



Agenda City Council Meeting

**City Council Chambers
Historic City Hall, 830 Boonville**

Ken McClure, Mayor

Zone Councilmembers	General Councilmembers
Monica Horton, Zone 1	Heather Hardinger, General A
Abe McGull, Zone 2	Craig Hosmer, General B
Mike Schilling, Zone 3	Andrew Lear, General C
Matthew Simpson, Zone 4	Richard Ollis, General D

Upcoming Council Meeting Agenda October 3, 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. SEPTEMBER 19, 2022, CITY COUNCIL MEETING AND SEPTEMBER 22, 2022, SPECIAL CITY COUNCIL MEETING.

Documents:

[09-19-22.PDF](#)

[09-22-22 SPECIAL CITY COUNCIL MEETING.PDF](#)

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

4. CEREMONIAL MATTERS.

5. CITY MANAGER REPORT, POLICE CHIEF REPORT, AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETINGS.

6. City Council Discussion Of Board Appointment Process

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

8. Council Bill 2022-244 (Horton)

A special ordinance granting Conditional Use Permit No. 465 for the purpose of permitting construction of a development project greater than 10,000 square feet of total building floor area as a conditional use within the COM-1 – Commercial Street District, generally located at 425 West Commercial Street and 1824 North Lyon Avenue. (Planning and Zoning Commission and staff recommend approval.)

Documents:

[2022-244.PDF](#)

9. Council Bill 2022-245 (Lear)

A special ordinance authorizing the City Manager, or designee, to enter into an Amended and Restated Lease Agreement with the Greene County Agricultural and Mechanical Society of Springfield, Missouri.

Documents:

[2022-245.PDF](#)

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

11. Council Bill 2022-247 (Simpson)

A resolution granting a Short-Term Rental Type 2 Permit for the property located at 1054 East Sunshine 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:

[2022-247.PDF](#)

12. Council Bill 2022-248 (Simpson)

A resolution granting a Short-Term Rental Type 2 Permit for the property located at 2000 East Sunset Drive 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:

[2022-248.PDF](#)

13. EMERGENCY BILLS.

14. PUBLIC IMPROVEMENTS.

15. GRANTS. Citizens May Speak. May Be Voted On.

16. Council Bill 2022-249 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program-Urban Supplemental Agreement with the Missouri Highways and Transportation Commission; amending the budget of the Department of Public Works for Fiscal Year 2022-2023, in the amount of \$628,178, for the purpose of appropriating the additional federal funds to be used in street overlay improvements; and declaring that this bill qualifies for approval in one reading.

Documents:

[2022-249.PDF](#)

17. AMENDED BILLS.

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

19. Council Bill 2022-250 (Schillind)

A special ordinance granting Conditional Use Permit No. 466 for the purpose of permitting an automobile service garage as a conditional use within the GR, General Retail District, generally located at 1306 West Sunshine Street. (Staff and Planning and Zoning Commission recommend approval.) (By: West Coast 711S, LLC; 1306 W. Sunshine Street; Conditional Use Permit 466.)

Documents:

[2022-250.PDF](#)

20. Council Bill 2022-251 (Schilling)

A special ordinance granting Conditional Use Permit No. 467 for the purpose of permitting an automotive body and fender repair and paint shop as a conditional use within the HC, Highway Commercial District, generally located at 1025 West Sunshine Street. (Staff and Planning and Zoning Commission recommend approval.) (By: Clovis Breeden; 1025 W. Sunshine Street; Conditional Use Permit 467.)

Documents:

[2022-251.PDF](#)

21. Council Bill 2022-252 (Simpson)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1 acre of property generally located at 3050 East Battlefield Road and 3020 South Parkview Avenue from Planned Development No. 222 and R-SF, Single-Family Residential District, to O-1, Office District, with Conditional Overlay District No. 219; establishing Conditional Overlay District No. 219; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Dean & Teresa McClish Trust; 3050 E. Battlefield Road and 3020 S. Parkview Avenue; Z-18-2022 w/COD #219.)

Documents:

[2022-252.PDF](#)

22. Council Bill 2022-253 (McGull)

A general ordinance amending the Springfield Land Development Code,

Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.29 acres of property generally located at 1331 North Stewart Avenue from GM, General Manufacturing District, to LI, Light Industrial District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Troutman Enterprises, LLC; 1331 N. Stewart Avenue; Z-20-2020.)

Documents:

[2022-253.PDF](#)

23. **Council Bill 2022-254 (Simpson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.57 acres of property generally located at 3787 South Jefferson Avenue from O-1, Office District, to GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: J&M Tillman LLC; 3787 S. Jefferson Avenue; Z-22-2022.)

Documents:

[2022-254.PDF](#)

24. **Council Bill 2022-255 (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 3.3 acres of property generally located at 1545 West Republic Street from GR, General Retail District, to HC, Highway Commercial District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: 1545 W Republic Road LLC; 1545 W. Republic Street; Z-24-2022.)

Documents:

[2022-255.PDF](#)

25. **Council Bill 2022-256 (Schilling)**

A special ordinance granting Conditional Use Permit No. 468 for the purpose of permitting an automotive body and fender repair and paint shop as a conditional use within the HC, Highway Commercial District, generally located at 1545 West Republic Street. (Staff and Planning and Zoning Commission recommend approval.) (By: 1545 W Republic Road LLC; 1545 W. Republic Street; Conditional Use Permit 468.)

Street, Conditional Use Permit #00,

Documents:

[2022-256.PDF](#)

26. **FIRST READING BILLS.**

27. **PETITIONS, REMONSTRANCES AND COMMUNICATIONS.**

28. **NEW BUSINESS.**

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

29. **UNFINISHED BUSINESS.**

30. **MISCELLANEOUS.**

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

32. **Council Bill 2022-257 (Hardinger)**

A special ordinance authorizing the City Manager, or his designee, to enter into a Services Contract with Greene County, Missouri, for the City to continue to monitor and maintain the County storm warning sirens.

Documents:

[2022-257.PDF](#)

33. **Council Bill 2022-258 (Lear)**

A special ordinance authorizing the City Manager or his designee to enter into a Cost Apportionment Agreement with the Missouri Highways and Transportation Commission to share costs associated with a pedestrian safety workshop, with the City being responsible for \$7,500 of the total cost of the workshop.

Documents:

[2022-258.PDF](#)

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

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

36. **END OF CONSENT AGENDA**

36. **END OF CONSENT AGENDA.**

37. **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.

September 19, 2022
Springfield, Missouri

The City Council met in regular session September 19, 2022, in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure. Mayor McClure noted he issued a proclamation declaring September 19 through September 23 as Constitution Week. He asked all to give thanks for our country and the law and processes we have.

Roll Call

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

*attended via videoconference

Minutes

The minutes of the September 6, 2022, City Council meeting were considered. Mayor Pro Tem Simpson moved to approve the minutes as presented. The motion was seconded by Councilman Schilling and approved by the following vote: Ayes: Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, Horton, McGull, and McClure. Nays: None. Absent: None. Abstain: None.

Consent Agenda

Councilman Hosmer asked that Item Number 40, confirmation of the Planning and Zoning board member, be removed from the Consent Agenda.

Mayor McClure asked for clarification on the procedure for removing an item from the Consent Agenda.

Rhonda Lewsader, City Attorney, responded the item would be removed from the Consent Agenda, placed elsewhere on the agenda, and City Council would then vote on the removed item. Ms. Lewsader noted there are three items under Number 40 and asked Councilman Hosmer if he only requested to remove the one Planning and Zoning Commission board member confirmation. Mr. Hosmer responded affirmatively.

Anita Cotter, City Clerk, noted the item would become Number 18.5 under Second Reading Bills.

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

The following item appeared on the agenda under Ceremonial Matters.

City Manager Report

Dan Smith, Acting City Manager, noted earlier this evening Mayor McClure honored philanthropist and entrepreneur Bill Darr with the Key to the City. Mr. Darr is a very worthy recipient of this rare honor.

Mayor McClure noted William H. Darr was given the Key to the City earlier this evening. He acknowledged Mr. Darr as a longtime community activist, being very involved in higher education and with the Council of Churches. Mayor McClure added it was an honor to recognize Mr. Darr.

Mr. Smith noted the Springfield Fire Department will host a ribbon cutting at 10 a.m. on Thursday, October 6, for Fire Station #4 which is located on the boundary of the Doling and Robberson neighborhoods. The old station was demolished last year to make way for the rebuilt station, which will be operational in about a year. Mr. Smith added funding for the new station was provided by a voter-approved Level Property Tax which was renewed by Springfield voters in 2017.

Mr. Smith noted the City's SGF Yields Pedestrian Safety Campaign was awarded an Exceptional Performance award from the American Public Works Association at their national conference last month. The SGF Yields campaign aims to initiate a cultural change in Springfield toward being more pedestrian friendly. To encourage this shift, the campaign utilizes two key strategies – education and awareness. Mandy Buettgen Quinn, Public Works, and Kristen Milam, Public Information & Civic Engagement, spearhead the program which is being adopted around the state of Missouri.

Mr. Smith noted members of the Springfield Police Department welcomed 22 recruits to the 76th Springfield Police Academy last week. Recruits, including three women and 19 men, come from across the country, and their backgrounds include a variety of work and education experience. Recruits will spend the next six months completing 1,100 hours of intense law enforcement training. Upon graduation, recruits work with an experienced field-training officer (FTO) for approximately 520 hours of on-the-job training. Following the completion of the FTO program, new officers are assigned to the Uniform Operations Bureau. Recruitment for the 77th Academy, set to begin May 2023, is ongoing. Those interested can go to gospd.com for more information.

Mr. Smith provided an update for Economic Vitality. He noted after a competitive procurement process, the City of Springfield and City Utilities have selected engineering and consulting firm Crawford, Murphy & Tilly as the consultant for the Lake Springfield Master Plan. The plan is projected to be complete by summer 2024. He added the plan will be a catalyst for new economic development and recreational opportunities for the Lake Springfield area, which was identified as a redevelopment opportunity area during the City's Forward SGF comprehensive planning process. An extensive community engagement effort will be underway soon. For more information, or to express interest or ideas, citizens can visit lakesgfmasterplan.com.

Councilman Schilling asked when repairs on the portion of Tampa Street by the Post Office will be complete. Mr. Smith responded the issue is being reviewed for a best solution. He noted the stormwater system is undersized, and ideas to solve the issue are being reviewed.

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

**Amending the
Springfield Land
Development
Code: 817 West El
Camino Alto Drive**

Sponsor: Schilling. Council Bill 2022-228

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.4 acres of property generally located at 817 West El Camino Alto Drive from R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 200, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 214; establishing Conditional Overlay District No. 214; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission

recommend approval.) (By: The Ridge HZ 55+ LLC; 817 W. El Camino Alto Drive; Z-12-2022 w/ Conditional Overlay District No. 214.)

Anita Cotter, City Clerk, noted a protest petition was received and was found to be insufficient at 3.3%. Therefore, a supermajority was not required for passage. A copy of the supplemental explanation was provided at City Councilmembers' places.

Mayor McClure expressed his support for the proposed as the neighborhood association and the developer worked together for an agreeable outcome.

Council Bill 2022-228. General Ordinance 6749 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, Hardinger, Horton, McGull, Schilling, Simpson, and McClure. Nays: None. Absent: None. Abstain: None.

Sponsor: Schilling. Council Bill 2022-229

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2801 West Bennett Street from GM, General Manufacturing District, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 215; establishing Conditional Overlay District No. 215; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Wood Irrevocable Trust; 2801 West Bennett Street; Z-15-2022 w/COD #215.)

Council Bill 2022-229. General Ordinance 6750 was approved by the following vote: Ayes: Ollis, Lear, Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, and McClure. Nays: None. Absent: None. Abstain: None.

Sponsor: McGull. Council Bill 2022-230

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.19 acres of property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District, with Conditional Overlay District No. 217; establishing Conditional Overlay District No. 217; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: The Sisters, LLC; 610 N. Prospect Avenue; Z-17-2022 w/COD #217.)

Council Bill 2022-230. General Ordinance 6751 was approved by the following vote: Ayes: Lear, Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

Sponsor: Horton. Council Bill 2022-231

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.8 acres of property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse District, and HC, Highway Commercial District, to HC, Highway Commercial District, with Conditional Overlay

**Amending the
Springfield Land
Development
Code: 2801 West
Bennett Street**

**Amending the
Springfield Land
Development
Code: 610 North
Prospect**

**Amending the
Springfield Land
Development
Code: 2645 West
Kearney Street**

District No. 218; establishing Conditional Overlay District No. 218; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: EM & KM Investments LLC; 2645 West Kearney Street; Z-19-2022 w/COD #218.)

Council Bill 2022-231. General Ordinance 6752 was approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: None. Abstain: None.

**Amend the
budget:
Department of
Environmental
Services: Chestnut
South Lift Station
Relief Sewer**

Sponsor: Ollis. Council Bill 2022-232

A special ordinance authorizing a budget adjustment to amend the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of \$900,000 to appropriate retained earnings of the Clean Water Fund for construction of the Chestnut South Lift Station Relief Sewer capital improvement project.

Council Bill 2022-232. Special Ordinance 27757 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: None. Abstain: None.

**Animal Shelter
Agreement**

Sponsor: Hosmer. Council Bill 2022-233

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with Greene County, Missouri, to outline use parameters and accept \$1,450,000 for construction of the City's animal shelter; and amending the Springfield-Greene County Health Department's Fiscal Year 2022-2023 budget in the amount of \$1,450,000 to appropriate the funds.

Council Bill 2022-233. Special Ordinance 27758 was approved by the following vote: Ayes: McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, Horton, and McClure. Nays: None. Absent: None. Abstain: None.

**City Utilities: Park
and Recreation
Regulations**

Sponsor: Hardinger. Council Bill 2022-234

A general ordinance adopting Park and Recreation Regulations pertaining to the governing and operation of park and recreation areas and facilities by City Utilities and the use thereof by the public.

Councilman Hosmer acknowledged citizen request for windsurfing to be allowed. He asked the City Utilities Board to consider the issue. Gary Gibson, President/CEO for City Utilities, responded windsurfing is viewed as being similar to paddleboarding, as the use is primarily out of the water. He noted they are supportive of looking at the issue if City Council feels the specific language needs to be added.

Councilman Schilling expressed his support for the proposed. He expressed his disappointment that firearms have to be allowed per state law.

Council Bill 2022-234. General Ordinance 6753 was approved by the following vote: Ayes: Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, Horton, McGull, and McClure. Nays: None. Absent: None. Abstain: None.

**City Utilities: 2023
Operating Budget**

Sponsor: Hardinger. Council Bill 2022-235

A general ordinance approving the City Utilities' Fiscal Year 2023 Operating Budget for its Fiscal Year ending September 30, 2023.

Council Bill 2022-235. General Ordinance 6754 was approved by the following vote: Ayes: Simpson, Hosmer, Ollis, Lear, Hardinger, Horton, McGull, Schilling, and McClure. Nays: None. Absent: None. Abstain: None.

**City Utilities:
Water Rates**

Sponsor: Lear. Council Bill 2022-236

A general ordinance authorizing revisions to water rates charged by City Utilities of Springfield, Missouri and related terms and conditions.

Council Bill 2022-215. General Ordinance 6755 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, Hardinger, Horton, McGull, Schilling, Simpson, and McClure. Nays: None. Absent: None. Abstain: None.

**City Utilities:
Curtable Gas
Service Rate**

Sponsor: Hardinger. Council Bill 2022-237

A general ordinance authorizing revisions to the Curtable Gas Service Rate (Gas Rates Sheet No. 3 of General Ordinance 6319) of City Utilities of Springfield, Missouri.

Council Bill 2022-237. General Ordinance 6756 was approved by the following vote: Ayes: Ollis, Lear, Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, and McClure. Nays: None. Absent: None. Abstain: None.

**City Utilities:
Private Outdoor
Lighting Service
Rate**

Sponsor: Hosmer. Council Bill 2022-238

A general ordinance authorizing revisions to the Private Outdoor Lighting Service Rate of City Utilities of Springfield, Missouri.

Council Bill 2022-238. General Ordinance 6757 was approved by the following vote: Ayes: Lear, Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Ollis, and McClure. Nays: None. Absent: Lear. Abstain: None.

**Fassnight Creek
Greenway Trail
improvements**

Sponsor: Lear. Council Bill 2022-239

A special ordinance approving the plans and specifications for the Fassnight Creek Greenway Trail improvements; accepting the bid of Radmacher Brothers Excavating Co., Inc., in the amount of \$459,895 for said improvements; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Mayor Pro Tem Simpson expressed his support for the proposed.

Council Bill 2022-239. Special Ordinance 27759 was approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: None. Abstain: None.

**Planning and
Zoning
Commission
Confirmation:
Andrew Doolittle**

Confirm the following appointment to the Planning and Zoning Commission: Andrew Doolittle with term to expire January 1, 2024.

This item was removed from Consent Agenda – Second Reading Bills and moved to Second Reading Bills at the request of Councilman Hosmer. Councilman Hosmer noted he pulled the item at the request of constituents so it could be voted on by City Council. Mr. Hosmer expressed he has no personal objection to Mr. Doolittle.

Confirmation of Andrew Doolittle to the Planning and Zoning Commission failed by the following vote: Ayes: Simpson, Ollis, Lear, and McClure. Nays: Horton, McGull, Schilling, Hosmer, and Hardinger. Absent: None. Abstain: None.

The following items appeared on the agenda under Resolutions.

**Land and Water
Conservation
Fund Grant**

Sponsor: Ollis. Council Bill 2022-242

A resolution authorizing the City Manager, or his designee, to apply for a Land & Water Conservation Fund grant from the Missouri Department of Natural Resources, Division of State Parks, to support construction of urban greenspace and trails for the Renew Jordan Creek project.

Kirkland Preston, Professional Engineer, provided a brief overview of the proposed. Mr. Preston noted the proposed would allow the City to apply for a Land and Water Conservation Fund grant from the Missouri Department of Natural Resources. He further noted the grant would support funding of outdoor recreational facilities. The Department of Public Works would apply the grant toward the Renew Jordan Creek project. If awarded, the grant would have a 50% local match for funds.

An opportunity was given for citizens to express their views.

Danny Henderson spoke in support of the proposed. Mr. Henderson expressed his opinion it would be nice to have rain gardens on the paths and to have barriers to ensure safety for the creek. He suggested placing restrictions on beverage cans and smoking.

With no appearances, the public hearing was declared closed.

Council Bill 2022-242. Resolution 10654 was approved by the following vote: Ayes: McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, Horton, and McClure. Nays: None. Absent: None. Abstain: None.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

The following items appeared on the agenda under Grants.

**LeCompte Road
Upgrade Grant**

Sponsor: McGull. Council Bill 2022-243

A special ordinance authorizing the City Manager, or his designee, to accept \$1,500,000 in grant funds from the Economic Development Administration and the United States Department of Commerce for the purpose of upgrading LeCompte Road from the intersection of East Division Street north to the BNSF Railroad and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$1,500,000 to appropriate the grant funds; and declaring this bill qualifies for approval in one reading.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith noted the proposed would allow the department to accept a grant in the amount of \$1,500,000. He further noted the next step would be to arrange a cost share agreement with the Springfield Underground and then present that agreement to City Council.

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

Council Bill 2022-243. Special Ordinance 27762 was approved by the following vote: Ayes: Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, Horton, McGull, and McClure. Nays: None. Absent: None. Abstain: None.

AMENDED BILLS.

The following items appeared on the agenda under Public Hearing.

**Conditional Use
Permit 465: 425
West Commercial
Street and 1824
North Lyon
Avenue**

Sponsor: Horton. Council Bill 2022-244

A special ordinance granting Conditional Use Permit No. 465 for the purpose of permitting construction of a development project greater than 10,000 square feet of total building floor area as a conditional use within the COM-1 – Commercial Street District, generally located at 425 West Commercial Street and 1824 North Lyon Avenue. (Planning and Zoning Commission recommends denial and staff recommends approval.) (By: OXMOD 425 LLC, Strong Capital V LLC; 425 West Commercial Street and 1824 North Lyon Avenue; Conditional Use Permit 465).

Michael Sparlin, Senior City Planner, provided a brief overview of the proposed. Mr. Sparlin noted the proposed would allow for a building of greater than 10,000 square feet within the Commercial Street District. The building is a 37,533 square foot mixed-use building. A neighborhood meeting was held. The proposed demolition of the existing building was approved by the Landmarks Board, and it is not the intent of section 404(3)(d)(3) to discourage contemporary architectural expression. The Planning and Zoning Commission recommends approval by a vote of 7 to 0.

An opportunity was given for citizens to express their views.

Becky Volz, a representative of Woodland Heights neighborhood, spoke in support of development on the site; however, she expressed her concern the façade is not compatible with the historic nature of the area.

Councilwoman Horton noted there was a neighborhood meeting in June and asked if the neighborhood requested a second meeting. Ms. Volz responded the June meeting was for neighbors within 500 feet of the property, and the second meeting was held for those outside of that area.

Councilman Hosmer asked what Ms. Volz felt would make the design more compatible. Ms. Volz responded giving the façade features to make the design flow with existing buildings.

William Angle, a business owner on Commercial Street, addressed City Council in support of the proposed. He noted the existing buildings are in disrepair, and it is desirable to demolish and build a new structure. He expressed his opinion the design will highlight the existing buildings in the area.

Mary Collette noted the Commercial Club and the Midtown Neighborhood Association have not opposed the development. The request from the aforementioned was for the developers to visually break up the façade. Ms. Collette asked that City Council make the changes a condition of the conditional use permit.

Lyle Foster, a business owner on Commercial Street, thanked City Council for their service and Councilwoman Horton for her work in Zone 1. Dr. Foster expressed his support for the project. He expressed his belief the project acknowledges what has been and looks forward to the future as a positive addition to the area.

Councilwoman Horton asked Dr. Foster how long he has been on C-Street and the impact of adding housing in the area. Dr. Foster responded the proposed would add approximately 42 housing units which could be a welcome addition to the neighborhood.

Marie Wood, a representative of the Midtown neighborhood, spoke in favor of the proposed with some concern regarding the look of the building. She noted the historic nature of the area. Ms. Wood expressed her belief the building should have a different façade to be complementary to the other buildings.

Jennifer Wilson spoke in support of the proposed as designed. Ms. Wilson expressed her belief the building is attractive and will improve the property values in the area.

Christine Schilling spoke in support of the proposed as a conditional use permit. Ms. Schilling expressed her belief the proposed will be a benefit and improve the quality of life on Commercial Street. Ms. Schilling noted the proposed, as it is a gateway to the district, which is seen as a creative district, dominates the area as the facade is not in line with the area. Ms. Schilling requested the façade be broken up or redesigned to better compliment the area.

Paden Chambers spoke in support of the proposed. Mr. Chambers expressed his belief the proposed follows precedent as historically a business block building has been constructed in place

of several dilapidated buildings. He noted the project meets the design standards for the area.

Anita Cotter, City Clerk, noted one speaker card from the developer was received after the title was read. Mayor McClure asked Ms. Cotter to proceed.

Tyler Hellweg, the developer, spoke in support of the proposed. Mr. Hellweg noted the property is 9.5 lots in total in need of rezoning to accommodate the square footage of the building. He noted there are other multi-lot buildings in the city. Mr. Hellweg noted the renderings are schematic in nature and the beginning of the design process. He expressed his belief the proposed keeps with the organic nature of the area.

Councilwoman Horton asked if there were differences in input from the two neighborhood meetings. Mr. Hellweg responded there were differences as the initial meeting had a favorable response, and the most current meeting focused on the look of the building.

Councilman Hosmer asked if the picture provided was a schematic and not the final design. Mr. Hellweg responded affirmatively and noted design details will address some of the concerns neighbors expressed about the building. Mr. Hosmer expressed his appreciation for the developers working with the neighborhoods.

Councilman Schilling asked what the use of the building will be. Mr. Hellweg responded the ground floor is office and retail use, and the upper floors will contain approximately 32 housing units.

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

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

**Lease Agreement:
Greene County
Agricultural and
Mechanical
Society**

Sponsor: Lear. Council Bill 2022-245

A special ordinance authorizing the City Manager, or designee, to enter into an Amended and Restated Lease Agreement with the Greene County Agricultural and Mechanical Society of Springfield, Missouri.

Rhonda Lewsader, City Attorney, provided a brief overview of the proposed. Ms. Lewsader noted the proposed would allow the City to amend the current lease with the Greene County Agricultural and Mechanical Society of Springfield, Missouri, for the Fairgrounds.

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

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

Lisa Meeks addressed City Council. Ms. Meeks expressed her love and respect for history. She expressed her belief the City has not placed enough emphasis on preserving the history of Springfield. Ms. Meeks noted Founder's Park needs to be repaired, and money designated for these

repairs should not be reallocated to other departments. She suggested the park be used for city events.

The following items appeared on the agenda under New Business.

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

UNFINISHED BUSINESS.

MISCELLANEOUS.

CONSENT AGENDA – FIRST READING BILLS.

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

**Commercial Street
Community
Improvement
District Board of
Directors: Travis
Tindall**

Sponsor: Hosmer. Council Bill 2022-246

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

Council Bill 2022-246. Resolution 10655 was approved by the following vote: Ayes: Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, Horton, McGull, and McClure. Nays: None. Absent: None. Abstain: None.

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

**Preliminary Plat of
Cherry Glen**

Sponsor: McGull. Council Bill 2022-240

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 Cherry Glen, generally located at 600 South Glenstone 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.)

Council Bill 2022-240. Special Ordinance 27760 was approved by the following vote: Ayes: Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, Horton, McGull, and McClure. Nays: None. Absent: None. Abstain: None.

**Walmart
Community Grant
Program**

Sponsor: Lear. Council Bill 2022-241

A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the Walmart Community Grant Program in the amount of \$5,000 to be utilized to improve the community for the benefit of low-income individuals and families; enter into necessary agreements

to carry out the grant; and amend the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of \$5,000 to appropriate the grant funds.

Council Bill 2022-241. Special Ordinance 27761 was approved by the following vote: Ayes: Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, Horton, McGull, and McClure. Nays: None. Absent: None. Abstain: None.

BOARD CONFIRMATIONS.

Confirm the following appointment to the Landmarks Board: Jason Nunn with term to expire November 1, 2022. Confirmed.

Confirm the following appointment to the Personnel Board: J. Miles Sweeney with term to expire March 1, 2023. Confirmed.

Confirm the following appointment to the Planning and Zoning Commission: Andrew Doolittle with term to expire January 1, 2024. This item was removed from Consent Agenda and became item 18.5 to be considered under Second Reading Bills at the request of Councilman Hosmer.

END OF CONSENT AGENDA.

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

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by
Michelle Brown

September 22, 2022
Springfield, Missouri

The City Council met in special session on September 22, 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: Monica Horton, Abe McGull, Mike Schilling, Matthew Simpson, Craig Hosmer, Richard Ollis*, Andrew Lear, and Ken McClure. Absent: Heather Hardinger.

*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: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None.
Absent: Hardinger. Abstain: None.

Prepared by
Anita J. Cotter

Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. _____
P. Hrngs. X
Pgs. 33
Filed: 09-13-22

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-244

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 465 for the purpose of permitting
2 construction of a development project greater than 10,000 square feet
3 of total building floor area as a conditional use within the COM-1 –
4 Commercial Street District, generally located at 425 West
5 Commercial Street and 1824 North Lyon Avenue. (Planning and
6 Zoning Commission and staff recommend approval.)
7 _____
8

9 WHEREAS, pursuant to Section 36-363 of the Land Development Code, City
10 Council may grant permits authorizing certain enumerated conditional uses as provided
11 in the various zoning districts; and
12

13 WHEREAS, the Planning and Zoning Commission held a public hearing on
14 September 8, 2022, and recommended approval of Conditional Use Permit No. 465 for
15 the property generally located at 425 West Commercial Street and 1824 North Lyon
16 Avenue; and
17

18 WHEREAS, City Council finds that sufficient evidence has been presented to
19 satisfy all applicable standards of the Land Development Code for issuance of
20 Conditional Use Permit No. 465; and
21

22 WHEREAS, the granting of such permit is deemed proper, and it is not found to
23 harm the community or injure the value, lawful use and reasonable enjoyment of
24 properties in the vicinity of 425 West Commercial Street and 1824 North Lyon Avenue.
25

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

29 Section 1 – City Council adopts the City staff’s specific findings of fact on the
30 proposed conditional use as set forth in “Exhibit D – Attachment 3.” “Exhibit D” is
31 attached hereto and incorporated herein by this reference in its entirety. Conditional Use
32 Permit No. 465 is hereby granted in accordance with and subject to the provisions of
33 Section 36-363 of the Land Development Code. Conditional Use Permit No. 465 is
34 granted for the purpose of permitting construction of a development project greater than

10,000 square feet of total building floor area as a conditional use within the COM-1 – Commercial Street District, located at the property described in “Exhibit B,” which is attached hereto and incorporated herein by this reference, and which is generally located at 425 West Commercial Street and 1824 North Lyon Avenue.

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 465” described in “Exhibit A,” which is attached hereto and incorporated herein by this reference, and in “Exhibit D – Attachment 2.” 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 – Attachment 5.”

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. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2022- 244

FILED: 09-13-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To permit construction of a development project greater than 10,000 square feet of total building floor area as a Conditional Use Permit within COM-1, Commercial Street District generally located at 425 West Commercial Street and 1824 North Lyon Avenue. (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 465

The applicant is requesting approval of a Conditional Use Permit for construction of a development project greater than 10,000 square feet of total building floor area within COM-1, Commercial Street District generally located at 425 West Commercial Street and 1824 North Lyon Avenue.

CONDITIONS:

1. The regulations and standards listed on "Exhibit D - Attachment 3" shall govern and control the use and development of the land in Use Permit Number 465 in a manner consistent with the attached site plan ("Exhibit D - Attachment 5").

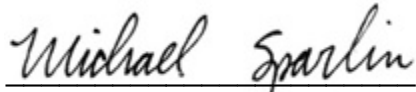
FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit ("Exhibit D - Attachment 3").
2. Approval of this application is subject to the Requirements for Approval ("Exhibit D - Attachment 2") and site plan ("Exhibit D - Attachment 5").
3. The Landmarks Board reviewed and approved the proposed development project at their June 29, 2022, meeting. The Board found that the proposed project conformed to the adopted review criteria.
4. Approval of this request will provide for continued development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

REMARKS: The Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended **approval**, by a vote of **7 to 0** of the proposed conditional use permit (see the attached "Exhibit C," Record of Proceedings).

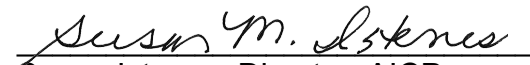
The Planning and Development staff recommends the application be approved with the conditions (see attached "Exhibit A").

Submitted by:



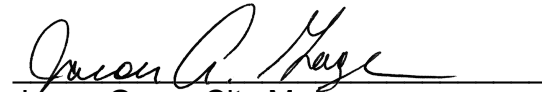
Michael Sparlin, Senior Planner

Recommended by:



Susan Istenes, Director, AICP

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Requirements for Conditional Use Permit Number 465

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 465

Attachment 3, Standards and Responses for Conditional Use Permits

Attachment 4, Affidavit of Neighborhood Notification and Meeting Summary and

Neighborhood comments

Attachment 5, Proposed Site Plan

EXHIBIT A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 465

1. A 37,533 square foot, mixed-use new building is permitted in conformance with Attachment 5.
2. The 37,533 square foot, mixed-use new building shall comply with all the standards listed in Attachment.
3. Per Sec. 36-425 (7)(h), the COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:
 1. Building façades. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building façade or wall:
 - a. Changes in color, texture, and material; or
 - b. Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
 - c. Groupings of windows or fenestration.
 2. On each lot, the building facade shall be built to the district minimum setback line for at least 80 percent of the street frontage. This does not include Blaine Street frontage.
 3. The building facade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
 4. The portions of the building facade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
 5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.
 6. Fenestration on the ground floor facades shall comprise a least 40 percent, but not more than 90 percent of the facade area, measured as a percentage of the facade between floor levels.
 7. Fenestration on the upper floor facades shall comprise a least 20 percent, but not more than 60 percent of the facade area, measured as a percentage of the facade between floor levels.

8. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
 9. The maximum story height for the ground story is 20 feet.
 10. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.
 11. Building materials and colors.
 - a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15 percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
 - (i) Customary brick masonry;
 - (ii) Natural or cast stone;
 - (iii) Oversized brick;
 - (iv) Split-faced block;
 - (v) Architectural pre-cast concrete; and
 - (vi) Accent materials such as glass block and ceramic tiles.
 - b. Façade colors shall have low reflectance. High-intensity, metallic, black or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.
4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

EXHIBIT B

LEGAL DESCRIPTION
CONDITIONAL USE PERMIT 465

WARRANTY DEED BY CORPORATION - BOOK 2019, PAGE 036699-19 - THE WEST 12 FEET OF LOT FIVE, AND ALL OF LOTS SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN, TWELVE AND THIRTEEN, ALL IN BLOCK THIRTY FOUR, THE PLAT OF NORTH SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

THAT PORTION OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMERLY ST. LOUIS SAN FRANCISCO RAILWAY COMPANY) 400.00 FOOT WIDE STATION GROUND PROPERTY AT SPRINGFIELD, MISSOURI, BEING 160.0 FEET WIDE ON THE SOUTHERLY SIDE AND 240.0 FEET WIDE ON THE NORTHERLY SIDE OF SAID RAILWAY COMPANY'S MAIN TRACK CENTERLINE AS NOW LOCATED AND CONSTRUCTED UPON, OVER, AND ACROSS THE SE $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 22 WEST OF THE FIFTH PRINCIPAL MERIDIAN, GREENE COUNTY, MISSOURI BOUNDED ON THE SOUTH BY A LINE DRAWN PARALLEL WITH AND DISTANT 160.0 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES FROM SAID MAIN TRACK CENTERLINE AND BOUNDED ON THE NORTH BY A LINE DRAWN PARALLEL WITH AND DISTANT 46.0 FEET NORTHERLY OF THE EAST LINE OF LYONS STREET, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALSO BOUNDED BETWEEN THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LYONS STREET, AND A LINE DRAWN AT RIGHT ANGLES TO SAID MAIN TRACK CENTERLINE DISTANT 247.0 FEET EASTERLY OF SAID EAST LINE OF LYONS STREET, AS MEASURED ALONG A LINE DRAWN PARALLEL WITH AND DISTANT 160.0 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES FROM SAID MAIN TRACK CENTERLINE.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – September 8, 2022

Conditional Use Permit 465
425 W Commercial

Applicant: OZMOD 425 LLC, Strong Capital V LLC

Mr. Hosmer states This is a request to permit the construction of a development project greater than 10,000 square feet of total building floor area within COM-1, Commercial Street District generally located at 425 W Commercial Street and 1824 North Lyon Avenue. On, June 29, 2022, the Landmarks Board approved the proposed demolition and the review of new development site plan, building materials and renderings. The Board found that the project conformed to the adopted review criteria, the Secretary of the Interior's Standards for Rehabilitation, and the Commercial Street Design Guidelines (adopted in 2020). The COM-1 district requires CUP applications to notify additional groups i.e., Woodland Heights, Grant Beach, Mid-Town Neighborhood Associations, Commercial Club, Downtown Springfield Association, Commercial Street CID Board. In addition to the property owners within 500 feet. The requirements for approval for a 37,533 sq foot mixed use building per attached site plan. The building will meet Zoning Ordinance Section 36-425 (7) (h) COM 1 districts requirements for new construction. The proposed Conditional Use Permit meets the standards for approval. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Tyler Hellweg, 221 South Avenue, applicant, owner, and architect explained that the existing buildings which are out of compliance would be replaced with a 10,000 s.f. building that meets all design and zoning requirements and makes the property developable from a financial investment perspective. The project meets the historic character and any future evolution of the district.

Mr. Bruce Colony asked if they have met with the area's neighborhood associations?

Mr. Tyler Hellweg responded that they have had conversations with members but not the organizations

Mr. Bruce Colony stated that this project seems to be generally supported but there are concerns that there wasn't any presentation outlining the project.

Mr. Tyler Hellweg stated that the project was presented to the Landmarks Board but until all the regulations are approved the design is frozen.

Ms. Christine Schilling, 305 & 307 East Commercial Street, says that the project is incompatible of the area's design and has concern that it is not lively or has appeal and is too dominating.

Mr. William Angle, 892 S. River Hills Lane, owns the property directly across the street from this project and is in favor of the design and is appropriate for the district.

Mr. Bruce Colony summarized Mr. Angle's statement that he is comfortable that if the Conditional Use Permit is approved that the design guidelines will be met.

Mr. William Angle agreed.

Ms. Connie Hinds, 215 W. Commercial Street, Director of the C-Street Merchants Association and been a part of the organization for fifteen years. Meetings occur weekly and the general feeling of the merchants echo the previous speaker with support of the project.

Ms. Jennifer Wilsal, 1900 S. Saratoga, owns three properties on Commercial Street and is in favor of the project.

Mr. Lyle Foster, 350 S. John Q. Hammons Parkway, business owner on Commercial Street and is in strong support of the project.

Mr. Paden Chambers, 1643 E. Lombard Street, previous member of the Landmarks Board as the Commercial Street representative and one of the achievements accomplished during this time is the Commercial Street Design Guidelines and they were approved by the Landmarks Board, Planning and Zoning Commission and City Council in April 2020. The City hired a consultant to develop the design guidelines and worked with a group which consisted of Michael Sparlin, Mary Collette, Justin Stanek, Kent Brown, Erin Hudson, William Angle and Holland Wilson. This project is in compliance with the guidelines, and I am in favor of the project.

Mr. Eric Pauly asked since the approval in April 2020 how much new construction has occurred?

Mr. Paden Chambers stated that City Staff would be best to answer.

Mr. Bob Hosmer responded that two news projects that are pending. In the past there was one on Blaine for a garage, but these new projects are exciting new construction.

Ms. Debra McDaris, 2305 E. Hines Street, Republic, Missouri, speaking as a shopper on Commercial Street every Saturday. Everyone loves C-Street as it is a family, architecture and the essence of the street and opposes the project that housing is right for the street.

Ms. Mary Collette, 1539 N. Washington, wished to clarify that nobody has spoken about changing colors or to build a more historic design that she is aware of, they want a more exciting and dynamic design that highlights the area. She is an historic preservationist and served on the re-write of the design guidelines. She guided that process and worked to make sure it was completed. She said nostalgia and a love of C-Street history has been a passion for over forty years and she spoke in support of this groups first design at the Landmarks Board. It was a beautiful adapted re-use of the current structure that they are demolishing on the block face which was the Springfield MFA Building. She spoke in favor of this concept of OzMod second design simply requesting alternations to the façade that reference the current building sizes and lot sizes and façade. She said that she could no longer support this current request for a number of reasons after researching the brutalist modern design as the scale of the design which would dominate the site. She said demolishing the existing building which would nullify the “Adjacent Buildings” in the guidelines. She cited multiple design guidelines from Section 5 that the proposed building would not meet.

Mr. Bruce Colony asked if Ms. Collette is against any new construction and would prefer adapted reuse of the existing buildings?

Ms. Collette responded that she would support a more exciting and modern structure. This company does beautiful work, and they haven't done the best with this design. This dominates the site and needs to encourage the right kind of development.

Mr. Stephen Thomas, 2301 N. Johnston Avenue, business owner on Commercial Street. Wanted to express an opinion and concerns regarding this discussion that all the proper channels and guidelines have been followed. If everything has been executed and approved, it is not our place to deny the project. It is exciting that this project is coming to Commercial Street.

Mr. Blaine Whisenhunt, 1355 E. Crystal Hill Lane, representative of OzMod 425, LLC, refocus the purpose of this meeting is the Conditional Use Permit. Commercial Street was chosen for the love of the place and want to invest in the area. They have received a large amount of support from business owners in the area and encouragement for the project.

Ms. Kuleya Bruce asked if he worked on the design. Also asked if he could elaborate on the design intent on C-Street?

Mr. Blaine Whisenhunt responded that he did, and designers know that there are constraints on design and there were a lot of them on this project. The problems that were defined were taken in consideration along with the sensitivity for the guidelines.

Ms. Kuleya Bruce also asked how are going to address the concern of scale and have you considered the new guidelines with Forward SGF. Are there any other sites or design in this community that you can reference or any of this scale.

Mr. Blaine Whisenhunt responded that they are trying the best they can to follow the steps as directed. More meetings will be forthcoming as the project moves forward. No, there are no projects to this scale in the area.

Mr. Christopher Lebeck asked what is currently on the property. Also, wanted to thank them for taking a financial and design risk into this property and this part of town.

Mr. Blaine Whisenhunt responded that there is a pole barn structure off the street, wooden fence that is connected to a former mechanics space and a large bay at the back of the lot. Everything is empty.

Ms. Kuleya Bruce asked if they have looked at Tower Grove in St. Louis that had a similar transition and how they were received by the community. Do you understand the concern the scale but also understand respecting what is there and not trying to degrade or belittle the beauty of what is there and understand what you are proposing. Ask that you consider the scale of Commercial Street regarding the design.

Dr. Dustin Cox, 1031 E. High Point Street, Commercial Street business owner and teaches at Cox College, supports the project. Newer projects that allow for physical handicaps would benefit the area as they are lacking in the historic buildings.

Mr. Doennig closed the public hearing.

Mr. Bruce Colony wanted to thank the developer and speakers that came this evening. Tonight, needs to determine if the Conditional Use Permit can be approved and everyone would like to know what the project would look like, but we do not have that luxury, however, the project does meet the guidelines and checks the boxes and will support the project. Ask that the groups come together and work together on this project.

Ms. Bruce also stated that she supported this project.

Mr. Pauly also seconded the support of the project and stated that we need to be sensitive with projects on Commercial Street. Would like to see continuing work between the developers, C-Street organizations, and neighborhoods.

COMMISSION ACTION:

Mr. Lebeck motioned to **approve** Conditional Use Permit 454 (425 West Commercial). Mr. Knuckles seconded the motion. Ayes: Doennig, Jobe, Lebeck, Bruce, Colony, Knuckles and Pauly. Abstain: None. Absent: Natalie Broekhoven **Motion Passed**



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING:

SEPTEMBER 8, 2022

CITY COUNCIL PUBLIC HEARING:

SEPTEMBER 19, 2022



CASE NUMBER:

Conditional Use Permit 465

LOCATION: 425 West Commercial Street and 1824 North Lyon Avenue

ACRES: Approximately 0.84 acres

EXISTING LAND USE: Undeveloped land

APPLICANT: OZMOD 425 LLC, Strong Capital V LLC

STAFF: Michael Sparlin, Senior Planner

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

I move to adopt staff's responses in the staff report as the findings of fact and approve CUP 465.

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

SUMMARY OF REQUEST:

This is a request to permit a Conditional Use Permit for construction of a development project greater than 10,000 square feet of total building floor area within COM-1, Commercial Street District generally located at 425 West Commercial Street and 1824 North Lyon Avenue.

