



Agenda City Council Meeting

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

Ken McClure, Mayor

Zone Councilmembers

Monica Horton, Zone 1

Abe McGull, Zone 2
Mike Schilling, Zone 3
Matthew Simpson, Zone 4

General Councilmembers

Heather Hardinger,
General A

Craig Hosmer, General B
Andrew Lear, General C
Richard Ollis, General D

Upcoming Council Meeting Agenda January 9, 2023 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. DECEMBER 12, 2022, CITY COUNCIL MEETING, THE NOVEMBER 29, 2022, SPECIAL CITY COUNCIL**

MEETING, AND THE DECEMBER 13, 2022, SPECIAL CITY COUNCIL MEETING.

Documents:

[12-12-22.PDF](#)

[11-29-22 SPECIAL CITY COUNCIL MEETING.PDF](#)

[12-13-22 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. **SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On.**
7. **Council Bill 2022-276 (Simpson) (Tabled Until The 1-09-23 City Council Meeting.)**

A special ordinance granting Conditional Use Permit No. 470 for the purpose of permitting an eating and drinking establishment use group, including drive-in, pick-up window, or drive-thru facilities, as a conditional use within the LB – Limited Business District, with Conditional Overlay District No. 207, generally located at 404, 420, and 424 East Sunshine Street. (Planning and Zoning Commission recommends denial and staff recommends approval.) (By: Reding Management and Redec, LLCs; 404, 420, & 424 E. Sunshine Street; Conditional Use Permit 470.)

Documents:

[2022-276.PDF](#)

8. **Council Bill 2022-296 (McGull)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.32 acre of property generally located at 1708 South Sieger Drive from R-SF, Single-family Residential District, to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: School For Investors LLC; 1708 S. Sieger Drive; Z-25-2022.)

Documents:

[2022-296.PDF](#)

9. Council Bill 2022-297 (Schilling)

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits;' and amending Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones;' for the purpose of annexing approximately 1.14 acres of private property and 0.38 acres of public street right-of-way, generally located at 354 West Buena Vista Street, and referenced as Annexation A-4-2022, into the City of Springfield. (By: Hale Real Estate, LLC; 354 W. Buena Vista Street; A-4-2022.)

Documents:

[2022-297.PDF](#)

10. Council Bill 2022-298 (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.15 acres of property generally located at 354 West Buena Vista Street from Greene County C-2 to GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Hale Real Est LLC; 354 W. Buena Vista Street; Z-26-2022.)

Documents:

[2022-298.PDF](#)

11. Council Bill 2022-299 (McGull)

A general ordinance amending the Official Map of the City of Springfield, Missouri, adopted pursuant to General Ordinance 1478, by changing the street name of the 3100-3399 block of North Mulroy Road to North Beaver Road. (Staff and Planning and Zoning Commission both recommend approval.) (By: Buc-ee's; 3100-3399 block of North Mulroy Road; Street Name Change No. 80.)

Documents:

[2022-299.PDF](#)

12. Council Bill 2022-300 (McClure)

A special ordinance approving the Fourth Amendment to the Employment

Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter; authorizing the Mayor to execute such Amendment; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions of the Fourth Amendment.

Documents:

[2022-300.PDF](#)

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

14. Council Bill 2023-001 (Horton)

A resolution authorizing the City Manager or his designee, to apply for up to \$8,600,000 in grant funds from the United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity Grant Program to fund the improvements for the Jefferson Avenue Footbridge Rehabilitation Project.

Documents:

[2023-001.PDF](#)

15. EMERGENCY BILLS. Citizens May Speak. May Be Voted On.

16. Council Bill 2023-002 (City Council)

A special ordinance calling an election to be held on April 4, 2023, in the City of Springfield, Missouri, to submit to the qualified voters a question as to whether to repeal the City's license tax of five percent of gross receipts on hotels, motels, and tourist courts and replace it with a new license tax of five percent of gross receipts on hotels, motels, tourist courts, and short-term rentals; and declaring an emergency.

Documents:

[2023-002.PDF](#)

17. Council Bill 2023-003 (City Council)

A general ordinance submitting a proposed amendment to Section 2.16, Paragraph (25), 'Contracts, suits, etc.,' of the Springfield City Charter to the qualified voters of the City at the general election held by the City of Springfield on April 4, 2023, in order to authorize City Council to pass an ordinance authorizing acceptance of bids and entry into contracts with successful bidders at the Council meeting at which it is introduced; and declaring an emergency.

Documents:

[2023-003.PDF](#)

18. Council Bill 2023-004 (City Council)

A general ordinance submitting a proposed amendment to Sections 3.3, 6.1, 6.2, 6.5, 6.6, and 6.7 of the Springfield City Charter to the qualified voters of the City at the general election held by the City of Springfield on April 4, 2023, in order to revise sections of the Charter related to personnel by changing the word "personnel" to the phrase "human resources," authorizing the city manager to allow the director of human resources to remove some types of non-regular employees, revising the list of positions in the unclassified service, adding provisions related to employee reinstatement and promotion, expanding the application of the veterans' preference to all veterans of the United States armed forces who served active duty and were honorably discharged, and revising the provision authorizing a five-point veterans' preference to a requirement to provide a reasonable veterans' preference; and declaring an emergency.

Documents:

[2023-004.PDF](#)

19. Council Bill 2023-005 (City Council)

A general ordinance submitting proposed amendments to Section 19.16 of the Springfield City Charter to the qualified voters of the City at the general election held by the City of Springfield on April 4, 2023, in order to revise the provisions related to conflicts of interest regarding City contracts or purchases by councilmembers, salaried officers, board and commission members, and employees; and declaring an emergency.

Documents:

[2023-005.PDF](#)

20. PUBLIC IMPROVEMENTS.

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

22. Council Bill 2023-006 (Hardinger)

A special ordinance authorizing the City Manager or his designee to apply for and accept grant funds, on behalf of the Springfield-Greene County Health Department, from the Disaster Grants – Public Assistance (Presidentially

Declared Disasters) Missouri COVID-19 Pandemic Program through the Department of Homeland Security Federal Emergency Management Agency for qualifying expenditures in the amount of \$1,289,000, and to enter into necessary agreements to carry out the grant; amending the Fiscal Year 2022-2023 budget in the amount of \$1,289,000 for the purpose of appropriating the additional grant funds; and declaring that this bill qualifies for approval in one reading.

Documents:

[2023-006.PDF](#)

23. Council Bill 2023-007 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to accept an extension to the Epidemiology and Laboratory Capacity Community Health Worker Initiative grant from the Federal Department of Health and Human Services and Centers for Disease Control and Prevention, through the Missouri Department of Health and Senior Services, to accept funds in the amount of \$474,210 for use by the Springfield-Greene County Health Department, and to enter into necessary agreements to carry out the grant; amending the Fiscal Year 2022-2023 budget in the amount of \$474,210 for the purpose of appropriating the additional grant funds; and declaring that this bill qualifies for approval in one reading.

Documents:

[2023-007.PDF](#)

24. AMENDED BILLS.

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

26. Council Bill 2023-008 (Simpson)

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits;' and amending Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones;' for the purpose of annexing approximately 27 acres of private property, generally located at 6621 South Innovation Avenue, and referenced as Annexation A-1-2023, into the City of Springfield. (Staff recommends approval.) (By: Kenneth & Helen Stoddard ETAL; 6621 S. Innovation Avenue; A-1-2023.)

Documents:

[2023-008.PDF](#)

27. Council Bill 2023-009 (Simpson)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 27.05 acres of property generally located at 6621 South Innovation Avenue from Greene County A-1 to GI, Government and Institutional Use District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Kenneth & Helen Stoddard ETAL; 6621 S. Innovation Avenue; Z-28-2022.)

Documents:

[2023-009.PDF](#)

28. Council Bill 2023-010 (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.15 acres of property generally located at 4121 South Cox Avenue from GR, General Retail District, to CS, Commercial Service District, with Conditional Overlay District No. 221; establishing Conditional Overlay District No. 221; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: The Harold E. Johnson Companies, Inc.; 4121 S. Cox Avenue; Z-29-2022 w/COD #221.)

Documents:

[2023-010.PDF](#)

29. Council Bill 2023-011 (Horton)

A general ordinance amending Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.45 acre of property generally located at 830 North Benton Avenue from GR, General Retail District, to GI, Government and Institutional Use District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Drury University; 830 N. Benton Avenue; Z-30-2022.)

Documents:

[2023-011.PDF](#)

30. Council Bill 2023-012 (Simpson)

A general ordinance amending the Official Map of the City of Springfield, Missouri, adopted pursuant to General Ordinance 1478, by changing the street name of the West 3100 block through the East 3600 block of Republic Street to Republic Road. (Staff and Planning and Zoning Commission both recommend approval.) (By: City of Springfield; West 3100 blk – East 3600 blk of Republic Street; Street Name Change No. 81.)

Documents:

Documents:

[2023-012.PDF](#)

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

32. **Council Bill 2023-013 (Hosmer)**

A special ordinance authorizing the City Manager, or his designee, to enter into Addendum #1 to the annual agreement with the Springfield Convention & Visitors Bureau, Inc., executed on August 2, 2022; and amending the City's budget for Fiscal Year 2022-2023 in the amount of \$502,750, for the purpose of reflecting current and projected operational changes of the Springfield Convention and Visitors Bureau.

Documents:

[2023-013.PDF](#)

33. **PETITIONS, REMONSTRANCES AND COMMUNICATIONS.**

Chad Mann wishes to address City Council.

Andrea Palamar wishes to address City Council.

34. **NEW BUSINESS.**

35. **UNFINISHED BUSINESS.**

36. **MISCELLANEOUS.**

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

38. **Council Bill 2023-014 (Schilling)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Campbell Acres, generally located at 3525, 3543, and 3553 South Campbell Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.) (By: John Youngblood & South Campbell LLC; 3525, 3543, 3553 South Campbell Avenue; Preliminary Plat of Campbell Acres.)

Documents:

[2023-014.PDF](#)

39. **Council Bill 2023-015 (Schilling)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Porter's Crossing, generally located at 543 West Old Weaver Road, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.) (By: Burning Tree Consulting, LLC; 543 West Old Weaver Road; Preliminary Plat of Porter's Crossing.)

Documents:

[2023-015.PDF](#)

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

41. **Council Bill 2023-016 (Hardinger)**

A resolution confirming the appointment of Sarah Kerner to the Cottle's Range Community Improvement District Board of Directors. (Staff and the Cottle's Range Improvement District Board of Directors recommend approval.)

Documents:

[2023-016.PDF](#)

42. **Council Bill 2023-017 (Hosmer)**

A resolution confirming the appointments of Mack Musgrave, Jeff Schrag, Craig Wagoner, Andrew Wells, Steve Eudaly, and Michelle Billionis to the Downtown Springfield Community Improvement District Board of Directors. (Staff and the Downtown Springfield Community Improvement District Board of Directors recommend approval.)

Documents:

[2023-017.PDF](#)

43. **Council Bill 2023-018 (Lear)**

A resolution confirming the appointment of Tim O'Reilly, James R. Batten, and Kirk Juranas to the Springfield Plaza Community Improvement District Board of Directors. (Staff and the Springfield Plaza Community Improvement District Board of Directors recommend approval.)

Documents:

[2023-018.PDF](#)

44. Council Bill 2023-019 (Ollis)

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

Documents:

[2023-019.PDF](#)

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

46. Council Bill 2022-301(Hardinger)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and Branson Vacation Radio for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

Documents:

[2022-301.PDF](#)

47. Council Bill 2022-302 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and Gray Media Group, Inc., dba KYTV, for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

Documents:

[2022-302.PDF](#)

48. Council Bill 2022-303 (Lear)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and NEXSTAR Media Group, Inc., dba KOZL, for the purpose of

sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

Documents:

[2022-303.PDF](#)

49. Council Bill 2022-304 (Ollis)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and Queen B Television of Kansas/Missouri LLC dba KOAM/KFJX for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

Documents:

[2022-304.PDF](#)

50. END OF CONSENT AGENDA.

51. 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.

December 12, 2022
Springfield, Missouri

The City Council met in regular session on December 12, 2022, in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure.

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

Minutes The minutes of the November 28, 2022, City Council meeting, November 29, 2022, Special City Council meeting, and December 6, 2022, Special City Council meeting were considered. Councilman Schilling moved to approve the minutes as presented. The motion was seconded by Councilwoman Horton and approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Hosmer, Ollis, and McClure. Nays: None. Absent: Simpson. Abstain: None.

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

CEREMONIAL MATTERS.

City Manager Report Jason Gage, City Manager, noted APD Urban Planning + Management out of Atlanta, Georgia, will be in Springfield next week to begin conducting a comprehensive housing condition study for the entire city. This will be an introduction and data-gathering visit. The ADP consultant team will begin by reviewing conditions in Springfield's north side, although they will review the entire city, to collect information on housing types, condition, and unit counts of each housing unit. They will also evaluate neighborhoods for amenities, such as green space, sidewalks, and trails. A community engagement event will take place in February. Watch the City's social media sites and springfieldmo.gov for updates.

Mr. Gage noted a public ceremony to celebrate the name change of the Midfield Terminal to the Roy Blunt Terminal is planned for 1:30 p.m., Friday, December 16, 2022, at the Springfield-Branson National Airport. The cost for signage and a plaque to commemorate the occasion is being covered by private donations. He further noted Senator Roy Blunt worked tirelessly to represent and advance issues for Southwest Missouri, including at the Airport, and this is a fitting honor.

Mr. Gage noted SGF Yields, the City's Pedestrian Safety initiative, received the Missouri Department of Transportation's (MoDOT's) Show Me Zero 2022 Southwest Regional Award. This award recognizes individuals or groups from each of Missouri's seven regions who have shown exemplary leadership in endeavors that significantly improve highway safety. He further noted the program was presented the 2022 Exceptional Performance in Safety award from the American Public Works Association (APWA) at the organization's annual national conference in Charlotte, North Carolina, in August 2022.

Mr. Gage noted the Planning and Development Department will host a neighborhood meeting in the Rountree Elementary School cafeteria from 5:00 to 7:00 p.m. on Wednesday, December

14, 2022. The open house will provide an opportunity for Planning and Neighborhoods staff to review proposed changes to the Rountree Neighborhood Urban Conservation District regulations with residents and property owners.

Mr. Gage noted the Parks Department has a variety of holiday themed activities through the end of the year. The Mizumoto Japanese Stroll Garden boasts more than 150,000 festive lights accenting unique botanical and Japanese themed structures and landscaping during select evenings 5:30 to 8:30 p.m. through December 31, 2022. Rutledge-Wilson Farm will host farm-themed holiday displays and more than 10,000 lights Friday through Sunday evenings this month.

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

**CUP 470: 404, 420,
and 424 East
Sunshine**

Sponsor: Simpson. Council Bill 2022-276 (Bill was inadvertently placed under Public Hearing and has been moved to First Reading Bills.)

A special ordinance granting Conditional Use Permit No. 470 for the purpose of permitting an eating and drinking establishment use group, including drive-in, pick-up window, or drive-thru facilities, as a conditional use within the LB – Limited Business District, with Conditional Overlay District No. 207, generally located at 404, 420, and 424 East Sunshine Street. (Planning and Zoning Commission recommends denial and staff recommends approval.)

Mayor McClure noted the proposed was tabled at the November 28, 2022, City Council meeting, and asked if staff has an update to provide.

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. She noted the proposed is to allow a drive-through coffee shop. She added the Planning and Zoning Commission previously denied the proposal. Public Works staff has met with the developers and recommends a median be added on Jefferson Avenue with the median to be paid for by the developer if found to be needed. Ms. Istenes noted the options for City Council are to take action during the meeting, to send the proposed back to the Planning and Zoning Commission with a recommendation for addition of a condition to add a median on Jefferson Avenue, or to table the proposed.

Jason Gage, City Manager, noted the purpose of tabling the bill again would be to allow further review of the item without sending the item back to the Planning and Zoning Commission, which would add a great deal of time to the issue.

Councilwoman Horton expressed her belief traffic is not the only issue with the development. She noted the request for addition of a sidewalk and asked if it covers both sides of the street. Ms. Horton noted other concerns with the project and expressed her opinion the issue should not be prolonged.

Councilman Hosmer asked how many times the department has met with developers. Brett Foster, Traffic Engineer, responded the conversation has been continuous. The traffic issue and the possibility of installing an island on Jefferson Avenue was discussed with developers after the proposed was last tabled. He noted the developers were open to the idea of installing an island.

Mr. Foster noted the traffic issue was discussed by staff and when modeled by the department, there were no back-ups triggered on Jefferson Avenue during normal operations. He further noted Public Works does not see an issue at this time. If any issues arise, a median on Jefferson Avenue could be installed.

Councilman Hosmer asked if anyone from staff has met with the neighborhood since the issue was tabled. Mr. Gage responded they have not. He noted the objective was to fulfill City Council's traffic concerns as addressed at the last meeting. Councilman Hosmer noted there were additional concerns and expressed his belief the neighbors should also be included.

Councilman McGull asked if the island on Jefferson Avenue would keep traffic from making a left turn into the property. Mr. Foster responded the median would not allow left turns off Jefferson Avenue into the property. Cars would have the option to turn right in or out on Jefferson Avenue or exit via Roanoke. Mr. Foster noted the average delay time after the lot is full would only back-up if the average serving time was four or more minutes per customer. Councilman McGull asked if the proposed island on Jefferson Avenue would affect both Jefferson Avenue and Roanoke. Mr. Foster answered affirmatively. Councilman McGull expressed his belief the problem is access to Roanoke Street.

Councilman Lear moved Council Bill 2022-276 be tabled until the January 9, 2023, City Council meeting. Councilman Ollis seconded the motion, and it was approved by the following vote: Ayes: McGull, Ollis, Lear, Hardinger, and McClure. Nays: Schilling, Hosmer, and Horton. Absent: Simpson. Abstain: None.

Comprehensive Housing Assistance Program

Sponsor: Hosmer. Council Bill 2022-287

A special ordinance amending the Rules and Regulations for the Comprehensive Housing Assistance Program to include revisions necessary to match the regulations of the United States Department of Housing and Urban Development, to allow the Director of Planning and Development and the Loan Committee certain flexibility when dealing with various issues arising under the City's loan programs, to include the ability to acquire existing occupied housing, and to allow for annual adjustments to loan interest rate. (Planning staff and the Loan Committee recommend approval.)

Council Bill 2022-287. Special Ordinance 27781 was approved by the following vote: Ayes: Schilling, Hosmer, Lear, Hardinger, Ollis, Horton, McGull, and McClure. Nays: None. Absent: Simpson. Abstain: None.

Jefferson Avenue Streetscape

Sponsor: Schilling. Council Bill 2022-288

A special ordinance approving the plans and specifications for the Jefferson Avenue Streetscape improvement; accepting the bid of KCI Construction Company in the amount of \$1,797,790 for said improvements; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Councilman Hosmer asked where KCI Construction is located and how many local jobs they provide.

Dan Smith, Director of Public Works, responded their main office is in Kansas City, but they do have an office in Springfield. Mr. Smith noted they do provide good bids and hire locally for jobs in the area.

Council Bill 2022-288. Special Ordinance 27782 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, Hardinger, Horton, McGull, Schilling, and McClure. Nays: None. Absent: Simpson. Abstain: None.

Salary Ordinance

Sponsor: Lear. Council Bill 2022-289

A general ordinance amending the Springfield City Code, Section 2-92, known as the ‘Salary Ordinance,’ relating to salary grades for various job titles within the City service as contained in the Crafts, Trades and Labor Union Schedule, the Fire Protection Union Schedule, and the Professional, Administrative, and Technical Non-Union Schedule by adding eleven (11) new job titles and deleting two (2) job titles; and amending the Fiscal Year 2022-2023 budget to adjust the authorized employee positions in the Department of Human Resources and Department of Environmental Services by adding one new Full Time Equivalent position to each respective department.

Council Bill 2022-289. General Ordinance 6765 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, Hardinger, Horton, McGull, Schilling, and McClure. Nays: None. Absent: Simpson. Abstain: None.

Sanitary Sewer Overflow Control Program Group 7

Sponsor: Ollis. Council Bill 2022-290

A special ordinance approving the plans and specifications for the Sanitary Sewer Overflow Control Program, Group 7 Public Sewer Rehabilitation – Open Cut Repairs project; accepting the bid of Rosetta Construction, LLC, in the amount of \$4,059,920 for the project; authorizing the City Manager, or his designee, to enter into a contract for said project; and approving a budget adjustment in the amount of the bid, plus a contingency, to amend the Fiscal Year 2022-2023 budget of the Department of Environmental Services Clean Water Enterprise Fund by appropriating reserves of said fund in the amount of \$4,871,904.

Council Bill 2022-290. Special Ordinance 27783 was approved by the following vote: Ayes: Ollis, Lear, Hardinger, Horton, McGull, Schilling, Hosmer, and McClure. Nays: None. Absent: Simpson. Abstain: None.

Contract of Obligation: Noble Hill Sanitary Landfill

Sponsor: Hardinger. Council Bill 2022-291

A special ordinance authorizing the City Manager, or his designee, to enter into a Contract of Obligation with the Missouri Department of Natural Resources whereby the City agrees to financially secure the future closure and post-closure care of all currently active and previously completed portions of the City’s Noble Hill Sanitary Landfill.

Council Bill 2022-291. Special Ordinance 27784 was approved by the following vote: Ayes: Lear, Hardinger, Horton, McGull, Schilling, Hosmer, Ollis, and McClure. Nays: None. Absent: Simpson. Abstain: None.

**Land Lease
Agreement:
Watershed
Committee of the
Ozarks**

Sponsor: Hosmer. Council Bill 2022-292

A special ordinance authorizing the City Manager, or his designee, to enter into a land lease agreement with the Watershed Committee of the Ozarks, Inc., for the lease of a four-acre parcel of land near the Southwest Wastewater Treatment Plant and Yardwaste Recycling Center.

Council Bill 2022-292. Special Ordinance 27785 was approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Simpson. Abstain: None.

The following item appeared on the agenda under Resolutions.

**Intent to Annex:
6621 South
Innovation Avenue**

Sponsor: Simpson. Council Bill 2022-295

A resolution declaring the intent of the City of Springfield to annex approximately 27 acres of private property generally located at 6621 South Innovation Avenue, and referenced as Annexation A-1-2023, into the City. (Staff recommends approval.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would designate the intent to allow private property at 6621 South Innovation Avenue to be annexed into the City.

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

Council Bill 2022-295. Resolution 10672 was approved by the following vote: Ayes: Horton, McGull, Schilling, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: Simpson. Abstain: None.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

GRANTS.

AMENDED BILLS.

The following items appeared on the agenda under Public Hearing.

**Amending
Springfield Land
Development
Code: Rezoning:
1708 South Sieger
Drive**

Sponsor: McGull. Council Bill 2022-296

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.32 acre of property generally located at 1708 South Sieger Drive from R-SF, Single-family Residential District, to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: School For Investors LLC; 1708 S. Sieger Drive; Z-25-2022.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow the property to be rezoned to Office District to allow for a business school to operate. She further the proposed is consistent with the Comprehensive Plan and the Growth Management and Land Use Plan designates this site as appropriate for medium density retail, office, or housing. The applicant is proposing use as a business school with some student housing.

An opportunity was given for citizens to express their views.

Rick Wilson, a representative, spoke in support of the proposed. Mr. Wilson expressed his belief the proposed is a unique opportunity for young people to learn how to manage investments and negotiate contracts. It is anticipated there will be one student that will reside at the school and two that will attend the school part-time.

Ms. Cotter noted the applicant was available for questions.

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

Anita Cotter, City Clerk, read Council Bills 2022-297 and 2022-298 together.

**Amending
Springfield City
Code: Annexation:
354 W. Buena
Vista Street**

Sponsor: Schilling. Council Bill 2022-297

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits;' and amending Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones;' for the purpose of annexing approximately 1.14 acres of private property and 0.38 acres of public street right-of-way, generally located at 354 West Buena Vista Street, and referenced as Annexation A-4-2022, into the City of Springfield. (By: Hale Real Estate, LLC; 354 W. Buena Vista Street; A-4-2022.)

**Amending
Springfield Land
Development
Code: Rezoning:
354 West Buena
Vista Street**

Sponsor: Schilling. Council Bill 2022-298

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.15 acres of property generally located at 354 West Buena Vista Street from Greene County C-2 to GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Hale Real Est LLC; 354 W. Buena Vista Street; Z-26-2022.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow 1.15 acres of property to be annexed into the City and rezoned to General Retail District. The property is within the Urban Service Area and supported by the Comprehensive Plan.

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

**Street Name
Change No. 80:
North Mulroy
Road to North
Beaver Road**

Sponsor: McGull. Council Bill 2022-299

A general ordinance amending the Official Map of the City of Springfield, Missouri, adopted pursuant to General Ordinance 1478, by changing the street name of the 3100-3399 block of North Mulroy Road to North Beaver Road. (Staff and Planning and Zoning Commission both recommend approval.) (By: Buc-ee's; 3100-3399 block of North Mulroy Road; Street Name Change No. 80.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would change the street name of the 3100-3399 block of North Mulroy Road to North Beaver Road. Ms. Istenes noted staff supports the renaming as it does not directly reference the business name. She further noted the name change was requested by the applicant to avoid driver confusion when locating the business.

Mayor McClure asked if there are any other entities on the road. Ms. Istenes noted there is one home on the road.

Councilwoman Horton asked why the Planning and Zoning Commission vote was not unanimous regarding the name change. Ms. Istenes responded that her opinion was some felt the name change was not necessary.

Councilman McGull asked who would be impacted by the name change. Ms. Istenes responded only the north leg of the road would be impacted, and the study showed it would only impact Buc-ee's. Councilman McGull asked what the initial developer's investment is. Mr. Gage responded it is a significant investment.

Councilman Ollis asked if there are other examples of name changes in the area. Ms. Istenes responded Mustard Way, Innovation Avenue, and other private roads that were named by the business.

Mayor McClure noted Mayor Boulevard, Bear Boulevard, Drury Lane, Nature Way, Bob Barker Boulevard, Martin Luther King Jr. Bridge, and Monastery Way as other street name changes.

John Chamberlin, a representative for the applicant, spoke in support of the proposed. Mr. Chamberlin noted the name change came from working with MoDOT to assist in avoiding driver confusion when approaching the roundabouts to enter Buc-ee's.

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 First Reading Bills.

**Employment
Agreement: City of
Springfield and
Anita J. Cotter**

Sponsor: McClure. Council Bill 2022-300

A special ordinance authorizing and appointing the Mayor as the individual with authority to execute the Fourth Amendment to the Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter; approving the Fourth Amendment; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions of the

Fourth Amendment.

Darla Morrison, Director of Human Resources, provided a brief overview of the proposed. Ms. Morrison noted the proposed will set forth the agreement and changes to the employment contract with the current City Clerk, Anita J. Cotter. The proposed will allow updates to pay and benefits.

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

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

Allen Kunkel addressed City Council to thank them for their service. He noted accomplishments such as the new hangar at the Airport, infrastructure for Buc-ee's, securing funding for upgrading LeCompte Road, and addressing crime in the community. He further noted the vibrancy of downtown and Renew Jordan Creek. He expressed his appreciation for City Council's engagement with the community and support of various projects.

NEW BUSINESS.

UNFINISHED BUSINESS.

MISCELLANEOUS.

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

**MHTC
Agreement:
Branson Vacation
Radio: Video
Sharing**

Sponsor: Hardinger. Council Bill 2022-301

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and Branson Vacation Radio for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

**MHTC
Agreement: Gray
Media Group, Inc.:
Video Sharing**

Sponsor: Hosmer. Council Bill 2022-302

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and Gray Media Group, Inc., dba KYTV, for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

**MHTC
Agreement:
NEXSTAR Media
Group: Video
Sharing**

Sponsor: Lear. Council Bill 2022-303

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and NEXSTAR Media Group, Inc., dba KOZL, for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

**MHTC
Agreement: Queen
B Television:
Video Sharing**

Sponsor: Ollis. Council Bill 2022-304

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and Queen B Television of Kansas/Missouri LLC dba KOAM/KFJX for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

CONSENT AGENDA – ONE READING BILLS.

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

**Memorandum of
Understanding:
Missouri Statewide
Interoperability
Network Zone
Four Partnership**

Sponsor: Hardinger. Council Bill 2022-293

A special ordinance authorizing the City Manager to execute an amendment to the Memorandum of Understanding between the City of Springfield, City Utilities of Springfield, Greene County, and the Missouri Department of Public Safety regarding the Missouri Statewide Interoperability Network Zone Four partnership.

Council Bill 2022-293. Special Ordinance 27786 was approved by the following vote: Ayes: Horton, McGull, Schilling, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: Simpson. Abstain: None.

**2022 Kindergarten
Readiness Study**

Council Bill 2022-294 (McClure)

A special ordinance authorizing the City Manager, or his designee, to accept grant funds in the amount of \$5,000 from the Musgrave Foundation, administered by the Community Foundation of the Ozarks, to help fund the 2022 Kindergarten Readiness Study conducted by the Mayor's Commission for Children in collaboration with Missouri State University.

Council Bill 2022-294. Special Ordinance 27787 was approved by the following vote: Ayes: Horton, McGull, Schilling, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: Simpson. Abstain: None.

The following items appeared on the agenda under Board Confirmations.

**Board
Confirmations**

Confirm the following appointment to the Springfield Convention & Visitors Bureau, Inc.: Darline Mabins with term to expire January 1, 2026.

Confirm the following reappointment to the Springfield Convention & Visitors Bureau, Inc.: Bill Hobbs and Laura Head-Elliott with terms to expire January 1, 2026.

Confirm the following appointment to the Citizens' Tax Oversight Committee: Dr. Keri Franklin with term to expire May 1, 2025.

Confirm the following reappointment to the Board of Public Utilities: Louise Knauer with term to expire December 1, 2025.

Confirm the following appointments to the Board of Public Utilities: Steve Dooley with term to expire December 1, 2025; Dr. Alina Lehnert with term to expire December 1, 2024.

END OF CONSENT AGENDA.

Motion to Adjourn

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

Mayor McClure wished everyone the happiest and merriest holiday season.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by
Michelle Brown

November 29, 2022
Springfield, Missouri

The City Council met in special session on November 29, 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, Craig Hosmer, Richard Ollis, Andrew Lear, Heather Hardinger*, and Ken McClure. Absent: Mike Schilling and Matthew Simpson.

*Attended via Zoom

Closed Session

Councilman Hosmer moved City Council hold a closed meeting to discuss hiring, firing, disciplining, or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded pursuant to Section 610.021(3) RSMo.; and this meeting, record, and vote shall be closed, and the City Council shall stand adjourned at the end of the closed session.

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

Prepared by
Michelle Brown

Anita J. Cotter, CMC/MRCC
City Clerk

December 13, 2022
Springfield, Missouri

The City Council met in special session on December 13, 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, Heather Hardinger, and Ken McClure. Absent: None.

*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.

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

Prepared by
Michelle Brown

Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. _____
P. Hrngs. _____
Pgs. 54
Filed: 11-08-22

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-276

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 470 for the purpose of permitting an
2 eating and drinking establishment use group, including drive-in, pick-
3 up window, or drive-thru facilities, as a conditional use within the LB –
4 Limited Business District, with Conditional Overlay District No. 207,
5 generally located at 404, 420, and 424 East Sunshine Street.
6 (Planning and Zoning Commission recommends denial and staff
7 recommends approval.)
8 _____
9

10 WHEREAS, pursuant to Section 36-363 of the Land Development Code, City
11 Council may grant permits authorizing certain enumerated conditional uses as provided
12 in the various zoning districts; and
13

14 WHEREAS, following proper notice, the Planning and Zoning Commission held a
15 public hearing on October 6, 2022, a copy of the Record of Proceedings from said
16 public hearing being attached hereto and incorporated herein by this reference as
17 "Exhibit C," and recommended denial of Conditional Use Permit No. 470 for the
18 property generally located at 404, 420, and 424 East Sunshine Street and zoned LB –
19 Limited Business District, with Conditional Overlay District No. 207; and
20

21 WHEREAS, City Council finds that sufficient evidence has been presented to
22 satisfy all applicable standards of the Land Development Code for issuance of
23 Conditional Use Permit No. 470; and
24

25 WHEREAS, the granting of such permit is deemed proper, and it is not found to
26 harm the community or injure the value, lawful use, and reasonable enjoyment of
27 properties in the vicinity of 404, 420, and 424 East Sunshine Street.
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
30 SPRINGFIELD, MISSOURI, as follows, that:
31

32 Section 1 – City Council adopts the City staff's specific findings of fact on the
33 proposed conditional use as set forth in "Exhibit D – Attachment 3." "Exhibit D" is
34 attached hereto and incorporated herein by this reference in its entirety. Conditional Use

Permit No. 470 is hereby granted in accordance with and subject to the provisions of Section 36-363 of the Land Development Code. Conditional Use Permit No. 470 is granted for the purpose of permitting an eating and drinking establishment use group, including drive-in, pick-up window, or drive-thru facilities, to operate as a conditional use within the LB – Limited Business District, with Conditional Overlay District No. 207, located at the property described in “Exhibit B,” which is attached hereto and incorporated herein by this reference, and which is generally located at 404, 420, and 424 East Sunshine Street.

Section 2 – Building permits, certificates of occupancy, and any other required permits or approvals may be issued by the duly authorized officials of the City provided that such issuance is consistent with Section 36-363 of the Land Development Code, any other applicable City regulation or ordinance, and the “Requirements for Conditional Use Permit 470” described in “Exhibit D – Attachment 2” and “Exhibit A,” which is attached hereto and incorporated herein by this reference. Additionally, the provisions contained in “Exhibit D – Attachment 2” and “Exhibit A” 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 Bennis, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022-276

FILED: 11-08-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To permit an eating and drinking establishment use group, including drive-in, pick-up window, or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District with Conditional Overlay District No. 207 generally located at 404, 420, & 424 East Sunshine Street. (Staff recommends approval and Planning and Zoning Commission recommends denial.)

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 470

The applicant is requesting approval of a Conditional Use Permit for an eating and drinking establishment use group, including drive-in, pick-up window, or drive-thru facilities on the subject property within a LB, Limited Business District with Conditional Overlay District No. 207. The *Zoning Ordinance* requires a use permit in the LB, Limited Business District for this type of use.

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 470 in a manner consistent with the attached site plan (“Exhibit D - Attachment 5”).

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant has filed a new Conditional Use Permit application after the Planning and Zoning Commission recommended denial of Conditional Use Permit No. 461 at their meetings on March 10, 2022, and June 16, 2022, and City Council denied Conditional Use Permit No. 461 at their meeting on July 25, 2022. However, City Council did approve the rezoning request for LB, Limited Business District with Conditional Overlay District No. 207 on July 25, 2022. This would only allow the applicant to construct an eating and drinking establishment without a drive-thru facility.
2. The major differences between the new conditional use permit and the original request are that the applicant has voluntarily restricted the hours of operation, has placed the outdoor speakers away from residential properties, and has relocated the dumpster along Jefferson Avenue away from the adjoining single family home’s backyard. The applicant added a pedestrian walkway and added outdoor seating to the proposed site plan.

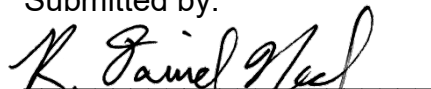
3. The proposed business is primarily auto oriented with no indoor seating. The site is challenging in that it is shallow and therefore limits the drive through lanes location and configuration. The design of the building is not oriented towards the street (Sunshine) as preferred by the Comprehensive Plan by bringing storefronts and windows to the sidewalk and orienting building faces to the street to foster safe pedestrian access to the building. Staff is of the opinion that overall, the application meets the standards for approval of a Conditional Use Permit ("Attachment 3").
4. Approval of this application is subject to the Requirements for Approval ("Attachment 2") and the site plan ("Attachment 5").
5. Approval of this request will provide for continued 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:

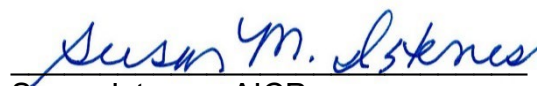
The Planning and Zoning Commission held a public hearing on October 6, 2022, and recommended denial, by a vote of 5 to 1 of the proposed conditional use permit (see the attached "Exhibit C," Record of Proceedings).

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

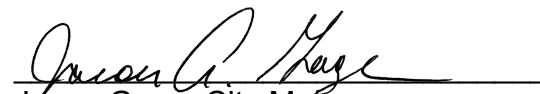
Submitted by:


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 470

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 470

Attachment 3, Standards and Responses for Conditional Use Permits

Attachment 4, Affidavit of Neighborhood Notification and Meeting Summary and Sign-In Sheet

Attachment 5, Proposed Site Plan

Attachment 6, Neighborhood Comments

EXHIBIT A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 470

1. The eating and drinking establishment with drive-in, pick-up window or drive-thru facilities shall comply with all the standards listed in Attachment 3.
2. An eating and drinking establishment with drive-in, pick-up window or drive-thru facilities is permitted in substantial conformance with Attachment 5.
3. A sidewalk which complies with Public Works Design standards along Roanoke Avenue shall be constructed at the time of development.
4. Hours of operation shall be limited to 5:30 a.m. to 9:00 p.m. Sunday through Thursday and 5:30 a.m. to 10 p.m. Friday and Saturday.
5. All outside speakers shall be pointed north towards Sunshine Street and away from the residences to the south and east. The noise level shall not exceed 80 decibels at the property line.
6. All other standards of the Zoning Ordinance, Conditional Overlay District No. 207 and other applicable ordinances shall be adhered to.

EXHIBIT B

LEGAL DESCRIPTION
CONDITIONAL USE PERMIT 470

NOBLE HEIGHTS UNIT #1 LOT 6 THRU 11 EX NEW STREET ROW

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – October 6, 2022

Conditional Use Permit 470

404, 420 & 424 East Sunshine Street

Applicant: Reding Management, LLC & Redec, LLC

Mr. Hosmer stated that this is a request to permit an eating and drinking establishment use group, including drive-in pick-up window or drive thru facility as a conditional use permit within a LB, Limited Business District located at 404, 420 and 424 East Sunshine Street. On March 10, 2022, the Planning and Zoning Commission recommended denial of CUP No. 461 (Drive Thru facility). On April 4, 2022, City Council remanded CUP 461 back to the Planning and Zoning Commission. On June 16, 2022, the Planning and Zoning Commission recommended denial of CUP No. 461 (Drive Thru facility). On July 25, 2022, City Council denied CUP 461 (Drive Thru facility) but approved the LB Limited Business District with a COD No 207. The applicant is proposing to construct a new drive-thru coffee shop. Limited Business LB District allows eating and drinking establishments, for drive-thru facilities only with a Conditional Use Permit. A site plan is required for a CUP. All activities and uses except off-street parking and loading facilities, drive-thru facilities, activities shall be conducted entirely within a completely enclosed building. No individual retail store establishment or other permitted use shall have a gross floor area greater than 5,000 square feet. The maximum structure height is 25 feet, and all structures shall remain below a 30-degree bulk plane. The CUP and COD will require the following:

- Sidewalks along Roanoke.
- A Type D" bufferyard (15) feet wide. There must be two (2) canopy trees, two (4) understory trees, two (4) evergreen tree and fourteen (14) shrubs per 100 liner feet. A six-foot-tall solid wood fence is also required as part of the bufferyard.
- Not allow access to Sunshine (except for existing home), Limit access to the southern portions of Jefferson and Roanoke. Require cross access.
- Not allow the narrow lot exemption for reduced landscaping,
- Require a lot combination for lots 6-7 at time of development.
- Hours of operation shall be limited to 5:30 a.m. to 9:00 p.m. Sunday through Thursday and 5:30 a.m. to 10 p.m. Friday and Saturday.
- All outside speakers shall be pointed north towards Sunshine Street and away from the residences to the south and east. The noise level shall not exceed 80 decibels at the property line.

The Transportation Plan classifies Sunshine as a Secondary Arterial, Jefferson as a Collector and Roanoke as a Local roadway. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, sinkhole or stream buffer area and stormwater detention is required. The proposed use will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. Although the site location is shallow, the proposed business is

primarily auto oriented with no indoor seating, and the building is not oriented towards the street to foster safe pedestrian access to the building, staff supports the proposed development as redesigned. The application meets the approval standards for conditional use permits. Staff recommends approval.

Mr. Knuckles wanted clarification that the conditional use permit will allow the drive through service to be enacted on the property and its current zoning is limited business does not.

Mr. Hosmer replied that they could have an eating, drinking establishment that has a sit down inside the building, they just couldn't have a drive through pickup window without a conditional use permit.

Mr. Colony noted that they've not made any adjustment to their plan for the drive through at all. It's still going to anticipated to handle three lanes. It's going to handle as many cars as they can possibly pull in there.

Mr. Hosmer noted the only difference were the hours of operation and (sound/music) the speakers away from the property.

Mr. Colony stated that they added some additional buffer yard and lost some speakers. But it does not appear that they've made any attempt to modify their business plan to be anything other than a high-volume drive-through with an entry and exit point on Jefferson and then onto a small collector street of Roanoke, which at this point in time has no sidewalks there but did see that they were required to add sidewalks. Is that the entire length of the block or just right there by their property line?

Mr. Hosmer noted that it will be the front of their property.

Mr. Colony noted that all the cars that are coming out of there that don't want to try to turn back onto Sunshine and would prefer to drive through the neighborhood to find another way out are still going to be driving down a small collector street with no sidewalks, no gutters. I still think that this is a bad idea.

Mr. Lebeck went over the staff findings and comments. He asked to clarify the uses on Roanoke and Jefferson.

Mr. Hosmer noted that Roanoke and Jefferson is residential.

Mr. Lebeck asked for clarification on Attachment 1 Department of Environmental Services staff comments as to no objections to the "rezoning" is that a typo?

Mr. Hosmer stated this should say "Conditional Use Permit".

Mr. Lebeck wanted clarification on no traffic study and no current traffic count for Roanoke.

Mr. Zickefoose stated that there is no current traffic count on Roanoke.

Mr. Lebeck asked for clarification on staff comments under improvements Public Works Traffic Division where it states "zoning" in staff comments is that a typo?

Mr. Hosmer stated this should say "Conditional Use Permit".

Mr. Lebeck referred to standards item 11 and quoted "subject property in an area of nonresidential uses and is not anticipated to dominate the immediate vicinity or to interfere with the development and use of neighboring properties" and asked about making of the standards.

Mr. Hosmer believes they are based on the traffic impact and the impact that would be around the area.

Mr. Lebeck asked for comparisons for other 7 Brew Coffee Shops in Springfield. No Traffic Study required.

Mr. Zickefoose gave out information that were approximately 776 new trips for a 7 Brew Coffee Shop with peak hours of 9:00am to 12:00pm. He also noted with the highest volume being 11:00am - volume of 82 cars in that hour. We took the entire 776 cars that visited that 7 Brew, assumed that they were all brand new trips to the location here at Sunshine and Jefferson, which we know that most of the traffic there will be vehicles that are already passing through that intersection on their way to other locations and they'll pull off. But we assumed that all 776 were new trips. We plugged them into our own models and ran it, and there was no change in the level of service at that intersection. There's plenty of capacity in that intersection of Sunshine and Jefferson.

Ms. Broekhoven asked if the 7 Brew that was reviewed if it was nested into a residential neighborhood?

Mr. Zickefoose believes it is.

Ms. Broekhoven wondered if it was able to absorb the additional trips easier because it was not on such small residential roads, whereas it would be much more intense in this location.

Mr. Zickefoose said that they didn't analyze the traffic flow at the existing 7 Brew but simply counted the cars that were coming in and out of that location, and then we assumed that similar traffic volumes would be at this location here at Sunshine and Jefferson.

Mr. Knuckles asked where was the survey done?

Mr. Zickefoose stated it was the 7 Brew at Glenstone and Kearney and during that 17-hour count, we didn't see backup of traffic from 7 Brew on to Glenstone Avenue. The cars that pulled in there were existing traffic on that road.

Mr. Jobe opened the public hearing.

Mr. Chris Wynn, 5051 S. National Avenue, developer representative, noted two topics that come up a lot when we visit the site. The first one is traffic, the second one is noise. There's already been a lot of discussion about traffic before I even have spoken. The first thing I want to note is the 776 trips, a trip is so someone going into the stores a trip, and someone coming out of the stores a trip, so there's not actually 776 cars that would be divided by two and would approximately 335. Don't actually have 700 new cars coming in, there are 350 coming in and 350 leaving, it's much less than the 700. My colleague Dane Seiler, professional transportation operations engineer, and the city all concluded that traffic at this intersection would operate basically as it does today. We don't see a traffic issue generated by 7 Brew at this location. Furthermore, Chad and his team at the city have plugged in the traffic that was generated by the one at Kearney and Glenstone and plugged it into the models of this intersection again and shown that it's not having a negative impact on this road corridor. It's a busy road. It's a busy intersection. All indications show that we shouldn't really have that much worry about traffic at this intersection.

He also noted about the queuing, there were three wide we've put in all of these stalls and all of this queuing space to accommodate the city's request. They've had a lot of issues with places like Chick-fil-A and Starbucks that have limited queuing capacity that caused it to back up into Sunshine. Our intentions are not to have 26 cars there at all times, and also talked about some of the concessions they have made from a traffic standpoint, by giving up right away along Sunshine Street and giving up ten-foot of right away so that in the future, the city could expand Sunshine Street.

Mr. Wynn asked for additional time.

COMMISSION ACTION: (extend speaking time)

Mr. Knuckles motioned to **approve** additional time (2 minutes) for Conditional Use Permit 470 (404, 420 & 424 East Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Pauly, Lebeck, Knuckles, and Broekhoven. Nays: None. Abstain: None. Absent: Doennig.

Mr. Wynn also stated that they are originally we're having access to Sunshine and now no longer show access to Sunshine and is originally going to be done in two phases, but now doing it in one phase to alleviate some of the traffic onto Jefferson Avenue. Since we lost our access to Sunshine, we now have a secondary access to Roanoke. Both of those houses (on Sunshine) are still there today and will be going away as part of that drive that would go out to Roanoke, plus we're adding sidewalk along Roanoke for walkability. We are adding a sidewalk connection from the building where we have added additional outdoor seating to Jefferson. He also talked about hours of operation

and noise stating that in a Limited Business zone district, there's no restriction on noise and we're going to generate 80 decibels, noting a restaurant could go in there right now, generate more than 80 decibels. They are also limiting the hours to lessen the impact of the surrounding neighborhoods and doing things with the exterior speakers, to point them away from the residences. 80 decibels at 5-feet from the building is as loud as a lawn mower. The noise dissipates, as you get to the property line, it's around 54 decibels, which is the same volume as an average conversation, and the landscape buffer will also help with noise. We are adding approximately 35 trees and 48 shrubs, beyond what is required by zoning, there's a conditional overlay district that requires us to have an extra two understory trees and an extra two evergreen trees, with a six-foot-tall privacy fence, which will also help deter the noise.

Mr. Knuckles asked for the thoughts on bringing back another Conditional Use Permit.

Mr. Wynn noted that Sunshine Street is one of the busiest corridors in the City of Springfield and the Comprehensive Plan designates the busy intersections for commercial uses and stated that they have gone back to the community. The developer tried to meet with the president of University Heights and did meet with the neighborhood. We've tried to listen to their concerns regarding traffic and noise. We put more restrictions regarding these two items into the CUP and we feel that with this new case, that we should get a little more consideration from the Planning Commission and City Council.

Mr. Lebeck asked what kind of indoor and outdoor seating does this facility have?

Mr. Wynn, it has no indoor seating and a couple of picnic tables underneath the canopy on the west side of the building.

Mr. Lebeck asked how many people can these two picnic tables seat?

Mr. Wynn said it would be approximately eight if you had four at each picnic table.

Mr. Lebeck asked about the loudspeakers.

Mr. Wynn noted that there are there are two speakers. There's one on the south side of the building facing the queue, and there's one on the east side facing out the service door.

Mr. Colony asked about the three lanes of cars, each about twelve and a half feet wide, coming through a 26-foot-wide drive opening and you believe is that everybody that's in that drive through lane is going to turn left and come back around and dump out onto Jefferson and somehow get through a 26-foot opening that's already clogged with incoming traffic. My issue here is that the intent of the business is to be a high-capacity drive-thru stating that the Growth Management and Land Use Plan of the Comprehensive Plan states that the protection of our existing residential neighborhoods is a prime concern. It's important to ensure that new land uses are not detrimental residential areas and to recognize the vulnerability of residential areas to certain

adverse impacts and it goes on about neighborhood-oriented businesses and does not see this as compatible with the neighborhood. Can you tell me how many cars can you get out? How does this traffic really supposed to work? Is it just the signage that's going to get three lanes of traffic?

Mr. Wynn said the intentions of the development are to send as much traffic back out to Jefferson as possible. When we lost the access to Sunshine and it's good to have more than one access to a development for fire code, etc.

Mr. Colony again states that he loves love coffee but does not think this is the right place for the new store.

Mr. Art Peine, 4878 W. University, voiced his concerns for traffic and noting that traffic does back up when families are picking up kids and believes that this drive thru is a bad fit.

Mr. Lebeck asked for clarification about traffic backing up to his driveway and how long he has owned the property.

Mr. Peine noted that he already seeing traffic back down to his driveway and owned the property for six years.

Mr. Bruce Adib-Yazdi, 46 South Holland and lives a few blocks away from this particular property and voiced his concern for noise and stated that traffic will stack on Sunshine Street.

Mr. Colony asked if Mr. Adib-Yazdi is speaking as a resident and what his professional occupation is and would like to see if this establishment is neighborhood oriented.

Mr. Adib-Yazdi said it was a coffee shop that had a place to go sit down and could walk to it and have a nice place to hang out, but you would have a hard time visiting this place from the neighborhood because you have to drive.

Ms. Willa Williams, 1821 S. Kings Avenue said she bikes to work and has walkability concerns and about the access to Roanoke because she bikes on Jefferson Avenue.

Ms. Julianne Schulze, 505 E. Ottawa Court, voiced her concerns for the school and traffic and wants the neighborhood to stay stable with kids riding their bikes and people walking their dogs.

Mr. Pauly asked about sidewalks in the area and how she travel through the neighborhood.

Ms. Schulze noted that there are no sidewalks and has lived for 32 years and knows how to get in and out.

Mr. Seth Entwisk, 524 E. Cherokee, voiced his concerns for traffic and stating that the streets are too narrow to accommodate the traffic flow.

Ms. Jan Peterson, 1024 E. Stanford, President of University Heights, noting that very little on the proposal has changed and believes it is not a good fit for the neighborhood.

Mr. Jacob Rude, Springfield Council of Better Business, noted that staff recommends approval and should have no traffic problems and would like compromises on this development is zoned Limited Business and will be commercial use and will have additional traffic and said that the other 7 Brew's do not have any problems.

Ms. Annette Hollon, 1133 E. Linwood Drive, voiced her concerns for safety for the school students and families walking to and from school.

Mr. Jobe closed the public hearing.

Mr. Knuckles stated his concern is, with the proximity of the business and even the 325 or 350 cars a day, that there is a significant risk of the drive thru traffic at this location and reading some of the purpose of the Conditional Use Permit where it says design to avoid, minimize mitigate, potentially adverse effects, and believes it falls into that category, and intend to vote against the CUP.

Mr. Colony does not think there's anybody on this commission that is anti-development or anti-anything at this corner of a commercial nature. The Comprehensive Plan, states that we should be within and complementary to the neighborhood and it should be neighborhood friendly, and I do not believe that a drive thru coffee shop, especially one with three or four or five lanes and limited throughput is neighborhood friendly. 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, enjoyment of adjacent or surrounding property, the character of the neighborhood, traffic conditions, etc., and I, too, appreciate the efforts of staff. Bob, these folks, the city planners, the engineers, the work they go through to determine whether or not something should come before us is exemplary. And they do a fine job, but there are times that we disagree, and this is one of those. If the developer can come back with something that is the neighborhood friendly that goes in there, I'll be all over it.

Mr. Lebeck noted that as a commission member we are looking for development opportunities, the right development opportunities and the problem here is it's the wrong fit for this corner and always have to go back to the Comprehensive Plan when we look at what should we put at a location. The Comprehensive Plan specifically says that the Growth Management Land Use Plan design designates this area as appropriate for low density housing uses. However, as an optional element, small neighborhood-oriented retail or services businesses carefully located and screened at certain locations. It goes on further to say that the Growth Management and Land Use Plan encourages the future location of neighborhood level shopping areas near intersections of arterials and collector streets and to site commercial areas where they serve only the adjacent

neighborhood. This is just not a good fit here and the protection of our existing neighborhood neighborhoods is a prime concern and will not support this in its current form.

Ms. Broekhoven is surprised that staff has recommended approval on this particular conditional use permit because it is such a mismatch with our comprehensive master plan and the goals of the Planning Department in Springfield and feel more like this is city staff trying to accommodate a developer with an ill-fitting intensity and redress it a few times to make it an acceptable solution. But the intensity is too high for residential area and will not be recommending approval.

Mr. Jobe stated that he understands that it has changed a little bit each time and did vote to deny recommendation the first time. The second time was very explicit and the reason that I changed my vote to yes. I will be recommending approval of this tonight for the same reason that I did the second time that I did. I think that the circumstances have shifted, in my opinion, toward even more reason to support it, primarily because the decision was made by city council to rezone this to a commercial use, albeit limited use. I'm very sensitive to the neighborhood's concerns. Sunshine is an extremely traveled street and it is next to one of the heaviest traffic intersections in our city and will be voting in support.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Conditional Use Permit 470 (404, 420 & 424 East Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Jobe. Nays: Colony, Pauly, Lebeck, Knuckles, and Broekhoven. Abstain: None. Absent: Doennig. **Motion Failed.**



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING:	OCTOBER 6, 2022
CITY COUNCIL PUBLIC HEARING:	NOVEMBER 14, 2022
	CASE: Conditional Use Permit 470
	LOCATION: 404, 420 & 424 E. Sunshine Street
	ACRES: Approximately 1 acre
	EXISTING LAND USE: Vacant lots and single-family homes
	APPLICANT: Reding Management and Redec, LLCs
	STAFF: Daniel Neal, Senior Planner 417-864-1036
	STAFF RECOMMENDATIONS: Approve w/Conditions
	PROPOSED MOTION: I move to recommend approval of the CUP and staff report as the findings of fact.
	REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

This is a request to permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District with Conditional Overlay District No. 207 generally located at 404, 420 & 424 E. Sunshine Street.

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant has filed a new Conditional Use Permit application after the Planning and Zoning Commission recommended denial of Conditional Use Permit No. 461 at their meetings on March 10, 2022, and June 16, 2022 and City Council denied Conditional Use Permit No. 461 at their meeting on July 25, 2022. However, City Council did approve the rezoning request for LB, Limited Business District with Conditional Overlay District No. 207 on July 25, 2022. This would only allow the applicant to construct an eating and drinking establishment without a drive-thru facility.
2. The major differences between the new conditional use permit and the original request are that the applicant has voluntarily restricted the hours of operation, has placed the outdoor speakers away from residential properties, has relocated, and the dumpster along Jefferson Avenue away from the adjoining single family home's backyard. The applicant added a pedestrian walkway and added additional outdoor seating to the proposed site plan.
3. The proposed business is primarily auto oriented with no indoor seating. The site is challenging in that it is shallow and therefore limits the drive through lanes location and configuration. The design of the building is not oriented towards the street (Sunshine) as preferred by the Comprehensive Plan by bringing storefronts and windows to the sidewalk and orienting building faces to the street to foster safe pedestrian access to the building. Staff is of the

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opinion that overall, the application meets the standards for approval of a Conditional Use Permit (Attachment 3).

4. Approval of this application is subject to the Requirements for Approval (Attachment 2) and site plan (Attachment 5).
5. Approval of this request will provide for continued redevelopment of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

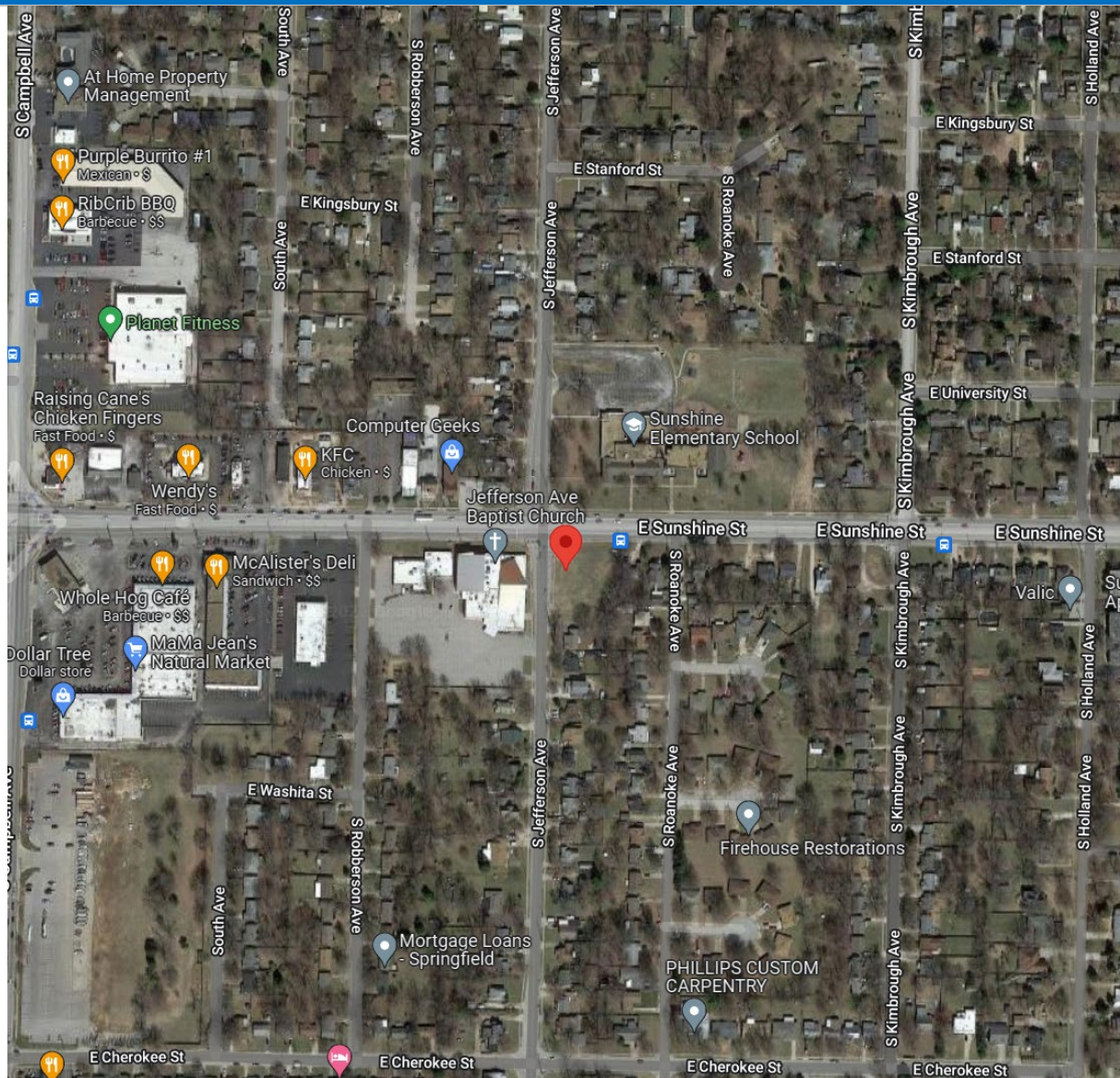
SURROUNDING ZONING AND LAND USES:

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

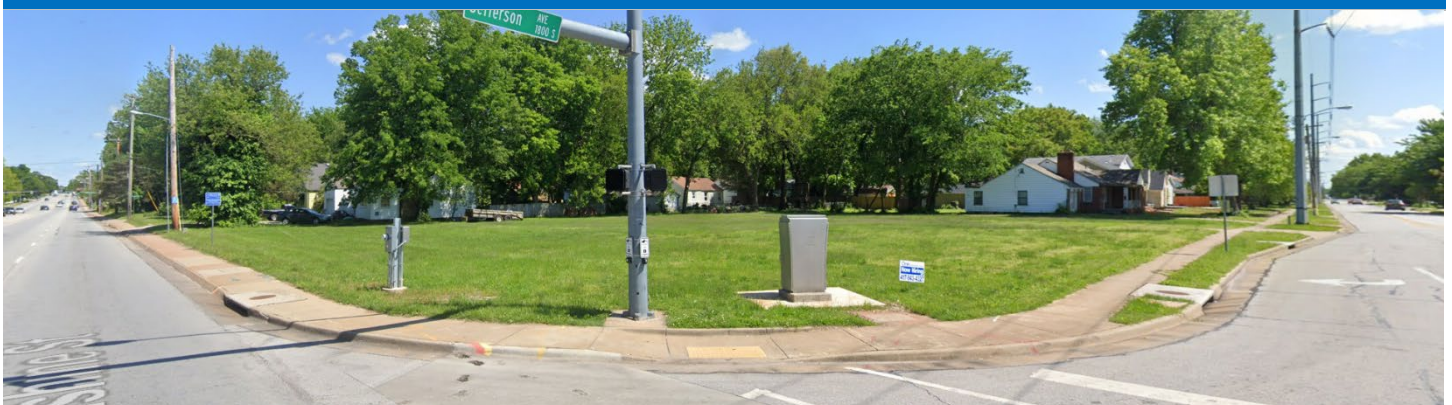
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GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

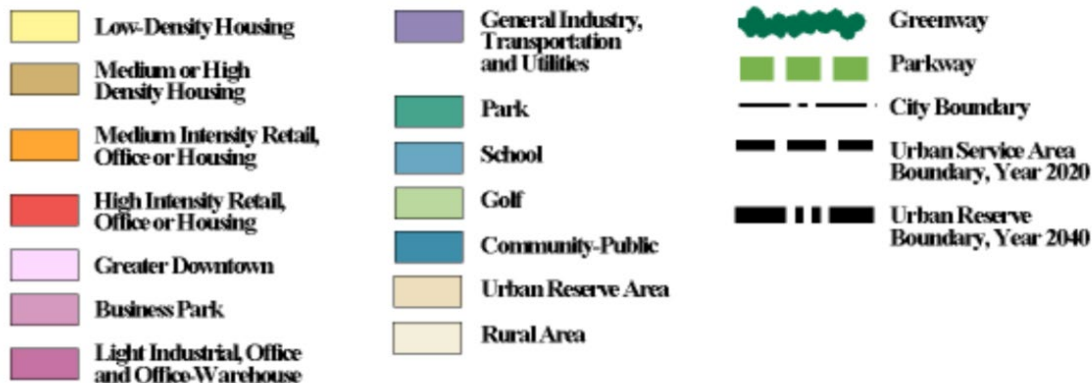
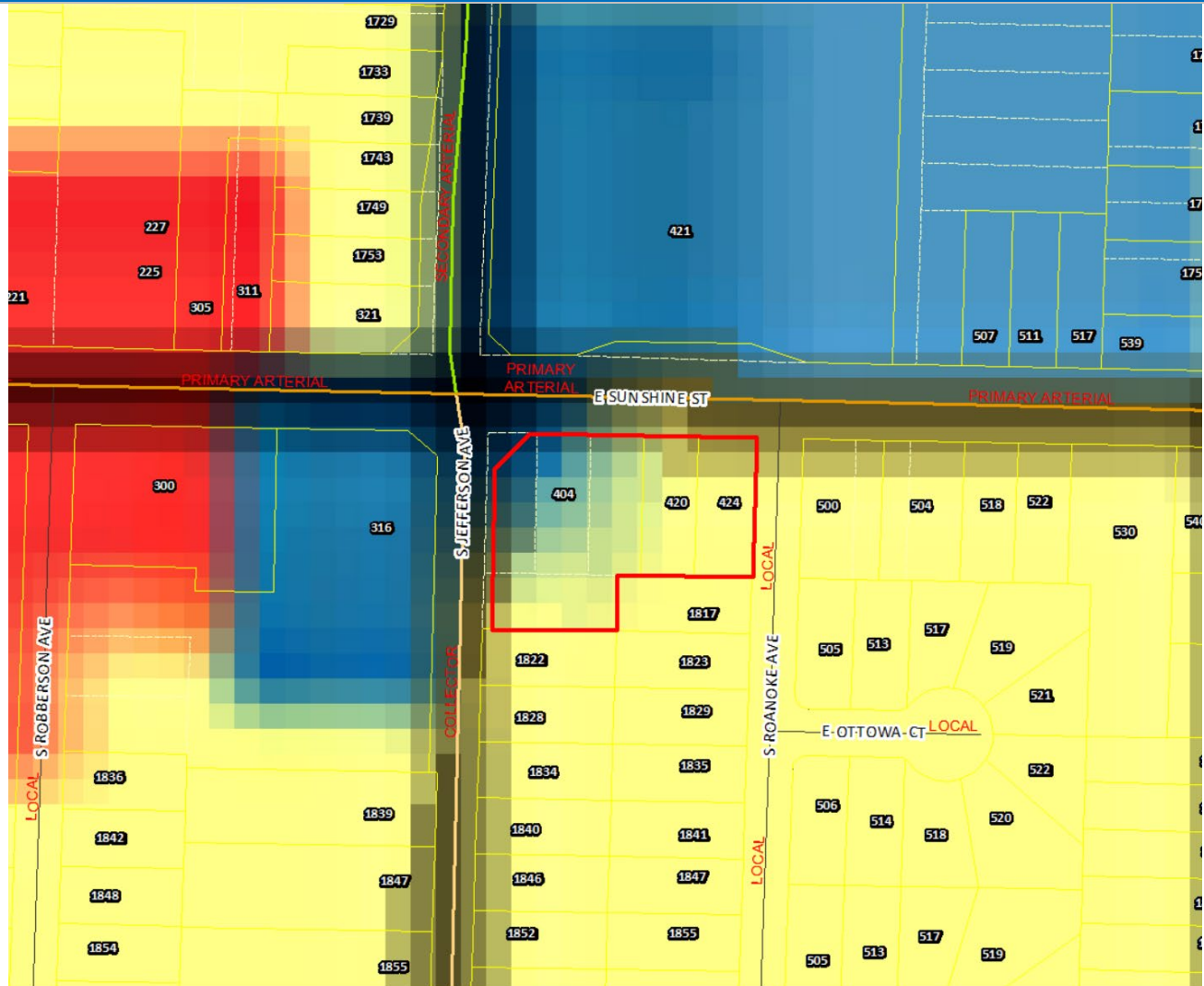


GOOGLE MAPS STREET VIEW:



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GROWTH MANAGEMENT AND LAND USE PLAN:



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PROPERTY HISTORY:

The property was annexed in 1926 and had been zoned R-SF, Single-Family Residential District since the Citywide remapping in 1995 until the recent rezoning change to LB, Limited Business District, on July 25, 2022.

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-363. - Conditional Use Permit

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

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

COMPATIBILITY WITH COMPREHENSIVE PLAN:

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

The *Growth Management and Land Use Plan* recommends limiting auto-oriented commercial districts to major arterial streets when the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-

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oriented land uses can be compatibly concentrated. The properties are located at the intersection of collector and arterial roadways and non-residential uses exist at all other corners of this intersection.

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

Develop site design standards that attract pedestrians by bringing storefronts and windows to the sidewalk and orienting building faces to the street. Accommodate the automobile but locate parking so that it does not interfere with pedestrian movement and enjoyment. Rear or side parking is definitely preferred. Encourage patrons to travel to mixed-use areas by alternative means. Encourage parking and landscaping strategies that protect adjacent areas and mitigate negative spillover effects. Encourage shared parking. Landscape all parking areas, particularly those near the street. Build low walls of masonry or hedges that extend the visual effect of the building line along the street edge. Require storefront windows facing the street to ensure both natural surveillance and an inviting pedestrian experience.

The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial, Jefferson Avenue north of Sunshine Street as a secondary arterial and south of Sunshine as a collector roadway. Roanoke Avenue is classified as a local roadway. These properties have frontage on Sunshine, Roanoke and Jefferson.

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 consider the existing residential areas. Mixed land uses, as well as mixed residential densities, will need to be accommodated in the future. These must be accommodated with sensitivity to existing residential neighborhoods. The plan encourages mixed use. However, where commercial areas are concentrated, they should be sited and designed to have a minimal effect on adjacent lower-intensity development, and the environment.

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

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

STAFF COMMENTS:

1. The applicant is requesting to permit an eating and drinking establishment use group, including drive-in, pick-up window or drive-thru facilities as a Conditional Use Permit within a LB, Limited Business District generally located at 404, 420 & 424 E. Sunshine Street. The applicant is proposing to construct a new drive-thru restaurant/coffee shop.
2. The applicant modified the hours of operation from the original request by reducing the evening hours from 10:00 p.m. to 9:00 p.m. for Sunday through Thursday and from 11 p.m. to 10:00 p.m., Friday and Saturday. They are also proposing to restrict the locations of outside speakers, so they don't face towards the residential neighborhood to the south and east. They are also proposing to move the dumpster along Jefferson Avenue away from the R-SF

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neighbors' backyard. There is also a proposed pedestrian walkway and additional outdoor seating that has been added to the proposed site plan.

