose
Date: Friday, July 15, 2022 7:54:50 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 Springfield Planning & Zoning Commission,

We are writing to you today to express our excitement about the “Loose Goose Coffee and Cocktails” concept we have developed and would like to communicate why we believe this project will exceed expectations once approved.

Collectively, we have over 15 years of experience owning and operating 8+ unique small businesses in SGF. We pride ourselves in offering a one-of-a-kind experience found only in the Ozarks.

We have seen people of Springfield seek these places out and flock to them. Our community wants to gather, be active and celebrate now more than ever.

Loose Goose, situated adjacent to the Grant Avenue Parkway trail, has an open and airy feel with clean, minimalistic design that preserves views of nature. The concept provides our community with physical activities including pickleball courts and yard games as well as gathering spaces like covered seating areas and gazebos meant to provide a relaxing atmosphere for the conjoining neighborhoods to congregate while enjoying our amazing food and drink.

The use of drive-thrus has increased by 43% since covid. We know our community and the nation loves the convenience provided by a drive-thru. SGF is saturated with non-local drive-thru options. Loose Goose would like to provide a local coffee and cocktail option and at the same time provide a gathering place for the surrounding neighborhoods and trail users.

Sincerely,
Josh Widner and Michelle Billionis

hdesigngroup

07/14/2022

RE: PD 382 – Response to Staff Report

Respected Members of Planning and Zoning Commission,

The development team would like to provide the following commentary for clarification of the zoning case and the interpretation of the regulations and guidelines in response to the staff recommendation to deny the rezoning request. The reasons cited for the recommendation inappropriately apply the code and offer subjective reasoning for denial. The development team only asks that the commission applies the same guidelines and procedures as would be appropriate for any other zoning case when considering the request for rezoning.

Through the preliminary planning process, we realized that the project would conflict with the height and use zoning requirements of the GAP E district. Wanting to keep the intent of the GAP Corridor plan it was decided that a planned development would be the most appropriate way to ensure the quality of design would be ensured with the requirements of the preliminary and final plats along with additional restrictions to align with the requirements of GAP E district.

The primary driver for the design of the planned development has been to meet the intent of the GAP Corridor plan as clearly stated in the opening pages,

> "The intent of the Plan is to promote reinvestment and redevelopment that leverages the new Parkway as an asset…The Plan will inform updated regulations that will ask more of the development community in delivering high-quality design that fosters sense of place. In exchange, those same regulations will also provide greater flexibility regarding what residents and business owners can do with their property, including a broader range of permitted uses and permitted height and density, and provide for greater creativity in design."

The primary goal of the GAP Corridor plan being reinvestment and redevelopment, it is critical that flexibility be considered to see opportunities in the corridor realized.

In the staff report number twelve of staff findings for recommendations states

> "A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied."

With a goal of reinvestment and redevelopment, the economic and market conditions of the corridor are of significant importance however, it is not the purview of staff to make recommendations based on economic viability.

Further in the staff report, references to the GAP Placemaking Master Plan are provided as a vision for appropriate development of the site. This plan developed by City consultants for the GAP corridor improvements only serves as a visioning document that has not been adopted and does not have regulatory influence.

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Presented in the report as a viable alternative, the master plan proposal fails to account for realities of market conditions, property ownership and fails to follow the GAP Corridor plan recommendations by placing parking behind the building. Including this in the report only serves to detract from the facts of the rezoning request.

The specific requirement for vertical mixed use is not defined in GAP plan but only within the adopted GAP District regulations is mixed use is defined in 36-490(1)(a)1.

> "In subdistrict E, all new development shall utilize a mixed-use building type. A mixed-use building type is a multi-story building which accommodates nonresidential uses on the ground floor and residential or nonresidential uses on upper floors."

At no other place in the zoning code is mixed-use defined. As this definition only applies to GAP E district zoning regulations, the proposal meets the intent for mixed-use as intended by the GAP Corridor plan with multiple uses across the site.

Drive thru and package liquor uses are cited in the staff report as prohibited uses however these uses are only referred to in the specific GAP E zoning regulations and not in the GAP Corridor Plan. As these are specific to the GAP E zoning requirements, they should not be reason for denial. It should be noted as well that under the current definition in Sec 36-321

> "package liquor store: An establishment where alcoholic beverages are sold for consumption off the property."

This definition is exceedingly vague and brings to question the intent behind its use in zoning regulations. Considering the recent passage of State Bill 126 that allows restaurants to sell "to-go" alcoholic beverages the definition and intent of "package liquor store" in the zoning code needs to be updated to account for current practices.

Considering the prohibition of drive thru use in GAP E district staff is concerned that the vehicle traffic will conflict with the intent of the Plan as a pedestrian friendly development. Alternatively, the plan preferred by staff for three to four story mixed use would likely generate more traffic than the proposed use. The site was designed to provide an enhanced pedestrian space with a drive thru located behind the building screening visibility from Grant Ave in keeping with the intent of the GAP Corridor Plan.

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There are many plans, regulations and recommendations cited throughout the report, the below summarizes the various plans and statements made and the development team's stance on their appropriateness of use.

Comprehensive Plan – Applicable

GAP Corridor Plan – Applicable

GAP E Subdistrict Zoning Regulations – Not applicable

The request is to rezone it from GAP E to Planned Development 382.

GAP Parkway Master Plan - Not applicable

Not an adopted plan, developed as part of the public improvements to the GAP Parkway.

Economic Viability - Not Applicable

It is not within staff's authority to determine project viability.

In closing we hope that the above commentary has helped to provide context and clarity surrounding the development team's reasoning and stance for the request for rezoning. We trust in the judgement of the Commission to view the case through the appropriate guidelines and will vote in favor of PD 382.

Respectfully Submitted,

Andrew Doolittle
Partner
GDL Enterprises
c: 573.999.3702

Brandon Biskup, AIA
Architect
h design group
o: 417.887.6595

Jared Davis, PE, LEED
VP
Anderson Engineering
o: 417.866.2741

LOOSE GOOSE

Kickstarting the Future of Grant Avenue

July 14th, 2022

The Site today

Who are we?

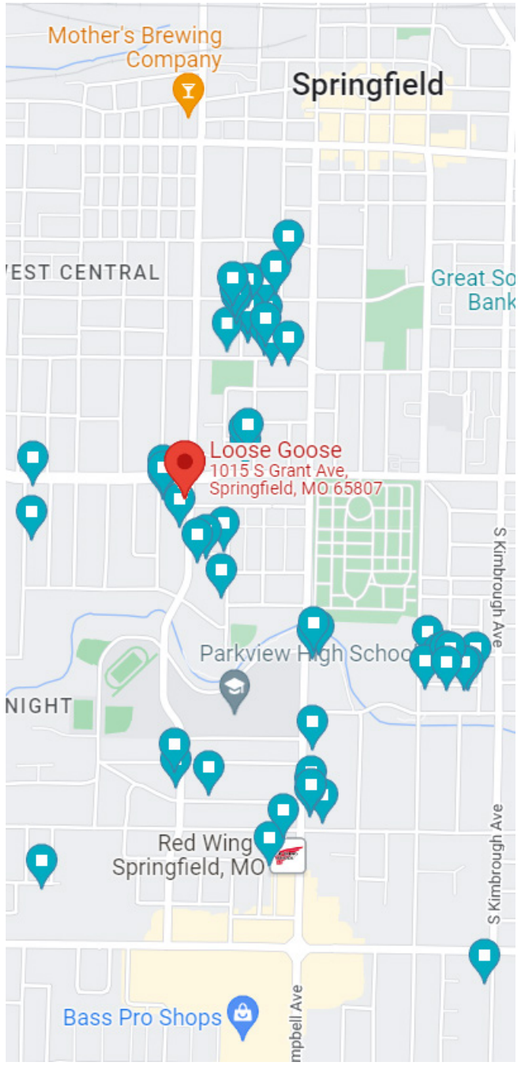
The **Loose Goose development team** is made up of local, creative and proven entrepreneurs. Joshua Widner and Michelle Billionis have been changing the landscape of the food and beverage industry in Springfield for over a decade. Cherry Picker Package & Fare, The Coffee Ethic and Golden Girl Rum Club are some of Springfield's favorite establishments. We are excited to bring their years of experience and success to the Grant Avenue Parkway via Loose Goose. Andrew Doolittle, Cameron LaBarr and Willie Grega bring years of Real Estate experience and investment in the Fassnight and West Central neighborhoods to the team. We are a group of local folks who want to change Springfield for the better by bringing unique experiences to the community.

GDL Enterprises, LLC
Investment in Fassnight & West Central

Willie Grega

Andrew Doolittle

Cameron Labarr



Who are we?

Joshua Widner

Founder and owner of Good Spirits and Company, Joshua Widner owns and operates multiple award winning and nationally recognized establishments.

Michelle Billionis

Creative professional in the Specialty Coffee Industry who owns The Coffee Ethic in downtown Springfield and co-owns Cherry Picker Package & Fare.

The context today

“Loose Goose will improve the safety of our neighborhood, as it transforms a block that currently experiences high crime into a neighborhood center.”

FASSNIGHT NEIGHBORHOOD ASSOCIATION LETTER OF SUPPORT

We believe the Grant Avenue Parkway neighborhoods need a central gathering space.

And we want to build it for them.

With the best operators

Good Spirits & Co.

The Coffee Ethic

Our customers will be the people who already call the neighborhoods home today and those who will call it home tomorrow.

THE PROPOSAL

The Site Plan

LOOKING SOUTHWEST

After more than 25 years, of vacancy we're offering something for everyone

BY THE NUMBERS

Use	Size
The Site	1.47 ac
Coffee/Cocktail Shop	1,500 sf
Rental Kiosk/Bar	280 sf
Parking	33 spaces

Fassnight and West Central Neighborhood Support

FASSNIGHT NEIGHBORHOOD ASSOCIATION

May 4, 2022

To whom it may concern,

The Fassnight Neighborhood Association is thrilled to provide this letter of support for the Loose Goose project on the corner of Grant and Grand. We feel that this project aligns with the mission of our organization: to enhance beauty, improve safety, and create community in our neighborhood.

The Loose Goose project will enhance the beauty of our neighborhood with thoughtful landscaping and attractive business design. The innovative design of the coffee shop, outdoor seating, and creative use of existing material such as the existing awning will provide both a sense of historicity and creative new energy on a corner lot that has long sat vacant. In addition, Loose Goose is bringing 2 exceptional local food and beverage operators to the Fassnight neighborhood, Josh Widner of Good Spirits and Co and Michelle Bilionis of Coffee Ethic. Both Michelle and Josh have transformed entire blocks in Springfield based on the initial success of their business ventures.

Loose Goose will improve the safety of our neighborhood, as it transforms a block that currently experiences high crime into a neighborhood center. When space is activated and not sitting vacant it tends to drive crime further away from the activity center and the neighborhood. Our organization is confident that this project will create heightened awareness within our neighborhood, provide more foot traffic, and provide accountability; all of which will help to lower crime in Fassnight.

Finally, Loose Goose will create community by serving as an activity center and neighborhood hub in the Fassnight neighborhood. Neighborhood hubs in Springfield have historically shown to drive additional investment into the surrounding neighborhood creating a compounding positive effect. Examples of successful neighborhood hubs are Cherry and Pickwick and Galloway Village. These hubs gained real momentum after a few businesses (almost always food and beverage or entertainment type businesses) proved the area was worthy of additional investment. In addition, Loose Goose provides a neighborhood amenity in the form of 6 Pickleball courts for the Fassnight neighborhood and for parkway users.

Fassnight Neighborhood believes in the vision of Loose Goose and strongly believes that this project will enhance the work being done along the Grant Avenue Parkway and ensure that Fassnight becomes and remains a more beautiful, safer, and connected community within Springfield. We are pleased to give our full support to this exciting project.

Nathan Cook

NATHAN COOK
President

WEST CENTRAL
SPRINGFIELD'S DOWNTOWN NEIGHBORHOOD

May 4, 2022

To Whom It May Concern,

I am writing this letter to express the West Central Neighborhood Alliance's support for the Loose Goose project at the southwest corner of Grand Street and Grant Avenue. We believe this project would be the right fit for our community and will generate critical momentum for private development along the Grant Avenue Parkway.

Everett Homes, along with their partners in this project, Good Spirits & Co. and The Coffee Ethic, have developed a well-thought out concept that would revitalize and activate a piece of land that has remained vacant and neglected for multiple decades. The unique project would attract customers of all ages and help build a sense of community in this area. We appreciate that the development team all live and work in the Springfield area and have a vested interest in seeing this project succeed. The developers involved in this project are long-respected local business owners and have a love for Springfield that only a local business owner would have. West Central looks at this project as a catalyst for further development along the Parkway and the success of this project would be an amazing accomplishment, not just for West Central but for the Springfield community as a whole.

The West Central Neighborhood Alliance strongly supports the development efforts for the Loose Goose project. We hope the City of Springfield will consider the overwhelming support and can see the opportunity this project creates as they make their decisions.

Sincerely,

DocuSigned by:
Caron Parnell
C7A1AF43344A447...

Caron Parnell
President
West Central Neighborhood Alliance

BETTER BLOCK SGF

5/25/22

To whom it may concern,

Better Block SGF is a Springfield-based non-profit organization dedicated to improving our urban built environment to improve quality of place through tactical urbanism methods, community engagement, and advocacy for positive policy change. Since 2019 Better Block SGF has facilitated several projects, events, and temporary installations that address different issues to promote pedestrian safety, environmental sustainability, local economic vitality, art and culture, and community identity.

We enthusiastically support the Loose Goose development project at the corner of Grant Avenue and Grand Street. We believe this development not only aligns with our goals as an organization to promote right-sized development in our neighborhoods that support the local economy, but it will also act as a catalyst and anchor point for further development along the Grant Avenue Parkway. By providing an opportunity for social connection, food and beverage, and recreation, this mixed-use development will better serve a variety of users, and create an activity hub for the Fassnight neighborhood and other adjacent neighborhoods.

Historically, these types of developments have proven to be successful in Springfield. The Cherry & Pickwick and Galloway Village are two examples of right-sized developments that promote neighborhood identity, culture, and support local business, and we believe the Loose Goose development has the potential to generate a similar energy and activity specific to the identity of the Fassnight Neighborhood. This neighborhood-specific type of development is essential in the continued development and growth of our City, and we believe the Loose Goose project will serve as a launching pad for more revitalization of our historic neighborhoods.

Better Block SGF offers its full support of this project and we look forward to experiencing the positive impact it will have in the Fassnight Neighborhood and along the Grant Avenue Parkway to promote a more thriving and better connected community.

Addison Jones
Founding Director

www.betterblocksgf.com | Springfield, MO | admin@betterblocksgf.com

LETTERS OF SUPPORT

"Whenever rezoning is sought, the neighborhood should be worked with first." *FORWARD SGF WORKSHOP, MARCH 22, 2022*

Cherry & Pickwick

What are we asking for?

We are applying for a rezoning to a Planned Development instead of Commercial Service or General Retail.

WHY?

- ★ A Planned Development respects the design intent of the Corridor Plan
- ★ Increased design standards promote the type of flexibility and creative development that will help revitalize this corridor
- ★ In contrast to simply rezoning, the Planned Development process requires details that give assurances to the community that the proposal is of high quality

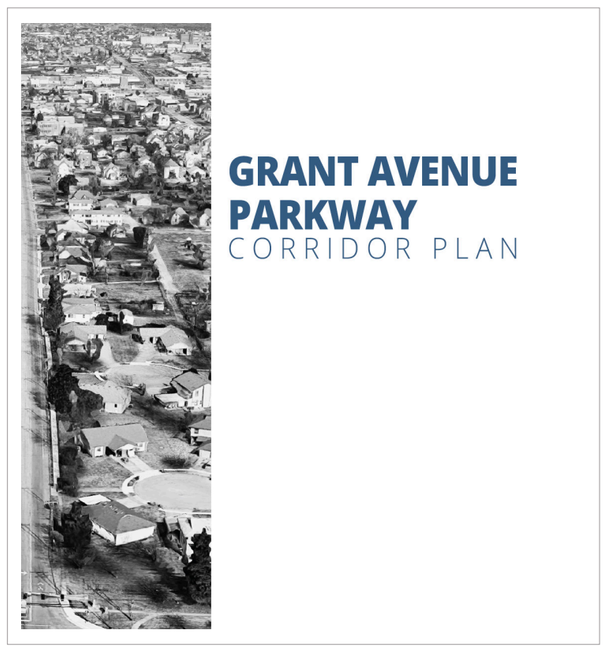
"The notion of flexibility in planning is crucial."

FORWARD SGF WORKSHOP, MARCH 22, 2022

Let’s move forward together

The Site today

We want to fit into your vision



PEOPLE • PLACE • PROSPERITY

FORWARD SGF

2040

FORWARDSGF.COM

"Creating complete neighborhoods is vital to quality of place..."

FORWARD SGF WORKSHOP, MARCH 22, 2022

“...providing an amenity-rich environment for the modern workforce that chooses place before profession.”

FORWARD SGF WORKSHOP, MARCH 22, 2022

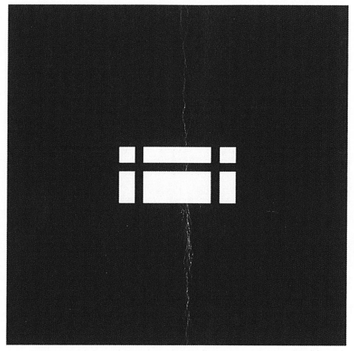
"Experiential projects are at the forefront of development now."

FORWARD SGF WORKSHOP, MARCH 22, 2022

We're ready to start implementing NOW

THANK YOU!

Contact:
Andrew Doolittle
andrew@everett-homes.com



hdesigngroup | LOOSE GOOSE

renderings

LOOSE GOOSE

EXHIBIT 1

Requirements and Standards Applicable to Planned Development District No. 382

APPLICATION

Building or other permits may not be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan has been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

INTENT

The purpose of this planned development is to provide a local-serving, mixed-use neighborhood center setting that will add to the Grant Avenue Parkway community. The development will include a coffee shop with indoor seating and drive-through, food truck parking area with outdoor canopy-covered seating, green space for yard-games and seating, six (6) pickle ball courts, outdoor walk-up yard bar, and off-street parking.

The development will connect to and extend the Fassnight Creek Greenway trail into the site, as well as connect to and extend the sidewalk along Grand Avenue. The site is within walking distance to Fassnight Park, Springfield Skate Park, and Parkview Highschool, and will help to create a welcoming, complementary entrance from Grand Avenue into the Fassnight Park area.

The development has received enthusiastic support from both the Fassnight Neighborhood Association and the West Central Neighborhood Alliance, which border the development to the south and the north, respectively. Both have provided glowing letters of support, outlining how the project will serve as an activity center and neighborhood hub, and will enhance beauty, improve safety, and create community in the neighborhood. The Ozarks Pickleball Club has also provided a letter of support that outlines how this development will enhance the local economy by providing the first business-focused pickleball complex in the 417-region. Such complexes across the country have successfully attracted regional and national tournaments which generate additional revenue for the surrounding businesses and community. These letters of support can be found in the Appendix.

DEFINITIONS

The definitions contained in the *Zoning Ordinance* shall apply to this ordinance.

USES PERMITTED

1. Eating and Drinking Establishment: Coffee shop, including drive-in, pick-up window or drive-thru facilities

ACCESSORY USES PERMITTED

1. Athletic courts for outdoor games
2. Food truck vending spaces up to 4 parking spaces and outdoor seating
3. Fire pits
4. Package liquor store, with on- and off-site consumption

USE LIMITATIONS

1. All uses shall operate in accordance with the noise standards contained in *Section 36-485* of the *Springfield Zoning Ordinance*.

2. No use shall emit an odor that creates a nuisance as determined by *Chapter 2A, Article X, Springfield City Code*.

INTENSITY OF DEVELOPMENT

Development will consist of the following:

1. Maximum 4000 SF for food truck parking and outdoor seating

3. Maximum 1500 SF indoor restaurant area

3. Maximum 6500 SF outdoor recreation area

4. Maximum 10,000 SF pickle ball courts

5. Maximum 400 SF outdoor bar area

BULK, AREA AND HEIGHT REQUIREMENTS

Development shall adhere to the following standards.

1. The maximum height of any buildings is one story or 35 feet. The existing canopy is allowed to remain as is.

2. The following minimum setbacks shall be required:

    a. No setback along the north boundary.
    b. No setback along the east boundary.
    c. Ten (10) feet for building and parking along the north half of the west boundary.

d. Twenty (20) feet for building and parking along the south half of the west boundary.
e. Nine (9) feet for building and parking along the southern west boundary.
f. Ten (10) feet for building and parking along the south boundary.

3. All structures shall remain below a thirty (30) degree bulk plane as measured from the boundary of any adjacent residential district. To the south, the bulk plane measurement starts from the property line of the Residential Lot on the south-west corner of the subject parcel.

OPEN SPACE, LANDSCAPING, BUFFERYARDS & SCREENING

The landscaping and screening provisions are intended to improve the physical appearance of the District; to improve the environmental performance by contributing to the abatement of heat, glare and noise, and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of adjoining property and neighborhoods.

1. Minimum 20% open space required

2. The landscape and buffer area provisions of *Section 36-492* of the *Springfield Zoning Ordinance* in effect at the time of development shall apply.

3. The Screening provisions of *Section 36-493* of the *Springfield Zoning Ordinance* in effect at the time of development shall apply.

EXTERIOR LIGHTING

The requirements and standards of *Section 36-495* of the *Springfield Zoning Ordinance*, in effect at the time of development shall apply.

ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system as shown on Exhibit 2 are for illustrative purposes only and shall be governed by the existing standards of the City of Springfield for the applicable street classification.

No direct access is allowed to Grant Avenue unless cross access is provided to 1037 S. Grant Avenue and the owner of that property agrees to close their existing driveway.

Any access from Douglas Avenue must be a minimum of 50 feet from the intersection with Grand Street.

No direct access is allowed to Grand Street.

OFF-STREET PARKING

Section 36-491 of the *Springfield Zoning Ordinance* in effect at the time of development shall apply.

SIGNS

Section 36-494 of the *Springfield Zoning Ordinance* in effect at the time of development shall apply.

REQUIRED IMPROVEMENTS

Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. If the development of the property is phased, the construction of the improvements may also be phased provided there is a logical relationship between each phase of the development and the construction of the required improvements. Prior to building permits being issued, the applicant, or subsequent owners shall:

1. Construct the required improvements; or
2. Provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department.

No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:

1. The required improvements are completed prior to occupancy of the structures; or
2. The Director of Public Works has determined that such required improvements, if not completed, have little or no effect on the occupancy of the facility or conditions beyond the control of the contractor, *i.e.*, strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Building Development Services may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

Improvements necessary to adequately accommodate the intensity of development in this District include the following.

1. <u>Stormwater Management Facilities</u>
   All storm water management facilities, including detention and water quality, will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department. A fee-in-lieu-of stormwater detention will be filed with the City of Springfield Public Works Department.

2. Traffic Study
   A Traffic Impact Study is required at the time of development. Any improvements required based on the Traffic Study are required to be constructed or funds escrowed prior to issuance of a building permit.
3. Sidewalks
   There is existing sidewalk along the property frontage of W. Grand Street. There is not existing sidewalk along the property frontage of S. Grant Avenue or S. Douglas Avenue. The developer is required to construct sidewalk at the time of development along the property frontage of S. Grant Avenue and S. Douglas Avenue.
4. Right-of-Way
   City of Springfield's Transportation Plan classifies S. Grant Avenue as a Secondary Arterial roadway, W. Grand Street as a Primary Arterial roadway and S. Douglas Avenue as a Local roadway. The standard right-of-way width is 35-feet from the centerline for S. Grant Avenue, 50-feet from the centerline for W. Grand Street and 25-feet from the centerline for S. Douglas Avenue. An additional 10-feet of right-of-way is needed along S. Grant Avenue and an additional 5-feet of right-of-way is needed from S. Douglas Avenue. No additional right-of-way is needed along W. Grand Street. A 100X100 ft sight triangle is required at the intersection of S. Grant Avenue and W. Grand Street. A 10X10 ft sight triangle is required at the intersection of S. Douglas Avenue and W. Grand Street. S. Grant Avenue, W. Grand Street and S. Douglas Avenue are all city-maintained roadways.
5. Driveway Access
   There are currently two driveway access points onto the property from S. Grant Avenue. These two access points will be closed. No direct access is allowed to Grant Avenue unless cross access is provided to 1037 S. Grant Avenue and the owner of that property agrees to close their existing driveway. This access will provide a cross access easement so the approach can be shared with the property to the south. There are no existing access points onto the property from W. Grand Street and no access will be allowed. There are currently three existing access points to the property from S. Douglas Avenue. Access to this property will only be allowed from S. Douglas Avenue and all access must meet current City of Springfield driveway access requirements.

Improvements shall conform to the following standards.

1. All utilities and utility connections shall be located underground, including, but not limited to, electrical and telephone cables, security and other telecommunication systems and wires. Transformers, meters of any type (including electric, gas or other meters), or other apparatus shall be adequately screened and landscaped.

MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a duly constituted property owners association meeting all legal requirements prescribed by the City Attorney.

PHASING

Development may be phased if all public improvements directly related to each phase are completed at the time of its development and improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

FINAL DEVELOPMENT PLAN

A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. Development of this District shall be in accordance with the approved final development plan.

Final development plans designating the location of uses shall be submitted to the Administrative Review Committee, either as a whole or in phases.

1. The intent of Exhibit 2 is to illustrate the general location of the sub areas. The boundaries of the sub areas may shift to accommodate the uses. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by *Subsection 36-405.09(c)* of the *Springfield Zoning Ordinance*.

2. The final development plan shall be submitted to the Planning and Zoning Commission for review and recommendation to the City Council for final action, either as a whole or in phases. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:

    A. Any uses within the District other than those specifically prescribed by the ordinance.
    B. Any increase in the intensity of use permitted within the District.

LOCATION SKETCH
SECTION 26, T29N, R22W
SCALE: 1"=2000'

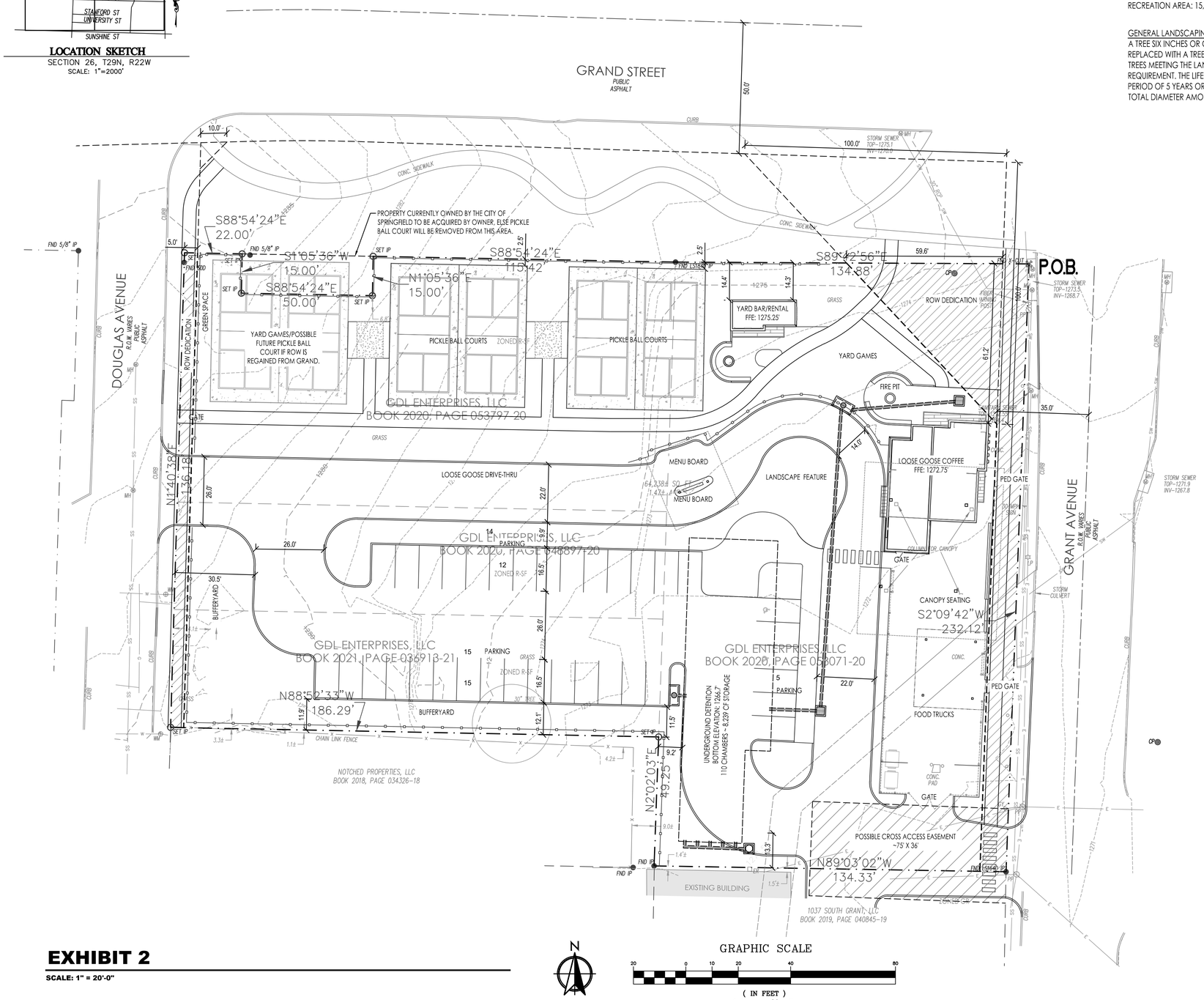


EXHIBIT 2
SCALE: 1" = 20'-0"

PARKING SUMMARY
1,500 SF COFFEE SHOP, 2 FOOD TRUCK LOCATIONS, 280 SF RENTAL KIOSK/BAR
PARKING REQUIRED:
RESTAURANT WITH PICK-UP WINDOW AND DRIVE-THRU: ONE FOR EACH 70 SQUARE FEET OF TOTAL BUILDING FLOOR AREA. 22 REQUIRED
TENNIS COURTS AND CLUBS (OUTDOOR): ONE FOR EACH 5,000 SQUARE FEET OF GROSS LAND AREA. 3 SPACES REQUIRED.
PARKING REQUIRED: 25 SPACES
PARKING PROVIDED: 33 SPACES, 2 OF WHICH ARE HANDICAP ACCESSIBLE.

ZONING DATA
SIZE OF PROPERTY: 64,238 SF OR 1.47 ACRES
MINIMUM OPEN SPACE: 20%
OPEN SPACE PROVIDED: 22,094 OR 34%
RECREATION AREA: 15,000 SF OR 23% (SOME SPACE INCLUDED IN OPEN SPACE)

GENERAL LANDSCAPING NOTES
A TREE SIX INCHES OR GREATER IN DIAMETER MEASURED 4.5' ABOVE THE GROUND MUST BE PRESERVED OR REPLACED WITH A TREE OF AT LEAST TWO INCHES IN DIAMETER - FOR A MAXIMUM TOTAL OF 7 TREES PER ACRE. TREES MEETING THE LANDSCAPE REQUIREMENTS IN THE ZONING ORDINANCE MAY BE COUNTED TOWARD THIS REQUIREMENT. THE LIFE OF ALL PLANTED AND SAVED TREES SHALL BE GUARANTEED AND MAINTAINED FOR A PERIOD OF 5 YEARS OR SHALL BE REPLACED WITH AN EQUAL DIAMETER TREE. IF THIS IS NOT POSSIBLE THEN THE TOTAL DIAMETER AMOUNT OF TREES WITH NO LESS THAN 2 INCHES OF DIAMETER THROUGHOUT THE PROJECT AREA.

ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS · SURVEYORS
LABORATORIES · DRILLING
3213 S WEST BYPASS
SPRINGFIELD, MO 65807
PHONE (417) 866-2741
A LICENSED MISSOURI ENGINEERING CORPORATION
COA 00062

PLANNED DEVELOPMENT EXHIBIT 2

1024 S. DOUGLAS AVENUE
SPRINGFIELD, MO

LOOSE GOOSE

GDL ENTERPRISES, LLC

ISSUED FOR

NO.	DESCRIPTION	DATE

DRAWING INFORMATION

PROJECT NO:	21SP10157
DRAWN BY:	JMD
CHECK BY:	JMD
ISSUED FOR:	ZONING
ISSUED DATE:	07/01/2022

ISSUED BY:	JARED M. DAVIS
LICENSE NO:	PE No. 2016017614

SHEET TITLE
EXHIBIT 2

SHEET NUMBER
1

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 08-02-22

Sponsored by: Hardinger

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-199 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield City Code, Chapter 46, 'Elections,' Section 46-4, 'Nominating petitions,' to add a date that informational packets, which include nominating petitions for candidates for City Council, must be made available to candidates.

WHEREAS, Section 46-4 of the City Code requires the City Clerk to provide forms for nominating candidates to a City Council office, and traditionally, the City Clerk provides a packet of information, including nominating petitions, to prospective candidates with the necessary information for review before becoming a candidate for City Council; and

WHEREAS, these packets have been provided at the beginning of October of the year preceding a City Council election; and

WHEREAS, it would benefit candidates for City Council to know a date certain by which such packets will be made available to them.

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

NOTE: Added language is <u>underlined</u>, deleted language is ~~stricken~~.

<u>Section 1</u> – The Springfield City Code, Chapter 46, 'Elections,' Section 46-4, 'Nominating petitions,' is hereby amended as follows:

Sec. 46-4. – Nominating petitions.

A nominating petition for the city council shall include thereon, at the time the petition is signed, the office for which the person is being nominated. The city clerk shall provide forms for nominating candidates to a city council office <u>beginning the first regular business day of October of the year preceding a municipal election for said election. The clerk may also provide such other information as the clerk believes may be useful to candidates with the forms for nominating candidates</u>.

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

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

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewsader, City Attorney

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

EXPLANATION TO COUNCIL BILL 2022-199

FILED: 08-02-22

ORIGINATING DEPARTMENT: City Clerk

PURPOSE: To amend the Springfield City Code Chapter 46, 'Elections, Section 46-4, 'Nominating petitions' to add a date that informational packets, which include nominating petitions for candidates for City Council, must be made available to candidates.

BACKGROUND: Section 46-4 of the City Code requires the City Clerk to provide forms for nominating candidates to a City Council office. Traditionally, the City Clerk provides a packet of information to the prospective candidates with the necessary information for review before becoming a candidate for City Council. This information includes excerpts from the City Code, the City Charter, and state law.

Traditionally these packets are made available to prospective candidates in the beginning of October of a year preceding the Council election. It is important that candidates are provided information in a timely and consistent manner and knowing a date certain by which the packets will be made available to them should assist potential candidates.

Passage of this Council bill would require the City Clerk to make packets and nominating petitions available on the first business day of October of the year preceding the General election in April.

Submitted by:

Anita J. Cotter, City Clerk

Approved by:

Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 26
Filed: 08-02-22

Sponsored by: Hosmer

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 200 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, on behalf of the City of Springfield, to enter into an agreement with the Missouri Development Finance Board to obtain tax credits for contributions to benefit the Springfield Art Museum's 2028 Campaign and 30-Year Master Plan and to take other actions reasonably necessary to carry out the terms of such agreement.

WHEREAS, the Missouri Development Finance Board ("MDFB") operates a program which provides fifty percent (50%) tax credits to individuals making donations for certain qualified projects; and

WHEREAS, on February 2, 2022, by passage of Resolution 10616, City Council authorized the City Manager, on behalf of the City of Springfield, to apply for tax credits from the MDFB for contributions to benefit the Springfield Art Museum's 2028 Campaign and 30-Year Master Plan; and

WHEREAS, the MDFB approved the City's application; and

WHEREAS, the City has negotiated a tax credit agreement with MDFB to administer the proposed program ("Agreement").

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

Section 1 – The City Manager, or his designee, on behalf of the City of Springfield, Missouri, is hereby authorized to enter into an agreement, which shall be substantially in form and content as that document attached hereto and incorporated by reference as "Exhibit A," with the Missouri Development Finance Board to obtain tax credits for contributions to benefit the Springfield Art Museum's 2028 Campaign and 30-Year Master Plan, and to take such actions reasonably necessary to carry out the terms of such agreement.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-200

FILED: 08-02-22

ORIGINATING DEPARTMENT: Art Museum

PURPOSE: Authorizing the City Manager, or his designee, on behalf of the City of Springfield, to enter into an agreement with the Missouri Development Finance Board to obtain tax credits for contributions to benefit the Springfield Art Museum and take other actions for the purpose of renovation and expansion of the Springfield Art Museum building and grounds.

BACKGROUND INFORMATION: The Missouri Development Finance Board ("MDFB") operates a program that provides 50 percent tax credits to persons and qualified institutions making donations to qualified projects. Contributions are made directly to the MDFB and the MDFB provides tax credit certificates to the donor(s). Then, the City requests disbursement from its MDFB account on behalf of the project. This program requires that the grantee be a Public Entity – which the Springfield Art Museum is. The City has previously received approval for MDFB tax credits for projects like Founders Park, Creamery Arts Center, Discovery Center, History Museum, and Ozarks Food Harvest.

REMARKS: Contributed funds raised through the MDFB Tax Credits for Contributions Program will incentivize private contributions from individuals and institutions toward the completion of the Art Museum's Master Plan. The Art Museum's Master Plan will establish a cultural tourism destination for Springfield and the ancillary benefits include improvements for the surrounding neighborhoods, access to trails, nature and culture, talent retention and attraction for the City and its businesses, an education and cultural resource for generations.

This project supports the following City Council Priorities:

- Quality of Place
- Economic Vitality

Submitted by:

Nick Nelson, Director of Art Museum

Recommended by:

Alia Lee, Art Museum Board Chair

Approved by:

Jason Gage,
City Manager

TAX CREDIT AGREEMENT

(City of Springfield – Art Museum Project)

THIS TAX CREDIT AGREEMENT, dated as of the _____ day of _____, 2022 (the "Agreement"), by and among the **MISSOURI DEVELOPMENT FINANCE BOARD**, a body corporate and politic of the State of Missouri (the **"Board"**), and the **CITY OF SPRINGFIELD, MISSOURI**, a constitutional home rule charter city and political subdivision organized and existing under the laws of the State of Missouri (the **"Public Entity"**);

WITNESSETH:

WHEREAS, Section 100.286.6 of the Revised Statutes of Missouri (the **"Tax Credit Statute"**) provides that any taxpayer shall be entitled to a tax credit against any tax otherwise due under the provisions of Chapter 143, RSMo, excluding withholding tax imposed by Sections 143.191 to 143.261, RSMo, Chapter 147, RSMo, or Chapter 148, RSMo, in the amount of fifty percent of any amount contributed in money or property by the taxpayer to the development and reserve fund, the infrastructure development fund or the export finance fund during the taxpayer's tax year; and

WHEREAS, the Public Entity has requested that the Board accept contributions from donors and make the proceeds of such contributions available to the Public Entity for the purpose of paying a portion of the cost of financing the project described on **Exhibit A** hereto (the **"Project"**), all as more fully described in the application documentation for assistance submitted to the Board (all as attached hereto as **Exhibit B**, collectively, the **"Project Application"**); and

WHEREAS, at meetings of the Board held on April 19, 2022 and May 17, 2022, the Public Entity made written and/or oral presentations to the Board concerning the Project and the Project Application; and

WHEREAS, at the meeting of the Board held on May 17, 2022, the Board adopted a Resolution approving the Project Application and the award of Tax Credits (defined below) in an amount up to $2,000,000; and

WHEREAS, the Project will significantly benefit the Public Entity and the State of Missouri by: (i) increasing tourism and visitors to the Springfield Art Museum, a department of the Public Entity (the **"Project Beneficiary"**), which will have a positive economic impact for the Public Entity, (ii) preserving and protecting cultural and historic resources, (iii) providing a positive impact on the physical and mental health of those that visit the Project Beneficiary, and (iv) providing future, long-term jobs, as well as temporary construction jobs; and

WHEREAS, the Board and the Public Entity desire to enter into this Agreement for the purpose of setting forth the terms and conditions pursuant to which the Board will accept contributions with respect to the Tax Credits described herein and deposit such contributions into the Infrastructure Development Fund (defined herein) for the purposes set forth herein, all subject to the terms of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the Board and the Public Entity hereby covenant and agree as follows:

ARTICLE I

DEFINITIONS

In addition to the terms defined in the Recitals to this Agreement and elsewhere herein, as used in this Agreement the following terms shall have the following meanings:

"Application" means the request for assistance submitted to the Board by the Public Entity attached hereto as **Exhibit B**.

"Completion Date" means the date established by the Public Entity as the completion date pursuant to notice filed pursuant to **Section 5.2(d)** hereof.

"Compliance Period" means the period commencing upon the execution of this Agreement and ending on the last day of the third full fiscal year following the latest of these events to occur (i) the execution of this Agreement, (ii) the first issuance of Tax Credits pursuant to this Agreement or (iii) the Completion Date.

"Contribution" means any contribution received by the Board pursuant to and in accordance with this Agreement.

"Disbursement Request" means the Disbursement Request referred to in **Section 4.2** hereof and the form of which is attached hereto as **Exhibit C**.

"Donor" means any person making a contribution to the Board.

"Infrastructure Development Fund" means the fund by that name held by the Board.

"Material" means a standard for materiality pursuant to which any change or amendment would, when added to all such other changes or amendments, result in a prudent person considering such change or amendment material or would impact the Project Budget by 10% or more. Any change shall be deemed Material if the Board notifies the Public Entity, prior to the effective date of such change, that the Board considers such change to be Material.

"Maximum Contributions" shall have the meaning set forth in **Section 3.1** hereof.

"Maximum Tax Credits" shall have the meaning set forth in **Section 3.1** hereof.

"MBE/WBE Policies" shall mean the minority or woman business enterprise policies relating to construction contracts paid for with public funds of the Public Entity (as such policies were in effect at the time of execution of this Agreement and included as **Exhibit H** attached hereto) as identified to the Board by the Public Entity in the first Disbursement Request.

"Project" means the project described in **Exhibit A**, and any amendments, revision or additions thereto made in accordance with **Section 5.7(b)** hereof.

"Project Abandonment" means (i) the failure by the Public Entity to commence construction of the Project within three years of the execution of this Agreement, where no agreement exists between the Board and the Public Entity to extend such deadline, or (ii) any sale by the Public Entity of a material

portion of the real estate or improvements thereon constituting the Project. For purposes of the prior sentence, commence construction shall mean the entering into of a contract with a general contractor for the Project and commencement of work on the Project.

"Project Budget" means the aggregate Project Budget described in the Application, and any amendments, revisions or additions thereto made in accordance with **Section 5.7(a)** hereof.

"Project Costs" means all reasonable or necessary costs and expenses, relating to the Project, subject to the limitations contained in **Exhibit D**.

"Tax Credits" means tax credits issued by the Board in accordance with the Tax Credit Statute and this Agreement in consideration of the Contributions.

"Tax Credit Statute" shall have the meaning set forth in the Recitals.

ARTICLE II

FINDINGS AND DETERMINATIONS; REPRESENTATIONS AND WARRANTIES

Section 2.1. Board's Determination of Project Benefit. The Board hereby finds and determines as follows:

(a) The Project will significantly benefit the Public Entity and the State of Missouri by: (i) increasing tourism and visitors to the Project Beneficiary which will have a positive economic impact for the Public Entity, (ii) preserving and protecting cultural and historic resources, (iii) providing a positive impact on the physical and mental health of those that visit the Project Beneficiary, and (iv) providing future, long-term jobs, as well as temporary construction jobs;

(b) The benefits to be derived by the State of Missouri are expected to exceed the benefits provided by the Board by this Agreement; and

(c) The Board's participation is a material precondition to the completion of the Project, and the Project would not proceed without the assistance provided by the Board.

Section 2.2. Public Entity's Determination of Project Benefit and Representations and Warranties. The Public Entity hereby finds and determines as follows:

(a) The Project will significantly benefit the City of Springfield and the State of Missouri by: (i) increasing tourism and visitors to the Project Beneficiary, which will have a positive economic impact for the Public Entity, (ii) preserving and protecting cultural and historic resources, (iii) providing a positive impact on the physical and mental health of those that visit the Project Beneficiary, and (iv) providing future, long-term jobs, as well as temporary construction jobs;

(b) The benefits to be derived by the State of Missouri and the Public Entity are expected to exceed the benefits provided by the Board by this Agreement;

(c) The Project would not proceed without the assistance provided by the Board;

(d) The Public Entity (1) is a constitutional home rule charter city and political subdivision organized and existing under the laws of the State, and (2) the Public Entity has lawfully executed and delivered this Agreement acting by and through the authority of the Public Entity's governing body; and

(e) The execution and delivery of this Agreement by the Public Entity will not result in a breach of any of the terms of, or constitute a default under, any indenture, mortgage, deed of trust, lease or other agreement or instrument to which the Public Entity is a party or by which it or any of its property is bound or its bylaws or any of the constitutional or statutory rules or regulations applicable to the Public Entity or its property.

Section 2.4. No Private Benefit. The Public Entity represents and warrants that no portion of the Project or the proceeds of the Contributions shall benefit any private person, except for such benefits as may be conferred to private persons through the ordinary course of business in the development, construction and operation of the Project.

ARTICLE III

CONTRIBUTIONS AND TAX CREDITS

Section 3.1. Agreement to Accept Contributions and Issue Tax Credits. Subject to the requirements set forth herein and so long as the Board is authorized under the Tax Credit Statute to issue Tax Credits, the Board hereby agrees to accept Contributions from Donors in a maximum aggregate amount of $4,000,000 (the **"Maximum Contributions"**), resulting in the potential issuance of Tax Credits in the maximum amount of $2,000,000 (the **"Maximum Tax Credits"**), and to deposit such Contributions into the Board's Infrastructure Development Fund, and to issue such Donors' Tax Credits in an amount not to exceed 50% of the amount of such Contribution.

The date of the award and authorization for the Tax Credits shall be May 17, 2022.

All Contributions must be received by December 31, 2023 unless the Board, in its sole and absolute discretion elects to extend the period for which Contributions may be received. This paragraph shall not restrict the owner of any Tax Credit from utilizing the benefits of the carry-forward provisions contained in the Tax Credit Statute.

Section 3.2. Submission of Form 100. The Board shall process each Contribution which is accompanied by a properly completed Form 100 (currently available at http://www.mdfb.org/pdfs/Form100.pdf) and any other documents required by Missouri law. Any Contribution which is received for which the Board does not have a properly completed Form 100 and any other documents required by Missouri law shall be held by the Board until such documents are provided or, at the option of the Board, returned to the Donor with a written notation stating why such Contribution is being returned. A copy of each returned Contribution shall also be sent to the Public Entity. The Board reserves the right to require any additional information which the Board determines to be necessary to comply with the Board's statutes, as they may be amended from time to time.

Section 3.3. Minimum Contribution. The Board shall not accept any Contribution in an amount less than $500. Unless the Board, in its sole and absolute discretion, elects to waive the foregoing limitation, any Contribution which is received for less than such minimum amount shall be returned to the Donor with a written notation stating that Contributions must be made in the minimum amount of $500. A copy of each returned Contribution shall also be sent to the Public Entity.

Section 3.4. Processing Contributions. The Board shall promptly process all completed Contributions. The Board expects that once a properly completed Form 100 and all other required documents are received by the Board, together with the Contribution, the Board will issue and deliver or cause to be issued and delivered the Tax Credits within thirty (30) business days.

Section 3.5. Determination of Amount of Contribution. The amount (or value) of each Contribution shall be determined by the Board as follows:

Cash. The amount (or value) of cash Contributions shall be the face amount of such Contribution.

Marketable Securities. The amount (or value) of marketable securities shall be the proceeds received by the Board from the liquidation of such marketable securities in accordance with the Donor's instructions approved and accepted by the Board, less the Board's costs of selling such securities.

Unmarketable Securities and Other Property. No contributions of unmarketable securities or other property (other than as described above) shall be permitted under this Agreement.

All determinations by the Board of the amount (or value) of each Contribution shall, absent manifest error, be conclusive and binding upon the Donors and the Public Entity. The Board reserves the right to reject any Contribution.

Section 3.6. Contributions in Excess of Maximum Contributions. The Board and the Public Entity agree that in the event the Board receives Contributions in excess of the Maximum Contribution set forth in **Section 3.1** hereof (as the same may be modified by the Board in its sole and absolute discretion), the Board shall return such Contributions to the Donors thereof with a statement that Tax Credits are no longer available for such Contributions. A copy of each returned Contribution shall also be sent to the Public Entity.

ARTICLE IV

APPLICATION OF CONTRIBUTIONS

Section 4.1. Board's Application of Contributions. All Contributions received by the Board for the Project described herein shall be deposited in the same manner as other amounts received by the Board, and the amount of such Contributions shall be maintained by the Board on its books and records in a separate ledger account (the **"Board Project Account"**). All moneys on deposit in the Board Project Account shall be invested by the Board in accordance with its investment guidelines. All interest earnings on such amounts shall accrue to the Board and shall not be credited to the Board Project Account.

Section 4.2. Disbursements from the Board Project Account. The Board shall disburse amounts from the Board Project Account upon receipt of fully executed disbursement requests in the form attached hereto as **Exhibit C** (each a **"Disbursement Request"**). The Board shall be entitled to rely upon each Disbursement Request in disbursing amounts from the Board Project Account and it shall have no duty to conduct any investigation into the authenticity of the signatures on such Disbursement Request or the accuracy of the information set forth therein.

All disbursements from the Board Project Account shall satisfy the conditions set forth in **Exhibit D**.

Section 4.3. Procedures and Conditions for Disbursements. The Board and the Public Entity hereby agree to the following procedures in connection with disbursements from the Board Project Account:

(a) All Disbursement Requests shall be submitted to the Board for approval as provided in **Section 4.2** hereof. All payments from the Board Project Account shall be made payable to the Public Entity;

(b) In no event shall the Public Entity submit more than one Disbursement Request to the Board each month, unless approved by the Board's Executive Director;

(c) All disbursements of the Contributions shall be used only for costs described on **Exhibit A**; and

(d) The Board shall have the right to cease funding disbursement requests upon the occurrence of any of the following events:

(i) Project Abandonment has occurred; or

(ii) the Public Entity shall fail to perform any material covenant, condition or other provision of this Agreement.

The Board shall promptly notify the Public Entity of its election to cease funding disbursement requests and such notice shall contain a description of the basis upon which the Board has exercised such right to cease funding disbursement requests. If the Board and the Public Entity are unable to agree to a waiver, extension or modification of such conditions, the Board shall have the right to terminate this Agreement and shall cause all moneys remaining in the Board Project Account to be applied as provided in **Sections 4.6** and **6.1** hereof.

Section 4.4. Processing of Disbursement Requests. Within ten (10) business days after the submission of a fully completed Disbursement Request to the Board, the Controller shall process such request for payment or immediately notify the Public Entity of any information needed to process such Disbursement Request.

Section 4.5. Deduction of Board Fees and Expenses. Concurrently upon the receipt of each Contribution, the Board shall deduct an administrative fee in an amount equal to 4.0% of the amount of the Contribution, and shall furnish the Public Entity a detailed description of such deductions at least quarterly. Such fees shall be in addition to any interest earned for the account of the Board on moneys invested in the Board Project Account. If the Board grants an extension to the deadline for the Board's

receipt of Contributions as set forth in **Section 3.1** hereof, the administrative fee on all Contributions made after the deadline contained in **Section 3.1** hereof shall increase to 5.0% of the amount of such Contributions. Nothing herein shall obligate the Board to grant any extension.

Section 4.6. Return of Contributions. In the event the Public Entity has been unable to satisfy the conditions set forth in **Section 4.3** hereof and in **Exhibit D** to the satisfaction of the Board, or in the event the Public Entity shall notify the Board of an event of Project Abandonment, or upon an event of default under **Section 6.1** hereof, then all Contributions held by the Board pursuant to **Section 4.1** hereof shall become the property of the Board and this Agreement shall be terminated. If the Board seeks to declare an event of Project Abandonment, the Board shall provide the Public Entity with a notice of default in accordance with **Section 6.1** hereof stating its intent to deem the Contributions property of the Board and to terminate this Agreement in accordance with **Section 6.1** hereof. Notwithstanding the foregoing, if requested by a Donor in writing, a Contribution made by a Donor and still on deposit in the Board Project Account shall be returned to the Donor after reimbursement to the State for the cost of Tax Credits issued hereunder. In the event of a declaration of Project Abandonment or default, the Board agrees that it will provide a written notice to each Donor who would be entitled to any Contribution return. In determining the cost to the State of such Tax Credits the Board shall assess interest on such Tax Credits from the date of issuance of the Tax Credits through the date of the return of the Contribution, such interest to be calculated using an interest rate equal to *The Bond Buyer's* 20 Bond Index published in *The Bond Buyer* on the day such calculation is made. Notwithstanding any other provision of this Agreement, Contributions which are expended by the Public Entity in accordance with this Agreement shall not be subject to return nor shall such Tax Credits be subject to recapture.

Section 4.7. Recapture of Credits Issued in the Event the Project is Abandoned. If Project Abandonment occurs, any proceeds from the sale of a portion of the real estate on which the Project is constructed shall be applied in the following order of priority: (i) to repay any debt incurred to acquire the Project, (ii) to reimburse the State for the cost of Tax Credits issued hereunder, and (iii) in any manner the Public Entity shall elect free and clear of all restrictions in this Tax Credit Agreement.

Section 4.8. Public Entity Assumes All Responsibility for the Project. The Public Entity acknowledges and agrees that any and all costs and expenses incurred in connection with the acquisition, construction and equipping of the Project in excess of the amounts on deposit with the Board Project Account (including amounts which are ineligible for payment from the Board Project Account) shall be paid by the Public Entity and the Board shall not have any liability in connection therewith. The Public Entity recognizes that since the construction and equipping of the Project is being completed at the request of and under the direct supervision of the Public Entity and by contractors and suppliers selected by and under contract with the Public Entity in accordance with plans and specifications prepared on behalf of the Public Entity, the Board makes no representation or warranty, express or implied, with respect to the merchantability, condition or workmanship of any part of the Project or its suitability for the Public Entity's purposes or the extent to which funds in and expected to be deposited into the Board Project Account will pay the cost to be incurred in connection with the work.

Section 4.9. Public Entity Responsible For Construction; Required Liability Insurance. The Public Entity shall have the right and the obligation to hire, retain and employ all persons, including, but not limited to, contractors, to complete the acquisition, construction and equipping of the Project. The Public Entity shall be responsible to the Board for the acts and omissions of all said employees and contractors and their agents and employees, and all other persons performing any work in connection with the Project. The Public Entity shall, in connection with the construction and equipping of the Project, obtain public liability insurance in such amounts and in such coverages as shall be customary

and reasonable for projects of similar size and scope. The Public Entity shall require the provider of such insurance policy to give at least 30 days prior written notice to the Board of any cancellation or material change in the terms of such insurance. The Public Entity shall obtain all necessary endorsements to fulfill the foregoing requirements and shall provide certificates of insurance to demonstrate such compliance upon request. The construction and equipping of the Project shall be performed in good and workmanlike manner.

Section 4.10. Compliance With Laws. The Public Entity agrees to comply in all material respects with the provisions of all applicable federal, state and local statutes and regulations, including, but not limited to, the Fair Labor Standards Act, Fair Employment Practices Act, Equal Opportunity Act, Missouri Prevailing Wage Law, Contract Work Hours and Safety Standards Act, Copeland Anti-Kick Back Act and the provisions of any other applicable federal, state or local statutes and regulations and amendments thereto pertaining to employment, labor relations and equal employment opportunity and applicable to the construction and equipping of the Project, and pertaining to laws and regulations concerning environmental safety and remediation and applicable to the construction and equipping of the Project. The Public Entity agrees to take affirmative action to provide equal employment opportunity pursuant to the provisions of said laws, statutes and regulations as amended from time to time.

ARTICLE V

THE PROJECT; RECORDS AND REPORTS; COVENANTS

Section 5.1. Access to the Project and Inspection; Operation of the Project. The Board and the duly authorized agents of the Board shall have the right, at all reasonable times upon the furnishing of reasonable advance notice under the circumstances, to enter upon the Project and to examine and inspect the Project. The Board and the duly authorized agents of the Board shall also be permitted, at all reasonable times upon reasonable advance notice under the circumstances, to examine the books and records of the Public Entity with respect to the Project and the Contributions and the obligations of the Public Entity hereunder.

Section 5.2. Reports and Financial Statements by the Public Entity. The Public Entity shall cause the following reports to be furnished to the Board:

(a) During the Compliance Period, the following items not later than the dates indicated:

(i) All audit and compliance reports of the Project Beneficiary prepared for submission to any federal or state agency or authority as soon as practicable after they are available;

(ii) Any other reports and any and all financial statements prepared by employees or agents of the Public Entity (including the Public Entity's accountants) relating to the financial condition of the Project Beneficiary and the status of the Project for distribution to the Public Entity, the Project Beneficiary or members of the Public Entity's governing board or the Project Beneficiary's governing body, as soon as practicable after they are available;

(iii) As soon as practicable after they are available but in no event more than **180** days after the last day of each fiscal year, the audit report and audited financial statements of the Project Beneficiary for such fiscal year certified by an independent certified public accountant; and

(iv) Such additional information as the Board may reasonably request concerning the Public Entity, specifically the Project Beneficiary, including such statistical and other operating information requested on a periodic basis;

(b) Not later than each **June 30th** following the first issuance date of the Tax Credits, and continuing on each June 30th thereafter for a period of three (3) years following the first issuance date of the Tax Credits, the Annual Compliance Report substantially in the form attached hereto as **Exhibit E**, pursuant to subsections 3 and 10 of Section 135.805, RSMo;

(c) Not later than **60** days following the end of each calendar quarter during the construction of the Project, a report describing the level of MBE/WBE participation in the Project, containing the information set forth in **Exhibit F**, and any other relevant information reasonably requested by the Board relating to MBE/WBE participation in the construction of the Project;

(d) Not later than **60** days following the completion of the construction of the Project, the certificate in the form attached hereto as **Exhibit G**; and

(e) Prompt written notice of filing of any action, suit or proceeding by it or against it at law or in equity, or before any governmental instrumentality or agency, which, if adversely determined, would materially impair the right of the Public Entity to carry on the business which is contemplated in connection with the Project, or would materially and adversely affect its business, operations, properties, assets or condition.

Section 5.3. Reports by the Board to the Public Entity. Upon the written request of the Public Entity, the Board shall furnish such information concerning the Board's receipt and disbursement of Contributions as the Public Entity may reasonably request, but not more frequently than monthly.

Section 5.4. Reports by the Public Entity to the Board. The Public Entity shall furnish the Board with any reports relating to the Project prepared by it, including by the Project Beneficiary, for distribution to the members of the Public Entity's governing body or the Project Beneficiary's governing body.

Section 5.5. Indemnification. The Public Entity, to the extent permitted by law, releases the Board from, and agrees that the Board shall not be liable for any liabilities, losses, damages (including attorneys' fees), causes of action, suits, claims, costs and expenses, demands and judgments of any nature imposed upon or asserted against the Board (except to the extent that any of the foregoing arises as a result of the gross negligence or willful misconduct of the Board, as applicable, or any of their officials, commissioners, directors, officers, attorneys, accountants, employees or agents) on account of: (i) any loss or damage to property or injury to or death of or loss by any person that may be occasioned by any cause whatsoever pertaining to the acquiring, constructing, demolishing, renovating, improving and operation of the Project; (ii) any breach or default on the part of the Public Entity in the performance of any covenant or agreement of the Public Entity under this Agreement or any related document, or any of its agents, contractors, servants, employees or licensees; (iii) violation of any law, ordinance or regulation affecting the ownership, occupancy or use of the Project; (iv) any loss suffered by any Donor as a result of the inability of the Donor to use any Tax Credit issued by the Board, other than as a result of the failure of the Board to issue such Tax Credit upon receipt by the Board of the necessary information, (v) any loss resulting from any environmental violation at the Project, and (vi) any claim or

action or proceeding with respect to the matters set forth in subsections (i), (ii), (iii), (iv) and (v) above brought thereon.

Section 5.6. Further Assurances and Corrective Instruments. The Board and the Public Entity from time to time will execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such further instruments as may reasonably be required for correcting any inadequate or incorrect description of the Project and for carrying out the intention or facilitating the performance of this Agreement.

Section 5.7. Affirmative Covenants of the Public Entity. The Public Entity covenants and agrees that so long as this Agreement is in effect, the Public Entity will strictly comply with each of the following requirements:

(a) All Contributions shall be expended strictly in accordance with the Project Budget. The Project Budget may be amended from time to time by the Public Entity; provided, however, that changes to the Project Budget which are Material will be made only with the prior written consent of the Board. The Public Entity will notify the Board at least quarterly of any non-Material changes to the Project Budget;

(b) Changes to the Project which are Material may only be made with the prior written approval of the Board's Executive Director or designee;

(c) The Public Entity shall not transfer, pledge, lease or permit any assignment or lien to exist or in any other manner dispose of the Public Entity's ownership interest in the Project without the prior written consent of the Board; and

(d) The Public Entity shall be in compliance with the Public Entity's MBE/WBE Policies as attached hereto.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1. Default. If the Public Entity fails to perform any material covenant, condition or other provision of this Agreement and such failure shall continue for 30 days after written notice thereof by the Board (or if such failure is correctable but is such that it cannot be corrected within such 30-day period, such failure shall not constitute a failure within the meaning of this **Section 6.1** if the Public Entity is diligently pursuing such corrective action and such failure is corrected within 120 days), the Board shall be entitled to (1) retain all Contributions in the Board Project Account, or (2) exercise its remedies at law or in equity to enforce this Agreement and recover its damages as a result of such default. Amounts retained by the Board pursuant to this Section shall be applied in accordance with **Section 4.6**.

Section 6.2. Transfer of Tax Credits. Any transfers of Tax Credits under this Agreement shall be made in accordance with Section 100.286.7 of the Revised Statutes of Missouri, as from time to time amended or supplemented.

Section 6.3. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Agreement shall be in writing and shall be deemed duly given or filed if the same shall be (i) given by facsimile or e-mail, receipt confirmed by telephone, or in writing, or (ii) delivered by courier or nationally-recognized overnight delivery service or duly mailed by first-class mail, postage prepaid, addressed as follows:

(a) To the Board:

Missouri Development Finance Board
Governor Office Building
200 Madison Street, Suite 1000
Jefferson City, Missouri 65101
Attention: Controller or Senior Accountant
Telephone No. (573) 751-8479

(b) To the Project Beneficiary:

Springfield Art Museum
1111 East Brookside Drive
Springfield, Missouri 65807
Attention: Nick Nelson
Telephone No. (573) 837-5700

The Board and the Public Entity may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

Section 6.4. Limited Obligations. The obligations of the Board to disburse funds hereunder are limited obligations of the Board, payable solely out of the amounts on deposit in the Board Project Account, and such obligations shall not constitute a debt or liability of the Board within the meaning of any State of Missouri constitutional provision or statutory limitation or Charter provision, and shall not constitute a pledge of the full faith and credit of the Board. The execution of this Agreement shall not, directly, indirectly or contingently, obligate the Board to levy any form of taxation therefore or to make an appropriation of any payment hereunder.

Section 6.5. Immunity of Officers and Employees of the Board and the Public Entity. No recourse shall be had for any payment hereunder against any past, present or future officials, commissioners, directors, members, council members, officers, attorneys, accountants, employees or agents of the Board or the Public Entity, and all such liability of any such persons shall be expressly waived and released as a condition of and consideration for the execution of this Agreement.

Section 6.6. Relationship of Board to Public Entity and Donors. The parties hereto acknowledge and agree that: (i) the only obligations the Board with respect to the transaction contemplated hereby expressly are set forth in this Agreement; (ii) the Public Entity shall advise each potential donor to consult its own legal, accounting, tax, financial and other advisors, as applicable, to the extent it deems appropriate, including with respect to tax consequences of Contributions and application of Tax Credits; (iii) the Board is not acting as a financial advisor or fiduciary and has not assumed any advisory or fiduciary responsibility to the Public Entity and any Donor or successor or assignee of the

same with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto.

Section 6.7. Severability. If any provision of this Agreement shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatsoever.

Section 6.8. Execution in Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 6.9. Electronic Storage of Documents. The Board and the Public Entity agree that the transaction described herein may be conducted and related documents may be stored by electronic means.

Section 6.10. Governing Law. This Agreement shall be governed exclusively by and be construed in accordance with the applicable laws of the State of Missouri. Venue shall be appropriate only in the Circuit Court of Green County, Missouri.

Section 6.11. Term of the Agreement. This Agreement shall terminate on the last day of the Compliance Period; provided, the indemnifications in **Section 5.5** of shall survive the termination of this Agreement.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be signed in its respective name and behalf and its official seal to be hereunto affixed and attested by its duly authorized officers, all as of the date first above written.

MISSOURI DEVELOPMENT FINANCE BOARD

By:_____
Mark Stombaugh, Executive Director

CITY OF SPRINGFIELD, MISSOURI

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM:

_____
City Attorney or designee

EXHIBIT A

DESCRIPTION OF THE PROJECT

The Project consists of the improvements described in the Application.

EXHIBIT B

APPLICATION TO THE BOARD

EXHIBIT C

FORM OF DISBURSEMENT REQUEST

Disbursement Request No. ____

To: Missouri Development Finance Board
Governors Office Building
200 Madison Street, Suite 1000
Jefferson City, Missouri 65101
Telephone No. (573) 751-8479
Fax No. (573) 526-4418
E-mail: kimberly.martin.mdfb@ded.mo.gov

Re: City of Springfield – Art Museum Project - Disbursement Request from the Board Project Account

You are hereby requested pursuant to **Section 4.2** of the Tax Credit Agreement dated as of _____ ___, 2022 (the "Agreement"), to electronically transfer to the City of Springfield (the "Public Entity") to permit the Public Entity to pay the following named payee[s] to provide for the payment or reimbursement of the following Project Costs (as defined in the Agreement):

[Note: The Public Entity must provide wire instructions to the Board to complete this transfer].

Payee/Address/Tax ID No.	Amount	Description of Project Costs

The undersigned hereby states and certifies that:

1. Each item listed above is a proper Project Cost (as defined in the Agreement). Attached hereto are invoices, statements, bills or other documents evidencing the fact that such payment is due.

2. These Project Costs have been incurred and are presently due and payable or have been paid by the Public Entity in connection with the Project and are eligible for payment or reimbursement in accordance with the requirements of the Agreement.

3. No item listed above has previously been included in any other Disbursement Request previously approved by the Board under the provisions of the Agreement.

4. All necessary permits and approvals required for the portion of the work on the Project for which this withdrawal is to be made have been issued and are in full force and effect.

5. The payment of this Disbursement Request is in compliance with all of the restrictions contained in **Exhibit D** to the Agreement.

6. [No material change in the Project Budget is necessary as a result of the payment of this request.] [As a result of this request we are hereby requesting that the Board approve a modification of the Project Budget as follows: _____ _____.]

Dated this _____ day of _____, 20___.

CITY OF SPRINGFIELD, MISSOURI

By:_____
Authorized Representative

Approved for Payment on _____ ___, 20___:

MISSOURI DEVELOPMENT FINANCE BOARD

By: _____
Title: _____

EXHIBIT D

CONDITIONS RELATING TO DISBURSEMENTS FROM THE BOARD PROJECT ACCOUNT

Capitalized terms shall have the meanings set forth in Article I of the Tax Credit Agreement.

All Disbursement Requests must satisfy the following restrictions:

1. Moneys in the Board Project Account shall only be used to pay or reimburse actual hard costs (costs of constructing, equipping and furnishing the Project), costs for materials and labor, architectural and engineering costs, costs for appraisals, title insurance and environmental assessments.

2. Moneys in the Board Project Account shall only be used to pay or reimburse costs incurred after May 17, 2022.

3. Moneys in the Board Project Account may not be pledged or assigned to secure any loan or the performance of any obligation, without the consent of the Board

4. Moneys in the Board Project Account shall not be used to pay or reimburse operating expenses of the Public Entity, including the Project Beneficiary.

EXHIBIT E

TAX CREDIT ACCOUNTABILITY ACT REPORTING FORM

ANNUAL COMPLIANCE REPORT

(pursuant to RSMo Section 135.805.2, as amended)

Reporting period Ended December 31, 20_ _

Organization Name:				
Property use is:	☐ residential	☐ commercial/ industrial	☐ 501(c)(3) nonprofit	☐ governmental
Describe current use of project:				
Projected or actual project cost:				
Total labor costs:				
Projected or actual date of Completion:				

To the best of my knowledge, the information above and below are true and correct as of _____ __, 20__.

Authorized Representative_____

Printed Name_____

Title_____

Return this form via e-mail or to the address below by JUNE 30, 20_ _:

Missouri Development Finance Board
P.O. Box 567
200 Madison St., Ste. 1000
Jefferson City, MO 65102
-or-
Fax No. (573) 526-4418

TAX CREDIT ACCOUNTABILITY ACT REPORTING FORM ATTACHMENT

BUSINESS/ORGANIZATION NAME:		
NUMBER OF JOBS CREATED AT PROJECT LOCATION EACH MONTH AS A RESULT OF THE ISSUED TAX CREDIT		
MONTHS	**FULL-TIME PERMANENT JOBS**	**PART-TIME PERMANENT JOBS**
JANUARY 20_ _		
FEBRUARY 20_ _		
MARCH 20_ _		
APRIL 20_ _		
MAY 20_ _		
JUNE 20_ _		
JULY 20_ _		
AUGUST 20_ _		
SEPTEMBER 20_ _		
OCTOBER 20_ _		
NOVEMBER 20_ _		
DECEMBER 20_ _		
TOTALS:		

EXHIBIT F

MBE/WBE REPORT

Missouri Development Finance Board
Governor Office Building
200 Madison Street, Suite 1000
Jefferson City, MO 65101
Telephone No. (573) 751-8479
Fax No. (573) 526-4418
E-mail: kimberly.martin.mdfb@ded.mo.gov

Re: City of Springfield – Art Museum Project – MBE/WBE Participation Report

The undersigned hereby certifies pursuant to the Tax Credit Agreement dated as of _____ __, 2022 (the "Agreement"), that the undersigned has utilized the following contractors in the construction of the project for the period beginning upon the construction of the project and ending on _____ __, 20__, the last day of the most recent fiscal quarter:

MBE or /WBE	Name of Vendor	Description of Work or Service	Contract Amount

Signed this ___ day of _____, 20__.

CITY OF SPRINGFIELD

By:_____
Name:
Title:

EXHIBIT G

FORM OF COMPLETION CERTIFICATE

Missouri Development Finance Board
Governor Office Building
200 Madison Street, Suite 1000
Jefferson City, MO 65101
Telephone No. (573) 751-8479
Fax No. (573) 526-4418
E-mail: kimberly.martin.mdfb@ded.mo.gov

Re: City of Springfield – Art Museum Project – Notice of Final Completion

The undersigned hereby certifies pursuant to the Tax Credit Agreement dated as of _____ __, 2022 (the "Agreement"), that:

(a) The Project was completed on _____ __, 20__;

(b) The Project has been fully completed substantially in accordance with the Application, as modified by any changes permitted by the Agreement;

(c) The Public Entity commenced operations in the Project on _____ __, 20__.