FINDINGS FOR STAFF RECOMMENDATION:

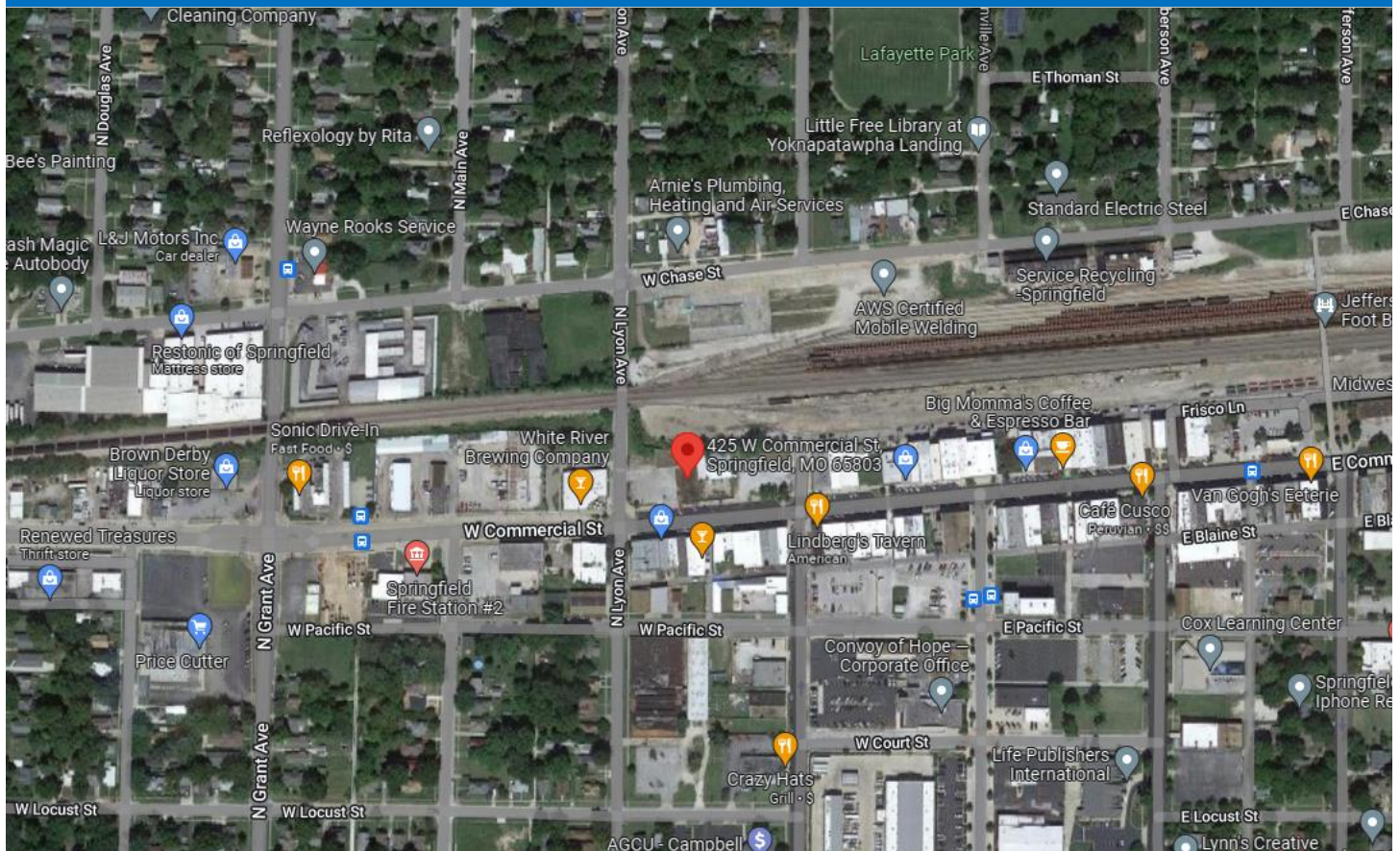
1. This application meets the approval standards for a Conditional Use Permit.
2. The Landmarks Board reviewed and approved the proposed development project at their June 29, 2022 meeting. The Board found that the proposed project conformed to the adopted review criteria.
3. Approval of this request will provide for development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	HM	COM-1	COM-1	COM-1
LAND USE	Railroad	Commercial and Retail uses	Parking lot	Micro-brewery

Development Review Staff Report

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

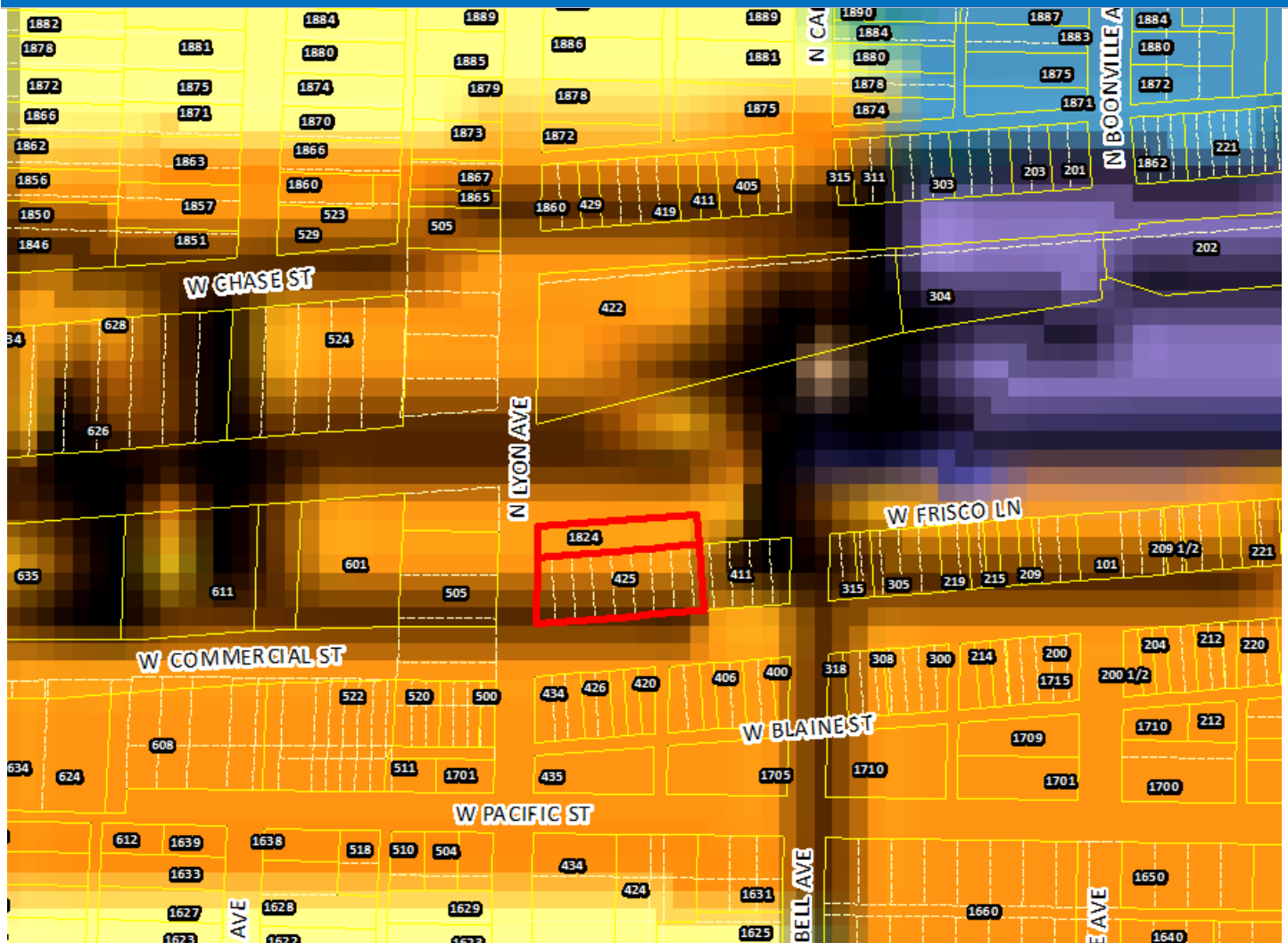


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property was zoned Center City and Heavy Manufacturing during the City-wide remapping in 1995. In 2010, the subject property was zoned to its current zoning of COM-1.

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-363. - Conditional Use Permit

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

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Medium-Intensity Retail, Office or Housing.

STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit for construction of a development project greater than 10,000 square feet of total building floor area within COM-1, Commercial Street District The

Development Review Staff Report



applicant is proposing to develop a multi-use commercial, retail and residential building at 37,533 square feet of total building floor area.

2. The COM-1 district requires a Conditional Use Permit for development projects that exceed 10,000 square feet of total building floor area. Historically, much of Commercial Street was developed on small, and narrow width lots and therefore square footage of buildings were limited. The subject property is under common ownership and larger compared to other lots on Commercial Street.
3. The COM-1 district intends to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.
4. The proposed development is within the Commercial Street Historic District, which requires Landmarks Board review and approval of any exterior alterations and new construction. The proposed demolition of the existing building and new development was reviewed and approved by the Landmarks Board on June 29, 2022, which included the site plan, building materials and renderings. The Board found that the proposed project conformed to the adopted review criteria, the *Secretary of the Interior's Standards for Rehabilitation*, the *Commercial Street Design Guidelines* (adopted in 2020), and Sec. 36-404(3)(d)(3), which states:

"For new construction, the landmarks board shall also consider the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this section to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof."

5. The COM-1 district requires CUP applications to notify additional groups. Per code, notices were sent to property owners/physical address within 500' radius of the subject property. Additionally, notices were sent to Woodland Heights, Grant Beach, Mid-Town Neighborhood Associations, Commercial Club, Urban District Alliance (now Downtown Springfield Association), Commercial Street CID Board. A total of 133 notices were mailed at least 10 days before the neighborhood meeting.
6. Approval of this request will provide for the development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.
7. 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.
8. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on June 23, 2022 regarding the conditional use permit request. A summary of the meeting is attached (Attachment 4)

PUBLIC NOTIFICATION:

Development Review Staff Report



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: 12 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

CONDITIONAL USE PERMIT 465

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No issues with CUP.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the use permit. Public sewer currently lies beneath some of the existing buildings. Need to show the sanitary sewer easement and sewer main on all subsequent plans. If no easement exists, a new one will be required. Staff note; when the existing buildings are demolished, video inspection of the public sewer main will need to be performed before and after to ensure that no damage occurred.

FIRE DEPARTMENT COMMENTS:

No issues.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Jordan Creek Lower Branch** 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 the site is built out**. The property **does not have a stream buffer on site**.

PW Stormwater has no concerns for the proposed Conditional Use Permit. 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 and Water Quality Requirements

1. Existing site is developed and the submitted site plan doesn't appear to change the amount of impervious. Include a calculation for the change in impervious surface and green space area. Detention required if increasing the impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3.
2. Water quality is not required with less than one acre of land is disturbed per Chapter 10 Sec. 2.0 Springfield Flood Control and Water Quality Protection Manual.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

Development Review Staff Report



City's Transportation Plan classifies W. Commercial Street as a Collector roadway and N. Lyon Avenue as a Local – Commercial roadway. The standard right-of-way width for both W. Commercial Street and N. Lyon Avenue is 30-feet from the centerline. It appears no additional right-of-way is needed along either of these roadways. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. W. Commercial Street and N. Lyon Avenue are both city- maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic counts on W. Commercial Street is 5,667 vehicles per day and for N. Lyon Avenue is 1,658 vehicles per day. On-street parking is allowed along W. Commercial Street and N. Lyone Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Commercial Street and one driveway access point onto the property from N. Lyon Avenue. Any new proposed driveway approaches must meet the minimum spacing requirements for the road classification access is being requested.

SIDEWALK

There is existing sidewalk along the property frontage of W. Commercial Street and N. Lyon Avenue.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are two bus stops in the area of the property located on W. Commercial Street.

IMPROVEMENTS

None required.

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

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Commercial Street	Collector	Yes	45	30
Street 2	N. Lyon Avenue	Local - Commercial	Yes	30	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		16	67	720	
*Proposed Trips Generated		16	67	720	
Additional Trips Generated		0	0	0	

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

Development Review Staff Report



REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL USE PERMIT 465

1. A 37,533 square foot, mixed-use new building is permitted in conformance with Attachment 5.
2. The 37,533 square foot, mixed-use new building shall comply with all the standards listed in Attachment
3. Per Sec. 36-425 (7)(h), the COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:
 1. Building façades. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building façade or wall:
 - a. Changes in color, texture, and material; or
 - b. Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
 - c. Groupings of windows or fenestration.
 2. On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage. This does not include Blaine Street frontage.
 3. The building façade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
 4. The portions of the building façade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
 5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.
 6. Fenestration on the ground floor facades shall comprise a least 40 percent, but not more than 90 percent of the façade area, measured as a percentage of the façade between floor levels.
 7. Fenestration on the upper floor facades shall comprise a least 20 percent, but not more than 60 percent of the façade area, measured as a percentage of the façade between floor levels.
 8. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
 9. The maximum story height for the ground story is 20 feet.
 10. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.
 11. Building materials and colors.
 - a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15 percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
 - (i) Customary brick masonry;
 - (ii) Natural or cast stone;
 - (iii) Oversized brick;
 - (iv) Split-faced block;
 - (v) Architectural pre-cast concrete; and
 - (vi) Accent materials such as glass block and ceramic tiles.

Development Review Staff Report



- b. Façade colors shall have low reflectance. High-intensity, metallic, black or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.
- 4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

Development Review Staff Report



STANDARDS FOR CONDITIONAL USE PERMIT 465

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.	Proposed development is consistent with the Springfield Comprehensive Plan.	This application is consistent with the <i>Growth Management and Land Use Plan</i> of the <i>Comprehensive Plan</i> which designates this area as appropriate for Medium-Intensity Retail, Office or Housing.
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.	Approval from the City of Springfield's Public Works Traffic Department will be required for obtaining a building permit.	Public Works Traffic Division has reviewed the application and has determined that conditional use will not adversely affect safety of the motoring public and of pedestrians with traffic access controls that are required. Traffic comments are provided in Attachment 1.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	Approval from the City of Springfield's Fire Marshall will be required for obtaining a building permit.	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.	Approval from the City of Springfield's Public Works Stormwater Department will be required for obtaining a building permit.	Public Works Stormwater Division has reviewed this request and provided comments in Attachment 1. The development is required to meet development standards for stormwater management.
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district.	No additional sound levels are anticipated beyond that of a typical permitted use within the district.	It is not expected that the proposed use will have noise characteristics that exceed Zoning Ordinance standards.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.	Site parking adheres to district design guidelines and zoning requirements. Stationary lighting is typical of the district.	It is not expected that the proposed use will negatively affect neighborhood districts. The applicant's response adequately addresses this condition.

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	All signage will adhere to district design guidelines and be typical of the area.	The development will be subject to the signage standards of the Zoning Ordinance.
8. Such signs will not have an adverse effect on any adjacent properties.	All signage will adhere to district design guidelines and be typical of the area.	The development will be subject to the signage standards on the Zoning Ordinance.
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.	Approval from the City of Springfield's Public Works Traffic Department will be required for obtaining a building permit	Public Works Traffic Division has reviewed the application and has determined that the street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.	Proposed development adheres to established design standards and occupancy types that are typical of the district. Increasing the allowable square footage beyond 10,000 sf is necessary for the building to harmonize with its surroundings while respecting the massing and setback lines that help to define the urban character of the area. Off street surface parking is provided to mitigate additional demand on street parking and traffic congestion.	It is not anticipated that the proposed use will have an adverse effect or be incompatible with the adjacent and surrounding properties which are used for commercial uses.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: a. The location, nature and height of buildings, structures, walls and fences on the site; and b. The nature and extent of landscaping and screening on the site.	The proposed building is within the 3 story height limit, in compliance with the zoning ordinance. It is situated to abut the south and west lot lines, enhancing walkability along the public right of way while continuing the architectural language of the existing structures within the district through its massing, materiality, and architectural gestures. No landscaping requirements are in place with the property's zoning.	The standards of the Zoning Ordinance adequately address these issues. The subject property is located in an area of commercial uses and is not anticipated to dominate the immediate vicinity or to interfere with the development and use of neighboring properties.
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.	N/A, no significant topographical or physical features exist on the subject property.	It is not expected that the proposed development will negatively affect any significant natural topography or physical features.

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
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 Springfield Landmarks Board has reviewed this development and approved the demolition of all existing structures on the site. A photographic archive of the existing buildings has been undertaken to preserve information regarding the structures prior to their demolition.	The proposed development is within the Commercial Street Historic District. The proposed demolition of the existing building and proposed new development was reviewed and approved by the Landmarks Board on June 29, 2022.
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.	Approval from the City of Springfield's Planning and Zoning Department will be required for obtaining a building permit.	The proposed use is required to comply with applicable regulations with regard to lot size, bulk regulations, use limitations and performance standards.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	Additional square footage sought through conditional use shall be devoted towards retail and residential uses, consistent with the district and promoting public convenience.	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	Site parking adheres to district design guidelines and zoning requirements	The development will be subject to these standards of the Zoning Ordinance.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.	Approval from the City of Springfield's Public Works Traffic Department will be required for obtaining a building permit.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.	Approval from the City of Springfield's Public Works Traffic Department will be required for obtaining a building permit.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards with the traffic access controls that are required with this Conditional Use.
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	No interferences are proposed.	No known interference with any public rights of way or easements are known.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the	N/A, conversion of existing structure is not planned.	The development is required to adhere to all standards of the

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.		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.	Additional square footage sought through conditional use permit is proposed to be on the same lot as the initial allowable square footage and the previously existing structure, so public services exist on site presently.	This property is already served with public infrastructure and services.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Conditional Use Permit for: 425 W. Commercial Street
2. Meeting Date & Time: 06/23/2022
3. Meeting Location: 425 W. Commercial Street
4. Number of invitations that were sent: 133
5. How was the mailing list generated: City staff
6. Number of neighbors in attendance (attach a sign-in sheet): 7
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:

See attached.

I, Tyler Hellweg (*print name*), attest that the neighborhood meeting was held on 06/23/2022 (*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

Tyler Hellweg

Printed name of person completing affidavit



ARKIFEX
STUDIOS
ARCHITECTURE + DESIGN
OZARK MODERNISM

August 16, 2022

Re: **Neighborhood Meeting Summary**
PLN2022-00140
Conditional Use Permit 465 – 425 W. Commercial Street

The neighborhood meeting for this request was held on June 23, 2022 between 4:30 pm to 6:00 pm at the project site, 425 W. Commercial Street. From the mailers that were sent to neighbors within a 500-ft. radius, there were 7 neighbors that stopped by to inquire about the proposed zoning and discuss how it may impact them and their neighbors. All participants were offered a mail-in comment card to take with them and all declined to fill out the sign in sheet.

The materials presented were a site plan and two exterior schematic renderings of the proposed building.

Most neighbors were enthusiastic about the project and the thought of bringing additional housing and retail amenities to the area. They offered thoughts on what kinds of retail tenants would be beneficial to add to the business landscape of the district, including a small grocery and a casual lunch restaurant.

One neighbor was unreceptive to the architectural style of the exterior of the building, concerned that it didn't match the historic structures nearby.

There were no vocalized concerns regarding the building being in excess of 10,000 sf.

Respectfully,

Tyler Hollweg, AIA



COMMERCIAL CLUB of SPRINGFIELD

299 East Commercial, Springfield, MO 65803

Board Members:

Mary Collette (Pres)
Joseph Gidman (VP)
Irene Schaefer (Scty)
Anne Walls (Treas)
Christine Schilling
Randy Bacon
Rebecca Hale

Mayor Ken McClure, City Council Members,
Chairman Randall Doennig, Planning & Zoning Commission
City Manager Jason Gage
840 Boonville, Springfield, MO 65803

August 2, 2022

Mayor, Council, Chairman, P&Z Commission, City Manager,

The board of Commercial Club of Springfield honors your service to our community and support for the thousands of hours of our own volunteer efforts that have shaped Commercial Street Historic District, making her one of Springfield's most sought-after and unique destinations and a model for placemaking efforts underway in our city.

Our community supports the concept of new development and does not wish to discourage new construction in our 150-year old local and federal historic district. We are very excited to have two major developments, totaling over \$20million, under consideration between Campbell and Lyon Avenues.

As with any major project, each of the two projects, one by OzMod Group, and one by Vecino Group, brings unique challenges, ones that we believe can and should be addressed by requiring a dialogue with stakeholders of our unique 6-block district. When one considers these two plans comprise one solid block of our 6-block district, one which requires strict adherence to guidelines for historic structures but very little input or oversight for new construction, this dialogue just makes sense.

The need for dialogue about design elements is particularly striking when the lack of it is compared to the very clear new construction requirements proposed in the Grant Avenue Parkway Corridor Plan. To wit please note that in each of the 6 Grant Avenue "Subareas", this requirement exists:
"reinforcement of existing style of adjacent neighborhood is paramount as is the use of similar materials to ensure design compatability,"

- Subarea A:** "Building facades should reinforce the character of the subarea."
"Detailing such as cornices and other elements along the roofline are encouraged. Elements such as cornice lines should also be used to draw a visual connection to adjacent development."
- Subarea B:** "New development within this subarea should complement the existing scale and character of existing structures in this area while accommodating additional density."
- Subarea C:** "Building facades should reinforce the character of the Subarea"
"Design of new development...should be sensitive to the rhythm of the residential neighborhood located east and west of the corridor."
- Subarea D:** "...townhomes and multifamily that compliment the rhythm and architecture of other structures in this subarea. New development should seamlessly blend with existing nearby residences."
- Subarea E:** "Building facades should reinforce the high-quality character of the Subarea..."
- Subarea F:** "Articulation should be used to break up long blank facades and primary facades..."

If these design requirements were in place for new construction in the Commercial Street Historic District, I believe this letter would be one of complete support. All of us in the historic district are extremely excited about new development.

We do feel it is our responsibility to weigh in on new projects that will be here for the next 100 years. It is not only our valuable, intact historic fabric that requires protecting, it is also our duty to press for new structures that meet the highest design standards while exhibiting sensitivity to the unique neighborhood they plan to be part of.

Several of us spoke in support of the OzMod development at the recent Landmarks board after being reassured by Arkifex Architects that they would be happy to explore different facade patterning through color or materials that somehow reference the rhythm of the existing historic architecture in the district. I believe the Landmarks Board approval was partly due to their expressed willingness to work informally with a small group of interested neighbors to address these concerns.

I have contacted Arkifex multiple times. They have explained that they plan to pursue Planning and Zoning and City Council approval prior to making any suggestions as to what changes could be made to the facade. Naturally, this leaves us with no recourse once it has been passed. We ask the Commission and Council to require the design input, as promised at the Landmarks Board, from neighbors before considering their request for demolition and construction.

While Vecino Group has presented their proposed development to Commercial Club and their neighbors in our community before beginning the city's development process, most of us knew nothing about the OzMod project prior to their request to demolish one structure and build another much larger structure in its place; it is nearly 240 feet long. We will continue to work with the Vecino Group and have expressed our concerns and feel comfortable that this process will continue with the principals of that project. We look forward to hearing more from them as they embark on that project and hope to have a productive dialog with OzMod and Arkifex.

Somehow, this process of ongoing communication with developers needs to be formalized for the future success of our historic district. The local and federal historic designation puts stringent requirements on alterations to historic structures. We ask council and the commission to consider a policy that employs the same levels of requirements for new construction and not only allows but encourages, even requires developers to work more closely with neighbors and stakeholders of this and other historic neighborhoods.

Thank you for your public service; we appreciate your support,



Mary Collette, President
Commercial Club of Springfield

Board Members:

Joseph Gidman (VP)
Irene Schaefer (Scty)
Anne Walls (Treas)
Christine Schilling
Randy Bacon
Rebecca Hale





Midtown Neighborhood Association
PO Box 214
Springfield, MO 65801

August 9th, 2022

Mayor, Council, Chairman, P&Z Commission, City Manager,

The Midtown Neighborhood Association Board supports the concept of new development within our historic district that is designed to serve Springfield residents and visitors. We also feel that new development should reinforce the existing style of adjacent neighborhood buildings (including scale and character) in order to complement the rhythm and architecture of other structures nearby.

We are writing in regard to a project proposed at 425 W. Commercial by the OzMod Group. This structure, at nearly 240 feet long, will have a significant visual impact on the overall appearance of the 6-block Commercial Street Historic District. While there are strict guidelines in place which govern the renovation of historical structures within the district, there are very few in place for new construction within an existing historic district. In support of our colleagues on the board of the Commercial Club of Springfield, we respectfully ask that OzMod Group show a willingness to engage in dialogue with Midtown, the Commercial Club, and Woodland Heights regarding design elements for the development at 425 W. Commercial.

We feel it is our responsibility as a neighborhood association to weigh in on projects which will affect our community and to press for new structures that meet the highest design standards while also reinforcing the character of existing structures in the neighborhood. We feel that 425 W. Commercial could better reference the existing historical architecture in the district through small changes in the facade of the structure, including color, pattern, and materials.

While Arkifex architects reassured members of the Commercial Club that they would be happy to work with a small group of interested neighbors in order to address these concerns, they have stated that they plan to pursue Planning and Zoning and City Council approval prior to seeking input from neighborhood stakeholders. This would mean that the Commercial Club would have no recourse once approval has been passed. We ask the Commission and Council to require design input from neighbors as promised at the Landmarks Board before considering their request for demolition and construction. The project at 425 W. Commercial would strongly impact residents of Midtown and Woodland Heights neighborhoods as well as Commercial Street residents and business owners.

We wish to support our neighbor Mary Collette's request that the process of ongoing communication with developers be formalized in order to better protect our historical district. We echo her request to both Council and Commission to consider a policy that requires new construction to adhere to set requirements when building within historic neighborhoods and to encourage developers to work more closely with neighbors and stakeholders throughout the design process.

Respectfully,

Members of the Midtown Neighborhood Association Board

Board Members:

Dylan Chorice

Brian Shipman

Ran Cummings

Ralph Plank

Marie Wood

Susan Mann

Philip Vice

James Jeffries

SITE ANALYSIS

SITE ADDRESS:	425 W. COMMERCIAL ST. SPRINGFIELD, MO 65803
LEGAL DESCRIPTION:	WARRANTY DEED BY CORPORATION - BOOK 2019, PAGE 036699-19 - THE WEST 12 FEET OF LOT FIVE, AND ALL OF LOTS SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN, TWELVE AND THIRTEEN, ALL IN BLOCK THIRTY-FOUR, THE PLAT OF NORTH SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.
ZONING:	COM-1, LANDMARKS OVERLAY
SITE AREA:	35,989 sf
BLDG AREA ALLOWED:	10,000 sf (PER ZONING ORDINANCE)
BLDG AREA PROPOSED:	37,533 sf
PARKING REQ'D:	NONE (PER ZONING ORDINANCE)
PARKING PROPOSED:	46 STALLS (INCLUSIVE OF 2 ACCESSIBLE STALLS)
OPEN SPACE REQUIRED:	NONE (PER ZONING ORDINANCE)
OPEN SPACE PROPOSED:	4,532 sf
SETBACK REQUIREMENTS:	NONE (PER ZONING ORDINANCE)
BLDG OCCUPANCY:	GROUND LEVEL: RETAIL/BUSINESS UPPER LEVELS: MULTIFAMILY RESIDENTIAL
FENESTRATION RATIO REQUIRED:	GROUND LEVEL: 40% - 90% SECOND LEVEL: 20% -60% THIRD LEVEL: 20% -60%
FENESTRATION RATIO PROPOSED:	GROUND LEVEL: 60.4% +/- SECOND LEVEL: 28.8% +/- THIRD LEVEL: 20.3% +/-
GROUND LEVEL CEILING HEIGHT:	12' - 0"
FLOOR-TO FLOOR HEIGHT:	GROUND LEVEL: 13' - 6" UPPER LEVELS: 11' - 0"
EXTERIOR MATERIAL PALLETTE:	GLAZING, STONE, BRICK MASONRY, METAL ACCENT
METAL TRIM RATIO REQUIRED:	15% MAXIMUM
METAL TRIM RATIO PROPOSED:	2.8% +/-
METAL TRIM REFLECTANCE:	MATERIAL TO BE NONREFLECTIVE MATTE FINISH

AT EVERY 40' MAXIMUM SPACING, SOUTH AND WEST FACADES WILL INCORPORATE:
(1) CHANGES IN FENESTRATION GROUPINGS, AND
(2) PROJECTIONS, RECESSES, AND REVEALS EXPRESSING ENTRANCES AND OTHER ASPECTS OF THE ARCHITECTURE

LYON AVENUE

20' - 0"
MAX BLANK WALL

SIGN

WALL (TYPICAL)

BLOCK 34, NORTH
SPRINGFIELD

PROPOSED BUILDING
37,533 sf

COMMERCIAL STREET

1

SITE PLAN
1/16" = 1'-0"



Attachment 5



ARKIFEX
STUDIOS

221 SOUTH AVE, SPRINGFIELD, MO 65806

Architect of

PRELIMINARY - NOT
FOR CONSTRUCTION

Certificate of Authority

Copyright 2022 Arkifex Studios LLC
Drawings and Specifications as Instruments of service are and shall remain the property of the Architects. They are not to be used on other projects or extensions to this project except by agreement in writing with appropriate compensation to the Architect.
Contractor is responsible for construction means methods and techniques, sequences or procedures or for safety precautions and programs in connection with the project.

OZMOD 425

425 W. COMMERCIAL STREET
SPRINGFIELD, MISSOURI 65803
GREENE COUNTY

Revisions

No.	Description	Date

A1.1
SITE PLAN

project #: xx-xxx
date: 8/25/2022 1:55:07 PM

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 09-13-22

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 245

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to enter into an Amended and
2 Restated Lease Agreement with the Greene County Agricultural
3 and Mechanical Society of Springfield, Missouri.
4 _____
5

6 WHEREAS, the City of Springfield, Missouri (the "City") has leased property
7 commonly known as the Fairgrounds to the Greene County Agricultural and Mechanical
8 Society of Springfield ("Fair Board") for many years; and
9

10 WHEREAS, the City and Fair Board entered into an Amended and Restated
11 Lease Agreement in 2012 and have made minor amendments to said lease since 2012;
12 and
13

14 WHEREAS, both the City and Fair Board desire to update the existing lease for
15 the benefit of both parties.
16

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

20 Section 1 – City Council hereby authorizes the City Manager, or designee, to
21 execute on behalf of the City an Amended and Restated Lease Agreement with the Fair
22 Board, said agreement to be substantially in the form attached hereto and incorporated
23 herein by reference as "Exhibit 1."
24

25 Section 2 – This Ordinance shall be in full force and effect from and after
26 passage.
27

28 Passed at meeting: _____
29

30 _____
31 Mayor
32

33 Attest: _____, City Clerk

34 Filed as Ordinance: _____

35

36

37 Approved as to form: Rhonda Lewode, City Attorney

38

39

40 Approved for Council Action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2022- 245

FILED: 09-13-22

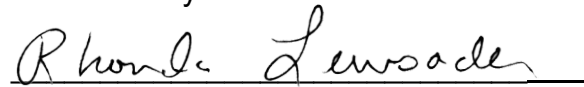
ORIGINATING DEPARTMENT: Law

PURPOSE: To authorize the City Manager, or designee, to enter into an Amended and Restated Lease Agreement with the Greene County Agricultural and Mechanical Society of Springfield, Missouri.

BACKGROUND INFORMATION: The City currently leases property commonly known as the Fairgrounds to the Greene County Agricultural and Mechanical Society ("Fair Board"), a non-profit benevolent association that operates the Ozark Empire Fairgrounds. The Fair Board provides a wide variety of community activities and resources.

The current lease with the Fair Board was executed in 2012 and a few minor amendments have been made to the lease since then. The proposed Amended and Restated Lease Agreement ("Exhibit 1") would update and extend the lease.

Submitted by:


Rhonda Lewsader, City Attorney

Approved by:


Jason Gage, City Manager

AMENDED AND RESTATED LEASE AGREEMENT

This Amended and Restated Lease Agreement (“Lease”) is made and entered into as of this ____ day of _____, 2022, (“Effective Date”) by and between the City of Springfield, Missouri (“City”), and the Greene County Agricultural and Mechanical Society of Springfield, Missouri, a not-for-profit benevolent association, of the County of Greene, State of Missouri (“Lessee”).

WITNESSETH:

WHEREAS, the City, the Springfield-Greene County Park Board, and Lessee previously entered into Contract Number 1993-406 and Amended Contract 1993-406-01 (collectively the “Original Lease”), which Original Lease was consolidated and replaced by that certain Amended and Restated Lease Agreement 1993-406-02, dated March 15, 2012, between the City and Lessee, as subsequently amended by that certain First Amendment to Amended and Restated Lease Agreement dated April 1, 2013, and that certain Addendum 1993-0406, dated July 16, 2013 (referenced in context to the Original Lease as Addendum #3) and that certain Addendum to Lease Agreement 1993-0406, dated June 21, 2018 (referenced as Addendum #04) (collectively referred to as “Prior Lease”), whereby Lessee leases a portion of the real property located on Norton Road in Springfield, Missouri, commonly known as the Fairgrounds (“Leased Premises”); and

WHEREAS, Lessee has for many years performed civic functions in an outstanding manner, providing recreational and educational activities and facilities for Greene County citizens; and

WHEREAS, it is desirable that the new Lease be entered into as hereinafter set forth so that Lessee may obtain increased revenue to remain a viable organization and the term of the Lease be extended so that Lessee (and its concessionaires, exhibitors and sub-lessees) may erect and maintain permanent improvements on the Leased Premises, make other capital improvements, and make long-range plans for the development and use of said premises and improvements consistent with this Lease and Lessee’s agricultural mission.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, City hereby leases to Lessee the Leased Premises, known as the Fairgrounds, located on Norton Road, Springfield, Missouri, on the following terms and conditions:

1. **Prior Lease Agreement.** The Prior Lease is hereby Amended and Restated in its entirety as of the Effective Date of this Lease and shall be replaced by the covenants, terms and conditions set forth herein.

2. **Leased Premises.** City hereby leases to Lessee, and Lessee leases from City, the Leased Premises described herein:

All of the West Half (W/2) of Lot Two (2) of the Northeast (NE) Fractional Quarter (1/4) of Section Two (2), Township Twenty-nine (29), Range Twenty-two (22). Also that part of the East Half (E/2) of Lot Two (2) of the Northwest (NW) Fractional Quarter (1/4) of Section Two (2), Township Twenty-nine (29), Range Twenty-two (22), lying East of the present road running in a northerly direction through Zoo Park, across the fill and lying West of race track site, containing seventy (70) acres, more or less, all of which is under fence and now being used by the Greene County Agricultural and Mechanical Society of Springfield, Missouri, as allowed under Prior Lease.

3. **Term.** The term of this Lease shall be for a period commencing on the Effective Date set-out above, and expiring at midnight on October 14, 2052, with an option to extend the Lease by mutual agreement of the parties for additional five (5) year terms, so long as all terms and conditions are expressly approved in writing by both parties. Any holding over after the expiration of this Lease, or any extended term thereof, shall not operate to renew this Lease.

4. **Rent.** As rent payments hereunder, the Lessee shall pay to the City the amounts set forth in subparagraph A. below.

A. Lessee shall pay to City an annual rental fee of Six Thousand Five Hundred Dollars (\$6,500.00), due and payable annually on October 14 for the years 2022 through 2027. Beginning with the payment due October 14, 2028, and every fifth year thereafter, the annual rental fee shall be increased in the anniversary month of this Agreement (October) by a percentage amount equal to the [net] percentage increase in the Consumer Price Index – All Items for Urban Consumer, for all cities, as published by the United States Department of Labor, Bureau of Labor Statistics (“CPI”) for the immediately preceding five-year period ending September 30. If there is no percentage increase in the CPI, the annual rent fee shall not be increased; however, in no event shall the rent be reduced.

B. All such rental payments shall be due by the 14th day of the month due or the next Business Day thereafter if the 14th day of the month is not a Business Day. “Business Day” means any day that the City is open for the conduct of business.

5. **Annual Report.** Lessee shall provide a written report to the City Manager annually by March 1 for the preceding calendar year. Said report shall describe the public events held at the Leased Premises during the prior year, including the number and estimated attendance, and whether the events were indoor or outdoor. Said report shall also provide an update on the progress of improvements set out in the Master Plan, proof of the insurance required by this Lease, and any other information required in this Lease and the Hazardous Materials disclosure described below. Such report shall also include information needed to complete an Economic Impact study every fifth year beginning with the fifth year after the execution of this Lease.

6. **Performance Indicators.** Notwithstanding any other provision in this Lease, this Lease is subject to termination at the City's sole option if: (1) total attendance at public events held at the Lease Premises is less than 500,000 per year in any two years of a three consecutive year period; or (2) there is a substantial change in management; or (3) the number of events is less than fifty per year in any two years of a three consecutive year period. In the alternative, the City may choose to modify the terms of this Lease, with input from the Lessee, instead of terminating this Lease.

7. **Periodic Review of Lease Terms.** At the request of either party, Lessee shall meet with the City Manager or his designee to review the terms of this Agreement.

8. **Maintenance.** The premises and improvements thereon are leased to Lessee in the present condition, and Lessee agrees and shall be responsible for the maintenance of all buildings and permanent improvements located on the Leased Premises. Lessee further agrees to keep the Leased Premises in as good as condition as they are in at the present time and during the term of this Lease and any extensions of this Lease, usual wear and tear or casualty/obsolete destruction or replacement excepted. Lessee further agrees to deliver to City possession of said Leased Premises at the expiration of this Lease or the extended term thereof in as good condition as at the present time, usual wear and tear and casualty/obsolete destruction excepted. Replacement must be made in accordance with the Master Plan. Lessee shall maintain the Leased Premises, including building and improvements, at all times in good order and a safe, neat, sanitary, and attractive condition, shall repaint and refurbish the Leased Premises at reasonable periodic intervals and shall not permit the accumulation of any trash, paper, or debris on the Leased Premises. Lessee agrees that it will not commit any waste on the property nor will it maintain any nuisance thereon.

9. **Ownership of Improvements.** Any buildings or permanent improvements constructed on the Leased Premises by Lessee shall become the property of the City upon the termination or expiration of this Lease.

10. **Transfers of Premises.** Lessee covenants and agrees not to (a) assign, mortgage, pledge, convey, encumber or in any manner transfer this Lease or any estate or interest therein without the prior written consent of City, or (b) sublet the Leased Premises or any part or parts thereof or allow anyone to come in with, through or under it without like consent, including without limitation any licensee (provided that such consent shall not be necessary for attendees of the Ozark Empire Fair described in Section 14 hereof). All of the transactions described in this Section 9.a. are collectively referred to as a "Transfer." Consent by City to one Transfer shall not operate as a waiver of the necessity for such consent to any subsequent Transfer. Any attempted Transfer without City's prior written consent shall be null and void and confer no rights upon any third party. Notwithstanding any such Transfer, Lessee shall remain fully liable under this Lease and shall not be relieved of any of Lessee's obligations hereunder. Notwithstanding the foregoing, a Transfer for a period of less than 90 days shall not require the consent of the City. Lessee hereby agrees that, in the event Lessee requests Lessor's consent to any Transfer, Lessee shall make such request by written notice to the City Manager, given at least thirty (30) days prior to the effective date of such proposed Transfer, specifying the name and address of the proposed transferee and the terms of such proposed Transfer.

Lessee represents that as of the date of this First Amendment there are no existing subleases or other encumbrances on the Lease or the Leased Premises.

11. **Compliance with Law.**

A. Lessee, at Lessee's expense, shall comply with all laws, rules, orders, ordinances, directions, regulations and requirements of federal, state, county and municipal authorities pertaining to Lessee's use of the Leased Premises and with all recorded covenants, conditions and restrictions, regardless of when they become effective. These include, without limitation, any requiring alteration of the Leased Premises because of Lessee's specific use, and all applicable federal, state, and local laws, regulations or ordinances pertaining to air and water quality, Hazardous Materials (as hereinafter defined), waste disposal, air emissions and other environmental matters, all zoning and other land use matters, and utility availability, and with any direction of any public officer or officers, pursuant to law, which shall impose any duty upon City or Lessee with respect to the use or occupation of the Leased Premises.

B. In the furtherance of, and not in limitation of Lessee's obligations under the foregoing paragraph, throughout the term of this Lease, Lessee shall do or cause to be done all things necessary to preserve and keep in full force and effect permits required for the conduct of its business and operations from the time of commencement of this Lease until its expiration or termination.

12. **Hazardous Materials.**

A. **Definition.** As used herein, the term "Hazardous Material" means any hazardous or toxic substance, material, or waste, including, but not limited to those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the United States Environmental Protection Agency as hazardous substances (40 CFR Part 3 02) and amendments thereto, petroleum products, or such other substances, materials and wastes that are or become regulated under any applicable local, state or federal law.

B. **Use of Hazardous Material.** Lessee shall not cause or permit any Hazardous Material to be brought upon, kept or used in or about the Leased Premises by Lessee, its agents, employees, contractors or invitees without the prior written consent of City, which shall not be unreasonably withheld as long as Lessee demonstrates to City's reasonable satisfaction that such Hazardous Material is necessary or useful to Lessee's business and will be used, kept and stored in a manner that complies with all laws regulating any such Hazardous Material so brought upon or used or kept in or about the Leased Premises. This section shall not apply to materials ordinarily used by Lessee in the maintenance of the premises, such as gasoline, diesel fuel, motor oil, herbicides, and cleaning products if such materials are properly stored and handled.

C. **Disclosure.** As part of the Annual Report described above, Lessee shall disclose to City the names and amounts of all Hazardous Materials, or any combination thereof, which were stored, used, released or disposed of on the Leased Premises during the immediately preceding calendar year, or which Lessee intends to store, use, release or dispose of on the Leased Premises.

13. **Insurance and Indemnity.**

A. Lessee shall secure and maintain, at its own cost and expense, throughout the duration of this Contract, 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 this Contract. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield, such approval to not be unreasonably withheld. Regardless of such approval, it shall be the responsibility of the Lessee to maintain adequate insurance coverage customary for similarly situated facilities and operations at all times during the term of the Contract. Failure of the Lessee to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability under this Contract.

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 Lessee. Lessee shall also provide updated certificates of insurance annually at the time of insurance renewals. 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:

City of Springfield – Attn: Risk Management Department, P.O. Box 8368, Springfield, MO 65801-8368 and

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

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

As of January 1, 2022, the minimum coverage for the insurance referred to herein shall be as set out below:

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

ii. Commercial General Liability Insurance. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Three Million Sixty-Five Thousand Nine Hundred Fifty-Two and no/100 Dollars (\$3,065,952.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Fifty-Nine Thousand Eight Hundred Ninety-Three and no/100 Dollars (\$459,893.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least \$1,000,000 for all claims to property arising out of a single occurrence and at least \$100,000 to any one owner with respect to damages to property. Lessee 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 attorney fees of Lessee, its employees, officers or agents. Lessee 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. The amount of insurance shall be reviewed every two years by City, and City may require the amount to be increased. Further, Lessee agrees that when it permits a person to rent or sub-lease the demised premises herein for any purpose, that sub-lessee shall carry adequate public liability insurance protecting both Lessee and City and that the sub-lessee or tenant shall indemnify and hold harmless Lessee and City from any liability arising out of sub-lessee's or tenant's use of the property. Lessee shall require that all sub-lessees and/or tenants who rent or sublease any portion of the Leased Premises carry adequate public liability insurance and indemnity, naming City as an additional insured, and this requirement shall be incorporated into all such agreements between Lessee and any sub-lessee and/or tenant.

iii. Liquor Liability Insurance will be maintained by Lessee with limits of at least Three Million Sixty-Five Thousand Nine Hundred Fifty-Two and no/100 Dollars (\$3,065,952.00) for all claims arising out of a single accident or occurrence. Any sub-contractor(s) hired by Lessee to serve alcohol must also provide Liquor Liability Insurance in the same amount, and Lessee will obtain certificates of insurance from sub-contractor. If any other users of the premises are allowed to serve alcohol, or host an event where alcohol is served, host and server shall also be required to maintain liquor liability insurance in the same amount and Lessee will obtain certificates of insurance verifying coverage.

iv. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Three Million Sixty-Five Thousand Nine Hundred Fifty-Two and no/100 Dollars (\$3,065,952.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Fifty-Nine Thousand Eight Hundred Ninety-Three and no/100 Dollars (\$459,893.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

v. Property Insurance. Lessee agrees to maintain at all times during the term of the Lease a property insurance policy which covers all buildings, structures, and permanent improvements located at Leased Premises. Insurance shall include extended coverage for "Open Perils" on the ISO Special Causes of Loss Form. Such insurance shall be in an amount not less than one hundred percent (100%) of the full replacement value of such property and shall be issued by an insurance company with an A.M. Best rating of not less than an "A" rating. The amount of insurance shall be reviewed every 2 years by City, and City may require the amount to be increased. Lessee agrees to cause its insurer to name City as a named insured. Lessee is responsible for any and all property insurance deductibles, and is responsible for insuring its personal property, equipment, and contents.

B. Environmental Liability Insurance. Lessee shall obtain and maintain an insurance policy, providing coverage for occurrences and not a claims-made policy, covering the release of Hazardous Materials on or below the surface of the Leased Premises in an amount of One Million and no/100 Dollars (\$1,000,000.00). City shall be named as an additional insured on that policy.

C. Indemnity. Lessee shall protect, defend, and hold City, its officers, employees and agents completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines or demands arising out of Lessee's use and occupancy of the Leased Premises, including, but not limited to, claims for personal injuries, death, property damage, wages or overtime compensation due any employees of Lessee in rendering services pursuant to this Lease, or which arise during or after the lease term as a result of contamination by Hazardous Material as a result of Lessee's or of Lessee's agents, contractors or subcontractors use or activities, , including all reasonable costs for

investigation, expert fees and defense thereof (including but not limited to attorney fees, court costs, and expert fees), and without limitation, diminution in value of the Premises, damages for the loss or restriction on use of rentable or usable space or of any amenity of the Leased Premises, damages arising from any adverse impact on marketing of space, and sums paid in settlement of claims, attorneys' fees, consultant fees, and expert fees, of any nature whatsoever arising out of or incident to this agreement and/or the use or occupancy of the Leased Premises or the acts or omissions of Lessee's officers, agents, employees, contractors, subcontractors, licensees, or invitees regardless of where the injury, death or damage may occur, unless such injury, death or damage is caused by the negligence or willful misconduct of the City. This indemnification of City by Lessee includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial, or restoration work required by any federal, state or local government agency or political subdivision because of hazardous material present in the soil or ground water on or under the Leased Premises. Without limiting the foregoing, if the presence of any Hazardous Material on the Leased Premises that was caused or permitted by Lessee or its agents or contractors or subcontractors results in any contamination of the Leased Premises, Lessee shall promptly take all actions, at its sole expense, as are necessary to return the Leased Premises to the condition existing prior to the release of any such Hazardous Material upon the Leased Premises, provided that City's approval of such actions shall first be obtained (except for emergency containment and similar actions which are prudent and appropriate at the time), which approval shall not be unreasonably withheld so long as such actions would not potentially have any material adverse long-term or short-term effect on the Leased Premises. The City shall give Lessee reasonable notice of any such claims or actions. The provisions of this section shall survive the expiration or early termination of this agreement.

D. **Default.** Any default under these sections of the Lease shall be a material default enabling City to exercise any of the remedies set forth in this Lease.

14. **Inspection.** City and its agents shall have the right, but not the duty, to inspect the Leased Premises at any time to determine whether Lessee is complying with the terms of this Lease. If Lessee is not in compliance with this Lease, City shall have the right to immediately enter upon the Premises to remedy any violations of law or contamination caused by Lessee's failure to comply, notwithstanding any other provision of this Lease. City shall use its best efforts to minimize interference with Lessee's business but shall not be liable for any interference caused thereby.