3. The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. This district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. This district should be located along or at the intersections of collector or higher classification streets.
4. The purpose of the CUP review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. Conditions have been submitted to mitigate any potential impacts of the LB conditional use. These conditions include:
 - a. The eating and drinking establishment with drive-in, pick-up window or drive-thru facilities shall comply with all the standards listed in Attachment 3.
 - b. An eating and drinking establishment with drive-in, pick-up window or drive-thru facilities is permitted in substantial conformance with Attachment 5.
 - c. A sidewalk which complies with Public Works Design standards along Roanoke Avenue shall be constructed at the time of development.
 - d. Hours of operation shall be limited to 5:30 a.m. to 9:00 p.m. Sunday through Thursday and 5:30 a.m. to 10 p.m. Friday and Saturday.
 - e. All outside speakers shall be pointed north towards Sunshine Street and away from the residences to the south and east. The noise level shall not exceed 80 decibels at the property line.
 - f. All other standards of the Zoning Ordinance, Conditional Overlay District No. 207 and other applicable ordinances shall be adhered to.
5. From the neighborhood meeting and other public comments, the applicant has identified the following potentially adverse effects associated with the proposed conditional use permit and the means proposed by the applicant to avoid, minimize, or mitigate such effects:
 - a. Headlight and stationary glare - We have planned the site in such a manner to reduce this to the greatest extent possible, by pointing cars in the drive through to the north, and providing landscaping and screening along the southern, and eastern property line.
 - b. Drive thru queuing – The proposed business will have three drive through lanes to maximize storage on-site and prevent backup into Jefferson Ave.
 - c. Increase traffic volume – It has been determined that a large majority of the users of the site will be pass-by traffic. Meaning that they were already on the roadway. It is not anticipated that the new use will generate additional traffic volume.
 - d. Noise pollution – Hours of operation have been limited to 9PM on weekdays and 10PM weekends which is more restrictive than other coffee shops of the same type to prevent disruption to the neighbors. The dense landscape buffer and fence will help deflect noise away from the residential properties to the south and the structure has been shifted to the north end of the property to provide additional distance from the residential properties.
6. The applicant states that based on the following 4 points they feel as though they are addressing noise level concerns:

- a. Data from 7 Brew HQ states that the noise level 5 feet from the building will be 80 decibels which is the equivalent of a lawn mower. Additionally, that 80db is going to dissipate over the additional 100+ from the building to the property line.
 - b. 7 Brew is limiting Hours of operation at night. This location will close 1 hour early (Sun-Thurs would be 9pm close and Friday-Sat would be 10pm which cuts an hour each day). The night hours are what I would consider the most sensitive so limiting business hours during this time is effectively addressing noise concern.
 - c. 7 Brew generally has 2 exterior speakers. One at the service door and one on the back of the building facing the drive thru stack. 7 Brew and the developer is proposing that we relocate the speaker on the rear of the building so that it does not point toward the residence to the south. We would likely place the speaker in such a manner that it is on the south side of the stack and facing north toward Sunshine.
 - d. Per zoning requirements, we are required to have a Type D landscape buffer. As part of this the developer will have to install a 6' tall privacy fence, 2 canopy trees, 2 understory trees, 2 evergreens, and 12 shrubs per every 100 LF of shared property line with the residential zoning to the south. The fence and trees will act as a noise buffer and will.
7. The applicant also states that traffic will enter off Jefferson Ave and Roanoke Ave then proceed through the drive through and exit back on to Jefferson or Roanoke. Flow of the interior drives are designed in a manner to direct traffic to Jefferson which is the larger of the two streets with access. No direct access will be provided to Sunshine Street. In addition, landscape buffers will be placed with the prescribed screenings to protect surrounding properties. All City of Springfield design standards that apply to the limited business zoning district will be adhered to. This will allow for the reasonable enjoyment to the adjacent properties.
8. A Traffic Impact Study was not required as the previously approved change in zoning to LB, does not generate an additional 100 trips in the a.m. or p.m. peak or 500 trips in a 24-hour period.
9. An administrative lot combination is required as part of the Limited Business Conditional Overlay District. The administrative subdivision process will require any adjacent substandard right-of-way to be brought up to current standards. The standard right-of-way width for E. Sunshine Street is 50-feet from the centerline, 30-feet from the centerline for S. Jefferson Avenue and 25-feet from the centerline for S. Roanoke Avenue. It appears an additional 10-feet of right-of-way is needed along E. Sunshine Avenue. It appears no additional right of way is needed along S. Jefferson Avenue or S. Roanoke Avenue. A 30-foot X 30-foot right of way site triangle is also needed at the intersection of E. Sunshine Avenue and S. Roanoke Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way.
10. The development of the property will require a bufferyard along the south property line adjacent to the R-SF, Single-Family Residential zoning district. The normal bufferyard required between LB and R-SF is a Bufferyard "Type D" at least fifteen (15) feet wide. For each one hundred (100) linear feet of bufferyard, there must be two (2) canopy trees, two (2) understory trees, two (2) evergreen tree and fourteen (14) shrubs. A six-foot-tall solid wood fence is also required as part of this bufferyard. As required in COD No. 207, the applicant must also add 7 additional understory trees and 7 evergreens to the bufferyard area between the proposed development and the single-family residential properties to the south.
11. Although the site location is shallow, the proposed business is primarily auto oriented with no indoor seating, and the building is not oriented towards the street by bringing storefronts and windows to the sidewalk and orienting building faces to the street to foster safe pedestrian access to the building, staff supports the proposed development as redesigned.
12. Approval of this request will provide for the continued development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.
13. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

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NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on September 15, 2022, regarding the conditional use permit request. A summary of the meeting is attached (Attachment 4)

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 18 Returned: 0

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DEPARTMENT COMMENTS:

ATTACHMENT 1

CONDITIONAL USE PERMIT 470

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed CUP.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections. The subject properties have access to public sewer.

FIRE DEPARTMENT:

No comments.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Sunshine Street as a Primary Arterial, S. Jefferson Avenue as a Collector roadway, and S. Roanoke Avenue as a Local roadway. The standard right-of-way width for E. Sunshine Street is 50-feet from the centerline, 30-feet from the centerline for S. Jefferson Avenue, and 25-feet from the centerline for S. Roanoke Avenue. It appears an additional 10-feet of right-of-way is needed along E. Sunshine Avenue. It appears no additional right of way is needed along S. Jefferson Avenue and S. Roanoke Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. E. Sunshine Avenue, S. Jefferson Avenue, and S. Roanoke Avenue are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for E. Sunshine Avenue is 35,500 vehicles per day and for S. Jefferson Avenue is 4,995 vehicles per day. There is no recent traffic count on S. Roanoke Avenue. On-street parking is not allowed along E. Sunshine Avenue or S. Jefferson Avenue and is allowed on S. Roanoke Avenue.

DRIVEWAY ACCESS

There is one driveway access point onto the property from E. Sunshine Street, one from S. Jefferson Avenue, and one from S. Roanoke Avenue. No direct access will be allowed to E. Sunshine Street. One access point will be allowed from S. Jefferson Avenue and S. Roanoke Avenue as far south from the intersection of E. Sunshine Street as possible.

SIDEWALK

There is existing sidewalk along the property frontage of E. Sunshine Street and S. Jefferson Avenue. There is no existing sidewalk along the property frontage of S. Roanoke Avenue. Sidewalk is required to be constructed along S. Roanoke Avenue to current City Standards as a part of this CUP or an application to the ARC to pay a fee in lieu of. If approved, the fee must be paid prior to issuance of a building permit.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

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There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There is one bus stops along E. Sunshine Street along the property frontage of this development. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required. A Traffic Impact Study was not required as the change in zoning does not generate an additional 100 trips in the am or pm peak or 500 trips in a 24-hour period.

TRAFFIC - TABLE 1: CONDITIONAL USE PERMIT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	E. Sunshine St	Primary Arterial	No	40	50
Street 2	S. Jefferson Ave	Collector	No	30	30
Street 3	S. Roanoke Ave	Local – Residential	Yes	25	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		4	5	48	
*Proposed Trips Generated		11	40	470	
Additional Trips Generated		7	35	422	

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

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

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

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 proposed plan for the site is underground detention basin with proprietary stormwater control systems in the parking and drive thru areas. The Underground detention system will have to tie into Stormwater Infrastructure along Sunshine St.

Development Review Staff Report



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.
 - a. Water Quality will be required with disturbed area being greater than 1 Acre.

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:
 - 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.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL USE PERMIT 470

1. The eating and drinking establishment with drive-in, pick-up window or drive-thru facilities shall comply with all the standards listed in Attachment 3.
2. An eating and drinking establishment with drive-in, pick-up window or drive-thru facilities is permitted in substantial conformance with Attachment 5.
3. A sidewalk which complies with Public Works Design standards along Roanoke Avenue shall be constructed at the time of development.
4. Hours of operation shall be limited to 5:30 a.m. to 9:00 p.m. Sunday through Thursday and 5:30 a.m. to 10 p.m. Friday and Saturday.
5. All outside speakers shall be pointed north towards Sunshine Street and away from the residences to the south and east. The noise level shall not exceed 80 decibels at the property line.

Development Review Staff Report



6. All other standards of the Zoning Ordinance, Conditional Overlay District No. 207 and other applicable ordinances shall be adhered to.

Development Review Staff Report



STANDARDS FOR CONDITIONAL USE PERMIT 470

ATTACHMENT 3

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan.	The property is along a major arterial and thus takes advantage of the infrastructure that an arterial provides.	This application is consistent with the <i>Growth Management and Land Use Plan</i> of the <i>Comprehensive Plan</i> which encourages higher intensity uses at major intersections. The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial, Jefferson Avenue north of Sunshine Street as a secondary arterial and south of Sunshine as a collector roadway. Roanoke Avenue is classified as a local roadway.
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.	The property will not have direct access to sunshine street and will not adversely affect the public safety as it relates to the motoring public and pedestrians. Primary Access will be taken from Jefferson Avenue. While this site will have access to Roanoke Ave the site design and flow of traffic is intended to direct traffic to and from Jefferson Ave.	Public Works Traffic Division has reviewed the application and has determined that the conditional use will not adversely affect safety of the motoring public and of pedestrians with traffic access controls that are required. Traffic comments are provided in Attachment 1.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	A new building will be constructed on site that will meet all applicable fire codes. Additionally, appropriate fire access will be provided for the development per City of Springfield Code	The Fire Department has reviewed this request and has no concerns about safety from fire hazards and fire controls. Fire comments are provided in Attachment 1.
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.	No, Drainage flows north on the property towards Sunshine Street, and the development will be designed to meet the Stormwater requirements of the city	Public Works Stormwater Division has reviewed this request and provided comments in Attachment 1. The development is required to meet development standards for stormwater management.
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district.	The proposed use is for a drive through facility, so no noise will exceed the levels that are typically permitted in the district. Additionally, the developer is working to obtain sound data	The applicant's response adequately addresses this condition. It is not expected that the proposed use will have noise characteristics that exceed Zoning Ordinance standards.

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:
	from other 7 Brew Coffee shops that can be presented at Planning and Zoning / City Council. The developer will also limit the hours of operation to 9PM on weekdays and 10PM on weekends	
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.	A fence will be installed per the screen regulations in the zoning code to eliminate any head light glare and stationary light glare.	It is not expected that the proposed use will negatively affect the neighborhood. The applicant's response adequately addresses this condition.
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	Signage will be along Sunshine Street and adhere to the Sign code of the City of Springfield.	The development will be subject to the signage standards of the Zoning Ordinance.
8. Such signs will not have an adverse effect on any adjacent properties.	Signage will be along Sunshine Street to minimize any impact to adjacent properties.	The development will be subject to the signage standards on the Zoning Ordinance.
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.	Yes, Sunshine Street is classified as a Primary Arterial. The right of way and adjacent street pavement widths are wide enough in the area to support the development.	Jefferson Avenue and Sunshine Street pavement width is adequate to handle increased traffic volume.
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.	The site is planned in such a manner to protect surrounding properties from negative impact. Particularly the residential properties to the south. The properties north and west adjacent are commercial developments. The eastern half of the property will be developed within the current limited business zoning to protect the residential properties to the east of Roanoke Ave	It is not anticipated that the proposed drive-thru restaurant will have an adverse effect or be incompatible with the adjacent and surrounding properties along Sunshine Street.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:	a. Building will be shifted north, with fencing along the south property line for screening. Vehicle circulation will face vehicles to the north to help lessen any glare impact on the adjacent properties. b. Landscaping and screening will conform with City of Springfield Zoning	The standards of the Zoning Ordinance adequately address these issues. The subject property is in an area of non-residential uses and is not anticipated to dominate the immediate vicinity or to interfere with the development and use of neighboring properties. An additional two understory and two evergreen trees per 100 lineal feet are being required in the

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:
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.	requirements.	bufferyard between the R-SF property to the south.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.	It will not. The site is currently an undeveloped lot along a major commercial corridor.	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.	It will not. The site is currently an undeveloped lot along a major commercial corridor.	The applicant's response adequately addresses this condition. The two houses at 420 & 424 E. Sunshine Street are not designated as historical.
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards.	Yes, our proposal follows all applicable regulations of the Article and development standards.	The proposed use is required to comply with applicable regulations about lot size, bulk regulations, use limitations and performance standards.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	Yes, the proposed development will provide the public with an optional service and will be designed in a manor to prevent impact to surrounding residential properties.	The applicant's response adequately addresses this condition.
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect	Yes, our proposal is in accordance with standards set out in 36-455, 36-456 and 36-483 of the Article.	The development will be subject to these standards of the Zoning Ordinance.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.	Yes, the property will not have direct access to Sunshine Street. Primary Access will be taken from Jefferson Avenue. While this site will have access to Roanoke Ave the site will be designed in a way that the flow of traffic will direct traffic to and from Jefferson Ave. Adequate queuing space will be provided to prevent back up onto Jefferson. CJW is studying surrounding 7 Brew	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards.

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:
	Coffee Shops and will provide additional data and Planning and Zoning and City Council	
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.	The vehicular circulation elements have been designed to provide adequate use of the site and includes the requirements need for fire truck access	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards with the traffic access controls that are required with this Conditional Use.
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	No interference with the items listed are known or anticipated	There is not any known interference with any public rights-of-way or easements.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.	A new structure is planned that will conform to all current codes.	The development is required to adhere to all standards of the Zoning Ordinance and other applicable ordinances.
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.	The proposed conditional use is located along a major roadway with the necessary utilities and services.	This property is already served with public infrastructure and services.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

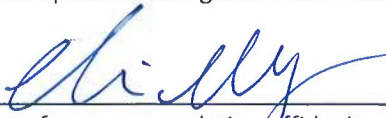
1. Request change to zoning from: LB to LB with CUP to allow a Drive Thru
(existing zoning) (proposed zoning)
2. Meeting Date & Time: September 15, 2022 From 4PM to 6:30
3. Meeting Location: 404 E Sunshine Street
4. Number of invitations that were sent: _____
5. How the mailing list was generated: City of Springfield Planning Department
6. Number of neighbors in attendance (attach a sign-in sheet): 9
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

See attached.

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

N/A

I, Chris Wynn (print name), attest that the neighborhood meeting was held on September 15th (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

Chris Wynn
Printed name of person completing affidavit

Jefferson & Sunshine
Neighborhood Meeting Summary
9/15/2022 – 4:00 PM to 6:30 PM

1. Concerns about the current property conditions, general consensus was the neighborhood would be glad to see the houses razed.
 - a. Houses will be demolished as part of the project.
2. Concerned about existing property maintenance on the corner of Roanoke and Sunshine.
 - a. Overgrowth on the corner will be eliminated.
3. Questions about who will maintain the property once construction is complete
 - a. The properties will be maintained by the tenants who will have a daily operation at the site.
4. Concerns about sewer capacity
 - a. We believe that there is enough capacity in existing sanitary sewer to handle the additional flows. Conversations with Environmental Services confirm this.
5. Concerns about additional traffic on Roanoke.
 - a. With no access to Sunshine the development will need to access Roanoke to provide the necessary circulation. Traffic from the coffee shop would be encouraged to exit back through Jefferson, and that would be the natural flow of the site, but one could expect some additional traffic on Roanoke.
6. Questions about hours of operation.
 - a. Hours of operation will be reduced by one hour in the evenings compared to other 7Brew coffee shops. Hours of operation will be 5:30 AM to 9 PM Sunday through Thursday and 5:30 AM to 10 PM Friday and Saturday.
7. Questions about trees, and what it would look like between the development and houses
 - a. A bufferyard with a fence is planned; the bufferyard will be 15' in depth and contain dense plantings. There was a request from one neighbor asking to coordinate the removal of specific trees in that bufferyard.

8. Questions about dumpster location
 - a. At the time of the meeting the proposed location for the dumpster was the southeast corner of the site, one request was made to move it to the west side of the property. The site plan has now been updated to show the dumpster moved west.
9. Residence questioned whether the school (Sunshine Elementary) supported the CUP request.
 - a. It is our understanding that the school district has no issues with the proposed request. CJW obtained a letter from a school board member that discussed the proposed development with members within the school and they were in support.
10. Concern was raised over the noise generated by 7 Brew.
 - a. In addition to limiting the hours of operation at night, 7 Brew is proposing to relocate of their speakers in a manner such that they do not point toward residential properties. Based on data provided by 7 Brew Corporate, the noise level 5 feet from the building is ~80 db. 80db is equivalent to a lawn mower or heavy traffic.
11. Concern about walkability to and around the site.
 - a. Sidewalk will be extended along Roanoke Ave adjacent to the property. Additionally, a sidewalk connection from the building to the sidewalk along Jefferson Ave will be made.
12. Concern about traffic entering and exiting onto Jefferson Ave.
 - a. Main concern for this is during AM peak hour. However, AM peak traffic and AM peak 7Brew hours are offset. The entrance off Jefferson is set as far south on the property as possible. Additionally, the access to Roanoke will be constructed to help alleviate some traffic to Jefferson.

* Have Redding contact.

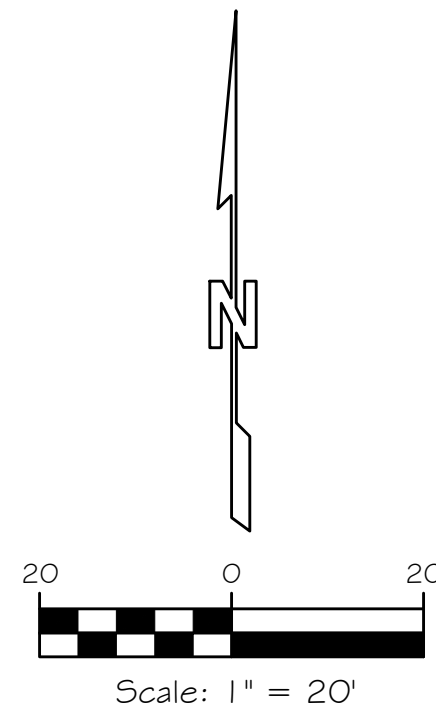
SUNSHINE & JEFFERSON - NEIGHBORHOOD MTG - SEPTEMBER 15, 2022



SIGN-IN SHEET

	Name	Address or Company	Phone	E-mail
1	William Cooper	2405 S VIRGINIA AVE	816-289-6485	COOPERWL@gmail.com
2	Toni Jackson	1749 S. Jefferson	970-405-7013	tonijackson@live.com
3	Rick & Sally Keene*	517 E. OTTOWA COURT	417-886-5828	rick&sallyk@sbcglobal.net
4	Julie Schulte	505 E. OTTOWA CT.	417-425-4335	schultejul@aol.com
5	Art Peine	4878 W. UNIVERSITY	417-988-1825	
6	Lenora Wright	1839 S. Jefferson	417-839-1242	cwright9939@gmail.com
7	Claron Toni Smith	1828 S Jefferson	417 844-8930	
8	ROSS + LAURA MARTIN	519 E. OTTOWA CT.	417-536-4261	SISEMITE@GMAIL.COM
9	Sarah & Cody Hicks	1817 S. Roanoke Ave	417-839-8997	ybluejazz@yahoo.com
10				
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17				
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SITE IMPROVEMENT PLAN
PROPOSED COFFEE SHOP
SUNSHINE ST & JEFFERSON AVE
SPRINGFIELD, MISSOURI



OWNER/DEVELOPER:

REDING MANAGEMENT, LLC
C/O ROYCE REDING
1459 MILLER AVE
SPRINGFIELD, MO 65804
roycereding@gmail.com

BEARINGS ARE ASSUMED
ELEVATIONS BASED ON
CITY OF SPRINGFIELD BENCHMARK 513
ELEVATION 1341.34 NAVD88

LEGAL DESCRIPTION:

NOBLE HEIGHTS UNIT #1 LOT 8 THRU 11 EX NEW STREET ROW

SITE DATA:

AREA = 1.08 AC

CURRENT ZONING = LIMITED BUSINESS (LB)

PROPOSED ZONING = LIMITED BUSINESS WITH C.U.P. TO ALLOW A COFFEE SHOP WITH DRIVE THRU

NOTE: SITE LIGHTING, LANDSCAPING, BUFFER YARDS, AND STORMWATER WILL COMPLY TO ALL CITY OF SPRINGFIELD REQUIREMENTS FOR A DEVELOPMENT WITHIN A LIMITED BUSINESS ZONED DISTRICT.

TYPE D BUFFER YARD REQUIREMENTS:

MIN. 15' BUFFER YARD WITH (PER 100 LF):

- 2 CANOPY TREES
2 UNDERSTORY TREES + 2 PER OVERLAY AGREEMENT
2 EVERGREEN TREES + 2 PER OVERLAY AGREEMENT
12 SHRUBS
6' PRIVACY FENCE

LENGTH OF BUFFER YARD = 334 FT

TOTAL NUMBER OF REQUIRED PLANTINGS:

7 CANOPY TREES
14 UNDERSTORY TREES
14 EVERGREEN TREES
48 SHRUBS
334 LF OF 6' PRIVACY FENCE

LANDSCAPING REQUIREMENTS (LOTS 8-11)

TOTAL LOT AREA: 0.714 AC (31,123 SF)

REQUIRED GREEN SPACE (20%) = 31,123 SF * 0.20 = 6,225 SF

PROVIDED GREEN SPACE = 11,010 SF (35.4%)

FRONTAGE LANDSCAPE AREA REQUIREMENT = 10 SF/LENGTH OF FRONTAGE

TOTAL FRONTAGE LENGTH ALONG SUNSHINE ST & JEFFERSON AVE = 347 FEET

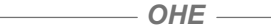
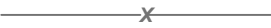
REQUIRED FRONTAGE LANDSCAPE AREA = 347 FT * 10 SF/FT = 3,470 SF

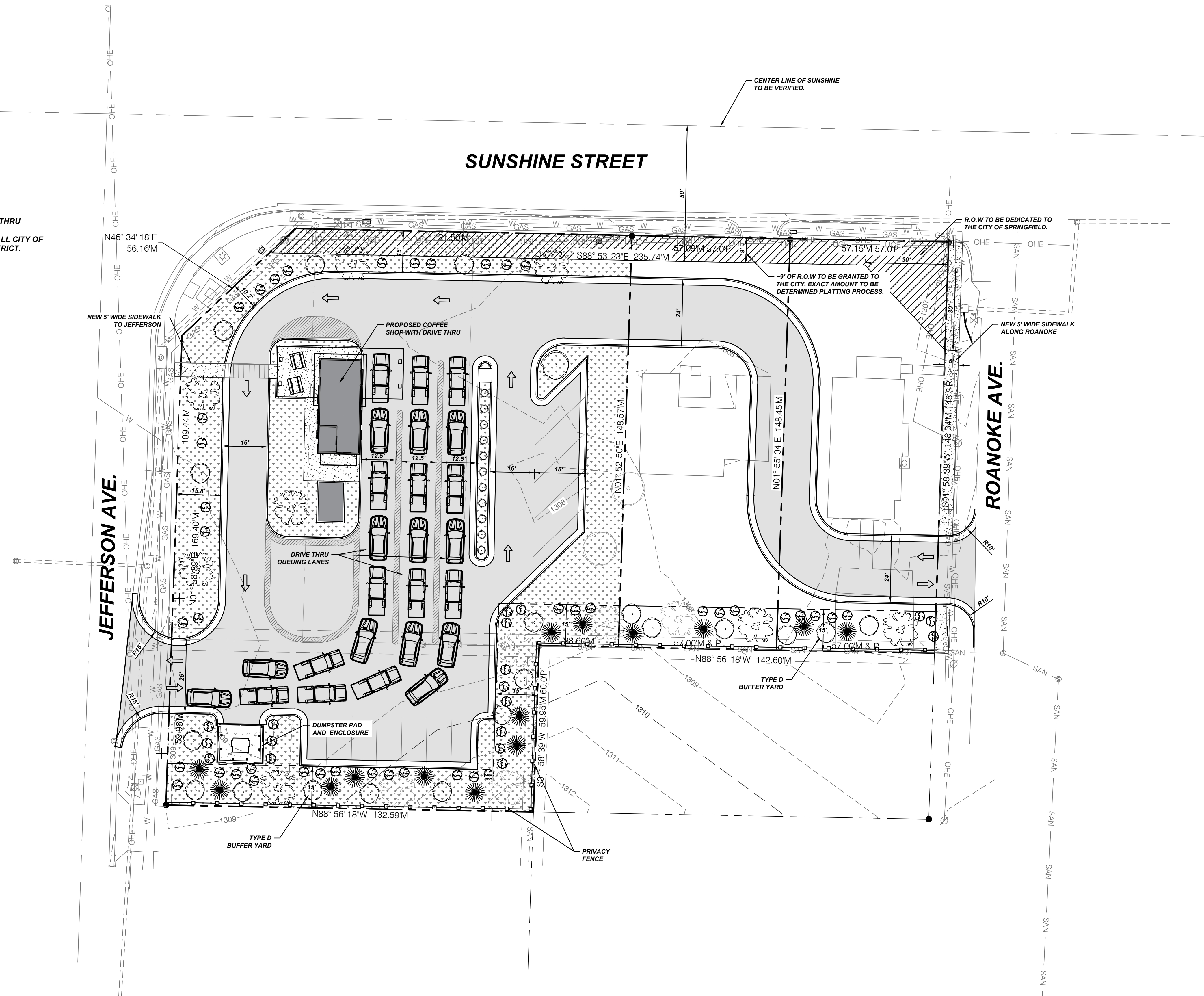
PROVIDED FRONTAGE LANDSCAPE AREA = 4,545 SF

INTERIOR LANDSCAPE REQUIREMENT (5%) = 1,556 SF

INTERIOR LANDSCAPE PROVIDED = 1,657 SF (5.3%)

LEGEND

- | | | | |
|---|---|---|---------------------------|
|  | IRON PIN SET CAPPED
"LC 2007008003" |  | TELEPHONE PEDESTAL |
|  | EXISTING IRON PIN |  | FIRE HYDRANT |
|  | EXISTING RIGHT-OF-WAY MARKER |  | WATER VALVE |
|  | MEASURED |  | GAS VALVE |
|  | PLATTED |  | GAS METER |
|  | DEEDED |  | POWER POLE |
|  | WATER LINE |  | ELECTRIC METER |
|  | GAS LINE |  | GUY ANCHOR |
|  | SANITARY SEWER |  | PULL BOX |
|  | OVERHEAD ELECTRIC LINE |  | 2 PED |
|  | UNDERGROUND ELECTRIC LINE |  | WATER METER |
|  | UNDERGROUND COMMUNICATION LINE |  | GAS METER |
|  | FIBER-OPTIC CABLE |  | AIR CONDITIONER |
|  | CHAIN LINK FENCE |  | SIGN |
|  | WOOD PRIVACY FENCE |  | LIGHT POLE |
|  | BARBED WIRE FENCE |  | POST |
|  | ELECTRIC TRANSFORMER |  | MAIL BOX |
|  | SANITARY SEWER MANHOLE |  | TREE DECIDUOUS |
|  | STORM SEWER MANHOLE |  | TREE EVERGREEN |
|  | WATER MANHOLE | | |



Prepared by:



CJW Transportation Consultants, L.L.C.
Tel: 417.889.3400
Fax: 417.889.3402
www.GoCJW.com

SITE IMPROVEMENT PLAN
COFFEE SHOP
SUNSHINE ST & JEFFERSON AVE

[illegible]

EXHIBIT

SHEET NO.

1

CJW NO. 21181 OF 1

From: [Myrna Stevens](#)
To: Zoning@springfieldmo.gov
Subject: 404 E. SUNSHINE ST.
Date: Friday, September 16, 2022 8:47:40 AM

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

MYRNA STEVENS
1855 S. ROANOKE AVE.
SPGFLD MO 65807
417-655-1322
REGARDING: BUILDING/ZONING 404 E. SUNSHINE ST.

To all whom this may concern:

Thank you for the opportunity to voice my concerns over this development. (I would have been at the meeting in person yesterday, but I am still convalescing from a very bad car accident.)

PLEASE DO NOT LET THIS HAPPEN!

As you can see, I live on Roanoke Ave. It suffers from being a "cut through" street. Do you know how fast cars come flying down from Sunshine?? This is SUCH a family street: children biking and skateboarding, couples walking their dogs, we have disabled ones on this street who get fresh air in their wheelchairs. There are NO SIDEWALKS for us to safely enjoy these activities!!! We must always be on the look-out! And that is SO sad. The cars who cut through this street DO NOT CARE! I actually saw a car try to hit a dog!

When construction work was being done along Sunshine and it was my street's turn to be closed at the Sunshine end, it was like a different world -- it was WONDERFUL!!! But as soon as the street reopened, so did the drag strip.

I have wanted to complain about the above since Dec 2019 when I bought this house! But the City is busy enough fighting deadly crime matters, working with a budget that can't meet its needs...

I was appalled when this Sunshine development was announced but did have faith it would NOT be approved due to its vicinity to the elementary school, as well as the fact Sunshine and S. Campbell intersection can neither take on OR manage the traffic this business will generate. I was thrilled reading the news it was not going to happen here -- maybe a different location though. Now to find out it's back... SAFETY will be compromised on every level if this business is allowed to build here.

PLEASE DO NOT LET THIS HAPPEN. PLEASE...

Respectfully,
M. Stevens

From: [Munde, Alan](#)
To: Zoning@springfieldmo.gov; [Council](#)
Subject: Coffee Shop at the corner of Jefferson and Sunshine
Date: Monday, September 26, 2022 9:44:26 AM

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

Dear Zoning, and Council Members,

I am writing to share my concern over the proposed drive through coffee business proposed for the corner of Jefferson and Sunshine. I am a resident of the University Heights neighborhood. Although the coffee drive through is not in my neighborhood it is on our border. I walk and/or drive that way daily and am alarmed at the amount of traffic that is already at that location (with Sunshine Elementary School directly across the street from the proposed location) and the next block being Campbell and Sunshine. Sunshine and Campbell are highly trafficked and dangerous with the Bass Pro Shop, Canes, Chic Fillet, McDonalds, Rapid Roberts gas, and other businesses located near there. As I cross that intersection on foot often, I have come to view the "crosswalk" as "crosshairs." Drivers are almost oblivious to pedestrians.

I think that the creeping/expanding of drive through businesses along Sunshine toward Jefferson would be a bad idea and lead to harmful outcomes in safety.

Thank you for your attention,

Alan Munde
P.O. Box 4989
Springfield, MO 65808
512-694-8173 cell
www.mundemusic.com
www.almundesbanjocollege.com
www.campbluegrass.com

From: [Steve Brooks](#)
To: Zoning@springfieldmo.gov
Subject: Proposed 7Brew at Jefferson and Sunshine, on the October 6th P&Z calendar
Date: Tuesday, September 27, 2022 3:12:14 PM

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

Planning and zoning commissioners, I live in the University Heights neighborhood just a bit east of the proposed development. Our 2 children went to Sunshine Elementary throughout that era of their educational time, as we have lived here 37 years.

Even though this proposal has been turned down (twice!) by P and Z, they are back again. I know that area is now zoned as Limited Business. From what I understand, that would allow eating and drinking establishments, but would EXCLUDE drive-in, pick-up window, or drive-thru facilities. The developers are back seeking a conditional use permit, even though this zoning says no drive-thrus, and that is all the restaurant offers. I think they may have cut back the hours on their loud music. That does not change much. This proposed high-traffic, high volume drive-thru facility would operate early morning through late evening, adjacent to a single-family residential district.

It is still a violation of the zoning, and I believe, would add to traffic congestion at that corner, with an elementary school across the street.

Perhaps it is time to consider a moratorium on these proposed developments, near historical neighborhoods, until we can create appropriate plans with the neighborhoods, in keeping with the proposals in the Forward SGF plan.

Thank you.

Steve Brooks
417 840-4446

From: [William Cooper](#)
To: Zoning@springfieldmo.gov
Subject: Comments Regarding Conditional Use Permit 470
Date: Saturday, October 1, 2022 1:45:46 PM

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

My name is William Cooper and I live at 2405 S Virginia Avenue in the Seminole Holland neighborhood.

I am writing regarding a conditional use permit application for the property located at Jefferson and Sunshine. The proposed conditional use as proposed will have a substantial or undue adverse effect upon and will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, and traffic conditions.

The developer wants to build a 7-Brew Coffee shop on the property. The proposed hours of operation are 5:30 am - 9:00 pm Sunday - Thursday and 5:30 am - 10:00 pm on Friday and Saturday. The developer proposes all outside speakers shall be pointed north towards Sunshine Street and away from the residences to the south and east and the noise level shall not exceed 80 decibels at the property line. This requirement should be changed to 60 decibels at the property line to prevent the sound from being a nuisance to the neighboring residences.

The developer's plan includes a buffer yard Type D between the project and the neighboring residences. Buffer yard D is the baseline requirement between Limited Business and Single Family Residential. Observations of existing 7-Brew locations in the city show a neon lit building which will be a nuisance to the neighboring residential houses. Because of the planned high activity use and neon lighting, requiring a more stringent buffer yard F would seem more appropriate and would further protect the neighbors.

South Jefferson Avenue is a Collector roadway and South Roanoke Avenue is a Local-Resident roadway. The proposed cross access easement to South Roanoke Avenue will push traffic onto a local residential street. Access to South Roanoke Avenue should not be allowed by this business.

William Cooper
2405 S Virginia Avenue
Springfield MO 65807
816-289-6485

From: [Penny Gordon-Chumbley](#)
To: Zoning@springfieldmo.gov
Subject: Conditional Use permit for the property located at Jefferson and Sunshine
Date: Monday, October 3, 2022 11:18:30 AM

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

I have lived at 1841 S Kings Ave for 22 years. I have seen the residential quality of my neighborhood improve over the years, but the traffic, noise and commercial character of the surrounding neighborhood has declined dramatically.

1. At most times of the day, I cannot easily or quickly turn onto Sunshine St. but must drive south onto Cherokee and get out of the neighborhood via Campbell Ave.
2. Throughout the day, I hear loud, racing traffic on Sunshine St., often at speeds that sound unsafe.
3. Traffic during the lunch hours (from 11am to 2pm) on the corners of Campbell and Sunshine can be blocked for several minutes. Adding an additional food/beverage establishment will only add to the congestion and noise.
4. And most importantly, this business will be just across the street from an elementary school where drop off traffic and the safety of the children are a primary concern.

Thank you for your consideration,

Penny Gordon-Chumbley
1841 S Kings Ave.
Springfield, MO 65807



Penny Gordon-Chumbley/Creative
pennygordonchumbleyartist.com

From: schulzeju@aol.com
To: Zoning@springfieldmo.gov
Subject: CUP 470
Date: Monday, October 3, 2022 11:30:13 AM

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

Dear Zoning Commission Members:

I live on the corner of Roanoke and Ottawa Ct. within 185 ft. of the proposed site of a 7Brew coffee company. For 75 years my residential neighborhood has stood proud to provide a stable, neatly kept and safe place to live for working families and seniors located in central Springfield.

If the current CUP 470 is approved a triple-lane drive-thru coffee establishment will abut my neighborhood's living spaces. The company plays loud music from opening to closing to attract customers and each day will dump hundreds of cars onto my neighborhood's small local roadways creating hazards for residents. This business' operation will threaten the quiet stability that has existed for a quarter of a century. No one would choose to live next to loud music from 6am to 9pm especially not my neighbors who work nights at local hospitals and sleep days. And no one would choose to deal with excess traffic every day.

The city is currently planning ways to improve neighborhoods, to connect neighbors, to provide more safe walkable areas. This business will not strengthen or enhance our neighborhood in any of those ways ; it very possibly will endanger its future. I am asking the zoning commission to deny conditional use permit 470 and in turn protect a neighborhood that has provided and still provides a vital function in our city. My request aligns with the FORWARD SGF initiative goals of safety and stewardship of neighborhoods.

Thank you,

Julie Schulze

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

From: [SALLY A KEENE](#)
To: [Neal, Daniel](#)
Subject: 404, 420 & 424 E. Sunshine proposal on October 6th Planning & Zoning Meeting
Date: Monday, October 3, 2022 2:29:47 PM

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

Greetings -

We have lived in the Seminole/Holland neighborhood for over 30 years. We would like for you to drive over to the intersection of Jefferson & Sunshine and review the piece of property that has a request to rezone on your agenda for Thursday's meeting. We feel there is not enough space for vehicles to get off Sunshine and be able to turn into the proposed business, especially since over Brew 7 establishments have approximately 776 vehicles driving thru each day. The next thing I would like for you to view is the corner of Sunshine & Roanoke. If you would come from the west and try to turn to the right onto Roanoke, it is a slight hill and sometimes when vehicles are coming north on Roanoke, you can almost have a collision trying to turn onto Roanoke, as the street is not wide enough for vehicles to park at the 500 E. Sunshine address, along with vehicles going north and south. Could a traffic study be done before a vote is proposed? Please review these items before the next planning and zoning meeting on Thursday. Thank you.

Rick & Sally Keene
517 E. Ottawa Court
Springfield, MO 65807

From: [Ross Martin](#)
To: Zoning@springfieldmo.gov
Subject: Proposed 7 Brew Coffee Development at Jefferson and Sunshine
Date: Monday, October 3, 2022 7:14:14 PM

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

To whom it may concern,

We reside at 519 E. Ottawa Court, Springfield, MO 65807. This will mark the third time the developer of the proposed project has submitted this plan to Planning and Zoning. Like the two previous submissions, the Developer has made minor and rather meaningless changes to the proposed development without addressing the primary concern held by many of us that will have to live with this development on a daily basis. That concern is the traffic congestion that will accompany a three driveway, drive-through only business.

One need only look at the traffic problems that have arisen from the short sighted development of Chick-fil-A, Stabucks and Cains and the effects those establishments have had on traffic flow at Sunshine and Campbell. Does the City really want to recreate those issues at Sunshine and Jefferson? Contrary to the City's Traffic Engineer's assertion that 7 Brew will not be a destination for increased traffic to the area, it will be the ingress and egress of those vehicles already present that will pose a problem. To assert otherwise is simply disingenuous or wishful thinking. The proposed utilization of Roanoke Street as a means of limiting traffic flow onto Jefferson is in itself a problem as it is a rather small, undeveloped neighborhood street, which is not equipped to handle significant commercial traffic.

Traffic congestion aside, this development backs up to a residential neighborhood. The noise, music and hours of operation are totally at odds with the residents' ability to enjoy the peace and quiet one would expect in a residential neighborhood setting. While the Developer has stated that they will decrease the music volume to a "mere" 80 decibels and will limit their hours of operation, what's to prevent them from simply ignoring these promises after they've gotten what they want?

One wonders how eager the Developers of this project would be to have it built in their backyard? We would guess that they, like us, would be none too excited to have a 7 Brew Coffee drive through in their **backyard**.

We wouldn't be opposed to the commercial development of this property as long as it was something that was a better fit for a residential setting or offered some benefit to the neighborhood in general. A drive through coffee station offers no such benefits to the residents.

We would urge Planning and Zoning to again deny the conditional use permit for this development.

Sincerely,

Ross & Laura Martin

From: [Makayla Jordan-Diemler](#)
To: Zoning@springfieldmo.gov
Subject: Jefferson/Sunshine 7Brew
Date: Tuesday, October 4, 2022 7:14:27 AM

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

Good morning,

I write this email as I sit in line for a pumpkin macchiato at my favorite drive thru on the corner of Battlefield and Kansas: 7Brew. This is an excellent coffee shop that plays loud, energizing music, has 10+ employees working at all times, and sees hundreds of customers a day. When a new one pop up in a commercial area, I am thrilled for the traffic it will bring other local businesses.

These attributes are precisely why they would be horribly placed on the corner of Jefferson and Sunshine. As a resident of 1823 S Roanoke Avenue, my safe, quiet street would suddenly become a driveway for the hundreds of energetic customers leaving 7Brew at all hours of the day. Walking my dog on Jefferson street would become impossible due to the elimination of sidewalks in favor of busy parking lots. There are no nearby businesses that would benefit from the increased traffic in a residential area. My quaint, small neighborhood is not built for commercial properties, and I highly discourage the rezoning of this area. Please, keep my neighborhood fit for families, children, and animals, and let us 7Brew lovers drive the 1.1 miles to another location.

All the best,
Makayla Jordan-Diemler

From: [Mary Pearson](#)
To: Zoning@springfieldmo.gov
Subject: 7-Brew Coffee
Date: Tuesday, October 4, 2022 9:12:57 AM

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

Please deny their request to build at Sunshine and Jefferson. This is a residential neighborhood with a school across the street and is definitely not a place for this type of business. The loud music and traffic will be disruptive to everyday life. Sunshine street is busy enough already and this would also cause traffic problems on Jefferson. Please, please, please deny.

Best Regards,

Mary Pearson

Sent from my iPhone

From: [Rebekah Lee](#)
To: Zoning@springfieldmo.gov
Subject: Oct. 6 agenda item #13
Date: Tuesday, October 4, 2022 10:32:16 AM

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

I have owned and lived at 520 E. Ottawa Ct. since 2006. Roanoke absolutely cannot handle the traffic from a chain drive through coffee shop. It is too narrow and already in use for residential purposes like parking and walking. Have you been there? Please visit. We have no sidewalks. Many of us in the neighborhood have single car driveways, if any driveway at all, and have to park on the street. And with the disgusting rise of housing costs of late, more and more people in our neighborhood have multiple adults per house, thus adding more cars to the mix. Please listen to the people who live there. There are plenty of empty spots for a chain coffee shop in SGF.

Rebekah Lee

From: [sarah.ghan](mailto:sarah.ghan@springfieldmo.gov)
To: Zoning@springfieldmo.gov
Subject: Conditional Use Permit 470 for 404, 420 & 424 E. Sunshine
Date: Tuesday, October 4, 2022 10:01:11 PM

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

We have enjoyed calling Roanoke Avenue our home for eleven years. You can safely take a walk, meet your kids from the school bus, or even work in your front lawn without worrying about being hit by traffic.

Our house has stood in the same location since 1948 and some of my neighbors predate 1948. The conditional use permit that has been requested does more than disturb our peaceful neighborhood; it stands against everything a limited business supplies. The permit would allow a drive-thru with three lanes of traffic catering to five hundred plus cars daily!

Undesirable and disruptive to our quality of life is a gross understatement to define the impact of a vote in favor of Conditional Use Permit 470. A high-traffic coffee shop does not benefit or cater to our neighborhood or our needs. "Alleviate traffic" on Jefferson by creating an exit road that is next to my driveway and opposite of my neighbors back door, this does not help our safety or our quality of life.

We have a small street with no sidewalk, and most company is forced to park in the street. Why would anyone try to exit on Jefferson when it's already backed up due to a school, church, residents, and regular traffic? A partial sidewalk and an above-ground retention pond does NOT benefit our neighborhood. The retention pond, when full, is a potential hazard for children going to and from school.

Royce Reding visited myself, Sarah Hicks on Labor Day weekend. Reding claims that he proposed a dentist office for this property, which was declined by the city. If this is true, a dentist office would certainly better suit our needs than a high priced cup of coffee that I would have get in my car and wait in three lanes of traffic for, just to go right back home to enjoy.

Finally, a business in a residential neighborhood blaring music from 5:30 am to 9 or 10 pm is ridiculous and disrespectful to all nearby residents.

If our neighborhood is to welcome a new neighbor, we need one that will enhance our quality of life and our part of Springfield that we've chosen to call home.

Please carefully consider, would you choose to live with this in your back yard?

Sarah and Cody Hicks
1817 S. Roanoke Ave.

Springfield, Mo 65807

From: billrh@mchsi.com
To: Zoning@springfieldmo.gov
Subject: FYI
Date: Wednesday, October 5, 2022 11:19:00 AM

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

I live in the Seminole-Holland neighborhood and I fully support rezoning the lot on the corner of Jefferson and Sunshine.

Bill Havens
607 E Berkeley St.
417-350-4507

From: goshawk@att.net
To: Zoning@springfieldmo.gov
Subject: Public hearing on the developers application for a Conditional Use permit for the property located at Jefferson and Sunshine, Springfield, MO 65807
Date: Thursday, October 6, 2022 5:23:04 PM

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

To: Springfield Planning and Zoning Commission: Comments and Concerns

I write to strongly oppose the application for a Conditional Use Permit on the grounds that 7-Brew Coffee, a commercial business, will create offensive and intolerable noise and light pollution, and thereby incompatible with the neighboring residences. These adverse effects will reduce the value of homes, and cause chronic nuisance traffic disturbance. High levels of noise and lighting disrupt and harm humans' biological systems, and those of mammals, birds, and other wildlife in areas affected by this type of pollution [1][2][3]. Directing the speakers across the street where single family homes face Jefferson is not an equitable solution for that neighborhood, as well. Noise must be abated below 60 decibels as homeowners' open their windows during spring and fall. The buffer should equally be more strict than F criteria allows.

A better alternative is to deny this commercial, conditional use permit for something far more compatible on this corner. There are other business opportunities to build on this site which will not cause irreparable, adverse effects on the neighborhood.

The property is zoned limited business but the developer must obtain a conditional use permit to have a business with a drive-thru. The proposed conditional use as proposed will have a substantial or undue adverse effect upon and will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, and traffic conditions.

The developer wants to build a 7-Brew Coffee shop on the property. The proposed hours of operation are 5:30 am - 9:00 pm Sunday - Thursday and 5:30 am - 10:00 pm on Friday and Saturday. The developer proposes all outside speakers shall be pointed north towards Sunshine Street and away from the residences to the south and east and the noise level shall not exceed 80 decibels at the property line. This requirement should be changed to 60 decibels at the property line to prevent the sound from being a nuisance to the neighboring residences.

The developer's plan includes a buffer yard Type D between the project and the neighboring residences. Buffer yard D is the baseline requirement between Limited Business and Single Family Residential. Observations of existing 7-Brew locations in the city show a neon lit building which will be a nuisance to the neighboring residential houses. Because of the planned high activity use and neon lighting, requiring a more stringent buffer yard F would seem more appropriate and would further protect the neighbors.

South Jefferson Avenue is a Collector roadway and South Roanoke Avenue is a Local-Resident roadway. The proposed cross access easement to South Roanoke Avenue will push traffic on to a local residential street. Access to South Roanoke Avenue should not be allowed by this business.

[1] <https://www.sciencedirect.com/science/article/abs/pii/S030372072200185X>

Keywords: Thyroid, Glucocorticoid, Artificial light-at-night, Endocrine disruption, Noise. Heat

Received 13 March 2022, Revised 18 July 2022, Accepted 26 July 2022, Available online 2 August 2022, Version of Record 5 August 2022.

[2] <https://www.sciencedirect.com/science/article/abs/pii/S0269749116326306>

Keywords: Quiet areas Unlit areas Wilderness Naturalness Environmental index

Received 13 March 2022, Revised 18 July 2022, Accepted 26 July 2022, Available online 2 August 2022, Version of Record 5 August 2022.

[3] <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5838624/> **Keywords:** Melatonin, Sleep, Biorhythms, Bipolar disorder, Quality of life, Globality
[Clin Pract Epidemiol Ment Health](#). 2018; 14: 33–36.

Published online 2018 Feb 28. doi: [10.2174/1745017901814010033](https://doi.org/10.2174/1745017901814010033)

Lisa Berger

goshawk@att.net

1947 South Kings Avenue, Springfield, MO 65807

One-rdg. _____
P. Hrngs. X
Pgs. 17
Filed: 12-06-22

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-296

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 0.32 acre of property generally located at 1708 South Sieger Drive
4 from R-SF, Single-family Residential District, to O-1, Office District;
5 and adopting an updated Official Zoning Map. (Staff and Planning
6 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 1708 South Sieger Drive from R-SF, Single-family Residential
11 District, to O-1, Office District; and
12

13 WHEREAS, following proper notice, the Planning and Zoning Commission held a
14 public hearing on November 17, 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 R-SF, Single-family
30 Residential District, to O-1, Office District. Springfield Land Development Code, Section
31 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed,
32 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 - 296

FILED: 12-06-22

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 0.32 acres of property generally located at 1708 S. Sieger Drive from R-SF, Single-family residential district to O-1, Office district (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-25-2022

The applicant is requesting to rezone approximately 0.32 acres of property generally located at 1708 S. Sieger Drive from R-SF, Single-family residential district to O-1, Office district with the intent of opening a business school, with on-site housing for students, within the existing structure.

REMARKS:

The Planning and Zoning Commission held a public hearing on November 17, 2022, and recommended to approve, by a vote of 6 to 1.

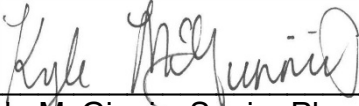
The Planning and Development staff recommends the application be approved (see the attached "Exhibit C"- Development Review Staff Report).

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 variety of commercial and office uses with mid- to high-density housing at major intersections along certain corridors. Due to the varying intensity of impacts these uses may have on adjacent low-density housing and traffic generation, the *Comprehensive Plan* notes that compliance with the *Land Development Code* must be enforced during the site planning process to maintain compatibility across land development in a given area. In this instance, the applicant intends to renovate the existing single-family structure into a business school containing classroom space for instruction, as well as living quarters for the school's students. This proposal aligns itself with the *Comprehensive Plan's* recommendation of containing housing within the same building as, or closely integrated on the same site with, retail or office space located within the Medium-Intensity Retail, Office, or Housing land use designation.

2. The *Comprehensive Plan* states that the O-1, Office District (Section 36-400 of the *Land Development Code*) is an appropriate Springfield zoning district in areas designated for Medium-Intensity Retail, Office, or Housing. The O-1 District is designed to allow for low-intensity office or professional uses in a restricted manner due to its location outside of the center city and/or adjacent to residential districts. This district would allow for the applicant's proposed business school and accompanying student housing within the existing structure and would ensure compatibility with the nearby residential uses in the event the existing structure were demolished by limiting the height of new buildings, enforcing setbacks and bufferyards, and prohibiting most outdoor activities.
3. The subject property already has connections to existing City Utilities and public sewer infrastructure.
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. At the time of development, or upon subdividing the property, sidewalk must be constructed along the property's entire frontage along E. University Street in accordance with Section 36-471 of the *Land Development Code*. It appears that an additional five feet of right-of-way maybe needed along Sieger Drive and University Street depending on a survey of the property.
5. A Traffic Impact Study is not required as part of this rezoning request.
6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:



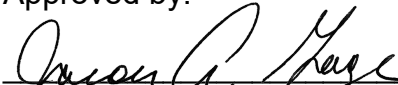
Kyle McGinnis, Senior Planner

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-25-2022

All of lot Twenty-Two (22), and the north Twenty-One (21) feet of Lot Twenty-Three, YORKSHIRE ADDITION, a Subdivision in the City of SPRINGFIELD, GREENE County, Missouri, according to the recorded Plat thereon.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – November 17, 2022

Z-25-2022

1708 South Sieger Drive

Applicant: School for Investors, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.32 acres of property generally located at 1708 S. Sieger Drive from R-SF, Single-family Residential District to O-1, Office District. Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Sandra Dirksen, 1708 S. Sieger Drive representing the school for the investors and here to answer any questions.

Mr. Knuckles asked about students living at the facility.

Ms. Dirksen noted that they will be living at the facility and are adults (3 students).

Mr. Pauly asked who will be also living there and Ms. Dirksen said that an office will be there.

Mr. Doennig closed the public hearing.

Ms. Broekhoven asked if O-1 District allows for residential and Mr. Hosmer noted that they can if it is behind or above the office space.

Mr. Pauly asked if the rule for 3 unrelated people would apply, and Mr. Hosmer noted that it does not.

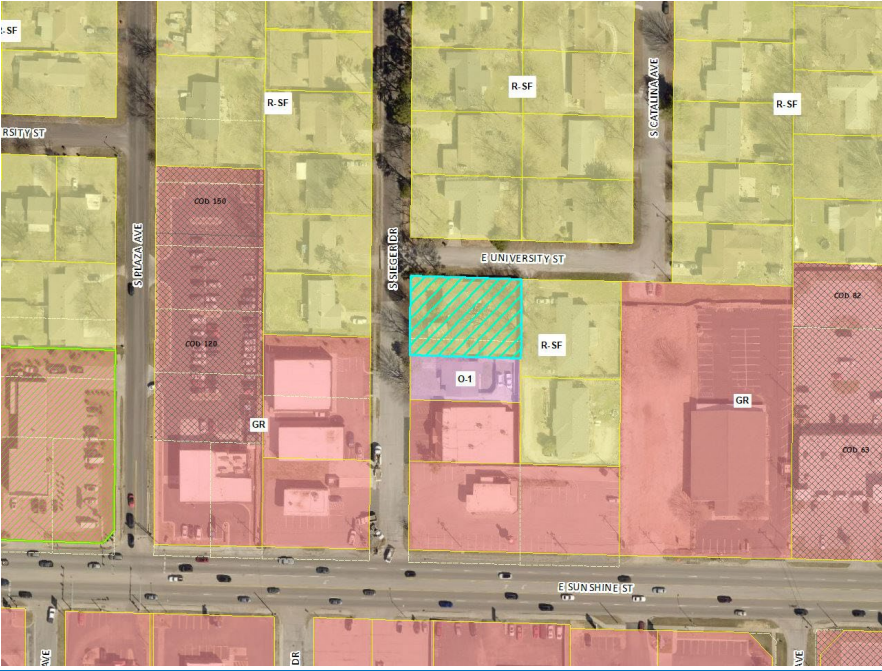
COMMISSION ACTION:

Mr. Jobe motioned to **approve** Z-25-2022 (1708 South Sieger Drive). Mr. Lebeck seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Knuckles, and Lebeck. Nays: Broekhoven. Abstain: None. Absent: None.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	NOVEMBER 17, 2022
CITY COUNCIL PUBLIC HEARING:	December 12, 2022
	CASE: Z-25-2022
	ACRES: 0.32 acres
	LOCATION: 1708 S. Sieger Drive
	EXISTING LAND USE: Single-family Residential
	APPLICANT: School For Investors 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 0.32 acres of property generally located at 1708 S. Sieger Drive from R-SF, Single-family Residential District to O-1, Office 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 variety of commercial and office uses with mid- to high-density housing at major intersections along certain corridors. Due to the varying intensity of impacts these uses may have on adjacent low-density housing and traffic generation, the *Comprehensive Plan* notes that compliance with the *Land Development Code* must be enforced during the site planning process to maintain compatibility across land development in a given area. In this instance, the applicant intends to renovate the existing single-family structure into a business school containing classroom space for instruction, as well as living quarters for the school's students. This proposal aligns itself with the *Comprehensive Plan's* recommendation of containing housing within the same building as, or closely integrated on the same site with, retail or office space located within the Medium-Intensity Retail, Office or Housing land use designation.
2. The *Comprehensive Plan* states that the O-1, Office District (Section 36-400 of the *Land Development Code*) is an appropriate Springfield zoning district in areas designated for Medium-Intensity Retail, Office or Housing. The O-1 District is designed to allow for low-intensity office or professional uses in a restricted manner due to its location outside of the center city and/or adjacent to residential districts. This district would allow for the applicant's proposed business school and accompanying student housing within the existing structure and would ensure compatibility with the nearby residential uses in the event the existing structure were demolished by limiting the height of new buildings, enforcing setbacks and bufferyards, and prohibiting most outdoor activities.
3. The subject property already has connections to existing City Utilities and public sewer infrastructure.
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. At the time of development, or upon subdividing the property, sidewalk must be constructed along the property's entire frontage along E. University Street in accordance with Section 36-471 of the *Land Development Code*. It appears that an additional five feet of right-of-way maybe needed along Sieger Drive and University Street depending on a survey of the property.

Development Review Staff Report



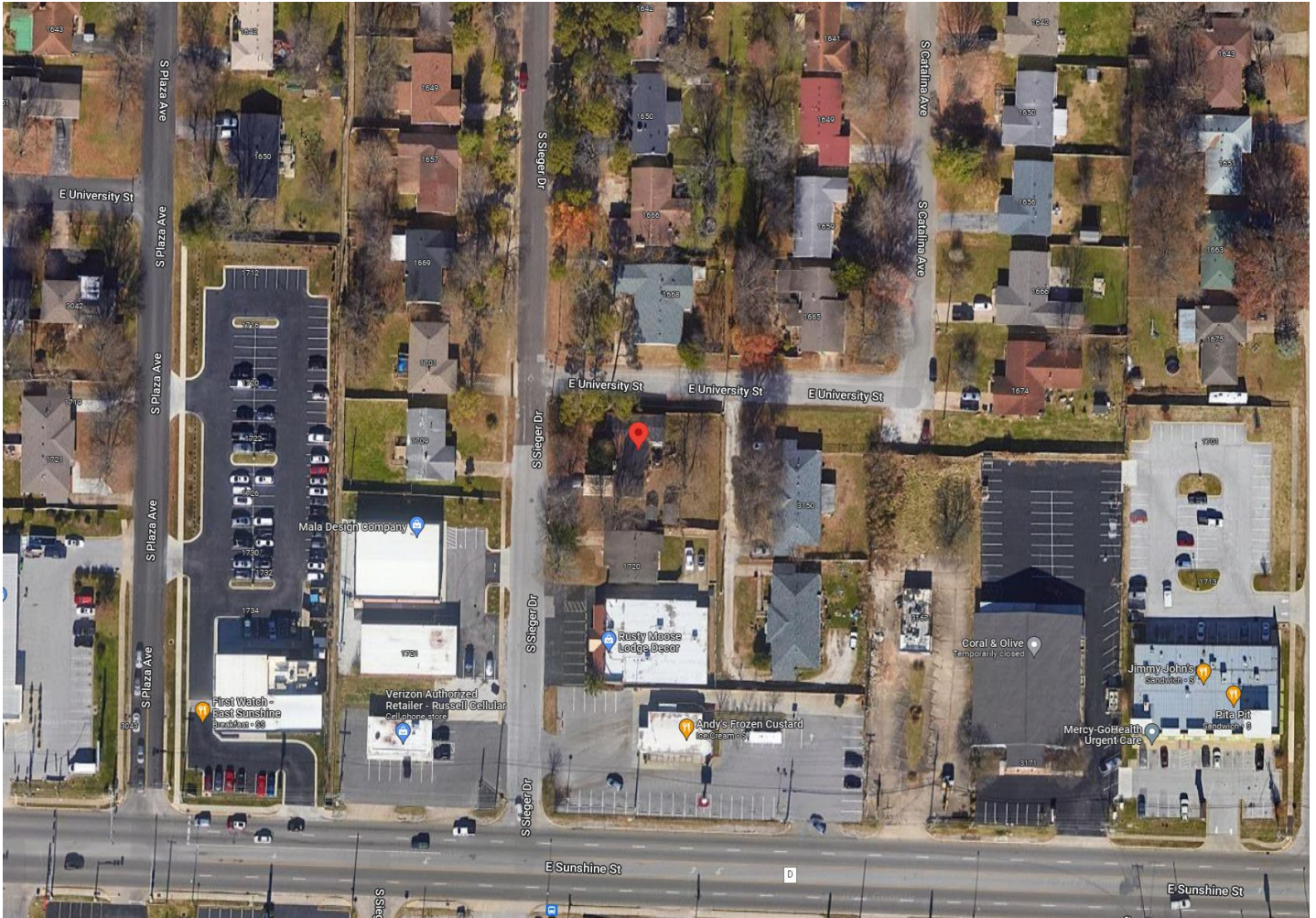
5. A Traffic Impact Study is not required as part of this rezoning request.
6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	O-1	R-SF	R-SF, GR
LAND USE	Single-family Residential	Single-family Residential	Multifamily Residential	Single-family Residential, Non-Residential Uses

Development Review Staff Report

SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



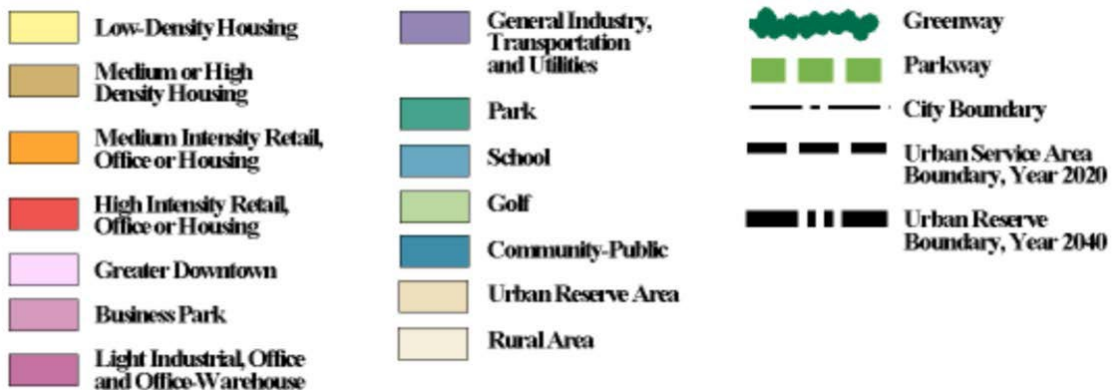
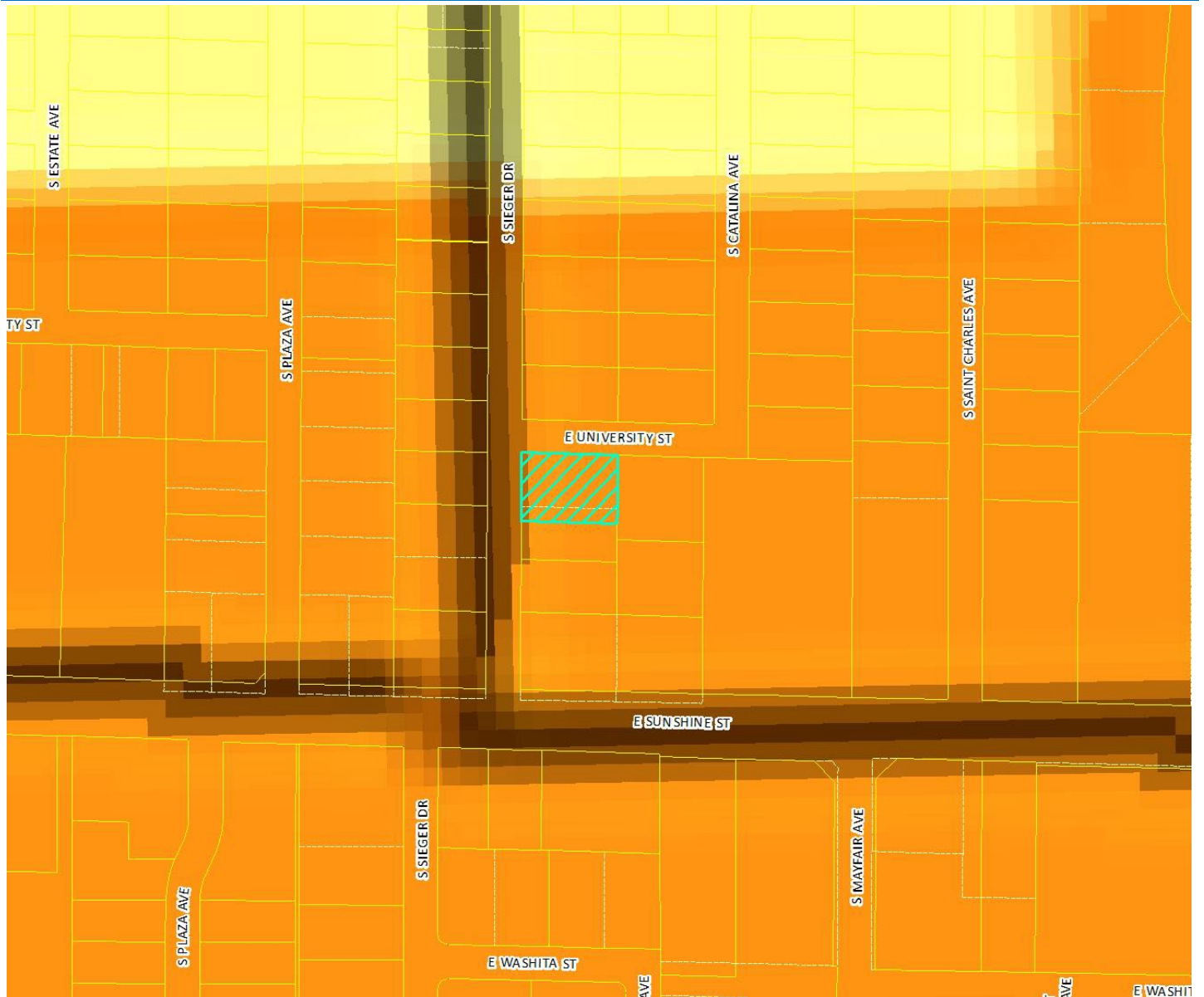
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

This property was zoned R-SF, Single-family Residential District as part of the city-wide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

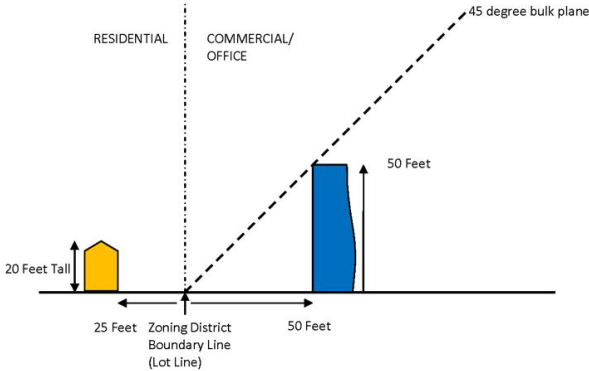
(7) Findings by the commission.

- (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.

Development Review Staff Report



ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR O-1
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. Side yard: Ten feet on each side of a lot or as required by Section 36-453, provided that no side yard is required for any building that has a common wall on a lot line. Rear yard: Twenty percent of the lot depth, but may not be less than ten feet nor may more than 25 feet be required.
Maximum Structure Height	Thirty-five 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.
Minimum Open Space	Not less than 20 percent of the total lot area.
BULK PLANE	BUFFERYARD AND LANDSCAPING
Any future construction must remain below a 45-degree bulk plane as measured from the district boundaries of the R-SF properties to the north, east, and west. 	Due to the property's relatively small dimensions, it is eligible for reduced bufferyard landscaping as described in Section 36-482 (16). Per this Section, the bufferyard along the east property line must be at least 10 feet wide, must include a six-foot wood privacy fence or other form of permitted screening, and must include at least one understory tree, two evergreen trees, and ten shrubs for every 100 feet of bufferyard length. In addition, because this nonresidential district would be located opposite residential districts and uses and would be separated by public right-of-way less than 70 feet wide, a bufferyard S1 would be required along the west and north property lines, existing conditions permitting. This bufferyard would be 15 feet wide and would require at least one canopy tree, one understory tree, and three shrubs for every 100 feet of bufferyard length. The interior and perimeter landscaping requirements of Section 36-482 (9) may be required at the time of future development depending on the site plan proposed. This site appears to contain a number of existing trees which may be eligible to be credited towards these minimum landscaping requirements as outlined in Section 36-482 (7) (g).

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 variety of commercial and office uses with mid- to high-density housing at major intersections along certain corridors. Due to the varying intensity of impacts these uses may have on adjacent low-density housing and traffic generation, the *Comprehensive Plan* notes that compliance with the *Land Development Code* must be enforced during the site planning process to maintain compatibility across land development in a given area. In this instance, the applicant intends to renovate the existing single-family structure into a business school containing classroom space for instruction, as well as living quarters for the school's students. This proposal aligns itself with the *Comprehensive Plan*'s recommendation of containing housing within the same building as, or closely integrated on the same site with, retail or office space located within the Medium-Intensity Retail, Office or Housing land use designation. The *Comprehensive Plan* states that the O-1, Office District (Section 36-400 of the *Land Development Code*) is an appropriate Springfield zoning district in this land use category.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 0.32 acres of land generally located at 1708 S. Sieger Drive from R-SF, Single-family Residential District to O-1, Office District.

Development Review Staff Report



2. The O-1 District is designed to allow for low-intensity office or professional uses in a restricted manner due to its location outside of the center city and/or adjacent to residential districts. This district would allow for the applicant's proposed business school and accompanying student housing within the existing structure and would ensure compatibility with the nearby residential uses in the event the existing structure were demolished by limiting the height of new buildings, enforcing setbacks and bufferyards, and prohibiting most outdoor activities.
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 October 27, 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: 102 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 has access to public sewer.

FIRE DEPARTMENT:

No issues with the proposed rezoning.

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 **will be allowed because the amount of impervious area added is small**. 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. A fee in-lieu-of detention for this development is permissible. Increase in impervious surface area would be minimal. <https://www.springfieldmo.gov/DocumentCenter/View/3321/Application-for-Payment-in-Lieu-of-Constructing-Stormwater-Detention-PDF>

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required with disturbing one 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.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Sieger Drive and E. University Street as Non-Residential Local roadways. The standard right-of-way width from the centerline of S. Sieger Drive and E. University Street is 30 feet. It appears an additional

Development Review Staff Report



five feet of right-of-way is needed along S. Sieger Drive and E. University Street. A survey is recommended to determine the exact amount of existing right-of-way. S. Sieger Drive and E. University Street are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for S. Sieger Drive or E. University Street. On-street parking is not allowed along S. Sieger Drive or E. University Street.

DRIVEWAY ACCESS

There is one driveway access point onto the property from S. Sieger Drive and E. University Street. Access to this property will be allowed based on existing City of Springfield standards for a Non-Residential Local roadway.