(d) All costs of the Project have been fully paid for and no claim or claims exist against the Project out of which a lien based on furnishing labor or material exists or might ripen. [*Note*: There may be excerpted from the foregoing statement any claim or claims out of which a lien exists or might ripen in the event that the Public Entity intends to contest provided a brief description of the claim is provided to the Board.]

Signed this ___ day of _____, 20__.

CITY OF SPRINGFIELD

By:_____
Name:
Title:

EXHIBIT H

MBE/WBE POLICIES

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 08-02-22

Sponsored by: Hosmer

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 206 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield City Code, Chapter 2, 'Administration,' Article V, 'Departments,' Division 2, 'Building Development Services,' by revising Section 2-311, 'Established; appointment and qualifications of director,' to amend the required qualifications for the director of Building Development Services.

WHEREAS, City Code Section 2-311 requires that an appointee as the director of Building Development Services be a professional engineer or registered architect; and

WHEREAS, the qualifications of the position, established in 1974, do not reflect changes in the industry and need to be updated; and

WHEREAS, amending the requirements set out in City Code will allow the City to recruit from a broader pool of qualified applicants and thereby allow the City to provide enhanced professional services to the community in the areas of code enforcement and building safety.

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

Section 1 – Springfield City Code, Chapter 2, 'Administration,' Article V, 'Departments,' Division 2, 'Building Development Services,' Section 2-311, 'Established; appointment and qualifications of director,' is hereby amended as follows:

NOTE: Language to be added is underlined, and language to be deleted is ~~stricken~~.

Sec. 2-311. Established; appointment and qualifications of director.

There shall be a department of building development services whose director shall be known as the building development services director. The city manager shall

appoint the director of the department of building development services, who shall have experience in construction or related areas, and be a registered professional engineer or a registered architect under the laws of the state, or an individual with a bachelor's degree with current, multiple and appropriate International Code Council building, commercial, and residential certifications, ~~with experience in construction or related areas~~ or such equivalent and relevant experience as required by the City Manager. The director shall perform those duties required by this division or other ordinances of the city, by law, or by the city manager.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Deputy City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-206

FILED: 08-02-22

ORIGINATING DEPARTMENT: City Manager

PURPOSE: To amend the Springfield City Code Chapter 2, 'Administration,' Article V, 'Departments,' Division 2, 'Building Development Services,' Section 2-311, 'Established; appointment and qualifications of director,' to amend the required qualifications for the Director of Building Development Services.

BACKGROUND: The qualifications for this position were established in 1974 and have not been revisited to date. In the past 48 years there have been many changes in codes, certifications, and qualifications in this industry.

To improve the ability of the City of Springfield to recruit from a broader pool of qualified applicants for the position of Director of Building Development Services, it is necessary to amend the requirements set out in City Code. A larger pool of applicants with varied experience and backgrounds will allow the City to provide enhanced professional services to the community in the areas of code enforcement and building safety.

Submitted by:

Maurice S. Jones, Deputy City Manager

Approved by:

Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 17
Filed: 06-21-22

Sponsored by: Simpson

COUNCIL BILL 2022-158 RESOLUTION

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.

WHEREAS, the owner of the property located at 1951 South Roanoke Street has applied for a Short-Term Rental ("STR") Type 2 Permit; and

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

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

WHEREAS, the owner of the property located at 1951 South Roanoke Street has obtained two signatures out of the five adjacent property owners, resulting in only forty (40) percent of the neighboring property owners; and

WHEREAS, property owners within 500 feet of the proposed STR Type 2 establishment were notified by regular mail of the June 27, 2022, City Council meeting.

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

Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the property located at 1951 South Roanoke Street. The granting of the Permit is expressly subject to compliance with Section 36-473 of the Land Development Code, and any other applicable provisions of City Code.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 158

FILED: 06-21-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 1951 South Roanoke Avenue, 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 1951 South Roanoke Avenue. 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 five adjacent property owners, resulting in forty (40) percent consent as shown on "Exhibit C."

The three 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 June 27th 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 and Sign-In Sheet
Exhibit C, Adjacent Owner Consent Affidavit Form

Exhibit A

Springfield City Council
830 N. Booneville Ave
Springfield, Missouri 65802

May 25, 2022

Dear City Council Members,

The purpose of this letter is to request an appeal for an STR approval for property 1951 S Roanoke Ave.

I have not obtained 55% of the needed signatures. I have two out of the three signatures I need and am actively working to contact one of the adjacent property owners that is currently a long term rental.

Thank you for your time and consideration.

Kind Regards,

Katie Killingsworth
Property Owner

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: $_____
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: 1951 S. ROANOKE AVE

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: Katie Killingsworth

If corporation: Corporate Official: _____

Mailing Address: 3334 E. Summit Ridge Dr.

Zip Code: 65804 Phone: 417-459-8141

E-mail: KTEWinters17@gmail.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: 4/22/2022 4 pm - 6:30 pm
3. Meeting Location: 1951 S. Roanoke Ave
4. Number of invitations that were sent: 85
5. Number of neighbors in attendance (attach a sign-in sheet): 0
6. List the verbal comments and how you plan to address any issues:
   (City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the owner/operator must explain why the issues cannot be resolved.)

   No one attended.

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

   No one attended

I, Katie Killingsworth (*print name*), attest that the neighborhood meeting was held on 4/22/2022 (*month/date/year*), in accordance with the attached "Neighborhood Notification and Meeting Process."

Signature of person completing affidavit

Katie Killingsworth

Printed name of person completing affidavit

NEIGHBORHOOD MEETING SIGN-IN SHEET

Project: Short-Term Rental Type 2

Meeting Date: 4/22/2022

Owner/Operator: Fly Right Industries LLC/ Katie Killingsworth

Location of Meeting: 1951 S. Roanoke Ave Springfield, MO 65804

Name	Address	Phone	E-Mail

Exhibit C

CITY OF Springfield

SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVIT

Address of Proposed Short-Term Rental: **1951 South Roanoke Avenue**

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

Katie Killingsworth

Typed or Printed Name

ATTEST:

OWNER

Title

Corporate Secretary
(If no seal)

Name of Company or Organization
(If Applicable)

Subscribed and sworn to before me a notary public on this 3rd day of June, 20 22.

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

MOLLIE S. JESSEN
My Commission Expires
May 21, 2023
Christian County
Commission #15408440

Notary Public Mollie S. Jessen

My Commission expires: May 21, 2023

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: 1951 South Roanoke Avenue

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: 507 E CHEROKEE ST

Stahl, Benjamin T
Owner(s) of Record (Typed or Printed)

Tram Stahl
Signature(s) of Owners

Owner
Title

Notary Seal (only required if signature not witnessed by applicant)

SEAL

2. Address of Adjacent Residential Property: 506 E LATOKA CT

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: 1950 S JEFFERSON AVE

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: 1951 South Roanoke Avenue

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: 507 E CHEROKEE ST

Stahl, Benjamin T
Owner(s) of Record (Typed or Printed)

Tam Stahl
Signature(s) of Owners

Owner
Title

Notary Seal (only required if signature not witnessed by applicant)

SEAL

2. Address of Adjacent Residential Property: 506 E LATOKA CT

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: 1950 S JEFFERSON AVE

W. Bryan Magers
Owner(s) of Record (Typed or Printed)

Bry-Magers
Signature(s) of Owners

Owner
Title

Notary Seal (only required if signature not witnessed by applicant)

SEAL

NICOLE A HAGER
Notary Public - Notary Seal
Greene County - State of Missouri
Commission Number 16744416
My Commission Expires Oct 4, 2024

**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: 1951 South Roanoke Avenue

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: 425 E CHEROKEE ST

_____
Owner(s) of Record (Typed or Printed)

_____
Signature(s) of Owners

_____
Title

Notary Seal (only required if signature not witnessed by applicant)

SEAL

5. Address of Adjacent Residential Property: 1945 S ROANOKE AVE

_____
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

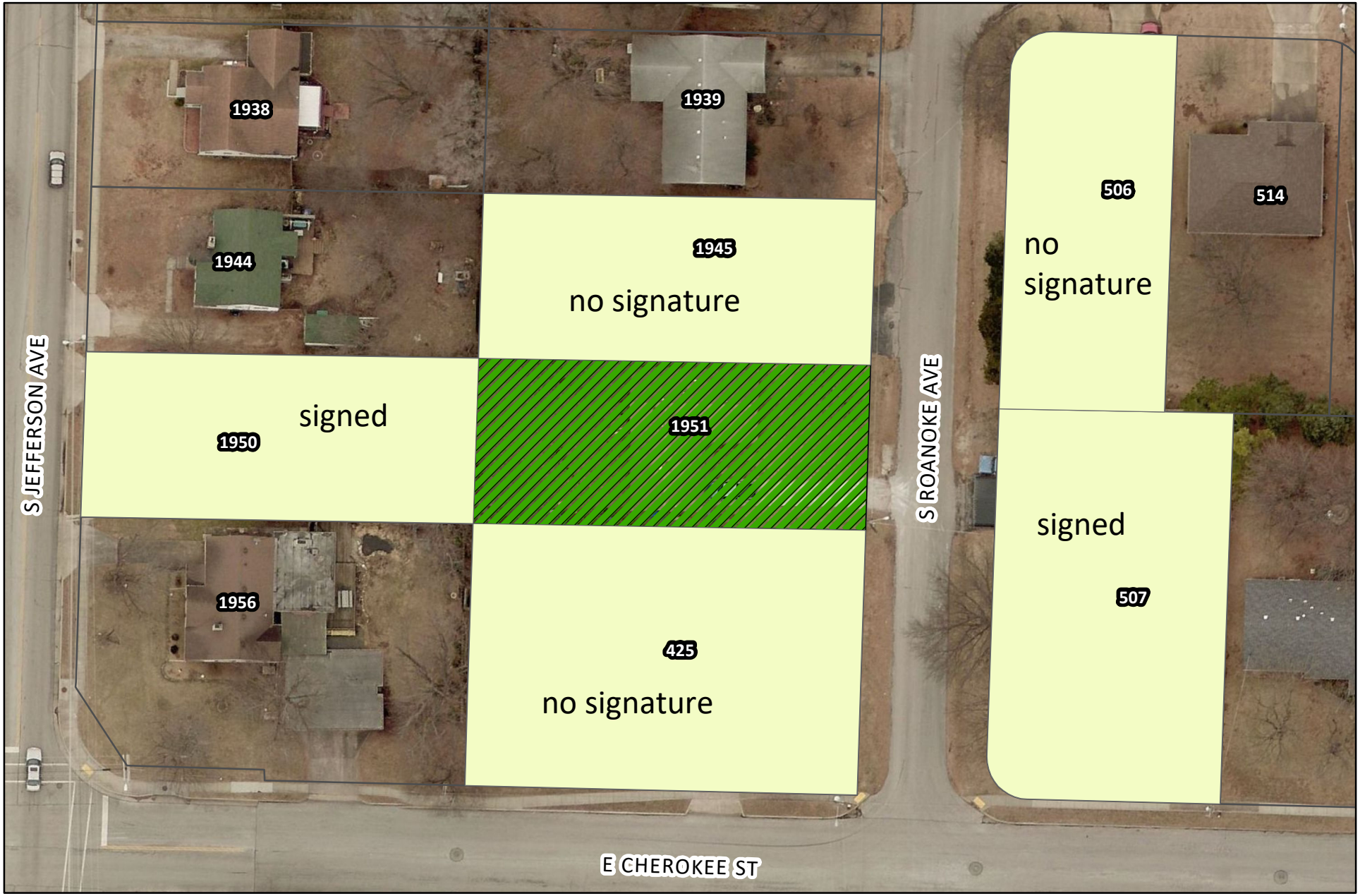
_____
Title

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

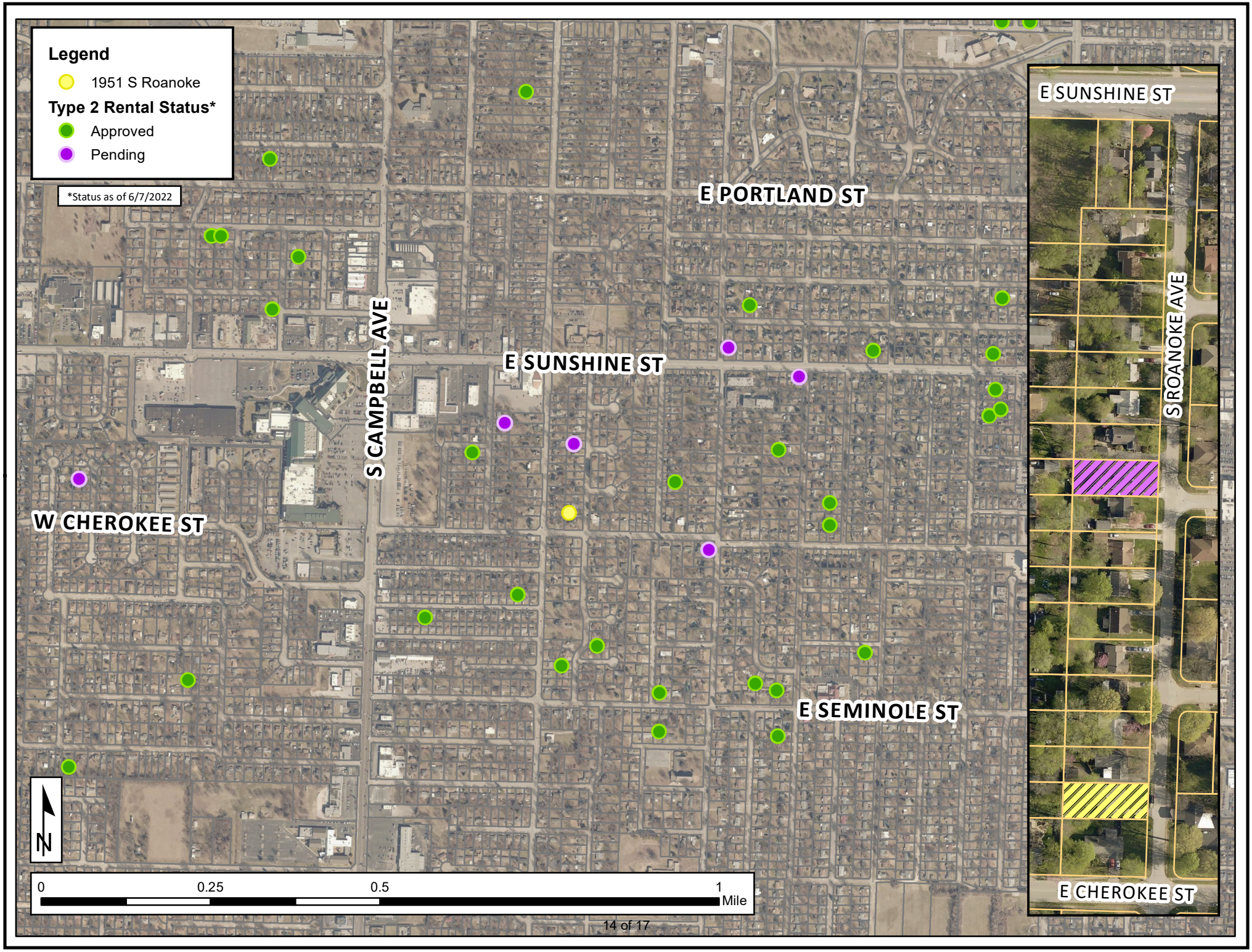


CITY OF Springfield

0 12.5 25 50 75 100 Feet

SCALE: 1:591

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.


Legend
1951 S Roanoke
Type 2 Rental Status*
Approved
Pending
*Status as of 6/7/2022
E PORTLAND ST
E SUNSHINE ST
S CAMPBELL AVE
W CHEROKEE ST
E SEMINOLE ST
N
0
0.25
0.5
1
Mile
E SUNSHINE ST
S ROANOKE AVE
E CHEROKEE ST

AFFIDAVIT OF SIGN POSTING

Attach photo here

See next page

(sign lettering must be legible in photo)

I, Katie Killingsworth *(print name of owner, agent, attorney)*, attest that the above sign was posted 10 days before the public hearing on 4/22/2022 *(month/day/year)* and in accordance with the given posting requirements.

Signature of person completing sign posting

Katie Killingsworth

Printed name of person completing sign posting

City of Springfield, Missouri
Short-Term Rental Intake Form

1. Business Name (if applicable): Fly Right Industries, LLC

   Operator(s) Name: Katie Killingsworth

   Operator(s) Address: 3334 E Summit Ridge Dr, Springfield, Mo 65804

   Phone: 4174598141 E-Mail: ktewinters17@gmail.com

   Short-Term Rental Address: 1951 S Roanoke Ave 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. Katie Killingsworth
   Owner/Operator

   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
2. Verification of rental type: Type 2
3. Verification of Historic Carriage House: N/A
4. Verification of Density Requirements: Approved

PLN: 2022-00044 Planning Personnel: _____ Date: _____

Comments: _____

LICENSING

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

For assistance contact Development Review at 417-864-1613 or amenke@springfieldmo.gov

One-rdg. X
P. Hrngs. _____
Pgs. 71
Filed: 08-16-22

Sponsored by: Hardinger

COUNCIL BILL 2022- 207 RESOLUTION _____

A RESOLUTION

AUTHORIZING the City Manager, or his designee, to apply for federal grant funds from the Federal Highway Administration to support construction of several planned bridge and culvert capital improvement projects along Jordan Creek.

WHEREAS, the Infrastructure Investment and Jobs Act ("IIJA") was signed into law by the President of the United States on November 15, 2021; and

WHEREAS, the IIJA provides $550 billion from 2022 through 2026 for investment in infrastructure, including roads, bridges, mass transit, water infrastructure, resilience, and broadband; and

WHEREAS, the IIJA established the Bridge Investment Program ("BIP"), administered by the Federal Highway Administration, a division of the U.S. Department of Transportation, to provide competitive grants toward the improvement of bridge condition and the safety, efficiency, and reliability of the movement of people and freight over bridges; and

WHEREAS, the City has several planned bridge and culvert capital improvement projects along Jordan Creek eligible for grant funds, including the Walnut Street Bridge, Main Avenue Bridge, Campbell Avenue Bridge, and Boonville Avenue Culvert; and

WHEREAS, if the City's application is granted, the federal grant would fund up to 80% of the construction cost of those projects.

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

Section 1 – The City Manager, or his designee, is hereby authorized to apply for a 2022 Bridge Investment Program Grant from the Federal Highway Administration for capital improvement projects along Jordan Creek eligible for such grant funds.

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

Passed at Meeting: _____

_____

Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to Form: _____, Assistant City Attorney

Approved for Council Action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-207

FILED: 08-16-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to apply for Federal grant funds from the U.S. Department of Transportation ("DOT"), Federal Highway Administration ("FHWA"), to support construction of several planned bridge and culvert capital improvement projects along Jordan Creek.

BACKGROUND INFORMATION: On November 15, 2021, the President of the United States signed the Infrastructure Investment and Jobs Act ("IIJA"), also known as the "Bipartisan Infrastructure Law" ("BIL"), into law. The BIL provides $550 billion from 2022 through 2026 for new Federal investment in infrastructure including roads, bridges, and mass transit, water infrastructure, resilience, and broadband. The BIL investment in infrastructure is intended to help grow the economy, enhance U.S. competitiveness, create jobs, and build our safe, resilient, and equitable transportation future.

The Bridge Investment Program ("BIP") was established by the BIL to provide competitive grants toward the improvement of bridge condition and the safety, efficiency, and reliability of the movement of people and freight over bridges. The U.S. DOT FHWA awards grants under the BIP for three types of project categories including:

a. "Large Bridge Projects" with total eligible costs greater than $100 million
b. "Bridge Projects" with total eligible costs less than or equal to $100 million
c. Planning grants for feasibility analysis and planning.

Eligible projects for BIP funding include:

a. A project (or bundle of projects) to replace, rehabilitate, and preserve or protect a bridge(s) on the National Bridge Inventory ("NBI").
b. A project to replace or rehabilitate culverts on the NBI for the purpose of improving flood control and improved habitat connectivity for aquatic species.

If awarded, the BIP grant funds will supplement the City's 1/4-cent Capital Improvement Sales Tax, the 1/8-cent Transportation Sales Tax, and Level Property Tax Funds. The grant funds would fund up to 80% of the construction cost of several planned bridge and culvert capital improvement projects along Jordan Creek and packaged as a bundle of projects. The bundle of projects will include bridges and culverts over Jordan Creek listed on the NBI: Walnut Street Bridge, Main Avenue Bridge, Campbell Avenue Bridge, and Boonville Avenue Culvert. The Notice of Funding Opportunity is attached with details on the application process as "Exhibit A."

REMARKS: This Council Bill will authorize the City to apply for Federal grant funds from the U.S. Department of Transportation Federal Highway Administration. If awarded, a separate council bill will be submitted to formally accept and budget the grant funds. 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

EXHIBIT A

693JJ322NF00009

2022 BRIDGE INVESTMENT PROGRAM GRANTS

Opening Date: June 10, 2022

Webinar: June 10, 2022

Planning Project Application Due: July 25, 2022, at 11:59 PM EDT

Large Bridge Project Application Due: August 9, 2022, at 11:59 PM EDT

Bridge Project Application Due: September 8, 2022, at 11:59 PM EDT

NOTE: The FHWA uses www.grants.gov for receipt of all applications. Applicants must register and use the system to submit applications electronically. Applicants are encouraged to register in advance of the submission deadline and to register to receive notifications of updates/amendments to this Notice. Approval of user registrations for the site may take multiple weeks. It is the Applicant's responsibility to monitor for any updates to this Notice.

U**.S. DEPARTMENT OF TRANSPORTATION**

Federal Highway Administration

Notice of Funding Opportunity for the 2022 Bridge Investment Program

AGENCY: U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA).

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The purpose of this notice is to solicit applications for three categories of Bridge Investment Program (BIP) funding opportunities: (1) Planning; (2) Bridge Projects (projects with eligible costs less than $100 million); and (3) Large Bridge Projects (projects with eligible costs greater than $100 million). Eligible applicants may submit applications for any of the three funding categories, but each category has distinct eligibility and selection criteria and application deadlines.

A total of $20 million in 2022 BIP funds are available for Planning funding opportunities. These funds will be awarded on a competitive basis for planning, feasibility analysis, and revenue forecasting associated with the development of a project that would subsequently be eligible to apply for BIP funding under either the Bridge Projects or Large Bridge Projects funding categories.

A total of $2.36 billion in 2022 BIP funds are available for the Bridge Projects and Large Bridge Projects funding opportunities. These funds will be awarded on a competitive basis for bridge replacement, rehabilitation, preservation, and protection projects that: (1) improve the safety, efficiency, and reliability of the movement of people and freight over bridges; and (2) improve the condition of bridges in the United States by reducing (a) the number of bridges, and total person miles traveled over bridges, that are in poor condition or that are in fair condition and at risk of falling into poor condition within the next three years, or (b) the number of bridges, and total person miles traveled over bridges, that do not meet current geometric design standards or cannot meet the load and traffic requirements typical of the regional transportation network. In addition, Large Bridge Projects that receive a BIP award of not less than $100 million are eligible for multiyear grants, in which DOT can award available funds to a project over the course of several years in accordance with an agreement and in alignment with its schedule. In selecting Bridge Projects and Large Bridge Projects, FHWA will consider the extent to which BIP funds leverage non-Federal contributions from sponsors and stakeholders involved in the planning, design, and construction of eligible projects.

This notice describes the application requirements, selection and evaluation criteria, applicable program and Federal requirements, and available technical assistance during the grant solicitation period.

ASSISTANCE LISTING (formerly CATALOG OF FEDERAL DOMESTIC ASSISTANCE) NUMBER: 20.205 Highway Planning and Construction

DATES:

Planning Applications must be submitted by 11:59 p.m. EDT on July 25, 2022.

Bridge Project Applications must be submitted by 11:59 p.m. EDT on September 8, 2022.

Large Bridge Project Applications must be submitted by 11:59 p.m. EDT on August 9, 2022.

The Grants.gov "Apply" function will open by June 10, 2022, for all three funding categories.

Applications must be submitted electronically through **grants.gov** no later than 11:59 p.m., Eastern Time, (the "application deadline")[1]. Applicants are encouraged to submit applications in advance of the application deadline; however, applications will not be evaluated, and awards will not be made, until after the application deadline.

WEBINAR: The FHWA plans to conduct outreach regarding the BIP in the form of a Zoom Webinar on June 10, 2022, from 2:00 PM to 2:30 PM, Eastern Time to a closed audience. The Webinar will be recorded and posted on FHWA's Website at BIP - Funding Programs - Management and Preservation - Bridges & Structures - Federal Highway Administration (dot.gov).

ADDRESSES: Applications must be submitted electronically through https://www.grants.gov/.

FOR FURTHER INFORMATION CONTACT:

Angela Jones
Agreement Specialist
Office of Acquisition and Grants Management

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[1] In order to ensure the timely implementation of the BIP, this notice is being issued in advance of receipt of approval of FHWA's information collection request in accordance with the Paperwork Reduction Act of 1995. The Act applies to the request for information in this notice in order for DOT to evaluate applications for the BIP grant program. Approval of FHWA's request is anticipated to be received soon but no later than the close of the application deadline and which will be made available at https://www.fhwa.dot.gov/bridge/bip/. Applications should not be submitted until after PRA approval.

Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: BridgeInvestmentProgram@dot.gov (preferred)
Phone: 202-366-4255

Alternate:

Robin Hobbs
Agreement Officer/Team Leader
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: BridgeInvestmentProgram@dot.gov (preferred)
Phone: 202-366-4004

Office hours are from 7:30 a.m. to 4:00 p.m., Eastern Time, Monday through Friday, except Federal holidays.

The FHWA will not review applications in advance, but FHWA staff are available for technical questions and assistance. In addition, FHWA will post answers to questions and requests for clarifications at Grants.gov under this NOFO's page. To ensure an applicant receives accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions.

SUPPLEMENTARY INFORMATION: The organization of this notice is based on an outline set forth in Appendix I to title 2 of the Code of Federal Regulations (CFR) Part 200 to ensure consistency across Federal financial assistance programs. However, that format is designed for locating specific information, not for linear reading. For readers seeking to familiarize themselves with how the BIP multi funding category program application process will work, DOT recommends starting with Section A (Program Description), which describes the goals of the BIP and DOT's purpose for providing separate selection criteria and application deadlines for each of the three funding categories and Section E (Application Review Information), which describes how DOT will select among eligible applications for each of the three funding categories.

Each section of this notice contains information and instructions relevant to the application process for the three BIP funding categories. The applicant should read this notice in its entirety to submit eligible and competitive applications.

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SECTION A - PROGRAM DESCRIPTION

1. Overview

Section 11118 of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58, Nov. 15, 2021), established the Bridge Investment Program (BIP) which is codified at 23 U.S.C. § 124. The goals of the BIP are: (1) to improve the safety, efficiency, and reliability of the movement of people and freight over bridges; (2) to improve the condition of bridges in the United States by (a) reducing the number of bridges in poor condition or in fair condition and at risk of falling into poor condition within the next 3 years, (b) reducing the total person miles traveled over bridges in poor condition, or in fair condition and at risk of falling into poor condition within the next 3 years, (c) reducing the number of bridges that do not meet current geometric design standards, or cannot meet the load and traffic requirements typical of the regional transportation network, and (d) reducing the total person miles traveled over bridges that do not meet current geometric design standards, or cannot meet the load and traffic requirements typical of the regional transportation network; and (3) to provide financial assistance that leverages and encourages non-Federal contributions from sponsors and stakeholders involved in the planning, design, and construction of eligible projects.

The DOT will provide FY 2022 BIP funds for Planning, Bridge Projects, and Large Bridge Projects consistent with each category's statutory language and the priorities described in this NOFO. To help streamline the BIP process for applicants, DOT has combined the BIP funding opportunity announcement, selection criteria, and application deadline for each of the three BIP funding categories into one NOFO. Applicants may choose to apply to one, two, or all three of the BIP funding categories as appropriate based on eligible projects under each category. To assist applicants interested in applying for a FY 2022 BIP grant, DOT has developed application templates for each of the BIP funding categories. Applicants are encouraged to use the appropriate template for the specific funding category under which they seek a BIP grant.

Eligible applicants should be aware that the BIP has a statutory requirement only for grants for Bridge Projects or Large Bridge Projects that the projects be reasonably expected to begin construction not later than 18 months after the date on which BIP funds are obligated for the project and preliminary engineering is complete for the project. To the extent an eligible applicant is unsure if their proposed project will meet these statutory requirements for FY 2022, DOT encourages eligible applicants to not be dissuaded. While a project may not be developed to the point where it could meet these conditions, as described in this notice, the project may be a candidate for a Planning grant. Or, the project may be better suited for a Bridge Projects phased grant under which BIP funds would be made available to complete preconstruction activities and also for construction. Under a phase grant agreement, a project would need to meet the statutory requirement that the project be reasonable expected to begin construction within 18 months of the obligation of BIP funds for the preconstruction activities.

Division J of Title VIII of BIL provides $20 million for grants for planning, feasibility analyses, and revenue forecasting associated with the development of a project that would subsequently be eligible to apply for assistance under the BIP. Upon successful and timely completion of all FY 2022 Planning grants, project sponsors may apply for a Bridge Project or Large Bridge Project BIP grant under a subsequent BIP notice.

For FY 2022, DOT seeks to fund Bridge Projects and Large Bridge Projects that have completed the environmental review process and are ready to proceed to the next stage of project delivery within 12 months of a Categorial Exclusion Determination, Finding of No Significant Impact or Record of Decision. The DOT encourages applicants of Large Bridge Projects with a demonstrated need for a BIP grant of at least $100 million and with a construction schedule and budget that would benefit from a distribution of a BIP grant over a four-year period to apply for a multiyear grant agreement. Consistent with the selection criteria and evaluation process described in this notice, for FY 2022, DOT seeks to award BIP funds first to Large Bridge Projects for construction only of a bridge(s) in poor condition or in fair condition and at risk of falling into poor condition within the next three years and that will benefit most from a multi-year grant award.

For Bridge Projects, for FY 2022, after selection and announcement of Large Bridge Projects, DOT seeks to support Bridge Projects involving a bridge(s) in poor condition or in fair condition and at risk of falling into poor condition within the next three years and would benefit from a phased BIP award to: (1) complete final design and any right-of-way acquisition within 12 months; and (2) provide BIP funds for construction, which will begin no later than 18 months of obligation of the FY 2022 BIP funds for completion of final design and right-of-way acquisition.

Competitive applications for Large Bridge Projects and Bridge Projects should address how restoring bridges to a state of good repair while doing so within the existing right-of-way and minimizing the need for relocations will achieve the goals of the BIP and ensure the effective use of Federal funding while also improving transportation safety, reducing surface transportation-related greenhouse gas emissions, increasing resilience to climate change, delivering equitable transportation options and access, promoting competitiveness of the U.S. economy, improving job opportunities, and accommodating new and emerging technologies[2]. The DOT expects FY 2022 BIP projects to not only improve the condition of our nation's bridges but provide equitable

[2] Proper maintenance is an affirmative responsibility of the States as required by 23 U.S.C 116. FHWA's Building a Better America Policy (BBAM), available at Bipartisan Infrastructure Law - Building a Better America – Policy Framework | Federal Highway Administration (dot.gov), will help achieve these important goals. Additionally, the BBAM is consistent with the Bipartisan Infrastructure Law and recently issued Presidential Executive Orders (EOs), including, EO 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619); EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009); and EO 14030 Climate Related Financial Risk (86 FR 27967).

benefits to all users including partnering with stakeholders to modernize utilities within the project right-of-way to meet current standards. The priority considerations DOT will take into account when selecting Large Bridge Projects and Bridge Projects is described in Section E.2.b.iv. The priority considerations for Planning grants is described in Section E.2.a.

The National Roadway Safety Strategy (NRSS) (issued January 27, 2022) commits the DOT and FHWA to respond to the current crisis in traffic fatalities by "taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation's roadways," in pursuit of the goal of achieving zero highway deaths. The DOT recognizes that zero is the only acceptable number of deaths on our roads and achieving that is our safety goal. The DOT therefore encourages States and other funding recipients to prioritize safety in all Federal highway investments and in all appropriate projects, using relevant Federal-aid funding, including funds from BIP.

The Safe System approach addresses the safety of all road users, including those who walk, bike, drive, ride transit, and travel by other modes. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives. To achieve the vision of zero fatalities and Building a Better America, safety should be fully considered in an eligible applicant's investment decisions, from planning and programming, environmental analysis, project design, and construction, to maintenance and operations. Eligible applicants should use the best available evidence and data-driven safety analyses to ensure that safety is a key input in any decision made in the project development process and fully consider the safety of all road users in project development.

The DOT encourages eligible applicants to consider the use of funds from BIP to address roadway safety for all users and implement the Safe System approach wherever possible. Improvements to safety features, including traffic signs, pavement markings, and multimodal accommodations that are routinely provided as part of a broader Federal-aid highway project can and should be funded from the same source as the broader project as long as the use is eligible under that funding source.

As one approach to ensuring the safety of all roadway users, DOT encourages States and communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction and operations[3]. The BIP applicants are encouraged to consider Complete Street strategies in their BIP application.

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[3] Section 11206 of the BIL defines Complete Streets standards or policies as those which "ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles." A Complete Street includes, but is not limited to, sidewalks, bike lanes (or wide paved shoulders), special bus lanes, accessible public transportation stops, safe and accommodating crossing options, median islands, pedestrian signals,

Funds from BIP are available to improve accessibility and upgrade bridge facilities to eliminate physical obstacles and provide for accessibility for individuals with disabilities when addressing these needs. The FHWA will provide oversight to recipients of BIP funds to ensure that each public agency's project planning, design, and construction programs comply with the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973 which prohibit discrimination against people with disabilities and ensure equal opportunity and access for persons with disabilities[4].

The DOT encourages the submission of projects, consistent with the BIP statutory eligibilities described in Section C of this NOFO, that modernize all streets, highways, and bridges. These objectives are consistent with FHWA's Building a Better America Policy, available at Bipartisan Infrastructure Law - Building a Better America – Policy Framework | Federal Highway Administration (dot.gov).

Section E of this NOFO, which outlines FY 2022 BIP Grant selection criteria, describes the process for selecting projects that further these goals. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria, and the Administration's goals as appropriate.

2. Additional Information

The DOT is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. The DOT also recognizes that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple DOT discretionary opportunities or seek a combination of funding from multiple DOT opportunities.

The applicant should identify any other DOT programs or opportunities they intend to apply for (or utilize if the Federal funding is already available to the applicant), and what award amounts they will be seeking, in the appropriate sections in the application.

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curb extensions, narrower travel lanes, and roundabouts. A Complete Street is safe, and feels safe, for everyone using the street.

[4] The DOT's Section 504 regulations apply to recipients of DOT's financial assistance (*See* 49 CFR 27.3(a)). Title II of the ADA applies to public entities regardless of whether they receive Federal financial assistance (*See* 28 CFR 35.102(a)). The ADA requires that no qualified individual with a disability shall,because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity (28 CFR 35.149). A public entity's pedestrian facilities are considered a "service, program, or activity" of the public entity. As a result, public entities and recipients of Federal financial assistance are required to ensure the accessibility of pedestrian facilities in the public right-of-way, such as curb ramps, sidewalks, crosswalks, pedestrian signals, and transit stops in accordance with applicable regulations.

SECTION B - FEDERAL AWARD INFORMATION

1. Award Amount Available

For Fiscal Year 2022, a total of $2.36 billion is available for BIP awards under this notice.[5] Of this amount, $20 million is available for Planning projects, and $2.34 is available for Large Bridge Projects and Bridge Projects. All awards of Fiscal Year 2022 BIP funds are available for obligation through September 30, 2025, however, Highway Infrastructure Program General Funds from the U.S. Treasury must be expended by September 30, 2030, whereas Highway Trust Funds do not have an expenditure deadline.

In addition to the FY 2022 funding, DOT may enter into multiyear grant agreements with Large Bridge Projects that enable awards to those projects using funding available in future fiscal years, based on a potential awarded project's size, schedule and availability of funding.[6] Any award under this notice will be subject to the availability of funding. Each BIP funding category has specific funding restrictions. Refer to Section D.6 for greater detail on funding restriction for each funding category.

2. Award Size

There is no minimum or maximum award amount size for Planning grants. For Large Bridge Projects, a BIP grant shall be in an amount that is adequate to fully fund the project (in combination with other financial resources identified in the application) and not less than $50 million, with a maximum award amount of not more than 50 percent of the total eligible project costs. For Bridge Projects, a BIP grant shall be in an amount that is adequate to fully fund the project (in combination with other financial resources identified in the application) and not less than $2.5 million, with a maximum award amount not more than 80 percent of the total eligible project costs.

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[5] Of the total amount of FY 2022 BIP funding available in this notice, approximately $533 million is authorized contract authority from the Highway Trust Fund (HTF), and $1.827 billion is advanced appropriations from the General Fund. The HTF amount is calculated as $600 million authorized less a set-aside of $16 million for Tribal transportation facility bridges and about $51 million due to the imposition of the annual obligation limitation. The General Fund amount excludes the $20 million set-aside for Tribal transportation facility bridges.

[6] 23 U.S.C. § 124(j) authorizes the use of multi-year grant agreements for Large Bridge Projects. Those agreements may include a commitment, contingent on amounts to be specified in law in advance for such commitments, to provide future year funds.

3. Statutory FY 2022 – FY 2027 Funding Provisions

a. Large Bridge Projects

The DOT shall use for Large Bridge Projects at least 50 percent of funds made available to carry out this program out of the Highway Trust Fund. In FY 2022, this amount is $300 million.

A Large Bridge Project that receives a grant under this program of at least $100 million may be carried out through a multi-year grant agreement. A multi-year agreement will be established to describe the terms of participation by the Federal Government in the project, the maximum amount of Federal financial assistance for the project, a payout schedule for the project (providing for disbursement of the full grant amount within four fiscal years after the fiscal year in which the initial amount is provided), and the period of time for completing the project, and to provide timely and efficient management of the project. A multi-year grant award may include a commitment, contingent on amounts to be specified in law, from future available budget authority. Interest and other financing costs of carrying out a project within a reasonable timeframe shall be considered a cost of carrying out the project under a multi-year agreement. Interest and other financing costs shall be of the most favorable financing terms reasonably available, and the applicant shall certify to DOT that the applicant carried out reasonable diligence in seeking favorable financing terms.

b. Culverts

The DOT may award no more than 5 percent of funds made available for each fiscal year for the BIP to projects solely consisting of culvert replacement or rehabilitation. The culverts are required to be on the National Bridge Inventory under 23 U.S.C. § 144(b).

c. Unutilized Amounts

If, in fiscal year 2026, the Secretary determines that grants under the BIP program will not meet the Large Bridge Projects restriction, the Secretary shall use the unutilized amounts to make other grants under the program during FY 2026.

d. Prohibited Use

Grant funds may not be used to support or oppose union organizing.

4. Type of Award

If a grant recipient under the BIP is a State Department of Transportation (State DOT), or if a State DOT serves as a pass-through entity to a non-State DOT recipient, BIP funds will be

awarded upon the execution of a project agreement: a type of grant agreement for administration of funds allocated to a State DOT in the FHWA Fiscal Management Information System **(**FMIS**)**.

If a grant recipient under the BIP is any other eligible applicant (i.e., not a State DOT), BIP funds will be awarded upon the execution of a grant agreement between FHWA and the recipient. A non-State DOT selected to receive a BIP award may elect to have a State DOT or FHWA Federal Lands Highway Division administer the BIP funds, subject to agreement with the State DOT or FHWA Federal Lands Highway Division.

5. Period of Performance

If a grant recipient is a State DOT or if a State DOT serves as a pass-through to a non-State DOT recipient, the DOT Payment System will be "Current Bill" in FHWA's FMIS and the start of the period of performance will begin on the date BIP funds are obligated in FMIS and end on the project end date in FMIS.

If a grant recipient is a non-State DOT entity, the FHWA Payment System will be FHWA's "DELPHI eInvoicing" and the start of the period of performance will begin on the date of the grant agreement executed by the FHWA which will obligate the BIP funds and end on the period of performance that is listed in the grant agreement.

SECTION C - ELIGIBILITY INFORMATION

To be selected for a grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project. Applications that do not meet these threshold eligibility requirements will not be evaluated under the statutory selection criteria, project outcome criteria, and priority considerations in Section E.

1. Eligible Applicants

a. Each of the three BIP funding categories have the same statutory rules for what kinds of applicants are eligible to apply.

Eligible Applicants (23 U.S.C. § 124(d))		
Planning	**Bridge Project**	**Large Bridge Project**
1. A State or a group of States[7];		
2. A metropolitan planning organization that serves an urbanized area (as designated by the Bureau of the Census) with a population over 200,000;		
3. A unit of local government or a group of local governments;		
4. A political subdivision of a State or local government;		
5. A special purpose district or a public authority with a transportation function;		
6. A Federal land management agency;		
7. A Tribal government or a consortium of Tribal governments; and		
8. A multistate or multijurisdictional group of entities as described above in 1 – 7.		

b. Joint Applications for Any BIP Funding Category

Multiple States or a multijurisdictional group that submits a joint application should identify a lead applicant as the primary point of contact. Joint applications should include a description of the roles and responsibilities of each applicant and should be signed or include a letter of support

[7] The term "State" means any of the 50 States, the District of Columbia, or Puerto Rico (23 U.S.C. § 101(a)(28)).

by each applicant. The applicant that will be responsible for financial administration of the project and the recipient of a BIP award must be an eligible applicant.

2. Award Size and Cost Share

For Large Bridge Project BIP grants, the maximum award amount may not exceed 50 percent of the total eligible project costs (see Section B.2 Award Size). For Bridge Project BIP grants, the maximum award amount may not exceed 80 percent of the total eligible project costs (see Section B.2 Award Size) and 90 percent for off-system bridges. However, the total Federal contributions for Large Bridge Projects or Bridge Projects cannot exceed the share requirements in 23 U.S.C. § 120.

Unless otherwise authorized by statute, non-Federal cost-share may not be counted as non-Federal share for both a BIP grant and another Federal program. An example of a Federal program that may be used for the local match is the TIFIA program. (See 23 U.S.C. § 603(b)(8)). For a project under BIP, DOT cannot consider previously incurred costs or previously expended or encumbered funds towards the matching requirement. Matching funds are subject to the same Federal requirements as BIP funds.

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, private funds, or other funding sources of non-Federal origin. For each project that receives a grant under this notice, DOT expects the project to be completed using at least the amount of non-Federal funding that was specified in the application.

Per 23 U.S.C. § 124(c)(4), Federal assistance other than a grant under BIP program may be used to satisfy the non-Federal share of the cost of a project for which a BIP grant is made, except the total Federal assistance provided for a project receiving a grant under the BIP may not exceed the Federal share for the project under 23 U.S.C. § 120.

In the case of an eligible project for an off-system bridge, as defined under 23 U.S.C. § 133(f)(1)[8], Federal assistance other than a BIP grant may be used to satisfy the non-Federal share of the cost of a project, as long as the total Federal assistance provided for such project does not exceed 90 percent of the total eligible project costs.

[8] Although 23 U.S.C. § 133(f)(1) includes low water crossing in the definition of "off-system bridge," 23 U.S.C. § 124(a)(1)(A) defines an eligible project as a project to replace, rehabilitate, preserve, or protect 1 or more bridges on the National Bridge Inventory under section 23 U.S.C. § 144(b). Because a low water crossing is not considered a bridge under 23 CFR 650.305, such structures are not included in the National Bridge Inventory. Therefore, a low water crossing is not eligible for BIP funding.

For a Federal land management agency, a Tribal government, or a consortium of Tribal governments only, Federal funds made available under a program other than the BIP program may be used to pay the remaining share of the cost of a BIP project.

Additional information on non-Federal matching requirements can be found at https://www.fhwa.dot.gov/legsregs/directives/policy/memonfmr_tapered20190515.htm

3. Other

a. Eligible Projects

The Planning opportunity and the opportunities for Bridge Project and Large Bridge Project grants have different statutory rules for what kinds of projects are eligible for funding under these categories.

Eligible Projects		
Planning	**Bridge Projects** (Projects with total eligible projects costs of $100 million or less)	**Large Bridge Project** (Projects with a total eligible project costs of greater than $100 million) (See 23 U.S.C. § 124(a)(2))
Project for planning, feasibility analyses, and revenue forecasting associated with the development of a project that would subsequently be eligible to apply for assistance under the BIP (See Division J, Title VIII of BIL[9])	1. Project to replace, rehabilitate, preserve, or protect one or more bridges on the National Bridge Inventory under 23 U.S.C. § 144(b)[10] (See 23 U.S.C. § 124(a)(1)(A)) 2. A project under the BIP program includes bridge	1. Project to replace, rehabilitate, preserve, or protect one or more bridges on the National Bridge Inventory under 23 U.S.C. § 144(b)[10] (See 23 U.S.C. § 124(a)(1)(A)) 2. A project under the BIP program includes bridge bundling[10] and culverts[11] (23 U.S.C. § 124(a)(1)(B))

[9] BIL provides $20m specifically for these activities.
[10] This includes a bundle of projects, regardless of whether the bundles of projects meets the requirements of 23 U.S.C. § 144(j)(5), which removes the requirement of the bundled projects having similar Federal and local share matches.

Eligible Projects		
Planning	**Bridge Projects** (Projects with total eligible projects costs of $100 million or less)	**Large Bridge Project** (Projects with a total eligible project costs of greater than $100 million) (See 23 U.S.C. § 124(a)(2))
	bundling[10] and culverts[11] (23 U.S.C. § 124(a)(1)(B))	

b. Additional Eligibility Requirements – Bridge Projects and Large Bridge Projects

In addition to meeting the BIP statutory project eligibility, applicants for Bridge Project and Large Bridge Project grants must specifically address two title 23, United States Code (U.S.C.) requirements (1) how the bridge will be maintained, and (2) accommodations for bicyclists and pedestrian.

i. Maintenance Commitment

The application must demonstrate how the grant recipient, whether a State DOT or non-State DOT direct recipient, will maintain or cause to be maintained a Bridge Project or Large Bridge Project that receives BIP funds. (23 U.S.C. § 116(b)). Competitive applications will identify which entity will be responsible for maintaining the BIP funded project, estimated maintenance costs over the life of the project, and sources to fund those costs.

ii. Bike and Pedestrian Accommodation

BIP grants are subject to requirements for accommodations for bicycles and pedestrians pursuant to 23 U.S.C. § 217(e). Under this provision, all projects with Federal financial participation (including under BIP) that replace or rehabilitate a highway bridge deck are required to provide safe accommodation of pedestrians or bicyclists, as applicable, on the bridge, when both of the following conditions are met: (1) the bridge is located on a highway on which pedestrians or bicyclists are allowed to operate at each end of the bridge; and (2) FHWA determines that safe accommodation can be provided at reasonable cost[12].

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[11] This includes projects to replace or rehabilitate culverts for the purpose of improving flood control and improved habitat connectivity for aquatic species. The culverts are required to be on the National Bridge Inventory under 23 U.S.C. § 144(b).

[12] The first step in this process is to assess whether the bridge is located on a highway on which pedestrians or bicyclists are allowed to operate at each end of the bridge. If that is the case, in making a determination as to

c. Eligible Project Costs

Planning grants and Bridge Project and Large Bridge Project grants have different statutory rules for what activities are eligible project costs under these categories. The table below restates eligible project costs for each category per the BIP statute.

Eligible Project Costs		
Planning	**Bridge Project**	**Large Bridge Project**
Division J, Title VIII (BIL, Pub. L. 117-58); 23 CFR 636.103	23 U.S.C. § 124(h)	
Planning, feasibility analyses, and revenue forecasting.	1. Development phase activities, including planning, feasibility analyses, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities 2. Construction, which includes replacement and preservation, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance 3. Expenses related to the protection as described in 23 U.S.C. § 133(b)(10) of a bridge, including seismic or scour protection 4. On the request of an eligible entity carrying out an eligible project, amounts awarded to the entity to pay subsidy and administrative costs necessary	

whether safe accommodation can be provided at a reasonable cost FHWA will rely on its bicycle and pedestrian travel accommodation policy (https://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design.cfm); the FHWA will presume, that safe accommodation for bicyclists and pedestrians can be provided at reasonable cost for all BIP projects absent an affirmative showing by the project sponsor that the cost of such accommodation would exceed twenty percent of the cost of the larger transportation project. For instances where such accommodation exceeds twenty percent, the addition of bicyclist and pedestrian accommodation is not required, but FHWA encourages States to consider providing for such accommodation.

	to provide to the entity Federal credit assistance under 23 U.S.C. chapter 6

This table summarizes the statutorily defined BIP eligible project costs. The DOT recognizes that there are other eligible project costs, such as community engagement, that may be necessary for performance of a BIP award. Under 23 U.S.C. § 139(j), public entities receiving Federal assistance under title 23, U.S.C., or chapter 53, of title 49, U.S.C., may provide funds to Federal Agencies, State agencies, and Tribes participating in the environmental review process for the project.

If DOT makes a multi-year grant award, interest and other financing costs of carrying out a part of the project within a reasonable time shall be considered a cost of carrying out the project under a multi-year grant agreement.

i. Letters of No Prejudice

Under 23 U.S.C. § 124(k), DOT may pay to an applicant all eligible project costs under the BIP, including costs for an activity for an eligible project incurred prior to the date on which the project receives BIP funding assistance. Reimbursement for the activity is dependent upon the following:

a. Before an applicant carries out the activity, DOT approves through a Letter of No Prejudice the activity, with a finding that it is an eligible BIP activity;

b. The FHWA National Environmental Policy Act project development process (NEPA) is complete for the project with a verifiable Record of Decision, Finding of No Significant Impact of Categorial Exclusion Determination; and

c. The activity is carried out without Federal assistance and in accordance with all applicable procedures and requirements.

Interest and other financing costs in carrying out an eligible activity for an eligible project may also be incurred under the process set forth in 23 U.S.C. § 124(k)(2).

Applicants interested in seeking approval for an eligible activity for an eligible BIP project are advised that an approval (1) does not constitute an obligation of the Federal Government and (2) shall not alter or influence any evaluation for a Bridge Project or Large Bridge Project application or any recommendation by DOT for providing BIP funds to the project. (23 U.S.C. § 142(k)(3)). Applicants interested in seeking a Letter of No Prejudice should do so with the understanding that if approved they are proceeding at risk, as there is no guarantee that costs incurred will be reimbursed by DOT.

d. Limitation on Award of BIP Grants

Limitations on BIP Awards			
Planning	**Bridge Project**	**Large Bridge Project**	**Instructions**
No limitation.	1. The project is reasonably expected to begin construction not later than 18 months after the date on which BIP funds are obligated for the project. (23 U.S.C. § 124(e)(2))	1. The project is reasonably expected to begin construction not later than 18 months after the date on which BIP funds are obligated for the project. (23 U.S.C. § 124(e)(2))	Please provide expected date of obligation of BIP funds and construction start date[13], referencing project budget and schedule as needed. If the project has multiple independent components, or will be obligated and constructed in multiple phases, please provide sufficient information to show that each component meets this requirement. The DOT will base its determination on the project risk rating as assessed according to the Project Readiness consideration. The DOT will base its determination on the project risk as assessed by the Environmental Risk, Financial Completeness, and Technical Capacity evaluators.
	2. Preliminary engineering is complete for the project[14]. (23 U.S.C. § 124(e)(2))	2. Preliminary engineering is complete for the project. (23 U.S.C. § 124(e)(2))	For a project or independent project component to be based on the results of preliminary engineering, please indicate which of the following activities have been completed as of the date of application submission: • Environmental Assessments • Topographic Surveys • Metes and Bounds Surveys • Geotechnical Investigations • Hydrologic Analysis • Utility Engineering

[13] For BIP, construction start date means the anticipated date of project mobilization for physical construction.
[14] Under 23 U.S.C. § 124(e)(3), the Secretary may make a grant under BIP only to an eligible entity for a project that is based on the results of preliminary engineering. Although a project may be selected to receive a BIP grant for construction, DOT will not make the grant funds available until all applicable Federal requirements have been met, including completion of preliminary engineering. The BIP grant or "Federal award" will be provided pursuant to a grant agreement setting forth the terms and conditions of the award and the Federal award date means the date the grant agreement is signed by the authorized official of the FHWA. (2 CFR 200.1 and 200.201).

			• Traffic Studies • Financial Plans • Revenue Estimates • Hazardous Materials Assessments • General estimates of the types and quantities of materials • Other work needed to establish parameters for the final design. If one or more of these activities was included in a larger plan or document not described above, please explicitly state that and reference the document. The DOT will base its determination on the assessment by technical capacity evaluators.

During the period of Fiscal years 2022 through 2026, in each State from which an eligible project is submitted, not fewer than 1 Large Bridge Project that is deemed justified or 2 Bridge Projects that are deemed justified, are to be awarded. An award is not required to be made to an eligible project which was determined to not be justified under an evaluation. (23 U.S.C. § 124(c)(5)(B)(ii) and (iii)).

4. Determination of Whether a Large Bridge Project's Total Eligible Costs Are Not Less Than $100 Million

For Large Bridge Projects, to determine whether total eligible project costs exceed $100 million, DOT will count all future eligible project costs under the award and some related costs incurred before selection for a BIP Large Bridge Project grant.

The DOT will include previously incurred costs in total eligible project costs only if they were eligible project costs under Section C.3.b and were expended as part of the project for which the applicant seeks funds. Although previously incurred costs may be used for meeting the minimum threshold described in this section, they cannot be reimbursed with BIP grant funds unless DOT has approved a Letter of No Prejudice, nor will they count toward the project's required non-Federal share.

5. Definition of Urban and Rural Communities

In selecting BIP grants, the Secretary shall consider geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities. For purpose of this notice, in defining urban and rural communities, DOT will rely on the Census Bureau

Census 2010 definition of Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau Website at http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/. For the purposes of the BIP program, Urbanized Areas with populations of less than 50,000 will be considered rural.

SECTION D - APPLICATION AND SUBMISSION INFORMATION

1. Address to Request Application Package

All application materials may be found on Grants.gov at http://www.grants.gov.

Once at Grants.gov, select the Search Grants tab. Then enter one of the following:

- Opportunity Number: **693JJ322NF00009**
- Opportunity Name: **Bridge Investment Program – Planning, Bridge Projects, and Large Bridge Projects**
- Assistance Listing Number: **20.205 Highway Planning and Construction**

When at one of these pages, select the Opportunity, which will open to a page with several tabs. The first tab is a synopsis of the opportunity. Select the Application Package tab to download the forms needed to submit an FY 2022 BIP application.

For a Telephone Device for the Deaf (TDD), please call (202) 366-3993. If potential applicants are unable to download the application package from the internet, they may send a written request for a paper copy to the below address. Requests should be sent to:

Angela Jones
Agreement Specialist
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: BridgeInvestmentProgram@dot.gov (preferred)
Phone: 202-366-4255

Alternate:

Robin Hobbs
Agreement Officer/Team Leader
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: BridgeInvestmentProgram@dot.gov (preferred)
Phone: 202-366-4004

2. Content and Form of Application Submission

All applications must be submitted electronically through **grants.gov**.

The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs) and the respective application template of the BIP funding category with a supplemental Project Narrative as needed. More detailed information about the application templates and Project Narrative follows.

a. Application Templates

Applicants seeking FY 2022 BIP funds should submit an application template for the respective BIP funding category. The Planning Project Application Template, the Bridge Project Application Template, and Large Bridge Project Application Template are attached to this notice.

b. Planning Project Application and Project Narrative

Applicants for a FY 2022 BIP Planning grant are encouraged to use the FY 2022 Planning project application template and may submit a supplemental project narrative to provide any additional information necessary for DOT to determine that the project meets the statutory selection criteria and considerations described in Section E.1 and to assess the project outcome criteria specified in Section E.2. The Planning application template follows the outline below. If a supplemental project narrative is submitted with the application, DOT recommends that the project narrative follow the same outline to provide any additional information an applicant would like to provide regarding BIP program requirements. Following the template will also assist evaluators in locating relevant information.

I. Basic Project Information – Description, Location, and Parties	See D.2.d.1
II. National Bridge Inventory Data	See D.2.d.II
III. Project Costs – Grant Funds, Sources, and Use of all Project Funding	See D.2.d.III
IV. Project Outcome Criteria	See E.1
V. Project Priority Considerations	See E.2

c. Bridge Project and Large Bridge Project Applications

Applicants for a FY 2022 BIP Bridge Project or Large Bridge Project grant are encouraged to use the respective funding category application template and may submit a supplemental project narrative to provide any additional information necessary for DOT to determine that the project meets the statutory eligibility criteria described in Section E.1 and to assess the project outcome criteria specified in Section E.2. The Bridge Project and Large Bridge Project application templates each follow the outline below. If a supplemental project narrative is submitted with the application, DOT recommends that the project narrative follow the outline below. Following the outline will also assist evaluators in locating relevant information.

d. Bridge Project and Large Bridge Project Narrative

I. Basic Project Information – Description, Location, and Parties	See D.2.d.I
II. National Bridge Inventory Data	See D.2.d.II
III. Project Costs – Grant Funds, Sources, and Use of all Project Funding	See D.2.d.III
IV. Project Outcome Criteria	See E. I
V. Benefit-Cost Analysis	See D.2.d.V
VI. Project Readiness and Environmental Risk	See D.2.d.VI
VII. Project Priority Considerations	See D.2.d.VII and Section E.2

For all Planning project, Bridge Project and Large Bridge Project applications, the project narrative should augment information provided in the application template necessary for DOT to do two things. First, to determine that the project satisfies project requirements described in Section C and the project outcome criteria in Section E.2 for each of the BIP funding categories from which the applicant is seeking funding. Second, to assess the statutory selection criteria and considerations specified in Section E.1 that are applicable to the BIP funding categories from which the applicant is seeking funding.

To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by DOT. The DOT may, but is not required to, request additional information, including additional data, to clarify an application, but DOT encourages applicants

to submit the most relevant and complete information they can provide. The DOT also encourages applicants, to the extent practicable, to provide data in a form that is publicly available or verifiable.

In addition to the information submitted in an application template, applicants should submit a detailed statement of work, detailed project schedule, and detailed project budget. Applicants may submit a project narrative to support these project elements and should include a table of contents, maps, and graphics, as appropriate, to make the information easier to review.

The DOT recommends that the project narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 25 pages in length, Appendices may include documents supporting assertions or conclusions made in the 25-page project narrative and do not count towards the 25-page limit. If possible, Website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to a modal administration in support of a different DOT financial assistance program may be referenced and described as unchanged. The DOT recommends using appropriately descriptive final names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments. The DOT recommends applications include the following sections:

I. Basic Project Information – Project Description, Location, and Parties

The applicant should provide a concise description of the project, the specific improvement(s) needed for the bridge, how it will address those challenges, and advance one or more goals of the BIP. The project description should discuss the project's history, including a description of any previously incurred costs. The applicant may use this section to place the project into a broader context of other infrastructure investments being pursued by the project sponsor.

The applicant should describe in the application the project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. The application should also identify:

(a) If the project is located within the boundary of a 2010 Census-designated Urbanized Area, the application should identify the Urbanized Area;[15] and

(b) whether the project is located in one of four Federally designated community development zones (Opportunity Zones, Empowerment Zones, Promise Zones, or Choice Neighborhoods).

Information under (b) may be used for DOT's internal data tracking.

To the extent possible, DOT encourages, but it not requiring, applicants to identify the degree to which the project may contribute to the functioning and growth of the economy, including the extent to which the project addresses congestion or freight connectivity, bridges service gaps in rural areas, or promotes greater land-use productivity, including main street revitalization or locally-driven density decisions that support equitable commercial and mixed-income residential development.

This section of the application should provide details about the lead applicant. The details should include the lead applicant's demonstrated experience with receipt and expenditure of Federal-aid highway program funds under title 23, U.S.C. The DOT will consider the degree of experience as part of the project readiness evaluation. If an application is rated highly under other criteria, but the applicant has no or limited experience with the receipt and expenditure of Federal-aid highway program funds, DOT may contact the applicant prior to final selection of FY 2022 awards to discuss technical resources that may be available to assist the applicant in obtaining the capacity and expertise to ensure compliance with all applicable Federal requirements and timely delivery of the project. The applicant should describe in detail all of the other public and private parties who are involved in delivering the project, including a specific description of the role of each entity in delivering the project.

II. National Bridge Inventory Data

The applicant should provide information from the National Bridge Inventory for each bridge on which the applicant proposes to use BIP funding. A list of recommended National Bridge Inventory data items is included in the application templates for each funding group. Additional items should be added if they support the project application. Data, format and coding information can be downloaded from Download NBI ASCII files - National Bridge Inventory - Bridge Inspection - Safety Inspection - Bridges & Structures - Federal Highway Administration (dot.gov).

[15] Lists of Urbanized Areas are available on the Census Bureau Website at http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ and maps are available at https://tigerweb.geo.census.gov/tigerweb/.

III. Project Costs - Grant Funds, Sources, and Uses of Project Funds

The applicant should describe the project's budget in detail and the plans for covering the full cost of the project from all sources. The applicant may use this section of a project narrative to elaborate on the information provided in the application template. Whether addressed in the application template or project narrative, the applicant should provide the following:

- Identification of all Federal funds to be used for future eligible costs of the project, including BIP funds, other Federal grants that have been awarded to the project or for which the project intends to apply in the future, and any Federal formula funds that have already been programmed for the project or are planned to be programmed for the project.

- For each category of Federal funds to be used for future eligible project costs, the amount, nature, and source of any required non-Federal match for those funds.

Detailed Budget:

The applicant should show how each funding source will share in each major construction activity and present those data in dollars and percentages. Funding sources should be grouped into three categories: (1) non-Federal; (2) BIP; and (3) other Federal. If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the BIP statutory cost-sharing requirements described in Section C.2 and those associated with each category of Federal funding. The application should include information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases. In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. Complete information about project funds will ensure that DOT's expectations for award execution align with any funding restrictions unrelated to DOT, even if an award differs from the applicant's request.

Grant Funds and Sources/Uses of Project Funds:

The applicant should include information about the amount of BIP grant funding requested for the project, availability and commitment of funds sources and uses of all project funds, total project costs, percentage of project costs that would be paid for with BIP funds, and the identity and percentage shares of all parties providing funds for the project (including Federal funds provided under other programs).

The application should include the following forms, submitted as individual PDF documents:

- Standard Form 424 (Application for Federal Assistance) (mandatory);
- Grants.gov Lobbying Form (mandatory);
- Disclosure of Lobbying Activities form (SF-LLL) (mandatory); and
- Key Contacts (optional)

and either:

- Standard Form 424A (Budget Information for Non-Construction Programs) (mandatory) and Standard Form 424B (Assurances for Non-Construction Programs) (mandatory);

or

- Standard Form 424C (Budget Information for Construction Programs) (mandatory) and Standard Form 424D (Assurances for Construction Programs) (mandatory)

Applicants proposing non-construction-related projects should submit forms SF 424A and SF 424B with their application. Applicants proposing construction-related projects should submit forms SF 424C and SF 424D with their application.

Forms are available for download at https://www.grants.gov/web/grants/forms/sf-424-mandatory-family.html.

The Standard Form 424B or 424D (as applicable) should be supported by a budget narrative explaining each element of cost.

IV. Project Outcome Criteria

The applicant should describe how the proposal meets the project outcome criteria listed in Section E.1.

V. Benefit Cost Analysis

This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the project narrative. The purpose of the BCA is to enable DOT to evaluate the project's cost effectiveness by comparing its expected benefits to its expected costs. The results of the analysis should be summarized in the project narrative directly. Applicants should also provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by DOT evaluators.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes

of the project, and the values of key input parameters. The analysis should provide present value estimates of a project's benefits and costs relative to a no-build baseline. To calculate present values, applicants should apply a real discount rate of 7 percent per year to the project's streams of benefits and costs, which should be stated in constant-dollar terms. The costs and benefits that are compared in the BCA must cover the same project scope.

Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project. Projected benefits may accrue to both users of the facility and those who are affected by its use (such as through changes in emissions of greenhouse gases and other pollutants, or availability of affordable housing or more affordable transportation choices). Usage forecasts applied in estimating future benefits should account for any additional demand induced by the improvements to the facility. While benefits should be quantified wherever possible, applicants may also describe other categories of benefits in the BCA that are more difficult to quantify and/or value in economic terms.

The BCA should include the full costs of developing, constructing, operating, and maintaining the proposed project, as well as the expected timing or schedule for costs in each of these categories. The BCA may also include the present discounted value of any remaining service life of the asset at the end of the analysis period.

Detailed guidance from the DOT on estimating benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, is available on the program Website (see www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance-discretionary-grant-programs-0)

VI. Project Readiness and Environmental Risk

The application should include information that, when considered with the project budget information, is sufficient for DOT to evaluate whether the project is reasonably expected to begin construction in a timely manner. To assist DOT's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described here, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators.

Instructions describing how DOT will evaluate a project's readiness is described in Section E.2.b.iii of this notice. Applicants also should review that section before considering how to organize their application.

a) Technical Feasibility.

The applicant should demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed. The applicant must demonstrate compliance with Title VI/Civil Rights requirements, to ensure that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, on the basis of race, color, national origin, sex, age, or disability.

b) Project Schedule.

The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the Statewide Transportation Improvement Program); start and completion of NEPA and other Federal environmental reviews and approvals, including permitting, design completion, right-of-way acquisition, approval of plans, specifications and estimates (PS&E); procurement; State and local approvals; project partnership and implementation agreements including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

- all necessary activities will be complete to allow BIP funds to be obligated[16] sufficiently in advance of the statutory deadline and that any unexpected delays will not put the funds at risk of expiring before they are obligated;

- the project can proceed to the next stage of project development within 12 months of a Categorical Exclusion Determination, Finding of No Significant Impacts, or a Record of Decision;

- the project can begin construction quickly upon obligation of grant funds, or no later than 18 months after obligation, and that the grant funds will be spent expeditiously once construction starts; and

- all real property and right-of-way acquisition necessary for the project will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other

[16] Obligation for a BIP occurs when a selected applicant enters a project agreement with the FHWA and FHWA authorizes the project to proceed. For construction, this is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

applicable legal requirements or a statement that no acquisition is necessary. A plan for securing any required right-of-way agreements should be included. If applicable, this section should describe a right-of-way acquisition plan that minimally disrupts communities and maintains community cohesion.

c) Required Approvals

i. Environmental Permits and Reviews

The application should demonstrate receipt (or the schedule for anticipated receipt) of all environmental approvals and permits necessary for the project including each bridge within a bridge bundle to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State, and local requirements and completion of the NEPA[17] process. Specifically, in this section the applicant may elaborate on the NEPA information provided in the cover sheet. If the final agency action with respect to NEPA occurred more than three years before the application date, the applicant should describe a proposed approach for updating this material in accordance with applicable NEPA reconsideration requirements. This section should also provide:

- Any information on reviews, approvals, and permits by other Federal and State agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies, indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a Website link or other reference to copies of any reviews, approvals, and permits prepared.

- Environmental studies or other documents—preferably through a Website link—that describe in detail known project impacts, and possible mitigation for those impacts.

- A description of discussions with FHWA regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.

- A description of public engagement about the project that has occurred, including details on the degree to which public comments and commitments have been integrated into project development and design.

[17] Environmental Review Toolkit | FHWA (dot.gov) Provides singular gateway to environmental resources that will help applicants better understand the requirements of NEPA for projects administered by FHWA.

ii. State and Local Approvals

The applicant should demonstrate receipt (or the schedule for anticipated receipt) of State and local approvals on which the project depends, such as State and local environmental and planning approvals, and statewide transportation improvement program (STIP) or transportation improvement program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support, including support from impacted communities.

iii. Federal Transportation Requirements Affecting State and Local Planning

The planning requirements applicable to the Federal-aid highway program apply to all BIP projects[18]. Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. Applicants should provide links or other documentation supporting this consideration. Because projects have different schedules, the construction start date for each grant will be specified in the project-specific agreements signed by FHWA and the grant recipients, will be based on critical path items that applicants identify in the application, and will be consistent with relevant State and local plans.

iv. Assessment of Project Risks and Mitigation Strategies

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, lack of support from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks and harms to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to

[18] In accordance with 23 U.S.C. §§ 134 and 135, all projects requiring an action by FHWA must be in the applicable plan and programming documents (e.g., metropolitan transportation plan, transportation improvement program (TIP), and statewide transportation improvement program (STIP)). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and metropolitan planning organization (MPO). Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a grant.

mitigate those risks[19]. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

To the extent it is unfamiliar with the Federal-aid highway program, the applicant should contact the FHWA Division office in their State as found at Field Offices | Federal Highway Administration (dot.gov) for information on what steps are prerequisite to the obligation of Federal funds to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

VII. Project Priority Considerations

The applicant should include a section to highlight any priority considerations (see Section E.2) the project will address. Detailed information demonstrating how the project supports the priority consideration(s) and references to earlier sections of the narrative along with supporting documentation should be included in the application.

3. Unique Entity Identifier (UEI) and System for Award Management (SAM)

Effective April 4, 2022, the Data Universal Numbering System (DUNS) number is no longer required for entities doing business with the Federal government and will be replaced by the SAM UEI. Applicants will need to use a UEI issued during the SAM.gov registration process. Active registrants in SAM.gov have had their SAM UEI automatically assigned and it is currently viewable within SAM.gov; there is no action for registered entities to take at this time to obtain their SAM UEI.

Each applicant is required to:

a. Be registered in SAM before submitting their application;

b. Provide a valid UEI in their application; and

c. Continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by a Federal awarding agency.

[19] The DOT considers an applicant's lack of experience with receipt and expenditure of Federal-aid highway funds under title 23, U.S.C. a material risk.

Please see https://www.grants.gov/web/grants/applicants/applicant-faqs.html#UEI for more information on the transition from DUNS to SAM UEI, including what UEI to enter into the UEI field on grants.gov and on application package forms.

The DOT may not make a Federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

NOTE TO APPLICANTS: The SAM.gov requires the registrant to provide a UEI number to complete the registration. These processes can take several weeks to complete so should be started well before the application deadline.

4. Submission Dates and Times

Applications must be submitted electronically through grants.gov no later than 11:59 p.m., Eastern Time on the dates identified on the title page of this NOFO (the "application deadline").

5. Intergovernmental Review

The BIP is not subject to the Intergovernmental Review of Federal programs under E.O. 12372.

6. Funding Restrictions

Pre-BIP award costs will not be reimbursed except as provided under a Letter of No Prejudice as described in Section C.3.c.i.

