



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 City Council Meeting Agenda January 23, 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. JANUARY 9, 2023, CITY COUNCIL MEETING AND THE JANUARY 17, 2023, SPECIAL CITY COUNCIL**

MEETING.

Documents:

[1-09-23.PDF](#)

[01-17-2023 SPECIAL CITY COUNCIL MEETING.PDF](#)

3. **FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.**
4. **CEREMONIAL MATTERS.**
5. **CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.**
6. **SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On.**
7. **Council Bill 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](#)

8. **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](#)

9. 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](#)

10. Council Bill 2023-011 (Simpson)

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](#)

11. 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:

[2023-012.PDF](#)

12. 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](#)

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

14. Council Bill 2023-020 (Ollis)

A resolution authorizing the City Manager, or his designee, to apply for up to \$3,500,000 in grant funds from the United States Environmental Protection Agency Solid Waste Infrastructure for Recycling Grant Program for Political Subdivisions of States and Territories to fund infrastructure improvements to local waste management systems.

Documents:

[2023-020.PDF](#)

15. Council Bill 2023-021 (Hosmer)

A resolution authorizing the City Manager, or his designee, to apply for up to \$1,500,000 in grant funds from the United States Environmental Protection Agency Consumer Recycling Education and Outreach Grant Program to fund various activities to support, enhance, and inform expanded recycling participation and overall landfill waste diversion.

Documents:

[2023-021.PDF](#)

16. Council Bill 2023-022 (Ollis)

A resolution declaring the intent of the City of Springfield to utilize the Construction Manager At Risk project delivery method as set forth in Purchasing Manual, 13-3.104(5)(c) for the Historic City Hall

Renovation project; and setting forth selection criteria.

Documents:

[2023-022.PDF](#)

17. Council Bill 2023-023 (Hardinger)

A resolution authorizing the City Manager, or his designee, to apply for up to \$10,000,000 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 Renew Jordan Creek Project.

Documents:

[2023-023.PDF](#)

18. Council Bill 2023-024 (Schilling)

A resolution granting a Short-Term Rental Type 2 Permit for the property located at 410 East Loren Street for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

Documents:

[2023-024.PDF](#)

19. Council Bill 2023-025 (Hosmer)

A resolution initiating an administrative delay on the acceptance and processing of applications for demolition, new construction, re-platting of property, including lot combinations, conditional use permits, and rezoning for a period of two hundred ten (210) days from the date of passage of this Resolution for those properties which abut the Sunshine Street and National Avenue Corridor Area, to allow time to seek input from area residents, property owners, design professionals, and interested citizens regarding the Sunshine and National Corridor Plan and for staff to present a report to the Planning and Zoning Commission and City Council regarding the Sunshine Street and National Avenue Corridor Area, development constraints, and opportunities in this area.

Documents:

[2023-025.PDF](#)

20. EMERGENCY BILLS.

21. PUBLIC IMPROVEMENTS.

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

23. **Council Bill 2023-026 (Hardinger)**

A special ordinance authorizing the City Manager, or his designee, to accept grant funds in the amount of \$286,100 from a Food Waste Reduction Pilot Program Grant through the United States Department of Agriculture to fund improvements to the Yardwaste Recycling Center for acceptance of food waste materials for landfill diversion and outreach efforts to promote a food waste acceptance pilot program and to enter into a contract to receive such funds; amending the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in that amount upon award of the grant; and declaring that this bill qualifies as a one-reading bill.

Documents:

[2023-026.PDF](#)

24. **AMENDED BILLS.**

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

26. **Council Bill 2023-027 (Lear)**

A general ordinance amending Chapter 36, of the Springfield City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and 36-474, for the purpose of allowing the sale of Comprehensive (Recreational) Marijuana as required by revised Article XIV of the Missouri Constitution. (Staff and Planning and Zoning Commission both recommend approval.)

Documents:

[2023-027.PDF](#)

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

28. **Council Bill 2023-028 (Hardinger)**

A general ordinance amending the Springfield City Code, Chapter 82, 'Parks and Recreation,' Article I, 'General,' Section 82-1, 'Park rules generally,' to clarify the hours of operation and closure of the City's various park locations and to improve the consistent regulation of

alcohol throughout the park system.

Documents:

[2023-028.PDF](#)

29. Council Bill 2023-029 (Hosmer)

A general ordinance amending Chapter 120, 'Wastewater Regulations,' Article VI, 'Wastewater Charges and Rates,' Section 120-245, 'Rates,' and Section 120-247, 'Extra Charges,' of the Springfield City Code, by repealing the existing rate schedule and establishing a new rate schedule that provides for phased-in annual rate increases for three years, beginning July 1, 2023, which shall provide necessary funding for accommodating increases in operating costs and for the additional cost of complying with the Clean Water Act and Missouri Department of Natural Resources mandates.

Documents:

[2023-029.PDF](#)

30. Council Bill 2023-030 (Lear)

A special ordinance authorizing the City Manager, or designee, on behalf of the City, to enter into a First Amendment to the Battlefield Wastewater Service Contract to provide an expanded, Battlefield Annexation Boundary within which Battlefield can annex in order to provide wastewater services.

Documents:

[2023-030.PDF](#)

31. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

32. NEW BUSINESS.

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

33. UNFINISHED BUSINESS.

34. MISCELLANEOUS.

35. CONSENT AGENDA – FIRST READING BILLS.

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

37. **Council Bill 2023-031 (Hosmer)**

A resolution reelecting the Honorable John Appelquist as a substitute judge of the Springfield Municipal Court for a term of four years.

Documents:

[2023-031.PDF](#)

38. **Council Bill 2023-032 (Lear)**

A resolution reelecting the Honorable Matthew Owen as a substitute judge of the Springfield Municipal Court for a term of four years.

Documents:

[2023-032.PDF](#)

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

40. **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](#)

41. **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](#)

42. **END OF CONSENT AGENDA.**

43. **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.

January 9, 2023
Springfield, Missouri

The City Council met in regular session on January 9, 2023, in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure.

Roll Call

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

Minutes

The minutes of the December 12, 2022, City Council meeting, November 29, 2022, Special City Council meeting, and December 13, 2022, Special City Council meeting were considered.

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

Consent Agenda

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

CEREMONIAL MATTERS.

City Manager Report

Jason Gage, City Manager, noted the Missouri Highways and Transportation Commission approved funding for 28 local transportation projects, using \$75 million in budget stabilization funds under Governor Mike Parson's Transportation Cost-Share Program. Springfield received \$3.5 million, to be used in conjunction with another \$3 million dollar federal project, to improve roads in and around the Springfield Underground. The federally-funded project will widen LeCompte Road, a two-lane narrow road that travels around the Underground's east side. The new state money will be used to extend Eastgate Road, which currently ends at Division Street to the south of the Underground. These roadway improvements will improve the transportation network to get to and from the Springfield Underground, as well as provide larger-acreage sites for development on the surface.

Mr. Gage noted the Airport received news of a large federal grant coming its way. Retiring U.S. Senator Roy Blunt successfully earmarked \$6.4 million towards the cost of an apron expansion at the Airport's airline terminal. The expansion will lessen apron congestion as airliners arrive and depart the terminal. It will also help the Airport prepare for future expansion of the terminal building. Preliminary estimates put construction costs at about \$8.8 million.

Mr. Gage noted the City of Springfield Department of Workforce Development was awarded a \$500,000 grant from the Environmental Protection Agency to expand the Green for Greene environmental job training program.

Mr. Gage noted the Springfield Fire Department (SFD) had an especially busy Christmas weekend, responding to nearly 300 calls, with 90 occurring on Christmas Eve. Between Thursday, December 22 and Monday, December 26, the Fire Department responded to 290 incidents, including medical emergencies and water line ruptures due to below-freezing temperatures. Six of these incidents were working fires: five houses and one apartment. We are thankful for the men and women of SFD who make sacrifices to take care of our community.

Mr. Gage noted the latest edition of the SGF Neighborhood News was provided to City Council.

Police Chief Report

Chief Williams provided a summary of the 2022 year end data. Chief Williams noted the preliminary data from 2022 showed a decrease in reported crime from the 2021 data. He further noted the crime prevention quarterly Public Service Announcements showed an overall decrease in crime. Quarter 1 Auto Thefts showed a 30% reduction; Quarter 2 burglary had a 19% reduction; Quarter 3 Theft From Vehicles showed a 23.5% reduction; and Quarter 4 Robbery showed an overall 13% increase.

Chief Williams provided an update on the Data-Driven Approaches to Crime and Traffic Safety program, noting an increase in traffic stops and an overall decrease in traffic crashes and crime.

Chief Williams noted gun violence is the number one problem with approximately one incident per day. He noted a decrease over the past few months. He further noted gunfire occurs throughout the City. All recovered guns are run through the system to match individuals to the crime. He noted there were 229 seizures of illegal guns in 2022.

Chief Williams provided an update for the Mental Health Co-Response Program. He noted there were a total of 116 calls over the past four months, with 82 of the calls going through officers. Chief Williams noted the program is available 24 hours per day.

Chief Williams provided an update on staffing. He noted there are 44 vacant sworn officer positions, with 419 applications, 4 retirees rehired, and 1 lateral officer hired. He further noted of the two new Investigative Service Specialist positions approved, two have been hired, and of the three new Traffic Service Officer positions approved, two have been hired. Twelve additional Police Service Representatives were also hired in 2022.

Councilman Ollis asked if the saturation patrol found a great number of individuals with violations or warrants. Chief Williams answered affirmatively. Councilman Ollis noted proactive enforcement seems to be working. Chief Williams responded the proactive measures do make things safer.

Councilman McGull expressed his thanks for the good report. Mr. McGull asked how the proactive policing is affecting municipal numbers. Chief Williams responded this increases the number of municipal prisoners and court cases.

Councilwoman Horton asked for an update on guns and minors and expressed her opinion this is alarming. She asked what measures have been put into place to curb this crisis. Chief Williams responded incremental efforts have been made. Councilwoman Horton asked the average age for

juvenile gun offenders. Chief Williams responded 14 to 15 years of age. He noted education and a County task force was put together to review the issue. Chief Williams expressed his willingness to continue to work on the issue.

Councilman Hosmer expressed his thanks to Chief Williams for the report. He noted the addition of jail space allow for a consequence to crime. Councilman Hosmer asked if City cameras are used at any hot-spot crime locations. Chief Williams noted a request is being formed to ask the State for access to camera information. Councilman Hosmer asked if the new Traffic Safety Officers can write citations to non-licensed vehicles. Chief Williams responded a car must be in motion for a citation to be issued. Councilman Hosmer asked if saturation can be funded by the City. Chief Williams noted the extra funds are used for more patrol.

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 tabled to the January 9, 2023, 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.)

Mayor McClure noted the public hearing was held on November 14, 2022, and the proposed was tabled at the December 12, 2022, City Council meeting.

Councilman Hosmer expressed his opposition to the conditional use permit related to the proposed. He expressed his opinion this is not a proper use of the conditional use permit and is a poor location for a drive-through business.

Councilwoman Horton expressed her belief the location is not a proper location for the conditional use permit. Ms. Horton noted she went to the location and expressed her opinion the development is not conducive to quality of place.

Councilman Schilling asked for an update from staff. Mr. Gage noted the proposed went back to staff so the traffic issue could be reviewed.

Susan Istenes, Director of Planning and Development, noted staff reviewed traffic and the average for other 7 Brew businesses was 41 cars per hour, and the model showed no back-ups on Jefferson Street for anticipated traffic. Ms. Istenes noted a median could be installed if deemed necessary over time. She further noted staff reviewed the conditional use permit and found no way to require a median at the developer's expense.

Councilman Schilling asked who would pay for the median if it would be necessary in the future. Ms. Istenes responded the developer would not be required to pay for the median on Jefferson Street, and the City would be responsible. Mr. Schilling expressed his opposition to the conditional use permit.

Councilman Hosmer asked for clarification on a limited business district and asked if there are any that currently have a drive-through. Mr. Gage noted this is a specific request for a conditional use permit in a limited business district. Councilman Hosmer expressed his opinion a drive-through would allow the proposed to be used for a purpose that no longer follows the limited business district definition. He expressed his opinion this does not compliment the neighborhood.

Mayor Pro Tem Simpson asked if engineers believe there will be no impact on Jefferson Street and if traffic will be monitored for any traffic issues. Ms. Istenes answered affirmatively.

Ms. Istenes noted staff recommends approval as the applicant has added buffering , made additional changes for the site, and operates the business in an efficient manner.

Council Bill 2022-276. Special Ordinance 27788 was approved by the following vote: Ayes: Simpson, Ollis, Lear, McGull, and McClure. Nays: Schilling, Hosmer, and Horton. Absent: Hardinger. Abstain: None.

**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.)

Council Bill 2022-296. General Ordinance 6766 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**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.)

Council Bill 2022-297. General Ordinance 6767 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Amending
Springfield Land
Development
Code: Rezoning:**

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

**354 West Buena
Vista Street**

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.)

Council Bill 2022-298. General Ordinance 6768 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**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.)

Council Bill 2022-299. General Ordinance 6769 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

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

Sponsor: McClure. Council Bill 2022-300

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.

Council Bill 2022-300. Special Ordinance 27789 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

The following item appeared on the agenda under Resolutions.

**Jefferson Avenue
Footbridge
Rehabilitation
Project**

Sponsor: Horton. Council Bill 2023-001

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.

Tom Dancey, Traffic Engineer, provided a brief overview of the proposed. Mr. Dancey noted the proposed would allow the City to apply for up to \$8.6 million in grant funds from the United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity Grant Program to fund the Jefferson Avenue Footbridge Rehabilitation Project. He further noted the grant application is competitive, and the City made it to the final stage for the grant in 2022 and were encouraged to re-apply in 2023. He added they have also applied for a railroad crossing elimination grant.

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

Council Bill 2023-001. Resolution 10673 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

The following items appeared on the agenda under Emergency Bills.

**Election: City's
License Tax**

Sponsor: City Council. Council Bill 2023-002

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.

David Holtmann, Director of Finance, provided a brief overview of the proposed. Mr. Gage noted the proposed would allow an election to be held 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. The tax to promote tourism was last passed in 2004 bringing the total tax to five percent. He added the current distribution utilizes approximately half of the tax for tourism-related activities, with the remaining being utilized for Jordan Valley projects. There is one small allocation that goes to the Sports Commission and Arts Council. Mr. Holtmann noted the current tax does not include short-term rentals which directly compete with hotels and motels. The proposed would allow an increase of 2.95% for the Sports Commission and the Arts Council. He added there would be no expiration and this would be in effect on July 1, 2023.

Mayor McClure noted the many arts activities and sports activities that are the purpose for the tax.

Councilman Hosmer asked if the current short-term rentals are enforced. Mr. Holtmann responded they are currently working with the State and County and are looking into the use of tools to help expand registration compliance. Mr. Gage added the tools will give the City information to determine who is in compliance. Councilman Hosmer expressed his opinion compliance is important.

Councilwoman Horton asked how many votes are needed for the ballot measure to pass. Ms. Lewsader responded a simple majority.

Councilman Lear expressed his opinion it is necessary to level the playing field by taxing short-term rentals. He asked if the dollars will be available once the debt is repaid. Mr. Holtmann answered affirmatively.

An opportunity was given for citizens to express their views.

Tracy Kimberlin, a representative of the Springfield Convention and Visitors Bureau, spoke in support of the proposed. He expressed his opinion taxing short-term rentals is necessary to level the playing field. He noted short-term rentals will be promoted if the measure were to pass. He further noted the measure would provide much needed revenue for sports and arts facilities.

Mayor Pro Tem Simpson expressed his thanks to Mr. Kimberlin for his service to the community.

Councilwoman Horton asked how much revenue is lost from not taxing short-term rentals. Mr. Kimberlin responded approximately \$500,000.

Lance Kettering spoke in support of the proposed. He thanked City Council for their support in sports tourism. Mr. Kettering mentioned the need to market the sports facilities and expressed his opinion the additional funds will help Springfield be competitive.

Councilman Ollis asked if SportsTown will be marketed. Mr. Kettering answered affirmatively.

Jackson Zwikelmaier spoke in opposition to the proposed. Mr. Zwikelmaier expressed his opinion the tax should not be passed for short-term rentals due to what the tax revenue will be used for. He questioned if the funds would be better used for affordable housing. Mr. Zwikelmaier noted the increase in home and rent prices in the area and expressed his opinion the funds would be better used to assist citizens by expanding the home ownership down-payment program.

Councilwoman Horton expressed her agreement that housing related issues are in need. She noted the specific debt service in question will not expire until 2028. She expressed her opinion the City could be more involved in quality of life issues such as housing assistance.

Leslie Forrester, a representative of the Arts Council, spoke in favor of the proposed. Ms. Forrester noted sports and arts funding has a great impact on the community. She further noted many individuals travel to the community for these experiences.

Mayor Pro Tem Simpson expressed his support for the proposed. He noted the taxes paid by visitors are reinvested and make Springfield a better place to live. He acknowledged the latest American Rescue Plan Act (ARPA) funds that were allocated to affordable housing.

Councilman McGull expressed his support for the proposed and noted the best way to curb crime is to get young people involved in sports. He noted the World Cup is coming to Springfield in 2026.

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

Council Bill 2023-002. Special Ordinance 27790 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Section 2.16:
Acceptance of
Bids**

Sponsor: City Council. Council Bill 2023-003

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.

Mr. Gage provided a brief overview of the proposed. Mr. Gage provided a brief explanation of the Charter. Mr. Gage noted the proposed would allow an ordinance to be passed to allow City Council to accept bids from the State and Federal government and enter into contracts with the successful bidders at the City Council meeting at which it is introduced if deemed necessary.

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

Council Bill 2023-003. General Ordinance 6770 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Amendment to
Springfield City
Charter: Personnel**

Sponsor: City Council. Council Bill 2023-004

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.

Mr. Gage provided a brief overview of the proposed. Mr. Gage noted the proposed would submit a proposed amendment of sections of the Springfield City Charter to qualified voters of the City at the general election held on April 4, 2023. Mr. Gage further noted Section 3.3 would allow for changes to seasonal workers, Section 6.1 and 6.2 replace the word “personnel” with “human resources.” He added Section 6.5 addresses administrative assistants; Section 6.6 replaces “personnel” with “human resources” and addresses testing for rehire and addresses revising the provision authorizing a five-point veterans’ preference to a requirement to provide a reasonable veterans’ preference. He further noted it would expand eligibility to any veteran honorably discharged who served active duty. Section 6.7 replaces the word “personnel” with “human resources”.

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

Council Bill 2023-004. General Ordinance 6771 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**Amendment to
Section 19.16:
Revise Provisions;
Conflicts of
Interest**

Sponsor: City Council. Council Bill 2023-005

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.

Mr. Gage provided a brief overview of the proposed. He noted the proposed deals with conflicts of interest and allows amendments to the Springfield City Charter to be sent to voters to revise the provisions related to contracts or purchases by Councilmembers, salaried officers, or board and commission members and employees to follow state law requirements. He further noted State law requirements are more defined, especially regarding the definitions of direct and indirect.

Councilman Hosmer asked if the City would then be subject to State law. Rhonda Lewsader, City Attorney, answered affirmatively. Mr. Hosmer expressed his opinion the language should be changed to allow protection for the Charter. He noted these laws are subject to change and would then apply to the City.

Mayor McClure noted one of the issues is the definition of indirect. He expressed his opinion the State law is clearer.

Mr. Gage noted the probability of a State law change is low as it is fairly static.

Councilman Schilling expressed his opinion the language is not clear enough as to its meaning. Mr. Gage noted the language must be factual. Ms. Lewsader responded the language cannot appear to sway voters in any way. Mr. Schilling expressed his opinion the meaning should be clearer.

Councilwoman Horton asked the difference between the current language and the State statute. Ms. Horton expressed her opinion there should be no financial interest allowed. Mr. Gage responded some financial interest flexibility allows for mistakes and low level interactions. Mr. Gage noted there is a limited time frame and direct and indirect are not currently defined.

Councilman Lear expressed his opinion it is beneficial to tie the issue to existing language. He asked if there is a way to memorialize what current State law is at this time and lists the law out. Ms. Lewsader responded it is complex to attempt to draft the proposed in that way. Ms. Lewsader noted State law already applies and City Council has to be in compliance. The difference would be a penalty would be added in the Charter.

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

Mayor McClure moved Council Bill 2023-005 be tabled until the January 17, 2023, Special City Council meeting.

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

PUBLIC IMPROVEMENTS.

The following items appeared on the agenda under Grants.

Disaster Grants – Public Assistance Missouri COVID- 19 Pandemic Program

Sponsor: Hardinger. Council Bill 2023-006

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.

Katie Towns, Director of Public Health and Welfare, provided a brief overview of the proposed. Ms. Towns noted the proposed would allow the City to apply for and accept grant funds from the Department of Homeland Security Federal Emergency Management for qualifying expenditures.

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

Council Bill 2023-006. Special Ordinance was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

Epidemiology and Laboratory Capacity Community Health Worker Initiative Grant

Sponsor: Hosmer. Council Bill 2023-007

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 qualifies for approval in one reading.

Katie Towns, Director of Public Health and Welfare, provided a brief overview of the proposed. Ms. Towns noted the proposed would allow the City to accept an extension to the Epidemiology and Laboratory Capacity Community Health Worker Initiative grant. She added the grant would be used to add wrap around services such as food and transportation.

Councilwoman Horton noted a majority of the funds are designated to go toward salaries and asked if this is for the purpose of adding additional workers. Ms. Towns responded the funds will be allocated to extend the contracts of current Community Health Workers, as well as to potentially add two new positions. She added the grant has been utilized to provide Covid tests to families and has reached 8,600 people.

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

Council Bill 2023-007. Special Ordinance was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

AMENDED BILLS.

The following items appeared on the agenda under Public Hearing.

Anita Cotter, City Clerk read Council Bills 2023-008 and 2023-009 together.

**Springfield City
Code: Annexation:
6621 South
Innovation Avenue**

Sponsor: Simpson. Council Bill 2023-008

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.)

**Springfield Land
Development
Code: Rezoning:
6621 South
Innovation Avenue**

Sponsor: Simpson. Council Bill 2023-009

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.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would first allow for annexation of approximately 27 acres located at 6621 South Innovation Avenue, and then allow the property to be rezoned to a Government and Institutional Use District. She added this is currently a vacant parcel.

Mayor McClure asked if this annexation would push the Springfield city limits to the Christian County/Ozark city limits. Ms. Istenes answered affirmatively.

An opportunity was given for citizens to express their views.

Ricky Haase, a representative of Olson, spoke in support of the proposed. He further noted a neighborhood meeting was held, and a traffic study will be conducted.

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

**Springfield Land
Development
Code: Rezoning:
4121 South Cox
Avenue**

Sponsor: Schilling. Council Bill 2023-010

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.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow rezoning of 1.15 acres located at 4121 South Cox Avenue to Commercial Service District with Conditional Overlay District No. 221. She further noted an existing building on the site will be used to refurbish hospital beds.

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

Councilwoman Horton recused herself from Council Bill 2023-011.

Anita Cotter, City Clerk, noted Mayor Pro Tem Simpson will assume sponsorship of Council Bill 2023-011 as Councilwoman Horton, who was previously listed as the sponsor, recused herself.

**Springfield Land
Development
Code: Rezoning:
830 North Benton**

Sponsor: Simpson. Council Bill 2023-011

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.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed rezoning will make the proposed cohesive with Drury University.

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

**Amending the
Official Map:
Street Name
Change: West 3100
– East 3600 Block**

Sponsor: Simpson. Council Bill 2023-012

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

**of Republic Street
to Republic Road**

Zoning Commission both recommend approval.) (By: City of Springfield; West 3100 blk – East 3600 blk of Republic Street; Street Name Change No. 81.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow for a street name change for the West 3100 block through the East 3600 block of Republic Street to Republic Road. She further noted the Public Works Department has determined the difference between street and road causes confusion.

Mayor McClure asked if the change impacts anyone's address. Ms. Istenes noted the addresses will stay the same, but the street name will be changed.

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

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

**Addendum #1:
Springfield
Convention &
Visitors Bureau,
Inc.**

Sponsor: Hosmer. Council Bill 2023-013

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.

Tracy Kimberlin, a representative of the Springfield Convention and Visitors Bureau, provided a brief overview of the proposed. Mr. Kimberlin noted the proposed would allow addendum #1 and a budget revision for the annual agreement with the Springfield Convention & Visitors Bureau, Inc., executed on August 2, 2022. He further noted the changes include a reduction of the room tax revenue, reduction of cooperative advertising partnerships, receipt of funds from the Missouri Division of Tourism, and payment to Ozark Mountain Partnership for \$200,000 for a partnership for the prior fiscal year which was not billed until this fiscal year.

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

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

Chad Mann did not appear to address City Council.

Andrea Palamar addressed City Council. Ms. Palamar expressed her belief the City is in need of rent control and help for renters in Springfield. She noted the increase in rent costs and her personal rent has increased from \$375 per month for a one-bedroom apartment to \$565 per month for a one-year lease. She added the month-to-month price is \$615 per month. Ms. Palamar asked for help for renters in the City of Springfield.

Bruce Adib-Yazdi did not appear to address City Council.

NEW BUSINESS.

UNFINISHED BUSINESS.

MISCELLANEOUS.

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

**Preliminary Plat:
Campbell Acres** Sponsor: Schilling. Council Bill 2023-014

A special ordinance authorizing 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.)

**Preliminary Plat:
Porter's Crossing** Sponsor: Schilling. Council Bill 2023-015

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.)

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

**CID Appointment:
Cottle's Range** Sponsor: Hardinger. Council Bill 2023-016

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.)

Council Bill 2023-016. Resolution 10674 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

**CID Appointment:
Downtown
Springfield** Sponsor: Hosmer. Council Bill 2023-017

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.)

Council Bill 2023-017. Resolution 10675 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

CID Appointment: Sponsor: Lear. Council Bill 2023-018
Springfield Plaza

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.)

Council Bill 2023-018. Resolution 10676 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

CID Appointment: Sponsor: Ollis. Council Bill 2023-019
Commercial Street

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.)

Council Bill 2023-019. Resolution 10677 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

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

MHTC Sponsor: Hardinger. Council Bill 2022-301

Agreement:

Branson Vacation
Radio: Video
Sharing

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.

Council Bill 2022-301. Special Ordinance 27793 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

MHTC Sponsor: Hosmer. Council Bill 2022-302

Agreement: Gray

Media Group, Inc.:
Video Sharing

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.

Council Bill 2022-302. Special Ordinance 27794 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

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.

Council Bill 2022-303. Special Ordinance 27795 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

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.

Council Bill 2022-304. Special Ordinance 27796 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, and McClure. Nays: None. Absent: Hardinger. Abstain: None.

END OF CONSENT AGENDA.

Motion to Adjourn

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

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by
Michelle Brown

January 17, 2023
Springfield, Missouri

The City Council met in special session on January 17, 2023, in the Councilman Denny Whayne Conference Room on the 4th Floor of the Busch Municipal Building. The meeting was called to order by Mayor Ken McClure.

Roll Call

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

**Emergency Bills:
Council Bill
2023-005**

COUNCIL BILL 2023-005. (Tabled at the 1-09-23 City Council Meeting.)

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.

Mayor McClure noted Council Bill 2023-005 was tabled at the January 9, 2023, City Council meeting. He noted the issue being addressed is the current Charter states there is to be no direct or indirect financial involvement. He further noted “direct” and “indirect” are not defined, and this has created issues over time. He added this needs to be clarified.

Councilman Schilling expressed his belief the meaning is unclear. Jason Gage, City Manager, responded it is necessary to simplify the language to keep it concise and as understandable as possible. He added the question is simplified and the details are to be found within the State laws, the Missouri Constitution, or local ordinances. Councilman Schilling asked if the language could read that no interest is allowed. Mr. Gage responded the challenge is there is no flexibility for minimal amounts, and there is no clear process to determine intent. He further noted the need to use language that is short, concise, and understandable. He added, if adopted, the provisions related to conflict of interest would be revised to follow State law and have clarity. He noted State law already has definitions that have been in place for some time.

Mayor Pro Tem Simpson asked the differences between the current Charter language and the proposed State law provisions. Mr. Gage responded the State provision allows some allowance and flexibility for misunderstanding and discretion regarding conflicts of interest while the current City Charter does not. State law defines the provisions more clearly. Mayor Pro Tem Simpson asked if the Charter section was tied to State law and a conflict occurred, would the State be responsible to take action. Rhonda Lewsader, City Attorney, noted any complaint regarding the Charter will be handled by the City and any State statute complaint will be handled by the State.

Councilwoman Horton expressed her opinion it is difficult to tell what State statute says at face value. Councilwoman Horton asked if education will be provided to citizens to better understand the language and expressed her belief the current language needs to be clear for voters. Ms. Lewsader responded the City can provide

information as long as neutral language is used in ballot language or informational material. She added the language could be rearranged to provide clarity. Mr. Gage responded ballot language is matter-of-fact and limited as to not sway voters. He added the detail is in the ordinance itself. Ms. Horton expressed her belief the language should be clear. Mr. Gage responded it is difficult to change the language without having definitions in place.

Mayor McClure expressed his belief it is important to define direct and indirect. He asked if the terms can be defined by ordinance. Ms. Lewsader responded the items must have the same weight if there is no definition, making the issue of being defined by ordinance complicated.

Councilman Lear expressed his opinion going to State statute makes sense and asked if language could be added to include unless permitted by State law or a similar phrase. Ms. Lewsader responded this would be permissible.

Councilman Hosmer asked if State statutes have been previously referenced in the Charter. Ms. Lewsader responded she would have to review. Councilman Hosmer expressed his opinion it is necessary to have language more static than State statute. He asked if the current language could have a provision added. Ms. Lewsader answered affirmatively. Councilman Hosmer suggested to define “direct” and “indirect” including “except as modified by ordinance.” Ms. Lewsader responded doing so without limitations would allow the entire thing to be modified by ordinance and be open for subsequent City Councils to modify as well.

Mayor Pro Tem Simpson noted State statutes rarely change while if changed by ordinance, more changes could occur.

Mayor McClure noted one option for City Council is to withdraw the proposed and reintroduce it in August. He further noted he would like to have a definition for the indirect reference. He expressed his belief the issue needs clarity and needs to be resolved as quickly as possible. Mr. Gage noted if significant language changes are needed or if there is not strong support, the issue will need to wait.

Councilman McGull suggested the proposed be sent to a City Council Committee for review.

Mayor Pro Tem Simpson asked if the language was taken from Columbia. Ms. Lewsader responded the approach was taken from Columbia.

Councilman Lear suggested it would be cleaner to tackle the language with a seasoned City Council.

Mayor Pro Tem Simpson suggested setting this to State law as a minimum.

Councilwoman Horton suggested making the language clear letting the voters decide whether there should be financial interest or not. Councilman Lear asked if an addition “other than as allowable by State law” could be added.

Councilman Schilling asked if the Revised Statutes of Missouri (RSMo) handout could be followed and if language could be revised to define “direct” and remove

the “indirect” reference. Mr. Gage responded there is a risk to removing or amending language.

Councilwoman Horton asked if the proposed changes were previously sent to Committee. Mayor McClure responded they were not.

Mayor McClure moved to refer Council Bill 2023-005 to the Finance and Administration Committee to review Charter Section 19.16 and make recommendations to City Council.

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

Closed Session

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

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

Prepared by
Michelle Brown

Anita J. Cotter, CMC/MRCC
City Clerk

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.

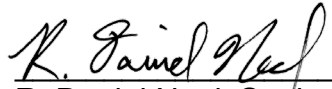
REMARKS: The area to be annexed is contiguous to the City of Springfield. See "Exhibit B" for the location of the private property to be annexed.

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.

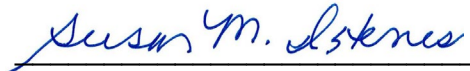
Staff recommends the annexation of this private property.

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

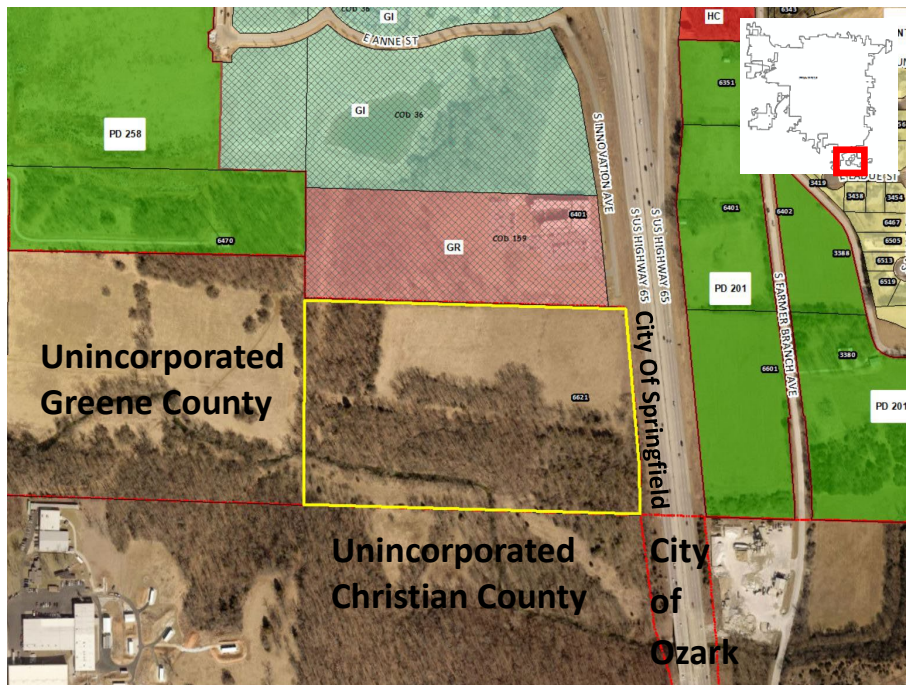
A PART OF THE S $\frac{1}{2}$ OF THE SE $\frac{1}{4}$, SECTION 28, TOWNSHIP 28, RANGE 21, GREENE COUNTY, MISSOURI. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING 28 RODS SOUTH OF THE NW CORNER OF SAID SW $\frac{1}{4}$ SE $\frac{1}{4}$; THENCE SOUTH 858 FEET; THENCE EAST 1404.6 FEET TO WEST LINE OF 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:

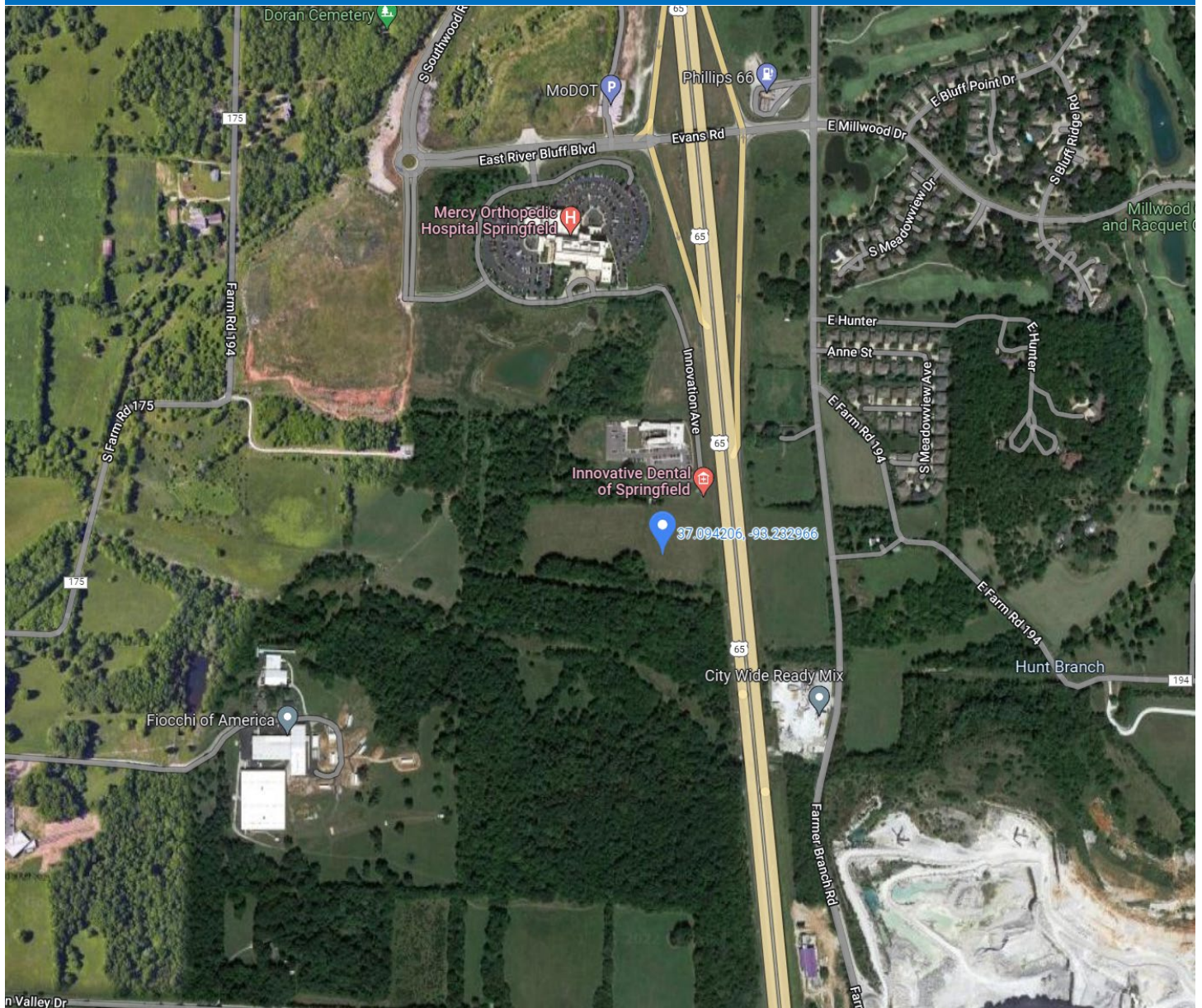
1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous and compact to the City of Springfield and is bounded on two sides by the City of Springfield.
3. The *Growth Management and Land Use Plan* of the *Comprehensive 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:

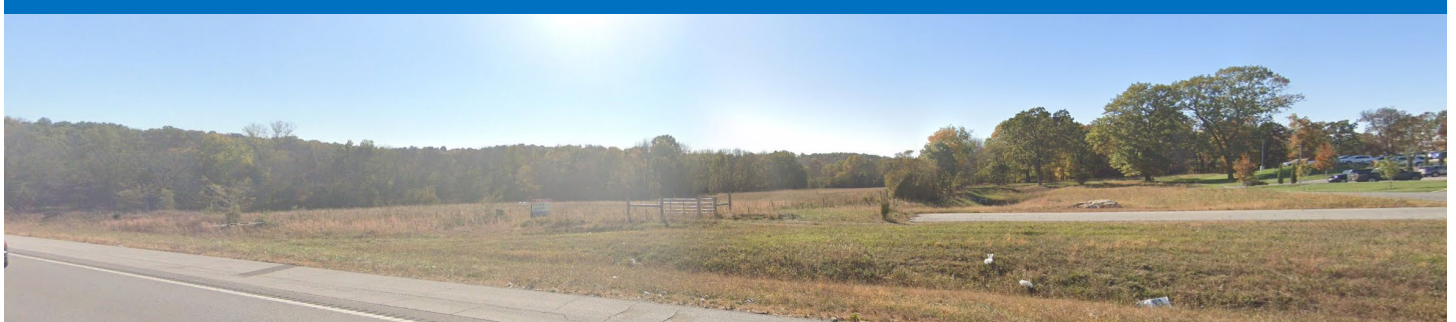
	NORTH	SOUTH	EAST	WEST
ZONING	GR	Christian County	US 65 Hwy & PD 201	Greene County A-1
LAND USE	Dental clinic	Vacant/undeveloped	Vacant/undeveloped	Vacant/undeveloped

Development Review Staff Report

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

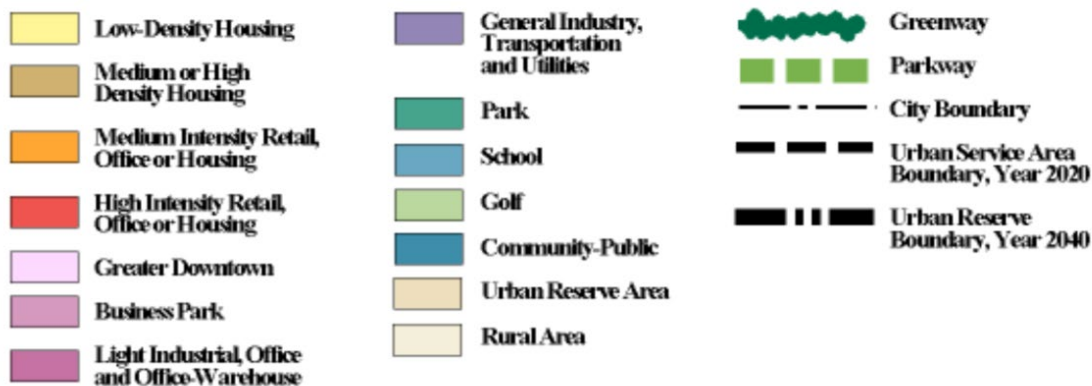
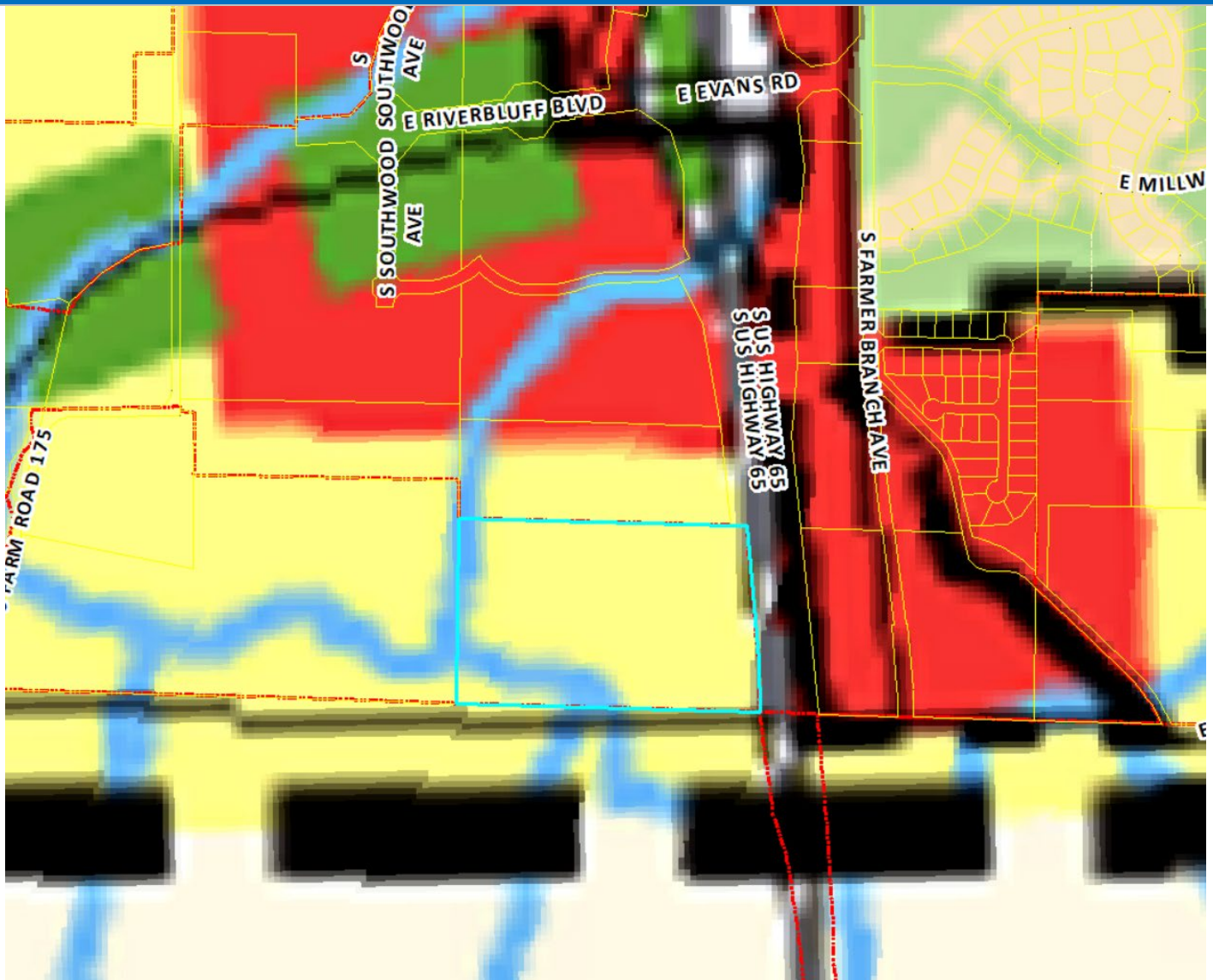


GOOGLE MAPS STREET VIEW:

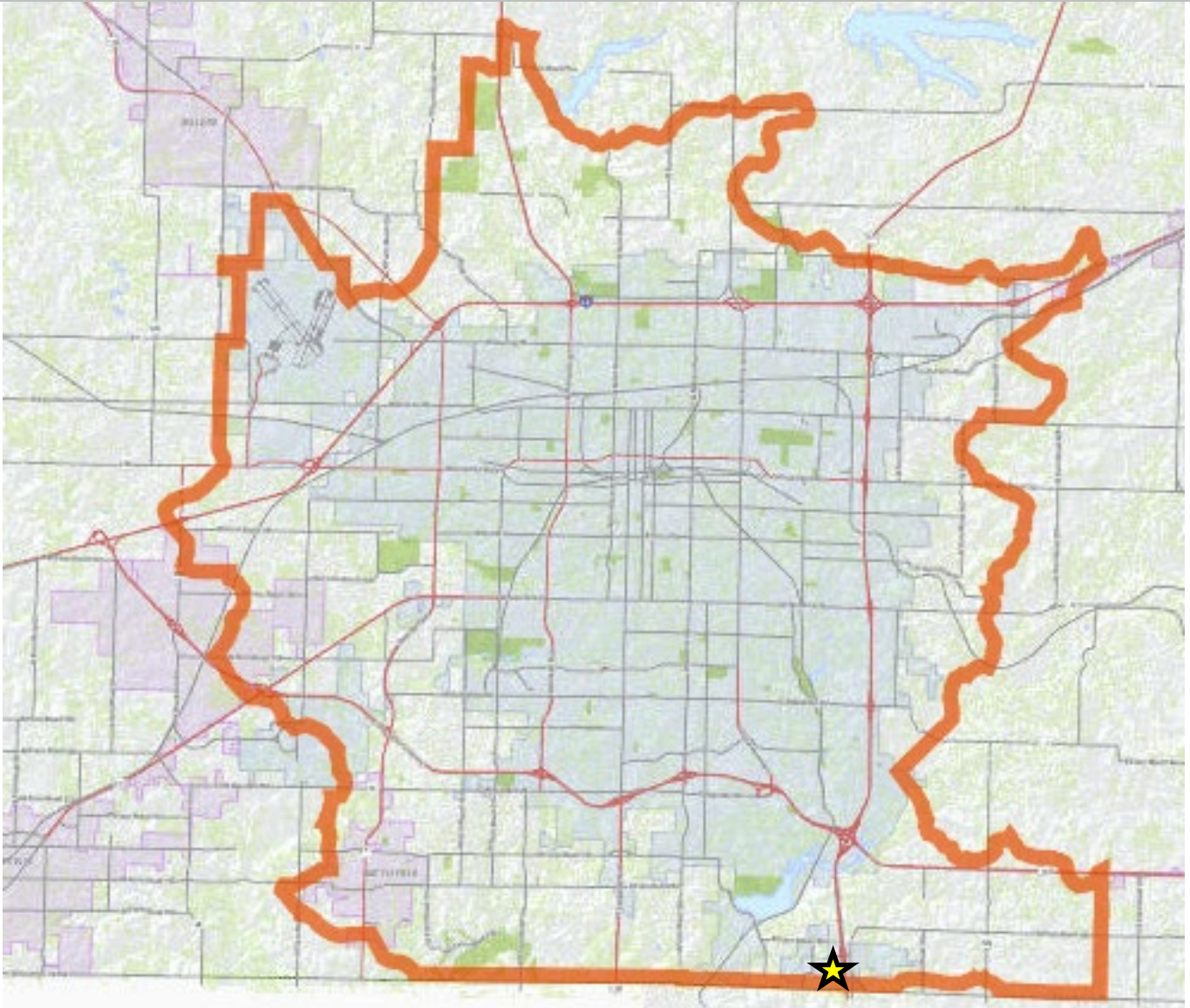


Development Review Staff Report

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 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 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).