SIDEWALK

There is no existing sidewalk along the property frontage of S. Sieger Drive or E. University Street. Sidewalks are required to be constructed along the entire frontage of E. University Street as per City Code Section 36-471 at the time of development. As an alternate, a request to pay a fee in-lieu-of sidewalk construction may be submitted to ARC for consideration. 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 no bus stops along S. Sieger Drive or E. University Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study was not required as the change in zoning does not generate an additional 10 trips in the peak hour or 1,000 trips in a 24-hour period.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	S. Sieger Drive	Non-Residential Local	No	25	30
Street 2	E. University Street	Non-Residential Local	No	25	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		2	2	15	
*Proposed Trips Generated		23	21	153	
Additional Trips Generated		21	19	138	

*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

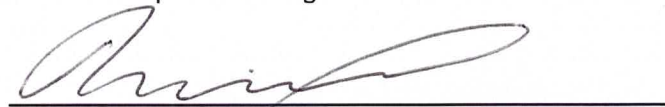
1. Request change to zoning from: SFR to O-1
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 10/27/2022, 4:00-6:30 PM
3. Meeting Location: Midtown Carnegie Branch Library
4. Number of invitations that were sent: 102
5. How the mailing list was generated: Mailing list was provided by the City
6. Number of neighbors in attendance (attach a sign-in sheet): Zero (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).

There were no attendees at the Neighborhood Meeting other than the Owner and her two representatives, thus no comments were provided.

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

N/A

I, Robert Wilson (print name), attest that the neighborhood meeting was held on 10/27/2022 (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

Robert Wilson
Printed name of person completing affidavit

One-rdg. _____
P. Hrngs. X
Pgs. 15
Filed: 12-06-22

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 297

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Section 1-9 of the Springfield City Code, 'City Limits;' and amending
2 Section 46-1 of the Springfield City Code, 'Boundaries of wards,
3 precincts and council zones;' for the purpose of annexing approximately
4 1.14 acres of private property and 0.38 acres of public street right-of-
5 way, generally located at 354 West Buena Vista Street, and referenced
6 as Annexation A-4-2022, into the City of Springfield.
7 _____
8

9 WHEREAS, a verified petition requesting annexation was filed by the owners of
10 all fee interest of record in all tracts of real property located within the area proposed to
11 be annexed, as described in "Exhibit A," said area being generally located at 354 West
12 Buena Vista Street; and
13

14 WHEREAS, said petition was presented to City Council more than fourteen, but
15 less than sixty days, prior to the public hearing thereon; and
16

17 WHEREAS, proper notice was published at least seven days prior to the public
18 hearing; and
19

20 WHEREAS, City Council does find and determine that: (1) said annexation is
21 reasonable and necessary to the proper development of the City; (2) the City is able to
22 furnish normal municipal services to the area annexed herein within a reasonable time
23 after annexation; and (3) the area annexed herein is contiguous and compact to the
24 existing corporate boundaries of the City.
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, after holding a public hearing, hereby determines that
30 annexation of the property described in "Exhibit A," which is attached hereto and
31 incorporated herein by this reference, is reasonable and necessary to the proper
32 development of the City, the City has the ability to furnish normal municipal services to
33 the area annexed within a reasonable time, and the area is contiguous and compact to
34 the existing boundaries of the City as shown in "Exhibit B," which is attached hereto and

35 incorporated herein by this reference.

36
37 Section 2 – Pursuant to the provisions of Section 71.012 RSMo., the property
38 described in "Exhibit A," is hereby annexed into the City of Springfield, Missouri.

39
40 Section 3 – Section 1-9 of the Springfield City Code, 'City Limits,' is hereby
41 amended by adding thereto the land described in "Exhibit A."

42
43 Section 4 – Section 46-1 of the Springfield City Code, 'Boundaries of wards,
44 precincts and council zones,' is hereby amended by placing the property described in
45 "Exhibit A" into the appropriate ward and precinct as determined by the County Clerk in
46 accordance with the provisions of State law.

47
48 Section 5 – The City Clerk is directed to: (1) file certified copies of this
49 Annexation Ordinance with the Clerk of Greene County; (2) file certified copies of this
50 Annexation Ordinance with the Assessor of Greene County; and (3) forward to the
51 Missouri Director of Revenue, by certified mail, certified copies of this Ordinance, and
52 any other information that the Director of Revenue may require. The City Clerk is further
53 authorized and empowered to perform any other administrative acts which are
54 consistent with the intent of this Ordinance.

55
56 Section 6 – This Ordinance shall be in full force and effect from and after
57 passage.

58
59 Passed at meeting: _____

60
61 _____
62 Mayor

63
64 Attest: _____, City Clerk

65
66 Filed as Ordinance: _____

67
68
69 Approved as to form: Jill Bennis, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022- 297

FILED: 12/06/22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to annex approximately 1.14 acres of private property and approximately 0.38 acres of public street right-of-way generally located at 354 West Buena Vista Street into the City of Springfield and referenced as Annexation A-4-2022 (Staff recommends approval).

BACKGROUND INFORMATION:

The owner(s) of the private property generally located at 354 W. Buena Vista Street is requesting annexation into the City of Springfield. The owner(s) of the private property have signed a petition to request annexation of approximately 1.14 acres into the City of Springfield. The private property is within the City of Springfield's Urban Service Area and is immediately adjacent to the City of Springfield. The annexation also includes approximately 0.38 acre of Buena Vista Street public right-of-way. The property currently has a metal commercial building for seasonal retail sales on it. The intent of this annexation and concurrent rezoning application is to allow for a new retail development.

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

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

RECOMMENDATIONS:

1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous and compact to the City of Springfield and all City services can be provided to the property.
3. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* supports the annexation because it enhances government efficiencies through rational and simplified city boundaries.

4. The property owner(s) have petitioned the City for annexation.
5. The City will receive property and sales tax revenue upon annexation of the private property.

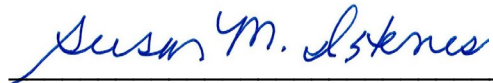
Staff recommends the annexation of this private property and public right-of-way.

Submitted by:



R. Daniel Neal, Senior Planner

Recommended by:



Susan Istenes, AICP
Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department and Agency Review

Attachment 2, Annexation Schedule

EXHIBIT A

LEGAL DESCRIPTION
ANNEXATION A-4-2022

A TRACT OF LAND BEING ALL OF LOT 1, SHADOWOOD 2ND ADDITION AND ADJACENT RIGHT OF WAY OF BUENA VISTA STREET, LOCATED IN SECTION 13, TOWNSHIP 28 NORTH, RANGE 22 WEST, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING "X" IN CONCRETE AT THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO LYING ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 160 (CAMPBELL AVENUE);

THENCE NORTH $00^{\circ}57'50''$ EAST, ALONG THE WEST LINE OF SAID LOT 1 AND ITS EXTENSION, A DISTANCE OF 265.44 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BUENA VISTA STREET;

THENCE SOUTH $89^{\circ}24'03''$ EAST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 249.23 FEET TO THE INTERSECTION OF THE EXTENSION OF THE EAST LINE OF SAID LOT 1 AND SAID NORTH RIGHT OF WAY LINE OF BUENA VISTA STREET;

THENCE SOUTH $00^{\circ}45'16''$ WEST, ALONG THE SAID EXTENSION OF THE EAST LINE OF SAID LOT 1 AND THE EAST LINE OF SAID LOT 1, A DISTANCE OF 265.07 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE NORTH $89^{\circ}29'08''$ WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 250.21 FEET TO THE POINT OF BEGINNING.

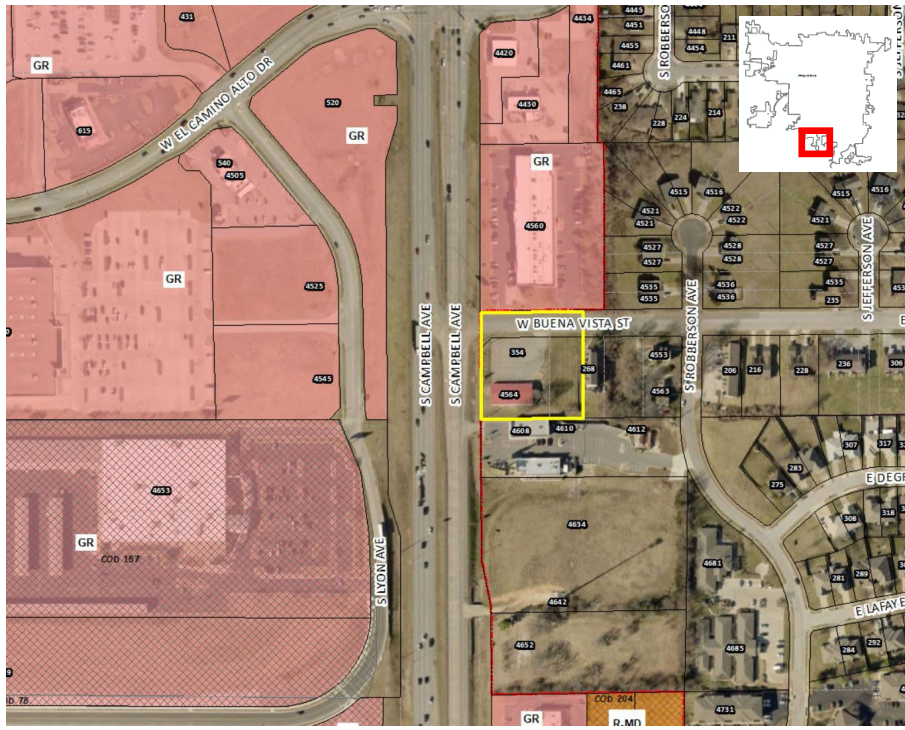
CONTAINING 66,239 SQUARE FEET OR 1.52 ACRES.

Development Review Staff Report



CITY COUNCIL PUBLIC HEARING:

DECEMBER 12, 2022

**CASE NUMBER:**

Annexation A-4-2022

LOCATION:

354 W. Buena Vista Street

ACRES:

Approximately 1.52 acres

EXISTING LAND USE:

Seasonal retail sales

APPLICANT:

Hale Real Estate, LLC

STAFF:Daniel Neal, Senior Planner
864-1036**STAFF RECOMMENDATIONS:**

Approve

PROPOSED MOTION:

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

SUMMARY OF REQUEST:

Request to annex approximately 1.14 acres of private property and approximately 0.38 acre of public street right-of-way generally located at 354 West Buena Vista Street into the City of Springfield.

FINDINGS FOR STAFF RECOMMENDATION:

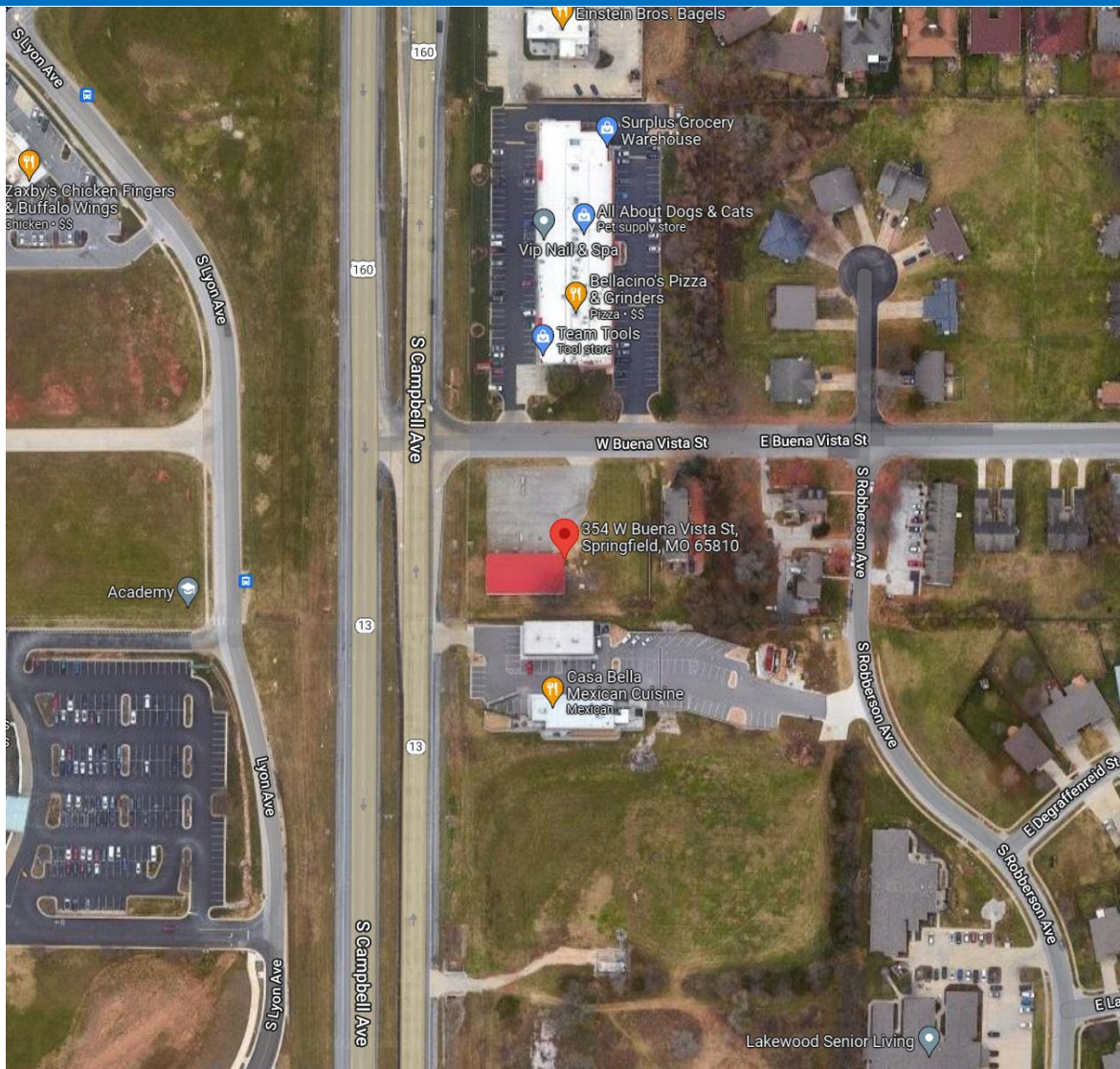
1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous and compact to the City of Springfield and all City services can be provided to the property.
3. The subject private property and public right-of-way is bounded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

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	County C-1	County R-4	GR
LAND USE	Shopping center	Retail and restaurant uses	Multi-family residential uses	Retail and Library uses

Development Review Staff Report

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

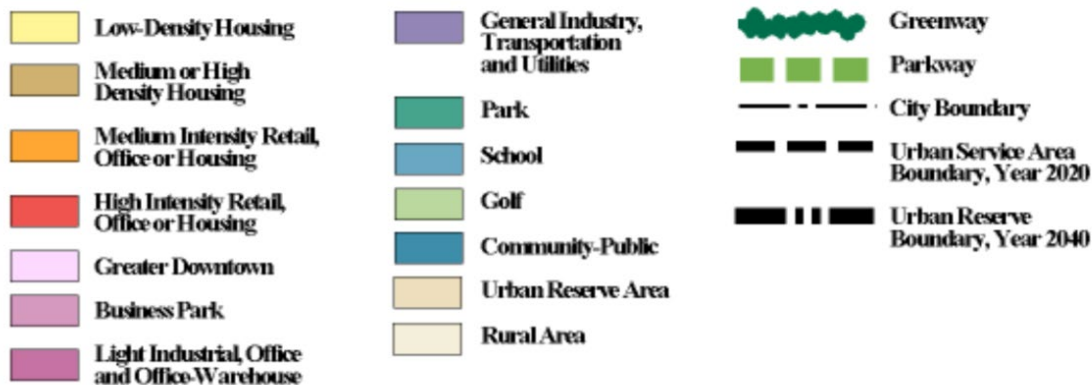
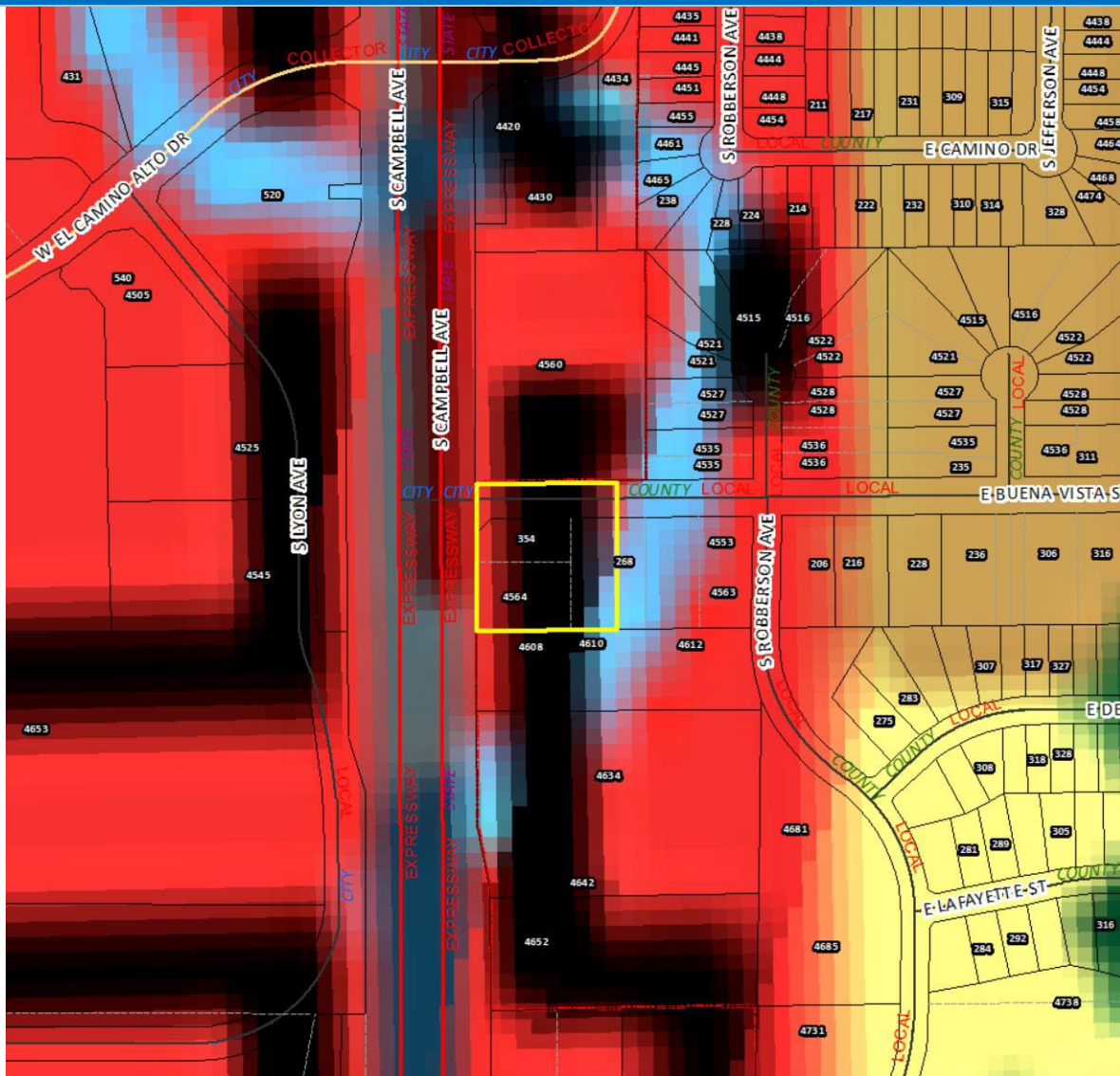


GOOGLE MAPS STREET VIEW:

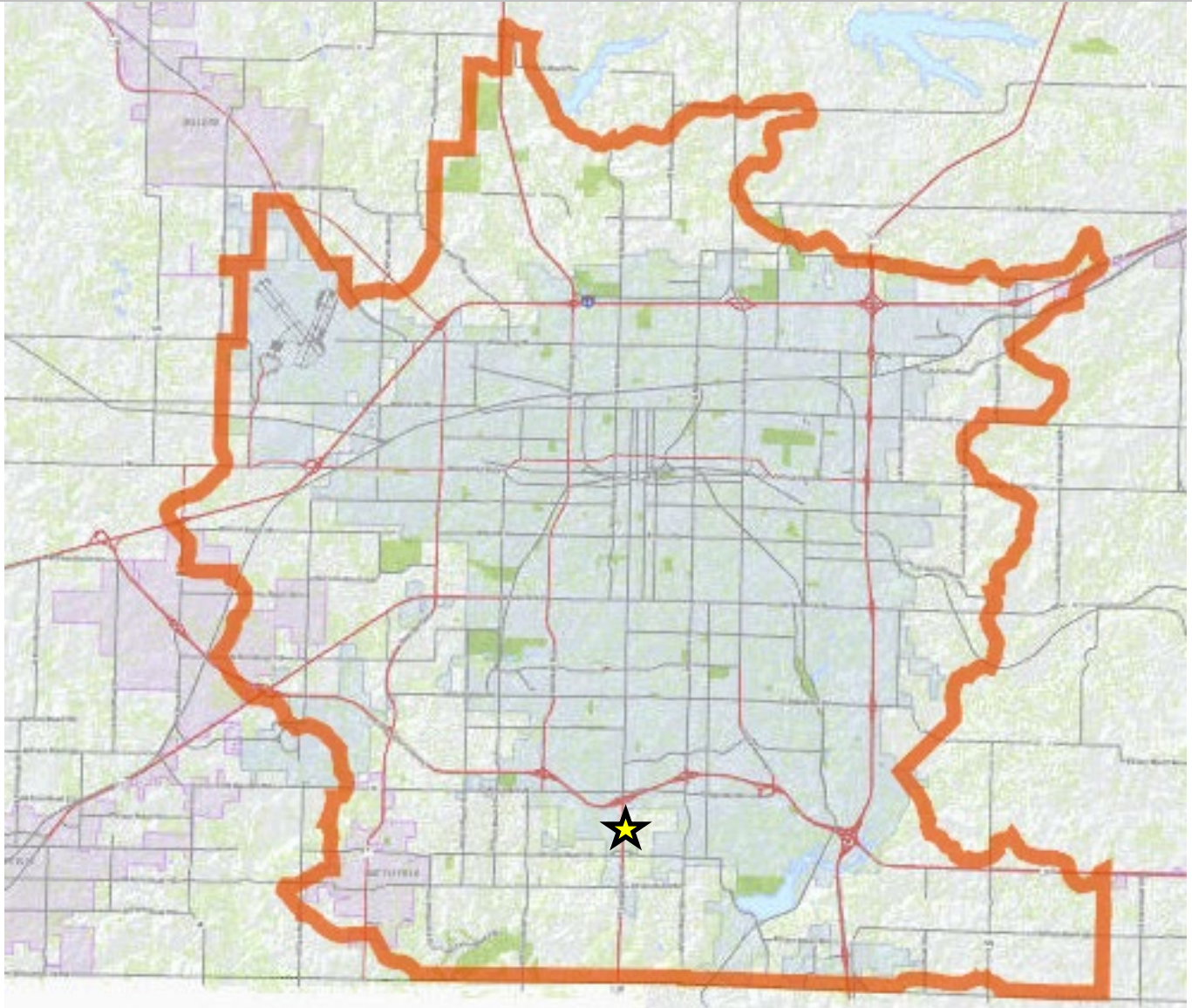


Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



URBAN SERVICE AREA:



Development Review Staff Report



PROPERTY HISTORY:

The subject property is currently outside the city limits in unincorporated Greene County. The subject property is currently zoned Greene County C-1, Neighborhood Commercial District and has a commercial building on it. The annexation is being processed concurrently with a rezoning of the same area and will have a public hearing at the City Council meeting.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

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

The *Growth Management and Land Use Plan* designates this area as appropriate for High Intensity Retail, Office and Housing uses.

STAFF COMMENTS:

1. The applicant is proposing to annex approximately 1.14 acres of private property and approximately 0.38 acre of public street right-of-way generally located at 354 West Buena Vista Street into the City of Springfield. A rezoning to GR, General Retail District for a new retail development is being processed with this annexation and will have a public hearing at the same City Council meeting.
2. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
3. The proposed annexation and rezoning will allow the subject property to be developed similarly to adjacent properties in the City.
4. The proposed annexation area does not contain any known sinkholes and is not located in a FEMA designated floodplain. The proposed annexation area does not contain a stream buffer area.
5. The proposed annexation contains 0.38 acre of Greene County public street right-of-way for Buena Vista Street.
6. The proposed annexation area is currently served by the Battlefield Fire Protection District.
7. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1. The legal description of the private property involved in this annexation is attached as Exhibit A.

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:	Mailed: 6	Returned: 0
--	-----------	-------------

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

No issues with the proposed annexation.

CLEAN WATER SERVICES COMMENTS:

No objection to the annexation, although we have the following comments:

1. These tracts do not have direct access to public sewer and are not in a defined sewer district. Public sewer will need to be extended to serve the tracts which will require public improvement plans designed and constructed to city standards. Those public improvements will need to be approved, constructed and accepted or escrowed before a plat or building permit could be approved.

E-911 COMMENTS:

No comments.

ECONOMIC DEVELOPMENT COMMENTS:

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

FIRE DEPARTMENT COMMENTS:

1. **Service** – The primary Fire Station responding to this area would be Station #11 located at 4940 S Fremont, which is approximately 1.8 miles from the southwest corner of the property. Fire Station #9 located at 450 W Walnut Lawn, is the secondary station responding to this location, which is 1.6 miles from the northwest corner of the property.
2. **ISO area** – The proposed annexation is currently outside the recommended ISO 1.5-mile response distance by 0.6 miles for the 1st due unit. *While this is greater than the ISO recommendation, it will not have a significant impact on our ISO rating for deployment.*
3. **Response times/Standards of Cover** – Estimated response time was calculated mathematically with an assumed travel speed of 45 miles per hour by the fire apparatus, 35 mph in high traffic congestion districts. The 1st due company has an estimated total response time of 4 minutes, 44 seconds. The 2nd due company has an estimated total response time of 5 minutes, 5 seconds. It is likely the standard of coverage benchmark could be met for single company responses and for a full 1st alarm response which requires 3 engines, 2 Trucks, 1 Rescue and 1 Battalion Chief to arrive on scene within 10 minutes and 20 seconds. *The department expects that it will meet the initial unit and effective response force benchmarks. Additionally, this location is covered by an*

Development Review Staff Report



established automatic aid agreement for a fire emergency. This will not negatively impact our accreditation standard of cover.

		Estimated Total Response Time	Benchmark*	Baseline**
1 st Due Company	Station 11	4 minutes 44 seconds	6 minutes 20 seconds	8 minutes 13 seconds
Total Effective Response Force	Station 11, 9, 6, 10, 1, and 7	9 minutes 32 seconds	10 minutes 20 seconds	13 minutes 18 seconds

4. **Water Supply** – Currently there is a 16” water main along the west side of the property and an 8” water main on the north side of the property. *The Fire Department does not have any concerns with the water supply for this proposed annexation. Any future development shall meet the intent of the adopted Fire Code for fire water supply consistent with the needs of the development.*
5. **Impact** – Emergency responses to this property is anticipated to be low under current use. *The Fire Department does not have concerns with the operational impact to the department or the City of Springfield.*

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

MODOT COMMENTS:

No comment. Annexation does not impact MoDOT right-of-way.

POLICE DEPARTMENT COMMENTS:

No issues at this time.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Campbell Avenue as Expressway roadway, and W. Buena Vista Street as Non-Residential Local roadway. The standard right-of-way width from the centerline for S. Campbell Avenue is 65 feet, and for W. Buena Vista Street is 30 feet. It appears no additional right-of-way is needed along S. Campbell Avenue or W. Buena Vista Street. A survey is recommended to determine the exact amount of existing right-of-way. S. Campbell Avenue is a state-maintained street and W. Buena Vista Street is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for S. Campbell Avenue is 39,551 vehicles per day. There is no recent traffic count for W. Buena Vista Street. On-street parking is not allowed along S. Campbell Avenue or W. Buena Vista Street.

DRIVEWAY ACCESS

There is no driveway access point onto the property from S. Campbell Avenue. No access is allowed from S. Campbell Avenue. There is one driveway access point onto the property from W. Buena Vista Street. Access to this property from W. Buena Vista Street will be allowed based on existing City of Springfield standards for a Non-Residential Local.

Development Review Staff Report



SIDEWALK

There is no existing sidewalk along the property frontage of S. Campbell Avenue or W. Buena Vista Street. Sidewalks are required to be constructed along the entire frontage of both S. Campbell Avenue and W. Buena Vista Street as per City Code Section 36-471 at the time of development. As an alternate, a request to pay a fee in lieu of sidewalk construction may be submitted to ARC for consideration. If approved, the fee must be paid prior to issuance of a building permit.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along S. Campbell Avenue or W. Buena Vista Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study was not required as the change in zoning does not generate an additional 100 trips in the peak hour or 1,000 trips in a 24-hour period.

TRAFFIC - TABLE 1: ANNEXATION DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	S. Campbell Avenue	Expressway	No	100	65
Street 2	W. Buena Vista Street	Non-Residential Local	No	30	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		19	77	828	
*Proposed Trips Generated		19	77	828	
Additional Trips Generated		0	0	0	

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

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Ward Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will be allowed due to proximity to the floodplain**. The property **does not have a stream buffer on site**.

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

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

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.

Development Review Staff Report



- a. A fee in lieu of detention for this development will be permitted, the adjacent east property has the Ward Branch stream with Floodplain to collect the runoff.
- b. A drainage easement or directed outlet maybe required for on-site runoff.

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.
 - a. Water Quality will be required

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:
 - 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.

ANNEXATION SCHEDULE:

ATTACHMENT 2
ANNEXATION SCHEDULE

ANNEXATION:

Initiate annexation.....	November 14, 2022
City Council public hearing	December 12, 2022
City Council second reading and vote	January 9, 2023

One-rdg. _____
P. Hrngs. X
Pgs. 18
Filed: 12-06-22

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 298

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 1.15 acres of property generally located at 354 West Buena Vista
4 Street from Greene County C-2 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 354 West Buena Vista Street from Greene County C-2 to GR,
11 General Retail District; and
12

13 WHEREAS, following proper notice, the Planning and Zoning Commission held a
14 public hearing on November 17, 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 Greene County C-2 to
30 GR, General Retail District. Springfield Land Development Code, Section 36-306,
31 'Official zoning map and rules for interpretation,' is hereby amended, changed, and
32 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 Burris, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2022 - 298

FILED: 12-06-22

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 1.15 acres of property generally located at 354 W. Buena Vista Street from Greene County C-2 to GR, General retail district as part of the proposed annexation of this property (A-4-2022). (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-26-2022

The applicant is requesting to rezone approximately 1.15 acres of property generally located at 354 W. Buena Vista Street from Greene County C-2 to GR, General retail district as part of the proposed annexation of this property (A-4-2022).

REMARKS: The Planning and Zoning Commission held a public hearing on November 17, 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).

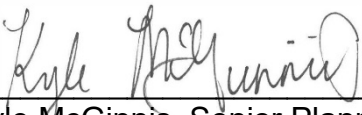
FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for High-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, at a density and intensity greater than that associated with the Medium-Intensity Retail, Office or Housing designation. This land use category is typically associated with Activity Centers, which are intended to contain mixed- or multiple-land uses on a given site, with major consideration given to creating attractive pedestrian spaces and streetscapes, shared or public open spaces, and links to nearby greenways. This property is located along the periphery of the James River Freeway and Campbell Avenue Activity Center, as identified on Figure 18-8 of the *Growth Management and Land Use Plan*.
2. The *Comprehensive Plan* states that the GR, General retail district (Section 36-421 of the *Land Development Code*) is an appropriate Springfield zoning district in areas designated for High-Intensity Retail, Office, or Housing. The GR district permits a number of commercial, and office uses by right, with opportunities for residential

uses if located above or behind first-floor non-residential frontage along W. Buena Vista Street. The requested rezoning would not only maintain the existing commercial activity on the property but would allow for the enforcement of City zoning regulations as part of this property's redevelopment, bringing greater uniformity to the development patterns along this commercial corridor.

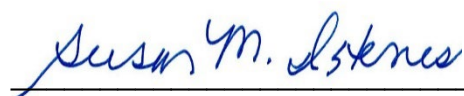
3. The subject property already has connections to existing City Utilities infrastructure but lacks access to the City's public sewer system. As a result, a public sewer extension will be required to serve this property. This extension will require the submission of public improvement plans designed and constructed according to City standards. These plans must be approved, filed, and either constructed or escrowed before building plans or a plat may be approved.
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. At the time of development, or upon subdividing the property, sidewalk must be constructed along the property's entire frontage along both S. Campbell Avenue and W. Buena Vista Street in accordance with Section 36-471 of the *Land Development Code*. The sidewalks must be shown on a civil site plan and constructed under a sidewalk permit, or they can be depicted on public improvement plans, if required for another aspect of the property's development, such as the extension of public sewer noted above.
5. Although a Traffic Impact Study ("TIS") is not required at the time of rezoning, a TIS may be required at the time of the property's development. The developer shall coordinate with Public Works – Traffic on this matter.
6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. If denied, the property would maintain its County C-2 designation, which permits a number of commercial uses; however, the property would not be subject to the City's bulk, open space, off-street parking, or landscaping regulations, which seek to provide a sense of uniformity throughout the City's non-residential areas.

Submitted by:



Kyle McGinnis, Senior Planner

Recommended by:



Susan Istenes, AICP

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-26-2022

ALL OF LOT ONE (1), SHADOWWOOD 2ND ADDITION BEING A REPLAT OF
PARCEL 1 AND PARCEL 2 AND PARCEL 3 OF LOT 2 OF SHADOWWOOD
SUBDIVISION AMENDED PLAT, CITY OF SPRINGFIELD, GREENE COUNTY,
MISSOURI.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – November 17, 2022

Z-26-2022

354 West Buena Vista Street

Applicant: Hale Realestate, LLC

Mr. Hosmer stated that this is a request to rezone approximately 1.15 acres of property generally located at 354 W. Buena Vista Street from Greene County C-2 to GR, General retail district as part of the proposed annexation of this property (A-4-2022). Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Chris Wynn, 5651 S. National Avenue and is representing the developer. Ultimately, they would like to extend to a sewer access and will be annexing the property also. Property is zoned commercial but will be rezoning to General Retail and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-26-2022 (354 West Buena Vista Street). Mr. Jobe seconded the motion. Ayes: Doennig, Jobe, Colony, Pauly, Knuckles, Broekhoven, and Lebeck. Nays: None. Abstain: None. Absent: None.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	NOVEMBER 17, 2022
CITY COUNCIL PUBLIC HEARING:	December 12, 2022
	CASE: Z-26-2022
	ACRES: 1.15 acres
	LOCATION: 354 W. Buena Vista Street
	EXISTING LAND USE: Seasonal retail sales
	APPLICANT: Hale Real Est LLC
	STAFF: Kyle McGinnis, Senior Planner (417) 864-1615
	STAFF RECOMMENDATIONS: Approve
SUMMARY OF REQUEST:	
Request to rezone approximately 1.15 acres of property generally located at 354 W. Buena Vista Street from Greene County C-2 to GR, General retail district as part of the proposed annexation of this property (A-4-2022).	
FINDINGS FOR STAFF RECOMMENDATIONS:	

1. The *Growth Management and Land Use Plan* designates this site as appropriate for High-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, at a density and intensity greater than that associated with the Medium-Intensity Retail, Office or Housing designation. This land use category is typically associated with Activity Centers, which are intended to contain mixed- or multiple-land uses on a given site, with major consideration given to creating attractive pedestrian spaces and streetscapes, shared or public open spaces, and links to nearby greenways. This property is located along the periphery of the James River Freeway and Campbell Avenue Activity Center, as identified on Figure 18-8 of the *Growth Management and Land Use Plan*.
2. The *Comprehensive Plan* states that the GR, General retail district (Section 36-421 of the *Land Development Code*) is an appropriate Springfield zoning district in areas designated for High-Intensity Retail, Office or Housing. The GR district permits a number of commercial and office uses by right, with opportunities for residential uses if located above or behind first-floor non-residential frontage along W. Buena Vista Street. The requested rezoning would not only maintain the existing commercial activity on the property but would allow for the enforcement of City zoning regulations as part of this property's redevelopment, bringing greater uniformity to the development patterns along this commercial corridor.
3. The subject property already has connections to existing City Utilities infrastructure but lacks access to the City's public sewer system. As a result, a public sewer extension will be required to serve this property. This extension will require the submission of public improvement plans designed and constructed according to City standards. These plans must be approved, filed, and either constructed or escrowed before building plans or a plat may be approved.
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. At the time of development, or upon subdividing the property, sidewalk must be constructed along the property's entire frontage along both S. Campbell Avenue and W. Buena Vista Street in accordance with Section 36-471 of the *Land Development Code*. The sidewalks must be shown on a civil site plan

Development Review Staff Report



and constructed under a sidewalk permit or they can be depicted on public improvement plans, if required for another aspect of the property's development, such as the extension of public sewer noted above.

5. Although a Traffic Impact Study (TIS) is not required at the time of rezoning, a TIS may be required at the time of the property's development. The developer shall coordinate with Public Works – Traffic on this matter.
6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. If denied, the property would maintain its County C-2 designation, which permits a number of commercial uses; however, the property would not be subject to the City's bulk, open space, off-street parking, or landscaping regulations, which seek to provide a sense of uniformity throughout the City's non-residential areas.

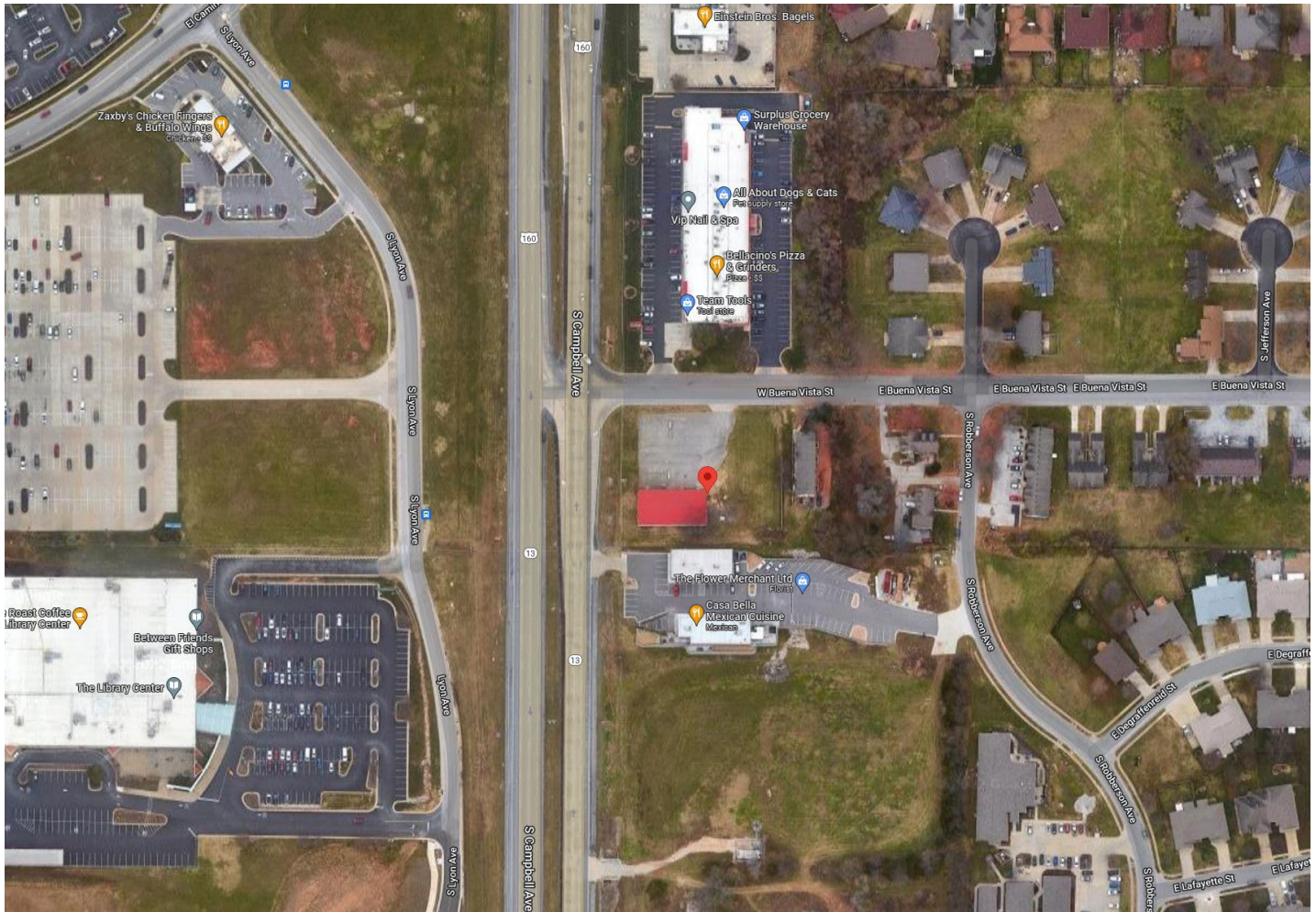
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	County C-1	County R-4	GR
LAND USE	Commercial, Office Uses	Retail Sales, Eating and Drinking Establishment	Single-family Residential	Undeveloped

Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)

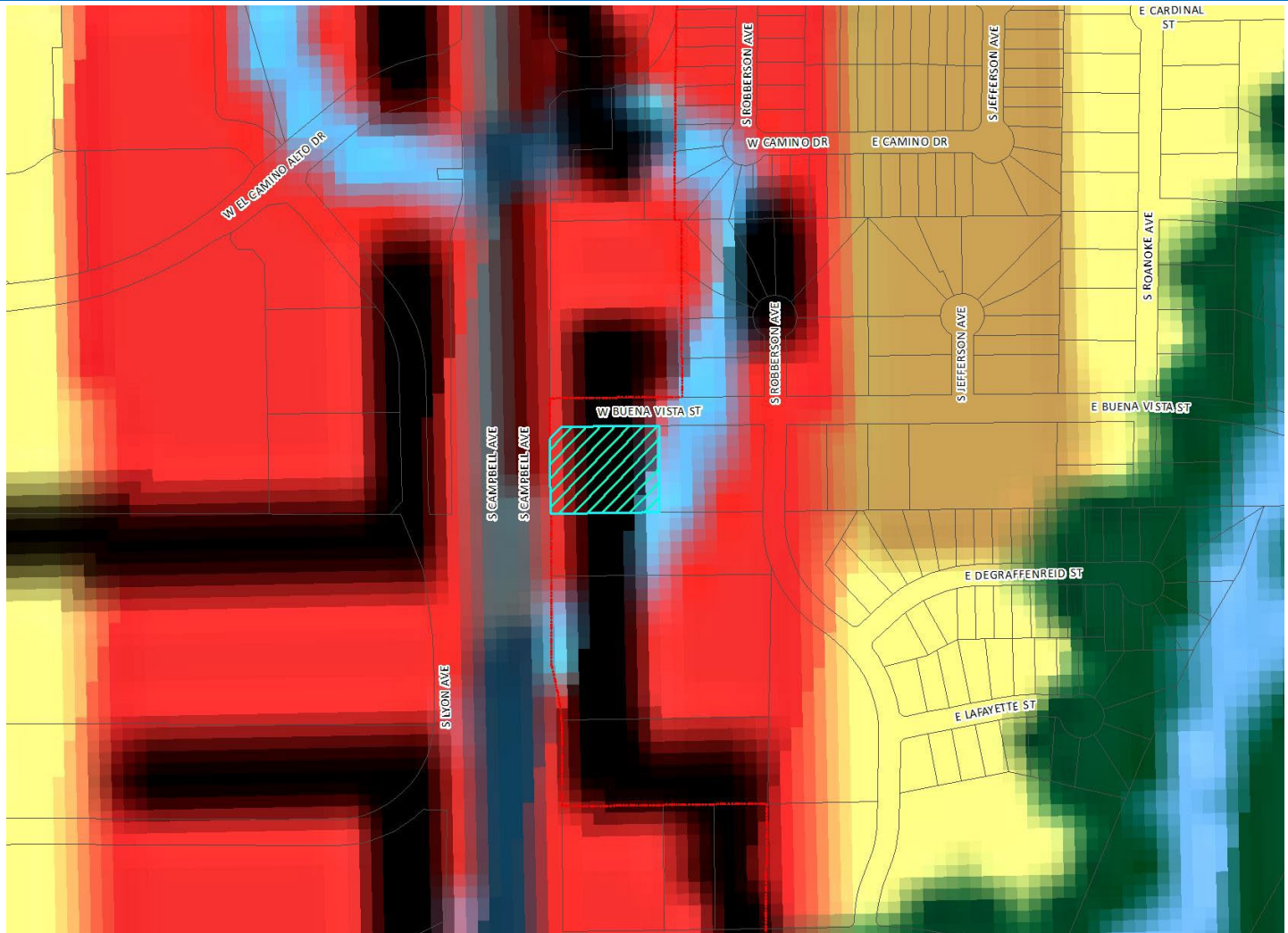


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



- 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:

This property has not yet been annexed into the City. It is currently zoned County C-2 and has been subject to commercial activity in the past.

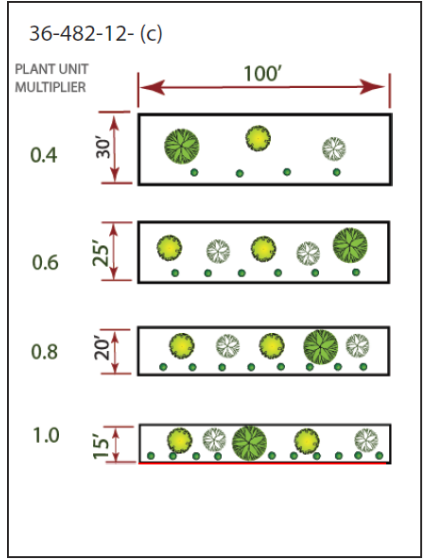
PLANNING AND ZONING COMMISSION AUTHORITY:

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 regulated by bulk plane limitation (see below).
Minimum Open Space	Not less than 20 percent of the total lot area.
BULK PLANE	BUFFERYARD AND LANDSCAPING
Not applicable. The property to the east is zoned County R-4, which is generally comparable to the City R-MD, Medium-density multifamily residential district. There is no required bulk plane limitation for commercial properties adjacent to property zoned R-MD per Section 36-421 of the <i>Land Development Code</i> .	A bufferyard C, as described in Section 36-482, will be required along the east property line due to the adjacent County R-4 zoning, which is generally comparable to the City's R-MD district. This bufferyard's standard width of 20 feet may be decreased by five feet should the bufferyard include a permissible form of screening; alternatively, the bufferyard's minimum plantings may be lessened if additional width is provided. Development is also subject to the interior and perimeter landscaping requirements noted in Section 36-482 (9). 

Development Review Staff Report



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this site as appropriate for High-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, at a density and intensity greater than that associated with the Medium-Intensity Retail, Office or Housing designation. This land use category is typically associated with Activity Centers, which are intended to contain mixed- or multiple-land uses on a given site, with major consideration given to creating attractive pedestrian spaces and streetscapes, shared or public open spaces, and links to nearby greenways. This property is located along the periphery of the James River Freeway and Campbell Avenue Activity Center, as identified on Figure 18-8 of the *Growth Management and Land Use Plan*. The *Comprehensive Plan* states that the GR, General retail district (Section 36-421 of the *Land Development Code*) is an appropriate Springfield zoning district in areas designated for High-Intensity Retail, Office or Housing.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 1.15 acres of land generally located at 354 W. Buena Vista Street from County C-2 to the City's GR, General retail district. The property owner has requested annexation into the City as outlined in A-4-2022, requiring this rezoning.
2. 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 W. Buena Vista Street, a local roadway, and S. Campbell Avenue, an expressway.
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 October 27, 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: 44

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 property does not have direct access to public sewer and will require a public sewer extension to be served. The nearest public sewer is approximately 50 feet to the east. Extending sewer will require public improvement plans designed and constructed according to City standards. The plans must be approved, filed and either constructed or escrowed before a plat or building permit can be approved.

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** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will be allowed due to proximity to the floodplain**. 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. A fee in-lieu-of detention for this development will not be permitted. The adjacent property to the east contains the Ward Branch stream, including a floodplain, which will collect runoff.
 - b. A drainage easement or directed outlet may be required for on-site runoff.

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 when disturbing one acre of land or more. This includes projects less than one acre in area that are part of a larger common plan of development or sale that will disturb one acre of land or more over the life of the project. Refer to Chapter 10 Section 2.0. Water Quality will be required.

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required due to the anticipated area of disturbance exceeding one acre in area 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 S. Campbell Avenue as Expressway roadway, and W. Buena Vista Street as Non-Residential Local roadway. The standard right-of-way width from the centerline for S. Campbell Avenue is 65 feet, and for W. Buena Vista Street is 30 feet. It appears no additional right-of-way is needed along S. Campbell Avenue or W. Buena Vista Street. A survey is recommended to determine the exact amount of existing right-of-way. S. Campbell Avenue is a state-maintained street and W. Buena Vista Street is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for S. Campbell Avenue is 39,551 vehicles per day. There is no recent traffic count for W. Buena Vista Street. On-street parking is not allowed along S. Campbell Avenue or W. Buena Vista Street.

DRIVEWAY ACCESS

There is no driveway access point onto the property from S. Campbell Avenue. No access is allowed from S. Campbell Avenue. There is one driveway access point onto the property from W. Buena Vista Street. Access to this property from W. Buena Vista Street will be allowed based on existing City of Springfield standards for a Non-Residential Local.

SIDEWALK

There is no existing sidewalk along the property frontage of S. Campbell Avenue or W. Buena Vista Street. Sidewalks are required to be constructed along the entire frontage of both S. Campbell Avenue and W. Buena Vista Street as per City Code Section 36-471 at the time of development. As an alternate, a request to pay a fee in-lieu-of sidewalk construction may be submitted to ARC for consideration. 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 no bus stops along S. Campbell Avenue or W. Buena Vista Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study was not required as the change in zoning does not generate an additional 10 trips in the peak hour or 1,000 trips in a 24-hour period.

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. Campbell Avenue	Expressway	No	100	65
Street 2	W. Buena Vista Street	Non-Residential Local	No	30	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		19	77	828	
*Proposed Trips Generated		19	77	828	
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

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: County C2 to city GR
(existing zoning) (proposed zoning)
2. Meeting Date & Time: October 27th 4:00 to 6:30 PM
3. Meeting Location: City office 5051 S. National Ave Ste 7A
4. Number of invitations that were sent: _____
5. How the mailing list was generated: city of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

No one showed up.

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

No one showed up or sent in comments

I, Chris Wynn (print name), attest that the neighborhood meeting was held on 10-27-22 (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."

Chris Wynn

Signature of person completing affidavit

Chris Wynn

Printed name of person completing affidavit

Sign-In Sheet

Neighborhood Meeting - 10-27-22

For 354 Buena Vista Avenue

	<u>Name</u>	<u>Address</u>	<u>phone</u>	<u>Email</u>
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

One-rdg. _____
P. Hrngs. X
Pgs. 23
Filed: 12-06-22

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-299

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Official Map of the City of Springfield, Missouri, adopted pursuant to
2 General Ordinance 1478, by changing the street name of the 3100-3399
3 block of North Mulroy Road to North Beaver Road. (Staff and Planning
4 and Zoning Commission both recommend approval.)
5 _____
6

7 WHEREAS, an application has been filed for a change of street name; and
8

9 WHEREAS, following proper notice, a public hearing was held on November 17,
10 2022, before the Planning and Zoning Commission, a copy of the Record of
11 Proceedings from said public hearing being attached hereto and incorporated herein by
12 this reference as "Exhibit A," and said Commission made its recommendation; and
13

14 WHEREAS, the City of Springfield, Missouri, has reviewed the applicant's
15 request and prepared a staff report concerning the application which is attached hereto
16 and incorporated herein by this reference as "Exhibit B;" and
17

18 WHEREAS, proper notice was given of a public hearing before City Council, and
19 said hearing was held in accordance with law.
20

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

24 Section 1 – The Official Map of the City of Springfield, Missouri, adopted
25 pursuant to General Ordinance 1478, is hereby amended by changing the name of the
26 3100-3399 block of North Mulroy Road as set forth herein:
27

PRESENT NAME	LOCATION	NEW NAME
North Mulroy Road	3100-3399 Block of North Mulroy Road	North Beaver Road

32 Section 2 – The City Clerk is hereby directed to make the modifications to the
33

34 Official Map of the City of Springfield as adopted by General Ordinance 1478, as
35 amended, as shown above.

36
37 Section 3 – This Ordinance shall be in full force and effect from and after
38 passage.

39
40 Passed at meeting: _____

41
42 _____
43 Mayor

44
45 Attest: _____, City Clerk

46
47 Filed as Ordinance: _____

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

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

EXPLANATION TO COUNCIL BILL 2022 -299

FILED: 12-06-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Official Map of Springfield, adopted pursuant to General Ordinance No. 1478 by changing the street name of the 3100-3399 Block of North Mulroy Road to North Beaver Road. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

STREET NAME CHANGE NO. 80

This is a request to re-name the 3100-3399 block of North Mulroy Road to North Beaver Road by the applicant, Buc-ee's.

The gas station and travel center chain, Buc-ee's, is currently constructing a store at 3280 North Mulroy Road and wishes to rename the street to "North Beaver Road" in order to assist drivers in guiding them to the store. They state it will reduce driver confusion and improve operations.

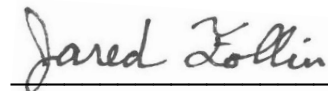
REMARKS: The Planning and Zoning Commission held a public hearing on November 17, 2022, and recommended approval, by a vote of 4 to 3.

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

FINDINGS FOR STAFF RECOMMENDATION:

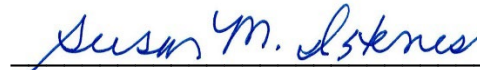
1. It has been a long-standing policy of the Planning and Development Department to not support street name changes to a company's name. However, staff does support renaming North Mulroy Road to North Beaver Road as it does not directly reference a business.

Submitted by:

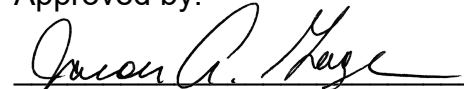


Jared Follin, Associate Planner

Recommended by:


Susan Istenes, AICP, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Applicant Statement and proposed signage

Attachment 3, Proposed Re-Design of Mulroy Road Interchange

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – November 17, 2022

Street Name Change 80
3100 – 3399 blk North Mulroy Road
Applicant: Buc-ee's

Mr. Hosmer stated that this is a request to rename the 3100-3399 block of North Mulroy Road to North Beaver Road. Staff recommends approval.

Mr. Colony asked about examples of Madison/Bear Blvd and an unnamed county road and if Madison was vacated.

Mr. Hosmer noted that he believes some of it was vacated.

Mr. Doennig opened the public hearing.

Mr. Stan Beard, 327 FM 2004, Lake Jackson, TX went over points, i.e., of why a 50,000' gas station would need any more visibility but noted the exit off of the freeway will be tricky and expects around 12,000 cars per day (3 out of 4 cars are not from the area). Consultants and MoDot thought it would be helpful to have the name change for traffic flow (micro-movement) and to help minimize possible safety issues.

Mr. Jobe asked about other communities that have a Buc'ee's.

Mr. Beard noted that they have several stores with street names (Buc'ee's, etc.) and has helped minimize any traffic concerns/flows.

Mr. Colony questioned the street name change and why it would need to be renamed.

Mr. Brett Foster, Public Works noted that the situation is the micro-movement that will be the problem and gave out examples of other situations and changes. He said that it does need to change to a simpler name (Fed Hwy/MoDot supports), and this will be largest traffic generator in Springfield, and will make the traffic flow safer and easier.

Mr. Lebeck asked if this is a public safety issue.

Mr. Foster noted that it is a safety issues and needs to simpler.

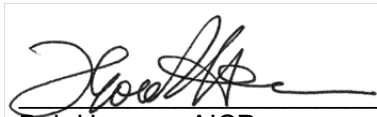
Mr. Knuckles talked about the roundabouts and how your automobile GPS is telling you how to get you to the destination and having a separate name will be simpler.

Mr. Pauly has concerns with constant changes of businesses to street names and gave out examples of other locations.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Street Name Change 80 (3100 – 3399 blk North Mulroy Road). Mr. Jobe seconded the motion. Ayes: Jobe, Colony, Knuckles, and Broekhoven. Nays: Doennig, Lebeck, and Pauly. Abstain: None. Absent: None.

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

Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

NOVEMBER 17, 2022

CITY COUNCIL PUBLIC HEARING:

DECEMBER 12, 2022



CASE: Street Name Change No. 80

LOCATION: 3100-3399 block of North Mulroy Road

APPLICANT: Buc-ee's

STAFF: Jared Follin, Associate Planner
417-864-1612

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION: Move to approve the street name change, as submitted in the staff report

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

SUMMARY OF REQUEST:

Request to rename the 3100-3399 block of North Mulroy Road to North Beaver Road.

FINDINGS FOR STAFF RECOMMENDATION:

1. This request is to rename 3100-3399 block of North Mulroy Road to North Beaver Road for this portion of the City's Street system.
2. Mulroy Road is classified in the City's Transportation plan as a primary arterial roadway.
3. It has been a long-standing policy of the Planning and Development Department to not support street name changes to a company's name. However, staff does support renaming North Mulroy Road to North Beaver Road as it does not directly reference a business.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County Residential-1	Commercial Service	Highway Commercial / County Commercial-1	Residential Single Family
LAND USE	Residential	Industrial	Residential	Undeveloped

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



CITY OF
Springfield

[illegible]

Development Review Staff Report



PROPERTY HISTORY:

The subject street and right-of-way were annexed into the city in 1999 under General Ordinance 4951. The origins of the current name, Mulroy Road, could not be found.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 98-10. – Procedure for changing names of streets.

Before the name of any public street is changed, there shall be public notice of such proposed change and public hearings shall be held in accordance with the following procedures:

- 1) All such changes shall first be considered by the planning and zoning commission at a public hearing.
- 2) Prior to the public hearing before the planning and zoning commission, notices of such hearing shall be posted in the area where the name change is to take place, which notice shall set out the time, date and location of the public hearing, giving at least ten days' notice of the hearing. Such notices shall be conspicuously displayed by posting the notice on the city right-of-way.
- 3) The planning and zoning commission of the city shall hold its public hearing on the name change and shall submit its recommendation to the city council.
- 4) Thereafter, the city council shall hold a public hearing on the proposed name change, giving at least five days' notice of the public hearing in accordance with the provisions set forth in this section. After holding the public hearing, the city council may, in its discretion, change the name and shall give notice of such change to the post office and other appropriate public officials.

STAFF COMMENTS:

1. The Planning and Zoning Commission reviewed this item on October 6, 2022, with a tie vote. According to the Planning and Zoning Commission Rules of Procedure a tie vote automatically tables the item and requires a vote at the November 17, 2022 meeting.
2. This request is to re-assign 3100-3399 Block of North Mulroy Road to North Beaver Road.
3. The gas station and travel center chain, Buc-ee's, is currently constructing a store at 3280 North Mulroy Road and wishes to rename the street to "North Beaver Road" in order to assist drivers in guiding them to the store. They state it will reduce driver confusion and improve operations. See Attachment 2 for their full statement. Also included is their concept of the signage coming off the interstate. The Planning and Zoning Commission reviewed this item on October 6, 2022, with a tie vote. According to the Planning and Zoning Commission Rules of Procedure a tie vote automatically tables the item and requires a vote at the November 17, 2022 meeting.
4. Planning supports the street name change. The original request was to rename the street to "Buc-ee's Avenue", but we did not support it as it directly referenced a company's name. In 2019, planning did not support the street name change of East Farm Road 188 to Innovative Avenue as it reflected the name of the applicant's business, Innovative Dental; however, after some negotiations, we supported renaming the street to Innovation Avenue. Other street names such as "Bear Boulevard" near Missouri State University and "Mustard Way" near French's Food Company are examples of street names we also supported.
5. Planning and Zoning Commission's recommendation on this case will be sent to City Council for final approval.
6. The proposed street name change was reviewed by City departments and comments are contained in Attachment 1. The applicant's full statement for their reasoning for the street name change and their concept of the signage can be found in Attachment 2. The proposed plans for the redesign of the interchange and North Mulroy Road can be found in Attachment 3.

Development Review Staff Report



PUBLIC NOTIFICATION:

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 adjacent to the proposed street name change.

Notices sent to property owners adjacent to the proposed street name change:	Mailed: 7	Returned: 1
--	-----------	-------------

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT COMMENTS

911 EMERGENCY COMMUNICATIONS COMMENTS:

The range from the north I-44 ramp intersection with N. Mulroy Road north to E. Farm Road 104 is 3100-3399

MISSOURI DEPARTMENT OF TRANSPORTATION COMMENTS:

MoDOT comments to follow to consultant on actual signing. No issue with the road name change.

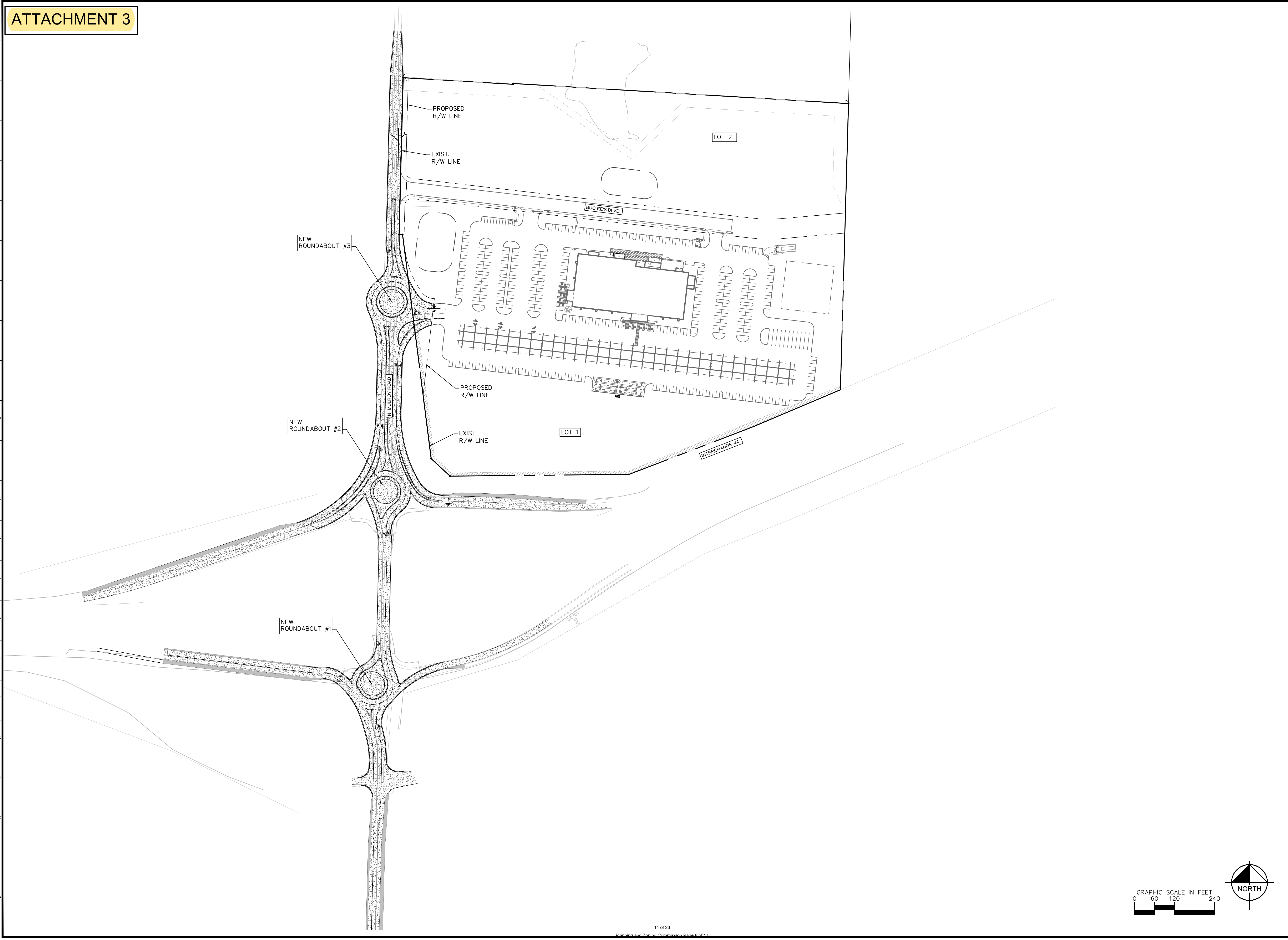
PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No comments.

Following discussions and recommendations from staff at the Missouri Department of Transportation, the Applicant is requesting the change of N. Mulroy Road to N. Beaver Road to simplify the signage at the reconstructed I-44 interchange with N. Mulroy Road. This interchange modification will result in new multilane roundabouts and is anticipated to be visited by a significant number of unfamiliar drivers on a regular basis. FHWA regulations prevent using specific business names on directional signage, restricting the signage to small wayfinding signs. Renaming N. Mulroy Road to N. Beaver Road will better guide drivers to utilize the proper lanes at the roundabouts, reducing driver confusion and improving operations.

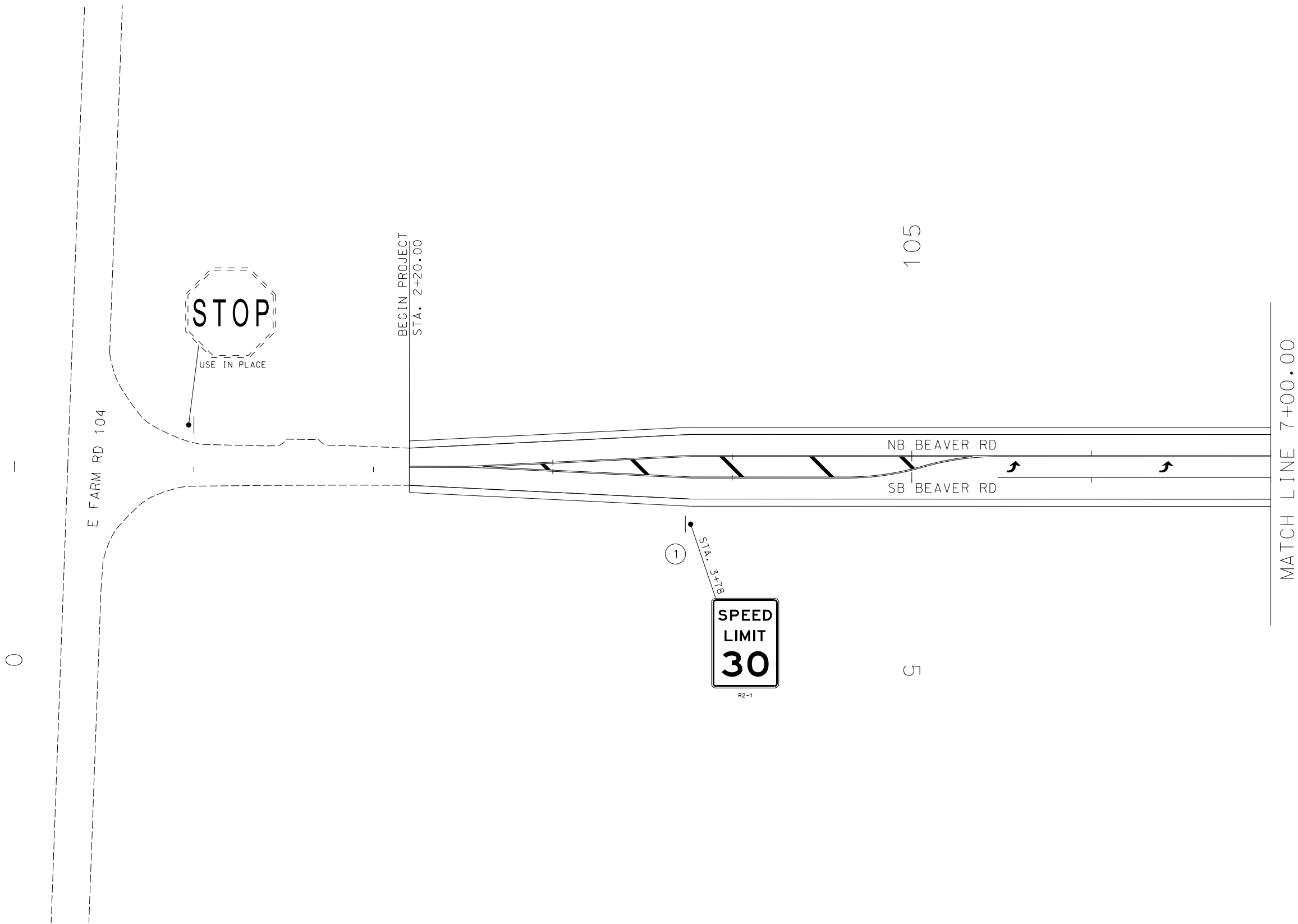
Drawing name: K:\VNC_LDE\168942001_Buc-ees springfield mo\2 Design\CAO\plan sheets\C7 INTERCHANGE PLAN.dwg C7 INTERCHANGE PLAN Aug 02, 2021 2:16pm By: Arin.Tibben
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

ATTACHMENT 3

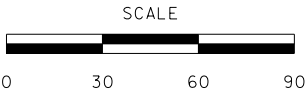


BUC-EE'S TRAVEL CENTER INTERSTATE HIGHWAY 44 & N. MULROY ROAD SPRINGFIELD, MO 65803		INTERCHANGE PLAN		Kimley»Horn © 2021 KIMLEY-HORN AND ASSOCIATES, INC. 1828 WALNUT STREET, SUITE 04-101 DENVER, CO 80202 PHONE: 316.625.0350 WWW.KIMLEY-HORN.COM PROFESSIONAL ENGINEER AUTHORITY #181612 EXPIRES 12/31/21	
ORIGINAL ISSUE: 7/30/2021		SCALE: AS NOTED		DESIGNED BY: JC	
KHA PROJECT NO. 168942001		DRAWN BY: LL		CHECKED BY: MK	
SHEET NUMBER C7		NOT FOR CONSTRUCTION		REVISIONS	
				DATE	
				BY	

NE 1/4 SW 1/4
SEC 1, T29N, R21W



NW 1/4 SW 1/4
SEC 1, T29N, R21W
15 of 23



SIGNING SHEET
SHEET 1 OF 24

NOTE:
1. REMOVE ALL EXISTING SIGNS WITHIN THE PROJECT LIMITS
WHEN BUC-EES AVE AND THE INTERCHANGE ARE CLOSED TO
TRAFFIC UNLESS OTHERWISE NOTED IN THE PLANS.