15. **Liquor License.** Except during the Annual Fair, Lessee may allow alcohol to be served on the Premises as authorized by a valid liquor license. During the Annual Fair, Lessee may provide alcohol as described hereinbelow.

16. **Annual Fair.** As part of the consideration for this Lease, Lessee shall annually sponsor the OZARK EMPIRE FAIR to be held on the aforesaid premises, subject to government-imposed orders and restrictions, or due to other causes beyond the reasonable control of Lessee. The OZARK EMPIRE FAIR shall be an event that includes livestock exhibitions and competitions, life and arts exhibitions and competitions, a carnival, grandstand and other entertainment events, and food and beverage services. The OZARK EMPIRE FAIR shall be conducted on multiple consecutive days that include at least two weekends, provided that, the parties may agree in writing to fewer days should economic or other factors support doing so. Provided the Lessee has a valid liquor license allowing service in the following areas, Lessee may allow alcohol to be served at the annual Ozark Empire Fair in (i) the Grandstand Area, (ii) Bootdaddy Grill, and (iii) any and all other areas now owned and operated by the Ozark Empire Fair with permanent seating or inside an area secured by perimeter fencing, subject to the following restrictions: all areas in which alcohol is served shall have a security person and alcohol shall not be removed from the area.

17. **Use.** Lessee, or its customers, vendors, promoters, sub-lessees and tenants, shall during the term of this Lease, have the privilege of holding, conducting or sponsoring (or leasing all or part of the premises) any lawful and legitimate entertainment, exhibitions, educational or recreational activities, meetings, seminars, tradeshow, camping, private dinners, weddings, banquets, and picnics, provided the use of the Leased Property shall be consistent with a Master Plan approved by City Council and is used for the purposes herein set forth and for the primary purpose of benefitting of the general public. With respect to the allowance of alcohol on the premises, Lessee shall comply with all city and state licensing requirements as amended.

18. **Smoking Policy.** Lessee shall enforce a policy of smoking in designated areas only, and such areas shall comply with City Code requirements.

19. **Nondiscrimination.** Lessee agrees in the performance of this Agreement that neither Lessee nor its sub-lessees or tenants shall discriminate on the ground of 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 Lessee or applicant for employment or any attendee and that any admission prices charged for any event shall be fairly and uniformly imposed.

20. **Legislative Power.** During any fair exposition or exhibition by Lessee or any person, firm, or corporation subleasing from Lessee, the City shall not be deprived of the right and authority to enforce such ordinances for the protection of the public as may be enacted by the City of Springfield, Missouri.

21. **Right to Make Improvements.** Within six months of the execution of this Agreement, Lessee shall submit an updated Master Plan for the Leased Premises for the approval of City Council. Future amendments of the Master Plan must be approved by City Council. Lessee (or its concessionaires, exhibitors, tenants or sub-lessees) may repair and replace structures existing at the execution of this Agreement without amending its Master Plan if the improvements do not exceed 5,000 square feet and the project costs will not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) in any one year, provided that plans for such repair and/or replacement are reviewed by a designee of the City Manager and approved as being in compliance with the Master Plan prior to the initiation of any work. However, prior to constructing any new structures or making any improvements to or on the Leased Premises in excess of 5,000 square feet or in excess Two Hundred Fifty Thousand Dollars (\$250,000.00) in any one year (“substantial alteration”), that were not previously included in Lessee’s approved Master Plan, Lessee must submit all such plans for approval by City Council and the Planning and Zoning Commission.

22. **Lawful Purpose.** The premises and grounds above described shall be used for the aforesaid lawful and civic purposes only, and neither Lessee nor any person, firm or corporation subleasing from Lessee shall engage in or permit any activity in violation of Federal or State law or ordinance of the City of Springfield, Missouri. Lessee shall observe and comply with any and all requirements of the constituted public authorities and with all federal, state, or local statutes, and ordinances applicable to Lessee for its use of the Leased Premises.

23. **Disposition of insurance proceeds.** Any insurance proceeds received because of casualty loss as aforesaid shall be used to repair or replace the existing facility or facilities which were damaged or destroyed with a similar or other capital improvement, and in the event of the failure of Lessee to use the proceeds as aforesaid, the proceeds shall be paid to the City. It is understood and agreed that in the event of a casualty loss as aforesaid and in the further event that the insurance proceeds are insufficient to rebuild the destroyed facility, the City shall not be obligated for the difference in the amount of the insurance proceeds and the cost of replacing the destroyed or damaged facility with a similar or other capital improvement.

24. **Maintenance of roads, fences, and parking lots.** Lessee will maintain and/or construct all fences surrounding the Leased Premises, and, further, Lessee shall maintain all roads and parking lots inside the Leased Premises.

25. **Utilities.** Separate water, gas, and electric meters are to be maintained on the demised premises to determine the amount of water, gas, and electricity used by Lessee or its sub-lessees or its tenants, and Lessee shall be responsible for the payment of said charges.

26. **Special assessments.** In the event special assessments for street or other public improvements are made during the period of this Lease against the property above described, the said assessment shall be paid

by the Lessee herein. The failure to pay the obligations incurred by special assessment and payable during the term of this Lease shall work a forfeiture of the Lease at the option of the City. The City shall give thirty (30) days' notice in writing to Lessee to pay said assessment prior to forfeiture.

27. **Storage.** Lessee shall provide ten thousand (10,000) square feet of storage space, as selected by Lessee, to the Park Board to be used between October 15 through April 1 each year for the term of this Lease or its extended term. Park Board agrees, however, to maintain its own insurance on the stored property and further agrees to reimburse Lessee to the extent, if any, of any increase in the Fair Board's insurance by virtue of the storage of said Park Board and/or City property. Further, the Park Board agrees that said space is accepted as is and that Lessee shall not be responsible for the care or safe keeping of said stored Park Board and/or City property. The Park Board shall allow Lessee to store equipment on zoo property in the field north of the zoo administration/education building, the specific area to be selected or designated by the Park Board, during the term of this Lease or its extended term, unless and until the Park Board or the Zoo determines that it needs this property or otherwise determines that the property should no longer be stored at this location and provides Lessee with at least ninety (90) days notice of the unavailability of this storage area thereafter.

28. **Breach.** If any covenant or clause in this Lease is violated and not corrected within thirty (30) days after attention shall have been called thereto, in writing, by the City or the Park Board, Lessee shall immediately surrender said premises to the City, and the balance of the term of the Lease shall be cancelled upon demand by the City.

29. **Title.** The City covenants and agrees that it has good title to the demised premises and good right to make this Lease.

30. **Additional parking for zoo and Park Board.** Unless otherwise agreed to by the parties in writing, the Park Board and the zoo ("Park Board" hereinafter) shall be allowed use of the entire west parking area of the fairground's property for additional parking, except during the Ozark Empire Fair or for a property-wide event where the west parking area is needed to support such event and Lessee is unable to include Park Board's access to this parking area as a condition of this property-wide usage. Lessee shall notify Park Board at least two weeks in advance of a property-wide event that may cause the west parking lot to be unavailable for Park Board's use. The west parking area includes from the west fence line to the fence separating this area from the midway area, and from Norton road all the way to the north boundary of the fairground's property, and includes the grassy area and the large, paved area adjacent to the grandstand and E plex facilities. The Park Board shall maintain the grassy parking area in a grassy state. The Park Board and Lessee shall equally share the cost of initially constructing and erecting a chain link fence around the west parking area described herein. Lessee shall be responsible for maintenance thereafter. The provision pertaining to indemnity by Lessee to the

City and/or Park Board shall not apply to the west parking area when the Park Board is using this area for its own or Zoo parking.

31. **Police and Fire Services.** The obligation, duties and responsibilities of the Police and Fire departments, respectively, as setout herein, are independent from each other. So long as the Police and Fire Departments for the City of Springfield, Missouri ("Police Department" and "Fire Department", respectively), have available resources, each will furnish their respective protection on the leased premises during the OZARK EMPIRE FAIR during the term of this lease at no cost to Lessee, provided, however, if either the Police and/or Fire Department determines, in their respective discretion, that they do not have sufficient resources available at the time of the Ozark Empire Fair, either or both may determine that it is not in the public interest to provide such services on site and shall have no obligation to provide such services. If the Police and/or Fire Departments have determined that they will not provide their respective protection during the Fair, and Lessee determines it would still like to contract for either or both Police and/or Fire services, as applicable, then these services may be provided by the Police and/or Fire Department, as applicable, at the expense of Lessee, based upon the City Council approved rates, with Lessee paying the Police and/or Fire Department within sixty (60) days of receipt of an invoice from the Police and/or Fire Department. If either the Police and/or Fire Department are unwilling or unable to provide the requested services, then Lessee shall be free to contract with other vendors as it sees fit. If Lessee contracts with a vendor aside from the Fire Department for Fire services, then at the time of executing the contract Lessee shall notify the Springfield Fire Chief and provide the name of the vendor. If a fire occurs while a vendor is providing services, the Fire Department shall immediately be requested by calling 9-1-1 for the appropriate emergency response. For any events that require a permit, and the permit requires dedicated police and/or fire protection, it shall be provided by the Springfield Police Department and/or the Springfield Fire Department, as applicable, at the expense of Lessee, based upon the City Council approved rates, with Lessee paying the Police and/or Fire Department within sixty (60) days of receipt of an invoice from the Police and/or Fire Department.

32. **Taxes and Assessments.** Lessee shall pay any taxes resulting from the operation of Lessee's activities.

33. **Condition of Property at Termination.** At the end of the lease term, or at any time the Lease is terminated, Lessee immediately shall deliver to the City complete possession of the Leased Premises in as good repair and condition as they are at the time Lessee takes possession, ordinary wear and tear excepted. All repairs, alterations, additions, improvements, installations, equipment and fixtures, by whomsoever installed or erected (except such business trade fixtures belonging to Lessee as can be removed without damage to or leaving incomplete the premises or the building) shall belong to the City and remain on and be surrendered with the Leased Premises

as a part thereof at the termination of this Lease. Lessee shall repair any damage caused by removal of its property.

34. **Naming rights.** Lessee shall have the exclusive right to name buildings and projects on the Leased Premises, provided that such rights shall not exceed the term of this Lease and that names are subject to approval by City Council, which shall not be unreasonably withheld. Names must be family friendly.

35. **Waiver.** Waiver by the City of any default, breach, or failure of Lessee under this Lease shall not be construed as a waiver of any subsequent or different default, breach, or failure. In the case of a breach by Lessee of any of the covenants or undertakings of Lessee, the City nevertheless may accept from Lessee any payment or payments hereunder without in any way waiving the City's right to exercise the right of reentry provided for herein by reason of any other breach or lapse which was in existence at the time such payment or payments were accepted by the City.

36. **Lessee.** If Lessee shall merge or consolidate with another corporation, then this Lease shall automatically terminate, unless the City approves the change in writing.

37. **Conflict of Interest.** 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. Applicable federal regulations and provisions of RSMo Section 105 shall not be violated.

38. **Partial Invalidity.** If any term, covenant, or condition of this Lease or the application thereof to any person or event shall to any extent be invalid and unenforceable, the remainder of this Lease in the application of such term, covenant, or condition to persons or events other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term, covenant, and condition of this Lease shall be valid and be enforced to the fullest extent permitted by law.

39. **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.

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

Executed this _____ day of _____, 2022.

IN WITNESS WHEREOF, the City and Lessee have caused this Lease to be executed by their proper officers, duly authorized by their respective Boards or other authorized group or entity and attested by a properly identified employee for each, in triplicate, the day and year first written above.

**GREENE COUNTY AGRICULTURAL
AND MECHANICAL SOCIETY OF
SPRINGFIELD, MISSOURI**

CITY OF SPRINGFIELD, MISSOURI

By: _____
President

By: _____
City Manager or designee

Attest:

Name & Title

Approved as to Form: _____, City Attorney or designee

One-rdg. X
P. Hmgs.
Pgs. 17
Filed: 09-27-22

Sponsored by: Simpson

COUNCIL BILL 2022- 247 RESOLUTION

A RESOLUTION

1 GRANTING a Short-Term Rental Type 2 Permit for the property located at 1054
2 East Sunshine Street for the purpose of allowing the establishment
3 of a Short-Term Rental Type 2 pursuant to Section 36-473 of the
4 Land Development Code.
5
6

7 WHEREAS, the owner of the property located at 1054 East Sunshine Street has
8 applied for a Short-Term Rental ("STR") Type 2 Permit; and
9

10 WHEREAS, Section 36-473 of the Land Development Code requires STR Type 2
11 applicants to obtain signatures from fifty-five (55) percent or more of property owners
12 adjacent to and immediately across the street from the proposed property to be
13 permitted as an STR, and requires City Council approval for any STR Type 2 to be
14 located on a block face with fewer than four residential structures; and
15

16 WHEREAS, the owner of the property located at 1054 East Sunshine Street has
17 obtained three signatures out of the five property owners adjacent to and immediately
18 across the street from the property, resulting in sixty (60) percent of the neighboring
19 property owners; and
20

21 WHEREAS, the subject property is located along a block face with only three
22 residential structures; and
23

24 WHEREAS, property owners within 500 feet of the proposed STR Type 2
25 establishment were notified by regular mail of the October 3, 2022, City Council
26 meeting.
27

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

31 Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the
32 property located at 1054 East Sunshine Street. The granting of the Permit is expressly
33 subject to compliance with Section 36-473 of the Land Development Code, and any
34 other applicable provisions of City Code.
35

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

38
39 Passed at meeting: _____

40
41 _____
42 Mayor

43
44 Attest: _____, City Clerk

45
46 Filed as Resolution: _____

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

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

EXPLANATION TO COUNCIL BILL 2022 - 247

FILED: 09-27-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 1054 East Sunshine Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Zoning Ordinance.

BACKGROUND INFORMATION:

The property owner has applied for a Short-Term Rental (STR) Type 2 permit to establish a Short-Term Rental Type 2 at 1054 East Sunshine Street. The applicant has obtained the required number of signatures of consent from adjacent property owners; However, Section 36-473 of the Zoning Ordinance requires that no STR Type 2 shall be permitted on a block face with fewer than four residential structures unless an appeal is granted by City Council. There are only three residential structures located along the block face of the subject property. Block face is defined as one side of a street from one intersection to the next, not including alleys. A residential structure's block face is determined by the mailing address assigned to the residence.

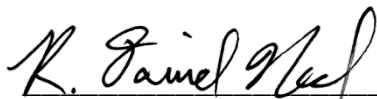
The applicant has conducted the required neighborhood meeting and obtained three signatures from the five adjacent property owners, resulting in sixty (60) percent consent as shown on "Exhibit C."

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

Property owners within 500 feet of the proposed Short-Term Rental Type 2 establishment have been notified by regular mail of the October 3rd 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:



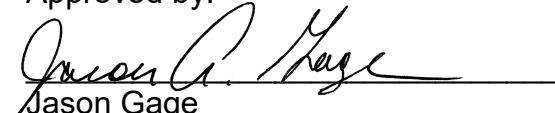
Daniel Neal, Senior Planner

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

City Council,

My name is Lincoln Amstutz, and I am in the process of making 1054 E Sunshine St. Springfield a nightly rental. I have completed all of the required steps in this process and received over 55% of the adjacent neighbors gave consent to make this house a nightly rental. We also had a successful neighborhood meeting with minimal concerns and good support by a nearby neighbor.

My request is for an appeal since there are fewer than four homes addressed of the block face.

Thank you, Lincoln Amstutz



Application for Short-Term Rental Type 2

eCity INSTRUCTIONS

PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION

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

Case No.	
Date Filed	
Received By	
Receipt No.	

*Fee Amount Paid: \$ 393

[See Fee Schedule](#)

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

Property Address: 1054 E Sunshine St Springfield MO 65807

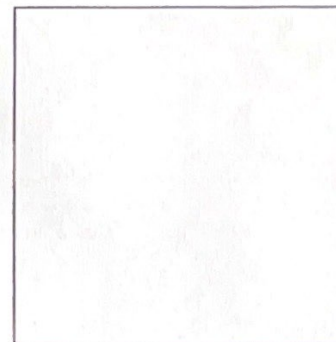
We, the signers of this application, do attest to the truth and correctness of all facts and information presented with this application as required by the Zoning Ordinance of the City of Springfield.

PROPERTY OWNER'S INFORMATION:

Name of current property owner: HomeLink Properties
If corporation: Corporate Official: Lincoln Amstutz
Mailing Address: 1736 E Sunshine St Spfld MO STE 513
Zip Code: 65804 Phone: 417-569-5078
E-mail: lincoln@home link prop. com

PROPERTY OWNER'S SIGNATURE:

[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: 7/25/22

3. Meeting Location: 1054 E Sunshine St. Springfield MO

4. Number of invitations that were sent: 100

5. Number of neighbors in attendance (attach a sign-in sheet): 1

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.)

Neighbor wanted to check out the nightly rental to make sure it was nice and taken care of while being rented.

Neighbor was more concerned if it was a large company doing the nightly rental

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

I was able to show her the place to make sure everything is in order and will be taken care of.

I explained I am local and will be running this myself which made her feel good about it.

I, Lincoln Amstutz (print name), attest that the neighborhood meeting was held on 7/25/22 (month/date/year), in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

Lincoln Amstutz
Printed name of person completing affidavit

NEIGHBORHOOD MEETING SIGN-IN SHEET

Project: Short-Term Rental Type 2

Meeting Date: 7/25/22

Owner/Operator: Lincoln Amstutz

Location of Meeting: 1054 E Sunshine

[illegible]



SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVIT

Address of Proposed Short-Term Rental: **1054 East Sunshine Street**

STATE OF Missouri)

COUNTY OF Greene)

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

(Corporate Seal**)

[Signature]
Signature of Owner/Operator

Lincoln Amstutz
Typed or Printed Name

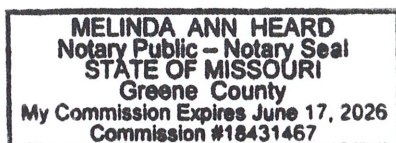
ATTEST:

Owner
Title

Corporate Secretary
(If no seal)

HomeLink Properties
Name of Company or Organization
(If Applicable)

Subscribed and sworn to before me a notary public on this 07 day of July, 20 22.



Melinda Ann Heard
Notary Public

My Commission expires: _____

**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: **1054 East Sunshine Street**

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

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

1.	Address of Adjacent Residential Property: 1055 E SUNSHINE ST Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
2.	Address of Adjacent Residential Property: 1100 E SUNSHINE ST Melinda Puckett Owner(s) of Record (Typed or Printed) Melinda Puckett Signature(s) of Owners OWNER Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
3.	Address of Adjacent Residential Property: 1814 S HAMPTON AVE Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

City of Springfield Short-Term Rental ADJACENT OWNER CONSENT FORM

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **1054 East Sunshine Street**

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

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

4.	Address of Adjacent Residential Property: 1046 E SUNSHINE ST	
	James Nathan, LLC	
	Owner(s) of Record (Typed or Printed)	Notary Seal (only required if signature not witnessed by applicant)
	X Eric Rowden	
	Signature(s) of Owners	SEAL
	X	
	Title	
	X Pres	
5.	Address of Adjacent Residential Property: 1817 S HAMPTON AVE	
	Owner(s) of Record (Typed or Printed)	Notary Seal (only required if signature not witnessed by applicant)
	Signature(s) of Owners	SEAL
	Title	
6.	Address of Adjacent Residential Property:	
	Owner(s) of Record (Typed or Printed)	Notary Seal (only required if signature not witnessed by applicant)
	Signature(s) of Owners	SEAL
	Title	

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

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

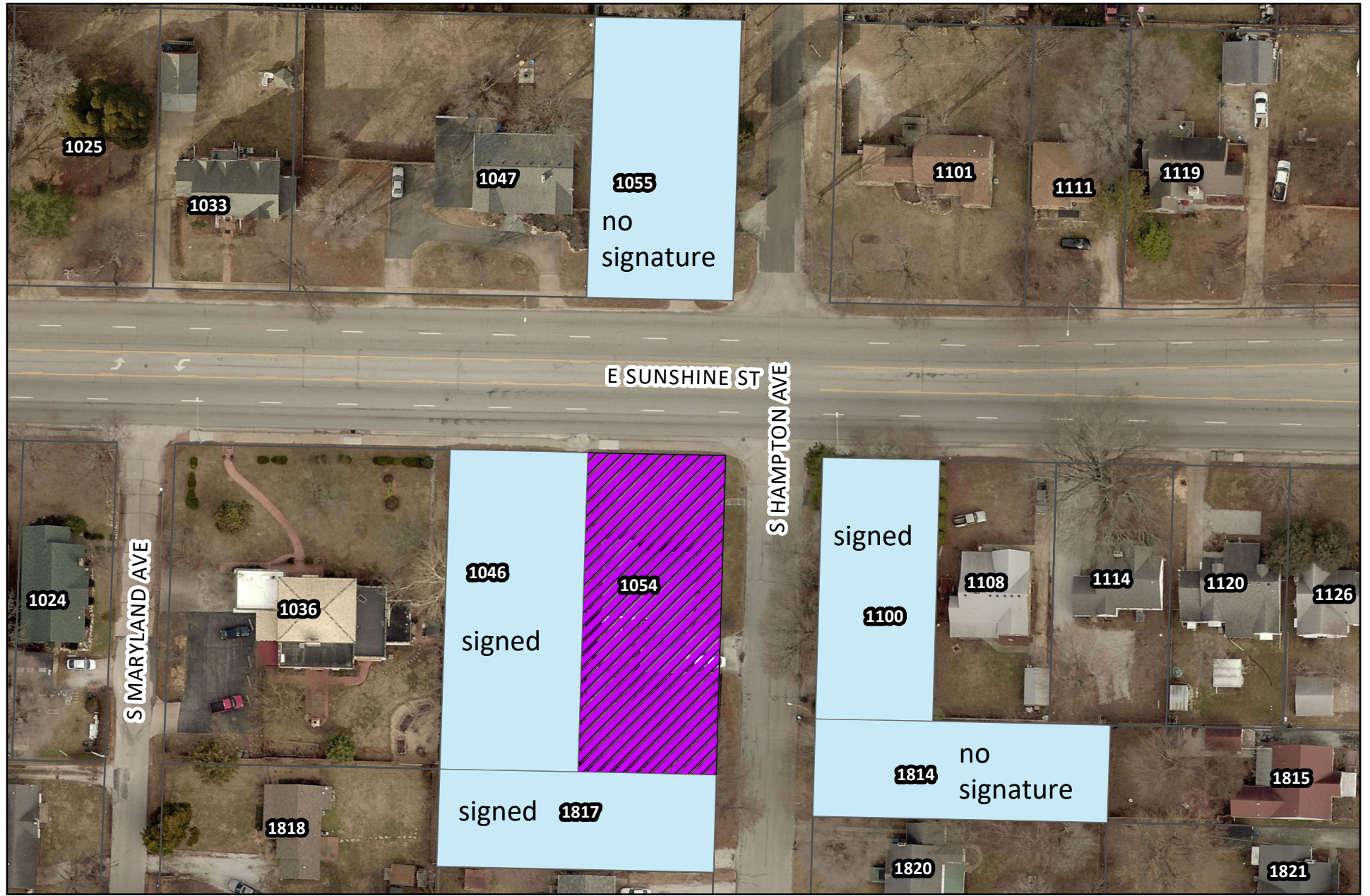
The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **1054 East Sunshine Street**

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

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

4.	Address of Adjacent Residential Property: <u>1046 E SUNSHINE ST</u> Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title _____	Notary Seal (only required if signature not witnessed by applicant) SEAL
5.	Address of Adjacent Residential Property: <u>1817 S HAMPTON AVE</u> <u>Justin Risley</u> Owner(s) of Record (Typed or Printed) _____ <u>[Signature]</u> Signature(s) of Owners _____ <u>Owner</u> 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

Adjacent Property



Legend

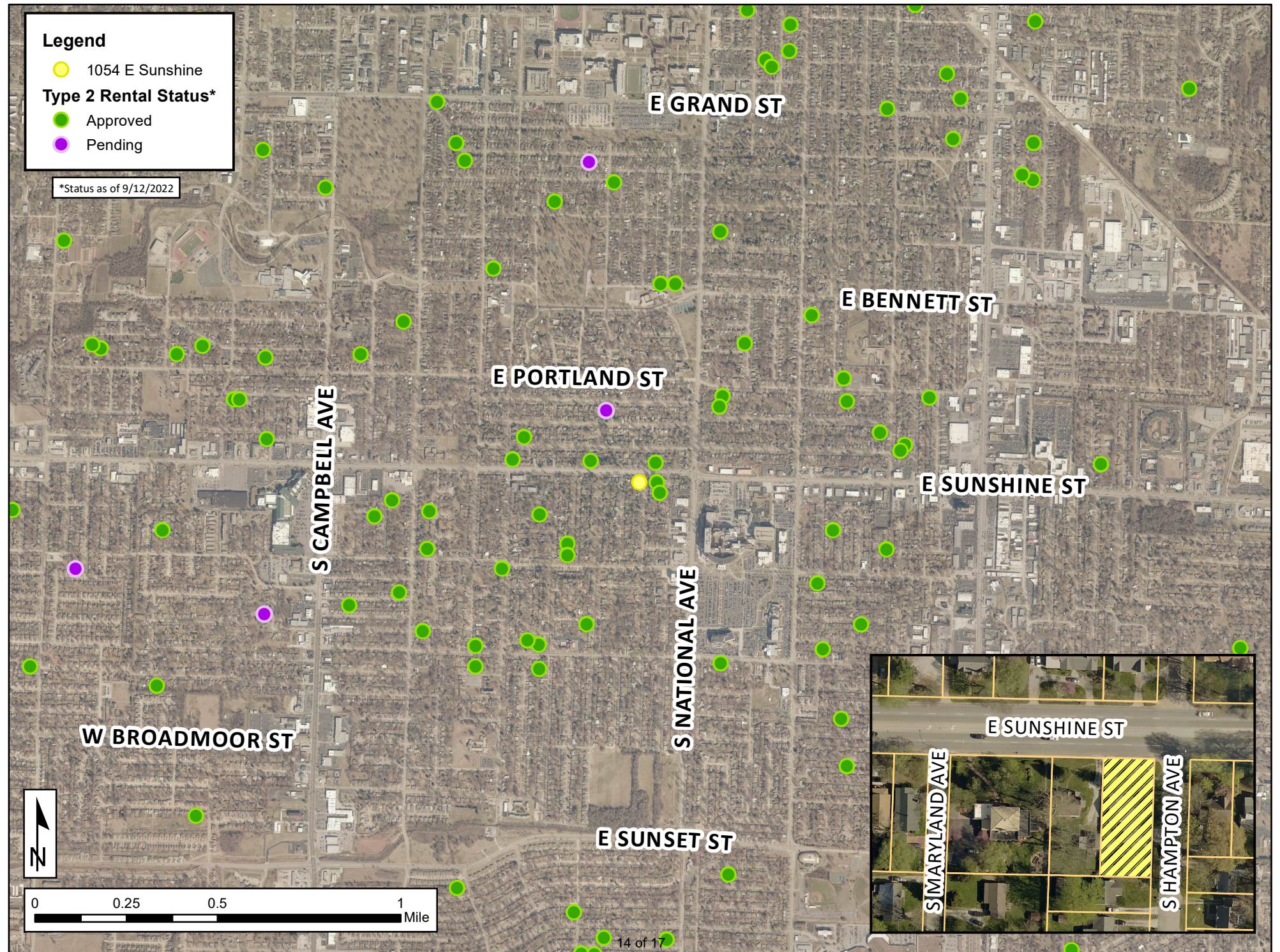
● 1054 E Sunshine

Type 2 Rental Status*

● Approved

● Pending

*Status as of 9/12/2022



AFFIDAVIT OF SIGN POSTING

Attach photo here

See next page.

(sign lettering must be legible in photo)

I, Lincoln Amstutz (print name of owner, agent, attorney), attest that the above sign was posted 10 days before the public hearing on 7/25/22 (month/day/year) and in accordance with the given posting requirements.



Signature of person completing sign posting

Lincoln Amstutz

Printed name of person completing sign posting



City of Springfield, Missouri

Short-Term Rental Intake Form

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

Short-Term Rental Address: 1054 E Sunshine St. Springfield MO 65807

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

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

4. Are guests housed in the primary structure or a historic carriage house (built before January 1, 1940)?
- ☒ Primary Structure ☐ Historic Carriage House

5. Lincoln Amstutz
- Owner/Operator


Signature

APPLICANT FILL OUT TO THIS POINT

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

PLANNING and DEVELOPMENT

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

PLN: 2022-00181 Planning Personnel: _____ Date: _____

Comments: _____

LICENSING

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

One-rdg. X
P. Hrngs.
Pgs. 22
Filed: 09-27-22

Sponsored by: Simpson

COUNCIL BILL 2022- 248 RESOLUTION

A RESOLUTION

1 GRANTING a Short-Term Rental Type 2 Permit for the property located at 2000
2 East Sunset Drive for the purpose of allowing the establishment of
3 a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land
4 Development Code.
5
6

7 WHEREAS, the owner of the property located at 2000 East Sunset Drive has
8 applied for a Short-Term Rental ("STR") Type 2 Permit; and
9

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

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

19 WHEREAS, the owner of the property located at 2000 East Sunset Drive has
20 obtained two signatures out of the four property owners adjacent to and immediately
21 across the street from the property, resulting in only fifty (50) percent of the neighboring
22 property owners; and
23

24 WHEREAS, property owners within 500 feet of the proposed STR Type 2
25 establishment were notified by regular mail of the October 3, 2022, City Council
26 meeting.
27

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

31 Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the
32 property located at 2000 East Sunset Drive. The granting of the Permit is expressly
33 subject to compliance with Section 36-473 of the Land Development Code, and any
34 other applicable provisions of City Code.
35

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

38
39 Passed at meeting: _____

40
41 _____
42 Mayor

43
44 Attest: _____, City Clerk

45
46 Filed as Resolution: _____

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

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

EXPLANATION TO COUNCIL BILL 2022 - 248

FILED: 09-27-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 2000 East Sunset Drive 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 2000 East Sunset Drive. Section 36-473 of the Zoning Ordinance requires that Type 2 applicants conduct a neighborhood meeting and obtain signatures from fifty-five percent or more of property owners adjacent to and immediately across the street from the proposed STR. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured the applicant may apply to the City Council to obtain a resolution granting the STR Type 2 permit.

The applicant has obtained two signatures from the four adjacent property owners, resulting in fifty (50) percent consent as shown on "Exhibit C." An additional signature was provided for an adjacent property but was unable to be verified as supporting documentation was not provided.

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

Property owners within 500 feet of the proposed Short-Term Rental Type 2 establishment have been notified by regular mail of the October 3rd 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:

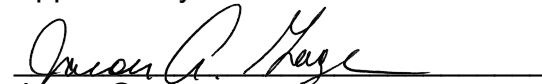


Daniel Neal, Senior Planner

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 D, Neighborhood Correspondence

Exhibit A

GEORGE TIMOTHY ROSENURY
2522 SOUTH BRENTWOOD AVENUE
SPRINGFIELD, MISSOURI 65804

May 25, 2022

Mr. Andrew Menke
Associate Planner, Development Review Team
City of Springfield Department of Planning and Development
840 Boonville Ave.
Springfield, MO 65802

Re: Protest Letter
Short Term Rental Application, 2000 East Sunset

Dear Sir:

Please accept this letter of protest for the above referenced matter.

City ordinance requires that at least 55% of adjacent neighbors certify consent for a property to be licensed for a short-term rental. There are four adjacent properties. I have received consent from three of them, or 75% of the total. The ordinance also requires that, when a consent form is signed by a neighbor whose property is owned in trust, the neighbor must provide legal documentation that they are authorized to do so. I have made multiple requests of the neighbor whose property is owned in trust to furnish these documents, and to date, I have not received them. City staff has advised that there is a deadline to do so, and the deadline is today.

I will continue to seek to secure the documentation, but given the deadline, it is my understanding from staff that, without the documentation, the only other options at this point are to either cancel the application or to request Council act on a protest. I am respectfully doing the latter.

Sincerely,



Tim Rosenbury
Email tim@rosenbury.com
Phone (417) 849-5364



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: 2000 E SUNSET

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: TIM ROSENBERG

If corporation: Corporate Official: _____

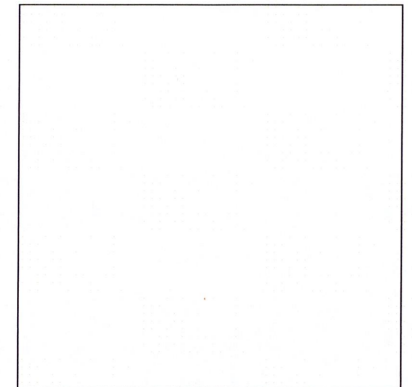
Mailing Address: 2522 S BRENTWOOD

Zip Code: 65804 Phone: (417) 849-3364

E-mail: tim@rosenberg.com

PROPERTY OWNER'S SIGNATURE:

[Signature]



(Corporate Seal)

OPERATOR'S INFORMATION (if different):

Name: (same)

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: May 25, 2022, 4:00 - 6:30 PM

3. Meeting Location: 2000 E Sunset

4. Number of invitations that were sent: 66

5. Number of neighbors in attendance (attach a sign-in sheet): 7, including applicants

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.)

Neighbors' concerns were around the potential for out-of-control house guests, use of the house for parties, and disruption to the peace and quiet of the neighborhood. A handout titled "Our Plan for 2000 East Sunset" (also attached) was provided to attendees, and the fact that (1) the applicant intends to market the STR through word of mouth and by referral and does not intend to market the STR broadly; (2) the applicant is a neighbor also, within view and hearing range of the proposed STR and shares the same interests as the other neighbors; and (3) the applicant provided direct contact information, seemed to address concerns.

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

No written comments were received.

I, Tim Rosenbury (*print name*), attest that the neighborhood meeting was held on May 25, 2022 (*month/date/year*), in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

Tim Rosenbury
Printed name of person completing affidavit

Our Plan for 2000 East Sunset

May 25, 2022

Hello, neighbors.

We bought 2000 East Sunset from Peggy Alexander, who was the original owner, in December 2014. That following Spring, after some interior renovations, Genie's mom moved in and lived there until April 2021. We've been renovating and repairing the house since then, mostly with our own hands, and are almost finished.

We bought the house because of its unique architecture and design, and we wanted to see it preserved in our neighborhood.

We also own a house at 1627 East Elm Street in the Rountree area. We operate it as a short-term guest house. It's not listed on Airbnb or any other Internet site; guests of friends, family and neighbors rent it through word of mouth and referral.

We plan to take the same approach here – offering for rent a quiet, comfortable, well-maintained guest house in a great neighborhood for overnight stays of guests of friends, family, and Brentwood neighbors.

We live three doors up the street on Brentwood Boulevard and would be near enough to guard against disruptions to neighbors – we are neighbors as well. We have a full view of the house from our front porch.

The City of Springfield requires a business license for anyone who rents out a house short term. We are required to obtain the written consent of at least three of the four property owners whose properties adjoin 2000 East Sunset. If we are successful, the license would likely be granted in late June or early July.

This is not rezoning – the property will remain zoned single family residential -- and the license would be granted to the Rosenburys as owner and operator, not to the property. We are required to renew the license annually. If for some reason in the future we changed our minds and decided to sell 2000 East Sunset, the business license would immediately expire upon the sale.

We respectfully ask for your consent to our plan, and we want to learn of your concerns if you have any. And, if we are approved for the license, please know that you are invited to have your guests stay at 2000 East Sunset.

Genie Rosenbury	(417) 693-2233	genier1211@aol.com
Tim Rosenbury	(417) 849-5364	tim@rosenbury.com

NEIGHBORHOOD MEETING SIGN-IN SHEET

Project: Short-Term Rental Type 2

Meeting Date:	May 25, 2022
----------------------	--------------

May 25, 2022

Owner/Operator: Tim and Genie Rosenbury

Location of Meeting: 2000 E Sunset

2000 E Sunset

[illegible]

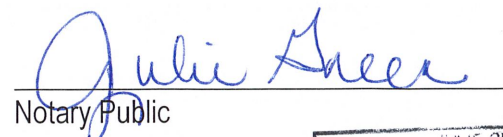
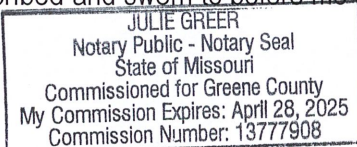
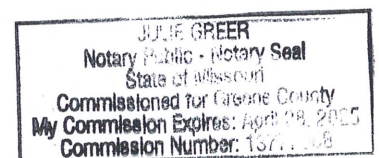
SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVITAddress of Proposed Short-Term Rental: **2000 East Sunset Drive**STATE OF MISSOURI)COUNTY OF GREENE)

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/OperatorTIM ROSENbury
Typed or Printed NameOWNER
Title

ATTEST:

Corporate Secretary
(If no seal)_____
Name of Company or Organization
(If Applicable)Subscribed and sworn to before me a notary public on this 1st day of July, 20 22.
Notary PublicMy Commission expires: 4-28-2025

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: **2000 East Sunset Drive**

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

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

1.	Address of Adjacent Residential Property: <u>1952 E SUNSET DR</u> <u>JOSEPH P. REGAN</u> Owner(s) of Record (Typed or Printed) <u>Joseph P Regan</u> Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
2.	Address of Adjacent Residential Property: <u>2010 E SUNSET DR</u> Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
3.	Address of Adjacent Residential Property: <u>2557 S BRENTWOOD BLVD</u> <u>Wanda Hedgpeth</u> Owner(s) of Record (Typed or Printed) <u>Wanda Hedgpeth, by Donna Whitfield</u> Signature(s) of Owners <u>Donna Whitfield, POA</u> Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

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

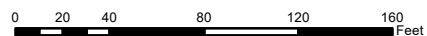
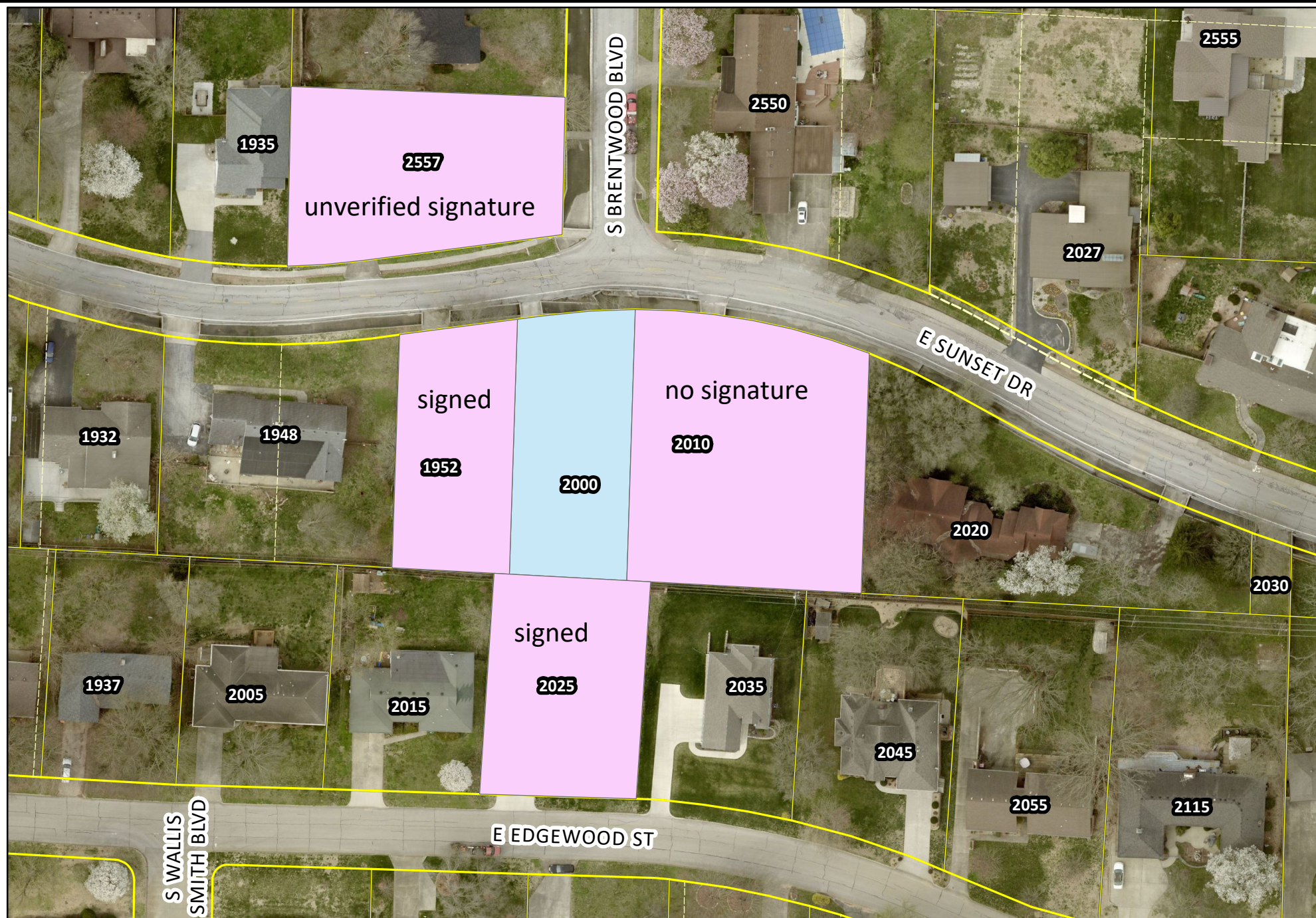
The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **2000 East Sunset Drive**

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

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

4.	Address of Adjacent Residential Property: <u>2025 E EDGEWOOD ST</u> <u>Clayton & Carri Hummer</u> Owner(s) of Record (Typed or Printed) <u>[Signature]</u> <u>Carri Hummer</u> Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
5.	Address of Adjacent Residential Property: _____ _____ Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
6.	Address of Adjacent Residential Property: _____ _____ Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

Adjacent Properties



SCALE:

11:978 22



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

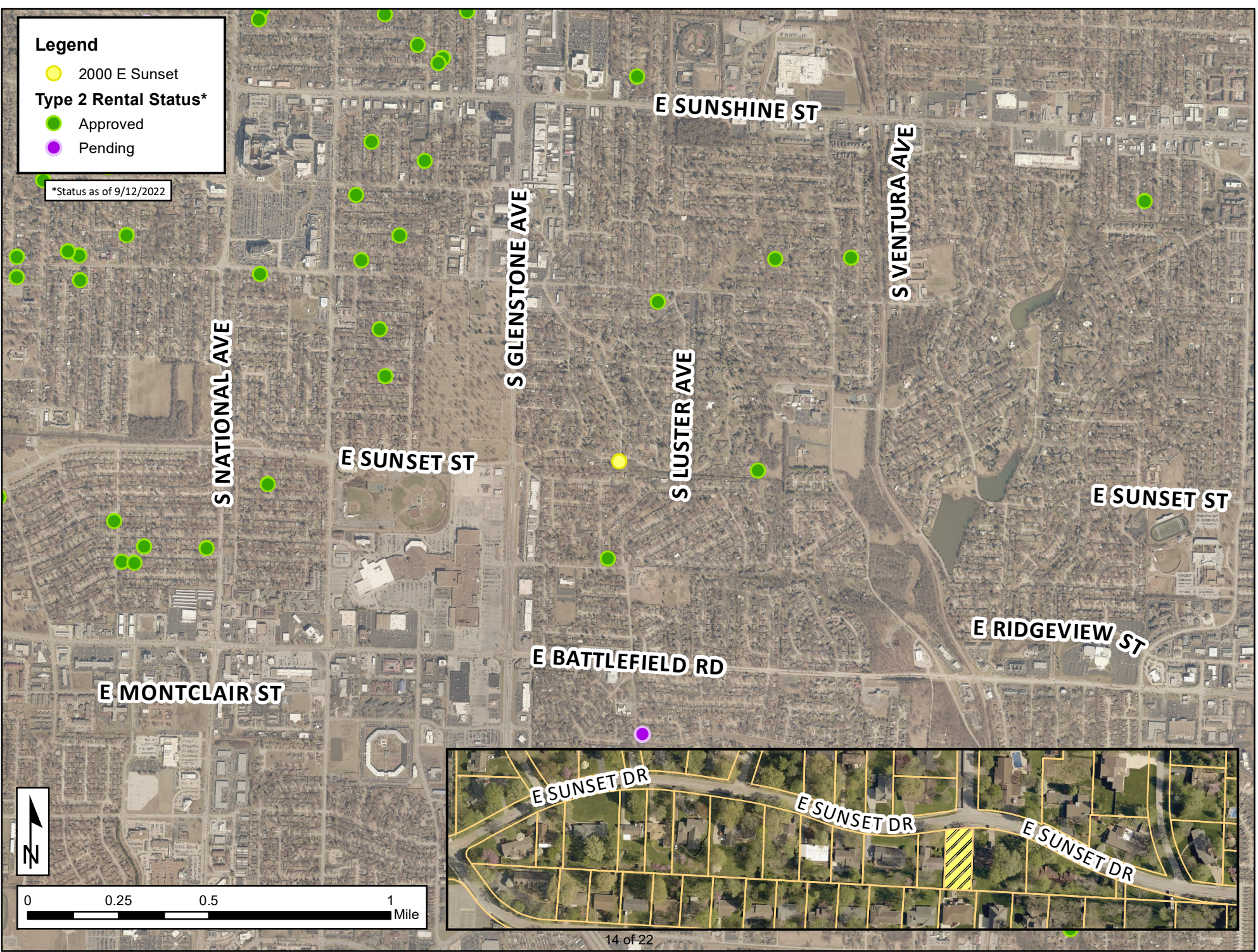
● 2000 E Sunset

Type 2 Rental Status*

● Approved

● Pending

*Status as of 9/12/2022



Attach photo here

See next page.