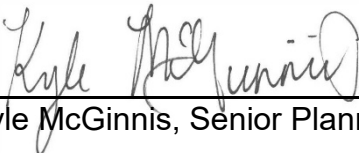
FINDINGS FOR STAFF RECOMMENDATION:

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:



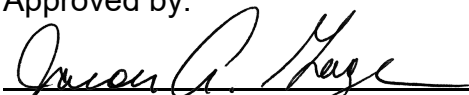
Kyle McGinnis, Senior Planner

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

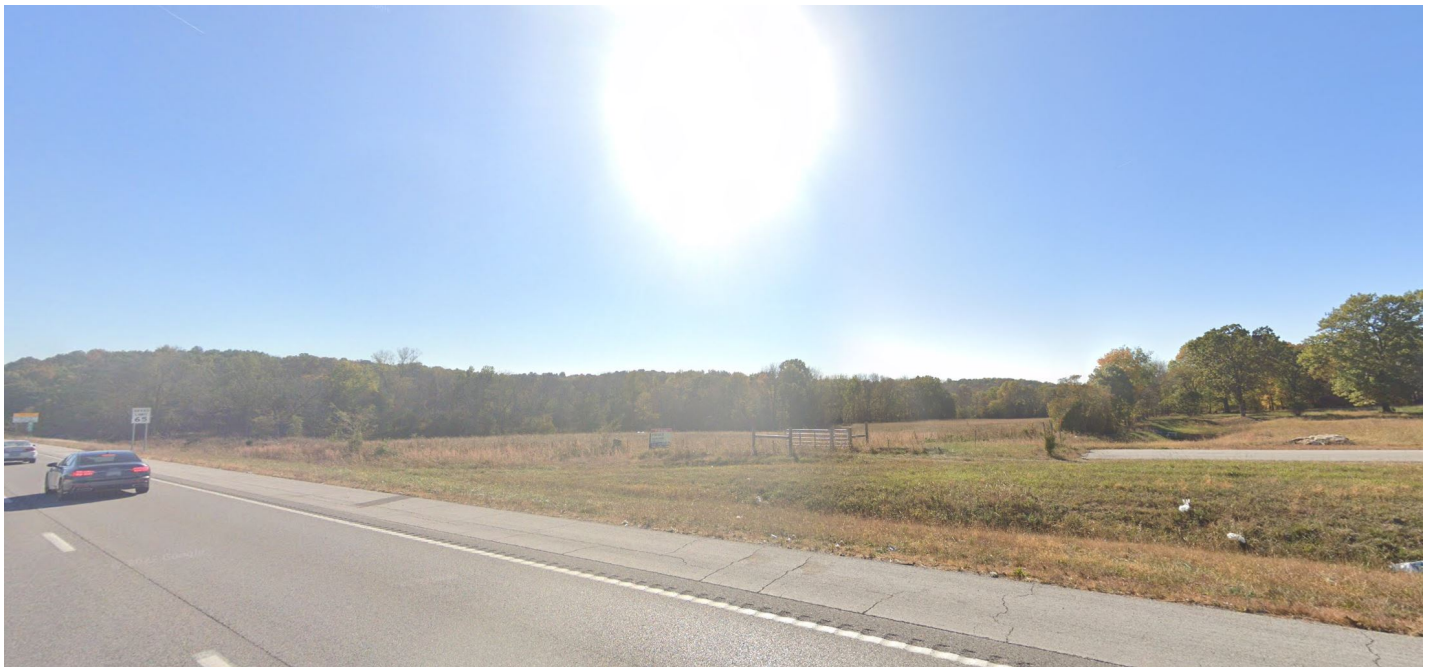
Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)

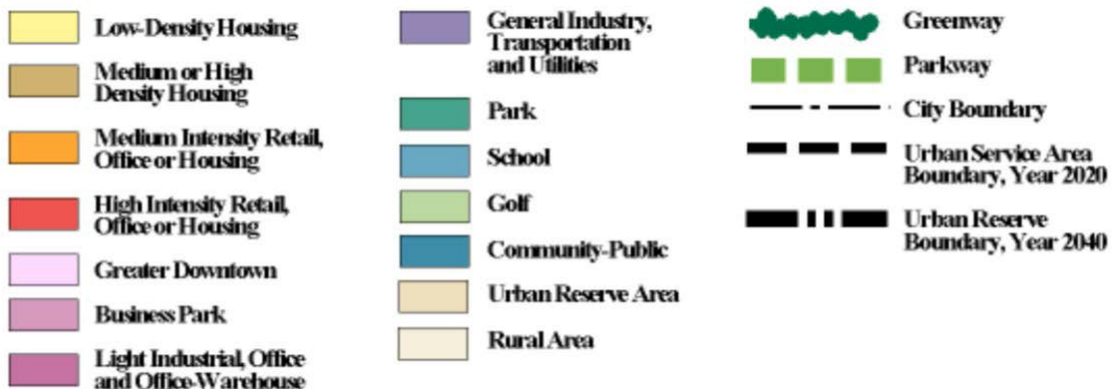
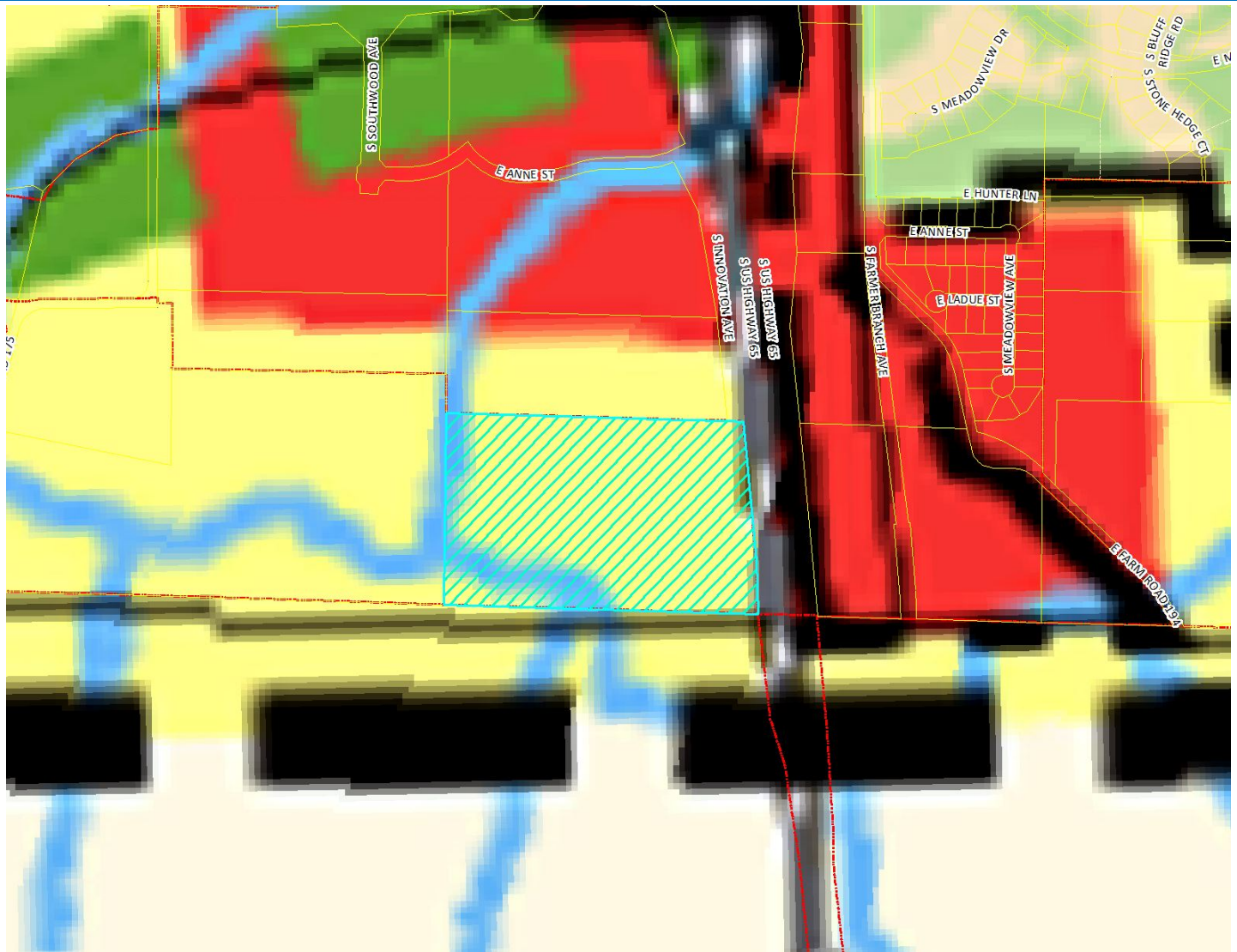


GOOGLE MAPS STREET VIEW:



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.

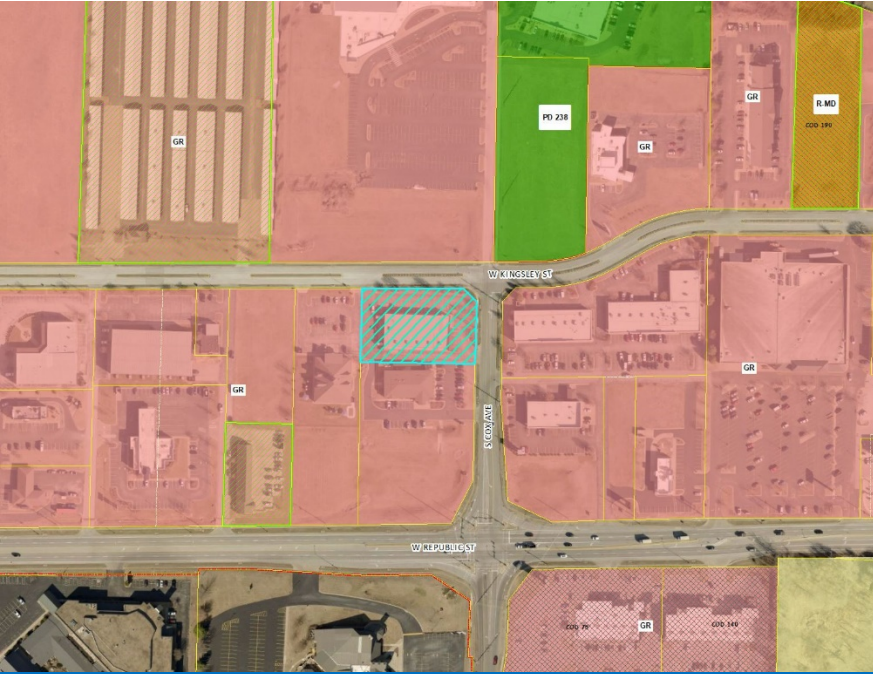
COMMISSION ACTION:

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



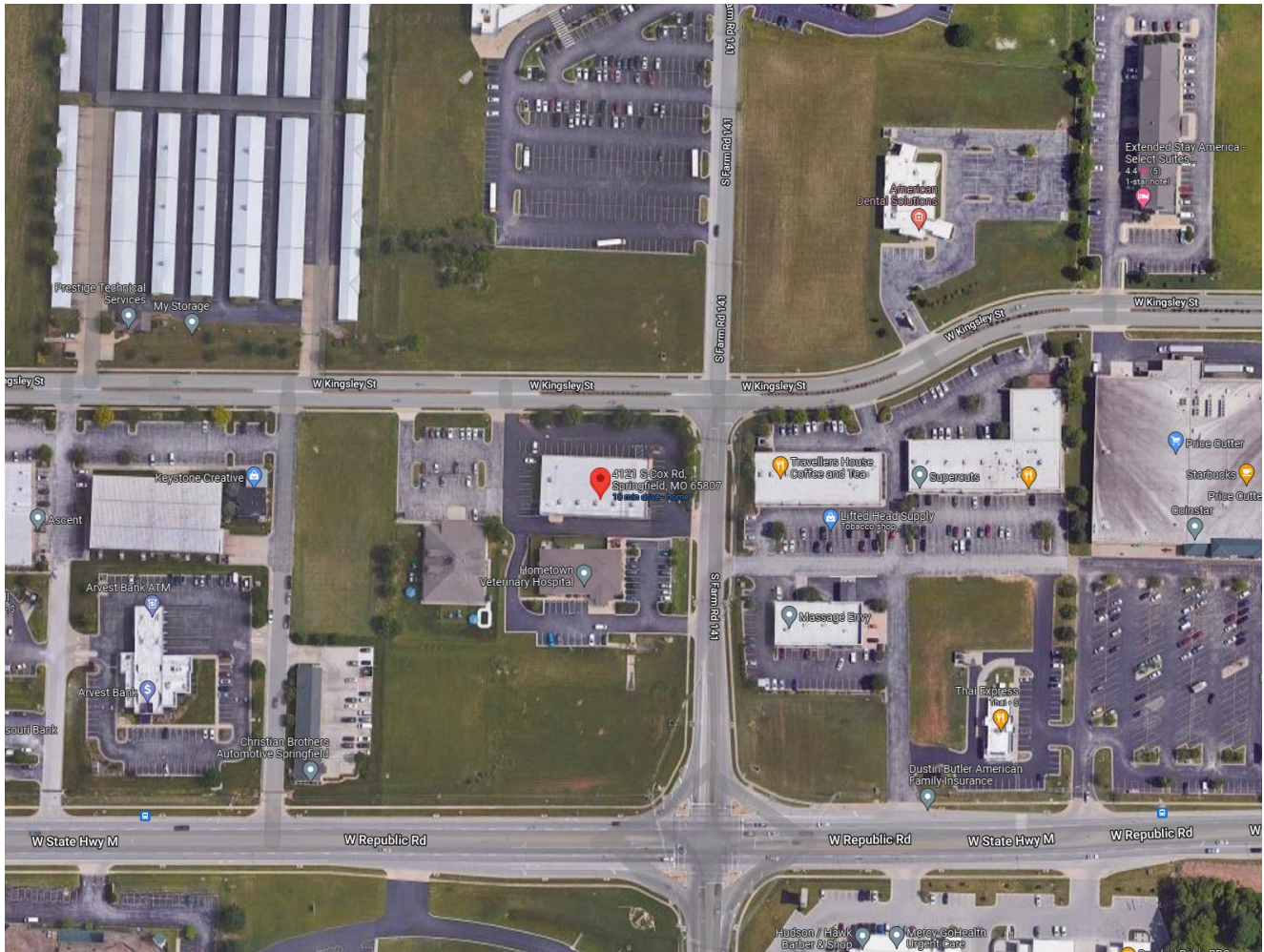
5. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

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)

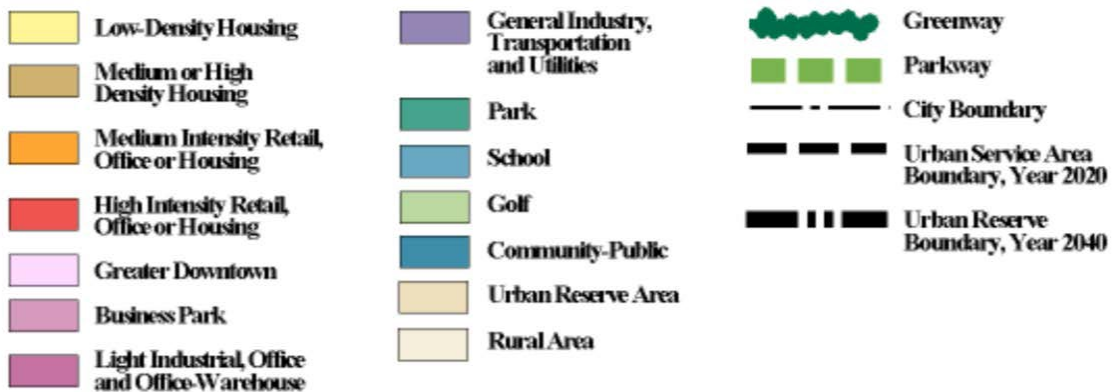


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



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. Hrings. 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 Mayor

50
51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

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

57
58
59 Approved for Council action: Juan A. 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.

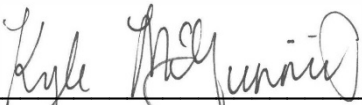
The Planning and Development staff recommends the application be approved (see the attached "Exhibit C"- Development Review Staff Report).

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.

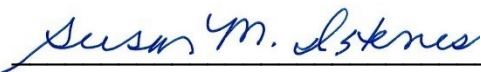
4. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.
5. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:



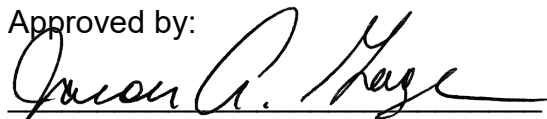
Kyle McGinnis, Senior Planner

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.

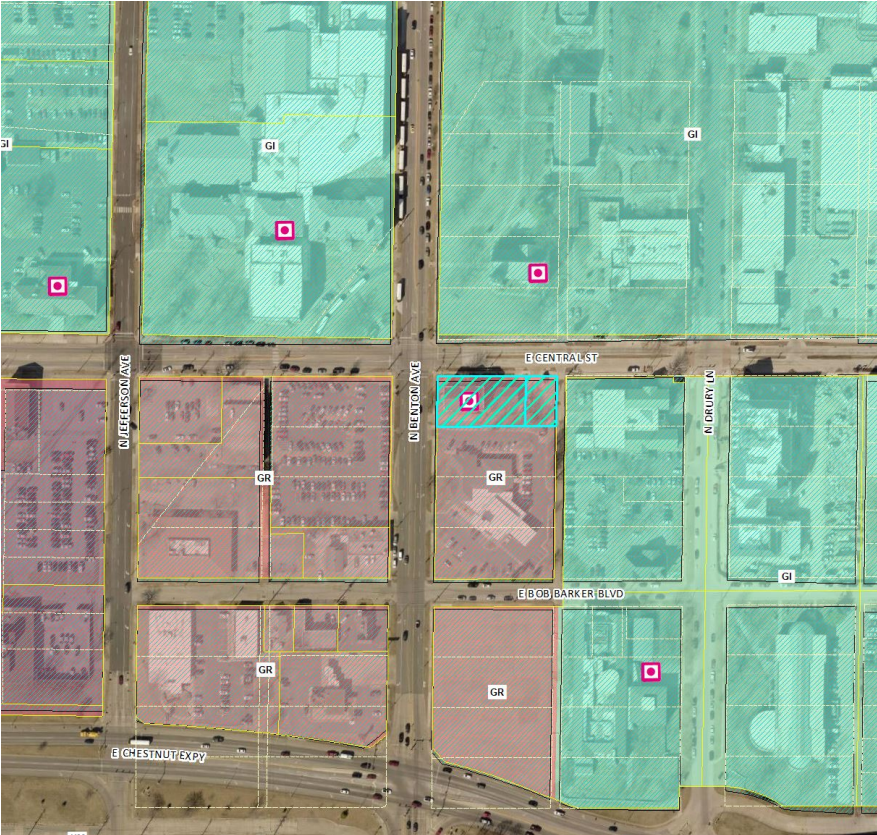
COMMISSION ACTION:

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.

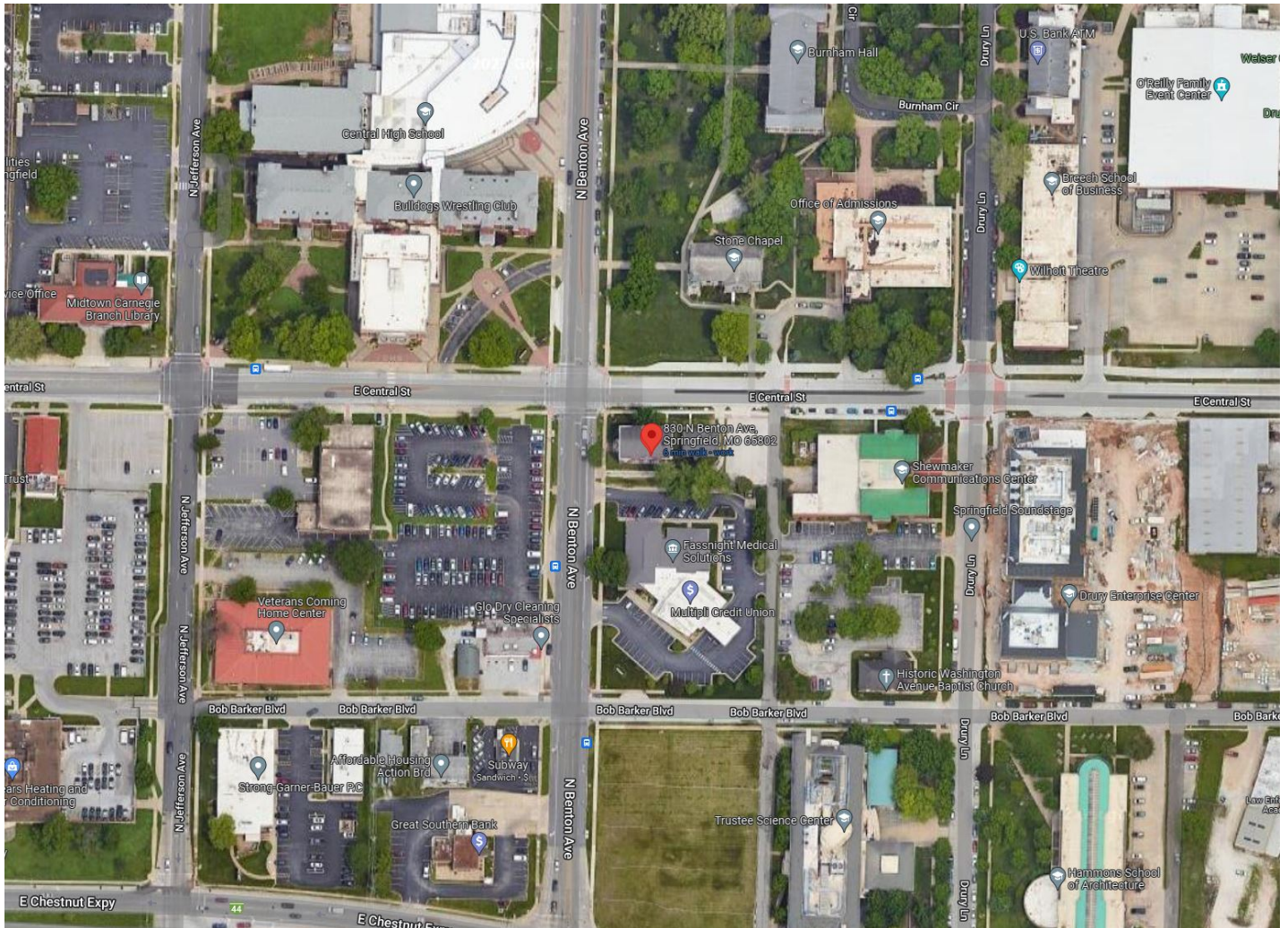
SURROUNDING ZONING AND LAND USES:

	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)



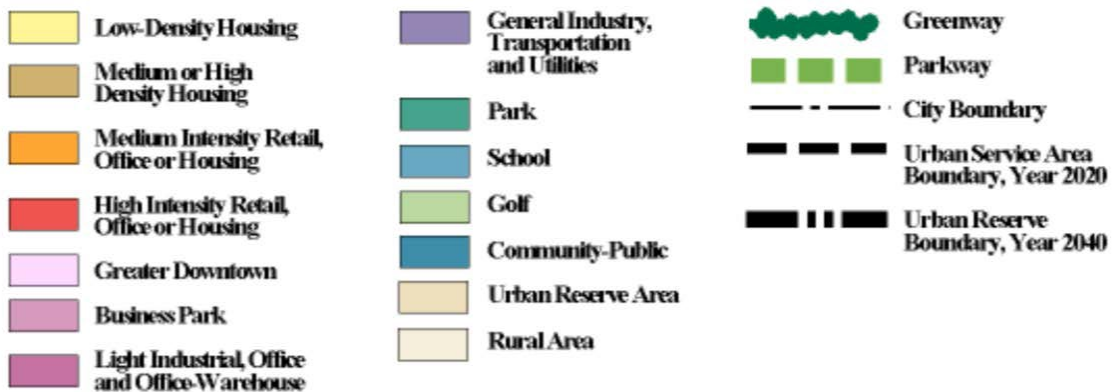
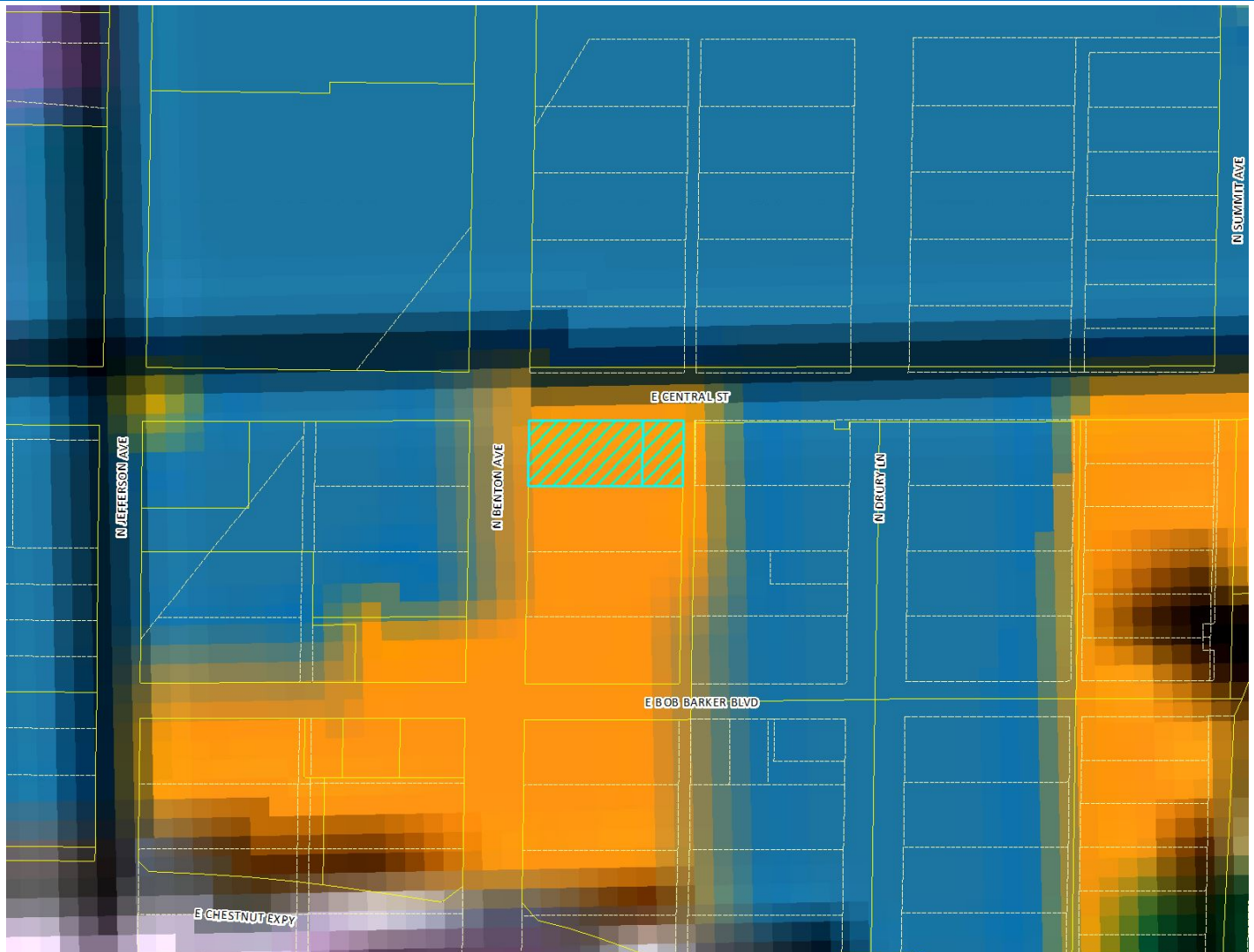
GOOGLE MAPS STREET VIEW:



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.

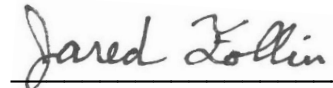
The Planning and Development staff recommends the application be **approved** (see the attached "Exhibit B"- Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

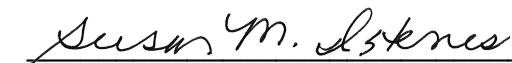
1. This request re-assigns the addressing block and name of Republic "Street" to Republic "Road" in the City's street system in order to reduce confusion and improve emergency response. Property address numbers will not change as part of this request.
2. The City of Springfield Public Works Department 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.



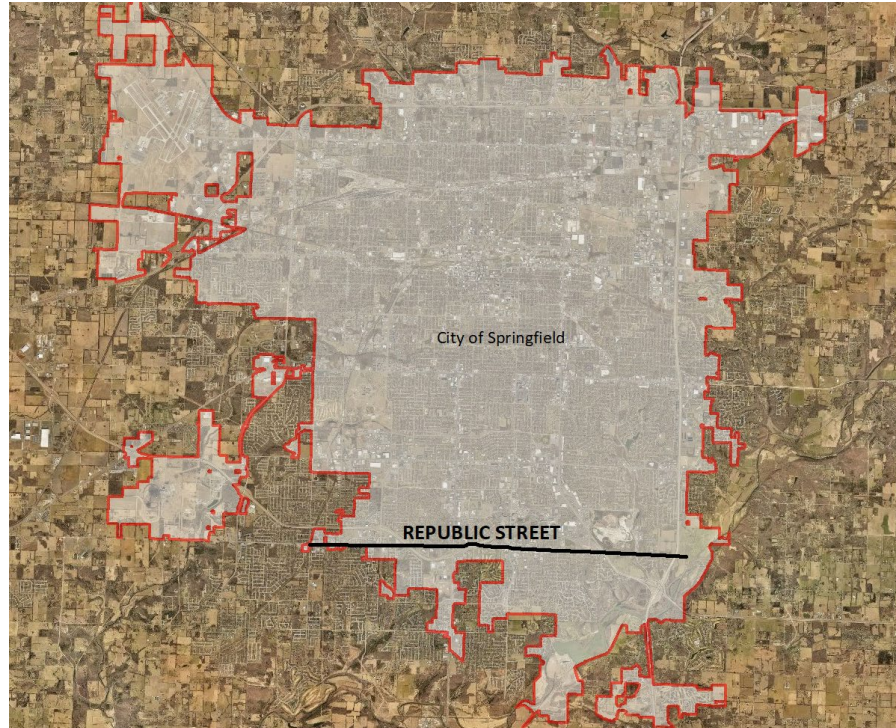
Bob Hosmer, AICP
Planning Manager

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).

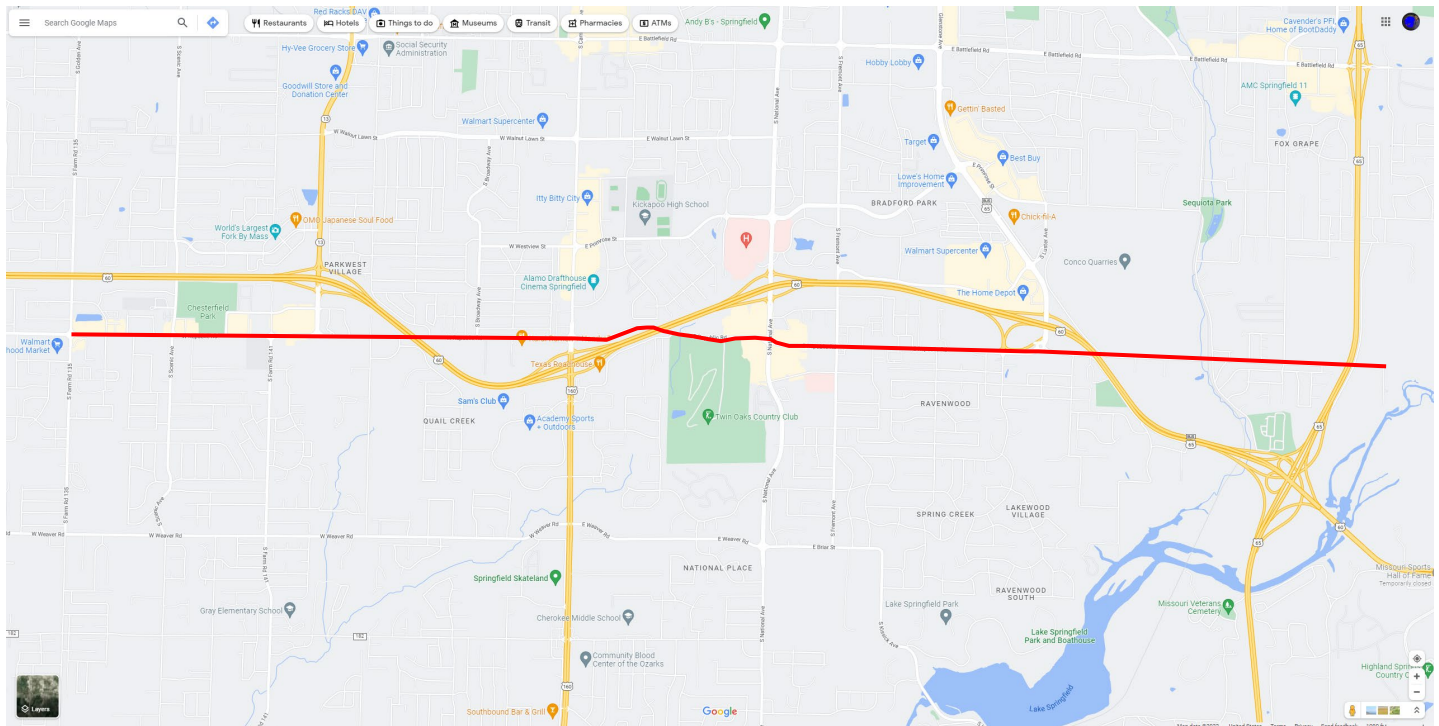
FINDINGS FOR STAFF RECOMMENDATION:

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

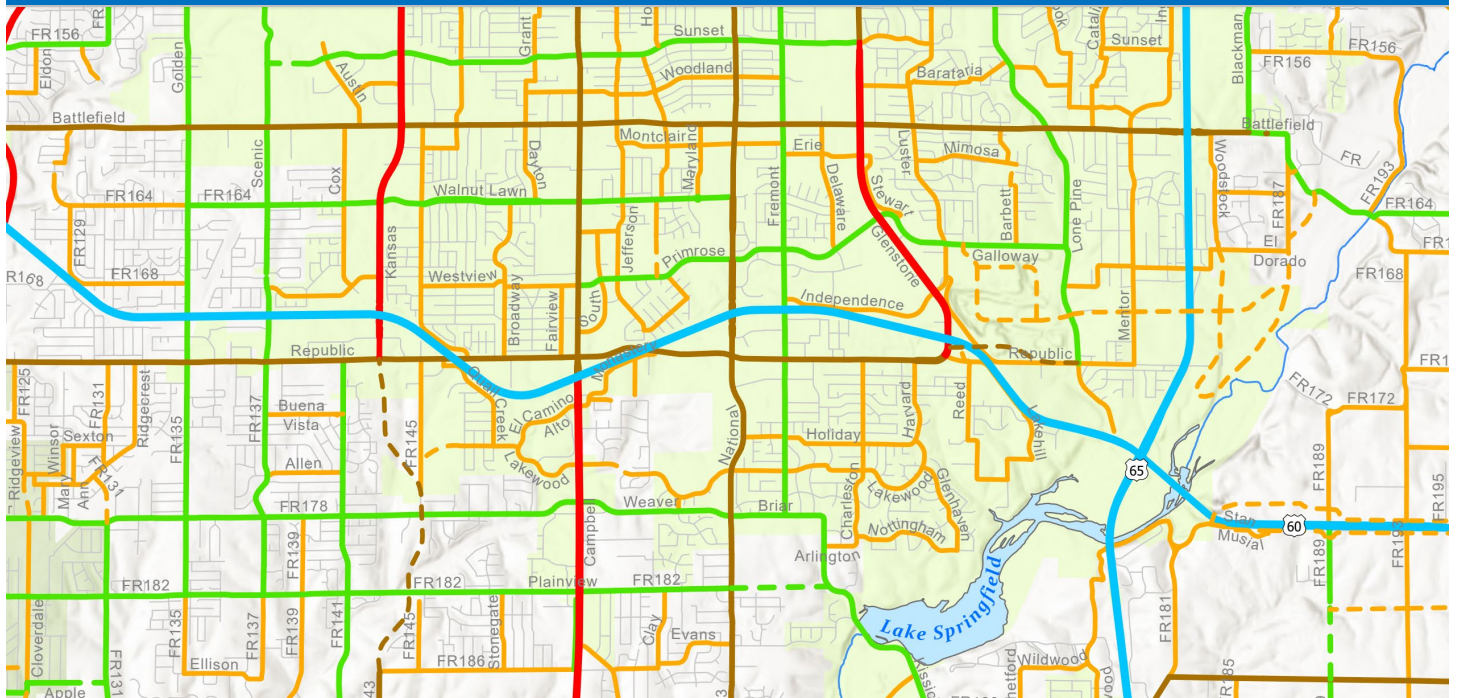


SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



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.

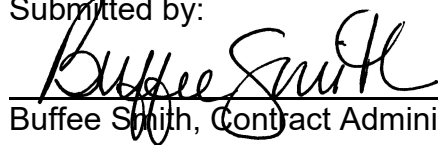
PURPOSE: Approving an addendum to the Springfield Convention & Visitors Bureau, Inc. ("SCVB") annual agreement and amending the budget of the City for the Fiscal Year 2022-2023 to reflect current and projected operational changes.

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.

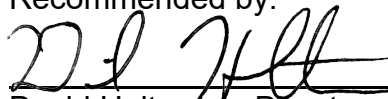
The SCVB's total revenue budgeted for Fiscal Year 2022-2023 was \$4,199,300. This addendum increases the total revenue budget to \$4,702,050 with \$571,250 coming from SCVB's fund balance and increases budgeted expenditures from \$4,199,300 to \$4,702,050. The operating budget and marketing plan expenses 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:

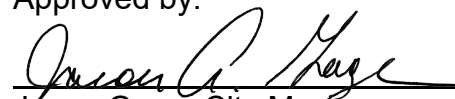

Jason Gage, City Manager

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:

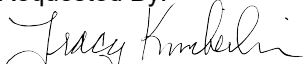
Fund	Dept	Org	Account	P&G	Location	Amount	Description
29510	09	22010	500110	000000	00000	\$ 38,250	FT PAYROLL
29510	09	22010	500130	000000	00000	(8,100)	
29510	09	22010	500210	000000	00000	4,150	RETIREMENT
29510	09	22010	500250	000000	00000	600	FICA
29510	09	22010	500260	000000	00000	(400)	HEALTH INSURANCE
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:

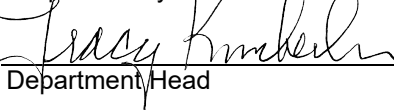
Fund	Dept	Org	Account	P&G	Location	Amount	Description
29510	09	22010	505050	000000	00000	\$ (13,250)	DIRECT MAIL
29510	09	22010	505020	000000	0000	97,200	BILLBOARDS
29510	09	22010	505030	000000	0000	(13,650)	BROCHURE AND PRINTED MATERIALS
29510	09	22010	505060	000000	0000	35,950	OTHER ADVERTISING
29510	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:

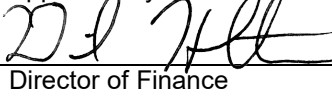
Fund	Title	Amount
29510	Fund Balance Transfer	(571,250)

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. X
P. Hrngs.
Pgs. 4
Filed: 01-17-23

Sponsored by: Ollis

COUNCIL BILL 2023- 020 RESOLUTION

A RESOLUTION

1 AUTHORIZING the City Manager, or his designee, to apply for up to \$3,500,000 in
2 grant funds from the United States Environmental Protection Agency
3 Solid Waste Infrastructure for Recycling Grant Program for Political
4 Subdivisions of States and Territories to fund infrastructure
5 improvements to local waste management systems.
6
7

8 WHEREAS, the United States Environmental Protect Agency (“EPA”) Solid
9 Waste Infrastructure for Recycling (“SWIFR”) Grant Program put out a Request for
10 Applications; and
11

12 WHEREAS, the SWIFR grant program provides funding to support high impact
13 projects to increase recycling, reduce contamination, and promote a circular economy
14 for sustainable materials management by making much-needed investments in solid
15 waste management infrastructure; and
16

17 WHEREAS, the Integrated Solid Waste Management System is comprised of;
18 the Noble Hill Sanitary landfill, 3 drop off recycling facilities, a household chemical
19 collection facility, a yard waste recycling facility, education & market development
20 programs, and a hauler operated curbside collection program; and
21

22 WHEREAS, these facilities continue to operate at an increased regional service
23 level resulting in heightened infrastructure impacts; and
24

25 WHEREAS, grant funding, if awarded, would supplement existing local funding
26 including but not limited to the Solid Waste Enterprise Fund.
27

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

31 Section 1 – The City Manager, or his designee, is authorized to apply for a
32 SWIFR grant from the Environmental Protection Agency in an amount up to \$3,500,000
33 to support the goals of the Integrated Solid Waste Management System, and to do all

34 things necessary to receive such funds, including entering into a contract, provided the
35 form of any such contract is approved by the City Attorney or her designee.
36

37 Section 2 – This Resolution shall be in effect from and after passage.
38

39 Passed at meeting: _____
40

41 _____
42 Mayor

43 Attest: _____, City Clerk
44

45 Filed as Resolution: _____
46

47
48 Approved as to form: *Jim Millington*, Assistant City Attorney
49

50
51 Approved for Council action: *Jason A. Hays*, City Manager

EXPLANATION TO COUNCIL BILL 2023- 020

FILED: 01-17-23

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: Authorizing the City Manager or his designee, to apply for up to \$3,500,000 in grant funds from the United States Environmental Protection Agency (“EPA”) Consumer Solid Waste Infrastructure for Recycling (“SWIFR”) grant program to fund infrastructure improvements within our Integrated Solid Waste Management System.