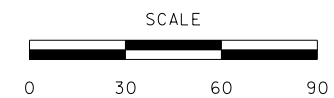
ROUTE 744 RECONSTRUCTION
SPRINGFIELD, MO 65803
GREENE COUNTY
FINAL PLANS

KHA PROJECT		LICENSED PROFESSIONAL	
9/21/2022	9/21/2022		
SCALE	AS SHOWN		
DESIGNED BY	EMB		
DRAWN BY	HJH		
CHECKED BY	CET		
SHEET NO.	63		
		DATE:	

Kimley»Horn
KIMLEY-HORN AND ASSOCIATES, INC.
805 PENNSYLVANIA AVENUE, SUITE 150
KANSAS CITY, MO 64105
PHONE: 816-600-0000
WWW.KIMLEY-HORN.COM

REVISIONS		DATE	BY
No.			

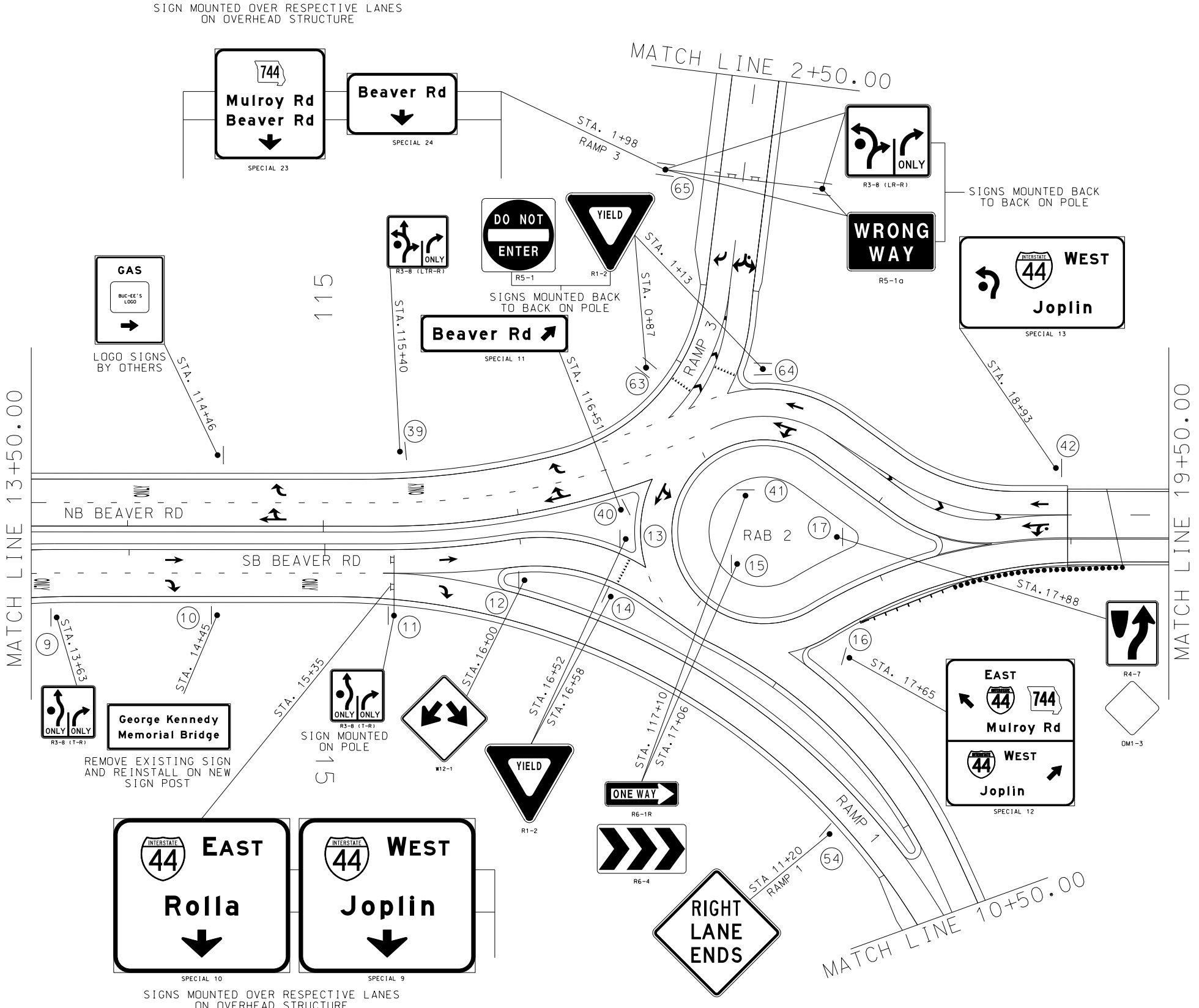
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SEC 1, T29N, R21W
16 of 23



p.dgn 7:07:50 PM 9/21/2022

 ROUTE 744 RECONSTRUCTION SPRINGFIELD, MO 65803 GREENE COUNTY FINAL PLANS	KHA PROJECT		LICENSED PROFESSIONAL		 KIMLEY-HORN AND ASSOCIATES, INC. 805 PENNSYLVANIA AVENUE, SUITE 150 CHICAGO, ILLINOIS 60605 PHONE: 312.650.0300 WWW.KIMLEY-HORN.COM							
	9/21/2022											
	SCALE AS SHOWN											
	DESIGNED BY EMB											
	DRAWN BY HJH											
	CHECKED BY GET											
	SHEET NO. 64											
	DATE:				No.	REVISIONS	DATE	BY				

NE 1/4 SW 1/4
SEC 1, T29N, R21W



NW 1/4 SW 1/4
SEC 1, T29N, R21W
17 of 23



SIGNING SHEET
SHEET 3 OF 24

	ROUTE 744 RECONSTRUCTION SPRINGFIELD, MO 65803 GREENE COUNTY FINAL PLANS	KHA PROJECT 9/21/2022 SCALE AS SHOWN DESIGNED BY EMB DRAWN BY HJH CHECKED BY CET SHEET NO. 65	LICENSED PROFESSIONAL	 KIMLEY-HORN AND ASSOCIATES, INC. 805 PENNSYLVANIA AVENUE, SUITE 150 KANSAS CITY, MO 64105 PHONE: 816-600-0000 WWW.KIMLEY-HORN.COM	REVISIONS	DATE	BY
					No.		



Planning and Zoning Commission Page 12 of 17

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KIMLEY-HORN AND ASSOCIATES, INC.
805 PENNSYLVANIA AVENUE, SUITE 150
KANSAS CITY, MO 64105
PHONE: 816-652-0350
WWW.KIMLEY-HORN.COM

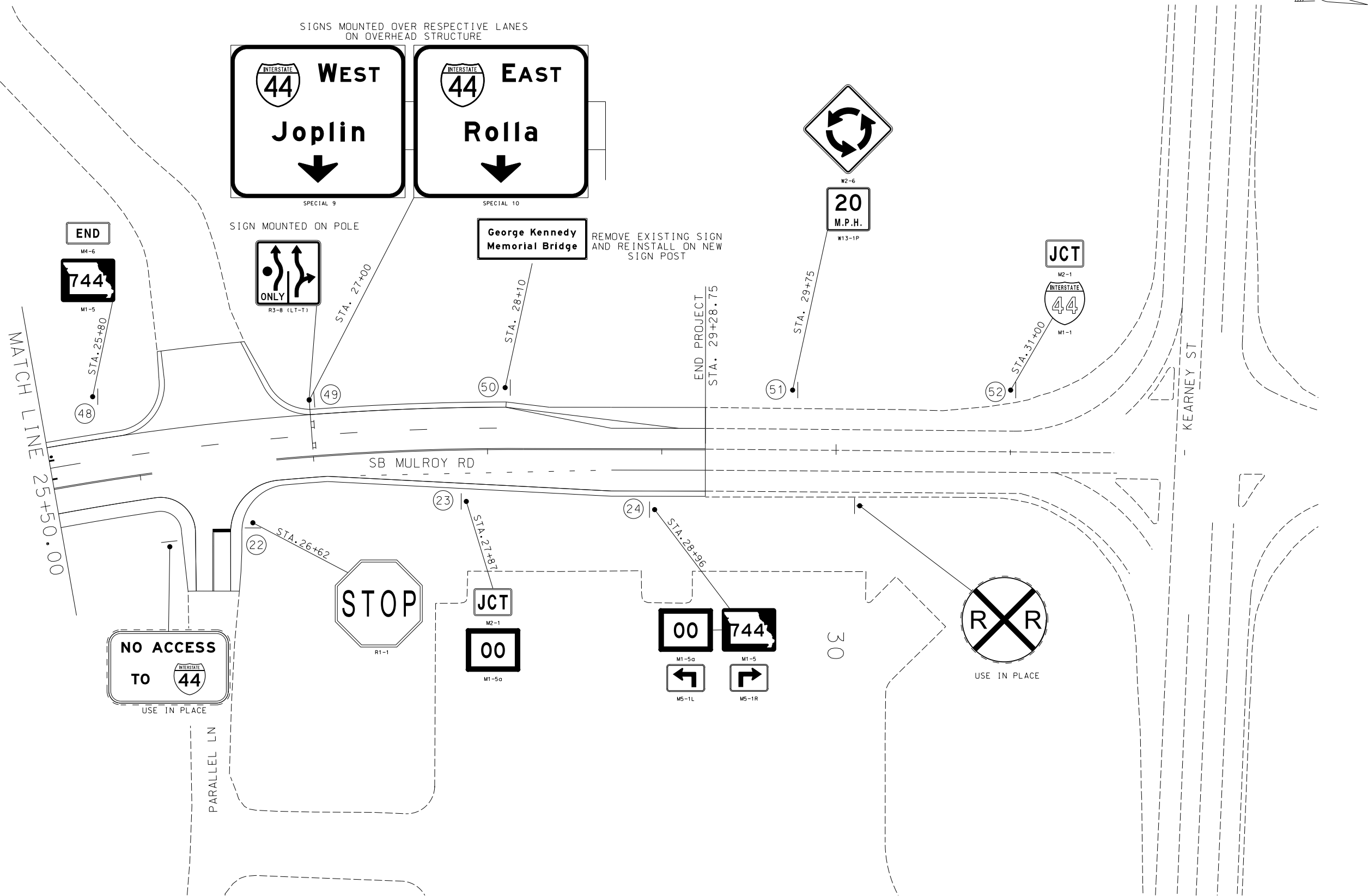
LICENSED PROFESSIONAL

KHA PROJECT
9/21/2022
SCALE AS SHOWN
DESIGNED BY EMB
DRAWN BY HJH
CHECKED BY CET
SHEET NO. 66

ROUTE 744 RECONSTRUCTION
SPRINGFIELD, MD 65803
GREENE COUNTY
FINAL PLANS

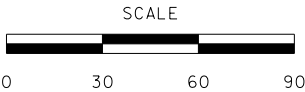


NE 1/4 SW 1/4
SEC 1, T29N, R21W



NOTE:
1. REMOVE ALL EXISTING SIGNS WITHIN THE PROJECT LIMITS WHEN MULROY ROAD AND THE INTERCHANGE ARE CLOSED UNLESS OTHERWISE NOTED IN PLAN.

NW 1/4 SW 1/4
SEC 1, T29N, R21W
19 of 23



SIGNING SHEET
SHEET 5 OF 24

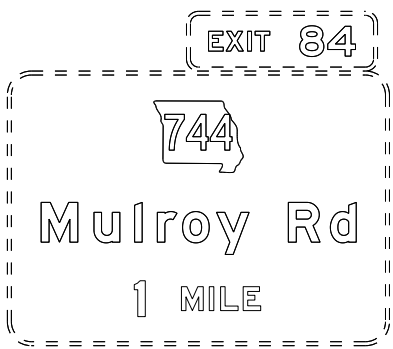


ROUTE 744 RECONSTRUCTION
SPRINGFIELD, MO 65803
GREENE COUNTY
FINAL PLANS

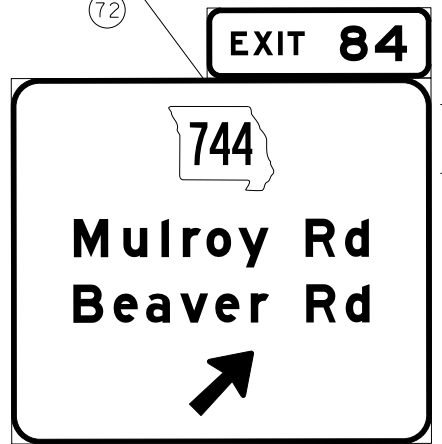
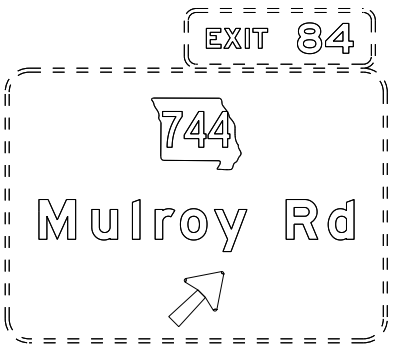
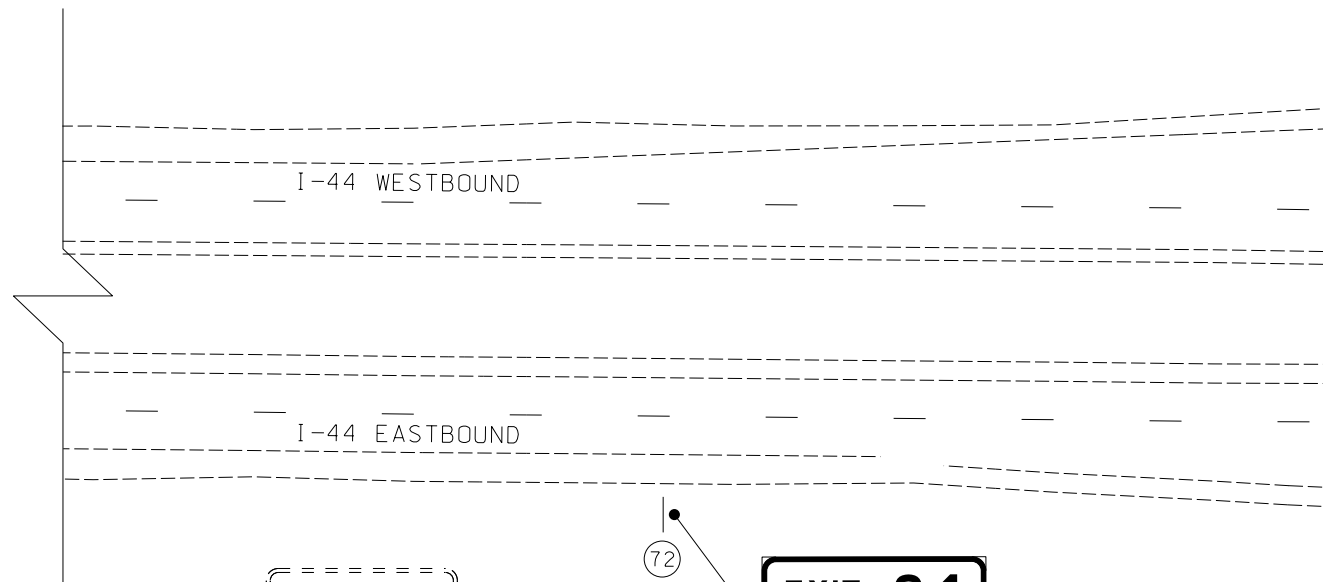
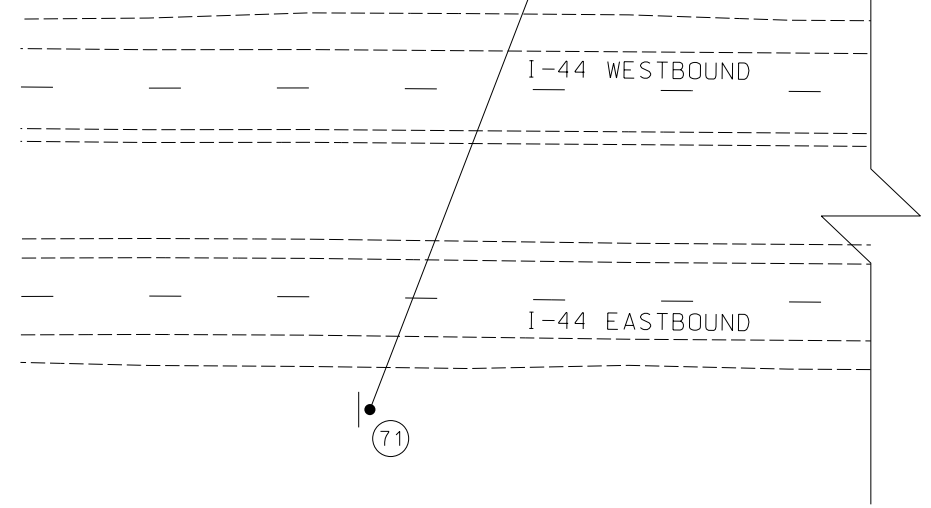
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9/21/2022	SCALE AS SHOWN		
DESIGNED BY EMB	DRAWN BY HJH		
CHECKED BY CET			
SHEET NO. 67	DATE:		

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KANSAS CITY, MO 64105
PHONE: 816-501-0000
WWW.KIMLEY-HORN.COM

REVISIONS		DATE	BY
No.			



AT EB LOG MILE 83.540, REPLACE 744 MULROY RD EXIT 84 1 MILE AHEAD SIGN WITH NEW SIGNS.
INSTALL NEW SIGN POSTS FROM THE HINGE AT THE BOTTOM OF THE SIGNS TO THE TOP OF THE NEW SIGNS.



AT EB LOG MILE 84.371, REMOVE AND REPLACE 744 MULROY RD EXIT 84 SIGN WITH NEW SIGNS.
INSTALL NEW SIGN POSTS FROM THE HINGE AT THE BOTTOM OF THE SIGNS TO THE TOP OF THE NEW SIGNS.



SIGNING SHEET
SHEET 6 OF 24



ROUTE 744 RECONSTRUCTION
SPRINGFIELD, MO 65803
GREENE COUNTY
FINAL PLANS

LICENSED PROFESSIONAL

KHA PROJECT	9/21/2022
SCALE AS SHOWN	EMB
DESIGNED BY	HJH
DRAWN BY	CET
CHECKED BY	CET
SHEET NO.	68

DATE:



KIMLEY-HORN AND ASSOCIATES, INC.
805 PENNSYLVANIA AVENUE, SUITE 150
KANSAS CITY, MO 64105
PHONE: 816-888-0000
WWW.KIMLEY-HORN.COM

REVISIONS

No.

DATE

BY

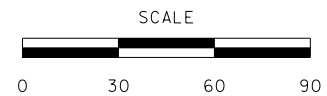
MATCH LINE 1+50.00

RAMP 4

NW ¼ SW ¼
SEC 1, T29N, R21W

NW ¼ SW ¼
SEC 1, T29N, R21W

NW ¼ SW ¼
SEC 1, T29N, R21W



SIGNING SHEET
SHEET 8 OF 24



ROUTE 744 RECONSTRUCTION
SPRINGFIELD, MO 65803
GREENE COUNTY
FINAL PLANS

KHA PROJECT	
9/21/2022	SCALE AS SHOWN
DESIGNED BY EMB	DRAWN BY HJH
CHECKED BY CET	SHEET NO. 70

LICENSED PROFESSIONAL
DATE:

Kimley»Horn
KIMLEY-HORN AND ASSOCIATES, INC.
805 PENNSYLVANIA AVENUE, SUITE 150
KANSAS CITY, MO 64105
PHONE: 816-600-0000
WWW.KIMLEY-HORN.COM

REVISIONS		DATE	BY
No.			

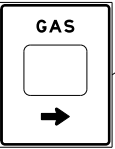
EXIT
84



20
M.P.H.

STA. 5+38

(55)

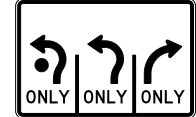


LOGO SIGNS BY
OTHERS

STA. 7+25

Beaver Rd

Mulroy Rd



SIGNS MOUNTED BACK
TO BACK ON POLE

WRONG
WAY

MATCH LINE 10+00.00

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed 12-06-22

Sponsored by McClure

First Reading _____

Second Reading _____

COUNCIL BILL 2022- 300

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the Fourth Amendment to the Employment Agreement by and
2 between the City of Springfield, Missouri, and Anita J. Cotter;
3 authorizing the Mayor to execute such Amendment; and authorizing
4 payment of salary and benefits to Anita J. Cotter in accordance with
5 the provisions of the Fourth Amendment.
6 _____
7

8 WHEREAS, the City of Springfield, Missouri (the "City") previously entered into
9 an Employment Agreement with Anita J. Cotter ("Cotter") along with First, Second, and
10 Third Amendments thereto (collectively the "Agreement"); and
11

12 WHEREAS, the City and Cotter desire to amend the Agreement in the manner
13 set forth in the Fourth Amendment to the Agreement and to authorize payment of salary
14 and benefits in accordance therewith.
15

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

19 Section 1 – The Fourth Amendment to the Agreement, attached hereto and
20 incorporated herein as "Exhibit A," is hereby approved by City Council and upon
21 execution, payment of salary and benefits to Cotter in accordance therewith is hereby
22 authorized. The Mayor is appointed and authorized to execute the Fourth Amendment
23 to the Agreement on behalf of the City.
24

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

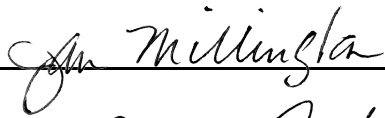
28 Passed at meeting: _____
29

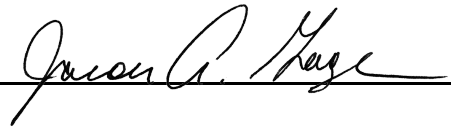
30 _____
31 Mayor
32

33 Attest: _____, City Clerk

34
35
36
37
38
39
40
41

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2022 - 300

FILED: 12-06-22

ORIGINATING DEPARTMENT: Human Resources

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

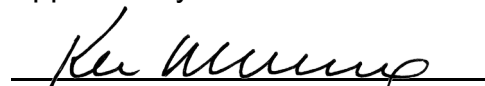
BACKGROUND INFORMATION: City Council appointed Anita Cotter ("Cotter") to serve as City Clerk effective May 17, 2015. The current Employment Agreement executed on December 10, 2018, was subsequently amended September 4, 2019, April 19, 2021, January 24, 2022, and is now being amended with the Fourth Amendment attached to the proposed bill as "Exhibit A." The Fourth Amendment, "Exhibit A," sets forth the terms and conditions of employment of Cotter as City Clerk. The Agreement and Fourth Amendment also authorize the payment of salary and benefits in accordance with the provisions set forth therein. The Fourth Amendment will be effective upon authorization by the City Council and execution by all parties.

Submitted by:



Darla Morrison,
Director of Human Resources

Approved by:



Ken McClure,
Mayor

FOURTH AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SPRINGFIELD, MISSOURI, AND ANITA J. COTTER

THIS FOURTH AMENDMENT to the Employment Agreement between the City of Springfield, Missouri ("City") and Anita J. Cotter, City Clerk ("Cotter") is entered into as of the date of execution.

WHEREAS, the City and Cotter are parties to a certain Employment Agreement dated December 10, 2018, which has been previously amended by First, Second and Third amendments (collectively, the "Agreement"); and

WHEREAS, the City and Cotter wish to amend certain provisions of the Agreement as hereinafter provided.

NOW THEREFORE, in consideration of the premises and the mutual covenants and obligations hereinafter contained, the parties do hereby agree to amend the Agreement as hereinafter provided:

1. Effective January 15, 2023, Paragraph 5 – "Compensation," of the Agreement is hereby deleted in its entirety and the following paragraph is inserted in its place:

5. **Compensation.** For all services provided to the City by Employee during Employee's employment hereunder, Employee shall be paid the following compensation: Beginning January 15, 2023, One Hundred Twenty-Eight Thousand Seven Hundred Forty-Two dollars and ninety cents (\$128,742.90) annually, payable in equal installments not less often than biweekly ("Base Compensation"). Thereafter, Employee's annual Base Compensation will be reviewed by City Council in conjunction with the City's fiscal year and Employee's performance shall also be evaluated by City Council, and increases in annual Base Compensation, if any, shall be based on Employee's performance, budgetary guidelines, market comparability, or for other reasons as desired by City Council. If City Council so desires, it may review Employee's Base Compensation for possible increase at a greater frequency than in conjunction with the City's fiscal year. In addition, Employee shall receive longevity pay in the amount of One Thousand Two Hundred Dollars (\$1,200.00) based on years of service. The compensation provided for in this paragraph shall be in addition to the benefits and other remunerations that are set forth in this Agreement.

2. Effective January 15, 2023, Paragraph 6 – Fringe and Welfare Benefits, subparts (b) "Leave Benefits," (d) "Retirement Benefits," and (e) "Other Benefits" are amended by deleting the current provisions of said subparts and inserting the following in their place:

(b) **Leave Benefits.** In addition to leave authorized and allowed by law, including military leave and Family and Medical Leave, Employee shall receive the following leave benefits:

- (i) Per Agreement annual term for the twelve (12) months following the Effective Date, twelve (12) days of sick leave. Employee may carry over unused sick leave with a maximum accrual of 180 days, or 1,440 hours. Maximum accrual amount may be less than 1,440 hours if the sell back provision currently authorized by Merit Rule 21.2.1 is utilized.
- (ii) Per Agreement Employee will accrue vacation at the rate of twenty (20) days annually subject to the rules on maximum accumulation of accruals which are applicable to all City employees hired after 1995 (currently set forth in Merit Rule 21.1(g)).
- (iii) Per calendar year, four (4) floating holidays, five (5) days of exempt leave, and the total number of holidays recognized by the City (currently set forth in Merit Rule 20.1). All calendar year annual leave must be used by the end of the last full pay period of the calendar year and may not be carried over.

. . .

(d) **Retirement Benefits.** The parties agree and understand that the City participates in the Missouri Local Government Employees Retirement System ("LAGERS"). Upon Employee's qualification for participation under LAGERS, the City agrees to 100% of the required contributions on behalf of Employee with a two percent (2%) defined benefit multiplier. In addition to LAGERS, the parties agree and understand that the City participates in a supplementary Section 457 retirement plan ("457 Plan"). The City agrees to contribute up to \$10.00 per pay period into Employee's 457 Plan account as long as Employee also contributes \$10.00 per pay period. Additionally, starting calendar year 2023, and for each calendar year thereafter, the City agrees to contribute \$14,100.00 into Employee's 457 Plan account during the month of May.

(e) **Other Benefits.** In addition to the fringe and welfare benefits set forth herein, throughout the period of Employee's employment by the City under this Agreement, Employee may participate in all fringe and welfare benefit plans offered by the City, including but not limited to life insurance and enrollment in the Cafeteria Plan, subject to and in accordance with the provisions and eligibility requirements of each such plan, and subject also to the City's right to amend or

terminate any such plan at any time. Any benefits to be provided are subject to change and will be offered to the extent, and on the terms, made available to other similarly-situated unclassified active employees—including any increases to the benefits set forth in paragraphs (a) through (d) above.

3. Effective January 15, 2022, the first paragraph of subpart (a) “Without Cause” of Paragraph 8, “Termination” (as previously amended by the Third Amendment to this Agreement), is hereby deleted and the following paragraph is inserted in its place:

a. **Without Cause.** Notwithstanding any other provision of this Agreement or anything contained herein to the contrary, this Agreement may be terminated without Cause by either the City or Employee upon thirty (30) days prior written notice. In the event of a termination without Cause by either party, the City reserves the right, at its sole option, at any time within the 30-day notice period, to assign Employee transitional duties in addition to or in lieu of Employee’s regular duties; provided, however, the City will not diminish Employee’s Base Compensation before the expiration of the 30-day notice period.

4. All remaining provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment as of the date and year written below.

Date

Anita J. Cotter

The City of Springfield, Missouri

By:_____

Ken McClure, Mayor

Certification 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

One-rdg. X
P. Hrngs.
Pgs. 3
Filed 01-03-23

Sponsored by Horton

COUNCIL BILL 2023- 001 RESOLUTION

A RESOLUTION

1 AUTHORIZING the City Manager or his designee, to apply for up to \$8,600,000 in
2 grant funds from the United States Department of Transportation
3 Rebuilding American Infrastructure with Sustainability and Equity
4 Grant Program to fund the improvements for the Jefferson Avenue
5 Footbridge Rehabilitation Project.
6
7

8 WHEREAS, the Jefferson Avenue Footbridge was built in 1902, is on the
9 National Register of Historic Places, and has been closed for rehabilitation; and
10

11 WHEREAS, the City received two unresponsive bids to the project to rehabilitate
12 Jefferson Avenue Footbridge in 2021, each of which exceeded the amount budgeted for
13 the project; and
14

15 WHEREAS, at this time, the estimated total cost to rehabilitate the Jefferson
16 Avenue Footbridge is \$8,600,000; and
17

18 WHEREAS, the United States Department of Transportation (“USDOT”)
19 Rebuilding American Infrastructure with Sustainability and Equity (“RAISE”) Grant
20 Program offers discretionary grants that help communities carry out projects with
21 significant local or regional impact; and
22

23 WHEREAS, the Federal share of project costs may be up to 100 percent if the
24 project is located in an area deemed a historically disadvantaged community; and
25

26 WHEREAS, proposed RAISE projects are rigorously reviewed and evaluated by
27 the USDOT using statutory criteria for safety, environmental sustainability, quality of life,
28 community connectivity, and others, and are selected based on merit; and
29

30 WHEREAS, the City’s 2022 RAISE Grant application was one of 303 applications
31 from around the United States that reached the final stage in the selection process, but
32 was not one of the 166 selected.
33

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

36 Section 1 – The City Manager, or his designee, is hereby authorized to apply for
37 a RAISE grant from the United States Department of Transportation in the amount of
38 \$8,600,000, for the purpose of rehabilitating the Jefferson Avenue Footbridge.
39

40 Section 2 – This Resolution shall be effective immediately upon adoption.
41

42 Passed at meeting: _____
43

44 _____
45 Mayor
46

47 Attest: _____, City Clerk
48

49 Filed as Resolution _____
50

51
52 Approved as to form: Kyle Talbot, Assistant City Attorney
53

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

EXPLANATION TO COUNCIL BILL 2023- 001

FILED: 01-03-23

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to apply for up to \$8,600,000 in grant funds (100% of the \$8,600,000 total project budget) from the United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity ("RAISE") Grant Program to fund the improvements for the Jefferson Avenue Footbridge Rehabilitation Project.

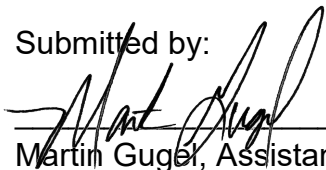
BACKGROUND INFORMATION: The Jefferson Avenue Footbridge was built in 1902 and is on the National Register of Historic Places. The bridge is currently closed and in need of repair before reopening. The project was bid in 2021 with two unresponsive bids received. Additionally, these two bids exceeded the funds that had been budgeted for the project. On December 7, 2021, Springfield City Council asked staff to look for additional funding. The Public Works Department applied for the 2022 RAISE Grant as authorized, and the application was one of the 303 applications that made it to the final stage in the selection process. However, the City's application was not one of the 166 selected. This year's RAISE Grant could provide the additional funding needed for this project. Applications are due February 28, 2023.

Supports the following City Council Priorities:

- Quality of Place
- Public safety
- Economic vitality
- Fiscal sustainability

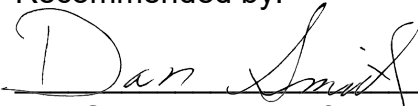
REMARKS: Public Works recommends passage of this Resolution.

Submitted by:



Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 4
Filed: 01-03-23

Sponsored by: City Council

First Reading:

Second Reading:

COUNCIL BILL 2023- 002

SPECIAL ORDINANCE

AN ORDINANCE

1 CALLING AN ELECTION to be held on April 4, 2023, in the City of Springfield,
2 Missouri, to submit to the qualified voters a question as to
3 whether to repeal the City's license tax of five percent of
4 gross receipts on hotels, motels, and tourist courts and
5 replace it with a new license tax of five percent of gross
6 receipts on hotels, motels, tourist courts, and short-term
7 rentals; and declaring an emergency.
8
9

10 WHEREAS, in 1979, prior to Missouri's adoption of the Hancock Amendment, the
11 City adopted by ordinance a license tax for hotels, motels, and tourist courts based on
12 gross receipts; and
13

14 WHEREAS, in 1998 and 2004, voters authorized increasing the license tax by
15 two and one-half percent and one-half percent respectively, so that since 2004, the
16 license tax has totaled five percent; and
17

18 WHEREAS, the 1998 increase of two and one-half percent was authorized to be
19 used to develop Jordan Valley Park and other specified projects and will expire when
20 bonds issued to fund Jordan Valley Park and those projects have been repaid; and
21

22 WHEREAS, the 2004 increase was authorized to be used to attract sporting
23 events and conventions and to retain a tourist information center; and
24

25 WHEREAS, the continuation of the tax at the amount currently leveled, five
26 percent, and refinement of the uses of the tax would be beneficial; and
27

28 WHEREAS, City Council desires to submit the question of repealing the existing
29 license tax and replacing it with a new consolidated license tax to the voters at an
30 election to be held on April 4, 2023.
31

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

Section 1 – An election is hereby called and ordered to be held in the City of Springfield, Missouri, on April 4, 2023, for the purpose of submitting to the qualified voters of the City the following proposition:

OFFICIAL BALLOT
CITY ELECTION
CITY OF SPRINGFIELD, MISSOURI

Shall the City of Springfield, Missouri:

- Repeal the existing five percent license tax (which includes a minimum license tax of \$5.00 per monthly license) imposed on the business of renting, leasing, or letting living quarters, sleeping accommodations, rooms, or a part thereof, in connection with any hotel, motel or tourist court, of which two and one-half percent will end upon the repayment of debt issued for the Jordan Valley park projects; and
- Replace it with a five percent license tax, to be effective on July 1, 2023, imposed on the business of renting, leasing, or letting living quarters, sleeping accommodations, rooms, or a part thereof, in connection with any hotel, motel, tourist court, or short-term rental, derived from or paid by transient guests for sleeping accommodations, and to be allocated as follows for the benefit of the local economy:
 - Forty-seven percent of tax proceeds used to promote travel and tourism,
 - Four and one-half percent of tax proceeds used to attract and host sporting events,
 - Four and one-half percent of tax proceeds used to support the arts and cultural tourism, and
 - The balance of tax proceeds used to pay debt service for bonds issued under the prior license tax and to fund capital improvements, including by issuing and paying debt service for bonds, to attract travel and tourism?

- → Yes - → No

INSTRUCTIONS TO VOTERS:

To vote FOR the question, complete the arrow opposite YES.

To vote AGAINST the question, complete the arrow opposite NO.

79 Section 2 - The Greene County Clerk is hereby authorized and directed to
80 conduct said election in a manner consistent with the provisions of Chapter 115, RSMo.

81
82 Section 3 - The City Clerk is hereby authorized and directed to notify the Greene
83 County Clerk of the adoption of this Ordinance no later than 5:00 p.m. on the tenth
84 Tuesday prior to the election, and to include in said notification all of the terms and
85 provisions required by Chapter 115, RSMo.

86
87 Section 4 City Council finds and declares that this Ordinance constitutes an
88 emergency because it calls an election. Therefore, this Ordinance shall be in full force
89 and effect from and after passage. The license tax shall be in effect July 1, 2023, if
90 approved by the voters of the City of Springfield.

91
92 Passed at meeting: _____

93
94 _____
95 Mayor

96
97 Attest: _____, City Clerk

98
99 Filed as Ordinance: _____

100
101 Approved as to form: Rhonda Lewsader, City Attorney

102
103
104 Approved for Council action: Jason A. Hage, City Manager
105

EXPLANATION TO COUNCIL BILL 2023-002

FILED: 01-03-23

ORIGINATING DEPARTMENT: Finance

PURPOSE: Calling an election on April 4, 2023, in the City of Springfield, Missouri, to submit to qualified voters a question whether to repeal the City's license tax of five percent of gross receipts on hotels, motels, and tourist courts and replace it with a new license tax of five percent of gross receipts on hotels, motels, tourist courts and short-term rentals, and declaring an emergency.

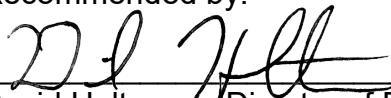
BACKGROUND INFORMATION: The City adopted by ordinance in 1979 (prior to Missouri's adoption of the Hancock Amendment) a license tax for hotels, motels, and tourist courts based on gross receipts. Voters authorized increases in 1998 for funding Jordan Valley Park projects and related debt service (with expiration when bonds have been repaid) and in 2004 for funding to attract sporting events and conventions and to retain a tourist information center increasing the licensing tax to five percent.

The City reviewed the current licensing tax at the November 15, 2022, City Council Luncheon and recommended calling for an election to repeal the current licensing tax and replace it with a consolidated licensing tax at the same rate of five percent of gross receipts on hotels, motels, tourist courts, including short-term rentals, with the refinement of uses and no expiration.

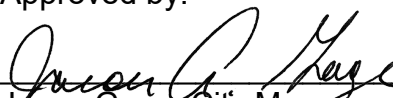
Upon passage, the new licensing tax would become effective July 1, 2023.

If the ballot measure fails to pass, no change will occur in the current licensing tax.

Recommended by:


David Holtmann, Director of Finance

Approved by:


Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 4
Filed: 01-03-23

Sponsored by: City Council

First Reading:

Second Reading:

COUNCIL BILL 2023-003

GENERAL ORDINANCE

AN ORDINANCE

1 SUBMITTING a proposed amendment to Section 2.16, Paragraph (25), 'Contracts,
2 suits, etc.,' of the Springfield City Charter to the qualified voters of the
3 City at the general election held by the City of Springfield on April 4,
4 2023, in order to authorize City Council to pass an ordinance
5 authorizing acceptance of bids and entry into contracts with successful
6 bidders at the Council meeting at which it is introduced; and declaring
7 an emergency.
8
9

10 WHEREAS, the Springfield City Charter imposes a requirement for two readings
11 of ordinances except for emergency ordinances and accepting grant funds from the
12 federal government or State of Missouri; and
13

14 WHEREAS, due to market pressures, bidders are having difficulty holding their
15 bids open for the length of time it takes to put a Council bill on City Council's agenda
16 and hold two readings; and
17

18 WHEREAS, the City has a robust bidding procedure designed to ensure a fair
19 bidding process and a level playing field for bidders, while securing the best possible
20 prices from responsible bidders; and
21

22 WHEREAS, this proposed Charter provision would reduce the length of time
23 necessary to approve acceptance of bids and entry into contracts with successful
24 bidders, which could encourage more potential bidders to bid on City projects; and
25

26 WHEREAS, City Council desires to submit to the electors of the City of
27 Springfield this proposed amendment to the Springfield City Charter to be voted on by
28 the qualified voters of Springfield on April 4, 2023.
29

30 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
31 SPRINGFIELD, MISSOURI, as follows, that:
32

Section 1 – City Council hereby submits the following proposed amendments to the Springfield City Charter to the qualified voters of the City at the general election held on April 4, 2023, said amendments to read as follows:

CHARTER AMENDMENT NO. 2023-2

BE IT ADOPTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD, Missouri:

That the Springfield City Charter is hereby amended by amending Section 2.16, Paragraph (25) thereof to read as follows:

Section 2.16. - Enumeration of certain powers.

(25) *Contracts, suits, etc.* Contract and be contracted with, sue and be sued, except an ordinance authorizing the city to enter into such contracts with the state and federal government for the purpose of receiving grant monies from the same or an ordinance approving acceptance of a bid and entry into a contract with the successful bidder may be passed at the meeting of the council at which it is introduced or later at the pleasure of the council.

(The above amendment shall be effective from and after passage.)

Section 2 – The City Clerk shall prepare, in accordance with the laws applicable to this election, and cause to be printed, a ballot to be used at said election, said ballot to read substantially as follows:

OFFICIAL BALLOT
CHARTER ELECTION
AMENDMENT NO. 2023-2
CITY OF SPRINGFIELD, MISSOURI

QUESTION 2

Shall Section 2.16(25) of the Springfield City Charter be amended to authorize that an ordinance approving acceptance of a bid and entry into contract with the successful bidder may be passed at the City Council meeting at which it is introduced?

- → Yes - → No

INSTRUCTIONS TO VOTERS:

To vote FOR the question, complete the arrow opposite YES.

To vote AGAINST the question, complete the arrow opposite NO.

80 Section 3 – The City Clerk is hereby authorized and directed to notify the County
81 Clerk of Greene County, Missouri, of the adoption of this Ordinance no later than 5:00
82 p.m. on the tenth Tuesday prior to the general election date of April 4, 2023, and to
83 include in said notification all of the terms and provisions required by Chapter 115.125,
84 RSMo.

85
86 Section 4 – City Council finds and declares that this Ordinance constitutes an
87 emergency because it provides for the submission of a proposal to the people.
88 Therefore, this Ordinance shall be in full force and effect from and after passage.

89
90 Passed at meeting: _____

91
92 _____
93 Mayor

94
95 Attest: _____, City Clerk

96
97 Filed as Ordinance: _____

98
99
100 Approved as to form: Rhonda Lewsader, City Attorney

101
102
103 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2022- 003

FILED: 01-03-23

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To place on the April 4, 2023, regular municipal election ballot proposed Charter Amendment No. 2023-2, allowing the City Council to accept bids and enter into contracts at the meeting a bid and contract is introduced on first reading.

BACKGROUND INFORMATION: City Charter Section 2.16, paragraph (25) provides for certain powers of the City Council, including to contract and be contracted with. The Charter generally provides for two readings of ordinances in most circumstances. Current market pressures affect the City's ability to hold open contractor bids for the additional two weeks it takes to approve the bid and contract on second reading of the ordinance. This proposed Charter amendment would reduce the time to award bids and contracts by at least two weeks, better allowing staff to attract more bidders and to secure the most competitive bids available. This amendment would in no way change adopted requirements that currently ensure the most fair, competitive, and level bidding climate for all bidders. If approved by qualified voters on April 4, 2023, this Charter change will go into effect upon passage.

Under City Charter Section 2.12, this Ordinance constitutes an emergency because it provides for submission of a proposal to the people. As a result, it qualifies for approval on first reading.

Submitted and Approved by:


Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 9
Filed: 01-03-23

Sponsored by: City Council

First Reading:

Second Reading:

COUNCIL BILL 2023- 004

GENERAL ORDINANCE

AN ORDINANCE

1 SUBMITTING a proposed amendment to Sections 3.3, 6.1, 6.2, 6.5, 6.6, and 6.7 of
2 the Springfield City Charter to the qualified voters of the City at the
3 general election held by the City of Springfield on April 4, 2023, in
4 order to revise sections of the Charter related to personnel by
5 changing the word “personnel” to the phrase “human resources,”
6 authorizing the city manager to allow the director of human resources
7 to remove some types of non-regular employees, revising the list of
8 positions in the unclassified service, adding provisions related to
9 employee reinstatement and promotion, expanding the application of
10 the veterans’ preference to all veterans of the United States armed
11 forces who served active duty and were honorably discharged, and
12 revising the provision authorizing a five-point veterans’ preference to a
13 requirement to provide a reasonable veterans’ preference; and
14 declaring an emergency.
15
16

17 WHEREAS, the Springfield City Charter in Section 3.3 authorizes the City
18 Manager to remove all employees of the City; however, due to the number of City
19 employees at present, it would be beneficial if the City Manager could delegate his
20 authority to remove non-regular types of employees to the Director of Human
21 Resources; and
22

23 WHEREAS, the Charter refers to the “department of personnel,” but the
24 department was renamed the “department of human resources” some time ago, and
25 updating the Charter to reflect the name change would be beneficial; and
26

27 WHEREAS, the Charter sets out a list of positions in the unclassified service in
28 Section 6.5, and it would be beneficial to clarify this list and to revise the list to reflect
29 modern hiring needs; and
30

31 WHEREAS, the Charter provisions regarding competitive tests does not describe
32 reinstatement of employees or direct promotion, and it would be useful to set out
33 provisions related to reinstatement of employees and direct promotion; and

34
35 WHEREAS, the Charter provides a veterans' preference of five points in favor of
36 applicants for initial appointment to the classified service that applies to those who
37 served in the United States armed forces in time of war or any expedition and who have
38 been honorably discharged; however, the proposed revision would expand the
39 preference to all who served in the United States armed forces who served active duty
40 and were honorably discharged, and because no scale is provided for the "five points"
41 preference, would revise the provision to require a "reasonable preference" which will
42 allow the City's Personnel Board and City Council more flexibility to adopt a preference
43 provision; and
44

45 WHEREAS, City Council desires to submit to the electors of the City of
46 Springfield this proposed amendment to the Springfield City Charter to be voted on by
47 the qualified voters of Springfield on April 4, 2023.
48

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

52 Section 1 – City Council hereby submits the following proposed amendments to
53 the Springfield City Charter to the qualified voters of the City at the general election held
54 on April 4, 2023, said amendments to read as follows:
55

56 CHARTER AMENDMENT NO. 2023-1
57

58 BE IT ADOPTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD, Missouri:
59

60 That the Springfield City Charter is hereby amended by amending Sections 3.3,
61 6.1, 6.2, 6.5, 6.6, and 6.7 thereof to read as follows:
62

63 Section 3.3. Powers and duties.
64

65 The city manager shall be the chief executive and administrative officer of
66 the city and shall be responsible to the council for the proper administration of all
67 the city's affairs. To that end he shall have power and shall be required to:
68

- 69 (1) Appoint and, when necessary for the good of the service, remove all
70 officers and employees of the city, except as otherwise provided in the
71 Charter, and except as he may authorize the head of a department or
72 office to appoint subordinates in such department or office or as he may
73 authorize the director of human resources to remove temporary,
74 seasonal, contract, and variable hour (non-regular, non-full-time)
75 employees and interns.
76
77 (2) Prepare the budget annually and submit it to the council and be
78 responsible for its administration after adoption.
79

- 80 (3) Prepare and submit to the council, as of the end of the fiscal year, a
81 complete report on the finances and administrative activities of the city
82 for the year.
- 83 (4) Keep the council advised of the financial condition of the city and make
84 recommendations concerning its future needs.
- 85
- 86 (5) Attend all meetings of the council and, insofar as possible, its
87 committees, except when the council may be considering his removal.
88 He shall have the right to take part in discussions, but shall have no
89 power to vote. He shall receive notice of all special meetings.
- 90
- 91 (6) Enforce all laws and ordinances and see that all contracts and
92 franchises are faithfully performed.
- 93
- 94 (7) Perform such other duties as may be prescribed by this Charter or
95 required of him by the council, not inconsistent with this Charter.
- 96
- 97 (8) Prescribe the powers and duties of officers and employees not
98 otherwise prescribed by this Charter or by ordinance; may assign
99 particular officers and employees to one or more of the departments;
100 may require an officer or employee to perform duties in two or more
101 departments and may make such other rules and regulations as may be
102 necessary or proper for the efficient and economical conduct of the
103 business of the city.

104

105 ARTICLE VI. DEPARTMENT OF HUMAN RESOURCES ~~PERSONNEL~~

106

107 Section 6.1. Director—Appointment; qualifications.

108

109 The director of the human resources ~~personnel~~ department shall be selected
110 by the city manager on the basis of his training, experience, qualifications, and
111 fitness in personnel administration.

112

113 Section 6.2. Same—Powers and duties.

114

115 The Human Resources ~~Personnel~~ Director shall have authority and be
116 required to:

117

- 118 (1) Hold competitive examinations for appointments in the classified service.
- 119
- 120 (2) Give publicity to all announcements of competitive examinations.
- 121
- 122 (3) Establish training and educational programs for municipal employees.
- 123

- 124 (4) Report, at least annually, to the personnel board regarding the operation of
125 the personnel provisions.
126
- 127 (5) Prepare and recommend to the city manager and the personnel board such
128 rules as he may consider appropriate to carry out the provisions of this
129 article.
130
- 131 (6) Keep or supervise the keeping of such employee records as may be required
132 by the merit system rules.
133
- 134 (7) Perform such other duties as may be required by this Charter, by ordinance,
135 or by the city manager.
136

137 Section 6.5. Classification of personnel.
138

139 The administrative service of the city is hereby divided into classified and
140 unclassified services as follows:
141

- 142 (1) The unclassified service shall include the city manager, the city
143 manager's administrative assistants, all directors of departments,
144 members of appointive commissions and boards, municipal court judge,
145 city attorneys and assistants, city clerk, executive assistant to the city
146 manager, probationary employees, ~~financial, research, legal, and other~~
147 ~~technical personnel employed on special occasions and those who may~~
148 ~~be employed in an advisory capacity~~ temporary, seasonal, contract, and
149 variable hour (non-regular, non-full-time) employees, and interns.
150
- 151 (2) The classified service shall comprise all positions not specifically
152 included by this Charter in the unclassified service. All positions in the
153 classified service, except for temporary emergency appointments, shall
154 be filled only in accordance with the merit system rules provided for in
155 this article.
156
- 157 (3) Managerial positions within the classified service immediately beneath
158 an unclassified department director may be changed to the unclassified
159 service upon the written petition of all of the employees currently holding
160 such positions within the department and the agreement of the city
161 manager. Following such change, the formerly classified service
162 positions shall thereafter be included within the unclassified service as
163 to all current and future employees holding the position. A list of
164 positions so changed from the classified to the unclassified service shall
165 be kept on file with the City Clerk.
166

167 Section 6.6. Merit system rules.
168

The personnel board shall hold a public hearing on the rules recommended by the ~~human resources~~ personnel director. After such hearing, the board shall approve or reject the rules wholly or in part, or may modify them and approve them as so modified. The rules approved by the board shall then be submitted to the council and shall become effective when approved by the council. The rules shall include provisions for:

- (1) Open competitive tests to ascertain the relative fitness of all applicants for appointments in the classified service, except that open competitive testing may be optional for former employees seeking reinstatement to the same position within one year of leaving the city service at the discretion of the human resource director. Such ~~which~~ tests shall be practical, shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the positions which they seek, and shall take into account character, training and experience.
- (2) Standardization and classification of all positions in the classified service made on the basis of duties and responsibility, and so ordered as to promote the filling of the higher salary grades, so far as practicable, through promotion. Promotions may occur by internal only competitive examinations or by non-competitive direct promotions.
- (3) Certification to the appointing authority of eligible persons in order or rank for the purpose of filling vacancies.
- (4) Temporary appointments to meet emergencies, in the absence of an eligible list.
- (5) Cause of discharge from the city service.
- (6) ~~A credit of five points~~ Providing reasonable preference in favor of applicants for appointment to the classified service who can submit documentary proof of having served in the armed forces of the United States in active duty in time of war, or in any expedition of the armed forces of the United States, and who have been honorably discharged therefrom. This ~~preference credit~~ shall apply to entrance examinations of those applicants who have received passing grades.

Section 6.7. Application register.

There shall be kept in the office of the ~~human resources~~ personnel director an application register in which shall be entered the names and addresses and the order and date of application of all applications for the classified service, and

the offices or employments which they seek. All applications shall be upon forms approved by the personnel board.

(The above amendment shall be effective from and after passage.)

Section 2 – The City Clerk shall prepare, in accordance with the laws applicable to this election, and cause to be printed, a ballot to be used at said election, said ballot to read substantially as follows:

OFFICIAL BALLOT
CHARTER ELECTION
AMENDMENT NO. 2023-1
CITY OF SPRINGFIELD, MISSOURI

QUESTION 1

Shall Sections 3.3, 6.1, 6.2, 6.5, 6.6, and 6.7 of the Springfield City Charter be amended to change the word “personnel” to the phrase “human resources,” authorize the city manager to allow the director of human resources to remove some types of non-regular employees, revise the list of positions in the unclassified service to add some positions and remove others, add provisions related to employee reinstatement and promotion, expand the application of the veterans’ preference to all veterans of the United States armed forces who served active duty and were honorably discharged, and revise the provision authorizing a five-point veterans’ preference to a requirement to provide a reasonable veterans’ preference?

- → Yes - → No

INSTRUCTIONS TO VOTERS:

To vote FOR the question, complete the arrow opposite YES.

To vote AGAINST the question, complete the arrow opposite NO.

Section 3 – The City Clerk is hereby authorized and directed to notify the County Clerk of Greene County, Missouri, of the adoption of this Ordinance no later than 5:00 p.m. on the tenth Tuesday prior to the general election date of April 4, 2023, and to include in said notification all of the terms and provisions required by Chapter 115.125, RSMo.

Section 4 – City Council finds and declares that this Ordinance constitutes an emergency because it provides for the submission of a proposal to the people. Therefore, this Ordinance shall be in full force and effect from and after passage.

258 Passed at meeting: _____

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Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewsader, City Attorney

Approved for Council action: Juan A. Paez, City Manager

Mayor

EXPLANATION TO COUNCIL BILL 2023- 004

FILED: 01-03-23

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To submit a proposed amendment to Sections 3.3, 6.1, 6.2, 6.5, 6.6, and 6.7 of the Springfield City Charter to the qualified voters of the City at the general election held by the City of Springfield on April 4, 2023, in order to revise sections of the Charter related to personnel by changing the word "personnel" to the phrase "human resources," authorizing the city manager to allow the director of human resources to remove some types of non-regular employees, revising the list of positions in the unclassified service, adding provisions related to employee reinstatement and promotion, expanding the application of the veterans' preference to all veterans of the United States armed forces who served active duty and were honorably discharged, and revising the provision authorizing a five-point veterans' preference to a requirement to provide a reasonable veterans' preference.

BACKGROUND: This Council bill contains proposed language changes to update six specific sections of the City's Charter. Recommended changes are proposed to integrate modernized workforce needs, provide options and flexibility for present day workforce demands to remain competitive in the ever-changing job market, and to continue to be an employer of choice within the community.

Section 3.3, Powers and Duties: The recommended change would authorize the City Manager to delegate authority to approve the removal of non-regular categories of employees (such as temporary and seasonal employees) to the Director of Human Resources.

Sections 6.1, Director-Appointment; qualifications; Section 6.2, Same-Powers and duties; Section 6.6, Merit system rules; and Section 6.7, Application register: The recommended change to each of these sections would update the Charter to reflect the change of the "department of personnel" to "department of human resources." On June 10, 1996, Council approved updating the department's name to be consistent with nationwide professional organizations within the human resources industry and thus, this change is proposed to be consistent with prior Council action.

Section 6.5, Classification of personnel: The recommended changes clarify and revise the list of positions within the unclassified service. The clarification of these positions provides for much-needed flexibility when addressing present day and modern workforce needs and demands.

Section 6.6, Merit system rules, Subsections (1), (2), and (6): The recommended change in Subsection 6.6(1) addresses protocols for former employees requesting reinstatement to their former position and provides a possible option for the Director of Human Resources to waive a competitive testing requirement when they seek

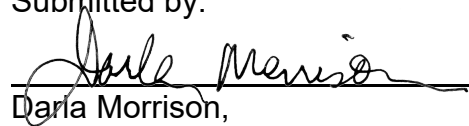
reinstatement in less than one year. This provides greater flexibility for department hiring requirements.

The recommended change in Subsection 6.6(2) clarifies the types of promotional processes, including competitive promotional processes as well as direct promotions (the latter being rare and requiring administrative approval by the Director of Human Resources and City Manager).

The recommended change in Subsection 6.6(6) expands the veterans' preference to applicants for initial appointment to the classified service to include those who have served in the armed forces of the United States in active duty who have been honorably discharged. It is also recommended that the preference be expanded to require a "reasonable preference" versus a specific point value to allow additional flexibility, depending on the rating scale used for the competitive test.

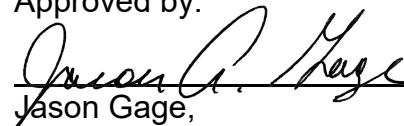
REMARKS: It is respectfully requested that Council give consideration and approval of the recommended changes to the City's Charter as contained in this Council bill and that they be included on the Official Ballot for the April 4, 2023, Charter Election for the City of Springfield, Missouri.

Submitted by:



Darla Morrison,
Director of Human Resources

Approved by:



Jason Gage,
City Manager

One-rdg. X
P. Hrngs.
Pgs. 4
Filed: 01-03-23

Sponsored by: City Council

First Reading:

Second Reading:

COUNCIL BILL 2023-005

GENERAL ORDINANCE

AN ORDINANCE

1 SUBMITTING proposed amendments to Section 19.16 of the Springfield City Charter
2 to the qualified voters of the City at the general election held by the
3 City of Springfield on April 4, 2023, in order to revise the provisions
4 related to conflicts of interest regarding City contracts or purchases by
5 councilmembers, salaried officers, board and commission members,
6 and employees; and declaring an emergency.
7
8

9 WHEREAS, Section 19.16 the Springfield City Charter prohibits a direct or
10 indirect financial interest in a City contract or purchase by councilmembers, salaried
11 officers, board and commission members, and employees; and
12

13 WHEREAS, the Charter does not define "indirect" financial interest making
14 Section 19.16 difficult to interpret and apply; and
15

16 WHEREAS, state law includes ethics and conflicts provisions regulating the
17 interests of elected officials, administrative officers, and employees in the contracts and
18 purchases of cities and other types of government bodies and protects the public
19 interest in ethical contracting by government bodies; and
20

21 WHEREAS, this proposed Charter provision would adopt state law regarding
22 conflicts in contracts and purchasing but would allow the City to impose stricter
23 requirements than state law by adopting ordinances regulating such conflicts; and
24

25 WHEREAS, City Council desires to submit to the electors of the City of
26 Springfield this proposed amendment to the Springfield City Charter to be voted on by
27 the qualified voters of Springfield on April 4, 2023.
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
30 SPRINGFIELD, MISSOURI, as follows, that:
31

Section 1 – City Council hereby submits the following proposed amendments to the Springfield City Charter to the qualified voters of the City at the general election held on April 4, 2023, said amendments to read as follows:

CHARTER AMENDMENT NO. 2023-4

BE IT ADOPTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD, Missouri:

That the Springfield City Charter is hereby amended by amending Section 19.16 thereof to read as follows:

Section 19.16. - Officers and employees interested in contracts.

No member of the council, ~~and no~~ salaried officer or employee of the City, ~~and no~~ member of an administrative board or commission shall have any financial interest, ~~direct or indirect~~, in any contract with the City, or have any ~~be~~ financially interested, ~~directly or indirectly~~, in the sale to the City of any land, materials, supplies or services, where said interest is in violation of the laws or Constitution of the State of Missouri or an ordinance of the City of Springfield. ~~except on behalf of the City as an officer or employee. This section shall not apply if the transaction involves the sale of City bonds made after public notice and competitive bidding, provided the bid accepted is the lowest qualified bid received.~~

~~No member of a board or commission shall have a financial interest, direct or indirect, in any contract with the department or administrative agency managed or operated by the board or commission on which he is serving, or be financially interested, directly or indirectly, in the sale to the board or commission of any land, materials, supplies, or services, except on behalf of the department or administrative agency.~~

Any violation of this Section renders the contract or sale void, and any council member, officer, employee, or board or commission member violating the Section thereby forfeits his office or employment.

Notwithstanding any other provision of the Charter to the contrary, the City may acquire land from an employee of the City, other than a salaried officer, by purchasing the land from the employee or through the exercise of eminent domain; provided, however, such land shall not be purchased by the City at more than the fair market value as determined by an independent appraiser.

(The above amendment shall be effective from and after passage.)

Section 2 – The City Clerk shall prepare, in accordance with the laws applicable to this election, and cause to be printed, a ballot to be used at said election, said ballot to read substantially as follows:

OFFICIAL BALLOT
CHARTER ELECTION
AMENDMENT NO. 2023-4

CITY OF SPRINGFIELD, MISSOURI

QUESTION 4

Shall Section 19.16 of the Springfield City Charter be amended to prohibit any financial interest in a City of Springfield contract by City councilmembers, officers, board and commission members, or employees which violates state law, the Missouri constitution, or any ordinance of the City of Springfield?

- → Yes - → No

INSTRUCTIONS TO VOTERS:

To vote FOR the question, complete the arrow opposite YES.

To vote AGAINST the question, complete the arrow opposite NO.

Section 3 – The City Clerk is hereby authorized and directed to notify the County Clerk of Greene County, Missouri, of the adoption of this Ordinance no later than 5:00 p.m. on the tenth Tuesday prior to the general election date of April 4, 2023, and to include in said notification all of the terms and provisions required by Chapter 115.125, RSMo.

Section 4 – City Council finds and declares that this Ordinance constitutes an emergency because it provides for the submission of a proposal to the people. Therefore, this Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewsader, City Attorney

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

EXPLANATION TO COUNCIL BILL 2022-005

FILED: 01-03-23

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To place on the April 4, 2023, regular municipal election ballot proposed Charter Amendment No. 2023-4, revising certain provisions related to financial direct and indirect conflicts of interest regarding contracts and purchases by City Council members, staff and other municipal officials.

BACKGROUND INFORMATION: City Charter Section 19.16 prohibits direct and indirect financial interests by City Council members, staff, and other officials. However, the Charter does not define "direct" and "indirect", creating significant difficulty for interpreting and applying this provision. Current Missouri law also has provisions related to financial conflicts of interest for contracts and purchases as applied to the same municipal individuals. This Charter provision would apply the State law standard to determining a financial conflict of interest related to contracts and purchases. It would still allow the City to apply a stricter standard if desired. Staff believes the standard under Missouri law sets a very high financial conflict of interest expectation, is much easier to interpret and apply, is more judicially tested, and generally accepted across the state. If approved by qualified voters on April 4, 2023, this Charter change will go into effect upon passage.

Under City Charter Section 2.12, this Ordinance constitutes an emergency because it provides for submission of a proposal to the people. As a result, it qualifies for approval on first reading.

Submitted and Approved by:


Jason Gage, City Manager

One rdg. X
P. Hrngs.
Pgs.
Filed: 01-03-23

Sponsored by: Hardinger

First Reading:

Second Reading:

COUNCIL BILL 2023-006

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager or his designee to apply for and accept grant funds,
2 on behalf of the Springfield-Greene County Health Department, from
3 the Disaster Grants – Public Assistance (Presidentially Declared
4 Disasters) Missouri COVID-19 Pandemic Program through the
5 Department of Homeland Security Federal Emergency Management
6 Agency for qualifying expenditures in the amount of \$1,289,000, and
7 to enter into necessary agreements to carry out the grant; amending
8 the Fiscal Year 2022-2023 budget in the amount of \$1,289,000 for
9 the purpose of appropriating the additional grant funds; and declaring
10 that this bill qualifies for approval in one reading.
11
12

13 WHEREAS, on March 26, 2020, the State of Missouri received a Presidential
14 declaration of a major disaster resulting from the Coronavirus Disease 2019 (“COVID-
15 19”) pandemic beginning on January 20, 2020, and continuing; and
16

17 WHEREAS, the Public Assistance Program from the Federal Emergency
18 Management Agency (“FEMA”) provides supplemental grants to state, tribal, territorial,
19 and local governments so communities can quickly respond to and recover from major
20 disasters or emergencies; and
21

22 WHEREAS, the Springfield-Greene County Health Department (“SGCHD”) has
23 been responding to the pandemic since it began and has incurred qualifying COVID-19
24 expenditures not otherwise funded by federal or state resources; and
25

26 WHEREAS, previous grant applications were approved by Council on September
27 7, 2021 (Special Ordinance 27567) in the amount of \$2,864,287; December 13, 2021
28 (Special Ordinance 27619) in the amount of \$4,490,000; and May 31, 2022 (Special
29 Ordinance 27698) in the amount of \$1,400,000. Subsequent applications will be
30 submitted as long as funds are available. Qualifying expenditures are currently being
31 reimbursed at 90%.
32
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 City Manager, or his designee, is hereby authorized to apply for
38 and accept additional grant funds in the amount of \$1,289,000 from the Disaster Grants
39 – Public Assistance (Presidentially Declared Disasters) Missouri COVID-19 Pandemic
40 Program through FEMA for qualifying expenditures and to execute contracts, on forms
41 approved by the City Attorney, necessary to carry out the intent of the grant.
42

43 Section 2 – The budget of the Springfield-Greene County Health Department for
44 Fiscal Year 2022-2023 is hereby amended in the accounts and in the amounts shown
45 on Budget Adjustment No. 032, a copy of which is attached hereto and incorporated
46 herein by reference as “Exhibit A.”
47

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

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

56 Section 5 – City Council hereby finds and declares this Ordinance relates to
57 grant monies from a state or federal agency, and, pursuant to Section 2.16(25) of the
58 City Charter, this Ordinance may be passed in one reading. Therefore, this Ordinance
59 shall be in full force and effect from and after passage.
60

61 Passed at meeting: _____
62

63 _____
64 Mayor
65

66 Attest: _____, City Clerk
67

68 Filed as Ordinance: _____
69

70
71 Approved as to form: Mary B. Bozarth, Assistant City Attorney
72

73
74 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2023- 006

FILED: 01-03-23

ORIGINATING DEPARTMENT: Health

PURPOSE: To authorize the City Manager or his designee to apply for and accept grant funds, on behalf of the Springfield-Greene County Health Department (“SGCHD”), from the Disaster Grants – Public Assistance (Presidentially Declared Disasters) Missouri COVID-19 Pandemic Program through the Department of Homeland Security Federal Emergency Management Agency for qualifying expenditures in the amount of \$1,289,000, and to enter into necessary agreements to carry out the grant; amending the Fiscal Year 2022-2023 budget in the amount of \$1,289,000 for the purpose of appropriating the additional grant funds; and declaring that this bill qualifies for approval in one reading.

BACKGROUND INFORMATION: On March 26, 2020, the State of Missouri received a Presidential declaration of a major disaster resulting from the Coronavirus Disease 2019 (“COVID-19”) pandemic beginning on January 20, 2020, and continuing. FEMA’s Public Assistance Program provides supplemental grants to state, tribal, territorial, and local governments so communities can quickly respond to and recover from major disasters or emergencies. These are federal award monies that will be included in the City’s annual single audit under Catalog of Federal Domestic Assistance (“CFDA”) number 97.039.

SGCHD has been responding to the pandemic since it began in January 2020 and has incurred qualifying COVID-19 expenditures in the following categories that are not otherwise funded by federal or state resources:

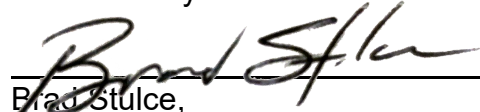
Activity/Expense Category	Requested Amount
Contract and temporary employees	\$352,000
COVID-19 testing	95,000
Vaccinations	710,000
Call center building rent, supplies, and equipment	12,000
Public information	35,000
Security	85,000
Total	\$1,289,000

Previous grant applications were approved by Council on September 7, 2021 (Ordinance 27567) in the amount of \$2,864,287; on December 13, 2021 (Ordinance 27619) in the amount of \$4,490,000; and on May 31, 2022 (Ordinance 27698) in the amount of \$1,400,000. Upon approval of this application, it may be necessary to move expenses between the categories listed above. Subsequent applications will be submitted as long as funds are available. Qualifying expenditures are currently being reimbursed at 90%.

This Ordinance authorizes the acceptance of grant funds from the state or federal government and may be passed as a one-reading ordinance under City Charter Section 2.16(25).

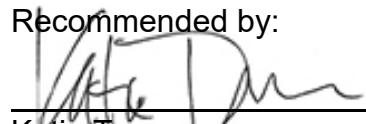
REMARKS: The Springfield-Greene County Health Department recommends approval of this Council bill and budget adjustment appropriating the grant funds.

Submitted by:



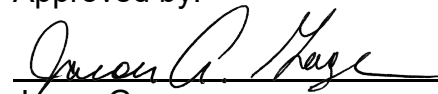
Brad Stulce,
Public Health Resource Manager

Recommended by:



Katie Towns,
Director of Health

Approved by:



Jason Gage,
City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
032

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22450	11	50010	416010			\$ 352,000	Federal Grant Revenue - FEMA for staffing
22450	11	50010	416010			95,000	Federal Grant Revenue - FEMA for testing
22450	11	50010	416010			710,000	Federal Grant Revenue - FEMA for vaccinations
22450	11	50010	416010			12,000	Federal Grant Revenue - FEMA for call center
22450	11	50010	416010			35,000	Federal Grant Revenue - FEMA for public information
22450	11	50010	416010			85,000	Federal Grant Revenue - FEMA for security
Net Revenue Adjustment						\$ 1,289,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22450	11	50010	500110			\$ 352,000	Contract & temporary employees wages
22450	11	50010	501130			95,000	Testing
22450	11	50010	505820			710,000	Vaccinations
22450	11	50010	505820			12,000	Call center building rent, supplies & equipment
22450	11	50010	500110			35,000	Public information
22450	11	50010	500110			85,000	Security
Net Expenditure Adjustment						\$ 1,289,000	

Fund Balance Appropriation:

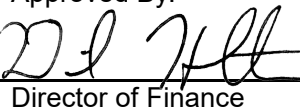
Fund	Title	Amount

Explanation: To amend the FY2022-23 budget and appropriate funds from FEMA COVID 2019 Disaster grant through the US Department of Homeland Security Federal Emergency Management Agency (FEMA) for the COVID-19 public health emergency for Health Department expenditures from July 1, 2022 through December 31, 2022 and expenses not included in previously submitted projects.