Attach photo here

See next page.

Attach photo here

See next page.

I, Tim Rosenbury, Owner, (print name of owner, agent, attorney), attest that the above sign was posted 10 days before the public hearing on 05/25/22 (month/day/year) and in accordance with the given posting requirements.

Signature of person completing sign posting

Tim Rosenbury NOTE: sign was not received prior to meeting. Sign was posted in front yard the entire month of June 2022, and remains in place. No comments or inquiries from neighbors have been received.

Printed name of person completing sign posting



City of Springfield, Missouri

Short-Term Rental Intake Form

1. Business Name (if applicable): 2000 E Sunset Short Term Rental

Operator(s) Name: Tim Rosenbury

Operator(s) Address: 2522 S Brentwood, Springfield MO 65804

Phone: (417) 849-5364 E-Mail: tim@rosenbury.com

Short-Term Rental Address: 2000 E Sunset, Springfield MO

2. Property owner name, address, e-mail, and phone if different:
(same as operator)

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. Tim Rosenbury
Owner/Operator

Tim Rosenbury Digitally signed by Tim Rosenbury
Date: 2022.01.10 17:06:34 -06'00'
Signature

APPLICANT FILL OUT TO THIS POINT

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

PLANNING and DEVELOPMENT

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

PLN: 2022-00007 Planning Personnel: _____ Date: _____

Comments: _____

LICENSING

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

Exhibit D

From: [David Colvin](#)
To: Zoning@springfieldmo.gov
Cc: ["David Colvin"](#)
Subject: STR Neighborhood Meeting
Date: Wednesday, May 18, 2022 4:29:45 PM

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

Atten: Bob Hosmer, ACP planning Manager
City of Springfield Development Review
840 Boonville Ave, Springfield 65804

Date: 5/18/2022
Ph. 417-881-9979
David Colvin Claudine Colvin
1907 E. Sunset Dr.
Str Address : 2000 E. Sunset

Comments:

Due to bad health we won't be able to attend the meetings,
We are 100% against the Short - term Rental type 2 regarding the above address

David Colvin

1907 E. Sunset Drive
Springfield Mo. 65804
239-285-3898 - cell
1800-552-1923- Fax
dcolvin45@earthlink.net

From: [matt cologna](#)
To: [Menke, Andrew](#)
Subject: Re: Scan from a Xerox WorkCentre
Date: Monday, May 23, 2022 9:13:14 AM

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

Thank you. I wondered about that but wasn't exactly sure from the minutes. That information only makes me more emphatically against the short-term rental as I am familiar with that property and it is within both eye and earshot. Owners of short-term rentals are not in a position to control the behavior of their guests until it's too late. The neighborhood is not suited for vacation rentals. I know other owners of short-term rentals and I do not want myself, my neighbors, and the neighborhood burdened by a property where people are essentially on vacation. We probably all know how people can act when they're on vacation--they don't have the same sense of responsibility as they do when they are in their own home, and don't have the inhibition that comes with not wanting to tick the neighbors off when they're only there for a short time. The value in this neighborhood comes from the fact that we have long-term residents who desire peace and tranquility. One property owner should not be able to sacrifice that and property values just to make money by not living there.

Matt Cologna mattcologna@yahoo.com 660-202-9882 573-424-7382

On Monday, May 23, 2022, 08:55:44 AM CDT, Menke, Andrew <amenke@springfieldmo.gov> wrote:

Matt,

Thank you for your comments. Please note that the Short-Term Rental application is for 2000 E Sunset, not 2522 S Brentwood. Let us know if this changes your comments.

Best,

Andrew Menke

Assistant Planner
City of Springfield
Department of Planning & Development
Phone: (417) 864-1613

From: matt cologna <mattcologna@yahoo.com>
Sent: Monday, May 23, 2022 8:28 AM
To: Zoning@springfieldmo.gov
Subject: Fw: Scan from a Xerox WorkCentre

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

Please see attached. I cannot attend the public meeting on May 25, but I strongly object to the property located at 2522 S. Brentwood, 65804, being classified as a short-term rental as it would drive down my property value by driving down the value in the neighboring properties, and other reasons stated in the attached. Thank you,

Matt Cologna

(573) 424-7382

1920 E. Edgewood

Springfield, MO 65804

Matt Cologna mattcologna@yahoo.com 660-202-9882 573-424-7382

----- Forwarded Message -----

From: Matt Cologna <mcologna2@oreillyauto.com>

To: mattcologna@yahoo.com <mattcologna@yahoo.com>

Sent: Monday, May 23, 2022, 08:13:58 AM CDT

Subject: FW: Scan from a Xerox WorkCentre

Matt Cologna

Real Estate Counsel

O'Reilly Auto Parts

233 S. Patterson

Springfield, MO 65802

mcologna2@oreillyauto.com

(417) 829-5722

-----Original Message-----

From: WorkCentre 7120 [mailto:automail@oreillyauto.com]

Sent: Monday, May 23, 2022 8:11 AM

To: Matt Cologna <mcologna2@oreillyauto.com>

Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Number of Images: 2

Attachment File Type: PDF

Device Name: WorkCentre 7120

Device Location:

For more information on Xerox products and solutions, please visit <http://www.xerox.com/>

The information transmitted is intended only for the person or entity to which it is addressed and may contain proprietary, business-confidential and/or privileged material. If you are not the intended recipient of this message you are hereby notified that any use, review, retransmission, dissemination, distribution, reproduction or any action taken in reliance upon this message is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

COMMENT CARD/NOTICE

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

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

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

Short-Term Rental Type 2 Process:

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

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

You can provide comments on the "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65802

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

DATE:	5/21/22	Telephone No.	573-424-7382
YOUR NAME:	Matt Colugna		
YOUR ADDRESS:	1920 E. Edgewood, Springfield MO 65804		
STR ADDRESS:	Same		
COMMENTS:	I strongly object to any property in my neighborhood being classified as a Short-Term Rental property. It is a dangerous precedent to set in a primarily owner-occupied residential area. Also, it allows for an unknown amount of traffic/parking, invites people of an unknown character, and poses problems with noise (parties, music, etc.), refuse, and upkeep of the property by people w/o an ownership interest or interest in the character of the neighborhood or relationships w/ neighbors. <u>Most importantly, it could drive the property value of my home and others nearby down.</u> I cannot attend the meeting, but am firmly against the referenced property being a short-term rental. Y.M. Colugna		

One-rdg. X
P. Hrngs.
Pgs. 8
Filed: 09-27-22

Sponsored by: Hosmer

First Reading:

Second Reading:

COUNCIL BILL 2022- 249

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Surface
2 Transportation Program-Urban Supplemental Agreement with the
3 Missouri Highways and Transportation Commission; amending the
4 budget of the Department of Public Works for Fiscal Year 2022-2023,
5 in the amount of \$628,178, for the purpose of appropriating the
6 additional federal funds to be used in street overlay improvements;
7 and declaring that this bill qualifies for approval in one reading.
8
9

10 WHEREAS, the City and the Missouri Highways and Transportation Commission
11 ("MHTC") previously entered into an agreement for the purpose of coordinating the
12 construction costs for overlay improvements on Sunshine Street, National Avenue, and
13 Battlefield Road, as approved in Special Ordinance 27295; and
14

15 WHEREAS, actual project costs have exceeded the original estimate by
16 \$785,223, due to increased fuel and asphalt costs; and
17

18 WHEREAS, Surface Transportation Block Grant funds will reimburse 80 percent
19 of these additional costs, in the amount of \$628,178, with the remaining 20 percent
20 (\$157,045) funded by ¼-Cent Capital Improvements Sales Tax funds which are already
21 budgeted; and
22

23 WHEREAS, a budget adjustment is required to appropriate the funds associated
24 with the Agreement.
25

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

29 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
30 a Supplemental Agreement with the Missouri Highways and Transportation
31 Commission, said Agreement to be in substantially the same form as that document
32 attached hereto and incorporated herein by this reference as "Exhibit A."
33

34 Section 2 – The budget of the Department of Public Works for Fiscal Year 2022-
35 2023, is hereby amended in the accounts and in the amounts as shown on Budget
36 Adjustment No. 021, a copy of which is attached hereto and incorporated herein by this
37 reference as “Exhibit B.”
38

39 Section 3 – The City Manager is directed to cause the appropriate accounting
40 entries to be made in the books and records of the City.
41

42 Section 4 – City Council hereby finds and declares that this Council Bill
43 authorizes entering into a contract with a state government agency for the purpose of
44 receiving grant funding from the same and may therefore be passed as a one-reading
45 bill pursuant to City Charter Section 2.16(25). This Ordinance shall be in full force and
46 effect from and after passage.
47

48 Passed at meeting: _____
49

50
51 _____
52 Mayor
53

54 Attest: _____, City Clerk
55

56 Filed as Ordinance: _____
57

58
59 Approved as to form: Kyle Tollett, Assistant City Attorney
60

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

EXPLANATION TO COUNCIL BILL 2022- 249

FILED: 09-27-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into Surface Transportation Program (“STP”) – Urban Supplemental Agreement #2 (“Exhibit A”) with the Missouri Highways and Transportation Commission (“MHTC”), for the purpose of coordinating participation in the cost of overlay improvements at various locations on Sunshine Street, National Avenue, and Battlefield Road; approving a budget adjustment amending the Fiscal Year 2023 budget of the Department of Public Works in the amount of \$628,178 to appropriate the additional federal grant funds; and declaring that this bill qualifies for approval in one reading.

BACKGROUND INFORMATION: The MHTC and the City previously entered an agreement (Special Ordinance 27295) for the purpose of coordinating the construction costs for overlay improvements on Sunshine Street, National Avenue, and Battlefield Road. This Supplemental Agreement will allow the MHTC to program STBG-Urban funds in an amount up to 80% of the City’s responsibilities including cost overruns.

The total project cost was originally estimated at \$2,990,000. This was comprised of 1/4-Cent Capital Improvements Sales Tax funds (\$598,000) and federal Surface Transportation Block Grant (“STBG”) - Urban funds (\$2,392,000). Due in part to increased fuel and asphalt costs during the construction period, actual project costs are \$3,775,223, an increase of \$785,223 over the original agreement. The additional cost will be funded by 1/4-Cent Capital Improvements Sales Tax funds (\$157,045) which are already budgeted, and federal STBG-Urban funds (\$628,178) being budgeted by this Ordinance.

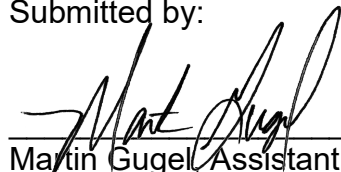
As this Ordinance is for a grant contract with MHTC, we request that it be passed as a one-reading bill under City Charter Section 2.16(25).

Supports the following City Council Priority:

- Fiscal sustainability

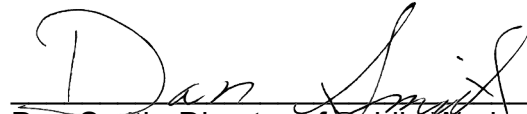
REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:

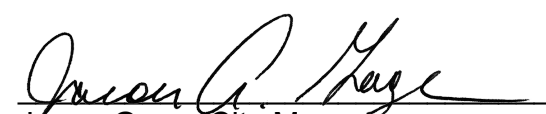


Martin Gugel, Assistant Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:


Jason Gage, City Manager

CCO Form: FS27
Approved: 05/02 (BDG)
Revised: 03/17 (MWH)
Modified:

Greene County
City of Springfield
Project STBG-5916(807)
2022-08-71775

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STBG-5916(807)
Award Year: 2020
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
STP-URBAN PROGRAM
SUPPLEMENTAL AGREEMENT #2**

THIS SUPPLEMENTAL AGREEMENT#2 is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield (hereinafter, "City").

WITNESSETH:

WHEREAS, on May 13, 2020, the Commission and the City previously entered into a STP-Urban Funds Agreement, #2019-10-53723 (hereinafter, "Original Agreement") as to public improvements designated as STBG-5916(807) for the construction of overlay improvements at various locations on Sunshine Street, National Avenue and Battlefield Road; and

WHEREAS, on June 10, 2021, the Commission and City entered into STP-Urban Funds Supplemental Agreement #1, #2021-05-63274, (hereinafter, "Supplemental Agreement #1), to revise the Original Agreement; and

WHEREAS, the Commission and the City now desire to further revise the Original Agreement and Supplemental Agreement #1 as provided in this Supplemental Agreement #2.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) REVISION: Subparagraph (A) under paragraph (12) of the Supplemental Agreement #1 is hereby removed and replaced with the following:

(12)(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by the City. Any costs incurred by the 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 for construction shall be 80 percent (80%) not to exceed **\$2,392,000**. The federal share for cost overruns during the construction phase shall be 80 percent (80%) not to exceed **\$628,178**. 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 the City. The Commission shall not be responsible for any costs associated with the herein improvements unless specifically identified in this Agreement or subsequent written agreements.

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement #2, the Original Agreement and all previous Supplemental Agreements between the parties shall remain in full force and effect and shall extend and apply to this Supplemental Agreement #2 as if fully written in this Supplemental Agreement #2.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this _____(DATE).

Executed by the Commission this _____(DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

Title: _____

By _____
Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____
City Clerk

By _____
Director of Finance

By _____
Contract Paralegal

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No.: _____

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
021

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	102849	00000	\$ 628,178	Federal STBG Grant Revenues - National Avenue, Battlefield Road, & Sunshine Street - Overlay Improvements
Net Revenue Adjustment						\$ 628,178	

Expenditures:

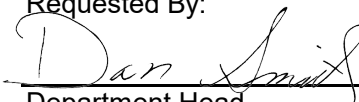
Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	102849	00000	\$ 628,178	Street Overlay Improvements - National Ave, Battlefield Road, & Sunshine Street
Net Expenditure Adjustment						628,178	

Fund Balance Appropriation:

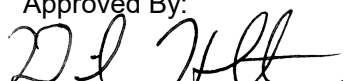
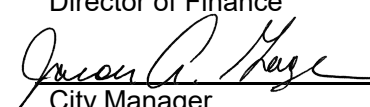
Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating additional federal STBG grant funds of \$628,178 for 80% of the additional costs of Street Overlay Improvements on portions of National Ave., Battlefield Road, and Sunshine Street based on the proposed Supplemental STP Urban Agreement. The remaining 20% of additional costs (\$157,045) will be funded by the 1/4 Cent Capital Improvement Sales Tax that is already budgeted.

Requested By:

 10-27-2022
Department Head Date

Approved By:

 10-27-2022
Director of Finance Date
 10-27-2022
City Manager Date

Authorization:

Council Bill No. 2022-249
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 26
Filed: 09-27-22

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 250

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 466 for the purpose of permitting an
2 automobile service garage as a conditional use within the GR,
3 General Retail District, generally located at 1306 West Sunshine
4 Street. (Staff and Planning and Zoning Commission recommend
5 approval.)
6 _____
7

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

12 WHEREAS, the Planning and Zoning Commission held a public hearing on
13 September 8, 2022, and recommended approval of Conditional Use Permit No. 466 for
14 the property generally located at 1306 West Sunshine Street and zoned GR, General
15 Retail District, with a copy of the Record of Proceedings from said public hearing being
16 attached hereto and incorporated herein by this reference as "Exhibit C;" and
17

18 WHEREAS, City Council finds that sufficient evidence has been presented to
19 satisfy all applicable standards of the Land Development Code for issuance of
20 Conditional Use Permit No. 466; and
21

22 WHEREAS, the granting of such permit is deemed proper, and it is not found to
23 harm the community or injure the value, lawful use and reasonable enjoyment of
24 properties in the vicinity of 1306 West Sunshine Street.
25

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

29 Section 1 – City Council adopts the City staff's specific findings of fact on the
30 proposed conditional use as set forth in "Exhibit D – Attachment 3." "Exhibit D" is
31 attached hereto and incorporated herein by this reference in its entirety. Conditional Use
32 Permit No. 466 is hereby granted in accordance with and subject to the provisions of
33 Section 36-363 of the Land Development Code. Conditional Use Permit No. 466 is
34 granted for the purpose of permitting an automobile service garage to operate as a

conditional use within the GR, General Retail District, located at the property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, and which is generally located at 1306 West Sunshine Street.

Section 2 – Building permits, certificates of occupancy and any other required permits or approvals may be issued by the duly authorized officials of the City provided that such issuance is consistent with Section 36-363 of the Land Development Code, any other applicable City regulation or ordinance and the "Requirements for Conditional Use Permit 466" described in "Exhibit A," which is attached hereto and incorporated herein by this reference. Additionally, the provisions contained in "Exhibit A" and "Exhibit D – Attachment 2" shall govern and control the use and development of the land described in "Exhibit B," in a manner consistent with the attached site plan depicted on "Exhibit D – Attachment 5."

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. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2022- 250

FILED: 09-27-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To permit an automobile service garage as a Conditional Use Permit within a GR, General Retail District generally located at 1306 West Sunshine Street. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 466

The applicant is requesting approval of a Conditional Use Permit for an automobile service garage on the subject property within a GR, General Retail District. The *Zoning Ordinance* requires a use permit in the GR, General Retail District for an automobile service garage.

CONDITIONS:

1. The regulations and standards listed on Exhibit D - Attachment 3 shall govern and control the use and development of the land in Use Permit Number 466 in a manner consistent with the attached site plan ("Exhibit D - Attachment 5").

FINDINGS FOR STAFF RECOMMENDATION:

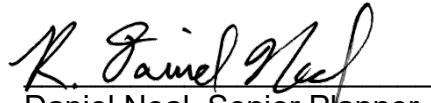
1. This application meets the approval standards for a Conditional Use Permit ("Exhibit D - Attachment 3").
2. Approval of this application is subject to the Requirements for Approval ("Exhibit D - Attachment 2") and site plan ("Exhibit D - Attachment 5").
3. Approval of this request will provide for redevelopment of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

REMARKS:

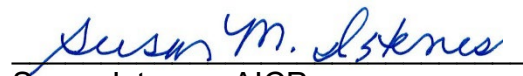
The Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended approval, by a vote of 7 to 0 of the proposed Conditional Use Permit (see the attached "Exhibit C," Record of Proceedings).

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

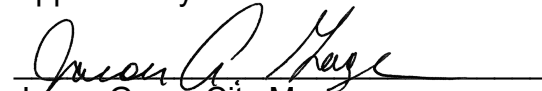
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Susan Istenes, AICP
Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Requirements for Conditional Use Permit Number 466

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 466

Attachment 3, Standards and Responses for Conditional Use Permits

Attachment 4, Affidavit of Neighborhood Notification and Meeting Summary and
Neighborhood comments

Attachment 5, Proposed Site Plan

EXHIBIT A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 466

1. An automobile service garage is permitted in conformance with the site plan (Attachment 5).
2. The automobile service garage shall comply with all CUP standards (Attachment 3).
3. The standard right-of-way width for W. Sunshine Street is 50-feet from the centerline and for S. Fort Avenue is 30-feet from the centerline. It appears an additional 12-feet of right-of-way is needed along W. Sunshine Street. It appears no additional right of way is needed along S. Fort Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way.
4. There is currently one driveway access point onto the property W. Sunshine Street. This driveway approach does not meet spacing requirements and must be closed. There is one driveway access point onto the property from S. Fort Avenue that does not meet current spacing standards. This driveway will be allowed to remain.
5. There is not existing sidewalk along the property frontage of W. Sunshine Street. Sidewalk is required to be constructed along W. Sunshine Street at the time of development.
6. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

EXHIBIT B

LEGAL DESCRIPTION
CONDITIONAL USE PERMIT 466

ALL OF LOT ONE (1), BLOCK "A", REPLAT OF BLOCK "A" WESTWOOD ACRES, SPRINGFIELD, GREENE COUNTY, MISSOURI, EXCLUDING THE FOLLOWING:

THE SOUTH 105.5 FEET OF LOT 1 OF THE REPLAT OF BLOCK "A" WESTWOOD ACRES, EXCEPT, BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 101.5 FEET OF SAID LOT 1; THENCE EASTERLY 70 FEET ALONG THE NORTH TRACT LINE; THENCE SOUTHERLY 10 FEET; THENCE WESTERLY 70 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTHERLY ALONG SAID LOT LINE 10 FEET TO THE POINT OF BEGINNING, IN SPRINGFIELD, GREENE COUNTY, EXCEPT THAT PART CONVEYED TO THE CITY OF SPRINGFIELD IN BOOK 2008 AT PAGE 47285-08, AND EXCEPT ANY PART DEEDED, TAKEN OR USED FOR ROAD PURPOSES.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – September 8, 2022

Conditional Use Permit 466
1306 West Sunshine Street
Applicant: 1821 Fort St., LLC

Mr. Hosmer states that this is to permit an automobile service garage within a GR, General Retail District generally located at 1306 W. Sunshine Street. The Growth Management and Land Use Plan designate this area as appropriate for Medium-Intensity Retail, Office or Housing uses. The subject property is at the intersection of a primary arterial (Sunshine St.) and Collector (Fort Ave.) roadways. A Traffic Impact Study is not required, and the property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention is required onsite. The Conditional Use Permit will:

- Allow an automobile service garage in conformance with the site plan,
- The standard right-of-way width for W. Sunshine Street is 50-feet from the centerline and for South Fort Avenue is 30-feet from the centerline. Survey needed
- The driveway on Sunshine must be closed.
- Construct sidewalk along Sunshine.

Proposed CUP meets the requirements standards and staff recommends approval.

Mr. Knuckles asked about the requirements for the bufferyard for plantings along Fort Avenue.

Mr. Hosmer states that it is perimeter landscaping and is a requirement.

Mr. Doennig opened the public meeting.

Mr. Geoff Butler, 4449 E. Valley Road, representing the applicant and has been abandoned and vagrants have cleared out all of the copper that could be found. The applicant bought this to expand her service and capabilities for auto repair. We are providing 20% green space and will be no detention required and will get rid of the entrance on Sunshine Street.

Mr. Knuckles asked about the uses of the building and Mr. Butler noted how the applicant will use the lot and buildings.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Conditional Use Permit 466 (1306 West Sunshine Street). Mr. Lebeck seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.

A handwritten signature in black ink, appearing to read "Bob Hosmer", is enclosed within a thin black rectangular border.

Bob Hosmer, AICP
Planning Manager

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING:

SEPTEMBER 8, 2022

CITY COUNCIL PUBLIC HEARING:

OCTOBER 3, 2022



CASE NUMBER:

Conditional Use Permit 466

LOCATION: 1306 W. Sunshine Street

ACRES: Approximately 0.51 acre

EXISTING LAND USE: Vacant convenience store

APPLICANT: West Coast 711S, LLC

STAFF: Daniel Neal, Senior Planner

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

I move to adopt staff's responses in the staff report as the findings of fact and approve CUP 466. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to permit an automobile service garage as a Conditional Use Permit within a GR, General Retail District generally located at 1306 W. Sunshine Street.

FINDINGS FOR STAFF RECOMMENDATION:

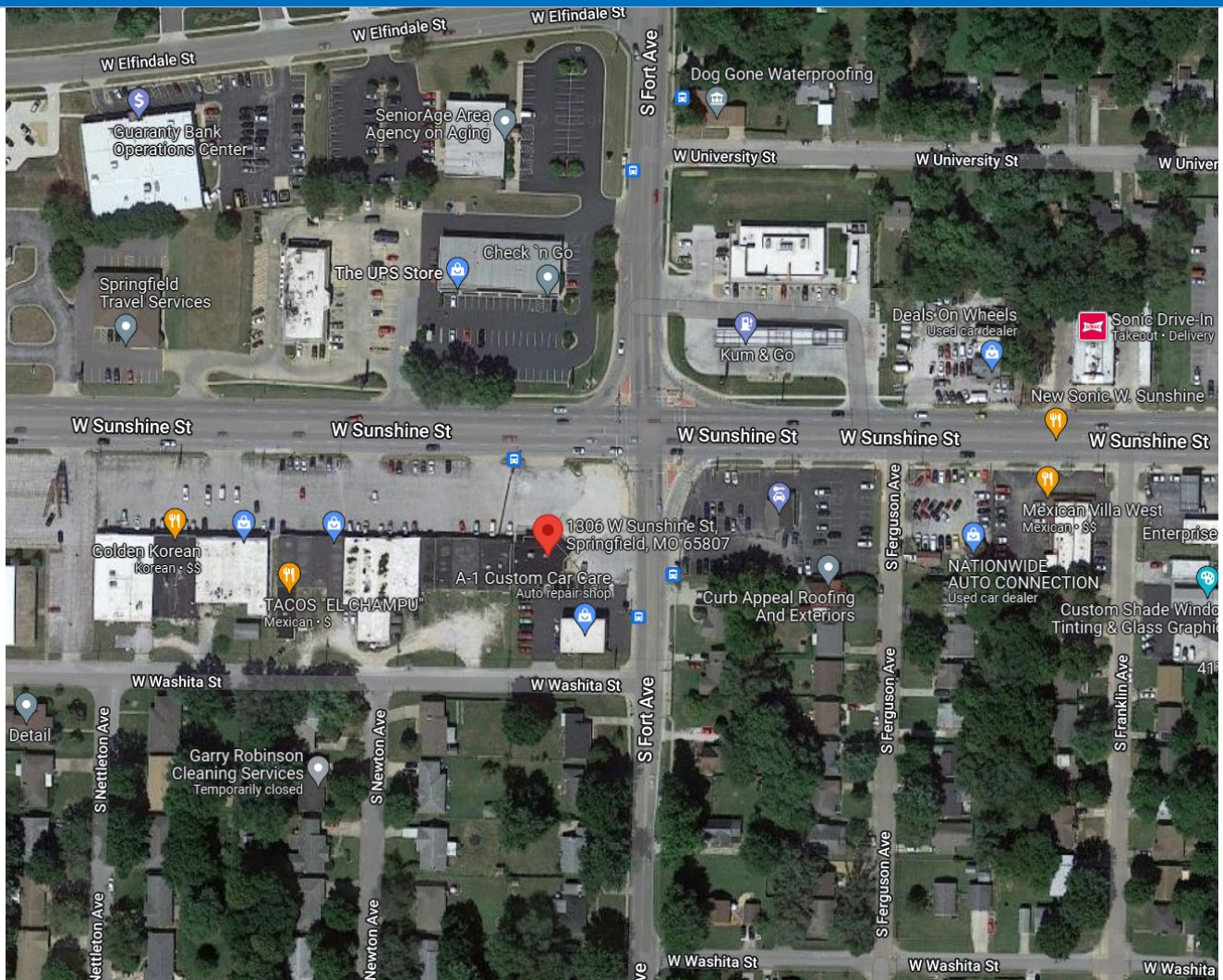
1. This application meets the approval standards for a Conditional Use Permit.
2. Approval of this request will provide for development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	PD 46	GR	HC	GR
LAND USE	Shopping center	Automotive service garage	Automotive sales	Shopping center

Development Review Staff Report

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

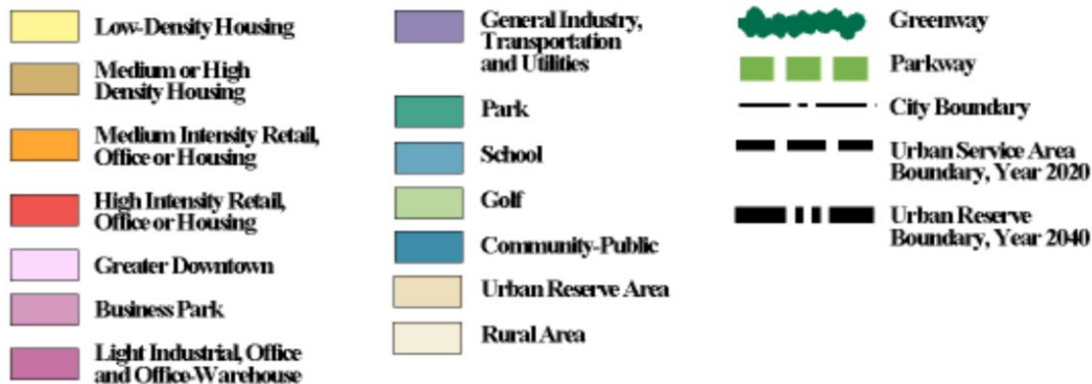


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property has been zoned GR, General Retail District since the City-wide remapping in 1995.

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-363. - Conditional Use Permit

- (1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.
- (8) *Period of validity.*
- (a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18-month period:
 - 1. A building permit is obtained and the erection or alteration of a structure is started; or
 - 2. An occupancy permit is obtained and the conditional use commenced.

The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.
 - (b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.
- d. *Damage or destruction.* In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

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

Development Review Staff Report



STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit for an automobile service garage on the subject property within a GR, General Retail District. The *Zoning Ordinance* requires a use permit in the GR, General Retail District for an automobile service garage.
2. Approval of this request will provide for the development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.
3. The subject property is at the intersection of a primary arterial (Sunshine St.) and Collector (Fort Ave.) roadways.
4. 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.
5. A landscape plan, meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
6. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on July 20, 2022 regarding the rezoning request. A summary of the meeting is attached (Attachment 4)

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:	Mailed: 16	Returned: 0
--	------------	-------------

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

CONDITIONAL USE PERMIT 466

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments in allotted review time.

CITY UTILITIES COMMENTS:

No issues with proposed CUP.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issue with the CUP however there is still no evidence as to how the property is connected to sanitary sewer. If the property is connected in Washita, that connection would need to be disconnected and connected to the sewer on the east side of Fort or public sewer would need to be extended to the site. CCTV of the sewer main along the east side of Fort does not show any existing connections to the west so it is not likely the existing building is connected in this direction.

FIRE DEPARTMENT COMMENTS:

Installation of fire hydrants & fire access lanes shall comply with 2018 IFC.

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 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 the site is built out**. The property **does not have a stream buffer on site**.

PW Stormwater has no concerns for the proposed Conditional Use Permit. Please note that development of the property will be subject to the following conditions at the time of development:

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

Detention Requirements:

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works.
 - a. The site is already completely impervious, and detention will not be required. Stormwater runoff for this site drains to Sunshine St.
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.

Development Review Staff Report



Additional Stormwater Standards to be met:

1. 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.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Sunshine Street as Primary Arterial roadway and S. Fort Avenue as a Collector roadway. The standard right-of-way width for W. Sunshine Street is 50-feet from the centerline and for S. Fort Avenue is 30-feet from the centerline. It appears an additional 12-feet of right-of-way is needed along W. Sunshine Street. It appears no additional right of way is needed along S. Fort Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. This portion of W. Sunshine Street and S. Fort Avenue are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Sunshine Street is 30,800 vehicles per day. The most recent traffic count on S. Fort Avenue is 6,671 vehicles per day. On-street parking is not allowed along W. Sunshine Street nor this portion of S. Fort Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property W. Sunshine Street. This driveway approach does not meet spacing requirements and will be closed. There is one driveway access point onto the property from S. Fort Avenue that does not meet current spacing standards. This driveway will be allowed to remain. For safety and circulation purposes, it would be ideal if cross access is provided to the property to the south so the two driveways can be consolidated into one, but this is not required.

SIDEWALK

There is not existing sidewalk along the property frontage of W. Sunshine Street. There is existing sidewalk along the property frontage of S. Fort Avenue. Sidewalk is required to be constructed along W. Sunshine Street at the time of development.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are two bus stops along W. Sunshine Street in the vicinity of this property.

IMPROVEMENTS

None required. A Traffic Impact Study was not required.

SITE PLAN

Detailed site-specific comments.

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

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Sunshine Street	Primary Arterial	No	38	50

Development Review Staff Report



Street 2	S. Fort Avenue	Collector	No	34	30
	AM Peak	PM Peak	Weekday	Weekend	
Existing Trips Generated	16	67	720		
*Proposed Trips Generated	16	67	720		
Additional Trips Generated	0	0	0		

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

Development Review Staff Report



REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL USE PERMIT 466

1. An automobile service garage is permitted in conformance with the site plan (Attachment 5).
2. The automobile service garage shall comply with all CUP standards (Attachment 3).
3. The standard right-of-way width for W. Sunshine Street is 50-feet from the centerline and for S. Fort Avenue is 30-feet from the centerline. It appears an additional 12-feet of right-of-way is needed along W. Sunshine Street. It appears no additional right of way is needed along S. Fort Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way.
4. There is currently one driveway access point onto the property W. Sunshine Street. This driveway approach does not meet spacing requirements and must be closed. There is one driveway access point onto the property from S. Fort Avenue that does not meet current spacing standards. This driveway will be allowed to remain.
5. There is not existing sidewalk along the property frontage of W. Sunshine Street. Sidewalk is required to be constructed along W. Sunshine Street at the time of development.
6. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

Development Review Staff Report



STANDARDS FOR CONDITIONAL USE PERMIT 466

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.	It does.	This application is consistent with the <i>Growth Management and Land Use Plan</i> of the <i>Comprehensive Plan</i> which designates this area as appropriate for Medium-Intensity Retail, Office or Housing.
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.	It will improve safety by eliminating the one access to Sunshine.	Public Works Traffic Division has reviewed the application and has determined that conditional use will not adversely affect safety of the motoring public and of pedestrians with traffic access controls that are required. Traffic comments are provided in Attachment 1.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	It will be in full conformance with the IBC and the IFC.	The Fire Department has reviewed this request and has no concerns with regard to safety from fire hazards and fire controls. Fire comments are provided in Attachment 1.
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.	All stormwater on the site drains to the City storm sewer system in Sunshine. No enhanced hazard.	The development is required to meet development standards for stormwater management. Public Works Stormwater Division has reviewed this request and provided comments in Attachment 1.
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.	All activities are inside the building and do not exceed normal noise generation for GR uses.	It is not expected that the proposed use will have noise characteristics that exceed Zoning Ordinance standards.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.	This is a commercial corridor which has a lot of activity. The residential area is far south of this property.	It is not expected that the proposed use will negatively affect neighborhood districts with its location at a commercial intersection and along a commercial corridor.

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	We will be in full conformance with the city sign ordinance.	The development will be subject to the signage standards of the Zoning Ordinance.
8. Such signs will not have an adverse effect on any adjacent properties.	This is true.	The development will be subject to the signage standards on the Zoning Ordinance.
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.	This business will not increase the traffic in the area.	Public Works Traffic Division has reviewed the application and has determined that the street right-of-way and accesses in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.	This is true.	It is not anticipated that the proposed use will have an adverse effect or be incompatible with the adjacent and surrounding properties which are used for commercial uses and located adjacent to arterial roadways.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: a. The location, nature and height of buildings, structures, walls and fences on the site; and b. The nature and extent of landscaping and screening on the site.	This use is an existing building which will have on story additions added. All building in the area are one story. The area is devoid of landscaping now.	The standards of the Zoning Ordinance adequately address these issues. The subject property is located in an area of commercial uses and is not anticipated to dominate the immediate vicinity or to interfere with the development and use of neighboring properties.
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 none.	It is not expected that the proposed development will negatively affect any significant natural topography or physical features.
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	There are none.	The subject property in currently in poor condition and does not exhibit these features.

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
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.	True.	The proposed use is required to comply with applicable regulations with regard to lot size, bulk regulations, use limitations and performance standards.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	True.	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	They will be.	The development will be subject to these standards of the Zoning Ordinance.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.	True.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards with their proposed conditions.
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.	It will improve the current condition.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards with the traffic access controls that are required with this Conditional Use.
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	True.	There aren't any known interference with any public rights of way or easements.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.	True.	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	True.	This property is already served with public infrastructure and services.

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.		

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Conditional Use Permit for: 1306 West Sunshine A1 Custom Car Care
2. Meeting Date & Time: Tuesday July 20, 2022 4 pm - 6:30 pm
3. Meeting Location: 1306 West Sunshine
4. Number of invitations that were sent: 127
5. How was the mailing list generated: City Staff
6. Number of neighbors in attendance (attach a sign-in sheet): three
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

Rudy Widmer and Rebecca Welsh were residents of the area and represented the Neighborhood Association. They were supportive of the project and wanted to encourage more business development in the area.
Dr. Gary Nie owns the Angel Vet Clinic and his only concern was eliminating the driveway to Sunshine. There is a lot of cross traffic in the shopping center and he was not sure if that would add traffic to other access points. Supportive otherwise.

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

No change necessary

I, Geoffrey H. Butler (print name), attest that the neighborhood meeting was held on 7/20/22 (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

Geoffrey H. Butler

Printed name of person completing affidavit

NEIGHBORHOOD MTG

102° !

PLN 2022-00184 - CONDITIONAL USE

1306 W SUNSHINE • 3107.19.22 4⁰⁰ 6³⁰

NAME

ADDRESS

PHONE

Rudy Widmar

1806 W Washita

417-459-7331

Rebecca Welsh

1806 W Washita

417-201-5862

Gary Nye

1332 W. Sunshine

417-866-2923

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss an application for a Conditional Use Permit 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, 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) **July 19th 4 pm - 6:30 pm**
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property) **August 11th 6:30 pm**
4. 1st City Council Public Hearing (185 feet notification from subject property) **September 6th 6:30 pm**
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning **September 19th**

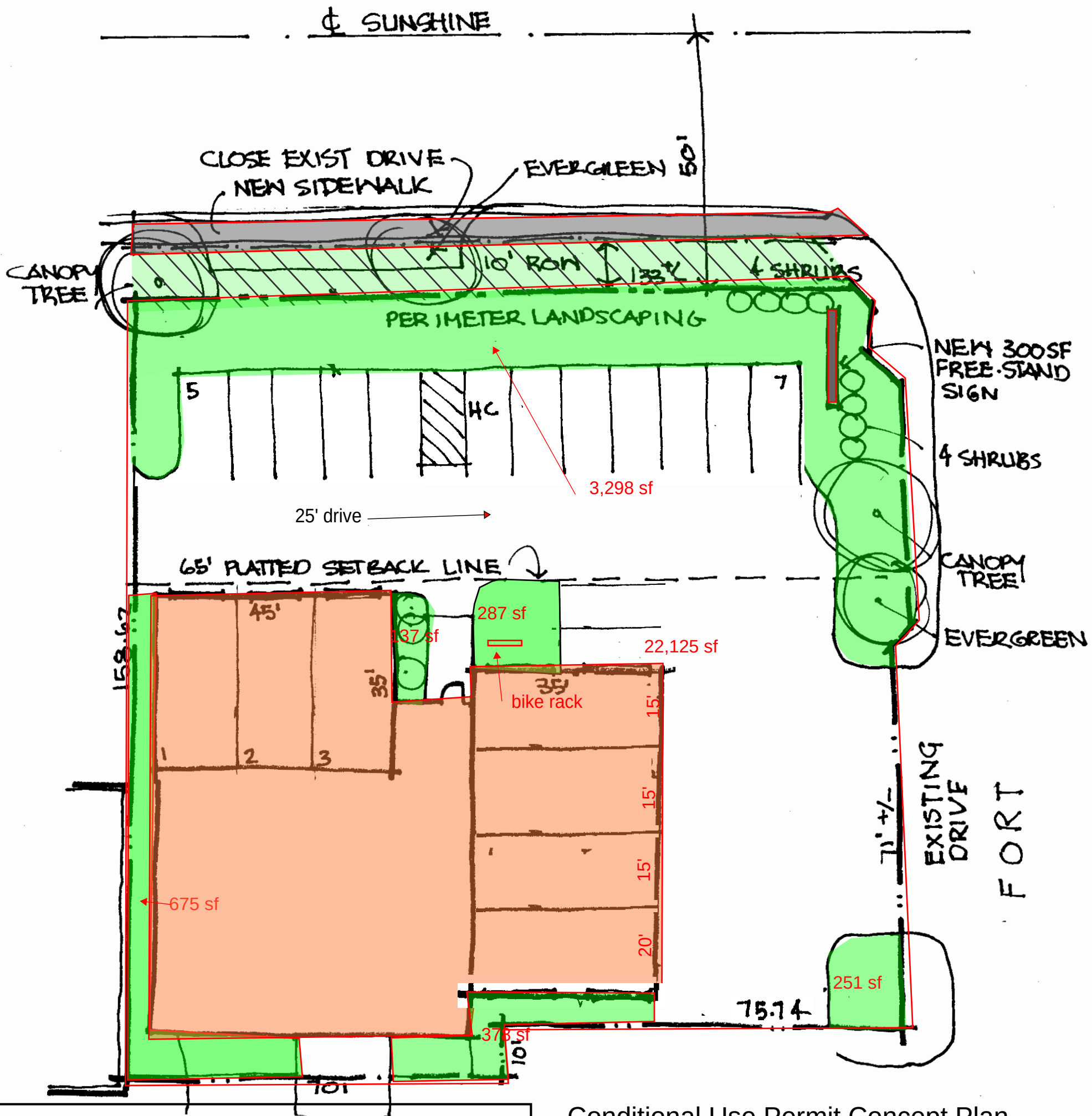
City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

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 Ave, Springfield Missouri 65802

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

DATE:	7-16-2022	Telephone No.	417 840 4384
YOUR NAME:	John Anderson		
YOUR ADDRESS:	1336 west Sunshine		
PROJECT ADDRESS:	1306 West Sunshine		
COMMENTS:			
I Don't think The Zoning Change Should Bc Done that property Already has parking problems please Denie it			

**Site Data:**

Area of tract: 22,125 sf
 20 % Green Space Required - 4425 sf
 Green Space Provided - 5100 sf

Parking Req'd - 2 per stall plus 1 per employee
 7 stalls plus 7 employees = 21 parking required
 (stall counts as one)
 21 spaces provided including 1 HC
 1 Bike rack provided

Perimeter Landscaping required:

1 canopy, 1 evergreen/ornamental, 4 shrubs / 100'
 200 lft of perimeter landscaping planned
 2 canopy, 2 evergreen, 8 shrubs provided

10' of additional ROW will be dedicated on Sunshine

Conditional Use Permit Concept Plan**A1 Custom Care Care**

1306 West Sunshine

Springfield, Mo.

1"- 20' August 8 2022



319 N Main, Suite 200
 Springfield, MO 65806
 417.521.6100

YOUR VISION. OUR FOCUS.

One-rdg. _____
P. Hrngs. X
Pgs. 29
Filed: 09-27-22

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 251

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 467 for the purpose of permitting an
2 automotive body and fender repair and paint shop as a conditional
3 use within the HC, Highway Commercial District, generally located at
4 1025 West Sunshine Street. (Staff and Planning and Zoning
5 Commission recommend approval.)
6 _____
7

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

12 WHEREAS, the Planning and Zoning Commission held a public hearing on
13 September 8, 2022, and recommended approval of Conditional Use Permit No. 467 for
14 the property generally located at 1025 West Sunshine Street and zoned HC, Highway
15 Commercial District, with a copy of the Record of Proceedings from said public hearing
16 being attached hereto and incorporated herein by this reference as "Exhibit C;" and
17

18 WHEREAS, City Council finds that sufficient evidence has been presented to
19 satisfy all applicable standards of the Land Development Code for issuance of
20 Conditional Use Permit No. 467; and
21

22 WHEREAS, the granting of such permit is deemed proper, and it is not found to
23 harm the community or injure the value, lawful use and reasonable enjoyment of
24 properties in the vicinity of 1025 West Sunshine Street.
25

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

29 Section 1 – City Council adopts the City staff's specific findings of fact on the
30 proposed conditional use as set forth in "Exhibit D – Attachment 3." "Exhibit D" is
31 attached hereto and incorporated herein by this reference in its entirety. Conditional Use
32 Permit No. 467 is hereby granted in accordance with and subject to the provisions of
33 Section 36-363 of the Land Development Code. Conditional Use Permit No. 467 is
34 granted for the purpose of permitting an automotive body and fender repair and paint

shop to operate as a conditional use within the HC, Highway Commercial District, located at the property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, and which is generally located at 1025 West Sunshine Street.

Section 2 – Building permits, certificates of occupancy and any other required permits or approvals may be issued by the duly authorized officials of the City provided that such issuance is consistent with Section 36-363 of the Land Development Code, any other applicable City regulation or ordinance and the "Requirements for Conditional Use Permit 467" described in "Exhibit A," which is attached hereto and incorporated herein by this reference. Additionally, the provisions contained in "Exhibit A" and "Exhibit D – Attachment 2" shall govern and control the use and development of the land described in "Exhibit B," in a manner consistent with the attached site plan depicted on "Exhibit D – Attachment 4."

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 R. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2022- 251

FILED: 09-27-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To permit an automotive body and fender repair and paint shop as a Conditional Use Permit within a HC, Highway commercial district generally located at 1025 W. Sunshine Street (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 467

The applicant is requesting approval of a Conditional Use Permit for an automotive body and fender repair and paint shop within a HC, Highway commercial district. The *Zoning Ordinance* requires a use permit in the HC, Highway commercial district for an automotive body and fender repair and paint shop.

CONDITIONS:

1. The regulations and standards listed on "Exhibit D - Attachment 3" shall govern and control the use and development of the land in Use Permit Number 467 in a manner consistent with the attached site plan ("Exhibit D - Attachment 4").