7. Other Submission Requirements

a. Scalable Project Options

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project or a bundled project at the full requested amount. If an applicant advises that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. The DOT may award a lesser amount whether or not a scalable option is provided.

b. Submission Location

Applications must be submitted to *Grants.gov*.

c. Consideration of Applications

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid applications through *Grants.gov* will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

d. Late Applications

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact BridgeInvestmentProgram@dot.gov prior to the application deadline with the username of the registrant and details of the technical issue experienced. The applicant must provide:

(1) Details of the technical issue experienced;

(2) Screen capture(s) of the technical issues experienced along with corresponding Grants.gov "Grant tracking number;"

(3) The "Legal Business Name" for the applicant that was provided in the SF-424;

(4) The Point of Contact name submitted in the SF-424;

(5) The UEI associated with the application; and

(6) The Grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the registration process before the deadline; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its Website; (3) failure to follow all instructions in this notice of funding opportunity; and (4) technical issues experienced with the applicant's computer or information technology environment.

After FHWA reviews all information submitted and contact the Grants.gov Help Desk to validate reported technical issues, FHWA staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. The FHWA will not accept appeals of FHWA

decision to approve or deny a request for a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

e. Compliance with Section 508 of the Rehabilitation Act of 1973

The DOT encourages applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at https://www.access-board.gov/ict/.

SECTION E - APPLICATION REVIEW INFORMATION

The DOT will award BIP funds based on an evaluation of the Statutory Evaluation Requirements, Statutory Secretarial Considerations, Statutorily Required Project Selection Priorities, and the FY 2022 project outcome criteria for each funding category as described in this Section E.

Statutory Evaluation Requirements

There are no statutory evaluation requirements for Planning Grants. For Bridge Project and Large Bridge Projects, DOT is statutorily required to evaluate specific benefits under 23 U.S.C. § 124. The table below describes each benefit and provides instructions to applicants on how to present information supporting the benefit. To assist applicants, the table identifies the project outcome criteria under which DOT will evaluate the responsiveness of an application to the statutory evaluation requirements.

Statutory Evaluation Requirements		
Bridge Project In this column DOT includes the statutory evaluation requirements for Bridge Projects. The Secretary shall evaluate information on project benefits, including whether the project will generate the benefits specified under 23 U.S.C. § 124(f)(3)(B)(i) and (ii).	**Large Bridge Project** In this column DOT includes the statutory evaluation requirements for Large Bridge Projects. The Project is justified by the Secretary under 23 U.S.C. § 124(g)(4)(A) through (E). The project addresses a need to improve the condition of the bridge, as determined by the Secretary, consistent with the goals of the BIP.	**Instructions** In this column, DOT offers instructions to applicants on how to address each of the statutory evaluation requirements.
Costs avoided by the prevention of the closure or reduced use of the bridge to be improved by the project (23 U.S.C. § 124(f)(3)(B)(i)(I))	Costs avoided by the prevention of the closure or reduced use of the bridge to be improved by the project (23 U.S.C. § 124(g)(4)(B)(i))	Summarize the benefits of providing protection activities and benefits to reduced future maintenance costs, and benefits from prevention of the closure or reduced use of the bridge, highlighting the assumptions made about the timing of potential closure and/or reduced use of the bridge in the absence of the project. For Large Bridge Projects,
Benefits from protection as described in 23 U.S.C. § 133(b)(10), including improving seismic and scour protection (23 U.S.C. § 124(f)(3)(B)(i)(VII))	Benefits from protection as described in 23 U.S.C. § 133(b)(10), including improving seismic and scour protection (23 U.S.C. § 124(g)(4)(B)(vii))	

Statutory Evaluation Requirements		
Reductions in maintenance costs, including, in the case of a Federally-owned bridge, cost savings to the Federal budget (23 U.S.C. § 24(f)(3)(B)(i)(XI))	Reductions in maintenance costs, including, in the case of a Federally-owned bridge, cost savings to the Federal budget (23 U.S.C. § 124(g)(4)(B)(xi))	describe how the project is alignment with an asset management plan, and for National Highway System structures, how it is sponsored by the State and addressed in the State's asset management plan. The DOT will base its determination on the assessment of this information during the review of the Project Outcome Criterion for State of Good Repair.
The requirement under 23 U.S.C. § 124(g)(4)(E) is not required for Bridge Projects	Is consistent with the objectives of an applicable asset management plan of the project sponsor, including a State asset management plan under 23 U.S.C. § 119(e) in the case of a project on the National Highway Systems that is sponsored by a State (23 U.S.C. § 124(g)(4)(E))	
Safety benefits, including the reduction of accidents and related costs (23 U.S.C. § 124(f)(3)(B)(i)(III))	Safety benefits, including the reduction of accidents and related costs (23 U.S.C. § 124(g)(4)(B)(iii))	Summarize the safety benefits of the project and independent project components. The DOT will base its determination on the assessment of this information during the review of the Project Outcome Criterion for Safety.
Person and freight mobility benefits, including congestion reduction and reliability improvements (23 U.S.C. § 124(f)(3)(B)(i)(IV))	Person and freight mobility benefits, including congestion reduction and reliability improvements (23 U.S.C. § 124(g)(4)(B)(iv))	Summarize the mobility and economic benefits of the project and independent project components and describe the scale of their impact in national or regional terms with a focus on volume and estimated dollar amount of freight movement and the types of goods being moved. The DOT will base its determination on the assessment of this information during the review of the Project Outcome Criterion for
National or regional economic benefits (23 U.S.C. § 124(f)(3)(B)(i)(V))	National or regional economic benefits (23 U.S.C. § 124(g)(4)(B)(v))	

Statutory Evaluation Requirements		
		Mobility and Economic Competitiveness.
Benefits from long-term resiliency to extreme weather events, flooding, or other natural disasters (23 U.S.C. § 124(f)(3)(B)(i)(VI))	Benefits from long-term resiliency to extreme weather events, flooding, or other natural disasters (23 U.S.C. § 124(g)(4)(B)(vi))	Summarize the benefits of projects to improve resiliency of the bridge to extreme weather events. Also describe anticipated environmental benefits of the project, including how the project will improve wildlife connectivity, especially for aquatic species, and reduce air and other pollutants (such as stormwater runoff pollutants). The DOT will base its determination on the assessment of this information during the review of the Project Outcome Criterion for Climate Change, Resiliency, and the Environment.
Environmental benefits, including wildlife connectivity (23 U.S.C. § 124(f)(3)(B)(i)(VIII))	Environmental benefits, including wildlife connectivity (23 U.S.C. § 124(g)(4)(B)(viii))	
Person and freight mobility benefits, including congestion reduction and reliability improvements (23 U.S.C. § 124(f)(3)(B)(i)(IV))	Person and freight mobility benefits, including congestion reduction and reliability improvements (23 U.S.C. § 124(g)(4)(B)(iv))	Summarize the benefits of the project to nonvehicular and public transportation users, including how impacted communities are engaged in the project planning process and how the project will improve community connectivity upon completion. The DOT will base its determination on the assessment of this information during the review of the Project Outcome Criterion for Quality of Life.
Benefits to nonvehicular and public transportation users (23 U.S.C. § 124(f)(3)(B)(i)(IX))	Benefits to nonvehicular and public transportation users (23 U.S.C. § 124(g)(4)(B)(ix))	
In the case of a bundle of projects, benefits from executing the projects as a	In the case of a bundle of projects, benefits from executing the projects	Summarize the benefits of the project will earn through the use of innovative design

Statutory Evaluation Requirements		
bundle compared to as individual projects (23 U.S.C. § 124(f)(3)(B)(i)(II))	as a bundle compared to as individual projects (23 U.S.C. § 124(g)(4)(B)(ii)	and construction techniques, or innovative technologies, and what cost savings the project may achieve through the use of bundling compared to individual projects. The DOT will base its determination on the assessment of this information during the review of the Project Outcome Criterion for Innovation.
Benefits of using innovative design and construction techniques or innovative technologies (23 U.S.C. § 124(f)(3)(B)(i)(X)(aa) and (bb))	Benefits of using innovative design and construction techniques or innovative technologies (23 U.S.C. § 124(g)(4)(B)(x)(I) and (II))	
Whether and the extent to which the benefits, including the benefits described in 23 U.S.C. § 124(f)(3)(B)(i), are more likely than not to outweigh the total project costs (23 U.S.C. § 124(f)(3)(B)(ii))	Is cost effective based on an analysis of whether the benefits and avoided costs described in 23 U.S.C. § 124(g)(B), are expected to outweigh the project costs (23 U.S.C. § 124(g)(C))	Summarize the results of the benefit-cost analysis, including estimates for the categories of benefits described in 23 U.S.C. § 124(f)(3)(B)(i) or 23 U.S.C. § 124(g)(B). The DOT will base its determination on the assessment of this information during the review of the Economic Analysis Rating.
The requirement under 23 U.S.C. § 124(g)(D) is not required for Bridge Projects	Is supported by other Federal or non-Federal financial commitments or revenues adequate to fund ongoing maintenance and preservation (23 U.S.C. § 124(g)(D))	Indicate funding source(s) and amounts that will account for ongoing maintenance and preservation upon completion of the project. Demonstrate the funding is stable and dependable by referencing a letter of commitment, a local government resolution, memorandum of understanding, or similar documentation. The DOT will base its determination on the assessment of this

Statutory Evaluation Requirements		
		information during the review of the Project Readiness Rating.

Statutory Secretarial Considerations

In selecting projects to receive a BIP grant, for FY 2022 BIP awards in accordance with 23 U.S.C. § 124(c)(5) the Secretary shall give consideration to:

a. the average daily person and freight throughput supported by the eligible project;

b. the number and percentage of bridges within the same State as the eligible project that are in poor condition;

c. the extent to which the eligible project demonstrates cost savings by bundling multiple bridge projects;

d. in the case of an eligible project of a Federal land management agency, the extent to which the grant would reduce a Federal liability or Federal infrastructure maintenance backlog;

e. geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities; and

f. the extent to which a bridge that would be assisted with a grant: (i) is, without that assistance at risk of falling into or remaining in poor condition or in fair condition and at risk of falling into poor condition within the next 3 years; (ii) does not meet current geometric design standards based on the current use of the bridge, or load and traffic requirements typical of the regional corridor or local network in which the bridge is located; or (iii) does not meet current seismic design standards.

Statutory Required Project Selection Priorities[20]

In selecting a Bridge Project or Large Bridge Project for a FY 2022 BIP grant, the Secretary shall:

[20] 23 U.S.C. § 124(c)(5)(B)(i)(1) requires the Secretary to give priority consideration for an eligible project that is located within a State for which 2 or more applications for eligible projects within the State were submitted for the current fiscal year and an average of 2 or more applications for eligible projects within the State were submitted in prior fiscal years of the program. For the first fiscal year of the BIP, DOT is unable to take into account eligible projects submitted in a prior fiscal year of the program. The DOT will apply this part of the priority consideration during the FY 2023-2026 BIP funds competitions.

a. give priority to an application for an eligible project that is located within a State for which 2 or more applications for eligible projects within the State were submitted for the current fiscal year;

b. fewer than 2 grants have been awarded BIP funds for eligible projects within the State; and

c. not be required to award a grant for an eligible project that the Secretary does not determine is justified under an evaluation. (23 U.S.C. § 124(c)(5)(B)).

1. Criteria

The DOT will evaluate projects using the following project outcome criteria FY 2022 BIP applications.

a. Planning Projects

i. BIP Program Goals: The DOT will assess how the proposed planning project is envisioned to lead to a Bridge Project or Large Bridge Project that would achieve one or more of the BIP program goals (see Section A.1 Overview). If the project will achieve more than one goal, identify each goal by name and its subsection listed below, and address the respective goal definition. Please include data (qualitative or quantitative) or evidence (newspaper articles, public meetings, etc.) that supports how the ultimate project will meet each identified goal(s).

The DOT will separately rate each goal addressed in the application, as follows:

Highly Qualified: The application describes in detail how the proposed project will advance a BIP goal. Data provided in the application directly supports how the proposed BIP Bridge Project or Large Bridge Project would advance a BIP program goal.

Qualified: The application generally describes with little detail how the proposed project will advance a BIP goal. The data provided in the application is limited or does not directly demonstrate how the proposed Bridge Project or Large Bridge Project would advance a BIP program goal.

Not Qualified: The application does not clearly describe how the proposed project will advance the goal, the data provided in the application does not demonstrate how the project will advance a BIP goal or no data is included in the application.

ii. Project Description: The DOT will assess whether the application describes the Bridge Project or Large Bridge Project the planning process will evaluate. This should include a discussion about the condition of the bridge(s) supported by documented information

available at the time of submission of the application. The application should demonstrate how the proposed project would meet the evaluation criteria for a Bridge Project or Large Bridge Project.

The DOT will rate the project description included in the application, as follows:

Highly Qualified: The application describes the Bridge Project or Large Bridge Project in detail and provides comprehensive information about the condition of the bridge(s) along with extensive data or other evidence that demonstrates how the proposed project would meet the evaluation criteria for a Bridge Project or Large Bridge Project.

Qualified: The application generally describes the Bridge Project or Large Bridge Project. Information provided about the condition of the bridge is not comprehensive and that data submitted to demonstrate how the proposed project would meet the evaluation criteria for a Bridge Project or Large Bridge Project is incomplete.

Not Qualified: The application does not describe a Bridge Project or Large Bridge Project. The application contains little or no information about the condition of the bridge or how the proposed project would meet the evaluation criteria for a Bridge Project or Large Bridge Project.

iii. Project Schedule: The DOT will assess the current status of the planning process, including all activities either completed or under way at the time of the submission of the BIP Planning grant application. All major activities intended to be funded under a BIP Planning project should be described in detail with anticipated start and ends dates for each activity. Applications should also include a post-Planning grant schedule with the planned start and end dates of all major activities that will need to be completed from the end of the BIP Planning grant through the completion of a BIP Bridge Project or Large Bridge Project.

The DOT will rate the project schedule included in the application, as follows:

Highly Qualified: Application provides detailed information on the project schedule, including already completed activities and activities currently underway. The project schedule presented in the application includes the anticipated start and end dates for each activity, as well as a detailed post-Planning schedule. The information provided is sufficient for reviewers to evaluate with certainty the feasibility of the project schedule.

Qualified: Application provides information on the project schedule, but it is not detailed. Information provided is vague and reviewers are not able to evaluate the feasibility of the project schedule with certainty.

Not Qualified: Application does not include a project schedule, or it is incomplete. Reviewers are unable to assess the feasibility of the project schedule.

iv. Project Budget. The DOT will assess the proposed project budget. The description should include a detailed description of the start and end dates for major project activities, milestones, and deliverables. The description should also include a detailed project budget with the total project cost. The budget should identify all funding sources and amounts, including an estimated BIP grant request amount. Other funding sources, as appropriate, include Other Federal funds; State funds; Tribal funds; Local funds; and other funds such as private funds. Competitive applications should include information about all sources of Federal funds that have been requested for the project, information about the amount requested, and whether or not the requested funding was received. If the funding request was not granted, please include a discussion of any documented basis for the denial of the funding. If the funding was received, please provide the date of award and how the funds have been or are expected to be used on the project.

The DOT will rate the project budget included in the application, as follows:

Highly Qualified: Application presents a detailed budget including the source of funds and amount for each major project activity, milestones, and deliverables. The application includes a detailed budget that shows the total project cost, all funding sources and amounts, and percentage of total project costs. The application is fully responsive and provides detailed information about all Federal funding requests particularly those that would leverage other Federal funding opportunities.

Qualified: Application includes a cursory budget. The budget includes each major project activity, milestone and deliverable but does not specify the source of funds and amount for each. The budget lacks detail on the total project cost, funding sources and amounts, and percentage of total project costs. The application is not fully responsive or provides limited information about all Federal funding requests.

Not Qualified: No budget is included in the application. Information contained in the budget is incomplete.

b. Bridge Projects and Large Bridge Projects

For FY 2022, DOT has designated six project outcome criteria which will be used to evaluate and rate the responsiveness of an application to the Statutory Required Evaluation Requirements and Statutory Secretarial Considerations. The DOT will also use the project outcome criteria to assess how a project will advance DOT policy areas of safety, reduction in surface transportation greenhouse emissions, increased resilience to climate change, equitable transportation options and access, promoting competitiveness of the U.S. economy, improving job opportunities, and accommodating new emerging technologies.

Criterion #1: State of Good Repair

The DOT will assess how the project will contribute to a state of good repair by: (1) improving the condition of a bridge in poor condition or in fair condition and at risk of falling into poor condition within the next three years[21]; (2) improving protection, such as seismic or scour protection, to provide long-term resiliency to extreme weather events, flooding, or other natural disasters; and (3) reducing maintenance costs. The application should include a detailed plan of the major activities that will be undertaken to address (1) or (2), and (3), with each supported by quantifiable data that supports the anticipated benefits of the project. The data should show how the project will improve the condition of the bridge(s) by reducing the total person miles traveled over the bridge(s): (1) in poor condition or in fair condition and at risk of falling into poor condition within in the next three years; (2) that do not meet current geometric design standards; and (3) that cannot meet the load and traffic requirements typical of the regional transportation network. The application should contain data that classifies each bridge with a condition rating of good, fair, or poor, along with supporting data for the condition classification[22]. For bridges in fair condition, the application should include quantifiable data that demonstrates the risk of the bridge falling into poor condition within the next three years from the date of the application deadline, if applicable. The proposed project should be consistent with relevant plans to maintain transportation facilities or systems in a state of good repair, including how the project is consistent with the objectives of an asset management plan of the project sponsor, including a State asset management plan under 23 U.S.C. § 119(e) in the case of a project on the National Highway System that is sponsored by a State. The DOT will consider whether the project includes a maintenance plan that demonstrates the project funded with BIP grant funds will be maintained in a state of good repair.

Selection Criteria	**Non-Responsive**	**Responsive**	**Highly Responsive**
State of Good Repair	The application contains insufficient information to allow reviewers to assess one of the following: (1.a) the condition of the bridge to support a finding that the bridge is in poor condition or in fair condition and at risk of falling into poor	The application describes: (1.a) a bridge that is in poor condition or in fair condition and at risk of failing into poor condition within the next 3 years, but the data included in the application is not quantifiable to fully demonstrate current condition of the bridge or the risk of falling into poor	The application includes quantifiable data that demonstrates: (1.a) the bridge is in poor condition or in fair condition and at risk of falling into poor condition within the next three years from the date of the Bridge Project or Large Bridge Project application deadline; (1.b) that the bridge does not meet

[21] 23 CFR 490.409 provides definition and methodology for classifying bridges in fair and poor condition.
[22] 23 CFR 490.409 provides definition and methodology for classifying bridges in fair and poor condition.

Selection Criteria	Non-Responsive	Responsive	Highly Responsive
	condition within the next 3 years; (1.b) whether the bridge does not meet current geometric design standards or cannot meet the load and traffic requirements typical of the regional network; (1.c) whether if the bridge is not improved, there is a threat to the future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth due to a closure or reduction in use; (1.d) how the project will improve protection, such as seismic or scour protection, to improve the bridge's long-term resiliency; OR contains insufficient information to allow the reviewers to assess one or more of the following: (2) how the project will reduce maintenance costs; or (3) whether the project is in an asset management plan or consistent with an asset management plan.	condition within the next 3 years; or (1.b) a bridge does not meet current geometric design standards or cannot meet the load and traffic requirements typical of the regional transportation network, but this is not supported with appropriate geometric requirements established by the State; or (1.c) The application mentions but does not demonstrate that if the bridge is not improved, there is a threat to the future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth due to a closure or reduction in use; or (1.d) The application mentions but does not demonstrate how the project will improve protection, such as seismic or scour protection, to improve the bridge's long-term resiliency; or (2) The project does not provide details on maintenance costs of the current bridge and reduced costs following the project or how the project will be maintained in a state of good repair; or	current geometric design standards; or cannot meet the load and traffic requirements typical of the regional transportation network; (1.c) the application demonstrates that if the bridge is not improved, there is a threat to the future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth due to a closure or reduction in use; or (1.d) the project will improve protection, such as seismic or scour protection, to improve the bridge's long-term resiliency. The major activities proposed to improve the condition of the bridge are feasible and the application provides a detailed description of the project plan, supported by data, that shows how the project will address one or more of the items listed above, including the number of bridges to be improved and the total person miles traveled that would be impacted by the improvement; AND (2) The application provides verifiable data that the project will reduce maintenance costs and the

Selection Criteria	Non-Responsive	Responsive	Highly Responsive
		(3) The application indicates that the project is in an asset management plan but does not demonstrate how it is consistent with the plan.	project will be maintained in a state of good repair; AND (3) The application demonstrates that the project is consistent with the objectives of an asset management plan.

Criterion #2: Safety

The DOT will assess how the project will improve the safety of the bridge and associated sections of roadway. The application should include verifiable data on: (1) the number and type of crashes including serious injuries, and fatalities on or near the bridge; (2) how the project will target known and documented, if any safety problems with the bridge, within the project area or wider transportation network; and (3) how the project will protect motorized and non-motorized travelers or communities from health and safety risks. The application should provide a narrative describing how the project will improve the bridge and associated sections of roadway. The application should address the inclusion of improvements to safety features such as but not limited to traffic signs, pavement markings, multimodal accommodations, and physical bicycle and pedestrian barrier separations. The application should address whether and, if so how, the project has been or could be designed and operated to maximize the existing right-of-way for accommodation of non-motorized modes and transit options that increase safety and connectivity. The application should provide evidence to support the claimed level of effectiveness of the project in improving all safety concerns and proposed improvements for the bridge.

Selection Criteria	Non-Responsive	Responsive	Highly Responsive
Safety	The application contains insufficient information to assess one or more of the following: (1) new and continued safety benefits that will be achieved in reducing accidents, injuries, or fatalities: (2) safety problems with the bridge, within the project area or wider transportation network if any and how the project will	The application describes: (1) new and continued safety benefits that will be achieved in reducing crashes, injuries, or fatalities; (2) safety problems with the bridge, within the project area or wider transportation network, if any; or (3) how the	The application provides verifiable data on: (1) the number and type of accidents including serious injuries, and fatalities on or affected by the bridge; (2) how the project will target known, documented, if any, safety problems with the bridge, within the project area or wider transportation

Selection Criteria	Non-Responsive	Responsive	Highly Responsive
	address these problems; or (3) how the project will protect motorize and non-motorized travelers or communities from health and safety risks including improvements to, the addition of, or continuation of safety features.	project will protect motorize and non-motorized travelers or communities from health and safety risks including improvements to, the addition of, or continuation of safety features. The application generally describes whether, and if so how, the project will improve the safety of the bridge and associated sections of roadway. The application generally describes whether and how, the project has been or could be designed and operated to maximize the existing right-of-way for accommodation of non-motorized modes and transit options that increase safety and connectivity. But the application lacks sufficient data to allow reviewers to determine the claimed level of effectives of the project in improving the described safety concern, if any, for the bridge.	network; and (3) demonstrate how the project will protect motorized and non-motorized travelers or communities from health and safety risks including improvements to, the addition of, or continuation of, safety features. The application provides detailed information about whether and, if so how, the project will improve the safety of the bridge and associated sections of roadway. The application provides detailed information about whether and, if so how, the project has been or could be designed and operated to maximize the existing right-of-way for accommodation of non-motorized modes and transit options that increase safety and connectivity. The application provides evidence to support the claimed level of effectiveness of the project in improving all documented safety concerns, if any, for the bridge.

Criterion #3: Mobility and Economic Competitiveness

The DOT will assess the number of bridges and the total person miles traveled expected to be impacted by the project or how the project will improve the mobility, efficiency, and reliability of the movement of people and freight, accounting for current traffic demands and estimated future demands. In addressing this criterion, competitive applications will use the information provided under the state of good repair criterion to support how improvements will improve the flow of a regional network by addressing current geometric conditions of the bridge, whether those conditions are sufficient for load and traffic requirements of the regional networks or will improve mobility of people and freight by reducing the person miles traveled impacted by these conditions. Projects that increase mobility for freight movement and improve supply chains should describe the improvements in detail, with verifiable estimates of anticipated improvements, including the anticipated impacts to congestion reduction and reliability improvements.

The application should describe in detail how the project is expected to support a strong economy and labor market and thereby contribute to national or regional significance and benefits. This includes the creation of good-paying jobs with the free and fair choice to join a union, and the incorporation of strong labor standards including project labor agreements, use of local and economic hiring preferences, workforce development programs and registered apprenticeships, and labor management partnerships. The application should also describe in detail how the project is expected to support the hiring and retention of historically underrepresented groups of workers, including through use of local and economic hiring preferences, investments in high-quality workforce development programs with supportive services, and other policies[23].

Selection Criteria	Non-Responsive	Responsive	Highly Responsive
Mobility and Economic Competitiveness	The application contains insufficient information to allow reviewers to assess one or more of the following: (1) Improvements to the efficiency or reliability of the movement of people and freight	The application describes: (1) the number of structures and the total person miles traveled expected to be impacted by the project and improvements to the efficiency or reliability of the movement of people and freight through the project corridor, but does not provide data to	The application provides a detailed description of the number of structures and the total person miles traveled expected to be impacted by the project and how the project will improve the mobility, efficiency, and reliability of the movement of people and freight, accounting for current traffic demands and

Selection Criteria	Non-Responsive	Responsive	Highly Responsive
	through the project corridor, including congestion reduction; (2) Current geometric design features of the bridge; (3) National or regional economic benefits.	support claims or projections for long-term benefits; (2) current geometric design features of the bridge without context for required geometric tolerances for the load and traffic requirements of the regional networks; (3) an increase in mobility for freight movement and improve supply chains by reducing congestion and improving reliability; (4) National or regional economic benefits are anticipated by the project, but data to support these benefits are not substantiated; (5) The project sponsor demonstrates significant creation of good-paying jobs with a free and fair choice to join a union and the incorporation of strong labor standards. and includes strategies for bring underrepresented workers into the workforce. OR (6) the applicant describes how the project will result in hiring and retention of historically underrepresented group into good-paying jobs	estimated future demands. The application uses the information provided under the state of good repair criterion to support how improvements will improve the flow of a regional network by addressing current geometric conditions of the bridge, whether those conditions are sufficient for load and traffic requirements of the regional networks or will improve mobility of people and freight by reducing the person miles traveled impacted by these conditions. The application demonstrates that the project will increase mobility for freight movement and improve supply chains by reducing congestion and improving reliability. The application includes verifiable estimates of the anticipated improvements including improvements that may result in greater land-use productivity. OR The project sponsor demonstrates creation of good-paying jobs, that may result in equitable access to those jobs, with a free and fair choice to join a union and the incorporation of

Selection Criteria	Non-Responsive	Responsive	Highly Responsive
			strong labor standards and includes strategies for bring underrepresented workers into the workforce. This can be documented by a signed letter from a labor union, or worker organization that describes the number and characteristics of high-quality jobs on the project.

Criterion #4: Climate Change, Resiliency, and the Environment

The DOT will assess whether the project will address climate change, improve resiliency, support environmental sustainability, and address environmental justice based on data submitted with the application that demonstrates the benefits to each of these areas of consideration. The application should include a detailed discussion of how, the project will reduce air pollution and greenhouse gas emissions from motor vehicles, including increasing use of lower-carbon travel modes such as transit and active transportation; incorporate lower-carbon pavement and construction materials; improve resiliency of at-risk infrastructure by improving disaster preparedness and resilience to all hazards, including long-term resiliency to extreme weather events, flooding, or other natural disasters, and the risks associated with climate change,; improve wildlife connectivity, especially for aquatic species; or address the disproportionate negative environmental impacts of transportation on disadvantaged communities.

Selection Criteria	Non-Responsive	Responsive	Highly Responsive
Climate Change, Resiliency, and the Environment	The application contains insufficient information to assess one or more of the following: (1) reduction of air pollution or greenhouse gas emissions (including increasing use of lower carbon travel modes such as transit	The application describes: (1) a reduction of air pollution or greenhouse gas emissions, but does not provide data to support a reduction (including increasing use of lower carbon travel modes such as transit and active transportation); (2) improved resiliency of at-risk infrastructure without providing data that the	The application includes quantifiable data that demonstrates: (1) a reduction of air pollution or greenhouse gases (including increasing use of lower carbon travel modes such as transit and active transportation); (2) improved resiliency of at-risk infrastructure; (3) improve wildlife

	and active transportation); (2) improve resiliency of at- risk infrastructure; (3) improvement to wildlife connectivity, especially for aquatic species; or (4) address negative environmental impacts on disadvantaged communities.	project would withstand the likelihood of an event or risk; (3) indicates an improvement in wildlife connectivity, but does not support current or projected connectivity with data; or (4) describes how disadvantaged communities will not be impacted without supporting data.	connectivity especially for aquatic species; or (4) addresses the disproportionate negative environmental impacts on disadvantaged communities.

Criterion #5: Quality of Life

The DOT will consider the extent to which a project will improve the quality of life for local, regional, or national users of the facility based on the location of the project. Applicants should provide information about public engagement during the project's planning, consideration of quality of life benefits to all affected by the project, and how these contributed to the design of the project. At a minimum, applicants should describe (1) the consideration of benefits to nonvehicular and public transportation users, and (2) the extent to which the project will provide person mobility benefits including congestion reduction and reliability. Competitive applications will demonstrate partnerships with State, local, community-based, and private entities in the planning and designing of the project to provide the most benefits to all affected by the project, and the roles of these entities in the planning, design, construction, and operation of the project.

The DOT will consider how the project will proactively address equity and barriers to opportunity, improve quality of life in rural areas or urbanized areas, and benefit Historically Disadvantaged Communities or populations, or Areas of Persistent Poverty. This may include increasing affordable transportation choices, especially for transportation disadvantaged communities. It should also describe how the project has or will meaningfully engage communities affected by the project, with effective public participation that is accessible to all persons regardless of race, color, national origin, disability, age, and sex. Equity considerations should be integrated into planning, development, and implementation of transportation investments, including utilization of Disadvantaged Business Enterprises (DBE). The application should describe any public involvement plan or targeted outreach, demonstrating engagement of diverse input such as community-based organizations during project planning and consideration of such input in the decision-making. The project application should describe planning and engagement in the project design phase to mitigate and, to the greatest extent possible, prevent, physical and economic displacement. The project application should also describe how the

project is expected to support the hiring and retention of historically underrepresented groups of workers, including through use of local and economic hiring preferences, investments in high-quality workforce development programs with supportive services, and other policies.

Selection Criteria	**Non-Responsive**	**Responsive**	**Highly Responsive**
Quality of Life	The application contains insufficient information to assess one or more of the following: (1) how the project has or will engage communities affected by the project; (2) what considerations for nonvehicular and public transportation were included in the project; (3) how the project will provide congestion reduction or reliability benefits to person mobility.	The application describes: (1) a plan to engage affected communities, but does not provide details on who will be engaged or how engagement will occur or has occurred; (2) incorporation of nonvehicular and/or public transportation on the project but does not describe benefits realized; (3) an expected reduction in congestion and improved reliability but fails to quantify the benefits.	The application includes (1) verifiable evidence that demonstrates the project has or will engage diverse people and communities, particularly Historically Disadvantaged Communities or populations, or Areas of Persistent Poverty with effective public participation that is accessible to all persons regardless of race, color, national origin, disability, age, and sex and taking into account consideration of such input in the planning, development, and implementation of the project decision-making process;(2) the application describes how the planning and engagement in the project design phase will mitigate and, to the greatest extent possible, prevent, physical and economic displacement, as may

			be required by the project; (3) the project incorporates nonvehicular and/or public transportation into the project and provides quantifiable benefits to the quality of life of the users; (4),the application includes information as to how the project may advance equitable access to housing and transportation; (5) the project provides congestion reduction and improved reliability in the project corridor with realistic estimates of improved travel time and traffic throughput.

Criterion #6: Innovation

The DOT will assess whether and to what extent the applicant describes and documents how the project will deploy innovative financing, innovative project designs or construction techniques, and innovative technology and the benefits of those methods. The DOT will consider the extent to which innovative financing is utilized on the project, including the use of bundling of projects and benefits of executing the project as a bundle compared to individual projects.[24]

Selection Criteria	Non-Responsive	Responsive	Highly Responsive

[24] For innovative safety proposals, DOT will evaluate safety benefits that those approaches could produce and the broader applicability of the potential results. The DOT will also assess the extent to which the project uses innovative technology that supports surface transportation to significantly enhance the operational performance of the transportation system. Please note that all innovative technology must be in compliance with 2 CFR 200.216.

Innovation	The application contains insufficient information to assess innovation benefits.	The application describes the use of an innovative technique, technology, or financing methodology, but does not provide sufficient information on the innovation or quantitative benefits from using the innovation.	The application includes quantitative benefits for the use of an innovative technique, technology, or financing.

2. Review and Selection Process

a. Planning Projects

The DOT will evaluate BIP Planning project applications in accordance with the evaluation process discussed below.

The DOT will conduct an application intake and eligibility review by providing an initial eligibility screening based on the statutory eligibility criteria in Section C. Only eligible projects will be evaluated against the project outcome criteria in Section E.

The DOT will establish a Technical Review Team to review each eligible application. The team will be composed of individuals from FHWA. The team will review each application against the project outcome criteria in each of the categories and assign a rating of "Highly Recommended," "Recommended," or "Not Recommended," to each application.

A **Highly Recommended** project is one that meets all Highly Qualified project criteria.

A **Recommended** project is one that receives one Qualified rating on a project selection criterion and then Qualified of Highly Qualified on the remaining project selection criteria.

A **Not Recommended** project is one that does not meet one or more of the statutory eligibility criteria or an eligible application that receives at least one Not Qualified on a project selection criterion.

DOT Planning Priority Considerations

The DOT will give priority consideration to Highly Recommended Planning Project applications that (1) demonstrate that in the absence of a BIP Planning grant the project sponsor(s) will be unable to begin or complete the planning process for a BIP Large Bridge Project, and (2) are for one of the following:

1. To complete the planning process for a Large Bridge Project that will replace, rehabilitate, preserve, or protect a bridge in poor condition on the National Bridge Inventory and an anticipated construction start date within two years of completion of the planning process; or

2. To begin and complete the planning process for a Large Bridge Project that will replace, rehabilitate, preserve, or protect a bridge in poor condition on the National Bridge Inventory.

The Technical Review Team will also evaluate each application's responsiveness to the DOT Planning Priority Considerations.

The rating for each Planning project and evaluation of responsiveness to the DOT Planning Priority Considerations will be sent to a Second Level Review Team. The Second Level Review Team is comprised of FHWA Senior Leadership. The Second Level Review Team will consider the applications and the technical evaluations, and determine which projects to advance to the FHWA Administrator. After consideration of the ratings, the FHWA Administrator may take into account the application's responsiveness to the DOT Planning Priority Considerations and determine which projects to advance to the Secretary. The final Planning Project funding decisions will be made by the Secretary.

b. Review and Selection Process for Bridge Projects and Large Bridge Projects

The DOT will conduct an application intake and eligibility review by providing an initial eligibility screening based on the statutory eligibility criteria in Section C. Only eligible projects will be evaluated against the project outcome criteria in Section E.2.b.

The BIP evaluation process consists of an Analysis Phase and Senior Review Phase. In the Analysis Phase, teams will, for each project, rate how well it addresses the project outcome criteria using the rating system in Section E.2 as follows:

i. Project Outcome Selection Criteria Responsiveness Ratings.

Rating	**Description**
High	All 6 Criteria, including State of Good Repair and Safety, are ranked Highly Responsive
Medium-High	5 or more Criteria, including State of Good Repair and Safety, are ranked Highly Responsive
Medium	4 or more Criteria, including State of Good Repair and Safety, are ranked Highly Responsive
Medium-Low	State of Good Repair or Safety are ranked Responsive or 3 or fewer Criteria are ranked Highly Responsive
Low	One or more Criteria are ranked non-Responsive

ii. Economic Analysis Rating

The DOT will consider a project's benefits as compared to its costs to determine whether a project is cost effective and assign an economic analysis rating. To the extent possible, DOT will rely on quantitative, evidence-based, and data-supported analysis in this assessment. Based on the DOT's assessment, DOT will assign an economic analysis rating of high, medium-high, medium, medium-low, or low according to the following table:

Rating	**Description**
High	The project's benefits will exceed its costs, with a benefit-cost ratio of at least 1.5
Medium-High	The project's benefits will exceed its costs
Medium	The project's benefits are likely to exceed its costs
Medium-Low	The project's costs are likely to exceed its benefits
Low	The project's costs will exceed its benefits

iii. Project Readiness Rating

The DOT will consider project readiness to assess the likelihood of a successful project. In that project readiness analysis, DOT will consider three evaluation ratings: Environmental Risk, Technical Assessment, and Financial Completeness Assessment. The application should contain a section that explicitly addresses Environmental Risk, but the Technical Assessment and Financial Completeness Assessment will be based on information contained throughout the application.

Environmental Risk assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation, and results in a rating of "high risk," "moderate risk," or "low risk." The Technical Assessment will be reviewed for all eligible applications and will assess the applicant's capacity to successfully deliver the project in compliance with applicable Federal requirements based on factors including the recipient's experience working with Federal Agencies, civil rights compliance (including compliance with Title VI of the Civil Rights Act of 1964 and accompanying DOT regulations, the Americans with Disability Act, and Section 504 of the Rehabilitation Act), previous experience with DOT discretionary grant awards and the technical experience and resources dedicated to the project.

Technical Assessment ratings will be one of the following: “certain,” “somewhat certain or unknown,” or “uncertain.” Lack of previous project delivery according to Federal requirements is not sufficient justification for a rating of “uncertain,” but may result in a rating of “unknown.”

The Financial Completeness Assessment reviews the availability of matching funds and whether the applicant presented a complete funding package, and will receive a rating of “complete, “partially complete,” or “incomplete.” For projects that receive a rating of “complete” and include funding estimates that are based on early stages of design (e.g.. less than 30 percent design) or outdated cost estimates, without specified contingency, evaluators may add a comment to note the potential for uncertainty in the estimated project costs. All applicants should describe a plan to address potential cost overruns and future maintenance and preservation costs and how those costs will be funded.

The Project Readiness Ratings described above will be translated to a high, medium-high, medium, medium-low, or low rating, using the table below:

Rating	**1**	**2**	**3**
Technical Assessment	Uncertain: The team is not confident in the applicant’s capacity to deliver this project in a manner that satisfies Federal requirements	Somewhat Certain/Unknown: The team is moderately confident in the applicant’s capacity to deliver the project in a manner that satisfies Federal requirements	Certain: The team is confident in the applicant’s capacity to deliver the project in a manner that satisfies Federal requirements
Financial Completeness	Incomplete Funding: The project lacks full funding, or one or more Federal or non-Federal match sources are still uncertain as to whether they will be secured in time to meet the project’s construction schedule	Partially Complete/Appear Stable and Highly Likely to be Available: Project funding is not fully committed but appears highly likely to be secured in time to meet the project’s construction schedule	Complete, Stable and Committed: The Project’s Federal and non-Federal sources are fully committed and there is demonstrated funding available to cover contingency/cost increases.
Environmental Review and Permitting Risk	High Risk: The project has not completed or begun NEPA and there are known	Moderate Risk: The project has not completed NEPA or secured necessary Federal permits, and	Low Risk: The Project has completed NEPA, or it is highly likely that they will be able to complete

	environmental, or litigation concerns associated with the project.	it is uncertain whether they will be able to complete NEPA or secure necessary Federal permits in the time necessary to meet their project schedule.	NEPA and other environmental reviews in the time necessary to meet their project schedule.

Rating	Description
High	All 3's
Medium-High	Two 3's, one 2
Medium	One 3, two 2's
Medium-Low	All 2's
Low	Any 1's

iv. Overall Application Rating; DOT Priority Considerations; and Project Selection Process

Bridge Project and Large Bridge Project Overall Rating

The DOT will assign each eligible project a rating of Highly Recommended, Recommended, or Not Recommended for Bridge Project and Large Bridge Project grant requests. The rating will be assigned by DOT on the following basis:

A rating of **"Highly Recommended"** will be assigned to a project that:

- Meets all of the eligibility requirements;
- Received a Highly Responsive rating for State of Good Repair and Safety, and at least three out of the four remaining project outcome criteria received a Highly Responsive rating; and
- Received no less than a Medium-High for both economic analysis and project readiness.

A rating of **"Recommended"** will be assigned to a project that:

- Meets all of the eligibility requirements;
- Received a Highly Responsive rating for State of Good Repair and Safety, and at least two out of the four remaining criteria received a Highly Responsive rating; and
- Received no less than a Medium for both economic analysis and project readiness.

A rating of **"Not Recommended"** will be assigned to a project that:

- Does not meet one or more of eligibility requirements;
- Received a Non-Responsive on any of the criteria;

- Is not otherwise assigned a “Highly Recommended” or “Recommended’ rating.

DOT Priority Considerations – Large Bridge Projects

For FY 2022, DOT will give priority consideration to funding Large Bridge Projects of bridges in poor condition or in fair condition and at risk of falling into poor condition within the next three years and that demonstrate but for a BIP grant the project sponsor(s) will be unable to complete the Large Bridge Project, and the project has one or more of the following characteristics:

1. The geometric design standards used for the construction of the bridge met the applicable standards at that time but no longer meets the current geometric design standards;

2. The total future eligible project costs are no less than $1 billion;

3. The application demonstrated a need for a BIP grant of not less than $100 million;

4. The project readiness evaluation demonstrates that the project can distribute a BIP grant of not less than $100 million over a four-year period if a multi-year grant is awarded to the project;

5. The applicants are a Federal Land Management Agency who owns the bridge and a State, and Large Bridge Project application provides evidence that upon completion of the project, the bridge will be divested; and

6. The project is or will be ready to proceed to the next stage of project delivery within 12 months of a Categorical Exclusion Determination, Finding of No Significant Impact, or Record of Decision.

7. The project includes accommodation for transit such as the inclusion of bus rapid lanes on the bridge[25].

8. The project has national or regional economic significance.

9. Without a FY 2022 BIP grant, construction of the project is unlikely to commence before September 30, 2025.

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[25]This priority consideration does not mean that transit only bridges are eligible for BIP assistance. Transit only bridges are not highway bridges nor are they included in the NBI and therefore do not meet the BIP eligibility criteria.

DOT Priority Considerations – Bridge Projects

For FY 2022, DOT will give priority consideration to funding Bridge Projects for bridges in poor condition or in fair condition and at risk of falling into poor condition within in the next 3 years that demonstrate but for a BIP grant the project sponsor(s) will be unable to complete final design and any necessary right-of-way acquisition and construction, and the project:

1. Is or will be ready to proceed to final design, and right-of-way acquisition if necessary, within 12 months of a Categorical Exclusion Determination, Finding of No Significant Impact, or Record of Decision; and

2. The project schedule and budget demonstrate that a two-phased BIP funding approach is feasible with an initial obligation of BIP funds to complete final design, and any right-of-way acquisition, and proceed to the construction phase within 12 months of the initial award of FY 2022 BIP funds. The second obligation of BIP funds for construction will be, based upon the results of preliminary engineering and FHWA approval of the plans, specifications, and estimate for the project or request for proposals, which is reasonably expected to begin construction within 18 months of the first obligation of BIP funds[26].

3. Without a FY 2022 BIP grant, construction of the project is unlikely to commence before September 30, 2025.

The Analysis Team will also evaluate each application's responsiveness to the DOT Priority Considerations.

v. Selection Process

The Analysis Team will send the overall project rating for each Bridge Project and Large Bridge Project and evaluation of responsiveness to the DOT Priority Considerations to a Second Level Review Team. The Second Level Review Team is comprised of FHWA Senior Leadership. The Second Level Review Team will determine which Highly Recommended projects to advance to the FHWA Administrator. The Second Level Review team may also recommend for selection Recommended projects that meet one or more of the priority considerations. When recommending a Recommended project over a Highly Recommended project, the Second Level Review Team will select Recommended projects by considering how well the project addressed the project outcome criteria and number of criteria rated High as well as the project's High ratings under project readiness. The FHWA Administrator will determine which Highly

[26] If selected for a FY 2022 BIP award, the funds will be obligated on a phased basis. The funds for completion of preliminary engineering will be obligated first. The remainder of the BIP award will be obligated upon completion of preliminary engineering and FHWA approval of PS&E, subject to the availability of BIP funds.

Recommended projects, and any Recommended projects to advance to the Secretary after considering the Second Level Review Team recommendations including the responsiveness to the DOT Priority Considerations.

In addition, the FHWA Administrator may advise the Secretary on options for reduced awards, awards under a different funding category than identified in the application, and in the case of a bridge bundle, options for funding certain bridges of the bundle that are immediately ready to proceed to construction upon award, providing separate grants for bridges in the bundle that may need to complete NEPA, or to remove bridges from the bundle altogether from consideration.

The Secretary makes final project selections. The Secretary will prioritize selections among the projects advanced by the Administrator. The Secretary's selections identify the applications that best address the BIP program goals, statutory selection criteria and DOT Priority Considerations, and ensure the effective use of Federal funding while also improving transportation safety, reducing surface transportation-related greenhouse gas emissions, delivering equitable transportation options and access, and accommodating new and emerging technologies.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. The FHWA must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS). An applicant may review information in FAPIIS and comment on any information about itself. The FHWA will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

SECTION F - FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notice

The FHWA will announce the awarded projects by posting a list of selected projects at BIP - Funding Programs - Management and Preservation - Bridges & Structures - Federal Highway Administration (dot.gov). Following the announcement, successful applicants and unsuccessful applicants will be notified separately.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR part 1201. Applicable Federal laws, rules, and regulations set forth in title 23, U.S.C., and title 23 of the CFR, shall apply to awards provided under this program.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of DOT; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied, or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

As expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. The Bridge Investment Program is an infrastructure program subject to the Build America, Buy America Act (Pub. L. No 117-58, div. G §§ 70901–70927). As well as 23 U.S.C. § 313. The Department expects all recipients to be able to complete their project without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

Recipients of Federal transportation funding will be required to comply fully with the ADA, Title VI of the Civil Rights Act of 1964, and all other civil rights requirements. The

Department's and the applicable Operating Administrations' Office of Civil Rights may work with awarded projects to ensure full compliance with Federal civil rights requirements.

Recipients of an award under this program are also required to comply fully with the Davis-Bacon Act (40 U.S.C. §§ 3141-3148), which requires all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by an award made available under this program, be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor.

Each applicant selected for an award under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the type and scale of the bridge project or projects involved. Projects that have not considered and addressed physical and cyber security risks relevant to the type and scale of the bridge project or projects involved, and resilience, as determined by DOT and the Department of Homeland Security, may be required to do so before receiving funds for construction, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems.

3. Reporting

a. Progress Reporting on Grant Activities

Required reporting follows the requirements for regular Federal-aid projects. Each applicant selected for BIP grant funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the BIP grant program. State DOTs and other recipients within the State should submit progress reports to the FHWA Division office, which will report to FHWA Headquarters (HQ). Tribes and FLMA should submit progress reports to the FHWA Office of Federal Lands Highway which will report to FHWA HQ.

To the extent possible, each applicant selected for discretionary grant funding must demonstrate effort to consider climate change and sustainability impacts, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), as well as efforts to improve racial equity and reduce barriers to opportunity, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving funds for construction, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829), and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335).

The project sponsor will work with DOT to identify actions that achieve these goals, are appropriate for their project, and can be carried out by the project sponsor. If a project sponsor is unable to identify any such actions, the sponsor may be asked to submit a report to DOT describing the actions that were considered.

b. Program Evaluation

As a condition of grant award, BIP grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The Department may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

The BIP grant recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (codified at 5 U.S.C. § 311). For BIP grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR part 200).

SECTION G - FEDERAL AWARDING AGENCY CONTACT(S)

For questions concerning this NOFO and the BIP program, please contact:

Angela Jones
Agreement Specialist
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.,
Washington, DC 20590
Email: BridgeInvestmentProgram@dot.gov (preferred)
Phone: 202-466-4255

Alternate:

Robin Hobbs
Agreement Officer/Team Leader
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.,
Washington, DC 20590
Email: BridgeInvestmentProgram@dot.gov (preferred)
Phone: 202-366-4004

SECTION H – OTHER INFORMATION

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) State on the cover of that document that it ‘‘Contains Confidential Business Information (CBI)’’; (2) mark each page that contains confidential information with ‘‘CBI’’; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. The DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

2. Publication/Sharing of Application Information.

Following the completion of the selection process and announcement of awards, DOT intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1, DOT may make application narratives publicly available or share application information within DOT or with other Federal Agencies if DOT determines that sharing is relevant to the respective program’s objectives.

3. DOT Feedback on Applications

Debriefs by BIP staff are available to applicants not selected for award to receive information about the BIP project’s evaluation.

One-rdg. X
P. Hrngs. _____
Pgs. 46
Filed: 08-16-22

Sponsored by: Hardinger

COUNCIL BILL 2022- 208 RESOLUTION _____

A RESOLUTION

AUTHORIZING the City Manager, or his designee, to apply for up to $300,000 in grant funds from the United States Department of Agriculture, Office of Urban Agriculture and Innovative Production, to fund a Composting and Food Waste Reduction Pilot Program for acceptance of food waste materials for landfill diversion and outreach efforts to promote program participation.

WHEREAS, the United States Department of Agriculture ("USDA"), Office of Urban Agriculture and Innovative Production, put out a Notice of Funding Opportunity to fund a 'Composting and Food Waste Reduction' ("CFWR") pilot project; and

WHEREAS, the City's Solid Waste Management System operates the Noble Hill Sanitary landfill and has an interest in reducing divertible waste from the landfill; and

WHEREAS, food waste and organics make up over 12.1% of the total landfill tonnage accepted; and

WHEREAS, the City owns and operates a Yardwaste Recycling Center with full exemptions to receive both pre and post-consumer food waste as feedstock; and

WHEREAS, grant funding, if awarded, would supplement existing local funding including but not limited to the Solid Waste Enterprise Fund.

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

Section 1 – The City Manager, or his designee, is hereby authorized to apply for up to $300,000 of grant funding, through the USDA Office of Urban Agriculture and Innovative Production, for use on food waste reduction efforts in the Integrated Solid Waste Management System.

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

Passed at meeting: _____

36
37
38 _____
Mayor
39
40 Attest: _____, City Clerk
41
42 Filed as Resolution: _____
43
44
45 Approved as to form: _____, Deputy City Attorney
46
47
48 Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-208

FILED: 08-16-22

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To Authorize the City Manager, or his designee, to apply for up to $300,000 in grant funds from the United States Department of Agriculture Composting and Food Waste Reduction Pilot Program to fund improvements to the Yardwaste Recycling Center for acceptance of food waste materials for landfill diversion and outreach efforts to promote program participation.

BACKGROUND INFORMATION:

1. The United States Department of Agriculture ("USDA") Office of Urban Agriculture and Innovative Production put out a Notice of Funding Opportunity to fund a Composting and Food Waste Reduction ("CFWR") pilot project. Applications are due September 1, 2022.

2. Approved by voters in 1991, the City's Integrated Solid Waste Management System collectively manages the Noble Hill Sanitary Landfill, recycling collection centers, Yardwaste Recycling Center, hazardous household chemical collection center, and recycling education programs. Each component of this system works in concert with the others to provide Springfield citizens a way to dispose of their trash. One of the goals of this system is to reduce divertible waste to the City's Noble Hill Sanitary Landfill.

3. The City's Yardwaste Recycling Center is regulated by the Missouri Department of Natural Resources ("MDNR") and is permitted to receive both pre- and post-consumer food waste as feedstock.

4. The Notice of Funding Opportunity for the CFWR pilot project is attached as "Exhibit A."

REMARKS: This Council Bill will authorize the City to apply for grant funds from the USDA Office of Urban Agriculture and Innovative Production. If grant funds are awarded, a separate Council Bill will be submitted to formally accept and budget the grant funds. Environmental Services recommends approval and passage of this Council Bill.

Submitted by:

Erick Roberts
Superintendent of Solid Waste

Recommended by:

Errin Kemper, P.E.
Director of Environmental Services

Approve by:

Jason Gage
City Manager

EXHIBIT A

Office of Urban Agriculture and Innovative Production (OUAIP)

Fiscal Year (FY) 2022
Composting and Food Waste Reduction (CFWR) Pilot Projects

Notice of Funding Opportunity (NFO)
USDA-NRCS-NHQ-CFWR-22-NOFO0001179

USDA United States Department of Agriculture

Notice of Funding Opportunity (NFO)

SUMMARY INFORMATION

Federal Awarding Agency Name: U.S. Department of Agriculture, Natural Resources Conservation Service – NHQ – Office of Urban Agriculture and Innovative Production (OUAIP)

Notice of Funding Opportunity Title: Composting and Food Waste Reduction (CFWR) Pilot Project

Notice of Funding Opportunity Number: USDA-NRCS-NHQ-CFWR-22-NOFO0001179

Assistance Listing: This program is listed in the Assistance Listings on Sam.gov under 10.935, Urban Agriculture and Innovative Production.

SAM is a web-based, government-wide application that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of the contract awards, grants, and electronic payment processes.

Notice of Funding Opportunity (NFO) Summary

The U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), under the OUAIP, is soliciting applications from eligible applicants to host a CFWR pilot project for fiscal year (FY) 2022.

For new users of Grants.gov, see Section D.2 for information about steps required before applying via Grants.gov.

Key Dates

Applicants must submit their applications through Grants.gov by 11:59 pm Eastern Time on September 1, 2022. For technical issues with Grants.gov, contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov. Awarding agency staff cannot support applicants regarding Grants.gov accounts.

Please limit questions to those regarding specific information contained in this NFO (such as dates, page numbers, clarification of discrepancies, etc.). Questions related to eligibility or the merits of a specific proposal will not be addressed.

A webinar has been pre-recorded and is available at https://youtu.be/61kOKn2rzUw and the presentation and supporting information are posted in the "Related Documents" tab of this opportunity. The recorded webinar is also available on https://www.usda.gov/topics/urban/coop-agreements.

The agency anticipates making selections by October 30, 2022 and expects to execute awards by February 08, 2023. These dates are estimates and are subject to change. Note that completing all steps required to apply for a federal award can take some time; the table below represents a general overview of each part of this process. These elements may take more or less time depending on the applicant's individual circumstances.

Required Action	Timing
Obtain a Tax Identification Number/Employer Identification Number (TIN/EIN) from the Internal Revenue Service (IRS)	Refer to the IRS website for applicable timeframes
Obtain a Unique Entity Identifier (UEI) number	Refer to SAM.gov for applicable timeframe.
Register with SAM.gov	Refer to SAM.gov for applicable timeframe.
Register with Grants.gov, add a profile and authorize an Authorized Organization Representative (AOR)	Refer to Grants.gov for applicable timeframe.
Submit CFWR application in Grants.gov	9/1/2022
Applicants notified of selection or non-selection	10/30/2022
Awards executed	2/08/2023

Federal Funding Floor and Ceiling Amounts

The funding floor for this opportunity is $45,000, and the funding ceiling is $300,000. The funding floor means the minimum agreement funding amount for the federal share per agreement awarded. The ceiling is the maximum agreement funding amount for the federal share per agreement awarded. These numbers refer to the total federal share, not any specific budget period.

Projects will be categorized and ranked according to "Project Level" where level is determined according to the federal funding amount requested:

Level 1: $45,000 - $90,000

Level 2: $90,001 - $300,000

Federal Financial Assistance Training

The funding available through this NFO is Federal financial assistance. Grants 101 Training is highly recommended for those seeking knowledge about Federal financial assistance. The training is free and available to the public at https://www.cfo.gov/grants-training/. It consists of five modules covering each of the following topics: 1) laws, regulations, and guidance; 2) financial assistance mechanisms; 3) uniform guidance administrative requirements; 4) cost principles; and 5) risk management and single audit. FPAC agencies also apply federal financial assistance regulations to certain nonassistance awards (e.g., nonassistance cooperative agreements).

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A. PROGRAM DESCRIPTION

1. Legislative Authority and USDA Priorities

The Composting and Food Waste Reduction (CFWR) cooperative agreement pilot program is authorized by Section 222 of the Department of Agriculture Reorganization Act of 1994, as added by Section 12302 of the Agriculture Improvement Act of 2018, 7 U.S.C. 6923. Funding was made available by the American Rescue Plan Act of 2021, Public Law 117-2.

The Secretary of Agriculture delegated the authority for the administration of CFWR to the Chief of the Natural Resources Conservation Service (NRCS).

Proposals submitted under this announcement will be reviewed for alignment with executive priorities on climate, equity, and environmental justice. Applicants are encouraged to review Executive Order 13985, Advancing Racial Equity and Support to Underserved Communities, Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, and Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, to learn more about these critical priorities. Executive orders may be located using the following link - https://www.federalregister.gov/presidential-documents/executive-orders.

2. Purpose

The purpose of the CFWR program is to enter into cooperative agreements with eligible entities to develop and test strategies for planning and implementing municipal compost plans and food waste reduction plans. Projects can be located in all community types including rural, urban and suburban.

3. Composting and Food Waste Reduction Projects or Activities

This program provides financial assistance to municipalities, school districts, counties, local governments, or tribal governments (State-designated Indian Tribes, Federally Recognized Indian Tribal Governments) to carry out activities for one or more of the following purposes. While applicants are encouraged to submit proposals that meet more than one of the objectives below (inclusion of multiple objectives will be considered when ranking proposals), OUAIP will accept proposals that address at least one of the following:

- Generate compost.
- Increase access to compost for agricultural producers.
- Reduce reliance on, and limit the use of, fertilizer.
- Improve soil quality.
- Encourage waste management and permaculture business development.
- Increase rainwater absorption.
- Reduce municipal food waste; and
- Divert residential and commercial food waste from landfills.

In addition to meeting one or more of the above purposes applicants are encouraged to align their project proposals to address priorities on environmental justice, racial equity, climate, invest in disadvantaged communities and climate smart agricultural practices.

Priority will be given for each of the following elements that are included in a project:

- Anticipate or demonstrate economic benefits for the targeted community;
- Incorporate plans to make compost easily accessible to agricultural producers, including community gardeners, school gardens, and producers;
- Integrate food waste reduction strategies, including innovative food recovery efforts such as, but not limited to, food gleaning, storage, and preservation techniques; and
- Include a robust plan that describes collaboration with multiple partners.

Applicants should refer to the Merit/Technical Criteria section of this announcement for a complete description of evaluation and scoring criteria for proposals.

B. FEDERAL AWARD INFORMATION

1. Available Funding

a. Estimated Funding

The federal funding agency will award approximately $10,200,000 through this opportunity. However, the agency retains the discretion to award a larger or lesser amount.

b. Start Dates and Performance Periods

Applicants should plan their projects based on an estimated project start date of February 08, 2023 and be two (2) years in duration. Applicants are expected to achieve project deliverables and close out activities within the grant period specified.

c. Number of Awards

There is no commitment by NRCS to make a specific number of awards.

2. Type of Award

a. Type of Federal Award

This announcement plans to award cooperative agreement(s) pursuant to this opportunity.

The Agency will be substantially involved in the work performed under the agreement and may undertake activities, where applicable, as follows:

1) Authority to suspend work if specifications or work statements are not met
2) Authority to review and approve one stage of work before another may begin
3) Review and approval of substantive provisions of proposed subawards or contracts beyond existing Federal policy
4) Project monitoring to allow specified kinds of direction or redirection of the work because of interrelationships with and impacts on other projects
5) Review and approval of key personnel

6) Direct agency operational involvement or participation during the activity

NRCS will have the following responsibilities:

1) Connect pilot projects with other USDA agencies such as, but not limited to the Economic Research Service (ERS); National Institute of Food and Agriculture (NIFA); the Office of the Chief Economist (OCE); and other Federal partners (e.g., U.S. Environmental Protection Agency (EPA)) to collaborate on project activities and outcomes that contribute to the U.S. Food Loss and Waste 2030 goal (https://www.usda.gov/foodlossandwaste/champions);
2) Coordinate and convene the CFWR pilot project team(s) to collaborate with other Federal Government, regional, institution, state, and local experts. This collaboration will focus on information dissemination and project strategy implementation of the objectives related to CFWR as characterized above in the project description; and
3) Gather project data (i.e., methods, results, and derived benefits, including data on weight of food waste diverted from landfills and compost created) for evaluation and dissemination to increase access to, and solutions for, composting and municipal food waste reduction across the United States.

b. Procurement Contracts

The agency does not expect to award procurement contracts associated with this NFO.

c. Eligibility of Renewal or Supplemental Project Applications

Applications for renewal or supplementation of existing projects are eligible to compete with applications for new Federal awards. An application for renewal means an application submitted to continue an existing CFWR (formerly "Community Compost and Food Waste Reduction", CCFWR) agreement that meets the objectives and requirements of this NFO. An application for supplementation of an existing project means an application to add components to an existing agreement so that it would meet the objectives and requirements in this NFO. Applications for renewal or supplementation cannot exceed the two-year project window required for all applications under this funding announcement. Such applications should include the most recent progress report for any existing project. Refer to section D(4) for more information about the elements required in a complete application package.

C. ELIGIBILITY INFORMATION

1. Eligible Applicants

Applicants and applications must meet eligibility criteria by the application deadline to be considered for award. Eligible applicant type is determined under 7 U.S.C. 6923. Applicant entities identified in the SAM.gov exclusions database as ineligible, prohibited/restricted, or excluded from receiving Federal contracts and certain Federal assistance and benefits will not be considered for Federal funding, as applicable to the funding being requested under this Federal program (2 CFR 200.206(d)).

Eligibility for this opportunity is limited to the following entity types:

a. City or township governments
b. County governments
c. Independent School Districts
d. State-designated Indian Tribes
e. Native American tribal governments (Federally recognized)
f. Native American tribal organizations (other than Federally-recognized tribal governments)
g. Special district governments
h. Municipal Governments

State designated Indian Tribes should select "Native American tribal organizations (other than Federally recognized tribal governments) when completing the SF-424 block 9.

Municipal Government should select "Other" and enter "municipal government" when completing the SF-424 block 9.

Applicants located within the 50 United States, the District of Columbia, the Caribbean Area (Puerto Rico and the U.S. Virgin Islands), the Pacific Islands Area (Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) are eligible.

2. Other

Any award made pursuant to this NFO will be made to a single entity. Applicants that apply as "partnerships" or other similar groupings must clearly describe the relationship between the applicant and the partner entities. In all but exceptional cases, it must be reflected in the award as an awardee/sub awardee relationship.

An applicant organization **may** submit more than one application as long as each proposal is for a different project or is proposing different approaches. In the case of applications submitted as revisions or corrections to a previously submitted application under this NFO, the agency will consider the last application submitted prior to the established deadline.

Awards made pursuant to this NFO are not Farm Bill incentive contracts; therefore, agricultural producers receiving a payment through participation in a project awarded under this NFO are not subject to Farm Bill eligibility requirements such as 7 CFR Part 12 and 7 CFR Part 1400.

RESEARCH PROPOSALS WILL NOT BE ACCEPTED OR CONSIDERED. "Research" is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. A "research proposal" is one where the primary objective is such study and variables are unknown.

3. Cost Sharing or Matching

This NFO requires applicants to provide a minimum cost share of 25 percent of the federal share awarded. Applications that do not include the required level of cost-sharing will be ineligible for award. Cost sharing may be achieved with contributions of cash, services,

materials, equipment, or other in-kind contributions, which may be provided by the applicant or a third party. The following are examples of the appropriate level of cost-share for a given federal award amount.

Federal Share Requested	Cost Share Min (25%)	Total Project Cost
$ 45,000.00	$ 11,250.00	$ 56,250.00
$ 300,000.00	$ 75,000.00	$ 375,000.00

Refer to Section D of this NFO for information about any required submittals related to cost share or match requirements. While the pace of cost-sharing may vary throughout the award period, the agency will actively monitor cost-sharing levels as it receives payment requests to ensure the total cost sharing requirement is met by the award's period of performance end date. Additional details about cost sharing or contributions are located at 2 CFR 200.306.

D. APPLICATION AND SUBMISSION INFORMATION

1. How to Submit an Application

Applications must be submitted electronically through Grants.gov (see Section D.2. of this opportunity). Submissions must be received by the time and date due referenced under "Key Dates" in this document. Late submissions will not be reviewed or considered. The agency will rely on the Grants.gov system-generated date and time of submission receipt documentation to determine if the application was submitted prior to the established deadline.

2. Information for New Users of Grants.gov

a. Overview

While a Grants.gov account is not required to download a NFO and related documents, it is required to submit an application. If your organization has never submitted an application via Grants.gov, please be aware that there are several steps you must take to register your organization before you can submit an application. **Completing those steps can take a significant amount of time, so please plan accordingly.**

For information about the Grants.gov pre-award phase of the grant lifecycle see https://www.grants.gov/web/grants/learn-grants/grants-101/pre-award-phase.html.

b. Register to Apply through Grants.gov

Carefully review the registration steps and gather information requested prior to beginning the registration process to avoid last-minute searches for required information. For assistance with the registration process, contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov.

Organizations must complete all steps to register (steps c.i. through c.v. below). Complete organization instructions are included on Grants.gov here: https://www.grants.gov/web/grants/applicants/organization-registration.html.

Although creating a Grants.gov account online can take only minutes, SAM registrations may take several weeks. Therefore, organizations should begin the process early to ensure they have sufficient time to complete registration and meet required application submission deadlines.

Individuals are not subject to the Unique Entity Identifier (UEI)/DUNS or SAM requirement and may begin with step iii., Create a Grants.gov Account, listed below. (Note: Individuals are not eligible for all opportunities.)

c. Steps to Register:

i. *Obtain a DUNS Number or UEI:* All entities applying for funding must have a Data Universal Numbering System (DUNS) Number from Dun & Bradstreet (D&B) or a UEI issued by SAM.gov. Applicants must enter the DUNS Number/UEI in the data entry field labeled "UEI" on the SF-424 form.

ii. *Register with SAM:* (Note: this process may take two to three weeks) All organizations must register with System for Award Management (SAM) to apply online through Grants.gov. SAM registration must be renewed annually. Part of the SAM registration process includes designating an Electronic Business Point of Contact (EBiz POC). **The EBiz POC plays an integral part in the organization's Grants.gov registration and application process.** The individual in that role must authorize all other roles in Grants.gov. For more detailed instructions for registering with SAM, refer to https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html

iii. *Create a Grants.gov Account:* From the Grants.gov webpage (https://www.grants.gov/), click "Register" in the top right-hand corner and follow the on-screen instructions or refer to the detailed instructions at https://www.grants.gov/web/grants/applicants/registration.html

iv. *Add an Organization Applicant Profile to a Grants.gov Account:* A profile in Grants.gov corresponds to a single applicant organization the user represents (i.e., an applicant) or an individual applicant. If you work for or consult with multiple organizations and have a profile for each, you may log in to one Grants.gov account to access all your grant applications. To add an organizational profile to your Grants.gov account, enter the DUNS Number/UEI for the organization in the UEI (Unique Entity Identifier) field while adding a profile. For more detailed instructions about creating a profile on Grants.gov, refer to https://www.grants.gov/web/grants/applicants/registration/add-profile.html

v. *EBiz POC Authorized Profile Roles:* After you register with Grants.gov and create an Organization Applicant Profile, you must establish roles for individuals in the organization. The Authorized Organizational Representative (AOR) role is critical; it gives an individual permission to complete and submit applications on behalf of the organization. (Please be aware that the EBiz POC and the person with AOR Role cannot be the same individual; they must be different people.) Without this role, the organization cannot submit any applications. The request for role assignment will be

routed to the organization's EBiz POC for approval. Once approved, the AOR can submit an application online. For more detailed instructions about creating a EBiz POC authorized profile on Grants.gov, refer to https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html

For instructions about tracking your role request, go to https://www.grants.gov/web/grants/applicants/registration/track-role-status.html

d. ***Electronic Signature***

When applications are submitted through Grants.gov, the name of the organization applicant with the AOR role that submitted the application is inserted into the signature line of the application, serving as the electronic signature. Please be aware that the EBiz POC and the person with AOR Role cannot be the same individual; they must be different people. The EBiz POC **must** authorize people who are able to make legally binding commitments on behalf of the organization as a user with the AOR role. **This step (see step c.v. above) is often missed, and it is crucial for valid and timely submissions.**

e. Workspace

Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each NFO, you can create individual instances of a workspace. An applicant can start an application in Workspace and return to work on it later within Workspace.

f. Apply for an Opportunity

Below is an overview of applying on Grants.gov. For complete instructions on how to apply for opportunities, refer to https://www.grants.gov/web/grants/applicants/workspace-overview.html

i. Create a Workspace: Creating a workspace allows you to complete an application online and route it through your organization for review before submitting.

ii. Complete a Workspace: Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the status of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.

- Adobe Reader: If you decide not to apply by filling out webforms you can download individual PDF forms in Workspace. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

  NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html

- Mandatory Fields in Forms: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.
- Complete SF-424 Fields First: The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and DUNS Number/UEI. Once it is completed, the information will transfer (i.e., prepopulate) to the other forms.

iii. Submit a Workspace: An application may be submitted through workspace by clicking the "Sign and Submit" button on the "Manage Workspace" page, under the "Forms" tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

iv. Track a Workspace Submission: After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the "Confirmation" page that is generated after submission. Using the tracking number, access the "Track My Application" page under the "Applicants" tab or the "Details" tab in the submitted workspace.

For additional training resources, including video tutorials, refer to https://www.grants.gov/web/grants/applicants/applicant-training.html

3. Electronic Application Package

Applicants interested in applying in response to this NFO must submit it via Grants.gov; the agency **will not** accept applications submitted via email or any other method. Applicants are urged to submit early to the Grants.gov system.

For technical issues with Grants.gov, contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov. Awarding agency staff cannot support applicants regarding Grants.gov accounts.

Address to Request Application Package
All information necessary to apply for this opportunity is included in the Grants.gov opportunity announcement.

4. Content and Form of Application Submission

The agency may choose not to consider applications that fail to comply with the required content, format, and page limits, or those that are incomplete.

Formatting requirements are as follows:

- Each page must be numbered and have one-inch margins.
- The text must be single spaced and typed in a standard typeface (e.g., Times New Roman, Arial, Courier) with no smaller than 12-point font.

To be considered for funding under this opportunity, an application must contain all documents in a-g below.

a. Project Abstract (1-page maximum)

Provide a descriptive title for your project. Then, present a statement of need or assessment of the problem. Define the target audience and end users of this project. Define the composting and food waste reduction goals in the targeted area. Describe how this project will initiate or build upon or expand related work or programs. The summary should also include the relevance of the project to the purpose (see section A.) and priorities of CFWR.

b. Project Narrative (15-page maximum)

The Project Narrative must cover all activities proposed to be carried out with both the federal and non-federal matching funds.

Project Narratives must contain headings 1 through 6 in the order listed below and must respond to each of the points included under each heading.

1. Introduction: Describe the applicant organization in terms of its location, demographics, and community served. Describe past and current involvement with developing and testing strategies for planning and implementing municipal food waste reduction and compost plans. Present a statement of need or assessment of the problem in the targeted community. Describe your approach to solving existing problems and concerns related to reducing food waste and increasing community compost.

2. Goals and Objectives: Describe the over-arching goal of your project and list any supporting objectives that may accomplish this goal. Describe the anticipated impact of this project on Executive Priorities including climate, equity, and environmental justice. This element may include, but is not limited to: participation by historically underserved groups or groups serving historically underserved or vulnerable communities; activities with the potential to mitigate the impacts caused by climate change.