BACKGROUND: As part of the Integrated Solid Waste Management System (“ISWMS”) the Springfield Noble Hill Sanitary Landfill has a vested interest in ensuring waste diversion of potentially recyclable materials to facilitate landfill lifespan for future citizens of Springfield and the larger regional wasteshed. Over the past 4 years, neighboring communities have been forced to close 6 drop off recycling facilities within our region. As such, the Springfield ISWMS facilities continue to operate as a regional resource for not just Springfield citizens, but citizens from the surrounding 5 county area and beyond. As referenced in the 2017 Waste Composition Study performed by the Missouri Department of Natural Resources, over 70% of the materials sent to the landfill could have been recycled prior to their disposal, highlighting the need for continued investments and improvements to existing and future recycling facilities, as well as continued investments in community education about recycling and the options available to citizens.

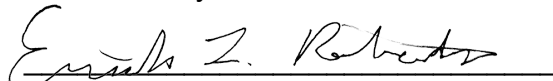
As the regional need for recycling continues to grow, staff anticipate increased impacts to equipment and our facilities across the ISWMS. Additional infrastructure needs include the proposed Lone Pine Recycling Center improvements, recycling collection and hauling vehicles, entrance improvements to the Yardwaste Recycling Center, signage, and support for our well-utilized mattress recycling program. These interconnected facilities, combined with our Education, Outreach, and Market Development programs provide a variety of options to our region’s citizens to promote much needed landfill diversion options. The SWIFR Grant program could provide the funding needed for this effort. It is anticipated that projects selected for this grant will be announced by April 2023.

This grant would support the following City Council Priorities:

- Quality of Place
- Economic vitality

REMARKS: Environmental Services recommends passage of this bill.

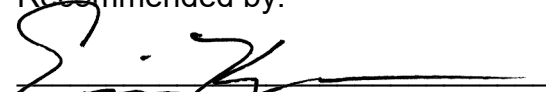
Submitted by:



Erick Roberts

Assistant Director of Environmental Services

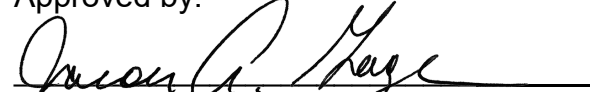
Recommended by:



Errin Kemper, P.E.

Director of Environmental Services

Approved by:



Jason Gage

City Manager

One-rdg. X
P. Hmgs.
Pgs. 4
Filed: 01-17-23

Sponsored by: Hosmer

COUNCIL BILL 2023-021 RESOLUTION

A RESOLUTION

1 AUTHORIZING the City Manager, or his designee, to apply for up to \$1,500,000 in
2 grant funds from the United States Environmental Protection Agency
3 Consumer Recycling Education and Outreach Grant Program to fund
4 various activities to support, enhance, and inform expanded recycling
5 participation and overall landfill waste diversion.
6
7

8 WHEREAS, the United States Environmental Protect Agency (“EPA”) Consumer
9 Recycling Education and Outreach (“REO”) Grant Program put out a Request for
10 Applications; and
11

12 WHEREAS, the City’s Integrated Solid Waste Management System operates the
13 Noble Hill Sanitary landfill and has a vested interest in increasing divertible waste from
14 the landfill; and
15

16 WHEREAS, recyclable materials make up over 70% of the total landfill tonnage
17 accepted; and
18

19 WHEREAS, average daily tonnage rates are impacting the overall life
20 expectancy of the landfill; and
21

22 WHEREAS, Environmental Services Solid Waste Staff seek to increase
23 education and outreach efforts to the regional wasteshed to improve waste diversion.
24

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

28 Section 1 – The City Manager, or his designee, is authorized to apply for a grant
29 from the Environmental Protection Agency in an amount up to \$1,500,000 to support the
30 goals of the Integrated Solid Waste Management System, and to do all things
31 necessary to receive such funds, including entering into a contract, provided the form of
32 any such contract is approved by the City Attorney or her designee.
33

34 Section 2 – This Resolution shall be in effect from and after passage.
35

36 Passed at meeting: _____
37 _____
38 Mayor
39
40 Attest: _____, City Clerk
41
42 Filed as Resolution: _____
43
44
45 Approved as to form: Jim Millington, Assistant City Attorney
46
47
48 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2023-021

FILED: 01-17-23

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: Authorizing the City Manager, or his designee, to apply for up to \$1,500,000 in grant funds from the United State Environmental Protection Agency (“EPA”) Consumer recycling Education and Outreach (“REO”) Grant Program to fund various activities to support, enhance, and inform expanded recycling participation and overall landfill waste diversion.

BACKGROUND: As part of the Integrated Solid Waste Management System (“ISWMS”) the Springfield Noble Hill Sanitary Landfill has a vested interest in ensuring waste diversion of potentially recyclable materials to facilitate landfill lifespan for future citizens of Springfield and the larger regional wasteshed. As referenced in the 2017 Waste Composition Study performed by the Missouri Department of Natural Resources, over 70% of the materials sent to the landfill could have been recycled prior to their disposal. At that time, average landfill tonnage was around 650 tons a day. Over the course of the past 5 years, staff have seen significant landfill tonnage increases, with daily tonnage averaging approximately 1,000-1,200 tons per day. At this current rate, staff estimate that the life expectancy of the landfill is approximately 50 years to close. In addition, while staff have a picture of waste materials entering the landfill, there is a gap in information regarding our curbside recycling participation rate, and overall community recycling rate.

Noting the increase in landfill tonnage and information gaps needed to better inform citizens and drive diversion, staff proposes to implement a staged approach to a regional education and outreach effort, beginning with baseline assessments of current waste composition at the landfill and regional recycling participation. Following this informational stage, staff, in collaboration with regional partners, will develop and implement a recycling education campaign, building upon the success of current City staff outreach and education efforts.

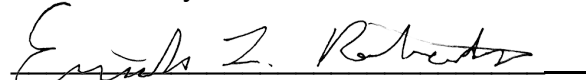
On America Recycles Day, November 15, 2022, EPA announced two funding opportunities as part of the Building A Better America Infrastructure Bill, specifically intended to fund recycling infrastructure and large-scale outreach and education efforts for recycling, contamination, and overall waste reduction. The Consumer Recycling Education and Outreach (“REO”) Grant program could provide funding needed for this effort. It is anticipated that projects selected for this grant will be announced by April 2023.

This grant would support the following City Council Priorities:

- Quality of Place
- Economic vitality

REMARKS: Environmental Services recommends passage of this bill.

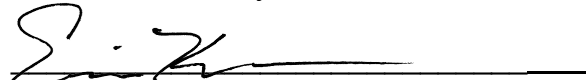
Submitted by:

A handwritten signature in black ink, appearing to read "Erick Z. Roberts", written over a horizontal line.

Erick Roberts

Assistant Director of Environmental Services

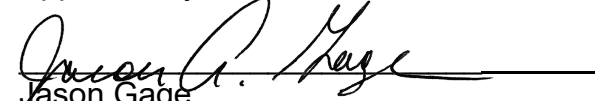
Recommended by:

A handwritten signature in black ink, appearing to read "Errin Kemper", written over a horizontal line.

Errin Kemper

Director of Environmental Services

Approved by:

A handwritten signature in black ink, appearing to read "Jason Gage", written over a horizontal line.

Jason Gage

City Manager

One-rdg. X
P. Hmgs.
Pgs. 4
Filed: 01-17-23

Sponsored by: Ollis

COUNCIL BILL 2023- 022 RESOLUTION

A RESOLUTION

DECLARING the intent of the City of Springfield to utilize the Construction Manager At Risk project delivery method as set forth in Purchasing Manual, 13-3.104(5)(c) for the Historic City Hall Renovation project; and setting forth selection criteria.

WHEREAS, the City of Springfield City Code, Chapter 2, ‘Administration,’ Article VI, ‘Finances,’ Division 2, ‘Purchasing,’ Section 2-401, ‘Purchasing Manual,’ was amended on July 13, 2020, by adding Section 13-3.104(5)(C) for the purposes of allowing the use of Construction Manager At Risk (“CMAR”) contracting processes; and

WHEREAS, where appropriate the City of Springfield, may utilize the process known as CMAR, to obtain the benefits of coordinated design and construction processes, reduction in costs and superior value; and

WHEREAS, the extent of improvements necessary to renovate City Hall would benefit from the use of the CMAR project delivery method.

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

Section 1 – City Council hereby declares its intent to utilize the Construction Manager At Risk project delivery method for coordinating design, construction and value of the Historic City Hall Renovation project.

Section 2 – The following are the selection criteria to be used: (1) Experience on CMAR Project Delivery and Historic Renovations; (2) Approach to Pre-Construction, Subcontractor Qualification Process, Construction, and Project Close-Out; (3) Government Construction Contracts Experience; (4) Qualifications of Key Personnel; (5) Organizational Structure; (6) Safety Program; (7) Proximity and Familiarity with Area; (8) Financial Strength and Bonding Capacity; (9) Notable Awards and Certifications.

Section 3 – This Resolution shall be effective immediately upon adoption.

Passed at meeting:

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Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2023-022

FILED: 01-17-23

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to utilize Construction Manager at Risk ("CMAR") as a project delivery method for the Historic City Hall Renovation project.

BACKGROUND INFORMATION: The Historic City Hall building was originally constructed in 1891 as the US Customhouse and Post Office. Since then, three additions increased the square footage to nearly 38,000 square feet.

The City of Springfield purchased the building in 1908 and took occupancy in 1938. The latest major renovation of the facility was completed in the 1970s. In the early 1990s, the City of Springfield purchased the Busch Building and relocated the majority of their staff and operations to that building. City Archive Storage and Maintenance space are located in the Basement. Fire Administration was housed on the first floor. Risk Management, various other staff, and flex space is located on the second floor. Council Chambers, Council Chamber support spaces, and unoccupied overflow spaces are located on the third floor.

The goal of the renovation project is to provide an historically sensitive renovated building that includes a new vertical circulation core (elevator and fire stair), accessible restrooms, upgraded mechanical and electrical systems, City-wide archive storage, Office Suites for Fire Administration and Finance Department, improvements to the 3rd floor Council Chambers and support spaces, upgraded technology, security, and other improvements.

The identified selection criteria:

- **Experience:** Prioritizing CMAR project delivery and Historic renovation of a municipal facility, LEED silver certified projects, infills, and hazardous material abatement.
- **Services:** CMAR's description of their company's approach for services in the following areas:
 - **Pre-Construction:** Provide a summary of the firm's methodology and practices that will be utilized in managing and executing this project in the Pre-Construction phase, including cost estimating capabilities and scheduling techniques.
 - Describe the firm's subcontractor qualification process and the how the firm will develop and solicit Supplier Diversity participation on this project.
 - **Construction:** Provide a summary of the firm's methodology and practices that will be utilized in managing and executing this project in the Construction phase.
 - Describe the firm's approach to achieving project close-out (commissioning, punch-list completion, and warranty work).

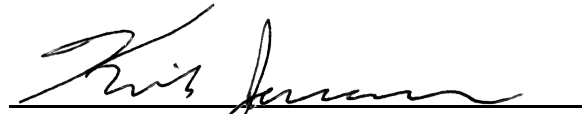
- Public Owner Process: Explain extent of experience with government contract construction, including work with organized labor and adherence to prevailing wage requirements.
- Key Personnel Qualifications
- Organization: Provide diagrams or charts describing the firm's general organization, as well as the organization of key personnel for this project, as described above, and their degree of involvement for the various phases of service through the process, including the relationship with the Owner and Architect.
- Safety Program: Provide a summary description of your safety program.
- The firm's proximity to and familiarity with the geographical area in which the project shall be located.
- Respondent's financial strength as demonstrated through qualifying reference checks for bank, bonding agent, and financial services auditing firm.
- Awards: Firm shall provide any notable awards and certifications.

Supports the following City Council Priorities:

- Economic Vitality
- Fiscal Sustainability
- Quality of Place

REMARKS: Public Works recommends approval of this Council bill.

Submitted by:



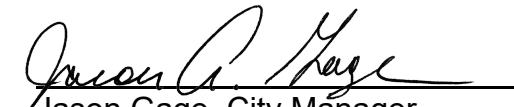
Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

One-rdg. X
P. Hmgs.
Pgs. 3
Filed 01-17-23

Sponsored by Hardinger

COUNCIL BILL 2023- 023 RESOLUTION

A RESOLUTION

1 AUTHORIZING the City Manager, or his designee, to apply for up to \$10,000,000 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 Renew Jordan Creek
5 Project.
6
7

8 WHEREAS, Renew Jordan Creek will construct multi-modal greenways trail
9 connections, aquatic habitat restoration, and improvements to existing bridges and
10 culverts at Main Avenue, Campbell Avenue, and Boonville Avenue; and
11

12 WHEREAS, Renew Jordan Creek was envisioned through Vision 20/20,
13 recommended in the Jordan Valley Concept Plan, and prioritized in the ForwardSGF
14 Comprehensive Plan; and
15

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

21 WHEREAS, there is a 20% matching funds requirement for this project, and if
22 awarded, RAISE grant funds will supplement the City’s 1/4-Cent Capital Improvement
23 Sales Tax, 1/8-Cent Transportation Sales Tax, and Level Property Tax funds; and
24

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

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

32 Section 1 – The City Manager, or his designee, is hereby authorized to apply for
33 a RAISE grant from the United States Department of Transportation in the amount of
34 \$10,000,000, for the purpose of funding improvements for the Renew Jordan Creek
35 project.

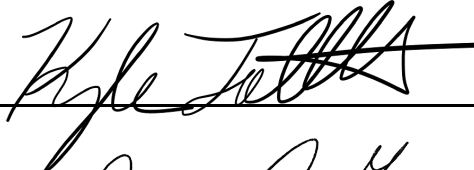
Section 2 – This Resolution shall be effective immediately upon adoption.

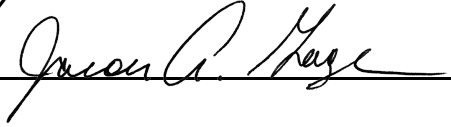
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

EXPLANATION TO COUNCIL BILL 2023- 023

FILED: 01-17-23

ORIGINATING DEPARTMENT: Public Works

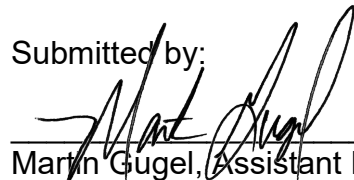
PURPOSE: To authorize the City Manager or his designee, to apply for up to a \$10,000,000 grant from the US Department of Transportation ("RAISE") Grant Program which maintains a 20% matching funds requirement, if awarded, to fund the improvements for the Renew Jordan Creek Project.

BACKGROUND INFORMATION: On November 15, 2021, the President of the United States signed the Infrastructure Investment and Jobs Act ("IIJA"), also known as the Bipartisan Infrastructure Law ("BIL"), into law. RAISE grants are established by the BIL to provide for investments in surface transportation that will have significant local or regional impact. Eligible capital projects include intermodal projects and projects to replace or rehabilitate culverts for the purpose of improving habitat for aquatic species. The Renew Jordan Creek project exemplifies improvement for aquatic species and provides critical future trail connections to Jordan Valley Park, West Meadows, downtown, and the future Grant Avenue Parkway currently under construction.

If awarded, RAISE grant funds will supplement the City's 1/4 Cent Capital Improvement Sales Tax, 1/8 Cent Transportation Sales Tax, Level Property Tax Funds, and fund construction of multi-modal greenways trail connections, aquatic habitat restoration, improvements to existing bridges and culverts at Main Avenue, Campbell Avenue, and Boonville Avenue. Renew Jordan Creek was envisioned through the Vision 20/20 planning process, recommended in the Jordan Valley Concept Plan, and prioritized in the ForwardSGF Comprehensive Plan. Improvements will be a catalyst for new private investment, job creation, water quality, flood control, and quality of life benefits including improvements to multimodal connections in downtown.

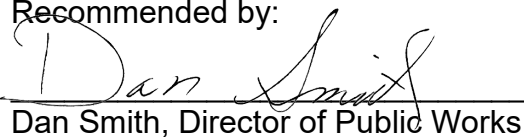
REMARKS: This Council Bill will authorize the City to apply for RAISE grant funds to implement Renew Jordan Creek in support of Council Priorities of Quality of Place and Economic Vitality. If awarded, a separate Council Bill will be submitted to formally accept funds and amend the budget. Public Works recommend approval of this Council Bill.

Submitted by:



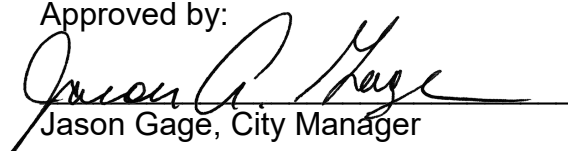
Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 18
Filed: 01-17-23

Sponsored by: Schilling

COUNCIL BILL 2023-024 RESOLUTION

A RESOLUTION

1 GRANTING a Short-Term Rental Type 2 Permit for the property located at 410
2 East Loren Street for the purpose of allowing the establishment of a
3 Short-Term Rental Type 2 pursuant to Section 36-473 of the Land
4 Development Code.
5
6

7 WHEREAS, the owner of the property located at 410 East Loren Street has
8 applied for a Short-Term Rental ("STR") Type 2 Permit; and
9

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

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

19 WHEREAS, the owner of the property located at 410 East Loren Street has
20 obtained one signature out of the six signatures of property owners adjacent to and
21 immediately across the street from the property, resulting in only seventeen (17) percent
22 consent of the neighboring property owners; and
23

24 WHEREAS, property owners within 500 feet of the proposed STR Type 2
25 establishment were notified by regular mail of the January 23, 2023, City Council
26 meeting.
27

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

31 Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the
32 property located at 410 East Loren Street. The granting of the Permit is expressly
33 subject to compliance with Section 36-473 of the Land Development Code, and any
34 other applicable provisions of City Code.
35

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

38
39 Passed at meeting: _____

40
41 _____
42 Mayor

43
44 Attest: _____, City Clerk

45
46 Filed as Resolution: _____

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

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

EXPLANATION TO COUNCIL BILL 2023 - 024

FILED: 01-17-23

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 410 East Loren Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Zoning Ordinance.

BACKGROUND INFORMATION: The property owner has applied for a Short-Term Rental ("STR") Type 2 permit to establish a Short-Term Rental Type 2 at 410 East Loren Street. Section 36-473 of the Zoning Ordinance requires that Type 2 applicants conduct a neighborhood meeting and obtain signatures from fifty-five percent or more of property owners adjacent to and immediately across the street from the proposed STR. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured, the applicant may apply to the City Council to obtain a resolution granting the STR Type 2 permit.

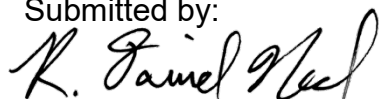
The applicant has obtained one signature from the six adjacent property owners, resulting in seventeen (17) percent consent as shown on "Exhibit C." An additional signature was provided for an adjacent property but was not signed by the owner listed on the County Assessor's database.

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

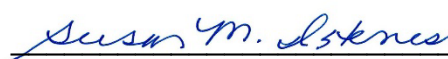
Property owners within 500 feet of the proposed Short-Term Rental Type 2 establishment have been notified by regular mail of the January 23rd City Council meeting.

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

Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Susan Istenes, AICP
Director

Approved by:

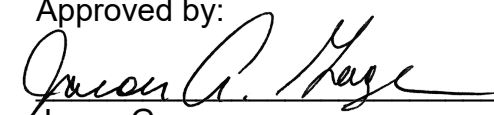

Jason Gage
City Manager EXHIBITS:

Exhibit A, Applicant's Appeal Letter
Exhibit B, Neighborhood Meeting Summary and Sign-In Sheet
Exhibit C, Adjacent Owner Consent Affidavit Form
Exhibit D, Neighborhood Correspondence

Exhibit A

Appeal Letter for Type 2 Short Term Rental for the property at:

410 E. Loren
Springfield, MO 65807

City Council,

I was only able to get 2 signatures for the property at 410 E. Loren. Mostly this was due to not being able to get in touch with out-of-town property owners.

No one that I spoke to was against it.

I was very thorough in my attempts to get signatures.

- Knocking on all doors and asking for contact info of the owner if it was a long term rental.
- Calling all owners that I was able to get contact info for.
- Sending first class mail to those that I couldn't get in touch with in person or on the phone.
- I tried *multiple* attempts for each home owner.

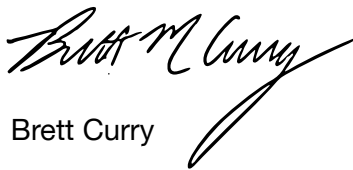
Our town hall meeting was successful and we addressed all concerns for the 2 neighbors who attended. None of the 6 adjacent neighbors attended the meeting.

We will maintain an immaculate appearance for our property and we'll invest in maintenance and upgrades.

We live locally and will visit the property multiple times per week. We will be available and will address any concerns if they come up from our neighbors.

I own a successful and reputable company here in Springfield with over 30 local full-time employees (OMG Commerce). I'm committed to running this short term rental with the same diligence and care for the community that I do in my other business.

Sincerely,



Brett Curry



Application for Short-Term Rental Type 2

eCity INSTRUCTIONS

PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION

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

Case No.	
Date Filed	
Received By	
Receipt No.	

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

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

Property Address: 410 E Larn

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

PROPERTY OWNER'S INFORMATION:

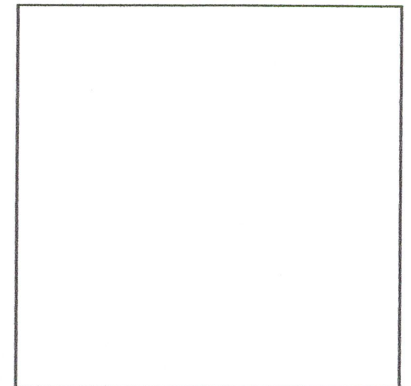
Name of current property owner: Brett Curry

If corporation: Corporate Official: _____

Mailing Address: 7675 W. Farm Rd 194

Zip Code: 65738 Phone: 417-827-5206

E-mail: brett@omgcommerce.com



(Corporate Seal)

PROPERTY OWNER'S SIGNATURE:

[Signature]

OPERATOR'S INFORMATION (if different):

Name: _____

Mailing Address: _____ Zip Code: _____

Phone: _____ E-mail: _____

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

*Fees are non-refundable

Exhibit B

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

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

2. Meeting Date & Time: 11-22-22 4:00pm - 6:30pm

3. Meeting Location: 410 E Loren, Springfield MO

4. Number of invitations that were sent: _____

5. Number of neighbors in attendance (attach a sign-in sheet): 2

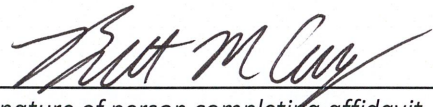
6. List the verbal comments and how you plan to address any issues:

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

• Both attendees expressed concern about parking in the street.
→ I plan to instruct guests to only park in the driveway
• Both attendees expressed concerns about parties or noise. for calls
→ I will have a strict no-party policy. I'm available if issues arise

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

I, BRETT CURRY (print name), attest that the neighborhood meeting was held on
11/22/22 (month/date/year), in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

Brett Curry
Printed name of person completing affidavit

SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVIT

Address of Proposed Short-Term Rental: **410 East Loren Street**

STATE OF Missouri)

COUNTY OF Greene)

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

(Corporate Seal**)


Signature of Owner/Operator

Brett Curry
Typed or Printed Name

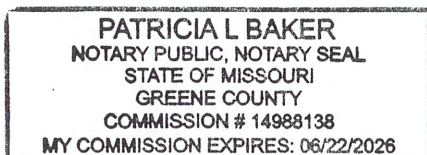
ATTEST:

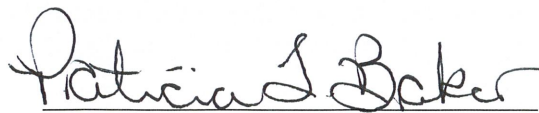
Owner
Title

Curry Real Estate LLC
Name of Company or Organization
(If Applicable)

Corporate Secretary
(If no seal)

Subscribed and sworn to before me a notary public on this 21st day of December, 20 22.




Notary Public

My Commission expires: 6-22-2026

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

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **410 East Loren Street**

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

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

1.	Address of Adjacent Residential Property: 1129 S ROANOKE AVE Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
2.	Address of Adjacent Residential Property: 409 E LOREN ST Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
3.	Address of Adjacent Residential Property: 1156 S JEFFERSON AVE Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

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

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **410 East Loren Street**

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

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

4.	Address of Adjacent Residential Property: 416 E LOREN ST <i>Greg Pollard</i> Owner(s) of Record (Typed or Printed) <i>[Signature]</i> Signature(s) of Owners <i>Welder</i> Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
5.	Address of Adjacent Residential Property: 408 E LOREN ST Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
6.	Address of Adjacent Residential Property: 1146 S JEFFERSON AVE Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

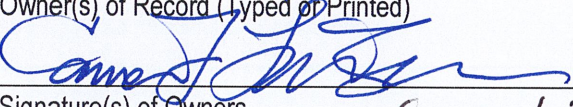
Invalid Signature

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

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **410 East Loren Street**

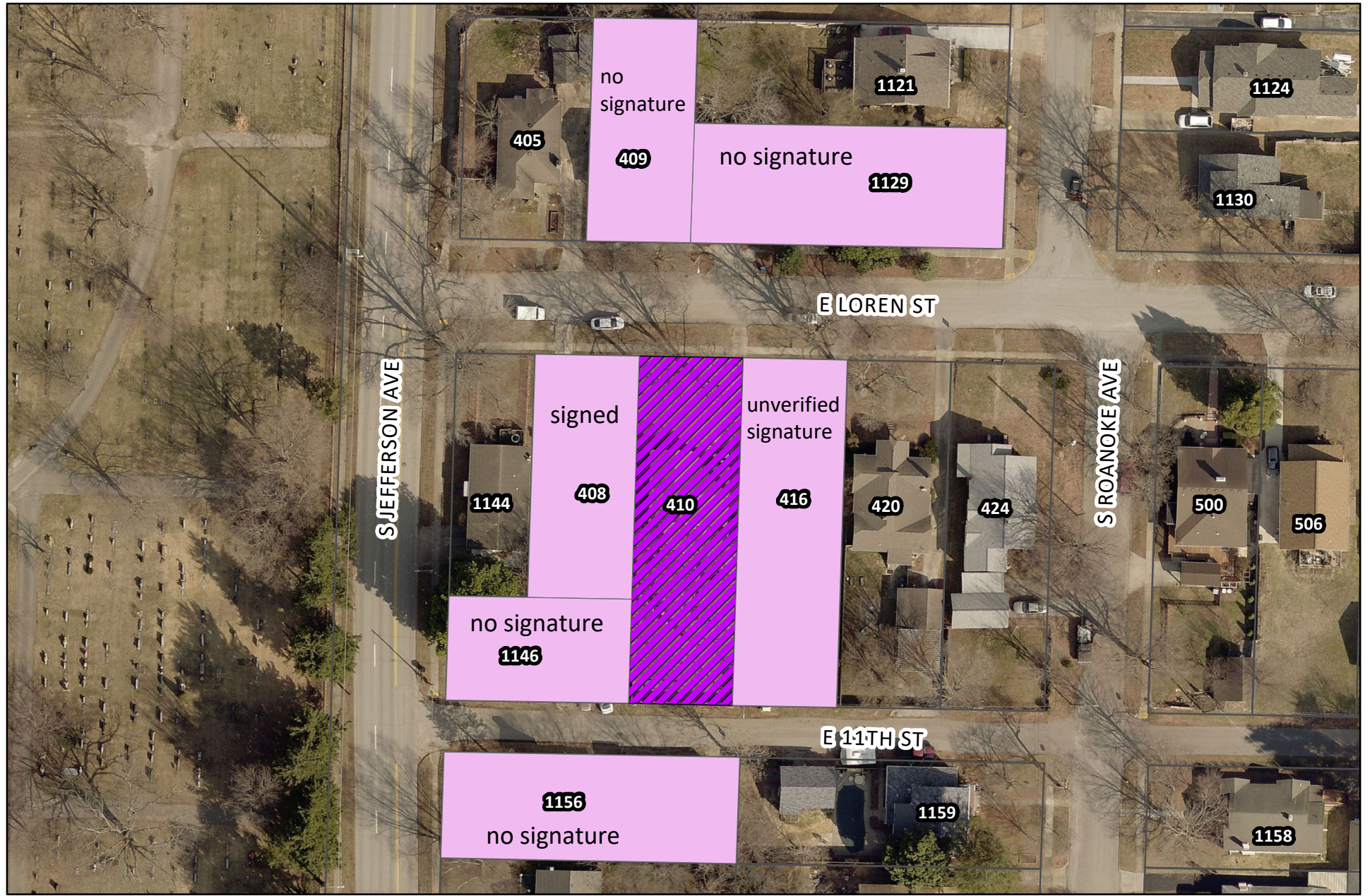
If the ownership is under two or more individuals (each individual) must sign this form. Only the owner's signature constitutes consent.

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

4.	Address of Adjacent Residential Property: <u>416 E LOREN ST</u> Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title _____	Notary Seal (only required if signature not witnessed by applicant) SEAL
5.	Address of Adjacent Residential Property: <u>408 E LOREN ST</u> <u>LaBarc Properties</u> Owner(s) of Record (Typed or Printed) _____ <u></u> Signature(s) of Owners _____ <u>Cameron LaBarc</u> <u>OWNER</u> Title _____	Notary Seal (only required if signature not witnessed by applicant) SEAL
6.	Address of Adjacent Residential Property: <u>1146 S JEFFERSON AVE</u> Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title _____	Notary Seal (only required if signature not witnessed by applicant) SEAL

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

Adjacent Property



Legend

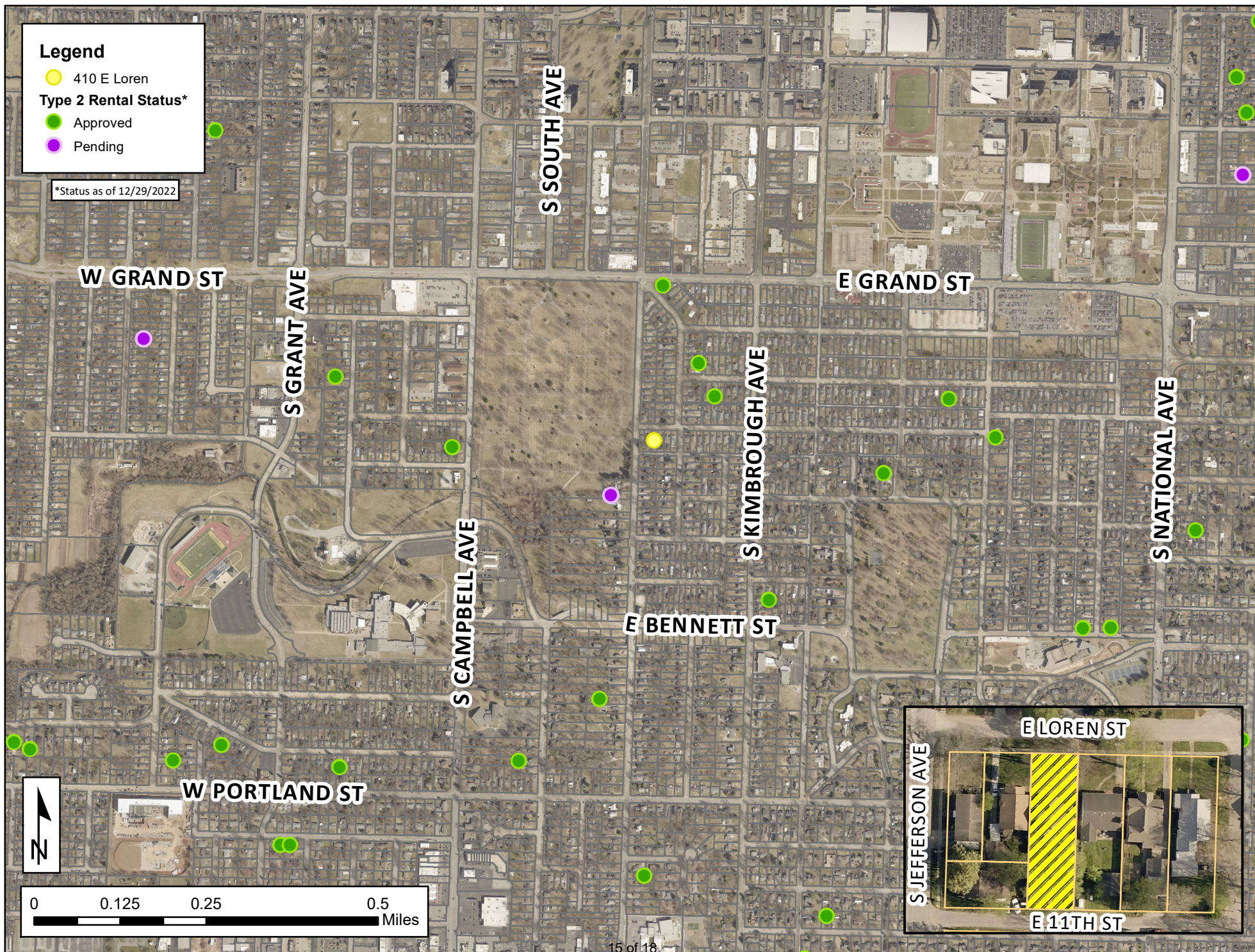
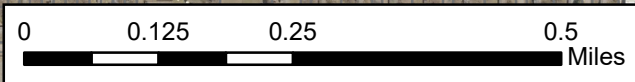
410 E Loren

Type 2 Rental Status*

Approved

Pending

*Status as of 12/29/2022



AFFIDAVIT OF SIGN POSTING

Attach photo here



(sign lettering must be legible in photo)

I, BRETT CURRY (print name of owner, agent, attorney), attest that the above sign was posted 10 days before the public hearing on 11-22-22 (month/day/year) and in accordance with the given posting requirements.

Brett Curry
Signature of person completing sign posting

BRETT CURRY
Printed name of person completing sign posting

City of Springfield, Missouri

Short-Term Rental Intake Form

1. Business Name (if applicable): Curry Real Estate LLC
Operator(s) Name: Brett Curry
Operator(s) Address: 7675 W. Farm Rd 194 Republic, MO 65738
Phone: 417-827-5106 E-Mail: brett@omgcommerce.com
Short-Term Rental Address: 410 E. Loren Springfield, MO 65807
2. Property owner name, address, e-mail, and phone (if different):

3. Does the Short-Term Rental operator reside at the residential dwelling? ☐ Yes ☒ No
4. ☐ Type 1 (operator occupied; all zoning districts). ☒ Type 2 (non-operator occupied, zoned R-SF or R-TH). ☐ Type 3 (non-operator occupied, all other districts except R-SF or R-TH; no more than 2 units per premise).
Unit _____ Unit _____
5. Are guests housed in a primary or accessory structure? ☒ Primary Structure ☐ Accessory Structure
6. Is the dwelling unit currently being renovated or are there plans for renovation prior to completion of this application? ☐ Yes ☒ No

Brett Curry
Owner/Operator


Signature

APPLICANT FILL OUT TO THIS POINT

PLANNING and DEVELOPMENT

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

PLN: 2022-00288 Personnel: A. Menke Date Reviewed: 10/24/2022

Comments: _____

Exhibit D

COMMENT CARD/NOTICE

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

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

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

Short-Term Rental Type 2 Process:

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

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

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

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

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

DATE:	NOV 17 - 2022	Telephone No.	417 840-8880
YOUR NAME:	Joe Bolton		
YOUR ADDRESS:	1117 S Roanoke		
STR ADDRESS:	410 E LOREN		
COMMENTS:			
ITS OK WITH ME, MY CONSENT			
410 E LOREN			
Joe Bolton			

One-rdg. X
P. Hmgs.
Pgs. 8
Filed: 01-17-23

Sponsored by: Hosmer

COUNCIL BILL 2023 - 025 RESOLUTION

A RESOLUTION

1 INITIATING an administrative delay on the acceptance and processing of applications
2 for demolition, new construction, re-platting of property, including lot
3 combinations, conditional use permits, and rezoning for a period of two
4 hundred ten (210) days from the date of passage of this Resolution for
5 those properties which abut the Sunshine Street and National Avenue
6 Corridor Area, to allow time to seek input from area residents, property
7 owners, design professionals, and interested citizens regarding the
8 Sunshine and National Corridor Plan and for staff to present a report to
9 the Planning and Zoning Commission and City Council regarding the
10 Sunshine Street and National Avenue Corridor Area, development
11 constraints, and opportunities in this area.
12
13

14 WHEREAS, on November 14, 2022, the City adopted the *Forward SGF*
15 *Comprehensive Plan* ("Forward SGF"), which provides a framework for guiding
16 development, redevelopment, and growth of the city for the next 20 years; and
17

18 WHEREAS, *Forward SGF* recommends the development of corridor plans for
19 major roadways focusing on access management, integration of quality of place
20 elements, and multimodal infrastructure; and
21

22 WHEREAS, *Forward SGF* recommends the City establish design standards for
23 neighborhood commercial, diverse housing, and development located on neighborhood
24 edges where traditional and center city neighborhoods abut major arterials; and
25

26 WHEREAS, *Forward SGF* identifies the need to align all planning with the
27 pending update of the City's development codes; and
28

29 WHEREAS, in recent years, there has been significant interest in property
30 redevelopment along the Sunshine Street and National Avenue corridors, with City staff
31 fielding inquiries and proposals for more intense zoning and development along the
32 edges of adjacent neighborhoods; and
33

34 WHEREAS, redevelopment undertaken at this juncture could be inconsistent with
35 a holistic vision and concept for these two corridors; and

36 WHEREAS, this administrative delay will allow staff, over the course of the next
37 several months, to conduct the necessary public engagement that will inform the future
38 design of the corridor; and
39

40 WHEREAS, the City has the power to administratively delay the acceptance of
41 rezoning and lot combination applications pursuant to City Charter Section 1.3 'Powers
42 of the City' and Section 2.16, subsections (4), (12), (19), (20), (22), and (28)
43 'Enumeration of certain powers,' and as an exercise of its police and nuisance powers,
44 which are granted to the City by Article VI, Section 19(a) of the Missouri Constitution;
45 and
46

47 WHEREAS, City Council also recognizes that this is an extraordinary power and
48 remedy that should be used judiciously and in this situation for the serious evaluation,
49 study, and analysis by staff and City Council and input from the community with respect
50 to appropriate concept design.
51

52 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
53 SPRINGFIELD, MISSOURI, as follows, that:
54

55 Section 1 – City Council hereby determines that interim measures should be
56 taken to prevent demolition, new construction, re-platting of property, including lot
57 combinations, conditional use permits, and rezoning within the area shaded in yellow
58 and described as “Admin Delay National Sunshine” of “Exhibit 1,” which is attached
59 hereto and incorporated herein by this reference, during the time of the study, review,
60 and public comment.
61

62 Section 2 – City Council hereby directs, upon passage of this Resolution, that
63 staff shall not accept for filing new applications, and shall not process previously filed
64 applications, for: demolition, new construction, re-platting of property, including lot
65 combinations, conditional use permits, and/or rezoning for any property in the entire
66 shaded area depicted in “Exhibit 1.” In no event shall this direction extend beyond two
67 hundred ten (210) days from the date of passage of this Resolution without additional
68 City Council action.
69

70 Section 3 – City Council hereby directs the City Manager, or his designee, to
71 direct staff to take all necessary actions to complete the review of the development
72 issues in the area described in “Exhibit 1,” to take public input, and to prepare, for City
73 Council's consideration, a report regarding any recommended actions within the two
74 hundred ten (210) day period.
75

76 Section 4 - If any applicant believes that the City's determination not to accept
77 for filing a new application or to process a previously filed application for demolition,
78 new construction, re-platting of property, including lot combinations, conditional use
79 permits, and/or rezoning for any property is unreasonable, the applicant may file with
80 the City's Planning and Development Director a written appeal of the applicability of this
81 Resolution to the applicant's proposed development within five (5) business days of

notice of the City's determination not to accept or process the application. The applicant must demonstrate to the satisfaction of the Planning and Development Director, or her designee, that the application will not undermine the spirit and intent of this Resolution. The Planning and Development Director, or her designee, shall determine whether or not the application will undermine the spirit and intent of this Resolution and shall issue a written decision as to whether or not the application shall be accepted for filing or processing and state the reasons therefore within ten (10) business days of receipt of an appeal. A denial by the Planning and Development Director, or her designee, of the right to file an application or processing of same may be appealed to the City Manager, or his designee, in writing within five (5) business days following the decision of the Planning and Development Director, or her designee. The City Manager's decision shall be in writing and issued within ten (10) business days of receipt of the appeal of the Planning and Development Director, or her designee's decision. If the City Manager affirms the decision of the Planning and Development Director, or her designee, the applicant may appeal the decision to City Council within ten (10) business days of the decision of the City Manager. City Council, following a public hearing thereon held at the next regularly scheduled meeting of City Council, may decide whether or not to direct staff to accept for filing or to process the application. At each step of the administrative review of a determination with respect to an application, the burden shall be on the applicant to establish by clear and convincing evidence that the approval sought by the applicant for an application does not undermine the spirit and intent of this Resolution.

Section 5 - This Resolution is not intended as, and should not be interpreted as, an amendment to the Zoning Ordinance of the City of Springfield, Missouri, or as an exercise of the City's zoning power pursuant to Chapter 89, Revised Statutes of Missouri, but is an exercise of the City of Springfield's police and nuisance powers to take action with respect to the public health and safety, and more particularly is merely direction to staff with respect to acceptance of and processing of applications as herein defined.

Section 6 – This Resolution shall be effective immediately upon adoption.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: Jill Bennis, Assistant City Attorney

Approved for Council action: Jason A. Hays City Manager

EXPLANATION TO COUNCIL BILL 2023- 025

FILED: 01-17-23

ORIGINATING DEPARTMENT:

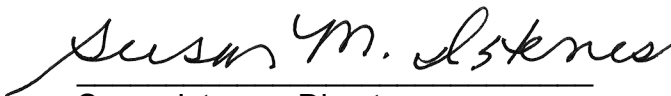
PURPOSE: To impose an administrative delay on the acceptance and processing of applications for demolition, new construction, re-platting of property, including lot combinations, conditional use permits and rezonings for a period of two hundred and ten (210) days from the date of passage of this Resolution for those properties which abut the Sunshine Street and National Avenue Corridor Area as set forth in "Exhibit 1," to allow time to seek input from area residents, property owners, design professionals, and interested citizens regarding a future Sunshine Street and National Avenue Corridor Plan.