FINDINGS FOR STAFF RECOMMENDATION:

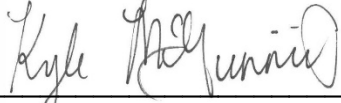
1. This application meets the approval standards for a Conditional Use Permit ("Exhibit D - Attachment 3").
2. Approval of this application is subject to the Requirements for Approval ("Exhibit D - Attachment 2") and site plan ("Exhibit D - Attachment 4").
3. Approval of this request will provide for redevelopment of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

REMARKS:

The Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended approval, by a vote of 7 to 0 of the proposed conditional use permit (see the attached "Exhibit C," Record of Proceedings).

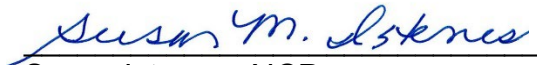
The Planning and Development staff recommends the application be approved with the conditions (see attached "Exhibit A").

Submitted by:



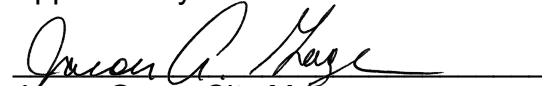
Kyle McGinnis, Senior Planner

Recommended by:



Susan Istenes, AICP
Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Requirements for Conditional Use Permit Number 467

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 467

Attachment 3, Standards and Responses for Conditional Use Permits

Attachment 4, Propose Site Plan

Attachment 5, Affidavit of Neighborhood Notification and Meeting Summary and
Neighborhood comments

EXHIBIT A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 467

1. An automotive body and fender repair and paint shop is permitted in conformance with the site plan ("Attachment 4").
2. The automotive body and fender repair and paint shop shall comply with all CUP standards ("Attachment 3").
3. The standard right-of-way width for W. Sunshine Street is 50-feet from the centerline. It appears an additional 10-feet of right-of-way is needed along W. Sunshine 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.
4. There are currently three driveway access points onto the property from W. Sunshine Street. The current spacing requirements based on city code for a driveway approach on a Primary Arterial is 200 feet from edge of driveway to edge of driveway. To meet this requirement, the westernmost and easternmost driveway approaches are required to be closed if any work takes place on any of the three approaches.
5. There is not existing sidewalk along the property frontage of W. Sunshine Street. Sidewalk is required to be constructed along W. Sunshine Street to current City Standards as part of this development/rezoning or an application to the ARC to pay a fee in-lieu-of sidewalk construction must be submitted for approval. If approved, the fee must be paid prior to the issuance of a building permit.
6. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

EXHIBIT B

LEGAL DESCRIPTION
CONDITIONAL USE PERMIT 467

A part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, T29N, R22W, in Springfield, Greene County, Missouri, more particularly described as follows: From the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, T29N, R22W go N $2^{\circ}10'53''$ E a distance of 45.0 feet to a point on the northerly right-of-way line of U.S. Highway Route 60 (Sunshine Street) for a point of beginning: thence N $88^{\circ}50'00''$ W along said right-of-way a distance of 355.0 feet, thence N $2^{\circ}10'53''$ E a distance of 508.28 feet (Deed 513.0'), thence S $89^{\circ}01'13''$ E a distance of 355.0 feet, thence S $2^{\circ}10'53''$ W a distance of 509.44 feet (Deed 513.0') to the point of beginning, containing 4.146 acres.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – September 8, 2022

Conditional Use Permit 467
1025 West Sunshine Street
Applicant: Clovis Breeden

Mr. Hosmer states that this is a request to permit an automobile service garage within a GR, General Retail District generally located at 1306 W. Sunshine Street. [NOTE: Due to an error in the PowerPoint presentation, Mr. Hosmer inadvertently repeated the zoning district and address information from Conditional Use Permit 466 for Conditional Use Permit 467. His statement should have indicated that this request was to permit an automobile service garage within an HC, Highway Commercial District, located at 1025 W. Sunshine. However, all documents related to this Conditional Use Permit correctly listed the zoning district and address for this request.] The Growth Management and Land Use Plan designate this area as appropriate for Medium-Intensity Retail, Office or Housing uses. The Transportation plan classifies Sunshine as a primary arterial roadway. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention is not required onsite. The Conditional Use Permit will:

- Allow an automotive body/fender repair and paint shop in conformance with the site plan,
- The standard right-of-way width for W. Sunshine Street is 50-feet from the centerline
- The two driveways on Sunshine must be closed (westernmost and easternmost).
- Construct sidewalk along Sunshine.

Proposed CUP meets the requirements standards and staff recommends approval.

Mr. Knuckles asked if there needs to be a repair the fence and landscaping. Mr. Hosmer noted that he believes it would require a new fence and the bufferyard would need to meet the standards.

Mr. Colony asked about the bufferyard and Mr. Hosmer stated that it would be new and required as part of the Conditional Use Permit.

Mr. Colony asked about the shared parking lot and Mr. Hosmer noted that they would share with their neighbors to the west.

Mr. Doennig opened the public hearing.

Mr. Bret Flory, Plano Texas, have been working with most the Caliber Collison in the country and the world's largest employee of their field and will have a 20% buffer space and adding a lot of trees.

Mr. Colony asked about the parking and concerned about parking cars that require repairs and Mr. Flory stated that the wrecked cars will be stored in the back.

Mr. Christopher Lebeck asked about meeting all of the environmental (EPA) requirements and Mr. Flory stated that they do meet all the environmental requirements.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Conditional Use Permit 467 (1025 West Sunshine Street). Mr. Jobe seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.

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

Bob Hosmer, AICP
Planning Manager

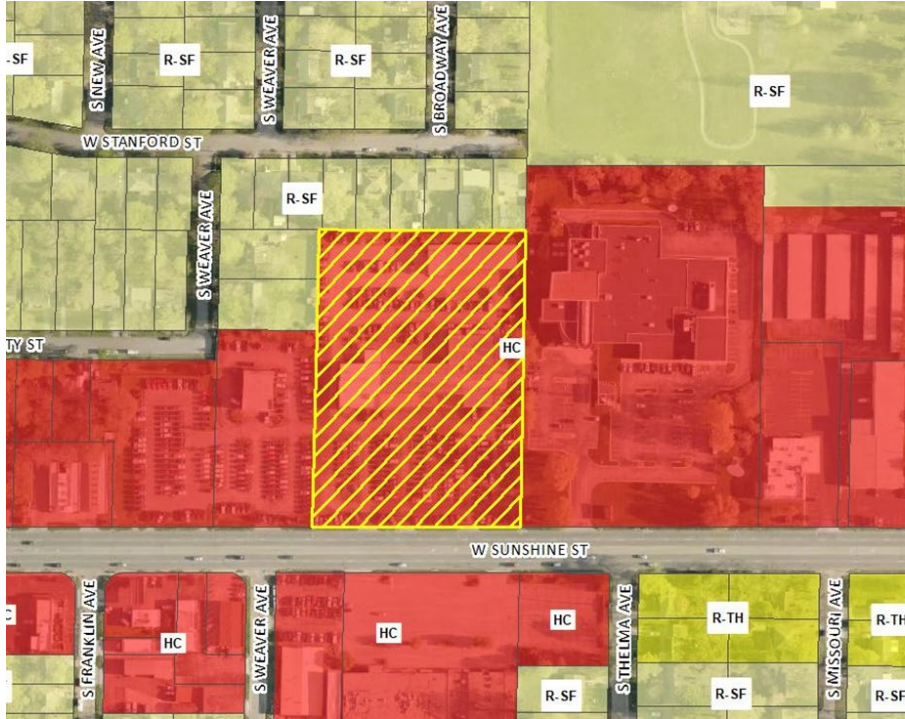
Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

SEPTEMBER 8, 2022

CITY COUNCIL PUBLIC HEARING:

OCTOBER 3, 2022


CASE NUMBER:

Conditional Use Permit 467

LOCATION: 1025 W. Sunshine Street

ACRES: 4.16 acres

EXISTING LAND USE: Vacant

APPLICANT: Clovis Breeden

STAFF: Kyle McGinnis, Senior Planner
(417) 864-1615

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

I move to adopt staff's responses in the staff report as the findings of fact and approve CUP 467. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to permit an automotive body and fender repair and paint shop as a Conditional Use Permit within a HC, Highway commercial district generally located at 1025 W. Sunshine Street.

FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit.
2. Approval of this request will provide for development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	HC	HC	HC
LAND USE	Single-family homes	Vacant	KY3 Studio	Car dealership

Development Review Staff Report



GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



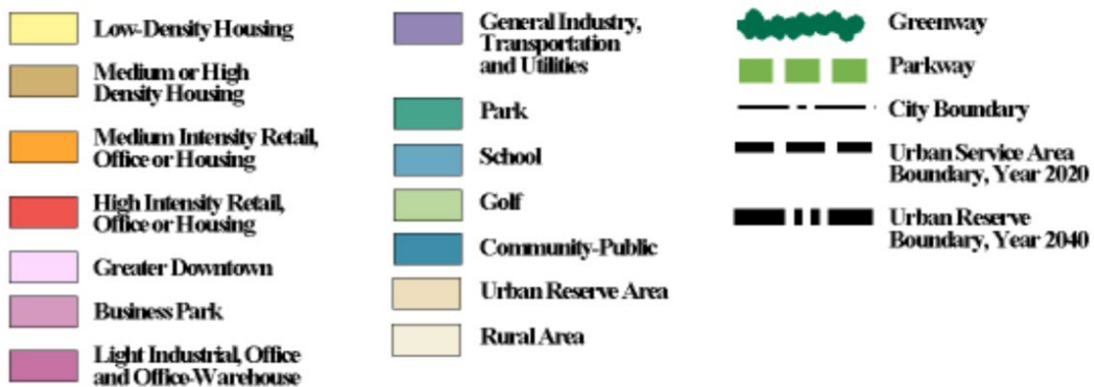
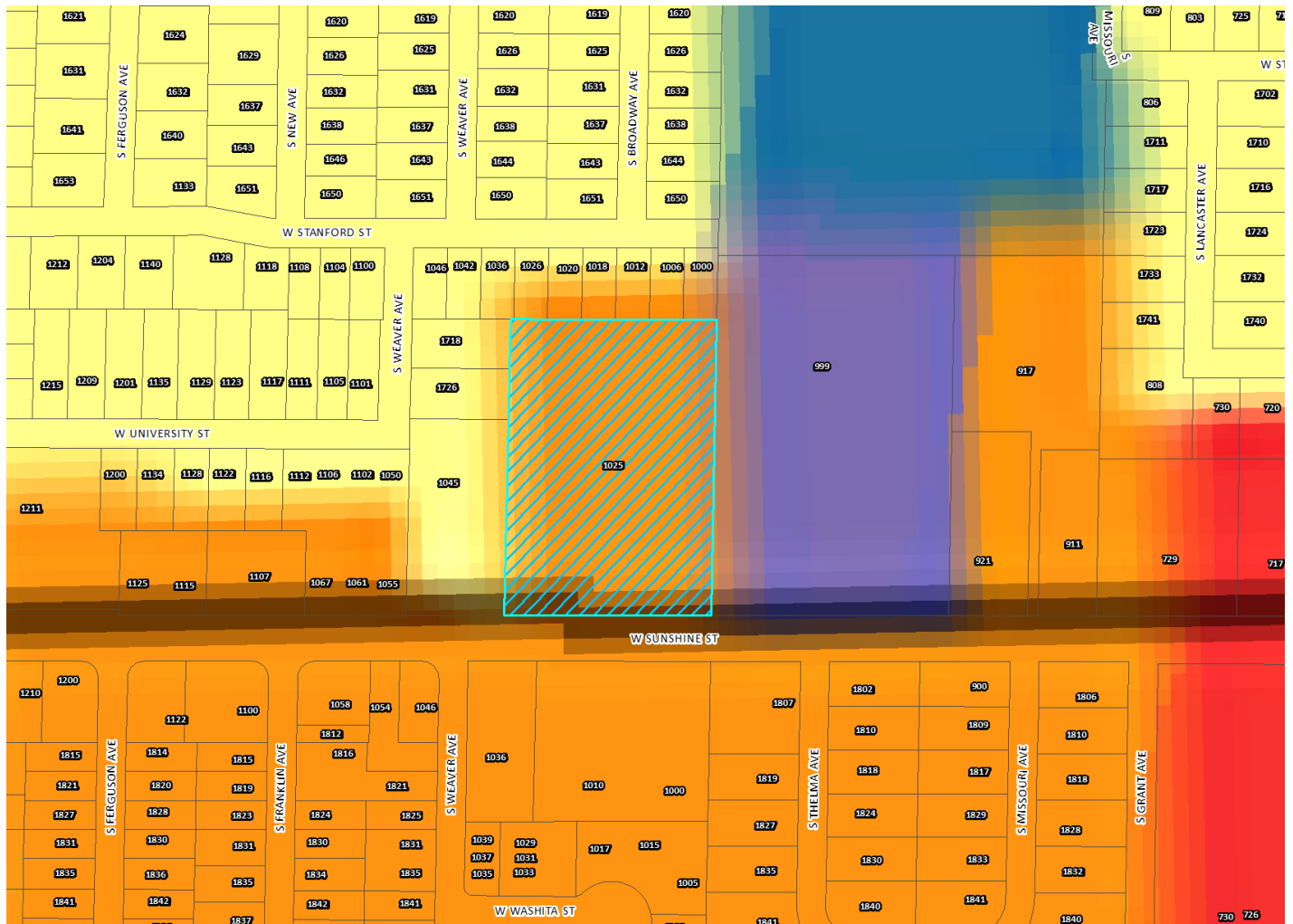
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property has been zoned HC, Highway commercial district since the City-wide remapping in 1995.

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-363. - Conditional Use Permit

- (1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.
- (8) *Period of validity.*
- (a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18-month period:
 - 1. A building permit is obtained and the erection or alteration of a structure is started; or
 - 2. An occupancy permit is obtained and the conditional use commenced.

The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.
 - (b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.
- d. *Damage or destruction.* In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

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

Development Review Staff Report



STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit for an automotive body and fender repair and paint shop on the subject property within a HC, Highway commercial district. The *Zoning Ordinance* requires a use permit in the HC, Highway commercial district for such a use.
2. Approval of this request will provide for the development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties. Aside from other commercial properties, this site borders eight single-family residences to the north and northwest. The applicant has proposed site alterations which will bring the property into compliance with Code's minimum open space and landscaping requirements, including the provision of a six-foot wood privacy fence where adjacent to single-family zoning, if not already present. Refer to the attached site and landscape plan for details (Attachment 4).
3. 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 AM or PM peaks.
4. A landscape plan, meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved. Refer to Attachment 4.
5. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 18, 2022 regarding the use permit request. A summary of the meeting is attached (Attachment 5).

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: 21 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

CONDITIONAL USE PERMIT 467

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with the proposed CUP.

CITY UTILITIES COMMENTS:

No issues with the proposed CUP.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the CUP. Subject tract is served by public sewer.

FIRE DEPARTMENT COMMENTS:

No objection to the CUP. Development must comply with 2018 IFC.

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 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 the site is built out**. The property **does not have a stream buffer on site**.

PW Stormwater has no concerns for the proposed Conditional Use Permit. Please note that development of the property will be subject to the following conditions at the time of development:

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

Detention Requirements:

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works. A fee in lieu of detention is not permitted for this site.
 - a. The site is currently 100% impervious surface area. No stormwater detention is required for redevelopment.

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.

Additional Stormwater Standards to be met:

1. 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.

Development Review Staff Report



2. 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.
3. 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.
4. 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.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Sunshine Street as Primary Arterial roadway. The standard right-of-way width for W. Sunshine Street is 50-feet from the centerline. It appears an additional 10-feet of right-of-way is needed to meet this requirement. 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. This portion of W. Sunshine Street is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Sunshine Street is 36,134 vehicles per day. On-street parking is not allowed along W. Sunshine Street.

DRIVEWAY ACCESS

There are currently three driveway access points onto the property from W. Sunshine Street. The current spacing requirements based on city code for a driveway approach on a Primary Arterial is 200 feet from edge of driveway to edge of driveway. To meet this requirement, the westernmost and easternmost driveway approaches are required to be closed if any work takes place on any of the three approaches.

SIDEWALK

There is not existing sidewalk along the property frontage of W. Sunshine Street. Sidewalk is required to be constructed along W. Sunshine Street to current City Standards as part of this development/rezoning or an application to the ARC to pay a fee in lieu of sidewalk construction must be submitted for approval. If approved, the fee must be paid prior to the 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 two bus stops along the property's frontage on W. Sunshine Street.

IMPROVEMENTS

None required. A Traffic Impact Study was not required.

SITE PLAN

Detailed site-specific comments.

Development Review Staff Report



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

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Sunshine Street	Primary Arterial	No	40	50
		AM Peak	PM Peak	Weekday	Weekend
	Existing Trips Generated	16	67	720	
	*Proposed Trips Generated	16	67	720	
	Additional Trips Generated	0	0	0	

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

Development Review Staff Report



REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL USE PERMIT 467

1. An automobile service garage is permitted in conformance with the site plan (Attachment 4).
2. The automobile service garage shall comply with all CUP standards (Attachment 3).
3. The standard right-of-way width for W. Sunshine Street is 50-feet from the centerline. It appears an additional 10-feet of right-of-way is needed along W. Sunshine 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.
4. There are currently three driveway access points onto the property from W. Sunshine Street. The current spacing requirements based on city code for a driveway approach on a Primary Arterial is 200 feet from edge of driveway to edge of driveway. To meet this requirement, the westernmost and easternmost driveway approaches are required to be closed if any work takes place on any of the three approaches.
5. There is not existing sidewalk along the property frontage of W. Sunshine Street. Sidewalk is required to be constructed along W. Sunshine Street to current City Standards as part of this development/rezoning or an application to the ARC to pay a fee in lieu of sidewalk construction must be submitted for approval. If approved, the fee must be paid prior to the issuance of a building permit.
6. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

Development Review Staff Report



STANDARDS FOR CONDITIONAL USE PERMIT 466

ATTACHMENT 3

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan.	The property is zoned High Commercial (HC). Proposed use is consistent with adjacent properties. The property is accessible from W. Sunshine Street which is a main road. It is the intent of the owner and all consultants to construct a quality project within the standards set by the City of Springfield.	The <i>Growth Management and Land Use Plan</i> element of the <i>Comprehensive Plan</i> designates this property as appropriate for Medium-Intensity Retail, Office or Housing, which the <i>Comprehensive Plan</i> equates to the HC, Highway commercial district. The conditional use requested is in general alignment with the anticipated land use patterns for this area.
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.	All repair activities will be conducted indoors and completely screened from public view. Public parking will be located in the front drive/parking field. All vehicles received for repair will remain behind a screened wall. Vehicles that are taken in for repairs are typically admitted by tow truck which limits our customers coming to this location.	The proposed use and site plan has been evaluated by Public Works – Traffic for its potential impact on the safety of the motoring public and of pedestrians within and around the site. Traffic's comments are provided in Attachment 1. Staff does not anticipate that this use will adversely affect the motoring public or pedestrians.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	The property is equipped with an automatic sprinkler system. The paint booth will be supplied with dry chem suppression system for the booth and mix room.	The proposed use and site plan has been evaluated by the Fire Department, which has found no concerns at this time. The development must comply with the 2018 IFC at the time of permit review.
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.	There will be no repair services that will be conducted outdoors. All repairs shall be within the enclosed structure. Plumbed will be designed to accommodate usage.	The proposed use and site plan has been evaluated by Public Works – Stormwater for its impact on adjacent property and has found no such issues. The applicant will be removing some of the existing impervious surface on the site to make room for Code's required open space and landscaping, both of which benefit stormwater filtration.
5. The proposed conditional use will not have noise characteristics that exceed	The type of facility proposed shall be limited to vehicle body "prep,"	The proposed use will be subject to the noise standards contained

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
the sound levels that are typical of uses permitted as a matter of right in the district.	parts replacement and finishing work room. Typical repairs include hood replacement, fender repair, hail damage, light interior, molding and windshield replacement. Inherently, there types of repairs are not loud enough to project recognizable sound beyond the proposed property lines. Furthermore, this facility shall operate with all exterior doors closed. The shop contains a full HVAC system that shall provide climate control year-round. With all doors closed, there should be no nuisance to neighboring properties in the way of noise.	in Section 36-485 of the Land Development Code. Staff does not expect for this use to produce noise levels beyond that typically associated with the type of activity proposed.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.	The facility will use existing site lighting. The proposed use is consistent with adjacent properties which are all retail/commercial. The proposal will actually produce less vehicular glare than the adjacent properties as this use generates less vehicle traffic compared to any other use in the adjacent parcels.	This site borders eight single-family residential properties to the north and northwest. As part of the required bufferyard between these residential properties and the subject site, a six-foot wood privacy fence or other form of permitted screening will be required along these shared property lines, which will screen the residents from any glare produced by vehicular lights. In addition, all exterior lights will be subject to the footcandle limitations imposed via Section 36-484 of the Land Development Code.
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	We typically provide two internally illuminated wall mounted signs. Please refer to the building elevations.	Signs are regulated by Section 36-454 of the Land Development Code and the operator is required to receive a sign permit for all signage, approved separately from the building permit.
8. Such signs will not have an adverse effect on any adjacent properties.	The wall mounted signs are internally illuminated. The intensity of the sign lighting will not cause light trespass, disabling glare or nuisance glare on surrounding properties.	Staff does not anticipate that the proposed wall signs will have a negative impact on the adjacent properties.
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably	Caliber Collision generates less trips than the typical grocery, retail or restaurant user. The traffic patterns and impact on the	Public Works – Traffic has denoted in their comments that an additional 10 feet of right-of-way is needed along W. Sunshine

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
expected to be generated by the proposed use.	adjoining streets and neighborhood will be more or less identical to the previous automotive repair/auto parts user.	Street in order to meet the minimum width required as measured from the right-of-way centerline (50 feet).
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.	Caliber Collision generates less trips than the typical grocery, retail or restaurant user. The site will be serviced with the existing infrastructure for streets and utilities. All performance standards of the City of Springfield Zoning Ordinance shall be met to ensure this development will not become a nuisance to neighboring residential property owners. The operator implements specific operational and safety guidelines that secure the on-going daily assurance of employee, customer, property and surrounding area safety.	This commercial property is located along one of Springfield's principal commercial corridors and is adjacent to other commercial properties containing similar or compatible uses. Staff does not anticipate that the proposed use will adversely impact or be incompatible with the site's surroundings.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: a. The location, nature and height of buildings, structures, walls and fences on the site; and b. The nature and extent of landscaping and screening on the site.	All repair activities will be conducted indoors and completely screened from public view. Public parking will be located at the existing parking lot at the entrance adjacent to the building. All vehicles received for repair will remain behind a fenced parking area. There are no proposed changes to existing driveways. Caliber Collision takes very good care of their clients as much as their brand. Every facility is well-kept, clean, and maintained. The project will revitalize the existing building and site without deviating from the overall design features of the surrounding neighborhood. It is the intent of the owner and all consultants to construct a quality project.	The applicant intends on performing interior changes to the existing structures and does not, at this time, plan to construct any new buildings. Staff has reviewed the applicant's landscape plan for conformance with Code's minimum open space and landscaping requirements, which the landscape plan meets. In certain portions of this property, this required the removal of existing impervious surface to make room for additional living ground cover and landscape plantings.
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	There are no proposed major modifications to the site. Most of the work will be interior.	This site does not feature any noteworthy natural or topographical features and as such will not have an adverse impact on such features.

Development Review Staff Report

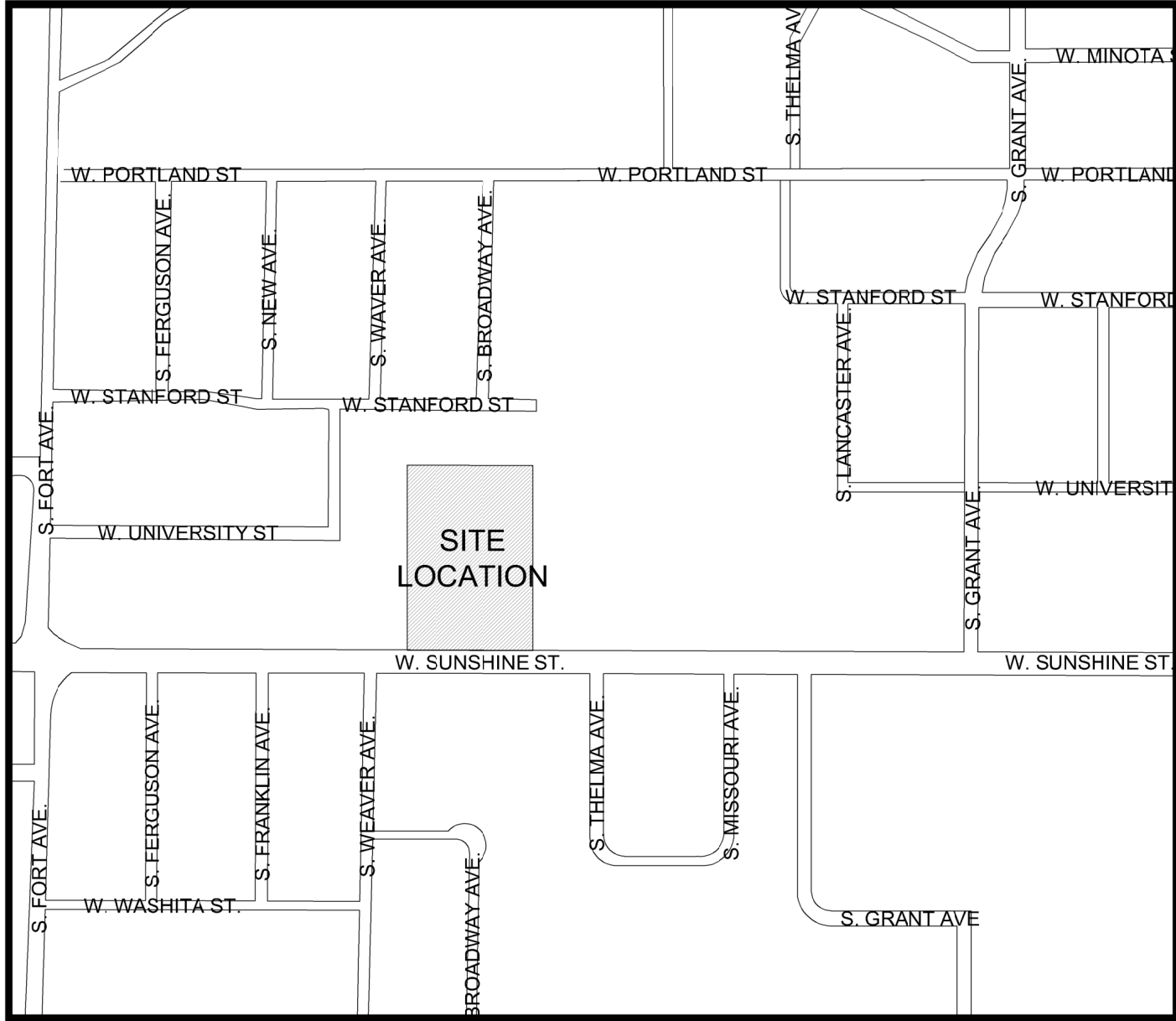


36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
topographic or physical features of the site.		
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	There are no known natural, scenic or historic features within the property or its neighbors that will be affected by the development.	Similar to the above, this site does not contain any natural, scenic, or historic features. The applicant will be performing interior changes to the existing buildings.
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.	No changes to the existing lot configuration have been proposed. There will be very minimal changes to the exterior of the building.	The proposed use and site plan will be subject to all lot size requirements, bulk regulations, use limitations, and performance standards as outlined by the City's Land Development Code.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	The site is accessible from W. Sunshine Street. It will promote further success to existing businesses, re-occupancy of an existing vacant facility, provide expanded job growth and assurance of good custodial care. The project will have no negative impact on surrounding areas but would enhance the built environment in the surrounding neighborhood, perform a function, and provide a service that is essential and beneficial to the community.	The proposed use would be located within the HC, Highway commercial district, along a row of commercial frontage on W. Sunshine Street – one of the City's principal commercial corridors.
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect.	The outdoor vehicle storage will be screened by an existing fence and will be secure by ornamental metal gates. Parking provided is above the minimum required by Code.	The applicant's site plan indicates that Code's minimum off-street parking requirements and design standards will be met.
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 property has three access points from W. Sunshine Street and has shared access with adjacent properties.	As stated by the applicant, the site currently has three access points to W. Sunshine Street which they do not plan to alter at this time. The subject property currently provides cross access to their west neighbor, which the applicant intends to maintain.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian	The proposed development has no negative effect on the existing vehicular circulation.	Staff does not anticipate any issues with the property's vehicular circulation elements.

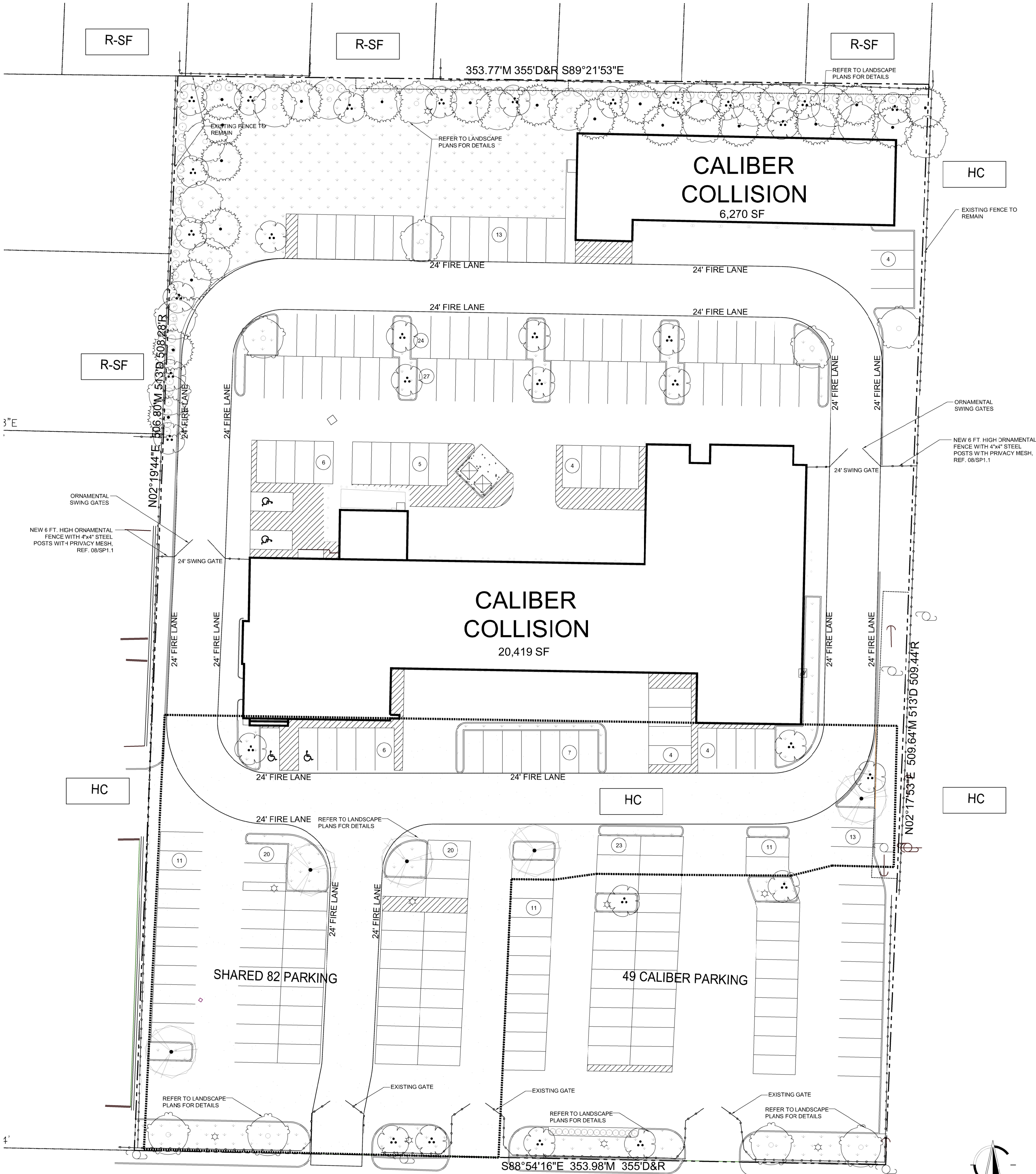
Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.		
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	The proposed development has no impact on existing easements, roadways, rail lines, utilities or public right-of-ways.	As indicated by the applicant, the proposal will not impact or interfere with existing easements, roadways, rail lines, utilities or public/private rights-of-way.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.	It is the intent of the owner and all consultants to construct a quality project within the standards set forth by the City of Springfield.	All interior alterations to be made to the existing buildings will be subject to building permit review as administered by Building Development Services.
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 development will utilize existing public facilities.	All public facilities and services needed to serve the proposed use are currently present or available to the site.



VICINITY MAP (NOT TO SCALE)



SUNSHINE STREET

01 SITE PLAN
SCALE: 1" = 30'-0"

SITE DATA		
OFFICE SQ. FT.	=	3,002 SQ. FT. ±
SHOP FLOOR SQ.FT.	=	23,289 SQ. FT. ±
TOTAL BUILDING SQ.FT.	=	26,291 SQ. FT. ±
ACREAGE TOTAL	=	
PARCEL CONTROL NUMBER: 881326307037.16		
LEGAL DESCRIPTION: BEG 40FT N SE COR SE1/4 SW1/4 26/29/22 N 513 FT S 513 FT E TO BEG(EX HWY)		
FLOOD ZONE 'X' (OUTSIDE 500 YEAR PLAIN)		
SETBACKS:		
FRONT: 25'	REAR: 0+25'	SIDES: 0+25'
PROPOSED HEIGHT	=	EXISTING
MAX. HEIGHT	=	
ZONING	HC (HIGHWAY COMMERCIAL DISTRICT)	
USE	AUTO REPAIR (BODY PAINT & REPAIR)	
WATER	(EXISTING)	
SEWER	(EXISTING)	
PARKING CALCULATIONS		
OFFICE @ 1:350 REQ'D	=	9
SHOP @ 2:SBAY REQ'D	=	42
SHOP @ 1:EMPL REQ'D	=	25
CITY TOTAL REQUIRED	=	76
TOTAL PARKING SHOWN	=	132
BICYCLE CALCULATIONS		
OFFICE @ 5% OF 10	=	X
SHOP @ 5% OF 47	=	X
CITY TOTAL REQUIRED	=	X
TOTAL BICYCLE SHOWN	=	X

Bret

FLORY

BRET FLORY

1913 GARDENGROVE COURT

PLANO, TEXAS 75075

PH: 972.467.9749

CALIBER COLLISION

CONCEPTUAL SITE PLAN

1025 W. SUNSHINE
SPRINGFIELD, MO

DRAWN: CVO	PROJECT #: 22071	DATE: 22.08.04
------------	------------------	----------------



AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Conditional Use Permit for: Caliber Collision Auto Body Paint & Repair Shop
2. Meeting Date & Time: August 18, 2022 at 4:00PM - 6:30PM
3. Meeting Location: 1025 W. Sunshine Springfield, MO
4. Number of invitations that were sent: 154
5. How was the mailing list generated: List was provide by the City
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 of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

None

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

None

I, Bret Flory (*print name*), attest that the neighborhood meeting was held on August 18, 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

Bret Flory
Printed name of person completing affidavit

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss an application for a Conditional Use Permit 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, 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 Ave, Springfield Missouri 65802

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

DATE:	8/15/2022	Telephone No.	417 830-0056
YOUR NAME:	JIM LEE		
YOUR ADDRESS:	1120 W. PORTLAND ST. 65807		
PROJECT ADDRESS:	1025 W. SUNSHINE		
COMMENTS:			
This is the old Central Podge building			
no problem except no entrance from			
the back.			
only entrance			
off sunshine - Jim Lee			

Keep it clean - no wrecks or junk cars

One-rdg. _____
P. Hrngs. X
Pgs. 22
Filed: 09-27-22

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-252

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 1 acre of property generally located at 3050 East Battlefield Road
4 and 3020 South Parkview Avenue from Planned Development No.
5 222 and R-SF, Single-Family Residential District, to O-1, Office
6 District, with Conditional Overlay District No. 219; establishing
7 Conditional Overlay District No. 219; and adopting an updated
8 Official Zoning Map. (Staff and Planning and Zoning Commission
9 recommend approval.)
10 _____
11

12 WHEREAS, an application has been filed for a zoning change of the property
13 generally located at 3050 East Battlefield Road and 3020 South Parkview Avenue from
14 Planned Development No. 222 and R-SF, Single-Family Residential District, to O-1,
15 Office District, with Conditional Overlay District No. 219; and
16

17 WHEREAS, Conditional Overlay District No. 219 shall modify the requirements of
18 the Springfield Land Development Code Section 36-400, O-1, Office District, by
19 requiring that the property described in "Exhibit B" comply with the requirements
20 described in "Exhibit A;" and
21

22 WHEREAS, following proper notice, the Planning and Zoning Commission held a
23 public hearing on September 8, 2022, a copy of the Record of Proceedings from said
24 public hearing being attached hereto and incorporated herein by this reference as
25 "Exhibit C," and said Commission made its recommendation; and
26

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

31 WHEREAS, proper notice was given of a public hearing before City Council, and
32 said hearing was held in accordance with the law.
33

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

36
37 Section 1 – The property described in "Exhibit B," which is attached hereto and
38 incorporated herein by this reference, is hereby rezoned from Planned Development
39 No. 222 and R-SF, Single-Family Residential District, to O-1, Office District, with
40 Conditional Overlay District No. 219. Springfield Land Development Code, Section 36-
41 306, 'Official zoning map and rules for interpretation,' is hereby amended, changed and
42 modified consistent with this Ordinance.

43
44 Section 2 – City Council hereby establishes Conditional Overlay District No. 219,
45 which shall contain the requirements and standards provided in "Exhibit A," which is
46 attached hereto and incorporated herein by this reference as though set forth herein.
47 The requirements of Conditional Overlay District No. 219 shall modify the requirements
48 of the Springfield Land Development Code Section 36-400, O-1, Office District, by
49 requiring the property described on "Exhibit B" comply with the requirements contained
50 in "Exhibit A."

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

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

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

63
64 Passed at meeting: _____

65
66
67 _____
68 Mayor

69 Attest: _____, City Clerk

70
71 Filed as Ordinance: _____

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

75
76
77 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 252

FILED: 09-27-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1 acre of property generally located at 3050 East Battlefield Road and 3020 South Parkview Avenue from Planned Development No. 222 and R-SF, Single-Family Residential District, to O-1, Office District and establishing Conditional Overlay District No. 219. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-18-2022/ CONDITIONAL OVERLAY DISTRICT NO. 219

The applicant is proposing to rezone approximately 1 acre of property generally located at 3050 E. Battlefield Road and 3020 S. Parkview Avenue from Planned Development No. 222 and R-SF, Single-Family Residential District, to O-1, Office District and establishing Conditional Overlay District No. 219. The intent of this rezoning application is to allow for expansion of office development.

A Conditional Overlay District has been submitted to mitigate any potential impacts of the O-1 zoning. An administrative lot combination will be required to combine subject properties into one lot. Any additional right-of-way required for Battlefield Road or Parkview Avenue shall be dedicated prior to building permit. Sidewalk is required to be constructed along the property frontage of Parkview Avenue or a fee in lieu of request submitted and approved by the Administrative Review Committee ("ARC"). Access to Battlefield Rd. will be prohibited and access to Parkview Avenue will be restricted. No buildings are allowed on the south 80 feet of the subject property. A Bufferyard Type C is required along the east property line adjacent to the residential Planned Development. A Bufferyard Type D is required along the south property line adjacent to the R-SF District.

REMARKS:

The Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended to approve, by a vote of 7 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject properties as appropriate for Low Density Housing. However, it should be noted that the Growth Management and Land Use Plan Element states that the Land Use Plan map, “should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement.” Despite the conflicting land use designation, Staff finds the Comprehensive Plan suggests the O-1 district is an appropriate location. The subject property is consistent with the O-1 district intent to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas.
2. While R-SF is recommended for Low Density Housing land use category, the northern half of the subject property allows for office uses and the adjacent property to the west is zoned O-1, Office.
3. The Growth Management and Land Use Plan designates this area as appropriate for Low Density Housing uses; however, as an optional element, small neighborhood-oriented retail or service businesses carefully located and screened at certain locations.
4. A Conditional Overlay District (“COD”) has been submitted with the requested rezoning to mitigate potential negative impacts of the Office District to surrounding properties.
5. The proposed rezoning with COD will allow the subject properties to be administratively combined with existing PD property to the north and developed similarly to other office properties along Battlefield Road to the west.
6. This area has not changed since the adoption of the Comprehensive Plan.
7. The subject property has existing City Utilities and public sewer to serve the property.
8. 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.
9. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

10. 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.

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

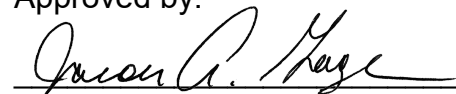
Submitted by:


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

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-18-2022 & CONDITIONAL OVERLAY DISTRICT NO. 219

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

1. City's Transportation Plan classifies E. Battlefield Road as a Primary Arterial and S. Parkview Avenue as a Local - Commercial Roadway. The standard right-of-way width for E. Battlefield Road is 50-feet from the centerline and 30-feet from the centerline S. Parkview Avenue. It appears an additional 5-feet of right-of-way is needed along both E. Battlefield Road and S. Parkview Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed or placed within the required right of way.
2. No access is allowed to E. Battlefield Road from the subject property.
3. Based on city code, access to the property from S. Parkview Avenue must be 180-feet from the nearest right of way line at the intersection with W. Battlefield Road. The existing access does not meet this requirement. If the existing access on S. Parkview Avenue is modified at the time of development, it will be required to be relocated south to meet the 180-feet requirement. Any additional access will be required to meet City of Springfield spacing standards specified in Chapter 98 of City Code.
4. Per City Code Section 36-471, sidewalks are required to be constructed along the property frontage of S. Parkview Drive 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.
5. An administrative lot combination is required to be submitted and approved following the City's Subdivision Regulations for the subject properties at 3050 E. Battlefield Rd. and 3020 S. Parkview Avenue.
6. No buildings are permitted on the south 80 feet of the subject property.
7. A Bufferyard Type C is required along the east property line adjacent to the residential Planned Development. A Bufferyard Type D is required along the south property line adjacent to the R-SF District.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-18-2022 & CONDITIONAL OVERLAY DISTRICT NO. 219

Lots 1, 2, and 3 of Lakeside Subdivision Block A, a subdivision in Springfield, Greene County, Missouri.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – September 8, 2022

Z-18-2022 w/COD #219

3050 East Battlefield Road

Applicant: Dean and Teresa McClish

Mr. Hosmer states that this is a request to rezone approximately 1 acre of property generally located at 3050 E. Battlefield Road and 3020 S. Parkview Avenue from Planned Development No. 222 and R-SF, Single-Family Residential District to O-1, Office District and establishing Conditional Overlay District No. 219. The Growth Management and Land Use Plan designate this area as appropriate for Low Density Housing uses, however the northern portion of the property was zoned PD for office uses. The transportation plan classifies Battlefield as a primary arterial and Parkview Avenue as a local roadway. This is consistent with the Office district intent to be used as transitions between more intense and residential uses. A Traffic Impact Study is not required, and the property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. The site already has processed a fee in lieu of Stormwater detention. 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. The Conditional Overlay District will:

- Require ROW to meet City Standard Widths-Battlefield and Parkview,
- No access to Battlefield and limit access to Parkview 180 ft from Battlefield intersection,
- Sidewalks along Parkview,
- Administrative lot combination of all lots into one,
- No builds allowed on the south 80 feet and
- Bufferyard Type C on eastside and a Type D bufferyard on the southside.

Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Angela Scaletty, 3050 E. Battlefield Road and have been a tenant of the property and represent the owner and here on behalf of my business partner.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-18-2022 w/COD #219 (3050 East Battlefield Road). Mr. Jobe seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.

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

Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

September 8, 2022

CITY COUNCIL PUBLIC HEARING:

October 3, 2022


CASE: Z-18-2022 w/COD #219

ACRES: Approximately 1 acre

LOCATION: 3050 E. Battlefield Road and 3020 S. Parkview Avenue.

EXISTING LAND USE: Office building and uses

APPLICANT: Dean & Teresa McClish Trust

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 1 acre of property generally located at 3050 E. Battlefield Road and 3020 S. Parkview Avenue from Planned Development No. 222 and R-SF, Single-Family Residential District to O-1, Office District and establishing Conditional Overlay District No. 219.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject properties as appropriate for Low Density Housing. However, it should be noted that the *Growth Management and Land Use Plan Element* states that the *Land Use Plan* map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds the *Comprehensive Plan* suggests the O-1 district is an appropriate location. The subject property is consistent with the O-1 district intent to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas.
2. While R-SF is recommended for Low Density Housing land use category, the northern half of the subject property allows for office uses and the adjacent property to the west is zoned O-1, Office.
3. The *Growth Management and Land Use Plan* designates this area as appropriate for Low Density Housing uses; however, as an optional element, small neighborhood-oriented retail or service businesses carefully located and screened at certain locations.
4. A Conditional Overlay District has been submitted with the requested rezoning to mitigate potential negative impacts of the Office District to surrounding properties.
5. The proposed rezoning with COD will allow the subject properties to be administratively combined with existing PD property to the north and developed similarly to other office properties along Battlefield Road to the west.