3. Procedures and Work Plan: Discuss planned procedures and activities for achieving project goals and objectives, and provide project deliverables, milestones, and timelines for completion of those activities and collection and evaluation of data and reporting of outcomes. Describe the food waste reduction strategies and methods to be utilized, including food loss prevention strategies and recovery efforts. Identify what segments of the food chain the project will address (consumers, food purchasing, preparation, storage, preservation) and any barriers (economic, social, logistical, etc.) that must be overcome. Describe how the plan will make compost easily accessible to agricultural producers and community gardeners. Describe also how the plan will assist these agricultural producers, community gardeners, and other community members (such as residential gardeners) to reduce their reliance on or use of fertilizers, improve soil quality, encourage waste management and permaculture business development, increase rainwater absorption, reduce municipal food waste, and divert food waste from landfills. Include how your project will impact any existing food waste reduction, recovery and disposal by commercial, marketing, or business relationships in your area. For each task identify key personnel involved, including a description of those individuals' experience and qualifications.

4. Collaborators: List partner institutions including contact names, addresses, phone numbers, and e-mail addresses (if applicable). Identify why the partner was chosen, how its activities will contribute to the success of the project, and the partnership arrangement. Where possible, project collaborators should represent a variety of disciplines and experiences directly related to the deliverables proposed and complementary to the qualifications of the core project team. Please note that collaboration with partner institutions is considered instrumental to the success of a CFWR project, and lack of such collaboration will be reflected in the proposal's evaluation for funding.

5. Evaluation: Provide a plan for evaluating accomplishments and outcomes that match project deliverables. Include a timeline of activities with milestones and verifiable indicators to demonstrate how progress will be measured and achieved. Gather project data (i.e., methods, results, and derived benefits, including data on weight of food waste diverted from landfills and compost created) for evaluation and dissemination to increase access to, and solutions for, composting and municipal food waste reduction across the United States. Provide how you will convey results measured by weight (e.g., pounds/tons food waste diverted and/or composted created), which is required though will differ due to project scope. Include any anticipated or demonstrated economic benefits. Discuss if the project's strategy to reduce food waste and increase community compost has the potential to be replicated in other areas.

6. Self-Sustainability: Describe which aspects or components of the project will continue beyond the end of the project period. Discuss how a one-time infusion of Federal funds will be enough for the proposed pilot project to advance CFWR goals and achieve sustainability. Projects should identify actual or potential funding sources for continuation of the project after Federal funding has ended.

If your proposal will include information collection from non-Federal sources, ensure the collection meets the requirements of the Paperwork Reduction Act. Surveys of individuals or entities are generally prohibited without prior approval from the Office of Management and Budget. For additional guidance about allowable and unallowable activities, visit the following website: https://pra.digital.gov/do-i-need-clearance/.

The following documents do not count toward the above stated page limit.

c. Standard Form (SF) 424, Application for Federal Assistance

See Instructions for Completing SF 424 located in Appendix C.

d. Standard Form (SF) 424A, Budget Information - Non-Construction Programs

Fill in all spaces as appropriate. Section B, Item 6, Column 1 should reflect the agency funds, and Column 2 should reflect the applicant's matching funds. This form is the summary budget for the project and should include the full project totals on pages one and two. See "Instructions for Completing SF 424A" located in Appendix D. Refer to Section D of this opportunity for information regarding indirect costs.

e. Budget Narrative

i. In a separate document titled "Budget Narrative," explain and justify all requested

budget items/costs. (Refer to the budget narrative guidance located at the end of this document.) Detail how the totals on the SF-424A were determined and demonstrate a clear connection between costs and the proposed project activities. For personnel salary costs, include the base-line salary figures and the estimates of time (as percentages) to be directly charged to the project. Describe any item that under the applicable Federal cost principles requires the agency's approval and estimate its cost. The pages included as the budget narrative do not count toward the page limit. Cost sharing/matching must be committed at the time of application submission. The budget narrative must show the amounts and sources of match or cost share (including both cash and in-kind contributions). Budget guidance can be found in Appendix B of this NFO.

Applicants should take care to support any proposed equipment purchase with a detailed narrative and substantial documentation that includes how it will help accomplish the project deliverables; a lease vs. purchase comparison; how it will be inventoried, stored, and maintained during the project; and what will be done with it when the project is over. Be specific about why any included equipment is needed to meet the objectives of the project. See "Equipment" in the Budget Guidance appendix for a more thorough discussion of how to construct your budget narrative.

ii. For third-party contributions, a letter is required for each contribution, signed by the authorized organizational representative of the contributing organization and the applicant organization, which must include: (1) the name, address, and telephone number of the contributor, (2) the name of the applicant organization, (3) the title of the project for which the contribution is made, (4) the dollar amount of the contribution, and (5) a statement that the contributor will pay the contribution no later than the end of the award period. The agency may conduct reference checks to ensure that organizations identified are supportive and involved with the project. Cost sharing/match letters should be addressed to the Federal Awarding Agency Contact in Section G of this NFO and uploaded under Other Attachments (listed separately under Optional Forms) in Grants.gov

iii. Any non-Federal entity (except State and local governments that receive more than $35 million per year in Federal funding) that does not have a current negotiated (including provisional) rate may elect to charge a de minimis rate of 10 percent of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10 percent de minimis indirect cost rate. As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

iv. *Modified Total Direct Cost (MTDC)* means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward more than $25,000. Other items may

only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

v. As required in 2 CFR Part 200, Subpart F Audit Requirements, all U.S. states, local governments, federally recognized Indian tribal governments, and non-profit organizations expending $750,000 or more in Federal award funds in a fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System.

f. Grants.gov Lobbying Form, Certification and Disclosure of Lobbying Activities

Under Title 31 of the United States Code, Section 1352, an applicant or recipient must not use any federally appropriated funds (both annually appropriated and continuing appropriations) or matching funds under a grant or cooperative agreement award to pay any person for lobbying in connection with the award. Lobbying is defined as influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress connection with the award. Submission of an application also represents the applicant's certification of the statements in 2 CFR Part 418, Appendix A-Certification Regarding Lobbying. If you/your organization have/has made or agrees to make any payment using non-appropriated funds for lobbying, you must also complete and submit the SF LLL, Disclosure of Lobbying Activities located at 2 CFR 418, Appendix B. See 2 CFR 418.110 for more information on when additional submission of this form is required.

g. Disclosure of Potential Conflict of Interest

Applicants must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees in the selection, award, and administration of Federal awards. No employee, officer, or agent may participate in the selection, award, or administration of a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties referenced, has a financial or other interest in or a tangible personal benefit from an applicant considered for a Federal award. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the applicant.

If the applicant has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the applicant must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflict of interest means that because of the relationships with a parent company, affiliate, or subsidiary organization, the applicant is unable or appears to be unable to be impartial in conducting a Federal award action involving a related organization.

h. Negotiated Indirect Cost Rate Agreement (NICRA) if applicable

If charging indirect costs (including for cost share), upload the NICRA under Other Attachments (listed as an Optional Form) in the Grants.gov Opportunity Application Package. See Section D for information regarding indirect costs.

i. Progress Report for Existing CFWR Agreement, if applicable

If this application is for a renewal or supplementation of an existing CFWR agreement, include the most recent progress report for that agreement as an attachment. As part of the report, include progress to date on any proposed milestones.

j. Unique entity identifier (UEI)/DUNS and System for Award Management (SAM)

Each applicant (unless the applicant is an individual excepted from those requirements under 2 CFR 25.110(b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR 25.110(d)) is required to: (i) Be registered in SAM before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the agency is ready to make an award, it may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

Entities must obtain a DUNS or UEI and register in SAM prior to registering with Grants.gov. A description of each is below. Entities are strongly encouraged to apply early for their SAM registration.

System for Award Management (SAM) Registration: To register, go to: https://www.sam.gov. The Federal Service Desk is available for registration assistance and can be contacted via the Help tab at the website listed above.

Awarding agency staff cannot support applicants regarding DUNS/UEI or SAM issues.

The Government intends to replace the D-U-N-S® number with a "new, non-proprietary identifier" requested in, and assigned by SAM.gov. This new identifier is being called the Unique Entity Identifier (UEI), or the Entity ID. See Planned UEI Updates in Grant Application Forms for UEI updates.

5. Submission Dates and Times and Correspondence

Applicants must submit applications via Grants.gov. Applications must be received by 11:59 pm Eastern Time (ET) on September 1, 2022. An application submitted or resubmitted after the deadline is late (an application is considered on time at 11:59.59 pm ET, but it is late at 12:00 am ET). Late submissions will not be reviewed or considered.

Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the Authorized Organizational Representative (AOR) role attempting to submit the application. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process; be patient and give the system time to process the application.

If you have trouble submitting an application to Grants.gov, you should FIRST contact the Grants.gov Help Desk to resolve any issues. Keep a record of any such correspondence. See Section D. 2. for Grants.gov contact information.

For applications successfully transmitted to Grants.gov before the deadline: The applicant with the AOR role who submitted the application will receive:

- an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov
- an email with the official date/time stamp (this stamp is used to determine if the application was received prior to the deadline) from Grants.gov

When the agency successfully retrieves the application from Grants.gov and acknowledges the download of submissions, Grants.gov will also provide an electronic acknowledgment of receipt of the application to the applicant.

6. Intergovernmental Review

This funding opportunity is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

7. Funding Restrictions

Funds may not be used to pay any of the following costs unless otherwise permitted by law and approved in writing by the agency in advance of incurring such costs:

a. Costs above the amount of funds authorized for the project.

b. Costs incurred prior to the effective date of the award, including time spent applying for this opportunity.

c. Costs which lie outside the scope of the approved project and amendments thereto.

d. Entertainment costs, regardless of their apparent relationship to project objectives.

e. Compensation for injuries to persons, or damage to property arising out of project activities.

f. Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the employee.

g. Capital expenditures for general purpose equipment, buildings, and land and for improvements to land, buildings, or equipment which materially increase their value or useful life. See 2 CFR 200.439 for additional information.

h. Management fees and profit. Any funds awarded to for-profit entities must be used for reimbursement of award related direct and indirect costs only.

i. Meals may be charged to an award only if they are necessary for the performance of the project. For instance, meals (normally only lunch) that are a necessary part of the costs of meetings and conferences (i.e., required attendance and continuity of a meeting), the primary purpose of which is the dissemination of information, are allowable, as are costs of transportation, rental of facilities, speakers' fees, and other items incidental to such meetings or conferences. Note: Meals consumed while in official travel status do not fall in this category. They are per diem expenses and should be reimbursed in accordance with the organization's established travel policies subject to statutory limitations or in accordance with Federal travel policies.

j. Costs normally charged as indirect costs may not be charged as direct costs without proper justification and agency approval. Proper justification includes documentation that the costs meet the criteria for allowability (see 2 CFR 200.403). Examples of such costs include rent, utilities, depreciation on buildings and equipment, the costs of operating and maintaining facilities, and general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.

k. Salaries that are not an allowable expense. All costs must be reasonable to be allowable (2 CFR 200.403), and 2 CFR 200.404 defines a reasonable cost as one if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

This list is not exhaustive. For additional information please refer to 2 CFR Part 200, subpart E, Cost Principles.

8. Indirect Costs Limitations

a. To be eligible to recover any indirect cost under a federal award, recipients must either 1) have a current negotiated indirect cost rate agreement (NICRA) with a federal agency that has not expired; or 2) qualify for use of the de minimis rate authorized by 2 CFR 200.414(f). A State, local, or tribal governmental department or agency unit that receives more than $35 million in direct Federal funding is not eligible for the de minimis rate.

b. Applicants not subject to a statutory limitation, which have a current NICRA must calculate indirect costs using the rate and base specified in their NICRA. A recipient may voluntarily reduce or waive recovery of indirect costs at its sole discretion and must not be encouraged or coerced in any way to do so by the agency. A copy of the applicant's current NICRA must be provided with the application. Indirect costs may not be recovered under an expired NICRA. However, if an applicant with a current NICRA is subject to the statutory limitation, indirect costs must be calculated as follows. First, multiply the NICRA rate by the base stated in the NICRA to arrive at Amount A. Next, multiply the statutory limit of 10 percent by the total of all direct costs to arrive at Amount B. The lower of Amount A and B is the amount of indirect cost to include on the budget.

c. Recipients are prohibited from shifting unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

E. APPLICATION REVIEW INFORMATION

1. Review and Selection Process

Applications will be screened for completeness and compliance with the provisions of this notice. Incomplete, noncompliant, and/or applications not meeting the formatting criteria may be eliminated from competition. In that event, the agency will send notification of elimination to the applicant. The agency intends to select and award without conducting any discussions or allowing applicants to correct deficiencies or omissions in their applications.

Consequently, applicants must ensure their applications are complete and accurate. However, while the agency intends to select without contacting applicants, it reserves the right to request applicants to revise their applications to correct deficiencies or omissions it identifies. If this occurs, the agency will conduct discussions with all applicants, identify deficiencies and omissions for all, and give applicants an opportunity to submit a revised application by a common cut-off date. The agency may also contact individual applicants to clarify certain components of their applications.

Merit/technical reviews will be conducted by a technical review board nominated by the approving official. Risk reviews will be conducted by the FPAC Business Center, Grants and Agreements Division. The approving official will make the final award decisions. The approving official for this opportunity is the Chief of the Natural Resources Conservation Service or Designee. In addition to the merit/technical review and risk reviews, the approving official may also give consideration to furthering programmatic purposes, including geographical dispersion, program balance, or diversity of awards.

Projects submitted in response to this NFO will be evaluated in two ranking pools according to "Project Level" where level is determined according to the federal funding amount requested:

- Level 1: $45,000 - $90,000
- Level 2: $90,001 - $300,000

2. Merit/Technical Criteria

The weights and evaluation criteria below will be used in reviewing applications submitted in response to this NFO. Proposals will be evaluated by the extent to which they meet the listed criteria:

a. Degree to which the proposal is consistent with the CFWR's purpose and priorities (see section A.3. of this NFO). The number of purposes addressed by the project. The number of priority elements captured by the project. (Maximum 25 points)

b. Project Relevance (Maximum 20 points):

   i. Rationale (Maximum 15 points): The proposal's success in implementing a project consistent with composting and food waste reduction goals in the target area(s), including estimated number of participants and one or more sources of relevant data. Degree to which the proposal aligns with USDA priorities including climate, equity, and environmental justice. Amount of anticipated participation by historically underserved groups or groups serving historically underserved or vulnerable communities. Description of activities with the potential to mitigate the impacts caused by climate change.

   ii. History and Capacity (Maximum 5 points): The applicants demonstrated experience with municipal Composting and Food Waste Reduction activities; the degree to which this information supports that the applicant can successfully execute the proposed project.

c. Degree to which the plan as presented successfully demonstrates the potential for significant positive impact on existing food waste reduction strategies including recovery and disposal and strengthens partnerships needed to accomplish those goals. (Maximum 20 points)

   i. Evaluation Plan (Maximum 7 points): Clarity with which the proposal describes how activities will be monitored, data will be collected. progress will be measured, and at what frequency evaluation activities will occur. Degree to which identified indicators for measuring progress/impact are relevant and clearly align with project activities. Soundness of plan for tracking any anticipated or demonstrated economic benefits and impacts on existing food waste recovery and disposal by commercial, marketing, or business relationships in the target area(s).

   ii. Monitoring and Evaluation Experience (Maximum 5 points): Proposal's success in adequately describing the organization's ability to monitor and evaluate the impact of the proposed project according to a proposed plan. Amount of relevant experience brought by the applicant or identified entity in monitoring and evaluation. Clarity and succinctness over the overview provided by the applicant of how the work will be evaluated.

   iii. Sustainability (Maximum 5 points): Soundness of strategies provided by the applicant to ensure replicability and/or long-term viability of the project and describes how CFWR will be integrated into the operations, workflows, and staffing structure of the organization in order to continue past the end of the award. Extent to which the sustainability plan includes building or strengthening partnerships to promote CFWR as a priority to local stakeholders.

   iv. Key Personnel Experience and Skills (Maximum 3 points): Amount of relevant experience and/or expertise described for required key personnel and/or entities needed to successfully develop and test strategies for planning and implementing municipal compost plans and food waste reduction plans. Adequacy of staffing plan.

d. Degree to which the project anticipates or demonstrates economic efficiency, including evaluating the amount of Federal funds requested and the cost-effectiveness of the budget (including analysis of such items as the rental of equipment, vehicles, land, and building space during the length of the cooperative agreement instead of purchase thereof) in relation to the expected measurable outcomes and project impact (Maximum 20 points):

   i. Cost (Maximum 10 points): The total amount of Federal funds requested is within the allowable range ($45,000 to $300,000) and appropriate for the scope of the project. Proposed costs are reasonable, necessary, and allocable to carry out the project's goals and objectives. Budget calculations and documentation clearly show how the budget components were developed and costs were estimated. The budget includes a line-item description for every allowable cost and shows how it supports the project goals. The purchase of special purpose equipment is supported by substantial documentation that includes how it will help accomplish the project deliverables; a lease vs. purchase comparison; how it will be inventoried, stored, and maintained during the project; and what will be done with it when the project is over.

ii. Budget Narrative (Maximum 5 points): Budget Narrative includes an itemized explanation and justification for all requested budget items and costs. Costs clearly support the purpose of CFWR. Details provided show how the totals on the SF-424A or SF-424C were determined and demonstrate a clear connection between costs and the proposed project activities. Budget Narrative and the Project Narrative clearly align with one another.

iii. Funding (Maximum 5 points): Applicant clearly describes how the program will continue to be funded or supported past the award period, by thoroughly identifying areas and activities that require additional funding and indicating specific sources of future funding (can be other grants, in-kind donations/volunteer hours/etc.). Applicant describes how CFWR efforts will be included in the local governments and/or organization overall long-term budget.

e. Quality of the plan for collaborating with multiple partners, including public or private entities, nonprofit or for-profit entities, academic institutions (including minority-serving colleges and universities), and/or other appropriate professionals, community-based organizations, and local government entities to achieve project objectives and outcomes (Maximum 15 points):

i. Diverse Collaborator List (Maximum 5 points): Applicant lists two or more partners from diverse disciplines and expertise to achieve project objectives and outcomes. Partners are from a wide range of organizations — universities, other federal agencies, non-profit organizations, businesses, foundations, and associations — in order to join strength and skills. Applicant provides complete contact information for each partner including contact names, addresses, phone numbers and email addresses (if applicable) in the Project Narrative.

ii. Partnership (Maximum 5 points): Applicant includes reasoning for why each partner was selected and clearly describes the partnership arrangement.

iii. Roles (Maximum 5 points): Applicant identifies and describes the contribution of each partner, what they are responsible for, and how each partner's involvement will contribute to achieving project objectives and goals. The identified partners are appropriate for the listed role(s). Applicant clearly describes coordination among project team and partners.

3. Administrative and Risk Criteria

Notice of selection after merit/technical evaluation and other factors considered by the selecting official does not guarantee that an applicant will receive an award. Following notification of selection for funding (see Section F), the NIFA staff conducts a final administrative and risk review of those applications. The administrative review includes, but is not limited to, a check to ensure that NFO requirements were met (e.g., applicant meets eligibility criteria, application was submitted via Grants.gov by the established deadline), and proposed costs are allowable, allocable, and necessary. During this process, it may be necessary to request further documentation from the applicant (e.g., organizational information as part of the risk assessment, more detail regarding proposed costs).

In addition, to comply with the requirements at 2 CFR 200.206, the agency will follow, at a minimum, the risk review process described below (additional steps may be taken).

The awarding agency will check SAM to ensure the applicant is not suspended or debarred, which would preclude receiving an award. In addition, prior to making a Federal award with a total Federal share greater than the simplified acquisition threshold ($250,000), the agency must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (the Federal Awardee Performance Integrity Information System, FAPIIS) (see 41 USC 2313 and 2 CFR 200.206(a)).

An applicant must meet the following standards to be considered for award:

a. **Financial Stability.** The applicant maintains an adequate financial resources or cash flow to meet its financial obligations on a routine basis to successfully complete any agreement it may be awarded.

b. **Quality of Management Systems and Ability to meet Management Standards prescribed in 2 CFR Part 200.** The applicant has a financial management system adequate to segregate and track federal funds. It has adequate systems in place for proper agreement administration; compliance with the standards outlined in 2 CFR Part 200 Section D for procurement, property, and records management; and required financial and performance reporting.

c. **History of Performance.** If the applicant has previously obtained Federal financial assistance award, it has never failed to materially comply with the Federal award terms and conditions and further that it has never had an award terminated on that basis.

Submission of an application constitutes certification that an applicant meets these standards (items a. through c. above). The agency may request documentation to substantiate the certification. Based on risk assessment, the agency may impose specific award conditions in accordance with 2 CFR 200.208.

4. Awards Over the Simplified Acquisition Threshold (if applicable)

a. Prior to making a federal award with a total Federal share greater than the simplified acquisition threshold ($250,000), the agency must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM, the Federal Awardee Performance Integrity Information System, FAPIIS. FAPIIS is a federal database intended to serve as a government-wide source of information about the prior performance and compliance of federal procurement contractors, grantees, and cooperative agreement holders (see 41 U.S.C. 2313 and 2 CFR 200.206(a)).

b. An applicant may review information in FAPIIS accessible through SAM and comment on any information about it that a federal awarding agency previously entered.

c. The agency will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206, Federal awarding agency review of risk posed by applicants.

F. FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notices

The agency will provide notice that an application has been selected before it makes the Federal award. As such, the selection notification is not an authorization to begin performance. Any pre-award costs incurred by the awardee will not be reimbursed. The Notice of Grant and Agreement Award signed by the authorized agency official is the only authorizing document and will be provided electronically to the entity's authorized official for signature.

The agency anticipates announcing or notifying successful and unsuccessful applicants by October 30, 2022 and expects to have Federal awards in place by February 08, 2023.

2. Administrative and National Policy Requirements

All project funds will be used in accordance with 2 CFR Part 200 and the General Terms and Conditions, which are available at the following website: https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html.

Projects performed pursuant to this opportunity may be subject to the National Environmental Policy Act (NEPA). If applicable, NRCS must work with awardees to complete an environmental review of each awarded project before project commencement. In addition, prior to any ground-disturbing activities related to NRCS funding, the awardee must work with NRCS staff to complete an environmental evaluation (EE) related to those activities. Awardees may be required to prepare or pay for preparation of an environmental assessment (EA) or environmental impact statement (EIS), should any environmental review find that an EA or EIS is required.

In addition, a National Historic Preservation Act (NHPA), Section 106 review and consultation by an NRCS State or area office with consulting parties (such as the pertinent State Historic Preservation Officer and federally recognized Indian Tribes) may be required prior to the implementation of project activities that have the potential to impact cultural resources. NHPA Section 106, its implementing regulations (36 CFR Part 800), and other related authorities, require Federal agencies to determine if a project has the potential to cause an effect to historic properties and, if so, if they are adverse and how the effects may be addressed. The NHPA review and compliance in accordance with Section 106 of NHPA and implementing regulations at 36 CFR Part 800 must be completed by NRCS and applicants may be required to pay for any cultural resource surveys needed for NRCS to assess project effects. More information on the applicant's role in the NHPA Section 106 process can be found on the Advisory Council on Historic Preservation website at https://www.achp.gov/digital-library-section-106-landing/section-106-applicant-toolkit.

Consultation with the U.S. Fish & Wildlife Service and/or the National Marine Fisheries Service under the Section 7 of the Endangered Species Act (ESA) is also required for projects that may affect listed or proposed species or destroy or modify critical habitat. The ESA consultation in accordance with Section 7 of the ESA and implementing regulations at 50 CFR Part 402 must be completed by NRCS prior to the implementation of project activities that have the potential to impact species or habitat protected under the ESA. More

information on the Section 7 consultation process can be found at https://www.fws.gov/endangered/what-we-do/consultations-overview.html.

3. Reporting

Reporting will follow the guidelines included in the agency's General Terms and Conditions, which are available at the following website: https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html.

If the federal share of any agreement awarded under this opportunity notice may include more than $500,000 over the period of performance, recipients must also comply with the post award reporting requirements reflected in Appendix XII of 2 CFR Part 200 —Award Term and Condition for Recipient Integrity and Performance Matters.

Applicants that receive awards pursuant to this opportunity and any sub awardees must comply with the reporting requirements described at 2 CFR Part 170 unless an exception applies. Applicants must ensure they have the necessary processes and systems in place to comply with those requirements. A list of exceptions can be found at 2 CFR 170.110(b).

Submission of interim and final reports are required to demonstrate the progress made toward the completion of project goals, objectives, and outcomes, as well as the agreement's overall financial status. Federal Financial Report (SF-425) ais due with each performance report to account for financial expenditures during that reporting period.

A progress report must accompany every payment and reimbursement request as a supplemental document. This report should illustrate the activities performed during the period indicated on the SF-270.

Performance reports and Federal Financial Reports (SF425) are due annually no later than 90 calendar days after each annual performance reporting period end date.

A final performance report and SF-425 must be submitted no later than 120 calendar days after the performance period end date.

Submit reimbursement requests to the ezFedGrants system or the FPAC Grants and Agreements Division via email to: FPAC.BC.GAD@usda.gov on a quarterly basis. Refer to the General Terms and Conditions for more information regarding payment requests.

G. FEDERAL AWARDING AGENCY CONTACT

For questions regarding this opportunity, please contact the following individual with the NFO number in the subject line:

Melanie Krizmanich
Grants Management Specialist
FPAC Business Center
Email: Melanie.Krizmanich@usda.gov with a copy to FPAC.BC.GAD@USDA.GOV

H. OTHER INFORMATION

1. Questions regarding this opportunity must be submitted to the Federal Awarding Agency Contact identified above via email with the NFO number in the subject line.

2. For technical issues with Grants.gov, please contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov. Awarding agency staff cannot support applicants regarding Grants.gov accounts.
3. **Freedom of Information Act (FOIA)**
   Applications are considered confidential information. Applications are not shared with individuals or entities seeking public disclosure through the Freedom of Information Act (FOIA) without the consent of the applicant. More specifically, Executive Order 12600 and USDA FOIA regulation 7 CFR Part 1, Subpart A requires the awarding agency to provide notice to applicants that a third party has requested copies of their business information and requires the awarding agency to consult with applicants regarding the releasing their records.

4. **Government Obligation**
   The Federal Government is not obligated to make any Federal award as a result of this opportunity. Only authorized federal officials can bind the Federal Government to the expenditure of funds.

5. Any award made pursuant to this NFO may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
6. **Paperwork Reduction Act**
   In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), a federal agency may not conduct or sponsor, a person is not required to respond to, and a person shall not be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for information collected within this announcement is 0578-0032. All responses to this collection of information are voluntary; however, in order to obtain or retain a benefit, the information in this form is required (Agriculture Improvement Act of 2018, 7 U.S.C. 6923). The Natural Resources Conservation Service has no plans to publish information collected under the provisions of this program. You may submit comments identified by Docket ID No. NRCS-2022-0007, using Federal eRulemaking portal: Go to http://www.regulations.gov. For further information contact Brian Guse; telephone: (202) 641-7249; email: urbanagriculture@usda.gov.

U.S. Department of Agriculture Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov

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APPENDIX A: Application Package Checklist

Important: Proposals missing any of these required items will not be considered

PROPOSAL

☐ **1. Project Abstract:** (one page maximum)

☐ **2. Project Narrative:** (15 pages maximum)

I. Introduction

II. Goals and Objectives

III. Procedures and Work Plan

IV. Collaborators

V. Evaluation

VI. Self-Sustainability

☐ **3. Standard Form 424,** "Application for Federal Assistance"

☐ **4. Standard Form 424A, "Budget Information – Non-Construction Programs" if proposed construction. Also, need SF424C, "Budget Information for Construction Programs"**

☐ **5. Budget Narrative**

☐ **6. Certification Regarding Lobbying**

☐ **7. Disclosure of Potential Conflict of Interest**

☐ **8. Negotiated Indirect Cost Rate Agreement (NICRA) or de minimis rate agreement: (if applicable)**

☐ **9. Letters of Contribution: (required if a third party is contributing to the project)**

☐ **10. Most Recent Progress Report (if applicable; for supplementary/renewal applications only.)**

APPENDIX B: Budget Narrative Guidance

All costs must comply with the cost principles of 2 CFR Part 200, Subpart E, "Cost Principles." All costs (both Federal and any required non-federal cost sharing/match) that are part of an award must be:

- Allowable (2 CFR Section 200.403),
- Allocable to the agreement (2 CFR Section 200.405), and
- Reasonable in amount (2 CFR Section 200.404).

A thorough budget narrative will aid the administrative review and processing of a recommended award. Amounts included in a budget and budget narrative are estimates; in the event of an award, payments will be based on actual expenditures. The following is guidance for your use in preparing a thorough budget narrative. The guidance follows the order of the budget items.

COST-SHARING/MATCHING: You must provide the information below for the Federal portion of costs and *separately* provide the information below with the same level of detail for the cost-sharing/matching portion, as applicable, as part of the budget narrative.

PERSONNEL – Only include employees (and employees to be hired) of applicant organization
For employees of the recipient, include the position titles, percent of effort, rate of pay, estimated hours. This category includes salaries and wages of personnel of the applicant organization (i.e., employees) that will be working directly on the project. For each individual, identify their role and describe their contributions to the project. Also include their annual salary, percent of effort, and the period of time they will contribute to the project along with the associated funds requested for support.

Example:

Mr. Jones – Project Director. Accountable for assuring that all project activities are carried out in a timely, cost-efficient, and responsible manner. He will provide oversight of daily activities and lead and direct the project toward accomplishment of the objectives of the project. He is responsible for the submission of the required reports.

Salary	% effort	Project Duration	Funds Requested
$50,000	25%	12 months	$12,500

FRINGE BENEFITS – Only related to salaries identified under Personnel
Should not be included in Personnel. Explain what is included and how it is calculated. Fringe benefits include, but are not limited to, the costs of leave (e.g., vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans. Also, see 2 CFR 200.431, Compensation-Fringe Benefits. Provide information about how fringe benefits are determined along with the amount requested.

Example:

Fringe benefits - 25% of salaries and wages ($12,500 @ 25%). $3,125

TRAVEL
This is for recipient employees on travel status. State if the recipient will use GSA travel guidelines or their own travel policy. State the travel needs. Include information like mode of travel, miles traveled, cost basis for calculation, per diem, hotel budget, meal allowance, number of trips, number of people. Refer to your organization's travel policy for guidance on how to arrange travel. If your organization lacks a policy, it is expected that you follow the U.S. federal government policy, see http://www.gsa.gov/federaltravelregulation.

For the budget narrative, identify the total funds requested for travel. Provide as much detail as possible including purpose, destination, dates of travel, and number of individuals for each trip. If the dates of travel are not known, specify estimated length of trip. Identify what will be followed (e.g., organizational travel policies or government per diem rates).

Example:

- 2 people - travel to Washington D.C. once per year for a two-day meeting [identify purpose of meeting].
    - Airfare $800 x 2 for airfare = $1,600;
    - Airport parking = $64
    - Hotel for 3 nights x 2 @ $200 = $1,200;
    - Meals for 2 days x 2 = $245;
    - Rental car for 3 days @ $110/day = $330. Total for trip: $3,439
- Local travel for project manager is calculated at .50 per mile throughout primary service area x 326 miles/month x 12 months = $1,956.

EQUIPMENT
A per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000 regardless of the length of its useful life. Equipment costs require prior approval. This needs to be very specific. What is being bought? What is used for? Who can use it? Why it is needed? How long will it be used? What will be done with it when the project is over? Equipment is defined as an item of property that has an acquisition cost of $5,000 or more (unless the organization has established lower levels). List each item of equipment along with the applicable cost. Include justification of its need in accomplishing the goals of the project.

Example:

To complete objectives #1 and #2, Refrigerated Trailer is required. XYZ Refrigerated Trailer, Model #123, at $5,555

These costs should only include the costs to purchase new equipment. The cost of renting or leasing equipment is not to be included in this category but instead, include under the

Contractual category. If equipment is costly, include a lease vs purchase comparison in the budget narrative in support of route chosen.

SUPPLIES

Supplies are defined in 2 CFR Section 200.1 as all tangible personal property other than those described in 2 CFR Section 200.313, "Equipment." A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-federal entity for financial statement purposes or $5,000, regardless of the length of its useful life. See 2 CFR Section 200.453, "Materials and Supplies Costs, Including Costs of Computing Devices," regarding the allowability of costs.

Indicate general categories of expendable supplies including an amount for each category. **Caution:** If a category is viewed as too general or the associated amount is too high, further itemization may be requested. Therefore, use good judgement in determining the level of detail to provide.

Example:

General office supplies $50/mo. x 12 mo. = $600
Postage $37/mo. x 8 mo. = $296
Laptop Computer 1 x $900 = $900
Printer 1 x $300 = $300
Projector 1 x $900 = $900
Copies 8000 copies x .10/copy = $800

CONTRACTUAL
Include name of contractor (if known), method of procurement, and scope of work or services to be provided. A contractor (vs. a subrecipient) provides goods and services within normal business operations. These goods and services are ancillary to the operation of the federal program. A contractor generally provides similar goods or services to many different purchasers, and normally operates in a competitive environment. This category includes consultants, subcontracts, etc.

Consultants -- List the total costs for all consultant services. Identify each consultant, the services he/she will perform, total number of days, rate of pay, travel costs, per diem, and total estimated costs.

Contract -- A contract is defined in 2 CFR Section 200.1 as a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used in this part does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward (see 2 CFR Section 200.1 Subaward).

Explain the need for each contract and how their use will support the purpose and goals of the project. Additionally, describe the associated activities, scope of work or services to be provided and how the costs were estimated. If budgeting for a procurement action, document if a solicitation process has occurred or if the contract will be a sole source.

Example:

- ABC Company: Training $250/individual x 3 staff for 5 days = $750
- Amy White to provide Technical Assistant Services
    - 1 Full-Time Equivalent (FTE) @ $25,000 + 20% Fringe Benefits of $5,000 = $30,000
    - Travel at 2,000 miles @ .50 per mile = $ 1,000
    - Training course $ 175
    - Supplies @ $42.50 x 12 months = $ 510
    - Telephone @ $40 x 12 months = $ 480 $32,165
- John Doe, Consultant $40 per hour x 220 hours for 12-month period = $ 8,800
- To Be Announced Outreach Coordinator Annual salary $30,000 x 10% level of effort/12 mths = $ 3,000

CONSTRUCTION
Means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction. The inclusion of this category is very regulated and has very standard requirements in the Budget Narrative outlined in regulations specific to the program. Proposal needs to include a detailed clear plan of actions, standards and plans in place. Before it approves the organization needs to do a cost analysis and evaluate the alternative of renting, owning and constructing. For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has decided that the Federal interest is adequately protected. The application must include an SF424C.

OTHER
Costs not fitting under one of the other categories are to be included under this category. The level of detail is to be commensurate with other categories. Subawards should be included in this category. Per 2 CFR Section 200.1, a subaward is an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Please include a similar level of detail in your subawardee budget narratives as you do for your primary awardee, including all relevant cost categories discussed elsewhere in this section.

Example:

Outreach Workshop

- Rental of facilities ($750/2 days) $1,500
- Information technology services $ 400
- Training packets (approx 125/$40 each) $5,000
    - Total $6,900

Note: Percentage for contingencies is not an allowable cost.

INDIRECT

2 CFR Section 200.1 defines indirect (facilities & administrative (F&A)) costs as those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect (F&A) costs. Indirect (F&A) cost pools must be distributed to benefitted cost objectives on bases that will produce an equitable result in consideration of relative benefits derived.

This cost category guidance includes the following components described below:

- Calculation (This is to be included as part of the budget narrative)
- Indirect Cost Rates
    - Negotiated Rate
    - 10% De Minimis Rate
- Limitation (i.e., indirect cost cap)
- Unrecovered Indirect Costs for Cost-sharing/Match
- Voluntarily Reduce/Waive

Calculation

If indirect costs are requested as part of the proposed budget, you must provide details used in determining the indirect costs requested. For instance, provide the calculation specifying the amounts used in applying the base (the base specified in the applicable rate agreement) by the applicable rate (see indirect cost rate info below as well as Limitation section). The calculation can be displayed in different formats but must capture the components (i.e., amounts used in applying the base and the applicable rate).

> **EXAMPLE 1:** For purposes of this example, the recipient uses the 10% de minimis indirect cost rate (10% of Modified Total Direct Cost (MTDC)). MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $25,000 of each subaward. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of $25,000.

Item	Budget	Indirect Eligible Amounts
Salaries and wages	$50,000	$50,000
Materials and supplies	$3,000	$3,000

Equipment	$5,500	$0
Subaward	$30,000	$25,000
		$78,000 x 10% = $7,800 Indirect Costs

EXAMPLE 2: For purposes of this example, the recipient has a Negotiated Indirect Cost Rate Agreement (NICRA) of 20% with a base of salaries and fringe benefits.

Item	**Budget**	**Indirect Eligible Amounts**
Salaries and wages	$50,000	$50,000
Fringe Benefits	$10,000	$10,000
Materials and supplies	$3,000	$0
Equipment	$5,500	$0
Subaward	$30,000	$0
		$60,000 x 20% = $12,000 Indirect Costs

Indirect Cost Rate Types
Indirect costs may only be recovered if the non-Federal entity has one of the following indirect cost rates.

1. Negotiated Rate: If the organization has a *current* NICRA established with the cognizant Federal agency (the agency that provides the most funds to the organization), then provide a copy of the NICRA; expired rates are not acceptable. If unable to obtain a current negotiated rate from the cognizant agency, you are permitted to opt to use the 10% de minimis cost rate (you may only be reimbursed for allowable direct cost). Violation of cost accounting principles is not permitted when re-budgeting or charging costs to awards. Rather, costs must be consistently charged as either indirect or direct costs. Along with a copy of the NICRA, include the rate and base as part of the budget narrative.

Example:

Rate 24.87% of MTDC - 24.87% applied to the following items: $97,300 of Personnel, $23,352 of Fringe, $110,000 of other, and the first $25,000 of three (3) subawards = $76,015.65 indirect costs

2. 10% De Minimis Cost Rate: In accordance with 2 CFR 200.414(f), any non-Federal entities, unless excepted, may elect to forgo calculation of an indirect cost rate and request a 10% de minimis indirect cost rate. The 10% de minimis rate is applied to modified total direct costs (MTDC). For this purpose, MTDC means total direct costs related to the award, such as direct labor, fringe benefits, materials and supplies, publications, consultant services and travel costs. MTDC excludes the following costs: equipment, capital expenditures, participant support costs and the portion of each subaward and subcontract in excess of $25,000. Violation of cost accounting principles is not permitted when charging costs to awards. Rather, cost must be consistently charged as either indirect or direct costs.

If the 10% de minimis option is chosen, it must be used consistently for all Federal awards until such time you choose to negotiate for a rate, which you may apply to do at any time. If the organization previously opted for the de minimis rate, a copy of the rate agreement must be provided. If the organization is currently electing the de minimis rate, use an indirect cost rate of no more than 10% of MTDC when preparing the budget. If selected for award, a de minimis rate agreement will be executed along with the award, as appropriate.

Example:

Rate 10% of MTDC – 10% applied to the following items: $45,000 of Personnel, $10,800 of Fringe, and $59,000 of Other = $11,480 indirect costs

Limitation
Some programs may not allow the recovery of indirect costs. In such instances, the limitation flows down to subcontractors. Refer to the applicable notice of funding opportunity to determine if indirect costs are unallowable.

USDA appropriation acts limit indirect costs to 10 percent for cooperative and contribution agreements with nonprofit entities; for purposes of this limitation "nonprofit entities" includes institutions of higher education. For agreements subject to this limitation first apply the 10 percent indirect cost rate to the agreement's total direct costs; this is shown on line 6.i of the SF424A. Then calculate indirect costs using the rate and the direct cost application base specified in the recipient's NICRA. Use whichever rate results in the lower amount.
If the organization has a NICRA, both the NICRA calculation and the 10% TDC must be completed in order to determine the lesser (i.e., maximum allowed indirect costs) for the applicable project.

Calculation instructions: First, multiply the NICRA rate by the base stated in the NICRA to arrive at Amount A. Next, multiply the statutory limit of 10% by TDC to arrive at Amount B. The lower of Amount A and B is the maximum amount of allowable indirect cost, therefore include this amount on the budget.

Unrecovered Indirect Costs for Cost-sharing/Match: 2 CFR 200.306(c) provides, "Unrecovered indirect costs, including indirect costs on cost sharing or matching may be included as part of cost sharing or matching only with the prior approval of the Federal awarding agency. Unrecovered indirect cost means the difference between the amount charged to the Federal award and the amount which could have been charged to the Federal award under the non-Federal entity's approved negotiated indirect cost rate." In instances where indirect costs are statutorily limited, unrecovered indirect costs will normally ***NOT*** be accepted as part of required cost sharing or match; only allowable if statute specifically allows it.

Voluntarily Reduce/Waive: A recipient may voluntarily reduce or waive recovery of indirect costs at its sole discretion and must not be encouraged or coerced in any way to do so by the agency. If organizations waive indirect cost recovery and request only direct costs, the organization is required to include in the award budget only those types of costs consistently treated as direct costs by the organization.

APPENDIX C: Instructions for Completing SF-424

SF-424, APPLICATION FOR FEDERAL ASSISTANCE

Applicants must review these instructions to ensure the form is completed correctly. This will reduce the likelihood that the form will need to be returned for correction and potentially delay execution of any resultant agreement.

Item	Name	Instructions
1	Type of Submission	Select one type of submission in accordance with agency instructions. • Pre-application • Application • Changed/Corrected Application - Check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this form to submit changes after the closing date.
2	Type of Application	Select one type of application in accordance with agency instructions. • New - An application that is being submitted to an agency for the first time. • Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals. • Revision - Any change in the federal government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. A: Increase Award B: Decrease Award C: Increase Duration D: Decrease Duration E: Other (specify) AC: Increase Award, Increase Duration AD: Increase Award, Decrease Duration BC: Decrease Award, Increase Duration BD: Decrease Award, Decrease Duration
3	Date Received	Enter date if form is submitted through other means as instructed by the Federal agency. The date received is completed electronically if submitted via Grants.gov
4	Applicant Identifier	Enter the entity identifier assigned by the Federal agency, if any, or the applicant's control number if applicable.
5a	Federal Entity Identifier	Enter the number assigned to your organization by the federal agency, if any.
5b	Federal Award Identifier	For new applications, leave blank. For a continuation or revision to an existing award, enter the previously assigned federal award identifier number. If a changed/corrected application, enter the federal identifier in accordance with agency instructions
6	Date Received by State	Leave this field blank. This date will be assigned by the state, if applicable
7	State Application Identifier	Leave this field blank. This identifier will be assigned by the state, if applicable
8a	Applicant Legal Name	Enter the legal name of the applicant that will undertake the assistance activity. This is the organization that has registered with the System for Award Management (SAM). Information on registering with SAM may be obtained by visiting SAM.gov.
8b	Applicant Employer/Taxpayer Identification Number (EIN/TIN)	Enter the employer or taxpayer identification number (EIN or TIN) as assigned by the Internal Revenue Service.
8c	Applicant Organizational (DUNS) /Unique Entity Identifier (UEI)	Enter the organization's UEI received from SAM. The UEI is a unique 12 character organization identifier. Information on registering with System for Award Management (SAM.gov) may be obtained by visiting the Grants.gov website.

8d	Applicant Address	Enter address: Street 1 (required); City (required); County/Parish, State (required if country is US); Province; Country (required); 9-digit ZIP/Postal Code (required if country is US). If +4 does not exist for the address, enter "0000".
8e	Applicant Organizational Unit	Enter the name of the primary organizational unit, department, or division that will undertake the assistance activity
8f	Applicant Contact Information	Enter the first and last name (required); prefix, middle name, suffix, and title. Enter organizational affiliation if affiliated with an organization other than that in 7.a. Telephone number and email (required); fax number
9	Type of Applicant 1	Select a minimum of one applicant type or select up to three applicant types in accordance with agency instructions. If "Other" is selected, then specify Other Type of Applicant in text box. This type must be consistent with the entity type listed in the applicant's SAM registration.
10	Name of Federal Agency	Enter the name of the federal agency from which assistance is being requested with this application. This information is pre-populated if submitting through Grants.gov.
11	Catalog of Federal Domestic Assistance Number/Federal Assistance Listing and Title	Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable. This information is pre-populated if using Grants.gov.
12	Funding Opportunity Number and Title	Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested as found in the program announcement. This information is pre-populated if using Grants.gov.
13	Competition Identification Number and Title	Enter the competition identification number and title of the competition under which assistance is requested, if applicable. These fields are pre-populated by Grants.gov if provided by the federal agency.
14	Areas Affected by Project (Cities, Counties, States, etc.)	This data element is intended for use only by programs for which the area(s) affected are likely to be different from the place(s) of performance reported on the SF-424 Project/Performance Site Location(s) Form. Add attachment to enter additional areas, if needed.
15	Descriptive Title of Applicant's Project	Enter a brief descriptive title of the project. Supporting documents may be attached if specified in agency instructions.
16a	Congressional District of Applicant	16a. Enter the applicant's congressional district.
16b	Congressional District(s) of Program/Project	16b. Enter the primary district affected by the program or project. Enter in the following format: 2 character state abbreviation – 3 characters district number, e.g., CA-005 for California 5th district, CA-012 for California 12th district, NC-103 for North Carolina's 103rd district. If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland. If nationwide, i.e., all districts within all states are affected, enter US-all. If the program/project is outside the US, enter 00.000. This optional data element is intended for use only by programs for which the area(s) affected are likely to be different than place(s) of performance reported on the SF-424 Project/Performance Site Location(s) form. Attach an additional list of program/project congressional districts, if needed.
17a	Proposed Project Start Date	Enter the proposed start date and end date of the project. Consistent with what is stated on the Notice of Funding Opportunity. Do not anticipate an earlier award date, even though an earlier award may be possible.
17b	Proposed Project End Date	Enter the estimated end date consistent with the start date and what is stated on the Notice of Funding Opportunity
18a-g	Estimated Funding	Enter the amount requested, or to be contributed during the first funding/budget period by each contributor. Value of in-kind

		contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. For zero funding, enter 0. These values must be consistent with the values on the SF-424A and the Budget Narrative. a. Federal: enter the amount of Federal funds being requested. b. Applicant: enter cost share/match being provided by the applicant itself. Do not include cost share/match being provided by commitments from the sources listed below. c. State: enter the amount of any cost share/match being provided by a State government entity. d. Local: enter the amount of any cost share/match being provided by a Local government entity. e. Other: enter the amount of any cost share/match being provided by a source other than those listed above. f. Program Income: enter the amount of program income (if any) used for meeting cost share/match requirements (see 2 CFR 200.1 and 200.307). g. Total: enter the sum of all amounts. This must equal the total proposed budget amounts above.
19	Is Application Subject to Review by State Under Executive Order	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If "A." is selected, enter the date the application was submitted to the State.
20	Is the Applicant Delinquent on any Federal Debt?	Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of federal debt include; but may not be limited to: delinquent audit disallowances, loans, and taxes. If yes, include an explanation in an attachment.
21	Authorized Representative:	To be signed and dated by the authorized representative of the applicant organization. Enter the first and last name (required); prefix, middle name, and suffix. Enter title, telephone number, fax number, and email. Fax number is not required. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain federal agencies may require that this authorization be submitted as part of the application.) If the application is submitted via Grants.gov, the signature of the authorized representative and the date signed are completed upon submission.

APPENDIX D: Instructions for Completing SF-424A

SF-424A, BUDGET INFORMATION

Applicants must review these instructions to ensure the form is completed correctly. This will reduce the likelihood that the form will need to be returned for correction and potentially delay execution of any resultant agreement. The total amounts for each category must match the amounts in the budget narrative.

SECTION A – BUDGET SUMMARY		
Column	**Name**	**Instructions**
(a)	Grant Program Function or Activity	FPAC agencies do not require the project budget be broken down into separate programs, functions, or activities on this form. That level of detail, if desired, is reserved for the Budget Narrative which is a related, but separate document. Enter "Federal" in 1(a) and Non-Federal in 2(a). Leave the remaining rows blank.
(b)	Catalog of Federal Domestic Assistance Number	Enter the CFDA number from the Notice of Funding Opportunity in 1(b) and 2(b). Leave the remaining rows blank.
(c)	Estimated Unobligated Funds: Federal	Leave this entire column blank.
(d)	Estimated Unobligated Funds: Non-Federal	Leave this entire column blank.
(e)	New or Revised Budget: Federal	Enter the total amount of the Federal funds requested in Row 1. Leave the remaining rows blank. This amount must be consistent with the amount in Block 18a of the SF-424.
(f)	New or Revised Budget: Non-Federal	Enter the total amount of the Non-Federal cost share/match in Row 2 and leave the remaining rows blank. This amount must be consistent with the total amount of Blocks 18b through 18f of the SF-424.
(g)	Total	This auto-calculates and is the total proposed agreement budget. This amount must be consistent with the total amount in Block 18g of the SF-424.

SECTION B – BUDGET CATEGORIES		
Column	**Name**	**Instructions**
(1)	Grant Program Function or Activity 1	In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each Grant Program, Function or Activity, fill in the total requirements for funds (both federal and nonfederal) by object class categories. If using the Budget Information form through Grants.gov, the Grant Program, Function, or Activity is prepopulated by the Grant Program Function or Activity from column (A) in Section A – Budget Summary
(2)	Grant Program Function or Activity 2	The form will auto-populate "Non-Federal" in the heading of Column 2. See the list of budget cost categories at the end of this table for guidance on what types of costs to include in each category. The total of Column 2 must be consistent with the Non-Federal total in Section A.

(3)	Grant Program Function or Activity 3	Leave this entire column blank.
(4)	Grant Program Function or Activity 4	Leave this entire column blank.
(5)	Total	This auto-calculates.
		All costs must comply with the cost principles of 2 CFR Part 200, Subpart E – Cost Principles. All costs must be allowable (2 CFR 200.403), allocable to the agreement (2 CFR 200.405), and reasonable in amount (2 CFR 200.404).
(6a)	Personnel	Compensation for employees of the applicant, for example, wages and salaries. See 2 CFR 200.430, Compensation-Personal Services. Do not include the cost of fringe benefits in this category. Such costs must be listed in the "Fringe Benefit" category. Do not include the personnel cost of contractor's or other organizations with which a contract or other agreement for their services exists. Those amounts must instead be listed under the "Contractual" category as part of the total value of the contract or agreement. Do not include the value of donated or volunteer services (or third-party in-kind contributions of services) as it may *not* be charged to the Federal award either as a direct or indirect cost (2 CFR 200.434). However, the value of those services may be used to meet cost sharing/matching requirements (2 CFR 200.306).
(6b)	Fringe Benefits	Fringe benefits should be separated out from the personnel category and are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans. Also, see 2 CFR 200.431, Compensation-Fringe Benefits. Do not include the fringe benefit cost of contractor's or other organizations with which a contract or other agreement for their services exists. Those amounts must instead be listed under the "Contractual" category as part of the total value of the contract or agreement.
(6c)	Travel	Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the applicant. This only includes the travel costs directly incurred by employees of the applicant. Also, see 2 CFR 200.475, Travel Costs. Travel costs do not include the cost of renting a conference room for people who are in travel status. Instead, that type of cost should be included under the "Contractual" category. Travel costs incurred by a third-party under a contract or agreement with the applicant should instead listed under the "Contractual" category as part of the total value of the contract or agreement.

(6d)	Equipment	The common dictionary definition or common use of the term "equipment" does not apply to financial assistance agreements. Consequently, property that might otherwise normally be considered equipment, might actually be considered "supplies" as defined by 2 CFR 200.1. "Equipment" is defined as "tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000." See also §200.1 for Capital assets, Computing Devices, General Purpose Equipment, 200.58 Information Systems, Special Purpose Equipment, and Supplies". Include the cost of all equipment planned to be acquired under the agreement in this budget category. Do not include the value of third-party in-kind contributions of property (2 CFR 200.1) as it may *not* be charged to the Federal award either as a direct or indirect cost (2 CFR 200.434). However, the value of this property may be used to meet cost sharing/matching requirements (2 CFR 200.306). Do not include the cost of renting or leasing equipment in this category. Instead, such costs should be included under the "Contractual" category. Also, see 2 CFR 200.465. Also, see 2 CFR 200.439, Equipment and Other Capital Expenditures, regarding allowability of costs.
(6e)	Supplies	Property that might otherwise normally be considered equipment, might actually be considered "supplies" as defined by 2 CFR 200.1 (see section above regarding the definition of equipment). "Supplies" is defined as all tangible personal property other than those described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or $5,000, regardless of the length of its useful life. See also §200.1 for Computing devices and Equipment". Include the cost of all supplies acquired under the agreement in this budget category. Non-tangible goods and services associated with supplies, such as printing services, photocopy services, and rental costs should be included in the "Other" category. Do not include the value of third-party in-kind contributions of property (2 CFR 200.1) as it may *not* be charged to the Federal award either as a direct or indirect cost (2 CFR 200.434). However, the value of this property may be used to meet cost sharing/matching requirements (2 CFR 200.306).

		Also, see 2 CFR 200.453, Materials and Supplies Costs, Including Costs of Computing Devices, regarding the allowability of costs.
(6f)	Contractual	Services to be carried out by an individual or organization other than the applicant in the form of procurement. It excludes the acquisition of equipment and supplies, which is included under those respective categories. Do not include the value of donated or volunteer services (third-party in-kind contributions of services). While the value of those services may be used to meet cost sharing/matching requirements, it may *not* be charged to the Federal award either as a direct or indirect cost (2 CFR 200.434). Also, see 2 CFR 200.459, Professional Service Costs, regarding the allowability of costs.
(6g)	Construction	Include any construction, alteration, or repair of real property (e.g., buildings and facilities).
(6h)	Other (Direct Costs)	This category includes all other direct costs that do not fit in any of the other direct cost's categories above. "Direct costs" is defined by 2 CFR 200.413. The costs in this section must be broken down in the budget narrative. Include sub-awards in this category Also, see 2 CFR 200.466, Scholarships and Student Aid Costs, regarding tuition remission.
(6i)	Total Direct Charges (sum of 6a – 6h)	Sum of 6a – 6h. If using electronic form, these numbers are auto-calculated.
(6j)	Indirect Charges	This category includes the amount of indirect cost permitted under the agreement. "Indirect costs" is defined by 2 CFR 200.414.
(6k)	TOTALS (sum of 6i and 6j)	Enter the total of amounts on Lines 6i and 6j. (This amount is auto-calculated if using Grants.gov.) For all applications for new grants and continuation grants, the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. If using electronic form, these numbers are auto-calculated.
(7)	Program Income	Enter the estimated amount of total income, if any, expected to be generated from this project. If not applicable, leave blank.

SECTION C – NON-FEDERAL RESOURCES
Not required to be completed

SECTION D – FORECASTED CASH NEEDS
Not required to be completed

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT
Not required to be completed

SECTION F – OTHER BUDGET INFORMATION
Not required to be completed

One-rdg. X
P. Hrngs. _____
Pgs. 5
Filed: 08-16-22

Sponsored by: Hosmer

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 209 SPECIAL ORDINANCE _____

AN ORDINANCE

AMENDING Special Ordinance 27703 and Special Ordinance 27704, passed by City Council on June 13, 2022, to reflect the final determination of the Greene County Assessor of the assessed valuation by levying a tax on real and personal property for current expenses and the debt retirement of the City of Springfield, Missouri, and its boards and agencies for the Fiscal Year 2022-2023; and declaring an emergency.

WHEREAS, the City adopted on June 13, 2022, Special Ordinance 27704, establishing the budget for the Fiscal Year 2022-2023; and

WHEREAS, the City adopted on June 13, 2022, Special Ordinance 27703, establishing a preliminary levy tax for Fiscal Year 2022-2023, subject to changes as may be necessary to accurately reflect the final determination of the Greene County Assessor ("Assessor") of the assessed valuation; and

WHEREAS, the Assessor has now made the final determination of the assessed valuation for the City of Springfield; and

WHEREAS, the City is required to set the final property tax levies by September 1; and

WHEREAS, it is appropriate to adjust the ad valorem property tax levy to accurately reflect the determination of the Assessor of the final assessed valuation.

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

Section 1 – The ad valorem property tax rates set forth in Special Ordinance 27703, passed by City Council on June 13, 2022, are hereby adjusted in this Ordinance to reflect the determination of the Assessor of the final assessed valuation of real and personal property and to conform to the levies authorized by the State Auditor.

Section 2 – There is hereby levied for the Fiscal Year July 1, 2022, through June 30, 2023, a tax upon the valuation of all real and personal property within, or having its taxable status within, the corporate limits of the City, subject to taxation, and upon the valuation of all property in the City, subject to taxation, and assessed to any railroad, telegraph, telephone, street, railway, or bridge company according to the last assessed valuation of the said properties of such companies fixed by the following purposes, to wit:

(a) For municipal purposes, as authorized by Article X, Section 4(b), of the Constitution of the State of Missouri and approved by the voters of the City of Springfield, a rate of $0.2667.

(b) For the establishment and maintenance of public parks in the City of Springfield, for the aforesaid Fiscal Year, a rate of $0.1868.

(c) For maintenance and operation of public health service in the City of Springfield, Missouri, for the aforesaid Fiscal Year, a rate of $0.1274.

(d) For the establishment and maintenance of an art museum in the City of Springfield, for the aforesaid Fiscal Year, a rate of $0.0391.

Section 3 – The levies listed in Section 2 are estimated based on the assessed valuation provided by the Greene County Clerk. City Council authorizes the Director of Finance to set each levy in an amount equal to the levy authorized by the State Auditor and to otherwise adjust each levy as required by state law.

Section 4 – City Council finds that the Director of Finance of the City has presented to City Council the following information:

(a) The assessed valuation by category of real, personal, and other tangible property for the preceding year and this year are as follows:

SOURCE	2021 VALUATION	2022 VALUATION
Real Estate	$2,739,874,300	$2,793,337,603
State Assessed Utilities	25,433,311	30,768,800
Personal Property	493,551,195	707,061,887
Total	$3,258,858,806	$3,531,168,290

(b) The amount of revenue required to be produced from the property tax is $23,705,722.

(c) The tax rates proposed to generate this revenue and their estimated yield are as follows:

PURPOSE	PROPOSED TAX LEVY	ESTIMATED REVENUE
Art Museum	$0.0391	$1,494,990
Public Parks	$0.1868	$7,142,305
Public Health	$0.1274	$4,871,143
Municipal Purposes	$0.2667	$10,197,284
Total	$0.6200	$23,705,722

Section 5 – City Council finds that proper notice was given pursuant to "Exhibit A," which is attached hereto and incorporated herein by reference, containing the information set forth in Section 2 above, and that a public hearing has been held regarding the proposed rates of taxes.

Section 6 – Within such time so as to permit the aforesaid taxes to be extended upon the assessment books, the levies so established herewith shall be certified by the City Clerk to the Director of Finance and to the County Collector of Greene County, Missouri, who shall proceed to extend the aforesaid taxes for the year upon the assessment books, in appropriate columns.

Section 7 – City Council hereby finds and declares that an emergency exists in that this Ordinance relates to the fixing of tax rates and may be passed as a one-reading ordinance pursuant to City Charter Section 2.12(5). Therefore, this ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022- 209

ORIGINATING DEPARTMENT: Finance

FILED: 08-16-22

PURPOSE: Amend Special Ordinance 27703 and Special Ordinance 27704 to reflect the assessed value as determined by the Greene County Assessor and to revise the tax levies to conform to the levies permitted by the State Auditor.

BACKGROUND: The tax levy set in June 2022 was preliminary, based on the levies in the previous year and the estimated assessed valuation. Special Ordinance 27703 stated the tax levies may be adjusted based on the final assessed valuation, and the levies authorized by the State Auditor. The certified levies from the State Auditor take into account the growth in assessed valuation, new construction, and constitutional limitations commonly known as the "Hancock Amendment." The calculation under the Hancock Amendment limits the increase in tax revenue to the lesser of the growth in assessed value, or the increase in the consumer price index (CPI). Therefore, when calculating the levy, revenue growth is limited to 7.0 percent.

The total tax levy for the City of Springfield for 2022 is $0.6200.

The City has received the final assessed valuation and levies from the County Assessor. The levies are subject to final certification by the State Auditor. This ordinance authorizes a maximum levy and permits the Director of Finance to set the final levies in accordance with those established by the State Auditor.

An emergency is requested in accordance with City Charter Section 2.12(5) in order to meet the deadlines set by State Law that require the municipalities to set tax levies by September 1. This action is required to meet that deadline.

REMARKS:

Submitted by:

David Holtmann
Director of Finance

Approved by:

Jason Gage
City Manager

Exhibit A

CITY OF SPRINGFIELD
PUBLIC HEARING NOTICE

SUBJECT: Setting tax levy for the City of Springfield budget for 2022-2023

DATE AND TIME: August 22, 2022 at 6:30 P.M.

PLACE: City Council Chambers, City Hall, 830 Boonville Avenue, Springfield, Missouri 65802

SUPPLEMENTAL INFORMATION: To provide citizens of the City of Springfield, Missouri, the opportunity to submit written and oral comments on the City's tax levy. Assessed valuations for 2022 are:

SOURCE	VALUATION
Real Property	$2,793,337,603
State Assessed Utilities	30,768,800
Personal Property	707,061,887
Total	$3,531,168,290

The proposed tax rates are expected to generate the amount of revenue listed below.

FUND	TAX LEVY	YIELD	SURTAX	TOTAL
Art Museum	$ 0.0391	$ 1,380,687	$ 114,303	$ 1,494,990
Public Parks	0.1868	6,596,222	546,083	7,142,305
Public Health	0.1274	4,498,708	372,435	4,871,143
Municipal Purposes	0.2667	9,417,626	779,658	10,197,284
Total	$ 0.6200	$21,893,243	$1,812,479	$23,705,722

Address written comments to Ms. Anita Cotter, City Clerk, P. O. Box 8368, Springfield, MO 65801-8368. Written comments received before or at the hearing will be in the hearing record.

Anita Cotter, City Clerk
City of Springfield, Missouri

One-rdg, X
P. Hrngs. _____
Pgs. 29
Filed: 08-16-22

Sponsored by: Hosmer

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-210 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to accept a Surface Transportation Block grant from the Missouri Highways and Transportation Commission for the purpose of funding the replacement of traffic signal infrastructure and construction of fiber optic communications facilities; amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of $1,200,000 to appropriate federal Surface Transportation Block Grant funds; and declaring that this Ordinance qualifies for approval in one reading.

WHEREAS, the City intends to replace traffic signal infrastructure, construct fiber optic communications facilities, and reconstruct sidewalk and curb ramps at several locations throughout the City; and

WHEREAS, an Agreement has been proposed that would allow the use of Surface Transportation Block Grant ("STBG") Program funds to reimburse the City for a portion of the costs associated with these improvements; and

WHEREAS, federal Surface Transportation Block Grant funds will reimburse 80 percent of the eligible costs incurred by the City, in an amount not to exceed $1,200,000; and

WHEREAS, the City's 20 percent share, estimated at $300,000, will be funded by the 1/8-Cent Transportation Sales Tax – Traffic Flow and Safety Program and is already budgeted; and

WHEREAS, a budget adjustment is required to appropriate a portion of the funds associated with the Agreement.

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

Section 1 – The City Manager, or his designee, is hereby authorized to accept

STBG grant funds in the amount of $1,200,000 from the Missouri Highways and Transportation Commission ("MHTC") and to do all things necessary to carry out the intent of the grant, including the execution of an Agreement in substantially the same form as the document attached hereto and incorporated herein by this reference as "Exhibit 1."

Section 2 – The budget of the Department of Public Works for Fiscal Year 2022-2023, is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 011, a copy of which is attached hereto and incorporated herein by this reference as "Exhibit 2."

Section 3 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 4 – City Council hereby finds and declares that this Council Bill authorizes entering into a contract with a state government agency for the purpose of receiving grant funding from the same and may therefore be passed as a one-reading bill pursuant to City Charter Section 2.16(25). This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-210

FILED: 08-16-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Surface Transportation Block Grant Program Agreement with the Missouri Highways and Transportation Commission; and amending the Fiscal Year 2022-2023 budget of the Department of Public Works, in the amount of $1,200,000, for the purpose of appropriating federal funds to be utilized in traffic signal and fiber optic communications improvements.

BACKGROUND INFORMATION: This Surface Transportation Block Grant ("STBG") Program Agreement allows for reimbursement of up to 80 percent of the estimated $1,500,000 cost for design, right-of-way, and construction associated with the replacement of traffic signal infrastructure and construction of fiber optic communications facilities at various locations throughout the city. New traffic signal heads, poles, mast arms, cabinets, controllers, power supplies, conduit, cable, pull boxes, detection systems, and related equipment are planned for installation at the following six intersections:

- Battlefield Road and Fort Avenue
- Campbell Avenue and Broadmoor Street
- Grant Avenue and Atlantic Street
- Grant Avenue and High Street
- Kimbrough Avenue and Madison Street
- National Avenue and Dale Street

Sidewalk and curb ramps will also be reconstructed to improve accessibility in accordance with Americans with Disabilities Act ("ADA") standards. In addition, new fiber optic communications conduit, cable, and pull boxes are planned for construction along National Avenue between Kearney Street and Commercial Street, and reconstruction/repair along Battlefield Road between Kansas Expressway and Fort Avenue.

The required minimum local match of 20 percent ($300,000) would be funded from the 1/8-Cent Transportation Sales Tax – Traffic Flow and Safety Program and is already budgeted.

Supports the following 2022 City Council Core Priorities:

- Quality of Place
- Economic Vitality
- Public Safety

REMARKS: A Transportation Improvement Program (TIP) project has been prepared to allow the use of federal STBG funds for this project. Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:

Kirk Juranas, Assistant Director of Public Works

Recommended by:

Dan Smith, Director of Public Works

Approved by:

Jason Gage, City Manager

EXHIBIT 1

CCO Form: FS11
Approved: 07/96 (KMH)
Revised: 03/17 (MWH)
Modified:

CFDA Number:	CFDA #20.205
CFDA Title:	Highway Planning and Construction
Award name/number:	STBG-5901(824)
Award Year:	2022
Federal Agency:	Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
STBG PROGRAM AGREEMENT

THIS STBG AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Greene County, Missouri (hereinafter, "City ").

WITNESSETH:

WHEREAS, the Fixing America's Surface Transportation Act (FAST) 23 U.S.C. §133, authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires to construct certain improvements, more specifically described below, using such STP funding; and

WHEREAS, the FAST Act converted the STP into the Surface Transportation Block Grant (**STBG**) Program; and

WHEREAS, those improvements are to be designed and constructed in compliance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STBG-5901(824) involves:

Replacing of existing traffic signal equipment at various intersections, including fiber optic interconnection at some of the locations.

The City shall be responsible for all aspects of the construction of the improvement.

(2) LOCATION: The contemplated improvement designated as Project STBG-5901(824) by the Commission is within the city limits of Springfield, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

Battlefield Rd & Fort Ave (including fiber optic interconnect); Campbell Ave & Broadmoor St; Grant Ave & Atlantic St; Grant Ave & High St; Kimbrough Ave & Madison St; and National Ave & Dale St (including fiber optic interconnect)

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual [and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls]. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) LIMITS OF SYSTEM: The limits of the surface transportation system for the City shall correspond to its geographical area as encompassed by the urban boundaries of the City as fixed cooperatively by the parties subject to approval by the Federal Highway Administration (FHWA).

(5) ROUTES TO BE INCLUDED: The City shall select the high traffic volume arterial and collector routes to be included in the surface transportation system, to be concurred with by the Commission, subject to approval by the FHWA. It is understood by the parties that surface transportation system projects will be limited to the said surface transportation system, but that streets and arterial routes may be added to the surface transportation system, including transfers from other federal aid systems.

(6) INVENTORY AND INSPECTION: The City shall:

(A) Furnish annually, upon request from the Commission or FHWA, information concerning conditions on streets included in the STP system under local jurisdiction indicating miles of system by pavement width, surface type, number of lanes and traffic volume category.

(B) Inspect and provide inventories of all bridges on that portion of the federal-aid highway systems under the jurisdiction of the City in accordance with the Federal Special Bridge Program, as set forth in 23 U.S.C. §144, and applicable amendments or regulations promulgated thereunder.

(7) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept maintenance of the improvements made by this project at no cost and expense whatsoever to the Commission. Any traffic signals installed on highways maintained by the Commission will be turned over to the Commission upon completion of the project for operational maintenance. Any aesthetic improvements installed on highways maintained by the Commission upon completion of the project will be the sole responsibility of the City for maintenance. All obligations of the Commission under this Agreement shall cease upon completion of the improvement.

(8) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(9) CONSTRUCTION SPECIFICATIONS: Parties agree that all construction under the STP for the City will be constructed in accordance with current MoDOT design criteria/specifications for urban construction unless separate standards for the surface transportation system have been established by the City and the Commission subject to the approval of the FHWA.

(10) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term “the City” is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(11) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, City shall acquire any additional necessary right of way required for the project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act. [However upon written request by the City and the written acceptance by the Commission, the Commission shall acquire right of way for the City. Upon approval of all agreements, plans and specifications by the Commission and the FHWA, the commission will file copies of said plans in the office of the county clerk: and proceed to acquire by negotiation and purchase or by condemnation any necessary right of way required for the construction of the improvement contemplated herein. All right of way acquired by negotiation and purchase will be acquired in the name of City, and the City will pay to grantors thereof the agreed upon purchase prices. All right of way acquired through condemnation proceedings will be acquired in the name of the State of Missouri and subsequently released to the City. The City shall pay into court all awards and final judgments in favor of any such condemnees. The City shall also reimburse the Commission for any expense incurred by the Commission in acquiring said right of way, including but not limited to the costs of surveying, appraisal, negotiation, condemnation, and relocation assistance benefits. Unless otherwise agreed to in writing the Commission shall have the final decision regarding the settlement amount in condemnation.]

(12) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be

available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80% percent not to exceed $1,200,000. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(13) PERMITS: The City shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the contemplated improvements.

(14) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signal and marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

(15) WORK ON STATE RIGHT OF WAY: If any contemplated improvements for Project STBG-5901(824) will involve work on the state's right of way, the City will provide reproducible final plans to the Commission relating to such work.

(16) DISADVANTAGED BUSINESS ENTERPRISES (DBEs): At time of processing the required project agreements with the FHWA, the Commission will advise the City of any required goals for participation by DBEs to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(17) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(18) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(19) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(20) OUTDOOR ADVERTISING: The City further agrees that the right of way provided for any STP improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(21) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(22) AUDIT REQUIREMENT: If the City expend(s) seven hundred fifty thousand dollars ($750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars ($750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(23) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding

Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(24) 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.

(25) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(26) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(27) 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.

(28) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

(A) To the City:
Tom Dancey, P.E.
840 Boonville
Springfield, MO 65802
Facsimile No.:417-864-1983

(B) To the Commission:
Garrett Evans, E.I.
3025 E Kearney
Springfield MO 65803
Facsimile No.:417-895-7610

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(29) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose

such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or

2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (29) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(30) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(31) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(32) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City _____.