BACKGROUND INFORMATION: Councilman Hosmer requested this bill.

This Council Bill will implement an administrative delay on the acceptance and processing of applications for demolition, new construction, re-platting of property, including lot combinations, conditional uses and rezoning for those properties which abut the Sunshine and National corridors for 210 days, in order to conduct a corridor study. This action is consistent with past Council action to implement administrative delays on permits, platting, and rezonings in the Phelps Grove and Rountree Urban Conservation Districts, Grant Avenue Parkway, and rezoning and lot combinations in the Galloway area. The resolution establishes an appeal process if an applicant believes the City's determination not to accept or process an application is unreasonable. This Resolution will become effective upon passage.

Submitted and Recommended by:

Authorized for inclusion on the agenda
pursuant to City Code section 2-33:


Susan Istenes, Director

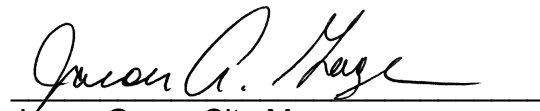
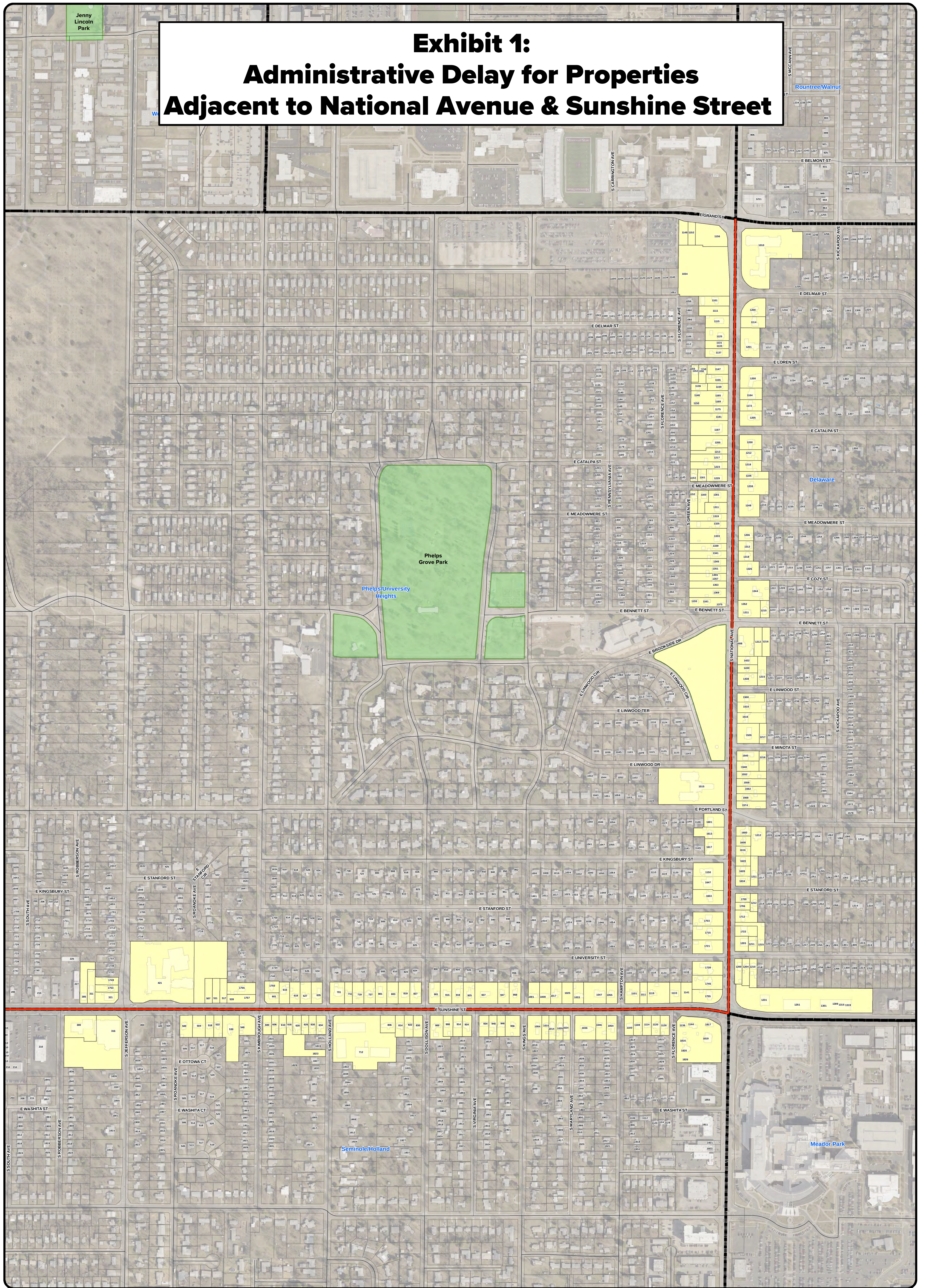

Jason Gage, City Manager

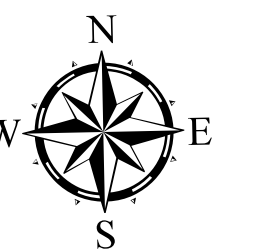
Exhibit 1:

Administrative Delay for Properties

Adjacent to National Avenue & Sunshine Street



0 250 500 1,000 1,500 2,000 Feet





MEMORANDUM

TO: Mayor and City Council
FROM: Jason A. Gage, City Manager
DATE: January 20, 2023
SUBJECT: Staff Analysis – Administrative Delay for National & Sunshine Corridors

In accordance with City Charter Section 7.2 and City Code Section 2-53(a), a city council member may direct the city attorney to draft ordinances, amendments and resolutions for consideration by the full City Council. In this circumstance, all documents related to the requested bill (e.g., ordinance, resolution, explanation sheet, etc.) will be considered by staff to be the work product of the sponsoring Council member, rather than that City staff. When the ordinance topic is related to or could impact the day-to-day operations of City, a Staff Analysis memorandum may be provided to the City Council. The purpose of the Staff Analysis memorandum is to communicate to the City Council the operational impact of the council member directed agenda item. The Staff Analysis fulfills the direction of City Charter Section 3.3(5) which provides for the city manager's duty to take part in City Council discussions and indirectly relates to City Code Section 2-33 which provides for written approval of agenda items by the city manager. Specific to ordinances, City Code Section 2-53(d) provides for ordinances relating to the administration of the city government being referred to the city manager for a report and recommendation.

STAFF ANALYSIS (Administrative Delay for National & Sunshine Corridors)

In recent years there has been significant interest in property redevelopment along the Sunshine Street and National Avenue Corridors with staff fielding inquiries and proposals for more intense zoning and development along the edges of the adjacent neighborhoods. Most recently, a developer filed a rezoning application for commercial development for properties at the northwest corner of Sunshine Street and National Avenue, and a recently approved Conditional Use Permit at Sunshine Street and Jefferson Avenue for a drive through coffee shop. Both actions have resulted in intense interest and a strong sense of urgency from the University Heights neighborhood and the Planning and Zoning Commission to protect the Sunshine Street/National Avenue corner from redevelopment to non-residential land uses.



This Council Bill will implement an administrative delay on the acceptance and processing of applications for demolition, new construction, re-platting of property, including lot combinations, conditional uses and rezoning for those properties which abut the Sunshine and National corridors for 210 days, in order to conduct a corridor study. This action is consistent with past Council action to implement administrative delays on permits, platting, and rezonings in the Phelps Grove and Rountree Urban Conservation Districts, Grant Avenue Parkway, and rezoning and lot combinations in the Galloway area. The resolution establishes an appeal process if an applicant believes the City's determination not to accept or process an application is unreasonable.

The proposed delay will affect approximately 208 properties made up of residential, commercial, institutional, and office types of existing development and a few vacant lots.

The time to conduct a corridor study, if approved, is estimated at one to 3 months to obtain a consultant and 6 months to conduct the study, but given the high level of public interest, it could be longer. The anticipated cost is \$45,000 to \$55,000 (The GAP Plan cost approximately \$47,500). Funding could possibly come from existing funds or CDBG.

Right now, staff priorities and resources are urgently geared towards implementing the Forward SGF Comprehensive Plan by preparing to update the Land Development Codes. Although hiring a consultant to conduct the corridor planning process may appear to absolve of the responsibility to prepare the corridor plan, staff will have to participate in and manage of the planning process. Any shift in priorities to conduct a corridor plan will reallocate already limited staff resources and delay the Code update, leaving the city without critical updates and the inability to effectively implement the Plan.

Currently, staff is finalizing the selection of a consultant to update the Land Development Code. The code update process is anticipated to take approximately 18 – 24 months, or more. While the Planning Department will take the lead on the Code update and provide project management, staff from the Public Works Department, Environmental Services Department, Parks Department, and Economic Vitality will also contribute staff time and resources to the update effort. Estimated staff time to be dedicated to the code update project from the Planning Department is approximately 1 staff person at 40 hours per week functioning as a project manager, 2 staff persons at 20 hours per week, and 3 staff persons at approximately 10 hours per week, for a period of two years. This does not include any staff time from the other participating departments including the City Attorney's office staff. It's critical to update these regulations for purposes of legal protections because zoning decisions that have no basis in the comprehensive plan are more successfully challenged in court. Also, to ensure federal and state laws pertaining to land use planning are updated; to incorporate plain language and resolve internal conflicts that are the result of decades



of incremental updates; to address confusing concepts that have led to inconsistent application of the code and to incorporate best practices in land use and development that focus on how a building fits into a neighborhood's context and regulatory ways to mitigate use conflicts. An update leads to increased buy in from elected officials and community stakeholders and puts the development community on notice as to how the residents expect development to fit into the context of the adopted plan and the community at large.

Although Forward SGF does recommend the development of corridor plans for major roadways focusing on access management, integration of quality of place elements, and multimodal infrastructure, including the Sunshine/National Corridor, these plans are not identified as priorities immediately following the adoption of the Plan. The Comprehensive Plan has identified and prioritized key actions for implementation of the Plan and the next step as identified by the Implementation Chapter is to review and update the Land Development Code and other development controls to reflect the policies adopted in the Plan.

It's also important to recognize that the code updates will affect the properties along the Sunshine/National corridor to some degree and will address some of the development related concerns that exist today.

The Council may wish to identify the National/Sunshine corridor study as a priority among Comprehensive Plan recommended studies, after the Land Use Codes are updated, but as set forth in the adopted plan, the next step is implanting the plan through updating the codes. Without those implementing codes in place, the City runs the risk of having to use extensive staff discretion to evaluate new development projects without updated codes and the community runs the risk of losing opportunities to guide development projects to align with the approved plan.

Prepared and Submitted By:

Approved by:

A handwritten signature in black ink that reads 'Susan M. Istenes'.

Susan Istenes, Director

A handwritten signature in black ink that reads 'Jason A. Gage'.

Jason A. Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 6
Filed: 01-17-23

Sponsored by: Hardinger

First Reading:

Second Reading:

COUNCIL BILL 2023-026

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept grant funds in the amount
2 of \$286,100 from a Food Waste Reduction Pilot Program Grant
3 through the United States Department of Agriculture to fund
4 improvements to the Yardwaste Recycling Center for acceptance of
5 food waste materials for landfill diversion and outreach efforts to
6 promote a food waste acceptance pilot program and to enter into a
7 contract to receive such funds; amending the budget of the
8 Department of Environmental Services for Fiscal Year 2022-2023 in
9 that amount upon award of the grant; and declaring that this bill
10 qualifies as a one-reading bill.
11 _____
12

13 WHEREAS, the City’s Solid Waste Management Division operates the Noble Hill
14 Sanitary Landfill and Yardwaste Recycling Center and has an interest in reducing
15 divertible waste; and
16

17 WHEREAS, food waste and organics make up over 12.1% of the total municipal
18 solid waste accepted at the landfill; and
19

20 WHEREAS, the Yardwaste Recycling Center has received full exemptions to
21 receive both pre- and post-consumer food waste as a feedstock; and
22

23 WHEREAS, the USDA Food Waste Reduction Pilot Program grant would allow
24 the City to supplement existing funding for facility improvements and the implementation
25 of a food waste pilot program; and
26

27 WHEREAS, the City applied for the USDA grant as authorized by Resolution
28 10647.
29

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

33 Section 1 – The City Manager, or his designee, is authorized to accept a grant
34 from the United States Department of Agriculture in the amount of \$286,100 to fund
35 facility improvements and the “Dish to Dirt Food Waste Drop Off” program, and to do all
36 things necessary to receive and disburse such funds, including entering into a contract,
37 provided the form of any such contract is approved by the City Attorney or her designee.
38

39 Section 2 – City Council hereby authorizes the amendment of the budget of the
40 Department of Environmental Services for Fiscal Year 2022-2023 in the accounts and in
41 the amounts shown on Budget Adjustment No. 033, upon the awarding of grant funds,
42 said Budget Adjustment to be in the form of “Exhibit B,” which is attached hereto and
43 incorporated herein by this reference.
44

45 Section 3 – City Council hereby finds and declares this Ordinance relates to the
46 acceptance of a grant from a state or federal agency and pursuant to Section 2.16(25)
47 of the City Charter, this Ordinance may be passed in one reading. Therefore, this
48 Ordinance shall be in full force and effect from and after passage.
49

50 Passed at meeting: _____
51

52 _____
53 Mayor
54

55 Attest: _____, City Clerk
56

57 Filed as Ordinance: _____
58

59
60 Approved as to form: John Millington, Assistant City Attorney
61

62
63 Approved for Council action: Juan C. Page, City Manager

EXPLANATION TO COUNCIL BILL 2023- 026

FILED: 01-17-23

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: Authorizing the City Manager, or his designee, to enter into a grant agreement with the United States Department of Agriculture (“USDA”) for the purpose of funding improvements to the Yardwaste Recycling Facility, implementation of a pilot program and outreach efforts to promote program participation; and approving a budget adjustment amending the Fiscal Year 2023 budget of the Department of Environmental Services in the amount of \$286,100 to accept payment from USDA for the program.

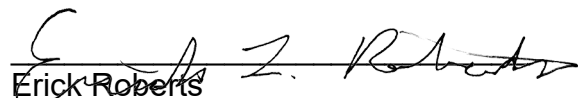
BACKGROUND INFORMATION: In 2016, the Missouri Department of Natural Resources (“MDNR”) completed a Waste Characterization Study of materials entering the Noble Hill Sanitary Landfill with the goal of determining a statistically representative breakdown of our disposed waste streams. City staff use this data to identify priority materials that may be diverted from the landfill through existing and new programs, expanded recycling options, and outreach and education. Food waste has been identified as one of these priority materials as it represents 12.1% of the municipal solid waste annual landfill tonnage (between 40,000 and 60,000 tons annually).

Nationwide, we know that nearly 40% of food that is generated is wasted, or approximately 400 pounds per person each year. The US Environmental Protection Agency has established the Food Recovery Hierarchy (“Exhibit A”) to help guide priorities for managing excess food, with composting and source reduction as two key components. Staff have used this hierarchy to find opportunities throughout Department facilities to innovate and divert material for higher use utilizing our existing infrastructure. At one of these locations, the Yardwaste Recycling Facility, staff have worked to expand existing permits to include accepting both pre- and post-consumer food waste.

Resolution 10647 was passed on August 22, 2022, and authorized the City to apply for this grant. These grant funds, in addition to Solid Waste Enterprise funds, will be used for facility improvements needed to pilot a food waste drop off program for citizens and area businesses, as well as education and outreach efforts to support the program.

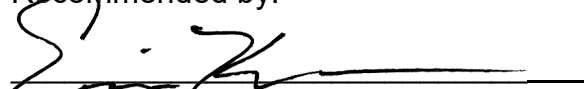
REMARKS: Environmental Services recommends passage of this bill.

Submitted by:



Erick Roberts
Assistant Director Environmental Services

Recommended by:

A handwritten signature in black ink, appearing to read 'Erin Kemper', written over a horizontal line.

Erin Kemper

Director of Environmental Services

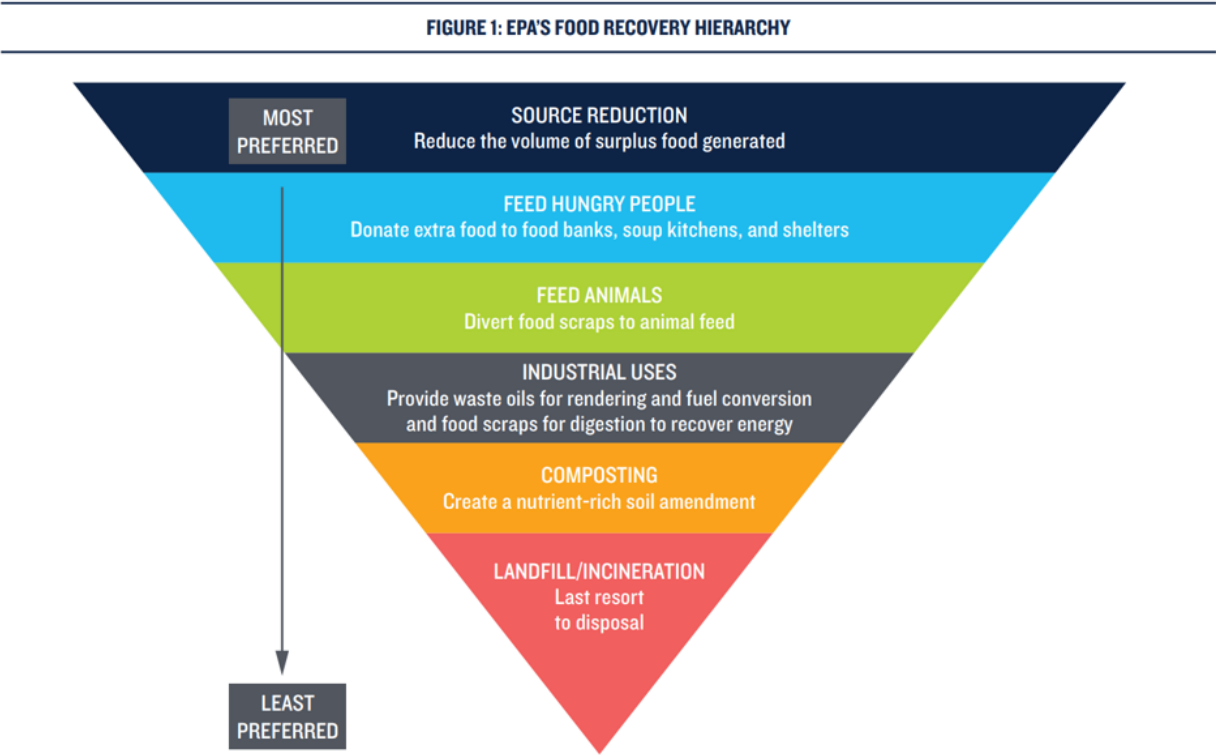
Approved by:

A handwritten signature in black ink, appearing to read 'Jason Gage', written over a horizontal line.

Jason Gage

City Manager

Exhibit A – EPA’s Food Recovery Hierarchy



CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
033

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
55010	08	33520	416010	000000	00000	\$ 286,100	U.S. Department of Agriculture Federal Grant Revenues
Net Revenue Adjustment						\$ 286,100	

Expenditures:

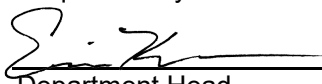
Fund	Dept	Org	Account	P&G	Location	Amount	Description
55010	08	33520	509110	000000	00000	\$ 286,100	Yardwaste Recycling Facility Improvements, Implementation Of a Pilot Program, & Outreach Efforts To Promote Program Participation
Net Expenditure Adjustment						\$ 286,100	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget of the Department of Environmental Services by appropriating federal grant revenues of \$286,100 from the U.S. Department of Agriculture to fund improvements at the Yardwaste Recycling Facility, implementation of a pilot program, and outreach efforts to promote program participation.

Requested By:

 1-17-2023
Department Head Date

Approved By:

 1-17-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-026
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. X
Pgs. 94
Filed 01-17-23

Sponsored by Lear

First Reading _____

Second Reading _____

COUNCIL BILL 2023 - 027

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 36, of the Springfield City Code, known as the 'Land Development
2 Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-
3 303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430,
4 36-431, 36-432, 36-433, 36-434, and 36-474, for the purpose of allowing
5 the sale of Comprehensive (Recreational) Marijuana as required by
6 revised Article XIV of the Missouri Constitution. (Staff and Planning and
7 Zoning Commission both recommend approval.)
8 _____
9

10 WHEREAS, Missouri voters approved Amendment 3 to the Missouri Constitution,
11 Article XIV, on November 8, 2022; and
12

13 WHEREAS, Amendment 3 amended portions of the Missouri Constitution, Article
14 XIV, Section 1, 'Right to Access Medical Marijuana,' and added Section 2, 'Marijuana
15 legalization, regulation, and taxation;' and
16

17 WHEREAS, the purpose of Section 2, Article XIV is to legalize marijuana under
18 state and local law for adults twenty-one (21) and older, and to control the commercial
19 production and distribution of marijuana under a system that licenses, regulates, and
20 taxes the businesses involved while protecting public health; and
21

22 WHEREAS, pursuant to Section 2, Article XIV, existing medical marijuana
23 facilities in Missouri may request to convert their medical marijuana facility licenses to
24 comprehensive (medical and recreational) marijuana facility licenses; and
25

26 WHEREAS, the Planning and Zoning Commission initiated amendments to
27 Chapter 36 on December 15, 2022, to address the amendments to the Missouri
28 Constitution regarding comprehensive (recreational) marijuana facilities; and
29

30 WHEREAS, City staff prepared minimal amendments to Chapter 36 to reflect the
31 changes to Article XIV, Sections 1 and 2, and allow comprehensive marijuana facilities
32 in the same districts and with similar standards as existing medical marijuana facilities;
33 and
34

35 WHEREAS, the Planning and Zoning Commission considered these proposed

amendments at a public hearing on January 12, 2023, and recommended approval; and

WHEREAS, City Council now desires to adopt the proposed amendments to Chapter 36 contained in this Ordinance.

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

Section 1 – Springfield City Code, Chapter 36, Article III, ‘Zoning Regulations,’ Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and 36-474, are hereby amended to read as follows:

(Note: Language to be added is underlined and language being removed is ~~stricken~~.)

Sec. 36-303. General provisions.

(31) *Agricultural uses.* Agricultural uses, as defined in this article, shall be permitted in any district provided:

(d) Exemptions. The following uses are exempt from this subsection provided such use is in compliance with other city codes and state and federal laws:

3. Marijuana and medical marijuana facilities as defined in this article.

Sec. 36-321. Definitions.

Agricultural use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to: Forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding: feed lots, stockyards, and animal slaughter houses. Not to include marijuana or medical marijuana facilities.

Clinic, medical or dental: An establishment where human patients are admitted for examination and/or treatment by one or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one night for minor surgery. Not to include marijuana or medical marijuana facilities.

Commercial garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or

82 sale to the general public. Commercial gardens may be divided into separate plots for
83 cultivation by one or more individuals or may be cultivated collectively by members of
84 the group and may include common areas maintained and used by group members. Not
85 to include marijuana or medical marijuana facilities.

86
87 *Community garden:* The growing and cultivation of fruits, flowers, herbs, vegetables
88 and/or ornamental plants by an individual or group of individuals for personal or group
89 use, consumption, donation, subscription or shares, but not for on-site distribution or
90 sale to the general public. Community gardens may be divided into separate plots for
91 cultivation by one or more individuals or may be cultivated collectively by members of
92 the group and may include common areas maintained and used by group members. Not
93 to include marijuana or medical marijuana facilities.

94
95 *Comprehensive facility:* A comprehensive marijuana cultivation facility,
96 comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused
97 products manufacturing facility.

98
99 *Comprehensive marijuana cultivation facility:* A facility licensed by the state to
100 acquire, cultivate, process, package, store on site or off site, transport to or from, and
101 sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones)
102 to a medical facility, comprehensive facility, or marijuana testing facility. A
103 comprehensive marijuana cultivation facility need not segregate or account for its
104 marijuana products as either non-medical marijuana or medical marijuana. A
105 comprehensive marijuana cultivation facility's authority to process marijuana shall
106 include the creation of prerolls, but shall not include the manufacture of marijuana-
107 infused products.

108
109 *Comprehensive marijuana dispensary facility:* A facility licensed by the state to
110 acquire, process, package, store on site or off site, sell, transport to or from, and deliver
111 marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones),
112 marijuana-infused products, and drug paraphernalia used to administer marijuana to a
113 qualifying patient, primary caregiver, or consumer, as set forth and defined in Article XIV
114 of the Missouri State Constitution, anywhere on the licensed property or to any address
115 as directed by the patient, primary caregiver, or consumer, and consistent with the
116 limitations in Article XIV of the Missouri State Constitution and Springfield City Code, to
117 a comprehensive facility, a marijuana testing facility, or a medical marijuana facility.
118 Comprehensive dispensary facilities may receive transaction orders at the dispensary
119 directly from the consumer in person, by phone, or via the internet, including from a third
120 party. A comprehensive marijuana dispensary facility need not segregate or account for
121 its marijuana products as either non-medical marijuana or medical marijuana, but shall
122 collect all appropriate tangible personal property sales tax for each sale, as set forth in
123 Article XIV of the Missouri State Constitution and Springfield City Code. A
124 comprehensive marijuana dispensary facility's authority to process marijuana shall
125 include the creation of prerolls.

Comprehensive marijuana-infused products manufacturing facility: A facility licensed by the state to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

- a. *Type 1 extraction facility:* A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.
- b. *Type 2 post-extraction facility:* A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM, and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Farmers' market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on-site. A farmer's market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic basis as a seasonal, temporary use. Not to include marijuana or medical marijuana facilities.

Flowering marijuana plant: A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Not to include marijuana or medical marijuana facilities.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Not to include marijuana or medical marijuana facilities.

Infused preroll: A consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

Marijuana or marihuana: Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

Marijuana facility: A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness marijuana dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the State pursuant to Article XIV, Section 2, of the Missouri State Constitution. Marijuana facilities do not include medical marijuana facilities licensed pursuant to Article XIV, Section 1, of the Missouri State Constitution.

~~Medical m~~*Marijuana-infused products:* Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

Marijuana microbusiness facility: A facility licensed by the state as a microbusiness marijuana dispensary facility or microbusiness wholesale facility, as defined in this section.

~~Medical M~~*marijuana testing facility:* A facility certified by the state to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical Marijuana: Marijuana allowed for the limited legal production, distribution, sale and purchase for medical-use as governed by Article XIV of the Missouri State Constitution.

Medical marijuana cultivation facility: A facility licensed by the state to acquire, cultivate, process, package store onsite or off site, transport to and from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical marijuana dispensary facility, medical marijuana testing facility, medical marijuana cultivation facility, or to a medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the

premises, and no sales or distribution of marijuana shall occur upon the premises during that time. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical marijuana dispensary facility: A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a medical-marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. All medical-marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical marijuana facility: Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as governed by Article XIV, Section 1, of the Missouri State Constitution.

Medical marijuana-infused products manufacturing facility: A facility licensed by the state to acquire, process, package, store on site or off site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical-marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility. All medical-marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

- a. *Type 1 extraction facility:* A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.
- b. *Type 2 post-extraction facility:* A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM, and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Microbusiness marijuana dispensary facility: A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, qualifying patient, or primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with state and local law, a microbusiness wholesale facility or a marijuana testing facility. Microbusiness marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness wholesale facility: A facility licensed by the state to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

Nursery: A place where trees, shrubs, or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated. Not to include marijuana or medical marijuana facilities.

Office, medical: An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or out-patient surgery facilities normally associated with medical clinics or hospitals. Not to include marijuana or medical marijuana facilities.

Preroll: A consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product.

Sec. 36-363. Conditional use permits.

7. Marijuana and Medical Marijuana facilities.

a. *Purpose.* The purpose of these regulations is to:

- (i) Permit legal sale of ~~medical~~ marijuana as set forth therein and provide detailed obligations for establishing rules and regulations for the manufacture, processing, infusing and

310 sale, including tracking, testing, security and background
311 checks;

312 (ii) Avoid locating such facilities in close proximity to elementary
313 and secondary schools, churches and child day care center
314 uses;

315
316 (iii) Ensure that such facilities are operated in a responsible
317 manner for the needs of the clients and surrounding land
318 uses by minimizing any possible adverse effects on the
319 surrounding neighborhood.
320

321 b. *Approval standards.* All applications for a conditional use permit for
322 marijuana or medical marijuana facilities shall describe the type of
323 service intended to be delivered at that location and comply with the
324 following requirements:

325
326 (i) Unless otherwise permitted, no new marijuana or medical
327 marijuana cultivation, infused products manufacturing,
328 dispensary, or testing facility shall be sited, at the time of
329 application for zoning approval, within 1,000 feet of any
330 ~~then-existing~~ elementary or secondary school, child day
331 care center, or church.
332

333 A. In the case of a freestanding facility, the distance
334 between the facility and the school, child day care
335 center, or church shall be measured from the external
336 wall of the facility structure closest in proximity to the
337 school, child day care center, or church to the closest
338 point of the property line of the school, child day care
339 center, or church.
340

341 B. ~~In the case of a facility that is part of a larger structure,~~
342 ~~such as an office building or strip mall, the distance~~
343 ~~between the facility and school, child day care center or~~
344 ~~church shall be measured from the property line of the~~
345 ~~school, child day care center, or church to the facility's~~
346 ~~entrance or exit closest in proximity to the school, child~~
347 ~~day care center, or church. If the school, child day care~~
348 ~~center, or church is part of a larger structure, such as an~~
349 ~~office building or strip mall, the distance shall be~~
350 ~~measured to the entrance or exit of the school, child day~~
351 ~~care center, or church closest in proximity to the facility.~~
352 In the case of a facility that is part of a larger structure,
353 such as an office building or strip mall, the distance
354 between the facility and the school, child day care
355 center, or church shall be measured from the property

line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church. If the school, child day care center, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, child day care center, or church closest in proximity to the facility.

- C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
 - D. For purposes of this subsection, a "child day care center" means a child-care facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.
 - E. For purposes of this subsection, a "church" means a permanent building primarily and regularly used as a place or religious worship.
 - F. For purposes of this subsection, an "elementary or secondary school" means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the 12th grade, but does not include any private school in which education is primarily conducted in private homes.
- (ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.
 - (iii) The marijuana or medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
 - (iv) No marijuana or medical marijuana facilities shall be located in a building that contains a residence.
 - (v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a

certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of the City Code.

(vi) The proposed conditional use shall not be operated so as 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 use will dominate the immediate neighborhood, consideration shall be given to:

- A. The functional classification of the street on which the site is located; and
- B. The surrounding residential districts and uses; and
- C. The location, nature and height of buildings, structures, walls and fences on site; and
- D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
- E. The nature and extent of landscaping and screening on the site; and
- F. The number of trips anticipated each day to the site.

(vii) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana establishment facility.

(viii) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

(ix) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

(x) All marijuana and medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Sec. 36-421. GR - General retail district.

(2) Permitted uses

- (q) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (r) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church, and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-422. HC - Highway commercial district.

(2) Permitted uses.

- (bb) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (cc) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (dd) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (3) Conditional uses.** The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
- (d) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-

existing elementary or secondary school, child day care center or church and as prescribed, and subject to all other ~~requirements~~ requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-423. CS - Commercial service district.

(2) *Permitted uses.*

(gg) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an ~~then-existing~~ elementary or secondary school, child day care center, church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(hh) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility ~~shall~~ shall be located within 1,000 feet of an an ~~then-existing~~ elementary or secondary school or within 200 feet of an an ~~then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(ii) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an an ~~then-existing~~ elementary or secondary school or within 200 feet of an an ~~then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(c) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an ~~then-existing~~ elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities

Sec. 36-424. CC - Center city district.

(2) *Permitted uses.*

(bb) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an an ~~then-existing~~ elementary or secondary school, or within 200 feet of an an ~~then-existing~~ child day care center

or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

- (cc) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, or within 200 feet of an an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-425. COM - Commercial Street district.

(2) *Permitted uses.*

- (a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.

13. Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, or within 200 feet of an an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

14. Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within an an ~~then~~-existing elementary or secondary school, or within 200 feet of an an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-430. RI - Restricted industrial district.

(2) *Permitted uses.*

- (q) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

- (r) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, or within 200 feet of an an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

- (s) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, or within 200 feet of an an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (t) Medical Mmarijuana testing facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (3) *Conditional uses*. The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
- (a) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-431. LI - Light industrial district.

(2) *Permitted uses*.

- (p) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (q) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, or within 200 feet of an an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (r) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, or within 200 feet of an an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(s) ~~Medical M~~marijuana testing facility. No facility shall be located within 1,000 feet of an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(3) *Conditional uses*. The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article:

(a) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-432. GM - General manufacturing district.

(2) *Permitted uses*.

(t) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(u) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~then~~-existing elementary or secondary school, or within 200 feet of an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(v) Medical or comprehensive marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(w) Medical or comprehensive marijuana-infused type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~then~~-existing elementary or secondary school, or within 200 feet of an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(x) ~~Medical M~~marijuana testing facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(e) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(f) Medical or comprehensive marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-433. HM - Heavy manufacturing district.

(2) *Permitted uses.*

(aa) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(bb) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(cc) Medical or comprehensive marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(dd) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, or within 200 feet of an an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(ee) Medical ~~M~~marijuana testing facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(d) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(e) Medical or comprehensive marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-434. IC - Industrial commercial district.

(2) *Permitted uses.*

(y) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(z) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an an ~~then~~-existing elementary or secondary school, or within 200 feet of an an ~~then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(aa) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then-existing~~ elementary or secondary school, or within 200 feet of an ~~an then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(bb) ~~Medical M~~marijuana testing facility. No facility shall be located within 1,000 feet of an ~~an then-existing~~ elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article.

(c) Medical or comprehensive marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then-existing~~ elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-474. Marijuana and Mmedical marijuana facilities.

(1) *Purpose.* The purpose of these requirements is to allow marijuana and medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

(2) *Marijuana and medical marijuana facility standards.* Marijuana and medical marijuana facilities as defined in this article shall follow the regulations of this article.

(a) A business license shall be obtained annually, and the marijuana and medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

(c) Unless otherwise permitted, no new marijuana or medical marijuana facility, cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within 1,000 feet of any

then-existing elementary or secondary school, child day-care center, or church.

1. ~~In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the external wall of the facility structure closest in proximity to the school, child day center or church to the closest point of the property line of the school, child day care center, or church.~~ In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, day care center, or church to the closest point of the property line of the school, daycare, or church.
2. ~~In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.~~ If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
4. For purposes of this section, a "child day care center" means a child care facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.
5. For purposes of this section, a "church" means a permanent building primarily and regularly used as a place of religious worship.
6. For purposes of this section, an "elementary or secondary school" means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes.

- (d) No marijuana or medical marijuana business facility shall be located in a building that contains a residence.
- (e) All marijuana and medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- (f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana establishment facility.
- (g) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- (h) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- (i) All other City Codes shall apply.

Sec. 36-488. Permitted and conditional uses.

The following key is to be used in the interpretation of table 36-488, permitted and conditional uses below.

- (1) *Permitted uses.* Uses which are marked as "P" in the table shall be allowed subject to all applicable regulations of this article.
- (2) *Conditional uses.* Uses which are marked as "C" in the table shall be allowed upon the approval of a conditional use permit as detailed in section 36-363.
- (3) *Prohibited uses.* A blank space in the table indicates that a use type is not allowed in the respective subdistrict.
- (4) *Uses not listed.* If a proposed use is not listed in the tables, the administrative review committee shall determine if the use is substantially similar to a use listed in the tables. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
- (5) *Conversions.* Structures existing at the time of the adoption of this ordinance [G.O. 6684] in subdistricts A, B, and/or C may be converted to any use permit in that subdistrict.
- (6) *Additional regulation.* If uses have use specific standards they are referenced in this column. Use specific standards shall apply to permitted and conditional

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uses. Where use specific standards conflict with district specific standards, the district specific standards shall be followed.

Table 36-488. GAP District Permitted and Conditional Uses							
Use	Additional Regulation	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
Residential Uses							
Dwelling, Live Work	36-489(1)		P	P	P		
Dwelling, Multifamily, stand-alone fronting Grant Avenue		C	C	C	P		P
Dwelling, Multifamily, stand-alone not fronting Grant Avenue		P	P	P	P	P	P
Dwelling, Multifamily as a part of mixed use	36-489(2)	P	P	P		P	P
Dwelling, Multifamily conversion	36-489(3)		P	P	P		
Dwelling, Single-Family Semi-detached			P	P	P		
Dwelling, Single-Family Detached existing	36-489(4)		P	P	P		
Dwelling, Single-Family Detached new development				C	P		
Group Home		P	P	P	P	P	P
Lodging Uses							
Bed and Breakfast	36-489(5)		P	P	P		
Hotel	36-489(6)	P	P	P		C	C
Short-Term Rental Type 1	36-473				P		
Short-Term Rental Type 2	36-473				P		
Short-Term Rental Type 3	36-473	P	P	P		P	P
Commercial Retail and Entertainment Uses							
Adult Oriented Uses							
Entertainment Oriented Use Group, less than 10,000 sq. ft.		P	P	P		P	
Entertainment Oriented Use Group, greater than 10,000 sq. ft.		C	C				
General Retail Use Group, less than 10,000 sq. ft.		P	P	P		P	P
General Retail Use Group, greater than 10,000 sq. ft.		C	C				
Medical or comprehensive Marijuana Dispensary Facility	36-474	P	P	P		P	P
Package Liquor							
Pawn Shop							
Commercial Service and Office Uses							
Daycare				P			
Personal Service Use Group, less than 10,000 sq. ft.		P	P	P		P	P
Personal Service Use Group, greater than 10,000 sq. ft.		C	C				
Medical/Dental Office		P	P	P		P	P
General Office		P	P	P		P	P
General Office, above ground floor as a part of mixed use		P	P	P		P	
General Office, conversion	36-489(7)	P	P	P	P	P	P
Title Loan/Short Term Lending							
Eating and Drinking Uses							
Restaurant/Bar/Brewpub		P	P	P		P	P
Restaurant, drive-thru							
Vehicle Oriented Uses							
Autobody Repair/Service Station							
Car Sales/Rental							
Car Wash							

Gas Station							
Commercial Off-Street Parking Lots	36-489(8)	P					
Commercial Off-Street Parking Structures above ground floor as a part of mixed use		P					
Industrial Uses							
Artisan Manufacturing	36-489(9)	P	P	P		P	P
Brewery/Winery/Distillery		P					
Medical or comprehensive Marijuana Cultivation Facility or microbusiness marijuana wholesale facility	36-474	P					
Medical or comprehensive Marijuana Infused Product Manufacturing Type 2 Post Extraction Facility	36-474	P					
Medical Marijuana Testing Facilities	36-474	P					
Personal Storage							
Accessory Uses							
Accessory Structures and Uses	36-450	P	P	P	P	P	P
Home Occupations		P	P	P	P	P	P
Outdoor Display/Sale of Merchandise, Permanent							
Outdoor Storage							
Solar Energy Collection System, canopy	36-489(10)	P	P	P	P	P	P
Solar Energy Collection System, roof	36-489(11)	P	P	P	P	P	P
Temporary Uses							
Farm Stand	36-489(12)				P		
Farmers Market		P	P	P		P	P
Food Truck		P	P	P		P	P
Outdoor Display/Sale of Merchandise, Temporary		P	P	P		P	P
Seasonal Sales		P	P	P		P	P

Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, any rights acquired or liability incurred, any cause or causes of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, or phrase thereof, even if any one or more sections, subsections, sentences, clauses, or phrases were declared invalid.

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

Passed at meeting: _____

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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL 2023 - 027

FILED: 01-17-23

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and 36-474; for the purpose of allowing the sale of Comprehensive (Recreational) Marijuana as required by revised Article XIV of the Missouri Constitution (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT: MARIJUANA AMENDMENTS

1. Planning and Zoning Commission initiated amendments to the Zoning Ordinance in regard to comprehensive (recreational) marijuana facilities on December 15, 2022.
2. Missouri voters approved Amendment 3 for changes to the Missouri Constitution (Article XIV) on November 8, 2022. Article XIV allows the regulated use of medical marijuana including cultivation, testing, manufacture, and sale. The language of the Amendment 3 ballot initiative makes changes to Article XIV, Section 1 of the Missouri Constitution regarding the medical use of marijuana and creates Section 2 of Article XIV, which establishes a program for the adult use of marijuana.
3. As of December 8th, consumers are allowed to legally possess up to 3 ounces of marijuana. However, product will not be available for consumers to purchase in a Missouri licensed dispensary facility until medical facility licensees convert their licenses to comprehensive facilities. Missouri's existing medical marijuana facilities (cultivation, manufacturing, and dispensary) may now begin submitting requests to convert to a comprehensive (medical and adult-use) facility license. Because the department has 60 days from receipt to review and approve those requests, adult-use product may be available as early as February 2023. Once approved, comprehensive facilities will be allowed to sell marijuana to patient ID cardholders, primary caregiver ID cardholders and adults over the age of 21.
4. Article XIV Section 2 states that "the purpose of this section is to make marijuana legal under state and local law for adults twenty-one years of age or older, and to control the commercial production and distribution of marijuana under a system that licenses, regulates, and taxes the businesses involved while protecting public health. The intent is to prevent arrest and penalty for personal possession and cultivation of limited amounts of marijuana by adults twenty-one years of age or

older; remove the commercial production and distribution of marijuana from the illicit market; prevent revenue generated from commerce in marijuana from going to criminal enterprises; prevent the distribution of marijuana to persons under twenty-one years of age; prevent the diversion of marijuana to illicit markets; protect public health by ensuring the safety of marijuana and products containing marijuana; and ensure the security of marijuana facilities. To the fullest extent possible, this section shall be interpreted in accordance with the purpose and intent set forth in this section. This section is not intended to allow for the public use of marijuana, driving while under the influence of marijuana, the use of marijuana in the workplace, or the use of marijuana by persons under twenty-one years of age.”

5. Staff is proposing minimal changes that will define and allow the new comprehensive marijuana facilities and existing medical marijuana facilities as required by State Law. Staff is proposing to allow comprehensive marijuana facilities in the same districts and with similar standards as medical marijuana facilities.

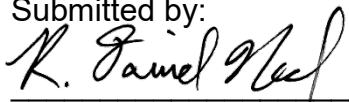
REMARKS: The Planning and Zoning Commission held a public hearing on January 12, 2022, and recommended to approve, by a vote of 6 to 0, with one member abstaining.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will delineate where marijuana facilities are allowed as directed by revised Article XIV of the Missouri Constitution (hereinafter Article XIV).
2. Staff is proposing to allow comprehensive marijuana facilities in the same districts and with similar standards as medical marijuana facilities.

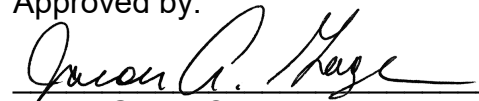
Submitted by:


Daniel Neal, Senior 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: Proposed Amendments

Attachment 3: Amendment 3 Petition

Attachment 4: Citizen Correspondence

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – January 12, 2023

Comprehensive (Recreational) Marijuana Amendments
Citywide

Applicant: City of Springfield

Mr. Neal stated that this is a request for amendments to sections in Chapter 36 of the Land Development Code relating to the MO Constitution allowing comprehensive (recreational) marijuana.

Mr. Knuckles asked if it would comply with the new laws in Missouri and if the amendments are like the medical marijuana amendments.

Mr. Neal noted that they are basically tied to each other (same districts, same separation requirements, etc.,) but added new terms for microbusinesses.

Ms. Gunther asked if there will be other placements (i.e., gas stations, etc.,) for microbusinesses.

Mr. Neal stated that he does not believe so, but commission could ask the representative that is present tonight.

Ms. Burris noted that the microbusiness is not targeted toward the size of businesses, more of a social equity program so you would need to have a specific net worth, disability card or meet other requirements to get the micro dispensary license.