Requested By:

 January 3, 2023
Department Head Date

Approved By:

 January 3, 2023
Director of Finance Date

Authorization:

Council Bill No. 2023-006
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager 5 of 5 Date

One rdg. X
P. Hrngs.
Pgs. 5
Filed: 01-03-23

Sponsored by: Hosmer

First Reading:

Second Reading:

COUNCIL BILL 2023- 007

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept an extension to the
2 Epidemiology and Laboratory Capacity Community Health Worker
3 Initiative grant from the Federal Department of Health and Human
4 Services and Centers for Disease Control and Prevention, through
5 the Missouri Department of Health and Senior Services, to accept
6 funds in the amount of \$474,210 for use by the Springfield-Greene
7 County Health Department, and to enter into necessary agreements
8 to carry out the grant; amending the Fiscal Year 2022-2023 budget in
9 the amount of \$474,210 for the purpose of appropriating the
10 additional grant funds; and declaring that this bill qualifies for
11 approval in one reading.
12
13

14 WHEREAS, this Epidemiology and Laboratory Capacity Community Health
15 Worker Initiative grant is an amendment that will extend the term of the original grant
16 through January 31, 2024, and provide additional funding in the amount of \$474,210
17 through the Federal Epidemiology and Laboratory Capacity for Prevention and Control
18 of Emerging Infectious Diseases ("ELC"); and
19

20 WHEREAS, the Community Health Worker Initiative funding will continue to be
21 used by the Springfield-Greene County Health Department ("SGCHD") to identify
22 underserved populations and match them with Community Health Workers to assist with
23 education, surveillance, referrals to programs and resources in an effort to mitigate
24 COVID-19, and help control risk factors for severe disease; and
25

26 WHEREAS, ELC grants were previously accepted by Council on November 20,
27 2020 (Special Ordinance 27429) for ELC Coronavirus Aid, Relief, and Economic
28 Security ("CARES") Act funds in the amount of \$71,150; and amended on May 03,
29 2021, with an additional amount of \$55,000 (Special Ordinance 27464) for ELC CARES
30 Act funds; and on March 21, 2022 (Special
31 Ordinance 27668) in the amount of \$1,400,359 for ELC Enhancing Detection
32 Expansion funds; and on June 13, 2022 (Ordinance 27713) in the amount of \$365,420
33 for the ELC Community Health Worker Initiative.

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

Section 1 – The City Manager, or his designee, is hereby authorized to accept additional Epidemiology and Laboratory Capacity Community Health Worker Initiative grant funds in the amount of \$474,210 from Federal Department of Health and Human Services and Centers for Disease Control and Prevention, through Missouri Department of Health and Senior Services, and to execute contracts, on forms approved by the City Attorney, necessary to carry out the intent of the grant.

Section 2 – The budget of the Springfield-Greene County Health Department for Fiscal Year 2022-2023 is hereby amended in the accounts and in the amounts shown on Budget Adjustment No. 031, a copy of which is attached hereto and incorporated herein by reference as “Exhibit A.”

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

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

Section 5 – City Council hereby finds and declares this Ordinance relates to grant monies from a state or federal agency and, pursuant to Section 2.16(25) of the City Charter, this Ordinance may be passed in one reading. Therefore, this Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

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

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

EXPLANATION TO COUNCIL BILL 2023-007

FILED: 01-03-23

ORIGINATING DEPARTMENT: Health

PURPOSE: Authorizing the City Manager, or his designee, to accept an extension to the Epidemiology and Laboratory Capacity Community Health Worker Initiative grant from the Federal Department of Health and Human Services and Centers for Disease Control and Prevention, through the Missouri Department of Health and Senior Services, to accept funds in the amount of \$474,210 for use by the Springfield-Greene County Health Department, and to enter into necessary agreements to carry out the grant; amending the Fiscal Year 2022-2023 budget in the amount of \$474,210 for the purpose of appropriating the additional grant funds, and declaring that this bill qualifies for approval in one reading.

BACKGROUND INFORMATION: This Epidemiology and Laboratory Capacity Community Health Worker Initiative grant is an amendment that will extend the term of the original grant through January 31, 2024, and provide additional funding in the amount of \$474,210 through the Federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (“ELC”).

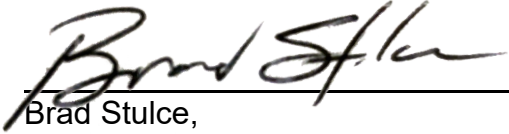
The Community Health Worker Initiative funding will continue to be used by the Springfield-Greene County Health Department (“SGCHD”) to identify underserved populations and match them with Community Health Workers to assist with education, surveillance, referrals to programs and resources in an effort to mitigate COVID-19 and help control risk factors for severe disease.

Previously, ELC grants were previously accepted by Council on November 20, 2020 (Ordinance 27429) for ELC Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funds in the amount of \$71,150; and amended on May 03, 2021, with an additional amount of \$55,000 (Ordinance 27464) for ELC CARES Act funds; and on March 21, 2022 (Ordinance 27668) in the amount of \$1,400,359 for ELC Enhancing Detection Expansion funds; and on June 13, 2022 (Ordinance 27713) in the amount of \$365,420 for the ELC Community Health Worker Initiative.

This budget adjustment accepts the increase in funds and budgets the amount of \$474,210 in expenditures in the SGCHD Fiscal Year 2022-2023.

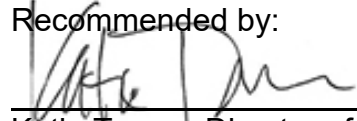
This Ordinance authorizes the acceptance of grant funds from the state or federal government and may be passed as a one-reading ordinance under City Charter Section 2.16(25).

REMARKS: The Springfield-Greene County Health Department recommends approval of this Council bill and budget adjustment appropriating the grant funds.
Submitted by:



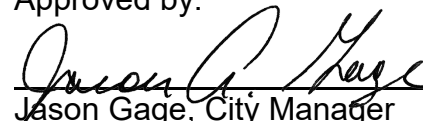
Brad Stulce,
Public Health Resource Manager

Recommended by:



Katie Towns, Director of Health

Approved by:



Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
031

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
27270	11	50010	406010			\$ 474,210	Epidemiology & Laboratory Capacity (ELC) Community Health Worker Initiative (CHW)
Net Revenue Adjustment						\$ 474,210	

Expenditures:

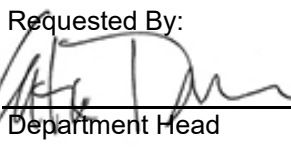
Fund	Dept	Org	Account	P&G	Location	Amount	Description
27270	11	50010	500110			\$ 416,000	Salaries
27270	11	50010	501260			5,000	Operating Supplies
27270	11	50010	502320			5,000	Travel
27270	11	50010	504590			5,100	Professional Development
27270	11	50010	509910			43,110	Indirect Cost
Net Expenditure Adjustment						\$ 474,210	

Fund Balance Appropriation:

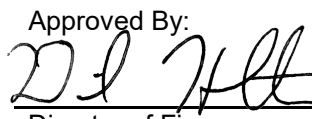
Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating grant funds from the Department of Health & Human Services/Centers for Disease Control & Prevention to assist with identifying underserved populations Community Health Workers with education, surveillance, referrals to programs and resources in as effort to mitigate COVID-19 and help control risk factors for severe disease.

Requested By:

 January 3, 2023
Department Head Date

Approved By:

 January 3, 2023
Director of Finance Date

Authorization:

Council Bill No. 2023-007
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager 5 of 5 Date

One-rdg. _____
P. Hrngs. X
Pgs. 15
Filed: 01-03-23

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023- 008

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Section 1-9 of the Springfield City Code, 'City Limits;' and amending
2 Section 46-1 of the Springfield City Code, 'Boundaries of wards,
3 precincts and council zones;' for the purpose of annexing approximately
4 27 acres of private property, generally located at 6621 South Innovation
5 Avenue, and referenced as Annexation A-1-2023, into the City of
6 Springfield. (Staff recommends approval.)
7 _____
8

9 WHEREAS, a verified petition requesting annexation was filed by the owners of
10 all fee interest of record in all tracts of real property located within the area proposed to
11 be annexed, as described in "Exhibit A," said area being generally located at 6621
12 South Innovation Avenue; and
13

14 WHEREAS, said petition was presented to City Council more than fourteen, but
15 less than sixty days, prior to the public hearing thereon; and
16

17 WHEREAS, proper notice was published at least seven days prior to the public
18 hearing; and
19

20 WHEREAS, City Council does find and determine that: (1) said annexation is
21 reasonable and necessary to the proper development of the City; (2) the City is able to
22 furnish normal municipal services to the area annexed herein within a reasonable time
23 after annexation; and (3) the area annexed herein is contiguous and compact to the
24 existing corporate boundaries of the City.
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, after holding a public hearing, hereby determines that
30 annexation of the property described in "Exhibit A," which is attached hereto and
31 incorporated herein by this reference, is reasonable and necessary to the proper
32 development of the City, the City has the ability to furnish normal municipal services to
33 the area annexed within a reasonable time, and the area is contiguous and compact to
34 the existing boundaries of the City as shown in "Exhibit B," which is attached hereto and

35 incorporated herein by this reference.

36
37 Section 2 – Pursuant to the provisions of Section 71.012 RSMo., the property
38 described in "Exhibit A," is hereby annexed into the City of Springfield, Missouri.

39
40 Section 3 – Section 1-9 of the Springfield City Code, 'City Limits,' is hereby
41 amended by adding thereto the land described in "Exhibit A."

42
43 Section 4 – Section 46-1 of the Springfield City Code, 'Boundaries of wards,
44 precincts and council zones,' is hereby amended by placing the property described in
45 "Exhibit A" into the appropriate ward and precinct as determined by the County Clerk in
46 accordance with the provisions of State law.

47
48 Section 5 – The City Clerk is directed to: (1) file certified copies of this
49 Annexation Ordinance with the Clerk of Greene County; (2) file certified copies of this
50 Annexation Ordinance with the Assessor of Greene County; and (3) forward to the
51 Missouri Director of Revenue, by certified mail, certified copies of this Ordinance, and
52 any other information that the Director of Revenue may require. The City Clerk is further
53 authorized and empowered to perform any other administrative acts which are
54 consistent with the intent of this Ordinance.

55
56 Section 6 – This Ordinance shall be in full force and effect from and after
57 passage.

58
59 Passed at meeting: _____

60
61 _____
62 Mayor

63
64 Attest: _____, City Clerk

65
66 Filed as Ordinance: _____

67
68
69 Approved as to form: Jill Bennis, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2023- 008

FILED: 01-03-23

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to annex approximately 27 acres of private property into the City of Springfield, generally located at 6621 South Innovation Avenue and referenced as Annexation A-1-2023 (Staff recommends approval).

BACKGROUND INFORMATION: The owner(s) of the private property generally located at 6621 S. Innovation Avenue is requesting annexation into the City of Springfield. The owner(s) of the private property have signed a petition to request annexation of approximately 27 acres into the City of Springfield. The private property is within the City of Springfield's Urban Service Area and is immediately adjacent to the City of Springfield. There is no public right-of-way as a part of this annexation. The property is vacant and undeveloped. The intent of this annexation and concurrent rezoning application is to allow for medical related institutional uses.

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

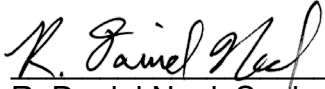
REMARKS: The area to be annexed is contiguous to the City of Springfield. See "Exhibit B" for the location of the private property to be annexed.

RECOMMENDATIONS:

1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous and compact to the City of Springfield and all City services can be provided to the property.
3. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* supports the annexation because it enhances government efficiencies through rational and simplified city boundaries.
4. The property owner(s) have petitioned the City for annexation.
5. The City will receive property tax revenue upon annexation of the private property.

Staff recommends the annexation of this private property.

Submitted by:



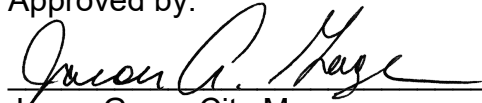
R. Daniel Neal, Senior Planner

Recommended by:



Susan Istenes, AICP
Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department and Agency Review

Attachment 2, Annexation Schedule

EXHIBIT A

LEGAL DESCRIPTION
ANNEXATION A-1-2023

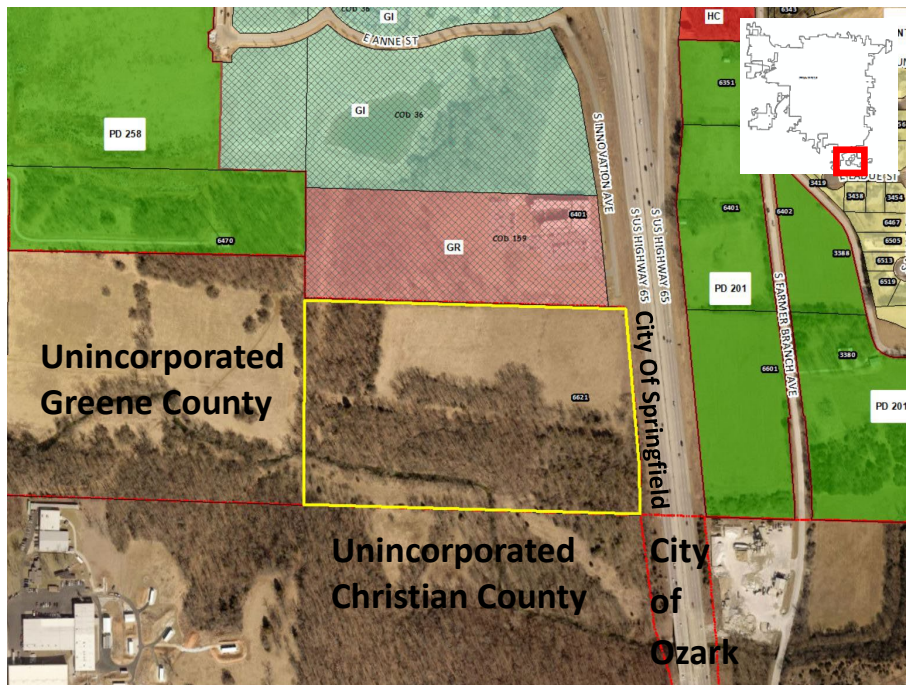
A PART OF THE S $\frac{1}{2}$ OF THE SE $\frac{1}{4}$, SECTION 28, TOWNSHIP 28, RANGE 21, GREENE COUNTY, MISSOURI. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING 28 RODS SOUTH OF THE NW CORNER OF SAID SW $\frac{1}{4}$ SE $\frac{1}{4}$; THENCE SOUTH 858 FEET; THENCE EAST 1404.6 FEET TO WEST LINE OF HIGHWAY 65; THENCE NORTH ALONG SAID HIGHWAY 866 FEET; THENCE WEST 60 FEET; THENCE NORTH 5 FEET; THENCE WEST 1263.4 FEET TO POINT OF BEGINNING. CONTAINING 27.05 ACRES M/L IN GREENE COUNTY, MISSOURI.

Development Review Staff Report



CITY COUNCIL PUBLIC HEARING:

JANUARY 9, 2023

**CASE NUMBER:**

Annexation A-1-2023

LOCATION:

6621 S. Innovation Avenue

ACRES:

Approximately 27 acres

EXISTING LAND USE:

Vacant/undeveloped land

APPLICANT:

Kenneth & Helen Stoddard ETAL

STAFF:Daniel Neal, Senior Planner
864-1036**STAFF RECOMMENDATIONS:**

Approve

PROPOSED MOTION:

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

SUMMARY OF REQUEST:

Request to annex approximately 27 acres of private property generally located at 6621 South Innovation Avenue into the City of Springfield.

FINDINGS FOR STAFF RECOMMENDATION:

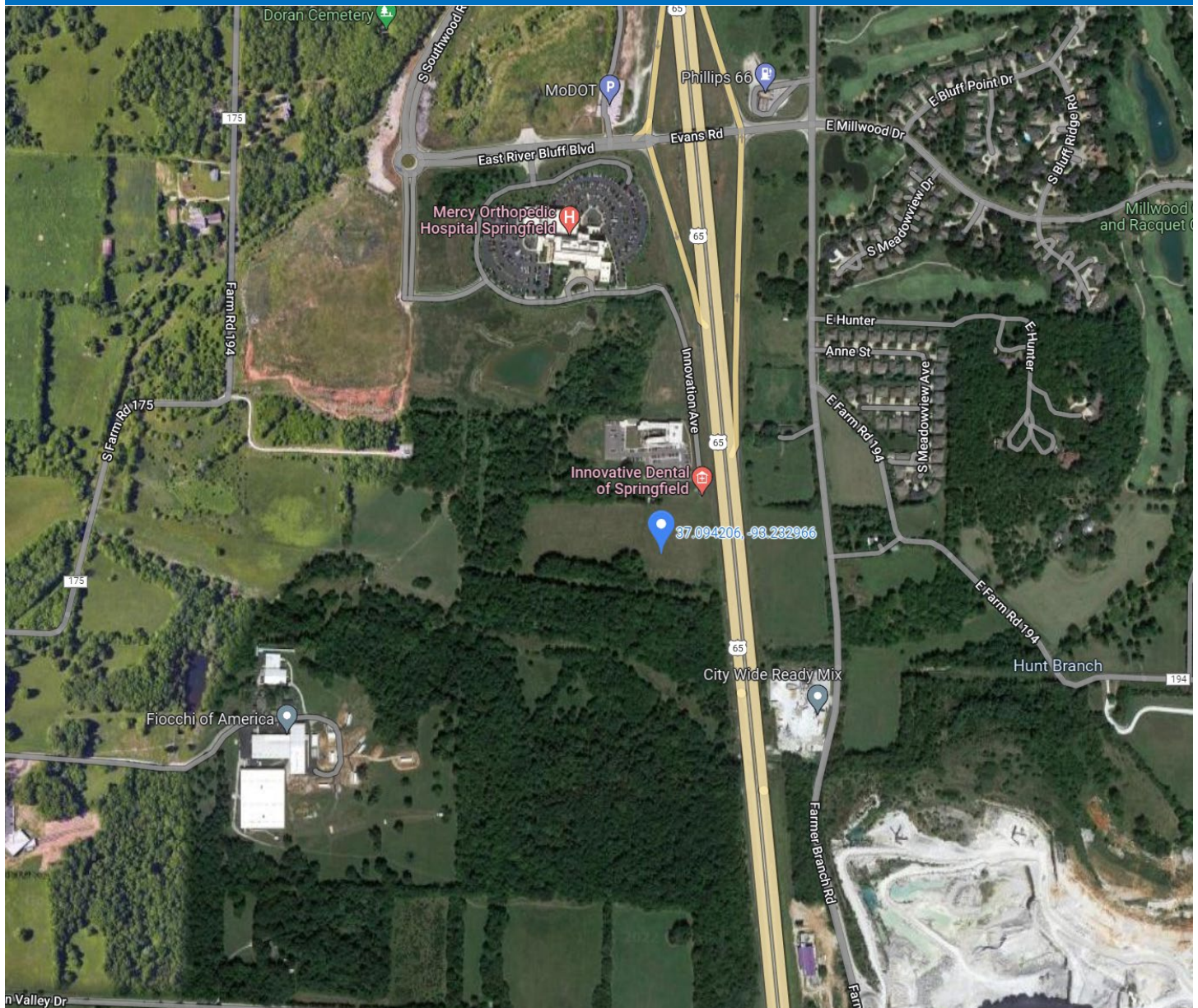
1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous and compact to the City of Springfield and is bounded on two sides by the City of Springfield.
3. The *Growth Management and Land Use Plan* of the *Comprehensive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

SURROUNDING ZONING AND LAND USES:

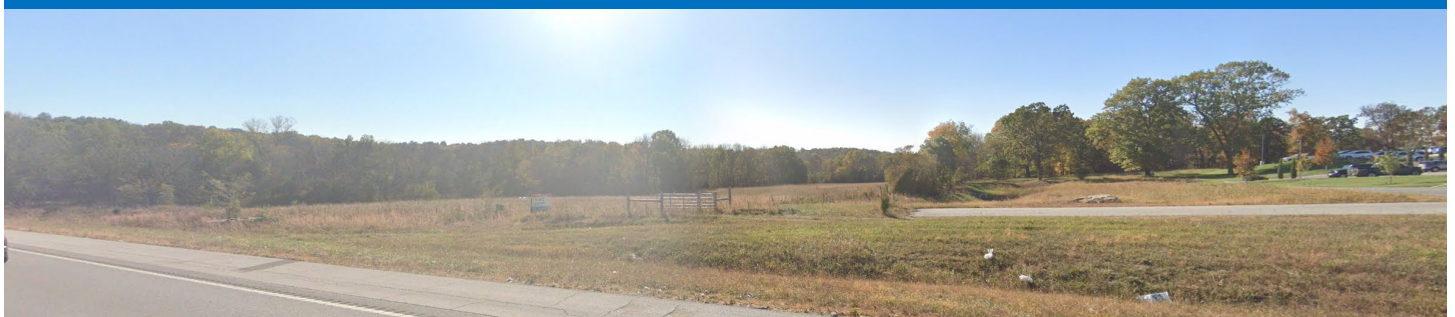
	NORTH	SOUTH	EAST	WEST
ZONING	GR	Christian County	US 65 Hwy & PD 201	Greene County A-1
LAND USE	Dental clinic	Vacant/undeveloped	Vacant/undeveloped	Vacant/undeveloped

Development Review Staff Report

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

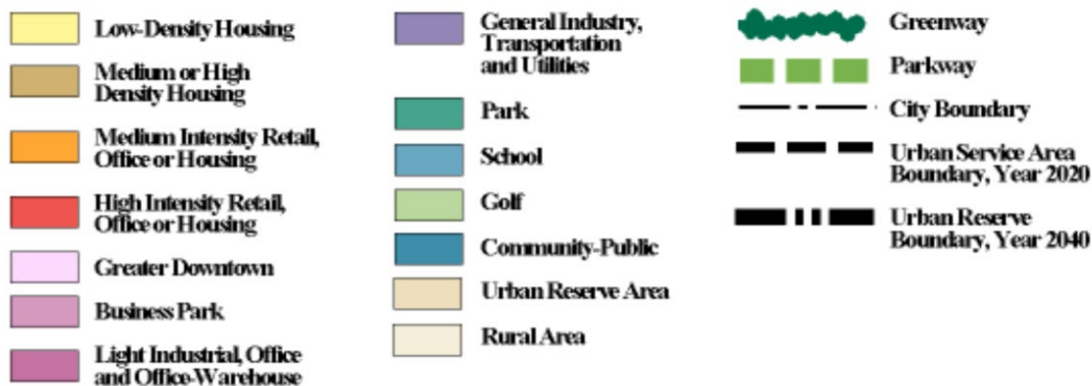
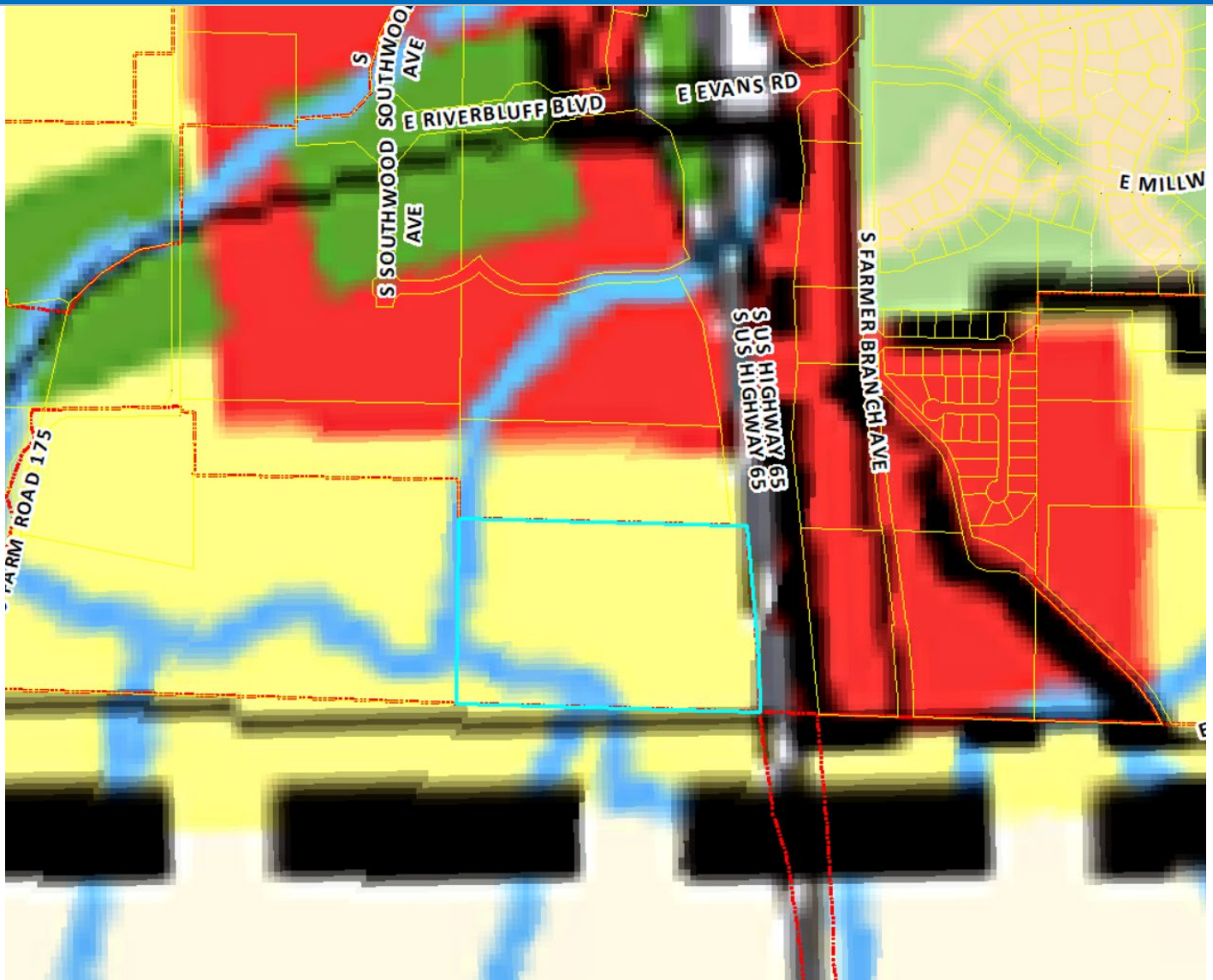


GOOGLE MAPS STREET VIEW:

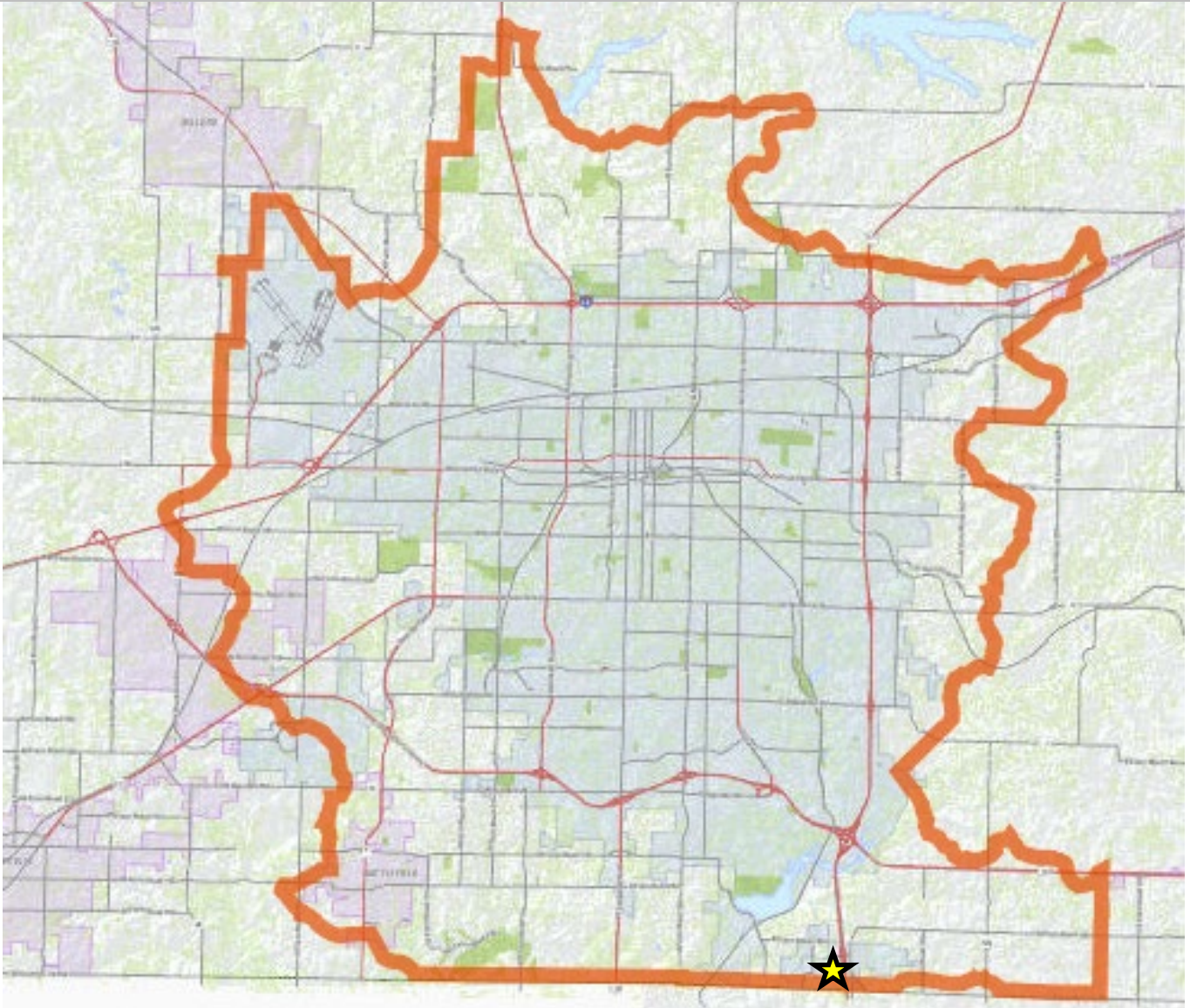


Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



URBAN SERVICE AREA:



Development Review Staff Report



PROPERTY HISTORY:

The subject property is currently outside the city limits in unincorporated Greene County. The subject property is zoned Greene County A-1, Agriculture District and is currently vacant. The annexation is being processed concurrently with a rezoning of the same area and will have a public hearing at the same City Council meeting.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Low Density Housing.

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

STAFF COMMENTS:

1. The applicant is proposing to annex approximately 27 acres of property generally located at 6621 S. Innovation Avenue into the City of Springfield. A rezoning to GI, Government and Institutional Use District is being processed with this annexation and will have a public hearing at the same City Council meeting. The intent of this annexation and concurrent rezoning application is to allow for medical related institutional uses.
2. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
3. The proposed annexation and rezoning will allow the subject property to be developed similarly to adjacent properties in the City.
4. The proposed annexation area does not contain any known sinkholes and is not located in a FEMA designated floodplain. The proposed annexation area does contain a stream buffer area.
5. The proposed annexation does not contain any public right-of-way. Innovation Avenue is a local street maintained by the city. U.S. Highway 65 is maintained by MODOT.
6. The proposed annexation area is currently served by the Battlefield Fire Protection District.
7. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1. The legal description of the private property involved in this annexation is attached as Exhibit A.

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:	Mailed: 6	Returned: 0
--	-----------	-------------

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed annexation. The property does not currently have access to CU Electric, Gas or Water; however, utilities can be extended at the time of development from offsite to the North, per CU's extension policy. Easements from other property owners may be needed to facilitate this.

CLEAN WATER SERVICES:

No objections to annexation. Public sewer is available to the tract. There is a \$0.0075 per square foot trunkline connection fee to connect to Farmer/Hunt Branch trunkline. This based on the area of the property connecting to public sewer and will be collected when sanitary sewer public improvement plans or building plans are submitted, whichever comes first. Standard sewer impact fees are required at the time of development when building plans are submitted.

E-911:

No comments.

ECONOMIC DEVELOPMENT:

No comments.

FIRE DEPARTMENT:

1. **Service** – The primary Fire Station responding to this area would be Station #11 located at 4940 S Fremont, which is approximately 3.86 miles from the northeast corner of the property. Fire Station #10 located at 2245 E Galloway is the secondary station responding to this location, which is 5.47 miles from the northeast corner of the property.
2. **ISO area** – The proposed annexation is currently outside the recommended ISO 1.5-mile (ISO diamond) response distance by 2.8 miles for the 1st due unit. ***This will have a negative impact on our ISO rating.***
3. **Response times/Standards of Cover** – Estimated response time was calculated mathematically with an assumed travel speed by the fire apparatus. The 1st due company has an estimated total response time of 7 minutes, 29 seconds calculated at 45 mph average. The 2nd due company has an estimated total response time of 8 minutes, 18 seconds calculated at 55 mph average. It is unlikely the standard of coverage benchmark could be met for single company responses and unlikely the benchmark could be met for a full 1st alarm response which requires 3 engines, 2 Trucks, 1 Rescue and 1 Battalion Chief to arrive on scene within 11 minutes and 24 seconds. *This proposed annexation would be covered by an automatic aid agreement with the Battlefield Fire Protection District. ***The department expects that it will not meet the initial unit or effective response force benchmarks. This will negatively impact our standard of cover.****

Development Review Staff Report



		Estimated Total Response Time	Benchmark*	Baseline**
1 st Due Company	Station 11	7-8 minutes	6 minutes 20 seconds	8 minutes 13 seconds
Total Effective Response Force	Station 11,10,12,6,9,1	13-14 minutes	10 minutes 20 seconds	13 minutes 18 seconds

4. **Water Supply** – Fire code requirements must be met. Currently there is water supply to within 1/10th mile of the NE corner of the property and near the west end of the property. The size and construction type of structures in the development may require a looped water supply system to ensure sufficient fire flow. *Additional infrastructure consistent with the needs of the development and sufficient to meet the requirements for fire suppression water supply and the requirements of the Fire Code would be required.*
5. **Impact** - Fifteen responses have been recorded to a nearby Mercy facility in the past five years. The Fire Department anticipates a similar level of impact with likely development on this property. *The Fire Department does not have any concerns with the operational impact to the department or the City of Springfield.*

Fire Department Recommendation: *Upon review, the Fire Department is supportive of this request for annexation.*

MODOT:

No comments.

POLICE DEPARTMENT:

No comments.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Innovation Avenue as a Non-Residential Local roadway. The standard right-of-way width from the centerline for S. Innovation Avenue is 30 feet. It appears that additional right-of-way is needed along S. Innovation Avenue for a turn-around/cul-de-sac. A survey is recommended to determine the exact amount of existing right-of-way. S. Innovation Avenue is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There is no recent traffic count for S. Innovation Avenue. On-street parking is not allowed along S. Innovation Avenue.

DRIVEWAY ACCESS

There is one driveway access point onto the property from S. Innovation Avenue. Access to this property will be allowed based on existing City of Springfield standards for the street classification.

SIDEWALK

There is no existing sidewalk along the property frontage of S. Innovation Avenue.

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 S. Innovation Avenue near this property.

Development Review Staff Report



IMPROVEMENTS

A Traffic Impact Study is required at the time of development. The requirements of said study shall be constructed per current city codes and design standards.

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. Innovation Avenue	Non-Residential Local	No	45	30

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Farmer Branch** drainage basin. The property is 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 **will be dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts** The property **does have a stream buffer on site**.

PW Stormwater has no concerns for the proposed annexation. 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. Detention will be evaluated at the time of development. Floodplain is in the SW corner of this property and along the Stream. A fee in lieu of detention application could be made with minimal flooding impact downstream considering the area is floodplain.
2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec 4.1.4.
 - a. To a Public Right-of-way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3)
 - b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Water Quality Requirements:

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.
 - a. Water quality is required if meeting the 1-acre development threshold.

Natural Channel and Stream Buffer

1. The Farmer Branch stream crosses this property and is Categorized as a Class A Large Stream requiring a 200 feet wide stream buffer along the route of the stream. Chapter 8, Sec 2.1 has the general rule for

Development Review Staff Report



development around/near natural channels is avoidance, minimize impacts, and mitigate impacts. At the time of development, a stream buffer easement will need to be recorded for the property.

Floodplain Management and Flood Hazard Areas

1. The proposed development is within the Floodplain of the Farmer Branch stream. Per Chapter 3, Sec 2.6 a Floodplain Development Permit is required for any encroachment into the floodplain. The floodway is within the proposed 200 feet wide stream buffer. No disturbance of the floodway is allowed.

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:

- 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

Development Review Staff Report



ANNEXATION SCHEDULE:

ATTACHMENT 2 ANNEXATION SCHEDULE

ANNEXATION:

Initiate annexation.....	December 12, 2022
City Council public hearing	January 9, 2023
City Council second reading and vote	January 23, 2023

One-rdg. _____
P. Hrngs. X
Pgs. 19
Filed: 01-03-23

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-009

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 27.05 acres of property generally located at 6621 South Innovation
4 Avenue from Greene County A-1 to GI, Government and
5 Institutional Use District; and adopting an updated Official Zoning
6 Map. (Staff and Planning and Zoning Commission recommend
7 approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 6621 South Innovation Avenue from Greene County A-1 to GI,
12 Government and Institutional Use District; and
13

14 WHEREAS, following proper notice, the Planning and Zoning Commission held a
15 public hearing on December 15, 2022, a copy of the Record of Proceedings from said
16 public hearing being attached hereto and incorporated herein by this reference as
17 "Exhibit B," and said Commission made its recommendation; and
18

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

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

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

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

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 2023 - 009

FILED: 01-03-23

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 27.05 acres of property generally located at 6621 S. Innovation Avenue from Greene County A-1 to GI, Government and institutional use district (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-28-2022

The applicant is requesting to rezone approximately 27.05 acres of property generally located at 6621 S. Innovation Avenue from Greene County A-1 to GI, Government and institutional use district as part of the proposed annexation of this property (A-1-2023). At this time, Mercy is under contract to purchase the property with the acquisition contingent upon approval of the property's annexation and rezoning.

REMARKS: The Planning and Zoning Commission held a public hearing on December 15, 2022, and recommended to approve, by a vote of 8 to 0.

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

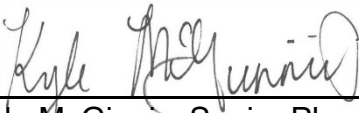
FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for Low-Density Housing, which is intended to allow for the development of single-family homes, home occupations, and small neighborhood-oriented retail or service businesses when located at certain intersections and screened from residential uses. The *Comprehensive Plan* goes on to state that the R-SF, Single-family residential district is the most appropriate City zoning designation in areas designated for Low-Density Housing; however, the *Introduction* to the *Planned Pattern of Land Use* section of the *Comprehensive Plan* explains that the land use plan map is not intended to be used in a literal fashion, but rather should be used in tandem with guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of the plan, and good judgement.
2. At this time, Mercy is under contract to purchase the property with the acquisition contingent upon approval of the property's annexation and rezoning to the GI district (Section 36-401 of the *Land Development Code*). Based on the nearby land development projects in recent years and lack of single-family residential

development in this area west of U.S. Highway 65, staff is comfortable recommending approval of the requested rezoning as it will provide uniformity to the land use pattern along S. Innovation Avenue. The GI district is meant to apply to those lands where federal, state, or local government activities are conducted, where governments hold title to such lands, and to major public and private educational and medical facilities. Other certain nongovernmental and non-institutional uses are also permitted to provide what services are necessary for these governmental and institutional uses to function.

3. The subject property is not currently connected to City Utilities' infrastructure, requiring the extension of electric, gas, and water services. The City's public sewer system is available to this tract in several locations requiring a sewer connection permit or, if subdividing the property in the future, public sewer improvement plans.
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. Additional right-of-way is needed along S. Innovation Avenue for a turn-around or cul-de-sac.
5. A Traffic Impact Study ("TIS") is required at the time of the property's development. The developer shall coordinate with Public Works – Traffic on this matter. The requirement for a TIS at the time of development is outlined in this report as a condition for approval.
6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:



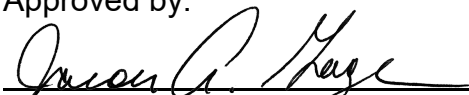
Kyle McGinnis, Senior Planner

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: Conditions for Approval

Attachment 3: Neighborhood Notification and Meeting Summary

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-28-2022

A PART OF THE S $\frac{1}{2}$ OF THE SE $\frac{1}{4}$, SECTION 28, TOWNSHIP 28, RANGE 21, GREENE COUNTY, MISSOURI. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING 28 RODS SOUTH OF THE NW CORNER OF SAID SW $\frac{1}{4}$ SE $\frac{1}{4}$; THENCE SOUTH 858 FEET; THENCE EAST 1404.6 FEET TO WEST LINE OF HIGHWAY 65; THENCE NORTH ALONG SAID HIGHWAY 866 FEET; THENCE WEST 60 FEET; THENCE NORTH 5 FEET; THENCE WEST 1263.4 FEET TO POINT OF BEGINNING. CONTAINING 27.05 ACRES M/L IN GREENE COUNTY, MISSOURI.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – December 15, 2022

Z-28-2022

6621 South Innovation Avenue

Applicant: Kenneth L & Helen Stoddard Et Al

Mr. Hosmer stated that this is a request to rezone approximately 27.05 acres of property generally located at 6621 S. Innovation Avenue from Greene County A-1 to G1, Government and institutional use district as part of the proposed annexation of this property (A-01- 2023). Staff recommends approval.

Mr. Scott asked about considering the right-of-way on the east side.

Mr. Hosmer noted that it will happen during the subdivision activity.

Mr. Jobe opened the public hearing.

Mr. Ricky Haase, 550 E. St. Louis noted that there were no attendees at the neighborhood meeting and one in-favor comment, and this will require a cul-de-sac.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-28-2022 (6621 South Innovation Avenue). Mr. Lebeck seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	DECEMBER 15, 2022
CITY COUNCIL PUBLIC HEARING:	January 9, 2023
	CASE: Z-28-2022
	ACRES: 27.05 acres
	LOCATION: 6621 S. Innovation Avenue
	EXISTING LAND USE: Undeveloped
	APPLICANT: Stoddard, Kenneth L & Helen Et Al
	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 27.05 acres of property generally located at 6621 S. Innovation Avenue from Greene County A-1 to GI, Government and institutional use district as part of the proposed annexation of this property (A-01-2023).

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for Low-Density Housing, which is intended to allow for the development of single-family homes, home occupations, and small neighborhood-oriented retail or service businesses when located at certain intersections and screened from residential uses. The *Comprehensive Plan* goes on to state that the R-SF, Single-family residential district is the most appropriate City zoning designation in areas designated for Low-Density Housing; however, the *Introduction to the Planned Pattern of Land Use* section of the *Comprehensive Plan* explains that the land use plan map is not intended to be used in a literal fashion, but rather should be used in tandem with guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of the plan, and good judgement.
2. At this time, Mercy is under contract to purchase the property with the acquisition contingent upon approval of the property's annexation and rezoning to the GI district (Section 36-401 of the *Land Development Code*). Based on the nearby land development projects in recent years and lack of single-family residential development in this area west of U.S. Highway 65, staff is comfortable recommending approval of the requested rezoning as it will provide uniformity to the land use pattern along S. Innovation Avenue. The GI district is meant to apply to those lands where federal, state, or local government activities are conducted, where governments hold title to such lands, and to major public and private educational and medical facilities. Other certain nongovernmental and non-institutional uses are also permitted to provide what services are necessary for these governmental and institutional uses to function.
3. The subject property is not currently connected to City Utilities' infrastructure, requiring the extension of electric, gas, and water services. The City's public sewer system is available to this tract in several locations requiring a sewer connection permit or, if subdividing the property in the future, public sewer improvement plans.

Development Review Staff Report



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. Additional right-of-way is needed along S. Innovation Avenue for a turn-around or cul-de-sac.
5. A Traffic Impact Study (TIS) is required at the time of the property's development. The developer shall coordinate with Public Works – Traffic on this matter. The requirement for a TIS at the time of development is outlined in this report as a condition for approval.
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	GR		N/A	Greene County A-1
LAND USE	Dental clinic		U.S. Highway 65	Undeveloped

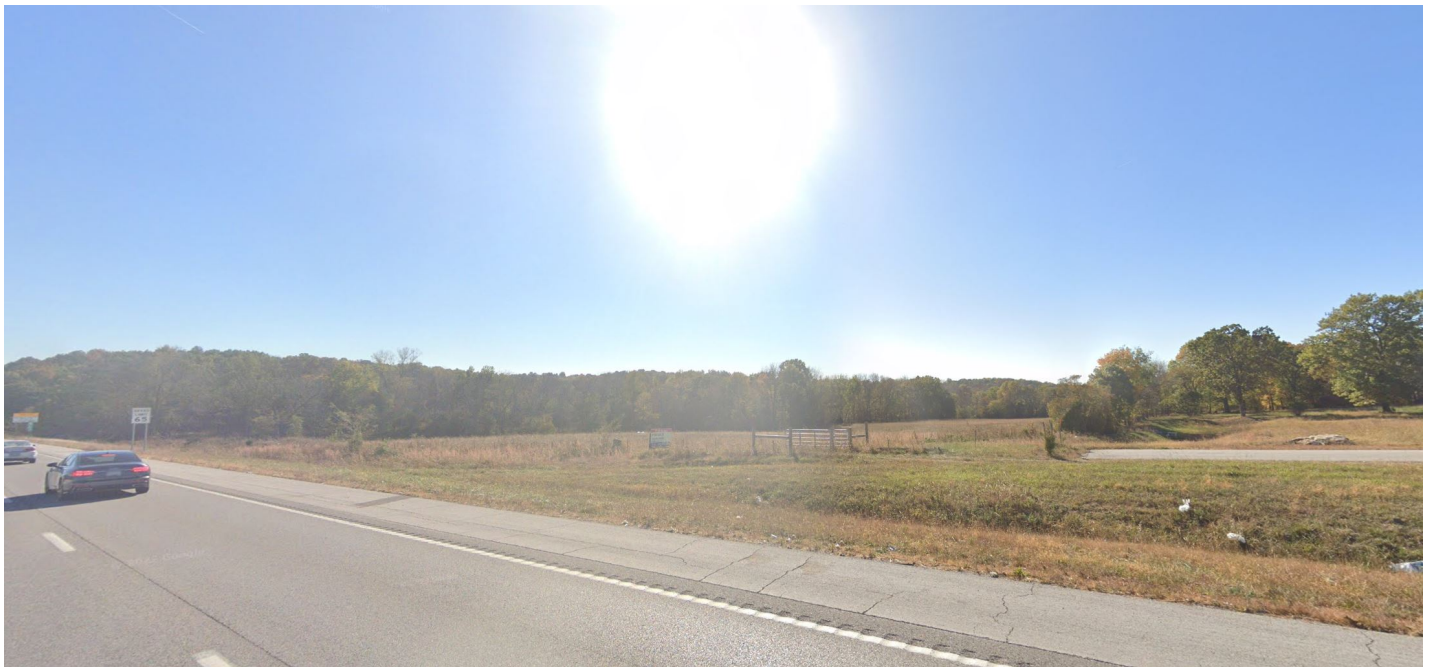
Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)

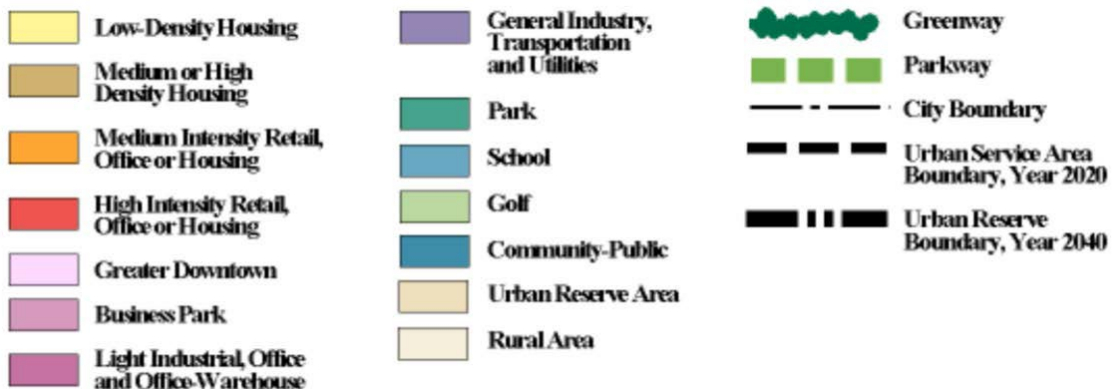
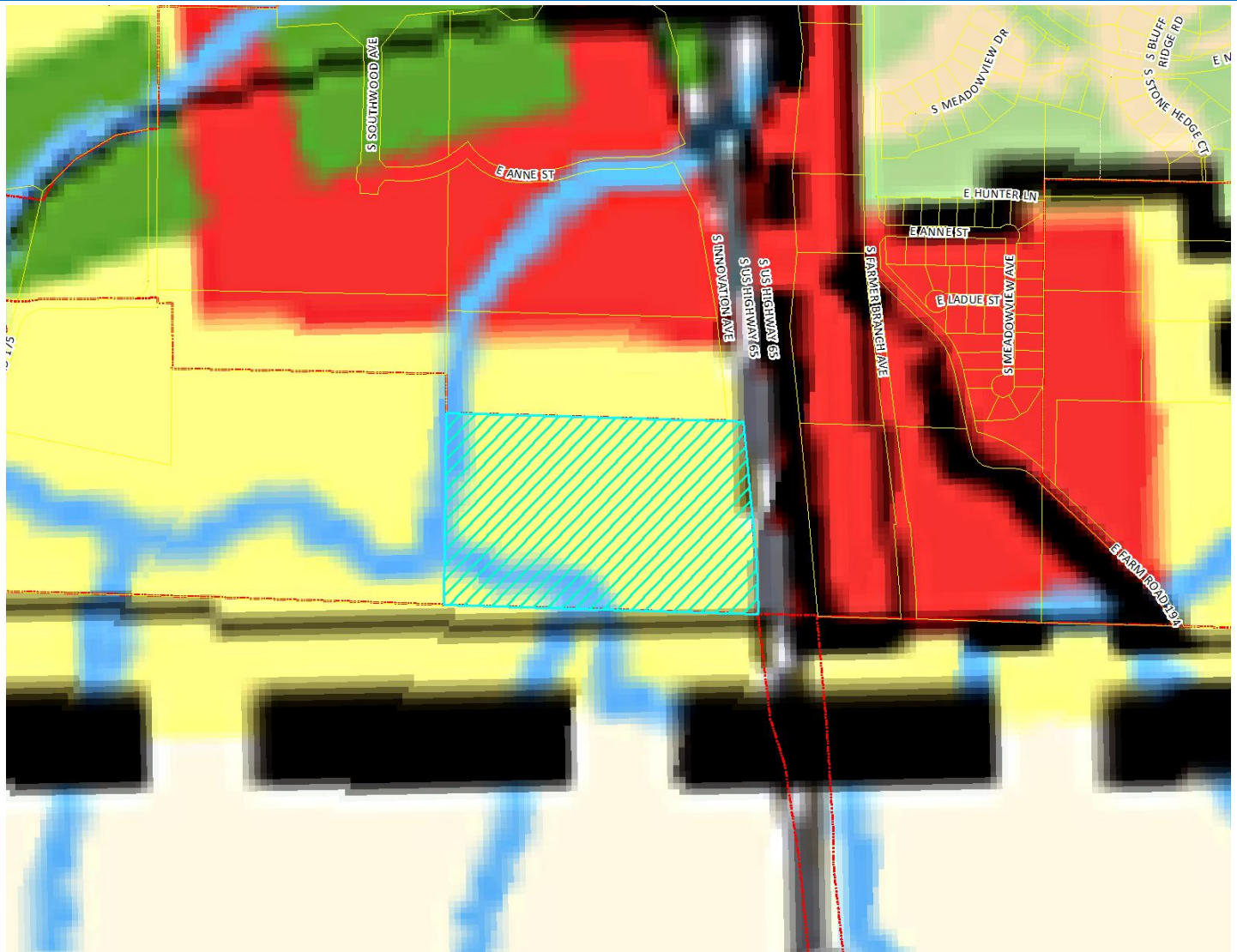


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

This property has not yet been annexed into the City. It is currently zoned Greene County A-1.

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 GI
Minimum Yard Requirements	None, except as required by Section 36-453, Supplemental open space and yard regulations, and the screening and bufferyard requirements of Section 36-480 and Section 36-482, respectively.
Maximum Structure Height	None, except as regulated by bulk plane limitation (see below).
Minimum Open Space	Not less than 20 percent of the total lot area.
BULK PLANE	BUFFERYARD AND LANDSCAPING
Not applicable. All structures are limited by a 30-degree bulk plane as measured from the boundary of property zoned R-SF or R-TH. There are no nearby properties zoned R-SF or R-TH	Not applicable. The GI district is not required to provide a bufferyard when adjacent to property zoned GR.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this site as appropriate for Low-Density Housing, which is intended to allow for the development of single-family homes, home occupations, and small neighborhood-oriented retail or service businesses when located at certain intersections and screened from residential uses. The *Comprehensive Plan* goes on to state that the R-SF, Single-family residential district is the most appropriate City zoning designation in areas designated for Low-Density Housing; however, the *Introduction to the Planned Pattern of Land Use* section of the *Comprehensive Plan* explains that the land use plan map is not intended to be used in a literal fashion, but rather should be used in tandem with guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of the plan, and good judgement.

STAFF COMMENTS:

1. The applicant is proposed to rezone approximately 27.05 acres of land generally located at 6621 S. Innovation Avenue from Greene County A-1 to the City's GI, Government and institutional use district. The property owners have requested annexation into the City as outlined in A-01-2023, requiring this rezoning.
2. At this time, Mercy is under contract to purchase the property with the acquisition contingent upon approval of the property's annexation and rezoning to the GI district (Section 36-401 of the *Land Development Code*). Based on the

Development Review Staff Report



nearby land development projects in recent years and lack of single-family residential development in this area west of U.S. Highway 65, staff is comfortable recommending approval of the requested rezoning as it will provide uniformity to the land use pattern along S. Innovation Avenue. The GI district is meant to apply to those lands where federal, state, or local government activities are conducted, where governments hold title to such lands, and to major public and private educational and medical facilities. Other certain nongovernmental and non-institutional uses are also permitted to provide what services are necessary for these governmental and institutional uses to function.

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 November 21, 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 issues with the proposed rezoning.

CITY UTILITIES:

No issues with the proposed rezoning. Electric, gas, and water are not currently available to this property, requiring service extensions of all facilities for future development of this property.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections to the proposed rezoning. The property has access to public sewer at several locations; however, a \$0.0075 per square foot trunkline connection fee will be required for all properties connecting to public sewer. This fee is to be collected when building permits are issued as part of the sewer connection permit or if the property is subdividing, requiring public sewer improvement plans.

FIRE DEPARTMENT:

No issues with the proposed rezoning. An annexation study and report will be provided by the Fire Chief and, if approved, all development shall comply with the 2018 IFC.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Farmer Branch** drainage basin. The property **is** 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 **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. Detention will be evaluated at the time of development. Floodplain is in the southwest corner of this property and along the stream. A fee in-lieu-of detention application could be made with minimal flooding impact downstream considering the area is in a floodplain.
2. City of Springfield allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec. 4.1.4.
 - a. To a Public Right-of-Way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3).
 - b. If none of the three options are available, then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Water Quality Requirements

1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the City Limits of Springfield when disturbing one acre of land or more. This includes

Development Review Staff Report



projects less than one acre in area that are part of a larger common plan of development or sale that will disturb one acre of land or more over the life of the project. Refer to Chapter 10 Section 2.0. Water Quality will be required.

- a. Water quality is required if meeting the one acre development threshold.

Natural Channel and Stream Buffer

1. The Farmer Branch stream crosses this property and is categorized as a Class A Large Stream requiring a 200-foot wide stream buffer along the route of the stream. Chapter 8, Sec. 2.1 has the general rule for development around/near natural channels is avoidance, minimize impacts, and mitigate impacts. At the time of development, a stream buffer easement will need to be recorded for the property.

Floodplain Management and Flood Hazard Areas

1. The proposed development is within the Floodplain of the Farmer Branch stream. Per Chapter 3, Sec. 2.6, a Floodplain Development Permit is required for any encroachment into the floodplain. The floodway is within the proposed 200-foot wide stream buffer. No disturbance of the floodway is allowed.

Additional Stormwater Standards to be met

1. A land disturbance permit will be required due to the anticipated area of disturbance exceeding one acre in area 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:
 - 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 S. Innovation Avenue as a Non-Residential Local Roadway. The standard right-of-way width from the centerline for S. Innovation Avenue is 30 feet. It appears that additional right-of-way is needed along S. Innovation Avenue for a turn-around/cul-de-sac. A survey is recommended to determine the exact amount of existing right-of-way. S. Innovation Avenue is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There is no recent traffic count for S. Innovation Avenue. On-street parking is not allowed along S. Innovation Avenue.

DRIVEWAY ACCESS

There is one driveway access point onto the property from S. Innovation Avenue. Access to this property will be allowed based on existing City of Springfield standards for the street classification.

SIDEWALK

There is no sidewalk along the property frontage of S. Innovation Avenue.

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 S. Innovation Avenue.

IMPROVEMENTS

A Traffic Impact Study is required at the time of development. The requirements of said study shall be constructed per current city codes and design standards.

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. Innovation Avenue	Non-Residential Local	No	45	30
Street 2					
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated					
*Proposed Trips Generated					
Additional Trips Generated					

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

Development Review Staff Report



ATTACHMENT 2 CONDITIONS FOR APPROVAL

1. A Traffic Impact Study (TIS) is required at the time of the property's development. The applicant will coordinate with Public Works – Traffic on this matter.

ATTACHMENT 3

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Agriculture to Government & Institutional Use
(existing zoning) (proposed zoning)
2. Meeting Date & Time: November 21, 2022 from 4:00-6:30 pm
3. Meeting Location: 5360 S. Campbell Ave., Suites F & G, Springfield, MO 65810
4. Number of invitations that were sent: 11
5. How the mailing list was generated: City provided mailing list
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).

Mark Harroll of neighboring property east of HWY 65 called prior to meeting stating they were in support of the rezoning.

No other feedback received. No meeting attendance.

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

I, Corey Weimer (print name), attest that the neighborhood meeting was held on 11/21/2022 (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

Corey Weimer

Printed name of person completing affidavit

Neighborhood Meeting

Annexation and Rezoning @ S Farm Road 175 Greene County, MO

November 21, 2022

4:00 p.m. – 6:30 p.m.

Name	Address	Phone
Corey Weiner	550 ST LOUIS STREET SPRINGFIELD MO 65806	417-890-8802
Ricky Haase	" "	" "

One-rdg. _____
P. Hrngs. X
Pgs. 20
Filed: 01-03-23

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-010

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 1.15 acres of property generally located at 4121 South Cox Avenue
4 from GR, General Retail District, to CS, Commercial Service
5 District, with Conditional Overlay District No. 221; establishing
6 Conditional Overlay District No. 221; and adopting an updated
7 Official Zoning Map. (Staff and Planning and Zoning Commission
8 recommend approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 4121 South Cox Avenue from GR, General Retail District, to CS,
13 Commercial Service District, with Conditional Overlay District No. 221; and
14

15 WHEREAS, Conditional Overlay District No. 221 shall modify the requirements of
16 the Springfield Land Development Code Section 36-423, CS, Commercial Service
17 District, by requiring that the property described in "Exhibit B" comply with the
18 requirements described in "Exhibit A;" and
19

20 WHEREAS, following proper notice, the Planning and Zoning Commission held a
21 public hearing on December 15, 2022, a copy of the Record of Proceedings from said
22 public hearing being attached hereto and incorporated herein by this reference as
23 "Exhibit C," and said Commission made its recommendation; and
24

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

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

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

34 Section 1 – The property described in "Exhibit B," which is attached hereto and
35 incorporated herein by this reference, is hereby rezoned from GR, General Retail
36 District, to CS, Commercial Service District, with Conditional Overlay District No. 221.
37 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
38 interpretation,' is hereby amended, changed and modified consistent with this
39 Ordinance.

40
41 Section 2 – City Council hereby establishes Conditional Overlay District No. 221,
42 which shall contain the requirements and standards provided in "Exhibit A," which is
43 attached hereto and incorporated herein by this reference as though set forth herein.
44 The requirements of Conditional Overlay District No. 221 shall modify the requirements
45 of the Springfield Land Development Code Section 36-423, CS, Commercial Service
46 District, by requiring the property described on "Exhibit B" comply with the requirements
47 contained in "Exhibit A."

48
49 Section 3 – City Council hereby directs the City Manager, or designee, to update
50 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
51 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
52 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
53 rules of interpretation.'

54
55 Section 4 – The Official Zoning Map herein adopted shall be maintained and
56 archived in the same digital form in which this Council has approved its adoption.

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

60
61 Passed at meeting: _____

62
63 _____
64 Mayor

65
66 Attest: _____, City Clerk

67
68 Filed as Ordinance: _____

69
70
71 Approved as to form: Jill Bennis, Assistant City Attorney

72
73
74 Approved for Council action: Jason A. Page, City Manager

EXPLANATION TO COUNCIL BILL 2023 - 010

FILED: 01-03-23

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 1.15 acres of property generally located at 4121 S. Cox Avenue from GR, General retail district to CS, Commercial service district and establishing Conditional Overlay District No. 221. (Staff and Planning and Zoning Commission both recommend Approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-29-2022 w/ COD #221

The applicant is requesting to rezone approximately 1.15 acres of property generally located at 4121 S. Cox Avenue from GR, General retail district to CS, Commercial service district and establishing Conditional Overlay District No. 221.

REMARKS: The Planning and Zoning Commission held a public hearing on December 15, 2022, and recommended to approve, by a vote of 8 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for High-Intensity Retail, Office, or Housing. This land use category is typically reserved for development of a density and intensity beyond what is found in the Medium-Intensity Retail, Office, or Housing category, and is usually located within or near those Activity Centers identified by the *Comprehensive Plan* in Figure 18-8. This site is located within the James River Freeway and Kansas Expressway Activity Center, as noted in Figure 18-8. Development in this land use category is generally mixed-use in nature, or involves multiple land uses on a given property, with consideration given towards, "...creating attractive pedestrian spaces and streetscapes, shared or public open spaces, and links to the greenways."

2. The *Comprehensive Plan* states that the GR, General retail, HC, Highway commercial, O-1 and O-2, Office, GI, Government and institutional use, UN, University combining, R-MD, Medium-density multifamily residential, and R-HD, High-density multifamily residential districts are most appropriate within this land use category. The applicant has requested to rezone the property from GR to

CS, Commercial service district, which is described in Section 36-423 of the *Land Development Code* as a district intended for business uses providing essential commercial services and support activities to other nearby office or retail businesses. This district is meant to act as transition between industrial and commercial areas and permits a number of uses too intense for the GR or HC districts. For this reason, staff encouraged the applicant to explore what uses they may be willing to prohibit on this property in order to maintain uniform intensity throughout the area, which is largely zoned GR.

3. The subject property is already served by City Utilities' infrastructure and has access to public sewer, requiring no extension of facilities as part of future redevelopment.
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, 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 No. 221

Attachment 3: Neighborhood Notification and Meeting Summary

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-29-2022

The requirements of Section 36-423, Commercial service district of the Land Development Code shall be modified as set forth herein for development within this district:

1. The following uses shall be prohibited:
 - a. Automobile service garages, including body and fender repair and paint shops;
 - b. Bus stations;
 - c. Campgrounds and recreational vehicle parks;
 - d. Construction equipment storage yards;
 - e. Manufactured housing (mobile home) and trailer sales, leasing, service and storage;
 - f. Medical marijuana cultivation, dispensary, and/or manufacturing type 2 post-extraction facilities;
 - g. Overnight shelters or transitional service shelters;
 - h. Public or private vehicle and boat storage garages, yards or lots;
 - i. Substance abuse treatment facilities;
 - j. Taxi dispatch yards and offices; and
 - k. Truck stops.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-29-2022

All of Lot Eight (8), final plat for Chesterfield Crossing Subdivision Plat, in Springfield, Greene County, Missouri.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – December 15, 2022

Z-29-2022

4121 South Cox Avenue

Applicant: The Harold E. Johnson Companies, Inc.

Mr. Hosmer stated that this is a request to rezone approximately 1.15 acres of property generally located at 4121 S. Cox Avenue from GR, General retail district to CS, Commercial service district and establishing Conditional Overlay District No. 221. Staff recommends approval.

Mr. Scott asked about spot zoning and noted that it is discouraged in other cities.

Mr. Hosmer stated that this is not spot zoning, will still be commercial, however more intense, just different uses.

Mr. Jobe opened the public hearing.

Mr. Daniel Richards, 1200 E. Woodhurst Drive, representing the owner and this property will be leased to a company that leases hospital beds.

Mr. Larry Moore, 15220 N. Rt. U, property owner and here to answer any questions.

Mr. Colony asked if it is the owner's intent to lease the property.

Mr. Moore noted that they are leasing the property.

Mr. Jobe closed the public hearing.

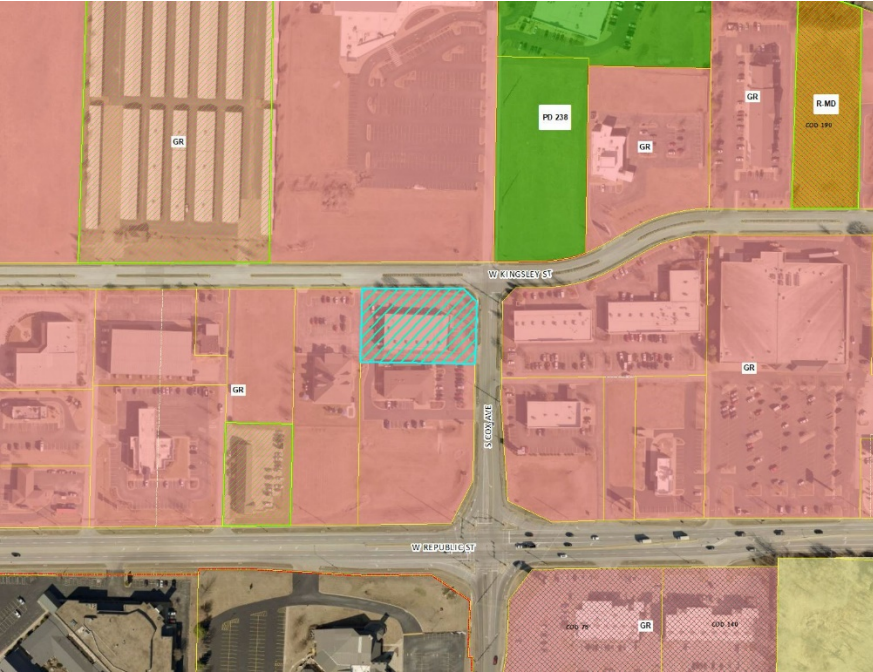
COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-29-2022 (4121 South Cox Avenue). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	DECEMBER 15, 2022
CITY COUNCIL PUBLIC HEARING:	January 23, 2023
	CASE: Z-29-2022 w/COD #221
	ACRES: 1.15 acres
	LOCATION: 4121 S. Cox Avenue
	EXISTING LAND USE: Retail sales
	APPLICANT: The Harold E. Johnson Companies, Inc.
	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 1.15 acres of property generally located at 4121 S. Cox Avenue from GR, General retail district to CS, Commercial service district and establishing Conditional Overlay District No. 221.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for High-Intensity Retail, Office or Housing. This land use category is typically reserved for development of a density and intensity beyond what is found in the Medium-Intensity Retail, Office or Housing category, and is usually located within or near those Activity Centers identified by the *Comprehensive Plan* in Figure 18-8. This site is located within the James River Freeway and Kansas Expressway Activity Center, as noted in Figure 18-8. Development in this land use category is generally mixed-use in nature, or involves multiple land uses on a given property, with consideration given towards, "...creating attractive pedestrian spaces and streetscapes, shared or public open spaces, and links to the greenways."
2. The *Comprehensive Plan* states that the GR, General retail, HC, Highway commercial, O-1 and O-2, Office, GI, Government and institutional use, UN, University combining, R-MD, Medium-density multifamily residential, and R-HD, High-density multifamily residential districts are most appropriate within this land use category. The applicant has requested to rezone the property from GR to CS, Commercial service district, which is described in Section 36-423 of the *Land Development Code* as a district intended for business uses providing essential commercial services and support activities to other nearby office or retail businesses. This district is meant to act as transition between industrial and commercial areas, and permits a number of uses too intense for the GR or HC districts. For this reason, staff encouraged the applicant to explore what uses they may be willing to prohibit on this property in order to maintain uniform intensity throughout the area, which is largely zoned GR.
3. The subject property is already served by City Utilities' infrastructure and has access to public sewer, requiring no extension of facilities as part of future redevelopment.
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.