Executed by the Commission _____.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

_____

Title _____

ATTEST:

_____
Secretary to the Commission

Approved as to Form:

_____
Commission Counsel

CITY OF SPRINGFIELD

By _____

Title _____

ATTEST:

By _____

Title _____

By _____

Title _____

By _____

Title _____

Approved as to Form:

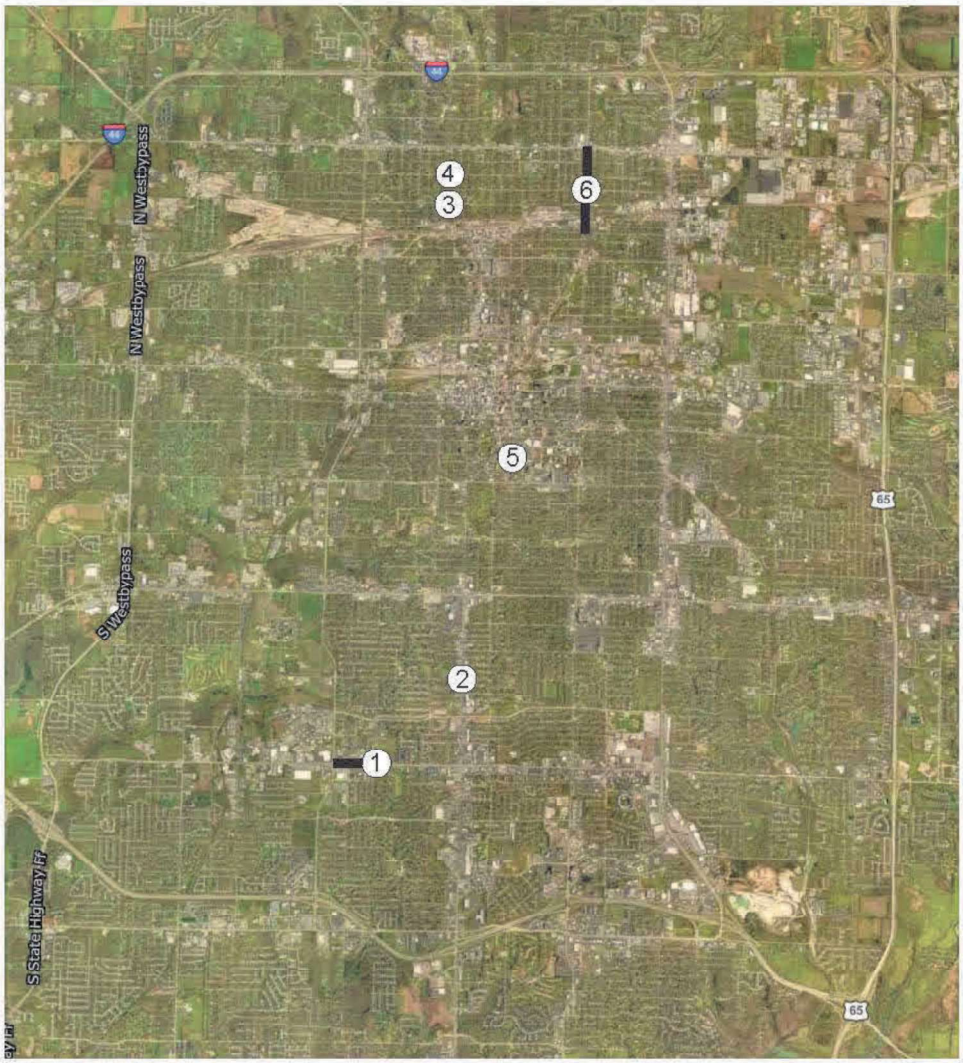
By _____

Title _____

Ordinance No:_____

Exhibit A - Location of Project

TMC SIGNAL REPLACEMENTS TIP # SP2202-20A5
PROJECT LOCATION MAP



(Not to Scale)

LEGEND:

INTERSECTION LOCATIONS:

1. - Battlefield Road and Fort Avenue
2. - Campbell Avenue and Broadmoor Street
3. - Grant Avenue and Atlantic Street
4. - Grant Avenue and High Street
5. - Kimbrough Avenue and Madison Street
6. - National Avenue and Dale Street

FIBER INTERCONNECT LOCATIONS:

National Ave - Kearney St. to Commercial St.

Battlefield Road - Kansas Expwy to Fort Ave.

Exhibit B – Project Schedule

Project Description: STBG-9901(824)

Task	**Date**
Date funding is made available or allocated to recipient	October 2022
Solicitation for Professional Engineering Services (advertised)	November 2022
Engineering Services Contract Approved	January 2023
Conceptual Study (if applicable)	N/A
Preliminary and Right-of-Way Plans Submittal (if Applicable)	July 2023
Plans, Specifications & Estimate (PS&E) Submittal	January 2024
Plans, Specifications & Estimate (PS&E) Approval	April 2024
Advertisement for Letting	May 2024
Bid Opening	June 2024
Construction Contract Award or Planning Study completed **(REQUIRED)**	August 2024

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.
**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS

I. General
II. Nondiscrimination
III. Nonsegregated Facilities
IV. Davis-Bacon and Related Act Provisions
V. Contract Work Hours and Safety Standards Act Provisions
VI. Subletting or Assigning the Contract
VII. Safety: Accident Prevention
VIII. False Statements Concerning Highway Projects
IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
X. Compliance with Governmentwide Suspension and Debarment Requirements
XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of $10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding $10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of $10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding $2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 “Contract provisions and related matters” with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH–1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g. , the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH–347 is available for this purpose from the Wage and Hour Division Web site at http://www.dol.gov/esa/whd/forms/wh347instr.htm or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH–347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of $100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contacting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term “perform work with its own organization” refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
(2) the prime contractor remains responsible for the quality of the work of the leased employees;
(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.
2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost $25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1**. Instructions for Certification – First Tier Participants:**

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. “First Tier Covered Transactions” refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract)**.** “Lower Tier Covered Transactions” refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts)**.** “First Tier Participant” refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor)**.** “Lower Tier Participant” refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the $25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (https://www.epls.gov/), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. **Instructions for Certification - Lower Tier Participants:**

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost $25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the $25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (https://www.epls.gov/), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed $100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed $100,000 and that all such recipients shall certify and disclose accordingly.

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
011

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	$ 1,200,000	Federal Surface Transportation Block Grant (STBG)
Net Revenue Adjustment						$ 1,200,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	000000	00000	$ 1,200,000	Traffic Signal & Fiber Optic Communications Improvements
Net Expenditure Adjustment						$ 1,200,000	

Fund Balance Appropriation:

Fund		Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating federal STBG grant funds of $1,200,000 towards Traffic Signal and Fiber Optic Communication Improvements per the STBG Program Agreement with the Missouri Highways & Transportation Commission.

Requested By:

Dan Smith 08-16-2022
Department Head Date

Approved By:

08-16-2022
Director of Finance Date

08-16-2022
City Manager Date

Authorization:

Council Bill No. 2022-210
Ordinance No.
1st Reading
2nd Reading
Journal Imp No.

One rdg. X
P. Hrngs. _____
Pgs. 5
Filed: 08-16-22

Sponsored by: Lear

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 211 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to accept the American Rescue Plan Good Jobs Challenge Grant in the amount of $17,500,000 from the United States Economic Development Administration to perform approved grant activities and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of $17,500,000 for the purpose of appropriating the grant funds; and declaring that this bill qualifies for approval in one reading.

WHEREAS, under the American Rescue Plan Act of 2021 (Public Law 117-2), Congress provided the United States Economic Development Administration ("EDA") with $3 billion to remain available until September 30, 2022, to "prevent, prepare for, and respond to coronavirus and for necessary expenses for responding to economic injury as a result of coronavirus." Of the $3 billion in appropriated funds, this Notice of Funding Opportunity specifically allocated $500 million for the Good Jobs Challenge; and

WHEREAS, through this funding opportunity, the City of Springfield's Department of Workforce Development will follow EDA's efforts to reach historically underserved populations and areas, communities of color, women, and other groups facing labor market barriers such as persons with disabilities, disconnected youth, individuals in recovery, individuals with past criminal records, including justice impacted and reentry participants, serving trainees participating in the Supplemental Nutrition Assistance Program ("SNAP"), Temporary Assistance for Needy Families ("TANF") and Women, Infants and Children ("WIC"), and veterans and military spouses; and

WHEREAS, the Department of Workforce Development will lead regional sectoral partnerships and systems that promote economic growth and job training in the healthcare, early childcare development with an entrepreneurial component, and transportation industries. These systems and partnerships will create and implement industry-led training programs designed to provide skills for and connect unemployed or underemployed workers to existing and emerging job opportunities; and

WHEREAS, all activities under the award must be completed and all funds disbursed no later than September 30, 2027.

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

Section 1 – The City Manager, or his designee, is hereby authorized to accept grant funds in the amount of $17,500,000 from the United States Economic Development Administration for approved grant activities, and to execute contracts, on forms approved by the City Attorney, necessary to carry out the intent of the grant.

Section 2 – The budget of the City of Springfield's Department of Workforce Development for Fiscal Year 2022-2023 is hereby amended in the accounts and in the amounts shown on Budget Adjustment No. 013, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A."

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

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

Section 5 – City Council hereby finds and declares this Ordinance relates to grant monies from a state or federal agency, and, pursuant to Section 2.16(25) of the City Charter, this Ordinance may be passed in one reading. Therefore, this Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Mary B. Bozarth, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022-211

FILED: 08/16/2022

ORIGINATING DEPARTMENT: Workforce Development.

PURPOSE: Authorizing the City Manager, or his designee, to accept the American Rescue Plan Good Jobs Challenge Grant in the amount of $17,500,000 from the United States Economic Development Administration to perform approved grant activities and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of $17,500,000 for the purpose of appropriating the grant funds; and declaring that this bill qualifies for approval in one reading.

BACKGROUND INFORMATION: Under the American Rescue Plan Act of 2021 (Public Law 117-2), Congress provided the United States Economic Development Administration ("EDA") with $3,000,000,000 to remain available until September 30, 2022, to "prevent, prepare for, and respond to coronavirus and for necessary expenses for responding to economic injury as a result of coronavirus." Of the $3 billion in appropriated funds, this Notice of Funding Opportunity specifically allocated $500,000,000 for the Good Jobs Challenge.

Through this funding opportunity, the City of Springfield's Department of Workforce Development will follow EDA's efforts to reach historically underserved populations and areas, communities of color, women, and other groups facing labor market barriers such as persons with disabilities, disconnected youth, individuals in recovery, individuals with past criminal records, including justice impacted and reentry participants, serving trainees participating in the Supplemental Nutrition Assistance Program ("SNAP"), Temporary Assistance for Needy Families ("TANF") and Women, Infants and Children ("WIC"), and veterans and military spouses.

The Department of Workforce Development will lead regional sectoral partnerships and systems that promote economic growth and job training in the healthcare, early childcare development with an entrepreneurial component, and transportation industries. These systems and partnerships will create and implement industry-led training programs designed to provide skills for and connect unemployed or underemployed workers to existing and emerging job opportunities.

REMARKS: All activities under the award must be completed and all funds disbursed no later than September 30, 2027.

Submitted by: Approved by:

Sally Payne,
Director of Workforce Development

Jason Gage,
City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
013

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24340	21	28210	416010	000000	00000	$ 17,500,000	ARPA (American Rescue Plan) - Good Jobs Challenge - EDA
Net Revenue Adjustment						$ 17,500,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24350	21	28210	500110	000000	00000	$ 2,171,190	Salaries
24350	21	28210	500210	000000	00000	361,246	Lagers
24350	21	28210	500250	000000	00000	166,996	FICA
24350	21	28210	500260	000000	00000	215,894	Health Insurance
24350	21	28210	500280	000000	00000	10,574	Workmens Comp
24350	21	28210	501240	000000	00000	42,075	Supplies
24350	21	28210	502625	000000	00000	1,624,400	Needs Related Payments
24350	21	28210	502645	000000	00000	3,510,000	Tuition Assistance
24350	21	28210	504510	000000	00000	22,500	Auditing and Accounting
24350	21	28210	504630	000000	00000	8,876,305	Contractural Service Agreements
24350	21	28210	505690	000000	00000	71,284	Travel
24350	21	28210	505820	000000	00000	427,536	Building Rental
Net Expenditure Adjustment						$ 17,500,000	

Fund Balance Appropriation:

Fund		Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating federal grant revenue funds from the Department of Workforce Development's for the Good Jobs Challange grant for FY22-FY25.

Requested By:
Sally Payne 08-16-2022
Department Head Date

Approved By:
08-16-2022
Director of Finance Date

Jason A. Gage 08-16-2022
City Manager Date

Authorization:
Council Bill No. 2022-211
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 08-16-22

Sponsored by: Hardinger

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022 - 212 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Fiscal Year 2022-2023 budget of the City of Springfield to adjust the authorized employee positions in the Department of Workforce Development to add six full-time equivalent positions.

_____

WHEREAS, the Department of Workforce Development has been awarded the American Rescue Plan Good Jobs Challenge Grant, in the amount of $17,500,000, from the United States Economic Development Administration; and

WHEREAS, upon acceptance of the grant, the staffing needs to fulfill the grant mission require the addition of six full-time equivalent ("FTE") positions.

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

Section 1 – The Fiscal Year 2022-23 budget of the City is hereby amended by changing the number of authorized FTE job positions in the Department of Workforce Development as follows:

FTE	Job Title	Department
1.0	Workforce Development Grant Coordinator	Workforce Development
1.0	Program Compliance Coordinator	Workforce Development
3.0	Workforce Development Specialist	Workforce Development
1.0	Administrative Assistant	Workforce Development

Section 2 – City Council finds that the budget adjustment made above has been recommended by the City Manager.

Section 3 – This Ordinance shall be in full force and effect immediately after its passage by City Council.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022- 212

FILED: 08-16-22

ORIGINATING DEPARTMENT: Workforce Development.

PURPOSE: Amending the Fiscal Year 2022-2023 budget of the City to adjust the authorized employee positions in the Department of Workforce Development to add six full-time equivalent positions.

BACKGROUND INFORMATION: The Department of Workforce Development has been awarded the American Rescue Plan Good Jobs Challenge Grant from the United States Economic Development Administration. Upon acceptance of the grant, the staffing needs to fulfill the grant mission require the addition of six full-time equivalent ("FTE") positions. The new FTEs include the following positions:

FTE	Job Title	Department
1.0	Workforce Development Grant Coordinator	Workforce Development
1.0	Program Compliance Coordinator	Workforce Development
3.0	Workforce Development Specialist	Workforce Development
1.0	Administrative Assistant	Workforce Development

Recommended by:

Sally Payne, Director of
Workforce Development

Approved by:

Jason Gage,
City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 39
Filed: 08-16-22

Sponsored by: Hardinger

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 213 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to enter into Schedule of Equipment No. 5, which will become a part of its existing Master Equipment Lease Purchase Agreement, the proceeds of which will be used to pay the costs of acquiring and installing equipment for the City's Parks Department and to do all things necessary to carry out the lease-purchase transaction, including the execution of certain documents in connection therewith; and amending the budget of the City for Fiscal Year 2022-2023 in the amount of $645,000.

WHEREAS, as authorized by Special Ordinance 27246, the City of Springfield, Missouri (the "City"), as lessee, previously entered into a Master Equipment Lease Purchase Agreement dated as of October 25, 2019 (the "Master Lease"), with The Central Trust Bank, DBA Central Bank of the Ozarks, as lessor (the "Lessor"), pursuant to which the City will from time to time lease certain equipment on a tax-exempt basis from the Lessor pursuant to schedules of equipment thereto, on a year-to-year basis with an option to purchase the Lessor's interest in such equipment; and

WHEREAS, the City desires to obtain funds to pay the costs of acquiring and installing equipment for the Parks Department (as further described in Schedule No. 5 defined below) (the "Equipment"); and

WHEREAS, the Finance Department has obtained a competitive rate quotation for the financing; and

WHEREAS, the Equipment will be acquired and installed in accordance with the City's Purchasing Manual; and

WHEREAS, in order to facilitate the foregoing and to pay the cost of acquiring and installing the Equipment, it is necessary and desirable for the City to take the following actions:

1. Enter into Schedule of Equipment No. 5 to the Master Lease (which incorporates the terms and conditions of the Master Lease), in substantially the form attached hereto as “Exhibit 1” (“Schedule No. 5”), with the Lessor, the party determined by the City to have submitted the most favorable proposal in response to the City’s request, pursuant to which the City, as lessee, will lease the Equipment from the Lessor, on a year-to-year basis with an option to purchase the Lessor’s interest in the Equipment; and

2. If determined to be necessary by the City, enter into an Escrow Agreement relating to Schedule No. 5 in substantially the form attached hereto as “Exhibit 2” (the “Escrow Agreement”) with the Lessor and the escrow agent to be named therein, pursuant to which the proceeds of Schedule No. 5 will be held in trust by said escrow agent pending its use to purchase the Equipment financed under Schedule No. 5.

3. Execute and deliver a Federal Tax Certificate relating to Schedule No. 5 in substantially the form attached hereto as “Exhibit 3” (the “Tax Certificate”), setting forth certain representations, facts, expectations, terms and conditions relating to the use and investment of the proceeds of Schedule No. 5.

(Schedule No. 5, the Escrow Agreement and the Tax Certificate are referred to collectively herein as the “City Documents”); and

WHEREAS, the maximum annual payments for Schedule No. 5 for the Equipment are appropriated in the Fiscal Year 2022-2023 operating budget and a budget adjustment is necessary to appropriate the proceeds of Schedule No. 5; and

WHEREAS, the amendment to the budget for the City for Fiscal Year 2022-2023 for the acquisition and installment of the Equipment has been recommended and approved by the City Manager.

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

Section 1 − The financing of the Equipment is hereby approved, with the final terms to be set forth in the City Documents, in a form approved by the City Attorney, upon the execution thereof, and the signature of the City Manager shall constitute conclusive evidence of the City Manager’s approval thereof and the City’s approval thereof.

Section 2 − The City Manager, or his designee, is hereby authorized to sign and execute, for and on behalf of the City, the City Documents in substantially the form and content as those attached hereto and incorporated herein by reference as “Exhibit 1,” “Exhibit 2” and “Exhibit 3” with such changes therein as shall be consistent with the

terms of this Ordinance and as are approved by the City Attorney and City Manager, the City Manager's signature thereon being conclusive evidence of approval thereof. The City Clerk is hereby authorized to affix the City's Seal to the City Documents, if necessary, and attest said Seal.

Section 3 − The obligation of the City to pay Rental Payments (as defined in the Master Lease) under Schedule No. 5 is subject to annual appropriation and will constitute a current expense of the City and will not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional, charter or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor will anything contained in Schedule No. 5 constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of Schedule No. 5 will be construed so as to give effect to such intent.

Section 4 − The City Council hereby amends the budget for the City for Fiscal Year 2022-2023 in the accounts and in the amounts as shown on Budget Adjustment 010, a copy of which is attached hereto and incorporated herein by reference as "Exhibit 4."

Section 5 − The City Council hereby finds that the budget adjustment made above has been recommended by the City Manager. The City Council hereby directs the City Manager to cause the appropriate accounting entries to be made in the books and records of the City.

Section 6 − The officers of the City, including the City Manager, Finance Director, City Attorney and the City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable and are consistent with the intent of this Ordinance in order to carry out and perform the purposes of this Ordinance and to make any changes or additions to the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they determine to be in the City's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

Section 7 − The City expects to make capital expenditures after the date of the adoption of this Ordinance in connection with acquisition and installment of the Equipment, and the City intends to reimburse itself for such expenditures and also expenditures made with respect to acquisition and installment of the Equipment on or after sixty days before the date of this Ordinance with proceeds received under Schedule No. 5 in an amount of $645,000.

Section 8 − 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. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022-213

FILED: 08-16-22

ORIGINATING DEPARTMENT: Finance

PURPOSE: Authorizing the City of Springfield, Missouri, to enter into a Master Equipment Lease Purchase Agreement and related Schedule or Schedules of Equipment, the proceeds of which will be used to pay the costs of acquiring equipment for the City, to do all things necessary to carry out the lease-purchase transaction, including the execution of certain documents in connection therewith; and amending the budget of the City for Fiscal Year 2022-2023 in the amount of $645,000.

BACKGROUND INFORMATION: The City has utilized a master lease agreement over the last several years as a low-cost means of acquiring capital equipment. This financing mechanism has allowed the City to acquire much-needed capital equipment at a very favorable interest rate. The financing term is five years. At the end of the five-year period, the City will own the equipment.

The proceeds of Schedule of Equipment No. 5 will be used to purchase equipment (vehicles, mowers, exercise equipment, a portable ice cream maker and specialized equipment) for Parks and Golf. This financing allows Parks and Golf to address their capital needs on an ongoing basis.

The transaction will be financed by Central Bank of the Ozarks under the existing Master Equipment Lease Purchase Agreement. The interest rate on this transaction is 3.7 percent. This is a five-year financing with quarterly payments.

Submitted by:

David Holtmann, Director of Finance

Approved by:

Jason Gage, City Manager

Exhibit 1

GILMORE & BELL, P.C.
DRAFT-AUGUST 1, 2022

SCHEDULE OF EQUIPMENT NO. 5

COUNTERPART NO. ____ OF 2

LESSOR'S INTEREST IN, TO AND UNDER THE LEASE, CONSISTING OF THIS SCHEDULE AND THE INCORPORATED MASTER AGREEMENT AS IT RELATES TO THIS SCHEDULE, MAY BE SOLD OR PLEDGED ONLY BY DELIVERING POSSESSION OF COUNTERPART NO. 1 OF THIS SCHEDULE, WHICH COUNTERPART NO. 1 SHALL CONSTITUTE CHATTEL PAPER FOR PURPOSES OF THE UNIFORM COMMERCIAL CODE.

Re: Schedule of Equipment No. 5 dated as of September 9, 2022 (the "Schedule"), to Master Equipment Lease Purchase Agreement dated as of October 25, 2019 (as amended and supplemented, the "Master Agreement" and, as further amended and supplemented by this Schedule, the "Lease"), each between The Central Trust Bank, DBA Central Bank of the Ozarks, as Lessor, and City of Springfield, Missouri, as Lessee.

1. Defined Terms. All terms used herein have the meanings ascribed to them in the Master Agreement.

2. Equipment. The Equipment included under this Schedule is comprised of the items described in the Equipment Description attached hereto as **Attachment 1**, together with all replacements, substitutions, repairs, restorations, modifications, attachments, accessions, additions and improvements thereof or thereto.

3. Payment Schedule. The Rental Payments and Purchase Prices under this Schedule are set forth in the Payment Schedule attached as **Attachment 2** hereto.

4. Representations, Warranties and Covenants.

(a) Lessee hereby reaffirms its representations, warranties and covenants set forth in the Master Agreement as if made on the Commencement Date of the Lease and this Schedule.

(b) Lessee has provided lessor with audited financial statements through June 30, 2021. Lessee has experienced no material change in its financial condition or in the revenues expected to be utilized to meet Rental Payments due hereunder since June 30, 2021.

(c) Lessee has complied with such public bidding requirements as may be applicable to the Lease and this related Schedule, and the acquisition and installation of the Equipment hereunder.

(d) The application, statements and credit or financial information submitted by Lessee to Lessor are true and correct and made to include Lessor to enter into the Lease and this related Schedule, and Lessee has experienced no material change in its financial condition since the date(s) of such information.

5. Tax-Exempt Interest Related Covenants, Representations and Warranties. Lessee hereby covenants, represents and warrants as follows:

(a) The estimated total costs of the Equipment listed in this Schedule, together with any costs of entering into this Schedule that are expected to be financed under this Schedule, will not be less than the total principal portion of the Rental Payments listed in this Schedule.

(b) The Equipment listed in this Schedule has been ordered or is expected to be ordered within six months of the commencement of this Schedule, and the Equipment is expected to be delivered and installed, and the Vendor fully paid, within eighteen months of the commencement of this Schedule.

(c) Lessee has not created or established, and does not expect to create or establish, any sinking fund or other similar fund (i) that is reasonably expected to be used to pay the Rental Payments listed in this Schedule, or (ii) that may be used solely to prevent a default in the payment of the Rental Payments listed in this Schedule.

(d) The Equipment listed in this Schedule has not been and is not expected to be sold or otherwise disposed of by Lessee, either in whole or in major part, prior to the last maturity of the Rental Payments listed in this Schedule.

(e) To the best of Lessee's knowledge, information and belief, the above expectations are reasonable.

(f) Lessee has not been notified of any listing or proposed listing of it by the Internal Revenue Service as an issuer whose arbitrage certificates may not be relied upon.

(g) Lessee will comply with all applicable provisions of the Internal Revenue Code of 1986, as amended, including without limitation Sections 103, 141 and 148 thereof, and the applicable regulations of the Treasury Department to maintain the exclusion of the interest components of Rental Payments from gross income for purposes of federal income taxation.

6. Incorporation of the Master Agreement Terms and Provisions. Lessee and Lessor hereby ratify and confirm the Master Agreement, the terms and provisions of which (other than to the extent that they relate solely to other Leases or Equipment listed on Schedules to other Leases), except as specifically amended under paragraph 7 below, are hereby incorporated by reference and made a part hereof.

7. Purchase Option; Prepayment. Lessee may exercise its purchase option with respect to the Equipment subject to this Lease on any Rental Payment Date at the applicable Purchase Price shown on the Payment Schedule attached hereto, all in accordance with Section 10.01 of the Master Agreement. Upon 30 days' prior written notice to Lessor, Lessee will also have the option to partially prepay outstanding principal components of Rental Payments under this Lease on any Rental Payment Date, without penalty. Following any such partial prepayment, Lessor will provide Lessee with a new Payment Schedule reflecting application of the prepayment to principal components in inverse order of their due date.

8. Other Provisions. None.

Dated: September 9, 2022.

THE CENTRAL TRUST BANK,
DBA CENTRAL BANK OF THE OZARKS

By: _____
Title: _____
Address: P.O. Box 3397
Springfield, MO 65808-3397

CITY OF SPRINGFIELD, MISSOURI

By: _____
Title: City Manager
Address: 840 Boonville Ave.
Springfield, MO 65802

APPROVED AS TO FORM:

_____, City Attorney

ATTACHMENT 1 TO
SCHEDULE OF EQUIPMENT NO. 5

EQUIPMENT DESCRIPTION

Equipment Description:
The Equipment consists of the following equipment for use by Lessee's Park Department, as further described below:

Description	Estimated Cost
One (1) Park Operations Utility Truck	$45,000
Five (5) Park Operations Zero-Turn Mowers	75,000
One (1) Park Operations Wide Area Mower	65,000
One (1) Park Operations Salt Chemical Application Truck	30,000
One (1) Park Operations Skid Mounted Brush Cutter	15,000
One (1) Park Operations Turf Drag Unit	9,000
One (1) Park Ranger Vehicle	36,450
Two (2) Park Administration Vehicles	45,000
Two (2) Zero Turn Mowers Location: Dickerson Park Zoo	20,000
One (1) Hay Bailer Location: Rutledge Wilson Farm Park	52,000
One (1) Utility Terrain Vehicle Location: Rutledge Wilson Farm Park	15,000
Fitness Equipment Location: Chesterfield Family Center	27,850
Fitness Equipment Location: Doling Family Center	27,850
Fitness Equipment Location: Dan Kinney Family Center	27,850
One (1) Portable Ice Cream Maker for Concessions	27,000
One (1) Golf Enterprise Fund 300 Gallon Spray Rig Unit	60,000
One (1) Golf Enterprise Fund 300 Gallon Spray Rig Unit	60,000

together with any and all replacements, substitutions, repairs, restorations, modifications, attachments, accessions, additions and improvements thereof or thereto:

This Equipment Description shall be deemed to be supplemented by the descriptions of the Equipment included in the Payment Requests and Acceptance Certificates submitted to The Central Trust Bank, DBA Central Bank of the Ozarks, as escrow agent, pursuant to the Escrow Agreement dated as of September 9, 2022, among Lessor, Lessee and The Central Trust Bank, DBA Central Bank of the Ozarks, in its capacity as escrow agent, which descriptions shall be deemed to be incorporated herein.

ATTACHMENT 2 TO
SCHEDULE OF EQUIPMENT NO. 5

PAYMENT SCHEDULE

Rental Payments will be made in accordance with **Section 4.01** of the Master Agreement and this Payment Schedule.

Principal Amount: $645,000

Interest Rate: 3.70%; 30/360 basis

Rental Payment Date	Total Rental Payment	Interest Portion	Principal Portion	Purchase Price*
12/09/2022	$ 35,473.56	$ 5,966.25	$ 29,507.31	$615,492.69
03/09/2023	35,473.56	5,693.31	29,780.25	585,712.44
06/09/2023	35,473.56	5,417.84	30,055.72	555,656.72
09/09/2023	35,473.56	5,139.82	30,333.74	525,322.98
12/09/2023	35,473.56	4,859.24	30,614.32	494,708.66
03/09/2024	35,473.56	4,576.06	30,897.50	463,811.16
06/09/2024	35,473.56	4,290.25	31,183.31	432,627.85
09/09/2024	35,473.56	4,001.81	31,471.75	401,156.10
12/09/2024	35,473.56	3,710.69	31,762.87	369,393.23
03/09/2025	35,473.56	3,416.89	32,056.67	337,336.56
06/09/2025	35,473.56	3,120.36	32,353.20	304,983.36
09/09/2025	35,473.56	2,821.10	32,652.46	272,330.90
12/09/2025	35,473.56	2,519.06	32,954.50	239,376.40
03/09/2026	35,473.56	2,214.23	33,259.33	206,117.07
06/09/2026	35,473.56	1,906.58	33,566.98	172,550.09
09/09/2026	35,473.56	1,596.09	33,877.47	138,672.62
12/09/2026	35,473.56	1,282.72	34,190.84	104,481.78
03/09/2027	35,473.56	966.46	34,507.10	69,974.68
06/09/2027	35,473.56	647.27	34,826.29	35,148.39
09/09/2027	35,473.51	325.12	35,148.39	0.00
Totals	$709,471.15	$64,471.15	$645,000.00	

* Lessee's option to purchase is subject to the provisions of Section 10.01 of the Master Agreement, as amended by paragraph 7 of this Schedule.

Exhibit 2

GILMORE & BELL, P.C.
DRAFT-AUGUST 1, 2022

ESCROW AGREEMENT

This Escrow Agreement (the "Escrow Agreement"), dated as of September 9, 2022, and entered into among **THE CENTRAL TRUST BANK, DBA CENTRAL BANK OF THE OZARKS**, a Missouri banking corporation (together with its successors and assigns, "Lessor"), **CITY OF SPRINGFIELD, MISSOURI**, a home rule charter city and political subdivision existing under the laws of Missouri ("Lessee"), and **THE CENTRAL TRUST BANK, DBA CENTRAL BANK OF THE OZARKS,** a Missouri banking association, in its capacity as escrow agent (together with its successors and assigns, "Escrow Agent").

Name of Acquisition Fund:	"City of Springfield, Missouri Acquisition Fund-Schedule of Equipment No. 5"
Amount of Deposit into the Acquisition Fund:	$645,000

TERMS AND CONDITIONS

1. This Escrow Agreement relates to and is hereby made a part of the Schedule of Equipment No. 5 dated as of September 9, 2022 (the "Schedule") to that Master Equipment Lease Purchase Agreement dated as of October 25, 2019 (the "Agreement," and together with the Schedule, the "Lease"), between Lessor and Lessee.

2. Except as otherwise defined herein, all terms defined in the Agreement will have the same meaning for the purposes of this Escrow Agreement as in the Agreement.

3. Lessor, Lessee and Escrow Agent agree that Escrow Agent will act as sole Escrow Agent under the Lease and this Escrow Agreement, in accordance with the terms and conditions set forth in this Escrow Agreement. Escrow Agent will not be deemed to be a party to the Lease, and this Escrow Agreement will be deemed to constitute the entire agreement among Lessor, Lessee and Escrow Agent.

4. There is hereby established in the custody of Escrow Agent a special fund designated as set forth above (the "Acquisition Fund") to be held and administered by Escrow Agent for the benefit of Lessor and Lessee in accordance with this Escrow Agreement.

5. Lessor will deposit in the Acquisition Fund the amount specified above. Moneys held by Escrow Agent hereunder will be invested and reinvested by Escrow Agent upon written order of an Authorized Lessee Representative as set forth on **Exhibit C** attached hereto, and in accordance with the Federal Tax Certificate executed by Lessee as of the date hereof, in Qualified Investments (as defined below) maturing or subject to redemption at the option of the holder thereof prior to the date on which it is expected that such funds will be needed. If an Authorized Lessee Representative fails to timely direct the investment of any moneys held hereunder, Escrow Agent will invest and reinvest such moneys in Qualified Investments described in **Section 6(vi)** below. Such investments will be held by Escrow Agent in the Acquisition Fund; any interest and gain earned on such investments will be deposited in the Acquisition Fund, and any losses on such investments will be charged to the Acquisition Fund. Escrow Agent may act as purchaser or agent in the making or disposing of any investment.

6. "Qualified Investments" means, to the extent the same are at the time legal for investment of the funds being invested: (i) direct general obligations of the United States of America; (ii) obligations the timely payment of principal of and interest on which is fully and unconditionally guaranteed by the United States of America; (iii) general obligations of the agencies and instrumentalities of the United States of America acceptable to Lessor; (iv) certificates of deposit, time deposits or demand deposits with any bank or savings institution including Escrow Agent or any affiliate thereof, provided that such certificates of deposit, time deposits or demand deposits, if not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, are fully secured by obligations described in (i), (ii) or (iii) above; or (v) repurchase agreements with any state or national bank or trust company, including Escrow Agent or any affiliate thereof, that are secured by obligations of the type described in (i), (ii) or (iii) above, provided that such collateral is free and clear of claims of third parties and that Escrow Agent or a third party acting solely as agent for Escrow Agent has possession of such collateral and a perfected first security interest in such collateral; or (vi) money market mutual funds that are invested in securities described in (i), (ii) or (iii) and that are rated "Aaa" by Moody's Investors Service or "AAAm-G" by Standard & Poor's Ratings Services or the comparable rating by Fitch IBCA, Inc.

7. Moneys in the Acquisition Fund will be used by Lessee to pay for the cost of acquisition and installation of the Equipment listed in the Lease and, if requested by Lessee, to pay certain costs of entering into the Lease. Such payment will be made from the Acquisition Fund upon presentation to Escrow Agent of one or more properly executed Payment Request and Acceptance Certificates, a form of which is attached as **Exhibit A**, executed by Lessee and approved by Lessor, together with an invoice for the cost of the acquisition and installation of said Equipment and a written approval by Lessor of the Vendor to be paid, or in the event that certain costs of entering into the Lease are described in the Payment Request and Acceptance Certificate, an invoice specifying the amount of such costs. In making any disbursement pursuant to this **Section 7**, Escrow Agent may conclusively rely as to the completeness and accuracy of all statements in such Payment Request and Acceptance Certificate, and Escrow Agent will not be required to make any inquiry, inspection or investigation in connection therewith. The approval of each Payment Request and Acceptance Certificate by Lessor will constitute unto Escrow Agent an irrevocable determination by Lessor that all conditions precedent to the payment of the amounts set forth therein have been completed.

8. The Acquisition Fund will terminate upon the occurrence of the earlier of (a) the presentation of a proper Payment Request and Acceptance Certificate and the Final Acceptance Certificate, a form of which is attached as **Exhibit B**, properly executed by Lessee and approved by Lessor, or (b) the presentation of written notification to Escrow Agent by Lessor, or, if Lessor has assigned its interest under the Lease, then the assignees or subassignees of all of Lessor's interest under the Lease or an agent on their behalf, that the Lease has been terminated pursuant to **Section 3.03 (a)** or **(c)** of the Agreement. Upon termination as described in clause (a) of this paragraph, Lessor may direct Escrow Agent to disburse any amount remaining in the Acquisition Fund will be used to prepay the principal portion of Rental Payments unless Lessor directs that payment of such amount be made in such other manner directed by Lessor that, in the opinion of nationally recognized counsel in the area of tax-exempt municipal obligations satisfactory to Lessor, will not adversely affect the exclusion of the interest components of Rental Payments from gross income for federal income tax purposes. If any such amount is used to prepay principal, the Rental Payment Schedule attached to the Lease will be revised accordingly as specified by Lessor. Upon termination as described in clause (b) of this paragraph, any amount remaining in the Acquisition Fund will immediately be paid to Lessor or to any assignees or subassignees of Lessor's interest in this Lease as directed in writing.

9. Escrow Agent may at any time resign by giving at least 30 days' written notice to Lessee and Lessor, but such resignation will not take effect until the appointment of a successor Escrow Agent. The substitution of another bank or trust company to act as Escrow Agent under this Escrow Agreement may occur by written agreement of Lessor and Lessee. In addition, Escrow Agent may be removed at any time, with or without cause, by an instrument in writing executed by Lessor and Lessee upon at least 30 days' written notice to Escrow Agent. In the event of any resignation or removal of Escrow Agent, a successor Escrow Agent will be appointed by an instrument in writing executed by Lessor and Lessee. Such successor Escrow Agent will indicate its acceptance of such appointment by an instrument in writing delivered to Lessor, Lessee and the predecessor Escrow Agent. Thereupon such successor Escrow Agent will, without any further act or deed, be fully vested with all the trusts, powers, rights, duties and obligations of Escrow Agent under this Escrow Agreement and the predecessor Escrow Agent will deliver all moneys and securities held by it under this Escrow Agreement to such successor Escrow Agent whereupon the duties and obligations of the predecessor Escrow Agent will cease and terminate. If a successor Escrow Agent has not been so appointed within 90 days of such resignation or removal, Escrow Agent may petition a court of competent jurisdiction to have a successor Escrow Agent appointed.

10. Any corporation or association into which Escrow Agent may be merged or converted or with or into which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any merger, conversion, sale, consolidation or transfer to which it is a party, will be and become successor Escrow Agent hereunder and will be vested with all the trusts, powers, rights, obligations, duties, remedies, immunities and privileges hereunder as was its predecessor, without the execution or filing of any instrument or any further act on the part of any of the parties hereto.

11. Escrow Agent incurs no responsibility to make any disbursements pursuant to this Escrow Agreement except from funds held in the Acquisition Fund. Escrow Agent makes no representations or warranties as to the title to any Equipment listed in the Lease or as to the performance of any obligations of Lessor or Lessee.

12. Escrow Agent may act in reliance upon any writing or instrument or signature which it, in good faith, believes to be genuine, may assume the validity and accuracy of any statement or assertion contained in such a writing or instrument, and may assume that any person purporting to give any writing, notice, advice or instructions in connection with the provisions hereof has been duly authorized to do so. Escrow Agent will not be liable in any manner for the sufficiency or correctness as to form, manner and execution, or validity of this Escrow Agreement other than its own execution thereof or any instrument deposited with it, nor as to the identity, authority or right of any person executing the same; and its duties hereunder will be limited to those specifically provided herein.

13. Unless Escrow Agent is guilty of negligence or willful misconduct with regard to its duties hereunder, Lessee, to the extent permitted by law, and Lessor jointly and severally hereby agree to indemnify Escrow Agent and hold it harmless from any and all claims, liabilities, losses, actions, suits or proceedings at law or in equity, or any other expense, fees or charges of any character or nature, which it may incur or with which it may be threatened by reason of its acting as Escrow Agent under this Escrow Agreement; and in connection therewith, to indemnify Escrow Agent against any and all expenses, including reasonable attorneys' fees and the cost of defending any action, suit or proceeding or resisting any claim.

14. The aggregate amount of the costs, fees, and expenses of Escrow Agent in connection with the creation of the escrow described in and created by this Escrow Agreement and in carrying out

any of the duties, terms or provisions of this Escrow Agreement is a one-time fee in the amount of $-0-, to be paid by Lessee concurrently with the execution and delivery of this Escrow Agreement.

Notwithstanding the preceding paragraph, Escrow Agent will be entitled to reimbursement from Lessee of reasonable out-of-pocket, legal or extraordinary expenses incurred in carrying out the duties, terms or provisions of this Escrow Agreement. Claims for such reimbursement may be made to Lessee and in no event will such reimbursement be made from funds held by Escrow Agent pursuant to this Escrow Agreement. Escrow Agent agrees that it will not assert any lien whatsoever on any of the money or Qualified Investments on deposit in the Acquisition Fund for the payment of fees and expenses for services rendered by Escrow Agent under this Escrow Agreement or otherwise.

15. If Lessee, Lessor or Escrow Agent are in disagreement about the interpretation of the Lease or this Escrow Agreement, or about the rights and obligations, or the propriety of any action contemplated by Escrow Agent hereunder, Escrow Agent may, but will not be required to, file an appropriate civil action to resolve the disagreement. Escrow Agent will be indemnified by Lessor and Lessee, to the extent permitted by law, for all costs, including reasonable attorneys' fees and expenses, in connection with such civil action, and will be fully protected in suspending all or part of its activities under this Escrow Agreement until a final judgment in such action is received.

16. All notices hereunder shall be in writing, sent by certified mail, return receipt requested, or by mutually recognized overnight carrier addressed to the other parties at their respective addresses shown on the signature page of this Escrow Agreement or at such other address as each such party shall from time to time designate in writing to the other parties; and shall be effective on the date or receipt.

17. Escrow Agent may consult with counsel of its own choice and will have full and complete authorization and protection for any action or non-action taken by Escrow Agent in accordance with the opinion of such counsel. Escrow Agent will otherwise not be liable for any mistakes of facts or errors of judgment, or for any acts or omissions of any kind unless caused by its negligence or willful misconduct.

18. This Escrow Agreement will be governed by and construed in accordance with the laws of the state in which Escrow Agent is located.

19. In the event any provision of this Escrow Agreement will be held invalid or unenforceable by any court of competent jurisdiction, such holding will not invalidate or render unenforceable any other provision hereof.

20. This Escrow Agreement may not be amended or assigned except by a written instrument executed by Lessor, Lessee and Escrow Agent.

21. This Escrow Agreement may be executed in several counterparts, each of which so executed will be an original.

22. The parties agree that the transaction described herein may be conducted and related documents may be stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

[Signature page follows.]

23. The parties acknowledge that in order to help the United States government fight the funding of terrorism and money laundering activities, pursuant to Federal regulations that became effective on October 1, 2003 (Section 326 of the USA PATRIOT Act) all financial institutions are required to obtain, verify, record and update information that identifies each person establishing a relationship or opening an account. The parties to this Escrow Agreement agree that they will provide to Escrow Agent such information as it may request, from time to time, in order for Escrow Agent to satisfy the requirements of the USA PATRIOT Act, including but not limited to the name, address, tax identification number and other information that will allow it to identify the individual or entity who is establishing the relationship or opening the account and may also ask for formation documents such as articles of incorporation or other identifying documents to be provided.

IN WITNESS WHEREOF, Lessor, Lessee and Escrow Agent have caused this Escrow Agreement to be executed by their duly authorized representatives as of the date set forth above.

THE CENTRAL TRUST BANK,
DBA CENTRAL BANK OF THE OZARKS
LESSOR

By: _____
Title: _____
Address: P.O. Box 3397
Springfield, MO 65808-3397

CITY OF SPRINGFIELD, MISSOURI
LESSEE

By: _____
Title: City Manager
Address: 840 Boonville Avenue
Springfield, MO 65802

APPROVED AS TO FORM:

_____, City Attorney

THE CENTRAL TRUST BANK,
DBA CENTRAL BANK OF THE OZARKS
ESCROW AGENT

By: _____
Title: _____
Address: P.O. Box 3397
Springfield, MO 65808-3397

EXHIBIT A

FORM OF PAYMENT REQUEST AND ACCEPTANCE CERTIFICATE

To: The Central Trust Bank, DBA Central Bank of the Ozarks
1800 S. Glenstone Avenue
Springfield, MO 65804

Re: City of Springfield, Missouri Acquisition Fund established by the Escrow Agreement, dated as of September 9, 2022 (the "Escrow Agreement"), among The Central Trust Bank, DBA Central Bank of the Ozarks, as lessor ("Lessor"), City of Springfield, Missouri, as lessee ("Lessee"), and The Central Trust Bank, DBA Central Bank of the Ozarks, in its capacity as escrow agent (the "Escrow Agent")

Ladies and Gentlemen:

The Escrow Agent is hereby requested to pay from the above-referenced Acquisition Fund to the person or corporation designated below as Payee, the amount set forth below in payment of a portion or all of the cost of the acquisition and installation of the equipment or costs incurred in entering into the Lease described below. The amount shown below is due and payable under the invoice of the Payee attached hereto with respect to the cost of the acquisition and installation of the equipment or costs incurred in entering into the Lease described below and has not formed the basis of any prior request for payment.

The equipment or costs described below are (a) part or all of the "Equipment" that is listed in Equipment Schedule No. 5 dated as of September 9, 2022 (the "Schedule"), to that certain Master Equipment Lease Purchase Agreement dated as of October 25, 2019 (the "Master Agreement," and together with the Schedule, the "Lease"), described in the Escrow Agreement or (b) costs incurred in entering into the Lease.

Quantity	Serial Number	Item	Amount

Payee: _____
_____
_____

Lessee hereby certifies and represents to and agrees with Lessor and Escrow Agent as follows:

(1) The Equipment described above (a) has been delivered, installed and accepted on the date hereof, or (b) the amount requested is a down payment currently due on said Equipment.

(2) If (1)(a) is applicable, Lessee has conducted such inspection and/or testing of said Equipment as it deems necessary and appropriate and hereby acknowledges that it accepts said Equipment for all purposes.

(3) If (1)(a) is applicable, Lessee is currently maintaining the insurance coverage required by **Section 7.02** of the Master Agreement.

Lessee hereby certifies and represents to Lessor and the Escrow Agent that no event or condition that constitutes, or with notice or lapse of time or both would constitute, an Event of Default (as such term is defined in the Master Agreement) exists at the date hereof.

Dated: _____, 20___.

CITY OF SPRINGFIELD, MISSOURI
LESSEE

By: _____
Title: _____

APPROVED FOR PAYMENT:

THE CENTRAL TRUST BANK,
DBA CENTRAL BANK OF THE OZARKS
LESSOR

By:_____
Title:_____

EXHIBIT B

FINAL ACCEPTANCE CERTIFICATE

[THIS CERTIFICATE IS TO BE EXECUTED ONLY WHEN ALL EQUIPMENT HAS BEEN ACCEPTED]

The undersigned hereby certifies that the equipment described above, together with the equipment described in and accepted by Payment Request and Acceptance Certificates previously filed by Lessee with Escrow Agent and Lessor pursuant to the Escrow Agreement, constitutes all of the Equipment subject to the Lease.

Dated: _____, 20___.

CITY OF SPRINGFIELD, MISSOURI
LESSEE

By:_____
Title:_____

EXHIBIT C

AUTHORIZED LESSEE REPRESENTATIVES

City of Springfield, Missouri
Acquisition Fund established by the Escrow Agreement,
dated as of September 9, 2022 (the "Escrow Agreement"), among
The Central Trust Bank, DBA Central Bank of the Ozarks, as lessor ("Lessor"),
City of Springfield, Missouri, as lessee ("Lessee"), and
The Central Trust Bank, DBA Central Bank of the Ozarks,
in its capacity as escrow agent (the "Escrow Agent")

Each of the following person(s) is an **Authorized Lessee Representative** for Lessee authorized to execute documents and direct the Escrow Agent as to all matters, including fund transfers, address changes and contact information changes, on Lessee's behalf (only one signature required):

David Holtmann	_____	417-864-1632
Name	Specimen signature	Telephone No.
_____	_____	_____
Name	Specimen signature	Telephone No.
_____	_____	_____
Name	Specimen signature	Telephone No.

If only one person is identified above, the following person is authorized for call-back confirmations:

_____	_____
Name	Telephone Number

Exhibit 3

GILMORE & BELL, P.C.
DRAFT-AUGUST 1, 2022

FEDERAL TAX CERTIFICATE

THIS FEDERAL TAX CERTIFICATE (the "**Tax Certificate**"), is executed as of September 9, 2022, by the **CITY OF SPRINGFIELD, MISSOURI** (the "**City**").

RECITALS

1. This Tax Certificate is being executed and delivered in connection with Schedule of Equipment No. 5 dated as of September 9, 2022 to that certain Master Equipment Lease Purchase Agreement dated as of October 25, 2019, in the principal amount of $645,000 (collectively, the "**Lease**"), entered into by and between the City, as lessee, and The Central Trust Bank, DBA Central Bank of the Ozarks, a Missouri banking corporation, as lessor (the "**Lessor**").

2. The Internal Revenue Code of 1986, as amended (the "Code"), and the applicable Regulations and rulings issued by the U.S. Treasury Department (the "Regulations"), impose certain limitations on the uses and investment of the proceeds of the Lease and of certain other money relating to the Lease, and set forth the conditions under which the interest component of rent payable under the Lease will be excluded from gross income for federal income tax purposes.

3. The City is executing this Tax Certificate in order to set forth certain facts, covenants, representations, and expectations relating to the use of the proceeds of the Lease and the property financed with those proceeds and the investment of the proceeds of the Lease and of certain other related money, in order to establish and maintain the exclusion of the interest component of rent payable under the Lease from gross income for federal income tax purposes, and to provide guidance for complying with the arbitrage rebate provisions of Code § 148(f).

4. The City adopted a Tax-Exempt Financing Compliance Procedure on May 7, 2012 (the "Tax Compliance Procedure") for the purpose of setting out general procedures for the City to continuously monitor and comply with the federal income tax requirements set out in the Code and the Regulations.

5. This Tax Certificate is being entered into as required by the Tax Compliance Procedure for the purpose of setting out general procedures for the City to continuously monitor and comply with the federal income tax requirements set out in the Code and the Regulations.

NOW, THEREFORE, in consideration of the foregoing and the mutual representations, covenants and agreements set forth in this Tax Certificate, the City represents, covenants and agrees as follows:

Section 1. Definitions of Words and Terms. Except as otherwise provided in this Tax Certificate or unless the context otherwise requires, capitalized words and terms used in this Tax Certificate have the same meanings as set forth in the Lease, and certain other words and phrases have the meanings assigned in Code §§ 103, 141-150 and the Regulations. The following words and terms used in this Tax Certificate have the following meanings:

"Acquisition Fund" means the "City of Springfield, Missouri Acquisition Fund-Schedule of Equipment No. 5" established pursuant to the Escrow Agreement dated as of September 9, 2022, among

the City, the Lessor and The Central Trust Bank, DBA Central Bank of the Ozarks, in its capacity as escrow agent.

"Annual Compliance Checklist" means a checklist for the Equipment designed to measure compliance with the requirements of this Tax Certificate and the Tax Compliance Procedure after the Closing Date substantially in the form attached as **Exhibit D**.

"City" means the City of Springfield, Missouri.

"Closing Date" means September 9, 2022.

"Compliance Officer" means the City's Director of Finance or, if the position of Director of Finance is vacant, the person filling the responsibilities of the Director of Finance for the City.

"Equipment" means certain equipment and vehicles for use by the City's Park Department, to be acquired by the City with proceeds of the Lease, as further described on **Exhibit C** to this Tax Certificate.

"Gross Proceeds" means the gross proceeds of the Lease, which include (a) sale proceeds (any amounts actually or constructively received by the City from the execution and delivery of the Lease, including amounts used to pay a discount or fees to the Lessor, but excluding pre-issuance accrued interest), (b) any amounts received from investing sale proceeds, (c) any amounts held in a sinking fund for the Lease, and (d) any amounts held in a pledged fund or reserve fund for the Lease. Specifically, Gross Proceeds includes (but is not limited to) amounts held in the Acquisition Fund.

"Investment" means any security, obligation, annuity contract or other investment-type property that is purchased directly with, or otherwise allocated to, Gross Proceeds. This term does not include a tax-exempt bond, except for "specified private activity bonds" as defined in Code § 57(a)(5)(C), but it does include the investment element of most interest rate caps.

"IRS" means the Internal Revenue Service.

"Lease" means Schedule of Equipment No. 5, dated as of the date of this Tax Certificate, between the City, as lessee, and the Lessor, as lessor, in the principal amount of $645,000 (which Schedule of Equipment No. 5 incorporates the terms and provisions of the Master Lease), the proceeds of which will be used to acquire and install the Equipment and pay certain costs of issuance in connection with the Lease.

"**Lessor**" means The Central Trust Bank, DBA Central Bank of the Ozarks, a Missouri banking corporation.

"Management Agreement" means a legal agreement defined in Regulations § 1.141-3(b) as a management, service, or incentive payment contract with an entity that provides services involving all or a portion of the Equipment, such as a contract to manage the Equipment or a portion thereof. However, contracts for services that are solely incidental to the primary governmental function of the Equipment (for example, contracts for janitorial, office equipment repair, billing or similar services) are not treated as Management Agreements.

"Master Lease" means the Master Equipment Lease Purchase Agreement dated as of October 25, 2019, including the exhibits thereto, entered into between the Lessor, as lessor, and the City, as lessee, as amended from time to time.

"Measurement Period" means, with respect to the Equipment, the period beginning on the later of (i) the Closing Date or (ii) the date the property is placed in service, and ending on the earlier of (A) the final maturity date of the Lease or (B) the end of the expected economic useful life of the property.

"Non-Qualified Use" generally means any use of the Equipment in a trade or business carried on by any Non-Qualified User that is different in form or substance to the use made of the Equipment by any other member of the general public. Generally, ownership, a lease, or any other use that provides a Non-Qualified User a special legal right or entitlement to use the Equipment will constitute Non-Qualified Use.

"Non-Qualified User" means any person or entity other than the City.

"Opinion of Special Tax Counsel" means the written opinion of Special Tax Counsel addressed to the City to the effect that the proposed action or the failure to act will not adversely affect the exclusion of the interest component of rent on the Lease from gross income for federal income tax purposes or an opinion describing additions, modifications or additional procedures required to preserve the interest component of rent on the Lease from gross income for federal income tax purposes.

"Post-Issuance Tax Requirements" means those requirements related to the use of Gross Proceeds, the use of the Equipment and the investment of Gross Proceeds after the Closing Date.

"Qualified Use Agreement" means any of the following:

(1) A lease or other short-term use by members of the general public who use the Equipment on a short-term basis in the ordinary course of the City's governmental purposes.

(2) Agreements with Qualified Users or Non-Qualified Users to use all or a portion of the Equipment for a period up to 200 days in length pursuant to an arrangement whereby (a) the use of the Equipment under the same or similar arrangements is predominantly by natural persons who are not engaged in a trade or business and (b) the compensation for the use is determined based on generally applicable, fair market value rates that are in effect at the time the agreement is entered into or renewed. Any Qualified User or Non-Qualified User using all or any portion of the Equipment under this type of arrangement may have a right of first refusal to renew the agreement at rates generally in effect at the time of the renewal.

(3) Agreements with Qualified Users or Non-Qualified Users to use all or a portion of the Equipment for a period up to 100 days in length pursuant to arrangements whereby (a) the use of the property by the person would be general public use but for the fact that generally applicable and uniformly applied rates are not reasonably available to natural persons not engaged in a trade or business, (b) the compensation for the use under the arrangement is determined based on applicable, fair market value rates that are in effect at the time the agreement is entered into or renewed, and (c) the Equipment was not constructed for a principal purpose of providing the property for use by that Qualified User or Non-Qualified User. Any Qualified User or Non-Qualified User using all or any portion of the Equipment under this type of arrangement may have a right of first refusal to renew the agreement at rates generally in effect at the time of the renewal.

(4) Agreements with Qualified Users or Non-Qualified Users to use all or a portion of the Equipment for a period up to 50 days in length pursuant to a negotiated arm's-length

arrangement at fair market value so long as the Equipment was not constructed for a principal purpose of providing the property for use by that person.

"Qualified User" means a State, territory, possession of the United States, the District of Columbia, or any political subdivision thereof, or any instrumentality of such entity, but it does not include the United States or any agency or instrumentality of the United States.

"**Regulations**" means United States Treasury Regulations governing obligations the interest on which is excluded from gross income for federal income tax purposes under Code §§ 103 and 141-150.

"**Special Tax Counsel**" means Gilmore & Bell, P.C.

"State" means the State of Missouri.

"Tax Compliance File" means documents and records for the Lease maintained by the Compliance Officer pursuant to this Tax Certificate and the Tax Compliance Procedure.

"Tax Compliance Procedure" means the City's Tax-Exempt Financing Compliance Procedure, dated May 7, 2012.

"Yield" means the yield on the Lease, computed under Regulations § 1.148-4, and yield on an Investment, computed under Regulations § 1.148-5.

Section 2. Purpose of Lease. On the Closing Date, the Lessor will disburse all proceeds of the Lease in the aggregate principal amount of $645,000 for deposit into the Acquisition Fund. Of this amount, $638,000 will be used to acquire and install the Equipment, and $7,000 will be used to pay costs of executing and delivering the Lease.

Section 3. Accounting for Gross Proceeds. The City will account for the sale proceeds of the Lease as follows: All sale proceeds will be used to acquire and install the Equipment and pay related costs of executing and delivering the Lease as described in **Section 2** of this Tax Certificate. If proceeds are used differently than as shown in **Section 2** of this Tax Certificate, not later than 18 months after (1) the purchase of the Equipment, or (2) the date the Equipment is placed in service, the City will prepare a final written allocation as required by the Tax Compliance Procedure, a sample form of which is attached hereto as **Exhibit E**.

Section 4. Project Completion. The City has incurred, or will incur within 6 months after the Closing Date, a substantial binding obligation to a third party to spend at least 5% of the proceeds of the Lease on the Equipment. The acquisition and installation of the Equipment and the allocation of the proceeds of the Lease to expenditures will proceed with due diligence. At least 85% of the proceeds of the Lease will be allocated to expenditures for the Equipment within 3 years after the Closing Date.

Section 5. Funds or Accounts. The following fund has been established for the Lease:

- Acquisition Fund.

No other funds or accounts have been established to hold sale proceeds of the Lease, and no other funds or accounts of the City have been or will be established that will contain other money that will be used to make, or secure, rental payments under the Lease.

Section 6. Rebate and Yield Restriction.

(a) *Lessor's Certificate – Issue Price*. The Lessor has represented in the Lessor Certificate, dated as of the Closing Date and included in the Transcript at Tab 8, that on the date hereof it has purchased the Lease for the aggregate principal amount of $645,000, without accrued interest, and that it intends to hold the Lease for its own account as an investment with no present intent to sell, assign or transfer the Lease. Based on the certifications of the Lessor in the Lessor Certificate, the City elects to establish the issue price of the Lease pursuant to Regulations § 1.148-1(f)(2)(i) and, accordingly, the issue price will be the price paid by the Lessor ($645,000).

(b) *Lease Yield*. Based on the issue price, Special Tax Counsel has determined that the Yield on the Lease is 3.7171%. The amortization schedule and calculation of the Yield on the Lease is attached to this Tax Certificate as **Exhibit A**. The City has not entered into an interest rate swap agreement with respect to any portion of the Lease.

(c) *Rebate and Yield Restriction Requirement*. All sale proceeds of the Lease and any amounts received from investing the sale proceeds of the Lease are expected to be allocated to expenditures for the Equipment in accordance with the following schedule: (1) 15% within 6 months from the Closing Date; (2) 60% within 12 months from the Closing Date; and (3) 100% within 18 months from the Closing Date. Prior to the expenditure of these amounts, the City expects to invest the sale proceeds in a money market account at a Yield that is less than the Yield on the Lease. The City has not created or established, and does not expect to create or establish, any sinking fund, reserve fund, pledge fund, or other similar fund (1) that is reasonably expected to be used to pay the rental payments, or (2) that may be used solely to prevent a default in the payment of the rental payments if the City encounters financial difficulty. If these amounts are invested and allocated to expenditures as set forth in this paragraph, and if the City does not establish any sinking fund, reserve fund, pledge fund, or similar fund with respect to the Lease, then no rebate or Yield reduction computations will be necessary for the Lease. If these amounts are not invested and spent as set forth in this paragraph, the City will engage Special Tax Counsel, an independent certified public accountant, or a rebate analyst to compute arbitrage rebate on the Lease and to pay rebate to the United States at least once every five years, and within 60 days after the final maturity of the Lease in accordance with Code § 148(f).

Section 7. Use of Equipment.

(a) *General*. The Equipment will be owned by the City throughout the Measurement Period. No portion of the Equipment is expected to be used in a Non-Qualified Use during the Measurement Period. Unless the City obtains an Opinion of Special Tax Counsel, the City will not enter into any agreement other than a Qualified Use Agreement with respect to the Equipment.

(b) *Agreements*. As of the Closing Date, the City does not have any agreements with Non-Qualified Users that relate to the use or operation of the Equipment. During the Measurement Period, the City will not enter into or renew any agreement with any Non-Qualified User with respect to the Equipment without first obtaining an opinion of Special Tax Counsel.

(c) *Leases*. As of the Closing Date, the City has not entered into any leases (or subleases) with Non-Qualified Users other than Qualified Use Agreements with respect to the Equipment. During the Measurement Period, the City will not enter into or renew any leases with any Non-Qualified Users other than Qualified Use Agreements with respect to the Equipment without first obtaining an opinion of Special Tax Counsel.

(d) *Written Policies and Procedures of the City.* The City intends for the Tax Compliance Procedure, as supplemented by this Tax Certificate, to be its primary written policies and procedures for monitoring compliance with the Post-Issuance Tax Requirements for the Lease and to supplement any other formal policies and procedures related to the Post-Issuance Tax Requirements that the City has established. The provisions of this Tax Certificate are intended to be consistent with the Tax Compliance Procedure. In the event of any inconsistency between the Tax Compliance Procedure and this Tax Certificate, the terms of this Tax Certificate will govern.

(e) *Compliance Officer*. The City, when necessary to fulfill the Post-Issuance Tax Requirements, will, through the Compliance Officer, sign Form 8038-T in connection with the payment of arbitrage rebate or Yield reduction payments, participate in any federal income tax audit of the Lease or related proceedings under a voluntary compliance agreement procedures (VCAP) or undertake a remedial action procedure pursuant to Regulations § 1.141-12.

(f) *Annual Compliance Checklists*. Attached as **Exhibit D** is a form of Annual Compliance Checklist for the Equipment. The Compliance Officer will prepare and work with appropriate officials of the City to complete an Annual Compliance Checklist for the Equipment at least annually. In the event an Annual Compliance Checklist identifies a deficiency in compliance with the requirements of this Tax Certificate, the Compliance Officer will obtain an Opinion of Special Tax Counsel and take actions to correct any deficiency.

Section 8. Record Keeping. The Compliance Officer will maintain the Tax Compliance File for the Lease in accordance with the Tax Compliance Procedure. Unless otherwise specifically instructed in a written Opinion of Special Tax Counsel or to the extent otherwise provided in this Tax Certificate, the Compliance Officer shall retain records related to the Post-Issuance Tax Requirements until 3 years following the final maturity of (i) the Lease or (ii) any obligation issued to refund the Lease. Any records maintained electronically must comply with Section 4.01 of Revenue Procedure 97-22, which generally provides that an electronic storage system must (1) ensure an accurate and complete transfer of the hardcopy records which indexes, stores, preserves, retrieves and reproduces the electronic records, (2) include reasonable controls to ensure integrity, accuracy and reliability of the electronic storage system and to prevent unauthorized alteration or deterioration of electronic records, (3) exhibit a high degree of legibility and readability both electronically and in hardcopy, (4) provide support for other books and records of the City, and (5) not be subject to any agreement that would limit the ability of the IRS to access and use the electronic storage system on the City's premises.

Section 9. Miscellaneous

(a) *Reimbursement of Expenditures; Official Intent*. On September 6, 2022, the governing body of the City adopted an ordinance declaring the intent of the City to finance the Equipment with proceeds of a tax-exempt obligation and to reimburse the City for expenditures made for the Equipment prior to the issuance of the tax-exempt obligation. A copy of the ordinance is attached to this Tax Certificate as **Exhibit F**. Any reimbursement allocation made by the City will comply with Regulations § 1.150-2. No proceeds of the Lease will be disbursed to reimburse the City for expenditures made in connection with the acquisition and installation of the Equipment prior to the Closing Date.

(b) *Form 8038-G*. A copy of the completed and fully executed IRS Form 8038-G (Information Return for Tax-Exempt Governmental Obligations) is attached to this Tax Certificate as **Exhibit B**. The Form 8038-G was prepared by Special Tax Counsel based on representations and covenants by the City contained in this Tax Certificate or otherwise made by the City. The information contained on Form 8038-G is true, complete and correct to the knowledge of the undersigned and the undersigned is authorized to sign the Form 8038-G on behalf of the City and deliver it to Special Tax Counsel for filing with the IRS.

(c) *Single Issue; No Other Issues*. The Lease constitutes a single "issue" under Regulations § 1.150-1(c). No other debt obligations of the City (1) are being sold within 15 days of the sale of the Lease, (2) are being sold under the same plan of financing as the Lease, and (3) are expected to be paid from substantially the same source of funds as the Lease (disregarding guarantees from unrelated parties, such as bond insurance).

(d) *Bank Qualification.* The Lease is not designated as a "qualified tax-exempt obligation" under Code § 265(b)(3).

(e) *No Federal Guaranty*. The payment of rent on the Lease is not, and the City will not permit the payment of rent on the Lease to be, directly or indirectly guaranteed by the United States of America or any agency thereof.

(f) *Registration Requirement; Record Owner*. The City will maintain or cause to be maintained a record of the owner(s) of the Lease and the person/entity entitled to the receipt of the interest components of rent payments on the Lease. Transfer of ownership of the Lease is effective only if entered in these records. The Lease will be held in registered form within the meaning of Code § 149(a).

(g) *Reliance*. The City understands that its certifications will be relied upon by the law firm of Gilmore & Bell, P.C., as Special Tax Counsel, in rendering its opinion as to the validity of the Lease and the exclusion from federal gross income of the interest component of rent payments payable by the City under the Lease.

(h) *Enforceability*. If any provision in this Tax Certificate or in the Lease is determined to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions will not be affected or impaired.

(i) *Electronic Transactions*. The transaction described in this Tax Certificate may be conducted, and related documents may be stored, by electronic means.

[The remainder of this page left blank intentionally.]

IN WITNESS WHEREOF, the undersigned, by execution of this Tax Certificate, hereby makes the foregoing certifications, representations, and agreements contained in this Tax Certificate on behalf of the City.

CITY OF SPRINGFIELD, MISSOURI

By: _____
Title: City Manager

APPROVED AS TO FORM:

_____, City Attorney

EXHIBIT A

LEASE AMORTIZATION SCHEDULE, CALCULATION OF WEIGHTED AVERAGE MATURITY AND CALCULATION OF YIELD ON THE LEASE

Schedule of Lease Payments

Payment Date	Amort. Pmt. No.	Interest Rate	Payments Interest	Payments Principal	Payments Total	Principal Balance	Bond Years
9/9/2022							
9/9/2022	-					$ 645,000.00	-
12/9/2022	1	3.700%	5,966.25	29,507.31	35,473.56	615,492.69	7.377
3/9/2023	2	3.700%	5,693.31	29,780.25	35,473.56	585,712.44	14.890
6/9/2023	3	3.700%	5,417.84	30,055.72	35,473.56	555,656.72	22.542
9/9/2023	4	3.700%	5,139.82	30,333.74	35,473.56	525,322.98	30.334
12/9/2023	5	3.700%	4,859.24	30,614.32	35,473.56	494,708.66	38.268
3/9/2024	6	3.700%	4,576.06	30,897.50	35,473.56	463,811.16	46.346
6/9/2024	7	3.700%	4,290.25	31,183.31	35,473.56	432,627.85	54.571
9/9/2024	8	3.700%	4,001.81	31,471.75	35,473.56	401,156.10	62.944
12/9/2024	9	3.700%	3,710.69	31,762.87	35,473.56	369,393.23	71.466
3/9/2025	10	3.700%	3,416.89	32,056.67	35,473.56	337,336.56	80.142
6/9/2025	11	3.700%	3,120.36	32,353.20	35,473.56	304,983.36	88.971
9/9/2025	12	3.700%	2,821.10	32,652.46	35,473.56	272,330.90	97.957
12/9/2025	13	3.700%	2,519.06	32,954.50	35,473.56	239,376.40	107.102
3/9/2026	14	3.700%	2,214.23	33,259.33	35,473.56	206,117.07	116.408
6/9/2026	15	3.700%	1,906.58	33,566.98	35,473.56	172,550.09	125.876
9/9/2026	16	3.700%	1,596.09	33,877.47	35,473.56	138,672.62	135.510
12/9/2026	17	3.700%	1,282.72	34,190.84	35,473.56	104,481.78	145.311
3/9/2027	18	3.700%	966.46	34,507.10	35,473.56	69,974.68	155.282
6/9/2027	19	3.700%	647.27	34,826.29	35,473.56	35,148.39	165.425
9/9/2027	20	3.700%	325.12	35,148.39	35,473.51	-	175.742
Total			64,471.15	645,000.00	709,471.15		1,742.463

Lease Statistics

Principal amount	$ 645,000.00	Day-Count Method	30/360
Interest rate	3.700%	Computed Payment Amount	$35,473.56
Dated date	9/9/2022	Actual Payment Amount	$35,473.56
Issue date	9/9/2022	Days of accrued interest	-
First interest payment	12/9/2022	Accrued interest	$0.00
First principal payment	12/9/2022	Bond years	1,742.463
Last payment	9/9/2027		
No. of principal payments per year	4	Weighted avg. maturity (years)	2.7015
Total no. of principal payments	20	Lease yield	3.717113%
Denomination	0.01	Net interest cost	3.700000%

Proof of Arbitrage Yield				
Payment Date	Days After Closing	Lease Payments	Pres. Val. Factor 3.71711%	Present Value to 9/9/2022
9/9/2022				
9/9/2022	-	-	1.0000000	-
12/9/2022	90	35,473.56	0.9908348	35,148.44
3/9/2023	180	35,473.56	0.9817536	34,826.29
6/9/2023	270	35,473.56	0.9727556	34,507.10
9/9/2023	360	35,473.56	0.9638400	34,190.84
12/9/2023	450	35,473.56	0.9550062	33,877.47
3/9/2024	540	35,473.56	0.9462534	33,566.98
6/9/2024	630	35,473.56	0.9375808	33,259.33
9/9/2024	720	35,473.56	0.9289876	32,954.50
12/9/2024	810	35,473.56	0.9204733	32,652.46
3/9/2025	900	35,473.56	0.9120369	32,353.20
6/9/2025	990	35,473.56	0.9036779	32,056.67
9/9/2025	1,080	35,473.56	0.8953955	31,762.87
12/9/2025	1,170	35,473.56	0.8871890	31,471.75
3/9/2026	1,260	35,473.56	0.8790577	31,183.31
6/9/2026	1,350	35,473.56	0.8710009	30,897.50
9/9/2026	1,440	35,473.56	0.8630180	30,614.32
12/9/2026	1,530	35,473.56	0.8551083	30,333.73
3/9/2027	1,620	35,473.56	0.8472710	30,055.72
6/9/2027	1,710	35,473.56	0.8395056	29,780.25
9/9/2027	1,800	35,473.51	0.8318113	29,507.27
Total		709,471.15		645,000.00

EXHIBIT B

IRS FORM 8038-G

[Post Closing Item – to be prepared and filed by Gilmore & Bell.]