Ms. Broekhoven asked about microbusiness and the two new terms, one wholesale facility and one just a dispensary and asked how they factor into appropriate use types with the (new) comprehensive plan.

Mr. Neal said they tied wholesale facilities to other wholesale districts (highway commercial, industrial, etc.,) and the microbusiness dispensaries were tied with current medical marijuana dispensaries.

Mr. Colony noted that the new amendments are basically the same framework that was previously adopted for medical marijuana however he asked if the distant separations are really required and advocates that the distance separations be removed completely or moved to 200 feet separation and intends to support the amendment.

Mr. Neal stated that distant separations are from 2019 and when they were adopted, as they were worried about the odor and filtration systems, etc.

Mr. Jobe opened the public hearing.

No speakers.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Comprehensive (Recreational) Marijuana Amendments (Citywide). Mr. Pauly seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Knuckles, and Gunther. Nays: None. Abstain: Lebeck. Absent: Ridge and Scott.

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

Bob Hosmer, AICP
Planning Manager

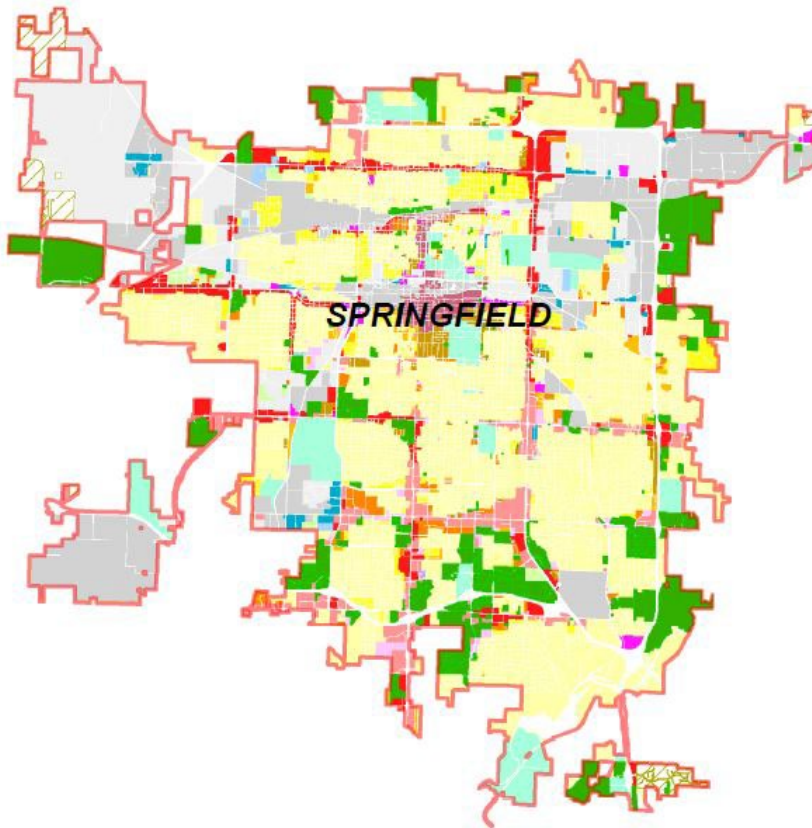
Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

JANUARY 12, 2023

CITY COUNCIL PUBLIC HEARING:

JANUARY 23, 2023



CASE:

Marijuana Amendments

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

In response to voter approval of Constitutional Amendment 3, staff is requesting amendments to Sections 36-303, 36-321, 36-363, 36-474, and commercial and industrial districts of the Zoning Ordinance.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will delineate where marijuana facilities are allowed as directed by revised Article XIV of the Missouri Constitution (hereinafter Article XIV).
2. Staff is proposing to allow comprehensive marijuana facilities in the same districts and with similar standards as medical marijuana facilities.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

Over the course of the last two decades development trends have changed considerably. Easily developable, more affordable land has begun to grow scarce. New construction has slowly shifted from greenfield sites to infill and redevelopment on brownfield sites. As technological innovation and automation continue to alter consumer preferences, greater emphasis must be placed in designing and developing more responsive and flexible spaces where retailers and service providers can rely on a broader range of use categories and adaptable building types. The city's regulatory framework will need to adapt to expanding e-commerce, the emergence of the gig economy, and mixed-use development trends to ease the pressure on greenfield sites, as availability continues to decline.

Responding to the changing complexion of development and consumer preferences will warrant strategic planning at the neighborhood, corridor, and district level. Establishing targeted plans and codes can accommodate and preserve the unique character of an area, while minimizing controversial zoning cases that create community stress and require a burdensome approval process. Proactive planning represents the best opportunity to preserve and promote revitalization in established neighborhoods and commercial districts, while encouraging reinvestment and new development that provides for a sustainable future.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. Planning and Zoning Commission initiated amendments to the Zoning Ordinance in regards to comprehensive (recreational) marijuana facilities on December 15, 2022.
2. Missouri voters approved Amendment 3 for changes to the Missouri Constitution (Article XIV) on November 8, 2022. Article XIV allows the regulated use of medical marijuana including cultivation, testing, manufacture and sale. The language of the Amendment 3 ballot initiative makes changes to Article XIV, Section 1 of the Missouri Constitution regarding the medical use of marijuana and creates Section 2 of Article XIV, which establishes a program for the adult use of marijuana.
3. As of December 8th, consumers are allowed to legally possess up to 3 ounces of marijuana. However, product will not be available for consumers to purchase in a Missouri licensed dispensary facility until medical facility licensees convert their licenses to comprehensive facilities. Missouri's existing medical marijuana facilities (cultivation, manufacturing and dispensary) may now begin submitting requests to convert to a comprehensive (medical and adult-use) facility license. Because the department has 60 days from receipt to review and approve those requests, adult-use product may be available as early as February 2023. Once approved, comprehensive facilities will be allowed to sell marijuana to patient ID cardholders, primary caregiver ID cardholders and adults over the age of 21.
4. Article XIV Section 2 states that "the purpose of this section is to make marijuana legal under state and local law for adults twenty-one years of age or older, and to control the commercial production and distribution of marijuana under a system that licenses, regulates, and taxes the businesses involved while protecting public health. The intent is to prevent arrest and penalty for personal possession and cultivation of limited amounts of marijuana by adults twenty-one years of age or older; remove the commercial production and distribution of marijuana from the illicit market; prevent revenue generated from commerce in marijuana from going to criminal enterprises; prevent the distribution of marijuana to persons under twenty-one years of age; prevent the diversion of marijuana to illicit markets; protect public health by ensuring the safety of marijuana and products containing marijuana; and ensure the security of marijuana facilities. To the fullest extent possible, this section shall be interpreted in accordance with the purpose and intent set forth in this section. This section is not intended to allow for the public use of marijuana, driving while under the influence of marijuana, the use of marijuana in the workplace, or the use of marijuana by persons under twenty-one years of age."

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5. Staff is proposing minimal changes that will define and allow the new comprehensive marijuana facilities and existing medical marijuana facilities as required by State Law. Staff is proposing to allow comprehensive marijuana facilities in the same districts and with similar standards as medical marijuana facilities.
 6. The new Article XIV Section 2 lists four types of comprehensive marijuana facilities: cultivation, testing, marijuana-infused manufacturing, and dispensaries. It also lists two types of marijuana microbusiness facilities: dispensary and wholesale facilities. Staff has used similar definitions contained in Article XIV.
 7. A comprehensive marijuana cultivation facility is licensed by the state to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products. Staff believes this use is similar to a nursery/greenhouse operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is also proposing that this use be permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts and all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts) similar to medical marijuana cultivation facilities. A Conditional Use Permit is required if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council. No changes.
 8. A marijuana testing facility is a facility certified by the State to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility. It will allow for the testing of all marijuana or medical marijuana facilities. Staff is proposing medical marijuana testing facilities to be permitted in all Industrial Districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). No changes.
 9. A comprehensive marijuana-infused products manufacturing facility is licensed by the state to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. This is similar to the medical marijuana-infused products manufacturing facilities which has two types. Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV for Type 1 extraction facilities. Staff is concerned about the effects of hazardous substances and odor from these types of facilities and recommends a Conditional Use Permit be required if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council. The second type of medical marijuana-infused manufacturing facility is a Type 2 post-extraction facility which is a facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale). Staff is recommending the full 1,000-foot separation from schools. Staff is recommending a reduced separation of two hundred (200) feet between Type 2 infused-products manufacturing facilities and child day care center and church uses which is consistent with the separation requirements for medical marijuana facilities. No changes.
 10. A comprehensive marijuana dispensary facility is licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, primary caregiver, or consumer. Staff believes this is similar to a retail sales use like pharmaceuticals which are allowed in the office and all commercial districts. Staff does not believe this use is
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appropriate in the Limited Business or Office Districts because these districts are typically within or adjacent to single-family residential neighborhoods. Staff is recommending these be allowed in the GR, HC, CS, CC and COM Districts. Staff is proposing that these uses also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending the full 1,000-foot separation from schools. Staff is recommending a reduced separation of two hundred (200) feet between dispensaries and child day care center and church uses so as to allow medical access to patients without being overly burdensome. This is consistent with the separation requirements for medical marijuana facilities. Staff has found that few or no dispensaries would be allowed in the downtown area if the separation requirement was set at Article XIV's one thousand (1,000) feet default.

11. A microbusiness marijuana dispensary facility is licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a consumer. Staff believes this is similar to a retail sales use like pharmaceuticals which are allowed in the office and all commercial districts. Staff is recommending these be allowed in the GR, HC, CS, CC and COM Districts. Staff is proposing that these uses also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts) similar to the medical marijuana dispensaries.
12. A microbusiness marijuana wholesale facility is licensed by the state to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls. Staff is proposing that microbusiness marijuana wholesale facilities be located in the same districts as medical marijuana cultivation facilities. These uses are similar to a wholesale sales operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is also proposing these uses to be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts. A Conditional Use Permit is required if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council.
13. Amendment 3 further defined the separation measurements between a marijuana facility and an existing elementary or secondary school, child day care center, or church uses. These measurements were made along the shortest path between the demarcation points that can be lawfully traveled by foot. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, day care center, or church to the closest point of the property line of the school, daycare, or church. The amendment defined a situation where if the school, day care center, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care center, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care center, or church shall be measured from the property line of the school, day care center, or church to the facility's entrance or exit closest in proximity to the school, day care center, or church. If the school, day care center, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care center, or church closest in proximity to the facility.
14. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall

not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Growth and Development Advisory Committee (GDAC), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be added is underlined or ~~stricken~~.

Sec. 36-303. General provisions.

(31) *Agricultural uses.* Agricultural uses, as defined in this article, shall be permitted in any district provided:

(d) Exemptions. The following uses are exempt from this subsection provided such use is in compliance with other city codes and state and federal laws:

3. Marijuana and medical marijuana facilities as defined in this article.

Sec. 36-321. Definitions.

Agricultural use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to: Forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding: feed lots, stockyards, and animal slaughter houses. Not to include marijuana or medical marijuana facilities.

Clinic, medical or dental: An establishment where human patients are admitted for examination and/or treatment by one or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one night for minor surgery. Not to include marijuana or medical marijuana facilities.

Commercial garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public. Commercial gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include marijuana or medical marijuana facilities.

Community garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription or shares, but not for on-site distribution or sale to the general public. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include marijuana or medical marijuana facilities.

Comprehensive facility: A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

Comprehensive marijuana cultivation facility: A facility licensed by the state to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process

marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

Comprehensive marijuana dispensary facility: A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, primary caregiver, or consumer, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer, and consistent with the limitations in Article XIV of the Missouri State Constitution and Springfield City Code, to a comprehensive facility, a marijuana testing facility, or a medical marijuana facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV of the Missouri State Constitution and Springfield City Code. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Comprehensive marijuana-infused products manufacturing facility: A facility licensed by the state to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

a. *Type 1 extraction facility:* A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.

b. *Type 2 post-extraction facility:* A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM, and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Farmers' market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on-site. A farmer's market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic basis as a seasonal, temporary use. Not to include marijuana or medical marijuana facilities.

Flowering marijuana plant: A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Not to include marijuana or medical marijuana facilities.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Not to include marijuana or medical marijuana facilities.

Infused preroll: A consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

Marijuana or marihuana: Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp ~~containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, as defined by Missouri statute~~, or commodities or products manufactured from industrial hemp.

Marijuana facility: A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness marijuana dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the State pursuant to Article XIV, Section 2, of the Missouri State Constitution. Marijuana facilities do not include medical marijuana facilities licensed pursuant to Article XIV, Section 1, of the Missouri State Constitution.

~~Medical m~~Marijuana-infused products: Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof ~~and are intended for use or consumption other than by smoking~~, including, but not limited to, ~~edible products, ointments, tinctures and concentrates, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.~~

Marijuana microbusiness facility: A facility licensed by the state as a microbusiness marijuana dispensary facility or microbusiness wholesale facility, as defined in this section.

~~Medical M~~Marijuana testing facility: A facility certified by the state to acquire, test, certify, and transport marijuana, ~~including those originally licensed as a medical marijuana testing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.~~

Medical Marijuana: Marijuana allowed for the limited legal production, distribution, sale and purchase for medical-use as governed by Article XIV of the Missouri State Constitution.

Medical marijuana cultivation facility: A facility licensed by the state to acquire, cultivate, process, package store onsite or off site, transport to and from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical marijuana dispensary facility, ~~medical~~ marijuana testing facility, medical marijuana cultivation facility, or to a medical marijuana-infused products manufacturing facility. ~~All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.~~

Medical marijuana dispensary facility: A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer ~~marijuana as provided for in this section~~ to a qualifying patient, a primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a ~~medical~~ marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. ~~All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls. but shall not include the manufacture of marijuana-infused products.~~

Medical marijuana facility: Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as governed by Article XIV, Section 1, of the Missouri State Constitution.

Medical marijuana-infused products manufacturing facility: A facility licensed by the state to acquire, process, package, store on site or off site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a ~~medical~~ marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility. ~~All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.~~

- a. *Type 1 extraction facility:* A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.
- b. *Type 2 post-extraction facility:* A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM, and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Microbusiness marijuana dispensary facility: A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, qualifying patient, or primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with state and local law, a microbusiness wholesale facility or a marijuana testing facility. Microbusiness marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness wholesale facility: A facility licensed by the state to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

Nursery: A place where trees, shrubs, or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated. Not to include marijuana or medical marijuana facilities.

Office, medical: An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or out-patient surgery facilities normally associated with medical clinics or hospitals. Not to include marijuana or medical marijuana facilities.

Preroll: A consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product.

Sec. 36-363. Conditional use permits.

7. Marijuana and Medical Marijuana facilities.
 - a. *Purpose.* The purpose of these regulations is to:

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- (i) Permit legal sale of ~~medical~~ marijuana as set forth therein and provide detailed obligations for establishing rules and regulations for the manufacture, processing, infusing and sale, including tracking, testing, security and background checks;
 - (ii) Avoid locating such facilities in close proximity to elementary and secondary schools, churches and child day care center uses;
 - (iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.
- b. *Approval standards.* All applications for a conditional use permit for marijuana or medical marijuana facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:
- (i) Unless otherwise permitted, no new marijuana or medical marijuana cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within 1,000 feet of any ~~then~~ existing elementary or secondary school, child day care center, or church.
 - A. In the case of a freestanding facility, the distance between the facility and the school, child day care center, or church shall be measured from the external wall of the facility structure closest in proximity to the school, child day care center, or church to the closest point of the property line of the school, child day care center, or church.
 - B. ~~In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and school, child day care center or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church. If the school, child day care center, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, child day care center, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, child day care center, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church. If the school, child day care center, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, child day care center, or church closest in proximity to the facility.~~
 - C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
 - D. For purposes of this subsection, a "child day care center" means a child-care facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.
 - E. For purposes of this subsection, a "church" means a permanent building primarily and regularly used as a place of religious worship.
 - F. For purposes of this subsection, an "elementary or secondary school" means any public school, as defined in Section 160.011 RSMo., or any

private school giving instruction in a grade or grades not higher than the 12th grade, but does not include any private school in which education is primarily conducted in private homes.

- (ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.
- (iii) The marijuana or medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- (iv) No marijuana or medical marijuana facilities shall be located in a building that contains a residence.
- (v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of the City Code.
- (vi) The proposed conditional use shall not be operated so as 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 use will dominate the immediate neighborhood, consideration shall be given to:
 - A. The functional classification of the street on which the site is located; and
 - B. The surrounding residential districts and uses; and
 - C. The location, nature and height of buildings, structures, walls and fences on site; and
 - D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - E. The nature and extent of landscaping and screening on the site; and
 - F. The number of trips anticipated each day to the site.
- (vii) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana ~~establishment~~ facility.
- (viii) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- (ix) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- (x) All marijuana and medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Sec. 36-421. GR - General retail district.

- (2) *Permitted uses.*
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- (q) Medical comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (r) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church, and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-422. HC - Highway commercial district.

(2) *Permitted uses.*

- (bb) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (cc) Medical comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (dd) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
- (d) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed, and subject to all other ~~requirements~~ requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-423. CS - Commercial service district.

(2) *Permitted uses.*

- (gg) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center, church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (hh) Medical comprehensive or microbusiness marijuana dispensary facility. No facility ~~shall~~ shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (ii) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or

within 200 feet of an ~~then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

- (c) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then-existing~~ elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-424. CC - Center city district.

(2) *Permitted uses.*

- (bb) Medical ,comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then-existing~~ elementary or secondary school, or within 200 feet of an ~~an then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (cc) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then-existing~~ elementary or secondary school, or within 200 feet of an ~~an then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-425. COM - Commercial street district.

(2) *Permitted uses.*

- (a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.
 - 13. Medical ,comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then-existing~~ elementary or secondary school, or within 200 feet of an ~~an then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - 14. Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within an ~~an then-existing~~ elementary or secondary school, or within 200 feet of an ~~an then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-430. RI - Restricted industrial district.

(2) *Permitted uses.*

- (q) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then-existing~~ elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (r) Medical ,comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then-existing~~ elementary or secondary school, or within 200 feet of an ~~an then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

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- (s) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (t) ~~Medical M~~marijuana testing facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
 - (a) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-431. LI - Light industrial district.

- (2) *Permitted uses.*
 - (p) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (q) Medical , comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (r) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (s) ~~Medical M~~marijuana testing facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:
 - (a) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-432. GM - General manufacturing district.

- (2) *Permitted uses.*
 - (t) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be

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- located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (u) Medical ,comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, or within 200 feet of an ~~n then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (v) Medical or comprehensive marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (w) Medical or comprehensive marijuana-infused type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, or within 200 feet of an ~~n then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (x) ~~Medical M~~marijuana testing facility. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:
- (e) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (f) Medical or comprehensive marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across from any residential district. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-433. HM - Heavy manufacturing district.

- (2) *Permitted uses.*
- (aa) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (bb) Medical ,comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, or within 200 feet of an ~~n then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (cc) Medical or comprehensive marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, child day care center or church

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- and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (dd) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an n then-existing elementary or secondary school, or within 200 feet of an n then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (ee) ~~Medical-M~~marijuana testing facility. No facility shall be located within 1,000 feet of an n then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:
- (d) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an n then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (e) Medical or comprehensive marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an n then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

Sec. 36-434. IC - Industrial commercial district.

- (2) *Permitted uses.*
- (y) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an n then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (z) Medical , comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an n then-existing elementary or secondary school, or within 200 feet of an n then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (aa) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an n then-existing elementary or secondary school, or within 200 feet of an n then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (bb) ~~Medical-M~~marijuana testing facility. No facility shall be located within 1,000 feet of an n then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
- (c) Medical or comprehensive marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an n then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
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Sec. 36-474. ~~Marijuana and~~ Marijuana and medical marijuana facilities.

- (1) *Purpose.* The purpose of these requirements is to allow marijuana and medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.
- (2) *Marijuana and medical marijuana facility standards.* Marijuana and medical marijuana facilities as defined in this article shall follow the regulations of this article.
 - (a) A business license shall be obtained annually, and the marijuana and medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
 - (b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
 - (c) Unless otherwise permitted, no new ~~marijuana or medical marijuana facility, cultivation, infused products manufacturing, dispensary, or testing facility~~ shall be sited, at the time of application for zoning approval, within 1,000 feet of any ~~then~~-existing elementary or secondary school, child day care center, or church.
 1. ~~In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the external wall of the facility structure closest in proximity to the school, child day care center or church to the closest point of the property line of the school, child day care center, or church.~~ In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, day care center, or church to the closest point of the property line of the school, daycare, or church.
 2. ~~In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.~~ If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
 4. For purposes of this section, a "child day care center" means a child care facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.
 5. For purposes of this section, a "church" means a permanent building primarily and regularly used as a place of religious worship.
 6. For purposes of this section, an "elementary or secondary school" means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades

Development Review Staff Report



not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes.

- (d) No marijuana or medical marijuana business facility shall be located in a building that contains a residence.
- (e) All marijuana and medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- (f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana establishment facility.
- (g) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- (h) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- (i) All other City Codes shall apply.

Sec. 36-488. Permitted and conditional uses.

The following key is to be used in the interpretation of table 36-488, permitted and conditional uses below.

- (1) *Permitted uses.* Uses which are marked as "P" in the table shall be allowed subject to all applicable regulations of this article.
- (2) *Conditional uses.* Uses which are marked as "C" in the table shall be allowed upon the approval of a conditional use permit as detailed in section 36-363.
- (3) *Prohibited uses.* A blank space in the table indicates that a use type is not allowed in the respective subdistrict.
- (4) *Uses not listed.* If a proposed use is not listed in the tables, the administrative review committee shall determine if the use is substantially similar to a use listed in the tables. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
- (5) *Conversions.* Structures existing at the time of the adoption of this ordinance [G.O. 6684] in subdistricts A, B, and/or C may be converted to any use permit in that subdistrict.
- (6) *Additional regulation.* If uses have use specific standards they are referenced in this column. Use specific standards shall apply to permitted and conditional uses. Where use specific standards conflict with district specific standards, the district specific standards shall be followed.

Table 36-488. GAP District Permitted and Conditional Uses							
Use	Additional Regulation	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
Residential Uses							
Dwelling, Live Work	36-489(1)		P	P	P		
Dwelling, Multifamily, stand-alone fronting Grant Avenue		C	C	C	P		P
Dwelling, Multifamily, stand-alone not fronting Grant Avenue		P	P	P	P	P	P
Dwelling, Multifamily as a part of mixed use	36-489(2)	P	P	P		P	P
Dwelling, Multifamily conversion	36-489(3)		P	P	P		

Development Review Staff Report



Dwelling, Single-Family Semi-detached			P	P	P		
Dwelling, Single-Family Detached existing	36-489(4)		P	P	P		
Dwelling, Single-Family Detached new development				C	P		
Group Home		P	P	P	P	P	P
Lodging Uses							
Bed and Breakfast	36-489(5)		P	P	P		
Hotel	36-489(6)	P	P	P		C	C
Short-Term Rental Type 1	36-473				P		
Short-Term Rental Type 2	36-473				P		
Short-Term Rental Type 3	36-473	P	P	P		P	P
Commercial Retail and Entertainment Uses							
Adult Oriented Uses							
Entertainment Oriented Use Group, less than 10,000 sq. ft.		P	P	P		P	
Entertainment Oriented Use Group, greater than 10,000 sq. ft.		C	C				
General Retail Use Group, less than 10,000 sq. ft.		P	P	P		P	P
General Retail Use Group, greater than 10,000 sq. ft.		C	C				
Medical <u>or comprehensive</u> Marijuana Dispensary Facility	36-474	P	P	P		P	P
Package Liquor							
Pawn Shop							
Commercial Service and Office Uses							
Daycare				P			
Personal Service Use Group, less than 10,000 sq. ft.		P	P	P		P	P
Personal Service Use Group, greater than 10,000 sq. ft.		C	C				
Medical/Dental Office		P	P	P		P	P
General Office		P	P	P		P	P
General Office, above ground floor as a part of mixed use		P	P	P		P	
General Office, conversion	36-489(7)	P	P	P	P	P	P
Title Loan/Short Term Lending							
Eating and Drinking Uses							
Restaurant/Bar/Brewpub		P	P	P		P	P
Restaurant, drive-thru							
Vehicle Oriented Uses							
Autobody Repair/Service Station							
Car Sales/Rental							
Car Wash							
Gas Station							
Commercial Off-Street Parking Lots	36-489(8)	P					
Commercial Off-Street Parking Structures above ground floor as a part of mixed use		P					
Industrial Uses							
Artisan Manufacturing	36-489(9)	P	P	P		P	P
Brewery/Winery/Distillery		P					
Medical <u>or comprehensive</u> Marijuana Cultivation Facility <u>or microbusiness marijuana wholesale facility</u>	36-474	P					
Medical <u>or comprehensive</u> Marijuana Infused Product	36-474	P					

Development Review Staff Report



Manufacturing Type 2 Post Extraction Facility							
Medical Marijuana Testing Facilities	36-474	P					
Personal Storage							
Accessory Uses							
Accessory Structures and Uses	36-450	P	P	P	P	P	P
Home Occupations		P	P	P	P	P	P
Outdoor Display/Sale of Merchandise, Permanent							
Outdoor Storage							
Solar Energy Collection System, canopy	36-489(10)	P	P	P	P	P	P
Solar Energy Collection System, roof	36-489(11)	P	P	P	P	P	P
Temporary Uses							
Farm Stand	36-489(12)				P		
Farmers Market		P	P	P		P	P
Food Truck		P	P	P		P	P
Outdoor Display/Sale of Merchandise, Temporary		P	P	P		P	P
Seasonal Sales		P	P	P		P	P

Attachment 3

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article XIV is amended by amending Section 1 of Article XIV and enacting one new section to be known as Section 2 of Article XIV, to read as follows:

XIV Section 1. Right to access medical marijuana. — 1. Purposes.

This section is intended to permit state-licensed physicians and nurse practitioners to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions. The section allows patients with qualifying medical conditions the right to discuss freely with their physicians and nurse practitioners the possible benefits of medical marijuana use, the right of their physicians and nurse practitioners to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician or nurse practitioner.

This section is intended to make only those changes to Missouri laws that are necessary to protect patients, their primary caregivers, and their physicians and nurse practitioners from civil and criminal penalties, and to allow for the limited legal production, distribution, sale and purchase of marijuana for medical use. This section is not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. The section does not allow for the public use of marijuana and driving under the influence of marijuana.

2. Definitions.

(1) "Administer" means the direct application of marijuana to a qualifying patient by way of any of the following methods:

- (a) Ingestion of capsules, teas, oils, and other marijuana-infused products;
- (b) Vaporization or smoking of dried flowers, buds, plant material, extracts, [or] oils, and other marijuana-infused products;
- (c) Application of ointments or balms;
- (d) Transdermal patches and suppositories;
- (e) Consuming marijuana-infused food products; or
- (f) Any other method recommended by a qualifying patient's physician or nurse practitioner.

(2) "Church" means a permanent building primarily and regularly used as a place of religious worship.

(3) "Daycare" means a child-care facility, as defined by section 210.201, RSMo., or successor provisions, that is licensed by the state of Missouri.

(4) "Department" means the department of health and senior services, or its successor agency.

[(3)] (5) "Entity" means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

[(4)] (6) "Flowering plant" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(7) "Infused Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

[(5)] (8) "Marijuana" or "marihuana" means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp, [containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis,] as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

[(6)] (9) "Marijuana-infused products" means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof [and are intended for use or consumption other than by smoking], including, but not limited to, [edible products, ointments, tinctures and concentrates.] products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

(10) "Medical Facility" means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined in this section.

[(7)] (11) "Medical marijuana cultivation facility" means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical marijuana dispensary facility, medical marijuana testing facility, medical marijuana cultivation facility, or to a medical marijuana-infused products manufacturing facility. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

[(8)] (12) "Medical marijuana dispensary facility" means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a [medical] marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

[(9)] (13) "Medical marijuana-infused products manufacturing facility" means a facility licensed by the department to acquire, process, package, store on site or off site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a [medical] marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility.

[(10)] (14) "[Medical marijuana] Marijuana testing facility" means a facility certified by the department to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility.

[(11)] (15) "Medical use" means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

(16) "Nurse practitioner" means an individual who is licensed and in good standing as an advanced practice registered nurse, or successor designation, under Missouri law.

(17) "Owner" means an individual who has a financial (other than a security interest, lien, or encumbrance) or voting interest in ten percent or greater of a marijuana facility.

[(12)] (18) "Physician" means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

[(13)] (19) "Physician or nurse practitioner certification" means a document, whether handwritten, electronic or in another commonly used format, signed by a physician or a nurse practitioner and stating that, in the physician's or nurse practitioner's professional opinion, the patient suffers from a qualifying medical condition.

(20) "Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

[(14)] (21) "Primary caregiver" means an individual twenty-one years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this section or in other written notification to the department.

[(15)] (22) "Qualifying medical condition" means the condition of, symptoms related to, or side-effects from the treatment of:

- (a) Cancer;
- (b) Epilepsy;
- (c) Glaucoma;
- (d) Intractable migraines unresponsive to other treatment;
- (e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;
- (f) Debilitating psychiatric disorders, including, but not limited to, posttraumatic stress disorder, if diagnosed by a state licensed psychiatrist;
- (g) Human immunodeficiency virus or acquired immune deficiency syndrome;
- (h) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician or nurse practitioner determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;
- (i) Any terminal illness; or
- (j) In the professional judgment of a physician or nurse practitioner, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

[(16)] (23) "Qualifying patient" means [a Missouri resident] an individual diagnosed with at least one qualifying medical condition.

(24) "Unduly burdensome" (when referring to a facility licensee or certificate holder) means the measures necessary to comply with the rules or ordinances adopted pursuant to this section subject the party to such a high investment or expense of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the facility; and. (when referring to qualifying patients, primary caregivers, physicians, nurse practitioners, or other party) "unduly burdensome" means the measures necessary to comply with the rules or ordinances adopted pursuant to this section undermine the purpose of this section.

3. Creating Patient Access to Medical Marijuana.

(1) In carrying out the implementation of this section, the department shall have the authority to:

(a) Grant or refuse state licenses and certifications for the cultivation, manufacture, dispensing, sale, testing, tracking, and transportation of marijuana and marijuana-infused products for medical use, as provided by this section and general law; suspend, impose an authorized fine, restrict, or revoke such licenses and certifications upon a violation of this section, general law, or a rule promulgated pursuant to this section; and impose any administrative penalty authorized by this section or any general law enacted or rule promulgated pursuant to this section, so long as any procedure related to a suspension or revocation includes a reasonable cure period, not less than thirty days, prior to the suspension or revocation, except in instances where there is a credible and imminent threat to public health or public safety.

(b) Promulgate rules and emergency rules necessary for the proper regulation and control of the cultivation, manufacture, dispensing, and sale of marijuana for medical use and for the enforcement of this section so long as patient access is not restricted unreasonably and such rules are reasonably necessary for patient safety or to restrict access to only licensees and qualifying patients.

(c) Develop such forms, certificates, licenses, identification cards, and applications as are necessary for, or reasonably related to, the administration of this section or any of the rules promulgated under this section[;].

(d) Require a seed-to-sale tracking system that tracks medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana-infused product is sold to a qualifying patient or primary caregiver to ensure that no medical marijuana grown by a medical marijuana cultivation facility or manufactured by a medical marijuana-infused products manufacturing facility is sold or otherwise transferred except by a medical marijuana dispensary facility. The department shall certify, if possible, at least two commercially available systems to licensees as compliant with its tracking standards and issue standards for the creation or use of other systems by licensees.

(e) Issue standards for the secure transportation of marijuana and marijuana-infused products. The department shall certify entities which demonstrate compliance with its transportation standards to transport marijuana and marijuana-infused products to or from a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a [medical] marijuana testing facility, or another entity with a transportation certification. The department shall develop or adopt from any other governmental agency such safety and security standards as are reasonably necessary for the transportation of marijuana and marijuana-infused products. Any entity licensed or certified pursuant to this section shall be allowed to transport and store [cannabis] marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) and marijuana-infused products for purposes related to transportation in compliance with department regulations on storage of marijuana and marijuana-infused products.

(f) The department may charge a fee not to exceed \$5,000 for any certification issued pursuant to this section.

(g) Prepare and transmit annually a publicly available report accounting to the governor for the efficient discharge of all responsibilities assigned to the department under this section[;].

(h) [Establish a system to numerically score competing medical marijuana licensee and certificate applicants, only in cases where more applicants apply than the minimum number of licenses or certificates as calculated by this section, which scoring shall be limited to an analysis of the following:] Establish a lottery selection process to select medical marijuana licensee and certificate applicants, only in cases where more applicants apply than the minimum number of licenses or certificates as calculated by this section. To be eligible for the medical marijuana license lottery process, an applicant cannot have an owner who has pleaded or been found guilty of a disqualifying felony. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

(i) The person's conviction was for a marijuana offense, other than provision of marijuana to a minor; or

(ii) The person's conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five years old; or

(iii) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent felony criminal offenses.

The department may consult with and rely on the records, advice, and recommendations of the attorney general and the department of public safety, or their successor entities, in carrying out the provisions of this subdivision.

[(i) the character, veracity, background, qualifications, and relevant experience of principal officers or managers;

(ii) the business plan proposed by the applicant, which in the case of cultivation facilities and dispensaries shall include the ability to maintain an adequate supply of marijuana, plans to ensure safety and security of qualifying patients and the community, procedures to be used to prevent diversion, and any plan for making marijuana available to low-income qualifying patients;

(iii) site security;

(iv) experience in a legal cannabis market;

(v) in the case of medical marijuana testing facilities, the experience of their personnel with testing marijuana, food or drugs for toxins and/or potency and health care industry experience;

(vi) the potential for positive economic impact in the site community;

(vii) in the case of medical marijuana cultivation facilities, capacity or experience with agriculture, horticulture, and health care;

(viii) in the case of medical marijuana dispensary facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for patients;

(ix) in the case of medical marijuana-infused products manufacturing facilities, capacity or experience with food and beverage manufacturing; and

(x) maintaining competitiveness in the marijuana for medical use marketplace.]

In [ranking] establishing a lottery selection process to select medical marijuana licensee and certificate applicants and awarding licenses and certificates, the department may consult or contract with other public agencies with relevant expertise [regarding these factors]. The department shall lift or ease any limit on the number of licensees or certificate holders in order to meet the demand for marijuana for medical use by qualifying patients.

(2) The department shall issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to, availability, and safe use of marijuana for medical use by qualifying patients. In developing such rules or emergency rules, the department may consult with other public agencies. In addition to any other rules or emergency rules necessary to carry out the mandates of this section, the department may issue rules or emergency rules relating to the following subjects:

(a) Compliance with, enforcement of, or violation of any provision of this section or any rule issued pursuant to this section, including procedures and grounds for denying, suspending, [fining,] imposing an authorized fine, and restricting, or revoking a state license or certification issued pursuant to this section, so long as any procedure related to a suspension or revocation includes a reasonable cure period, not less than thirty days, prior to the suspension or revocation, except in instances where there is a credible and imminent threat to public health or public safety;

- (b) Specifications of duties of officers and employees of the department;
- (c) Instructions or guidance for local authorities and law enforcement officers;
- (d) Requirements for inspections, investigations, searches, seizures, and such additional enforcement activities as may become necessary from time to time;
- (e) [Creation of a range of] As otherwise authorized by this section or general law, administrative penalties and policies for use by the department;
- (f) Prohibition of misrepresentation and unfair practices;
- (g) Control of informational and product displays on licensed premises provided that the rules may not prevent or unreasonably restrict appropriate signs on the property of the medical marijuana dispensary facility, product display and examination by the qualifying patient and/or primary caregiver, listings in business directories including phone books, listings in marijuana-related or medical publications, or the sponsorship of health or not for profit charity or advocacy events. While the department shall have the general power to regulate the advertising and promotion of marijuana sales, under all circumstances, any such regulation shall be no more stringent than comparable state regulations on the advertising and promotion of alcohol sales;
- (h) Development of individual identification cards for owners, officers, managers, contractors, employees, and other support staff of entities licensed or certified pursuant to this section, including a fingerprint-based federal and state criminal record check in accordance with U.S. Public Law 92-544, or its successor provisions, as may be required by the department prior to issuing a card and procedures to ensure that cards for new applicants are issued within fourteen days. Applicants licensed pursuant to this section shall submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check. The Missouri state highway patrol, if necessary, shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be submitted pursuant to section 43.543, RSMo, or its successor provisions, and fees shall be paid pursuant to section 43.530, RSMo, or its successor provisions. Unless otherwise required by law, no individual shall be required to submit fingerprints more than once;
- (i) Security requirements for any premises licensed or certified pursuant to this section, including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications to the premises;
- (j) Regulation of the storage of, warehouses for, and transportation of marijuana for medical use;
- (k) Sanitary requirements for, including, but not limited to, the preparation of medical marijuana-infused products;
- (l) The specification of acceptable forms of picture identification that a medical marijuana dispensary facility may accept when verifying a sale;
- (m) Labeling and packaging standards;
- (n) Records to be kept by licensees and the required availability of the records;
- (o) State licensing procedures, including procedures for renewals, reinstatements, initial licenses, and the payment of licensing fees;
- (p) The reporting and transmittal of tax payments;
- (q) Authorization for the department of revenue to have access to licensing information to ensure tax payment and the effective administration of this section; and

(r) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this section.

(3) The department shall issue rules or emergency rules for a medical marijuana and medical marijuana-infused products independent testing and certification program for medical marijuana licensees and requiring licensees to test medical marijuana using one or more impartial, independent laboratories to ensure, at a minimum, that products sold for human consumption do not contain contaminants that are injurious to health, to ensure correct labeling and measure potency. The department shall not require any medical marijuana or medical marijuana-infused products to be tested more than once prior to sale.

(4) The department shall issue rules or emergency rules to provide for the certification of and standards for [medical] marijuana testing facilities, including the requirements for equipment and qualifications for personnel, but shall not require certificate holders to have any federal agency licensing or have any relationship with a federally licensed testing facility. The department shall certify, if possible, at least two entities as [medical] marijuana testing facilities. No [medical] marijuana testing facility shall be owned by an entity or entities under substantially common control, ownership, or management as a medical marijuana cultivation facility, medical marijuana-infused product manufacturing facility, or medical marijuana dispensary facility.

(5) [The department shall maintain the confidentiality of reports or other information obtained from an applicant or licensee containing any individualized data, information, or records related to the licensee or its operation, including sales information, financial records, tax returns, credit reports, cultivation information, testing results, and security information and plans, or revealing any patient information, or any other records that are exempt from public inspection pursuant to state or federal law. Such reports or other information may be used only for a purpose authorized by this section.] Any information released by the department related to patients may [be used] only be for a purpose authorized by federal law and this section, including verifying that a person who presented a patient identification card to a state or local law enforcement official is lawfully in possession of such card. Beginning December 8, 2022, all public records produced or retained pursuant to this section are subject to the general provisions of the Missouri Sunshine Law, chapter 610, RSMo, or its successor provisions. Notwithstanding the foregoing, records containing proprietary business information obtained from an applicant or licensee shall be closed. For documents submitted on or after December 8, 2022, the applicant or licensee shall label business information it believes to be proprietary prior to submitting it to the department. For documents submitted prior to December 8, 2022, the applicant or licensee may advise the department, through a department approved process, of any records previously submitted by the applicant or licensee it believes contain proprietary business information. Proprietary business information shall include sales information, financial records, tax returns, credit reports, license applications, cultivation information unrelated to product safety, testing results unrelated to product safety, site security information and plans, and individualized consumer information. The presence of proprietary business information shall not justify the closure of public records:

(a) identifying the applicant or licensee;

(b) relating to any citation, notice of violation, tax delinquency, or other enforcement action;

(c) relating to any public official's support or opposition relative to any applicant, licensee, or their proposed or actual operations;

(d) where disclosure is reasonably necessary for the protection of public health or safety;
or

(e) that are otherwise subject to public inspection under other applicable law.

(6) Within one hundred eighty days of December 6, 2018, the department shall make available to the public license application forms and application instructions for medical marijuana cultivation facilities, [medical] marijuana testing facilities, medical marijuana dispensary facilities, and medical marijuana-infused products manufacturing facilities.

(7) Within one hundred eighty days of December 6, 2018, the department shall make available to the public application forms and application instructions for qualifying patient, qualifying patient cultivation, and primary caregiver identification cards. Within two hundred ten days of December 6, 2018, the department shall begin accepting applications for such identification cards.

(8) An entity may apply to the department for and obtain one or more licenses to grow marijuana as a medical marijuana cultivation facility. Each facility in operation shall require a separate license, but multiple licenses may be utilized in a single facility. Each indoor facility utilizing artificial lighting may be limited by the department to thirty thousand square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting may be limited by the department to two thousand eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the department, at the election of the licensee, to two thousand eight hundred flowering plants or thirty thousand square feet of flowering plant canopy. The license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of ten thousand dollars per license application or renewal for all applicants filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of five thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. [No more than three medical marijuana cultivation facility licenses shall be issued to any entity under substantially common control, ownership, or management.] An entity or entities under substantially common control, ownership, or management may not be an owner of more than ten percent of the total marijuana cultivation facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(9) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana dispensary facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. [No more than five medical marijuana dispensary facility licenses shall be issued to any entity under substantially common control, ownership, or management.] An entity or entities under substantially common control, ownership, or management may not be an owner of more than ten percent of the total marijuana dispensary facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(10) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana-infused products manufacturing facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. [No more than three medical marijuana-infused products manufacturing facility licenses shall be issued to any entity under substantially common control, ownership, or management.] An entity or entities under substantially common control, ownership, or management may not be an owner of more than ten percent of the total marijuana-infused products manufacturing facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(11) Any applicant for a license authorized by this section may prefile their application fee with the department beginning 30 days after December 6, 2018.

(12) Except for good cause, a qualifying patient or his or her primary caregiver may obtain an identification card from the department to cultivate up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) for the exclusive use of that qualifying patient. The card shall be valid for [twelve months] three years from its date of issuance and shall be renewable with the [annual] submittal of a new or updated [physician's] physician or nurse practitioner certification. The department shall charge [an annual] a fee for the card of [one hundred] fifty dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(13) The department may set a limit on the amount of marijuana that may be purchased by or on behalf of a single qualifying patient in a thirty-day period, provided that limit is not less than [four] six ounces of dried, unprocessed marijuana, or its equivalent. Any such limit shall not apply to a qualifying patient with written certification from [two independent physicians] a physician or nurse practitioner that there are compelling reasons why the qualifying patient needs a greater amount than the limit established by the department.

(14) The department may set a limit on the amount of marijuana that may be possessed by or on behalf of each qualifying patient, provided that limit is not less than a sixty-day supply of dried, unprocessed marijuana, or its equivalent. A primary caregiver may possess a separate legal limit for each qualifying patient under their care and a separate legal limit for themselves if they are a qualifying patient. Qualifying patients cultivating marijuana for medical use may possess up to a ninety-day supply, so long as the supply remains on property under their control. Any such limit shall not apply to a qualifying patient with written certification from [two independent physicians] an independent physician or nurse practitioner that there are compelling reasons for additional amounts. Possession of between the legal limit and up to twice the legal limit shall subject the possessor to department sanctions, including an administrative penalty of up to two hundred dollars and loss of their patient identification card for up to a year. Purposefully possessing amounts in excess of twice the legal limit shall be punishable [by imprisonment of up to one year and a fine of up to two thousand dollars] as an infraction under applicable law.

(15) The department may restrict the aggregate number of licenses granted for medical marijuana cultivation facilities and comprehensive marijuana cultivation facilities authorized by section 2 combined, provided, however, that the number may not be limited to fewer than one license per every one hundred thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(16) The department may restrict the aggregate number of licenses granted for medical marijuana-infused products manufacturing facilities and comprehensive marijuana-infused products manufacturing facilities authorized by section 2 combined, provided, however, that the number may not be limited to fewer than one license per every seventy thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(17) The department may restrict the aggregate number of licenses granted for medical marijuana dispensary facilities and comprehensive marijuana dispensary facilities authorized by section 2 combined, provided, however, that the number may not be limited to fewer than twenty-four licenses in each United States congressional district in the state of Missouri pursuant to the map of each of the eight congressional districts as drawn and effective on December 6, 2018. Future changes to the boundaries of or the number of congressional districts shall have no impact.