Development Review Staff Report



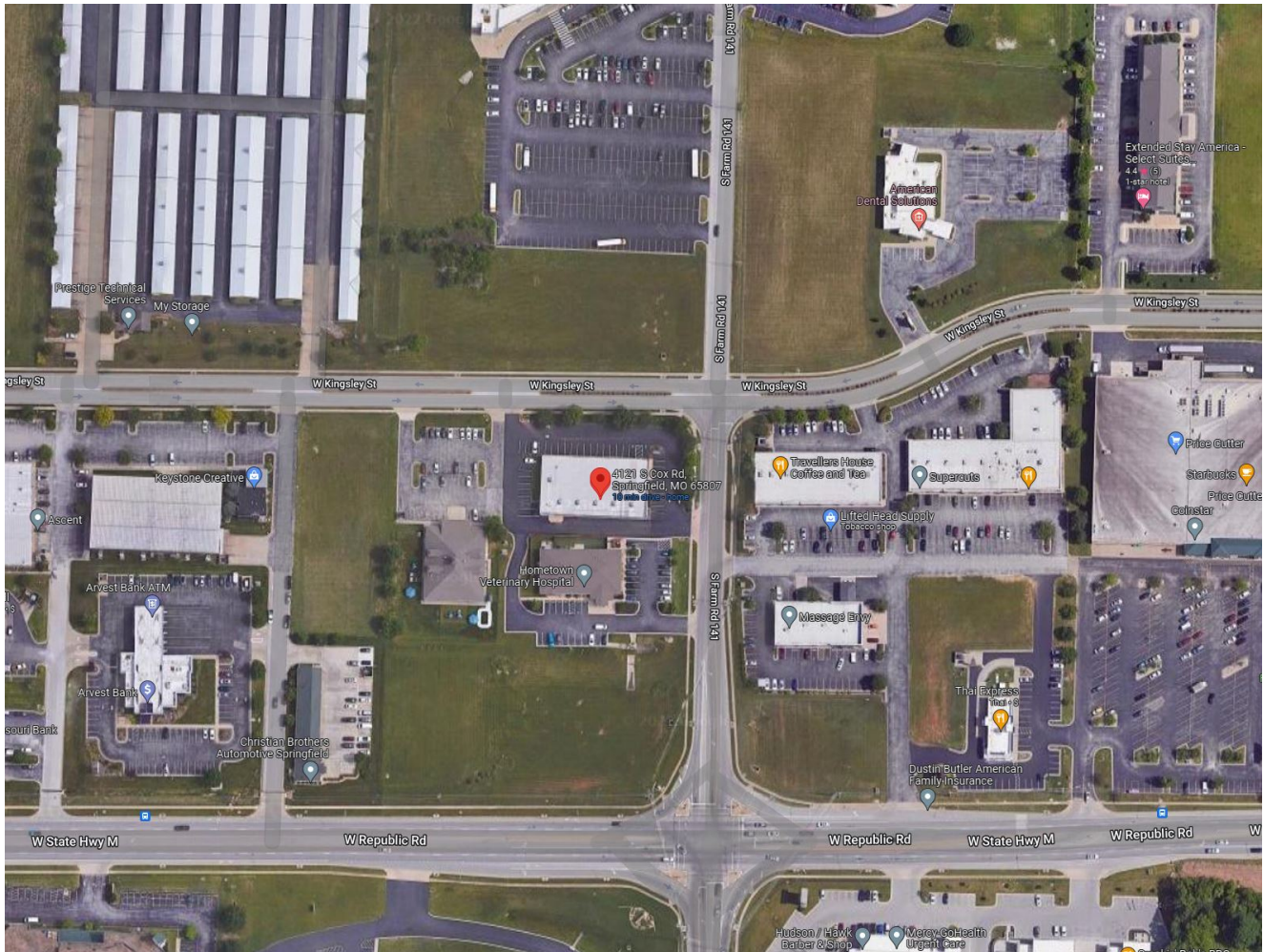
5. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	GR	GR	GR
LAND USE	Recreation center	Veterinary clinic	Mixed commercial uses	Early childhood education

Development Review Staff Report

SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



GOOGLE MAPS STREET VIEW:



CITY OF
Springfield

W JAMES RIVER

W JAMES RIVER

S KANSAS EXPY

S KANSAS EXPY

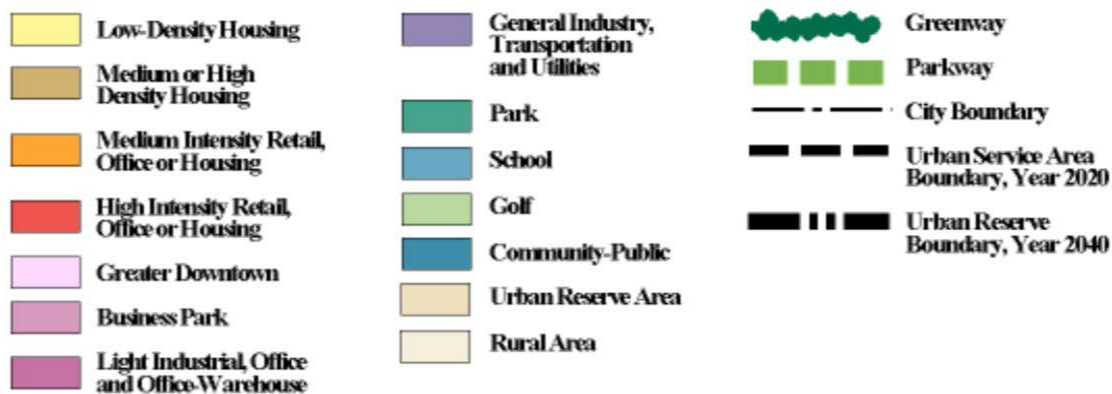
S KANSAS EXPY

W KINGSLEY ST

S COX AVE

S UPSCOMB AVE

W REPUBLIC ST



Development Review Staff Report



PROPERTY HISTORY:

This property was annexed into the City in 1998 and retained its County zoning designation at that time. Shortly after annexation, an application was filed to rezone the area to GR, General retail, which was also approved in 1998. The property has maintained its GR zoning since that time.

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 CS
Minimum Yard Requirements	None, except as required by the screening and bufferyard requirements of Section 36-480 and Section 36-482, respectively.
Maximum Structure Height	None, except as regulated by bulk plane limitation (see below).
Minimum Open Space	Not less than 15 percent of the total lot area.
BULK PLANE	BUFFERYARD AND LANDSCAPING
Not applicable. All structures are limited by a 30-degree bulk plane as measured from the boundary of property zoned R-SF or R-TH. There are no nearby properties zoned R-SF or R-TH	Bufferyard B is required between properties zoned CS and GR; however, this bufferyard can be waived between abutting properties in different districts if a joint access agreement between the properties in established and six additional evergreen shrubs per 100 linear feet of street frontage are planted in the perimeter landscape strip. The waiver is to be approved by the director of Building Development Services. Because this property has already been developed, the bufferyard landscaping requirements will only activate should substantial redevelopment activity occur, as explained in Section 36-482 (15). In addition, this property would qualify for a reduced bufferyard along its south property line per Section 36-482 (16).

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this site as appropriate for High-Intensity Retail, Office or Housing. This land use category is typically reserved for development of a density and intensity beyond what is found in the Medium-Intensity Retail, Office or Housing category, and is usually located within or near those Activity Centers identified by the *Comprehensive Plan* in Figure 18-8. This site is located within the James River Freeway and Kansas Expressway Activity Center, as noted in Figure 18-8. Development in this land use category is generally mixed-use in nature, or involves multiple land uses on a given property, with consideration given towards, "...creating attractive pedestrian spaces and streetscapes, shared or public open spaces, and links to the greenways." The *Comprehensive Plan* states that the GR, General retail, HC, Highway commercial, O-1 and O-2, Office, GI, Government and institutional

Development Review Staff Report



use, UN, University combining, R-MD, Medium-density multifamily residential, and R-HD, High-density multifamily residential districts are most appropriate within this land use category.

STAFF COMMENTS:

1. The applicant has proposed to rezone approximately 1.15 acres of land generally located at 4121 S. Cox Avenue from GR, General retail district, to CS, Commercial service district and establish Conditional Overlay District No. 221.
2. The *Comprehensive Plan* states that the GR, General retail, HC, Highway commercial, O-1 and O-2, Office, GI, Government and institutional use, UN, University combining, R-MD, Medium-density multifamily residential, and R-HD, High-density multifamily residential districts are most appropriate within this land use category. The applicant has requested to rezone the property from GR to CS, Commercial service district, which is described in Section 36-423 of the *Land Development Code* as a district intended for business uses providing essential commercial services and support activities to other nearby office or retail businesses. This district is meant to act as transition between industrial and commercial areas, and permits a number of uses too intense for the GR or HC districts. For this reason, staff encouraged the applicant to explore what uses they may be willing to prohibit on this property in order to maintain uniform intensity throughout the area, which is largely zoned GR.
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 November 21, 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: 28

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, and water are all currently available to the property, requiring no extension of facilities.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections to the proposed rezoning. The property has access to public sewer.

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. 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 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. Stormwater detention has already been provided in regional detention basin constructed as part of the public improvement project for the Chesterfield Crossing Subdivision (9PW4654).

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 when disturbing one acre of land or more. This includes projects less than one acre in area that are part of a larger common plan of development or sale that will disturb one acre of land or more over the life of the project. Refer to Chapter 10 Section 2.0. Water Quality will be required.
 - a. Water quality will be required if the lot is redeveloped with over one acre disturbed.

Additional Stormwater Standards to be met

1. A land disturbance permit will be required due to the anticipated area of disturbance exceeding one acre in area 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 S. Cox Avenue and W. Kingsley Street as Non-Residential Local roadways. The standard right-of-way width from the centerline for S. Cox Avenue and W. Kingsley Street is 30 feet. It appears no additional right-of-way is needed along S. Cox Avenue and W. Kingsley Street. A survey is recommended to determine the exact amount of existing right-of-way. S. Cox Avenue and W. Kingsley Street are both city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

There most recent traffic count for S. Cox Avenue is 3,093 vehicles per day. There is no recent count for W. Kingsley Street. On-street parking is not allowed along S. Cox Avenue or W. Kingsley Street.

DRIVEWAY ACCESS

There is one driveway access point onto the property from S. Cox Avenue and one driveway access point onto the property from W. Kingsley Street. Access to this property will be allowed based on existing City of Springfield standards for the street classifications.

SIDEWALK

There is existing sidewalk along the property frontage of S. Cox Avenue and W. Kingsley Street.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops near this property. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study was not required as the change in zoning does not generate an additional 100 trips in the peak hour or 1,000 trips in a 24-hour period.

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. Cox Avenue	Non-Residential Local	No	30	30
Street 2	W. Kingsley Street	Non-Residential Local	No	30	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		18	77	828	
*Proposed Trips Generated		18	77	828	
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



ATTACHMENT 2 CONDITIONAL OVERLAY DISTRICT NO. 221

The requirements of Section 36-423, Commercial service district of the Land Development Code shall be modified as set forth herein for development within this district:

1. The following uses shall be prohibited:
 - a. Automobile service garages, including body and fender repair and paint shops;
 - b. Bus stations;
 - c. Campgrounds and recreational vehicle parks;
 - d. Construction equipment storage yards;
 - e. Manufactured housing (mobile home) and trailer sales, leasing, service and storage;
 - f. Medical marijuana cultivation, dispensary, and/or manufacturing type 2 post-extraction facilities;
 - g. Overnight shelters or transitional service shelters;
 - h. Public or private vehicle and boat storage garages, yards or lots;
 - i. Substance abuse treatment facilities;
 - j. Taxi dispatch yards and offices; and
 - k. Truck stops.

ATTACHMENT 3
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: GR to GS with a COD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: November 21, 2022
3. Meeting Location: 4121 S Cox Rd, Springfield, MO 65807
4. Number of invitations that were sent: 28
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

There were no verbal comments.

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

There were no written comments.

I, Martha Middleton (print name), attest that the neighborhood meeting was held on 11/21/22 (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."

Martha Middleton
Signature of person completing affidavit

Martha Middleton
Printed name of person completing affidavit

Neighborhood Meeting Notice

Date of Letter:

11/10/2022

DEAR PROPERTY OWNER,

You have received a notice of a "Neighborhood Meeting" since all development applications involving an advertised public hearing require that a developer hold a neighborhood meeting and invite the property owners within 500 feet of the property and the officers of any neighborhood associations on file with the City of Springfield.

The applicant or representative below has filed an application with the City of Springfield for a change in land use, zoning or street vacation in your neighborhood.

APPLICANT CONTACT INFORMATION

Applicant/Representative Name: Daniel Richards

Address: 1200 E Woodhurst Dr., Suite D200

City, State and Zip: Springfield, Mo 65804

Phone Number: (417) 886-9100

E-mail: drichards@leeengineering.biz

PROJECT LOCATION: 4121 S Cox Rd

PROPOSED CHANGES:

Provide details of the existing zoning and proposed zoning (planned development, conditional use permit, conditional overlay district or vacation of roadways).

The purpose of this rezone is to allow a business that refurbishes hospital beds to occupy the existing building. Since city staff determined this use did not fit the existing zoning, it is our intent to rezone the property from General Retail (GR) to Commercial Services (CS) with a Conditional Overlay to prohibit automobile services garages, including fender repair and paint shops.

PUBLIC NEIGHBORHOOD MEETING

Date of Meeting: 11/21/2022

Location of Meeting: 4121 S Cox Rd, Springfield, MO 65807

Time of Meeting: ● 4:00pm to 6:30pm

We look forward to seeing you at this meeting! Thank You!

One-rdg. _____
P. Hrngs. X
Pgs. 15
Filed: 01-03-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023- 011

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 0.45 acre of property generally located at 830 North Benton Avenue
4 from GR, General Retail District, to GI, Government and
5 Institutional Use District; and adopting an updated Official Zoning
6 Map. (Staff and Planning and Zoning Commission recommend
7 approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 830 North Benton Avenue from GR, General Retail District, to GI,
12 Government and Institutional Use District; and
13

14 WHEREAS, following proper notice, the Planning and Zoning Commission held a
15 public hearing on December 15, 2022, a copy of the Record of Proceedings from said
16 public hearing being attached hereto and incorporated herein by this reference as
17 "Exhibit B," and said Commission made its recommendation; and
18

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

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

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

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

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: Juan A. Hayes, City Manager

EXPLANATION TO COUNCIL BILL 2023 - 011

FILED: 01-03-23

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 0.45 acres of property generally located at 830 N. Benton Avenue from GR, General retail district to GI, Government and institutional use district.

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-30-2022

The applicant is requesting to rezone approximately 0.45 acres of property generally located at 830 N. Benton Avenue from GR, General retail district to GI, Government and institutional use district as part of Drury's efforts to uniformly zone those properties included within their campus.

REMARKS: The Planning and Zoning Commission held a public hearing on December 15, 2022, and recommended to approve, by a vote of 8 to 0.

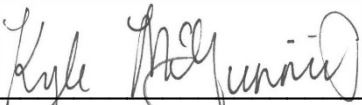
The Planning and Development staff recommends the application be approved (see the attached "Exhibit C"- Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this site as appropriate for Medium-Intensity Retail, Office or Housing, a mixed category intended to allow for a variety of commercial and/or mid- or high-density housing when located at major intersections along certain road corridors. The *Comprehensive Plan* notes a number of Springfield zoning districts appropriate for this land use designation, including the GI, Government and institutional use district, which the applicant has proposed at this location. The request is therefore in alignment with the recommendations set forth by the *Growth Management and Land Use Plan*.
2. The *Land Development Code* describes the GI district as one established to apply to lands where federal, state, or local government activity is conducted, where governments hold title to the land, and to major public and private educational and medical facilities. This site is used in conjunction with Drury University, whose campus is primarily zoned GI. Approval of this request will bring greater uniformity to the campus' zoning.
3. The subject property is already served by City Utilities' infrastructure and has access to the City's public sewer system; as a result, no extensions of these facilities are required.

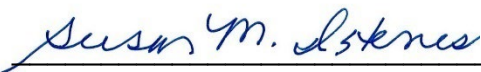
4. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.
5. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:



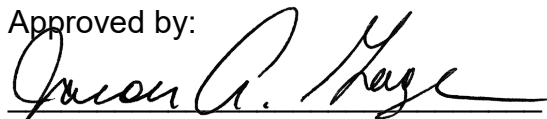
Kyle McGinnis, Senior Planner

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 Notification and Meeting Summary

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-30-2022

All of Lot 58 in Hardwood, Lisenby and Boyd's Addition to the City of Springfield, Greene County, Missouri, per the recorded plat thereof.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – December 15, 2022

Z-30-2022
830 North Benton Avenue
Applicant: Drury University

Mr. Hosmer stated that this is a request to rezone approximately 0.45 acres of property generally located at 830 N. Benton Avenue from GR, General Retail District to GI, Government and institutional use district. Staff recommends approval.

Mr. Scott asked about the possible demolition of the building (church) and if it can be prevented.

Mr. Hosmer stated that there is a 60 day of cooling for demolition but believes that the building is safe, and they want to rehab it to be ADA approved.

Ms. Ridge noted she would like the building to be preserved.

Mr. Jobe opened the public hearing.

Mr. Daniel Richards, 1200 E. Woodhurst Drive, representing Drury and they want to bring it into conformity by preserving the church (was given to Drury University) and will be ADA compliant and here to answer any questions.

Mr. Jobe closed the public hearing.

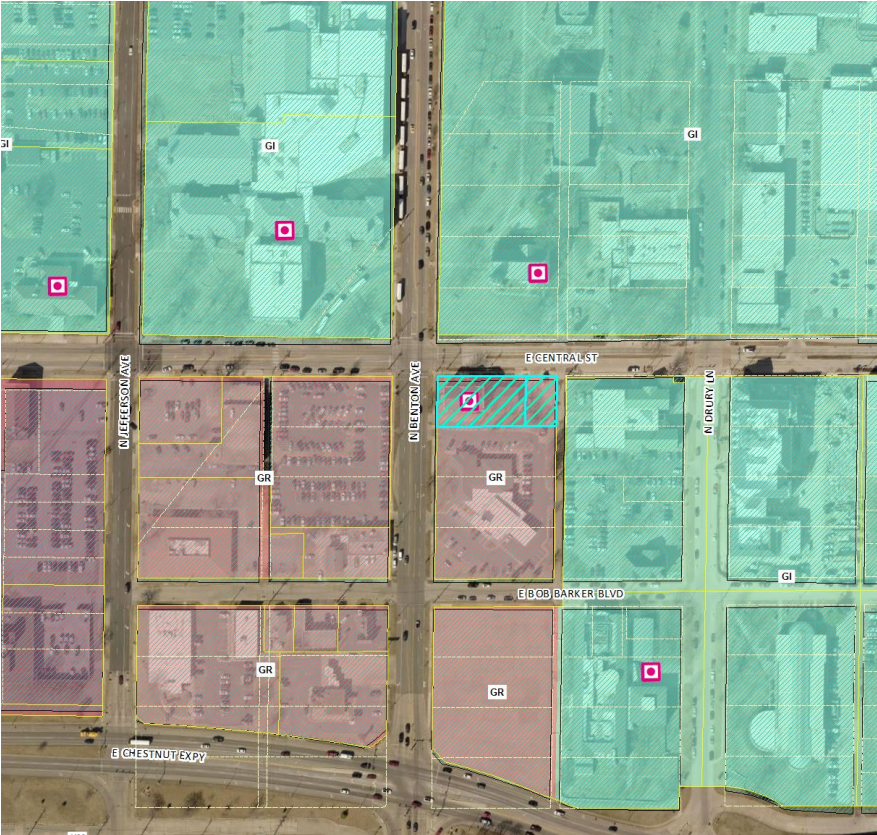
COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-30-2022 (830 North Benton Avenue). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	DECEMBER 15, 2022
CITY COUNCIL PUBLIC HEARING:	January 9, 2023
	CASE: Z-30-2022
	ACRES: 0.45 acres
	LOCATION: 830 N. Benton Avenue
	EXISTING LAND USE: Church
	APPLICANT: Drury University
	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 0.45 acres of property generally located at 830 N. Benton Avenue from GR, General retail district to GI, Government and institutional use 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, a mixed category intended to allow for a variety of commercial and/or mid- or high-density housing when located at major intersections along certain road corridors. The *Comprehensive Plan* notes a number of Springfield zoning districts appropriate for this land use designation, including the GI, Government and institutional use district, which the applicant has proposed at this location. The request is therefore in alignment with the recommendations set forth by the *Growth Management and Land Use Plan*.
2. The *Land Development Code* describes the GI district as one established to apply to lands where federal, state, or local government activity is conducted, where governments hold title to the land, and to major public and private educational and medical facilities. This site is used in conjunction with Drury University, whose campus is primarily zoned GI. Approval of this request will bring greater uniformity to the campus' zoning.
3. The subject property is already served by City Utilities' infrastructure and has access to the City's public sewer system; as a result, no extensions of these facilities are required.
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.

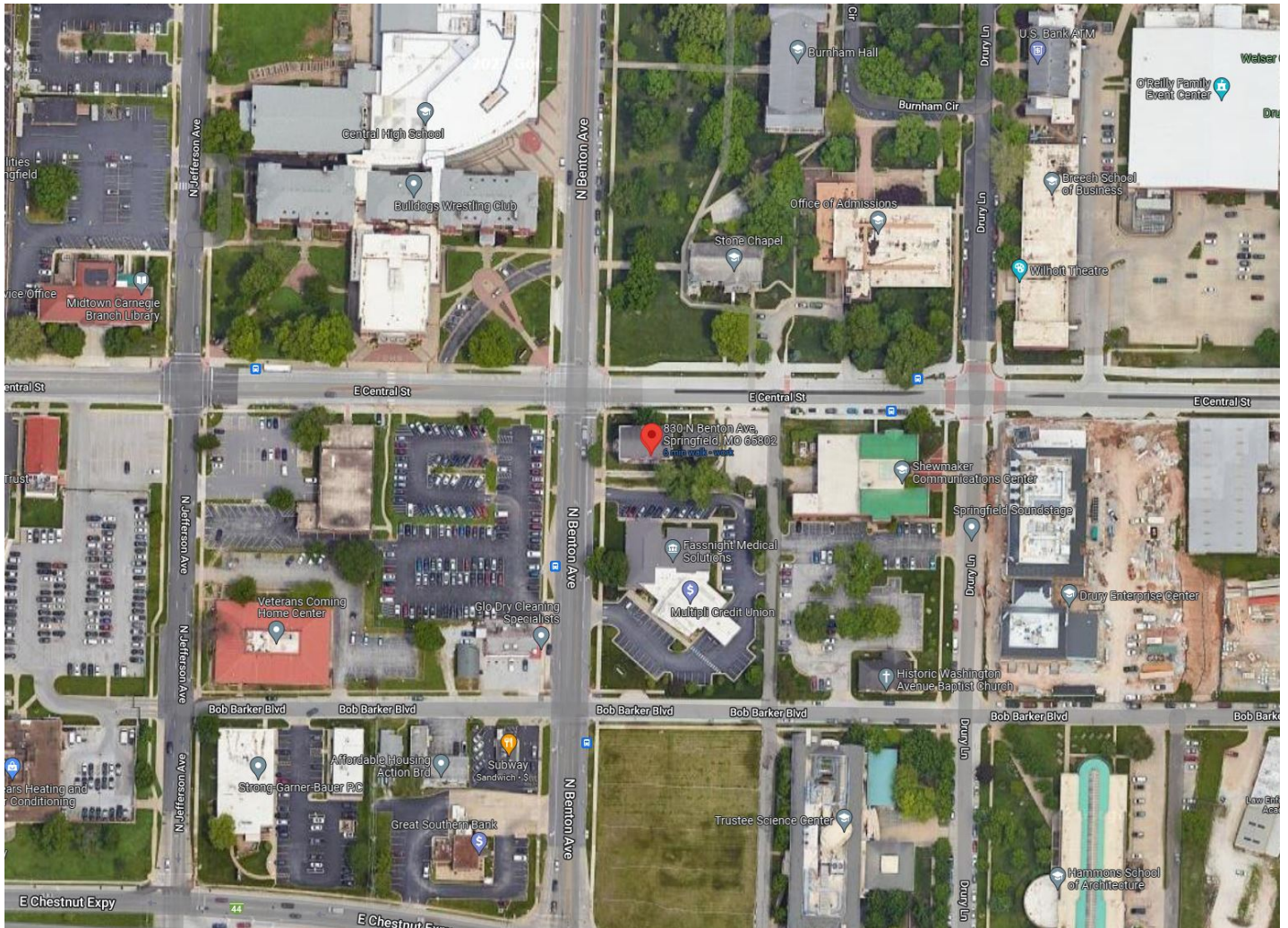
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GI	GR	GI	GR
LAND USE	University Campus	Credit Union	University Campus	Off-street Parking

Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



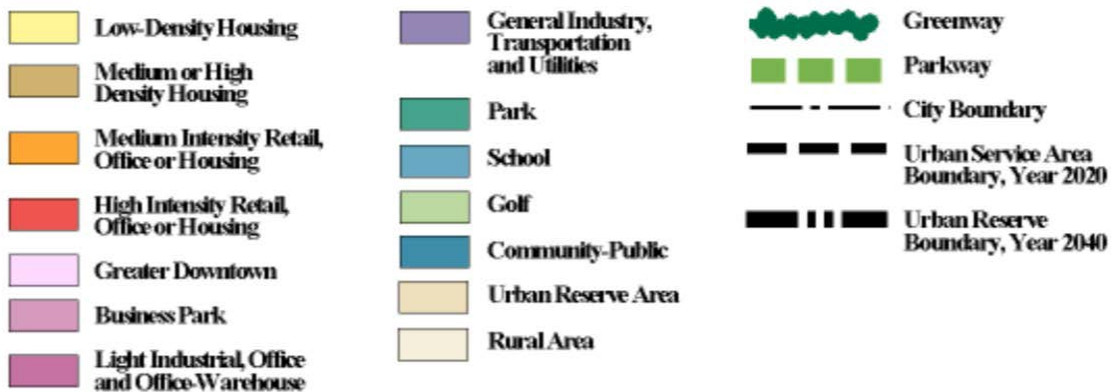
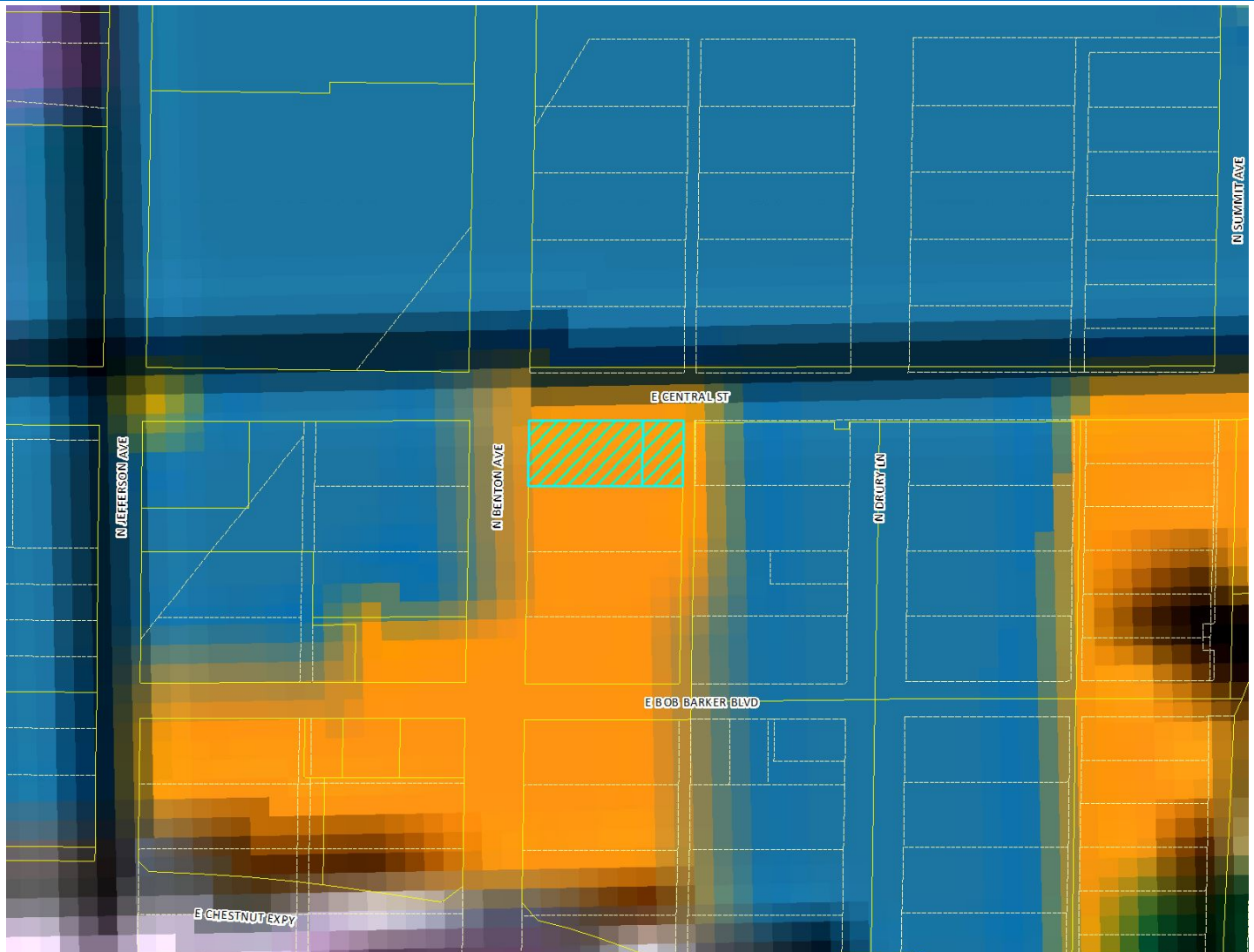
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

This property was zoned GR, General retail district in 1995 as part of the city-wide remapping in 1995 and has maintained this zoning designation since then.

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 GI
Minimum Yard Requirements	None, except as required by Section 36-453, Supplemental open space and yard regulations, and the screening and bufferyard requirements of Section 36-480 and Section 36-482, respectively.
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district (not applicable).
Minimum Open Space	Not less than 20 percent of the total lot area.
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 district. This is generally not applicable as there are no nearby properties zoned R-SF or R-TH.	There are no required bufferyards for this property based on the zoning of the neighboring properties. Future development will be subject to the interior and perimeter landscaping requirements of Section 36-482 (9).

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this site as appropriate for Medium-Intensity Retail, Office or Housing, a mixed category intended to allow for a variety of commercial and/or mid- or high-density housing when located at major intersections along certain road corridors. The *Comprehensive Plan* notes a number of Springfield zoning districts appropriate for this land use designation, including the GI, Government and institutional use district, which the applicant has proposed at this location. The request is therefore in alignment with the recommendations set forth by the *Growth Management and Land Use Plan*.

STAFF COMMENTS:

1. The applicant, Drury University, has requested to rezone approximately 0.45 acres of property generally located at 830 N. Benton Avenue from GR, General retail district to GI, Government and institutional use district. The applicant has requested to rezone this property in order to bring it into conformance with the rest of the university's campus, which is zoned GI. The applicant intends to remodel the existing church to provide ADA access and on-site parking.

Development Review Staff Report



2. The *Land Development Code* describes the GI district as one established to apply to lands where federal, state, or local government activity is conducted, where governments hold title to the land, and to major public and private educational and medical facilities. This site is used in conjunction with Drury University, whose campus is primarily zoned GI. Approval of this request will bring greater uniformity to the campus' zoning.
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 November 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: 26 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, and water are already available to the subject property.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections to the proposed rezoning. The property has access to the City's public sewer system.

FIRE DEPARTMENT:

No issues with the proposed rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

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

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 will be evaluated at the time of development. Floodplain is in the southwest corner of this property and along the stream. A fee in-lieu-of detention application could be made with minimal flooding impact downstream considering the area is in a floodplain.
2. City of Springfield allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec. 4.1.4.
 - a. To a Public Right-of-Way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3).
 - b. If none of the three options are available, then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Water Quality Requirements

1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the City Limits of Springfield when disturbing one acre of land or more. This includes projects less than one acre in area that are part of a larger common plan of development or sale that will disturb one acre of land or more over the life of the project. Refer to Chapter 10 Section 2.0. Water Quality will be required.
 - a. Water quality will be required.

Development Review Staff Report



Additional Stormwater Standards to be met

1. A land disturbance permit will be required due to the anticipated area of disturbance exceeding one acre in area 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:
 - 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 N. Benton Avenue as a Secondary Arterial roadway and E. Central Street as a Collector roadway. The standard right-of-way width from the centerline for N. Benton Avenue is 35 feet and for E. Central Street is 30 feet. It appears no additional right-of-way is needed along N. Benton Avenue and E. Central Street. A survey is recommended to determine the exact amount of existing right-of-way. N. Benton Avenue and E. Central Street are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

There most recent traffic count for N. Benton Avenue is 8,821 vehicles per day and for E. Central Street is 5,388 vehicles per day. On-street parking is not allowed along N. Benton Avenue or E. Central Street.

DRIVEWAY ACCESS

There is one driveway access point onto the property from N. Benton Avenue and two driveway access points onto the property from E. Central Street. Access to this property will be allowed based on existing City of Springfield standards for the street classifications.

SIDEWALK

There is existing sidewalk along the property frontage of N. Benton Avenue and E. Central Street.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are bus stops along N. Benton Avenue and E. Central Street near this property. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Memo was completed for this rezoning. There is no increase in trips with this rezoning. No improvements were recommended based on the memo.

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	N. Benton Avenue	Secondary Arterial	No	41	35
Street 2	E. Central Street	Collector	No	33	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		8	30	324	
*Proposed Trips Generated		8	30	324	
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 to Gl
(existing zoning) (proposed zoning)
2. Meeting Date & Time: November 18, 2022
3. Meeting Location: Trustee Science Center (705 N Drury Lane, Spfd, Mo), Reed Auditorium
4. Number of invitations that were sent: 26
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

There were no verbal comments.

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

There were no written comments.

I, Martha Middleton (print name), attest that the neighborhood meeting was held on 11/18/22 (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."

Martha Middleton
Signature of person completing affidavit

Martha Middleton
Printed name of person completing affidavit

One-rdg. _____
P. Hrngs. X
Pgs. 10
Filed: 01-03-23

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-012

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Official Map of the City of Springfield, Missouri, adopted pursuant to
2 General Ordinance 1478, by changing the street name of the West 3100
3 block through the East 3600 block of Republic Street to Republic Road.
4 (Staff and Planning and Zoning Commission both recommend approval.)
5 _____
6

7 WHEREAS, an application has been filed for a change of street name; and
8

9 WHEREAS, following proper notice, a public hearing was held on December 15,
10 2022, before the Planning and Zoning Commission, a copy of the Record of
11 Proceedings from said public hearing being attached hereto and incorporated herein by
12 this reference as "Exhibit A," and said Commission made its recommendation; and
13

14 WHEREAS, the City of Springfield, Missouri, has reviewed the applicant's
15 request and prepared a staff report concerning the application which is attached hereto
16 and incorporated herein by this reference as "Exhibit B;" and
17

18 WHEREAS, proper notice was given of a public hearing before City Council, and
19 said hearing was held in accordance with law.
20

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

24 Section 1 – The Official Map of the City of Springfield, Missouri, adopted
25 pursuant to General Ordinance 1478, is hereby amended by changing the name of the
26 West 3100 block through the East 3600 block of Republic Street to Republic Road as
27 set forth herein:
28

29 PRESENT NAME	LOCATION	NEW NAME
30 Republic Street	West 3100 block to 31 East 3600 block of 32 Republic Street 33	Republic Road

34 Section 2 – The City Clerk is hereby directed to make the modifications to the
35 Official Map of the City of Springfield as adopted by General Ordinance 1478, as
36 amended, as shown above.
37

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

41 Passed at meeting: _____
42

43 _____
44 Mayor
45

46 Attest: _____, City Clerk
47

48 Filed as Ordinance: _____
49

50
51 Approved as to form: Jill Bennis, Assistant City Attorney
52

53
54 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2023 - 012

FILED: 01-03-23

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Official Map of Springfield, adopted pursuant to General Ordinance 1478 by changing the street name of the West 3100 block through the East 3600 Block of Republic Street to Republic Road. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

STREET NAME CHANGE NO. 81

This is a request by the City of Springfield to re-name the West 3100 block through the East 3600 Block of Republic Street to Republic Road.

REMARKS:

The Planning and Zoning Commission held a public hearing on November 17, 2022, and recommended approval, by a vote of 8 to 0.

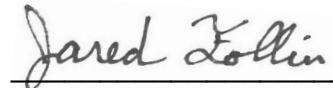
The Planning and Development staff recommends the application be **approved** (see the attached "Exhibit B"- Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

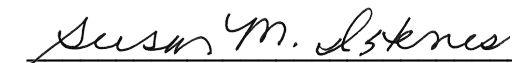
1. This request re-assigns the addressing block and name of Republic "Street" to Republic "Road" in the City's street system in order to reduce confusion and improve emergency response. Property address numbers will not change as part of this request.
2. The City of Springfield Public Works Department has determined that there is confusion in the signage and addressing along Republic Street. The official name of the roadway is Republic "Street"; however, the corridor is regionally known as Republic Road. Property addresses and road signage along the corridor utilize both names causing confusion among emergency services and other organizations. According to GIS, there are 192 addresses along this corridor of which 64% are addressed using the suffix "Street."
3. Staff has determined it appropriate to officially rename the corridor as Republic Road, as it has been the widely accepted name for many years. It should be noted that the name change will only effect Republic Street within Springfield city limits and will not rename the portions of the corridor within Greene County. We recommend the County follow up with their own street name change to rename portions of Republic Street in their jurisdiction.
4. If approved, the City will send an official notification to residents and property owners. City staff will coordinate with Building Development Services to change all

Republic property addresses to include "Road." Public Works will also work towards changing road signage to reflect the new name change. The exact cost of the potential street name change is unclear.

Submitted by:


Jared Follin, Associate Planner

Recommended by:


Susan Istenes, AICP, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – December 15, 2022

Street Name Change 81

West 3100 blk through east 3600 blk of Republic Street

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to address the west 3100 block through the east 3600 block of Republic Street to Road. (Between Golden Avenue and Highway 65). Staff recommends approval. Mr. Hosmer also noted that the presentation (graphics) shown had errors and corrected as he presented.

Mr. Jobe opened the public hearing.

No speakers.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Street Name Change 81 (West 3100 blk through east 3600 blk of Republic Street). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.



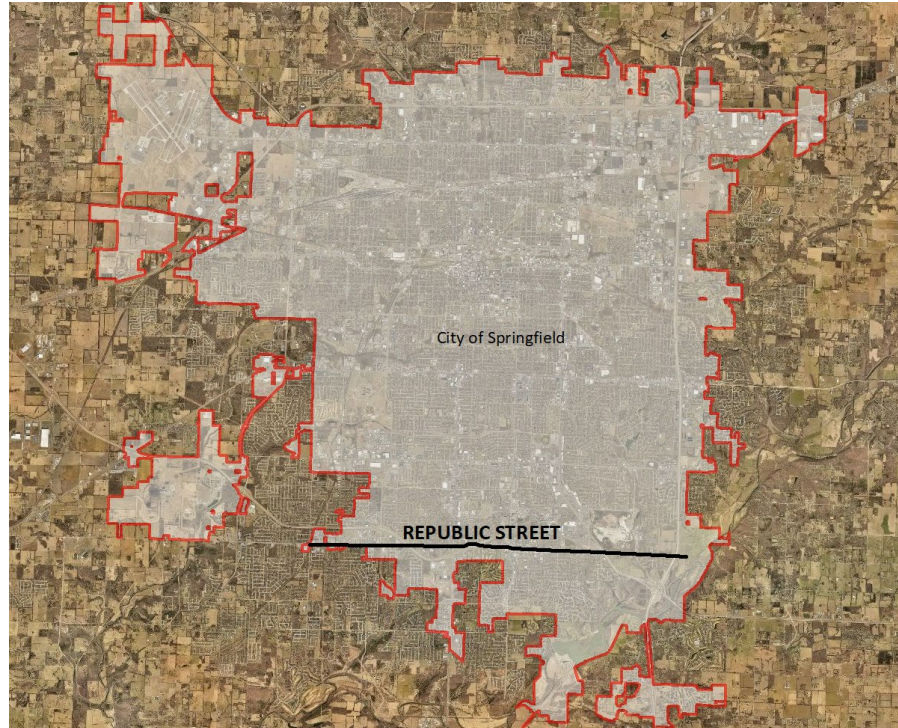
Bob Hosmer, AICP
Planning Manager

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

DECEMBER 15, 2022

CITY COUNCIL PUBLIC HEARING:

JANUARY 9, 2023

**CASE:** Street Name Change No. 81**LOCATION:** West 3100 blk – East 3600 blk of Republic Street**APPLICANT:** City of Springfield**STAFF:** Jared Follin, Associate Planner
417-864-1612**STAFF RECOMMENDATIONS:** Approve**PROPOSED MOTION:** Move to approve the street name change, as submitted in the staff report.**REQUIRED VOTE:** A majority of those present (5 members are a quorum).**SUMMARY OF REQUEST:**

Request to re-assign the west 3100 block through the east 3600 block of Republic Street to Republic Road. (Between Golden Avenue and Highway 65, including the roughly 800 feet of Republic Street east of Highway 65).

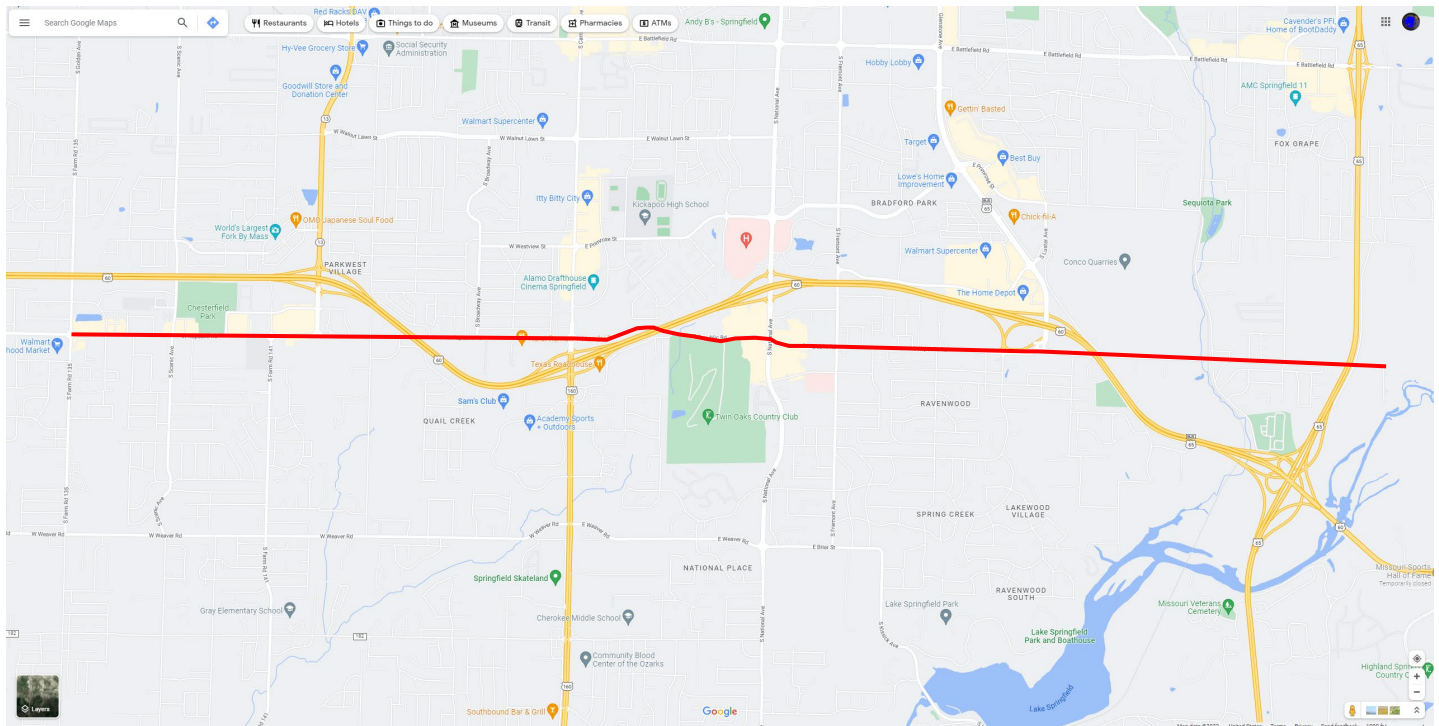
FINDINGS FOR STAFF RECOMMENDATION:

1. This request re-assigns the addressing block and name of Republic "Street" to Republic "Road" in the City's street system in order to reduce confusion and improve emergency response. Property address numbers will not change as part of this request.
2. The City of Springfield Public Works Department has determined that there is confusion in the signage and addressing along Republic Street. The official name of the roadway is Republic "Street"; however, the corridor is regionally known as Republic Road. Property addresses and road signage along the corridor utilize both names causing confusion among emergency services and other organizations. According to GIS, there are 192 addresses along this corridor of which 64% are addressed using the suffix "Street."
3. Staff has determined it appropriate to officially rename the corridor as Republic Road, as it has been the widely accepted name for many years. It should be noted that the name change will only effect Republic Street within Springfield city limits and will not rename the portions of the corridor within Greene County. We recommend the County follow up with their own street name change to rename portions of Republic Street in their jurisdiction.
4. If approved, the City will send an official notification to residents and property owners. City staff will coordinate with Building Development Services to change all Republic property addresses to include "Road." Public Works will also work towards changing road signage to reflect the new name change. The exact cost of the potential street name change is unclear.

Development Review Staff Report

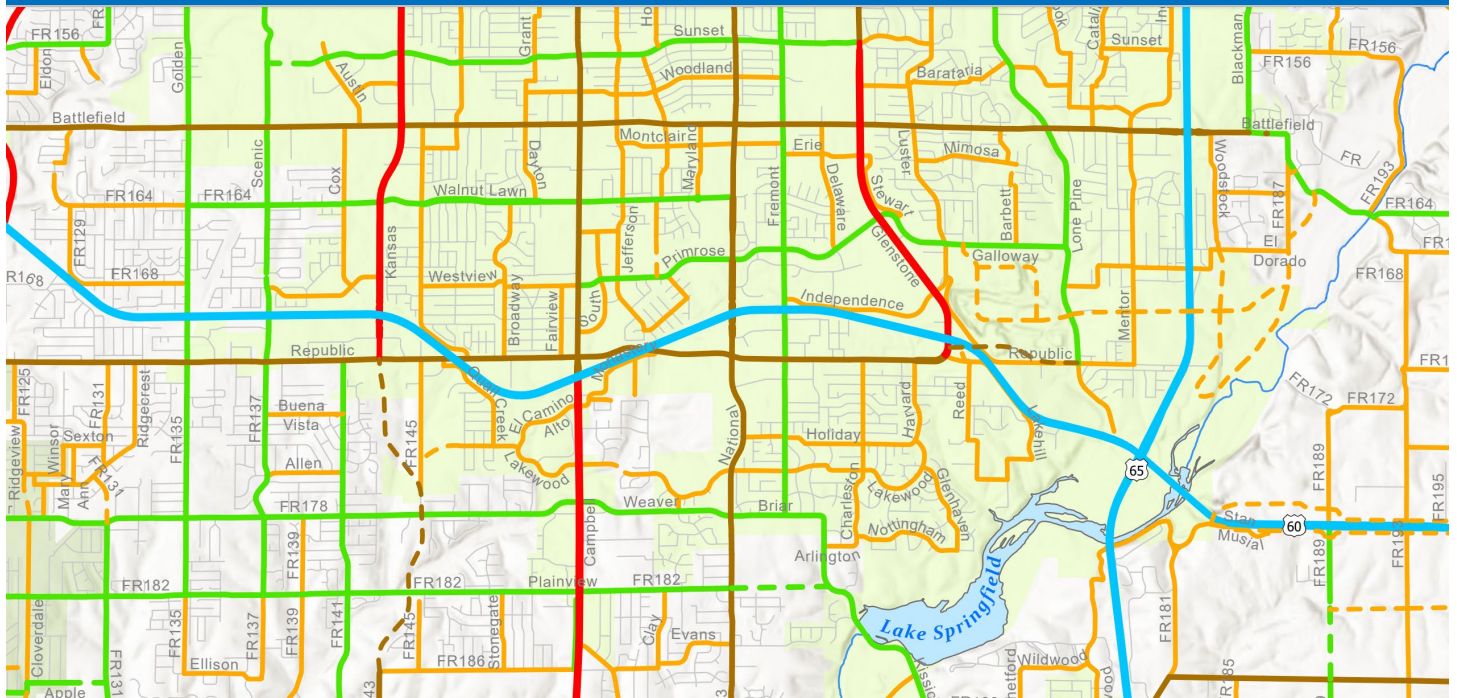


SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



Development Review Staff Report

MAJOR THOROUGHFARE PLAN



Republic Road is classified as a Primary Arterial, Collector, and Local Street depending on the location.

Development Review Staff Report



PROPERTY HISTORY:

The subject street and right-of-way have been annexed by the City over the years since 1967.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 98-10. – Procedure for changing names of streets.

Before the name of any public street is changed, there shall be public notice of such proposed change and public hearings shall be held in accordance with the following procedures:

- 1) All such changes shall first be considered by the planning and zoning commission at a public hearing.
- 2) Prior to the public hearing before the planning and zoning commission, notices of such hearing shall be posted in the area where the name change is to take place, which notice shall set out the time, date and location of the public hearing, giving at least ten days' notice of the hearing. Such notices shall be conspicuously displayed by posting the notice on the city right-of-way.
- 3) The planning and zoning commission of the city shall hold its public hearing on the name change and shall submit its recommendation to the city council.
- 4) Thereafter, the city council shall hold a public hearing on the proposed name change, giving at least five days' notice of the public hearing in accordance with the provisions set forth in this section. After holding the public hearing, the city council may, in its discretion, change the name and shall give notice of such change to the post office and other appropriate public officials.

STAFF COMMENTS:

1. This request is to re-assign 3100 block through the east 3600 block of Republic Street to Republic Road.
2. Regionally, Republic "Road" has been the accepted name for the corridor for many years; however, the corridor is officially named Republic "Street." As a result, both names have been used for property addresses and road signage causing confusion among emergency services, addressing officials, Greene County, and MODOT. For example, the signage used at the intersections of Scenic Avenue, Kansas Expressway, National Avenue, and Fremont Avenue use the name Republic "Street" while Campbell Avenue uses Republic "Road." Additionally, out of all the 192 properties addressed off Republic, 64% of them use "street" in their address.
3. Planning and Zoning Commission's recommendation on this case will be sent to City Council for final approval.
4. If approved, City Staff will coordinate with Building Development Services to change over all Republic property addresses to include "Road." Public Works will also work towards changing road signage to reflect the new name change.
5. The proposed street name change was reviewed by City departments and comments are contained in Attachment 1.

PUBLIC NOTIFICATION:

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 adjacent to the proposed street name change.

Notices sent to property owners adjacent to the proposed street name change:	Mailed: 471	Returned: 0
--	-------------	-------------

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Republic "Road" has long been the regionally recognized name of this corridor. The majority of mailing addresses are also already Republic "Road" along this route. MoDOT and Greene County also recognized Republic Street as Republic Road in their guide signage. This change fosters a sense of community and prevents confusion.

One-rdg. _____
P. Hrngs. _____
Pgs. 9
Filed: 01-03-23

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023- 013

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into Addendum #1 to the
2 annual agreement with the Springfield Convention & Visitors Bureau,
3 Inc., executed on August 2, 2022; and amending the City's budget for
4 Fiscal Year 2022-2023 in the amount of \$502,750, for the purpose of
5 reflecting current and projected operational changes of the Springfield
6 Convention and Visitors Bureau.
7 _____
8

9 WHEREAS, the Springfield Convention & Visitors Bureau, Inc. (the "SCVB")
10 contracts annually with the City to produce economic impact in the City by generating
11 overnight travel; and
12

13 WHEREAS, the current annual agreement, executed on August 2, 2022,
14 between the City and the SCVB was authorized by City Council's adoption of Special
15 Ordinance 27715, on June 27, 2022; and
16

17 WHEREAS, the SCVB and the City desire to amend the current agreement,
18 referenced as Contract No. 2022-0905, to reflect current and projected operational
19 expenses; and
20

21 WHEREAS, an amendment to the budget of the City for Fiscal Year 2022-2023
22 in the amount of \$502,750 has been recommended by the City Manager to budget
23 funds for this contract amendment.
24

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

28 Section 1 – The City Manager, or designee, is hereby authorized to enter into
29 Addendum #1 to the annual agreement with the SCVB, said annual agreement being
30 generally referenced as Contract No. 2022-0905, which was executed by all parties on
31 or about August 2, 2022. Said addendum shall be substantially in similar form and
32 content as that document attached hereto and incorporated herein by this reference as
33 "Exhibit A."

34 Section 2 – The budget of the City of Springfield for Fiscal Year 2022-2023 is
35 hereby amended in the accounts and in the amounts as shown on Budget Adjustment
36 No.030, a copy of which is attached hereto and incorporated herein by reference as
37 “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 – This Ordinance shall be in full force and effect from and after
43 passage.
44

45 Passed at meeting: _____
46

47 _____
48 Mayor
49

50 Attest: _____, City Clerk
51

52 Filed as Ordinance: _____
53

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

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

EXPLANATION TO COUNCIL BILL 2023- 013

FILED: 01-03-23

ORIGINATING DEPARTMENT: Springfield Convention & Visitors Bureau, Inc.

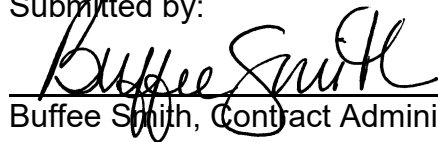
PURPOSE: Approving an addendum to the Springfield Convention & Visitors Bureau, Inc. ("SCVB") annual agreement and amending the budget of the City for the Fiscal Year 2022-2023 to reflect current and projected operational changes.

BACKGROUND INFORMATION: The SCVB contracts annually with the City to produce economic impact in the city by generating overnight travel. Exhibits to the annual agreement include the operating budget and marketing plan; an addendum is necessary to amend the contract and its exhibits.

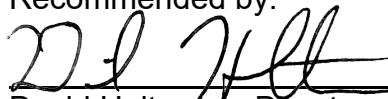
The SCVB's total revenue budgeted for Fiscal Year 2022-2023 was \$4,199,300. This addendum increases the total revenue budget to \$4,702,050 with \$571,250 coming from SCVB's fund balance and increases budgeted expenditures from \$4,199,300 to \$4,702,050. The operating budget and marketing plan expenses are increased to accommodate board-approved expenditures and to reflect current and projected operational changes, as proposed in the addendum and the budget adjustment ("Exhibit A" and "Exhibit B"). Some significant budget additions include providing \$289,575 for a portion of the match for state ARPA funds for the Ozark Empire Fairgrounds Arena, a \$125,000 cooperative marketing grant from the Missouri Division of Tourism requiring a 25 percent match, and a reduction of room tax and advertising revenues by \$245,500.

REMARKS: The Bureau's 15-member board includes a Deputy City Manager and nine individuals appointed by the Mayor and confirmed by City Council. The Board's Budget Committee has approved the revised Fiscal Year 2022-2023 Budget.

Submitted by:


Buffee Smith, Contract Administrator

Recommended by:


David Holtmann, Director of Finance

Approved by:

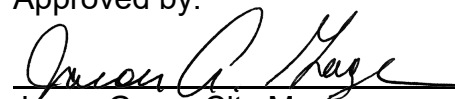

Jason Gage, City Manager

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	ADDENDUM #. 01 TO CONTRACT # 2022-0905	
CITY		CONTRACTOR	
City of Springfield 840 Boonville, P.O. Box 8368 Springfield, MO 65802 Phone: (417) 864-1625 Attn: David Holtmann, Director of Finance		Springfield Convention & Visitors Bureau, Inc. 815 E. St. Louis Street, Suite 100 Springfield, MO 65806 Phone: (417) 866-5253 Attn: Tracy Kimberlin	

ADDENDUM

Entered into this ____ day of _____, 20____, for good and valuable consideration, the undersigned hereby agree that this Addendum shall become part of that certain Contract executed on the 26th day of July, 2022, by the parties identified above.

The parties agree as follows:

1. That Exhibit 2, the pages labeled as 41, 42, and 43 of the aforementioned contract, is deleted and replaced with Amended Exhibit 2 attached hereto and incorporated herein by reference.
2. That all other provisions of the aforementioned Contract shall remain in full force and effect.
3. That this Addendum together with the Contract contain 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.

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

CERTIFICATE OF DIRECTOR OF FINANCE

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

Director of Finance or Acting Director

APPROVED AS TO FORM

City Attorney or designee

SPRINGFIELD CONVENTION & VISITORS BUREAU, INC.

By: _____

Name & Title: _____

Attest:

Secretary or designee

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager or designee

Springfield Convention & Visitors Bureau

2022/2023 Budget - Proposed Revenue

<u>Account Description</u>	<u>Account</u>	<u>2022/23 Original Budget</u>	<u>2022/23 Proposed Revised Budget</u>	<u>Variance - \$</u>	<u>Variance - %</u>
ROOM TAXES					
Room Tax Revenue	401540	\$3,275,500	\$3,180,000	-\$95,500	-2.9%
INTEREST					
Interest Earnings	410010	\$12,500	\$12,500	\$0	0.0%
ADVERTISING REVENUES					
Visitors Guide Advertising	413010.01	\$180,000	\$190,800	\$10,800	6.0%
Route 66 Brochure/Map	413010.02	0	0	0	N/A
Coupons	413010.03	6,000	6,000	0	0.0%
Expo/Rt. 66 Displays	413010.04	7,500	5,700	-1,800	-24.0%
Poly Tote Bags	413010.05	0	0	0	N/A
Digital Advertising	413010.06	80,000	80,000	0	0.0%
Brochure Insertions	413010.07	7,500	5,500	-2,000	-26.7%
Airport Advertising	413010.08	0	0	0	N/A
Event Guide	413010.09	0	0	0	N/A
Mall Advertising	413010.10	0	0	0	N/A
Tap and Pour Guide	413010.11	35,000	31,150	-3,850	-11.0%
TOTAL ADVERTISING REV		\$316,000	\$319,150	\$3,150	1.0%
CO-OP ADVERTISING REV					
Coop Partnerships	416020.01	\$160,000	\$10,000	-\$150,000	-93.8%
MDT Coop Program (Leisure)	416020.02	365,000	529,650	164,650	45.1%
MDT Coop Program (Convention)	416020.03	0	0	0	N/A
MDT Coop Program (Sports)	416020.04	0	0	0	N/A
Local Convention Co-op	416020.05	15,000	20,000	5,000	33.3%
Miscellaneous Partnerships	416020.06	0	0	0	N/A
TOTAL CO-OP REV		\$540,000	\$559,650	\$19,650	3.6%
PARTNERSHIP REVENUE					
Marketing Partnerships	414110	\$0	\$0	\$0	N/A
MISCELLANEOUS REV					
Sports Commission Management Fees	414100.01	\$18,000	\$18,000	\$0	0.0%
Souvenir Sales	414100.02	11,000	15,500	4,500	40.9%
Other	414100.03	200	100	-100	-50.0%
Holding Account	414100.04	0	0	0	N/A
Hotel Shuttle & Facility Rental Rebates	414100.05	0	0	0	N/A
Hotel Trade Show Participation	414100.06	3,400	3,200	-200	-5.9%
Annual Banquet Sales	414100.07	20,000	20,000	0	0.0%
Gold Wing Event Hosting	414100.08	0	0	0	N/A
Chamber Partnerships	414100.09	2,700	2,700	0	0.0%
TOTAL MISC REV		\$55,300	\$59,500	\$4,200	7.6%
TOTAL REVENUE		\$4,199,300	\$4,130,800	-\$68,500	-1.6%
Transfer To/From Fund Balance		\$0	571,250	571,250	N/A
GRAND TOTAL REVENUE		\$4,199,300	\$4,702,050	\$502,750	12.0%

Springfield Convention and Visitors Bureau

2022/23 Budget - Proposed Expenses

Account Description	Account	2022/23 Original Budget	2022/23 Proposed Revised Budget	Variance - \$	Variance - %	Percentage of Total Budget
PAYROLL						
Salaries and Wages	500110	\$1,096,250	\$1,134,500	\$38,250	3.5%	24.1%
Temporary/Part-Time Wages	500130	46,850	38,750	-\$8,100	-17.3%	0.8%
Retirement Contributions	500210	110,000	114,150	\$4,150	3.8%	2.4%
FICA	500250	84,350	84,950	\$600	0.7%	1.8%
Health Insurance	500260.01	123,000	122,700	-\$300	-0.2%	2.6%
Unemployment Insurance	500260.02	4,050	3,950	-\$100	-2.5%	0.1%
Workers Comp	500280	3,650	3,050	-\$600	-16.4%	0.1%
TOTAL PAYROLL		\$1,468,150	\$1,502,050	\$33,900	2.3%	31.9%
ADMINISTRATIVE						
Auditing and Accounting	504510	\$6,050	\$7,350	\$1,300	21.5%	0.2%
Automobiles	502040	7,350	7,000	-\$350	-4.8%	0.1%
Building Rental	505820.01	112,400	112,400	\$0	0.0%	2.4%
Utilities	505820.02	10,250	10,900	\$650	6.3%	0.2%
Bldg Supplies/Repairs	505820.03	5,400	4,350	-\$1,050	-19.4%	0.1%
Office Cleaning	505820.04	11,300	11,100	-\$200	-1.8%	0.2%
Credit Card Fees	502070	4,800	4,800	\$0	0.0%	0.1%
Data Processing	502140	800	1,500	\$700	87.5%	0.0%
Dues and Subscriptions	502290	38,100	36,850	-\$1,250	-3.3%	0.8%
Equipment Repair	502750	19,950	19,300	-\$650	-3.3%	0.4%
Insurance Premiums	502230	13,100	12,600	-\$500	-3.8%	0.3%
Minor Office Furn/Supplies	501190	1,800	1,050	-\$750	-41.7%	0.0%
Misc. A & G	501260	22,400	17,450	-\$4,950	-22.1%	0.4%
Office Supplies	501240	8,350	8,050	-\$300	-3.6%	0.2%
Other Professional Services	504580	3,000	2,800	-\$200	-6.7%	0.1%
Postage and Freight	502220	11,500	9,200	-\$2,300	-20.0%	0.2%
Printing and Binding	502380	600	300	-\$300	-50.0%	0.0%
Telephone	505550	15,550	15,150	-\$400	-2.6%	0.3%
Training Expense	504590	29,950	26,850	-\$3,100	-10.4%	0.6%
TOTAL ADMINISTRATIVE		\$322,650	\$309,000	-\$13,650	-4.2%	6.6%
MARKETING						
ADVERTISING						
Ad Production	505010	\$64,000	\$115,200	\$51,200	80.0%	2.4%
Billboards	505020	60,000	157,200	\$97,200	162.0%	3.3%
Brochure and Printed Material	505030	128,000	114,350	-\$13,650	-10.7%	2.4%
Direct Mail	505050	53,200	39,950	-\$13,250	-24.9%	0.8%
Digital Advertising	505060.01	371,650	418,600	\$46,950	12.6%	8.9%
Other Advertising	505060.02	740,000	729,000	-\$11,000	-1.5%	15.5%
Print Advertising	505070	143,000	206,350	\$63,350	44.3%	4.4%
Radio and TV Advertising	505080	263,000	260,000	-\$3,000	-1.1%	5.5%
TOTAL ADVERTISING		\$1,822,850	\$2,040,650	\$217,800	11.9%	43.4%
TRAVEL						
Travel Expenses	505690	\$41,150	\$39,300	-\$1,850	-4.5%	0.8%
OTHER MARKETING						
Market Research	502470	\$74,800	\$62,450	-\$12,350	-16.5%	1.3%
Group Incentives	502120	79,850	80,000	\$150	0.2%	1.7%
Gold Wing Hosting	502120.01	0	0	\$0	N/A	0.0%

Entertainment	502200	8,250	5,800	-\$2,450	-29.7%	0.1%
Exhibition Fees	504640	44,400	43,050	-\$1,350	-3.0%	0.9%
FAM Tour Expense	504650	20,900	19,400	-\$1,500	-7.2%	0.4%
Misc. Marketing Expense	502280.01	22,750	24,300	\$1,550	6.8%	0.5%
Misc. Convention Marketing	502280.02	28,100	27,900	-\$200	-0.7%	0.6%
Digital Marketing	502280.03	103,000	82,650	-\$20,350	-19.8%	1.8%
Airport/Expo Concession Fees	502280.04	6,000	2,500	-\$3,500	-58.3%	0.1%
Photo Processing	502360	0	0	\$0	N/A	0.0%
Public Relations	502400.01	16,550	17,650	\$1,100	6.6%	0.4%
Event Public Relations	502400.02	8,000	9,300	\$1,300	16.3%	0.2%
Annual Banquet Expenses	502400.03	20,000	20,000	\$0	0.0%	0.4%
Speciality Items	504620	23,900	24,800	\$900	3.8%	0.5%
Receptions	504660	3,000	4,650	\$1,650	55.0%	0.1%
TOTAL OTHER MARKETING		\$459,500	\$424,450	-\$35,050	-7.6%	9.0%
TOTAL MARKETING		\$2,323,500	\$2,504,400	\$180,900	7.8%	53.3%
CONVENTION SERVICES						
Misc. Convention Services	504540.01	\$4,000	\$3,250	-\$750	-18.8%	0.1%
Convention Housing Expenses	504540.02	5,500	1,600	-\$3,900	-70.9%	0.0%
Shuttle Service	504610	2,400	2,150	-\$250	-10.4%	0.0%
TOTAL CONVENTION SERVICES		\$11,900	\$7,000	-\$4,900	-41.2%	0.1%
CONTINGENCY						
Contingency	502780	\$60,000	\$365,250	\$305,250	508.8%	7.8%
CAPITAL EXPENSES						
Office Furniture and Equipment	508110.01	\$0	\$0	\$0	N/A	0.0%
Building Improvement Expenses	508110.02	0	0	\$0	N/A	0.0%
Computer Hardware	501220	1,550	3,450	\$1,900	122.6%	0.1%
Computer Software	501230	10,350	10,300	-\$50	-0.5%	0.2%
Other Equipment	508170	1,200	600	-\$600	-50.0%	0.0%
Destination Springfield	508220	0	0	\$0	N/A	0.0%
TOTAL CAPITAL EXPENSES		\$13,100	\$14,350	\$1,250	9.5%	0.3%
TOTAL BUREAU EXPENSES		\$4,199,300	\$4,702,050	\$502,750	12.0%	100.0%
			\$4,702,050			

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
030

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
29510	09	22010	401540	000000	00000	\$ (95,500)	ROOM TAX REVENUE
29510	09	22010	413010	000000	0000	3,150	ADVERTISING REVENUE
29510	09	22010	414100	000000	0000	4,200	MISCELLANEOUS REVENUE
29510	09	22010	416020	000000	0000	19,650	CO-OP ADVERTISING REVENUE
Net Revenue Adjustment						\$ (68,500)	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
29510	09	22010	500110	000000	00000	\$ 38,250	FT PAYROLL
29510	09	22010	500130	000000	00000	(8,100)	
29510	09	22010	500210	000000	00000	4,150	RETIREMENT
29510	09	22010	500250	000000	00000	600	FICA
29510	09	22010	500260	000000	00000	(400)	HEALTH INSURANCE
29510	09	22010	500280	000000	00000	(600)	WORKERS COMP
29510	09	22010	504510	000000	00000	1,300	AUDITING AND ACCOUNTING
29510	09	22010	502040	000000	00000	(350)	AUTOMOBILES
29510	09	22010	505820	000000	00000	(600)	BUILDING RENTAL
29510	09	22010	502290	000000	00000	(1,250)	DUES AND SUBSCRIPTIONS
29510	09	22010	502140	000000	00000	700	DATA PROCESSING
29510	09	22010	502230	000000	00000	(500)	INSURANCE PREMIUMS
29510	09	22010	501240	000000	00000	(300)	OFFICE SUPPLIES
29510	09	22010	502380	000000	00000	(300)	PRINTING AND BINDING
29510	09	22010	502750	000000	00000	(650)	EQUIPMENT REPAIR
29510	09	22010	501190	000000	00000	(750)	MINOR OFFICE FURN/SUPPLIES
29510	09	22010	501260	000000	00000	(4,950)	MISC. A & G
29510	09	22010	504580	000000	00000	(200)	OTHER PROFESSIONAL SERV.
29510	09	22010	502220	000000	00000	(2,300)	POSTAGE AND FREIGHT
29510	09	22010	505550	000000	00000	(400)	TELEPHONE
29510	09	22010	504590	000000	00000	(3,100)	TRAINING EXPENSE
29510	09	22010	505010	000000	00000	51,200	AD PRODUCTION
Net Expenditure Adjustment						Page 1 of 2	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget to accommodate adjustments to line items reflecting current and projected operational changes for the Convention and Visitors Bureau.