EXHIBIT C

DESCRIPTION OF THE EQUIPMENT

[To be prepared by Gilmore & Bell.]

EXHIBIT D

SAMPLE ANNUAL COMPLIANCE CHECKLIST

Name of tax-exempt obligation ("Schedule No. 5") financing the Equipment:	This Annual Compliance Checklist is designed to cover Schedule of Equipment No. 5 dated September 9, 2022 ("Schedule No. 5") to Master Equipment Lease Purchase Agreement dated as of October 25, 2019, each between The Central Trust Bank, DBA Central Bank of the Ozarks, as lessor, and the City of Springfield, Missouri, as lessee.
Placed in service date of the Equipment:	
Name of Compliance Officer:	
Period covered by request ("Annual Period"):	

Item	Question	Response
1 Ownership	For federal income tax purposes, was all of the Equipment owned by the City for federal tax purposes during the entire Annual Period?	☐ Yes ☐ No
	If answer above was "No," was an Opinion of Special Tax Counsel obtained prior to the transfer? If Yes, include a copy of the Opinion in the Tax Compliance File. If No, contact Special Tax Counsel and include description of resolution in the Tax Compliance File.	☐ Yes ☐ No
2 Leases & Other Rights to Possession	During the Annual Period, was any of the Equipment subleased to or used by individuals or entities other than the City or employees of the City at any time pursuant to a lease or similar agreement for more than 50 days?	☐ Yes ☐ No
	If answer above was "Yes," was an Opinion of Special Tax Counsel obtained prior to entering into the lease or other arrangement? If Yes, include a copy of the Opinion in the Tax Compliance File. If No, contact Special Tax Counsel and include description of resolution in the Tax Compliance File.	☐ Yes ☐ No
3 Management or Service Agreements	During the Annual Period, has the management of all or any part of the operations of any portion of the Equipment (e.g., has the City hired any organization to operate or manage the facilities in which the Equipment is being used) been assumed by or transferred to another entity?	☐ Yes ☐ No
	If answer above was "Yes," was an Opinion of Special Tax Counsel obtained prior to entering into the arrangement? If Yes, include a copy of the Opinion in the Tax Compliance File. If No, contact Special Tax Counsel and include description of resolution in the Tax Compliance File.	☐ Yes ☐ No

Item	Question	Response
4 **Other Use**	Was any other agreement entered into with an individual or entity (including the federal government and any of its agencies) that grants special legal rights to any portion of the Equipment?	☐ Yes ☐ No
	If answer above was "Yes," was an Opinion of Special Tax Counsel obtained prior to entering into the agreement? If Yes, include a copy of the Opinion in the Tax Compliance File. If No, contact Special Tax Counsel and include description of resolution in the Tax Compliance File.	☐ Yes ☐ No
5 **Arbitrage Rebate; Yield Restriction**	1. Were the Gross Proceeds of the Lease invested and spent in accordance with the Tax Certificate? If No, contact Special Tax Counsel and incorporate report or include description of resolution in the Tax Compliance File. If Yes, answer question (b) below. 2. Has the City established any sinking fund, reserve fund, pledge fund, or similar fund with respect to the Lease? If Yes, contact Special Tax Counsel and incorporate report or include description of resolution in the Tax Compliance File.	☐ Yes ☐ No ☐ Yes ☐ No

By: Compliance Officer: _____

Date Completed: _____

EXHIBIT E

SAMPLE FINAL WRITTEN ALLOCATION

$645,000
SCHEDULE OF EQUIPMENT NO. 5 DATED SEPTEMBER 9, 2022 TO
MASTER EQUIPMENT LEASE PURCHASE AGREEMENT
DATED AS OF OCTOBER 25, 2019,
BETWEEN
THE CENTRAL TRUST BANK, DBA CENTRAL BANK OF THE OZARKS, AS LESSOR
AND
CITY OF SPRINGFIELD, MISSOURI, AS LESSEE

The undersigned is the Compliance Officer of the City of Springfield, Missouri (the "City"), and in that capacity is authorized to execute federal income tax returns required to be filed by the City and to make appropriate elections and designations regarding federal income tax matters on behalf of the City. This allocation of the proceeds of the tax-exempt obligation referenced above (collectively, the "Lease") is necessary for the City to satisfy ongoing reporting and compliance requirements under federal income tax laws.

Purpose. This document, together with the schedules and records referred to below, is intended to memorialize allocations of Lease proceeds to expenditures for purposes of §§ 141 and 148 of the Internal Revenue Code (the "Code"). All allocations are or were previously made no later than 18 months following the date the expenditure was made by the City or, if later, the date the "project" was "placed in service" (both as defined below), and no later than 60 days following the 5th anniversary of the issue date of the Lease.

Background. The Lease was executed and delivered on September 9, 2022 (the "Closing Date"), by the City. The Lease was executed and delivered in order to provide funds needed to acquire certain equipment and vehicles for use by the Parks Department of the City (the "Equipment") and to pay certain costs of issuance. Proceeds of the Lease were disbursed on the Closing Date for deposit in the Acquisition Fund established under Escrow Agreement dated as of September 9, 2022, among the City, The Central Trust Bank, DBA Central Bank of the Ozarks, as lessor, and The Central Trust Bank, DBA Central Bank of the Ozarks, in its capacity as escrow agent.

Sources Used to Fund Equipment Costs and Allocation of Proceeds to Equipment Costs. A portion of the costs of acquiring and installing the Equipment was paid from sale proceeds of the Lease and the remaining portion of the costs of the Equipment was paid from earnings from the investment of Lease proceeds and from other money of the City as shown on **Schedule 1** to this Final Written Allocation.

Identification of Financed Assets. The portions of the Equipment financed from Lease proceeds (i.e., the "Description of Equipment" listed in **Exhibit C** to the City's Federal Tax Certificate) are listed on page 1 of **Schedule 2** to this Final Written Allocation.

Identification and Timing of Expenditures for Arbitrage Purposes. For purposes of complying with the arbitrage rules, the City allocates the proceeds of the Lease to the various expenditures described in the invoices, requisitions or other substantiation attached as **Schedule 2** to this Final Written Allocation. In each case, the cost requisitioned was either paid directly to a third party or reimbursed the City for an amount it had previously paid or incurred. Amounts received from proceeds of the Lease and

retained as purchaser's discount are allocated to that purpose and spent on the Closing Date. Amounts allocated to interest expense are treated as paid on the interest payment dates for the Lease.

Placed In Service. The Equipment was "placed in service" on the date set out on **Schedule 2** to this Final Written Allocation. For this purpose, the assets are considered to be "placed in service" as of the date on which, based on all the facts and circumstances: (1) the constructing and equipping of the asset has reached a degree of completion which would permit its operation at substantially its design level; and (2) the asset is, in fact, in operation at that level.

This allocation has been prepared based on statutes and regulations existing as of this date. The City reserves the right to amend this allocation to the extent permitted by future Treasury Regulations or similar authorities.

CITY OF SPRINGFIELD, MISSOURI

By: _____
Title: _____

Dated: _____

Name of Legal Counsel/Law Firm Reviewing Final Written Allocation:
_____
Date of Review: _____

SCHEDULE 1
TO FINAL WRITTEN ALLOCATION

ALLOCATION OF SOURCES AND USES

[Attach Spreadsheet after acquisition and installation of the Equipment is completed.]

SCHEDULE 2
TO FINAL WRITTEN ALLOCATION

IDENTIFICATION OF FINANCED ASSETS
AND
DETAILED LISTING OF EXPENDITURES

[Attach Spreadsheet after acquisition and installation of the Equipment is completed.]

EXHIBIT F

DECLARATION OF INTENT

[See Document 5 (City's Ordinance) in the Transcript of Documents.]

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 4

Budget Adjustment
010

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
20110	16	80010	408070	000000	00000	$ 297,074	Lease proceed for Public Parks Fund
20120	16	80010	408070	000000	00000	198,454	Lease proceed for 2001 Parks Operating Sales Tax Fund
20130	16	80010	408070	000000	00000	28,156	Lease proceed for 2003 Parks Operating Sales Tax Fund
57010	16	25010	408070	000000	00000	121,317	Lease proceed for Golf Fund
Net Revenue Adjustment						$ 645,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
20110	16	80520	508120	000000	00000	$ 45,000	Park Operations Utility Truck (1)
20110	16	80570	508170	000000	00000	75,000	Park Operations Zero-Mowers (5)
20110	16	80570	508170	000000	00000	65,000	Park Operations Wide Area Mower (1)
20110	16	80520	508170	000000	00000	30,000	Park Operations Salt Chemical Application Truck (1)
20110	16	80520	508170	000000	00000	15,000	Park Operations Skid Mounted Brush Cutter
20110	16	80570	508170	000000	00000	9,000	Park Operations Turf Drag Unit
20110	16	82540	508170	000000	00000	27,000	Portable Ice Cream Maker for Concessions
20110	16	82550	508170	000000	10065	27,850	Family Centers Fitness Equipment
20110	16	80010	509350	000000	00000	3,224	Cost of issuance
20120	16	80040	508120	000000	00000	36,450	Park Rangers Vehicle (1)
20120	16	80010	508120	000000	00000	45,000	Park Administration Vehicle (2)
20120	16	87510	508170	000000	00000	20,000	Dickerson Park Zoo Zero Turn Mowers (2)
20120	16	88030	508170	000000	10364	52,000	Rutledge Wilson Farm Park Hay Bailer (1)
20120	16	88030	508170	000000	10428	15,000	Equestrian Center Utility Terrain Vehicle (1)
20120	16	82550	508170	000000	10101	27,850	Family Centers Fitness Equipment
20120	16	80010	509350	000000	00000	2,154	Cost of issuance
20130	16	82550	508170	000000	10092	27,850	Family Centers Fitness Equipment
20130	16	80010	509350	000000	00000	306	Cost of issuance
57010	16	25010	508170	000000	10354	60,000	Golf Enterprise Fund 300 Gallon Spray Rig Units (1)
57010	16	25010	508170	000000	10409	60,000	Golf Enterprise Fund 300 Gallon Spray Rig Unit (1)
57010	16	25010	509350	000000	00000	1,317	Cost of issuance
Net Expenditure Adjustment						$ 645,000	

Fund Balance Appropriation:

Fund		Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating equipment lease proceeds for Parks for FY2023 operating needs.

Requested By:

8-15-2022
Department Head Date

Approved By:

8-15-2022
Director of Finance Date

8-15-2022
City Manager Date

Authorization:

Council Bill No. 2022-213
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 08-16-22

Sponsored by: Ollis

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022 - 214 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to enter into Donation Agreements with Nestle Purina Petcare Company to accept a donation of 15 paper recycling bins and a 2012 Freightliner roll-off truck, valued in total at $130,000, to be used by the Environmental Services Department to provide paper and other recycling services in the community.

WHEREAS, City Council passed Special Ordinance No. 24451 on October 13, 2003, authorizing the City Manager to enter into an agreement with Nestle Purina Petcare Company ("Purina") for the collection of mixed paper from City drop-off sites; and

WHEREAS, On April 20, 2022, the City was provided notice from Purina of their intention to exit the paper litter business and cease production at their Springfield facility. They also advised of their notice to cancel their current agreement with Springfield; and

WHEREAS, Nestle Purina Petcare Company has graciously agreed to donate, at no cost to the City, the recycling bins and roll-off truck previously used at City facilities in recognition of their long partnership with the City and to support the City's efforts to provide recycling in the community; and

WHEREAS, the Environmental Services Department ("ES") utilizes recycling bins and roll-off trucks for recycling services in the community and accepting the bins and the roll-off truck will help the City maintain and continue to provide recycling services to the citizens of the region.

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

Section 1 – The City Manager, or his designee, is hereby authorized to accept the donation of fifteen recycling bins and one 2012 Freightliner roll-off truck from Nestle Purina Petcare Company, valued in total at $130,000.00, for use by the City's

Department of Environmental Services, and to do those things necessary to accept the donation, including execute Donation Agreements with Purina, provided said agreements are in a form approved by the City Attorney.

Section 2 – City Council acknowledges and greatly appreciates the donation made by Nestle Purina Petcare Company and wishes to express its most sincere thanks for said donation, as well as for the many years of partnership and support Purina provided to the City of Springfield recycling services.

Section 3 – 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: _____, Deputy City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-214

FILED: 08-16-22

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: Authorizing the City Manager, or his designee, to enter into Donation Agreements with Nestle Purina Petcare Company to accept a donation of 15 paper recycling bins and a 2012 Freightliner roll-off truck, valued in total at $130,000, to be used by the Department of Environmental Service to provide paper and other recycling services in the community.

BACKGROUND INFORMATION:

1. City Council authorized Special Ordinance No. 24451 on October 13, 2003, to enter into an agreement with Nestle Purina Petcare Company for the collection of mixed paper from City drop-off sites.

2. During this nearly 20-year partnership, Nestle Purina has recycled over 30,000 tons of mixed paper from City recycling centers into pet litter at a facility built for that purpose here in Springfield. In addition to this great recycling effort, during the term of this partnership, Nestle's facility has provided support to the community in the form of jobs, local manufacturing, and product sales.

3. On April 20, 2022, the City was provided notice from Nestle Purina Petcare of their intention to exit the paper litter business and cease production at their Springfield facility. They also advised of their notice to cancel their current agreement with Springfield. This notice is attached as Exhibit A.

4. In recognition of our long-standing partnership, Nestle Purina Petcare has graciously agreed to donate 15 recycling bins and a 2012 Freightliner roll-off truck which will help the City continue to provide recycling efforts to the citizens of Springfield by using these donated items at the recycling sites located throughout the City.

REMARKS: The Department of Environmental Services is very grateful to Nestle Purina Petcare for their consideration of this donation and wishes to thank them for their donation and for their partnership with the City. Environmental Services recommends passage of this Ordinance.

Submitted by:

Erick Roberts
Superintendent of Solid Waste

Recommended by:

Errin Kemper
Director of Environmental Services

Approved by:

Jason Gage
City Manager

EXHIBIT A

Nestlé Purina PetCare

North America

CHECKERBOARD SQUARE
ST. LOUIS, MO 63164-0001, USA
TEL. 314 982 1000

April 20, 2022

Jason Gage, City Manager of the City of Springfield
840 Boonville Ave
Springfield, Missouri 65802

Re: Notice of Termination

Dear Mr. Gage,

We are announcing today our intention to exit the paper litter business by discontinuing the *Yesterday's News* and *secondnature* litter brands and immediately cease production at our Springfield, Missouri, paper-based litter factory. Demand for these alternative paper litter brands has diminished over the past few years. At the same time, the supply of paper used to make these products has declined as the world has become more digital. These business conditions have led to this difficult business decision.

Cessation of this business impacts our agreements with the City of Springfield for the use of paper recycling drop off sites (**Agreement (2015-1661), dated June 1, 2015**), and for the lease of several recycling collection containers (**Lease Agreement #1999-437 dated July 22, 1999**). Please consider this letter to be notice of our intention to cancel these agreements.

As I am sure you understand, this this decision was not taken lightly and was only made after careful consideration of many factors. It is in no way a reflection on our strong relationship with the City of Springfield, and we want to thank you very much for your service to our paper litter business.

We will be in touch soon with plans for final payments and return of equipment.

If you have any questions, please reach out to me at (314) 982-2616.

Sincerely,

Brent Gleckler, VP & GM
Golden Products division of Nestle Purina PetCare Company

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 08-16-22

Sponsored by: Simpson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 215 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager or his designee to enter into a Municipal and Cost Apportionment Agreement with the Missouri Highways and Transportation Commission to share costs associated with pavement resurfacing of Battlefield Road near the US Route 65 interchange.

_____

WHEREAS, US Route 65 is under the jurisdiction of the Missouri Highways and Transportation Commission ("MHTC"); and

WHEREAS, the MHTC is performing pavement resurfacing work on Battlefield Road at and around the US Route 65 interchange, between Moulder Avenue and Ruskin Way; and

WHEREAS, the City wishes to share in the costs of the pavement resurfacing of Battlefield Road; as the sharing of costs and coordination of construction provides time and cost savings for taxpayers; and

WHEREAS, the City will contribute thirty-five (35) percent of the cost, currently estimated at $268,393.04, funded by the 1/4-cent Capital Improvement Sales Tax funds, which are already budgeted; and

WHEREAS, any cost overruns or cost underruns on new pavement will be shared between the MHTC and the City on a pro rata share of their investments.

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

Section 1 – City Council hereby authorizes the City Manager, or his designee, to enter into a Municipal and Cost Apportionment Agreement in substantial conformity with "Exhibit A" attached hereto and incorporated herein by reference.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-215

FILED: 08-16-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Municipal and Cost Apportionment Agreement ("Exhibit A") with the Missouri Highways and Transportation Commission ("MHTC"), to share costs associated with repaving on Battlefield Road near the US Route 65 interchange.

BACKGROUND INFORMATION: This Municipal and Cost Apportionment Agreement shares the estimated $766,837.26 total cost for engineering, utilities, and construction associated with the resurfacing of Battlefield Road. The City will contribute $268,393.04 (35 percent) of the total cost. The City's contribution will be funded from the 1/4-cent Capital Improvement Sales Tax from funds already budgeted for repaving.

Additionally, the proposed Agreement includes language that project cost overruns or cost underruns on the resurfacing project will be shared between MHTC and the City based on a pro rata share of their investments.

Supports the following City Council Priorities:

- Quality of place
- Public safety
- Economic vitality
- 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

EXHIBIT A

-CCO Form: DE63
Approved: 12/17 (BDG)
Revised: 12/21 (BDG)
Modified:

Municipal and Cost Apportionment Agreement
Route: 65
County: GREENE
Job No.: 8S3212
Agreement No. 2022-01-67695

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
MUNICIPAL AND COST APPORTIONMENT AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Missouri, a municipal corporation (hereinafter, "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 65, Greene County, Job No. 8S3212 shall consist of pavement resurfacing.

(2) IMPROVEMENT WITHIN CITY: The improvement within the City is located as follows:

Battlefield Road at the Route 65 interchange from 0.1 mile east of Moulder Avenue to 0.01 mile east of Ruskin Way.

(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. 8S3212. The parties' responsibilities with respect to the funding of said improvements are outlined further herein.

(6) PROJECT RESPONSIBILITIES: With regard to project responsibilities under this Agreement, the parties agree to contribute as follows:

(A) The Commission will be responsible for the preparation of detailed right-of-way and construction plans and project specifications. This includes design, letting of project, and inspection of project. The plans shall be prepared in accordance with and conform to Commission requirements.

(B) The Commission will be responsible for letting the work for the herein improvement, which includes advertising the project for bids and awarding the construction contract. The Commission will solicit bids for the herein improvement in accordance with plans developed by the Commission, or as the plans may from time to time be modified in order to carry out the work as contemplated.

(C) The Commission will be responsible for construction of the herein improvements, which includes administration of the construction contract and inspection of the project work. The project shall be constructed in accordance with and conform to Commission requirements.

(7) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to as follows:

(A) The estimated total cost of the project is seven hundred sixty-six thousand eight hundred thirty-seven dollars and twenty-six cents ($766,837.26). The project cost will include preliminary engineering, utilities, construction, and construction engineering. The details of the estimated costs breakdown are listed below and in "Exhibit B", which is attached and made part hereof.

(B) The City will be responsible for thirty-five percent (35%) of preliminary engineering and utilities, which are currently estimated at one hundred twenty-four thousand dollars ($124,000). Of this amount, the city's responsibility is forty-three thousand four hundred dollars ($43,400). The City will be responsible for thirty-five percent (35%) of the construction engineering and construction costs, which are currently estimated at six hundred forty-two thousand eight hundred thirty-seven dollars and twenty-six cents ($642,837.26). Of this amount, the city's responsiblity is two hundred twenty-four thousand nine hundred ninety-three dollars and four cents ($224,993.04). The current estimate of the City's total responsibility is two hundred sixty-eight thousand three hundred ninety-three dollars and four cents ($268,393.04). The details of the estimated cost breakdown are listed in "Exhibit B", which is attached hereto and made part hereof. The City shall remit a check in the amount of forty-three thousand four hundred dollars ($43,400) to cover its share of preliminary engineering and utility costs no later than August 31, 2022. The City shall remit a check in the amount of two hundred twenty-four thousand nine hundred ninety-three dollars and four cents ($224,993. 04) to cover its share of estimated construction engineering and construction costs no later than five (5) days prior to the Commission's advertisement of the project for bids. Each of the checks should be made payable to the *Missouri Highway and Transportation Commission – Local Fund*. If the City fails to make any of the required deposits, the Commission is under no obligation to continue with the project.

(C) The Commission will be responsible for sixty-five percent (65%) of preliminary engineering and utilities, which is currently estimated at one hundred twenty-four thousand dollars ($124,000). Of this amount, the Commission shall provide eighty thousand six hundred dollars ($80,600). The Commission will pay for sixty-five percent (65%) of the construction engineering and construction costs, currently estimated at six hundred forty-two thousand eight hundred thirty-seven dollars and twenty-six cents ($642,837.26). Of this amount, the Commission shall provide four hundred seventeen thousand eight hundred forty-four dollars and twenty-two cents ($417,844.22). The total amount the Commission shall provide is four hundred ninety-eight thousand four hundred forty-four dollars and twenty-two cents ($498,444.22).

(D) The City and Commission will share responsibility for the project Overruns and Underruns based on pro rata share of their investments.

(E) If, at the time of the letting, the lowest responsive bid is higher than the estimated construction and inspection cost amount, the City, upon written notification from the Commission shall remit a check in the amount of its share of the difference between the estimated amount and the lowest responsive bid no later than one (1) day prior to the date of the Commission meeting wherein the subject bid will be considered for award or a later date set by the Commission in its sole discretion. In the event the Commission, in its sole discretion, extends the day the City payment is due, it shall notify the City of the new due date in writing, which shall be binding immediately upon the City's receipt of the written notice. The check must be made payable to the *Missouri Highways and Transportation Commission – Credit Local Fund*. The Commission, in its sole discretion, reserves the right to take action at the said Commission meeting and either reject all bids if the City fails to make the payment by the due date, or award the contract to the lowest responsive bidder contingent upon receipt of the additional funds from the City by the extended due date. If the Commission makes a contingent award of the contract and the City fails to make the required deposit(s) by the extended due date, the contingency of the contract award by the Commission shall be deemed unsatisfied, the award of the contract shall be deemed null and void and the Commission shall be under no obligation to continue with the project.

(8) <u>COMMINGLING OF FUNDS</u>: The City agrees that all funds deposited by the City, pursuant to this Agreement with the Commission, may be commingled by the Commission with other similar monies deposited from other sources. Any deposit may be invested at the discretion of the Commission in such investments allowed by its Investment Policy. All interest monies shall be payable to the *Local Fund* and credited to the project. If the amount deposited plus any applicable credited interest with the Commission shall be less than the actual obligation of the City for this project, the City, upon written notification by the Commission, shall tender the necessary monies to the Commission to completely satisfy its obligation. Upon completion of the project, any excess funds or interest credited to the City shall be refunded to the City based on its pro rata share of the investment.

(9) CONCURRENCE WITH AWARD: Once the Commission has let the project and the City had been notified of the amounts bid on the project, the City will have five (5) calendar days to reject or recommend award of the bid. If the City does not respond within five (5) calendar days, the City shall be deemed to have automatically concurred in a Commission decision to award the construction contract. If the Commission has solicited bids twice or more, and these lettings have not resulted in award, the Commission may terminate this Agreement to void all contractual obligations without being in breach hereof, and the City's deposited funds shall be refunded for the discontinued project.

(10) 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.

(11) 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.

(12) 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 any necessary right-of-way required for the construction of the improvement.

(13) 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.

(14) <u>LIGHTING</u>

(A) The installation, operation, and maintenance by the Commission of any lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect at the time of any such installation and only to the extent the Commission then deems warranted. No street lighting system shall be installed or maintained by or for the City on the improvement without approval of the Commission.

(B) The Commission will, at its cost and expense, install, operate, and maintain basic highway intersection or interchange lighting at warranted locations on the improvement. The construction, installation, and maintenance of any other or further lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect, and to the extent deemed warranted by the Commission, at the time of any such installation. No lighting system shall be installed or maintained by the City on the improvement without approval of the Commission.

(15) 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.

(16) 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.

(17) 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.

(18) 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.

(19) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the

Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of sidewalks whether new or used in place which are not within the Commission's right of way, 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.

(20) 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.

(21) 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 (20) 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.

(22) 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.

(23) 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.

(24) 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.

(25) 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.

(26) 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.

(27) 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.

(28) 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.

(29) 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.

(30) 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.

(31) 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:
City of Springfield
City Manager
Jason Gage
840 Boonville Ave
4th Floor
Springfield, MO 65802
(417) 864-1006

(B) To the Commission:
Southwest District Engineer
Steven Campbell
3025 East Kearney Street
Springfield, MO 65803

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.

(32) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(33) 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.

(34) 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.

(35) 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.

(36) 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.

(37) 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.

(38) AUDIT OF RECORDS: The City must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(39) COMMISSION RIGHT OF WAY: All improvements made within the state-owned right-of-way shall become the Commission's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Commission, except as otherwise provided by this Agreement or a separate written agreement.

(40) NO INTEREST: By contributing to the cost of this project or improvement, the City gains no interest in the constructed roadway or improvements on Commission right of way whatsoever. The Commission shall not be obligated to keep the constructed improvements or roadway in place if the Commission, in its sole discretion, determines removal or modification of the roadway or improvements, is in the best interests of the state highway system. In the event the Commission decides to remove the landscaping, roadway, or improvements, the City shall not be entitled to a refund of the funds contributed by the City pursuant to this Agreement.

(41) ADDITIONAL FUNDING: In the event the Commission obtains additional federal, state, local, private or other funds to construct the improvement being constructed pursuant to this Agreement that are not obligated at the time of execution of this Agreement, the Commission, in its sole discretion, may consider any request by the City for an off-set for the deposited funds, a reduction in obligation, or a return of, a refund of,

or a release of any funds deposited by the City with the Commission pursuant to this Agreement. In the event the Commission agrees to grant the City's request for a refund, the Commission, in its sole discretion, shall determine the amount and the timing of the refund. Any and all changes in the parties' financial responsibilities resulting from the Commission's determination of the City's request for a refund pursuant to this provision must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the City and the Commission.

(42) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(43) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(44) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(45) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the City with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the City.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City on _____.

Executed by the Commission on_____.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

_____
Chief Engineer

ATTEST:

_____
Secretary to the Commission

APPROVED AS TO FORM:

_____
Commission Counsel

CITY OF SPRINGFIELD

_____
Deputy City Manager

ATTEST:

_____
City Clerk

_____
Director of Finance

_____
Contract Paralegal

APPROVED AS TO FORM:

_____
Assistant City Attorney

Ordinance Number_____

EXHIBIT A

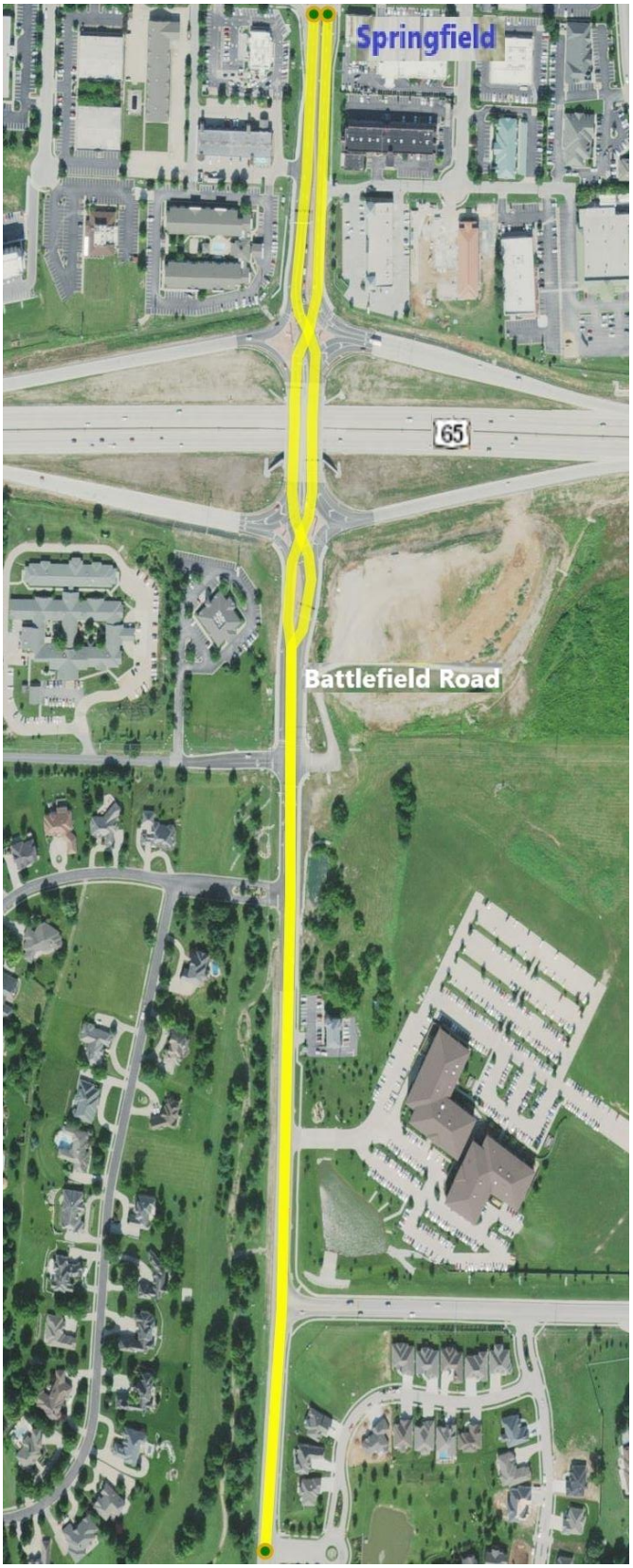


Exhibit B

Project Name: Battlefield Road
MoDOT Project Number: 8S3212
Description: Pavement resurfacing at Rte. 65 in Springfield.
Total Project Cost Estimate: $766,837.26
Local Entity: City of Springfield

	Current Estimate	Cost Participation Eligible	City of Springfield Financial Share	MoDOT Financial Share
Preliminary Engineering	**$114,000**	$114,000	35%	65%
Utilities	**$10,000**	$10,000	35%	65%
Construction	**$528,837.26**	$528,837.26	35%	65%
Construction Engineering	**$114,000**	$114,000	35%	65%
Total	**$766,837.26**	$766,837.26		

Project Responsibilities:

Design	MoDOT
Right of Way Acquisition	MoDOT
Letting	MoDOT
Construction Engineering	MoDOT

Financial Responsibilities:

MoDOT SW District Funds	$498,444.22	
City	$268,393.04	
Total:	$766,837.26	

How are overruns and underruns handled?
The City and Commission will share responsibility for the project Overruns and Underruns based on pro rata share of their investments.

One-rdg. _____
P. Hrngs. _____
Pgs. 19
Filed: 08-16-22

Sponsored by: McGull

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 216 SPECIAL ORDINANCE _____

AN ORDINANCE

APPROVING Olsson as the consultant to provide professional services for improvements at City's Cooper Park and Sports Complex (also known as Cooper Soccer Complex), in the amount of $915,660, as an approved project for use of American Rescue Plan Act Funds received by City; and authorizing the Park Board Chair, or their designee, to enter into a contract with Olsson for these purposes.

WHEREAS, the City of Springfield, Missouri, by and through the Springfield-Greene County Park Board ("City"), desires to complete various improvements at its Cooper Park and Sports Complex (collectively referred to as "Cooper Soccer Complex Project"); and

WHEREAS, request for qualifications were advertised September 1, 2021, with qualification submittals due back by September 29, 2021, for development of plans, specifications and construction documents for improvements at City's Cooper Soccer Complex. Six submittals were received, five deemed responsive and, following an evaluation, three firms were interviewed on or about October 29, 2021, with Olsson receiving the highest ratings by the interview team. A request for proposal of construction-related services was then made to Olsson and was provided to City on or about February 7, 2022; and

WHEREAS, on July 25, 2022, City Council approved this Project for use of a portion of the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act (ARPA) of 2021.

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

Section 1 – City Council hereby approves retaining Olsson as the consultant to provide professional consulting services for various improvements at City's Cooper Soccer Complex, at the price and sum of $915,660, except as said sum may be lawfully increased or decreased by the actual quantities of work units involved.

Section 2 – The Park Board Chair, or their designee, is hereby authorized to enter into a contract with Olsson for such work, said contract to be in substantially similar form to the document attached hereto and incorporated herein by reference as "Exhibit 1," and in accordance with the terms of the proposal, plans, and specifications.

Section 3 – City Council approved this Project for use of a portion of the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act ("ARPA") of 2021, on July 25, 2022.

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

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-216

FILED: 08-16-22

ORIGINATING DEPARTMENT: Parks

PURPOSE: To approve Olsson as the consultant to provide professional services for improvements at City's Cooper Park and Sports Complex (also known as Cooper Soccer Complex), in the amount of $915,660, as an approved project for use of ARPA Funds received by City; and authorizing the Park Board Chair, or their designee, to enter into a contract with Olsson for these purposes.

BACKGROUND INFORMATION: The City, by and through the Springfield-Greene County Park Board ("City") desires to complete a variety of improvements at its Cooper Soccer Complex, including but not limited to: new synthetic turf fields for Cooper Fields Numbered 2 and 3, Cooper North Soccer Fields 4, 5, 6, 7 and 8, replacement of existing synthetic turf on Cooper Field No. 1, stadium seating for up to 3,500, soccer complex survey and design services, construction documents for locker room facilities in conjunction with the existing press box, master planning for the concourse development located south of Cooper Field No. 2, and general master planning services for the Cooper Park and Sports Complex to research shared parking opportunities, traffic flow, adjacent neighborhood issues and park future needs (collectively referred to as "Project"), at the price and sum of $915,660, except as said sum may be lawfully increased or decreased by the actual quantities of work units involved. An aerial site map of the Cooper Soccer Complex is attached to this Explanation for review and reference.

This Project supports the following City Council Priorities:

- Economic Vitality,
- Quality of Place, and
- Fiscal Sustainability.

Request for qualifications were advertised September 1, 2021, with qualification submittals due back by September 29, 2021, for development of plans, specifications and construction documents for various improvements at City's Cooper Soccer Complex. A total of six submittals were received with five submittals deemed responsive. Following evaluation by Parks and Lake Country Soccer officials, three firms were interviewed on or about October 29, 2021, with Olsson receiving the highest ratings by the interview team. A request for proposal of construction-related services was then made to Olsson and was provided to City on or about February 7, 2022.

This Project will be funded using a portion of the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act (ARPA) of 2021, as approved by City Council on July 25, 2022, as part of Council Bill 2022-176.

REMARKS: The Park Board respectfully requests and recommends acceptance and approval of Olsson as the professional consultant for this Project, and for authority to

enter into the proposed contract with Olsson for the purposes of renovating City's Cooper Soccer Complex.

Submitted by:

Miles Park, Assistant Director of Parks

Recommended by:

Bob Belote, Director of Parks

Approved by:

Jason Gage, City Manager

EXHIBIT 1

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) PROFESSIONAL CONSULTANT	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	

CITY		PROFESSIONAL CONSULTANT/ENGINEER	
SPRINGFIELD-GREENE COUNTY PARK BOARD 1923 N. WELLER AVENUE SPRINGFIELD, MO 65803		Name: **Olsson** Address: **550 E. St. Louis Street, Springfield, MO 65806**	
Attention: **Miles Park**		Attention: **Ricky Haase, P.E.**	
Department: **Springfield-Greene County Park Board**		Phone: **(417) 890-8802**	Fax:
Phone: **(417) 864-1049**	Fax:		

AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES

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

WITNESSETH:

THAT, WHEREAS, the City of Springfield, Missouri, by and through the Springfield-Greene County Park Board ("City" hereinafter) desires to engage the Professional Consultant/Engineer ("Engineer" hereinafter) to render certain technical and professional services hereafter described in connection with a project known as **Cooper Soccer Complex Facility / Lake Country Soccer Additions & Improvements**, and more particularly described in ***Exhibit A***;

WHEREAS, the Engineer made certain representations and statements to the City with respect to the provision of such services and the City has accepted said proposal; and

WHEREAS, the Engineer represents Engineer is licensed by the Missouri Board for Architects, Professional Engineers, and Land Surveyors to perform the services designated under this contract, and further represents that all survey services shall be done under the direction of a Land Surveyor licensed by the Missouri Board for Architects, Professional Engineers, and Land Surveyors;

NOW, THEREFORE, for the considerations herein expressed, it is agreed by and between the City and the Engineer as follows:

1. **Services**. The City agrees to engage the services of the Engineer and the Engineer agrees to perform the services hereinafter set forth in connection with projects described in ***Exhibit A***.

2. **Addition to Services**. The City may add to the Engineer services or delete therefrom activities of a similar nature to those set forth in ***Exhibit A***, provided that the total cost of such work does not exceed the total cost allowance as specified in Paragraph 6 hereof. The Engineer shall undertake such changed activities only upon the direction of the City. All such directives and changes shall be in written form and prepared and approved by the office of the City Manager and shall be accepted and countersigned by the Engineer.

3. **Exchange of Data**. All information, data, and reports as are in the City's possession and necessary for the carrying out of the work, shall be furnished to the Engineer without charge, and the parties shall cooperate with each other in every way possible in carrying out the scope of services.

4. **Personnel**. The Engineer represents that Engineer will secure at Engineer's own expense, all personnel required to perform the services called for under this contract by Engineer. Such personnel shall not be employees of or have any contractual relationship with the City except as employees of the Engineer. All of the services required hereunder will be performed by the Engineer or under Engineer's direct supervision and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services. None of the work or services covered by this contract shall be subcontracted without the written approval of the City.

5. **Term**. The services of the Engineer shall commence as soon as practicable after the execution of this contract, unless otherwise directed in writing, and shall be undertaken and completed in such sequence as to assure their expeditious completion in the light of the purposes of the contract, but in any event, all of the services required hereunder shall be completed as set forth in the schedule for the project which is attached hereto as ***Exhibit A***.

6. **Costs not to Exceed**. The City of Springfield is limited by law with respect to the amount of money it can pay. Therefore, the City has established a fixed sum for this contract, which cannot be exceeded unless this contract is amended. The Engineer providing services hereunder shall be required to keep track of the amount of hours billable under this contract at all times; and any work in excess of the fixed sum shall not be eligible for payment. The Engineer shall notify the City if Engineer anticipates that the contract amount may be exceeded, in order to determine whether or not the City is prepared to increase the total compensation. The Engineer shall establish a billing system showing the amount of money remaining on the contract, which shall be shown in each monthly billing.

7. **Payment**.

a. **Conditioned upon acceptable performance**. The City agrees to pay the Engineer in accordance with the terms set forth in ***Exhibit A***, which shall constitute complete compensation for all services to be rendered under this contract; provided, that where payments are to be made periodically to Engineer for services rendered under this contract, the City expressly reserves the right to disapprove in whole or in part a request for payment where the services rendered during the period for which payment is claimed are not performed in a timely and satisfactory manner in accordance with the schedule and description of services set forth in ***Exhibit A***.

b. **Total compensation not to exceed**. It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Engineer under the terms of this contract exceed the sum of **Nine Hundred Fifteen Thousand Six Hundred Sixty Dollars** (**$915,660.00**).

8. **Termination of Contract.**

a. Termination for breach. Failure of the Engineer to fulfill Engineer's obligations under this contract in a timely and satisfactory manner in accordance with the schedule and description of services set forth in ***Exhibit A*** shall constitute a breach of the contract, and the City shall thereupon have the right to immediately terminate the contract. The City shall give written notice of termination to the Engineer by one of three different means: Facsimile Transmission ("FAX") if Engineer has a FAX number; U.S. Postal Service Mails; or by hand delivering a copy of the same to the Engineer; or may give notice by any combination of the above methods. The date of termination shall be the date upon which notice of termination is hand delivered to Engineer or given by FAX, or the third day following mailing of the notice of termination, whichever first occurs. In the event of termination for breach, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the Engineer under this contract shall at the option of the City become its property, and the Engineer shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials; provided, that the Engineer shall not be relieved of liability to the City for damages sustained by the City by virtue of any such breach of the contract by the Engineer.

b. Right to terminate in the absence of breach. Either party may terminate this contract for any reason, by serving notice of intent to terminate upon the other party by the means specified in paragraph A of this section. Such notice shall specify the date of termination, but in no event shall either party terminate the contract under this provision upon less than thirty (30) days' notice to the other party; provided, that the parties may mutually agree to waive the thirty (30) day requirement and to shorten the time for notice of termination. In the event of termination in the absence of breach, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the Engineer under this contract shall at the option of the City become its property, and the Engineer shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

9. **Conflicts**. No salaried officer or employee of the City, and no member of the City Council shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void. Any federal regulations, and applicable provisions in Section 105.450 et seq. RSMo. shall not be violated. Engineer covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this contract. The Engineer further covenants that in the performance of this contract no person having such interest shall be employed.

10. **Assignment**. The Engineer 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 Engineer 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. 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, though City will attempt to so notify any such assignee.

11. **Confidentiality of Documents**. Any reports, data, design or similar information given to or prepared or assembled by the Engineer under this contract which the City requests to be kept as confidential shall not be made available to any individual or organization by the Engineer without prior written approval of the City.

12. **Non-Discrimination.** The Engineer 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 Engineer 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.

13. **Occupational License**: The Engineer 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 Engineer. No contract will be executed by the City until this occupational license has been obtained and that the Engineer is current on any City taxes is verified.

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

15. **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 Engineer is associated with a business entity, Engineer 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, Engineer must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

16. 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.

17. **Nonresident/Foreign Contractors**. The Engineer shall procure and maintain during the life of this contract:

a. If the Engineer 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 351.572 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.

18. **General Independent Contractor Clause**. This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that the Engineer 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 Engineer will retain sole and absolute discretion in the judgment of the manner and means of carrying out the Engineer's activities and responsibilities hereunder. The Engineer 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 Engineer and the City, and the City will not be liable for any obligation incurred by the Engineer, including but not limited to unpaid minimum wages and/or overtime premiums.

19. **City Benefits**. The Engineer shall not be entitled to any of the benefits established for the employees of the City nor be covered by the Worker's Compensation Program of the City.

20. **Liability and Indemnity**. The parties mutually agree to the following:

a. The Engineer shall defend, indemnify, and hold the City harmless from and against all damages, losses, liabilities, expenses, and costs with respect to all claims, including, but not limited to, claims for personal injuries, wrongful death, and damages to property, which may be asserted against the City by any person or entity as the result of Engineer's (or any of Engineer's subcontractors) violation of statutory law, misrepresentation, copyright infringement, breach of contract, professional negligence, or ordinary negligence in the course of the performance of this contract, provided that the Engineer is not obligated to indemnify or hold harmless the City from the City's own negligence or wrong doing.

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

c. In no event shall the City be liable to the Engineer 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.

21. **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.

22. **Insurance**. Without limiting any of the other obligations or liabilities of the Engineer, the Engineer shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Springfield, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Springfield against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield. Regardless of such approval, it shall be the responsibility of the Engineer to maintain adequate insurance coverage at all times during the term of the Contract. Failure of the Engineer to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability under the Contract Documents.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City at the time that this contract is signed by the Engineer. All insurance policies shall provide thirty (30) days written notice to be given by the insurance company in question prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

Springfield-Greene County Park Board, 1923 N Weller Avenue, Springfield, MO 65803

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 Contractual Liability and Independent Contractors Liability. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Three Million and 00/100 Dollars ($3,000,000) for all claims arising out of a single accident or occurrence. Engineer 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 Engineer, its employees, officers or agents. Engineer agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory.

c. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Three Million and 00/100 Dollars ($3,000,000) for all claims arising out of a single accident or occurrence. Engineer agrees to cause its insurer to name City as an additional insured on such insurance policy.

d. Errors and Omissions Insurance. The Engineer shall maintain a professional liability insurance policy in the amount of $1,000,000.00 and its terms shall be subject to the approval of the City. This policy shall remain in full force and effect for a period of one year after completion and acceptance by the City of the construction of the project. If insurance is written on a claims-made basis, vendor must maintain continuous coverage with a retro-active date prior to the effective date of the contract.

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

f. Notice. The Engineer 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 Engineer, upon 10 days written notice, to execute a contract addendum whereby the Engineer agrees to provide, at a price not exceeding Engineer'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.

23. **Ownership of Documents.** All files and information will be submitted before or upon final approval and acceptance of the contract documents. All documents, including original drawings, calculations, computer runs, field notes, drawings, estimates, specifications, written design criteria and written reports are and remain the property of the Engineer until such time as this Agreement is, for any reason, terminated, at which time they become the property of the City. The Engineer shall furnish to the City, one set of reproducible record Mylars of drawings, AutoCAD files and copies of estimates, specifications, written reports, and written design criteria, in consideration of which the City will use them fully in connection with the project and will not sell them.

24. **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 Engineer at the addresses shown above. The date of delivery of any notice given by mail shall be the date

falling on the third 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.

25. **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 litigated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

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

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

CITY OF SPRINGFIELD, MISSOURI, BY AND THROUGH THE SPRINGFIELD-GREENE COUNTY PARK BOARD/CITY

By: _____
Director or Assistant Director of Parks
Date: _____

By: _____
Chair or Vice-Chair of Park Board
Date: _____

PROFESSIONAL CONSULTANT/ENGINEER

By: _____
Print Name: _____
Print Title: _____
Date: _____
If Engineer is a Disadvantaged Business Enterprise (DBE), please indicate classification
Minority Owned c Women Owned c Veteran Owned c

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.

By: _____
Director or Acting Director of Finance

APPROVED AS TO FORM BY: _____, City Attorney or Assistant City Attorney

CERTIFICATION REGARDING POTENTIAL CONFLICTS OF INTEREST

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

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

Vendor certifies that (check all that apply):

1. ____ No City Council member, City employee, or City board or commission member is an employee, officer, partner, owner, etc., of vendor.

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

3. ____ A City Council member or spouse <u>is</u> an employee, officer, partner, owner, etc., of vendor.

4. ____ A City employee or spouse <u>is</u> an employee, officer, partner, owner, etc., of vendor.

5. ____ A City board/commission member or spouse <u>is</u> an employee, officer, partner, owner, etc., of vendor.

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

Vendor Certification:

I certify the information above is true and accurate.

_____

By: _____

Title: _____

Company: _____

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

Exhibit A to Contract **Scope of Work**	
Name of Consultant	Olsson

Scope of Work (Job Description)	a) Weekly progress report
	• These services will be provided.
	
	b) Survey, Geotechnical, and Environmental Services
	• Survey assumptions
	  ○ Olsson will perform and prepare a Boundary & Topographic Survey of the subject property generally located at 2501 E. Pythian St. (Parcel ID's 1217101017, 1216202031, 1216202010), in the City of Springfield, Greene County, Missouri. The Boundary survey data shall depict easements of record as shown on a current Title Search. The Topographic Survey area will include the subject property area, as generally shown in the attached exhibit. The Topographic Survey will depict contours at a 1' vertical interval, all physical improvements including buildings, driveways, fencing, vegetation, and visible utilities, as well as underground utilities as located by Missouri One-Call system and as indicated in Section 4b Items i through xiii per the 2022-01-18-Cooper-Request for Proposal (as revised per Olsson Survey assumptions). Survey will be tied vertically to the NAVD 1988 Vertical Datum and horizontally to the Missouri State Plane Coordinate System NAD 83–Central Zone-US Survey foot.
	  ○ Utility location and mapping is for horizontal location of above ground and underground utilities only. Utility depths will not be obtained or indicated on the topographic survey. Survey of utilities will be based on tracing and marking by One Call and / or a private utility locater. The client understands and acknowledges that utility mapping is not exact and it is possible that not all utility lines will be located. Olsson is not responsible for miss-marked or unmarked utilities.
	  ○ Topographic survey of the existing eastern baseball diamonds is excluded. Olsson shall survey fence perimeter only.
	  ○ Topographic survey of existing tennis stadium is excluded. Olsson shall the existing walk around the high side of the stadium only.
	  ○ Topographic survey of existing tennis courts is excluded. Olsson shall survey fence perimeter only.
	  ○ Topographic survey of existing mechanical enclosures at the existing Cooper Tennis Complex is excluded. Olsson shall survey the enclosure perimeter only.
	  ○ Item vii and viii: Olsson to show utility diameter per utility provider maps. Private utility locates and potholing is excluded from this proposal.
	  ○ Item ix: Whether secondary feeders are required to be above ground or underground will be determined during the design process. No information will be provided on the survey regarding these utility provider requirements. Existing primary and secondary voltages and phase characteristics will be determined during the design phase. No information will be provided on the survey regarding this utility provider information.

- Item x: A description of the mount and light type will be provided during design as needed. No information will be provided on the survey regarding this information.
- ALTA survey is excluded at this time.
- Construction staking is excluded at this time.
- It is assumed that ownership has the ability to locate and mark existing private utilities for our surveys to located while on site.

- Geotechnical assumptions
  - We propose to use a truck-mounted drill rig to complete the following soil test borings for the geotechnical exploration:
    - Four (4) soil test borings in the building and bleacher areas to a depth of 10 to 15 feet each;
    - Five (5) soil test borings in the pavement areas to a depth of 10 feet each;
    - One (1) bulk sample.
  - As soil conditions dictate, laboratory testing may include visual soil classification, moisture content tests, Atterberg limit tests, sieve analyses, and Standard Proctor tests.
  - Olsson will provide Engineering Analysis and prepare a report to provide conclusions and recommendations on the follow:
    - Maximum allowable soil bearing pressures and estimates of maximum total and differential settlement for design of shallow foundations. Shallow foundation recommendations will include minimum footing sizes and the required frost depth or other minimum bearing depth. Remedial measures, such as over-excavation, surcharge, or ground improvement, will also be addressed, if needed.
    - Lift thickness, moisture control, and compaction criteria for backfill and structural fill. OSHA standards for soil excavation criteria will be included or referenced.
    - Seismic soil site classification per ASCE 7 and IBC.
    - Anticipated groundwater concerns, along with recommendations for addressing these concerns during construction, if required.
    - Shrink/swell characteristics of the on-site soils and the potential for reuse of on-site soils as structural fill.
    - Preparation of subgrade soils supporting concrete floor slabs, including an estimate of the modulus of subgrade reaction based on laboratory test results.
    - Foundation and slab-on-grade drainage requirements.
    - Recommendations for turf subgrade preparation.
- Per email coordination with Jeff Smith, Olsson assumes Environmental Services and Reporting are not needed at this time. If it is determined these services are needed at a later date, a contract amendment shall be negotiated.

c) Master Planning Phase

- Olsson has assumed 1 full day of charrette meetings to facilitate the master planning process. Olsson has assumed three individuals in attendance.
- Olsson has assumed a weekly design team call will occur for a period of one month following the Notice to Proceed (NTP) of the Project. Olsson has assumed two individuals in attendance on these calls.
- Olsson understands that public input and input from the city beyond the Park Board will not be required.
- Olsson will provide the following exhibits.

- Concepts from studio and stakeholder charrette sessions
- Curated concept(s) from studio and stakeholder charrette sessions
- Preferred Consensus Masterplan
- Magnitude Opinion of Cost of overall project – high level
- Project priorities established after estimate with direction from the client to be used to proceed with schematic and project document phases. These priorities carried forward are assumed by Olsson to be in alignment with the $10 million project budget, assuming around $9 M for actual Construction costs.

- Olsson assumes no hard copies of any documents will be required through the Construction Document phase in addition to electronic copies.

d) Pre-Design, Consultation, and Evaluation Phase

- Olsson has prepared all design deliverables based on estimated available funds of $10 million. If additional funding is utilized, a contract amendment would be required if the client decides to add additional scope to the project with these funds.
- Olsson has assumed that the only final building design required for this project is the two locker room additions onto the existing press box. If any other buildings require final design after the master planning phase, a contract amendment will be required.
- Existing Bleacher relocation, including additional new bleacher seating sections on the west side of Field #1; Sapp Design Architects will provide full basic architectural services (SD, DD, CD, BN and CA) including ancillary MEP and Structural Engineering.
- Sapp Design Architects will provide master planning services for a potential indoor Pickleball facility. This will include working with the Owner to draft a facility program (space assessment, # courts, accessory support areas (e.g., restrooms w/locker space, office, storage, mechanical space, etc.). The facility program will be used to develop a conceptual floor plan, which will then be used to explore and determine the appropriate site position within the Cooper Complex, for inclusion in the master plan.
- Sapp Design Architects will provide master planning services for a potential Concessions/Restroom facility (south of Field #2). This will include working with the Owner to draft a facility program (space assessment, # restrooms, accessory support areas (e.g., office, storage, mechanical space, etc.). The facility program will be used to develop a conceptual floor plan, which will then be used to explore and determine the appropriate site position within the Cooper Complex, for inclusion in the master plan. Final Design services for a proposed new Concessions/Restroom facility (south of Field #2) are excluded from this proposal.
- Olsson understands this phase of exploration to be occurring simultaneously with the Master Planning Phase and Schematic Design Phase from a scheduling standpoint.
- Olsson agrees to perform the tasks listed and understands the prioritization of improvements in the RFP.
- Olsson will coordinate with utility providers and gather all necessary information to ascertain the requirements of the project.

e) Schematic Design Phase

- Olsson agrees to the requirements described in the RFP.
- Olsson will provide SD plans, a project narrative, and cost estimating information for review by the client.
- SD plans and narrative will include preliminary information related to site layout and architectural components.
- It is assumed that two detention alternatives will be evaluated to offset impacts of artificial turf and additional pavement.

- Olsson will amend these drawings only one time based on owner comments.
- Olsson has assumed a weekly design team call or virtual Teams/Zoom meeting will occur for a period of 6 weeks during the SD phase of the Project. Olsson has assumed two individuals in attendance on these calls.
- Sapp Design Architects will participate in the Owner/Olsson weekly calls or virtual Teams/Zoom meetings, in consultation with Olsson on an as-needed basis.
- Sapp Design Architects will prepare Schematic Design Documents for the Owner's approval. The document will consist of drawings and other documents including a preliminary building(s) plan, section and elevation. Sapp Design Architects will coordinate with MEP and Structural Engineering disciplines. Included in the Schematic Design documents will be preliminary MEP systems description and preliminary Structural system(s) description.
- Sapp Design Architects will provide Olsson/ or the Owner with an opinion of probable Cost of the Work (architectural, MEP and structural disciplines).
- Olsson shall complete 1 value engineer exercise as requested by the client.

f) Design Development Phase

- Olsson agrees to the requirements described in the RFP.
- Olsson will provide DD plans, a project narrative, and cost estimating information for review by the client.
- DD plans and narrative will include final information related to all aspects of the project required for construction.
- One detention alternative from schematic design phase will be carried forward into design development phase.
- Olsson will amend these drawings only one time based on owner comments.
- Olsson has assumed a weekly design team call or virtual Teams/Zoom meeting will occur for a period of 3 months during the DD phase of the Project. Olsson has assumed two individuals in attendance on these calls.
- Sapp Design Architects will participate in the Owner/Olsson weekly calls or virtual Teams/Zoom meetings, in consultation with Olsson on an as-needed basis.
- Sapp Design Architects will prepare Design Development Documents for the Owner's approval. The documents will illustrate and describe the development of the approved Schematic Design and consist of drawings and other documents including a preliminary building(s) plan, roof plan, building section(s) and elevations. Sapp Design Architects will coordinate with MEP and Structural Engineering disciplines. Included in the Design Development documents will be diagrammatic MEP systems layouts, description and other systems information and diagrammatic Structural framing and foundation system(s), diagrammatic roof framing plan and description.
- Sapp Design Architects will provide Olsson/ or the Owner with an opinion of probable Cost of the Work (architectural, MEP and structural disciplines).
- Olsson shall complete 1 value engineer exercise as requested by the client.

g) Construction Document Phase

- Olsson agrees to the requirements described in the RFP.
- Olsson will provide CD plans, a project narrative, and cost estimating information for review by the client.
- CD plans and narrative will include final design information related to site layout, utility routing, approximate storm sewer sizing, rough grading, pertinent sections/details, and architectural components.
- Stormwater Pollution Prevention Plan

- All application fees and security agreements to be provided by the Contractor. Olsson assumes SWPPP to be maintained, updated, and implemented by the Contractor.

- Olsson has assumed the Civil design will be packaged into one overall deliverable. While this package may adjust in scope, Olsson has generally assumed the following:
  - DP # 1 - Demolition, Mass Grading, Storm Water BMPs, Sediment and Erosion Control, Deep Utilities, and Trunk Storm Lines, all remaining Site Civil design, all MEP design, all structural design, and all architectural design.
- Olsson will amend these drawings only one time based on owner comments.
- Olsson has assumed a bi-weekly (every 2 weeks) design team call or virtual Teams/Zoom meeting will occur for a period of 3 months during the CD phase of the Project. Olsson has assumed two individuals in attendance on these calls.
- Sapp Design Architects will participate in the bi-weekly (every 2-weeks) E/A call or virtual Teams/Zoom meetings.
- Sapp Design Architects will prepare Construction Documents based on the Owner's approval of the Design Development Documents. The documents will illustrate and describe the development of the Design Development Documents and consist of drawings and specifications setting forth in detail the quality level and/or performance criteria of materials and systems and other requirements for the construction of the Work. Sapp Design Architects will coordinate with MEP and Structural Engineering disciplines and include drawings and specifications.

- The Owner and Architect acknowledge that, in order to perform the Work, the Contractor shall provide additional information, including Shop Drawings, Product Data, Samples and other similar submittals, which the Architect will review.
- Sapp Design Architects will provide Olsson/ or the Owner with an updated opinion of probable Cost of the Work (architectural, MEP and structural disciplines).
- Olsson shall complete 1 value engineer exercise as requested by the client.

h) Bidding and Permitting Phase

- Olsson agrees to the requirements described in the RFP.
- Olsson has assumed a weekly team call or virtual Teams/Zoom meeting will occur for a period of 6 weeks during the bidding phase of the Project. Olsson has assumed two individuals in attendance on these calls.
- Olsson assumes an advisory role is needed only. Client will issue all plans and documents to bidders and coordinate the bidding process with contractors.
- Sapp Design Architects will participate in the Owner/Olsson weekly calls or virtual Teams/Zoom meetings, in consultation with Olsson on an as-needed basis.
- Sapp Design Architects and it's MEP and Structural consultants will prepare responses to questions from prospective bidders and provide clarifications and interpretations of the Bidding documents which have been prepared by Sapp Design Architects and/or it's consultants.

i) Construction Administration Phase

- Olsson agrees to the requirements described in the RFP.
- Site Visits shall be conducted every 2 weeks. Construction is assumed to last 26 weeks at this time. Olsson assume 2 hours per site visit with 1 attendee.
- Owner Architect Contractor (OAC) Conference Calls
  - Olsson has assumed OAC meetings and calls will be limited to bi-weekly (every two weeks) for the entire duration of construction.
  - Attendance at meetings in person will not be required unless coordinated with a site visit.

	○ Attendance via conf. call will be limited to two (2) Olsson staff members per bi-weekly (every two weeks) meeting during the project. A total of 13 meetings have been assumed. • Olsson has not included full-time onsite observation. Onsite observations will be completed as a part of the Site Visits discussed above. • Sapp Design Architects will participate in the OAC conference calls, in consultation with Olsson on an as-needed basis, but not less than one (1)/month. • Sapp Design Architects will conduct (1) site visit per month and will provide a written Architect's Field Observation report for each site visit. • Sapp Design Architects will participate in the initial "punch-list" walk-thru with the Owner, Contractor, Olsson and Architect, and one (1) additional "final punch-list" review. • Sapp Design Architects will advise and consult with Olsson and the Owner during the Construction Phase services (CA), relative to the performance of the Work and compliance with the construction documents (drawings and specifications) as it relates to the scope of work of the Architect and the associated MEP and Structural engineering. j) Post Construction Phase • Olsson agrees to the requirements described in the RFP. k) Extra Services • Olsson agrees with all extra services listed. • Olsson is proposing to add the following items to the list of additional services: ○ Olsson has excluded external or internal public improvements such as public roads, water, gas, sanitary sewer, or stormwater. If required, a contract amendment will be required. ○ Olsson has excluded Traffic Impact Studies. ○ Olsson has excluded rezoning services. If requested, Olsson shall invoice the Client hourly in accordance with the attached Rate Table. ○ Olsson has assumed that retaining walls may be required for the grading and construction of this site. If deemed required, top of wall elevations on any proposed retaining walls will be provided, but actual wall design and structural wall design shall be provided by the contractor in the form of shop drawings. Client acknowledges that Olsson is not responsible for the structural design of the walls and any reviews related to the shop drawings are solely related to the location and height of the walls with no review being provided and no liability incurred related to the structural design or global stability of the walls. • Olsson has excluded subdivision services. • Olsson has excluded Army Corps of Engineering Jurisdictional Water Determination will not be required. • Olsson has excluded Section 404 Permitting and Section 401 Water Quality Certification will not be required. • Olsson has excluded all design and reporting associated with LEED. • Olsson has excluded all permitting and/or application fees. • Olsson has excluded a post construction ALTA and a post construction topographic survey. • Olsson has excluded construction special inspections and testing at this time.
Start Date	**Upon notice to proceed meeting**
	Date / **Phase of Project To Be Completed**

Interim Deadlines (if applicable)		***(Phases may overlap)***
	19 days 45 days 50 days 65 days 70 days 30 days 204 days	Master Planning Data Collection (Survey, Geotechnical Evaluation) Schematic Design Design Development Final Design Permitting Bidding and Construction (estimated)
Final Completion Deadline	30 days after final completion of construction	
Reimbursable Expenses	☐ None x Automobile Travel, Lodging, Meals, Printing, Copying, Postage, Faxing, Miscellaneous Materials & Supplies Applicable to Project, Copies of Deeds, Easement or other Project Related Documents, Fees for Applications or Permits, Sub-Consultants, Taxes Levied on Services and Reimbursable Expenses	
Maximum Payment	$ 910,710.00	Maximum Payment for Services Rendered
	$ 4,950.00	Maximum Amount Of Expenses To Be Reimbursed
	$ 915,660.00	Total Maximum Amount To Be Paid To Consultant
Method of Payment	☐ Lump Sum Of Entire Amount Upon Satisfactory Completion of Project ☐ Monthly Payments Based On Rate of $_____ Per Hour x Incremental Payments As Follows: Monthly based upon percentage of completion.	
City Official To Approve Payment(s)	Miles Park	
Department Head's Signature	**Date**:	

COOPER PARK SPORTS COMPLEX

EXHIBIT A - OVERALL SITE AERIAL

JUNE 30, 2021

1" = 120'-0"

0' 60' 120' 240'

NORTH

The PARK
SPRINGFIELD-GREENE COUNTY PARK BOARD
Over 100 Years ~ Over 100 Parks

One rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 08-16-22

Sponsored by: Ollis

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022 - 217 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' relating to salary grades for various job titles within the City service as contained in the Professional, Administrative and Technical Schedule by making provision for three new job titles and deleting one job title; and amending the Fiscal Year 2022-2023 budget of certain City departments to transition five temporary positions to four regular part-time positions (each a .5 Full-Time Equivalent) and one regular full-time position (a 1.0 Full-Time Equivalent) and adjusting the authorized employee positions.

_____

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

(NOTE**: Bolded** language has been added and ~~stricken~~ language has been deleted.)

Section 1 – Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' relating to various salary grades for various job titles within the City service as contained in the Professional, Administrative and Technical ("PAT") Schedule is hereby amended by adding and deleting the following job title(s), with said changes to be effective September 11, 2022:

Proposed Job Title and Salary Grade
(Title to be Added)

Classification:	Salary Grade:
Parks Conservation Coordinator	**PAT-8**
Information Technology Security Analyst	**PAT-9**
Fleet Services Administrator	**PAT-11**

Present Job Title and Salary Grade
(Title to be Deleted)

Classification:	Salary Grade:
~~Fleet Administrator~~	~~PAT-11~~

Section 2 – The Fiscal Year 2022-23 budget of the City is hereby amended by changing the number of authorized job positions for the following departments by adding the listed regular part-time positions (each a .5 Full-Time Equivalent) and a regular full-time position (a 1.0 Full-Time Equivalent) to the departments effective September 11, 2022:

FTE	Job Title	Department
0.5	Airport Police Officer	Airport
1.0	Breastfeeding Peer Counselor	Health
0.5	Court Services Representative	Municipal Court
0.5	Court Specialist	Municipal Court
0.5	Parts and Inventory Clerk	Parks

Section 3 – This Ordinance shall be in full force and effect immediately after its passage by City Council.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-217

FILED: 08-16-22

ORIGINATING DEPARTMENT: Human Resources

PURPOSE: To amend the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' relating to salary grades for various job titles within the City service as contained in the Professional, Administrative and Technical Schedule by making provision for three new job titles and deleting one job title; and amending the Fiscal Year 2022-2023 budget of certain City departments, including Airport, Health, Municipal Court and Parks, to transition five temporary positions to four regular part-time positions (each a .5 Full-Time Equivalent) and one full-time position (a 1.0 Full-Time Equivalent) and adjusting the authorized employee positions.

BACKGROUND INFORMATION: This Council bill contains recommendations related to routine job title additions and one job title deletion due to department organizational changes, an updated job title, and completed job studies. New job title additions include Parks Conservation Coordinator, PAT-8; Information Technology Security Analyst, PAT-9; and Fleet Services Administrator, PAT-11. The recommended job title deletion is Fleet Administrator, PAT-11.

The four new regular part-time positions (each a .5 FTE) and one regular full-time position (a 1.0 FTE) are requested to replace five temporary positions where a long-term and ongoing need has been established with consistent approval and funding, with the most recent approval included in the Fiscal Year 2022-2023 budget.

As identified by Human Resources, in conjunction with the management of the respective departments, the temporary positions have been determined to be positions that provide ongoing, long-term City services and thus need to be transitioned to regular part-time and full-time FTEs. These positions align with City Council priorities as well as city policies and are associated with various City services and projects provided by the respective departments. The new four part-time positions (each a .5 FTE) and one new full-time position (a 1.0 FTE), transitioning from temporary status, include the following positions:

FTE	Job Title	Department
0.5	Airport Police Officer	Airport
1.0	Breastfeeding Peer Counselor	Health
0.5	Court Services Representative	Municipal Court
0.5	Court Specialist	Municipal Court
0.5	Parts and Inventory Clerk	Parks

BUDGET NOTE: Budget adjustments for the respective departments' regular part-time (.5 FTE) and regular full-time (1.0 FTE) requests are not necessary for any of the five

positions transitioning from temporary positions as funding exists in each of the respective departments' Fiscal Year 2022-2023 adopted budget. Existing funding will be reassigned to regular base salaries for the new part-time .5 FTE position(s) and the new regular full-time 1.0 FTE being requested.

REMARKS: The recommendations and explanations contained herein are consistent with Council's policies. All costs associated with this Council bill are part of the adopted Annual Operating Budget for Fiscal Year 2022-2023 with no new funds being requested.

It is respectfully requested that Council give consideration and approval to these changes.

Submitted by:

Darla Morrison,
Director of Human Resources

Approved by:

Jason Gage,
City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 8
Filed: 08-16-22

Sponsored by: Lear

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-218 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to enter into a Joint Funding Agreement For Water Resource Investigations with the United States Department of the Interior for the purpose of operating and maintaining four streamgages.

WHEREAS, the U.S. Geological Survey ("USGS"), which is part of the Department of the Interior, maintains over 11,000 streamgages across the country; and

WHEREAS, these gauges provide real-time, continuous data of water-surface elevation and stream flow; and

WHEREAS, this data is used when designing highways and bridges, mapping floodplains, issuing flood warnings due to major storm events, water-quality monitoring studies, watershed planning purposes, and for education and research; and

WHEREAS, the City has shared in the costs of at least three streamgages since 1998, with a fourth streamgage added in 2004; and

WHEREAS, the proposed Joint Funding Agreement would authorize the City and USGS to share in the cost of four streamgages located on Wilson's Creek at Scenic Avenue, Wilson's Creek at Farm Road 156, South Creek at Highway FF, and Pearson Creek at Farm Road 148, for a three-year period from October 1, 2022, to September 30, 2025; and

WHEREAS, the total three-year cost to operate and maintain these four streamgages is $182,400, with approximately fifty-two percent (52%) of the total cost, or $94,800, funded by the City of Springfield and already budgeted as part of the Fiscal Year 2022-2023 General Fund Budget for the Department of Public Works.

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

Section 1 – The City Manager, or his designee, is hereby authorized to enter into a Joint Funding Agreement For Water Resource Investigations with the U.S. Department of the Interior for the purpose of operating and maintaining four streamgages, with said Agreement to be in substantially similar form as that document attached hereto and incorporated herein by reference as "Exhibit A."

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-218

FILED: 08-16-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Joint Funding Agreement ("Exhibit A") with the United States Department of the Interior for the purpose of operating and maintaining four streamgages.

BACKGROUND INFORMATION: Streamgages are an important tool for various public entities when it comes to water resources. The United States Geological Survey ("USGS") operates and maintains over 11,000 streamgages across the country of which more than 280 are located in Missouri. Streamgages provide real-time, continuous data of gauge height (water-surface elevation) and stream flow, which is used when designing highways and bridges, mapping floodplains, issuing flood warnings during major storm events, water-quality monitoring studies, watershed planning purposes, and for education and research. The City of Springfield has shared in the cost of three streamgages since 1998. These streamgages are located on Wilsons Creek at Scenic Avenue, Wilsons Creek at Farm Road 156, and South Creek at Highway FF. A fourth streamgage was added in 2004 on Pearson Creek at Farm Road 148. The data from these four streamgages are also used by the National Weather Service to create river forecasts at each location during times of flooding.

The Joint Funding Agreement is for a three-year period from October 1, 2022, to September 30, 2025, to continue the operation and maintenance of these four streamgages. The total three-year cost for maintaining these four streamgages is $182,400 with $94,800 (approximately 52%) funded by the City of Springfield, $64,800 (approximately 35.5%) funded by USGS, and the remaining $22,800 (12.5%) funded by the Missouri Department of Transportation (specifically for the Pearson Creek gage). See Exhibit A for a breakdown of the annual costs. The Department of Public Works General Fund annual operating budget will fund the City's portion of the cost and no budget adjustment is needed.