(18) The department shall begin accepting license and certification applications for medical marijuana dispensary facilities, [medical] marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, seed-to-sale tracking systems, and for transportation of marijuana no later than two hundred forty days after

December 6, 2018. Applications for licenses and certifications under this section shall be approved or denied by the department no later than one hundred fifty days after their submission. If the department fails to carry out its nondiscretionary duty to approve or deny an application within one hundred fifty days of submission, an applicant may immediately seek a court order compelling the department to approve or deny the application.

(19) Qualifying patients under this section shall obtain [and annually renew] an identification card or cards from the department. The department shall charge a fee of twenty-five dollars [per year] per card, [with such fee to] Such fee may be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor or its successor agency. Cards shall be valid for three years and may be renewed with a new physician or nurse practitioner certification. Upon receiving an application for a qualifying patient identification card or qualifying patient cultivation identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial. If the department fails to deny and fails to issue a card to an eligible qualifying patient within thirty days, then their physician or nurse practitioner certification shall serve as their qualifying patient identification card or qualifying patient cultivation identification card for up to one year from the date of physician or nurse practitioner certification. All initial applications for or renewals of a qualifying patient identification card or qualifying patient cultivation identification card shall be accompanied by a physician or nurse practitioner certification that is less than thirty days old.

(20) Primary caregivers under this section shall obtain [and annually renew] an identification card from the department. Cards shall be valid for three years. The department shall charge a fee of twenty-five dollars per [year, with such fee to] card. Such fee may be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. Upon receiving an application for a primary caregiver identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial.

(21) Except as otherwise provided in this Article, all [All] marijuana for medical use sold in Missouri shall be cultivated in a licensed medical marijuana cultivation facility located in Missouri.

(22) Except as otherwise provided in this Article, all [All] marijuana-infused products for medical use sold in the state of Missouri shall be manufactured in a medical marijuana-infused products manufacturing facility.

(23) The denial of a license, license renewal, or identification card by the department shall be appealable to the administrative hearing commission, or its successor entity. Following the exhaustion of administrative review, denial of a license, license renewal, or identification card by the department shall be subject to judicial review as provided by law.

(24) No elected official shall interfere directly or indirectly with the department's obligations and activities under this section.

(25) The department shall not have the authority to apply or enforce any unduly burdensome rule or regulation or administrative penalty [that would impose an undue burden on] upon any one or more licensees or certificate holders, any qualifying patients, or their primary caregivers, or act to undermine the purposes of this section.

4. Taxation and Reporting.

(1) A tax is levied upon the retail sale of marijuana for medical use sold at medical marijuana dispensary facilities within the state. The tax shall be at a rate of four percent of the retail price. The tax shall be collected by each licensed medical marijuana dispensary facility and paid to the department of revenue. After retaining no more than [five] two percent for its actual collection costs, amounts generated by the medical marijuana tangible personal property retail sales tax levied in this section shall be deposited by the department of revenue into the Missouri veterans' health and care fund. Licensed entities making retail sales within the state shall be

allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit.

(2) There is hereby created in the state treasury the "Missouri Veterans' Health and Care Fund", which shall consist of taxes and fees collected under this section. The state treasurer shall be custodian of the fund, and he or she shall invest monies in the fund in the same manner as other funds are invested. Any interest and monies earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any monies remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The commissioner of administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

(a) First, to the department, an amount necessary for the department to carry out this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section;

(b) Next, the remainder of such funds shall be transferred to the Missouri veterans commission for health and care services for military veterans, including the following purposes: operations, maintenance and capital improvements of the Missouri veterans homes, the Missouri service officer's program, and other services for veterans approved by the commission, including, but not limited to, health care services, mental health services, drug rehabilitation services, housing assistance, job training, tuition assistance, and housing assistance to prevent homelessness. The Missouri veterans commission shall contract with other public agencies for the delivery of services beyond its expertise.

(c) All monies from the taxes authorized under this subsection shall provide additional dedicated funding for the purposes enumerated above and shall not replace existing dedicated funding.

(3) For all retail sales of marijuana for medical use, a record shall be kept by the seller which identifies, by secure and encrypted patient number issued by the seller to the qualifying patient involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations, taxes collected and grand total sale amounts. All such records shall be kept on the premises in a readily available format and be made available for review by the department and the department of revenue upon request. Such records shall be retained for five years from the date of the sale.

(4) The tax levied pursuant to this subsection is separate from, and in addition to, any general state and local sales and use taxes that apply to retail sales, which shall continue to be collected and distributed as provided by general law.

(5) Except as authorized in this subsection, no additional taxes shall be imposed on the sale of marijuana for medical use.

(6) The fees and taxes provided for in this Article XIV, Section 1 shall be fully enforceable notwithstanding any other provision in this Constitution purportedly prohibiting or restricting the taxes and fees provided for herein.

(7) The unexpended balance existing in the fund shall be exempt from the provisions of section 33.080, RSMo, or its successor provisions, relating to the transfer of unexpended balances to the general revenue fund.

(8) For taxpayers authorized to do business pursuant to this Article, the amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 280E of the Internal Revenue Code as in effect on January 1, 2021, or successor provisions, but is disallowed because cannabis is a controlled substance under federal law, shall be subtracted from the taxpayer's federal adjusted gross income, in determining the taxpayer's Missouri adjusted gross income.

5. Additional Patient, Physician, Nurse Practitioner, Caregiver and Provider Protections.

(1) Except as provided in this section, the possession of marijuana in quantities less than the limits of this section, or established by the department, and transportation of marijuana [from a medical marijuana dispensary facility to the qualifying patient's residence] by the qualifying patient or primary caregiver shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that the possessor produces on demand to the appropriate authority a valid qualifying patient identification card; a valid qualifying patient cultivation identification card; a valid physician or nurse practitioner certification while making application for an identification card; or a valid primary caregiver identification card. Production of the respective substantially equivalent identification card or authorization issued by another state or political subdivision of another state shall also meet the requirements of this subdivision and shall allow for the purchase of medical marijuana for use by a non-resident patient from a medical marijuana dispensary facility as permitted by this section and in compliance with department regulations.

(2) No patient shall be denied access to or priority for an organ transplant or other medical care because they hold a qualifying patient identification card or use marijuana for medical use.

(3) A physician or nurse practitioner shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri state board of registration for the healing arts, the Missouri state board of nursing, or [its] their respective successor [agency] agencies, for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or issuing a physician or nurse practitioner certification to a patient diagnosed with a qualifying medical condition in a manner consistent with this section and legal standards of professional conduct.

(4) A health care provider shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or providing health care services that involve the medical use of marijuana consistent with this section and legal standards of professional conduct.

(5) A [medical] marijuana testing facility shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of marijuana consistent with this section and otherwise meeting legal standards of professional conduct.

(6) A health care provider shall not be subject to mandatory reporting requirements for the medical use of marijuana by nonemancipated qualifying patients under eighteen years of age in a manner consistent with this section and with consent of a parent or guardian.

(7) A primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering marijuana for medical use to a qualifying patient or participating in the patient cultivation of up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) per patient and no more than twenty-four flowering plants for more than one qualifying patient in a manner consistent with this section and generally established legal standards of personal or professional conduct.

(8) [An attorney shall not be subject to disciplinary action by the state bar association or other professional licensing body for owning, operating, investing in, being employed by, contracting with, or providing legal assistance to prospective or licensed medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, qualifying patients, primary caregivers, physicians, health care providers or others related to activity that is no longer subject to criminal penalties under state law pursuant to this section.] Notwithstanding any provision of Article V to the contrary, an attorney shall not be subject to disciplinary action by the Supreme Court of Missouri, the office of chief disciplinary counsel, the state bar association, any state agency, or any professional licensing body for any of the following:

(a) owning, operating, investing in, being employed by, or contracting with prospective or licensed marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, or transportation certificate holders;

(b) counseling, advising, and/or assisting a client in conduct permitted by Missouri law that may violate or conflict with federal or other law, as long as the attorney advises the client about that federal or other law and its potential consequences;

(c) counseling, advising, and/or assisting a client in connection with applying for, owning, operating, or otherwise having any legal, equitable, or beneficial interest in marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, or transportation certificates; or

(d) counseling, advising or assisting a qualifying patient, primary caregiver, physician, nurse practitioner, health care provider or other client related to activity that is no longer subject to criminal penalties under Missouri law pursuant to this Article.

(9) Actions and conduct by qualifying patients, primary caregivers, [medical] marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities licensed or registered with the department, or their employees or agents, as permitted by this section and in compliance with department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

(10) Nothing in this section shall provide immunity for negligence, either common law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous device, or navigating a boat under the influence of marijuana.

(11) It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by qualifying patients, primary caregivers, [medical] marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, primary caregivers, [medical] marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.

(12) In the process of requesting a search or arrest warrant relating to the production, possession, transportation or storage of marijuana, a state or local law enforcement official shall verify with the department whether the targeted person is a qualifying patient or primary caregiver holding an identification card allowing for cultivation of marijuana plants under subdivision (12) of subsection 3 of this section, and shall inform the issuing authority accordingly when making the warrant request. Evidence of marijuana alone, without specific evidence indicating that the marijuana is outside of what is lawful for medical or adult use, cannot be the basis for a search of a patient or non-patient, including their home, vehicle or other property. Lawful marijuana related activities cannot be the basis for a violation of parole, probation, or any type of supervised release. State and local law enforcement shall only have access to such department information as is necessary to confirm whether the targeted person holds a registration card.

(13) Registered qualifying patients on bond for pre-trial release, on probation, or other form of supervised release shall not be prohibited from legally using a lawful marijuana product as a term or condition of release, probation, or parole. An alternative sentencing drug court program may not prohibit individuals under its jurisdiction from using a lawful marijuana product as long as the individual is a registered qualifying patient.

(14) A family court participant or party who requires treatment for a qualified medical condition in accordance with this section shall not be required to refrain from using medical marijuana as a term or condition of successful completion of the family court program. The

status and conduct of a qualified patient who acts in accordance with this section shall not, by itself, be used to restrict or abridge custodial or parental rights to minor children in any action or proceeding under the jurisdiction of a family court under chapter 487, RSMo, including domestic matters under chapter 452, RSMo, or a juvenile court under chapter 211, RSMo, or successor provisions.

(15) A person shall not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this section.

(16) No person shall be denied their rights under Article 1, section 23 of the Missouri Constitution, or successor provisions, solely for conduct that is permitted by this section.

6. Legislation.

Nothing in this section shall limit the general assembly from enacting laws consistent with this section, or otherwise effectuating the patient rights of this section. The legislature shall not enact laws that hinder the right of qualifying patients to access marijuana for medical use as granted by this section.

7. Additional Provisions.

(1) Nothing in this section permits a person to:

(a) Consume marijuana for medical use in a jail or correctional facility;

(b) Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice; or

(c) Operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana. Notwithstanding the foregoing, an arrest or a conviction of a person who has a valid qualifying patient identification card for any applicable offenses shall require evidence that the person was in fact under the influence of marijuana at the time the person was in actual physical control of the dangerous device or motor vehicle, aircraft or motorboat and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system; or

(d) Bring a claim against any employer, former employer, or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer, or prospective employer prohibiting the employee, former employee, or prospective employee from being under the influence of marijuana while at work or disciplining the employee or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana.

(2) No medical marijuana cultivation facility, [medical] marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, or entity with a transportation certification shall be owned, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

(a) The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana; or

(b) The person's conviction was for a nonviolent crime for which he or she was not incarcerated and that is more than five years old; or

(c) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

The department may consult with and rely on the records, advice and recommendations of the attorney general and the department of public safety, or their successor entities, in applying this subdivision.

(3) [All medical marijuana cultivation facility, medical marijuana dispensary facility, and medical marijuana-infused products manufacturing facility licenses, entities with medical marijuana testing facility certifications, and entities with transportation certifications shall be held by entities that are majority owned by natural persons who have been citizens of the state of Missouri for at least one year prior to the application for such license or certification. Notwithstanding the foregoing, entities outside the state of Missouri may own a minority stake in such entities.

(4) No medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall manufacture, package or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between a marijuana or marijuana-infused product and any product not containing marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional department sanction, up to and including an administrative penalty of five thousand dollars and loss of license.

[(5)] (4) All edible marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled as mandated by the department[, in a font size at least as large as the largest other font size used on the package,] as containing "Marijuana", or a "Marijuana-Infused Product". Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty of five thousand dollars.

[(6)] (5) No individual shall serve as the primary caregiver for more than [three] six qualifying patients. No primary caregiver cultivating marijuana for more than one qualifying patient may exceed a total of twenty-four flowering plants.

[(7) No qualifying patient shall consume marijuana for medical use in a public place, unless provided by law. Violation of this prohibition shall subject the violator to sanctions as provided by general law.] (6) A person who smokes medical marijuana in a public place, other than in an area licensed for such activity by the department or by local authorities having jurisdiction over the licensing or permitting of said activity, is subject to a civil penalty not exceeding one hundred dollars.

[(8)] (7) No person shall extract resins from marijuana using dangerous materials or combustible gases without a medical marijuana-infused products manufacturing facility license. Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty of one thousand dollars for a patient or primary caregiver and ten thousand dollars for a facility licensee and, if applicable, loss of their identification card, certificate, or license for up to one year.

[(9)] (8) All qualifying patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by the qualifying patient or by such patient's primary caregiver. Two qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one enclosed, locked facility. [No more than twelve qualifying patient or primary caregiver cultivated flowering marijuana plants may be cultivated in a single, enclosed locked facility, except when a primary caregiver also holds a qualifying patient cultivation identification card, in which case no more than eighteen flowering marijuana plants may be cultivated in a single, enclosed, locked facility.] Primary caregivers cultivating marijuana for more than one qualifying patient may cultivate each respective qualifying patient's flowering plants in a single, enclosed locked facility subject to the limits of subsection 3, paragraph 12.

[(10)] (9) No medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, [medical] marijuana testing facility, or entity with a transportation certification shall assign, sell, give, lease, sublicense, or otherwise

transfer its license or certificate to any other entity without the express consent of the department, not to be unreasonably withheld.

[(11)] (10) (a) Unless allowed by the local government, no new medical marijuana cultivation facility, [medical] marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot. No local government shall prohibit medical marijuana cultivation facilities, [medical] marijuana testing facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place, and manner of operation of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a medical marijuana cultivation facility, [medical] marijuana testing facility, medical marijuana-infused products manufacturing facility, medical marijuana dispensary facility, or entity holding a transportation certification that may operate in such locality.

(b) The only local government ordinances or regulations that are binding on a medical facility are those of the local government where the medical facility is physically located.

[(12)] (11) Unless superseded by federal law or an amendment to this Constitution, a physician or nurse practitioner shall not certify a qualifying condition for a patient by any means other than providing a physician or nurse practitioner certification for the patient, whether handwritten, electronic, or in another commonly used format. [A qualifying patient must obtain a new physician certification at least annually.]

[(13)] (12) A physician or nurse practitioner shall not issue a certification for the medical use of marijuana for a nonemancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. The department shall not issue a qualifying patient identification card on behalf of a nonemancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. Such card shall be issued to one of the parents or guardians and not directly to the patient. Only a parent or guardian may serve as a primary caregiver for a nonemancipated qualifying patient under the age of eighteen. Only the qualifying patient's parent or guardian shall purchase or possess medical marijuana for a nonemancipated qualifying patient under the age of eighteen. A parent or guardian shall supervise the administration of medical marijuana to a nonemancipated qualifying patient under the age of eighteen.

[(14)] (13) Nothing in this section shall be construed as mandating health insurance coverage of medical marijuana for qualifying patient use.

[(15)] (14) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for medical use or for activities otherwise in compliance with this section shall not be subject to asset forfeiture solely because of that use.

(15) Unless a failure to do so would cause an employer to lose a monetary or licensing-related benefit under federal law, an employer may not discriminate against a person in hiring,

termination or any term or condition of employment or otherwise penalize a person, if the discrimination is based upon either of the following:

(a) The person's status as a qualifying patient or primary caregiver who has a valid identification card, including the person's legal use of a lawful marijuana product off the employer's premises during nonworking hours, unless the person was under the influence of medical marijuana on the premises of the place of employment or during the hours of employment; or

(b) A positive drug test for marijuana components or metabolites of a person who has a valid qualifying patient identification card, unless the person used, possessed, or was under the influence of medical marijuana on the premises of the place of employment or during the hours of employment.

Nothing in this subdivision shall apply to an employee in a position in which legal use of a lawful marijuana product affects in any manner a person's ability to perform job-related employment responsibilities or the safety of others, or conflicts with a bona fide occupational qualification that is reasonably related to the person's employment.

(16) The enactment of section 2 of this Article and concurrent amendments to section 1 of this Article shall have no effect upon any valid contract, claim, or cause of action instituted prior to the effective date of this section.

8. Federal Legalization.

If federal law, rules, or regulations are amended to allow the interstate commerce of marijuana or marijuana-infused products or the importation or exportation of marijuana or marijuana-infused products into or out of the state of Missouri, the provisions and intent of this section shall, to the extent possible, remain in full effect, unless explicitly preempted by such federal law, rule, or regulation. If federal law, rules, or regulations are amended as provided above, any marijuana or marijuana-infused products imported into this state shall be subject to the same testing standards and seed to sale tracking system required under this section for marijuana and marijuana-infused products produced within the state. Unless federal law, rules, or regulations explicitly require otherwise, no entity shall sell, transport, produce, distribute, deliver, or cultivate marijuana or marijuana-infused products without an applicable license or certificate as required under this section. In addition, any raw biomass of marijuana or marijuana flower imported from out-of-state shall be received only by a licensed cultivation facility, while all batch oil, infused marijuana products and any marijuana product in any other form shall be received only by a licensed manufacturing facility.

[8.] 9. Severability.

The provisions of this section are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent possible.

[9. Effective Date.

The provisions of this section shall become effective on December 6, 2018.]

Section 2. Marijuana Legalization, Regulation, and Taxation

1. Purpose.

The purpose of this section is to make marijuana legal under state and local law for adults twenty-one years of age or older, and to control the commercial production and distribution of marijuana under a system that licenses, regulates, and taxes the businesses involved while protecting public health. The intent is to prevent arrest and penalty for personal possession and cultivation of limited amounts of marijuana by adults twenty-one years of age or older; remove the commercial production and distribution of marijuana from the illicit market; prevent revenue generated from commerce in marijuana from going to criminal enterprises; prevent the

distribution of marijuana to persons under twenty-one years of age; prevent the diversion of marijuana to illicit markets; protect public health by ensuring the safety of marijuana and products containing marijuana; and ensure the security of marijuana facilities. To the fullest extent possible, this section shall be interpreted in accordance with the purpose and intent set forth in this section.

This section is not intended to allow for the public use of marijuana, driving while under the influence of marijuana, the use of marijuana in the workplace, or the use of marijuana by persons under twenty-one years of age.

2. Definitions.

(1) "Church" means a permanent building primarily and regularly used as a place of religious worship.

(2) "Comprehensive Facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

(3) "Comprehensive Marijuana Cultivation Facility" means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

(4) "Comprehensive Marijuana Dispensary Facility" means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in section 1 of this Article, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of this Article and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in this Article and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

(5) "Comprehensive Marijuana-Infused Products Manufacturing Facility" means a facility licensed by the department to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

(6) "Consumer" means a person who is at least twenty-one years of age.

(7) "Daycare" means a child-care facility, as defined by section 210.201, RSMo., or successor provisions, that is licensed by the state of Missouri.

(8) "Department" means the department of health and senior services, or its successor agency.

(9) "Entity" means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability

company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(10) "Flowering plant" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(11) "Infused Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

(12) "Local government" means, in the case of an incorporated area, a village, town, or city and, in the case of an unincorporated area, a county.

(13) "Marijuana" or "marihuana" means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

(14) "Marijuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

(15) "Marijuana Facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the department pursuant to this section, but shall not include a medical facility licensed under section 1 of this Article.

(16) "Marijuana-Infused Products" means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

(17) "Marijuana Microbusiness Facility" means a facility licensed by the department as a microbusiness dispensary facility or microbusiness wholesale facility, as defined in this section.

(18) "Microbusiness Dispensary Facility" means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a consumer, qualifying patient, as that term is defined in section 1 of this Article, or primary caregiver, as that term is defined in section 1 of this Article, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of this Article and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

(19) "Microbusiness Wholesale Facility" means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

(20) "Marijuana Testing Facility" means a facility certified by the department to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

(21) "Owner" means an individual who has a financial (other than a security interest, lien, or encumbrance) or voting interest in ten percent or greater of a marijuana facility.

(22) "Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

(23) "Unduly burdensome" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this section subject licensees or potential licensees to such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marijuana facility.

3. Limitations.

(1) Except as otherwise provided in this Article, this section does not preclude, limit, or affect laws that assign liability relative to, prohibit, or otherwise regulate:

(a) Delivery or distribution of marijuana or marijuana accessories, with or without consideration, to a person younger than twenty-one years of age;

(b) Purchase, possession, use, or transport of marijuana or marijuana accessories by a person younger than twenty-one years of age;

(c) Consumption of marijuana by a person younger than twenty-one years of age;

(d) Operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana. Notwithstanding the foregoing, a conviction of a person who is at least twenty-one years of age for any applicable offenses shall require evidence that the person was in fact under the influence of marijuana at the time the person was in physical control of the motorized form of transport and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system;

(e) Consumption of marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(f) Smoking marijuana within a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(g) Possession or consumption of marijuana or possession of marijuana accessories on the grounds of a public or private preschool, elementary or secondary school, institution of higher education, in a school bus, or on the grounds of any correctional facility;

(h) Smoking marijuana in a location where smoking tobacco is prohibited;

(i) Consumption of marijuana in a public place, other than in an area licensed by the authorities having jurisdiction over the licensing and/or permitting of said activity, as set forth in subsection 5 of this section;

(j) Conduct that endangers others;

(k) Undertaking any task while under the influence of marijuana, if doing so would constitute negligence, recklessness, or professional malpractice; or

(l) Performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol, unless licensed for this activity by the department.

(2) This section does not limit any privileges, rights, immunities, or defenses of a person or entity as provided in section 1 of this Article, or any other law of this state allowing for or regulating marijuana for medical use.

(3) This section does not require an employer to permit or accommodate conduct otherwise allowed by this section in any workplace or on the employer's property. This section does not prohibit an employer from disciplining an employee for working while under the influence of marijuana. This section does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because that person was working while under the influence of marijuana.

(4) This section allows an entity to prohibit or otherwise limit the consumption, cultivation, distribution, processing, sale, or display of marijuana, marijuana-infused products, and marijuana accessories on private property the entity owns, leases, occupies, or manages, except that a lease agreement executed after the effective date of this section may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking.

(5) The enactment of this section and all concurrent amendments to section 1 of this Article shall have no effect upon any valid contract, claim, or cause of action instituted prior to the effective date of this section.

4. Regulation of Marijuana.

(1) In carrying out the implementation of this section and as conditioned herein, the department shall have the authority to:

(a) Grant or refuse state licenses for the cultivation, manufacture, dispensing, and sale of marijuana; suspend, restrict, or revoke such licenses upon a violation of this section or a rule promulgated pursuant to this section; and impose any reasonable administrative penalty authorized by this section or any general law enacted or rule promulgated pursuant to this section, so long as any procedure related to a suspension or revocation includes a reasonable cure period, not less than thirty days, prior to the suspension or revocation, except in instances where there is a credible and imminent threat to public health or public safety;

(b) Promulgate rules and emergency rules necessary for the proper regulation and control of the cultivation, manufacture, dispensing, and sale of marijuana and for the enforcement of this section so long as such rules are reasonable and not unduly burdensome;

(c) Develop such forms, certificates, licenses, identification cards, and applications as are necessary for, or reasonably related to, the administration of this section or any of the rules promulgated under this section;

(d) Require a seed-to-sale tracking system that tracks marijuana from either the seed or immature plant stage until the marijuana or marijuana-infused product is sold to a qualified patient, primary caregiver, or consumer to ensure that no marijuana grown by a medical marijuana cultivation facility, comprehensive marijuana cultivation facility, or microbusiness wholesale facility, or manufactured by a medical marijuana-infused products manufacturing facility, a comprehensive marijuana-infused products manufacturing facility, or a microbusiness wholesale facility is sold or otherwise transferred to a consumer, qualified patient, or primary caregiver except by a medical marijuana dispensary facility, a comprehensive dispensary facility, or a microbusiness dispensary facility. The department shall certify all commercially available tracking systems that are compliant with its tracking standards and issue standards for the creation or use of other systems by licensees;

(e) Issue standards for the secure transportation of marijuana and marijuana-infused products. The department shall certify entities that demonstrate compliance with its transportation standards to transport marijuana and marijuana-infused products to or from a comprehensive facility, medical facility, microbusiness facility, another entity with a transportation certification, or any entity licensed pursuant to paragraph (g) of this subdivision. The department shall develop or adopt from any other governmental agency such safety and security standards as are reasonably necessary for the transportation and temporary storage of marijuana and marijuana-infused products. Any entity licensed or certified pursuant to this

section shall be allowed to transport its own inventory and products in compliance with department transportation rules and store marijuana and marijuana-infused products for the purposes related to transportation in compliance with department regulations on secure storage of marijuana and marijuana-infused products;

(f) Promulgate rules and emergency rules specific to the licensing, regulation, and oversight of marijuana microbusiness facilities;

(g) Provide for the issuance of additional types or classes of licenses to operate marijuana-related businesses that:

(i) allow for only transportation, delivery, or storage of marijuana; or

(ii) are intended to facilitate scientific research or education.

(h) Prepare and transmit annually a publicly available report accounting to the governor, the general assembly, and the public for the efficient discharge of all responsibilities assigned to the department under this section. The report shall provide aggregate data for each type of license (medical, comprehensive, and microbusiness) and facility (dispensary, cultivation, manufacturers, wholesalers.) Only non-identifying information shall be provided regarding any marijuana facility owners;

(i) Establish a lottery selection process to select comprehensive facility licenses, certificate holders, marijuana microbusiness licensees, but not medical facility licensees that are converting to comprehensive licenses pursuant to this subsection. To become eligible for any license lottery selection process, an owner cannot have pleaded guilty or been found guilty of a disqualifying felony, as that term is defined in subsection 9 of this section.

(j) In developing a lottery selection process to award licenses and certificates, the department may consult or contract with other public agencies with relevant expertise.

(k) While not required as a prerequisite to participation in a comprehensive license lottery, every comprehensive license applicant shall submit to the department a voluntary plan to promote and encourage participation in the regulated marijuana industry by people from communities that have been disproportionately impacted by marijuana prohibition. The plan may include strategies to address geographical defined communities that have been disproportionately impacted by marijuana prohibition; provide for ownership opportunities for disproportionately impacted communities; and provide for employment, supplier, and vendor opportunities for individuals and businesses in communities that have been disproportionately impacted by marijuana prohibition. If licensed, any voluntary applicant plan shall be enforceable by the department.

(l) Notwithstanding other grants of authority herein, neither the department nor any governmental body may restrict the production or use of marijuana and marijuana-infused products based solely upon THC content.

(m) Set a limit on the amount of marijuana that may be purchased in a single transaction provided that limit is not less than three ounces of dried, unprocessed marijuana, or its equivalent.

(n) Regulate the advertising and promotion of marijuana sales, but any such regulation shall be no more stringent than comparable state regulations on the advertising and promotion of alcohol sales.

(2) The department shall issue, at a minimum, the same number of comprehensive marijuana cultivation facility licenses as were authorized or issued for medical marijuana cultivation facilities under section 1 of this Article as of December 7, 2022, the same number of comprehensive marijuana-infused products manufacturing facility licenses as were authorized or issued for medical marijuana-infused products manufacturing facilities under section 1 of this Article as of December 7, 2022, the same number of comprehensive marijuana dispensary facility licenses with the same congressional distribution requirements as were authorized or issued for medical marijuana dispensary facilities under section 1 of this Article as of December 7, 2022, in addition to the minimum number of marijuana microbusiness licenses as are required under this section. The department may lift or ease any limit on the number of licensees or

certificate holders in order to meet the demand for marijuana in the state and to ensure a competitive market while also preventing an over-concentration of marijuana facilities within the boundaries of any particular local government.

(3) If comprehensive facility licenses become available because the number of total issued licenses in any respective category falls below the minimum required under this section or the department determines more comprehensive facility licenses are necessary to meet the requirements of subdivision (2) of this subsection, the department shall award by lottery at least fifty percent of any new licenses available to satisfy the minimum requirement to applicants who are owners of a marijuana microbusiness facility that has been in operation for at least one year and is in good standing with the department and is otherwise qualified for the license.

(4) The department may issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to, availability, and safe use of marijuana by consumers. In developing such rules or emergency rules, the department may consult or contract with other public agencies. In addition to any other rules or emergency rules necessary to carry out the mandates of this section, the department shall issue rules or emergency rules relating to the following subjects:

(a) Procedures for issuing a license and for renewing, suspending, and revoking a license, so long as any procedure related to a suspension or revocation includes a reasonable cure period, not less than thirty days, prior to the suspension or revocation, except in instances where there is a credible and imminent threat to public health or public safety;

(b) Requirements and standards for safe cultivation, processing, and distribution of marijuana and marijuana-infused products by marijuana facilities, including health standards to ensure the safe preparation of marijuana-infused products;

(c) Testing, packaging, and labeling standards, procedures, and requirements for marijuana and marijuana-infused products and a requirement that a representative sample of marijuana be tested by a marijuana testing facility to ensure public health;

(d) Labeling standards that protect public health by requiring the listing of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, the number of servings per package, and quantity limits per sale to comply with the allowable possession amount;

(e) Requirements that packaging and labels shall not be made to be attractive to children, required warning labels, and that marijuana and marijuana-infused products be sold in resealable, child-resistant packaging to protect public health;

(f) Security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marijuana between marijuana facilities;

(g) Record keeping requirements for marijuana facilities and monitoring requirements to track the transfer of marijuana by licensees;

(h) A plan to promote and encourage ownership and employment in the marijuana industry by people from political subdivisions and districts that are economically distressed and to positively impact those political subdivisions and districts;

(i) Administrative penalties as authorized by this section for failure to comply with any rule promulgated pursuant to this section or for any violation of rules and regulations adopted pursuant to this section by a licensee, including authorized administrative fines and suspension, revocation, or restriction of a license. The licensee may choose to challenge any penalties imposed by the department through the administrative hearing commission, or its successor entity. Pursuant to section 536.100, RSMo, or its successor provisions, any licensee who has exhausted all administrative remedies provided by law and who is aggrieved by a final decision in a contested case is entitled to judicial review;

(j) Reporting and transmittal of tax payments required under this section;

(k) Authorization for the department of revenue to have access to licensing information to ensure tax payment and the effective administration of this section; and

(l) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this section.

(5) The department shall issue rules or emergency rules for a marijuana and marijuana-infused products independent testing and certification program for marijuana facility licensees and requiring licensees to test marijuana using one or more impartial, independent laboratory or laboratories to ensure, at a minimum, correct labeling, potency measurement, and that products sold for human consumption do not contain contaminants that are potentially injurious to public health.

(6) The department shall issue rules or emergency rules to provide for the certification of and standards for marijuana testing facilities, including the requirements for equipment and qualifications for personnel, but shall not require certificate holders to have any federal agency licensing or have any relationship with a federally licensed testing facility. No marijuana testing facility shall be owned by an entity or entities under substantially common control, ownership, or management as a marijuana cultivation facility, marijuana-infused products manufacturing facility, marijuana microbusiness facility, or marijuana dispensary facility.

(7) All public records produced or retained pursuant to this section are subject to the general provisions of the Missouri Sunshine Law, chapter 610, RSMo, or its successor provisions. Notwithstanding the foregoing, public records containing proprietary business information obtained from an applicant or licensee shall be closed. The applicant or licensee shall label business information it believes to be proprietary prior to submitting it to the department. Proprietary business information shall include sales information, financial records, tax returns, credit reports, license applications, cultivation information unrelated to product safety, testing results unrelated to product safety, site security information and plans, and individualized consumer information. The presence of proprietary business information shall not justify the closure of public records:

(a) Identifying the applicant or licensee;

(b) Relating to any citation, notice of violation, tax delinquency, or other enforcement action;

(c) Relating to any public official's support or opposition relative to any applicant, licensee, or their proposed or actual operations;

(d) Where disclosure is reasonably necessary for the protection of public health or safety;
or

(e) That are otherwise subject to public inspection under applicable law.

(8) Within one hundred and eighty days of the effective date of this section, the department shall make available to the public license application forms and application instructions for marijuana microbusiness facilities. Within two hundred and seventy days of the effective date of this section, the department shall start accepting such applications from applicants.

(9) An entity may apply to the department for and obtain one or more licenses to grow marijuana as a comprehensive marijuana cultivation facility. Each facility in operation shall require a separate license, but multiple licenses may be utilized in a single facility. Each indoor facility utilizing artificial lighting may be limited by the department to thirty thousand square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting may be limited by the department to two thousand eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the department, at the election of the licensee, to two thousand eight hundred flowering plants or thirty thousand square feet of flowering plant canopy. The license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a non-refundable fee of twelve thousand dollars per license application or renewal for all applicants filing an application within three years of the effective date of this section and shall charge each applicant a non-refundable fee of five thousand dollars per license application or

renewal thereafter. Once granted, the department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. An entity may not be an owner of more than ten percent of the total marijuana cultivation facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(10) An entity may apply to the department for and obtain one or more licenses to operate a comprehensive marijuana dispensary facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a non-refundable fee of seven thousand dollars per license application or renewal for each applicant filing an application within three years of the effective date of this section and shall charge each applicant a non-refundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. An entity may not be an owner of more than ten percent of the total marijuana dispensary facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(11) An entity may apply to the department for and obtain one or more licenses to operate a comprehensive marijuana-infused products manufacturing facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a non-refundable fee of seven thousand dollars per license application or renewal for each applicant filing an application within three years of the effective date of this section and shall charge each applicant a non-refundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. An entity may not be an owner of more than ten percent of the total marijuana-infused products manufacturing facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(12) An entity may apply to the department for and obtain only one license to operate a marijuana microbusiness facility, which may be either a microbusiness dispensary facility or a microbusiness wholesale facility. A marijuana microbusiness facility licensee may engage in all of the activities allowed under the license or it may apply for and engage in a subset of the activities allowed if the applicant or license holder so chooses. A microbusiness wholesale facility may cultivate, process, manufacture, transport, and sell marijuana and marijuana-infused products to any other marijuana microbusiness facility. A microbusiness dispensary facility licensee may acquire from any other microbusiness facility, process, package, deliver, and sell marijuana and marijuana-infused products to any other marijuana microbusiness facility, or directly to qualified patients, their primary caregiver, or consumers. A marijuana microbusiness license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a fee of one thousand five hundred dollars per license application and for each subsequent license renewal application thereafter. Any applicant that meets the criteria to apply for a marijuana microbusiness facility license but is not chosen by the lottery system may have their application fee refunded. Once granted, the department shall charge each licensee an annual fee of one thousand five hundred dollars per facility license, but there shall be no annual fee assessed for the first year of licensure. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. An entity may not be an owner of more than one marijuana microbusiness facility license. An owner of a marijuana microbusiness facility may not also be an owner of another licensed marijuana facility or medical facility regulated under this Article. However, the owner of a marijuana microbusiness facility may apply for a license or licenses for other marijuana or medical marijuana facilities under this Article. If granted one or more of these licenses, the marijuana

microbusiness facility owner shall transition to other licensed operations on a reasonably practical timetable established by the department, and surrender its marijuana microbusiness facility license to the department for issuance to an applicant for a marijuana microbusiness facility. In addition to other requirements established by this section, an applicant for a marijuana microbusiness license shall be majority owned by individuals who each meet at least one of the following qualifications:

(a) Have a net worth of less than \$250,000 and have had an income below two hundred and fifty percent of the federal poverty level, or successor level, as set forth in the applicable calendar year's federal poverty income guidelines published by the U.S. Department of Health and Human Services or its successor agency, for at least three of the ten calendar years prior to applying for a marijuana microbusiness facility license; or

(b) Have a valid service-connected disability card issued by the United States Department of Veterans Affairs, or successor agency; or

(c) Be a person who has been, or a person whose parent, guardian or spouse has been arrested for, prosecuted for, or convicted of a non-violent marijuana offense, except for a conviction involving provision of marijuana to a minor, or a conviction of driving under the influence of marijuana. The arrest, charge, or conviction must have occurred at least one year prior to the effective date of this section; or

(d) Reside in a ZIP code or census tract area where:

(i) Thirty percent or more of the population lives below the federal poverty level; or

(ii) The rate of unemployment is fifty percent higher than the state average rate of unemployment; or

(iii) The historic rate of incarceration for marijuana-related offenses is fifty percent higher than the rate for the entire state; or

(e) Graduated from a school district that was unaccredited, or had a similar successor designation, at the time of graduation, or has lived in a zip code containing an unaccredited school district, or similar successor designation, for three of the past five years.

(13) The department may restrict the aggregate number of licenses granted for marijuana microbusiness facilities, provided, however, that the number may not be limited to fewer than the following number of licenses in each United States congressional district in the state of Missouri pursuant to the map of each of the eight congressional districts as drawn and effective on December 6, 2018:

(a) Six, once the department begins issuing licenses for marijuana microbusiness facilities under this subsection, at least two of which shall be a microbusiness dispensary facility, and at least four of which will be a microbusiness wholesale facility. The department shall issue the first group of microbusiness licenses no later than three hundred days after the effective date of this section;

(b) An additional six following the first two hundred and seventy days after the department begins issuing licenses for marijuana microbusiness facilities under this subsection, at least two of which shall be a microbusiness dispensary facility, and at least four of which will be a microbusiness wholesale facility, but only after the chief equity officer, or his or her designee, conducts a review and certifies that previous microbusiness licenses were awarded to and are being operated by eligible applicants in good standing; and

(c) An additional six after the first five hundred and forty-eight days after the department begins issuing licenses for marijuana microbusiness facilities under this subsection, at least two of which shall be a microbusiness dispensary facility, and at least four of which will be a microbusiness wholesale facility, but only after the chief equity officer, or his or her designee, conducts a review and certifies that previous microbusiness licenses were awarded to and are being operated in good standing by eligible applicants.

Future changes to the boundaries or the number of congressional districts shall have no impact on microbusiness license numbers or distribution. The eligibility review set forth in this

subdivision shall be conducted by the chief equity officer within sixty days of issuance of the licenses. The chief equity officer shall publish in a manner available to the public the results of the review that contains only aggregate information on licensee eligibility criteria.

(14) Within 60 days after the effective date of this section, the department shall appoint a chief equity officer. The chief equity officer shall assist with the development and implementation of programs to inform the public of the opportunities available to those people who meet the criteria set forth in paragraph (12) of this subsection. The chief equity officer shall establish public education programming and targeted technical assistance programming dedicated to providing communities that have been impacted by marijuana prohibition with information detailing the licensing process and informing individuals of the support and resources that the office can provide to individuals and entities interested in participating in activity licensed under this Article. The chief equity officer shall provide a report to the department, no later than January 1, 2024, and annually thereafter, of their and the department's activities in ensuring compliance with the applicant criteria set forth in paragraph (12) of this subsection, and the department shall provide such report to the legislature. The chief equity officer may only be removed for cause and the department shall not interfere with the officer's lawful official activities under this section.

(15) Any medical marijuana cultivation facility, medical marijuana dispensary facility, and medical marijuana-infused products manufacturing facility, holding an active facility license under section 1 of this Article shall have the right to convert their license to a comprehensive marijuana license, and any entity certified by the department to conduct medical marijuana testing, transportation or seed-to-sale tracking, as of the effective date of this section shall be deemed certified to conduct those activities with respect to all marijuana;

(16) Upon the effective date of this section, any existing medical facility licensee may request its medical facility license convert to that of a comprehensive facility license. Conversion requests not processed within sixty days of department receipt shall be deemed approved.

(17) With the exception of microbusiness licenses, and consistent with any limitations set forth in this section, for the first five hundred and forty-eight days after the department begins issuing licenses for marijuana facilities under this section, the department may only issue a license:

(a) For a comprehensive marijuana cultivation facility to an entity holding a medical marijuana cultivation facility license issued pursuant to section 1 of this Article seeking to convert its licensure to that of a comprehensive marijuana cultivation facility at the same location;

(b) For a comprehensive marijuana dispensary facility to an entity holding a medical marijuana dispensary facility license issued pursuant to section 1 of this Article seeking to convert its licensure to that of a comprehensive marijuana dispensary facility at the same location; and

(c) For a comprehensive marijuana-infused products manufacturing facility to an entity holding a medical marijuana-infused products manufacturing facility license issued pursuant to section 1 of this Article seeking to convert its licensure to that of a comprehensive marijuana-infused products manufacturing facility at the same location.

(18) The department shall issue a license to each request for a conversion to a comprehensive marijuana facility license pursuant to subdivision (15) of this subsection if the applicant is in good standing with the department.

(19) Notwithstanding the provisions of section 1 of this Article, if an existing medical marijuana dispensary facility is located in a jurisdiction that prohibits non-medical retail marijuana facilities under this section, or is otherwise prevented from operating a comprehensive marijuana dispensary facility at the same location as the existing medical marijuana dispensary facility, the medical marijuana dispensary facility may apply to the department for a comprehensive marijuana dispensary license pursuant to subdivision (15) of this subsection in a new location within the same congressional district, and such application shall be granted so long as the new location meets all the requirements of this section and department regulations.

(20) In addition to the foregoing, if the department has reason to believe that the conversion of a medical facility into a comprehensive facility might limit or restrict access to an adequate supply of marijuana and marijuana-infused products at a reasonable cost to qualifying patients, as defined in section 1 of this Article, the department may request a plan from the medical facility licensee which explains how the applicant would serve both the medical and adult-use markets, while maintaining adequate supply at a reasonable cost to qualifying patients.

(21) Comprehensive marijuana facilities licensed to distribute marijuana, marijuana-infused products, and marijuana accessories directly to consumers pursuant to this section may also distribute marijuana, marijuana-infused products, and marijuana accessories to qualifying patients and primary caregivers consistent with section 1 of this Article and department regulation.

(22) The department may charge a fee not to exceed two thousand five hundred dollars for any certification issued pursuant to this section. This fee limitation shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(23) Within thirty days of December 8, 2022, the department shall make available to the public application forms and application instructions for personal cultivation registration cards. Within sixty days of December 8, 2022, the department shall begin accepting applications for such registration cards.

(24) Except for good cause, a person at least twenty-one years of age may obtain a registration card from the department to cultivate up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) for non-commercial use, provided:

(a) The plants and any marijuana produced by the plants in excess of three ounces are kept at one private residence, are in a locked space, and are not visible by normal, unaided vision from a public place; and

(b) Not more than twelve flowering marijuana plants are kept in or on the grounds of a private residence at one time.

The card shall be valid for twelve months from its date of issuance and shall be renewable. The department shall charge an annual fee for the card of one hundred dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(25) All marijuana sold in Missouri pursuant to this section shall be cultivated in Missouri.

(26) All marijuana-infused products sold in Missouri pursuant to this section shall be manufactured in Missouri.

(27) The denial of a license or license renewal by the department shall be appealable. The applicant may choose to challenge any denial by the department through the administrative hearing commission, or successor entity. Pursuant to section 536.100, RSMo, or its successor provisions, any licensee who has exhausted all administrative remedies provided by law and who is aggrieved by a final decision in a contested case is entitled to judicial review.

(28) No elected official shall interfere directly or indirectly with the department's obligations and activities under this section.

(29) To minimize the potential for undue political influence in awarding licenses, the department shall review license applications using reasonable safeguards that ensure the identity of the applicant and its principal owners, officers, and managers are not identified to the application reviewer.

(30) To ensure the consistent protection of public health and public safety, the department shall have the sole authority within the state of Missouri to issue licenses for marijuana facilities and certifications pursuant to this section.

(31) The department shall not have the authority to promulgate, apply, or enforce any rule or regulation that is unduly burdensome or act to undermine the purposes of this section.