Requested By:


Department Head 01-03-2023
Date

Approved By:


Director of Finance 01-03-2023
Date

Authorization:

Council Bill No. 2023-013
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
030

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						\$ -	

Expenditures:

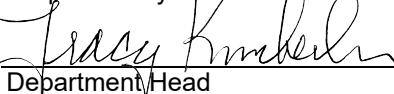
Fund	Dept	Org	Account	P&G	Location	Amount	Description
29510	09	22010	505050	000000	00000	\$ (13,250)	DIRECT MAIL
29510	09	22010	505020	000000	0000	97,200	BILLBOARDS
29510	09	22010	505030	000000	0000	(13,650)	BROCHURE AND PRINTED MATERIALS
29510	09	22010	505060	000000	0000	35,950	OTHER ADVERTISING
29510	09	22010	505070	000000	0000	63,350	PRINT ADVERTISING
29510	09	22010	505080	000000	0000	(3,000)	RADIO AND TV ADVERTISING
29510	09	22010	505690	000000	0000	(1,850)	TRAVEL EXPENSES
29510	09	22010	502470	000000	0000	(12,350)	MARKET RESEARCH
29510	09	22010	502120	000000	0000	150	GROUP INCENTIVES
29510	09	22010	502200	000000	0000	(2,450)	ENTERTAINMENT
29510	09	22010	504640	000000	0000	(1,350)	EXHIBITION FEES
29510	09	22010	504650	000000	0000	(1,500)	FAM TOUR EXPENSES
29510	09	22010	502280	000000	0000	(22,500)	MISC. MARKETING
29510	09	22010	502400	000000	0000	2,400	PUBLIC RELATIONS
29510	09	22010	504620	000000	0000	900	SPECIALTY ITEMS
29510	09	22010	504660	000000	0000	1,650	RECEPTIONS
29510	09	22010	504540	000000	0000	(4,650)	CONVENTION EXPENSES
29510	09	22010	504610	000000	0000	(250)	SHUTTLE SERVICE
29510	09	22010	502780	000000	0000	305,250	CONTINGENCY
29510	09	22010	501220	000000	0000	1,900	COMPUTER HARDWARE
29510	09	22010	501230	000000	0000	(50)	COMPUTER SOFTWARE
29510	09	22010	508170	000000	0000	(600)	OTHER EQUIPMENT
Net Expenditure Adjustment						\$ 502,750	

Fund Balance Appropriation:

Fund	Title	Amount
29510	Fund Balance Transfer	(571,250)

Explanation: To amend the FY2022-23 budget to accommodate adjustments to line items reflecting current and projected operational changes for the Convention and Visitors Bureau.

Requested By:

 01-03-2023
Department Head Date

Approved By:

 01-03-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-013
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 01-03-23

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-014

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of
2 public streets and easements to the City of Springfield, as shown on
3 the Preliminary Plat of Campbell Acres, generally located at 3525,
4 3543, and 3553 South Campbell Avenue, upon the applicant filing and
5 recording a final plat that substantially conforms to the preliminary
6 plat; and authorizing the City Clerk to sign the final plat upon
7 compliance with all the terms of this Ordinance. (Staff recommends
8 that City Council accept the public streets and easements.)
9 _____

10
11 WHEREAS, an original Preliminary Plat of Campbell Acres, dated October 27,
12 2022, is on file with the City's Department of Planning and Development; and
13

14 WHEREAS, the Planning and Zoning Commission of the City of Springfield,
15 Missouri, held a public hearing and conditionally approved the Preliminary Plat of
16 Campbell Acres, which is generally located at 3525, 3543, and 3553 South Campbell
17 Avenue, on December 15, 2022, a copy of the Record of Proceedings from said public
18 hearing being attached hereto and incorporated herein by this reference as "Exhibit A."
19

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

23 Section 1 – City Council hereby authorizes the Director of Planning and
24 Development, on behalf of the City of Springfield, to accept the land, easements, and
25 improvements dedicated to the City, as shown on the Preliminary Plat of Campbell
26 Acres, which is generally located at 3525, 3543, and 3553 South Campbell Avenue, as
27 approved by the Planning and Zoning Commission. The original plat of Campbell Acres
28 is on file in the Department of Planning and Development ("Approved Preliminary Plat"),
29 a reduced version of which is attached hereto for general reference as "Exhibit B –
30 Attachment 3." All of "Exhibit B," including attachments, is incorporated herein by this
31 reference.
32

33 Section 2 – The Director of Planning and Development shall be authorized to

34 accept the land, easements, and improvements dedicated to the City, as shown on said
35 plat, upon the applicant filing and recording a final plat in accordance with this
36 Ordinance and the Subdivision Regulations of the City, which final plat shall
37 substantially conform to the Approved Preliminary Plat, including those conditions
38 described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying
39 to the Director of Planning and Development and the City Clerk that the public
40 improvements have been made in accordance with City standards and specifications.
41 Said public improvements shall not be accepted until the occurrence of all conditions
42 referenced herein and in "Exhibit B – Attachment 2."
43

44 Section 3 – The final plat shall not be recorded until: (1) the public improvements
45 relating to the Approved Preliminary Plat have been constructed according to the
46 specifications of the City of Springfield, Missouri, and are approved by the Director of
47 Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned
48 by or in connection with the construction of said improvements have been paid to the
49 City; or (2) in lieu of the construction of the improvements, that the Applicant has filed
50 with the City Manager, according to the terms of the Subdivision Regulations of the City,
51 the prescribed financial assurances in a form acceptable to the City to ensure the
52 construction of the improvements and the payment to the City of all engineering fees,
53 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the
54 construction of the improvements.
55

56 Section 4 – Upon compliance with all the requirements of this Ordinance,
57 including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby
58 authorized to endorse City Council's approval upon the final plat pursuant to Section
59 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public
60 Improvements contained therein.
61

62 Section 5 – This Ordinance shall be in full force and effect from and after its
63 passage.
64

65 Passed at meeting: _____
66

67 _____
68 Mayor
69

70 Attest: _____, City Clerk
71

72 Filed as Ordinance: _____
73

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

77
78 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2023 - 014

FILED: 01-03-23

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Campbell Acres, generally located at 3525, 3543, and 3553 South Campbell Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. An original Preliminary Plat of Campbell Acres dated October 27th, 2022, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Attachment 3.
- B. The Planning and Zoning Commission held a public hearing on December 15th, 2022, and approved the Preliminary Plat by a vote of 8 to 0, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - 3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
 - 4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall

fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

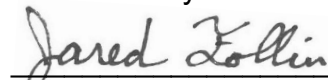
Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this an appropriate area partly for Medium-Intensity Retail, Office, or Housing and partly Low-Density Housing. The plat subdivides the property in a way that promotes commercial developments along Campbell Avenue and potentially a residential development on the west side of the property, which is compatible with the land use designation. The Major Throughfare Plan designates Campbell Avenue as a Primary Arterial which supports the proposed subdivision.

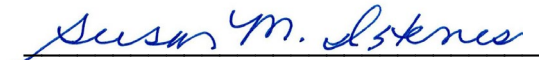
REMARKS: Staff recommends approval.

Submitted by:



Jared Follin, Associate Planner

Recommended by:


Susan Istenes, AICP
Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Conditions of Plat Approval

Attachment 3, Preliminary Plat

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – December 15, 2022

Preliminary Plat of Campbell Acres Subdivision
3543 South Campbell Avenue
Applicant: South Campbell, LLC

Mr. Hosmer stated that this is a request to approve a three-lot commercial/residential plat on approximately 15.07 acres of land generally located at 3525, 3543, and 3553 South Campbell Avenue. Staff recommends approval.

Mr. Pauly asked about sinkholes on the property.

Mr. Chris Dunnaway noted that it is located on a sinkhole water shed, but not on the site

Mr. Scott asked about the lot lines and possible non-confirming use.

Mr. Hosmer noted that the lot line is already there and has been reviewed by Fire, Building Development Services, etc.

Mr. Chad Zickefoose noted to clarify that the 3 existing lot lines run depth of the property.

Mr. Jobe opened the public hearing.

Mr. Daniel Richards, 1200 E. Woodhurst Drive noted that the property was never formally subdivided, the three lot lines are remaining, but are planning on selling off the north part of the property.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Ms. Broekhoven motioned to **approve** Preliminary Plat of Campbell Acres Subdivision (3543 South Campbell Avenue). Mr. Pauly seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.

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

Bob Hosmer, AICP
Planning Manager

EXHIBIT B

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING:

CITY COUNCIL PUBLIC HEARING:

DECEMBER 15, 2022

JANUARY 9, 2023

CASE: Preliminary Plat of Campbell Acres

ACRES: 15.07

LOCATION: 3525, 3543, 3553 South Campbell Avenue

EXISTING LAND USE: Retail Sales / Undeveloped

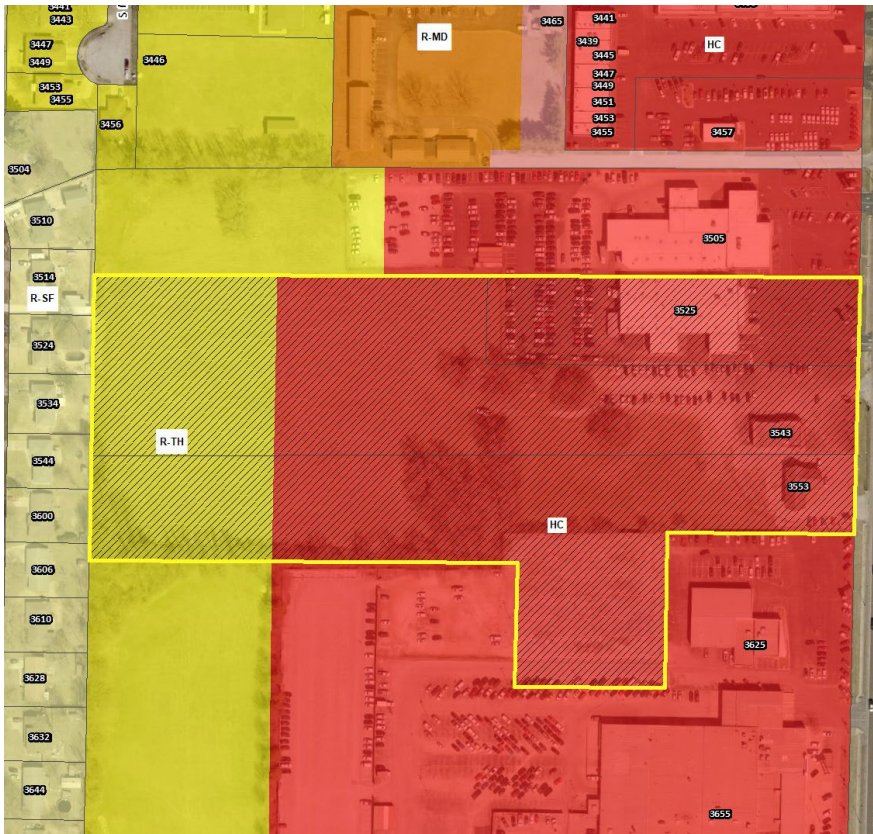
APPLICANT: John Youngblood & South Campbell LLC

STAFF: Jared Follin, Associate Planner
417-864-1612

STAFF RECOMMENDATIONS:
Approve w/Conditions

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

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



SUMMARY OF REQUEST:

The applicant is proposing to subdivide approximately 15.07 acres of land generally located at 3525, 3543, and 3553 South Campbell Avenue. The proposed subdivision is titled "Campbell Acres" and will create three (3) lots.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The applicant's proposal, with the conditions listed in *Attachment 2*, is consistent with the City's *Subdivision Regulations* and *Comprehensive Plan*.

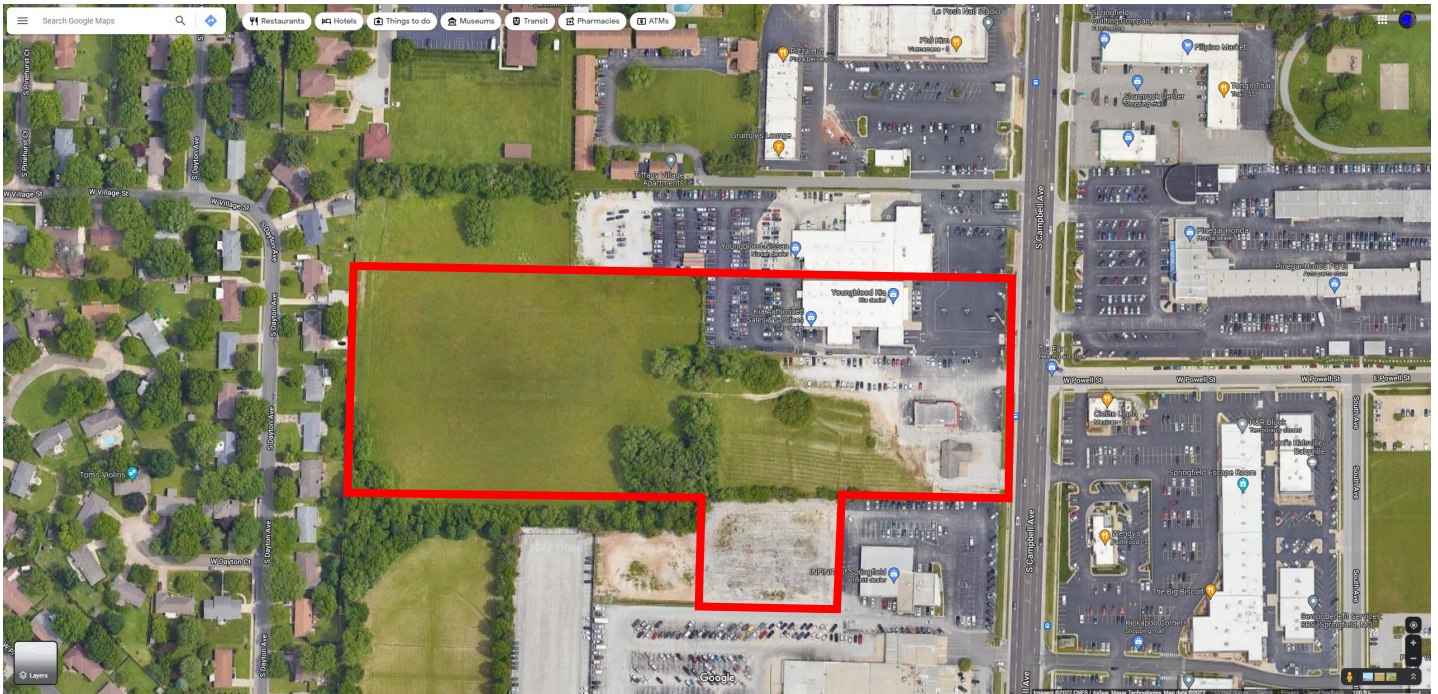
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC	HC	HC / GR	R-SF
LAND USE	Commercial	Commercial	Commercial	Single-family residential

Development Review Staff Report



GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



CITY OF
Springfield



Development Review Staff Report



PROPERTY HISTORY:

The subject property was annexed by the City in 1967 under General Ordinance 14920. The current zoning of the property has remained the same since 1995. The property has never been formally subdivided; however, the current configuration is the result of several Administrative Subdivisions.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

- (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
- (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.
- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.
- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.
- (e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.
- (f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.
- (g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.
- (h) Effective period of preliminary approval.
 1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
 2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

Development Review Staff Report



ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR HIGHWAY COMMERCIAL
Minimum Lot Size	N/A
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Front Yard Setback	a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations. b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations. c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
Side and Rear Setbacks	None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection 36-421(8).
Street Classification	a. Campbell Avenue – Primary Arterial
Sidewalks (Per Sec.36-471)	There is no existing sidewalk along the property frontage of S. Campbell Avenue. Sidewalk is required to be constructed along S. Campbell Avenue to current City Standards as a part of this development/platting.
Open Space Requirement	a. Minimum open space: Not less than 20 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials. b. Maximum impervious surface: The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified in accordance with subsection 36-482(15).

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this an appropriate area partly for Medium-Intensity Retail, Office or Housing and partly Low-Density Housing. The plat subdivides the property in a way that promotes commercial developments along Campbell Avenue and potentially a residential development on the west side of the property, which is compatible with the land use designation. The *Major Throughfare Plan* designates Campbell Avenue as a Primary Arterial which supports the proposed subdivision.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 15.07 acres of land into a three-lot subdivision named "Campbell Acres."
2. The proposed subdivision is consistent with the *Growth Management and Land Use Plan* and all proposed lots meet the subdivision regulations.
3. An access easement will be dedicated for Lots 2 & 3 to share one access point from Campbell Avenue. An existing driveway on Lot 2 will be closed. See comments from Public Works Traffic Division in *Attachment 1* for more details regarding access.
4. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

Development Review Staff Report



5. The proposed preliminary plat was reviewed by City departments and comments are contained in **Attachment 1**. Conditions of Approval are provided in **Attachment 2**. The Preliminary Plat drawing can be found in **Attachment 3**.

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITIES COMMENTS:

No issues with the preliminary plat. All proposed lots will have access to Electric/Gas/Water along Campbell Ave. Some additional easements may be needed to address the existing 8" water main that runs through proposed lots 2 and 3, but these can be added on the final plat.

ENVIRONMENTAL SERVICES CLEAN WATER SERVICES DIVISION COMMENTS:

Plat is approvable. Requested notes were added to the plat.

FIRE DEPARTMENT COMMENTS:

All development shall comply with 2018 IFC.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

Water Quality and Detention is required for Future Development. Stormwater Comments under Reviewers Attachments. 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 not be allowed and detention is required**. The property **does not have a stream buffer on site**.

Preliminary Plat has a Stormwater Note stating Detention will be handled on each lot separately. Please note that development of the property will be subject to the following conditions at the time of development:

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

Detention Requirements:

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

Water Quality Requirements:

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.
 - a. Water Quality will be required if meeting the trigger standard above.

Additional Stormwater Standards to be met:

Development Review Staff Report



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. 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.
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.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

As shown on the preliminary plat, sidewalk is required along Campbell and the middle driveway must be removed. No additional comments.

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Campbell Avenue as a Primary Arterial roadway. The standard right-of-way width for S. Campbell Avenue is 50-feet from the centerline. It appears no additional right-of-way is needed along S. Campbell 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. S. Campbell Avenue is a state-maintained roadway.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on S. Campbell Avenue south of Walnut Lawn Street is 38,994 vehicles per day. On-street parking is not allowed along S. Campbell Avenue.

DRIVEWAY ACCESS

There are currently three driveway access points onto the properties from S. Campbell Avenue. Current City Code requires access on S. Campbell Avenue to be a minimum of 200-feet from the edge of driveway to the edge of driveway. The existing driveway at 3543 S. Campbell Avenue will have to be removed.

SIDEWALK

There is no existing sidewalk along the property frontage of S. Campbell Avenue. Sidewalk is required to be constructed along S. Campbell Avenue to current City Standards as a part of this development/platting.

IMPROVEMENTS

None required at this time. A Traffic Impact Study was not required, as there is no proposed development or change in zoning. A Traffic Impact Study may be required at the time of rezoning or development.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	S. Campbell Avenue	Primary Arterial	No	60	50

Development Review Staff Report



CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

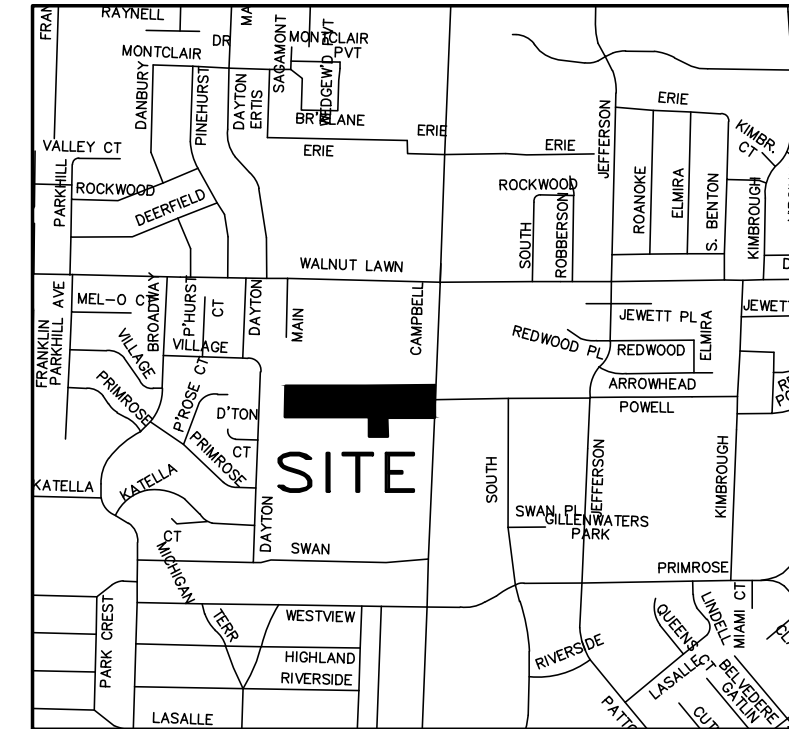
1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

BEARINGS ARE GRID NORTH BASED ON THE
MISSOURI STATE PLANE COORDINATE
SYSTEM OF 1983, CENTRAL ZONE VIA GPS
TIES TO THE MODOT VRN NETWORK

A PRELIMINARY PLAT BEING PART OF THE
NE/4, NE/4, SECTION 11, T28N R22W

OWNER/DEVELOPER:
JOHN YOUNGBLOOD
3505 S CAMPBELL AVE
SPRINGFIELD, MO 65807



VICINITY MAP
NOT TO SCALE

REAR YARD:
HC - NONE
R-TH - TEN PERCENT OF LOT DEPTH BUT MAY
NOT BE LESS THAN TEN FEET NOR WILL
MORE THAN 20 FEET BE REQUIRED.

FLOOD NOTE:
THIS PROPERTY LIES IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO FIRM COMMUNITY PANEL 29077C0343E, EFFECTIVE DECEMBER 17, 2010.

SURVEY NOTES -
Accuracy Standard: Type Urban Property

SOURCE OF TITLE:: Book 2013 Page 012425-13
Book 2010 Page 011845-10

The utilities shown were compiled from existing mapping from city services, field locates, and from other mapping/plans such as highway plans. The utilities shown are only to the extent of the available mapping and may not represent all utilities on site. Any particular areas that become of concern during design/planning should be researched further. All buried utilities shown are approximate only.

SURVEYOR'S CERTIFICATE:
Know all men by these presents:

That I, Don Ray Berry, do hereby certify that this plat was prepared under my supervision from an actual survey of the land herein described, prepared and signed by me dated October 21, 2021 and that the corner monuments and lot corner pins shown herein were placed under my personal supervision in accordance with the Missouri Standards for Property Boundary Surveys and Section 410.5 of the Subdivision Regulations, Article II, of the City of Springfield, Greene County, Missouri.

Signature Don R. Berry
Don R. Berry, PLS, Missouri L.S. No. 2004017829

Date prepared October 27, 2022

	FOUND IRON PIN
	SET IRON PIN OR MARKER AS NOTED
	R/W MARKER
	BOUNDARY LINE
	R/W LINE
	EASEMENT LINE
	SETBACK LINE

(M)	MEASURED
(P)	PLAT
(D)	DEED
(R)	RECORD
☆	LIGHT POLE
M	MAILBOX
⊙	
SAN	SANITARY SEWER MANHOLE
	SANITARY SEWER CLEANOUT
	SANITARY SEWER LINE
⏏	
UTILITY	UTILITY POLE
EHE	ELECTRIC METER
UGE	OVERHEAD ELECTRIC
E	UNDERGROUND ELECTRIC

GUY WIRE

PHONE/COMMUNICATION MANHOLE

PHONE PEDESTAL

CABLE TV RISER

CABLE TV LINE

UNDERGROUND PHONE

OVERHEAD PHONE

FIBER OPTIC LINE

WATER VALVE

WATER METER

WATER LINE

FIRE HYDRANT

GAS VALVE

GAS METER

GAS LINE

FENCE LINE (AS NOTED)

ROAD SIGN (STOP, SPEED LIMIT, ETC)

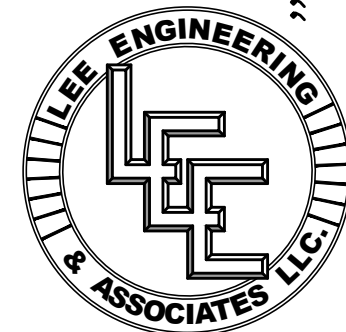
XFMR	TRANSFORMER
ICV	IRRIGATION CONTROL VALVE
CI	STORMWATER CURB INLET

1. Detention will be provided on each lot at the time of development.

1. 3525 S Campbell was issued a special sewer connection permit in 1985 and is served by a private lateral.
2. The West half of proposed Lots 1, 2, & 3 are not in a sewer district. Any building constructed in this area may require a special connection agreement or public improvements to be served by public sewer.

All that part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 28 North, Range 22 West, State of Springfield, Greene County, Missouri, being more particularly described as follows: Commencing at an existing 1000 nail at the Northeast corner of Lot 120 of Village Green First Addition, a subdivision in the City of Springfield, Greene County Missouri, as shown on the recorded plat thereof; thence, South 02°33'52" West, along and with said East line of said Village Green First Addition, a distance of 40.31 feet to an existing iron pin at the POINT OF BEGINNING; thence, South 88°05'45" East, leaving said iron pin, a distance of 1285.26 feet to an existing iron pin on the West right-of-way line of Campbell Avenue; thence, South 02°18'11" West, along and with said West line, a distance of 150.55 feet to an existing iron pin; thence South 02°10'45" West, along and with said West line, a distance of 282.20 feet to an existing iron pin; thence, North 88°40'28" West, a distance 314.83 feet to an existing iron pin; thence, South 02°21'31" West 258.79 feet to an existing iron pin; thence, North 88°59'17" West, a distance of 251.76 feet to an existing iron pin; thence North 02°22'55" East, a distance of 208.63 feet; thence, North 02°33'45" West, a distance of 718.66 feet to an existing iron pin on the East line of said Village Green First Addition; thence, North 02°15'05" East, along with said east boundary line, a distance of 481.11 feet to the POINT OF BEGINNING, containing 15.05 acres, more or less, and being subject to easements, restrictions or rights-of-way, if any.

Engineering & Associates, L.L.C.
E. Woodhurst Dr., Suite D200
Springfield, Missouri 65804
417-886-9100 (phone)



DATE: 2022-11-03

SHEET: 1 OF 1

PROJECT: 1703

FILE: 1703 - Campbell Acres
Preliminary Plat.dwg

Preliminary Plat for

CAMPBELL ACRES

SPRINGFIELD, GREENE COUNTY, MISSOURI

One-rdg. _____
P. Hrngs. _____
Pgs. 16
Filed: 01-03-23

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-015

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of
2 public streets and easements to the City of Springfield, as shown on
3 the Preliminary Plat of Porter's Crossing, generally located at 543
4 West Old Weaver Road, upon the applicant filing and recording a final
5 plat that substantially conforms to the preliminary plat; and authorizing
6 the City Clerk to sign the final plat upon compliance with all the terms
7 of this Ordinance. (Staff recommends that City Council accept the
8 public streets and easements.)
9 _____

10
11 WHEREAS, an original Preliminary Plat of Porter's Crossing, dated November 1,
12 2022, is on file with the City's Department of Planning and Development; and
13

14 WHEREAS, the Planning and Zoning Commission of the City of Springfield,
15 Missouri, held a public hearing and conditionally approved the Preliminary Plat of
16 Porter's Crossing, which is generally located at 543 West Old Weaver Road, on
17 December 15, 2022, a copy of the Record of Proceedings from said public hearing
18 being attached hereto and incorporated herein by this reference as "Exhibit A."
19

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

23 Section 1 – City Council hereby authorizes the Director of Planning and
24 Development, on behalf of the City of Springfield, to accept the land, easements, and
25 improvements dedicated to the City, as shown on the Preliminary Plat of Porter's
26 Crossing, which is generally located at 543 West Old Weaver Road, as approved by the
27 Planning and Zoning Commission. The original plat of Porter's Crossing is on file in the
28 Department of Planning and Development ("Approved Preliminary Plat"), a reduced
29 version of which is attached hereto for general reference as "Exhibit B – Attachment 3."
30 All of "Exhibit B," including attachments, is incorporated herein by this reference.
31

32 Section 2 – The Director of Planning and Development shall be authorized to
33 accept the land, easements, and improvements dedicated to the City, as shown on said

plat, upon the applicant filing and recording a final plat in accordance with this Ordinance and the Subdivision Regulations of the City, which final plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of all conditions referenced herein and in "Exhibit B – Attachment 2."

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby authorized to endorse City Council's approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Bennis, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2023 - 015

FILED: 01-03-23

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Porter's Crossing, generally located at 543 West Old Weaver Road, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. An original Preliminary Plat of Porter's Crossing dated November 1st, 2022, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in "Exhibit B – Attachment 3."
- B. The Planning and Zoning Commission held a public hearing on December 15th, 2022, and approved the Preliminary Plat by a vote of 8 to 0, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with city standards and specifications and approved by the Director of Public Works.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - 3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
 - 4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules, and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice

and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit, or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

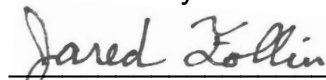
Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for High-Intensity Retail, Office, or Housing. The plat subdivides the property in a way that promotes commercial developments, which is compatible with the land use designation. The Major Thoroughfare Plan classifies Campbell Avenue as an Expressway, Weaver Road as a Secondary Arterial, and Old Weaver Road as a Local Street, which supports the proposed subdivision.

REMARKS: Staff recommends approval.

Submitted by:



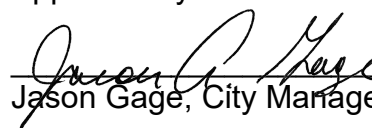
Jared Follin, Associate Planner

Recommended by:



Susan Istenes, AICP

Approved by:



Jason Gage, City Manager Director

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Conditions of Plat Approval

Attachment 3, Preliminary Plat

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – December 15, 2022

Preliminary Plat of Porters Crossing Subdivision
543 West Old Weaver Road

Applicant: Burning Tre Consulting, LLC

Mr. Hosmer stated that this is a request to approve a two-lot commercial plat on approximately 3.68 acres of land generally located at 543 West Old Weaver Road. Staff recommends approval.

Mr. Colony asked about storage facilities.

Mr. Hosmer noted that there was just a zoning case, and this is just the plat to divide the property.

Mr. Jobe opened the public hearing.

Mr. Daniel Richards, 1200 E. Woodhurst Drive noted that this was part of a zoning case in 2014 and now wanting to subdivide approximately 3.68 acres into two lot subdivisions and here to answer any questions.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Preliminary Plat of Porters Crossing Subdivision (543 West Old Weaver Road). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

CITY COUNCIL PUBLIC HEARING:

DECEMBER 15, 2022

JANUARY 9, 2023

CASE: Preliminary Plat of Porter's Crossing

ACRES: 3.68

LOCATION: 543 West Old Weaver Road

EXISTING LAND USE: Undeveloped

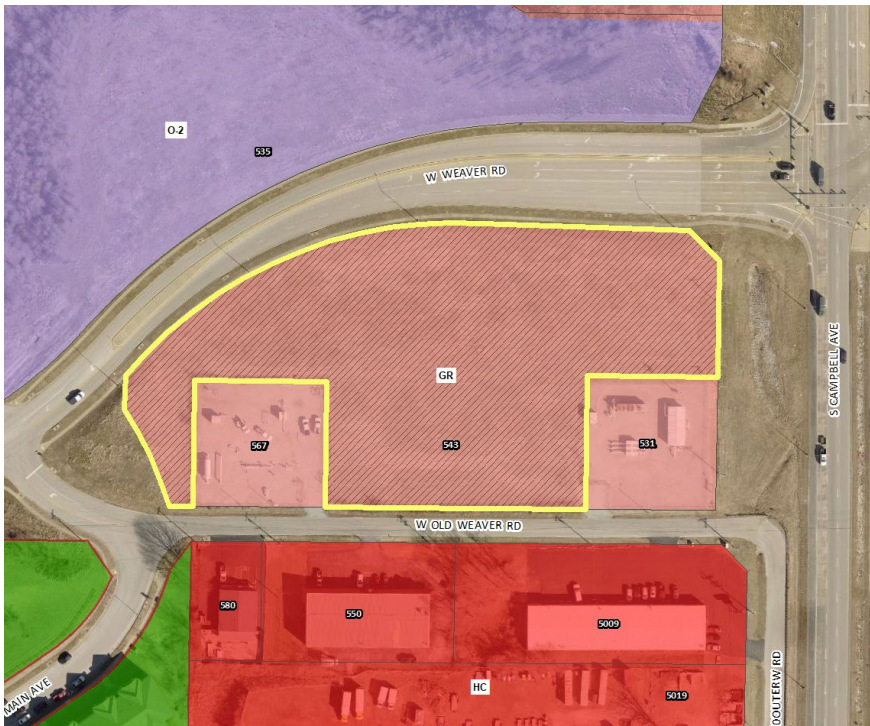
APPLICANT: Burning Tree Consulting, LLC

STAFF: Jared Follin, Associate Planner
417-864-1612

STAFF RECOMMENDATIONS:
Approve w/Conditions

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

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



SUMMARY OF REQUEST:

The applicant is proposing to subdivide approximately 3.68 acres of land generally located at 543 West Old Weaver Road. The proposed subdivision is titled "Porter's Crossing" and will create two (2) lots.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The applicant's proposal, with the conditions listed in *Attachment 2*, is consistent with the City's *Subdivision Regulations* and *Comprehensive Plan*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	O-2	HC / PD 271	GR	County R-1 / O-2 / GR
LAND USE	Undeveloped	Commercial / Multi-Family	Commercial	Single-family residences / Undeveloped

Development Review Staff Report



GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



CITY OF
Springfield



Development Review Staff Report



PROPERTY HISTORY:

The subject property was annexed by the City in 2003 under the A-02-02 annexation and was rezoned to its current zoning classification, General Retail w/COD #78, in 2014 under ordinance 6146. The property has maintained its current configuration since the annexation and construction of Weaver Road to the north.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

- (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
- (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.
- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.
- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve, or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.
- (e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.
- (f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.
- (g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.
- (h) Effective period of preliminary approval.
 1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
 2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

Development Review Staff Report



ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR GENERAL RETAIL w/COD #78
Minimum Lot Size	N/A
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Front Yard Setback	a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations. b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations. c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
Side and Rear Setbacks	None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection 36-421(8).
Street Classification	a. Campbell Avenue – Expressway b. Weaver Road – Secondary Arterial c. Old Weaver Road - Local
Sidewalks (Per Sec.36-471)	There is existing sidewalk along the property frontage of W. Weaver Road. There are no existing sidewalks along the property frontage of S. Campbell Avenue and W. Old Weaver Road. Sidewalk is not required along both S. Campbell Avenue and W. Old Weaver Road for this development.
Open Space Requirement	a. Minimum open space: Not less than 20 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials. b. Maximum impervious surface: The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified in accordance with subsection 36-482(15).

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for High-Intensity Retail, Office, or Housing. The plat subdivides the property in a way that promotes commercial developments, which is compatible with the land use designation. The Major Thoroughfare Plan classifies Campbell Avenue as an Expressway, Weaver Road as a Secondary Arterial, and Old Weaver Road as a Local Street, which supports the proposed subdivision.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 3.68 acres of land into a two-lot subdivision named "Porter's Crossing."
2. An access easement will be dedicated for both lots to share one access point from Weaver Road. See comments from Public Works Traffic Division in *Attachment 1* for more details regarding access.
3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
4. The proposed preliminary plat was reviewed by City departments and comments are contained in **Attachment 1**. Conditions of Approval are provided in **Attachment 2**. The Preliminary Plat drawing can be found in **Attachment 3**.

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITIES COMMENTS:

No issues generally with the preliminary plat. The proposed easement shown for the Gas transmission line along Campbell Ave appears adequate. Additional easements may be needed to provide services to lot 1 from Campbell Ave. These can be added to the final plat. Contact Mark Logan (Gas/Water) at 417-831-8540 or Rick Herchenroeder (Electric) at 417-874-8291 to discuss as needed.

ENVIRONMENTAL SERVICES CLEAN WATER SERVICES DIVISION COMMENTS:

Need to show the book and page of the recorded sewer easement for the public improvement plans. *Book and page info added* Note that these plans have not yet been filed. The public improvements must be filed and completed or escrowed before the plat can be file.

FIRE DEPARTMENT COMMENTS:

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

MISSOURI DEPARTMENT OF TRANSPORTATION:

As Storm Water Detention is designed, peak flows flowing on 160 ROW must not increase. No issues with subdividing the property.

PUBLIC WORKS CONSTRUCTION INSPECTION:

Public Improvements must be built or escrowed prior to final plat or issuance of a building permit. Please contact me for more escrow information. Andrew Flippin, 417-864-1946, aflippin@springfieldmo.gov.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

Detention and Water Quality will be required at the time of development. Additional Stormwater comments are below:

The property is in the **Ward Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention is dependent on further analysis of the downstream stormwater system capacity. The property **is not in a stream buffer area**.

Please note that development of the property will be subject to the following conditions at the time of development. All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022 (Approved on April 4, 2022, and in effect May 4, 2022).

Detention Requirements

a. 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. From PREDEV2022-00050 and discussions with the development team; PW Stormwater has concluded a specific requirement for detention in one of the three following courses of action (COA):

- a. COA 1 - Stormwater detention and Water Quality is designed and built for the proposed development at 543 W Old Weaver Road.
- b. COA 2 – Conduct an analysis of the downstream stormwater system; demonstrating the capacity of the downstream stormwater system will not exceed the City of Springfield's design standards and can handle the runoff generated by developing 543 W Old Weaver Road. If this is the case, then a fee in lieu of stormwater detention can be permitted, but water quality will still need to be provided on site.
- c. COA 3 - Conduct an analysis of the downstream stormwater system; demonstrating there is some residual capacity in the downstream stormwater system but not enough to meet Springfield's design standards. In this case, the developer may also provide partial detention on-site. The plan would be to provide partial detention (and water quality) onsite to reduce flows downstream so the capacity of the downstream system still meets Springfield design standards and a fee in lieu of stormwater detention would be permitted for the remaining volume.

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

Development Review Staff Report



the project. Chapter 10 Sec. 2.0. This project will require water quality for the two lots as discussed with the engineer team in September 2022.

Additional Stormwater Standards to be met

1. Stormwater infrastructure serving more than one property shall be submitted on public improvement plans.
2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec 4.1.4.
 - a. To a Public Right-of-way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3)
 - b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.
3. 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.
4. As-builts of the detention and water quality improvements are required.
5. 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.
6. Include on the Plans a calculation of the Existing Impervious Surface Area, Existing Open Space Area, Post Development Impervious Surface Area, and Post Development Open Space Area. Per Chapter 4 Sec 3.2 for Detention Summary

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

When Subdivision activity occurs, per City Code Section 36-223, 36-243 & 36-453 and Section 8 of Public Works Design Standards, the developer shall dedicate ROW as shown below. Required minimum ROW width from centerline of Old Weaver Rd is 30 ft. Based on GIS, there appears to be only 20 ft of ROW from centerline. Additional ROW will need to be platted.

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Campbell Avenue as an Expressway roadway and W. Weaver Road as a Secondary Arterial roadway. The standard right-of-way width for S. Campbell Avenue is 65-feet from the centerline. The standard right-of-way width for W. Weaver Road is 35-feet from the centerline. It appears no additional right-of-way is needed along both S. Campbell Avenue and W. Weaver Road. A 100-foot x 100-foot right-of-way sight triangle is required at the intersection of S. Campbell Avenue and W. Weaver Road. The standard right-of-way width for W. Old Weaver Road is 30-feet from the centerline. It appears an additional 10-feet of right-of-way is needed along W. Old Weaver Road to meet this requirement. A 10-foot x 10-foot right-of-way sight triangle is required at the intersection of W. Weaver Road and W. Old Weaver Road. 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. S. Campbell Avenue is a state-maintained roadway. W. Weaver Road and W. Old Weaver Road are city-maintained streets.

DRIVEWAY ACCESS

There are currently no driveway access points onto the properties. Current City Code allows no access to S. Campbell Avenue. Current City Code requires access on W. Weaver Road to be a minimum of 150-feet from the nearest right-of-way line of S. Campbell Avenue and access on W. Old Weaver Road to be a minimum of 100-feet from the nearest right-of-way line of W. Old Weaver Road. Access to W. Weaver Road and W. Old Weaver Road can meet these requirements.

SIDEWALK

There is existing sidewalk along the property frontage of W. Weaver Road. There are no existing sidewalks along the property frontage of S. Campbell Avenue and W. Old Weaver Road. Sidewalk is not required along both S. Campbell Avenue and W. Old Weaver Road for this development.

IMPROVEMENTS

None required. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the peak hour by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily.

Development Review Staff Report



TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	S. Campbell Avenue	Expressway	No	160	65
Street 2	W. Weaver Road	Secondary Arterial	No	35	35
Street 3	E. Old Weaver Road	Non-Residential Local	Yes	20	30

Development Review Staff Report



CONDITIONS FOR APPROVAL:

ATTACHMENT 2

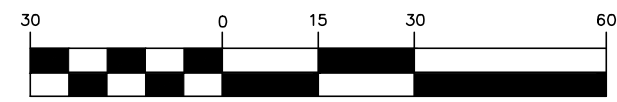
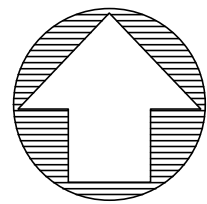
Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to follow the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

OWNER/DEVELOPER:
BURNING TREE CONSULTING LLC
1680 N CAMPBELL AVE
SPRINGFIELD, MO 65803

PRELIMINARY PLAT
PORTER'S CROSSING
A PART OF SECTION 14, T28N, R22W
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

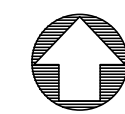
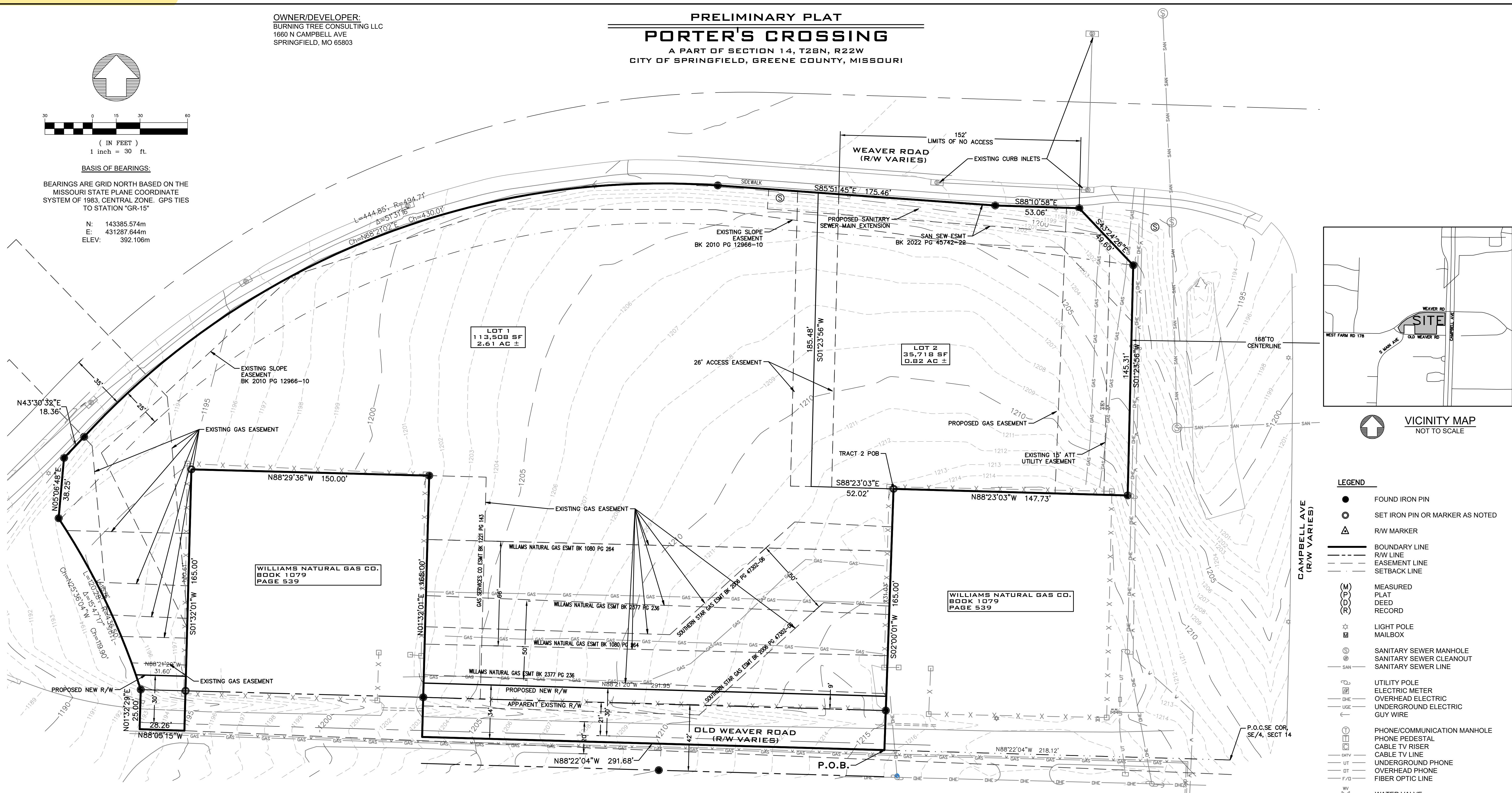


(IN FEET)
1 inch = 30 ft.

BASIS OF BEARINGS:

BEARINGS ARE GRID NORTH BASED ON THE
MISSOURI STATE PLANE COORDINATE
SYSTEM OF 1983, CENTRAL ZONE. GPS TIES
TO STATION "GR-15"

N: 143385.574m
E: 431287.644m
ELEV: 392.106m



VICINITY MAP
NOT TO SCALE

LEGEND

- FOUND IRON PIN
- SET IRON PIN OR MARKER AS NOTED
- △ R/W MARKER
- BOUNDARY LINE
- - - R/W LINE
- - - EASEMENT LINE
- - - SETBACK LINE
- MEASURED PLAT DEED RECORD
- ☆ LIGHT POLE
- ☒ MAILBOX
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER LINE
- UTILITY POLE
- ELECTRIC METER
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- GUY WIRE
- PHONE/COMMUNICATION MANHOLE
- PHONE PEDESTAL
- CABLE TV RISER
- CABLE TV LINE
- UNDERGROUND PHONE
- OVERHEAD PHONE
- FIBER OPTIC LINE
- WATER VALVE
- WATER METER
- WATER LINE
- FIRE HYDRANT
- GAS VALVE
- GAS METER
- GAS LINE
- x — FENCE LINE (AS NOTED)
- ROAD SIGN (STOP, SPEED LIMIT, ETC)

ABBREVIATIONS:

- XFMR TRANSFORMER
- ICV IRRIGATION CONTROL VALVE
- CI STORMWATER CURB INLET

STORMWATER NOTES -

- Detention will be provided on each lot at the time of development.

FLOOD NOTE:

This property lies in Flood Zone "X" (areas determined to be outside of the 0.2% annual chance floodplain) according to FIRMI Community Panel 29077C0343E, effective 12/17/2010.

LOT INFORMATION:

Total Acreage: 3.68 Acres
Total Lots: 2
Largest Lot: Lot 1 113,533 sf - 2.64 ac
Smallest Lot: Lot 2 35,718 sf - 0.82 ac

ZONING INFORMATION:

Current Zoning: GR General Retail with
CUP Conditional Use Permit

SURVEY DESCRIPTION:

All that part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 28 North, Range 22 West, in the City of Springfield, Greene County, Missouri, being more particularly described as follows: COMMENCING at the Southeast corner of the Southeast Quarter of Section 14; thence, North 88°22'04" West, a distance of 218.12 feet to the POINT OF BEGINNING; thence, continue North 88°22'04" West, a distance of 291.68 feet; thence, North 01°32'01" East, a distance of 165.00 feet to an existing iron pin; thence, North 88°29'36" West, a distance of 150.00 feet; thence, South 01°32'01" West, a distance of 165.00; thence, North 88°05'15" West, a distance of 28.26 feet; thence, North 01°32'29" East, a distance of 25.00 feet to an existing iron pin; thence, Northwesterly, along and with a 436.50-foot radius curve to the left having a chord bearing of North 25°36'04" West and chord length of 119.90 feet, an arc distance of 120.28 feet to an existing iron pin on the South right-of-way line of relocated Weaver Road; thence, along and with said South line, the following five (5) courses:

North 05°06'48" East, a distance of 38.25 feet to an existing iron pin; North 43°30'32" East, a distance of 18.36 feet to an existing iron pin; thence Northeasterly, along and with a 494.71-foot radius curve to the right, said curve having a chord bearing of North 68°21'02" East and chord length of 430.01 feet, an arc distance of 444.85 feet to an existing iron pin; thence, South 85°51'45" East, a distance of 175.46 feet to an existing iron pin; thence South 88°10'58" East, a distance of 53.06 feet to an existing iron pin on the West right-of-way line of Campbell Avenue; thence South 43°24'26" East, along and with said West line, a distance of 49.60 feet to an existing iron pin; thence South 01°23'56" West, along and with said West line, a distance of 145.31 feet to an existing iron pin; thence North 88°23'03" West, a distance of 147.73 feet to an existing iron pin; thence South 02°00'01" West, a distance of 165.00 feet to the POINT OF BEGINNING. Containing 3.68 acres, more or less, and being subject to rights-of-way, easements, or restrictions of record.

SURVEY NOTES -

Accuracy Standard: Type Urban Property

SOURCE OF TITLE:: Book 2018 Page 17230-18

The utilities shown were compiled from existing mapping from city services, field locates, and from other mapping/plans such as highway plans. The utilities shown are only to the extent of the available mapping and may not represent all utilities on site. Any particular areas that become of concern during design/planning should be researched further. All buried utilities shown are approximate only.

SURVEYOR'S CERTIFICATE:
Know all men by these presents:

That I, Don Ray Berry, do hereby certify that this plat was prepared under my supervision from an actual survey of the land herein described, prepared and signed by me dated October 4, 2022 and that the corner monuments and lot corner pins shown herein were placed under my personal supervision in accordance with the Missouri Standards for Property Boundary Surveys and Section 410.5 of the Subdivision Regulations, Article II, of the City of Springfield, Greene County, Missouri.

Signature Don R. Berry, PLS, Missouri L.S. No. 2004017829

Date prepared November 1, 2022

REVISIONS:	DATE:	BY:

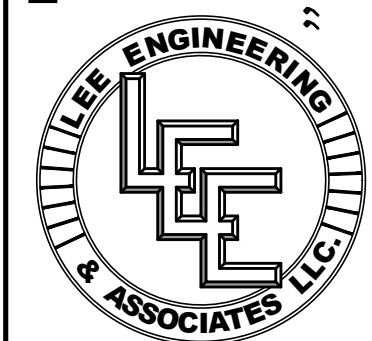
SCALE: 1" = 30'	FIELD BY: JS, AL
DRAWN BY: ZMF	CHECKED BY: DRB

PRELIMINARY PLAT
PORTER'S CROSSING

S CAMPBELL AVE
SPRINGFIELD, GREENE COUNTY, MISSOURI

Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65804
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz



LEE ENGINEERING & ASSOCIATES, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65804
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz

DATE: 2022-11-14

SHEET: 1 OF 1

PROJECT: 2231

FILE: 2231 - Porter's Crossing Prelim Plat.dwg

36 Filed as Resolution _____

37

38

39 Approved as to form: Jill Bennis, Assistant City Attorney

40

41

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

EXPLANATION TO COUNCIL BILL 2023- 016

FILED: 01-03-23

ORIGINATING DEPARTMENT: Economic Vitality

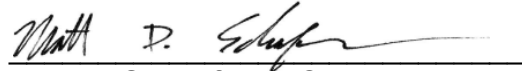
PURPOSE: To appoint Sarah Kerner to the Cottle's Range Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Cottle's Range Community Improvement District ("CID"), the Mayor shall appoint Directors to the CID Board of Directors with the consent of the City Council. The CID Board of Directors requests the following individual be appointed to the Board:

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term</u>	<u>Notes</u>
1	Sarah Kerner	Property owner representative	6/13/2025	New appointment to serve remainder of unexpired term

REMARKS: Staff recommends approval.

Submitted by:



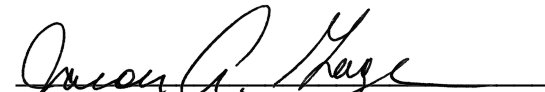
Matt D. Schaefer, AICP
Senior Planner

Recommended by:



Amanda Ohlensehlen, Director

Approved by:


Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 01-03-23

Sponsored by: Hosmer

COUNCIL BILL 2023- 017 RESOLUTION

A RESOLUTION

1 CONFIRMING the appointments of Mack Musgrave, Jeff Schrag, Craig Wagoner,
2 Andrew Wells, Steve Eudaly, and Michelle Billionis to the Downtown
3 Springfield Community Improvement District Board of Directors. (Staff
4 and the Downtown Springfield Community Improvement District Board
5 of Directors recommend approval.)
6
7

8 WHEREAS, on September 7, 1999, City Council passed General Ordinance
9 4924 approving a petition requesting the formation of the Downtown Springfield
10 Community Improvement District ("CID") and thereby establishing the same; and
11

12 WHEREAS, said petition established the qualifications and process for
13 appointing members of the Downtown Springfield CID Board of Directors through
14 appointment by the Mayor with confirmation by City Council; and
15

16 WHEREAS, there is presently a need to appoint six members to the Downtown
17 Springfield CID Board of Directors; and
18

19 WHEREAS, the Downtown Springfield CID Board of Directors submitted a slate
20 to the City Clerk recommending the appointment of Mack Musgrave, Jeff Schrag, Craig
21 Wagoner, Andrew Wells, Steve Eudaly, and Michelle Billionis to the Downtown
22 Springfield CID Board of Directors.
23

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

27 Section 1 – The Mayor hereby appoints, and City Council hereby confirms, the
28 appointment of Mack Musgrave to the Downtown Springfield Community Improvement
29 District Board of Directors, with the term to expire on December 31, 2025; and the
30 appointments of Jeff Schrag, Craig Wagoner, Andrew Wells, Steve Eudaly, and
31 Michelle Billionis, to the Downtown Springfield Community Improvement District Board
32 of Directors, with their terms to expire on December 31, 2026.
33

34 Section 2 – This Resolution shall be in effect immediately upon adoption.
35

36 Passed at meeting: _____

37
38 _____
39 Mayor

40
41 Attest: _____, City Clerk

42
43 Filed as Resolution _____

44
45
46 Approved as to form: Jill Bennis, Assistant City Attorney

47
48
49 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2023-017

FILED: 01-03-23

ORIGINATING DEPARTMENT: Economic Vitality

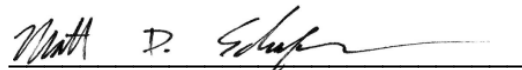
PURPOSE: To appoint Mack Musgrave and reappoint Michelle Billionis, Steve Eudaly, Jeff Schrag, Craig Wagoner, and Andrew Wells to the Downtown Springfield Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Downtown Springfield Community Improvement District ("CID"), the Mayor shall appoint Directors to the CID Board of Directors with the consent of the City Council. The CID Board of Directors requests the following individuals be appointed to the Board:

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term</u>	<u>Notes</u>
5	Mack Musgrave	Business owner	12/31/2025	New appointment to serve remainder of unexpired term
6	Jeff Schrag	Property owner	12/31/2026	Reappointment
7	Craig Wagoner	Property owner	12/31/2026	Reappointment
8	Andrew Wells	Property owner	12/31/2026	Reappointment
9	Steve Eudaly	Business owner/ registered voter	12/31/2026	Reappointment
10	Michelle Billionis	Business owner	12/31/2026	Reappointment

REMARKS: Staff recommends approval.

Submitted by:



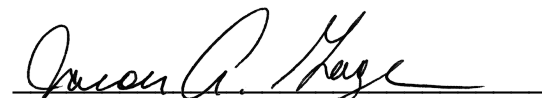
Matt D. Schaefer, AICP
Senior Planner

Recommended by:



Amanda Ohlensehlen, Director

Approved by:


Jason Gage, City Manager

36 Attest: _____, City Clerk

37

38 Filed as Resolution _____

39

40

41 Approved as to form: Jill Bennis, Assistant City Attorney

42

43

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

EXPLANATION TO COUNCIL BILL 2023- 018

FILED: 01-03-23

ORIGINATING DEPARTMENT: Economic Vitality

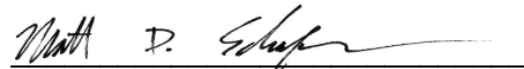
PURPOSE: To appoint James R. Batten and reappoint Kirk Juranas and Tim O'Reilly to the Springfield Plaza Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Springfield Plaza Community Improvement District ("CID"), the Mayor shall appoint Directors to the CID Board of Directors with the consent of the City Council. The CID Board of Directors requests the following individuals be appointed to the Board:

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term</u>	<u>Notes</u>
3	Tim O'Reilly	Property owner representative	10/12/2025	Reappointment
4	James R. Batten	Property owner representative	10/12/2025	New Appointment
5	Kirk Juranas	Property owner representative	10/12/2025	Reappointment

REMARKS: Staff recommends approval.

Submitted by:



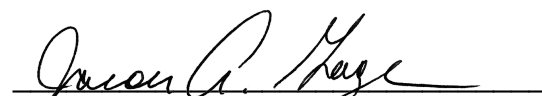
Matt D. Schaefer, AICP
Senior Planner

Recommended by:



Amanda Ohlensehlen, Director

Approved by:


Jason Gage, City Manager

36 Attest: _____, City Clerk

37

38 Filed as Resolution _____

39

40

41 Approved as to form: Jill Bennis, Assistant City Attorney

42

43

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

EXPLANATION TO COUNCIL BILL 2023- 019

FILED: 01-03-23

ORIGINATING DEPARTMENT: Economic Vitality

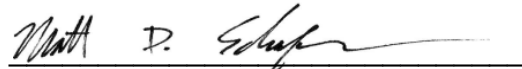
PURPOSE: To appoint Christine Schilling to the Commercial Street Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Commercial Street Community Improvement District ("CID"), the Mayor shall appoint Directors to the CID Board of Directors with the consent of the City Council. The CID Board of Directors requests the following individual be appointed to the Board:

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term</u>	<u>Notes</u>
4	Christine Schilling	Registered voter	7/13/2025	New appointment to serve remainder of unexpired term

REMARKS: Staff recommends approval.

Submitted by:



Matt D. Schaefer, AICP
Senior Planner

Recommended by:



Amanda Ohlensehlen, Director

Approved by:


Jason Gage, City Manager

One-rdg. _____
P. Hmgs. _____
Pgs. 15
Filed: 12-06-22

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 301

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an agreement with the
2 Missouri Highways and Transportation Commission and Branson
3 Vacation Radio for the purpose of sharing video from the closed-circuit
4 television traffic monitoring cameras owned and operated by Missouri
5 Department of Transportation and the City of Springfield.
6 _____
7

8 WHEREAS, the City of Springfield and Missouri Highways and Transportation
9 Commission ("MHTC") desire to enter into an agreement to share video from the
10 closed-circuit television ("CCTV") traffic monitoring cameras; and
11

12 WHEREAS, this agreement allows this media agency to access the CCTV traffic
13 monitoring cameras so that they can provide the community with a traffic report.
14

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

18 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
19 enter into an agreement with the MHTC and Branson Vacation Radio in substantial
20 conformity with "Exhibit 1" attached hereto and incorporated herein by reference.
21

22 Section 2 – This Ordinance shall be in full force and effect from and after
23 passage.
24

25 Passed at meeting: _____
26

27 _____
28 Mayor
29

30 Attest: _____, City Clerk
31

32 Filed as Ordinance: _____
33

34 Approved as to form: Kyle Tolbert, Assistant City Attorney
35
36
37 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2022-301

FILED: 12-06-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into an agreement with Missouri Highways and Transportation Commission and Branson Vacation Radio (hereinafter, "Media Company") for the sharing of video from the closed-circuit television ("CCTV") traffic monitoring cameras owned and operated by Missouri Department of Transportation ("MoDOT") utilizing the video distribution system shared with the City of Springfield ("City") at the Transportation Management Center of the Ozarks.

BACKGROUND INFORMATION: This agreement defines the terms under which the City and MoDOT will provide a web-based user account to the Media Company. The user account will allow access to the traffic monitoring video feed through the Transportation Management Center's video distribution software.

The agreement restricts the use of the video feed solely for the purpose of providing travel information to the public and specifically prohibits the Media Company from selling or charging a fee for the video; systematically recording the video for purposes other than traffic reports; misrepresenting the timing and source of the video; misrepresenting the availability of video to others; placing streaming video on websites; and/or showing video of any accident victims or close-ups of emergency response activities. Furthermore, the agreement requires that the OzarksTraffic logo remain visible on all video provided to the Media Company, and that the Media Company verbally acknowledge the source of the video each time it is used on air as "OzarksTraffic cameras."

Supports the following 2022 City Council Core Priorities:

- Quality of Place
- Economic Vitality
- Public Safety

REMARKS: This agreement is an example of the City and MoDOT working together with local media to improve regional traveler information. There is no financial commitment for any of the parties to the agreement. Video access provided to Branson Vacation Radio is non-exclusive, and the City and MoDOT reserve the right to allow access to other media companies through similar agreements. Public Works recommends approval of this Council Bill.

Submitted by:

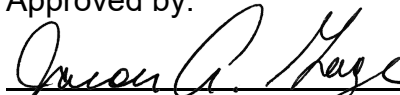

Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

EXHIBIT 1

CCO Form: TR45
Approved: 02/08 (BDG)
Revised: 06/19 (GH)
Modified:

MoDOT District: SW
MoDOT Agreement Administrator: Marc Lewis
eAgreement No.: 2022-11-74445

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND CITY OF SPRINGFIELD, MISSOURI OZARKSTRAFFIC CCTV ACCESS AGREEMENT

THIS AGREEMENT is entered into by the City of Springfield, hereinafter referred to as "City," the Missouri Highways and Transportation Commission, hereinafter referred to as "MHTC," the MHTC and City, hereinafter collectively referred to as "OzarksTraffic," and Branson Vacation Radio, hereinafter referred to as "Company." Collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, MHTC and City have undertaken an Intelligent Transportation Systems (ITS) program called OzarksTraffic which receives CCTV on the respective state and city owned highways from devices installed on the area roadways and other means; and

WHEREAS, the Company has requested access to OzarksTraffic CCTV; and

WHEREAS, OzarksTraffic is willing to accommodate the Company's request for the CCTV pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and representations contained in this Agreement, the Parties agree as follows:

(1) DEFINITIONS:

(A) OzarksTraffic shall mean the MHTC and City as engaged in the Traffic Management Center (TMC) of the Ozarks ITS program.

(B) Program Infrastructure shall mean the ITS System and includes the Traffic Management Center (TMC) and Field Elements for the City of Springfield and surrounding areas within the Southwest District.

(C) CCTV shall mean the closed circuit television streaming images from the TMC.

(2) PURPOSE: The Company agrees CCTV is accessed in accordance with this Agreement and shall be used by the Company solely for the purposes of providing travel information to the public. This Agreement only applies to media access to the OzarksTraffic greater Springfield area traffic management system at the TMC located at 1107 West Chestnut Expressway, Springfield, MO 65802. Regardless of the access allowed by OzarksTraffic, the Company may need to acquire permission from other county or local municipality agencies to access the CCTV provided to OzarksTraffic from other county or local municipality agencies.

(3) CCTV TO BE ACCESSED:

(A) OzarksTraffic agrees to allow access to the CCTV from the TMC under the general conditions described in Exhibit 1, which is attached hereto and incorporated herein by reference. OzarksTraffic, without notice, may interrupt or preempt the CCTV at any time. The Company's access to the CCTV system is non-exclusive and OzarksTraffic may allow other media companies or organizations access to the system. In addition, OzarksTraffic cannot guarantee CCTV will always be available. OzarksTraffic shall have control of all camera views available from the TMC and does not guarantee that any particular camera view will be available at any given time.

(B) The Company agrees to immediately terminate the CCTV feed at their end when the live CCTV is showing close-up views of accident victims or of emergency response activities.

(4) DUTIES OF COMPANY: The Company assumes the following responsibilities under this Agreement:

(A) The Company shall be responsible for the purchase and maintenance of its own equipment needed to access the CCTV and TMC.

(B) The Company shall assume full responsibility to safeguard the video from unauthorized use or reproduction, and shall assume full responsibility in the event the video is used for purposes other than for providing travel information to the public. The Company agrees that at any time it becomes aware of unauthorized use, copying, or disclosure of the CCTV, it shall immediately notify OzarksTraffic at 417-864-1160, send written notice to the person listed in (10)(B) of this Agreement, and fully cooperate with OzarksTraffic to protect OzarksTraffic's proprietary rights. The Company shall agree breach or threatened breach of its obligation to protect the CCTV may cause immediate and irreparable harm, entitling the OzarksTraffic to seek injunctive relief or immediate termination of the CCTV. Company's compliance with this paragraph shall not be construed in any way as a waiver of the OzarksTraffic's rights to recover damages or obtain other relief against Company for harm to the OzarksTraffic's CCTV or for breach of contractual rights.

(C) The Company agrees if it, or its employees, contractor, or agent violates any terms of this Agreement, OzarksTraffic will take all necessary steps to remedy the violation including, but not limited to, terminating the Company's access to and use of the CCTV.

(D) The Company shall immediately notify OzarksTraffic if it becomes aware of any use of the CCTV other than in accordance with OzarksTraffic policy. This includes use by the Company, another media company, or any other party.

(E) The Company agrees not to:

- (1) Sell or charge any fees for the use of the CCTV received from OzarksTraffic, except for the purpose of providing entire taped news broadcasts.
- (2) Duplicate or reproduce the CCTV in any manner for any cost or fee, except for the purpose of providing entire taped news broadcasts.

- (3) Systematically record CCTV for purposes other than traffic reports.
- (4) Misrepresent the timing and source of the CCTV.
- (5) Misrepresent the availability of the CCTV to others.
- (6) Place streaming or captured CCTV images on websites.
- (7) Show CCTV of any accident victims or close-ups of emergency response activities.

(F) The Company agrees the rebroadcast of CCTV from OzarksTraffic will be for providing traveler information only. The Company agrees to immediately stop the rebroadcast of taped images from OzarksTraffic upon any written or verbal request from OzarksTraffic. The Company agrees OzarksTraffic has the right to immediately terminate the Company's access to CCTV from OzarksTraffic.

(G) The Company agrees to provide at no charge to OzarksTraffic the items as listed in Exhibit 2 which is attached hereto and incorporated herein by reference.

(H) The Company agrees to always use the OzarksTraffic logo. Each CCTV feed (live or otherwise) used by the Company shall include the OzarksTraffic logo in a manner and style approved by OzarksTraffic. The OzarksTraffic logo should be a graphic, like in size and appearance as those used as "bugs" by major networks and their local affiliates. The Company shall not use any CCTV (either "live" or taped) accessed from the Scout system without the OzarksTraffic logo fully visible in the upper right-hand corner of the CCTV. The Company agrees to use the OzarksTraffic verbal tag line, referenced in Exhibit 3, in all references to the Ozarkstraffic CCTV video images used during "live" or taped broadcasts.

(5) INSTALLATION OF EQUIPMENT AT OZARKSTRAFFIC TMC:

(A) The Company's equipment accessing OzarksTraffic CCTV shall be installed at locations approved by OzarksTraffic.

(B) OzarksTraffic reserves the right to limit the space and to assign space to the various media companies as they see appropriate. The space available to media companies may be limited and, therefore, is available on a "first come, first serve" basis.

(C) OzarksTraffic must approve all equipment to be installed.

(D) All equipment must be compatible with OzarksTraffic. If any equipment is installed by the Company that interferes or disrupts OzarksTraffic or the equipment of other media companies, OzarksTraffic may immediately disconnect and remove the Company's equipment. In addition, if the Company's equipment causes any damage to Program Infrastructure or to the TMC, OzarksTraffic may disconnect and remove the Company's equipment. In the event the Company's equipment causes any damage to Program Infrastructure, the TMC, City or MHTC, the Company shall be responsible for the loss and shall make payment to City or MHTC for the damage and the removal cost.

(E) If OzarksTraffic determines an emergency situation arises in which the Company's equipment should be disconnected, OzarksTraffic may disconnect and remove the

Company's equipment from the TMC.

(F) The Company's equipment shall not display logos or advertising. The Company shall place identification on cables at regular intervals so that the cables may easily be identified.

(G) The Company shall not be allowed to enter into the TMC to maintain the equipment at times other than the regular operating hours of MHTC, SW District.

(6) NO WARRANTY: OzarksTraffic makes no warranties, either expressed or implied, regarding the quality, quantity, or availability of the CCTV accessed under the terms of this Agreement. CCTV may be interrupted, be of poor quality, or otherwise be rendered unavailable. OzarksTraffic shall not be liable for warranties of fitness for any purpose, nor for indirect, special or consequential damages such as loss of profits or inability to use the CCTV.

(7) INDEMNIFICATION: The Company does hereby agree to indemnify, hold harmless against, and defend OzarksTraffic, City and MHTC, including its agents, employees and assigns or assignees, from any claims, costs, expenses, damages, and liabilities arising from or pertaining to the use and/or possession of the CCTV by the Company, its agents, employees, assigns or assignees, contractors, subcontractors or independent contractors.

(8) 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 Company and OzarksTraffic.

(9) REPRESENTATIVES: OzarksTraffic's Board of Directors are designated as OzarksTraffic's representatives for the purpose of administering the provisions of this Agreement. OzarksTraffic's representatives may designate, by written notice, other persons having the authority to act on behalf of OzarksTraffic in furtherance of the performance of this Agreement.

(10) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) Branson Vacation Radio
2362 State Hwy 265
Branson, MO 65616
Telephone No.: 417-319-1346
Email Address: vacationradio365@gmail.com
- (B) TMC of the Ozarks
1107 West Chestnut Expressway
Springfield, MO 65802
Telephone No.: 417-864-1160

or to such other place as the Parties may designate in accordance with this Agreement. To be

valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(11) ASSIGNMENT: The Company shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of OzarksTraffic.