Development Review Staff Report



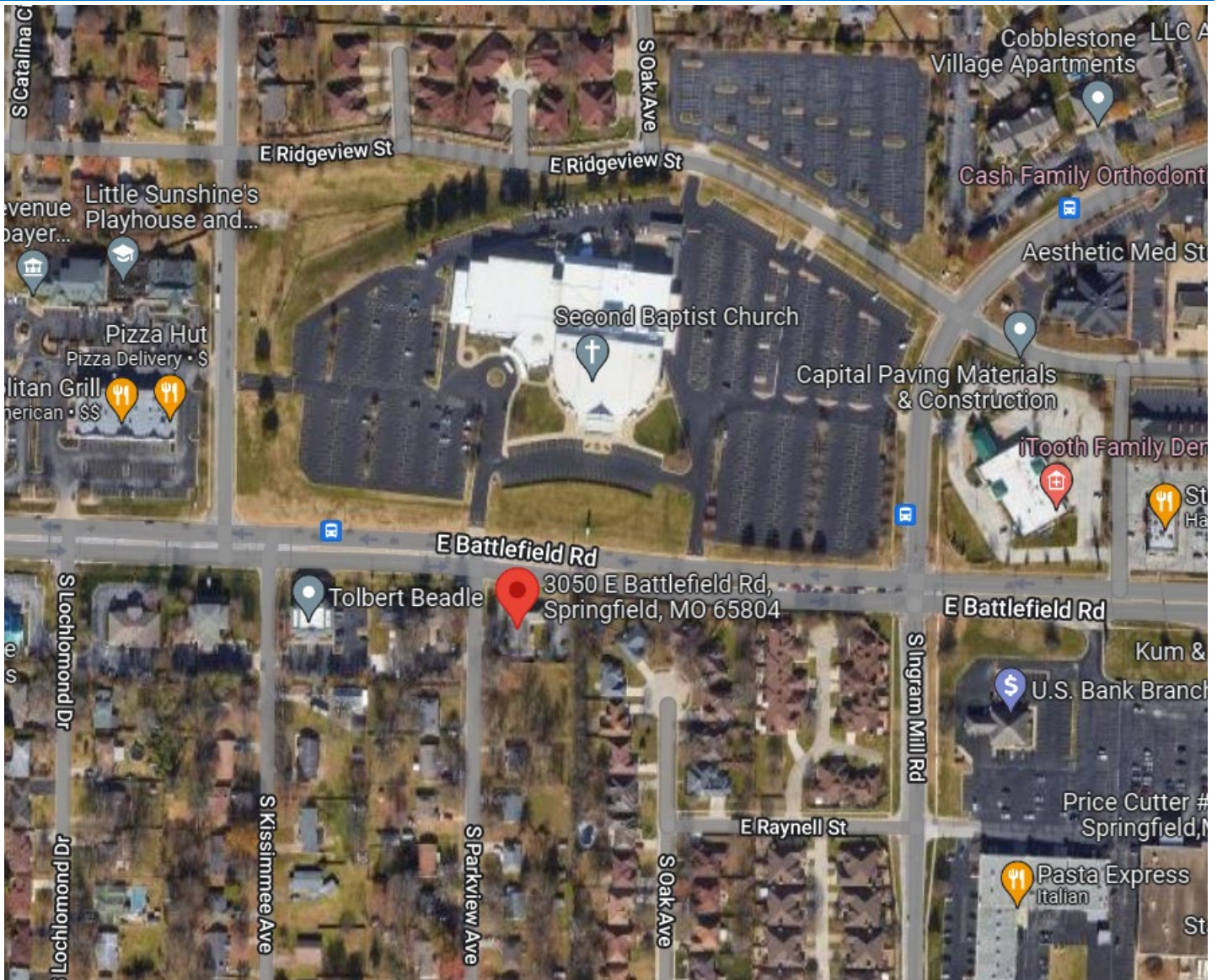
6. This area has not changed since the adoption of the Comprehensive Plan.
7. The subject property has existing City Utilities and public sewer to serve the property.
8. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.
9. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.
10. 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.
11. 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	PD 317	R-SF	PD 7, 1 st Am.	O-1 and R-SF
LAND USE	Church	Single-family residential uses	Single-family residential uses	Office and single-family residential uses

Development Review Staff Report

SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)

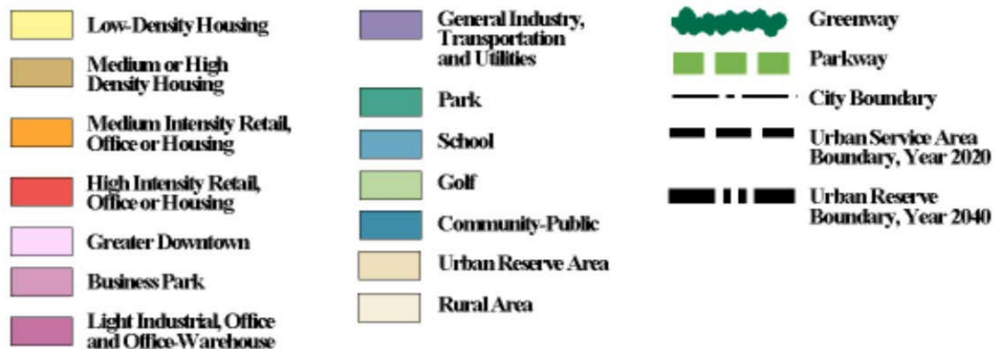
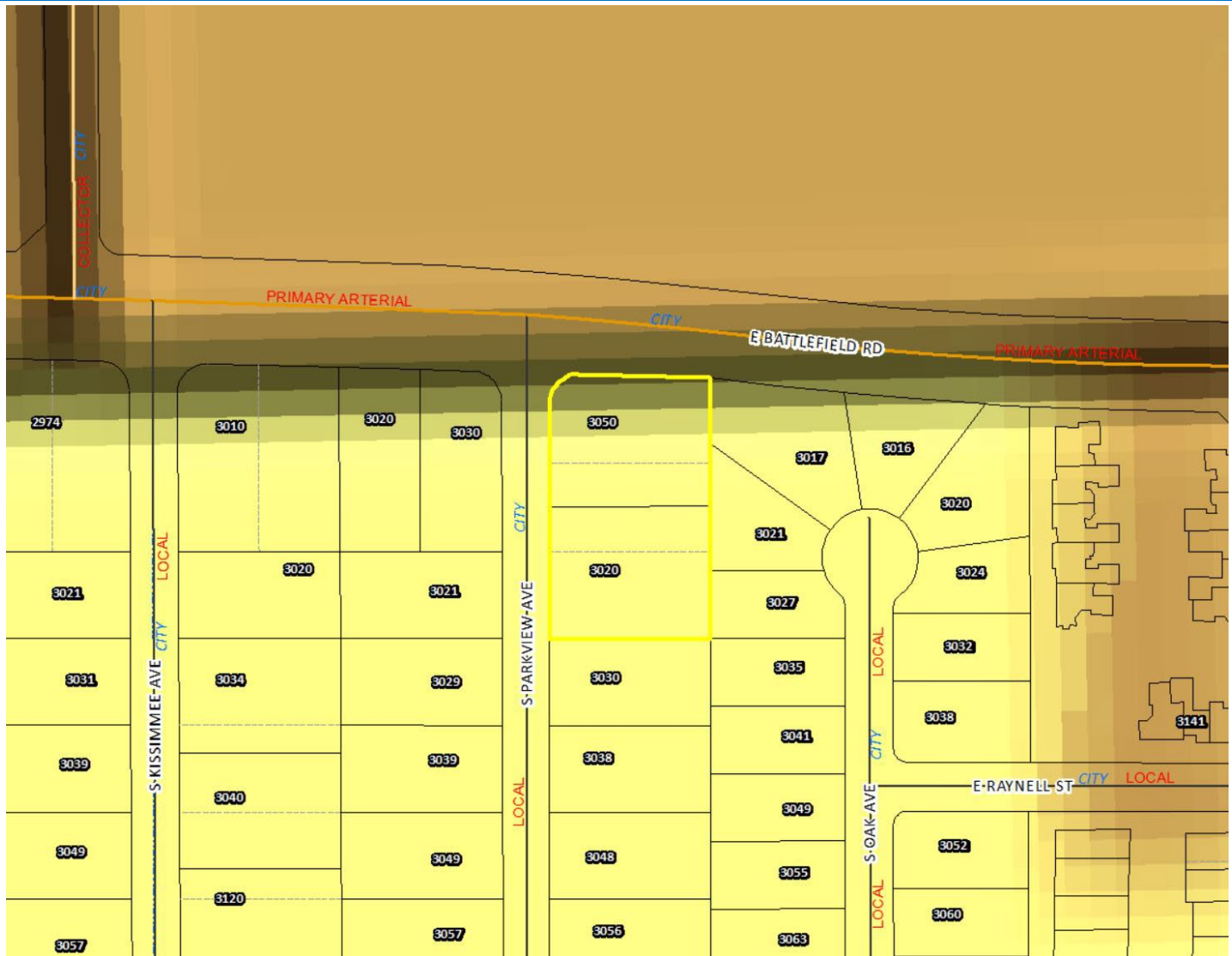


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property was annexed in 1966 and the north half is currently zoned, PD 222 and south half, R-SF. The Planned Development for professional offices and services was approved by City Council in 1998. The final development plan was approved by City Council on March 15, 1999 with Special Ordinance No. 23605.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

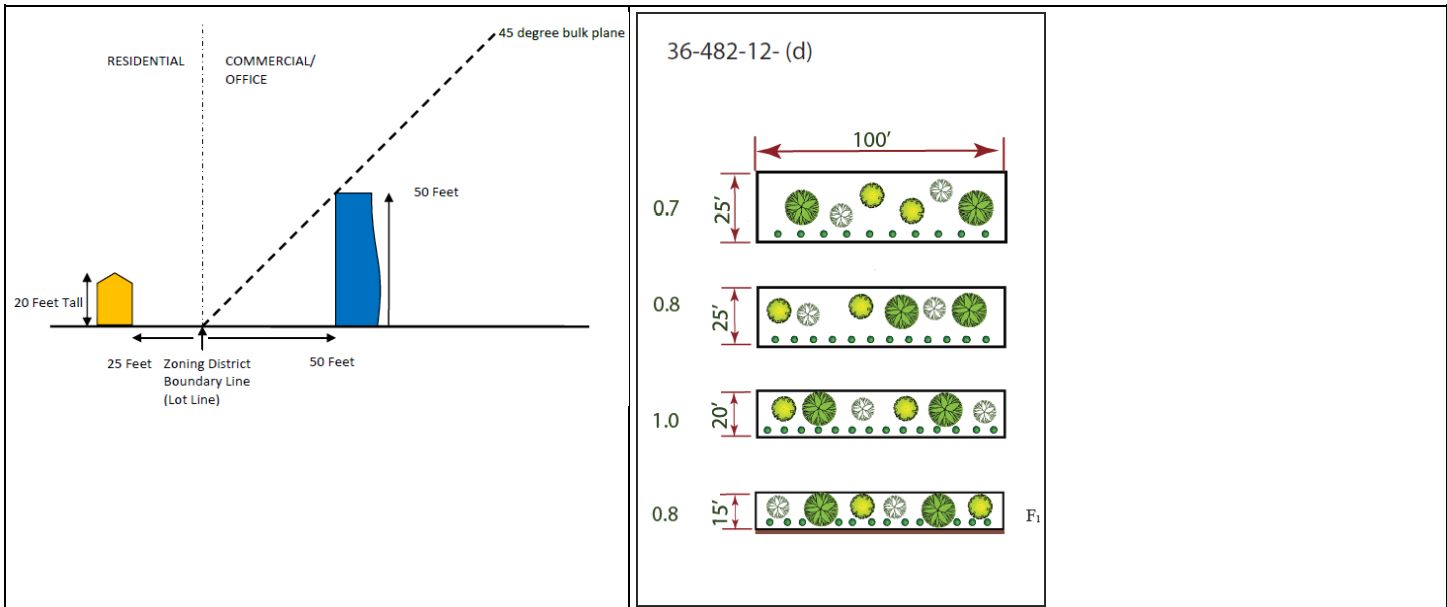
(7) Findings by the commission.

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

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR O-1
Use Limitations	(a) All activities and permitted uses except off-street parking and loading facilities, drive-thru facilities, and day care activities shall be conducted entirely within a completely enclosed building.
Maximum Structure Height	35 feet, except that all structures shall remain below a 45-degree bulk plane as measured from the boundary of any R-SF or R-TH district
Front Yard Setback	25 feet along a street classified as a collector or higher or 15 feet along a street classified as a local street
Side and Rear Setbacks	<i>Side yard:</i> Ten feet on each side of a lot or as required by section 36-453, supplemental open space and yard regulations, provided that no side yard is required for any building that has a common wall on a lot line. <i>Rear yards:</i> Twenty percent of the lot depth, but may not be less than ten feet nor more than 25 feet be required.
Open Space Requirement	Not less than 20% of the total lot area
Design Requirements	Standard per code
BULK PLANE	BUFFERYARD AND LANDSCAPING
45-degree bulk plane is required from the boundaries of a R-SF zoning district.	Bufferyard Type D along south property line, Bufferyard Type C along the east property line

Development Review Staff Report



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Major Thoroughfare Plan classifies Battlefield Road as a primary arterial and Parkview Avenue as a local roadway. Non-residential uses exist at all other corners of this intersection.

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

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

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

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 1 acre of property generally located at 3050 E. Battlefield Road and 3020 S. Parkview Avenue from Planned Development No. 222 and R-SF, Single-Family Residential District to O-1, Office District and establishing Conditional Overlay District No. 219. The intent of this rezoning application is to allow for expansion of office development.
2. The proposed O-1 zoning district is designed to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas.

Development Review Staff Report



3. A Conditional Overlay District has been submitted to mitigate any potential impacts of the O-1 zoning. An administrative lot combination will be required to combine subject properties into one lot. Any additional right-of-way required for Battlefield Road or Parkview Avenue shall be dedicated prior to building permit. Sidewalk is required to be constructed along the property frontage of Parkview Avenue or a fee in lieu of request submitted and approved by the ARC. Access to Battlefield Rd. will be prohibited and access to Parkview Avenue will be restricted. No buildings are allowed on the south 80 feet of the subject property. A Bufferyard Type C is required along the east property line adjacent to the residential Planned Development. A Bufferyard Type D is required along the south property line adjacent to the R-SF District.
4. The O-1 restricts the maximum height of all structures to 35 feet, except that all structures shall remain below a 45-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
5. *Per Section 36-482 (7) (g) Credit for existing trees.* Any trees preserved on a site in required bufferyards and perimeter landscaping areas and meeting the specifications in this section may, at the discretion of the director, be credited toward meeting the tree requirements of any landscaping provision of this section. Any tree for which credit is given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of the Zoning Ordinance.
6. Perimeter landscaping will be required along Battlefield Road and Parkview Avenue when off-street parking is within 50 feet of the public right-of-way.
7. A Traffic Impact Study is not required as the potential increase for trips generated by the zoning change do not exceed 100 vehicles in the a.m. or p.m. peak or 1,000 vehicles per day.
8. The proposed rezoning was reviewed by City departments, these comments are contained in Attachment 1.

NEIGHORHOOD MEETING:

The applicant held a neighborhood meeting on August 15, 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: 16 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITIES:

No issues with re-zoning.

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning. Both existing tracts have access to public sewer.

FIRE DEPARTMENT:

No issues.

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 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 the fee in lieu of detention application has already been processed for site.** The property **does not have a stream buffer on site.**

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

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

Detention Requirements:

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works. Detention has already been processed with a Fee in Lieu of Detention for both 3050 and 3020 E Battlefield (Apps 0578 and 0766)

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.

Additional Stormwater Standards to be met:

1. 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.
2. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:

Development Review Staff Report



- 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.
3. 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.
4. 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.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Battlefield Road as a Primary Arterial and S. Parkview Avenue as a Local - Commercial Roadway. The standard right-of-way width for E. Battlefield Road is 50-feet from the centerline and 30-feet from the centerline S. Parkview Avenue. It appears an additional 5-feet of right-of-way is needed along both E. Battlefield Road and S. Parkview Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed or placed within the required right of way. E. Battlefield Road and S. Parkview Avenue are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for E. Battlefield Road is 19,536 vehicles per day. There are no traffic counts for S. Parkview Avenue. On-street parking is not allowed along E. Battlefield Road but is allowed along S. Parkview Avenue.

DRIVEWAY ACCESS

There is currently no driveway access onto the property from E. Battlefield Road and one driveway access point to the property from S. Parkview Avenue. No access will be allowed to E. Battlefield Road. Based on city code, access to the property from S. Parkview Avenue must be 180-feet from the nearest right of way line at the intersection with W. Battlefield Road. The existing access does not meet this requirement. If the existing access on S. Parkview Drive is modified at the time of development, it will be required to be relocated south to meet the 180-foot requirement. Any additional access will be required to meet City of Springfield spacing standards specified in Chapter 98 of City Code.

SIDEWALK

There is existing sidewalk along the property frontage of E. Battlefield Road and along a portion of the property along S. Parkview Avenue. Sidewalk will be required to be constructed at the time of development along the entire property frontage on S. Parkview Avenue.

TRAILS, BUS STOPS, & INFORMATION

The Galloway Greenway Trail is in the area surrounding the property pertaining to this zoning. There is one bus stop along E. Battlefield Road in the vicinity of the property pertaining to this zoning.

IMPROVEMENTS

A Traffic Impact Study is not required as the potential increase for trips generated by the zoning change do not exceed 100 vehicles in the a.m. or p.m. peak or 1,000 vehicles per day.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline	Required Street ROW from Centerline
--	-------------	-----------------------	-------------------	-------------------------------------	-------------------------------------

Development Review Staff Report



				(ft.) (Approx.)	(ft.)
Street 1	E. Battlefield Road	Primary Arterial	No	45	50
Street 2	S. Parkview Avenue	Local	Yes	25	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		2	2.5	24	
*Proposed Trips Generated		9	11	120	
Additional Trips Generated		7	8.5	96	

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

Development Review Staff Report



REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-18-2022 & CONDITIONAL OVERLAY DISTRICT NO. 219

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

1. City's Transportation Plan classifies E. Battlefield Road as a Primary Arterial and S. Parkview Avenue as a Local - Commercial Roadway. The standard right-of-way width for E. Battlefield Road is 50-feet from the centerline and 30-feet from the centerline S. Parkview Avenue. It appears an additional 5-feet of right-of-way is needed along both E. Battlefield Road and S. Parkview Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed or placed within the required right of way.
2. No access is allowed to E. Battlefield Road from the subject property.
3. Based on city code, access to the property from S. Parkview Avenue must be 180-feet from the nearest right of way line at the intersection with W. Battlefield Road. The existing access does not meet this requirement. If the existing access on S. Parkview Avenue is modified at the time of development, it will be required to be relocated south to meet the 180-feet requirement. Any additional access will be required to meet City of Springfield spacing standards specified in Chapter 98 of City Code.
4. Per City Code Section 36-471, sidewalks are required to be constructed along the property frontage of S. Parkview Drive 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.
5. An administrative lot combination is required to be submitted and approved following the City's Subdivision Regulations for the subject properties at 3050 E. Battlefield Rd. and 3020 S. Parkview Avenue.
6. No buildings are permitted on the south 80 feet of the subject property.
7. A Bufferyard Type C is required along the east property line adjacent to the residential Planned Development. A Bufferyard Type D is required along the south property line adjacent to the R-SF District.

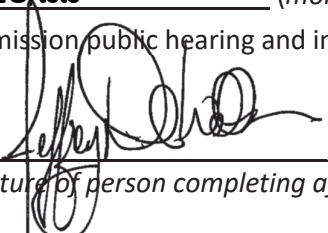
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PD-222 and RSF to O-1
(existing zoning) (proposed zoning)
2. Meeting Date & Time: August 15, 2022, 4:00pm to 6:30pm
3. Meeting Location: 3050 E Battlefield
4. Number of invitations that were sent: Unknown, the City provided the List
5. How the mailing list was generated: City provided mailing labels
6. Number of neighbors in attendance (attach a sign-in sheet): 6
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).

Repair of existing fences and clearing out overgrown vegetation at existing fences. Explained that fences are required as part of the bufferyard(s). The overgrown brush will be cleared away and the existing fences will remain and be fixed where necessary.
 Save the existing large trees. Showed on the plans where the two largest trees will try to be preserved.
 Trim trees as needed along east property line to clear overhead utility line. Discussed that crews coordinated by CU are needed to clear these limbs, and that we will try to get it done.
 Concerned about height of new structures. Explained the bulk plane and practical limits on the site. Showed that a proposed south building is one story, but it is physically possible for the site to contain a two-story building.

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

I, **Jeffrey David Wells** (print name), attest that the neighborhood meeting was held on **8/15/22** (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

Jeffrey David Wells
Printed name of person completing affidavit

Attendance Sheet

Planning and Zoning Commission Page 13 of 13

One-rdg. _____
P. Hrngs. X
Pgs. 17
Filed: 09-27-22

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 253

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 0.29 acres of property generally located at 1331 North Stewart
4 Avenue from GM, General Manufacturing District, to LI, Light
5 Industrial District; and adopting an updated Official Zoning Map.
6 (Staff and Planning and Zoning Commission recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 1331 North Stewart Avenue from GM, General Manufacturing
11 District, to LI, Light Industrial District; and
12

13 WHEREAS, following proper notice, the Planning and Zoning Commission held a
14 public hearing on September 8, 2022, a copy of the Record of Proceedings from said
15 public hearing being attached hereto and incorporated herein by this reference as
16 "Exhibit B," and said Commission made its recommendation; and
17

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

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

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

28 Section 1 – The property described in "Exhibit A," which is attached hereto and
29 incorporated herein by this reference, is hereby rezoned from GM, General
30 Manufacturing District, to LI, Light Industrial District. Springfield Land Development
31 Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby
32 amended, changed and modified consistent with this Ordinance.
33

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

39
40 Section 3 – The Official Zoning Map herein adopted shall be maintained and
41 archived in the same digital form in which this Council has approved its adoption.

42
43 Section 4 – This Ordinance shall be in full force and effect from and after
44 passage.

45
46 Passed at meeting: _____

47
48 _____
49 Mayor

50
51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

54
55
56 Approved as to form: Jill Bennis, Assistant City Attorney

57
58
59 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 253

FILED: 09-27-22

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 0.29 acres of property generally located at 1331 N. Stewart Avenue from GM, General manufacturing district to LI, Light industrial district. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-20-2022

The applicant is requesting to rezone approximately 0.29 acres of property generally located at 1331 N. Stewart Avenue from GM, General manufacturing district to LI, Light industrial district. The applicant intends to locate an adult daycare facility within the existing building located on-site, which this rezoning is meant to accommodate.

REMARKS:

The Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended to approve, by a vote of 7 to 0.

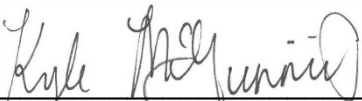
The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for Low-Density Housing, and the surrounding area contains a mix of the Low-Density Housing and Medium Intensity Retail, Office, or Housing designations. However, it should be noted that the *Growth Management and Land Use 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." The *Growth Management and Land Use Plan's* land use designations in this area are at conflict with long-standing existing conditions, which include a mix of commercial, office, and industrial uses throughout the area bound by N. Glenstone Avenue to the west, E. Bergman Street to the south, N. Nias Avenue to the east, and E. Division Street to the north.

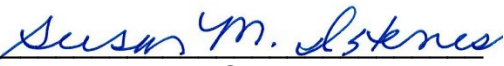
2. The applicant has not requested to deviate significantly from the GM, General manufacturing district, instead requesting to rezone the property to the most suitable industrial district which would permit their desired use, maintaining a level of consistency and compatibility with those land uses already present in this area. Should the rezone request be approved, the applicant intends to establish an adult day care within the existing building on site.
3. The subject property has existing City Utilities. Public sewer is available to the subject property.
4. 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.
5. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:



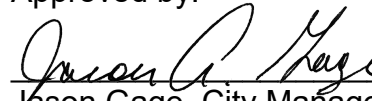
Kyle McGinnis, Senior Planner

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

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-20-2022

TRACT A: - ALL OF THE NORTH 14.10 FEET OF LOT 11 AND ALL OF LOT 9 AND THE SOUTH 5 FEET OF LOT 7 IN VOSS SUBDIVISION PER THE RECORDED PLAT THEREOF BEING RECORDED IN PLAT BOOK Q AT PAGE 6, GREENE COUNTY RECORDS, GREENE COUNTY, MISSOURI; ALSO AN EASEMENT 20.00 FEET IN WIDTH FOR THE PURPOSES OF INGRESS AND EGRESS OVER AND ACROSS THE SOUTH 25.00 FEET OF LOT 7 IN VOSS SUBDIVISION EXCEPT THE SOUTH 5.00 FEET THEREOF.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – September 8, 2022

Z-20-2022

1331 North Stewart Avenue

Applicant: Troutman Enterprises, LLC

Mr. Hosmer states that this is a request to rezone approximately 0.29 acres generally located at 1331 N. Stewart Avenue from GM, General Manufacturing District to LI, Light Industrial District. The Comprehensive Plan identifies this area as designates as appropriate for Low Density Housing however the area has been zoned GM since 1995. The Transportation Plan classifies Stewart as a local roadway. A Traffic Impact Study is not required, and the property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention is not 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.

Ms. Samantha Troutman, 1331 N. Stewart Avenue and we are providing senior care and want to add an adult daycare that will work with various people with disabilities.

Mr. Doennig closed the public hearing.

Mr. Knuckles asked that adult day care falls in Light Industrial and Mr. Hosmer replied that they worked with the applicant to a district that would fit.

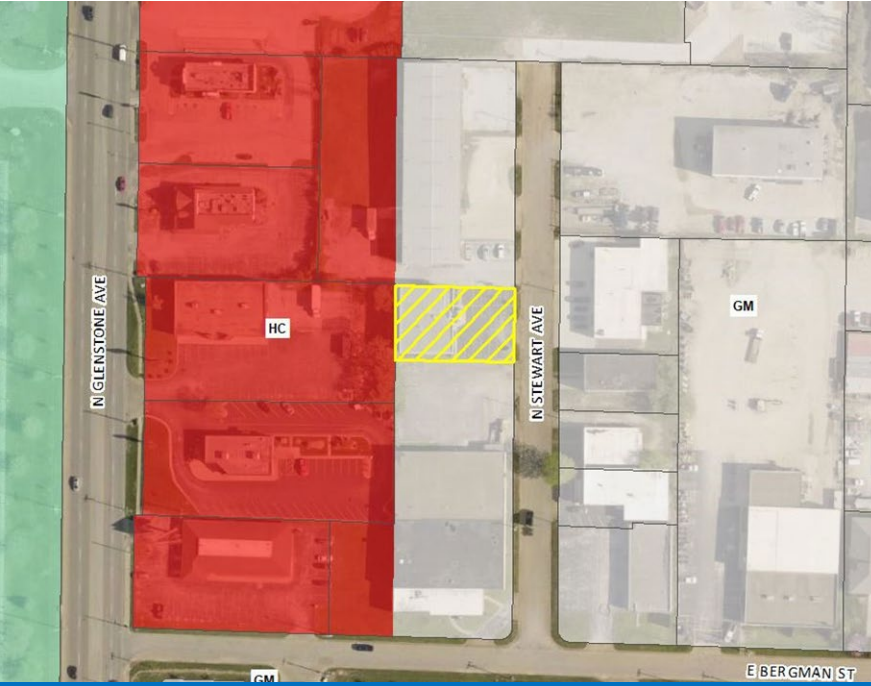
COMMISSION ACTION:

Ms. Bruce motioned to **approve** Z-20-2022 (1331 North Stewart Avenue). Mr. Lebeck seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	SEPTEMBER 8, 2022
CITY COUNCIL PUBLIC HEARING:	October 3, 2022
	CASE: Z-20-2020
	ACRES: 0.29 acres
	LOCATION: 1331 N. Stewart Avenue
	EXISTING LAND USE: Vacant Building
	APPLICANT: Troutman Enterprises, LLC
	STAFF: Kyle McGinnis, Senior Planner (417) 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 0.29 acres generally located at 1331 N. Stewart Avenue from GM, General Manufacturing District to LI, Light Industrial District.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for Low-Density Housing, and the surrounding area contains a mix of the Low-Density Housing and Medium Intensity Retail, Office or Housing designations. However, it should be noted that the *Growth Management and Land Use 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." The *Growth Management and Land Use Plan's* land use designations in this area are at conflict with long-standing existing conditions, which include a mix of commercial, office, and industrial uses throughout the area bound by N. Glenstone Avenue to the west, E. Bergman Street to the south, N. Nias Avenue to the east, and E. Division Street to the north.
2. The applicant has not requested to deviate significantly from the GM, General manufacturing district, instead requesting to rezone the property to the most suitable industrial district which would permit their desired use, maintaining a level of consistency and compatibility with those land uses already present in this area. Should the rezone request be approved, the applicant intends to establish an adult day care within the existing building on site.
3. The subject property has existing City Utilities. Public sewer is available to the subject property.
4. 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.
5. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Development Review Staff Report



SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM	GM	GM	HC
LAND USE	Building materials business	Artist's studio	Label printing business	Hydroponic supplies business

Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



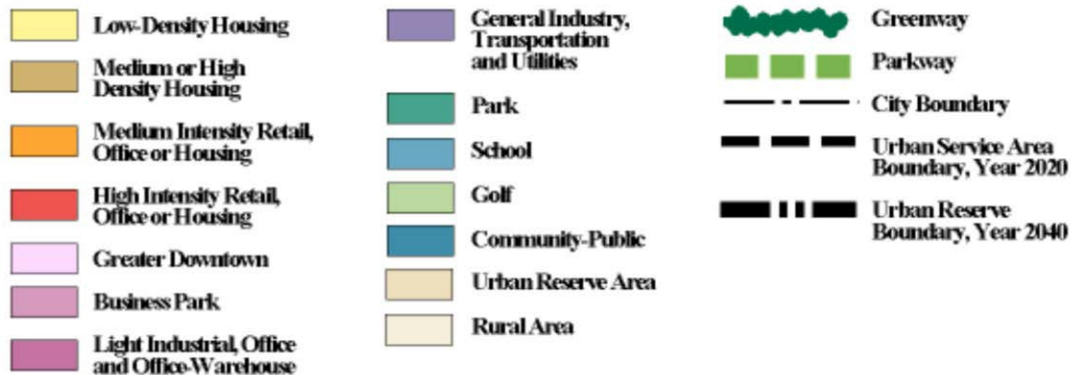
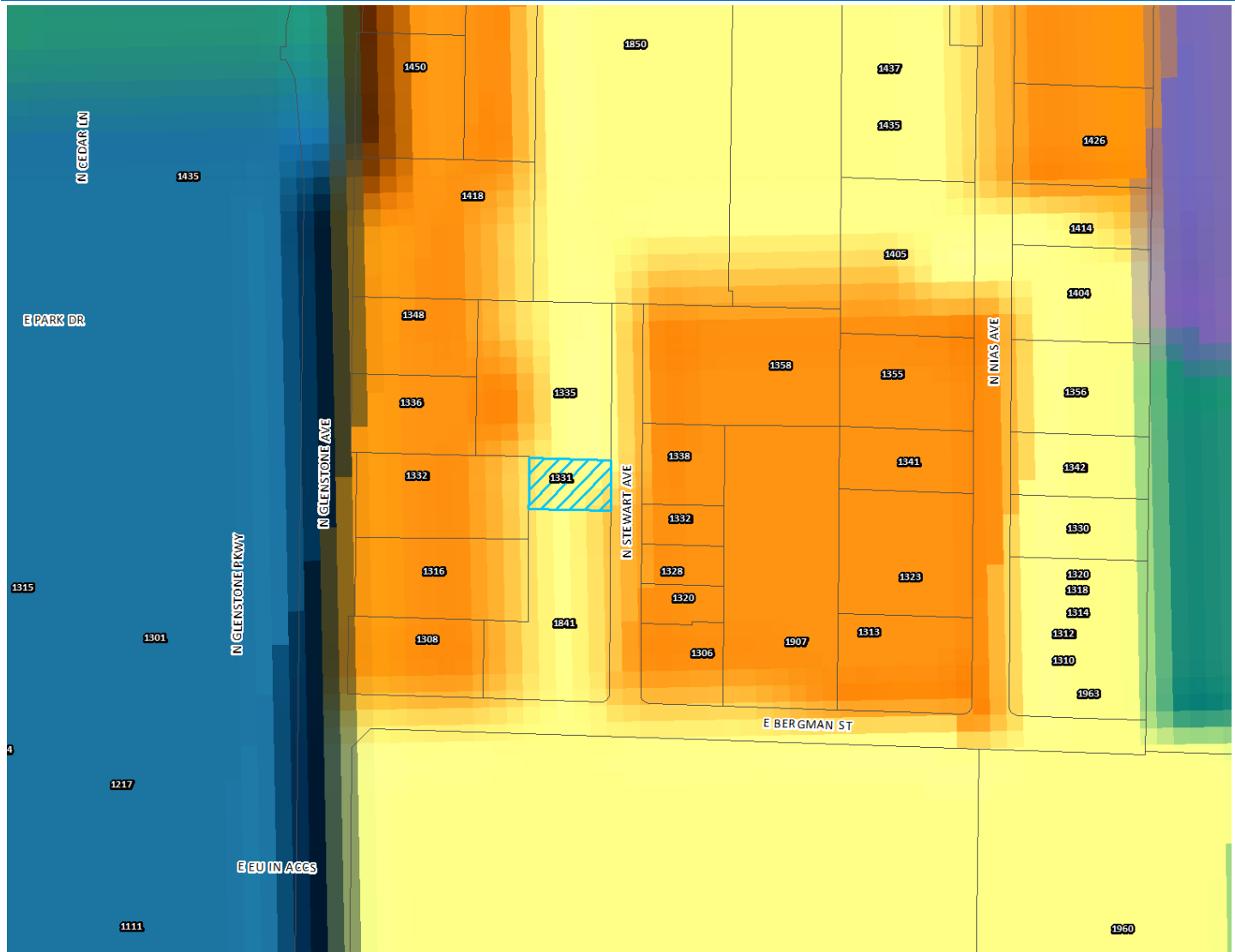
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property was zoned GM during the city-wide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR LI
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. Fifteen feet along a street classified as a local street or as required by section 36-453.
Maximum Structure Height	50 feet.
Minimum Open Space	Not less than 15 percent.
BULK PLANE	BUFFERYARD AND LANDSCAPING
N/A	Should the property redevelop or construct a significant addition to the existing structure, a reduced bufferyard 10 feet in width containing a six-foot wood privacy fence or other form of screening and one understory tree, two evergreen trees, and ten shrubs per every 100 feet of length would be required along the west property line where adjacent to property zoned HC, Highway commercial district.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this site as appropriate for Low-Density Housing, and the surrounding area contains a mix of the Low-Density Housing and Medium Intensity Retail, Office or Housing designations. However, it should be noted that the *Growth Management and Land Use 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." The Growth Management and Land Use Plan's land use designations in this area are at conflict with long-standing existing conditions, which include a mix of commercial, office, and industrial uses throughout the area bound by N. Glenstone Avenue to the west, E. Bergman Street to the south, N. Nias Avenue to the east, and E. Division Street to the north.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 0.29 acres of land generally located at 1331 N. Stewart Avenue from GM, General manufacturing district to LI, Light industrial district for the purpose of opening an adult day care center within the existing building located on site.

Development Review Staff Report



2. The LI, Light industrial district is intended to allow for industrial operations and activities that do not create applicable nuisances or hazards, though its list of permitted uses contains a mix of non-industrial uses as well, such as day care centers, entertainment-oriented uses, office uses, and industrial or business schools. Rezoning the subject property to LI would maintain a level of compatibility with the surrounding commercial and industrial zones while creating additional opportunities for infill activity within the existing structure.
3. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.
4. The proposed rezoning was reviewed by City departments, whose comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 18, 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: 11 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No objections with the proposed rezoning.

CITY UTILITIES:

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

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections with the proposed rezoning. The subject property has access to public sewer and is in a defined sewer district.

FIRE DEPARTMENT:

No issues with the proposed rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Jordan Creek South 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 **is not applicable because the site is built out**. The property **does not have a stream buffer on site**.

Public Works Stormwater has no concerns with the proposed rezoning of the property. 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 not required. 100% of the property is existing impervious surface area.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies N. Stewart Avenue as a Local – Commercial roadway. The standard right-of-way width for N. Stewart Avenue is 30-feet from the centerline. It appears an additional five feet of right-of-way is needed along N. Stewart Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. N. Stewart Avenue is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for N. Stewart Avenue. On-street parking is allowed along N. Stewart Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from N. Stewart Avenue. Any additional access will be required to meet City of Springfield spacing standards specified in Chapter 98 of City Code.

Development Review Staff Report



SIDEWALK

There is not existing sidewalk along the property frontage of N. Stewart Avenue. Sidewalk will be required to be constructed at the time of development along the property front on N. Stewart Avenue. The applicant has the option to seek approval to pay a fee in lieu of sidewalk construction by applying to the Administrative Review Committee (ARC). If approved, the fee must be paid prior to approval 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 along N. Stewart Avenue.

IMPROVEMENTS

A Traffic Impact Study is not required.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	N. Stewart Avenue	Local - Commercial	Yes	25	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		3	3	19	
*Proposed Trips Generated		2	2	16	
Additional Trips Generated		-1	-1	-3	

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

Attachment 2

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: General Manufacturing to Light Industrial
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 7/20/2022 @ 4-6:30 pm
3. Meeting Location: 1331 North Stewart Ave Springfield Mo 65802
4. Number of invitations that were sent: 65
5. How the mailing list was generated: City of Springfield provided mailing list
6. Number of neighbors in attendance (attach a sign-in sheet): 3
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).

The neighbors were concerned that us changing the zoning of 1331 N. Stewart would change the zoning of their property.

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

I told them that it wouldn't change their zoning. They seemed to be happy, and were no longer concerned.

I, Samantha Troutman (print name), attest that the neighborhood meeting was held on 7/20/2022 (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."

S. Troutman

Signature of person completing affidavit

Samantha Troutman
Printed name of person completing affidavit

Neighborhood Meeting Sign-In Sheet

Location: 1331 N Stewart Ave

Date: 7/20/2022 Time: 4:00-6:30pm

Attendees:

Ronnie Blattel Jr

Printed Name

Ronnie Blattel Jr

Signature

CRYSTAL BLATTEL

Printed Name

Crystal Blattel

Signature

PAUL BLACK

Printed Name

Paul Black

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

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:	7/12/22	Telephone No.	479-709-7965
YOUR NAME:	Keilen Richardson ; KMAC Enterprises. (Taco Bell)		
YOUR ADDRESS:	688 E. Millsap Rd Fayetteville, AR 72703		
PROJECT ADDRESS:			
COMMENTS:	We approve. No affect to our Taco Bell.		

One-rdg. _____
P. Hrngs. X
Pgs. 15
Filed: 09-27-22

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-254

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 0.57 acres of property generally located at 3787 South Jefferson
4 Avenue from O-1, Office District, to GR, General Retail District; and
5 adopting an updated Official Zoning Map. (Staff and Planning and
6 Zoning Commission recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 3787 South Jefferson Avenue from O-1, Office District, to GR,
11 General Retail District; and
12

13 WHEREAS, following proper notice, the Planning and Zoning Commission held a
14 public hearing on September 8, 2022, a copy of the Record of Proceedings from said
15 public hearing being attached hereto and incorporated herein by this reference as
16 "Exhibit B," and said Commission made its recommendation; and
17

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

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

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

28 Section 1 – The property described in "Exhibit A," which is attached hereto and
29 incorporated herein by this reference, is hereby rezoned from O-1, Office District, to GR,
30 General Retail District. Springfield Land Development Code, Section 36-306, 'Official
31 zoning map and rules for interpretation,' is hereby amended, changed and modified
32 consistent with this Ordinance.
33

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

39
40 Section 3 – The Official Zoning Map herein adopted shall be maintained and
41 archived in the same digital form in which this Council has approved its adoption.

42
43 Section 4 – This Ordinance shall be in full force and effect from and after
44 passage.

45
46 Passed at meeting: _____

47
48 _____
49 Mayor

50
51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

54
55
56 Approved as to form: Jill Bennis, Assistant City Attorney

57
58
59 Approved for Council action: Juan A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 254

FILED: 09-27-22

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 0.57 acres of property generally located at 3787 S. Jefferson Avenue from O-1, Office district to GR, General retail district. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-22-2022

The applicant is requesting to rezone approximately 0.57 acres of property generally located at 3787 S. Jefferson Avenue from O-1, Office district to GR, General retail district.

REMARKS:

The Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended to approve, by a vote of 7 to 0.

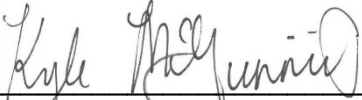
The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for Medium Intensity Retail, Office, or Housing, which is intended to contain a mix of commercial and/or mid- or high-density housing when located at major intersections along certain corridors. This land use designation is equivalent to several of Springfield's commercial districts, including the GR, General retail district, as requested by the applicant. If approved, the applicant intends to construct a new building containing a mix of office and commercial suites for future tenants. The property's current zoning, O-1, Office district, does not permit a number of commercial-oriented uses permitted by the GR, General retail district.
2. The subject property has existing City Utilities. The tract is served by public sewer and is located within a defined sewer district.
3. 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.

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

Submitted by:



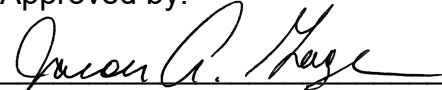
Kyle McGinnis, Senior Planner

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

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-22-2022

ALL OF LOTS TWENTY-FOUR (24) AND TWENTY-FIVE (25) IN TOWN SQUARE ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; ALSO, BEGINNING AT THE NORTHEAST CORNER OF SAID LOT TWENTY-FOUR (24); THENCE SOUTH 2°00'43" WEST ALONG THE EAST LINE OF SAID LOT TWENTY-FOUR (24), 16.14 FEET TO THE NORTHWEST CORNER OF SAID LOT TWENTY-FIVE (25); THENCE SOUTH 87°58'59" EAST ALONG THE NORTH LINE OF SAID LOT TWENTY-FIVE (25), 129.87 FEET TO THE NORTHEAST CORNER OF SAID LOT TWENTY-FIVE (25); THENCE NORTH 2°01'13" EAST ALONG THE EAST LINE OF LOT TWENTY-SIX (26) IN AMENDED FINAL PLAT OF TOWN SQUARE ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, 21.85 FEET; THENCE SOUTH 89°29'57" WEST, 130.00 FEET TO THE POINT OF BEGGINING.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – September 8, 2022

Z-22-2022

3787 South Jefferson Avenue

Applicant: J & M Tillman, LLC

Mr. Hosmer stated that this a request to rezone approximately 0.57 acres generally located at 3787 S. Jefferson Avenue from O-1, Office district to GR, General Retail District. The Growth Management and Land Use Plan designate this area as appropriate for Medium Intensity Retail, Office or Housing. The Transportation plan classifies Jefferson Avenue as a Collector roadway and Primrose Street as a Secondary Arterial roadway. A Traffic Impact Study is not required, and the property is not located in a FEMA designated floodplain, or stream buffer area. The property is located in a sinkhole watershed area. Stormwater detention will be determined at time of development. 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.

Ms. Stephanie Ireland, 1908 E. Sunshine Street, representing the applicant and asking to rezone to General Retail and noted the struggle to gain driveway access and here to answer any questions.

Mr. Doennig closed the public hearing.