5. Local Control.

(1) (a) Except as provided in this subsection, a local government may prohibit the operation of all microbusiness dispensary facilities or comprehensive marijuana dispensary facilities regulated under this section from being located within its jurisdiction either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. Such a ballot question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year, starting in 2024, thereby minimizing additional local governmental cost or expense. A citizen petition to put before the voters a ballot question prohibiting microbusiness dispensary facilities or comprehensive marijuana dispensary facilities shall be signed by at least five percent of the qualified voters in the area proposed to be subject to the prohibition, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition signatures and give legal notice of the election as provided by applicable law. Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) ban all non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities from being located within (insert name of local government and, where applicable, its "unincorporated areas") and forgo any additional related local tax revenue? () Yes () No." If at least sixty percent of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall go into effect as provided by law. If a question receives less than the required sixty percent, then the jurisdiction shall have no power to ban non-medical microbusiness dispensary facilities or comprehensive marijuana facilities regulated under this section, unless voters at a subsequent general election on the first Tuesday after the first Monday in November of a presidential election year approve a ban on non-medical retail marijuana facilities submitted to them by the governing body or by citizen petition.

(2) (a) A local government may repeal an existing ban by its own ordinance or by a vote of the people, either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. In the case of a referral of a ballot question by the governing body or citizen petition to repeal an existing ban, the question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year. A citizen petition to put before the voters a ballot question repealing an existing ban shall be signed by at least five percent of the qualified voters in the area subject to the ban, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition signatures and give legal notice of the election as provided by applicable law. Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) allow non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities to be located within (insert name of local government and where applicable, its "unincorporated areas") as regulated by state law? () Yes () No." If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall be repealed.

(3) The only local government ordinances and regulations that are binding on a marijuana facility are those of the local government where the marijuana facility is located.

(4) Unless allowed by the local government, no new marijuana facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-

care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

(5) Except as otherwise provided in this subsection, no local government shall prohibit marijuana facilities or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place, and manner of operation of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a marijuana facility or entity holding a transportation certification that may operate in such locality.

(6) Local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing:

(a) the time and place where marijuana may be smoked in public areas within the locality; and

(b) the consumption of marijuana-infused products within designated areas, including the preparation of culinary dishes or beverages by local restaurants for on-site consumption on the same day it is prepared.

6. Taxation and Reporting.

(1) A tax shall be levied upon the retail sale of non-medical marijuana sold to consumers at marijuana facilities licensed pursuant to this section within the state. The tax shall be at a rate of six percent of the retail price. The tax shall be collected by each licensed retail marijuana facility and paid to the department of revenue. After retaining no more than two percent of the total tax collected or its actual collection costs, whichever is less, amounts generated by the marijuana tangible personal property retail sales tax levied in this section shall be deposited by the department of revenue into the "Veterans, Health, and Community Reinvestment Fund" created under this subsection. Licensed entities making non-medical retail sales within the state shall be allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit. This tax shall not apply to medical marijuana dispensed to a registered qualifying patient or caregiver.

(2) There is hereby created in the state treasury the "Veterans, Health, and Community Reinvestment Fund" which shall consist of taxes and fees collected under this section. The state treasurer shall be custodian of the fund, and he or she shall invest monies in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any monies remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The commissioner of administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the department in advance of it receiving application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall be distributed as follows:

(a) First, as determined by appropriation, to the department an amount necessary for the department to carry out its responsibilities under this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public

agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section;

(b) Second, as determined by appropriation, to governmental entities in amounts necessary for carrying out responsibilities in the expungement of criminal history records under this section;

(c) Next, the remaining fund balance shall be distributed in thirds as follows:

(i) One-third of the remainder of the fund balance shall be transferred to the Missouri veterans commission and allied state agencies, as determined by appropriation, exclusively for health care and other services for military veterans and their dependent families;

(ii) One-third of the remainder of the fund balance to the department to provide grants to agencies and not-for-profit organizations, whether government or community-based, to increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically proven treatment and overdose prevention and reversal methods and public or private treatment options with an emphasis on reintegrating recipients into their local communities, to support overdose prevention education, and to support job placement, housing, and counseling for those with substance use disorders. Agencies and organizations serving populations with the highest rates of drug-related overdose shall be prioritized to receive the grants; and

(iii) One-third of the remainder of the fund balance to the Missouri public defender system. Any moneys credited to the Missouri public defender system shall be used only for legal assistance for low-income Missourians, shall not be diverted to any other purpose.

(d) All monies from the taxes and fees authorized hereunder shall provide new and additional funding for the purposes enumerated above and shall not replace existing funding.

(e) The unexpended balance existing in the fund shall be exempt from the provisions of section 33.080, RSMo, or its successor provisions, relating to the transfer of unexpended balances to the general revenue fund.

(3) For all retail sales of marijuana, a record shall be kept by the seller of all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations, taxes collected, and grand total sale amounts. All such records shall be kept on the premises in a readily available format and be made available for review by the department and the department of revenue upon request. Such records shall be retained for five years from the date of the sale.

(4) The tax levied pursuant to this subsection is separate from and in addition to any general state and local sales and use taxes that apply to retail sales, which shall continue to be collected and distributed as provided by general law.

(5) Pursuant to Article III, section 49 of this Constitution, the governing body of any local government is authorized to impose, by ordinance or order, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision. The tax authorized by this paragraph shall be in addition to any and all other tangible personal property retail sales taxes allowed by law, except that no ordinance or order imposing a tangible personal property retail sales tax under the provisions of this paragraph shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the political subdivision to impose a tax. Any additional local retail sales tax shall be collected pursuant to general laws for the collection of local sales taxes.

(6) Except as authorized in this Article, no additional taxes shall be imposed on the sale of marijuana.

(7) The fees and taxes provided for in this section shall be fully enforceable notwithstanding any other provision in this Constitution purportedly prohibiting or restricting the taxes and fees provided for herein.

(8) For taxpayers authorized to do business pursuant to this Article, the amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 280E of the Internal Revenue Code as in effect on January 1, 2021, or successor provisions, but is disallowed because cannabis is a controlled substance under federal law, shall be subtracted from the taxpayer's federal adjusted gross income, in determining the taxpayer's Missouri adjusted gross income.

7. Additional Protections.

(1) A marijuana testing facility shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to marijuana consistent with this section and otherwise meeting legal standards of professional conduct.

(2) Notwithstanding any provision of Article V to the contrary, an attorney shall not be subject to disciplinary action by the Supreme Court of Missouri, the office of chief disciplinary counsel, the state bar association, any state agency or any professional licensing body for any of the following:

(a) owning, operating, investing in, being employed by, or contracting with prospective or licensed marijuana testing facilities, marijuana cultivation facilities, marijuana dispensary facilities, marijuana-infused products manufacturing facilities, marijuana microbusiness facilities, or transportation certificate holders;

(b) counseling, advising, and/or assisting a client in conduct permitted by Missouri law that may violate or conflict with federal or other law, as long as the attorney advises the client about that federal or other law and its potential consequences;

(c) counseling, advising, and/or assisting a client in connection with applying for, owning, operating, or otherwise having any legal, equitable, or beneficial interest in marijuana testing facilities, marijuana cultivation facilities, marijuana dispensary facilities, marijuana-infused products manufacturing facilities, marijuana microbusiness facilities, or transportation certificates; or

(d) counseling, advising or assisting a qualifying patient, primary caregiver, physician, nurse practitioner, health care provider, consumer, or other client related to activity that is no longer subject to criminal penalties under Missouri law pursuant to this Article.

(3) Actions and conduct by marijuana facilities licensed or otherwise certified by the department, or their employees or agents, as permitted by this section and in compliance with department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

(4) The department may not promulgate a rule that requires a consumer to provide a marijuana facility with identifying information other than identification to determine the consumer's age.

(5) It is the public policy of the state of Missouri that contracts related to marijuana that are entered into by marijuana facilities and those who allow property to be used by those entities should be enforceable. It is the public policy of the state of Missouri that no contract entered into by marijuana facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to marijuana may be prohibited by federal law.

(6) Prior to requesting a search or arrest warrant relating to cultivation of marijuana plants, a state or local law enforcement official shall verify with the department whether the targeted person holds a registration card allowing for cultivation of flowering marijuana plants under this section, and shall inform the issuing authority when making the warrant request. Evidence of marijuana alone, without specific evidence indicating that the marijuana is outside of what is lawful for medical or adult use, cannot be the basis for a search of a patient or non-patient, including their home, vehicle or other property. Lawful marijuana related activities cannot be the basis for a violation of parole, probation, or any type of supervised release. State and local law enforcement shall have access to such department information as is necessary to

confirm whether the targeted person holds a registration card. Each time a state or local law enforcement officer executes a search warrant authorizing entry upon premises for an alleged marijuana offense, the officer must first knock or announce their presence or purpose prior to entering the premises.

(7) (a) After executing a search warrant for an alleged marijuana offense, or conducting a warrantless search for an alleged marijuana offense, the officer shall report the following information to the agency that employs the officer:

(i) The reasons for the warrant or, in the case of a warrantless search, a detailed account of either the probable cause or exigent circumstances, if any, which lead to the warrantless search;

(ii) Whether any marijuana was discovered during the course of the search;

(iii) Whether any marijuana was seized during the search, and if so, the amount seized;

(iv) Whether any other contraband was discovered or seized in the course of the search, and if seized, a description of the contraband;

(v) A description of the tactics used by law enforcement to enter the property;

(vi) Whether an arrest was made as a result of the search; and

(vii) If an arrest was made, the crime suspected.

(b) Each law enforcement agency shall compile the data described in paragraph (a) of this subdivision for the calendar year into a report and shall submit the report to the attorney general no later than March first of the following calendar year. The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

(c) The attorney general shall submit a summary of the annual reports of law enforcement agencies to the governor, the general assembly, and each law enforcement agency no later than June first of each year. The summary shall include the total number of such warrants executed by each agency in the previous calendar year for alleged marijuana offenses, and a compilation of the information reported by law enforcement agencies pursuant to paragraph (b) of this subdivision.

8. Legislation.

Nothing in this section shall limit the general assembly from enacting laws consistent with the purposes and provisions of this section.

9. Additional Provisions.

(1) No owner of a marijuana facility or entity with a transportation certification shall be an individual with a disqualifying felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

(a) The person's conviction was for a marijuana offense that has been expunged or is currently eligible for expungement under this section; or

(b) The person's conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five years old; or

(c) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent felony criminal offenses.

The department may consult with and rely on the records, advice, and recommendations of the attorney general and the department of public safety, or their successor entities, in carrying out the provisions of this subdivision.

(2) Owners licensed pursuant to this section shall submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal

record check in accordance with U.S. Public Law 92-544, or its successor provisions. The Missouri state highway patrol, if necessary, shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be submitted pursuant to section 43.543, RSMo, or its successor provisions, and fees shall be paid pursuant to section 43.530, RSMo, or its successor provisions. Unless otherwise required by law, no individual shall be required to submit fingerprints more than once.

(3) No marijuana facility shall manufacture, package, or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between marijuana or a marijuana-infused product and any product not containing marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional department sanction, up to and including an administrative penalty of five thousand dollars and loss of license.

(4) No marijuana facility may sell edible marijuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional department sanction, up to and including an administrative penalty of five thousand dollars and loss of license.

(5) All marijuana and marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with serving amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, as mandated by the department, as containing "Marijuana" or a "Marijuana-Infused Product." Violation of this subdivision shall subject the violator to department sanctions, including an administrative penalty of five thousand dollars.

(6) A marijuana facility may not allow cultivation, manufacturing, sale, or display of marijuana, marijuana-infused products, or marijuana accessories to be visible from a public place outside of the marijuana facility without the use of binoculars, aircraft, or other optical aids.

(7) A marijuana facility may not cultivate, manufacture, test, sell, or store marijuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marijuana facility to access the area.

(8) A marijuana facility shall secure every entrance to the facility so that access to areas containing marijuana is restricted to employees and other persons permitted by the marijuana facility to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana-infused products, and marijuana accessories.

(9) No marijuana facility may refuse representatives of the department the right to inspect the licensed premises or to audit the books and records of the marijuana facility. A facility that holds licenses issued under sections 1 and 2 of this Article shall comply with inspection regulations and standards issued pursuant to both sections.

(10) No marijuana facility, or entity with a certification, shall assign, sell, give, lease, sublicense, or otherwise transfer its license or certificate to any other entity without the express consent of the department, not to be unreasonably withheld.

(11) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for activities otherwise in compliance with this section shall not be subject to asset forfeiture solely because of that use.

(12) No person shall extract resins from marijuana using dangerous materials or combustible gases without a medical marijuana-infused products manufacturing facility license, marijuana-infused products manufacturing facility license, or a marijuana microbusiness wholesale facility license. Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty of one thousand dollars for an individual and ten

thousand dollars for a facility licensee and, if applicable, loss of certificate or license for up to one year.

10. Personal Use of Marijuana.

(1) Subject to the limitations in subsection 3 of this section, the following acts by a person at least twenty-one years of age are not unlawful and shall not be an offense under state law or the laws of any local government within the state or be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government:

(a) Purchasing, possessing, consuming, using, ingesting, inhaling, processing, transporting, delivering without consideration, or distributing without consideration three ounces or less of dried, unprocessed marijuana, or its equivalent;

(b) Possessing, transporting, planting, cultivating, harvesting, drying, processing, or manufacturing up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) provided the person is registered with the department for cultivation of marijuana plants under this section, provided:

(i) The plants and any marijuana produced by the plants in excess of three ounces are kept at one private residence, are in a locked space, and are not visible by normal, unaided vision from a public place; and

(ii) Not more than twice the number of allowable plants under paragraph (b) of this subdivision are kept in or on the grounds of a private residence at one time.

(c) Assisting another person who is at least twenty-one years of age in, or allowing property to be used for, any of the acts permitted by this section; and

(d) Purchasing, possessing, using, delivering, distributing, manufacturing, transferring, or selling to persons twenty-one years of age or older marijuana accessories.

(2) A person who, pursuant to this section, cultivates marijuana plants that are visible by normal, unaided vision from a public place is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.

(3) A person who, pursuant to this section, cultivates marijuana plants that are not kept in a locked space is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.

(4) A person who smokes marijuana in a public place, other than in an area licensed for such activity by the authorities having jurisdiction over the licensing and/or permitting of said activity, is subject to a civil penalty not exceeding one hundred dollars.

(5) A person who is under twenty-one years of age who possesses, uses, ingests, inhales, transports, delivers without consideration or distributes without consideration three ounces or less of marijuana, or possesses, delivers without consideration, or distributes without consideration marijuana accessories is subject to a civil penalty not to exceed one hundred dollars and forfeiture of the marijuana. Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the fine.

(6) Subject to the limitations of this section, a person who possesses not more than twice the amount of marijuana allowed pursuant to this subsection, produces not more than twice the amount of marijuana allowed pursuant to this subsection, delivers without receiving any consideration or remuneration to a person who is at least twenty-one years of age not more than twice the amount of marijuana allowed by this subsection, or possesses with intent to deliver not more than twice the amount of marijuana allowed by this subsection:

(a) For a first violation, is subject to a civil infraction punishable by a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana;

(b) For a second violation, is subject to a civil infraction punishable by a civil penalty not exceeding five hundred dollars and forfeiture of the marijuana;

(c) For a third or subsequent violation, is subject to a misdemeanor punishable by a fine not exceeding one-thousand dollars and forfeiture of the marijuana;

(d) A person under twenty-one years of age is subject to a civil penalty not to exceed two hundred and fifty dollars. Any such person shall be provided the option of attending up to eight hours of drug education or counseling in lieu of the fine; and

(e) In lieu of payment, penalties under this subsection may be satisfied by the performance of community service. The rate of pay-down associated with said service option will be the greater of \$15 or the minimum wage in effect at the time of judgment.

(7) (a) Any person currently incarcerated in a prison, jail or halfway house, whether by trial or open or negotiated plea:

(i) Who would not have been guilty of an adult or juvenile offense, had sections 1 and 2 of this Article been in effect at the time of the offense; or

(ii) Who would have been guilty of a lesser adult or juvenile offense had sections 1 and 2 of this Article been in effect at the time of the offense; or

(iii) Who is serving a sentence for a marijuana offense which is a misdemeanor, a class E felony, or a class D felony, or successor designations, involving possession of three pounds or less of marijuana, excluding offenses involving distribution or delivery to a minor, any offenses involving violence, or any offense of operating a motor vehicle while under the influence of marijuana;

may petition the sentencing court to vacate the sentence, order immediate release from incarceration and other supervision by the department of corrections, and the expungement of all government records of the case. Such expungement from all government records shall be granted for all of the person's applicable marijuana offenses, absent good cause for denial. The effect of such orders shall be to restore such person to the status the person occupied prior to such arrest, plea or conviction and as if such event had never taken place, and the conviction and sentence shall be vacated as legally invalid. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of the person for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement. The court shall not assess any filing fee for these filings. The office of the state public defender shall prepare and make readily available and accessible a pleading form that may be filed pro se for this purpose. The circuit courts of the state shall also make readily available and accessible this pleading form. Within ninety days of the effective date of this section, the sentencing court shall complete the adjudication for all cases involving only misdemeanor marijuana offenses. Within one hundred and eighty days of the effective date of this section, the sentencing court shall complete the adjudication for all cases involving class E, or successor designation, felony marijuana offenses and, if applicable, any additional marijuana misdemeanor offenses by such offenders. Within two hundred and seventy days of the effective date of this section, the sentencing court shall complete the adjudication for all class D, or successor designation, felony cases involving three pounds or less of marijuana, as well as any lesser marijuana offenses by such offenders, if applicable. This shall not apply to offenses while operating a commercial motor vehicle as defined in 49 CFR 390.5, or its successor provisions, in interstate or intrastate transportation unless otherwise exempted as found in section 307.400, RSMo, or its successor provisions.

(b) Any person currently on probation or parole for a marijuana law violation, whether by trial or open or negotiated plea:

(i) Who would not have been guilty of an adult or juvenile offense, had sections 1 and 2 of this Article been in effect at the time of the offense; or

(ii) Who would have been guilty of a lesser adult or juvenile offense had sections 1 and 2 of this Article been in effect at the time of the offense; or

(iii) Who was convicted or plead guilty to a marijuana offense which is a misdemeanor, a class E felony, or a class D felony, or successor designations, involving the possession of three

pounds or less of marijuana, excluding distribution or delivery to a minor or any offense of operating a motor vehicle while under the influence of marijuana;

shall, upon the effective date of this section, have their sentence automatically vacated by the sentencing court, which shall order the immediate termination of supervision by the department of corrections. and the expungement of all government records of the case. Such expungement from all government records shall be granted for all of the person's applicable marijuana offenses, absent good cause for denial. The effect of such orders shall be to restore such person to the status the person occupied prior to such arrest, plea or conviction and as if such event had never taken place, and the conviction and sentence shall be vacated as legally invalid. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of the person for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement. The court shall not assess any filing fee for these cases. This shall not apply to offenses while operating a commercial motor vehicle as defined in 49 CFR 390.5, or its successor provisions, in interstate or intrastate transportation unless otherwise exempted as found in section 307.400, RSMo, or its successor provisions.

(8) (a) Within six months of the effective date of this section, the circuit courts of this state shall order the expungement of the criminal history records of all misdemeanor marijuana offenses for any person who is no longer incarcerated or under the supervision of the department of corrections. Within twelve months of the effective date of this section, the circuit courts of this state shall order the expungement of criminal history records for all persons no longer incarcerated or under the supervision of the department of corrections but who have completed their sentence for any felony marijuana offenses and any marijuana offenses that would no longer be a crime after the effective dates of sections 1 and 2 of this Article, excluding distribution or delivery to a minor, any such offenses involving violence, or any offense of operating a motor vehicle while under the influence of marijuana. For all class A, class B and class C, or successor designations, felony marijuana offenses, and for all class D, or successor designation, felony marijuana offenses for possession of more than three pounds of marijuana, the circuit courts of this state shall order expungement of criminal history records upon the completion of the person's incarceration, including any supervised probation or parole. For the purposes of this subdivision, "criminal history record" means all information documenting an individual's contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(b) An expungement order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense, and the conviction and sentence shall be vacated as legally invalid. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. The court shall provide notice of the expungement to the person who is the subject of the record at the person's last known address, the arresting agency, prosecuting attorneys, central state depository of criminal records, and any other entity that may have a record related to the order to expunge. The central state depository of criminal records shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center, or its successor agency. The court shall issue the person a certificate stating that the offense for which the person was convicted has been expunged and that its effect is to annul the record of arrest, conviction, and sentence.

(c) The effect of such expungement shall be to restore such person to the status the person occupied prior to such arrest, plea, or conviction and as if such event had never taken place. Such person shall not be required to acknowledge the existence of such a criminal history record or answer questions about the record in any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, and may deny the existence of the record regardless of whether the person has received notice from the court that an expungement order has been issued on the person's behalf.

(d) No person shall be prosecuted again for any offense which has been vacated or expunged.

(e) The court shall keep a special index of cases that have been expunged together with the expungement order and the certificate issued pursuant to this subsection. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement. The special index and related documents shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons. The court may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records. The index and documents made available by the court may not include any identifying information.

(9) A person currently under parole, probation, or other state supervision, or released awaiting trial or other hearing, may not be punished or otherwise penalized based solely on conduct that is permitted by this section.

(10) No conduct permitted by this section shall constitute the basis for detention, search, or arrest; and except when law enforcement is investigating whether a person is operating a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana, the odor of marijuana or burnt marijuana, the possession or suspicion of possession of marijuana without evidence of a quantity in excess of the lawful amount, or the possession of multiple containers of marijuana without evidence of quantity in excess of the lawful amount shall not individually or in combination with each other constitute reasonably articulable suspicion of a crime. Marijuana and marijuana-infused products as permitted by this section are not contraband nor subject to seizure.

(11) A person shall not be denied eligibility in public assistance programs or public benefits based solely on conduct that is permitted by this Article, unless required by federal law.

(12) No person shall be denied their rights under Article 1, section 23 of the Missouri Constitution, solely for conduct that is permitted by this section.

(13) No person shall be denied parental rights, custody of, or visitation with a minor child by a state or local government executive agency based solely on conduct that is permitted by this section, unless the person's behavior is such that it creates an unreasonable danger to a minor child that can be established by clear and convincing evidence.

11. Interstate Commerce.

If federal law, rules, or regulations are amended to allow the interstate commerce of marijuana or marijuana-infused products or the importation or exportation of marijuana or marijuana-infused products into or out of the state of Missouri, the provisions and intent of this section shall, to the extent possible, remain in full effect, unless explicitly preempted by such federal law, rule, or regulation. If federal law, rules, or regulations are amended as provided above, any marijuana or marijuana-infused products imported into this state shall be subject to the same testing standards and seed to sale tracking system required under this section for marijuana and marijuana-infused products produced within the state. Unless federal law, rules, or regulations explicitly require otherwise, no entity shall sell, transport, produce, distribute, deliver, or cultivate marijuana or marijuana-infused products without an applicable license or certificate as required under this section. In addition, any raw biomass of marijuana or marijuana flower imported from out-of-state shall be received only by a licensed cultivation facility, while all batch oil, infused marijuana products and any marijuana product in any other form shall be received only by a licensed manufacturing facility.

12. Severability.

The provisions of this section are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent possible.

13. Effective Date.

The provisions of this section shall become effective thirty days after the election, as provided by this Constitution.



How Amendment 3 Impacts Local Governments

- **JOBS:** Direct employment in Missouri's marijuana industry has already created more than 10,000 new jobs in Missouri. In fact, in 2021, one out of every ten new jobs created in Missouri was in the marijuana industry. The passage of adult use marijuana legalization is expected to substantially create even more new jobs to local economies all across the state.
- **LOCAL REVENUE:** Local governments get to collect the normal sales tax on marijuana retail sales that would apply to any other existing retail sales in the area. In addition, local governments may impose an additional sales tax not to exceed 3% on adult use marijuana retail sales in their jurisdiction. See language:

- **LOCAL REVENUE ESTIMATES:** Medical marijuana sales are still growing consistently month over month, and we're right around \$35m/month currently. With adult use sales coming online in early 2023, we can conservatively project that we will be at 2.5X those numbers statewide a year from now, so around \$87.5m/month.

There are currently 190 dispensaries open for business, and the average dispensary makes \$184K monthly. With more dispensaries yet to come online, we will see approx. 205 operational by early next year. With that number of dispensaries and statewide monthly revenues at \$87.5m, the average dispensary will gross \$427K per month.

A 3% tax on those sales will generate \$12,805 each month and \$153,660 annually. That is in addition to regular local sales taxes, and we expect the market will continue to grow for at least the next few years.

(5) Pursuant to Article III, section 49 of this Constitution, the governing body of any local government is authorized to impose, by ordinance or order, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision. The tax authorized by this paragraph shall be in addition to any and all other tangible personal property retail sales taxes allowed by law, except that no ordinance or order imposing a tangible personal property retail sales tax under the provisions of this paragraph shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the political subdivision to impose a tax. Any additional local retail sales tax shall be collected pursuant to general laws for the collection of local sales taxes.

(6) Except as authorized in this Article, no additional taxes shall be imposed on the sale of marijuana.

- Siting marijuana businesses — Local governments may not ban marijuana cultivation or infused product manufacturing facilities. These facilities are not accessible to the general public. Local governments may however ban comprehensive and microbusiness dispensaries, but only by a 60% vote of the people beginning in the November 2024 general election. See language:

5. Local Control.

(1) (a) Except as provided in this subsection, a local government may prohibit the operation of all microbusiness dispensary facilities or comprehensive marijuana dispensary facilities regulated under this section from being located within its jurisdiction either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. Such a ballot question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year, starting in 2024, thereby minimizing additional local governmental cost or expense. A citizen petition to put before the voters a ballot

question prohibiting microbusiness dispensary facilities or comprehensive marijuana dispensary facilities shall be signed by at least five percent of the qualified voters in the area proposed to be subject to the prohibition, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition signatures and give legal notice of the election as provided by applicable law. Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) ban all non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities from being located within (insert name of local government and, where applicable, its "unincorporated areas") and forgo any additional related local tax revenue? () Yes () No." If at least sixty percent of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall go into effect as provided by law. If a question receives less than the required sixty percent, then the jurisdiction shall have no power to ban non-medical microbusiness dispensary facilities or comprehensive marijuana facilities regulated under this section, unless voters at a subsequent general election on the first Tuesday after the first Monday in November of a presidential election year approve a ban on non-medical retail marijuana facilities submitted to them by the governing body or by citizen petition.

(2) (a) A local government may repeal an existing ban by its own ordinance or by a vote of the people, either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. In the case of a referral of a ballot question by the governing body or citizen petition to repeal an existing ban, the question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year. A citizen petition to put before the voters a ballot question repealing an existing ban shall be signed by at least five percent of the qualified voters in the area subject to the ban, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition

signatures and give legal notice of the election as provided by applicable law.
Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) allow non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities to be located within (insert name of local government and where applicable, its "unincorporated areas") as regulated by state law? () Yes () No." If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall be repealed.

(3) The only local government ordinances and regulations that are binding on a marijuana facility are those of the local government where the marijuana facility is located.

(4) Unless allowed by the local government, no new marijuana facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

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(5) Except as otherwise provided in this subsection, no local government shall prohibit marijuana facilities or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place, and manner of operation of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a marijuana facility or entity holding a transportation certification that may operate in such locality.

(6) Local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing:

(a) the time and place where marijuana may be smoked in public areas within the locality; and

(b) the consumption of marijuana-infused products within designated areas, including the preparation of culinary dishes or beverages by local restaurants for on-site consumption on the same day it is prepared.

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 01-17-23

Sponsored by Hardinger

First Reading _____

Second Reading _____

COUNCIL BILL 2023-028

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 82, 'Parks and Recreation,' Article I,
2 'General,' Section 82-1, 'Park rules generally,' to clarify the hours of
3 operation and closure of the City's various park locations and to
4 improve the consistent regulation of alcohol throughout the park
5 system.
6 _____
7

8 WHEREAS, the City's park sites have varying hours of operation and closure,
9 which sometimes conflict with City Code Section 82-1, and amendments to this Code
10 Section are needed to clarify the hours of operation and closure, as associated with
11 enforcement of park closure hours, for the City's various park sites; and
12

13 WHEREAS, the City of Springfield, Missouri, by and through the Springfield-
14 Greene County Park Board, manages and establishes the permitting of alcohol in its
15 various park sites and needs a mechanism to improve the consistent enforcement and
16 regulation of those sites and/or occasions when alcohol is not allowed or permitted.
17

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

21 Section 1 – Springfield City Code, Chapter 82, 'Parks and Recreation,' Article I,
22 'General,' Section 82-1, 'Park rules generally,' is hereby amended as follows:
23

24 NOTE: Language to be added is underlined, and language to be deleted is ~~stricken~~.
25

26 Sec. 82-1. Park rules generally.

27 (a) *Adoption; prohibited acts.* Those rules and regulations adopted by the public
28 park board of the city on March 16, 1971, relating to conduct within the parks of
29 the city under the control and operation of the Springfield/Greene County park
30 board are hereby adopted and approved by the city council, which rules and
31 regulations read as follows:

32 (1) *Conduct in parks.* It shall be unlawful for any person while on property or
33 in buildings under the operation and control of the park board to:

- a. Conduct himself in an unusually loud or disturbing manner; use threatening, abusive, insulting, indecent, obscene or profane language; or harass, annoy, curse at or intentionally jostle any patron of any public park.
- b. In any way interfere, by the use of physical force or by the threat of such force, with any person peacefully moving in and about the grounds and buildings, except for a law enforcement officer or employee of the parks in the performance of his duty.
- c. Throw stones, rocks, sticks, bottles or other similar things by hand or otherwise.
- d. Mark upon, tear up, injure, deface, cut, dig or in any other way intentionally injure or impair the usefulness of structures, grass, trees, shrubs or plants, pavement, sidewalks or roadways.
- e. Attach wires, ropes, placards, notices or other contrivances to any structure, tree, shrub, plant or utility lines without prior written permission of the park board.
- f. Remove property of the parks without permission of the park board, the director of parks or the supervisor of the park.
- g. Erect, place or maintain any tent, building, booth, stand or other structure, temporary or otherwise, without the written permission of the director of parks.
- h. Drop, throw, place or discard any wastepaper, dirt, weeds, trash, refuse or other rubbish of any sort except in a receptacle provided therefor.
- i. Throw, discharge or otherwise place or cause or permit to be placed or discharged into any fountain, pool, pond, lake, stream or other body of water any substance, matter or thing which might cause the water to be harmful to persons or things or to give forth objectionable odors or to appear unsightly, or otherwise pollute the waters.
- j. Fish or remove fish or aquatic life from any stream, pond, lake or other body of water unless fishing shall be expressly permitted in the area.
- k. Carry, possess or discharge any firearm, pellet gun or pistol, BB gun or other similar device, bow and arrow, crossbow or any other device capable of projecting a missile able to inflict harm to persons or animals or to injure property, except law enforcement officers in the performance of their duty or employees of the park board, and except in such places and under such special regulations as the park board may have adopted for practicing the use of any such devices or giving exhibitions or holding competitions in the use thereof.
- l. Engage in an athletic contest or event in any public area except in areas set aside therefor, nor shall any person in any event engage in any athletic contest or event or throw any ball or engage in any game singly or with others in such a fashion as to unreasonably endanger the safety of others thereabout.
- m. Use a loudspeaker or amplifier without prior permission of the director of parks.

- 79 n. Play a musical instrument between the hours of 9:00 p.m. of any day and
80 10:30 a.m. of the next day without a prior written permit of the director of
81 parks, except this subsection shall not apply to a person who is playing a
82 string or wood instrument between the hours of 9:00 p.m. and 11:00 p.m.,
83 provided only one person is playing such instrument in the area and that
84 the playing of the instrument is done in a manner and at a location so as
85 not to disturb the peace of adjoining property owners or park patrons.
- 86 o. Conduct any organized activity or event involving more than 30 persons
87 without a permit from the director.
- 88 p. Participate in or enter upon the grounds of any activity where charges are
89 made without first being registered at the place provided therefor and
90 paying the established fee, except for persons provided with exemptions
91 by action of the park board.
- 92 q. Camp or picnic other than in an area expressly designated for camping or
93 picnicking, nor shall any person attempt to move or relocate any
94 benches, chairs or tables unless the benches, chairs or tables are not
95 secured in any way whatsoever to the ground, in which case the
96 benches, chairs or tables may be moved and relocated within the
97 confines of the designated picnicking or camping area.
- 98 r. Start a fire for cooking purposes or otherwise within any park except in
99 receptacles and facilities intended therefor.
- 100 s. Operate, park or race a motor vehicle or bicycle upon the grounds or
101 within the buildings other than in areas designated for the operation of
102 such vehicles, or leave any nonoperable vehicle within a park for a period
103 to exceed six hours.
- 104 t. Allow cattle or horses to be driven through, run loose, be staked out, or in
105 any other way to be in a park except in such an area as designated for
106 showing or riding such animals.
- 107 u. Annoy, harass, poke at, spit on, throw objects at or otherwise
108 intentionally disturb any animal in the zoo of the city, nor shall any person
109 throw or place any object in any of the cages or animal enclosures within
110 reach of any animal in any such cage or enclosure except employees of
111 the city, except and unless the officials in charge of the zoo shall have
112 provided expressly that certain foods may be given by the public to
113 certain animals.
- 114 v. Enter on or in any portion of any grounds or buildings of a park where
115 signs have been previously posted by the park board prohibiting such
116 entry.
- 117 w. Solicit business, sell or offer to sell goods, merchandise or services, post
118 any commercial signs, advertisements or circulars without the written
119 permission of the Springfield/Greene County Park Board or the director of
120 parks, or take photographs, motion pictures or videotapes for commercial
121 purposes when the park board has entered into a contract with another
122 person for such activity.
- 123 x. Sell, dispense, give away, offer to sell, carry, possess, or consume any
124 type of *alcoholic beverage* without prior written permission of the park

board, the director of parks, or their respective authorized representative.

(i) Subsection x shall not apply to any person carrying, possessing or consuming an *alcoholic beverage* while attending as a patron or guest of a park board approved event in which the service of said *alcoholic beverage* was approved, if that person is of lawful age to carry, possess or consume alcohol, or is not otherwise legally prohibited from same.

(ii) As used in this subsection x and subsection x(i), *alcoholic beverage* is defined to include intoxicating liquor and any liquid having an alcoholic content, regardless of the percentage alcoholic content by weight or volume, irrespective of the manner in which the alcohol was placed in the container, which is capable of being consumed as a beverage by a human being.

(2) *Closing of parks; hours.*

b. It shall be unlawful for any person other than an employee of the park board or other officers or employees of the city while acting within their official capacity to enter or remain in or upon the grounds or buildings of any public park of the city after hours, which shall be between the hours or times of closure specifically designated on sign(s) posted at such park, or between the hours of closure of 4:00 a.m. 11:00 p.m. through and 5:00 30 a.m. of any day if such park has no sign(s) posted, except that an activity or event approved in writing by the park board, the director of parks, or their respective authorized representative, may be continued to its normal conclusion and observers thereof and participants therein shall leave the park within one-half hour following the conclusion of the activity or event.

c. Without the written permission of the park board, the director of parks, or their respective authorized representatives, no outdoor athletic event shall begin after 4:30 11:00 p.m. or before 7:00 5:00 a.m., and use of the public address system at outdoor athletic events shall not occur between the hours of 11:00 p.m. and 7:00 a.m. The provisions of this section shall not apply if the game involves out-of-town participants in a district, state, regional or national tournament.

(3) *Exception.* None of the rules and regulations contained in subsection (a)(1) or (2) of this section shall be applicable to that property known as the fairgrounds and under lease to the Greene County Agricultural and Mechanical Society.

(4) *Standards for issuance of permits.* Whenever, under any of the rules and regulations contained in subsection (a)(1) of this section, a permit is required or provided for, the person charged with the issuance of the

170 permit shall issue the permit only upon a proper application and when he
171 finds that:

- 172 a. The proposed activity or use of the park will not unreasonably interfere
173 with or detract from the general enjoyment of the park.
- 174 b. The proposed activity or use will not unreasonably interfere with or
175 detract from the promotion of the public health, welfare, safety and
176 recreation.
- 177 c. The proposed activity or use will not entail unusual, extraordinary or
178 burdensome expense by the public or unusual or burdensome police
179 protection or activity.
- 180 d. The facility desired has not been previously reserved for other use at the
181 day and hour required in the application therefor.
- 182 e. The use will not unreasonably interfere with another use previously
183 permitted at the day and hour required in the application.
- 184 f. The use is not intended for the advancement of a commercial enterprise.
- 185 g. The use or frequency of the use applied for will not unreasonably deprive
186 the public of the general use of the park or its facilities or unreasonably
187 deprive or interfere with use of the remainder of the park or its facilities by
188 the public.

189
190 (b) *Penalty.* Any person violating any of the provisions of the rules and regulations
191 shall, upon conviction thereof, be punished as provided by the provisions of
192 section 1-7.

193
194 (c) *Park rangers; enforcement.* The park rangers for the Springfield-Greene
195 County Parks Department shall have upon appointment the authority to
196 enforce city parking ordinances, enforce rules, regulations, and ordinances
197 pertaining to handicapped parking, and enforce all park rules, regulations, and
198 ordinances while on park property.
199

200 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
201 affect any suit or proceeding now pending in any court or any rights acquired or liability
202 nor any cause or causes of action occurred or existing, under any act or ordinance
203 repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or
204 affected by this Ordinance.
205

206 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
207 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
208 affect the validity of the remaining portions of this Ordinance. City Council hereby
209 declares that it would have adopted the ordinance and each section, subsection,
210 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
211 sections, subsection, sentence, clause, or phrase be declared invalid.
212

213 Section 4 – This Ordinance shall be in full force and effect from and after
214 passage.
215

216 Passed at meeting:_____

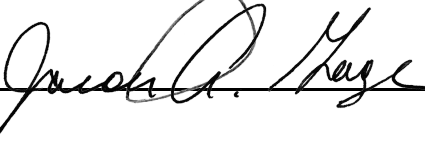
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

EXPLANATION TO COUNCIL BILL 2023- 028

FILED: 01-17-23

ORIGINATING DEPARTMENT: Parks

PURPOSE: To amend the Springfield City Code, Chapter 82, "Parks and Recreation," Article I, "General," Section 82-1, "Park rules generally," to clarify the hours of operation and closure of the City's various park locations, and to improve the consistent regulation of alcohol throughout the park system.

BACKGROUND INFORMATION: City Code Chapter 82 addresses Parks and Recreation related matters, including Section 82-1 that sets out the general park rules.

The first proposed revision to Section 82-1 is needed to clarify the hours of operation and closure, as associated with enforcement of park closure hours, for the City's various park sites. Currently, the posted hours of operation for several park sites conflict with the hours of operation and closure set out in Section 82-1, which creates difficulties for enforcement. If approved by City Council, these amendments will remedy this confusion and assist with consistency in enforcement of the City's park hours.

The second proposed revision relates to the consistent regulation of alcohol within the park sites throughout the park system. General Ordinance 6426, approved by City Council on January 29, 2018, amended City Code Section 78-4 by removing the general prohibition of alcohol in parks, to allow the Park Board to manage and control alcohol within city-county park sites. Upon undertaking these responsibilities, the Park Board adopted various rules and regulations and would now like to further clarify its authority and mechanism for better enforcement at its park sites, which will be accomplished if City Council approves this Ordinance

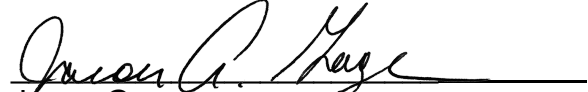
REMARKS: The Park Board reviewed and approved these revisions at its Board Meetings on December 9, 2022 and January 13, 2023. The Park Board and staff respectfully request approval of this Ordinance.

Recommended by:



Bob Belote
Director of Parks and Recreation

Approved by:



Jason Gage
City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 8
Filed 01-17-23

Sponsored by Hosmer

First Reading _____

Second Reading _____

COUNCIL BILL 2023-029

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 120, 'Wastewater Regulations,' Article VI, 'Wastewater Charges
2 and Rates,' Section 120-245, 'Rates,' and Section 120-247, 'Extra
3 Charges,' of the Springfield City Code, by repealing the existing rate
4 schedule and establishing a new rate schedule that provides for phased-in
5 annual rate increases for three years, beginning July 1, 2023, which shall
6 provide necessary funding for accommodating increases in operating
7 costs and for the additional cost of complying with the Clean Water Act
8 and Missouri Department of Natural Resources mandates.

9
10
11 WHEREAS, The City is under a Second Amended Consent Judgement
12 ("2ndACJ") with the Missouri Department of Natural Resources ("MDNR") to comply with
13 the Clean Water Act ("CWA") through execution of an approved Supplemental Overflow
14 Control Program ("SOCP"); and

15
16 WHEREAS, the 2ndACJ and associated SOCP, requiring a \$300M investment in
17 Capital Improvement Program ("CIP") projects and other SOCP program strategies over
18 a period of 15 years, were both entered into since the last council action to consider
19 adjustments to sewer rates; and

20
21 WHEREAS, in addition to the SOCP obligations, the utility also continues to
22 experience increases in operating costs related to materials, supplies, contracting costs,
23 and labor, all of which have increased the utility's cost of service and collectively
24 necessitate adjustments in rates; and

25
26 WHEREAS, the next three years of rate adjustments are now ready for Council
27 review and approval, and City Code Chapter 120, 'Wastewater Regulations,' Article VI,
28 'Wastewater Charges and Rates,' Section 120-245, 'Rates,' and Section 120-247, 'Extra
29 Charges,' will need to be revised to reflect the new changes.

30
31 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
32 SPRINGFIELD, MISSOURI, as follows, that:
33

Section 1 – Chapter 120, ‘Wastewater Regulations,’ Article VI, ‘Wastewater Charges and Rates,’ Section 120-245, ‘Rates,’ and Section 120-247, ‘Extra Charges,’ of the Springfield City Code are hereby modified, effective July 1, 2023, to reflect a new rate schedules that provides for phased-in annual rate increases for three years, beginning July 1, 2023, which sections shall read as follows”.

NOTE: Language to be added is underlined and language to be removed is ~~stricken~~.

Sec. 120-245. Rates.

For the services rendered to the city or other public authority, the city or authority shall be subject to the same charges provided in this section for other users of the POTW.

- (1) Effective July 1, ~~2020~~2023, the schedule of wastewater service rates shall be as follows:
 - a. There shall be assessed to each residential and non-residential user of the POTW a basic customer charge of ~~\$20.89~~ \$24.04 per month.
 - b. In addition to the basic customer charge per month, there shall be an additional monthly volume charge to all users which shall be computed as follows: ~~\$2.50~~ \$2.79 per each 100 cubic feet of water, or fraction thereof, used per month.
 - c. There shall be assessed to each wholesale user of the POTW a volumetric charge of \$2.68 per each 100 cubic feet of metered wastewater or fraction thereof.
- (2) Effective July 1, ~~2021~~2024, the schedule of wastewater service rates shall be as follows:
 - a. There shall be assessed to each residential and non-residential user of the POTW a basic customer charge of ~~\$22.03~~ \$24.76 per month.
 - b. In addition to the basic customer charge per month, there shall be an additional monthly volume charge to all users which shall be computed as follows: ~~\$2.60~~ \$2.88 per each 100 cubic feet of water or fraction thereof used per month.
 - c. There shall be assessed to each wholesale user of the POTW a volumetric charge of ~~\$2.48~~ \$2.89 per each 100 cubic feet of metered wastewater or fraction thereof.
- (3) Effective July 1, ~~2022~~2025, the schedule of wastewater service rates shall be as follows:
 - a. There shall be assessed to each residential and non-residential user of the POTW a basic customer charge of ~~\$23.34~~ \$25.50 per month.
 - b. In addition to the basic customer charge per month, there shall be an additional monthly volume charge to all users which shall be computed as follows: ~~\$2.74~~ \$2.96 per each 100 cubic feet of water or fraction thereof used per month.

- c. There shall be assessed to each wholesale user of the POTW a volumetric charge of ~~\$2.48~~ \$3.12 per each 100 cubic feet of metered wastewater or fraction thereof.

Sec. 120-247. Extra charges.