Supports the following City Council Priorities:

- Public Safety

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

EXHIBIT A

United States Department of the Interior

U.S. GEOLOGICAL SURVEY
CENTRAL MIDWEST WATER SCIENCE CENTER

MISSOURI	ILLINOIS	IOWA
1400 Independence Rd. MS100	405 N. Goodwin Ave.	400 S. Clinton St. Rm 269
Rolla, MO 65401	Urbana, IL 61801	Iowa City, IA 52240

July 11, 2022

Chris Dunnaway
Principal Engineer
City of Springfield - Public Works
P.O. Box 8368
Springfield, MO 65802

Dear Mr. Dunnaway:

Attached is our standard joint-funding agreement for the operation and maintenance of four (4) streamgages; Wilson Creek at Scenic Drive; Wilson Creek at FR 156 near Springfield; South Creek near Springfield; and Pearson Creek near Springfield, for the period October 1, 2022 through September 30, 2025 in the amount of $94,800 from your agency. U.S. Geological Survey contributions for this agreement are $64,800 for a combined total of $159,600. Please sign and return a copy to Julie A. Asher via e-mail.

Federal law requires that we have a signed agreement before we start or continue work. Please return the signed agreement by **October 1, 2022**. If, for any reason, the agreement cannot be signed and returned by the date shown above, please contact me at (573) 308-3674 or email csbarks@usgs.gov to make alternative arrangements.

This is a fixed cost agreement to be billed quarterly via Down Payment Request (automated Form DI-1040). Please allow 30-days from the end of the billing period for issuance of the bill. If you experience any problems with your invoice(s), please contact Julie Asher at phone number (573) 308-3558 or email at jasher@usgs.gov.

The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Sincerely,

C. Shane Barks

C. Shane Barks
Deputy Director, Central Midwest WSC

Enclosure
23NEJFA212

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Customer #: 6000001460
Agreement #: 23NEJFA212
Project #: NE009KT
TIN #: 44-0553154

Fixed Cost Agreement YES[X] NO[ ]

THIS AGREEMENT is entered into as of the October 1, 2022, by the U.S. GEOLOGICAL SURVEY, Central Midwest Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the City of Springfield - Public Works party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation, the **operation and maintenance of four (4) streamgages; Wilson Creek at Scenic Drive; Wilson Creek at FR 156 near Springfield; South Creek near Springfield; and Pearson Creek near Springfield**, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of $0.00

(a) $64,800 by the party of the first part during the period October 1, 2022 to September 30, 2025

(b) $94,800 by the party of the second part during the period October 1, 2022 to September 30, 2025

(c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: $0

Description of the USGS regional/national program:

(d) Additional or reduced amounts by each party during the above period or succeeding periods as may be detemined by mutual agreement and set forth in an exchange of letters between the parties.

(e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (https://www.usgs.gov/about/organization/science-support/science-quality-and-integrity/fundamental-science-practices).

9. Billing for this agreement will be rendered **quarterly**. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

USGS Technical Point of Contact

Name:	C. Shane Barks Deputy Director for Networks
Address:	1400 Independence Road Rolla, MO 65401
Telephone:	(573) 308-3674
Fax:	(573) 308-3645
Email:	csbarks@usgs.gov

Customer Technical Point of Contact

Name:	Chris Dunnaway Principal Engineer
Address:	P.O. Box 8368 Springfield, MO 65802
Telephone:	(417) 864-1876
Fax:	(417) 864-1907
Email:	cdunnaway@springfieldmo.gov

USGS Billing Point of Contact

Name:	Julie Asher Administrative Officer
Address:	1400 Independence Road Rolla, MO 65401
Telephone:	(573) 308-3558
Fax:	(573) 308-3645
Email:	jasher@usgs.gov

Customer Billing Point of Contact

Name:	Chris Dunnaway Principal Engineer
Address:	P.O. Box 8368 Springfield, MO 65802
Telephone:	(417) 864-1876
Fax:	(417) 864-1907
Email:	cdunnaway@springfieldmo.gov

U.S. Geological Survey
United States
Department of Interior

Signature

By C. Shane Barks **Date:** 07/11/2022

Acting for: **Name:** Amy Beussink
Title: Director, Central Midwest WSC

City of Springfield - Public Works

Signatures

By_____ **Date:** _____
Name:
Title:

By_____ **Date:** _____
Name:
Title:

By_____ **Date:** _____
Name:
Title:

Springfield Department of Public Works - U. S. Geological Survey
Cooperative Streamgaging Program
October 1, 2022 - September 30, 2025

Station Number	Station Name	Cost			
		Springfield	USGS	MoDOT	Total
	Federal Fiscal Year 2023				
07050690	Pearson Creek near Springfield, MO	$7,400	$0	$7,400	$14,800
07052000	Wilson Creek at Scenic Drive in Springfield	$7,600	7,200	0	14,800
07052100	Wilson Creek at FR156 near Springfield	$7,600	7,200	0	14,800
07052120	South Creek at Highway FF near Springfield	$7,600	7,200	0	14,800
	Subtotal	$30,200	$21,600	$7,400	$59,200
	Federal Fiscal Year 2024				
07050690	Pearson Creek near Springfield, MO	$7,600	$0	$7,600	$15,200
07052000	Wilson Creek at Scenic Drive in Springfield	$8,000	7,200	0	15,200
07052100	Wilson Creek at FR156 near Springfield	$8,000	7,200	0	15,200
07052120	South Creek at Highway FF near Springfield	$8,000	7,200	0	15,200
	Subtotal	$31,600	$21,600	$7,600	$60,800
	Federal Fiscal Year 2025				
07050690	Pearson Creek near Springfield, MO	$7,800	$0	$7,800	$15,600
07052000	Wilson Creek at Scenic Drive in Springfield	$8,400	7,200	0	15,600
07052100	Wilson Creek at FR156 near Springfield	$8,400	7,200	0	15,600
07052120	South Creek at Highway FF near Springfield	$8,400	7,200	0	15,600
	Subtotal	$33,000	$21,600	$7,800	$62,400
	Total	**$94,800**	**$64,800**	**$22,800**	**$182,400**

One-rdg. X
P. Hrngs. _____
Pgs. 3
Filed: 08-16-22

Sponsored by: Horton

COUNCIL BILL 2022- 219 RESOLUTION _____

A RESOLUTION

CONFIRMING the appointment of Corie Godsy to the Commercial Street Community Improvement District Board of Directors. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

WHEREAS, on June 15, 2009, City Council passed Special Ordinance 25611 approving a petition requesting the formation of the Commercial Street Community Improvement District ("CID") and thereby establishing the same; and

WHEREAS, said petition established the qualifications and process for appointing members of the CID Board of Directors through appointment by the Mayor with confirmation by City Council; and

WHEREAS, there is presently a need to appoint one member to the Board of Directors; and

WHEREAS, the Mayor recommends the appointment of Corie Godsy to the Commercial Street Community Improvement District Board of Directors.

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

Section 1 – City Council hereby confirms the appointment of Corie Godsy to the Commercial Street Community Improvement District Board of Directors, with the term to expire on July 13, 2025.

Section 2 – This Resolution shall be in full force and effect immediately upon adoption.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022- 219

FILED: 08-16-22

ORIGINATING DEPARTMENT: Economic Vitality

PURPOSE: To confirm the appointment of Corie Godsy to the Commercial Street Community Improvement District Board of Directors. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Commercial Street Community Improvement District ("CID"), the City Council must confirm appointments to the CID Board of Directors. The CID Board of Directors recommends the following appointment to the Board:

Seat	Name	Qualification	Term	Notes
5	Corie Godsy	Representative of business and real property owner in District	7/13/2025	New appointment to serve remainder of unexpired term

REMARKS: Staff recommends approval.

Submitted by:

Matt D. Schaefer, AICP
Senior Planner

Recommended by:

Amanda Ohlensehlen, Director

Approved by:

Jason Gage, City Manager

One-rdg. X
P. Hrngs. _____
Pgs. 3
Filed 08-16-22

Sponsored by Hosmer

COUNCIL BILL 2022- 220 RESOLUTION _____

A RESOLUTION

CONFIRMING the appointment of Bill Weaver to the College Station Community Improvement District Board of Directors. (Staff recommends approval.)

WHEREAS, the petition establishing the College Station Community Improvement District ("CID"), adopted by passage of Special Ordinance 24924, establishes the qualifications and process for appointing members to the CID's Board; and

WHEREAS, said petition provides that CID Board members are appointed by the Mayor with the advice and consent of City Council; and

WHEREAS, the Mayor desires to appoint Bill Weaver to the College Station CID Board of Directors; and

WHEREAS, City Council desires to confirm said appointment made by the Mayor.

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

Section 1 – City Council hereby confirms the appointment of Bill Weaver to the College Station Community Improvement District Board of Directors, with his term to expire on February 21, 2026.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: Jill Burris, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022-220

FILED:08-16-22

ORIGINATING DEPARTMENT: Economic Vitality

PURPOSE: To confirm the reappointment of Bill Weaver to the College Station Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the College Station Community Improvement District (CID), the City Council must confirm appointees to the CID Board of Directors. The CID Board of Directors recommends the following individual be reappointed to the Board:

Seat	Name	Qualification	Term Expires	Notes
1	Bill Weaver	Representative of real property owner in District	2/21/2026	Reappointment

REMARKS: Staff recommends approval.

Submitted by:

Matt D. Schaefer, AICP
Senior City Planner

Recommended by:

Amanda Ohlensehlen, Director

Approved by:

Jason Gage, City Manager

One-rdg. X
P. Hrngs. _____
Pgs. 3
Filed 08-16-22

Sponsored by Lear

COUNCIL BILL 2022-221 RESOLUTION _____

A RESOLUTION

CONFIRMING the appointments of Nathan Wood and Collin Quigley to the Convention and Entertainment Community Improvement District Board of Directors. (Staff recommends approval.)

_____

WHEREAS, on October 15, 2001, City Council passed Special Ordinance 24100, approving a petition requesting the formation of the Convention and Entertainment Community Improvement District ("CID") and establishing the CID; and

WHEREAS, said Ordinance provides that the CID shall be governed by a five-member Board of Directors (the "Board"); and

WHEREAS, said petition established the qualifications of, and process for appointment of members to the CID Board through appointment by the Mayor with confirmation by City Council; and

WHEREAS, there is currently a need to appoint two members to the CID Board; and

WHEREAS, the Mayor of the City of Springfield, Missouri, has recommended the appointment of Nathan Wood and Collin Quigley to the CID Board.

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

Section 1 – City Council hereby confirms the appointments of Nathan Wood and Collin Quigley to the Convention and Entertainment Community Improvement District Board of Directors, with Mr. Wood's term to expire on October 15, 2023, and with Mr. Quigley's term to expire on October 15, 2025.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-221

FILED: 08-16-22

ORIGINATING DEPARTMENT: Economic Vitality

PURPOSE: To confirm the appointment of Nathan Wood and the reappointment of Collin Quigley to the Convention and Entertainment Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Convention and Entertainment Community Improvement District (CID), the City Council must confirm appointments to the CID Board of Directors. The CID Board of Directors recommends the following individuals be appointed to the Board:

Seat	Name	Qualification	Term Expires	Notes
2	Nathan Wood	Representative of real property owner in District	10/15/2023	New appointment to serve remainder of unexpired term
5	Collin Quigley	Representative of real property owner in District	10/15/2025	Reappointment

REMARKS: Staff recommends approval.

Submitted by:

Matt D. Schaefer, AICP
Senior City Planner

Recommended by:

Amanda Ohlensehlen, Director

Approved by:

Jason Gage, City Manager

One-rdg. X
P. Hrngs. _____
Pgs. 3
Filed: 08-16-22

Sponsored by: Ollis

COUNCIL BILL 2022- 222 RESOLUTION _____

A RESOLUTION

AUTHORIZING the City Manager or his designee, to apply for up to $30,000 in grant funds from Missouri Department of Natural Resources, Ozarks Headwaters Recycling and Materials Management District, to fund teacher professional development and classroom workshops featuring creative repurposing of recycled materials.

_____

WHEREAS, the Missouri Department of Natural Resources ("MDNR"), Ozarks Headwaters Recycling and Materials Management District ("OHRD"), is anticipated to put out a Notice of Funding Opportunity in 2022 to fund solid waste reduction activities including recycling, public education, and other programs; and

WHEREAS, OHRD supports efforts to increase recycling throughout Greene, Christian, Webster, Polk, and Dallas Counties; and

WHEREAS, OHRD funds grant proposals annually, and the City has previously received grant funding from OHRD in 2012, 2015, 2016, and 2019 to fund various projects resulting in over $70,000 in funding to support citizen recycling efforts; and

WHEREAS, the Department of Environmental Services seeks to utilize grant funds to support recycling outreach education programs for elementary students; and

WHEREAS, proposed OHRD projects are rigorously reviewed and evaluated by OHRD's grant review team, using criteria approved by MDNR, and are selected based on the impact of waste reduction and community engagement.

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

Section 1 – The City Manager, or his designee, is hereby authorized to apply for grant funding up to $30,000 through the Missouri Department of Natural Resources, Ozarks Headways Recycling and Materials Management District 2022 grant call, for the purpose of providing professional development for teachers and classroom workshops that emphasize waste reduction.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: _____, Deputy City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-222

FILED: 08-16-22

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To Authorize the City Manager, or his designee, to apply for up to $30,000 in grant funds from Missouri Department of Natural Resources Ozarks Headwaters Recycling and Materials Management District to fund teacher professional development and classroom workshops featuring creative repurposing of recycled materials.

BACKGROUND INFORMATION:

1. The Ozarks Headwaters Recycling and Materials Management District ("OHRD") is anticipated to put out a Notice of Funding Opportunity in 2022 to fund solid waste reduction activities including recycling, public education, and other programs.
2. The City has previously received over $70,000 in grant funding from OHRD and these funds have been used to further the mission of the Integrated Solid Waste Management System.
3. The Department of Environmental Services proposes to apply for grant funds with the next grant cycle for the purpose of providing professional development for teachers and classroom workshops with the goal of emphasizing waste reduction.

REMARKS: This Council Bill will authorize the City to apply for grant funds from the Missouri Department of Natural Resources Ozarks Headwaters Recycling and Materials Management District. If grant funds are awarded, a separate Council Bill will be submitted to formally accept and budget the grant funds. Environmental Services recommends approval and passage of this Council Bill.

Submitted by:

Erick Roberts
Superintendent of Solid Waste

Recommended by:

Errin Kemper, P.E.
Director of Environmental Services

Approved by:

Jason Gage
City Manager

One-rdg. X
P. Hrngs. _____
Pgs. 4
Filed: 08-16-22

Sponsored by: Hosmer

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 223 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to accept federal grant funds in the amount of $33,000 from a Section 402 State and Community Highway Safety Grant from the Missouri Highways and Transportation Commission to support SGF Yields; amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in that amount upon award of the grant; and declaring that this bill qualifies as a one-reading bill.

WHEREAS, the City's "SGF Yields" pedestrian safety education program has achieved high rates of driver compliance at crosswalks in Springfield and has received attention from other communities and states; and

WHEREAS, the City received grant funds in 2021 to develop a shareable version of "SGF Yields" called "SafeAcross" for use in other communities; and

WHEREAS, the Section 402 State and Community Highway Safety Grant from the Missouri Highways and Transportation Commission ("MHTC") would allow the Department of Public Works to continue to expand on the "SGF Yields" and "SafeAcross" programs by funding salaries for contracted or full-time staff persons, consulting services, and necessary purchases; and

WHEREAS, the City applied for the MHTC grant pursuant to City Code Section 2-11, with less than 60 days' notice of the application deadline, and was awarded $33,000.

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

Section 1 – The City Manager, or his designee, is authorized to accept a grant from the Missouri Highways and Transportation Commission in the amount of $33,000 to fund salaries for contracted or full-time staff persons, consulting services, and necessary purchases to support the "SGF Yields" and "SafeAcross" programs, and to

do all things necessary to receive and disburse such funds, including entering into a contract, provided the form of any such contract is approved by the City Attorney or her designee.

Section 2 – City Council hereby authorizes the amendment of the budget of the Department of Public Works for Fiscal Year 2022-2023 in the accounts and in the amounts shown on Budget Adjustment No. 012, upon the awarding of grant funds, said Budget Adjustment to be in the form of "Exhibit A," which is attached hereto and incorporated herein by this reference.

Section 3 – City Council hereby finds and declares this Ordinance relates to the acceptance of a grant from a state or federal agency and pursuant to Section 2.16(25) of the City Charter, this Ordinance may be passed in one reading. Therefore, this Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022- 223

FILED: 08-16-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or their designee, to accept federal funds through a Section 402 State and Community Highway Safety Grant in the amount of $33,000 from the Missouri Department of Transportation, without a matching funds requirement, to fund the salary for contracted or full-time staff persons and needed purchases to support the pedestrian safety campaign "SGF Yields" and its newly developed sharable version, "SafeAcross"; and amending the Fiscal Year 2022-2023 budget of the Department of Public Works, in the amount of $33,000, for the purpose of appropriating the federal grant funds

BACKGROUND INFORMATION: SGF Yields has achieved high rates of driver compliance at crosswalks in Springfield and has received attention from other communities and states. Last year, the Missouri Department of Transportation awarded $46,000 to the Department Public Works to create a sharable version of "SGF Yields" called "SafeAcross" making the program available to other communities.

This federal grant would allow Public Works to continue to expand on "SGF Yields'" efforts and the "SafeAcross" regional program by funding staff salaries, or consulting services for one year including needed purchases. Public Works may continue to apply for additional future grants, if necessary.

Supports the following City Council Priorities:

- Public Safety
- Quality of Place

REMARKS: With less than 60 days' notice of the application deadline from the Missouri Department of Transportation, staff was unable to obtain City Council's authorization to apply for this grant. However, in such circumstances the City Manager is authorized to make grant applications pursuant to City Code Section 2-11. Public Works recommends approval of this resolution and budget adjustment.

Submitted by:

Martin Gugel, Assistant Director of Public Works

Recommended by:

Dan Smith, Director of Public Works

Approved by:

Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
012

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	$ 33,000	U.S. Department of Transportation, National Highway Traffic Safety Administration federal grant funds through a Section 402 State & Community Highway Safety Grant from the Missouri Department of Transportation
Net Revenue Adjustment						$ 33,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	504580	000000	00000	$ 33,000	Expansion of "SGF Yields", the City's Pedestrian Safety Program, and "SafeAcross", a Shareable Regional Program of "SGF Yields"
Net Expenditure Adjustment						$ 33,000	

Fund Balance Appropriation:

Fund		Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating federal funds through the Missouri Department of Transportation, Section 402 State & Community Highway Safety Grant, in the amount of $33,000 for the expansion of "SGF Yields" and "SafeAcross" Pedestrian Safety Programs.

Requested By:

Dan Smith 08-16-2022
Department Head Date

Approved By:

08-16-2022
Director of Finance Date

Jason A. Gage 08-16-2022
City Manager Date

Authorization:

Council Bill No. 2022-223
Ordinance No.
1st Reading
2nd Reading
Journal Imp No.

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 08-02-22

Sponsored by: Simpson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-201 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Fountain Place, generally located at 1436 East Erie Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

WHEREAS, an original Preliminary Plat of Fountain Place, dated July 7, 2022, is on file with the City's Department of Planning and Development; and

WHEREAS, on July 14, 2022, the Planning and Zoning Commission of the City of Springfield, Missouri, conditionally approved the Preliminary Plat of Fountain Place, which is generally located at 1436 East Erie Street.

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

Section 1 – City Council hereby authorizes the Director of Planning and Development, on behalf of the City of Springfield, to accept the land, easements, and improvements dedicated to the City as shown on the Preliminary Plat of Fountain Place, which is generally located at 1436 East Erie Street, as approved by the Planning and Zoning Commission. The original plat of Fountain Place is on file in the Department of Planning and Development ("Approved Preliminary Plat"), a reduced version of which is attached hereto for general reference as "Exhibit B – Attachment 3." All of "Exhibit B," including attachments, is incorporated herein by this reference.

Section 2 – The Director of Planning and Development shall be authorized to accept the land, easements, and improvements dedicated to the City, as shown on said plat, upon the applicant filing and recording a final plat in accordance with this Ordinance and the Subdivision Regulations of the City, which final plat shall

substantially conform to the Approved Preliminary Plat, including those conditions described in “Exhibit B – Attachment 2,” and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of all conditions referenced herein and in “Exhibit B”.

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in “Exhibit B – Attachment 2,” the City Clerk is hereby authorized to endorse City Council’s approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 201

FILED: 08-02-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri as shown on the Preliminary Plat of Fountain Place, generally located at 1436 East Erie Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

A. An original Preliminary Plat of Fountain Place dated July 7, 2022, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Attachment 3.

B. The Planning and Zoning Commission held a public hearing on July 14th, 2022, and approved the Preliminary Plat by a vote of 5 to 0, subject to the following conditions:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice

and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Low-Density Housing and Medium or High-Density Housing. The plat subdivides the property in a way that promotes commercial and office development. Although not compatible with the land use plan, development trends in the area and the location of the property on the fringes of residential areas, makes this site appropriate for commercial or office development. The Major Throughfare Plan classifies South Fremont Avenue as a Secondary Arterial and East Erie Street as a Collector Street which supports the proposed land use.

REMARKS: Staff recommends approval.

Submitted by:

Jared Follin

Jared Follin, Associate Planner

Recommended by:

Susan Istenes, AICP Director

Approved by:

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Record of Proceedings
Exhibit B, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Conditions of Plat Approval
Attachment 3, Preliminary Plat

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – July 14, 2022

Preliminary Plat of Fountain Place Subdivision
1436 East Erie Street
Applicant: Venture Development Partnership

Mr. Follin states that this is a request to approve a preliminary plat for a 4-lot subdivision located at 1436 East Erie Street. The property is currently zoned PD 108 but is requesting zoning to PD 381 for Medium or High-Density Housing & Low-Density Housing. Transportation Plan classifies Erie Street as a Collector and Fremont Avenue as a Secondary Arterial. A Traffic Study is required and has been approved; sidewalk is already present along both street frontages and additional right-of-way will not be required to be dedicated. The property is not located in a FEMA designated floodplain. A stream buffer will be required. A fee in lieu of stormwater detention is not applicable as detention is already provided. Each proposed lot has access to public sewer and is in an existing sewer district. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened up the public hearing.

Mr. Jared Davis, 3213 S. West Bypass and here to answer any questions.

Ms. Broekhoven asked about 2 subdivisions not having access. Mr. Davis noted that they will have shared access.

Mr. Doennig closed the public hearing.

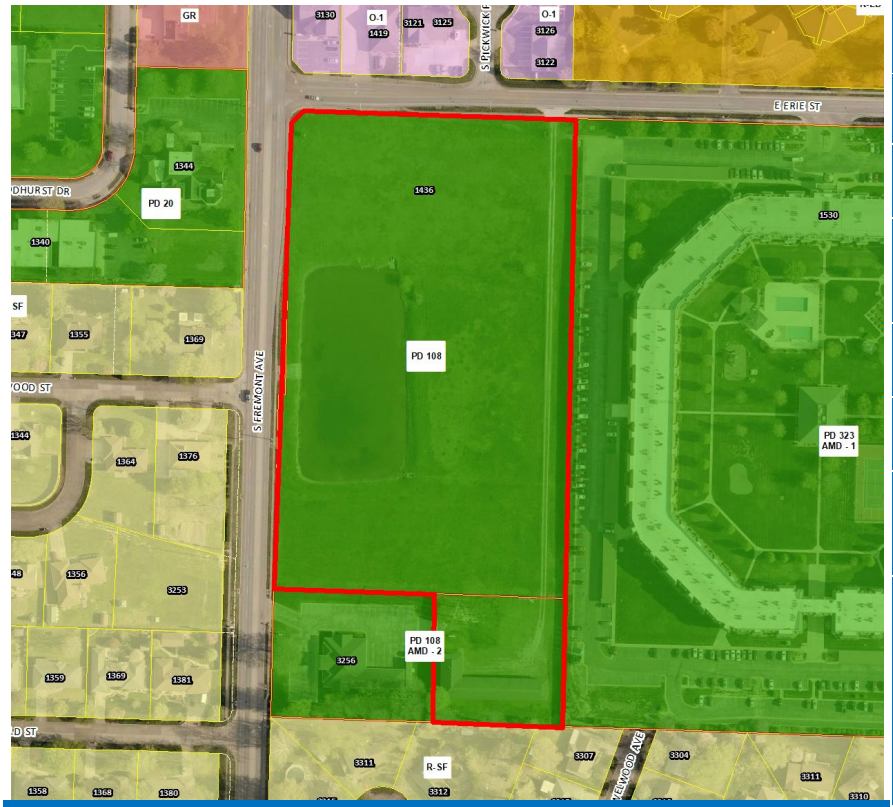
COMMISSION ACTION:
Mr. Jobe motioned to **approve** Preliminary Plat of Fountain Place Subdivision (1436 East Erie Street). Mr. Colony seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Bob Hosmer, AICP
Planning Manager

EXHIBIT B

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	JULY 14, 2022
CITY COUNCIL PUBLIC HEARING:	AUGUST 8, 2022



CASE: Preliminary Plat of Fountain Place

ACRES: 8.71 acres

LOCATION: 1436 East Erie Street

EXISTING LAND USE: Undeveloped Commercial, maintenance building

APPLICANT: Venture Development

STAFF: Jared Follin, Associate Planner 417-864-1612

STAFF RECOMMENDATIONS: Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a four-lot commercial subdivision named “Fountain Place” to facilitate commercial development.

FINDINGS FOR STAFF RECOMMENDATIONS:

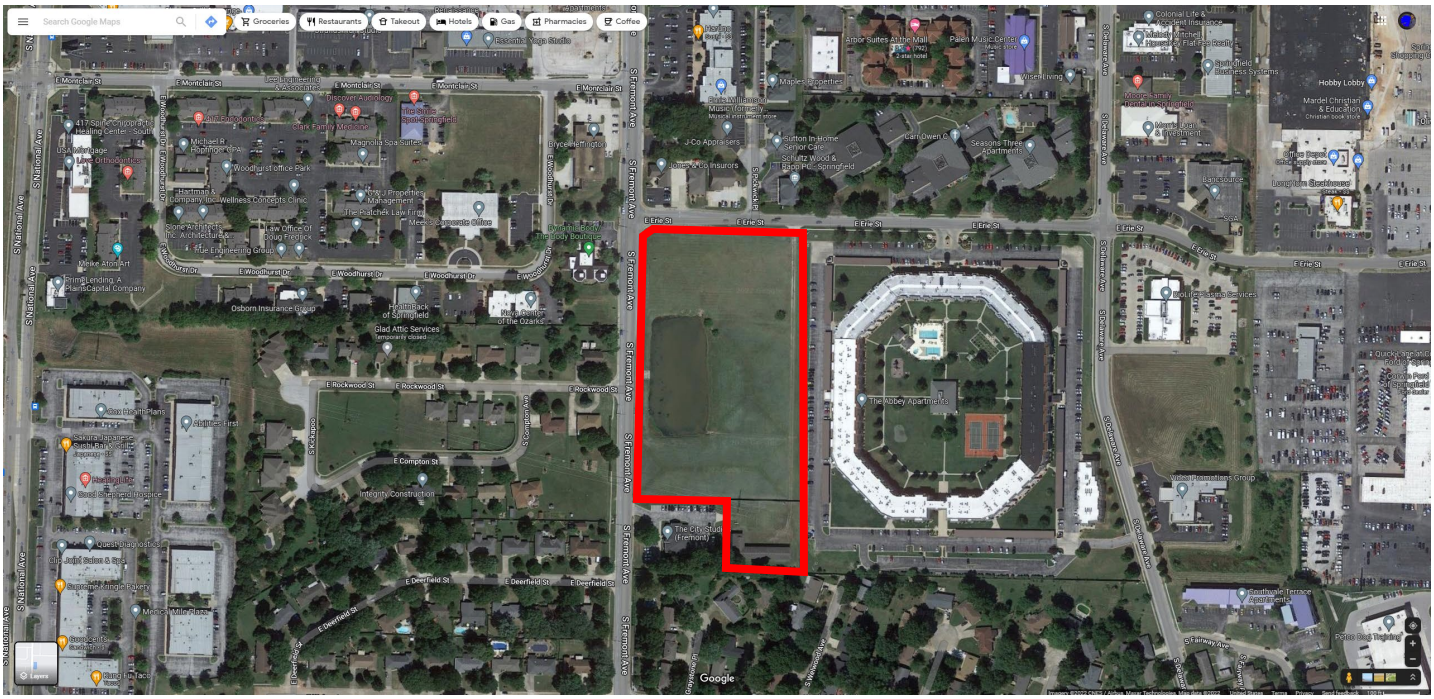
1. The applicant’s proposal, with the conditions listed in *Attachment 2*, is consistent with the City’s *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	O-1	R-SF	R-SF	R-SF
LAND USE	Single-family residences	Single-family residences	Single-family residences	Single-family residences

Development Review Staff Report

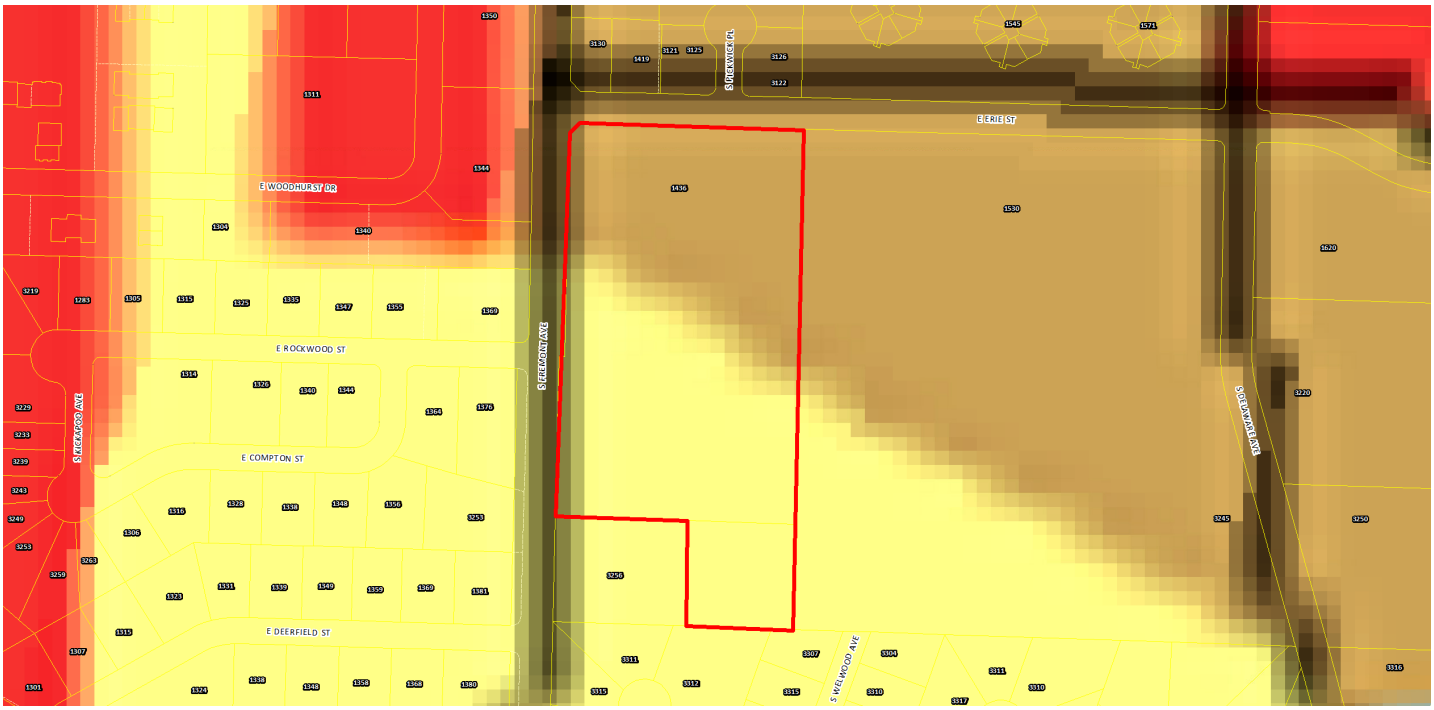
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



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

PROPERTY HISTORY:

The subject property was annexed by the City partly in 1964 and 1968.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

(a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.

(b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.

(c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.

(d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.

(e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

(f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.

(g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

Development Review Staff Report

CITY OF Springfield

ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR PLANNED DEVELOPMENT 381 (Proposed)
Minimum Lot Size	40,000 square feet
Maximum Structure Height	None, except that all structures shall remain below a thirty (30) degree bulk plane as measured from any R-SF or R-TH district.
Front Yard Setback	A twenty-five (25) foot building and parking lot setback alone Fremont Avenue. A twenty-five (25) foot building setback alone Erie Street.
Side and Rear Setbacks	No side or rear yards, except as required by Section 5-1300 Supplemental Open Space and Yard Regulations and the bufferyard requirements in Subsection 4-3108.
Street Classification	S. Fremont Avenue – Secondary Arterial E. Erie Street - Collector
Sidewalks (Per Sec.36-471)	There is existing sidewalk along the property frontage along S. Fremont Avenue and E. Erie Street.
Open Space Requirement	20% Minimum open space

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing and Medium or High-Density Housing. The plat subdivides the property in a way that promotes commercial and office development. Although not compatible with the land use plan, development trends in the area and the location of the property on the fringes of residential areas, makes this site appropriate for commercial or office development. The Major Throughfare Plan classifies South Fremont Avenue as a Secondary Arterial and East Erie Street as a Collector Street which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 8.71 acres into a four-lot commercial subdivision named “Fountain Place”.

2. The Preliminary Plat is running concurrently with the rezoning case to rezone the subject property to Planned Development 381.

3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

4. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1.The proposed preliminary plat was reviewed by City departments and comments are contained in ***Attachment 1.*** Conditions of Approval are provided in ***Attachment 2.*** The Preliminary Plat drawing can be found in ***Attachment 3.***

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITES COMMENTS:
No issues generally with the prelim plat. All proposed lots will have access to existing Electric/Gas/Water & Springnet Fiber facilities. Platted easements per sec 36-245 will be needed and can be included in the final plat. These should be at least 10 ft wide along the entirety of the outside perimeter of all lots and may overlay existing easements.

ENVIRONMENTAL SERVICES CLEAN WATER SERVICES DIVISION COMMENTS:
Each proposed lot has access to public sewer and is in an existing sewer district.

FIRE DEPARTMENT COMMENTS:
Installation of fire hydrants & fire access lanes shall comply with 2018 IFC when developed.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:
PW Stormwater has no concerns with the proposed Preliminary Plat.

The property is in the **Ward Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **is not applicable because detention is already provided.** The property **is not in a stream buffer area.**

PW Stormwater approves of the Preliminary Plat for Fountain Place Subdivision. Included below are notes for the developer of the property that 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:
https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-April-2022

Detention Requirements

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. Stormwater detention has already been provided in the regional detention basin constructed as part of the public improvements for the Delaware Heights 2nd Addition Subdivision (6PW2847). Include in plans survey and stormwater report of the retention basin to verify it's still functioning as designed and permitted.
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. The current detention basin already meets these requirements.
    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.
3. Detention must be complete with modifications or improvements and approved prior to issuance of the building permit. We would like the following as-built notes on the plans:

"The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures."

Water Quality Requirements

4. 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.

a. Water Quality will be required.
b. If modifying the existing basin to meet water quality, the plans must be submitted as public improvement plans. Public improvements must be constructed and accepted or escrowed prior to the issuance of building permits.

Additional Stormwater Standards to be met

5. 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.

6. As-builts of the detention and water quality improvements are required for the closing of a Stormwater Permit at the final inspection.

7. 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.

8. 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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:
A Traffic Study is required to be submitted, approved and any required improvements constructed, or funds escrowed prior to approval of the final plat. The 26-foot access easement needs to line up with the existing driveway approach on Erie Street. Please make this change on the final plat submittal.

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Fremont Avenue as a Secondary Arterial Roadway and E. Erie Street as a Collector Roadway. The standard right-of-way width for S. Fremont Avenue is 35-feet from the centerline. The standard right-of-way width for E. Erie Street is 30-feet from the centerline. It appears additional right of way is not required. 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. Both S. Fremont Avenue and E. Erie Street are city-maintained streets.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from S. Fremont Avenue and one from E. Erie Street. Any additional access points will need to meet the City of Springfield spacing standards for driveway approaches.

SIDEWALK

There is existing sidewalk along the property frontage along S. Fremont Avenue and E. Erie Street.

IMPROVEMENTS

A Traffic Study has been approved. No improvements were required.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	S. Fremont Avenue	Secondary Arterial	No	40	35
Street 2	E. Erie Street	Collector	Yes	30	30

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

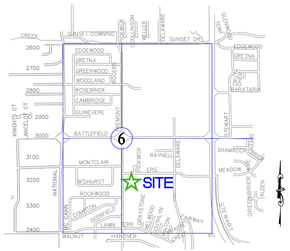
ATTACHMENT 3

RECORDER'S SPACE

FOUNTAIN PLACE

BEING A PART OF A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

PRELIMINARY PLAT



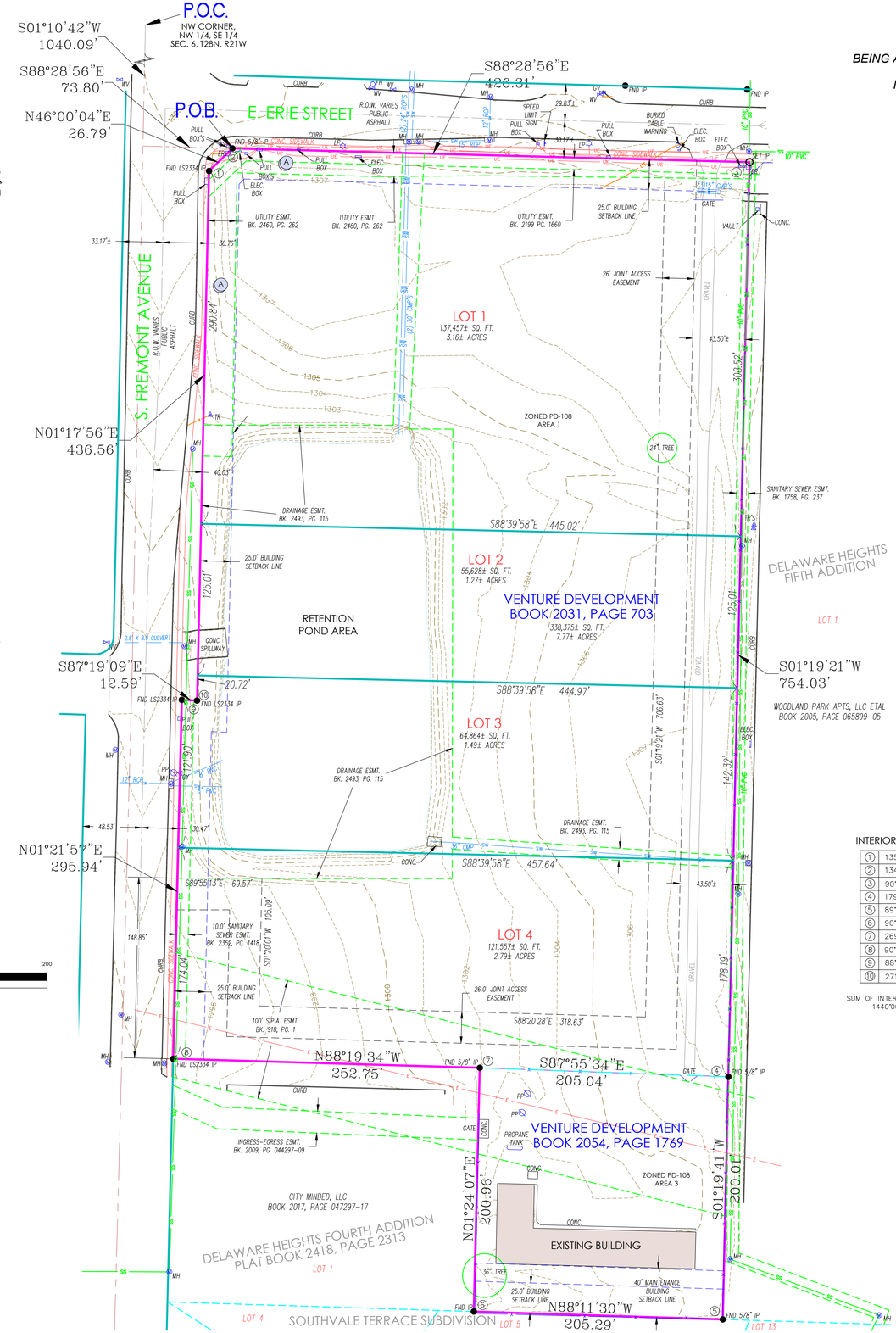
LOCATION SKETCH
SEC. 6, T28N, R21W
SCALE: 1"=2000'

MISSOURI ONE CALL SYSTEM, INC.
1-800-344-7483
STOP-CALL BEFORE YOU DIG!

LEGEND

CP	CONTROL POINT
FND IP	FOUND IRON PIN
SET IP	SET IRON PIN
RWM	RIGHT-OF-WAY MARKER
PP	POWER POLE W/ GUY
MH	MANHOLE
SCO	SEWER CLEANOUT
GM	GAS METER
LP	LIGHT POLE
	SIGN
WM	WATER METER
WV	WATER VALVE
GV	GAS VALVE
FH	FIRE HYDRANT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
SET PM	PERMANENT MONUMENT
	INTERNAL ANGLE # (SEE TABLE)
	TREELINE
	BUSH
ER	ELECTRICAL RISER
IC	GRATE INLET
MB	MAIL BOX
ICV	IRRIGATION CONTROL VALVE
EM	ELECTRIC METER
TR	TELEPHONE RISER
BP	BUMPER POST
	GROUND LIGHT
	PROPERTY LINE
	FENCE LINE
	RETAINING WALL
LINE LABELS	MEASURED 100' M / DEED 100' D
LINE LABELS	MEASURED 100' M / PLAT 100' P

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.



STATE PLANE COORDINATE TIE MISSOURI COORDINATE SYSTEM 1983	
CONTROL STATIONS:	
GR-06	NORTHING - 147168.877 (M)
	EASTING - 432226.647 (M)
	GRID FACTOR - 0.9999313

COORDINATES EXPRESSED IN METERS, 2015 ADJUSTMENT.

OWNER:
VENTURE DEVELOPMENT
2025 W. SUNSHINE STREET
SPRINGFIELD, MO. 65807

CONTACT PERSON:
KENT R. PETERSON
ANDERSON ENGINEERING, INC.
3213 S. WEST BYPASS
SPRINGFIELD, MO 65807
(417) 866-2741

PERIMETER DESCRIPTION

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST IN GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER SOUTH 01°10'42" WEST, 1,040.09 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 88°28'56" EAST, 73.80 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF ERIE STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, SOUTH 88°28'56" EAST, 426.31 FEET TO A POINT LYING AT THE NORTHWEST CORNER OF LOT ONE OF DELAWARE HEIGHTS FIFTH ADDITION SUBDIVISION; THENCE ALONG SAID WEST LINE THE FOLLOWING COURSES, SOUTH 01°19'21" WEST, 754.03 FEET; THENCE SOUTH 01°19'41" WEST, 200.01 FEET TO A POINT LYING AT THE SOUTHWEST CORNER OF SAID LOT ONE AND SAID POINT ALSO LYING ON THE NORTH LINE OF LOT 5 OF SOUTHVALE TERRACE SUBDIVISION; THENCE ALONG SAID NORTH LINE, NORTH 88°11'30" WEST, 205.29 FEET TO A POINT LYING AT THE SOUTHEAST CORNER OF LOT ONE OF DELAWARE HEIGHTS FOURTH ADDITION SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID SUBDIVISION, NORTH 01°24'07" EAST, 200.96 FEET TO THE NORTHEAST CORNER OF SAID LOT ONE; THENCE ALONG THE NORTH LINE OF SAID LOT ONE, NORTH 88°19'34" WEST, 252.75 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FREMONT AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING COURSES, NORTH 01°21'57" EAST, 295.94 FEET; THENCE SOUTH 87°19'09" EAST, 12.59 FEET; THENCE NORTH 01°17'56" EAST, 436.56 FEET; THENCE NORTH 46°00'04" EAST, 26.79 FEET TO THE POINT OF BEGINNING. CONTAINING 379,506 SQUARE FEET OR 8.71 ACRES, MORE OR LESS. ALL LYING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 21 WEST IN GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

NOTES

LOT SIZE
SMALLEST-LOT 2= 55,628± SQ. FT.
LARGEST-LOT 1= 137,457± SQ. FT.

TOTAL SQUARE FOOTAGE OF DEVELOPMENT = 379,506± SQ. FT.
TOTAL ACREAGE OF DEVELOPMENT = 8.71± ACRES

METERS TO U.S. FEET CONVERSION 3.28083333 "GRID".

MAINTENANCE OF ANY AREA REFERRED TO AS DRAINAGE EASEMENT OR DRAINAGE DETENTION IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

INSTALLATION OF IRON PINS ON ALL LOT CORNERS WILL BE COMPLETED UPON COMPLETION OF UTILITIES INSTALLATIONS.

ZONING DATA

SUBJECT PROPERTY IS ZONED PD (PLANNED DEVELOPMENT DISTRICT).

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTER LINE
SECONDARY ARTERIAL (FREMONT AVENUE)	25 FOOT BUILDING AND PARKING LOT SETBACK
COLLECTOR (ERIE STREET)	25 FOOT BUILDING AND PARKING LOT SETBACK

AREA 3
FORTY (40) FOOT SETBACK ALONG THE SOUTHERN PROPERTY LINE FOR THE STORAGE/ MAINTENANCE BUILDING.
TWENTY FIVE (25) FOOT BUILDING AND PARKING LOT SETBACK ALONG THE SOUTHERN PROPERTY LINE.

EASEMENT NOTE

(A) *ACCESS LIMITATION EASEMENT.*

ALL ABUTTER'S RIGHTS OF DIRECT ACCESS TO, FROM AND ACROSS ERIE STREET WITHIN 80 FEET OF THE EASTERN RIGHT OF WAY OF FREMONT AVENUE. ACCESS TO ERIE STREET FROM THE REMAINDER OF THE GRANTOR'S PROPERTY SHALL BE LIMITED TO TWO LOCATIONS.

ALL ABUTTER'S RIGHTS OF DIRECT ACCESS TO, FROM AND ACROSS FREMONT AVENUE WITHIN 190 FEET OF THE SOUTHERN RIGHT OF WAY OF ERIE STREET ACCESS TO FREMONT AVENUE FROM THE REMAINDER OF THE GRANTOR'S PROPERTY SHALL BE LIMITED TO TWO LOCATIONS.

INTERIOR ANGLES

1	135°17'51"
2	134°29'00"
3	90°11'43"
4	179°59'40"
5	89°31'11"
6	90°24'23"
7	269°43'41"
8	90°18'29"
9	88°41'06"
10	271°22'56"

SUM OF INTERIOR ANGLES 1440°00'00"

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF PLANNING AND DEVELOPMENT

APPROVED THIS _____ DAY OF _____, 20____, BY THE PLANNING DIRECTOR OF THE CITY OF SPRINGFIELD, MISSOURI.

_____
"BOB HOSMER, AICP, PLANNING MANAGER"

DEDICATION

SAID LAND HAS BEEN SUBDIVIDED AS SHOWN HEREON, ALL STREETS, EASEMENTS, AND ACCESS LIMITATIONS AS RELINQUISHED AND DEDICATED TO THE PUBLIC.

IN WITNESS WHEREOF,_____, AND_____, (HUSBAND AND WIFE/CORPORATE OFFICE/ETC.) SOLE OWNERS OF THE PROPERTY DESCRIBED HEREON, HAS CAUSED THIS PLAT TO BE SIGNED THIS_____ DAY OF _____, _____.

_____ _____
SIGNATURE - PRINT NAME UNDERNEATH LINE *SIGNATURE - PRINT NAME UNDERNEATH LINE*

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF SPRINGFIELD, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION.

_____ _____
DATE

ACKNOWLEDGEMENT

STATE OF MISSOURI)
SS
COUNTY OF GREENE)

ON THIS _____ DAY OF _____ IN THE YEAR _____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____, CHAIRMAN OF THE BOARD OF TRUSTEES OF THE _____TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DOCUMENT, AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED FOR THE PURPOSES THEREIN STATED.

*NOTARY PUBLIC:*_____

*PRINT NAME:*_____

SURVEYOR'S CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, KENT R. PETERSON, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY ANDERSON ENGINEERING, INC. DATED JUNE 3, 2022 AND SIGNED BY KENT R. PETERSON, PLS NO. 2659 AND THAT THE MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE SUPERVISION OF KENT R. PETERSON, PLS NO. 2659 IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS. DRAWING LAST REVISED ON JULY 07, 2022.

ANDERSON ENGINEERING, INC. LC 62 BY:

STATE OF MISSOURI
KENT R. PETERSON
NUMBER LS-2659
PROFESSIONAL LAND SURVEYOR

KENT R. PETERSON, PLS NO. 2659

07-07-2022
DATE PREPARED

UTILITY NOTE:

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANTY THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 29077C0344E, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 17, 2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS.

SURVEYORS NOTE:

WITH THIS SURVEY WE DO NOT GUARANTEE THAT OWNERSHIP IS TO THE SURVEY LINES DEPICTED HEREON. THIS SURVEY IS A GRAPHIC REPRESENTATION OF THE OPINION OF THE SURVEYOR AS TO THE LOCATION OF THE RECORD DESCRIPTION. NO OPINION AS TO THE VALIDITY OF TITLE IS GIVEN OR IMPLIED.

STORMWATER NOTE:

THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE WATER RUNOFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUNOFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.

ALL COMMON AREAS SHALL BE CONSIDERED DRAINAGE EASEMENTS. ALL COMMON AREAS ARE TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION. ALL DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY THE PROPERTY OWNER.

COA #000062

ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING

3213 S. WEST BYPASS
SPRINGFIELD, MISSOURI 65807
PHONE (417) 866-2741
FAX (417) 866-2778

FIELD: JM	DATE: 06-01-2022	22SP20115
DRAWN: GAS	FIELD BK: N/A	
CHECKED: KRP	JOB NO: 22SP20115	SHT. 1 OF 1 REV. __

One-rdg. _____
P. Hrngs. _____
Pgs. 16
Filed: 08-02-22

Sponsored by: Schilling

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-202 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Opal Sunset Subdivision, generally located at 3851 West University Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

WHEREAS, an original Preliminary Plat of Opal Sunset Subdivision dated June 6, 2022, is on file with the City's Department of Planning and Development; and

WHEREAS, on July 14, 2022, the Planning and Zoning Commission of the City of Springfield, Missouri, conditionally approved the Preliminary Plat of Opal Sunset Subdivision, which is generally located at 3851 West University Street.

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

Section 1 – City Council hereby authorizes the Director of Planning and Development, on behalf of the City of Springfield, to accept the land, easements, and improvements dedicated to the City, as shown on the Preliminary Plat of Opal Sunset Subdivision, which is generally located at 3851 West University Street, as approved by the Planning and Zoning Commission. The original plat of Opal Sunset Subdivision is on file in the Department of Planning and Development ("Approved Preliminary Plat"), a reduced version of which is attached hereto for general reference as "Exhibit B – Attachment 3." All of "Exhibit B," including attachments, is incorporated herein by this reference.

Section 2 – The Director of Planning and Development shall be authorized to accept the land, easements, and improvements dedicated to the City, as shown on said plat, upon the applicant filing and recording a final plat in accordance with this

Ordinance and the Subdivision Regulations of the City, which final plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in “Exhibit B – Attachment 2,” and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of all conditions referenced herein and in “Exhibit B.”

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in “Exhibit B – Attachment 2,” the City Clerk is hereby authorized to endorse City Council’s approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022 - 202

FILED: 08-02-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Opal Sunset Subdivision, generally located at 3851 West University Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

A. An original Preliminary Plat of Opal Sunset Subdivision dated June 6th, 2022, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Attachment 3.

B. The Planning and Zoning Commission held a public hearing on July 14th, 2022, and approved the Preliminary Plat by a vote of 5 to 0, subject to the following conditions:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice

and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Medium or High-Density Housing. Townhouses and all various forms of apartment buildings are included in this category, which has been located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations. Further, the Plan promotes the development of well-designed moderate-density housing adjacent to amenities such as shopping, recreational or cultural facilities and employment centers. The proximity of the proposed development to the West Bypass and Sunshine Street Activity Center will place residents in an area that has many amenities such as shopping, and employment centers. The most appropriate districts would be Low, Medium and High-Density Multi-Family Residential Districts.

REMARKS:

Staff recommends approval.

Submitted by:

Jared Follin, Associate Planner

Recommended by:

Susan Istenes, AICP Director

Approved by:

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Record of Proceedings
Exhibit B, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Conditions of Plat Approval
Attachment 3, Preliminary Plat

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – July 14, 2022

Preliminary Plat of Opal Sunset Subdivision
3851 West University Street
Applicant: Flintrock, LLC

Mr. Follin states that this is a request to approve a preliminary plat for a 2-lot subdivision located at 3851 West University Street. The property is currently zoned GR and R-MD w/COD #166 and the plat originally approved in 2019. Medium or High- Density Housing. Transportation Plan classifies University Street as a Collector. A Traffic Study is not required, and a sidewalk will be required and additional right of way along University Avenue. The property is not located in a FEMA designated floodplain. A stream buffer is not required and a sinkhole onsite. Fee in lieu of stormwater detention will not be permitted, and detention is required. There is a sewer connection fee. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Teresa Davison, 535 W. Battlefield and stated that the previous plat was expired and has a new owner and wanting to renew the plat.

Mr. Dennis Perry, 3954 W. Portland and said that his property is on the end of the north side and did not receive any notification of this meeting and have land use questions. Are they going to grade this out the same height as Menards and there is an abandoned septic tank and asked why there was no notification and is frustrated.

Mr. Hosmer said that the city is not required to notify residents via letters for a subdivision, however the property does get posted 10 days prior to the meeting and information can be accessed through the web.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** Preliminary Plat of Opal Sunset Subdivision (3851 West University Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

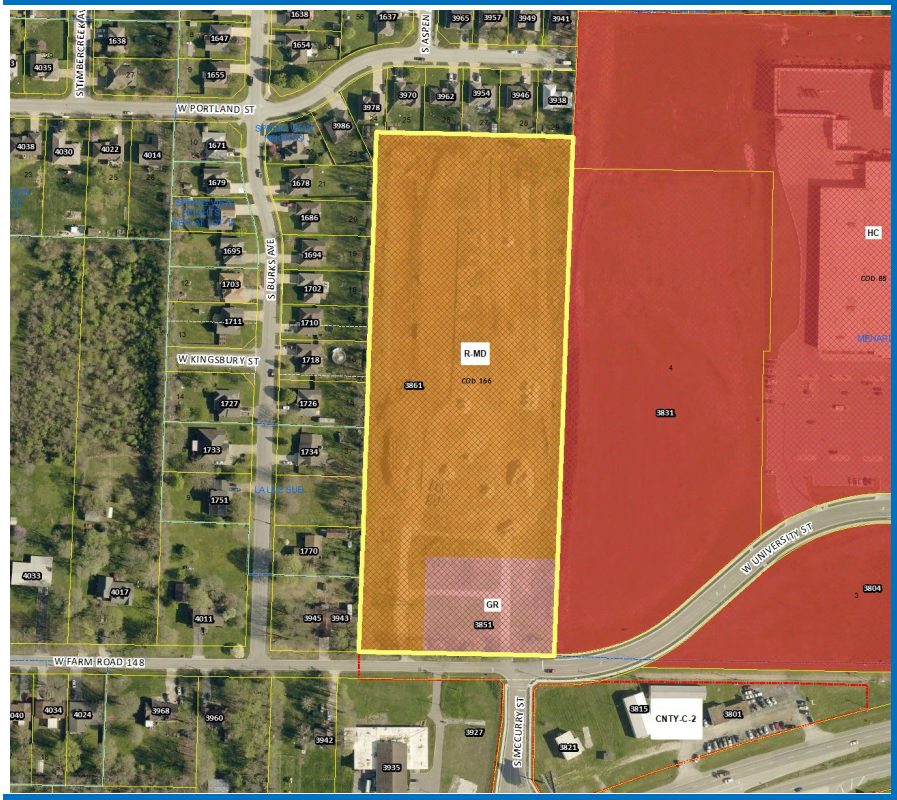
Bob Hosmer, AICP
Planning Manager

EXHIBIT B

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JULY 14, 2022

CITY COUNCIL PUBLIC HEARING: AUGUST 8, 2022



CASE: Preliminary Plat of Opal Sunset Subdivision

ACRES: 9

LOCATION: 3851 West University Street

EXISTING LAND USE: Vacant land previously a manufactured home community

APPLICANT: Flintrock LLC

STAFF: Jared Follin, Associate Planner 417-864-1612

STAFF RECOMMENDATIONS: Approve w/Conditions

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

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a two-lot subdivision named “Opal Sunset Subdivision”.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The applicant’s proposal, with the conditions listed in *Attachment 2*, is consistent with the City’s *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	County R-1	HC	County R-1
LAND USE	Single-family residences	Church uses	Vacant Commercial Land	Single-family residences

Development Review Staff Report

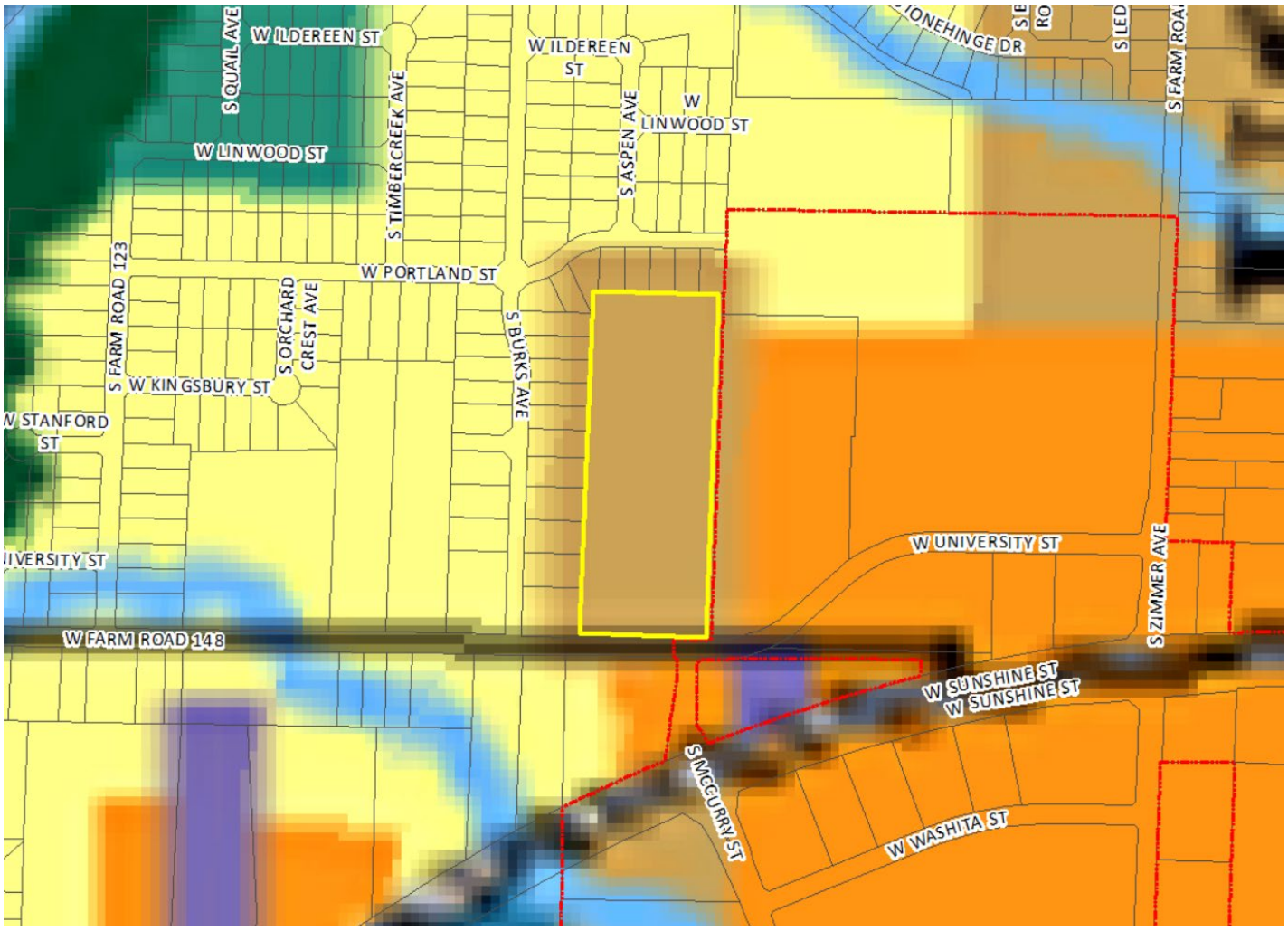
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

GOOGLE MAPS STREET VIEW:

Development Review Staff Report

CITY OF Springfield

GROWTH MANAGEMENT AND LAND USE PLAN:



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

PROPERTY HISTORY:

The subject property was annexed by the City in 2020. The property was rezoned to R-MD and GR w/COD #166 in the same year.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

(a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.

(b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.

(c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.

(d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.

(e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

(f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.

(g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR MEDIUM-DENSITY MULTIFAMILY w/COD 166
Minimum Lot Size	N/A
Maximum Structure Height	1.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. 2. 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. Any multifamily dwelling for which a building permit has been issued prior to July 1, 2009, that does not conform to the 45-degree bulk plane shall be considered conforming with regard to the 45-degree bulk plane
Front Yard Setback	*25 feet*
Side and Rear Setbacks	Side – 6 feet Rear – 10% of lot depth
Street Classification	W. University Street – Collector
Sidewalks (Per Sec.36-471)	There is not existing sidewalk along the property frontage of W. University Street. Sidewalk is required to be constructed along W. University Street as part of the subdivision process. The developer has the option to escrow funds and construct sidewalks at the time of development. Sidewalk must be constructed or funds escrowed prior to approval of the final plat.
Open Space Requirement	Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium or High-Density Housing. Townhouses and all various forms of apartment buildings are included in this category, which has been located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations. Further, the *Plan* promotes the development of well-designed moderate-density housing adjacent to amenities such as shopping, recreational or cultural facilities and employment centers. The proximity of the proposed development to the West Bypass and Sunshine Street Activity Center will place residents in an area that has many amenities such as shopping, and employment centers. The most appropriate districts would be Low, Medium and High-Density Multi-Family Residential Districts.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 9 acres into a two-lot subdivision named “Opal Sunset Subdivision”.

2. Lot 1 is zoned GR, General Retail District with COD #166 which requires a bufferyard adjacent to the proposed R-MD. Lot 2 is zoned R-MD, Medium Density Multi-Family District with COD #166. Conditional Overlay District No. 166 requires a traffic study at the time of development and that the property be subdivided along the proposed zoning boundaries in accordance with the City’s Subdivision Regulations.

3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

4. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1.The proposed preliminary plat was reviewed by City departments and comments are contained in ***Attachment 1.*** Conditions of Approval are provided in ***Attachment 2.*** The Preliminary Plat drawing can be found in ***Attachment 3.***

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITES COMMENTS:
No issues with the plat generally. Both lots will have access to existing Electric/Gas/Water along University St. Utility easements will be needed along the perimeter of all lots, per section 36-245 of the land development code. These should be 10 ft wide or 5 ft on either side of interior lot lines, and can be added on the final plat.

ENVIRONMENTAL SERVICES CLEAN WATER SERVICES DIVISION COMMENTS:
Plat is approvable. Sewer easements and proposed main locations match the filed plans. The final plat will not be able to be filed until the public improvements have either been constructed and accepted or escrowed.

FIRE DEPARTMENT COMMENTS:
Installation of fire hydrants & fire access lanes shall comply with 2018 IFC when developed.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:
Include the following notes on the lot combination/split: 1. The area shown hereon is not located in a storm sewer district as of the date of recording and may be subject to future assessment cost if included in future storm water benefit district deemed necessary resulting from problems created by surface water runoff. This is due to the fact that the surface water runoff is presently being accommodated by street and open drainage facilities. 2. All Common Areas shall be considered drainage easements. All Common Areas are to be maintained by the property owners association. All drainage easements are to be maintained by the property owner.

The property is in the **Wilsons Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will not be allowed and detention is required.** The property **does not have a stream buffer on site.**

Please note that development of the property will be subject to the following conditions at the time of development. All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022: https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-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 and detention is required: The lot drains directly onto adjacent residential properties.
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.
   a. Water Quality will be required. Development is greater than 1 acre.

Additional Stormwater Standards to be met

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 for the closing of a Stormwater Permit at the final inspection. We would like the following as-built notes on the plans:

"The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures."

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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:
Sidewalk is required to be constructed or funds escrowed prior to approval of the final plat per city code 36-471(b)4. If the developer chooses to escrow funds and construct sidewalk at the time of development, please contact Andrew Flippin with Construction Inspection at 417-864-1946 to begin the process.

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies W. University Street as a Collector roadway. The standard right-of-way width for W. University Street is 30-feet from the centerline. It appears an additional 15-feet of right-of-way is needed along S. Farm Road 189. It appears an additional 10-ft of right-of-way is needed along W. University Street and is reflected in the plat. A survey is recommended to determine the exact amount of existing right-of-way. Anything less than the required right of way is required to be dedicated as part of the plat. W. University Street is a city-maintained street.

DRIVEWAY ACCESS
There is currently two driveway access points onto the property from W. University Street. Any access points onto the property must meeting current City of Springfield access standards. On-Street parking is allowed along W. University Street.

SIDEWALK
There is not existing sidewalk along the property frontage of W. University Street. Sidewalk is required to be constructed along W. University Street as part of the subdivision process. The developer has the option to escrow funds and construct sidewalks at the time of development. Sidewalk must be constructed or funds escrowed prior to approval of the final plat.

IMPROVEMENTS
A Traffic Impact Study was not required.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	W. University Street	Collector	Yes	20	30

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

ATTACHMENT 3

PRELIMINARY PLAT
OPAL SUNSET SUBDIVISION

SPRINGFIELD, GREENE COUNTY, MISSOURI

DEED DESCRIPTION (Tract IV):

THE SOUTH NINE (9) ACRES OF THE FOLLOWING DESCRIBED PROPERTY:
ALL COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTH HALF (S½) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION TWENTY-NINE (29), RANGE TWENTY-NINE (29), RANGE TWENTY-TWO (22), THENCE WEST ALONG THE SOUTH LINE OF SAID S½ OF THE SW¼ 6 & 1/320 CHAINS; THENCE NORTH 120 RODS TO THE CENTER OF A ROAD RUNNING NORTH SIDE OF SAID LANDS; THENCE EAST 6 & 1/320 CHAINS; THENCE SOUTH 120 RODS TO THE POINT OF BEGINNING, IN GREENE COUNTY , MISSOURI, EXCEPT BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE EAST 8 FEET; THENCE SOUTHERLY TO A POINT 18 FEET EAST OF THE SOUTHWEST CORNER OF ABOVE DESCRIBED TRACT; THENCE WEST 18 FEET; THENCE NORTH TO POINT OF BEGINNING; ALSO EXCEPT ANY PART THEREOF DEEDED, TAKEN OR USED FOR ROAD, STREET, OR HIGHWAY PURPOSES.

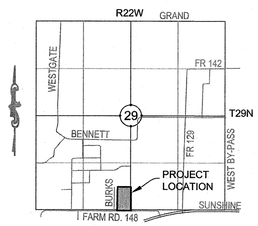
LOT 1 DESCRIPTION:

COMMENCING (P.O.C.) AT AN EXISTING IRON PIN AT THE SOUTH QUARTER CORNER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST;
THENCE NORTHERLY ALONG THE QUARTER SECTION LINE N 02°15'31" E A DISTANCE OF 30' TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF MENARDS WEST SUBDIVISION, RECORDED IN THE GREENE COUNTY RECORDER'S OFFICE PLAT BOOK AAA AT PAGE 488 (BOOK 2017 PAGE 041424-17);
THENCE N 88°44'39" W A DISTANCE OF 263.20';
THENCE N 02°15'31" E A DISTANCE OF 190.00';
THENCE S 88°44'39" E A DISTANCE OF 263.20' TO THE WESTERLY LINE OF SAID SUBDIVISION;
THENCE ALONG SAID WESTERLY LINE S 02°15'31" W A DISTANCE OF 190.00' TO SAID TRUE P.O.B., HAVING AN AREA OF 50,000.00 SQUARE FEET, 1.148 ACRES MORE OF LESS AND SUBJECT TO ALL EASEMENTS AND/OR OR RIGHTS-OF WAY, ALL LYING IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST SPRINGFIELD, GREENE COUNTY, MISSOURI.

LOT 2 DESCRIPTION:

COMMENCING (P.O.C.) AT AN EXISTING IRON PIN AT THE SOUTH QUARTER CORNER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST;
THENCE NORTHERLY ALONG THE QUARTER SECTION LINE N 02°15'31" E A DISTANCE OF 30' TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF MENARDS WEST SUBDIVISION, RECORDED IN THE GREENE COUNTY RECORDER'S OFFICE PLAT BOOK AAA AT PAGE 488 (BOOK 2017 PAGE 041424-17);
THENCE CONTINUING NORTHERLY ALONG SAID QUARTER SECTION LINE N 02°15'31" E DISTANCE OF 190.00' TO THE TRUE POINT OF BEGINNING (P.O.B.);
THENCE N 88°44'39" W A DISTANCE OF 263.20';
THENCE S 02°15'31" W A DISTANCE OF 190.00';
THENCE N 88°44'39" W A DISTANCE OF 123.77';
THENCE N 01°56'45" E A DISTANCE OF 1031.02' TO THE SOUTHLINE OF LOT 24 SPRINGVIEW HEIGHTS AS DESCRIBED IN GREENE COUNTY RECORDER'S OFFICE IN PLAT BOOK WW, PAGE 100;
THENCE ALONG SAID SOUTHLINE S 88°43'39" E A DISTANCE OF 392.60' TO THE SOUTHEAST CORNER OF SAID SPRINGVIEW HEIGHTS, POINT ALSO BEING ON THE WESTERLY LINE OF MENARDS WEST SUBDIVISION RECORDED IN THE GREENE COUNTY RECORDER'S OFFICE PLAT BOOK AAA AT PAGE 488 (BOOK 2017 PAGE 041424-17);
THENCE ALONG LAST SAID SUBDIVISION S 02°15'31" W A DISTANCE OF 840.99' TO SAID TRUE POINT OF BEGINING HAVING AN AREA OF 351,821.76 SQUARE FEET, 8.077 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY, ALL LYING IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION 29, TOWNSHIP 29 NORTH, RANGE 22 WEST SPRINGFIELD, GREENE COUNTY, MISSOURI.