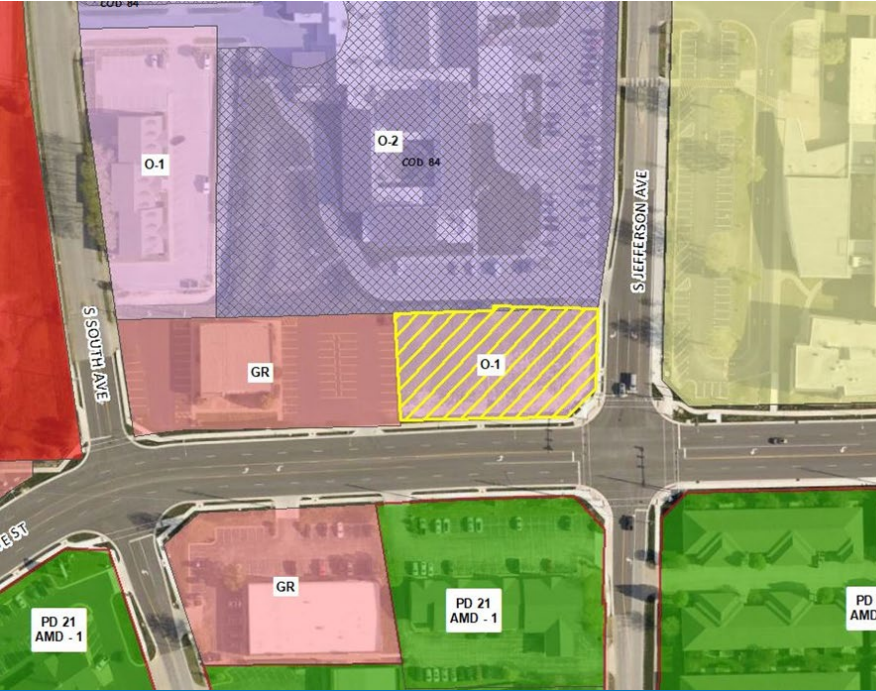
COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-22-2022 (3787 South Jefferson Avenue). Ms. Bruce seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	SEPTEMBER 8, 2022
CITY COUNCIL PUBLIC HEARING:	October 3, 2022
	CASE: Z-22-2022
	ACRES: 0.57 acres
	LOCATION: 3787 S. Jefferson Avenue
	EXISTING LAND USE: Vacant Land
	APPLICANT: J & M Tillman LLC
	STAFF: Kyle McGinnis, Senior Planner (417) 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 0.57 acres generally located at 3787 S. Jefferson Avenue from O-1, Office district to GR, General retail district.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for Medium Intensity Retail, Office or Housing, which is intended to contain a mix of commercial and/or mid- or high-density housing when located at major intersections along certain corridors. This land use designation is equivalent to several of Springfield's commercial districts, including the GR, General retail district, as requested by the applicant. If approved, the applicant intends to construct a new building containing a mix of office and commercial suites for future tenants. The property's current zoning, O-1, Office district, does not permit a number of commercial-oriented uses permitted by the GR, General retail district.
2. The subject property has existing City Utilities. The tract is served by public sewer and is located within a defined sewer district.
3. 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.
4. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

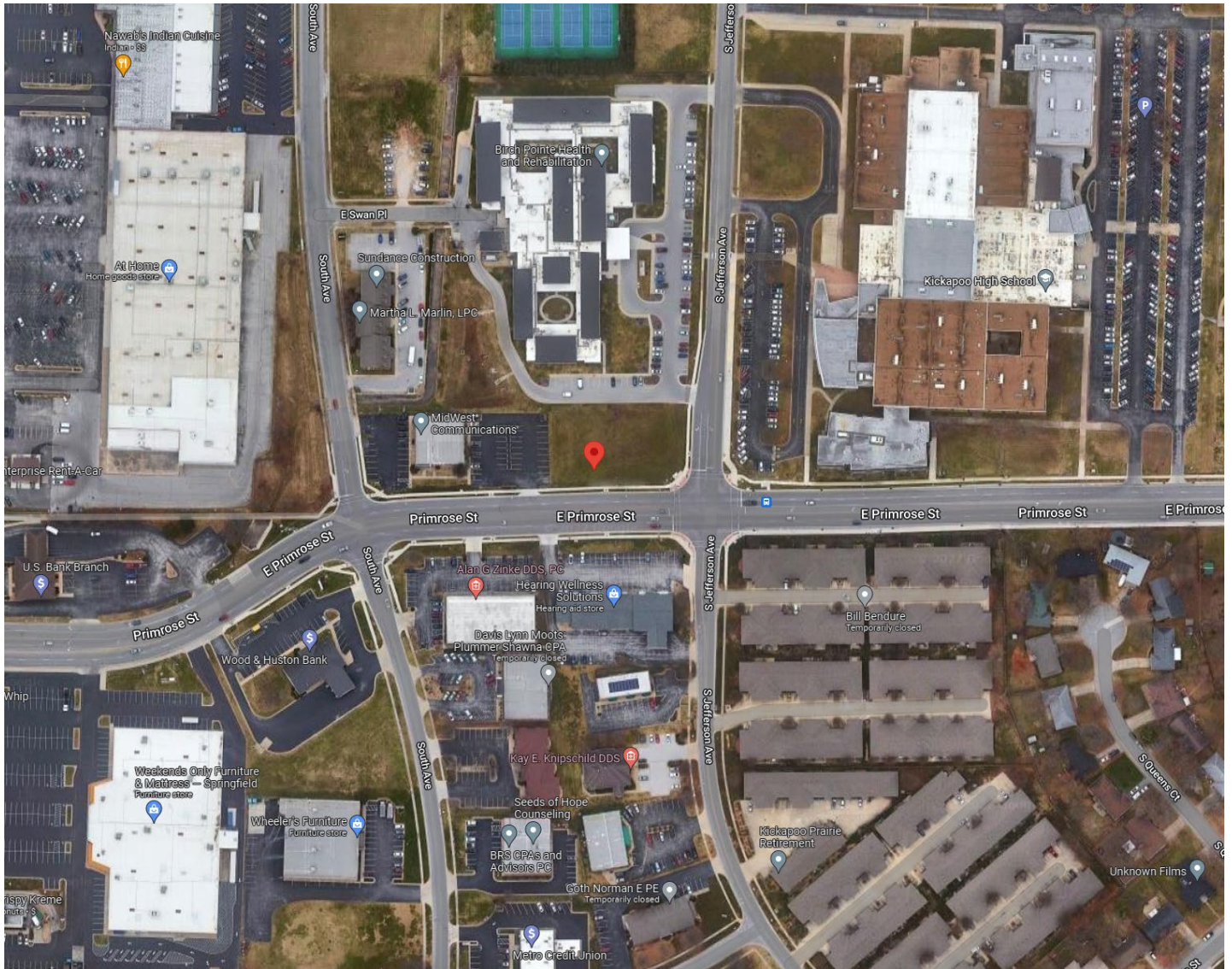
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	O-2	PD No. 21, 1 st Amendment	R-SF	GR
LAND USE	Rehabilitation center	Office center	Kickapoo High School	Business office

Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



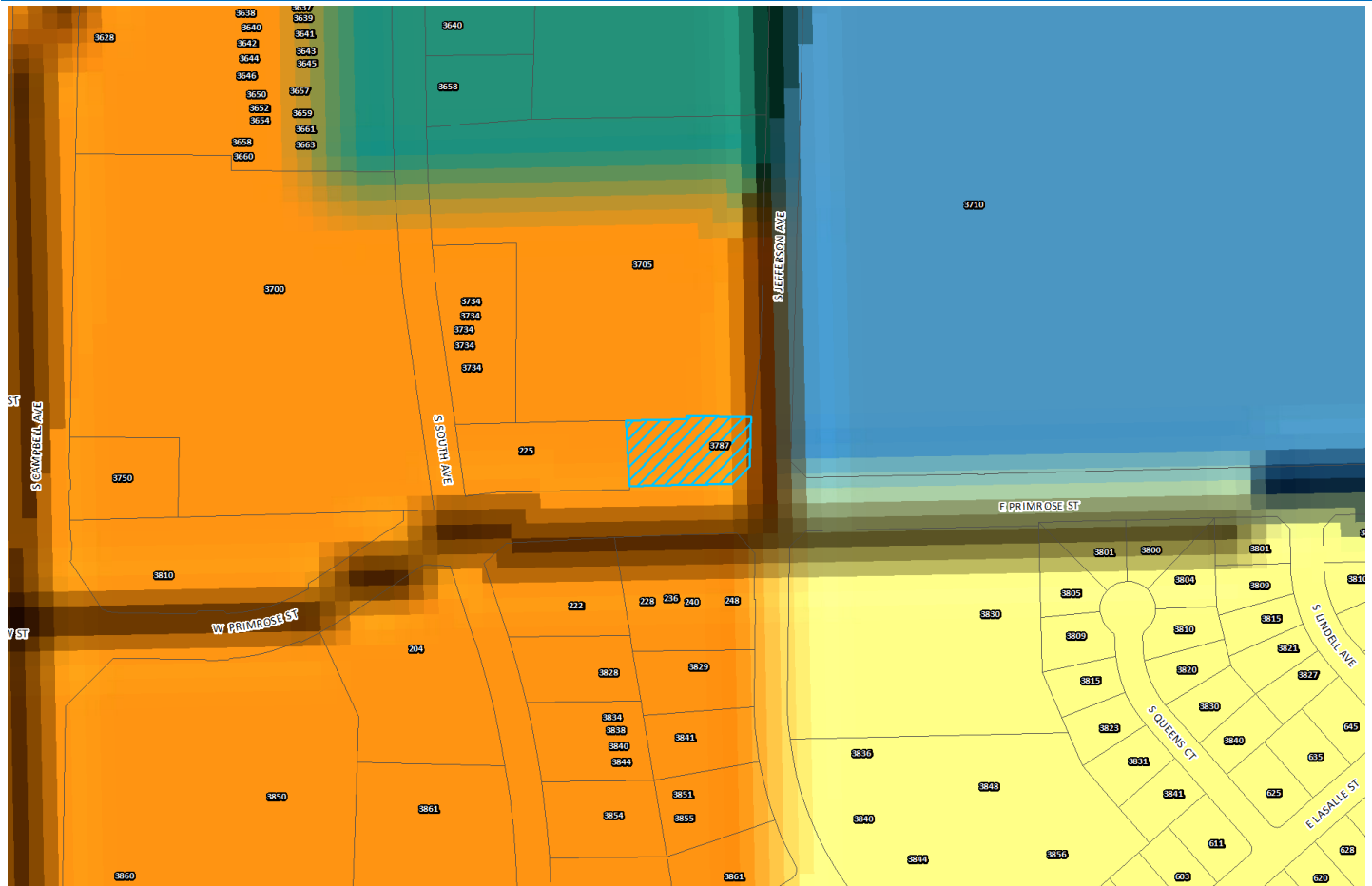
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



- 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 zoned O-1 during the city-wide remapping in 1995.

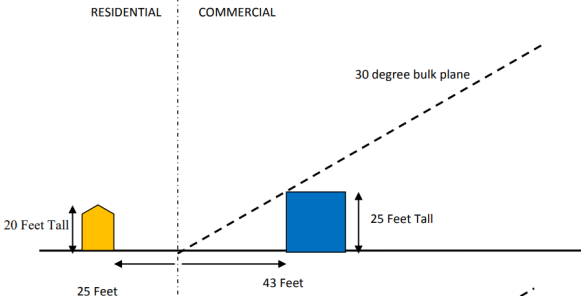
PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GR
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. Fifteen feet along a street classified as a local street or as required by Section 36-453.
Maximum Structure Height	None except as limited by bulk plane limitation (see below).
Minimum Open Space	Not less than 20 percent.
BULK PLANE	BUFFERYARD AND LANDSCAPING
All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH property. 	Based on the property's dimensions, a reduced bufferyard will be required along the north property line. This bufferyard must be at least 10 feet wide, must include a six-foot wood privacy fence or other form of permitted screening, and must include one understory tree, plus two evergreen trees, plus 10 shrubs for every 100 feet of bufferyard length. Refer to Section 36-482 (16) for details.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this site as appropriate for Medium Intensity Retail, Office or Housing, which is intended to contain a mix of commercial and/or mid- or high-density housing when located at major intersections along certain corridors. This land use designation is equivalent to several of Springfield's commercial districts, including the GR, General retail district, as requested by the applicant.

Development Review Staff Report



STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 0.57 acres of land generally located at 3787 S. Jefferson Avenue from O-1, Office district to GR, General retail district.
2. If approved, the applicant intends to construct a new building containing a mix of office and commercial suites for future tenants. The property's current zoning, O-1, Office district, does not permit a number of commercial-oriented uses permitted by the GR, General retail district.
3. The GR, General retail district is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. On-site production of products is limited to handcrafted items to be sold on the property, and commercial uses in this district are generally required to conduct business indoors. Because this district is intended to serve the community at large, it is best suited along or at the intersection of two or more streets classified as arterial roadways or higher. This property is located at the intersection of S. Jefferson Avenue, a collector roadway, and E. Primrose Street, a secondary arterial. The property's frontage along E. Primrose Street makes it appropriate for the GR, General retail district.
4. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.
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 August 18, 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

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No issues with the proposed rezoning.

CITY UTILITIES:

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

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections to the proposed rezoning. The tract is served by public sewer and is in a defined sewer district.

FIRE DEPARTMENT:

No issues with the proposed rezoning.

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 local or downstream area. This property is within a sinkhole watershed of a sinkhole on an adjacent or contiguous property. A fee in lieu of on-site stormwater detention **will be dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts** The property **does not have a stream buffer on site**.

Public Works Stormwater has no concerns with the proposed rezoning of the property. 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. The site currently drains West and slightly North. The site is 0.57 acres overall. To ensure the site does not overwhelm adjacent properties the site needs to grade to the stormwater connection at the Curb Inlet along E. Primrose Street. Do not use the Curb Inlet along S. Jefferson Avenue for stormwater connection.
 - b. A fee in lieu of detention for this development is permissible with a stormwater analysis for the downstream piping located under E. Primrose Street. Ensure that the added impervious surface area will not overwhelm the 30-inch diameter stormwater pipe underneath E. Primrose Street.

Sinkhole and Karst Features

1. 3787 S. Jefferson Avenue is within the Sinkhole Watershed of Sinkhole S116, located at the intersection of S. Campbell Avenue and E. Primrose Street. The developer will include a stormwater report along with the fee in lieu of detention application showing no increase to the Sinkhole Base Flood Elevation.

Additional Stormwater Standards to be met:

1. 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

Development Review Staff Report



stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.

2. 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.
3. 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.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Jefferson Avenue as a Collector roadway and E. Primrose Street as a Secondary Arterial roadway. The standard right-of-way width for S. Jefferson Avenue is 30-feet from the centerline and 35-feet from the centerline for E. Primrose Street. It appears no additional right-of-way is needed along S. Jefferson Avenue or E. Primrose 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. Both S. Jefferson Avenue and E. Primrose Street are a city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for S. Jefferson Avenue is 3,565 vehicles per day. The most recent traffic count for E. Primrose Street is 11,595 vehicles per day. On-street parking is not allowed along S. Jefferson Avenue or E. Primrose Street.

DRIVEWAY ACCESS

There are currently no driveway access points to the property from S. Jefferson Avenue or E. Primrose Street. Minimum spacing of drives on E. Primrose Street is 150 feet from edge of drive to edge of drive. All drives must be a minimum of 160 feet from the near right-of-way line of S. Jefferson Avenue. The minimum spacing of drives on S. Jefferson Avenue is 40 feet from edge of drive to edge of drive. Drives must also be a minimum of 180 feet from the near right-of-way line of E. Primrose Street. Since these requirements cannot be met on either S. Jefferson Avenue or E. Primrose Street, Traffic Engineering must approve the location of the driveway approach if cross-access cannot be obtained from the property to the west.

SIDEWALK

There is existing sidewalk along the property's frontage on S. Jefferson Avenue and E. Primrose Street.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There is one bus stop along E. Primrose Street in the area of the property.

IMPROVEMENTS

A Traffic Impact Study is not required.

Development Review Staff Report



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. Jefferson Avenue	Collector	No	35	30
Street 2	E. Primrose Street	Secondary Arterial	No	40	45
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		20	26	144	
*Proposed Trips Generated		9	40	432	
Additional Trips Generated		-11	14	288	

*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: OFFICE - 1 to GENERAL RETAIL
(existing zoning) (proposed zoning)
2. Meeting Date & Time: August, 18th 2022
3. Meeting Location: 3787 S Jefferson Ave.
4. Number of invitations that were sent: 25
5. How the mailing list was generated: List was generated by Planing & Zoning
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

No one attended the neighborhood meeting. I have received no phone calls, e-mails or mail about this rezoning.

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

Not applicable

I, Stephanie D. Ireland (print name), attest that the neighborhood meeting was held on 08/18/22 (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

Stephanie D. Ireland

Printed name of person completing affidavit

One-rdg. _____
P. Hrngs. X
Pgs. 17
Filed: 09-27-22

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 255

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 3.3 acres of property generally located at 1545 West Republic
4 Street from GR, General Retail District, to HC, Highway
5 Commercial District; and adopting an updated Official Zoning Map.
6 (Staff and Planning and Zoning Commission recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 1545 West Republic Street from GR, General Retail District, to HC,
11 Highway Commercial District; and
12

13 WHEREAS, following proper notice, the Planning and Zoning Commission held a
14 public hearing on September 8, 2022, a copy of the Record of Proceedings from said
15 public hearing being attached hereto and incorporated herein by this reference as
16 "Exhibit B," and said Commission made its recommendation; and
17

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

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

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

28 Section 1 – The property described in "Exhibit A," which is attached hereto and
29 incorporated herein by this reference, is hereby rezoned from GR, General Retail
30 District, to HC, Highway Commercial District. Springfield Land Development Code,
31 Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended,
32 changed, and modified consistent with this Ordinance.
33

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

39
40 Section 3 – The Official Zoning Map herein adopted shall be maintained and
41 archived in the same digital form in which this Council has approved its adoption.

42
43 Section 4 – This Ordinance shall be in full force and effect from and after
44 passage.

45
46 Passed at meeting: _____

47
48
49 _____
50 Mayor

51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

54
55
56 Approved as to form: Jill Bennis, Assistant City Attorney

57
58
59 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 255

FILED: 09-27-22

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 3.3 acres of property generally located at 1545 W. Republic Street from GR, General retail district to HC, Highway commercial district. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-24-2022

The applicant is requesting to rezone approximately 3.3 acres of property generally located at 1545 W. Republic Street from GR, General retail district to HC, Highway commercial district. This rezoning is accompanied by a request for a Conditional Use Permit to allow an automotive body and fender repair and paint shop on the subject property upon being rezoned to HC, Highway commercial district (CUP No. 468).

REMARKS:

The Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended to approve, by a vote of 7 to 0.

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

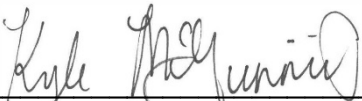
FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for Low-Density Housing, which is inconsistent with the existing zoning and land uses present in this area south of James River Freeway. As stated in the *Comprehensive Plan*, the land use 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." Having considered the potential impact such a rezoning may have on this area, staff has determined that it would support the request to rezone the property from GR, General retail district to HC, Highway commercial district as these commercial districts are generally compatible with one another, producing cohesive and logical land use patterns.
2. The HC, Highway commercial district is best suited for commercial uses which require high visibility, generate high traffic volumes, and/or cater to the motoring

public. These characteristics make the district most suitable along corridors or at the intersection of streets classified as arterial roadways or greater, or along frontage roads adjacent to interstates or other limited-access streets. Although this site fronts along S. Kansas Court – a local commercial roadway – this road provides limited access to adjacent commercial properties which do not directly front on W. Republic Street – a primary arterial roadway.

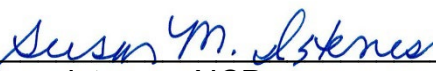
3. This rezone request has been accompanied by a request for a Conditional Use Permit to allow an automotive body and fender repair and paint shop on the subject property upon being rezoned to HC, Highway commercial district (CUP No. 468).
4. The subject property has existing City Utilities. The tract is served by public sewer and is located within a defined sewer district.
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. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:



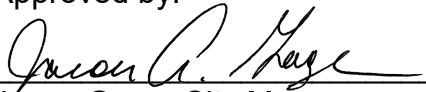
Kyle McGinnis, Senior Planner

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

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-24-2022

A tract of land being All of Lot 3 of the Administrative Replat of Republic Kansas Subdivision, a subdivision in the City of Springfield, Greene County, Missouri, as set forth in Plat Book AAA, page 796, Recorder's Office, Greene County, Missouri; and described as follows:

Commencing at the Southwest corner of Section 11, Township 28 North, Range 22 West; thence North 01 degrees 38 minutes 00 seconds East 100.31 feet along the West line of said Section 11; thence South 88 degrees 23 minutes 57 seconds East a distance of 18.51 feet to a point; thence North 01 degrees 38 minutes 24 seconds East a distance of 558.52 feet to a point in the Southwestern right of way line of U.S. Route 60 (width varies, aka James River Freeway); thence leaving said West line of Section 11, South 45 degrees 57 minutes 39 seconds East along said right of way line a distance of 6.75 feet also being the point of beginning of the tract to be described; thence South 47 degrees 29 minutes 22 seconds East along said right of way line a distance of 62.53 feet to a point; thence continuing along said right of way line South 50 degrees 50 minutes 56 seconds East a distance of 300.05 feet to a point; thence South 54 degrees 02 minutes 19 seconds East a distance of 243.41 feet to a point; thence leaving said right of way line North 88 degrees 57 minutes 21 seconds West a distance of 241.29 feet to a point, said point being in the East line of Lot 1; thence North 00 degrees 50 minutes 44 seconds East a distance of 25.00 feet to a point, said point being the Northeast corner of said Lot 1; thence North 88 degrees 57 minutes 15 seconds West a distance of 244.66 feet to a point; thence North 01 degrees 37 minutes 54 seconds East a distance of 340.91 feet to the point of beginning and containing 1.82 acres or 79,395 square feet, more or less.

Subject to easements, restrictions, reservations, and covenants of record, if any.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – September 8, 2022

Z-24-2022 and Conditional Use Permit 468
1545 West Republic Street
Applicant: 1545 W. Republic Road, LLC

Mr. Doennig noted a request to combine Z-24-2022 and Conditional Use Permit 468.

COMMISSION ACTION:

Ms. Bruce motioned to **combine** Z-24-2022 and Conditional Use Permit 468 (1545 West Republic Street). Mr. Knuckles seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.

Mr. Hosmer states that this is a request to rezone approximately 3.3 acres of property generally located at 1545 W. Republic Street from GR, General Retail District to HC, Highway Commercial District. The Comprehensive Plan identifies this area as for Low Density Housing however, the property has already been zoned to GR and HC in the area. The Transportation Plan classifies Kansas Court as a local roadway and Republic as a Primary Arterial. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention is already provided. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. Staff recommends approval.

Mr. Hosmer states that this is a request to permit an automotive body and fender repair and paint shop within a HC, Highway Commercial District (Z-24-2022) generally located at 1545 W. Republic Street. The Growth Management and Land Use Plan designate this area as appropriate for Low Density Housing uses, however the area has been rezoned to GR and HC. Automotive body, fender repair and paint shops require a CUP permit. The Conditional Use Permit will require:

- Sidewalk construction along Republic and Kansas Ct.
- Proposed CUP meets the requirements standards and staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Nick Fore, 9461 Kenwood Road, representing the future owners and wanted to note the acres noted in the staff report, Mr. Hosmer stated that it is the acres of the entire tract. Gave out business description of Caliber Collision and noted that the neighborhood concerns were sound/noise and lighting but was able to alleviate their

issues/concerns. The building height will be similar to the other buildings in the area and gave out business hours and size of business (staff/customers).

Mr. Colony asked about the fence along the highway and if it would block the view of wrecked cars. Mr. Fore said that it would block the view behind the gate.

Mr. Colony asked about plantings/landscaping and Mr. Hosmer noted that it would be against the freeway so no landscaping.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-24-2022 (1545 West Republic Street). Ms. Bruce seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.

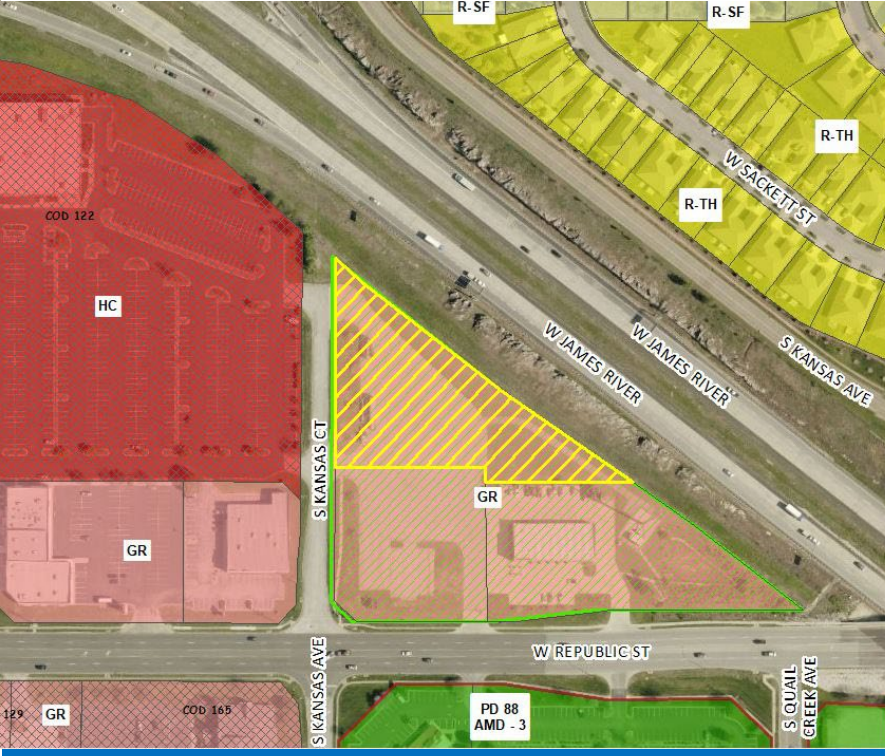
COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Conditional Use Permit 468 (1545 West Republic Street). Ms. Bruce seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.

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

Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	SEPTEMBER 8, 2022
CITY COUNCIL PUBLIC HEARING:	October 3, 2022
	CASE: Z-24-2022
	ACRES: 3.3 acres
	LOCATION: 1545 W. Republic Street
	EXISTING LAND USE: Commercial parking lot
	APPLICANT: 1545 W Republic Road LLC
	STAFF: Kyle McGinnis, Senior Planner (417) 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 3.3 acres of property generally located at 1545 W. Republic Street from GR, General retail district to HC, Highway commercial district.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for Low-Density Housing, which is inconsistent with the existing zoning and land uses present in this area south of James River Freeway. As stated in the *Comprehensive Plan*, the land use 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." Having considered the potential impact such a rezoning may have on this area, staff has determined that it would support the request to rezone the property from GR, General retail district to HC, Highway commercial district as these commercial districts are generally compatible with one another, producing cohesive and logical land use patterns.
2. The HC, Highway commercial district is best suited for commercial uses which require high visibility, generate high traffic volumes, and/or cater to the motoring public. These characteristics make the district most suitable along corridors or at the intersection of streets classified as arterial roadways or greater, or along frontage roads adjacent to interstates or other limited-access streets. Although this site fronts along S. Kansas Court – a local commercial roadway – this road provides limited access to adjacent commercial properties which do not directly front on W. Republic Street – a primary arterial roadway.
3. This rezone request has been accompanied by a request for a Conditional Use Permit to allow an automotive body and fender repair and paint shop on the subject property upon being rezoned to HC, Highway commercial district (CUP No. 468).
4. The subject property has existing City Utilities. The tract is served by public sewer and is located within a defined sewer district.

Development Review Staff Report



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. 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	N/A	GR	N/A	HC
LAND USE	James River Freeway	Automotive tire service	James River Freeway	Church

Development Review Staff Report

SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



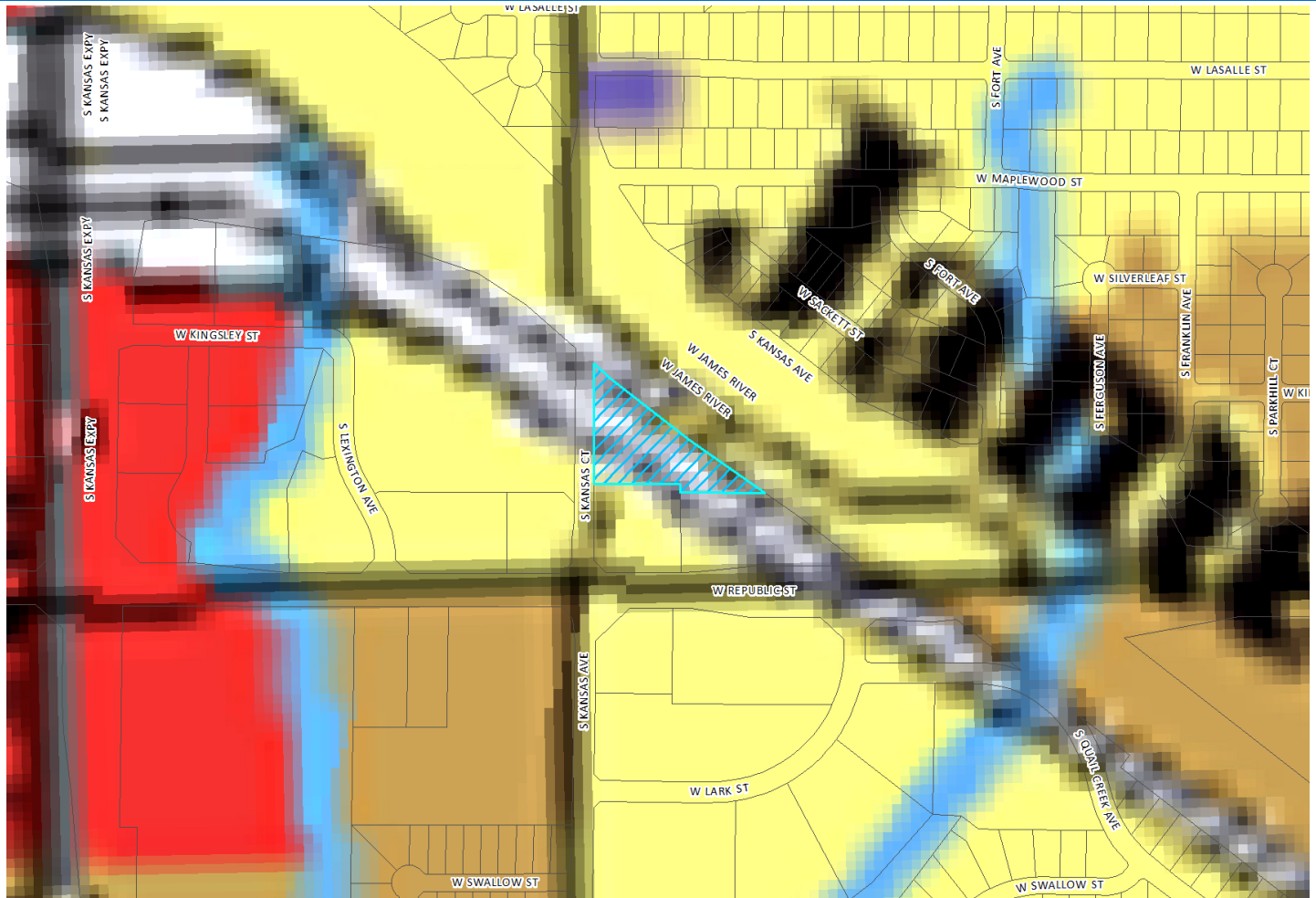
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



- 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 zoned R-SF as part of the city-wide mapping completed in 1995, and was later rezoned to GR, General retail district in 2002 (Z-29-2001).

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR HC
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. Fifteen feet along a street classified as a local street or as required by Section 36-453.
Maximum Structure Height	None except as limited by bulk plane limitation (see below).
Minimum Open Space	Not less than 20 percent.
BULK PLANE	BUFFERYARD AND LANDSCAPING
All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH property.	This property borders other commercial properties and therefore will have no bufferyard landscaping requirements along those shared property lines; however, the development will be subject to the interior and perimeter landscaping requirements within and around vehicular use areas, as described in Section 36-482.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this site as appropriate for Low-Density Housing, which is inconsistent with the existing zoning and land uses present in this area south of James River Freeway. As stated in the *Comprehensive Plan*, the land use 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

Development Review Staff Report



policies of this plan and good judgement.” Having considered the potential impact such a rezoning may have on this area, staff has determined that it would support the request to rezone the property from GR, General retail district to HC, Highway commercial district as these commercial districts are generally compatible with one another, producing cohesive and logical land use patterns.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 1.82 acres of land generally located at 1545 W. Republic Street from GR, General retail district to HC, Highway commercial district.
2. The HC, Highway commercial district is best suited for commercial uses which require high visibility, generate high traffic volumes, and/or cater to the motoring public. These characteristics make the district most suitable along corridors or at the intersection of streets classified as arterial roadways or greater, or along frontage roads adjacent to interstates or other limited-access streets. Although this site fronts along S. Kansas Court – a local commercial roadway – this road provides limited access to adjacent commercial properties which do not directly front on W. Republic Street – a primary arterial roadway.
3. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.
4. The proposed rezoning was reviewed by City departments, whose comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

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

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No issues with the proposed rezoning.

CITY UTILITIES:

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

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the proposed rezoning. The tract will have access to public sewer when Public Improvement Plan No. 2022PW0003 has been completed and accepted. The plans have been escrowed and the plat has been filed.

DEPARTMENT OF ENVIRONMENTAL SERVICES SEDIMENT EROSION CONTROL:

No objections to the proposed rezoning. Sediment Erosion Control may have additional comments at the time of development.

FIRE DEPARTMENT:

No objections to the proposed rezoning.

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 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**.

Public Works Stormwater has no concerns with the proposed rezoning of the property. 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 and Water Quality Requirements

1. Detention and Water Quality has been provided by the regional subdivision basin for the Republic Kansas Subdivision (PW5591). All future stormwater infrastructure needs to drain to the basin.

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required when disturbing one acre or more per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
2. 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.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Republic Street as a Primary Arterial and S. Kansas Court as a Local – Commercial Roadway. The standard right-of-way width for W. Republic Street is 50-feet from the centerline and 30-feet from the

Development Review Staff Report



centerline for S. Kansas Court. It appears additional right-of-way is not required for either W. Republic Street or S. Kansas Court. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed or placed within the required right-of-way. W. Republic Street and S. Kansas Court are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for W. Republic Street is 20,181 vehicles per day. The most recent traffic count for S. Kansas Court is 89 vehicles per day. On-street parking is not allowed along W. Republic Street but is allowed along S. Kansas Court.

DRIVEWAY ACCESS

There are currently two driveway access points into the property from S. Kansas Court and one access point onto the property from W. Republic Street. No additional access is allowed to S. Kansas Court or W. Republic Street per the subdivision plat of the property.

SIDEWALK

There is existing sidewalk along the property frontage of W. Republic Street and along a portion of the property along S. Kansas Court. Sidewalk will be required to be constructed at the time of development along the entire property frontage on S. Kansas Court.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are two bus stops along W. Republic Street in the vicinity of the property pertaining to this zoning.

IMPROVEMENTS

A Traffic Impact Study is not required as the potential increase for trips generated by the zoning change does not exceed 100 vehicles in the AM or PM peak or 1,000 vehicles per day.

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. Republic Street	Primary Arterial	No	50	50
Street 2	S. Kansas Court	Local – Commercial	Yes	30	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		16	67	720	
*Proposed Trips Generated		16	67	720	
Additional Trips Generated		0	0	0	

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

Attachment 2

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: GR - General Retail to HC - Highway Commercial
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 8/18/22 - 4:00 PM to 6:30 PM Local Time
3. Meeting Location: 1545 W Republic Rd. Springfield, MO
4. Number of invitations that were sent: 51
5. How the mailing list was generated: Provided by City
6. Number of neighbors in attendance (attach a sign-in sheet): 4

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).

- 1- Sound Concern: We do not believe this will be an issue given we are a closed door operation and any sound potentially omitted will be overshadowed by the adjacent highway. Traffic Studies have been performed on other like projects and found that sound from the nearby streets would be louder than any sound coming from the Caliber Collision. As it relates to this specific project, the highway traffic will be much louder than the local traffic and any sound coming from the business.
- 2- Elevation Concern: The elevations of our project will fit in with the character of the neighborhood by having elevations similar to adjacent properties.
- 3- Lighting Concern: We will follow the applicable ordinances for lighting requirements. Lighting from the site will not extend across the highway and impact the residences.
- 4- Verbal comment in support of the project.

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

- 1- Only written comment was in support of the project

I, Nick Fore (print name), attest that the neighborhood meeting was held on 8/18/2022 (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."

Nick Fore
Signature of person completing affidavit

Nick Fore
Printed name of person completing affidavit

One-rdg. _____
P. Hrngs. X
Pgs. 22
Filed: 09-27-22

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-256

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 468 for the purpose of permitting an
2 automotive body and fender repair and paint shop as a conditional
3 use within the HC, Highway Commercial District, generally located at
4 1545 West Republic Street. (Staff and Planning and Zoning
5 Commission recommend approval.)
6 _____
7

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

12 WHEREAS, the Planning and Zoning Commission held a public hearing on
13 September 8, 2022, and recommended approval of Conditional Use Permit No. 468 for
14 the property generally located at 1545 West Republic Street and zoned HC, Highway
15 Commercial District, with a copy of the Record of Proceedings from said public hearing
16 being attached hereto and incorporated herein by this reference as "Exhibit C;" and
17

18 WHEREAS, City Council finds that sufficient evidence has been presented to
19 satisfy all applicable standards of the Land Development Code for issuance of
20 Conditional Use Permit No. 468; and
21

22 WHEREAS, the granting of such permit is deemed proper, and it is not found to
23 harm the community or injure the value, lawful use and reasonable enjoyment of
24 properties in the vicinity of 1545 West Republic Street.
25

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

29 Section 1 – City Council adopts the City staff's specific findings of fact on the
30 proposed conditional use as set forth in "Exhibit D – Attachment 3." "Exhibit D" is
31 attached hereto and incorporated herein by this reference in its entirety. Conditional Use
32 Permit No. 468 is hereby granted in accordance with and subject to the provisions of
33 Section 36-363 of the Land Development Code. Conditional Use Permit No. 468 is
34 granted for the purpose of permitting an automotive body and fender repair and paint

shop to operate as a conditional use within the HC, Highway Commercial District, located at the property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, and which is generally located at 1545 West Republic Street.

Section 2 – Building permits, certificates of occupancy and any other required permits or approvals may be issued by the duly authorized officials of the City provided that such issuance is consistent with Section 36-363 of the Land Development Code, any other applicable City regulation or Ordinance, and the "Requirements for Conditional Use Permit 468" described in "Exhibit A," which is attached hereto and incorporated herein by this reference. Additionally, the provisions contained in "Exhibit A" and "Exhibit D – Attachment 2" shall govern and control the use and development of the land described in "Exhibit B," in a manner consistent with the attached site plan depicted on "Exhibit D – Attachment 4."

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 Bennis, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022- 256

FILED: 09-27-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To permit an automotive body and fender repair and paint shop as a Conditional Use Permit within a HC, Highway commercial district generally located at 1545 W. Republic Street. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 468

The applicant is requesting approval of a Conditional Use Permit for an automotive body and fender repair and paint shop within a proposed HC, Highway commercial district (Z-24-2022). The *Zoning Ordinance* requires a use permit in the HC, Highway commercial district for an automotive body and fender repair and paint shop.

CONDITIONS:

1. The regulations and standards listed on "Exhibit D - Attachment 3" shall govern and control the use and development of the land in Use Permit Number 468 in a manner consistent with the attached site plan ("Exhibit D - Attachment 4").

FINDINGS FOR STAFF RECOMMENDATION:

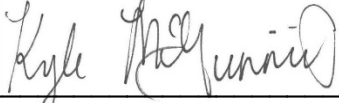
1. This application meets the approval standards for a Conditional Use Permit ("Exhibit D - Attachment 3").
2. Approval of this application is subject to the Requirements for Approval ("Exhibit D - Attachment 2") and site plan ("Exhibit D - Attachment 4").
3. Approval of this request will provide for redevelopment of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

REMARKS:

The Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended approval, by a vote of 7 to 0 of the proposed conditional use permit (see the attached "Exhibit C," Record of Proceedings).

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

Submitted by:



Kyle McGinnis, Senior Planner

Recommended by:



Susan Istenes, AICP
Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Requirements for Conditional Use Permit Number 468

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 468

Attachment 3, Standards and Responses for Conditional Use Permits

Attachment 4, Propose Site Plan

Attachment 5, Affidavit of Neighborhood Notification and Meeting Summary and
Neighborhood comments

EXHIBIT A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 468

1. An automotive body and fender repair and paint shop is permitted in conformance with the site plan (Attachment 4).
2. The automotive body and fender repair and paint shop shall comply with all CUP standards (Attachment 3).
3. Sidewalk has only been partially provided along the property's frontage on S. Kansas Court. Sidewalk is required to be constructed along S. Kansas Court to current City Standards as part of this development/rezoning or an application to the ARC to pay a fee in-lieu-of sidewalk construction must be submitted for approval. If approved, the fee must be paid prior to the issuance of a building permit.
4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

EXHIBIT B

LEGAL DESCRIPTION
CONDITIONAL USE PERMIT 468

Commencing at the Southwest corner of Section 11, Township 28 North, Range 22 West; thence North 01 degrees 38 minutes 00 seconds East 100.31 feet along the West line of said Section 11; thence South 88 degrees 23 minutes 57 seconds East a distance of 18.51 feet to a point; thence North 01 degrees 38 minutes 24 seconds East a distance of 558.52 feet to a point in the Southwestern right of way line of U.S. Route 60 (width varies, aka James River Freeway); thence leaving said West line of Section 11, South 45 degrees 57 minutes 39 seconds East along said right of way line a distance of 6.75 feet also being the point of beginning of the tract to be described; thence South 47 degrees 29 minutes 22 seconds East along said right of way line a distance of 62.53 feet to a point; thence continuing along said right of way line South 50 degrees 50 minutes 56 seconds East a distance of 300.05 feet to a point; thence South 54 degrees 02 minutes 19 seconds East a distance of 243.41 feet to a point; thence leaving said right of way line North 88 degrees 57 minutes 21 seconds West a distance of 241.29 feet to a point, said point being in the East line of Lot 1; thence North 00 degrees 50 minutes 44 seconds East a distance of 25.00 feet to a point, said point being the Northeast corner of said Lot 1; thence North 88 degrees 57 minutes 15 seconds West a distance of 244.66 feet to a point; thence North 01 degrees 37 minutes 54 seconds East a distance of 340.91 feet to the point of beginning and containing 1.82 acres or 79,395 square feet, more or less.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – September 8, 2022

Z-24-2022 and Conditional Use Permit 468
1545 West Republic Street
Applicant: 1545 W. Republic Road, LLC

Mr. Doennig noted a request to combine Z-24-2022 and Conditional Use Permit 468.

COMMISSION ACTION:

Ms. Bruce motioned to **combine** Z-24-2022 and Conditional Use Permit 468 (1545 West Republic Street). Mr. Knuckles seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.

Mr. Hosmer states that this is a request to rezone approximately 3.3 acres of property generally located at 1545 W. Republic Street from GR, General Retail District to HC, Highway Commercial District. The Comprehensive Plan identifies this area as for Low Density Housing however, the property has already been zoned to GR and HC in the area. The Transportation Plan classifies Kansas Court as a local roadway and Republic as a Primary Arterial. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention is already provided. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. Staff recommends approval.

Mr. Hosmer states that this is a request to permit an automotive body and fender repair and paint shop within a HC, Highway Commercial District (Z-24-2022) generally located at 1545 W. Republic Street. The Growth Management and Land Use Plan designate this area as appropriate for Low Density Housing uses, however the area has been rezoned to GR and HC. Automotive body, fender repair and paint shops require a CUP permit. The Conditional Use Permit will require:

- Sidewalk construction along Republic and Kansas Ct.
- Proposed CUP meets the requirements standards and staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Nick Fore, 9461 Kenwood Road, representing the future owners and wanted to note the acres noted in the staff report, Mr. Hosmer stated that it is the acres of the entire tract. Gave out business description of Caliber Collision and noted that the neighborhood concerns were sound/noise and lighting but was able to alleviate their

issues/concerns. The building height will be similar to the other buildings in the area and gave out business hours and size of business (staff/customers).

Mr. Colony asked about the fence along the highway and if it would block the view of wrecked cars. Mr. Fore said that it would block the view behind the gate.

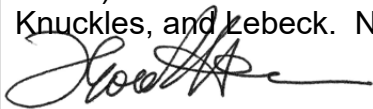
Mr. Colony asked about plantings/landscaping and Mr. Hosmer noted that it would be against the freeway so no landscaping.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-24-2022 (1545 West Republic Street). Ms. Bruce seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Conditional Use Permit 468 (1545 West Republic Street). Ms. Bruce seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: Broekhoven.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

SEPTEMBER 8, 2022

CITY COUNCIL PUBLIC HEARING:

OCTOBER 3, 2022

CASE NUMBER:

Conditional Use Permit 468

LOCATION: 1545 W. Republic Street

ACRES: 3.3 acres

EXISTING LAND USE: Commercial parking lot

APPLICANT: 1545 W Republic Road LLC

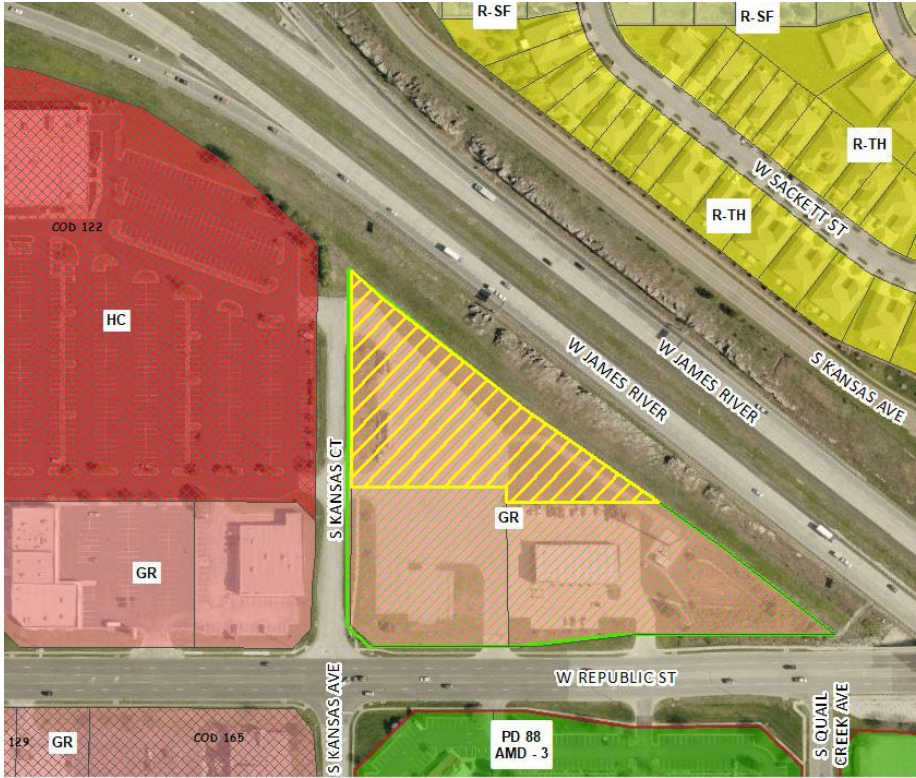
STAFF: Kyle McGinnis, Senior Planner
(417) 864-1615

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

I move to adopt staff's responses in the staff report as the findings of fact and approve CUP 468.