In order that rates and charges will be equitably related to the service rendered, the city shall, in addition to the charges set forth in section 120-245, assess extra charges for biochemical oxygen demand (BOD) and total suspended solids (TSS) in excess of the amounts thereafter set forth. The extra charges for BOD and TSS shall be as follows:

(1) *Effective July 1, ~~2020~~2023.*

- a. For BOD in excess of 1.60 pounds for each 100 cubic feet (256 milligrams per liter) of wastewater, an additional charge of ~~\$0.318~~ \$0.368 shall be made for each such excess pound or fraction thereof.
- b. For TSS in excess of 1.90 pounds for each 100 cubic feet (304 milligrams per liter) of wastewater, an additional charge of ~~\$0.134~~ \$0.156 shall be made for each such excess pound or fraction thereof.

(2) *Effective July 1, ~~2021~~2024.*

- a. For BOD in excess of 1.60 pounds for each 100 cubic feet (256 milligrams per liter) of wastewater, an additional charge of ~~\$0.337~~ \$0.379 shall be made for each such excess pound or fraction thereof.
- b. For TSS in excess of 1.90 pounds for each 100 cubic feet (304 milligrams per liter) of wastewater, an additional charge of ~~\$0.142~~ \$0.160 shall be made for each such excess pound or fraction thereof.

(3) *Effective July 1, ~~2022~~2025.*

- a. For BOD in excess of 1.60 pounds for each 100 cubic feet (256 milligrams per liter) of wastewater, an additional charge of ~~\$0.357~~ \$0.390 shall be made for each such excess pound or fraction thereof.
- b. For TSS in excess of 1.90 pounds for each 100 cubic feet (304 milligrams per liter) of wastewater, an additional charge of ~~\$0.151~~ \$0.165 shall be made for each such excess pound or fraction thereof.

Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more

sections, subsection, sentence, clause, or phrase be declared invalid.

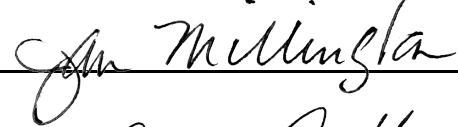
Section 4 – This Ordinance shall be in full force and effect from and after passage.

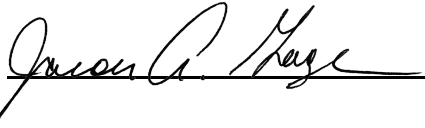
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Deputy City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2023- 029

FILED: 01-17-23

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: Amending Chapter 120, 'Wastewater Regulations,' Article VI, 'Wastewater Charges and Rates,' Section 120-245, 'Rates,' and Section 120-247, 'Extra Charges,' of the Springfield City Code, by repealing the existing rate schedule and establishing a new rate schedule that provides for phased-in annual rate increases for three years, beginning July 1, 2023, which shall provide necessary funding for accommodating increases in operating costs and for the additional cost of complying with the Clean Water Act and Missouri Department of Natural Resources mandates.

BACKGROUND INFORMATION: In April of 2021, the City entered a Second Amended Consent Judgement ("2ndACJ") to address alleged violations of the Clean Water Act. As part of the 2ndACJ, the City agreed to execute a Supplemental Overflow Control Plan ("SOCP") which included investments and program strategies, valued at \$300M over a period of 15 years, towards the goals of eliminating wet-weather sanitary sewer overflows from the collection system and eliminating prohibited bypasses at the treatment facilities. At the same time, costs of operating the sanitary sewer utility have continued to increase, especially over the past 18 months, with significant price increases being experienced in certain treatment chemicals and supplies, construction materials, and labor.

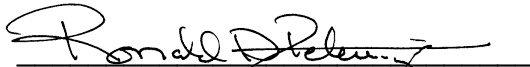
The Environmental Services department retained the financial consulting firm NewGen Strategies & Solutions, to conduct a Wastewater Cost of Service and Rate Study. The study results were delivered in July 2021 and included an update of the utility's financial planning model which was utilized to develop annual revenue requirements reflecting the programs and Capital Improvement Program ("CIP") projects contained in the SOCP and the trends in underlying operational expenses. The consultant next used the projected annual revenue requirements to develop recommendations for phased rate adjustments over fiscal years 2024 to 2026.

Adjustments to sewer rates were last approved by council in January 2020 and were phased in over fiscal years 2021 to 2023. This Ordinance will establish a phased schedule for next rate increases, beginning July 1, 2023. The monthly customer and volume charges for retail customers and surcharges for high strength wastewater discharges are all recommended to increase 3% each fiscal year. The wholesale rates to nearby communities that receive wastewater treatment services from the City, but which maintain their own collection systems, are recommended to increase by 8% each fiscal year. The Wastewater Cost of Service and Rate Study identified a need to increase wholesale rates (which were first introduced to the rate structure in 2021 as part of entering into new treatment service contracts with wholesale customers) at a percentage different than retail rates to reflect projected cost of service more accurately.

REMARKS: The proposed revisions rates will be implemented pursuant to the fiscal year schedule included in the text of the accompanying ordinance.

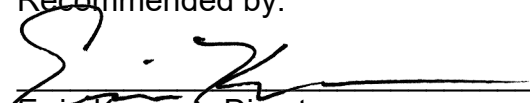
The Department of Environmental Services recommends approval of the proposed rate increases from Fiscal Years 2024 to 2026 to fund increases in operational costs and execution of the SOCP requirements of the Second Amended Consent Judgement.

Submitted by:



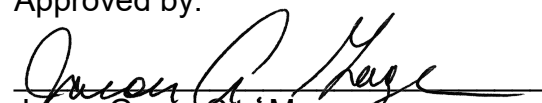
Ronald Petering, Assistant Director
Environmental Services

Recommended by:



Errin Kemper, Director
Environmental Services

Approved by:



Jason Gage, City Manager

Exhibit A

Recommended Rate Increases

In order to increase revenues that will sustain the wastewater system, NewGen recommends the following rate increases for the City's wastewater rates and fees.

**Table 5-5
Recommended Rate Increases**

	Adopted FY 2022	Adopted FY 2023	Proposed FY 2024	Proposed FY 2025	Proposed FY 2026
Monthly Customer Charge		5.9%	3.0%	3.0%	3.0%
Retail Volume Charge		4.2%	3.0%	3.0%	3.0%
Wholesale Volume Charge		N/A	12.0%	12.0%	3.0%
BOD Surcharge per lb.		5.9%	3.0%	3.0%	3.0%
TSS Surcharge per lb.		6.3%	3.0%	3.0%	3.0%
Cash Flow	(\$4,056,739)	(\$9,444,837)	\$2,993,155	(\$4,101,590)	(\$4,579,483)
EOY Fund Balance	\$54,013,332	\$44,568,494	\$47,561,649	\$43,460,059	\$38,880,576
Minimum Balance Policy	\$20,000,000	\$21,000,000	\$22,050,000	\$22,711,500	\$23,392,845

Assuming that the City increases its wastewater rates consistent with the table above, the result is that the City is able to fund the system's projected operating, capital, and debt service expenses while also satisfying the City's minimum fund balance policy.

Projected Retail Rates

City Council has already approved rates for FY 2023. NewGen recommendations begin in FY 2024. If the City adopts the recommended revenue increases in each year from FY 2024 through FY 2026, then the City's retail Monthly Customer Charges would be as shown in Table 5-6.

**Table 5-6
Projected Retail Rates**

	Adopted FY 2022	Adopted FY 2023	Proposed FY 2024	Proposed FY 2025	Proposed FY 2026
Monthly Customer Charge	\$22.03	\$23.34	\$24.04	\$24.76	\$25.50
Volume Charge per CCF	\$2.60	\$2.71	\$2.79	\$2.88	\$2.96
BOD Surcharge per lb.	\$0.337	\$0.357	\$0.368	\$0.379	\$0.390
TSS Surcharge per lb.	\$0.142	\$0.151	\$0.156	\$0.160	\$0.165

Projected Wholesale Rates

Metering Charges for Wholesale customers were set by a separate analysis and will be incremented based on annual CPI-U each year. For the purpose of this study, Metering Charges have been escalated by 7.48% in FY 2023 in accordance with the CPI-U Index and 3.0% annual starting in FY 2024 to be consistent with a more historical level of increases in CPI-U. The City has a new study every three years to determine rates for Wholesale customers and increases rates by CPI in the interim years. The City's Wholesale Meter Charges and Volumetric Rates are shown in Table 5-7.

Table 5-7
Recommended Wholesale Rates

	Adopted FY 2022	Adopted FY 2023	Proposed FY 2024	Proposed FY 2025	Proposed FY 2026
Monthly Metering Charge	\$1,150	\$1,150	\$1,236	\$1,273	\$1,311
Volume Charge per CCF	\$2.48	\$2.48	\$2.78	\$3.11	\$3.20

One-rdg. _____
P. Hmgs. _____
Pgs. 6
Filed 01-17-23

Sponsored by Lear

First Reading _____

Second Reading _____

COUNCIL BILL 2023- 030

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, on behalf of the City, to enter into a
2 First Amendment to the Battlefield Wastewater Service Contract to
3 provide an expanded, Battlefield Annexation Boundary within which
4 Battlefield can annex in order to provide wastewater services.
5 _____
6

7 WHEREAS, on or about November 1, 2021, Springfield and the City of Battlefield
8 entered a new wastewater service agreement, City Contract #2021-1156, wherein
9 Springfield agreed to treat the wastewater from the City of Battlefield, in the area
10 designated in "Exhibit B" to the Contract; and
11

12 WHEREAS, the City of Battlefield desires to expand the Battlefield Annexation
13 Boundary area within which Battlefield can provide wastewater services through its
14 collection system, and Springfield agrees expansion of the Battlefield Annexation
15 Boundary as set forth in "Exhibit B-1" is in the interest of both parties; and
16

17 WHEREAS, pursuant to the terms of the Contract, modification of the Battlefield
18 Annexation Boundary must be made in writing and mutually agreed to by both parties.
19

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

23 Section 1 – The City Manager, or designee, is hereby authorized to enter into
24 the First Amendment to the Battlefield Wastewater Service Contract #2021-1156, said
25 Amendment to be substantially in form and content as "Exhibit A-1," which is attached
26 hereto and incorporated herein by this reference with such changes as shall be
27 approved by the City Attorney, and to do those things necessary to carry out the intent
28 of the Contract, First Amendment to the Contract, and this Ordinance.
29

30 Section 2 – This Ordinance shall be in full force and effect from and after
31 passage.
32

33 Passed at meeting: _____

34 _____
35 Mayor
36

37 Attest: _____, City Clerk
38

39 Filed as Ordinance: _____
40

41
42 Approved as to form: Jim Millington, Deputy City Attorney
43

44
45 Approved for Council action: Juan C. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2023-030

FILED: 01-17-23

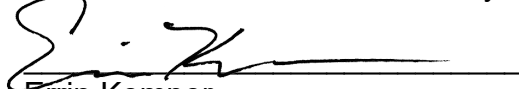
ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To authorize the City Manager, or his designee, on behalf of the City, to enter into a First Amendment to the Battlefield Wastewater Service Contract (City Contract #2021-1156), executed on or about November 1, 2021, between Springfield and the City of Battlefield, to provide for an expanded Battlefield Annexation Boundary within which Battlefield can provide wastewater services through its collection system.

BACKGROUND INFORMATION: Battlefield requested expansion of its Annexation Boundary in order to potentially annex and serve several tracts adjacent to the current Battlefield City boundary. While these tracts are currently in Springfield's annexation area, they are not easily served by Springfield's wastewater collection system. After reviewing the requested modification, staff recommends modification of this boundary to accommodate Battlefield's request.

REMARKS: The Department of Environmental Services recommends approval of the proposed contract amendment.

Submitted and Recommended by:


Errin Kemper
Director of Environmental Services

Approved by:


Jason Gage
City Manager

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) BATTLEFIELD, MO	(3) FINANCE DEPARTMENT
		(4) LAW DEPARTMENT	(5) CITY CLERK'S OFFICE
EFFECTIVE DATE 11/01/2021	TERMINATION DATE	ADDENDUM # 01 TO CONTRACT # 2021-1156	
CITY		CONTRACTOR	
City of Springfield 840 Boonville, P.O. Box 8368 Springfield, MO 65802 Phone: (417) 864-1739 Fax: 417-864-2060 Attn: Errin Kemper, Environmental Services		City of Battlefield 5434 S Tower Dr Battlefield, MO 65619 Phone: (417) 883-5840 Attn:	

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, #2021-1156 (hereinafter "Contract"), executed on the 1st day of November 2021, by the parties identified above.

WHEREAS, Springfield and the City of Battlefield entered into Contract No. #2021-1156, which included Exhibit B outlining Battlefield's city limits and the Battlefield Annexation Boundary (also known as the Urban Boundary); and

WHEREAS, Battlefield has requested an expanded urban boundary, and Springfield agrees with the request; and

WHEREAS, any modification to the Contract or its exhibits must be in writing and signed by both parties.

NOWHEREFORE, both parties agree as follows:

1. That pursuant to Section 206.B. on pages 26-28 of the Contract, Springfield and Battlefield mutually agree to expand the Battlefield Annexation Boundary, or urban area, set forth in Exhibit B, by deleting Exhibit B in its entirety, and replacing the same with Exhibit B-1 which is attached hereto and incorporated herein by this reference.
2. That Section 206.B. on pages 26-28 of the Contract is hereby deleted and replaced with a new Section 206.B. which reads as follows:

B. *Connection to Springfield: Consistent with this Service Contract, Satellite Community shall both retain full power and authority over its existing Sewer Collection System and full power and authority to provide additional sewer service to customers within the:*

i. *Existing city limits of Battlefield, as shown in **Exhibit B-1** (city limits as of the effective date of this contract, or any mutually agreed to written revisions to **Exhibit B**) including the construction or acquisition of facilities for the collection and transportation of sewage arising within the corporate limits of Battlefield.*

ii. *Battlefield Annexation Battlefield Boundary- Battlefield may also provide sewer service to persons in an area outside its existing corporate limits in the area described in **Exhibit B-1** as the Battlefield Annexation Boundary, without the express written consent of Springfield if the area where sewer service is provided is annexed into Battlefield prior to providing the sewer service. Neither Battlefield nor Springfield shall permit persons outside the Battlefield Annexation Boundary shown in **Exhibit B-1** to connect to Battlefield's Sewer System without the express written consent of both parties. Connection to Springfield's POTW by persons outside Battlefield Annexation Boundary shall be on such terms and conditions as Springfield authorizes. All sewage within the Battlefield Annexation Boundary shown in **Exhibit B-1** shall be treated by Springfield.*

iii. *In order to induce Springfield to provide wastewater treatment to the area within the Battlefield Annexation Boundary, Battlefield agrees it will not extend its Sewer Collection System to any area outside of the Battlefield Annexation Boundary shown on **Exhibit B-1** without the written consent of Springfield. Springfield agrees that it will not extend Springfield's POTW to provide any sewer service into the area identified in **Exhibit B-1** as the Battlefield Annexation Boundary without the written consent of Battlefield.*

Whenever possible, the parties shall avoid the use of lift stations by using gravity sewers. In order to facilitate and encourage the use of gravity sewers, Battlefield may directly connect property which is located within its corporate limits to the POTW without any additional charge (other than the charges required by this agreement and any other charges which are charged by Springfield to properties outside the Battlefield Annexation Boundary to connect to the same sewer line) when such connection avoids the construction and use of a lift station provided the connection is made upon reasonable terms and conditions as determined by

Springfield's Director of Environmental Services. Springfield may also connect property outside of Battlefield Annexation Boundary shown in **Exhibit B-1** to the Battlefield Sewer System without any additional charge (other than the cost to Battlefield to pump) when such connection avoids the construction and use of a lift station provided the connection is made upon reasonable terms and conditions as determined by an engineer for Battlefield and the additional sewage does not count towards Battlefield's capacity.

Nothing herein shall be deemed to limit Satellite Community's power with regard to areas inside or outside its jurisdictional limits, in accordance with the agreed to and established Urban Boundary Agreement. Nothing herein shall be deemed to limit Satellite Community's authority to charge persons outside its jurisdictional limits for the use of Satellite Community's Sewer Collection System.

3. That the Table of Contents on pages 2-3 of the Contract is hereby deleted and replaced with a new Table of Contents, attached and incorporated herein in its entirety, which includes and incorporates Exhibit B-1.
4. That all other provisions of the aforementioned Contract shall remain in full force and effect.
5. 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 and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

CITY OF BATTLEFIELD, MISSOURI

CITY OF SPRINGFIELD, MISSOURI

By: _____
Mayor

By: _____
City Manager

Date: _____

Date: _____

ATTEST:

ATTEST:

City Clerk

City Clerk

Date: _____

Date: _____

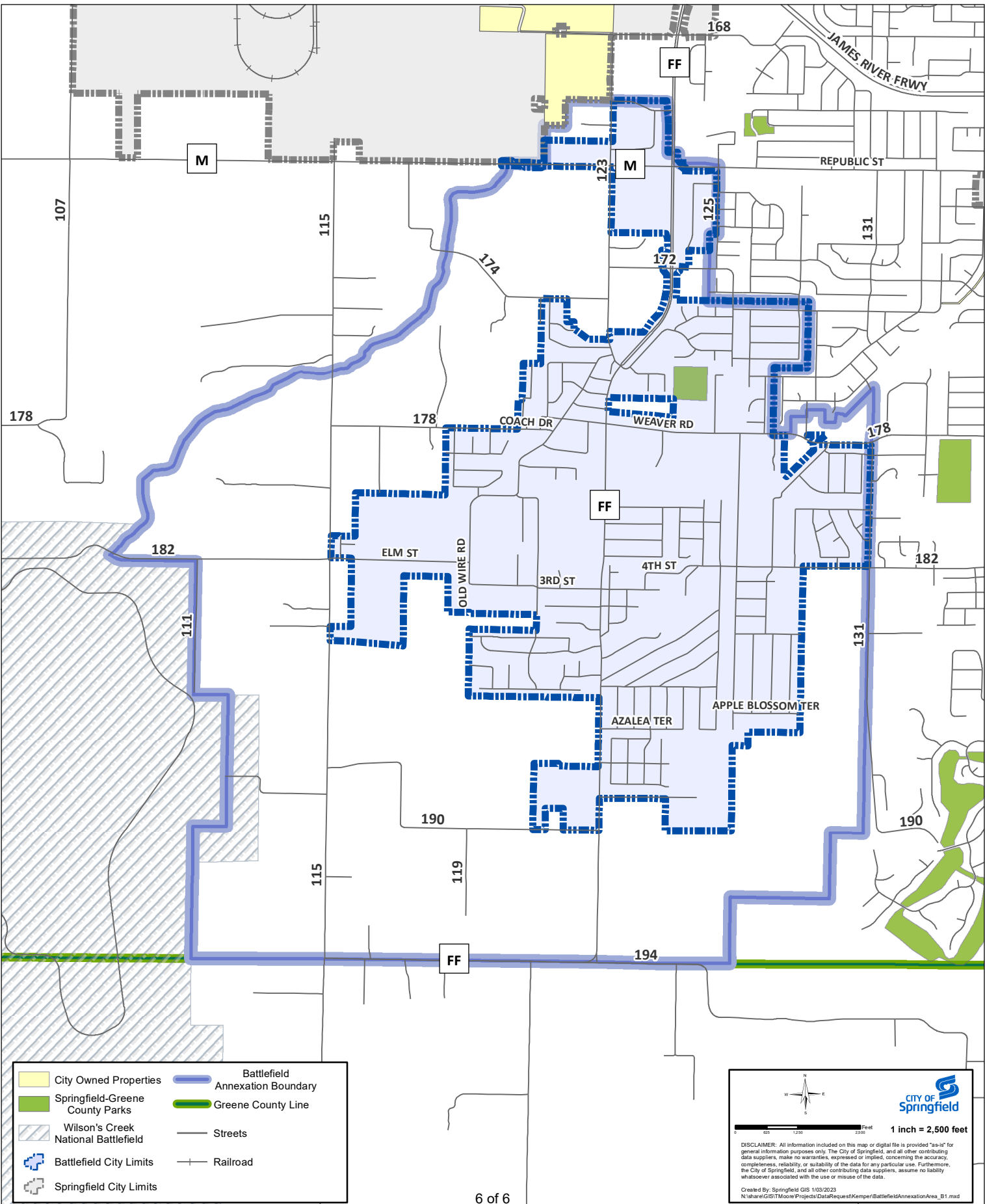
Approved as to Form:

Approved as to Form:

City Attorney

City Attorney

Exhibit B-1



One-rdg. X
P. Hrngs.
Pgs. 2
Filed: 01-17-23

Sponsored by: Hosmer

COUNCIL BILL 2023- 031 RESOLUTION

RESOLUTION

1 REELECTING the Honorable John Appelquist as a substitute judge of the Springfield
2 Municipal Court for a term of four years.
3
4

5 WHEREAS, Springfield City Charter Section 12.2 states that the municipal court
6 shall be presided over by a judge elected by City Council on nomination by the City
7 Manager; and
8

9 WHEREAS, substitute judges may be appointed pursuant to City Charter Section
10 12.2 to act during the absence or disability of a municipal judge; and
11

12 WHEREAS, the City Manager nominates the Honorable John Appelquist to be
13 reelected as a substitute judge of the Springfield Municipal Court.
14

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

18 Section 1 – City Council reelects the Honorable John Appelquist to serve as a
19 substitute judge of the Springfield Municipal Court upon nomination by the City Manager for
20 a term of four years, said term to begin February 11, 2023, and end February 10, 2027.
21

22 Section 2 – This Resolution shall be in effect immediately upon adoption.
23

24 Passed at meeting:

25
26
27 Mayor

28 Attest: , City Clerk
29

30 Filed as Resolution:
31

32
33 Approved as to form: Rhonda Lunsade , City Attorney
34

35
36 Approved for Council action: Jason A. Hays , City Manager

EXPLANATION TO COUNCIL BILL 2023- 031

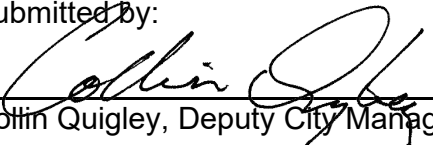
FILED: 01-17-23

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To reelect the Honorable John Appelquist as a substitute judge of the Springfield Municipal Court for a term of four years.

BACKGROUND INFORMATION: City Charter Section 12.2 states that the Springfield Municipal Court shall be presided over by a municipal judge elected by City Council on nomination by the City Manager. Per the Charter, substitute judges may also be appointed to act during absence or disability of the municipal judge. The City Manager nominates the Honorable John Appelquist to serve as a substitute judge of the Springfield Municipal Court. City Charter Section 12.2 also provides that a judge shall serve a four-year term. Judge Appelquist's term will begin February 11, 2023, and will end February 10, 2027.

Submitted by:


Collin Quigley, Deputy City Manager

Approved by:


Jason Gage, City Manager

EXPLANATION TO COUNCIL BILL 2023-032

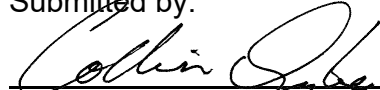
FILED: 01-17-23

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To reelect the Honorable Matthew Owen as a substitute judge of the Springfield Municipal Court for a term of four years.

BACKGROUND INFORMATION: City Charter Section 12.2 states that the Springfield Municipal Court shall be presided over by a municipal judge elected by City Council on nomination by the City Manager. Per the Charter, substitute judges may also be appointed to act during absence or disability of the municipal judge. The City Manager nominates the Honorable Matthew Owen to serve as a substitute judge of the Springfield Municipal Court. City Charter Section 12.2 also provides that a judge shall serve a four-year term. Judge Owen's term will begin February 11, 2023, and will end February 10, 2027.

Submitted by:



Collin Quigley, Deputy City Manager

Approved by:



Jason Gage, City Manager

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.

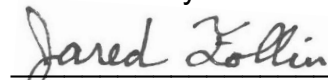
Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

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.

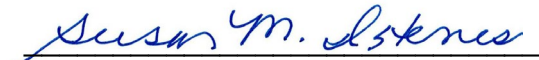
REMARKS: Staff recommends approval.

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, appearing to read 'Bob Hosmer', enclosed within a thin black rectangular border.

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

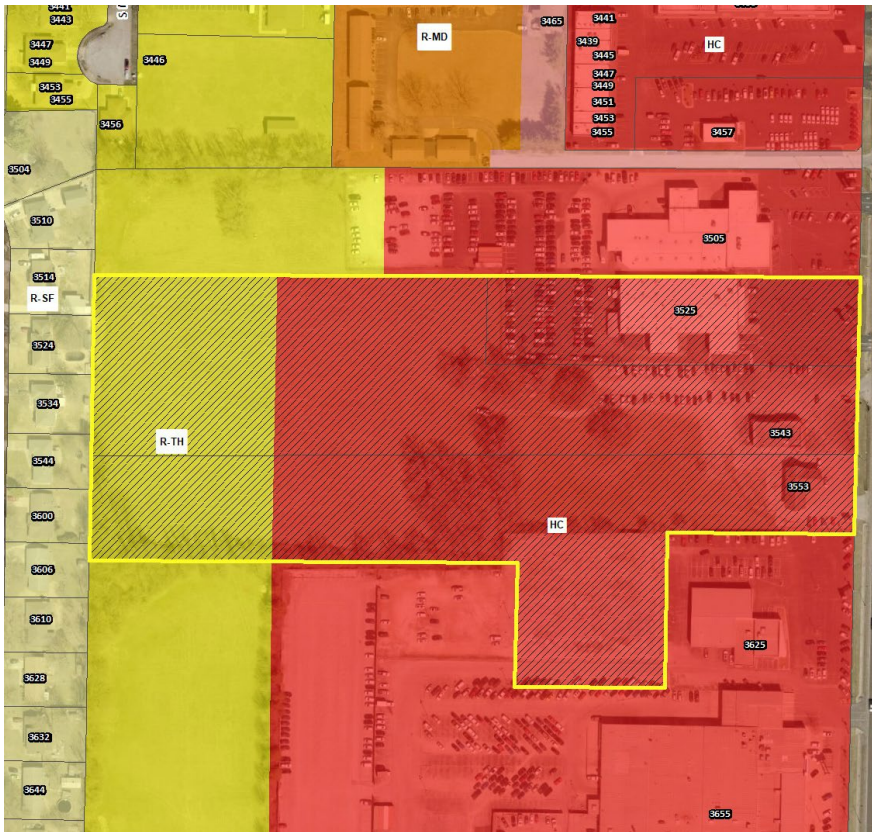
APPLICANT: John Youngblood & South Campbell LLC

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*.

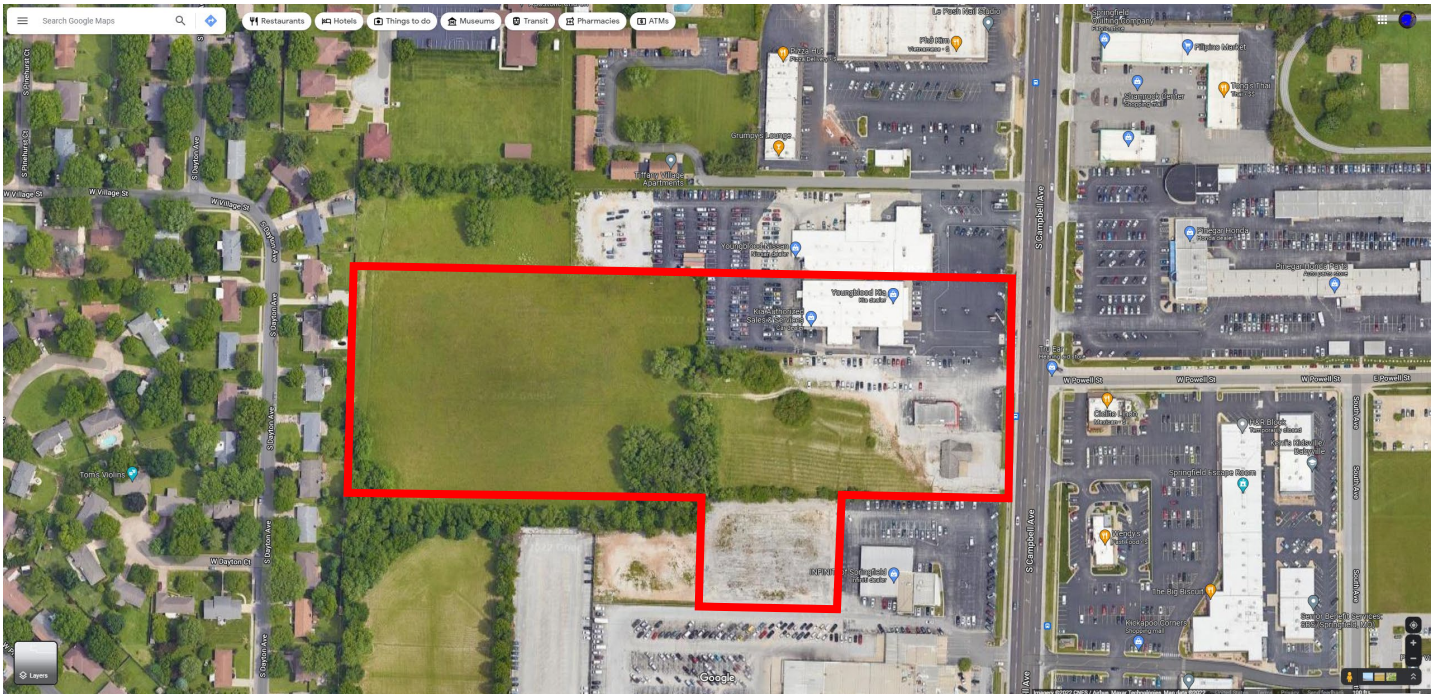
SURROUNDING ZONING AND LAND USES:

	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:

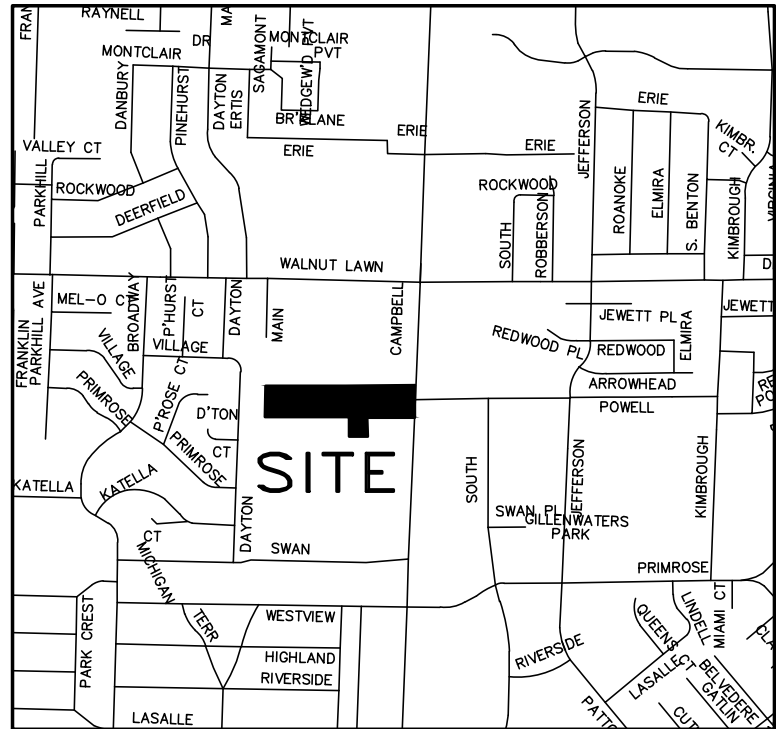
1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required 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

GENERAL NOTES:
DATE OF PREPARATION: NOVEMBER 1, 2022

TOTAL ACREAGE: 15.07 ACRES
CURRENT ZONING: HC (EAST) & R-TH (WEST)
TOTAL LOTS: 3

SMALLEST LOT: 90.768 SF - 2.06 AC (LOT 2)
LARGEST LOT: 423.752 SF - 9.73 AC (LOT 1)

CURRENT BACKSETS:
FRONT YARD: HC & R-TH - 25' (PRIMARY ARTERIAL)
SIDE YARD: HC - NONE
R-TH - 5' OR 6'
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.

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 POLE
— DHE —	ELECTRIC METER
— UGE —	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

FENCE LINE (AS NOTED)

ROAD SIGN (STOP, SPEED LIMIT, ETC)

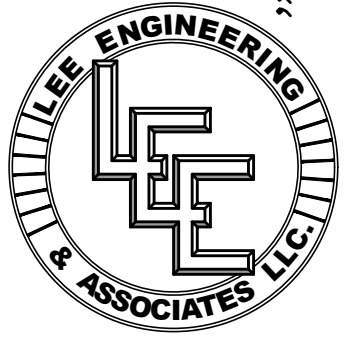
XFMR	TRANSFORMER
ICV	IRRIGATION CONTROL VALVE
CI	STORMWATER CURB INLET

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, City of Springfield, Greene County, Missouri, being more particularly described as follows: Commencing at an existing 100d 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 along the right-of-way of said plat, a distance of 40.31 feet to an existing iron pin at the POINT OF BEGINNING; thence, South 88°40'28" West, leaving said iron pin at 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°55'17" West, a distance of 251.76 feet to an existing iron pin; thence, North 02°22'55" East, a distance of 208.53 feet; thence, North 88°53'45" West, a distance of 716.86 feet to an existing iron pin at the Northeast corner of the plat of the Village Green First Addition; thence, North 02°15'05" East, along with said 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

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

34 plat, upon the applicant filing and recording a final plat in accordance with this
35 Ordinance and the Subdivision Regulations of the City, which final plat shall
36 substantially conform to the Approved Preliminary Plat, including those conditions
37 described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying
38 to the Director of Planning and Development and the City Clerk that the public
39 improvements have been made in accordance with City standards and specifications.
40 Said public improvements shall not be accepted until the occurrence of all conditions
41 referenced herein and in "Exhibit B – Attachment 2."
42

43 Section 3 – The final plat shall not be recorded until: (1) the public improvements
44 relating to the Approved Preliminary Plat have been constructed according to the
45 specifications of the City of Springfield, Missouri, and are approved by the Director of
46 Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned
47 by or in connection with the construction of said improvements have been paid to the
48 City; or (2) in lieu of the construction of the improvements, that the Applicant has filed
49 with the City Manager, according to the terms of the Subdivision Regulations of the City,
50 the prescribed financial assurances in a form acceptable to the City to ensure the
51 construction of the improvements and the payment to the City of all engineering fees,
52 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the
53 construction of the improvements.
54

55 Section 4 – Upon compliance with all the requirements of this Ordinance,
56 including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby
57 authorized to endorse City Council's approval upon the final plat pursuant to Section
58 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public
59 Improvements contained therein.
60

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

64 Passed at meeting: _____
65

66 _____
67 Mayor
68

69 Attest: _____, City Clerk
70

71 Filed as Ordinance: _____
72

73
74 Approved as to form: Jill Burris, Assistant City Attorney
75

76
77 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.

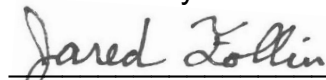
Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

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:



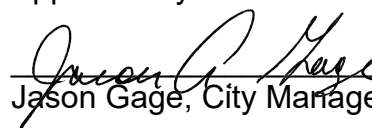
Jared Follin, Associate Planner

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

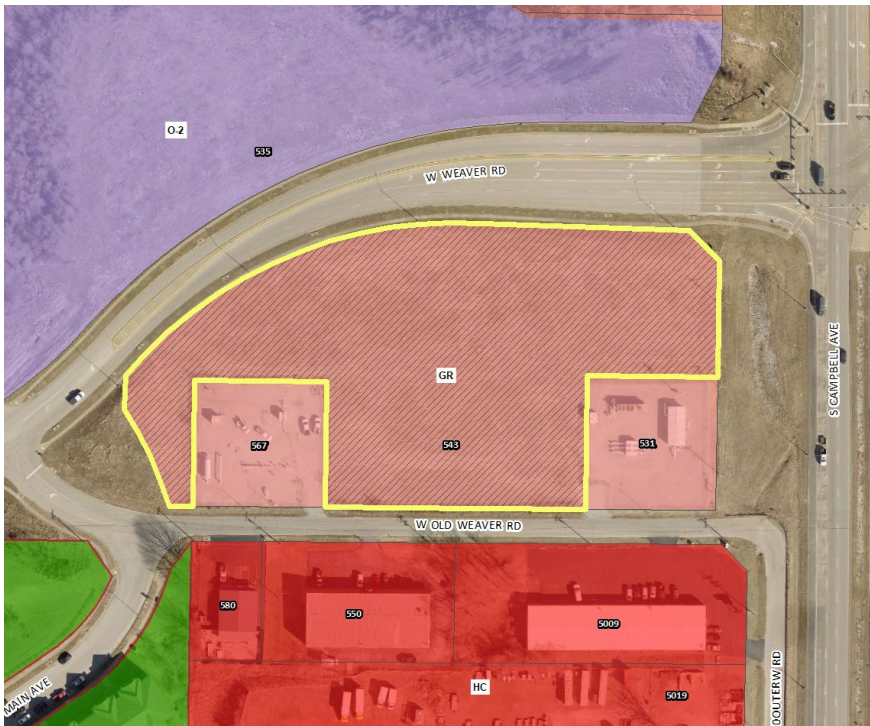
APPLICANT: Burning Tree Consulting, LLC

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	- 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. - Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations. - 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	- Campbell Avenue – Expressway - Weaver Road – Secondary Arterial - 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	- 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. - 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

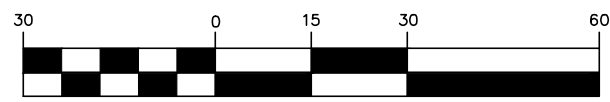
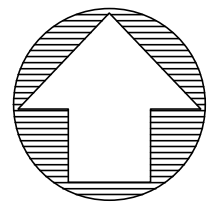
Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

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

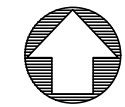
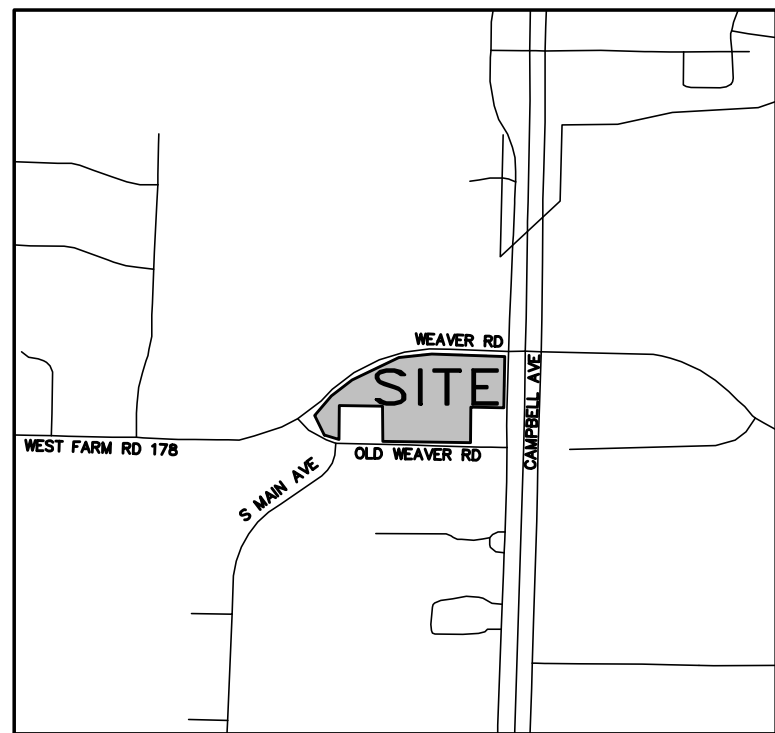
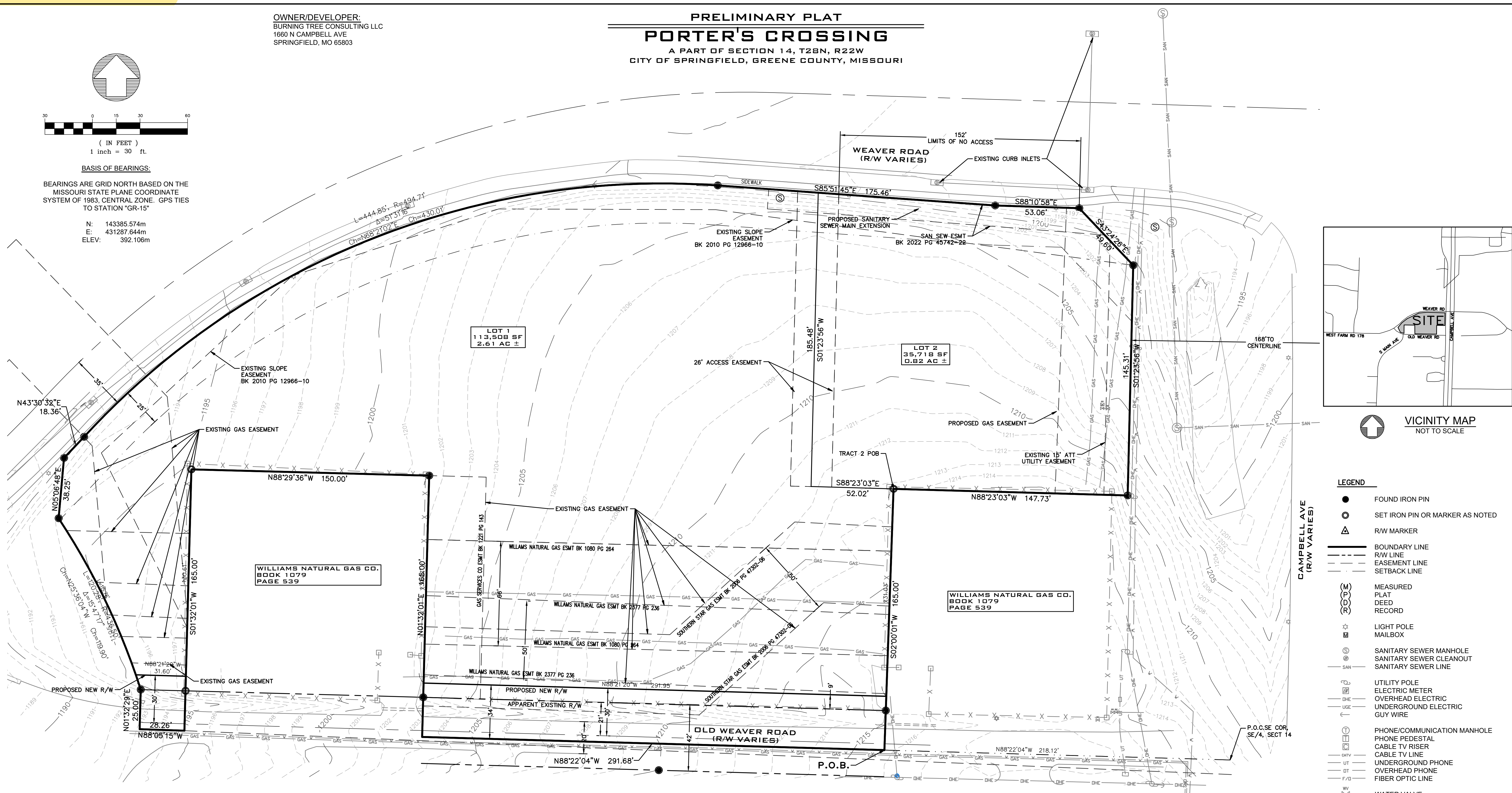


(IN FEET)
1 inch = 30 ft.

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 1 113,538 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.

Signature Don R. Berry
Don R. Berry, PLS, Missouri L.S. No. 2004017829

Date prepared November 1, 2022

REVISIONS:	DATE:	BY:

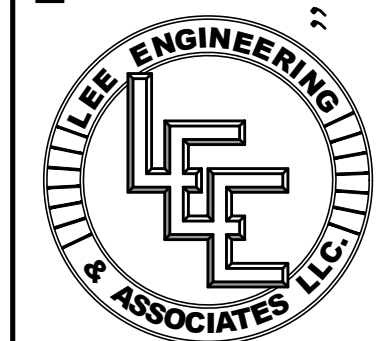
SCALE: 1" = 30'	FIELD BY: JS, AL
DRAWN BY: ZMF	CHECKED BY: DRB

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



DATE: 2022-11-14
SHEET: 1 OF 1
PROJECT: 2231
FILE: 2231 - Porter's Crossing Prelim Plat.dwg