INTERIOR ANGLES	
1	89°18'36"
2	90°40'24"
3	89°00'50"
4	91°00'10"
TOTAL =	360°00'00"
(4 - 2) x 180° = 360°00'00"	



LOCATION MAP
SCALE = 1" = 2000'

SURVEYOR'S ACKNOWLEDGEMENT

THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS OF THE MISSOURI DEPARTMENT OF AGRICULTURE, DIVISION OF GEOLOGY AND LAND SURVEY, AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS. PHYSICAL EVIDENCE OF IMPROVEMENTS IS SHOWN FROM INFORMATION TAKEN BY VISUAL INSPECTION OF THE PREMISES. EASEMENTS SHOWN ARE THOSE WRITTEN, PROVIDED, OR DISCOVERED AND MAY NOT BE ALL INCLUSIVE. APPARENT OWNERSHIP AS SHOWN ARE BASED UPON INFORMATION PROVIDED BY OTHERS AND DO NOT REPRESENT AN OPINION AS TO TITLE.

KENNETH M. HEITHAUS P.L.S. 1918

6/6/2022
DATE

STATE OF MISSOURI
KENNETH MICHAEL HEITHAUS
NUMBER
LS-1918
REGISTERED LAND SURVEYOR

ZONING:

LOT 1: GR(GENERAL RETAIL) &
LOT 2: R-HD (RESIDENTIAL - HIGH DENSITY MULTI-FAMILY)

MINIMUM YARD REQUIREMENTS:

FRONT:	25' ALONG COLLECTOR
REAR:	NONE / BEFFERYARD REQUIRED
SIDE:	NONE / BUFFERYARD REQUIRED

UTILITY SUPPLIERS:

GAS, WATER & ELECTRIC
CITY UTILITIES OF SPRINGFIELD
301 E CENTRAL,
SPRINGFIELD, MO 65802

SANITARY SEWER & STORMWATER:
SPRINGFIELD PUBLIC WORKS
840 BOONVILLE AVE.
SPRINGFIELD, MO 65802

STORMWATER DETENTION:
CITY OF SPRINGFIELD
GREENE COUNTY (DOWNSTREAM)

STANDARD LEGEND

	EXISTING IRON PIN
	IRON PIN SET LS 1918
(M)	MEASURED
(R)	RECORD
WV	WATER VALVE
WM	WATER METER
FH	FIRE HYDRANT
PP	POWER POLE
	TELEPHONE RISER
	MAIL BOX
	LAMP POST
	MANHOLE
	GAS
WAT	WATER LINE
OHE	OVERHEAD ELECTRIC
X	CHAIN LINK FENCE
GAS	GAS LINE
SAN	SANITARY SEWER LINE
R/W	RIGHT OF WAY LINE
UE	UNDERGROUND ELECTRIC
TEL	TELEPHONE LINE
	CONTOUR
920	INDEX CONTOUR

OWNER / DEVELOPER

FLINTROCK, LLC
ATTN: TRAVIS LITTLE
2755 RT 2, SEYMOUR MO 65746
417-719-5064
travis@flintrockrealestate.com

SOURCE OF TITLE

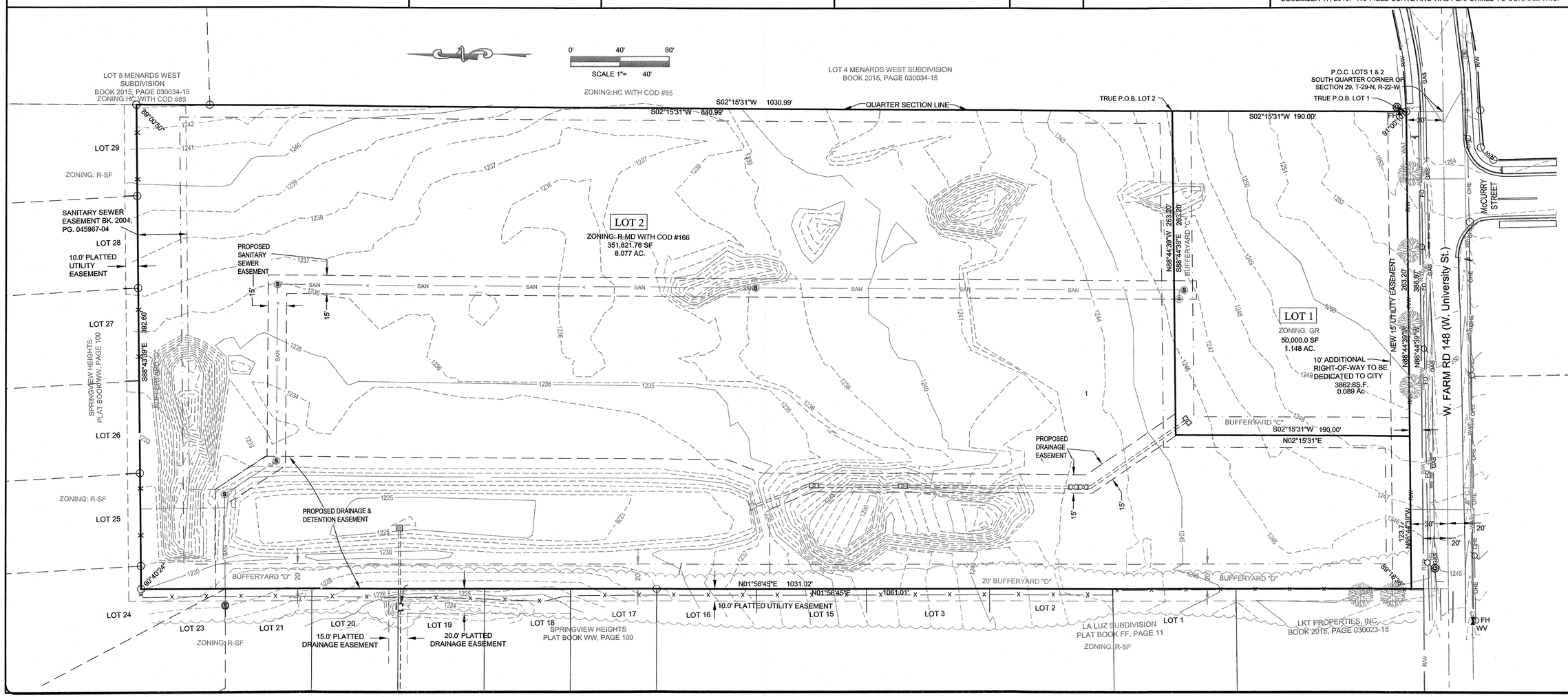
WARRANTY DEED:
Book: 2021
Page: 059474-21

PRELIMINARY PLAT NOTES:

1. PROPERTY AREA = 9.314 AC. - 0.089 AC. RIGHT-OF-WAY TO BE DEDICATED.
   1.1. LARGEST LOT LOT 1 = 50,000 SF = 1.148 AC
   1.2. SMALLEST LOT LOT 2 = 351,821 SF 8.077 AC
2. SIDEWALK REQUIRED ON ONE SIDE OF UNIVERSITY ST.
3. PUBLIC SEWER WILL BE EXTENDED TO LOT 1.
4. DETENTION SHALL BE PROVIDED FOR THIS SUBDIVISION. DETENTION AND WATER QUALITY TO TO ACCOMMODATE THE INCREASE IN IMPERVIOUSNESS IN ACCORDANCE WITH CITY PUBLIC WORKS REQUIREMENTS PER CITY OF SPRINGFIELD DRAINAGE CRITERIA MANUAL.
5. ALL PORTIONS OF A BUILDING SHALL BE WITHIN 400 FEET FROM A FIRE HYDRANT ON AN APPROVED FIRE APPARATUS ACCESS ROAD, AS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR OF THE BUILDING. 600 FEET IF THE BUILDING IS EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM.

FLOODPLAIN NOTE

THIS PROPERTY LIES WITHIN ZONE "X" (OTHER AREAS) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP FOR THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI (COMMUNITY PANEL NUMBER MAP NUMBER 29077C0336E, REVISED: DECEMBER 17, 2010. NO FIELD SURVEYING WAS PERFORMED TO CONFIRM THIS.



Rev	Date	Description	Dwn/By	App

535 W. Battlefield St.
Springfield, MO 65807
(417) 887-3238
FAX (417) 887-1940
http://www.heiweb.com
HEI@heiweb.com
Heithaus Engineering & Assoc., Inc.
MO COA: 2001021970 (EL), 2001001808 (LS)

FLINTROCK, LLC

OPAL SUNSET SUBDIVISION

SPRINGFIELD, GREENE COUNTY, MISSOURI

PRELIMINARY PLAT

Field:	TWH
Drawn:	TWH/TAD
Checked:	TAD/KMH
Date:	6/6/2022
Job No.	216051
Dwg#	216051PrePlat
Scale:	AS SHOWN

SHEET
1
OF 1 SHEETS

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 08-02-22

Sponsored by: Schilling

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 203 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of RLC Sixty Subdivision, generally located at 2852 South Dayton Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

WHEREAS, an original Preliminary Plat of RLC Sixty Subdivision dated June 3, 2022, is on file with the City's Department of Planning and Development; and

WHEREAS, on July 14, 2022, the Planning and Zoning Commission of the City of Springfield, Missouri, conditionally approved the Preliminary Plat of RLC Sixty Subdivision, which is generally located at 2852 South Dayton Avenue.

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

Section 1 – City Council hereby authorizes the Director of Planning and Development, on behalf of the City of Springfield, to accept the land, easements, and improvements dedicated to the City, as shown on the Preliminary Plat of RLC Sixty Subdivision, which is generally located at 2852 South Dayton Avenue, as approved by the Planning and Zoning Commission. The original plat of RLC Sixty Subdivision is on file in the Department of Planning and Development ("Approved Preliminary Plat"), a reduced version of which is attached hereto for general reference as "Exhibit B – Attachment 3." All of "Exhibit B," including attachments, is incorporated herein by this reference.

Section 2 – The Director of Planning and Development shall be authorized to accept the land, easements, and improvements dedicated to the City, as shown on said plat, upon the applicant filing and recording a final plat in accordance with this

Ordinance and the Subdivision Regulations of the City, which final plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in “Exhibit B – Attachment 2,” and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of all conditions referenced herein and in “Exhibit B.”

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in “Exhibit B – Attachment 2,” the City Clerk is hereby authorized to endorse City Council’s approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 203

FILED: 08-02-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of RLC Sixty Subdivision, generally located at 2852 South Dayton Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

A. An original Preliminary Plat of RLC Sixty Subdivision dated June 3rd, 2022, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Attachment 3.

B. The Planning and Zoning Commission held a public hearing on July 14th, 2022, and approved the Preliminary Plat by a vote of 5 to 0, subject to the following conditions:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice

and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Low-Density Housing and Medium-Intensity Retail, Office, or Housing. The plat subdivides the property in a way that promotes residential and neighborhood supporting developments, which is compatible with the Plan.

REMARKS:

Staff recommends approval.

Submitted by:

Jared Follin

Jared Follin, Associate Planner

Recommended by:

Susan M. Istenes

Susan Istenes, AICP Director

Approved by:

Jason A. Gage

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Record of Proceedings
Exhibit B, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Conditions of Plat Approval
Attachment 3, Preliminary Plat

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – July 14, 2022

Preliminary Plat of RLC Sixty Subdivision
2852 South Dayton Avenue
Applicant: Redeemer Lutheran Church

Mr. Follin states that this a request to approve a preliminary plat for a 2-lot residential subdivision located at 2852 South Dayton Avenue. The property is currently zoned R-SF, and the comprehensive plan designates it as Low-Density Housing. The Transportation Plan classifies Dayton Avenue as a Collector, Woodland St as a Collector and Main Avenue as a Local Street. A Traffic Study is not required; sidewalk will be required at the time of development. The property is not located in a FEMA designated floodplain. There are no stream buffers on site. A fee in lieu of stormwater detention is not applicable as detention is already provided. All lots have access to public sewer. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Jared Davis, 3213 S. West Bypass and here to answer any questions.

Mr. Colony asked if it would remain a church and Mr. Davis noted that it will.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** Preliminary Plat of RLC Sixty Subdivision (2852 South Dayton Avenue). Ms. Broekhoven seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Bob Hosmer, AICP
Planning Manager

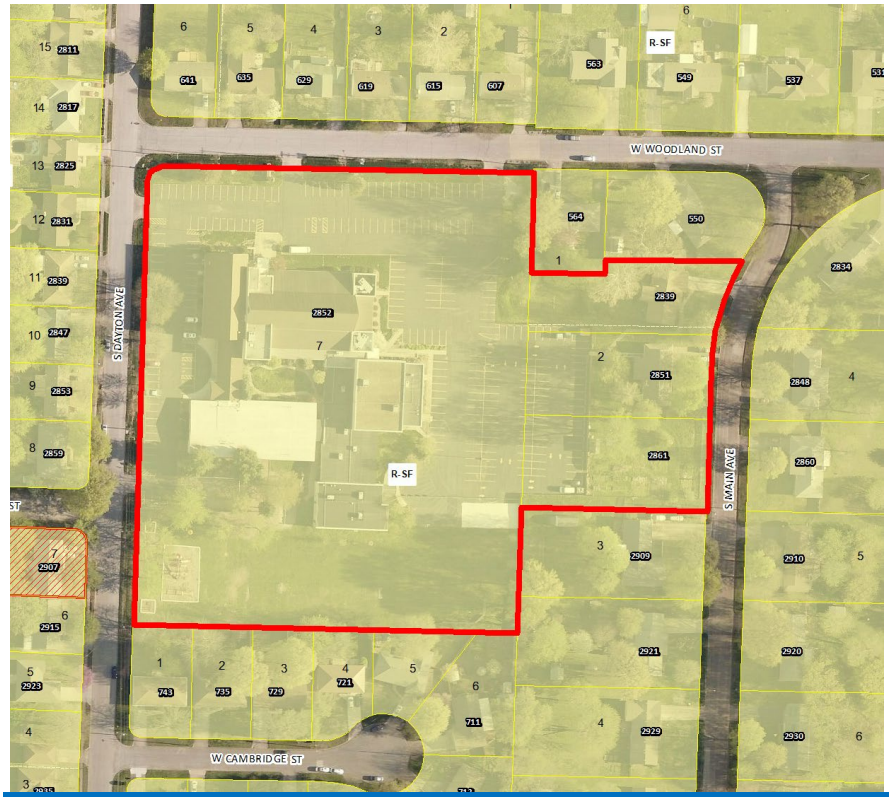
EXHIBIT B

Development Review Staff Report

CITY OF Springfield

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JULY 14, 2022

CITY COUNCIL PUBLIC HEARING: AUGUST 8, 2022



CASE: Preliminary Plat of RLC Sixty Subdivision

ACRES: 7.72

LOCATION: 2852 South Dayton Avenue

EXISTING LAND USE: Church Uses, Single-Family Residential

APPLICANT: Redeemer Lutheran Church

STAFF: Jared Follin, Associate Planner 417-864-1612

STAFF RECOMMENDATIONS: Approve w/Conditions

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

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a two-lot subdivision named “RLC Sixty Subdivision”.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The applicant’s proposal, with the conditions listed in *Attachment 2*, is consistent with the City’s *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Single-family residences	Single-family residences	Single-family residences	Single-family residences

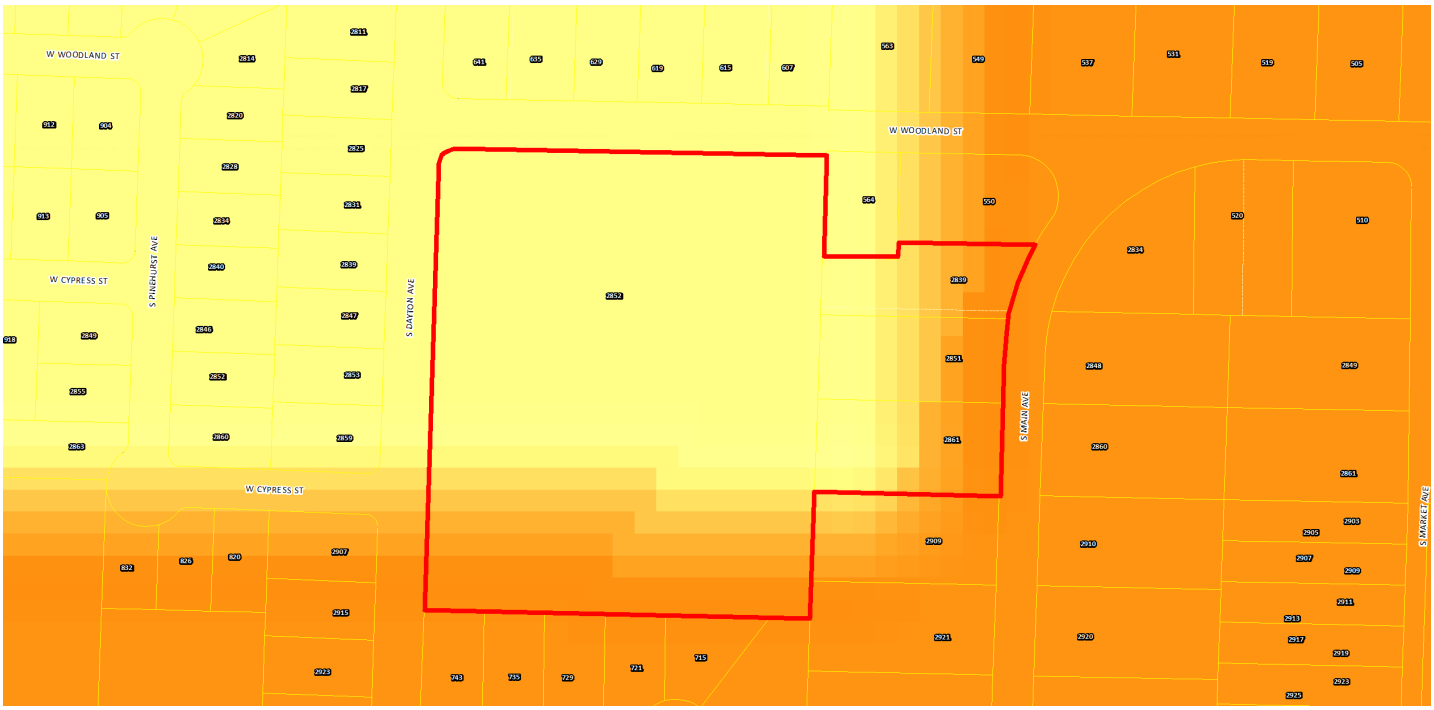
Development Review Staff Report

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



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

PROPERTY HISTORY:

The subject property was annexed by the City in 1955.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

(a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.

(b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.

(c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.

(d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.

(e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

(f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.

(g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL
Minimum Lot Size	6,000 square feet
Maximum Structure Height	When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Front Yard Setback	Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
Side and Rear Setbacks	Side – 5 feet Rear – 10% of lot depth
Street Classification	S. Dayton Avenue – Collector W. Woodland Street – Collector S. Main Avenue – Local
Sidewalks (Per Sec.36-471)	Sidewalks are required to be constructed at the time of development along the property frontage of Dayton Avenue, Woodland Street and Main Avenue.
Open Space Requirement	Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing and Medium-Intensity Retail, Office or Housing. The plat subdivides the property in a way that promotes residential and neighborhood supporting developments, which is compatible with the *Plan*.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 7.72 acres into a two-lot subdivision named “RLC Sixty Subdivision”.

2. The applicant has applied to re-subdivide the property in order to put the house located at 2839 South Main Avenue on its own lot. This will allow the applicant to sell the home separately from the church property.

3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

4. The proposed preliminary plat was reviewed by City departments and comments are contained in ***Attachment 1.*** Conditions of Approval are provided in ***Attachment 2.*** The Preliminary Plat drawing can be found in ***Attachment 3.***

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITES COMMENTS:
No issues with prelim plat.

ENVIRONMENTAL SERVICES CLEAN WATER SERVICES DIVISION COMMENTS:
No issues with replat. Both proposed lots have access to public sewer.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:
The property is in the **South Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the local or downstream 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 not have a stream buffer on site.**

Preliminary Plat is approved. 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:
https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-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. Detention is already provided on site for the current impervious surface area. When further impervious surface area is planned a review of the detention basin will need to be conducted.
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

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 for the closing of a Stormwater Permit at the final inspection. We would like the following as-built notes on the plans:

"The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures."

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

8. Detention must be built and approved prior to issuance of the building permit. If this is not possible submit a temporary stormwater plan with your plan submittal. If it is an above ground basin then as-builts will be required. The as-builts must be submitted and approved prior to release of the certificate of occupancy.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:
Sidewalks are required to be constructed at the time of development along the property frontage of Dayton Avenue, Woodland Street and Main Avenue.

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies S. Dayton Avenue and W. Woodland Street as a Collector roadways and S. Main Avenue as a Local-Residential roadway. The standard right-of-way width for S. Dayton Avenue and W. Woodland Street is 30-feet from the centerline. The standard right-of-way width for S. Main Avenue is 25-feet from the centerline. It appears no additional right-of-way is needed along S. Dayton Avenue, W. Woodland Street or S. Main Avenue. A survey is recommended to determine the exact amount of existing right-of-way. Anything less than the required right of way is required to be dedicated as part of the plat. S. Dayton Avenue, W. Woodland Street and S. Main Avenue are city-maintained streets.

DRIVEWAY ACCESS
There is currently two driveway access points onto the property from S. Dayton Avenue, three driveway access points onto the property from W. Woodland Street and two driveway access points onto the property from S. Main Avenue. Any access points onto the property must meeting current City of Springfield access standards. On-Street parking is allowed along S. Dayton Avenue, W. Woodland Street and S. Main Avenue.

SIDEWALK
There is not existing sidewalk along the property frontage of S. Dayton Avenue, W. Woodland Street and S. Main Avenue. Sidewalk is required to be constructed along W. University Street at the time of development. The developer has the option to apply to the ARC and seek approval to pay a fee in lieu of sidewalk construction. This must be approved and fees paid prior to approval of a building permit.

IMPROVEMENTS
A Traffic Impact Study was not required.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	S. Dayton Avenue	Collector	Yes	30	30
Street 2	W. Woodland Street	Collector	Yes	30	30
Street 3	S. Main Avenue	Local - Residential	Yes	25	25

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

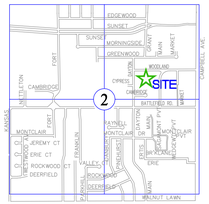
ATTACHMENT 3

RLC SIXTY SUBDIVISION

BEING A PART OF A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 28 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, MISSOURI.

PRELIMINARY PLAT

RECORDER'S SPACE



LOCATION SKETCH

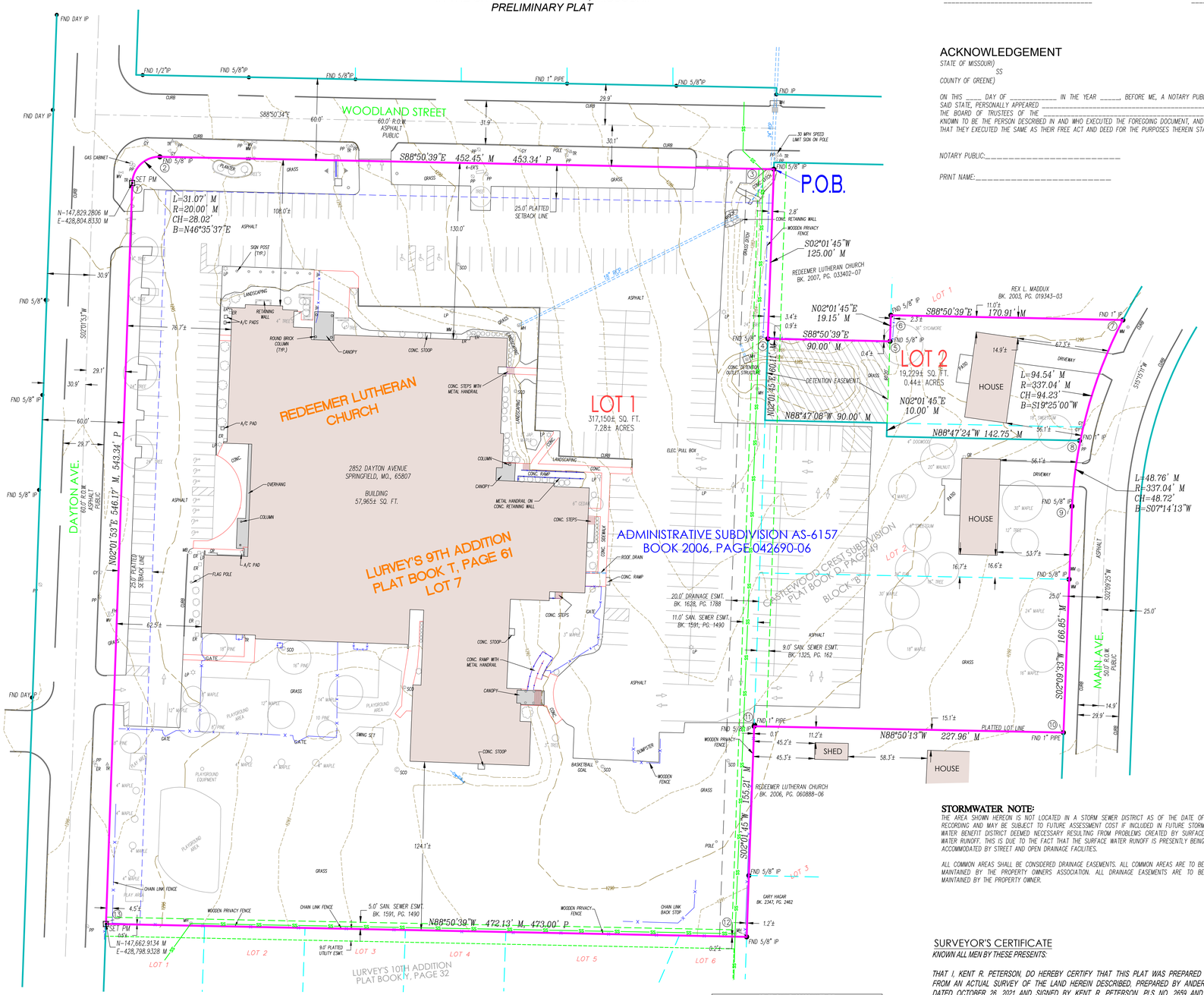
SEC. 2, T28N, R22W

SCALE: 1"=2000'

GRID

LEGEND

CP	CONTROL POINT
FND IP	FOUND IRON PIN
SET IP	SET IRON PIN
RWM	RIGHT-OF-WAY MARKER
PP	POWER POLE W/ GUY
MH	MANHOLE
SCO	SEWER CLEANOUT
GM	GAS METER
LP	LIGHT POLE
	SIGN
WM	WATER METER
WV	WATER VALVE
GV	GAS VALVE
FH	FIRE HYDRANT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
SET PM	PERMANENT MONUMENT
4	INTERNAL ANGLE # (SEE TABLE)
	TREELINE
	BUSH
ER	ELECTRICAL RISER
IG	GRATE INLET
MB	MAIL BOX
ICV	IRRIGATION CONTROL VALVE
EM	ELECTRIC METER
TR	TELEPHONE RISER
BP	BUMPER POST
	GROUND LIGHT
PROPERTY LINE	
FENCE LINE	
RETAINING WALL	
LINE LABELS	MEASURED 100' M / DEED 100' D
LINE LABELS	MEASURED 100' M / PLAT 100' P



INTERIOR ANGLES

1	135°26'16"
2	135°26'16"
3	89°07'36"
4	270°52'24"
5	269°07'36"
6	90°52'24"
7	71°44'21"
8	192°10'45"
9	185°04'42"
10	90°59'46"
11	269°08'02"
12	90°52'24"
13	89°07'28"

SUM OF INTERIOR ANGLES 1980°00'00"

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

NOTES

TOTAL SQUARE FOOTAGE OF DEVELOPMENT = 336,379± SQ. FT.
TOTAL ACREAGE OF DEVELOPMENT = 7.72± ACRES

METERS TO U.S. FEET CONVERSION 3.28083333 "GRID".

MAINTENANCE OF ANY AREA REFERRED TO AS DRAINAGE EASEMENT OR DRAINAGE DETENTION IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

INSTALLATION OF IRON PINS ON ALL LOT CORNERS WILL BE COMPLETED UPON COMPLETION OF UTILITIES INSTALLATIONS.

STATE PLANE COORDINATE TIE
MISSOURI COORDINATE SYSTEM 1983

CONTROL STATIONS:
GR-92 NORTHING – 147514.0760 (M)
EASTING – 4277223.6803 (M)
GRID FACTOR – 0.9999408

COORDINATES EXPRESSED IN METERS, 2002 ADJUSTMENT.

OWNER/DEVELOPER:
REDEEMER LUTHERAN CHURCH
2852 S. DAYTON AVENUE
SPRINGFIELD, MO. 65807

CONTACT PERSON:
KENT R. PETERSON
ANDERSON ENGINEERING, INC.
3213 S. WEST BYPASS
SPRINGFIELD, MO 65807
(417) 866-2741

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF SPRINGFIELD, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION.

_____ _____
DATE

ACKNOWLEDGEMENT

STATE OF MISSOURI)
) SS
COUNTY OF GREENE)

ON THIS ____ DAY OF _____ IN THE YEAR _____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____, CHAIRMAN OF THE BOARD OF TRUSTEES OF THE _____TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DOCUMENT, AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED FOR THE PURPOSES THEREIN STATED.

NOTARY PUBLIC:_____

PRINT NAME:_____

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF PLANNING AND DEVELOPMENT

APPROVED THIS ____ DAY OF _____, 20____, BY THE PLANNING DIRECTOR OF THE CITY OF SPRINGFIELD, MISSOURI.

_____
"BOB HOSMER, AICP, PLANNING MANAGER"

DEDICATION

SAID LAND HAS BEEN SUBDIVIDED AS SHOWN HEREON, ALL STREETS, EASEMENTS, AND ACCESS LIMITATIONS AS RELINQUISHED AND DEDICATED TO THE PUBLIC.

IN WITNESS WHEREOF,_____, AND_____, (HUSBAND AND WIFE/CORPORATE OFFICE/ETC.) SOLE OWNERS OF THE PROPERTY DESCRIBED HEREON, HAS CAUSED THIS PLAT TO BE SIGNED THIS_____ DAY OF _____, _____.

_____ _____
SIGNATURE – PRINT NAME UNDERNEATH LINE *SIGNATURE – PRINT NAME UNDERNEATH LINE*

PERIMETER DESCRIPTION

A TRACT OF LAND BEING ALL OF LOT 7 OF LURVEY'S NINTH ADDTION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AS RECORDED IN THE GREENE COUNTY MISSOURI RECORDER'S OFFICE IN BOOK T, PAGE 61 AND PARTS OF LOTS 1 AND 2, BLOCK B OF CASTLEWOOD CREST SUBDIVISION, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI AS RECORDED IN BOOK P, PAGE 49 OF THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7 OF LURVEY'S NINTH ADDITION; THENCE ALONG THE EAST LINE OF SAID LOT 7, SOUTH 02°01'45" WEST, 125.00 FEET; THENCE SOUTH 88°50'39" EAST, 90.00 FEET; THENCE NORTH 02°01'45" EAST, 19.15 FEET; THENCE SOUTH 88°50'39" EAST, 170.91 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY OF MAIN AVENUE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES, 94.54 FEET ALONG A 337.04 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 19°25'00" WEST FOR A DISTANCE OF 94.23 FEET; THENCE 48.76 FEET ALONG A 337.04 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 07°14'13" WEST FOR A DISTANCE OF 48.72 FEET; THENCE SOUTH 02°09'33" WEST, 166.85 FEET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 88°50'13" WEST, 227.96 FEET; THENCE SOUTH 02°01'45" WEST, 155.21 FEET TO THE SOUTHEAST CORNER OF THE AFOREMENTIONED LOT 7; THENCE ALONG THE SOUTH LINE OF LOT 7, NORTH 88°50'39" WEST, 472.13 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF DAYTON AVENUE; THENCE ALONG SAID RIGHT-OF-WAY, NORTH 02°01'53" EAST, 546.17 FEET; THENCE 31.07 FEET ALONG A 20.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 46°35'37" EAST FOR A DISTANCE OF 28.02 FEET, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF WOODLAND STREET; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 88°50'39" EAST, 452.45 FEET TO THE POINT OF BEGINNING. CONTAINING 317,150 SQUARE FEET OR 7.28 ACRES, MORE OR LESS. ALL LYING IN THE NORTHEAST QUARTER OF SECTION 2, 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.

STORMWATER NOTE:

THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE WATER RUNOFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUNOFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.

ALL COMMON AREAS SHALL BE CONSIDERED DRAINAGE EASEMENTS. ALL COMMON AREAS ARE TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION. ALL DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY THE PROPERTY OWNER.

ZONING DATA

SUBJECT PROPERTY IS R-SF (SINGLE-FAMILY RESIDENTIAL DISTRICT).

MINIMUM YARD REQUIREMENTS:
FRONT YARD:
A. 25 FEET ALONG A STREET CLASSIFIED AS A COLLECTOR OR HIGHER CLASSIFICATION STREET OR AS REQUIRED BY SECTION 36-453.
B. 15 FEET ALONG A STREET CLASSIFIED AS A LOCAL STREET OR AS REQUIRED BY SECTION 36-453.
C. THE FRONT YARD SETBACK MAY BE REDUCED BELOW THE MINIMUM REQUIRED ABOVE IF A CONDITIONAL USE PERMIT IS APPROVED IN ACCORDANCE WITH SECTION 36-363.

SIDE YARD: 5 FEET OR AS REQUIRED BY SECTION 36-453

REAR YARD: 10 PERCENT OF THE LOT DEPTH, BUT MAY NOT BE LESS THAN 10 FEET NOR SHALL MORE THAN 20 FEET BE REQUIRED.

SURVEYOR'S CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, KENT R. PETERSON, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY ANDERSON ENGINEERING, INC. DATED OCTOBER 26, 2021 AND SIGNED BY KENT R. PETERSON, PLS NO. 2659 AND THAT THE MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE SUPERVISION OF KENT R. PETERSON, PLS NO. 2659 IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS. DRAWING LAST REVISED ON JUNE 03, 2022.

ANDERSON ENGINEERING, INC. LC 62 BY:

STATE OF MISSOURI
KENT R. PETERSON
NUMBER LS-2659
PROFESSIONAL LAND SURVEYOR

KENT R. PETERSON, PLS NO. 2659

6-03-2022
DATE PREPARED

SURVEYORS NOTE:

WITH THIS SURVEY WE DO NOT GUARANTEE THAT OWNERSHIP IS TO THE SURVEY LINES DEPICTED HEREON. THIS SURVEY IS A GRAPHIC REPRESENTATION OF THE OPINION OF THE SURVEYOR AS TO THE LOCATION OF THE RECORD DESCRIPTION.

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 29077C0341E, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 17, 2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS.

COA #000062

ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING

3213 S. WEST BYPASS
SPRINGFIELD, MISSOURI 65807
PHONE (417) 866-2741
FAX (417) 866-2778

FIELD: CB	DATE: 10-26-2021	21SP20227
DRAWN: BAC	FIELD BK: N/A	
CHECKED: KRP	JOB NO: 21SP20227	SHT. 1 OF 1 REV. __

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 08-02-22

Sponsored by: Simpson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-204 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of The Irons at Millwood Subdivision, generally located at 6177 South Farm Road 189, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

WHEREAS, an original Preliminary Plat of The Irons at Millwood Subdivision dated July 7, 2022, is on file with the City's Department of Planning and Development; and

WHEREAS, on July 14, 2022, the Planning and Zoning Commission of the City of Springfield, Missouri, conditionally approved the Preliminary Plat of The Irons at Millwood Subdivision, which is generally located at 6177 South Farm Road 189.

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

Section 1 – City Council hereby authorizes the Director of Planning and Development, on behalf of the City of Springfield, to accept the land, easements, and improvements dedicated to the City, as shown on the Preliminary Plat of The Irons at Millwood Subdivision, which is generally located at 6177 South Farm Road 189, as approved by the Planning and Zoning Commission. The original plat of The Irons at Millwood Subdivision is on file in the Department of Planning and Development ("Approved Preliminary Plat"), a reduced version of which is attached hereto for general reference as "Exhibit B – Attachment 3." All of "Exhibit B," including attachments, is incorporated herein by this reference.

Section 2 – The Director of Planning and Development shall be authorized to accept the land, easements, and improvements dedicated to the City, as shown on said

plat, upon the applicant filing and recording a final plat in accordance with this Ordinance and the Subdivision Regulations of the City, which final plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in “Exhibit B – Attachment 2,” and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of all conditions referenced herein and in “Exhibit B.”

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in “Exhibit B – Attachment 2,” the City Clerk is hereby authorized to endorse City Council’s approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022 - 204

FILED: 08-02-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Irons at Millwood Subdivision, generally located at 6177 South Farm Road 189, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

A. An original Preliminary Plat of Irons at Millwood Subdivision dated July 7, 2022, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Attachment 3.

B. The Planning and Zoning Commission held a public hearing on July 14th, 2022, and approved the Preliminary Plat by a vote of 5 to 0, subject to the following conditions:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice

and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The Growth Management and Land Use Plan element of the Comprehensive Plan designates this area as Low-Density Housing. The subdivision divides the property in a way that will facilitate residential development on the property, being consistent with the Plan. The Major Thoroughfare Plan classifies South Farm Road 189 as a Secondary Arterial which supports the proposed land use.

REMARKS:

Staff recommends approval.

Submitted by:

Jared Follin

Jared Follin, Associate Planner

Recommended by:

Susan M. Istenes

Susan Istenes, AICP Director

Approved by:

Jason A. Gage

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Record of Proceedings
Exhibit B, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Conditions of Plat Approval
Attachment 3, Preliminary Plat
Attachment 4, Engineering Exhibit

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – July 14, 2022

Preliminary Plat of the Irons at Millwood Subdivision
6177 South Farm Road 189
Applicant: Steed Communities

Mr. Follin states that this is a request to approve a preliminary plat for a 78-lot residential subdivision located at 6177 South Farm Road 189. The property is currently zoned R-SF and County R-1. Proposed to be R-SF and the comprehensive plan designates it as Low-Density Housing. The Transportation Plan classifies Farm Road 189 as a Secondary Arterial. A Traffic Study has already been approved; sidewalk will be required and additional right of way along Farm Rd 132. The property is not located in a FEMA designated floodplain. No stream buffers required. A fee in lieu of stormwater detention will not be permitted. There is no sewer onsite and will require a lengthy offsite sewer extension. All easements must be acquired, recorded and labeled on the plans before the plans can be approved. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Luke O'Gary, 5233 S. Sterling Way and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Colony motioned to **approve** Preliminary Plat of the Irons at Millwood Subdivision (6177 South Farm Road 189). Ms. Broekhoven seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, and Pauly. Nays: None. Abstain: None. Absent: Bruce, Knuckles, and Lebeck.

Bob Hosmer, AICP
Planning Manager

EXHIBIT B

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	JULY 14, 2022
CITY COUNCIL PUBLIC HEARING:	AUGUST 8, 2022

CASE: Preliminary Plat of The Irons at Millwood Subdivision

ACRES: 45.18

LOCATION: 6177 South Farm Road 189

EXISTING LAND USE: Undeveloped

APPLICANT: Steed Communities

STAFF: Jared Follin, Associate Planner 417-864-1612

STAFF RECOMMENDATIONS: Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a 78-lot residential subdivision named “The Irons at Millwood Subdivision” to facilitate residential development on the property.

FINDINGS FOR STAFF RECOMMENDATIONS:

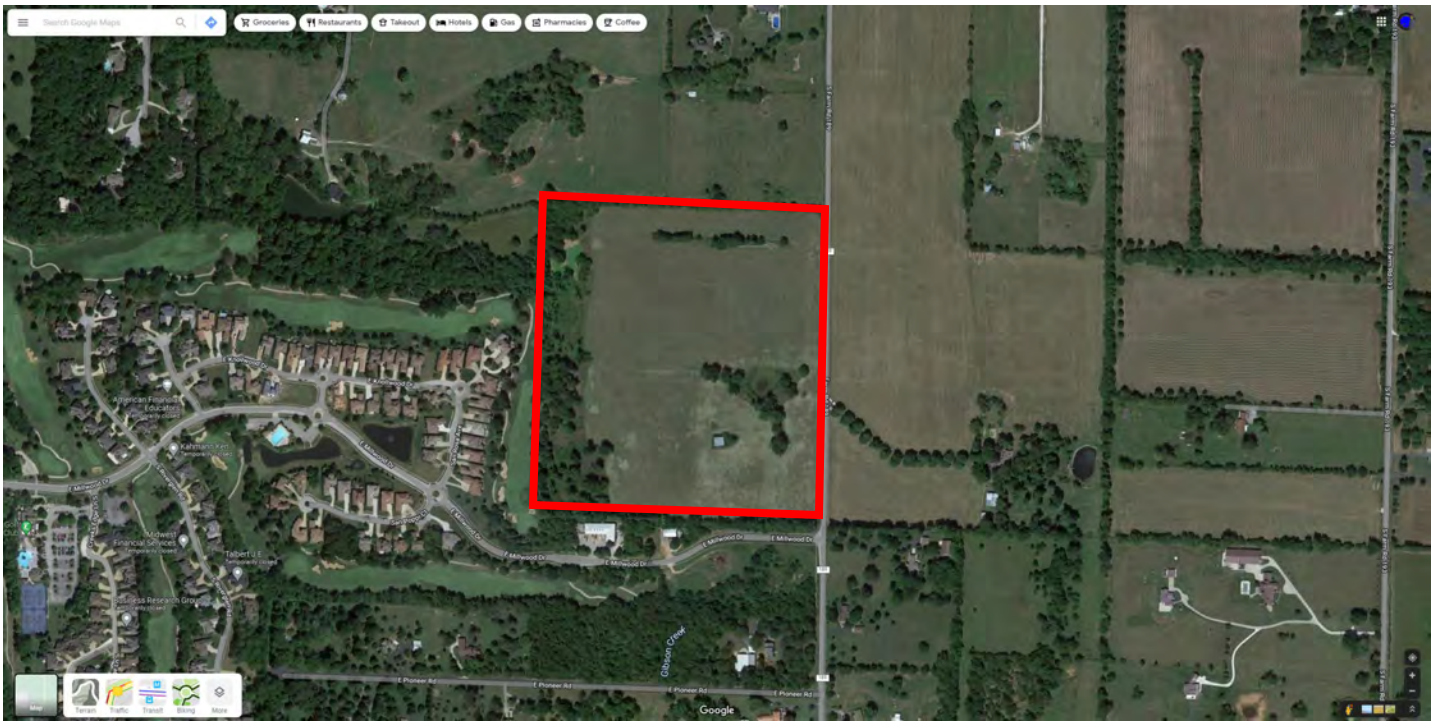
1. The applicant’s proposal, with the conditions listed in *Attachment 2*, is consistent with the City’s *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County A-1	County PAD 1033	County A-1	County PAD 1033
LAND USE	Single-Family Residential / Agriculture	Single-Family Residential / Green Space	Single-Family Residential / Agriculture	Single-Family Residential

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:

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

PROPERTY HISTORY:

The subject property was annexed by the City in 2020. Most of the property was rezoned to Single-Family Residential in the same year. The portion of property zoned County R-1 is in the process of being rezoned to Single-Family Residential.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

(a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.

(b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.

(c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.

(d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.

(e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

(f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.

(g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL DISTRICT
Minimum Lot Size	6,000 square feet
Maximum Structure Height	When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. When the side yards are 15 feet or greater: 45 feet or three stories above the finished grade.
Front Yard Setback	25 feet along collector or higher classified streets 15 feet along local streets
Side and Rear Setbacks	5 feet, or as required by section 36-453, supplemental open space and yard regulations.
Street Classification	South Farm Road 189 – Secondary Arterial
Sidewalks (Per Sec.36-471)	There is not existing sidewalk along the property frontage of S. Farm Road 189. Sidewalk currently exists along the property frontage of E. Millwood Drive. Sidewalk is required to be constructed along S. Farm Road 189 and along the new streets within the development.
Open Space Requirement	Not less than 30 percent of the total lot area shall be devoted to open space including required yards and buffer yards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* designates this area as Low-Density Housing. The subdivision divides the property in a way that will facilitate residential development on the property, being consistent with the *Plan*. The Major Thoroughfare Plan classifies South Farm Road 189 as a Secondary Arterial which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 45 acres of property into a 78-lot subdivision plat named "The Irons at Millwood Subdivision" to facilitate residential development on the property.
2. The property is currently zoned Single-Family Residential (R-SF) and County R-1. A zoning case is concurrently running with the plat to rezone the County R-1 zoning to R-SF.
3. The proposed common areas will primarily serve as a detention basin and will be privately maintained by an association.
4. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
5. The proposed preliminary plat was reviewed by City departments and comments are contained in ***Attachment 1*****.** Conditions of Approval are provided in ***Attachment 2*****.** The Preliminary Plat drawing can be found in ***Attachment 3*****.** The engineering report can be found in ***Attachment 4.***

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

Development Review Staff Report

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITES COMMENTS:
No issues generally with preliminary plat. CU can provide Electric/Gas/Water/and potentially Fiber to the development per our Extension Policy. Offsite Gas/Water extension will be needed from Millwood Dr to provide service. Electric can be extended from FR 189 or from Millwood Dr. Fiber may be available to be extended from Millwood Dr. Relocation is likely needed for existing pole at FR 189 and proposed Irons Blvd. At least 10 ft wide utility easements will be needed along both sides of all public streets, including along stub streets to the north property line. This can be done on the final plat. A utility pre-design meeting is recommended. Contact Josh at 417-831-8816 to coordinate.

ENVIRONMENTAL SERVICES CLEAN WATER SERVICES DIVISION COMMENTS:
1. Public sewer not currently available for the proposed site and will require offsite and onsite sewer improvements. According to city code section 120.72.a, public sewer must be adjacent to the lot. This will require public improvement plans designed and constructed to city specs. Submit public improvement plans for both onsite and offsite sewer for review. Engineering and inspection fees of 5.34% of the approved contract amount must be paid prior to filing the plans. If the onsite and offsite sewer are submitted under separate project numbers, the offsite sewer should be approved before the onsite improvements are approved.
2. There is a $0.0075 per square foot trunkline fee required for the area of the subdivision. This fee will be added to the engineering and inspection fees.
3. The public improvements must be approved and constructed or escrowed before any building permits or plats can be approved according to city code section 98-12(b)(c) Private Construction of Public Improvements and section 98-14. - Assurance for completion of Public Improvements. If escrow of offsite sewer is allowed, it is at the developer's risk and understand that a C/O cannot be issued until said sewer is complete and accepted.
4. The horizontal alignment for the onsite sewer is acceptable. Additional review will be done when the public improvement plans are submitted.
5. The project requires a lengthy offsite sewer extension. All easements must be acquired, recorded and labeled on the plans before the plans can be approve.
6. The City of Springfield worked with a previous developer and engineer to determine the viability of a public lift station versus a trunkline. Please contact ES staff to discuss the requirements for serving the property. 7. The parent tract has already been annexed into the City of Springfield so a consent to annexation will not be required.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:
1. Add the following note to Development Notes on the Plat: "The area shown hereon is not located in a storm sewer district as of the date of recording and may be subject to future assessment cost if included in future storm water benefit district deemed necessary resulting from problems created by surface water runoff. This is due to the fact that the surface water runoff is presently being accommodated by street and open drainage facilities. "
2. Update Development Note #11 to the following: "All Common Areas shall be considered drainage easements. All Common Areas are to be maintained by the property owner's association. All drainage easements are to be maintained by the property owner."

The property is in the **Farmer Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will not be allowed and detention is required.** The property **does not have a stream buffer on site.**

Please note that development of the property will be subject to the following conditions at the time of development. All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022:
https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-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 proposed Preliminary Plat is for a large Subdivision that will greatly increase runoff to adjacent and downstream properties if detention is not provided.
   b. Subdivision stormwater detention requires to be shown in a common area and done on public improvement plans. Drainage easements need to be provided for drainage crossing multiple lots.
   c. Stormwater infrastructure serving more than one property shall be submitted on public improvement plans.
   d. Escrow of Public Improvement Plans for Stormwater Improvements would not be allowed and detention would need to be roughed-in prior to the issuance of any Building Permits.

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.

3. Detention must be built and approved prior to issuance of the building permit. If this is not possible submit a temporary stormwater plan with your plan submittal. If it is an above ground basin then as-builts will be required. The as-builts must be submitted and approved prior to release of the certificate of occupancy.
   a. Include the following note for as-builts on the plans submitted for permitting:
   b. “The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.”

Water Quality Requirements

4. 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

5. 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.
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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. Per the predevelopment comments, a Traffic Study is required to be submitted and approved. Any infrastructure improvements required based on the traffic study must be reflected in the plat.
2. The sidewalks at intersections must have a curb ramp that carries pedestrians through to the other side of the street where sidewalk continues.
3. Public Improvement Plans are required to be submitted, approved and the infrastructure constructed or funds escrowed prior to approval of the final plat.

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Farm Road 189 as a Secondary Arterial roadway and E. Millwood Drive as a Collector roadway. The standard right-of-way width for S. Farm Road 189 is 35 feet from the centerline. The standard right-of-way width for E. Millwood Drive is 30 feet from the centerline. It appears an additional 15-feet of right-of-way is needed along S. Farm Road 189. It appears no additional right-of-way is needed along E. Millwood Drive. A survey is recommended to determine the exact amount of existing right-of-way. Anything less than the required right of way is required to be dedicated as part of the plat. S. Farm Road 189 is a county-maintained street and E. Millwood Drive is a city maintained street.

DRIVEWAY ACCESS

There is currently one access point onto the property from S. Farm Road 189. The access as set forth in the Preliminary Plat appears to be adequate. Any access points onto the property must meeting current City of Springfield access standards.

SIDEWALK

There is not existing sidewalk along the property frontage of S. Farm Road 189. Sidewalk is required to be constructed along S. Farm Road 189 and along the new streets within the development.

IMPROVEMENTS

A Traffic Impact Study was required and has been approved. No additional improvements are required to existing S. Farm Road 189 or E. Millwood Drive. The development is required to construct an internal street system as set for in the City of Springfield Public Works Design requirements.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	S. Farm Road 189	Secondary Arterial	No	20	35

PUBLIC WORKS TRANSPORTATION DIVISION COMMENTS:

As stated in the PREDEV meeting, a traffic impact study will be required to be reviewed and approved. The requirements of said study shall be incorporated in site plan, PIP, or other permits as applicable, and in accordance with City Code Section 36-250 and Section 9 of Public Works Design Standards. All public improvements required for the development must be constructed or escrowed prior to approval of the building permit or final plat.

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

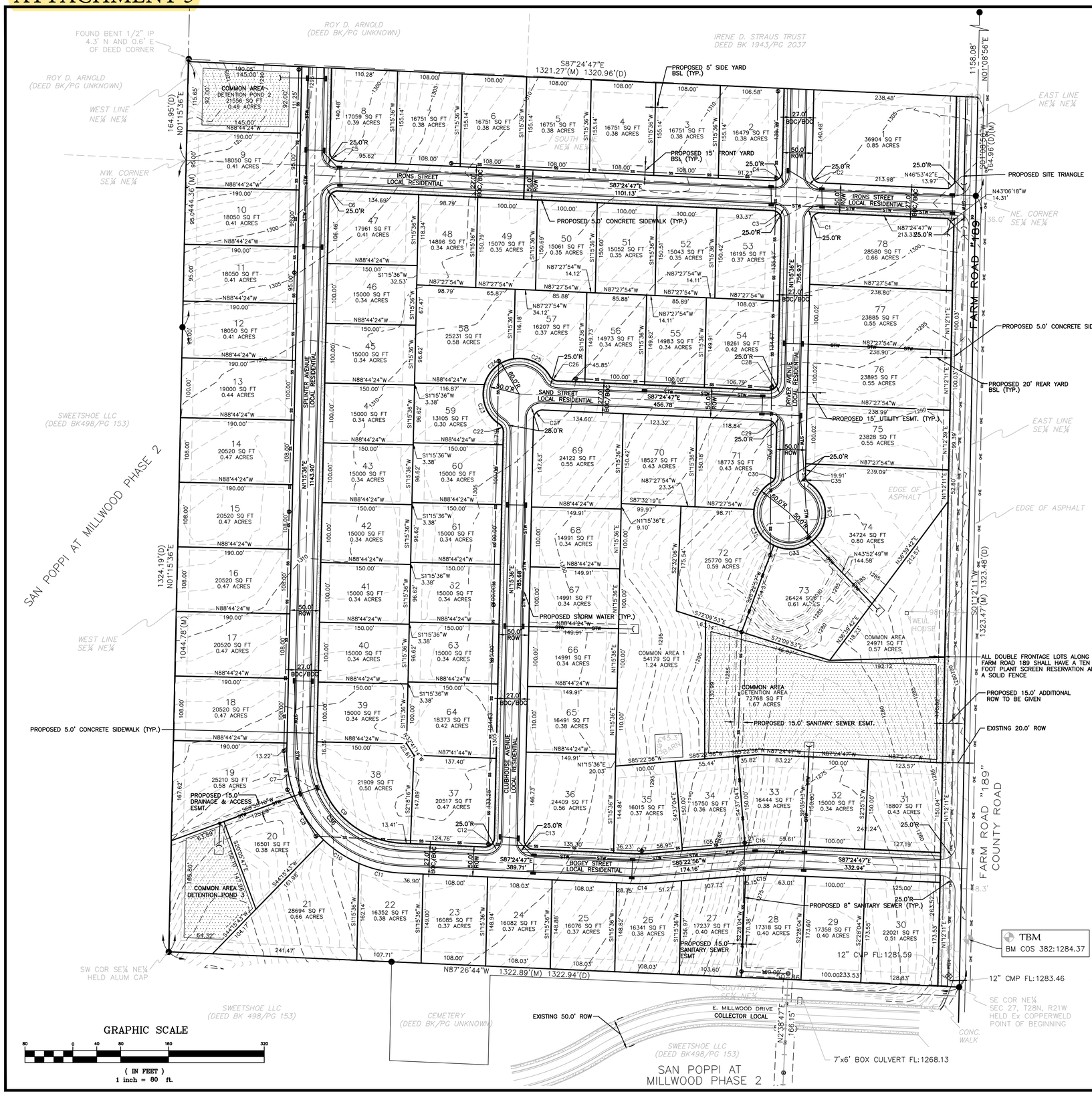
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

ATTACHMENT 3



PROJECT LOCATION MAP

SCALE: 1"=400'
SEC. 27, T28N, R21W

OWNER/DEVELOPER
PROPERTY OWNER/DEVELOPER:
STEED COMMUNITIES
P.O. BOX 670
KIMBERLING CITY, MO. 65686
CONTACT PERSON: DEAN JOHNSON
CELL: 417-988-2203

PRELIMINARY PLAT

THE IRONS AT MILLWOOD SUBDIVISION

6177 S. FARM ROAD 189
SPRINGFIELD, MISSOURI

PROPERTY DESCRIPTION: *SOURCE OF TITLE: BK. 2013, PG. 020492-13*

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE¼) OF THE NORTHEAST QUARTER (NE¼) AND A PART OF THE NORTHEAST QUARTER (NE¼) OF THE NORTHEAST QUARTER (NE¼) ALL IN SECTION 27, TOWNSHIP 28 NORTH, RANGE 21 WEST OF THE 5TH P.M. IN GREENE COUNTY, MISSOURI, THE BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING COPPERWELD AT THE SOUTHEAST CORNER OF SAID SE¼ OF THE NE¼ OF SECTION 27, THENCE N87°26'44"W, ALONG THE SOUTH LINE OF SAID SE¼ OF THE NE¼, 1322.89 FEET TO AN IRON PIN AT THE SOUTHWEST CORNER OF SAID SE¼ OF THE NE¼; THENCE N01°15'36"E, ALONG SAID WEST LINE, 1324.19 FEET TO THE NORTHWEST CORNER OF SAID SE¼ OF THE NE¼; THENCE CONTINUING N01°15'36"E, ALONG THE WEST LINE OF SAID NE¼ OF THE NE¼, 164.95 FEET TO AN IRON PIN; THENCE S87°24'47"E, 1321.27 FEET TO AN IRON PIN ON THE EAST LINE OF SAID NE¼ OF THE NE¼; THENCE S01°08'56"W, ALONG SAID EAST LINE, 164.96 FEET TO AN IRON PIN AT THE NORTHEAST CORNER OF SAID SE¼ OF THE NE¼; THENCE S01°12'11"W, ALONG THE EAST LINE OF SAID SE¼ OF THE NE¼, 1323.47 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD. BEARINGS ARE BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

DEVELOPMENT NOTES:

1.) TOTAL NUMBER OF LOTS: 78
2.) AREA OF DEVELOPMENT: 45.18 ACRES
3.) PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
4.) SMALLEST LOT(S): 59 (13,105 SF)
5.) LARGEST LOT: 1 (36,904 SF)
6.) ALL PUBLIC IMPROVEMENTS TO BE DESIGNED IN ACCORDANCE WITH CITY OF SPRINGFIELD: PUBLIC WORKS, DESIGN STANDARDS.
7.) ALL PUBLIC IMPROVEMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF SPRINGFIELD: PUBLIC WORKS, TECHNICAL SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
8.) MAXIMUM IMPERVIOUS SURFACE ON ANY LOT SHALL BE LIMITED TO LESS THAN 65%.
9.) THE PROJECT DOES NOT LIE WITHIN THE FEMA FLOODPLAIN ACCORDING TO FIRM MAP NO. 29077C0477E, PANEL 0477E
10.) MAINTENANCE OF ANY AREA REFERED TO AS DRAINAGE EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER.
11.) ALL COMMON AREAS SHALL BE CONSIDERED DRAINAGE EASEMENTS. ALL COMMON AREAS ARE TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION. ALL DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY THE PROPERTY OWNERS.
12.) NO SINKHOLES ON-SITE. THE PROPERTY DOES NOT HAVE A FLOOD HAZARD AREA.
13.) ALL GARAGES TO BE SET 20 FEET FROM PUBLIC RIGHT-OF-WAY.
14.) THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE RUNOFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUNOFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.
15.) STREETS WILL NOT BE PRIVATE OR GATED.

BENCHMARK

#382 – 0.5 MILE S. OF FARM ROAD 186 ON FARM ROAD 189, POWER POLE AZ 240, 34.9'. CMP AZ 178, 68.8', FENCE CORNER AZ 172, 80.4', EDGE OF PAVEMENT 4.8'. ELEVATION = 1284.37'

LEGEND

—D—D—	WOOD FENCE
—O—O—	CHAINLINK FENCE
—X—X—	WIRE FENCE
—OHE—	OVERHEAD ELECTRIC
—UGE—	UNDERGROUND ELECTRIC
—FM—	FORCE MAIN
—SS—	PROP. SANITARY SEWER
—G—G—	EXISTING GAS LINE
—STW—	PROPOSED STORM SEWER
—T—T—	TELEPHONE
—W—W—	EXISTING WATER
○	IRON PIN SET
●	IRON PIN FOUND
■	STONE FOUND
▲	RIGHT-OF-WAY MARKER
◇	BUSH/SHRUB
	TREE
	SIGN
	HANDICAP PARKING
	POWER POLE
	GUY WIRE
	TRANSFORMER
	ELECTRIC METER
	LIGHT POLE
	SAN. SEWER MANHOLE
	CLEANOUT
	TEST WELL
	GAS METER
	DROP INLET
	TELEPHONE RISER
	WATER METER
	WATER VALVE
	FIRE HYDRANT
MB	MAILBOX
C/P	CONCRETE PAD
C/W	CONCRETE WALK
—EX SS—	EX 8" SEWER MAIN
—EX W—	EX 8" WATER MAIN
—G/W—	PROP. GAS & WATER LINE

CERTIFICATE OF APPROVAL BY THE PLANNING & ZONING COMMISION

APPROVED THIS _____DAY OF _____, 2022 BY THE PLANNING & ZONING COMMISSION OF SPRINGFIELD, MISSOURI.

SUSAN ISTENES, AICP – DIRECTOR
PLANNING AND DEVELOPMENT DEPARTMENT

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL

I, ANITA J COTTER, CITY CLERK OF SPRINGFIELD, GREENE COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE PLAT OF THE IRONS AT MILLWOOD SUBDIVISION WAS PRESENTED TO, ACCEPTED AND APPROVED BY THE COUNCIL OF SAID CITY OF SPRINGFIELD AND APPROVED BY ORDINANCE NO. _____ ON THIS _____ DAY OF _____ 2022

ANITA J COTTER – CITY CLERK

DRAWING REVISIONS

DATE	REMARKS	APPROVED BY
6-2-22	PER CITY COMMENTS	
6-28-22	PER CITY COMMENTS	
7-1-22	PER CITY COMMENTS	
7-7-22	PER CITY COMMENTS	

ME STALZER, LLC.
CONSULTING CIVIL ENGINEER
COA: E-2022006798
1658 W. RIVERSIDE STREET
SPRINGFIELD, MO. 65807
(PHONE)417-860-9697

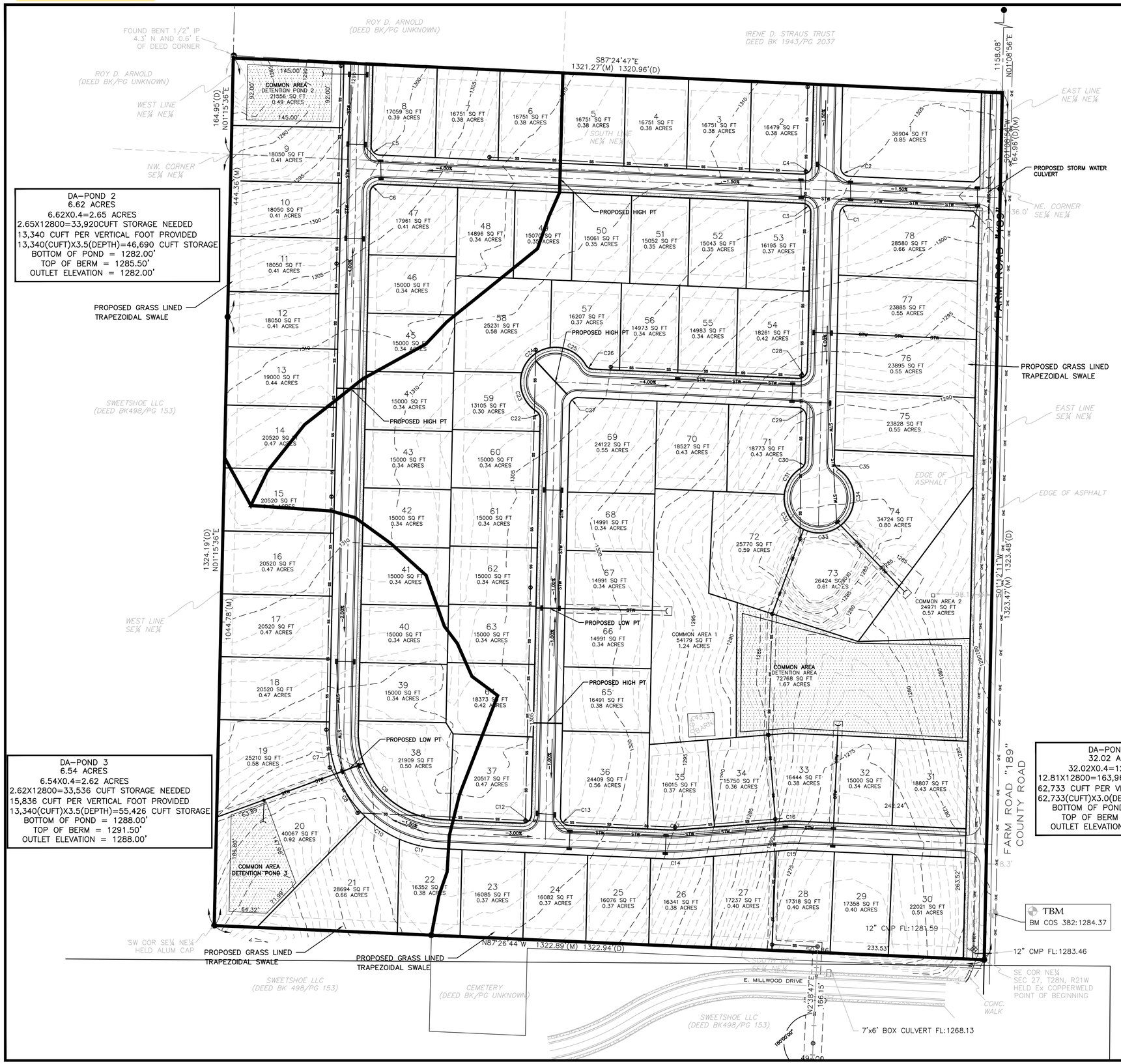
SPRINGFIELD, MISSOURI

PRELIMINARY PLAT
THE IRONS AT MILLWOOD SUBDIVISION

Barry Mackey
STATE OF MISSOURI
BARRY D MACKEY
NUMBER
PLS-2007017965
PROFESSIONAL LAND SURVEYOR

DATE 3-24-22	DESIGN MES	SCALES	SHEET 1
PROJ. NO.	DRAWN MES	HOR 1"=80'	OF 2 SHTS.
DWG. NO.	CHECKED MES	VERT N/A	FILE NO.

ATTACHMENT 4



DA–POND 2
6.62 ACRES
6.62X0.4=2.65 ACRES
2.65X12800=33,920CUFT STORAGE NEEDED
13,340 CUFT PER VERTICAL FOOT PROVIDED
13,340(CUFT)X3.5(DEPTH)=46,690 CUFT STORAGE
BOTTOM OF POND = 1282.00'
TOP OF BERM = 1285.50'
OUTLET ELEVATION = 1282.00'

DA–POND 3
6.54 ACRES
6.54X0.4=2.62 ACRES
2.62X12800=33,536 CUFT STORAGE NEEDED
15,836 CUFT PER VERTICAL FOOT PROVIDED
13,340(CUFT)X3.5(DEPTH)=55,426 CUFT STORAGE
BOTTOM OF POND = 1288.00'
TOP OF BERM = 1291.50'
OUTLET ELEVATION = 1288.00'

DA–POND 3
32.02 ACRES
32.02X0.4=12.81 ACRES
12.81X12800=163,968 CUFT STORAGE NEEDED
62,733 CUFT PER VERTICAL FOOT PROVIDED
62,733(CUFT)X3.0(DEPTH)= 188,199 CUFT STORAGE
BOTTOM OF POND = 1276.00'
TOP OF BERM = 1280.00'
OUTLET ELEVATION = 1276.00'

CURVE TABLE

CURVE NUMBER	LENGTH	RADIUS	DELTA	CHORD DIR.	CHORD LENGTH
C1	23.91'	15.00'	91°19'37"	S46°55'24"W	21.46'
C2	23.21'	15.00'	88°40'23"	S43°04'36"E	20.97'
C3	23.21'	15.00'	88°40'23"	N43°04'36"W	20.97'
C4	23.91'	15.00'	91°19'37"	N46°55'24"E	21.46'
C5	23.21'	15.00'	88°40'23"	S43°04'36"E	20.97'
C6	23.91'	15.00'	91°19'37"	S46°55'24"W	21.46'
C7	76.57'	200.00'	21°56'12"	N9°42'30"W	76.11'
C8	88.96'	200.00'	25°29'10"	N33°25'11"W	88.23'
C9	232.15'	150.00'	88°40'23"	S43°04'36"E	209.66'
C10	71.28'	200.00'	20°25'13"	N56°22'23"W	70.90'
C11	72.71'	200.00'	20°49'48"	N76°59'53"W	72.31'
C12	23.91'	15.00'	91°19'37"	N46°55'24"E	21.46'
C13	23.21'	15.00'	88°40'23"	S43°04'36"E	20.97'
C14	28.29'	225.00'	7°12'17"	S88°59'04"W	28.27'
C15	22.01'	175.00'	7°12'17"	S88°59'04"W	21.99'
C16	28.29'	225.00'	7°12'17"	N88°59'04"E	28.27'
C17	22.01'	175.00'	7°12'17"	N88°59'04"E	21.99'
C22	15.12'	15.00'	57°46'09"	N27°37'28"W	14.49'
C23	75.50'	60.00'	72°05'47"	N20°27'39"W	70.62'
C24	68.81'	60.00'	65°42'44"	N48°26'36"E	65.10'
C25	71.93'	60.00'	68°41'10"	S64°21'27"E	67.70'
C26	15.03'	15.00'	57°23'55"	S58°42'50"E	14.41'
C27	23.91'	15.00'	91°19'37"	S46°55'24"W	21.46'
C28	23.91'	15.00'	91°19'37"	N46°55'24"E	21.46'
C29	23.21'	15.00'	88°40'23"	N43°04'36"W	20.97'
C30	15.12'	15.00'	57°46'09"	N30°08'40"E	14.49'
C31	55.27'	60.00'	52°46'51"	N32°38'19"E	53.34'
C32	73.34'	60.00'	70°02'04"	N28°46'08"W	68.86'
C33	67.88'	60.00'	64°49'20"	S83°48'10"W	64.32'
C34	112.99'	60.00'	107°54'02"	S2°33'32"E	97.02'
C35	15.12'	15.00'	57°46'09"	S27°37'28"E	14.49'
C36	270.84'	175.00'	88°40'23"	S43°04'36"E	244.61'

LEGEND

—D—D—	WOOD FENCE
—O—O—	CHAINLINK FENCE
—X—X—	WIRE FENCE
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—UGE—	UNDERGROUND ELECTRIC
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○	IRON PIN SET
●	IRON PIN FOUND
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▲	RIGHT–OF–WAY MARKER
◇	BUSH/SHRUB
⬡	TREE
	SIGN
♿	HANDICAP PARKING
	POWER POLE
	GUY WIRE
	TRANSFORMER
	ELECTRIC METER
	LIGHT POLE
Ⓢ	SAN. SEWER MANHOLE
	CLEANOUT
	TEST WELL
	GAS METER
	DROP INLET
	TELEPHONE RISER
Ⓦ	WATER METER
	WATER VALVE
	FIRE HYDRANT
MB	MAILBOX
C/P	CONCRETE PAD
C/W	CONCRETE WALK
—EX SS—	EX 8" SEWER MAIN
—EX W—	EX 8" WATER MAIN
—G/W—	PROP. GAS & WATER LINE

GRAPHIC SCALE

80 0 40 80 160 320

(IN FEET)
1 inch = 80 ft.

DRAWING REVISIONS		
DATE	REMARKS	APPROVED BY
6–2–22	PER CITY COMMENTS	
6–28–22	PER CITY COMMENTS	

ME STALZER, LLC.
CONSULTING CIVIL ENGINEER
COA: E–2022006798
1658 W. RIVERSIDE STREET
SPRINGFIELD, MO. 65807
(PHONE)417–860–9697

SPRINGFIELD, MISSOURI

ENGINEERING EXHIBIT THE IRONS AT MILLWOOD SUBDIVISION

MICHAEL E. STALZER E-29329 STATE OF MISSOURI REGISTERED PROFESSIONAL ENGINEER

DATE 3–24–22	DESIGN MES	SCALES		SHEET 2	
PROJ. NO.	DRAWN MES	HOR 1"=80'		OF 2	SHTS.
DWG. NO.	CHECKED MES	VERT N/A		FILE NO.	