(12) LAWS TO GOVERN: For any action brought against the City, and/or employee(s) of the City, the laws of Missouri will govern and the Agreement shall be construed according to the laws of the State of Missouri. For any action brought against the State of Missouri, MHTC, its commissioners, and any employee(s), counsel, or agent of the MHTC, in either the State of Missouri or any other jurisdiction, the laws of Missouri will govern and the Agreement shall be construed according to the laws of the State of Missouri.

(13) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the OzarksTraffic with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the OzarksTraffic.

(14) SOVEREIGN IMMUNITY: Nothing herein shall be construed as consent by the MHTC sovereign immunity or rights of the Eleventh Amendment of the Constitution of the United States. Nothing herein shall be construed as consent by City to suit in the court of the State of Missouri or a waiver of its sovereign immunity of rights of the Eleventh Amendment of the Constitution of the United States.

(15) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the Parties and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OzarksTraffic and the Company.

(16) 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.

(17) DISPUTES: Any disputes that arise under this Agreement shall be decided by OzarksTraffic or its representatives, the Directors.

(18) SEVERABILITY: If any clause or provision of this Agreement is found to be void or unenforceable by a court or agency of proper jurisdiction, then the remaining provisions not void or unenforceable shall remain in full force and effect.

(19) 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.

(20) DURATION:

(A) Unless otherwise cancelled, this Agreement shall be in effect for two (2) years from the date of execution of this Agreement. This Agreement may be renewed for two

additional 2-year periods. Unless notice is otherwise given by either party at least 30 days prior to the termination date, the terms of this Agreement shall automatically renew for the applicable additional term (either the first renewal period or the second renewal period). If the Agreement automatically renews, OzarksTraffic may revise Exhibits 1, 2, and 3 to reflect changes in OzarksTraffic policy or technology. If OzarksTraffic revises Exhibits 1, 2, and 3, OzarksTraffic will send copies of the revised exhibits to the Company and the revised exhibits shall be included as part of this Agreement. If the Company is unwilling to abide by the terms of the revised exhibits, this Agreement will automatically terminate.

(B) Upon expiration of this Agreement, the Company shall promptly disconnect and remove all of its CCTV accessing equipment and any other equipment which may be located on OzarksTraffic, City and MHTC property and return OzarksTraffic, City and MHTC property to the condition it was in prior to the placement of Company's equipment on OzarksTraffic, City and MHTC property. If Company fails to remove the equipment, OzarksTraffic may remove the equipment at the Company's cost.

(C) The Company agrees OzarksTraffic reserves the right to terminate the Company's access to OzarksTraffic CCTV if it violates any terms of this Agreement and this Agreement will be immediately terminated.

(21) CHANGE IN LAW: This Agreement is entered into subject to changes in federal law, state law and OzarksTraffic policy.

(22) NO INTEREST: By allowing the Company access to its CCTV, OzarksTraffic is not granting any property interest to or in the OzarksTraffic's CCTV or the OzarksTraffic TMC to the Company. OzarksTraffic, in its sole discretion, may discontinue its CCTV feed at any time and for any reason whatsoever, including for the convenience of OzarksTraffic. OzarksTraffic shall not be obligated to maintain said CCTV feed solely for the benefit of the Company.

(The signature page immediately follows this paragraph.)

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

Executed by the Company on _____ (DATE).

Executed by the City on _____ (DATE).

Executed by the Commission on _____ (DATE).

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

By: _____

Title: _____

ATTEST: (Commission seal)

Secretary to the Commission

APPROVED AS TO FORM:

Commission Counsel

BRANSON VACATION RADIO

By: _____

Title: _____

ATTEST: (Consultant seal, if existing)

By: _____

Title: _____

APPROVED AS TO FORM:

By: _____

Title: _____

CITY OF SPRINGFIELD

Deputy City Manager

Contract Paralegal

ATTEST:

Approved as to Form:

City Clerk

Assistant City Attorney

Director of Finance

Ordinance No. _____

ACKNOWLEDGMENT BY COMPANY

STATE OF _____)
)
COUNTY OF _____) SS

On this _____ day of _____, 20__, before me appeared _____ personally known to me, who being by me duly sworn, did say that he/she is the _____ of _____ and that the foregoing instrument was signed and sealed on behalf of said company by authority of its Board of Directors, and that he/she acknowledged said instrument to be the free act and deed of said company and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public

My Commission Expires: _____

Exhibit 1

General Terms

1. Number of outputs from Program Infrastructure system will be negotiated.
2. Any FCC licensing requirements and or costs to transport to Company's facilities shall be the sole responsibility of the Company.
3. OzarksTraffic shall not be responsible for damage caused to Company's equipment by any acts of nature.
4. OzarksTraffic cannot guarantee uninterrupted access to the CCTV.

Building Installation Requirements

1. No welding on any portion of building will be allowed.
2. No drilling of holes on any structural component of the building will be allowed.
3. All cabling shall be run through a steel conduit.
4. All cables and conduit shall be labeled.
5. All cable plans and paths shall be approved by OzarksTraffic or designated representative.
6. An electrician certified power plan shall be approved by OzarksTraffic or designated representative.
7. Company must use non-RF emitting cable.
8. Company must use existing conduit to access rooftop with cabling.
9. Company must test for interference or conflicts.
10. Equipment racks must be approved by OzarksTraffic or designated representative.
11. Equipment racks shall be located in the designated room in the building.
12. Rooftop equipment shall be confined on the center fin walled area of the building.

Access to Building

1. All work to be done in and around the building shall be approved and supervised by the designated OzarksTraffic contact person.
2. All work shall be completed during normal working hours or as approved by the designated OzarksTraffic contact person.
3. All work to be done on and around the roof shall be restricted to the pathway designated by OzarksTraffic. The designated pathway is for maintenance and preservation of the roof's structural integrity.

Cost

1. Any damage or additional cost to OzarksTraffic, City and MHTC equipment and/or facilities resulting from the Company shall be reimbursed at no cost to and to the satisfaction of OzarksTraffic, City and MHTC within 30 days.
2. Company will be responsible for any costs that might incur as a result of upgrades, maintenance, or modifications by OzarksTraffic to the system and equipment.

Exhibit 2

As a partner in this program, Company agrees to provide the following service for OzarksTraffic at no charge:

1. Company will use verbal tag line provided by OzarksTraffic, MHTC and City each time OzarksTraffic CCTV is broadcast. See Exhibit 3 for specific tag lines. OzarksTraffic, MHTC and City will provide a brand logo as part of the CCTV feed. The logo will appear in a prominent position of the OzarksTraffic feed. The logo cannot be altered, masked or covered in any way. This agreement does not obligate the Company to broadcast the CCTV and does not prohibit other sponsorship logos to be displayed during the traffic reports.
2. Company will broadcast three (3), thirty (:30) second Public Service Announcements (PSAs) per week for a total of six months. OzarksTraffic will provide Company a copy of the pre-recorded announcements for broadcast. Company shall broadcast all PSAs during the hours of 5:30am to 10:30 pm. Monday through Friday. Proof of performance of all PSAs will be required at the end of each month. Company shall provide OzarksTraffic with one copy of an air-check in DVD Format quarterly and grant OzarksTraffic copyright for re-broadcast. Company will broadcast one (1), ten (10) second PSA during each of its weekday morning newscasts for a period of six months. OzarksTraffic will provide Company a copy of the pre-recorded announcement, featuring the OzarksTraffic logo and web site address, for broadcast. Company may partner with OzarksTraffic in being a sponsor in the message upon mutual agreement.
3. Company agrees to provide technical assistance from Company's engineering staff for addressing OzarksTraffic technical issues regarding Company's connectivity to the OzarksTraffic system.
4. Company shall provide a hypertext link using the OzarksTraffic logo on Company web site, if applicable, to the OzarksTraffic homepage.
5. Company shall provide a written annual report to OzarksTraffic for each of its broadcast stations utilizing OzarksTraffic images. The report should include a description of population reach and other demographic information relevant to traffic reports, sponsorships, and traffic reports for OzarksTraffic monitoring of traveler information services.
6. If Company broadcasts radio traffic reports, Company will use verbal tag line provided by OzarksTraffic each time OzarksTraffic is used to gain broadcast information. In addition, Company shall broadcast ten (10), thirty (30) second Public Service Announcements (PSAs) per radio station, per month, to run Best Time Available for six months. Content will be determined by OzarksTraffic or its designated agent. In addition, Company shall provide one (1) OzarksTraffic traffic report sponsorship per day per radio station for six months. Proof of performance of all PSAs and sponsorships will be required at the end of each month.

Exhibit 3

1. Company will use verbal tag lines provided by OzarksTraffic, each time an OzarksTraffic CCTV image is broadcast for the duration of the contract. The Company and its spokespersons shall **not** take ownership of OzarksTraffic CCTVs referring to them as “our” OzarksTraffic cameras. It must be clearly stated the CCTV feeds are provided by OzarksTraffic, MHTC and City in one of the following ways:

- a. OzarksTraffic cameras brought to you by MoDOT and City of Springfield or
- b. OzarksTraffic cameras courtesy of MoDOT and City of Springfield or
- c. OzarksTraffic cameras

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 12-06-22

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 302

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an agreement with the
2 Missouri Highways and Transportation Commission and Gray Media
3 Group, Inc., dba KYTV, for the purpose of sharing video from the
4 closed-circuit television traffic monitoring cameras owned and operated
5 by Missouri Department of Transportation and the City of Springfield.
6 _____
7

8 WHEREAS, the City of Springfield and Missouri Highways and Transportation
9 Commission ("MHTC") desire to enter into an agreement to share video from the
10 closed-circuit television ("CCTV") traffic monitoring cameras; and
11

12 WHEREAS, this agreement allows this media agency to access the CCTV traffic
13 monitoring cameras so that they can provide the community with a traffic report.
14

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

18 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
19 enter into an agreement with the MHTC and Gray Media Group, Inc., dba KYTV, in
20 substantial conformity with "Exhibit 1" attached hereto and incorporated herein by
21 reference.
22

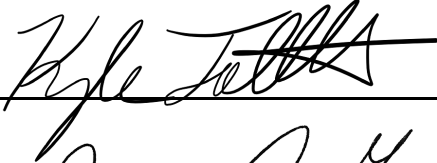
23 Section 2 – This Ordinance shall be in full force and effect from and after
24 passage.
25

26 Passed at meeting: _____
27

28 _____
29 Mayor
30

31 Attest: _____, City Clerk
32

33 Filed as Ordinance: _____

34 Approved as to form: , Assistant City Attorney
35
36
37 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2022- 302

FILED: 12-06-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into an agreement with Missouri Highways and Transportation Commission and Gray Media Group, Inc., dba KYTV, (hereinafter, "Media Company") for the sharing of video from the closed-circuit television ("CCTV") traffic monitoring cameras owned and operated by Missouri Department of Transportation ("MoDOT") and the City of Springfield ("City") throughout the regional roadway network.

BACKGROUND INFORMATION: This agreement defines the terms under which the City and MoDOT will provide a web-based user account to the Media Company. The user account will allow access to the traffic monitoring video feed through the Transportation Management Center's video distribution software.

The agreement restricts the use of the video feed solely for the purpose of providing travel information to the public and specifically prohibits the Media Company from selling or charging a fee for the video; systematically recording the video for purposes other than traffic reports; misrepresenting the timing and source of the video; misrepresenting the availability of video to others; placing streaming video on websites; and/or showing video of any accident victims or close-ups of emergency response activities. Furthermore, the agreement requires that the OzarksTraffic logo remain visible on all video provided to the Media Company, and that the Media Company verbally acknowledge the source of the video each time it is used on air as "OzarksTraffic cameras" or as "OzarksTraffic cameras brought to you by (or courtesy of) MoDOT and City of Springfield".

Supports the following 2022 City Council Core Priorities:

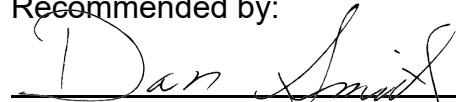
- Quality of Place
- Economic Vitality
- Public Safety

REMARKS: This agreement is an example of the City and MoDOT working together with local media to improve regional traveler information. There is no financial commitment for any of the parties to the agreement. Video access provided to Gray Media Group Inc. is non-exclusive, and the City and MoDOT reserve the right to allow access to other media companies through similar agreements. Public Works recommends approval of this Council Bill.

Submitted by:

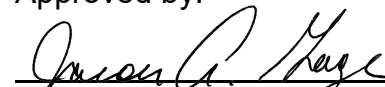

Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

EXHIBIT 1

CCO Form: TR45
Approved: 02/08 (BDG)
Revised: 06/19 (GH)
Modified:

MoDOT District: SW
MoDOT Agreement Administrator: Marc Lewis
eAgreement No.: 2022-11-74372

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND CITY OF SPRINGFIELD, MISSOURI OZARKSTRAFFIC CCTV ACCESS AGREEMENT

THIS AGREEMENT is entered into by the City of Springfield, hereinafter referred to as "City," the Missouri Highways and Transportation Commission, hereinafter referred to as "MHTC," the MHTC and City, hereinafter collectively referred to as "OzarksTraffic," and Gray Media Group, Inc. dba KYTV, hereinafter referred to as "Company." Collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, MHTC and City have undertaken an Intelligent Transportation Systems (ITS) program called OzarksTraffic which receives CCTV on the respective state and city owned highways from devices installed on the area roadways and other means; and

WHEREAS, the Company has requested access to OzarksTraffic CCTV; and

WHEREAS, OzarksTraffic is willing to accommodate the Company's request for the CCTV pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and representations contained in this Agreement, the Parties agree as follows:

(1) DEFINITIONS:

(A) OzarksTraffic shall mean the MHTC and City as engaged in the Traffic Management Center (TMC) of the Ozarks ITS program.

(B) Program Infrastructure shall mean the ITS System and includes the Traffic Management Center (TMC) and Field Elements for the City of Springfield and surrounding areas within the Southwest District.

(C) CCTV shall mean the closed circuit television streaming images from the TMC.

(2) PURPOSE: The Company agrees CCTV is accessed in accordance with this Agreement and shall be used by the Company solely for the purposes of providing travel information to the public. This Agreement only applies to media access to the OzarksTraffic greater Springfield area traffic management system at the TMC located at 1107 West Chestnut Expressway, Springfield, MO 65802. Regardless of the access allowed by OzarksTraffic, the Company may need to acquire permission from other county or local municipality agencies to access the CCTV provided to OzarksTraffic from other county or local municipality agencies.

(3) CCTV TO BE ACCESSED:

(A) OzarksTraffic agrees to allow access to the CCTV from the TMC under the general conditions described in Exhibit 1, which is attached hereto and incorporated herein by reference. OzarksTraffic, without notice, may interrupt or preempt the CCTV at any time. The Company's access to the CCTV system is non-exclusive and OzarksTraffic may allow other media companies or organizations access to the system. In addition, OzarksTraffic cannot guarantee CCTV will always be available. OzarksTraffic shall have control of all camera views available from the TMC and does not guarantee that any particular camera view will be available at any given time.

(B) The Company agrees to immediately terminate the CCTV feed at their end when the live CCTV is showing close-up views of accident victims or of emergency response activities.

(4) DUTIES OF COMPANY: The Company assumes the following responsibilities under this Agreement:

(A) The Company shall be responsible for the purchase and maintenance of its own equipment needed to access the CCTV and TMC.

(B) The Company shall assume full responsibility to safeguard the video from unauthorized use or reproduction, and shall assume full responsibility in the event the video is used for purposes other than for providing travel information to the public. The Company agrees that at any time it becomes aware of unauthorized use, copying, or disclosure of the CCTV, it shall immediately notify OzarksTraffic at 417-864-1160, send written notice to the person listed in (10)(B) of this Agreement, and fully cooperate with OzarksTraffic to protect OzarksTraffic's proprietary rights. The Company shall agree breach or threatened breach of its obligation to protect the CCTV may cause immediate and irreparable harm, entitling the OzarksTraffic to seek injunctive relief or immediate termination of the CCTV. Company's compliance with this paragraph shall not be construed in any way as a waiver of the OzarksTraffic's rights to recover damages or obtain other relief against Company for harm to the OzarksTraffic's CCTV or for breach of contractual rights.

(C) The Company agrees if it, or its employees, contractor, or agent violates any terms of this Agreement, OzarksTraffic will take all necessary steps to remedy the violation including, but not limited to, terminating the Company's access to and use of the CCTV.

(D) The Company shall immediately notify OzarksTraffic if it becomes aware of any use of the CCTV other than in accordance with OzarksTraffic policy. This includes use by the Company, another media company, or any other party.

(E) The Company agrees not to:

- (1) Sell or charge any fees for the use of the CCTV received from OzarksTraffic, except for the purpose of providing entire taped news broadcasts.
- (2) Duplicate or reproduce the CCTV in any manner for any cost or fee,

- except for the purpose of providing entire taped news broadcasts.
- (3) Systematically record CCTV for purposes other than traffic reports.
 - (4) Misrepresent the timing and source of the CCTV.
 - (5) Misrepresent the availability of the CCTV to others.
 - (6) Place streaming or captured CCTV images on websites.
 - (7) Show CCTV of any accident victims or close-ups of emergency response activities.

(F) The Company agrees the rebroadcast of CCTV from OzarksTraffic will be for providing traveler information only. The Company agrees to immediately stop the rebroadcast of taped images from OzarksTraffic upon any written or verbal request from OzarksTraffic. The Company agrees OzarksTraffic has the right to immediately terminate the Company's access to CCTV from OzarksTraffic.

(G) The Company agrees to provide at no charge to OzarksTraffic the items as listed in Exhibit 2 which is attached hereto and incorporated herein by reference.

(H) The Company agrees to always use the OzarksTraffic logo. Each CCTV feed (live or otherwise) used by the Company shall include the OzarksTraffic logo in a manner and style approved by OzarksTraffic. The OzarksTraffic logo should be a graphic, like in size and appearance as those used as "bugs" by major networks and their local affiliates. The Company shall not use any CCTV (either "live" or taped) accessed from the Scout system without the OzarksTraffic logo fully visible in the upper right-hand corner of the CCTV. The Company agrees to use the OzarksTraffic verbal tag line, referenced in Exhibit 3, in all references to the Ozarkstraffic CCTV video images used during "live" or taped broadcasts.

(5) INSTALLATION OF EQUIPMENT AT OZARKSTRAFFIC TMC:

(A) The Company's equipment accessing OzarksTraffic CCTV shall be installed at locations approved by OzarksTraffic.

(B) OzarksTraffic reserves the right to limit the space and to assign space to the various media companies as they see appropriate. The space available to media companies may be limited and, therefore, is available on a "first come, first serve" basis.

(C) OzarksTraffic must approve all equipment to be installed.

(D) All equipment must be compatible with OzarksTraffic. If any equipment is installed by the Company that interferes or disrupts OzarksTraffic or the equipment of other media companies, OzarksTraffic may immediately disconnect and remove the Company's equipment. In addition, if the Company's equipment causes any damage to Program Infrastructure or to the TMC, OzarksTraffic may disconnect and remove the Company's equipment. In the event the Company's equipment causes any damage to Program Infrastructure, the TMC, City or MHTC, the Company shall be responsible for the loss and shall make payment to City or MHTC for the damage and the removal cost.

(E) If OzarksTraffic determines an emergency situation arises in which the

Company's equipment should be disconnected, OzarksTraffic may disconnect and remove the Company's equipment from the TMC.

(F) The Company's equipment shall not display logos or advertising. The Company shall place identification on cables at regular intervals so that the cables may easily be identified.

(G) The Company shall not be allowed to enter into the TMC to maintain the equipment at times other than the regular operating hours of MHTC, SW District.

(6) NO WARRANTY: OzarksTraffic makes no warranties, either expressed or implied, regarding the quality, quantity, or availability of the CCTV accessed under the terms of this Agreement. CCTV may be interrupted, be of poor quality, or otherwise be rendered unavailable. OzarksTraffic shall not be liable for warranties of fitness for any purpose, nor for indirect, special or consequential damages such as loss of profits or inability to use the CCTV.

(7) INDEMNIFICATION: The Company does hereby agree to indemnify, hold harmless against, and defend OzarksTraffic, City and MHTC, including its agents, employees and assigns or assignees, from any claims, costs, expenses, damages, and liabilities arising from or pertaining to the use and/or possession of the CCTV by the Company, its agents, employees, assigns or assignees, contractors, subcontractors or independent contractors.

(8) 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 Company and OzarksTraffic.

(9) REPRESENTATIVES: OzarksTraffic's Board of Directors are designated as OzarksTraffic's representatives for the purpose of administering the provisions of this Agreement. OzarksTraffic's representatives may designate, by written notice, other persons having the authority to act on behalf of OzarksTraffic in furtherance of the performance of this Agreement.

(10) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

(A) Gray Media Group, Inc. dba as KYTV
Brian McDonough, General Manager
999 West Sunshine
Springfield, MO 65807
Telephone No.: 417-268-3010
Email Address: bmcDonough@ky3.com

(B) TMC of the Ozarks
1107 West Chestnut Expressway
Springfield, MO 65802
Telephone No.: 417-864-1160

or to such other place as the Parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(11) ASSIGNMENT: The Company shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of OzarksTraffic.

(12) LAWS TO GOVERN: For any action brought against the City, and/or employee(s) of the City, the laws of Missouri will govern and the Agreement shall be construed according to the laws of the State of Missouri. For any action brought against the State of Missouri, MHTC, its commissioners, and any employee(s), counsel, or agent of the MHTC, in either the State of Missouri or any other jurisdiction, the laws of Missouri will govern and the Agreement shall be construed according to the laws of the State of Missouri.

(13) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the OzarksTraffic with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the OzarksTraffic.

(14) SOVEREIGN IMMUNITY: Nothing herein shall be construed as consent by the MHTC sovereign immunity or rights of the Eleventh Amendment of the Constitution of the United States. Nothing herein shall be construed as consent by City to suit in the court of the State of Missouri or a waiver of its sovereign immunity of rights of the Eleventh Amendment of the Constitution of the United States.

(15) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the Parties and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OzarksTraffic and the Company.

(16) 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.

(17) DISPUTES: Any disputes that arise under this Agreement shall be decided by OzarksTraffic or its representatives, the Directors.

(18) SEVERABILITY: If any clause or provision of this Agreement is found to be void or unenforceable by a court or agency of proper jurisdiction, then the remaining provisions not void or unenforceable shall remain in full force and effect.

(19) 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.

(20) DURATION:

(A) Unless otherwise cancelled, this Agreement shall be in effect for two (2) years from the date of execution of this Agreement. This Agreement may be renewed for two additional 2-year periods. Unless notice is otherwise given by either party at least 30 days prior to the termination date, the terms of this Agreement shall automatically renew for the applicable additional term (either the first renewal period or the second renewal period). If the Agreement automatically renews, OzarksTraffic may revise Exhibits 1, 2, and 3 to reflect changes in OzarksTraffic policy or technology. If OzarksTraffic revises Exhibits 1, 2, and 3, OzarksTraffic will send copies of the revised exhibits to the Company and the revised exhibits shall be included as part of this Agreement. If the Company is unwilling to abide by the terms of the revised exhibits, this Agreement will automatically terminate.

(B) Upon expiration of this Agreement, the Company shall promptly disconnect and remove all of its CCTV accessing equipment and any other equipment which may be located on OzarksTraffic, City and MHTC property and return OzarksTraffic, City and MHTC property to the condition it was in prior to the placement of Company's equipment on OzarksTraffic, City and MHTC property. If Company fails to remove the equipment, OzarksTraffic may remove the equipment at the Company's cost.

(C) The Company agrees OzarksTraffic reserves the right to terminate the Company's access to OzarksTraffic CCTV if it violates any terms of this Agreement and this Agreement will be immediately terminated.

(21) CHANGE IN LAW: This Agreement is entered into subject to changes in federal law, state law and OzarksTraffic policy.

(22) NO INTEREST: By allowing the Company access to its CCTV, OzarksTraffic is not granting any property interest to or in the OzarksTraffic's CCTV or the OzarksTraffic TMC to the Company. OzarksTraffic, in its sole discretion, may discontinue its CCTV feed at any time and for any reason whatsoever, including for the convenience of OzarksTraffic. OzarksTraffic shall not be obligated to maintain said CCTV feed solely for the benefit of the Company.

(The signature page immediately follows this paragraph.)

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

Executed by the Company on _____ (DATE).

Executed by the City on _____ (DATE).

Executed by the Commission on _____ (DATE).

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

By: _____

Title: _____

ATTEST: (Commission seal)

Secretary to the Commission

APPROVED AS TO FORM:

Commission Counsel

GRAY MEDIA GROUP, INC. dba KYTV

By: _____

Title: _____

ATTEST: (Consultant seal, if existing)

By: _____

Title: _____

APPROVED AS TO FORM:

By: _____

Title: _____

CITY OF SPRINGFIELD

Deputy City Manager

Contract Paralegal

ATTEST:

Approved as to Form:

City Clerk

Assistant City Attorney

Director of Finance

Ordinance No. _____

ACKNOWLEDGMENT BY COMPANY

STATE OF _____)
)
COUNTY OF _____) SS

On this _____ day of _____, 20__, before me appeared _____ personally known to me, who being by me duly sworn, did say that he/she is the _____ of _____ and that the foregoing instrument was signed and sealed on behalf of said company by authority of its Board of Directors, and that he/she acknowledged said instrument to be the free act and deed of said company and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public

My Commission Expires: _____

Exhibit 1

General Terms

1. Number of outputs from Program Infrastructure system will be negotiated.
2. Any FCC licensing requirements and or costs to transport to Company's facilities shall be the sole responsibility of the Company.
3. OzarksTraffic shall not be responsible for damage caused to Company's equipment by any acts of nature.
4. OzarksTraffic cannot guarantee uninterrupted access to the CCTV.

Building Installation Requirements

1. No welding on any portion of building will be allowed.
2. No drilling of holes on any structural component of the building will be allowed.
3. All cabling shall be run through a steel conduit.
4. All cables and conduit shall be labeled.
5. All cable plans and paths shall be approved by OzarksTraffic or designated representative.
6. An electrician certified power plan shall be approved by OzarksTraffic or designated representative.
7. Company must use non-RF emitting cable.
8. Company must use existing conduit to access rooftop with cabling.
9. Company must test for interference or conflicts.
10. Equipment racks must be approved by OzarksTraffic or designated representative.
11. Equipment racks shall be located in the designated room in the building.
12. Rooftop equipment shall be confined on the center fin walled area of the building.

Access to Building

1. All work to be done in and around the building shall be approved and supervised by the designated OzarksTraffic contact person.
2. All work shall be completed during normal working hours or as approved by the designated OzarksTraffic contact person.
3. All work to be done on and around the roof shall be restricted to the pathway designated by OzarksTraffic. The designated pathway is for maintenance and preservation of the roof's structural integrity.

Cost

1. Any damage or additional cost to OzarksTraffic, City and MHTC equipment and/or facilities resulting from the Company shall be reimbursed at no cost to and to the satisfaction of OzarksTraffic, City and MHTC within 30 days.
2. Company will be responsible for any costs that might incur as a result of upgrades, maintenance, or modifications by OzarksTraffic to the system and equipment.

Exhibit 2

As a partner in this program, Company agrees to provide the following service for OzarksTraffic at no charge:

1. Company will use verbal tag line provided by OzarksTraffic, MHTC and City each time OzarksTraffic CCTV is broadcast. See Exhibit 3 for specific tag lines. OzarksTraffic, MHTC and City will provide a brand logo as part of the CCTV feed. The logo will appear in a prominent position of the OzarksTraffic feed. The logo cannot be altered, masked or covered in any way. This agreement does not obligate the Company to broadcast the CCTV and does not prohibit other sponsorship logos to be displayed during the traffic reports.
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Exhibit 3

1. Company will use verbal tag lines provided by OzarksTraffic, each time an OzarksTraffic CCTV image is broadcast for the duration of the contract. The Company and its spokespersons shall **not** take ownership of OzarksTraffic CCTVs referring to them as “our” OzarksTraffic cameras. It must be clearly stated the CCTV feeds are provided by OzarksTraffic, MHTC and City in one of the following ways:

- a. OzarksTraffic cameras brought to you by MoDOT and City of Springfield or
- b. OzarksTraffic cameras courtesy of MoDOT and City of Springfield or
- c. OzarksTraffic cameras

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 12-06-22

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022- 303

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an agreement with the
2 Missouri Highways and Transportation Commission and NEXSTAR
3 Media Group, Inc., dba KOZL, for the purpose of sharing video from
4 the closed-circuit television traffic monitoring cameras owned and
5 operated by Missouri Department of Transportation and the City of
6 Springfield.
7 _____
8

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10 Commission ("MHTC") desire to enter into an agreement to share video from the
11 closed-circuit television ("CCTV") traffic monitoring cameras; and
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13 WHEREAS, this agreement allows this media agency to access the CCTV traffic
14 monitoring cameras so that they can provide the community with a traffic report.
15

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

19 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
20 enter into an agreement with the MHTC and NEXSTAR Media Group, Inc., dba KOZL,
21 in substantial conformity with "Exhibit 1" attached hereto and incorporated herein by
22 reference.
23

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

27 Passed at meeting: _____
28

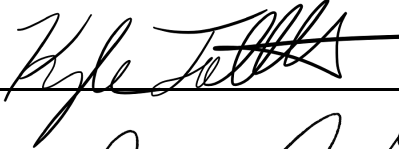
29 _____
30 Mayor
31

32 Attest: _____, City Clerk
33

34 Filed as Ordinance: _____

35

36

37 Approved as to form: , Assistant City Attorney

38

39

40 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2022- 303

FILED: 12-06-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into an agreement with Missouri Highways and Transportation Commission and NEXSTAR Media Group, Inc., dba KOZL, (hereinafter, "Media Company") for the sharing of video from the closed-circuit television ("CCTV") traffic monitoring cameras owned and operated by Missouri Department of Transportation ("MoDOT") and the City of Springfield throughout the regional roadway network.

BACKGROUND INFORMATION: This agreement defines the terms under which the City and MoDOT will provide a web-based user account to the Media Company. The user account will allow access to the traffic monitoring video feed through the Transportation Management Center's video distribution software.

The agreement restricts the use of the video feed solely for the purpose of providing travel information to the public and specifically prohibits the Media Company from selling or charging a fee for the video; systematically recording the video for purposes other than traffic reports; misrepresenting the timing and source of the video; misrepresenting the availability of video to others; placing streaming video on websites; and/or showing video of any accident victims or close-ups of emergency response activities. Furthermore, the agreement requires that the OzarksTraffic logo remain visible on all video provided to the Media Company, and that the Media Company verbally acknowledge the source of the video each time it is used on air as "OzarksTraffic cameras" or as "OzarksTraffic cameras brought to you by (or courtesy of) MoDOT and City of Springfield."

Supports the following 2022 City Council Core Priorities:

- Quality of Place
- Economic Vitality
- Public Safety

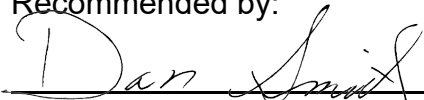
REMARKS: This agreement is an example of the City and MoDOT working together with local media to improve regional traveler information. There is no financial commitment for any of the parties to the agreement. Video access provided to NEXSTAR Media Group, Inc. is non-exclusive, and the City and MoDOT reserve the right to allow access to other media companies through similar agreements. Public Works recommends approval of this Council Bill.

Submitted by:



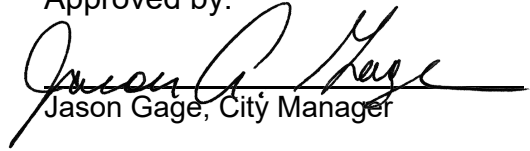
Kirk Juranas, Assistant Director of Public Works

Recommended by:

A handwritten signature in cursive script, appearing to read "Dan Smith", written over a horizontal line.

Dan Smith, Director of Public Works

Approved by:

A handwritten signature in cursive script, appearing to read "Jason Gage", written over a horizontal line.

Jason Gage, City Manager

EXHIBIT 1

CCO Form: TR45
Approved: 02/08 (BDG)
Revised: 06/19 (GH)
Modified:

MoDOT District: SW
MoDOT Agreement Administrator: Marc Lewis
eAgreement No.: 2022-11-74443

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND CITY OF SPRINGFIELD, MISSOURI OZARKSTRAFFIC CCTV ACCESS AGREEMENT

THIS AGREEMENT is entered into by the City of Springfield, hereinafter referred to as "City," the Missouri Highways and Transportation Commission, hereinafter referred to as "MHTC," the MHTC and City, hereinafter collectively referred to as "OzarksTraffic," and NEXSTAR Media Group, Inc. dba KOZL, hereinafter referred to as "Company." Collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, MHTC and City have undertaken an Intelligent Transportation Systems (ITS) program called OzarksTraffic which receives CCTV on the respective state and city owned highways from devices installed on the area roadways and other means; and

WHEREAS, the Company has requested access to OzarksTraffic CCTV; and

WHEREAS, OzarksTraffic is willing to accommodate the Company's request for the CCTV pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and representations contained in this Agreement, the Parties agree as follows:

(1) DEFINITIONS:

(A) OzarksTraffic shall mean the MHTC and City as engaged in the Traffic Management Center (TMC) of the Ozarks ITS program.

(B) Program Infrastructure shall mean the ITS System and includes the Traffic Management Center (TMC) and Field Elements for the City of Springfield and surrounding areas within the Southwest District.

(C) CCTV shall mean the closed circuit television streaming images from the TMC.

(2) PURPOSE: The Company agrees CCTV is accessed in accordance with this Agreement and shall be used by the Company solely for the purposes of providing travel information to the public. This Agreement only applies to media access to the OzarksTraffic greater Springfield area traffic management system at the TMC located at 1107 West Chestnut Expressway, Springfield, MO 65802. Regardless of the access allowed by OzarksTraffic, the Company may need to acquire permission from other county or local municipality agencies to access the CCTV provided to OzarksTraffic from other county or local municipality agencies.

(3) CCTV TO BE ACCESSED:

(A) OzarksTraffic agrees to allow access to the CCTV from the TMC under the general conditions described in Exhibit 1, which is attached hereto and incorporated herein by reference. OzarksTraffic, without notice, may interrupt or preempt the CCTV at any time. The Company's access to the CCTV system is non-exclusive and OzarksTraffic may allow other media companies or organizations access to the system. In addition, OzarksTraffic cannot guarantee CCTV will always be available. OzarksTraffic shall have control of all camera views available from the TMC and does not guarantee that any particular camera view will be available at any given time.

(B) The Company agrees to immediately terminate the CCTV feed at their end when the live CCTV is showing close-up views of accident victims or of emergency response activities.

(4) DUTIES OF COMPANY: The Company assumes the following responsibilities under this Agreement:

(A) The Company shall be responsible for the purchase and maintenance of its own equipment needed to access the CCTV and TMC.

(B) The Company shall assume full responsibility to safeguard the video from unauthorized use or reproduction, and shall assume full responsibility in the event the video is used for purposes other than for providing travel information to the public. The Company agrees that at any time it becomes aware of unauthorized use, copying, or disclosure of the CCTV, it shall immediately notify OzarksTraffic at 417-864-1160, send written notice to the person listed in (10)(B) of this Agreement, and fully cooperate with OzarksTraffic to protect OzarksTraffic's proprietary rights. The Company shall agree breach or threatened breach of its obligation to protect the CCTV may cause immediate and irreparable harm, entitling the OzarksTraffic to seek injunctive relief or immediate termination of the CCTV. Company's compliance with this paragraph shall not be construed in any way as a waiver of the OzarksTraffic's rights to recover damages or obtain other relief against Company for harm to the OzarksTraffic's CCTV or for breach of contractual rights.

(C) The Company agrees if it, or its employees, contractor, or agent violates any terms of this Agreement, OzarksTraffic will take all necessary steps to remedy the violation including, but not limited to, terminating the Company's access to and use of the CCTV.

(D) The Company shall immediately notify OzarksTraffic if it becomes aware of any use of the CCTV other than in accordance with OzarksTraffic policy. This includes use by the Company, another media company, or any other party.

(E) The Company agrees not to:

- (1) Sell or charge any fees for the use of the CCTV received from OzarksTraffic, except for the purpose of providing entire taped news broadcasts.
- (2) Duplicate or reproduce the CCTV in any manner for any cost or fee,

- except for the purpose of providing entire taped news broadcasts.
- (3) Systematically record CCTV for purposes other than traffic reports.
 - (4) Misrepresent the timing and source of the CCTV.
 - (5) Misrepresent the availability of the CCTV to others.
 - (6) Place streaming or captured CCTV images on websites.
 - (7) Show CCTV of any accident victims or close-ups of emergency response activities.

(F) The Company agrees the rebroadcast of CCTV from OzarksTraffic will be for providing traveler information only. The Company agrees to immediately stop the rebroadcast of taped images from OzarksTraffic upon any written or verbal request from OzarksTraffic. The Company agrees OzarksTraffic has the right to immediately terminate the Company's access to CCTV from OzarksTraffic.

(G) The Company agrees to provide at no charge to OzarksTraffic the items as listed in Exhibit 2 which is attached hereto and incorporated herein by reference.

(H) The Company agrees to always use the OzarksTraffic logo. Each CCTV feed (live or otherwise) used by the Company shall include the OzarksTraffic logo in a manner and style approved by OzarksTraffic. The OzarksTraffic logo should be a graphic, like in size and appearance as those used as "bugs" by major networks and their local affiliates. The Company shall not use any CCTV (either "live" or taped) accessed from the Scout system without the OzarksTraffic logo fully visible in the upper right-hand corner of the CCTV. The Company agrees to use the OzarksTraffic verbal tag line, referenced in Exhibit 3, in all references to the Ozarkstraffic CCTV video images used during "live" or taped broadcasts.

(5) INSTALLATION OF EQUIPMENT AT OZARKSTRAFFIC TMC:

(A) The Company's equipment accessing OzarksTraffic CCTV shall be installed at locations approved by OzarksTraffic.

(B) OzarksTraffic reserves the right to limit the space and to assign space to the various media companies as they see appropriate. The space available to media companies may be limited and, therefore, is available on a "first come, first serve" basis.

(C) OzarksTraffic must approve all equipment to be installed.

(D) All equipment must be compatible with OzarksTraffic. If any equipment is installed by the Company that interferes or disrupts OzarksTraffic or the equipment of other media companies, OzarksTraffic may immediately disconnect and remove the Company's equipment. In addition, if the Company's equipment causes any damage to Program Infrastructure or to the TMC, OzarksTraffic may disconnect and remove the Company's equipment. In the event the Company's equipment causes any damage to Program Infrastructure, the TMC, City or MHTC, the Company shall be responsible for the loss and shall make payment to City or MHTC for the damage and the removal cost.

(E) If OzarksTraffic determines an emergency situation arises in which the

Company's equipment should be disconnected, OzarksTraffic may disconnect and remove the Company's equipment from the TMC.

(F) The Company's equipment shall not display logos or advertising. The Company shall place identification on cables at regular intervals so that the cables may easily be identified.

(G) The Company shall not be allowed to enter into the TMC to maintain the equipment at times other than the regular operating hours of MHTC, SW District.

(6) NO WARRANTY: OzarksTraffic makes no warranties, either expressed or implied, regarding the quality, quantity, or availability of the CCTV accessed under the terms of this Agreement. CCTV may be interrupted, be of poor quality, or otherwise be rendered unavailable. OzarksTraffic shall not be liable for warranties of fitness for any purpose, nor for indirect, special or consequential damages such as loss of profits or inability to use the CCTV.

(7) INDEMNIFICATION: The Company does hereby agree to indemnify, hold harmless against, and defend OzarksTraffic, City and MHTC, including its agents, employees and assigns or assignees, from any claims, costs, expenses, damages, and liabilities arising from or pertaining to the use and/or possession of the CCTV by the Company, its agents, employees, assigns or assignees, contractors, subcontractors or independent contractors.

(8) 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 Company and OzarksTraffic.

(9) REPRESENTATIVES: OzarksTraffic's Board of Directors are designated as OzarksTraffic's representatives for the purpose of administering the provisions of this Agreement. OzarksTraffic's representatives may designate, by written notice, other persons having the authority to act on behalf of OzarksTraffic in furtherance of the performance of this Agreement.

(10) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

(A) NEXSTAR Media Group, Inc. dba as KOZL
2650 E. Division
Springfield, MO 65803
Telephone No.: 417-862-2727
Email Address: lhenning@nexstar.tv

(B) TMC of the Ozarks
1107 West Chestnut Expressway
Springfield, MO 65802
Telephone No.: 417-864-1160

or to such other place as the Parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(11) ASSIGNMENT: The Company shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of OzarksTraffic.

(12) LAWS TO GOVERN: For any action brought against the City, and/or employee(s) of the City, the laws of Missouri will govern and the Agreement shall be construed according to the laws of the State of Missouri. For any action brought against the State of Missouri, MHTC, its commissioners, and any employee(s), counsel, or agent of the MHTC, in either the State of Missouri or any other jurisdiction, the laws of Missouri will govern and the Agreement shall be construed according to the laws of the State of Missouri.

(13) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the OzarksTraffic with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the OzarksTraffic.

(14) SOVEREIGN IMMUNITY: Nothing herein shall be construed as consent by the MHTC sovereign immunity or rights of the Eleventh Amendment of the Constitution of the United States. Nothing herein shall be construed as consent by City to suit in the court of the State of Missouri or a waiver of its sovereign immunity of rights of the Eleventh Amendment of the Constitution of the United States.

(15) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the Parties and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OzarksTraffic and the Company.

(16) 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.

(17) DISPUTES: Any disputes that arise under this Agreement shall be decided by OzarksTraffic or its representatives, the Directors.

(18) SEVERABILITY: If any clause or provision of this Agreement is found to be void or unenforceable by a court or agency of proper jurisdiction, then the remaining provisions not void or unenforceable shall remain in full force and effect.

(19) 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.

(20) DURATION:

(A) Unless otherwise cancelled, this Agreement shall be in effect for two (2)

years from the date of execution of this Agreement. This Agreement may be renewed for two additional 2-year periods. Unless notice is otherwise given by either party at least 30 days prior to the termination date, the terms of this Agreement shall automatically renew for the applicable additional term (either the first renewal period or the second renewal period). If the Agreement automatically renews, OzarksTraffic may revise Exhibits 1, 2, and 3 to reflect changes in OzarksTraffic policy or technology. If OzarksTraffic revises Exhibits 1, 2, and 3, OzarksTraffic will send copies of the revised exhibits to the Company and the revised exhibits shall be included as part of this Agreement. If the Company is unwilling to abide by the terms of the revised exhibits, this Agreement will automatically terminate.

(B) Upon expiration of this Agreement, the Company shall promptly disconnect and remove all of its CCTV accessing equipment and any other equipment which may be located on OzarksTraffic, City and MHTC property and return OzarksTraffic, City and MHTC property to the condition it was in prior to the placement of Company's equipment on OzarksTraffic, City and MHTC property. If Company fails to remove the equipment, OzarksTraffic may remove the equipment at the Company's cost.

(C) The Company agrees OzarksTraffic reserves the right to terminate the Company's access to OzarksTraffic CCTV if it violates any terms of this Agreement and this Agreement will be immediately terminated.

(21) CHANGE IN LAW: This Agreement is entered into subject to changes in federal law, state law and OzarksTraffic policy.

(22) NO INTEREST: By allowing the Company access to its CCTV, OzarksTraffic is not granting any property interest to or in the OzarksTraffic's CCTV or the OzarksTraffic TMC to the Company. OzarksTraffic, in its sole discretion, may discontinue its CCTV feed at any time and for any reason whatsoever, including for the convenience of OzarksTraffic. OzarksTraffic shall not be obligated to maintain said CCTV feed solely for the benefit of the Company.

(The signature page immediately follows this paragraph.)

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

Executed by the Company on _____ (DATE).

Executed by the City on _____ (DATE).

Executed by the Commission on _____ (DATE).

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

By: _____

Title: _____

ATTEST: (Commission seal)

Secretary to the Commission

APPROVED AS TO FORM:

Commission Counsel

NEXSTAR MEDIA GROUP, INC. dba KOZL

By: _____

Title: _____

ATTEST: (Consultant seal, if existing)

By: _____

Title: _____

APPROVED AS TO FORM:

By: _____

Title: _____

CITY OF SPRINGFIELD

Deputy City Manager

ATTEST:

City Clerk

Director of Finance

Contract Paralegal

Approved as to Form:

Assistant City Attorney

Ordinance No. _____

ACKNOWLEDGMENT BY COMPANY

STATE OF _____)
)
COUNTY OF _____) SS

On this _____ day of _____, 20__, before me appeared _____ personally known to me, who being by me duly sworn, did say that he/she is the _____ of _____ and that the foregoing instrument was signed and sealed on behalf of said company by authority of its Board of Directors, and that he/she acknowledged said instrument to be the free act and deed of said company and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public

My Commission Expires: _____

Exhibit 1

General Terms

1. Number of outputs from Program Infrastructure system will be negotiated.
2. Any FCC licensing requirements and or costs to transport to Company's facilities shall be the sole responsibility of the Company.
3. OzarksTraffic shall not be responsible for damage caused to Company's equipment by any acts of nature.
4. OzarksTraffic cannot guarantee uninterrupted access to the CCTV.

Building Installation Requirements

1. No welding on any portion of building will be allowed.
2. No drilling of holes on any structural component of the building will be allowed.
3. All cabling shall be run through a steel conduit.
4. All cables and conduit shall be labeled.
5. All cable plans and paths shall be approved by OzarksTraffic or designated representative.
6. An electrician certified power plan shall be approved by OzarksTraffic or designated representative.
7. Company must use non-RF emitting cable.
8. Company must use existing conduit to access rooftop with cabling.
9. Company must test for interference or conflicts.
10. Equipment racks must be approved by OzarksTraffic or designated representative.
11. Equipment racks shall be located in the designated room in the building.
12. Rooftop equipment shall be confined on the center fin walled area of the building.

Access to Building

1. All work to be done in and around the building shall be approved and supervised by the designated OzarksTraffic contact person.
2. All work shall be completed during normal working hours or as approved by the designated OzarksTraffic contact person.
3. All work to be done on and around the roof shall be restricted to the pathway designated by OzarksTraffic. The designated pathway is for maintenance and preservation of the roof's structural integrity.

Cost

1. Any damage or additional cost to OzarksTraffic, City and MHTC equipment and/or facilities resulting from the Company shall be reimbursed at no cost to and to the satisfaction of OzarksTraffic, City and MHTC within 30 days.
2. Company will be responsible for any costs that might incur as a result of upgrades, maintenance, or modifications by OzarksTraffic to the system and equipment.

Exhibit 2

As a partner in this program, Company agrees to provide the following service for OzarksTraffic at no charge:

1. Company will use verbal tag line provided by OzarksTraffic, MHTC and City each time OzarksTraffic CCTV is broadcast. See Exhibit 3 for specific tag lines. OzarksTraffic, MHTC and City will provide a brand logo as part of the CCTV feed. The logo will appear in a prominent position of the OzarksTraffic feed. The logo cannot be altered, masked or covered in any way. This agreement does not obligate the Company to broadcast the CCTV and does not prohibit other sponsorship logos to be displayed during the traffic reports.
2. Company will broadcast three (3), thirty (:30) second Public Service Announcements (PSAs) per week for a total of six months. OzarksTraffic will provide Company a copy of the pre-recorded announcements for broadcast. Company shall broadcast all PSAs during the hours of 5:30am to 10:30 pm. Monday through Friday. Proof of performance of all PSAs will be required at the end of each month. Company shall provide OzarksTraffic with one copy of an air-check in DVD Format quarterly and grant OzarksTraffic copyright for re-broadcast. Company will broadcast one (1), ten (10) second PSA during each of its weekday morning newscasts for a period of six months. OzarksTraffic will provide Company a copy of the pre-recorded announcement, featuring the OzarksTraffic logo and web site address, for broadcast. Company may partner with OzarksTraffic in being a sponsor in the message upon mutual agreement.
3. Company agrees to provide technical assistance from Company's engineering staff for addressing OzarksTraffic technical issues regarding Company's connectivity to the OzarksTraffic system.
4. Company shall provide a hypertext link using the OzarksTraffic logo on Company web site, if applicable, to the OzarksTraffic homepage.
5. Company shall provide a written annual report to OzarksTraffic for each of its broadcast stations utilizing OzarksTraffic images. The report should include a description of population reach and other demographic information relevant to traffic reports, sponsorships, and traffic reports for OzarksTraffic monitoring of traveler information services.
6. If Company broadcasts radio traffic reports, Company will use verbal tag line provided by OzarksTraffic each time OzarksTraffic is used to gain broadcast information. In addition, Company shall broadcast ten (10), thirty (30) second Public Service Announcements (PSAs) per radio station, per month, to run Best Time Available for six months. Content will be determined by OzarksTraffic or its designated agent. In addition, Company shall provide one (1) OzarksTraffic traffic report sponsorship per day per radio station for six months. Proof of performance of all PSAs and sponsorships will be required at the end of each month.

Exhibit 3

1. Company will use verbal tag lines provided by OzarksTraffic, each time an OzarksTraffic CCTV image is broadcast for the duration of the contract. The Company and its spokespersons shall **not** take ownership of OzarksTraffic CCTVs referring to them as “our” OzarksTraffic cameras. It must be clearly stated the CCTV feeds are provided by OzarksTraffic, MHTC and City in one of the following ways:

- a. OzarksTraffic cameras brought to you by MoDOT and City of Springfield or
- b. OzarksTraffic cameras courtesy of MoDOT and City of Springfield or
- c. OzarksTraffic cameras

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 12-06-22

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-304

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an agreement with the
2 Missouri Highways and Transportation Commission and Queen B
3 Television of Kansas/Missouri LLC dba KOAM/KFJX for the purpose of
4 sharing video from the closed-circuit television traffic monitoring
5 cameras owned and operated by Missouri Department of
6 Transportation and the City of Springfield.
7 _____
8

9 WHEREAS, the City of Springfield and Missouri Highways and Transportation
10 Commission ("MHTC") desire to enter into an agreement to share video from the
11 closed-circuit television ("CCTV") traffic monitoring cameras; and
12

13 WHEREAS, this agreement allows this media agency to access the CCTV traffic
14 monitoring cameras so that they can provide the community with a traffic report.
15

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

19 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
20 enter into an agreement with the MHTC and Queen B Television of Kansas/Missouri
21 LLC dba KOAM/KFJX in substantial conformity with "Exhibit 1" attached hereto and
22 incorporated herein by reference.
23

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

27 Passed at meeting: _____
28

29 _____
30 Mayor
31

32 Attest: _____, City Clerk
33

Filed as Ordinance: _____

34
35
36
37
38
39

Approved as to form: Kyle Tella, Assistant City Attorney

Approved for Council action: Juan C. Noguera, City Manager

EXPLANATION TO COUNCIL BILL 2022- 304

FILED: 12-06-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into an agreement with Missouri Highways and Transportation Commission and Queen B Television of Kansas/Missouri LLC, dba KOAM/KFJX (hereinafter, "Media Company") for the sharing of video from the closed-circuit television ("CCTV") traffic monitoring cameras owned and operated by Missouri Department of Transportation ("MoDOT") utilizing the video distribution system shared with the City of Springfield ("City") at the Transportation Management Center of the Ozarks.

BACKGROUND INFORMATION: This agreement defines the terms under which the City and MoDOT will provide a web-based user account to the Media Company. The user account will allow access to the traffic monitoring video feed through the Transportation Management Center's video distribution software.

The agreement restricts the use of the video feed solely for the purpose of providing travel information to the public and specifically prohibits the Media Company from selling or charging a fee for the video; systematically recording the video for purposes other than traffic reports; misrepresenting the timing and source of the video; misrepresenting the availability of video to others; placing streaming video on websites; and/or showing video of any accident victims or close-ups of emergency response activities. Furthermore, the agreement requires that the OzarksTraffic logo remain visible on all video provided to the Media Company, and that the Media Company verbally acknowledge the source of the video each time it is used on air as "OzarksTraffic cameras."

Supports the following 2022 City Council Core Priorities:

- Quality of Place
- Economic Vitality
- Public Safety

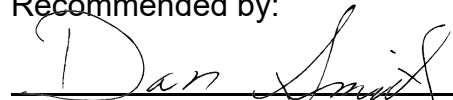
REMARKS: This agreement is an example of the City and MoDOT working together with local media to improve regional traveler information. There is no financial commitment for any of the parties to the agreement. Video access provided to Queen B Television of Kansas/Missouri LLC is non-exclusive, and the City and MoDOT reserve the right to allow access to other media companies through similar agreements. Public Works recommends approval of this Council Bill.

Submitted by:



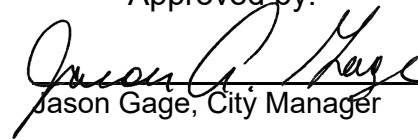
Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

EXHIBIT 1

CCO Form: TR45
Approved: 02/08 (BDG)
Revised: 06/19 (GH)
Modified:

MoDOT District: SW
MoDOT Agreement Administrator: Marc Lewis
eAgreement No.: 2022-11-74370

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND CITY OF SPRINGFIELD, MISSOURI OZARKSTRAFFIC CCTV ACCESS AGREEMENT

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WITNESSETH:

WHEREAS, MHTC and City have undertaken an Intelligent Transportation Systems (ITS) program called OzarksTraffic which receives CCTV on the respective state and city owned highways from devices installed on the area roadways and other means; and

WHEREAS, the Company has requested access to OzarksTraffic CCTV; and

WHEREAS, OzarksTraffic is willing to accommodate the Company's request for the CCTV pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and representations contained in this Agreement, the Parties agree as follows:

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(A) OzarksTraffic shall mean the MHTC and City as engaged in the Traffic Management Center (TMC) of the Ozarks ITS program.

(B) Program Infrastructure shall mean the ITS System and includes the Traffic Management Center (TMC) and Field Elements for the City of Springfield and surrounding areas within the Southwest District.

(C) CCTV shall mean the closed circuit television streaming images from the TMC.

(2) PURPOSE: The Company agrees CCTV is accessed in accordance with this Agreement and shall be used by the Company solely for the purposes of providing travel information to the public. This Agreement only applies to media access to the OzarksTraffic greater Springfield area traffic management system at the TMC located at 1107 West Chestnut Expressway, Springfield, MO 65802. Regardless of the access allowed by OzarksTraffic, the Company may need to acquire permission from other county or local municipality agencies to access the CCTV provided to OzarksTraffic from other county or local municipality agencies.

(3) CCTV TO BE ACCESSED:

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(B) The Company agrees to immediately terminate the CCTV feed at their end when the live CCTV is showing close-up views of accident victims or of emergency response activities.

(4) DUTIES OF COMPANY: The Company assumes the following responsibilities under this Agreement:

(A) The Company shall be responsible for the purchase and maintenance of its own equipment needed to access the CCTV and TMC.

(B) The Company shall assume full responsibility to safeguard the video from unauthorized use or reproduction, and shall assume full responsibility in the event the video is used for purposes other than for providing travel information to the public. The Company agrees that at any time it becomes aware of unauthorized use, copying, or disclosure of the CCTV, it shall immediately notify OzarksTraffic at 417-864-1160, send written notice to the person listed in (10)(B) of this Agreement, and fully cooperate with OzarksTraffic to protect OzarksTraffic's proprietary rights. The Company shall agree breach or threatened breach of its obligation to protect the CCTV may cause immediate and irreparable harm, entitling the OzarksTraffic to seek injunctive relief or immediate termination of the CCTV. Company's compliance with this paragraph shall not be construed in any way as a waiver of the OzarksTraffic's rights to recover damages or obtain other relief against Company for harm to the OzarksTraffic's CCTV or for breach of contractual rights.

(C) The Company agrees if it, or its employees, contractor, or agent violates any terms of this Agreement, OzarksTraffic will take all necessary steps to remedy the violation including, but not limited to, terminating the Company's access to and use of the CCTV.

(D) The Company shall immediately notify OzarksTraffic if it becomes aware of any use of the CCTV other than in accordance with OzarksTraffic policy. This includes use by the Company, another media company, or any other party.

(E) The Company agrees not to:

- (1) Sell or charge any fees for the use of the CCTV received from OzarksTraffic, except for the purpose of providing entire taped news broadcasts.
- (2) Duplicate or reproduce the CCTV in any manner for any cost or fee,

- except for the purpose of providing entire taped news broadcasts.
- (3) Systematically record CCTV for purposes other than traffic reports.
 - (4) Misrepresent the timing and source of the CCTV.
 - (5) Misrepresent the availability of the CCTV to others.
 - (6) Place streaming or captured CCTV images on websites.
 - (7) Show CCTV of any accident victims or close-ups of emergency response activities.

(F) The Company agrees the rebroadcast of CCTV from OzarksTraffic will be for providing traveler information only. The Company agrees to immediately stop the rebroadcast of taped images from OzarksTraffic upon any written or verbal request from OzarksTraffic. The Company agrees OzarksTraffic has the right to immediately terminate the Company's access to CCTV from OzarksTraffic.

(G) The Company agrees to provide at no charge to OzarksTraffic the items as listed in Exhibit 2 which is attached hereto and incorporated herein by reference.

(H) The Company agrees to always use the OzarksTraffic logo. Each CCTV feed (live or otherwise) used by the Company shall include the OzarksTraffic logo in a manner and style approved by OzarksTraffic. The OzarksTraffic logo should be a graphic, like in size and appearance as those used as "bugs" by major networks and their local affiliates. The Company shall not use any CCTV (either "live" or taped) accessed from the Scout system without the OzarksTraffic logo fully visible in the upper right-hand corner of the CCTV. The Company agrees to use the OzarksTraffic verbal tag line, referenced in Exhibit 3, in all references to the Ozarkstraffic CCTV video images used during "live" or taped broadcasts.

(5) INSTALLATION OF EQUIPMENT AT OZARKSTRAFFIC TMC:

(A) The Company's equipment accessing OzarksTraffic CCTV shall be installed at locations approved by OzarksTraffic.

(B) OzarksTraffic reserves the right to limit the space and to assign space to the various media companies as they see appropriate. The space available to media companies may be limited and, therefore, is available on a "first come, first serve" basis.

(C) OzarksTraffic must approve all equipment to be installed.

(D) All equipment must be compatible with OzarksTraffic. If any equipment is installed by the Company that interferes or disrupts OzarksTraffic or the equipment of other media companies, OzarksTraffic may immediately disconnect and remove the Company's equipment. In addition, if the Company's equipment causes any damage to Program Infrastructure or to the TMC, OzarksTraffic may disconnect and remove the Company's equipment. In the event the Company's equipment causes any damage to Program Infrastructure, the TMC, City or MHTC, the Company shall be responsible for the loss and shall make payment to City or MHTC for the damage and the removal cost.

(E) If OzarksTraffic determines an emergency situation arises in which the

Company's equipment should be disconnected, OzarksTraffic may disconnect and remove the Company's equipment from the TMC.

(F) The Company's equipment shall not display logos or advertising. The Company shall place identification on cables at regular intervals so that the cables may easily be identified.

(G) The Company shall not be allowed to enter into the TMC to maintain the equipment at times other than the regular operating hours of MHTC, SW District.

(6) NO WARRANTY: OzarksTraffic makes no warranties, either expressed or implied, regarding the quality, quantity, or availability of the CCTV accessed under the terms of this Agreement. CCTV may be interrupted, be of poor quality, or otherwise be rendered unavailable. OzarksTraffic shall not be liable for warranties of fitness for any purpose, nor for indirect, special or consequential damages such as loss of profits or inability to use the CCTV.

(7) INDEMNIFICATION: The Company does hereby agree to indemnify, hold harmless against, and defend OzarksTraffic, City and MHTC, including its agents, employees and assigns or assignees, from any claims, costs, expenses, damages, and liabilities arising from or pertaining to the use and/or possession of the CCTV by the Company, its agents, employees, assigns or assignees, contractors, subcontractors or independent contractors.

(8) 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 Company and OzarksTraffic.

(9) REPRESENTATIVES: OzarksTraffic's Board of Directors are designated as OzarksTraffic's representatives for the purpose of administering the provisions of this Agreement. OzarksTraffic's representatives may designate, by written notice, other persons having the authority to act on behalf of OzarksTraffic in furtherance of the performance of this Agreement.

(10) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

(A) Brook Arnold
KOAM/KFJX
2952 NE Highway 69
Pittsburg, KS 66762
Telephone No.: 620-308-2724
Email Address: barnold@koamnewsnow.com

(B) TMC of the Ozarks
1107 West Chestnut Expressway
Springfield, MO 65802
Telephone No.: 417-864-1160

or to such other place as the Parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(11) ASSIGNMENT: The Company shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of OzarksTraffic.

(12) LAWS TO GOVERN: For any action brought against the City, and/or employee(s) of the City, the laws of Missouri will govern and the Agreement shall be construed according to the laws of the State of Missouri. For any action brought against the State of Missouri, MHTC, its commissioners, and any employee(s), counsel, or agent of the MHTC, in either the State of Missouri or any other jurisdiction, the laws of Missouri will govern and the Agreement shall be construed according to the laws of the State of Missouri.

(13) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the OzarksTraffic with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the OzarksTraffic.

(14) SOVEREIGN IMMUNITY: Nothing herein shall be construed as consent by the MHTC sovereign immunity or rights of the Eleventh Amendment of the Constitution of the United States. Nothing herein shall be construed as consent by City to suit in the court of the State of Missouri or a waiver of its sovereign immunity of rights of the Eleventh Amendment of the Constitution of the United States.

(15) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the Parties and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OzarksTraffic and the Company.

(16) 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.

(17) DISPUTES: Any disputes that arise under this Agreement shall be decided by OzarksTraffic or its representatives, the Directors.

(18) SEVERABILITY: If any clause or provision of this Agreement is found to be void or unenforceable by a court or agency of proper jurisdiction, then the remaining provisions not void or unenforceable shall remain in full force and effect.

(19) 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.

(20) DURATION:

(A) Unless otherwise cancelled, this Agreement shall be in effect for two (2) years from the date of execution of this Agreement. This Agreement may be renewed for two additional 2-year periods. Unless notice is otherwise given by either party at least 30 days prior to the termination date, the terms of this Agreement shall automatically renew for the applicable additional term (either the first renewal period or the second renewal period). If the Agreement automatically renews, OzarksTraffic may revise Exhibits 1, 2, and 3 to reflect changes in OzarksTraffic policy or technology. If OzarksTraffic revises Exhibits 1, 2, and 3, OzarksTraffic will send copies of the revised exhibits to the Company and the revised exhibits shall be included as part of this Agreement. If the Company is unwilling to abide by the terms of the revised exhibits, this Agreement will automatically terminate.

(B) Upon expiration of this Agreement, the Company shall promptly disconnect and remove all of its CCTV accessing equipment and any other equipment which may be located on OzarksTraffic, City and MHTC property and return OzarksTraffic, City and MHTC property to the condition it was in prior to the placement of Company's equipment on OzarksTraffic, City and MHTC property. If Company fails to remove the equipment, OzarksTraffic may remove the equipment at the Company's cost.

(C) The Company agrees OzarksTraffic reserves the right to terminate the Company's access to OzarksTraffic CCTV if it violates any terms of this Agreement and this Agreement will be immediately terminated.

(21) CHANGE IN LAW: This Agreement is entered into subject to changes in federal law, state law and OzarksTraffic policy.

(22) NO INTEREST: By allowing the Company access to its CCTV, OzarksTraffic is not granting any property interest to or in the OzarksTraffic's CCTV or the OzarksTraffic TMC to the Company. OzarksTraffic, in its sole discretion, may discontinue its CCTV feed at any time and for any reason whatsoever, including for the convenience of OzarksTraffic. OzarksTraffic shall not be obligated to maintain said CCTV feed solely for the benefit of the Company.

(The signature page immediately follows this paragraph.)

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

Executed by the Company on _____ (DATE).

Executed by the City on _____ (DATE).

Executed by the Commission on _____ (DATE).

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

By: _____

Title: _____

ATTEST: (Commission seal)

Secretary to the Commission

APPROVED AS TO FORM:

Commission Counsel

**QUEEN B TELEVISION OF KANSAS/
MISSOURI LLC dba KOAM/KFJX**

By: _____

Title: _____

ATTEST: (Consultant seal, if existing)

By: _____

Title: _____

APPROVED AS TO FORM:

By: _____

Title: _____

CITY OF SPRINGFIELD

Deputy City Manager

ATTEST:

City Clerk

Director of Finance

Contract Paralegal

Approved as to Form:

Assistant City Attorney

Ordinance No. _____

ACKNOWLEDGMENT BY COMPANY

STATE OF _____)
)
COUNTY OF _____) SS

On this _____ day of _____, 20__, before me appeared _____ personally known to me, who being by me duly sworn, did say that he/she is the _____ of _____ and that the foregoing instrument was signed and sealed on behalf of said company by authority of its Board of Directors, and that he/she acknowledged said instrument to be the free act and deed of said company and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public

My Commission Expires: _____

Exhibit 1

General Terms

1. Number of outputs from Program Infrastructure system will be negotiated.
2. Any FCC licensing requirements and or costs to transport to Company's facilities shall be the sole responsibility of the Company.
3. OzarksTraffic shall not be responsible for damage caused to Company's equipment by any acts of nature.
4. OzarksTraffic cannot guarantee uninterrupted access to the CCTV.

Building Installation Requirements

1. No welding on any portion of building will be allowed.
2. No drilling of holes on any structural component of the building will be allowed.
3. All cabling shall be run through a steel conduit.
4. All cables and conduit shall be labeled.
5. All cable plans and paths shall be approved by OzarksTraffic or designated representative.
6. An electrician certified power plan shall be approved by OzarksTraffic or designated representative.
7. Company must use non-RF emitting cable.
8. Company must use existing conduit to access rooftop with cabling.
9. Company must test for interference or conflicts.
10. Equipment racks must be approved by OzarksTraffic or designated representative.
11. Equipment racks shall be located in the designated room in the building.
12. Rooftop equipment shall be confined on the center fin walled area of the building.

Access to Building

1. All work to be done in and around the building shall be approved and supervised by the designated OzarksTraffic contact person.
2. All work shall be completed during normal working hours or as approved by the designated OzarksTraffic contact person.
3. All work to be done on and around the roof shall be restricted to the pathway designated by OzarksTraffic. The designated pathway is for maintenance and preservation of the roof's structural integrity.

Cost

1. Any damage or additional cost to OzarksTraffic, City and MHTC equipment and/or facilities resulting from the Company shall be reimbursed at no cost to and to the satisfaction of OzarksTraffic, City and MHTC within 30 days.
2. Company will be responsible for any costs that might incur as a result of upgrades, maintenance, or modifications by OzarksTraffic to the system and equipment.

Exhibit 2

As a partner in this program, Company agrees to provide the following service for OzarksTraffic at no charge:

1. Company will use verbal tag line provided by OzarksTraffic, MHTC and City each time OzarksTraffic CCTV is broadcast. See Exhibit 3 for specific tag lines. OzarksTraffic, MHTC and City will provide a brand logo as part of the CCTV feed. The logo will appear in a prominent position of the OzarksTraffic feed. The logo cannot be altered, masked or covered in any way. This agreement does not obligate the Company to broadcast the CCTV and does not prohibit other sponsorship logos to be displayed during the traffic reports.
2. Company will broadcast three (3), thirty (:30) second Public Service Announcements (PSAs) per week for a total of six months. OzarksTraffic will provide Company a copy of the pre-recorded announcements for broadcast. Company shall broadcast all PSAs during the hours of 5:30am to 10:30 pm. Monday through Friday. Proof of performance of all PSAs will be required at the end of each month. Company shall provide OzarksTraffic with one copy of an air-check in DVD Format quarterly and grant OzarksTraffic copyright for re-broadcast. Company will broadcast one (1), ten (10) second PSA during each of its weekday morning newscasts for a period of six months. OzarksTraffic will provide Company a copy of the pre-recorded announcement, featuring the OzarksTraffic logo and web site address, for broadcast. Company may partner with OzarksTraffic in being a sponsor in the message upon mutual agreement.
3. Company agrees to provide technical assistance from Company's engineering staff for addressing OzarksTraffic technical issues regarding Company's connectivity to the OzarksTraffic system.
4. Company shall provide a hypertext link using the OzarksTraffic logo on Company web site, if applicable, to the OzarksTraffic homepage.
5. Company shall provide a written annual report to OzarksTraffic for each of its broadcast stations utilizing OzarksTraffic images. The report should include a description of population reach and other demographic information relevant to traffic reports, sponsorships, and traffic reports for OzarksTraffic monitoring of traveler information services.
6. If Company broadcasts radio traffic reports, Company will use verbal tag line provided by OzarksTraffic each time OzarksTraffic is used to gain broadcast information. In addition, Company shall broadcast ten (10), thirty (30) second Public Service Announcements (PSAs) per radio station, per month, to run Best Time Available for six months. Content will be determined by OzarksTraffic or its designated agent. In addition, Company shall provide one (1) OzarksTraffic traffic report sponsorship per day per radio station for six months. Proof of performance of all PSAs and sponsorships will be required at the end of each month.

Exhibit 3

1. Company will use verbal tag lines provided by OzarksTraffic, each time an OzarksTraffic CCTV image is broadcast for the duration of the contract. The Company and its spokespersons shall **not** take ownership of OzarksTraffic CCTVs referring to them as “our” OzarksTraffic cameras. It must be clearly stated the CCTV feeds are provided by OzarksTraffic, MHTC and City in one of the following ways:

- a. OzarksTraffic cameras brought to you by MoDOT and City of Springfield or
- b. OzarksTraffic cameras courtesy of MoDOT and City of Springfield or
- c. OzarksTraffic cameras