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

SUMMARY OF REQUEST:

Request to permit an automotive body and fender repair and paint shop as a Conditional Use Permit within the proposed HC, Highway Commercial District (Z-24-2022) generally located at 1545 W. Republic Street.

FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit.
2. Approval of this request will provide for development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	N/A	GR	N/A	HC
LAND USE	James River Freeway	Automotive tire service	James River Freeway	Church

Development Review Staff Report



GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

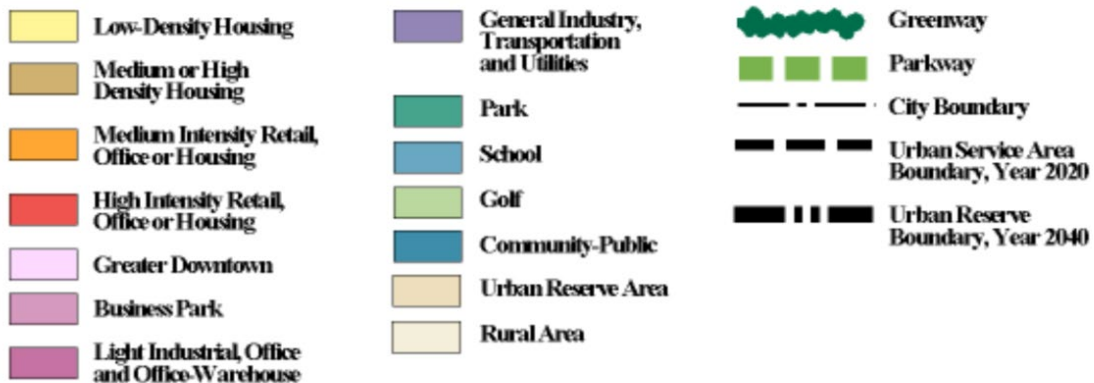
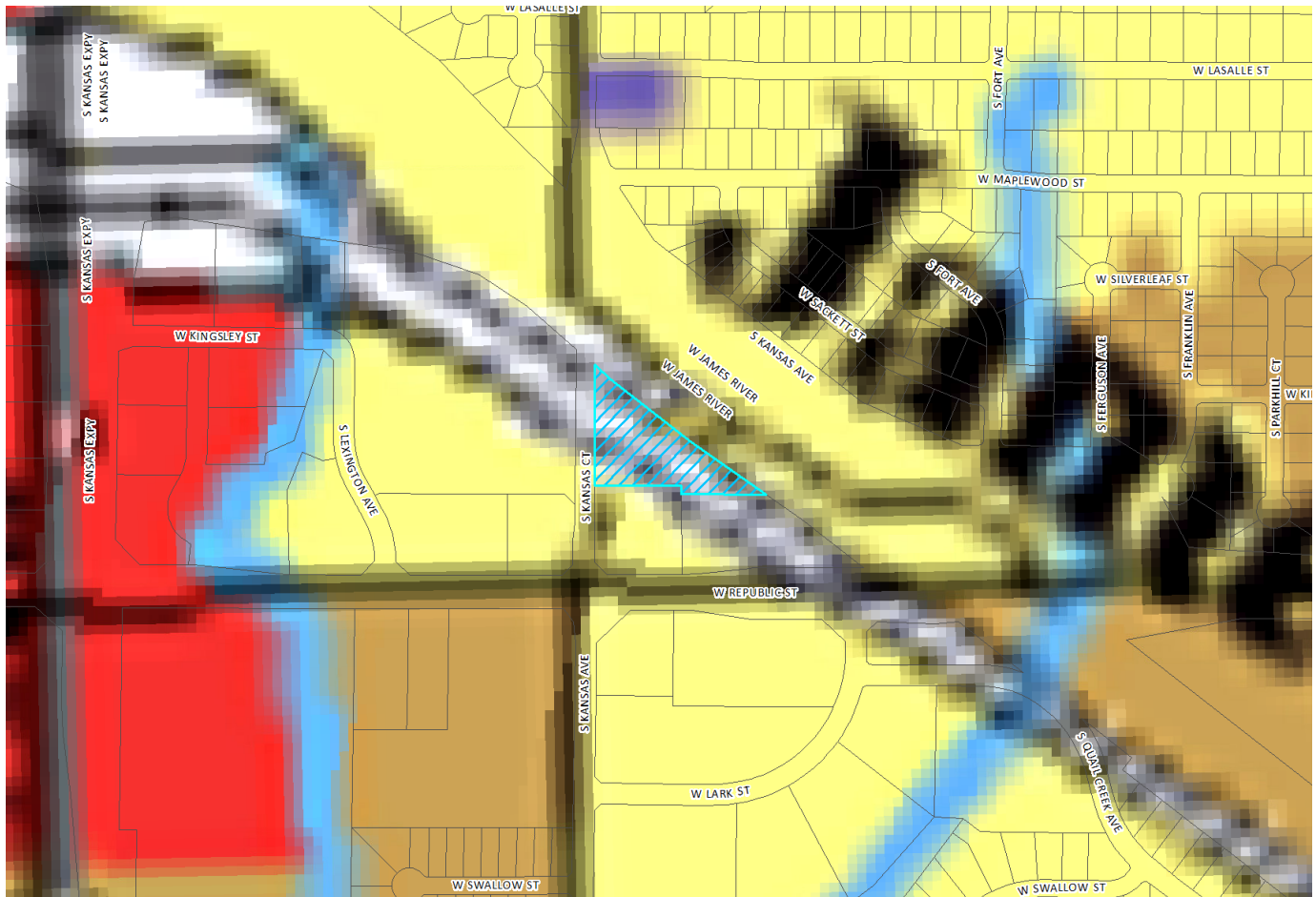


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property was zoned R-SF as part of the city-wide mapping completed in 1995, and was later rezoned to GR, General retail district in 2002 (Z-29-2001).

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* designates this site as appropriate for Low-Density Housing, which is inconsistent with the existing zoning and land uses present in this area south of James River Freeway. As stated in the *Comprehensive Plan*, the land use 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." Having considered the potential impact rezoning to HC, Highway commercial district may have on this area, staff has determined that it would support the request to rezone the property (Z-24-2022).

Development Review Staff Report



Automotive body and fender repair and paint shops require the approval of a Conditional Use Permit in the HC, Highway commercial district.

STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit for an automotive body and fender repair and paint shop on the subject property within a proposed HC, Highway commercial district (Z-24-2022). The *Zoning Ordinance* requires a use permit in the HC, Highway commercial district for such a use.
2. Approval of this request will provide for the development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.
3. 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 AM or PM peaks.
4. A landscape plan, meeting the requirements of Sections 36-482, Landscaping and bufferyards, and 36-483, Off-street parking and loading area design standards, shall be submitted and approved. Refer to Attachment 4.
5. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 18, 2022 regarding the use permit request. A summary of the meeting is attached (Attachment 5).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 4 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

CONDITIONAL USE PERMIT 468

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with the proposed CUP.

CITY UTILITIES COMMENTS:

No issues with the proposed CUP.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the CUP. The tract will have access to public sewer when Public Improvement Plan No. 2022PW0003 has been completed and accepted. Plans have been escrowed and the plat has been filed.

FIRE DEPARTMENT COMMENTS:

No objection to the CUP. Development must comply with 2018 IFC.

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 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**.

PW Stormwater has no concerns for the proposed Conditional Use Permit. Please note that development of the property will be subject to the following conditions at the time of development:

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

Detention and Water Quality Requirements:

1. Detention and Water Quality has been provided by the regional subdivision basin for the Republic Kansas Subdivision (PW5591). All future stormwater infrastructure needs to drain to the basin.

Additional Stormwater Standards to be met:

1. 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.
2. 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.

Development Review Staff Report



DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Republic Street as a Primary Arterial and S. Kansas Court as a Local – Commercial Roadway. The standard right-of-way width for W. Republic Street is 50-feet from the centerline and 30-feet from the centerline for S. Kansas Court. It appears additional right-of-way is not required for either W. Republic Street or S. Kansas Court. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed or placed within the required right-of-way. W. Republic Street and S. Kansas Court are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for W. Republic Street is 20,181 vehicles per day. The most recent traffic count for S. Kansas Court is 89 vehicles per day. On-street parking is not allowed along W. Republic Street but is allowed along S. Kansas Court.

DRIVEWAY ACCESS

There are currently two driveway access points into the property from S. Kansas Court and one access point onto the property from W. Republic Street. No additional access is allowed to S. Kansas Court or W. Republic Street per the subdivision plat of the property.

SIDEWALK

There is existing sidewalk along the property frontage of W. Republic Street and along a portion of the property along S. Kansas Court. Sidewalk will be required to be constructed at the time of development along the entire property frontage on S. Kansas Court.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are two bus stops along W. Republic Street in the vicinity of the property pertaining to this zoning.

IMPROVEMENTS

A Traffic Impact Study is not required as the potential increase for trips generated by the zoning change does not exceed 100 vehicles in the AM or PM peak or 1,000 vehicles per day.

SITE PLAN

Detailed site-specific comments.

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

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Republic Street	Primary Arterial	No	50	50
Street 2	S. Kansas Court	Local – Commercial	Yes	30	30
		AM Peak	PM Peak	Weekday	Weekend
	Existing Trips Generated	16	67	720	
	*Proposed Trips Generated	16	67	720	
	Additional Trips Generated	0	0	0	

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

Development Review Staff Report



REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL USE PERMIT 468

1. An automobile service garage is permitted in conformance with the site plan (Attachment 4).
2. The automobile service garage shall comply with all CUP standards (Attachment 3).
3. Sidewalk has only been partially provided along the property's frontage on S. Kansas Court. Sidewalk is required to be constructed along S. Kansas Court to current City Standards as part of this development/rezoning or an application to the ARC to pay a fee in lieu of sidewalk construction must be submitted for approval. If approved, the fee must be paid prior to the issuance of a building permit.
4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

Development Review Staff Report



STANDARDS FOR CONDITIONAL USE PERMIT 466

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.	While our proposed conditional use is not consistent with the Springfield Comprehensive Plan, we believe that our proposal will complement the existing zoning and adjacent land uses.	The <i>Growth Management and Land Use Plan</i> designates this site as appropriate for Low-Density Housing, which is inconsistent with the existing zoning and land uses present in this area south of James River Freeway. As stated in the <i>Comprehensive Plan</i> , the land use 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."
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.	To the best of our knowledge, this is correct.	The proposed use and site plan has been evaluated by Public Works – Traffic for its potential impact on the safety of the motoring public and of pedestrians within and around the site. Traffic's comments are provided in Attachment 1. Staff does not anticipate that this use will adversely affect the motoring public or pedestrians.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	We intend to abide by the standards set forth for safety and fire prevention.	The proposed use and site plan has been evaluated by the Fire Department, which has found no concerns at this time. The development must comply with the 2018 IFC at the time of permit review.
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.	To the best of our knowledge, this is correct.	The proposed use and site plan has been evaluated by Public Works – Stormwater for its impact on adjacent property and has found no such issues.
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses	To the best of our knowledge, this is correct.	The proposed use will be subject to the noise standards contained in Section 36-485 of the Land Development Code. Staff does

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
permitted as a matter of right in the district.		not expect for this use to produce noise levels beyond that typically associated with the type of activity proposed.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.	To the best of our knowledge, this is correct.	This site does not border residential properties. Staff does not anticipate any issues pertaining to the glare of vehicular or stationary lights associated with the proposed use at this site.
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	To the best of our knowledge, this is correct.	Signs are regulated by Section 36-454 of the Land Development Code and the operator is required to receive a sign permit for all signage, approved separately from the building permit.
8. Such signs will not have an adverse effect on any adjacent properties.	To the best of our knowledge, this is correct.	As stated above, all signage will be reviewed by staff as part of the permitting process. Staff does not anticipate any issues with such signage based on the information available to us at this time.
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.	To the best of our knowledge, this is correct.	Public Works – Traffic has reviewed the proposal and their comments are available in Attachment 1. The street rights-of-way for both W. Republic Street and S. Kansas Court are currently acceptable.
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.	To the best of our knowledge, this is correct.	This commercial property is located along one of Springfield's principal commercial corridors and is adjacent to other commercial properties containing similar or compatible uses. Staff does not anticipate that the proposed use will adversely impact or be incompatible with the site's surroundings.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the	To the best of our knowledge, this is correct.	The applicant has provided a site plan for the proposed development indicating that the proposal will utilize a building of standard bulk which will complement the commercial development present in this area already.

Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
immediate neighborhood, consideration shall be given to: a. The location, nature and height of buildings, structures, walls and fences on the site; and b. The nature and extent of landscaping and screening on the site.		
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.	To the best of our knowledge, this is correct.	This site does not feature any noteworthy natural or topographical features and as such will not have an adverse impact on such features.
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	To the best of our knowledge, this is correct.	Similar to the above, this site does not contain any natural, scenic, or historic features. The applicant will be performing interior changes to the existing buildings.
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.	We intend to abide by the standards set forth by the AHJ.	The proposed use and site plan will be subject to all lot size requirements, bulk regulations, use limitations, and performance standards as outlined by the City's Land Development Code.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	To the best of our knowledge, this is correct.	The proposed use will complement the fueling station and convenience store currently under development to the south, as well as the existing automotive tire service center to the southeast.
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.	We intend to abide by the relevant standards and/or Ordinances.	The applicant's site plan indicates that Code's minimum off-street parking requirements and design standards will be met.
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.	To the best of our knowledge, this is correct.	Staff does not anticipate any issues with the property's access to existing public rights-of-way.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or	To the best of our knowledge, this is correct.	Staff does not anticipate any issues with the property's vehicular circulation elements.

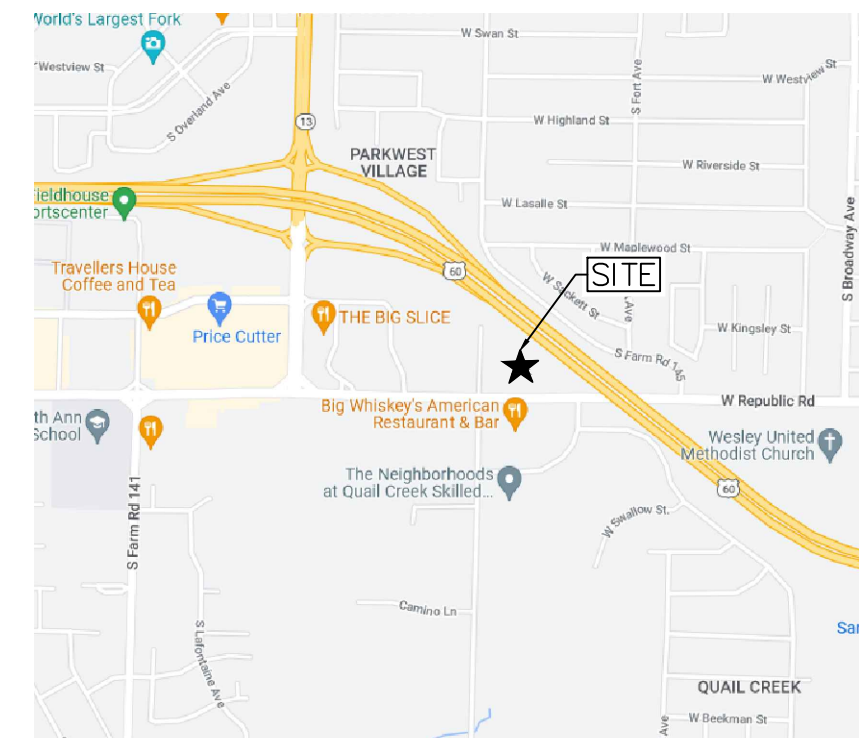
Development Review Staff Report



36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.		
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	To the best of our knowledge, this is correct.	As indicated by the applicant, the proposal will not impact or interfere with existing easements, roadways, rail lines, utilities or public/private rights-of-way.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.	We intend to abide by any applicable Ordinances.	This site does not contain any existing structures aside from existing pavement.
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.	To the best of our knowledge, this is correct.	All public facilities and services needed to serve the proposed use are currently present or available to the site.

Attachment 4

SYMBOL	DESCRIPTION
	HANDICAPPED SYMBOL
	NUMBER OF PARKING SPACES
	SITE SIGNAGE
	BOLLARD
	SITE LIGHTING (RE: PHOTOMETRIC)
	6' SCREEN FENCE
	CONCRETE PAVING/SIDEWALK
	HEAVY DUTY CONCRETE
	DUMPSTER PAD CONCRETE
	STANDARD DUTY PAVEMENT
	HEAVY ASPHALT PAVEMENT
	PAINTED STOP LINE
	SAWCUT LINE



PROPERTY DATA

FIN: 889305246
ADDRESS: 1545 W REPUBLIC ST
SPRINGFIELD, MO

ZONING & SETBACK DATA

ZONED: GR, GENERAL RETAIL
(CUP REQUIRED FOR AUTOBODY)

BUILDING SETBACKS:
KANSAS CT: 15'
JAMES RIVER FWY: 0'
REAR/SIDE: 0'

LANDSCAPE SETBACKS:
• LANDSCAPE SETBACKS OR "BUFFERYARDS" APPLY ONLY TO PROPERTY LINES BETWEEN TWO PROPERTIES OF DIFFERENT ZONING (I.E. SOUTH PROPERTY LINE)
• BUFFERYARDS SHALL BE WAIVED BETWEEN ADJUTING PROPERTIES IN DIFFERENT DISTRICTS IF A JOINT ACCESS AGREEMENT BETWEEN THE PROPERTIES IS ESTABLISHED (PER ZONING CODE SEC. 36-482)

STORMWATER DETENTION NOTE
STORMWATER DETENTION HAS BEEN PROVIDED TO THIS PROPERTY BY A POND LOCATED TO THE SOUTHEAST OF THIS SITE BY THE OVERALL DEVELOPER. THIS POND IS LOCATED ON LOT 2 OF THIS DEVELOPMENT AND HAS SUFFICIENT VOLUME FOR CALIBER'S STORAGE (PER THE CITY OF SPRINGFIELD)

ACREAGE SUMMARY AND PARKING SUMMARY:

ACREAGE SUMMARY:
TOTAL PARCEL: 1.82 AC.

GROSS FLOOR AREA: 16,100 SF.

PARKING SUMMARY:
PROVIDED: 11 CUSTOMER SPACES PROVIDED
78 STORAGE SPACES PROVIDED
2 ADA SPACES PROVIDED
TOTAL: 89 SPACES TOTAL

PAVING NOTE
THIS CONCEPT PLAN PROPOSES APPROXIMATELY 34,950 SF OF PAVING (INCLUDING ASPHALT, SIDEWALKS, CURB & GUTTER AND DUMPSTER ENCLOSURE APPROACH)

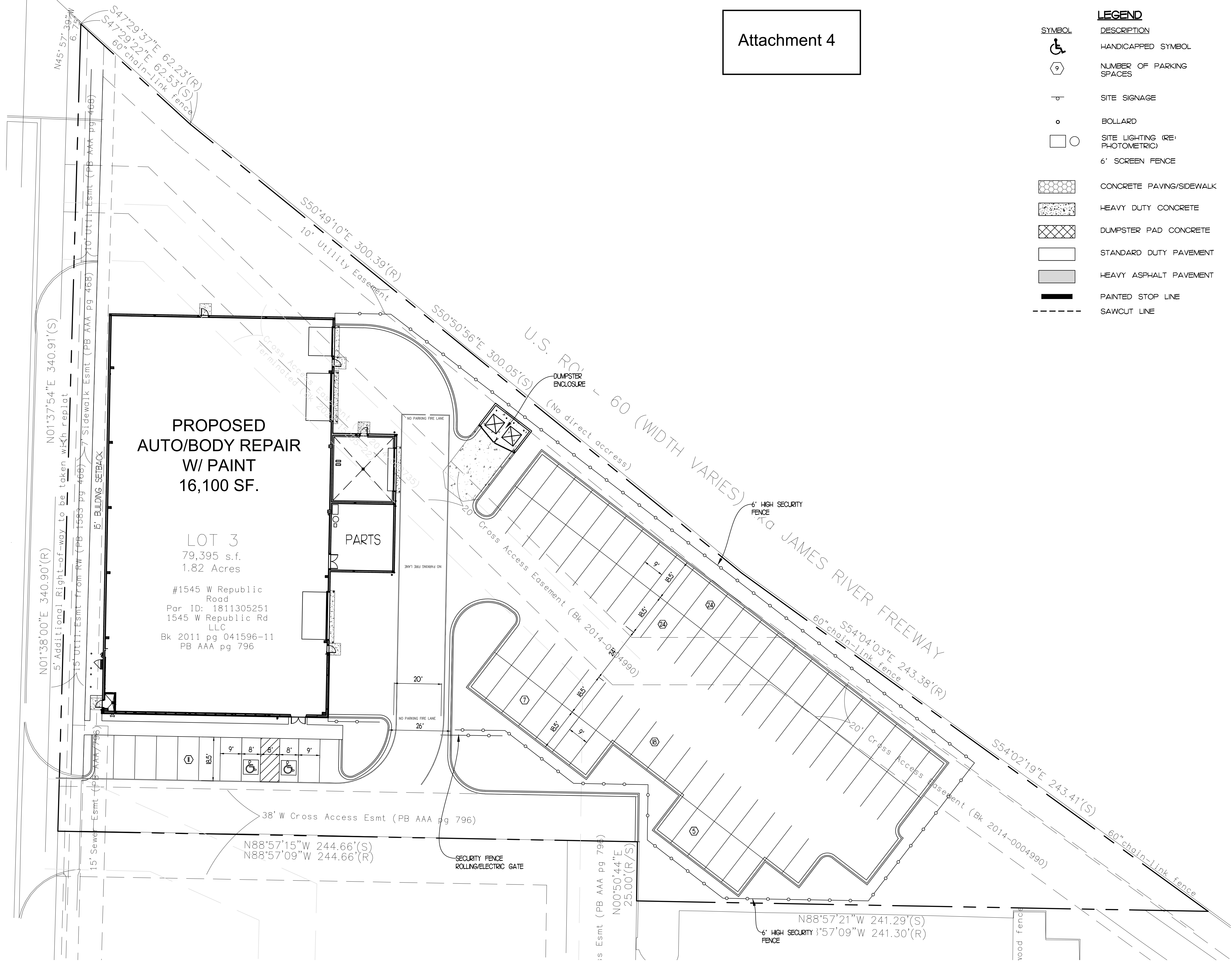
REVISIONS	BY

FREELAND and KAUFFMAN, INC.
Engineers & Landscape Architects
209 West Stone Avenue
Greenville, South Carolina 29609
864-233-5497

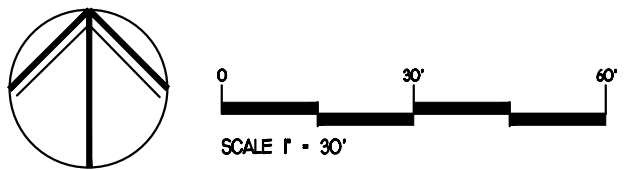
**PRELIMINARY
NOT FOR
CONSTRUCTION**

CALIBER COLLISION
1545 W REPUBLIC ST
SPRINGFIELD, MO
4336 MARSH RIDGE ROAD,
CARROLLTON, TX 75010

DRAWN MCJ
CHECKED TMB
DATE 7/20/2022
SCALE
DRAWING



SITE PLAN



Attachment 5

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Conditional Use Permit for: Autobody Repair Shop
2. Meeting Date & Time: 8/18/22 - 4:00PM - 6:30PM Local Time
3. Meeting Location: 1545 W Republic Rd. Springfield, MO
4. Number of invitations that were sent: 51
5. How was the mailing list generated: Provided by City
6. Number of neighbors in attendance (attach a sign-in sheet): 4

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.)

- 1- Sound Concern: We do not believe this will be an issue given we are a closed door operation and any sound potentially omitted will be overshadowed by the adjacent highway. Traffic Studies have been performed on other like projects and found that sound from the nearby streets would be louder than any sound coming from the Caliber Collision. As it relates to this specific project, the highway traffic will be much louder than the local traffic and any sound coming from the business.
- 2- Elevation Concern: The elevations of our project will fit in with the character of the neighborhood by having elevations similar to adjacent properties.
- 3- Lighting Concern: We will follow the applicable ordinances for lighting requirements. Lighting from the site will not extend across the highway and impact the residences.
- 4- Verbal comment in support of the project.

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

- 1- Only written comment was in support of the project

I, Nick Fore (print name), attest that the neighborhood meeting was held on 8/18/2022 (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."

Nick Fore
Signature of person completing affidavit

Nick Fore
Printed name of person completing affidavit

One-rdg. _____
P. Hmgs. _____
Pgs. 8
Filed: 09-27-22

Sponsor: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-257

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Services Contract with
2 Greene County, Missouri, for the City to continue to monitor and
3 maintain the County storm warning sirens.
4 _____
5

6 WHEREAS, the City of Springfield and Greene County have jointly installed storm
7 warning sirens in the City and County adjacent to the City, and Greene County desires to
8 have the City continue to monitor and maintain the County warning sirens; and
9

10 WHEREAS, the Services Contract has been renewed triennially since the installation
11 of the sirens in 1999; and
12

13 WHEREAS, the Services Contract sets forth the provisions and conditions for the City
14 to continue monitoring and maintaining services for the County storm warning sirens; and
15

16 WHEREAS, Greene County reimburses the City for these services as set forth in the
17 Services Contract.
18

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

22 Section 1 – The City Manager, or his designee, is hereby authorized to enter into a
23 Services Contract with Greene County for the purpose of the City monitoring and maintaining
24 County storm warning sirens, said agreement to be substantially in the form and content as
25 set forth in “Exhibit A,” which is attached hereto and incorporated herein by this reference.
26

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

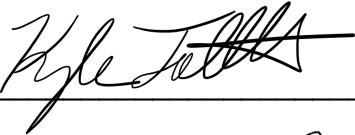
29 Passed at Meeting: _____
30

31
32
33
34
35
36
37
38
39
40
41
42
43

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- 257

FILED: 09-27-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To authorize the City Manager, or his designee, to enter into a Services Agreement with Greene County, Missouri, for the City to continue to monitor and maintain the County Storm Warning Sirens.

BACKGROUND INFORMATION: The City and County have jointly installed storm warning sirens in the city and densely populated portions of the county adjacent to the city. The County desires the City to continue to monitor and maintain the 28 county storm warning sirens.

The City replaced aging storm warning sirens throughout the city in 1999. The County partnered with the City, at that time, and added 27 to serve those neighborhoods in the County that were just outside the City. Since that time, one additional storm siren has been added in the County for a total of 28. The City purchased equipment and materials to monitor and maintain the replacement system. The County opted to purchase only spare parts and, rather than duplicate the expensive control equipment, requested the City to perform the monitoring and maintenance. This agreement has been renewed triennially ever since. This current agreement sets forth the provisions and conditions for the City to continue monitoring and maintenance services for the County's storm warning sirens. In return, the County will agree to reimburse the City, \$45 per siren per month, for these services. If specific repairs of any storm siren are required, the County will pay the City the costs of all parts not covered by warranty and labor at the rate of \$32 per hour, plus mileage to and from the location at applicable IRS mileage rates.

This Council Bill supports the following City Council Priorities:

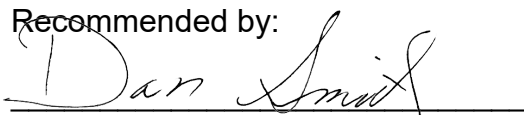
- Public Safety
- Fiscal Sustainability and Accountability
- Economic vitality

REMARKS: Public Works recommends approval of this Council Bill.

Submitted by:


Kirk Juranas, Assistant Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:

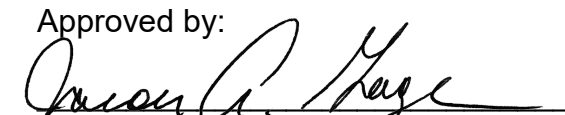

Jason Gage, City Manager

Exhibit A

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) CONTRACTOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
(X) NEW CONTRACT			
CITY		CONTRACTOR	
City of Springfield 840 Boonville, P.O. Box 8368 Springfield, MO 65802 Phone: 417-864-1952 Fax: 417-864-1139 Attn: Gail Fangrow, Municipal Facilities		Springfield-Greene County Office of Emergency Management 330 W. Scott Street Springfield, MO 65802 Phone: 417-829-6551 Fax: Attn: Larry Woods	

SERVICES CONTRACT

THIS CONTRACT, made and entered into this _____ day of _____, 20____, by the City of Springfield, a municipal corporation of the State of Missouri, hereafter referred to as "City", and the County of Greene in the State of Missouri, hereafter referred to as "County."

WITNESSETH:

THAT, WHEREAS, the City and County desire to enter into an agreement to cooperate in the maintenance and storage of twenty-eight (28) storm warning sirens owned by the County, installed and located outside the City of Springfield in Greene County, as identified in Exhibit A, and two (2) complete spare siren units, two (2) base repair kits, and two (2) additional spare parts adder kits owned by the County, in association with the Springfield-Greene County Office of Emergency Management; and

WHEREAS, such cooperation is authorized by Section 70.220 of the Revised Statutes of Missouri; and

WHEREAS, the benefits of maintaining the storm warning sirens will benefit the citizens of both the City and the County.

NOW, THEREFORE, for the considerations herein expressed, it is agreed by and between the City and the County as follows:

1. Basic Maintenance and Repairs. City agrees to provide basic maintenance and repairs for the twenty-eight (28) storm warning sirens listed on Exhibit B, which are installed at various locations outside the City in Greene County, Missouri, on the basis set forth in the agreement. City, by and through its Department of Public Works, agrees to respond to the County storm siren locations when maintenance or repair is shown to be required for a particular storm siren by the computerized system which was installed for such purpose, or when a specific problem has been reported to the Department of Public Works by County. City agrees to store the storm siren spare units and parts referred to above owned by the County, and County agrees that City may use the same as required. County agrees City may obtain on County's behalf any replacement parts from the manufacturer available under warranty for use to repair County storm sirens. City will return the storm siren spare kits to County, if unused, upon termination of this agreement.

2. Reimbursement to City. During the term of this agreement, County agrees to pay to City the sum of **Forty-five and 00/100 Dollars (\$45.00)** per siren per month for monitoring and performing any general maintenance on the storm sirens which are listed on Exhibit A. If specific repairs of any storm siren are required, County will pay to City within forty-five (45) days of receipt of invoice, the costs of all parts not covered by warranty and labor at the rate of **Thirty-two and 00/100 Dollars (\$32.00)** per hour, plus mileage to and from the location at applicable IRS mileage rates.

3. Timeliness of Repairs. City agrees to perform required repairs or maintenance as promptly as is practical upon receipt of notification of the need for repair or maintenance. In the event of a system-wide failure, it is agreed that priority in performing repairs will be based upon the respective population density of the areas being served by the storm sirens, with the most populated areas being given the highest priority.

4. **License to Enter Upon County Property.** City and County acknowledge that this agreement gives to City no interest in right-of-way or property of the County for the storm sirens or the property upon which they are located, County agreeing only that City, its agents and employees, shall have a license to enter upon such property as necessary to fulfill its obligations under this agreement.

5. **Indemnification.** City agrees that it will furnish to County the same quality of repair and maintenance to provides for the storm sirens owned by the City. If City has complied with the foregoing obligation, County agrees that it will indemnify, defend, and hold the City harmless from and against all claims, suits, or actions which might be brought against the City, its employees or agents, arising out of the failure of any storm siren, unless City has not furnished such quality of repair and maintenance as set forth above, provided that the County's liability for indemnification for any such occurrence at each location shall not exceed the sovereign immunity limits in effect when the claim arises as established pursuant to Section 537.610, Revised Statutes of Missouri and regulated by the Missouri Department of Insurance, and provided further that the County's duty to defend the City or its employees and agents shall cease when the limits of liability in Section 537.610, Revised Statutes of Missouri have been exhausted by payment of any judgment or settlement of any claim.

6. **Term.** The term of this agreement shall be for a period of three (3) years, September 9, 2022 through September 9, 2025, with automatic renewal for three (3) additional one year terms, unless either party provides written notice of termination at least thirty (30) days prior to the expiration of the current term.

7. **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 applicable federal regulations and applicable provisions in Section 105.450 et seq. RSMo. shall not be violated.

8. **Notices.** All notices required or permitted hereinunder and required to be in writing may be given by first class mail addressed to City at 840 Boonville, Springfield, Missouri 65802, and County at 923 N. Robberson, Springfield, Missouri 65802. The date of delivery of any notice shall be the date falling on the second full day after the day of its mailing.

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

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

11. **Assignment.** This agreement shall not be subject to assignment by either party hereto.

[Remainder of page intentionally left blank.]

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

GREENE COUNTY, MISSOURI

By: _____
Presiding Commissioner

By: _____
Commissioner, 1st District

By: _____
Commissioner, 2nd District

By: _____
Highway Administrator

APPROVED AS TO FORM

County Attorney or designee

Auditor Certification

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 anticipated revenue appropriated for payment of same.

Auditor

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager or designee

APPROVED AS TO FORM

City Attorney or designee

CERTIFICATE OF DIRECTOR OF FINANCE

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

Director of Finance or Acting Director

GREENE COUNTY SITES

SIREN	ADDRESS
201	3093 N. FARM ROAD 137
202	3984 N. FARM ROAD 127
203	4443 N. FARM ROAD 135
204	2831 W. FARM ROAD 76
205	4901 N FARM ROAD 145
206	4768 N. FARM ROAD 159
207	1716 E. FARM ROAD 82
208	3515 E FARM ROAD 102
209	4050 N. FARM ROAD 205
210	2660 N. FARM ROAD 209
211	2040 N. FARM ROAD 197
212	4847 E. LUELLA
213	4695 E. FARM ROAD 144
214	2575 S. MUMFORD AVENUE
215	5315 S. STATE HIGHWAY NN
216	6211 S. FARM ROAD 175
217	500 E. FARM ROAD 192
218	1244 W. FARM ROAD 186
219	2550 W. FARM ROAD 192
220	5391 CLIFTON
221	3672 W. VILLAGE TERRACE
222	3700 S. FARM ROAD 119
223	2852 S. GRASSHILL ROAD
224	2330 S. JONATHAN AVENUE
225	4767 W. PORTLAND STREET
227	5905 W FARM ROAD 140
228	3391 S. VALLEYVIEW DRIVE
701	OIS D' ARC (NORTH OF SCHOOL)

One-rdg. _____
P. Hrngs. _____
Pgs. 10
Filed: 09-27-22

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 258

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager or his designee to enter into a Cost Apportionment
2 Agreement with the Missouri Highways and Transportation
3 Commission to share costs associated with a pedestrian safety
4 workshop, with the City being responsible for \$7,500 of the total cost of
5 the workshop.
6 _____
7

8 WHEREAS, the Missouri Highways and Transportation Commission ("MHTC")
9 received a State Transportation Innovation Council grant providing 80 percent (\$75,000)
10 of the funding for a pedestrian safety workshop; and
11

12 WHEREAS, said grant requires the remaining 20 percent (\$15,000) of the
13 workshop's costs be paid for by local matching funds; and
14

15 WHEREAS, the Missouri Department of Transportation has agreed to fund half of
16 the local match, with the City funding the remaining half of the local match; and
17

18 WHEREAS, the design-based safety workshop includes the Federal Highway
19 Administration's Safe Transportation for Every Pedestrian program and a Road Safety
20 Audit for local roadways, and is tailored for the City of Springfield and local Missouri
21 Department of Transportation staff; and
22

23 WHEREAS, the City wishes to share in the costs of the pedestrian safety
24 workshop by contributing \$7,500 to the cost of the pedestrian safety workshop using
25 funds already budgeted.
26

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

30 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
31 enter into a Cost Apportionment Agreement in substantial conformity with "Exhibit 1"
32 attached hereto and incorporated herein by reference.
33

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

36
37 Passed at meeting: _____

38
39 _____
40 Mayor

41
42 Attest: _____, City Clerk

43
44 Filed as Ordinance: _____

45
46 _____
47 Approved as to form: _____, Assistant City Attorney

48
49 _____
50 Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022- 258

FILED: 09-27-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to accept a Cost Apportionment Agreement ("Exhibit 1") from the Missouri Highways and Transportation Commission to develop, execute and provide a pedestrian safety workshop, with the City of Springfield being responsible for \$7,500, or 10% of the total cost of the workshop.

BACKGROUND INFORMATION: The Missouri Department of Transportation received a State Transportation Innovation Council ("STIC") grant (\$60,000), providing 80% of the funding for a safety workshop (\$75,000) and requires a 20% local match. The local Missouri Department of Transportation ("MoDOT") office agreed to fund half of the local match (\$7,500) with the City of Springfield to fund the other half of the match (\$7,500).

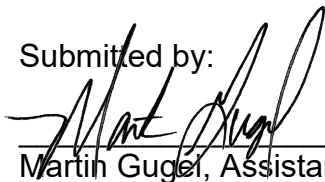
The design-based safety workshop includes the Federal Highway Administration's safety program called Safe Transportation for Every Pedestrian ("STEP") and a Road Safety Audit ("RSA") for local roadways. This two-day workshop will be tailored for City of Springfield and local MoDOT staff. It will include training in proven STEP countermeasures to increase pedestrian safety and provide road safety audits on MoDOT and City of Springfield routes/streets with conceptual drawings and planning-level cost estimates for safety measures for the same roadway sections. The training will be provided to City and MoDOT staff to provide guidance for different local agencies on how to achieve uniform pedestrian enhancement applications across the area and helps facilitate coordination for regional safety efforts.

Supports the following City Council Priorities:

- Public Safety
- Quality of Place

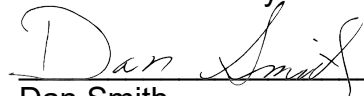
REMARKS: Public Works recommends approval of this Ordinance. The funds for this training are already budgeted and no budget adjustment is necessary.

Submitted by:



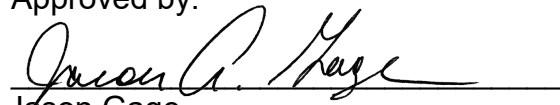
Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith
Director of Public Works

Approved by:



Jason Gage
City Manager

CCO Form: DE07
Approved: 07/97 (DPP)
Revised: 12/21 (BDG)
Modified:

Cost Apportionment Agreement
Route: Various
County: Greene
Job No.: NA

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION COST APPORTIONMENT AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Springfield, Missouri (hereinafter, "Entity").

WITNESSETH:

WHEREAS, the parties desire to develop a safety workshop to be conducted within the Entity's boundaries.

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 coordinate the participation by the Entity in the cost of the Commission's safety workshop. This safety workshop will involve the Federal Highway Administration's safety program called Safe Transportation for Every Pedestrian (STEP) training and design-based application to select locations within the Entity's boundaries using the Federal Highway Administration's safety program called Road Safety Audit (RSA) method as seen in EXHIBIT A.

(2) LOCATION: The transportation improvement that is the subject of this Agreement is contemplated at the following location:

Three to four workshop study locations will be identified in the Entity's boundaries.

(3) 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 Entity and the Commission.

(4) COMMISSION REPRESENTATIVE: The Commission's State Highway Safety and Traffic 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.

(5) 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 and implementation of the safety workshop.

(C) The Commission will be responsible for managing the contract for the safety workshop.

(6) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to as follows:

(A) The total cost of the project is seventy-five thousand dollars (\$75,000.00) as seen in EXHIBIT B.

(B) A State Transportation Innovation Council (STIC) grant awarded to MoDOT for the combined FFY21 and FFY22 totals sixty thousand dollars (\$60,000.00).

(C) The Commission will pay a contribution of seven thousand and five hundred dollars (\$7,500.00) from the Safety & Traffic Division operating budget.

(D) The Entity shall remit a check in the amount of seven thousand and five hundred dollars (\$7,500.00) to cover engineering costs no later than ten days after the execution of the design consultant agreement. This check should be made payable to *Director of Revenue - Credit State Road Fund*. If the Entity fails to make the deposit, the Commission is under no obligation to continue with the project.

(E) All overruns will be the responsibility of MoDOT and City of Springfield splitting the cost 50/50. Underruns will be split pro-rata.

(7) COMMINGLING OF FUNDS: The Entity agrees that all funds deposited by the Entity, pursuant to this Agreement with the Commission, may be commingled by the Commission with other similar monies deposited from other sources. Any deposit may be invested at the discretion of the Commission in such investments allowed by its Investment Policy. All interest monies shall be payable to the *State Road Fund*. If the amount deposited with the Commission shall be less than the actual obligation of the Entity for this project, the Entity, upon written notification by the Commission, shall tender the necessary monies to the Commission to completely satisfy its obligation. Upon completion of the project, any excess funds, excluding interest, shall be refunded to the Entity based on its pro rata share of the investment.

(8) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(9) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Entity shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(10) APPROVAL OF FHWA AND AVAILABILITY OF FUNDS: This Agreement is entered into subject to the approval of the Federal Highway Administration and is further subject to the availability of federal and state funds for this construction.

(11) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

(12) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(13) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Entity.

(14) 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.

(15) 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.

(16) ADDITIONAL FUNDING: In the event the Commission obtains additional federal, state, local, private or other funds to amend the safety workshop pursuant to this Agreement that are not obligated at the time of execution of this Agreement, the Commission, in its sole discretion, may consider any request by the Entity for an off-set for the deposited funds, a reduction in obligation, or a return of, a refund of, or a release of any funds deposited by the Entity with the Commission pursuant to this Agreement. In the event the Commission agrees to grant the Entity's request for a refund, the Commission, in its sole discretion, shall determine the amount and the timing of the refund. Any and all changes in the parties' financial responsibilities resulting from the Commission's determination of the Entity's request for a refund pursuant to this provision must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Entity and the Commission.

(17) 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.

(18) 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.

(19) 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.

(20) 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 immediately after delivery in person, or by facsimile or electronic mail addressed as follows:

Commission to: Missouri Department of Transportation
Attn: Nicole Hood
State Highway Safety & Traffic Engineer
830 MoDOT Drive
Jefferson City, MO 65102
Email:Nicole.Hood@modot.mo.gov

Entity to: City of Springfield
City Manager
Jason Gage
840 Booneville Ave
4th Floor
Springfield, MO 65802
417-864-1006

or to such other place as the parties may designate in accordance with this Agreement.

[Remainder of Page Intentionally Left Blank; Signatures and Execution Appear on Following Page]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Entity this on _____(DATE).

Executed by the Commission on _____(DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD, MISSOURI

Title _____

By _____
Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____
Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No _____

EXHIBIT A

Safety Workshop – Scope of Work: Summary

The Missouri Department of Transportation will partner with the City of Springfield to conduct a safety workshop using grant funds from the State Transportation Innovation Council for Safe Transportation for Every Pedestrian (STEP) program training and design-based application to three to four workshop study locations. The workshop will take place in late 2022, but activities to prepare for the workshop will begin in Fall 2022.

The purpose of the design-based application safety workshop is to accelerate proven STEP countermeasures practice throughout the state of Missouri. The workshop is patterned after the Federal Highway Administration's Road Safety Audit (RSA) safety process to ensure a quality training event. Knowledge, confidence, and practice gained from the workshops will facilitate expansion of safety demonstration projects throughout Missouri to reduce pedestrian crashes. Through documenting the workshop, a bonus is that the sites being analyzed as part of the workshop will be positioned for potential programming as safety demonstration projects for both MoDOT and Springfield.

Activities

1. Create presentations and other workshop materials.
2. Identify study locations.
3. Conduct field review and collect data for the study locations.
4. Conduct two-day workshop focused on Federal Highway Administration's Safe Transportation for Every Pedestrian program and design-based application to workshop study locations
5. Develop conceptual drawings and planning-level cost estimates.
6. Document workshop results and develop recommendations for the study locations.

Exhibit B

Project Name: Safety Workshop

MoDOT Project Number: Not applicable

Description: This safety workshop will involve the Federal Highway Administration's safety program called Safe Transportation for Every Pedestrian (STEP) training and design-based application to select locations within the Entity's boundaries using the Federal Highway Administration's safety program called Road Safety Audit (RSA) method

Total Project Cost Estimate: \$75,000

Local Entity: \$7,500

Financial Responsibilities:

State Transportation Innovation Council (STIC) grant	\$60,000	80%
Highway Safety and Traffic Division-MoDOT	\$7,500	10%
City of Springfield	\$7,500	10%
Total:	\$75,000	100%

All overruns will be the responsibility of MoDOT and City of Springfield splitting the cost 50/50. Underruns will be split pro-rata.